

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
AUGUST 4, 2014 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on August 4, 2014 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Scott Singer
Councilman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

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

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; City Clerk/Finance Director, Jim Corbett; City Attorney, Randy Brink; Assistant City Attorney, K.O. Williams; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Manager of Information Technology, David Thompson; Parks and Recreation Director, Todd Jenson; Police Chief, Jerry Stillings; Lt. James Fagans; 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) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JULY 21, 2014.
- B) RECEIVE THE MINUTES OF THE MINUTES OF THE PLANNING COMMISSION MEETING HELD JUNE 10, 2014.
- C) APPROVE A BUDGET SUPPLEMENT TO THE G.O. STREET BOND FUND IN THE AMOUNT OF \$1,401,532.
- D) APPROVE A BUDGET SUPPLEMENT TO THE GENERAL FUND IN THE AMOUNT OF \$879,141.
- E) APPROVE A BUDGET SUPPLEMENT TO THE SPECIAL REVENUE FUND IN THE AMOUNT OF \$642,883.
- F) APPROVE A BUDGET SUPPLEMENT TO THE PUBLIC SAFETY BUILDING FUND IN THE AMOUNT OF \$359,418.
- G) APPROVE A BUDGET SUPPLEMENT TO THE HALF-CENT SALES TAX FUND IN THE AMOUNT OF \$860,798.
- H) APPROVE A BUDGET SUPPLEMENT TO THE PARK IMPROVEMENT FUND IN THE AMOUNT OF \$126,183.

- I) APPROVE A BUDGET SUPPLEMENT TO THE CDBG-DR FUND IN THE AMOUNT OF \$4,921.
- J) APPROVE THE FY 14-15 COMMUNITY INTERVENTION CENTER PARTNERSHIP AND SERVICE PROVIDER AGREEMENT WITH CROSSROADS YOUTH AND FAMILY SERVICES TO HOUSE DETAINED JUVENILES IN THE AMOUNT OF \$40,000.
- K) DECLARE THE FOLLOWING ITEMS AS SURPLUS: 8-FOOT FLAIL MOWER, 6-FOOT FLAIL MOWER, 6-FOOT BRUSH HOG, 1997 DEW EZE SLOPE MOWER, 36 SIGNAL LIGHTS, DUMP BED AND KNUCKLE BOOM CRANE, 1984 SAND AND SALT TRUCK, AND A 1998 PASSENGER VAN.
- L) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$827,024.07; AND APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$1,460,023.67.

Steve Eddy, City Manager, advised that all of the budget supplement items listed on the consent docket were year-end carryovers into the new budget year. They are unpaid bills from the previous fiscal year that do not involve new expenditures.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF A CONTRACT WITH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS ("ACOG") FOR THE FY 2015 UNIFIED PLANNING WORK PROGRAM.

Elizabeth Jones, Community Development Director, stated that each year ACOG conducts a Unified Planning Work Program ("UPWP") where traffic counts are taken from the larger metro area cities to determine commuter patterns, congestion corridors, and level of service standards for arterial and major collector streets. The information was used for overall transportation planning efforts throughout the ACOG region. Ms. Jones advised that the City has been a member of the UPWP for several years and staff believes that the information obtained from the study was beneficial in identifying roadway deficiencies. Ms. Jones advised that traffic count data collection would be the primary cost involved in participation. She stated that Moore has an agreement with Traffic Engineering Consultants ("TEC") to obtain annual traffic count data at a cost of \$6,650 per year. ACOG would reimburse the City \$100 per count up to \$4,000. The City's final cost for participation in the program, which included 42 locations, would be \$2,650.

Councilman Krows moved to approve a contract with the Association of Central Oklahoma Governments ("ACOG") for the FY 2015 Unified Planning Work Program, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER ADOPTION OF RESOLUTION NO. 801(14) AUTHORIZING A GRANT APPLICATION TO ACOG'S CLEAN CITIES PROGRAM FOR THE PURCHASE OF A CNG SANITATION TRUCK.

Elizabeth Jones, Community Development Director, indicated that adoption of Resolution No. 801(14) would authorize staff to apply for a grant through ACOG's Clean Cities Program for incremental costs

associated with the replacement of two diesel sanitation trucks with two CNG sanitation trucks in the amount of \$62,490.

Mayor Lewis asked how many CNG trucks the City currently has in the fleet. Richard Sandefur, Public Works Director, indicated that the City has four CNG sanitation trucks.

Councilman Krows moved to adopt Resolution No. 801(14), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER RESOLUTION NO. 802(14) ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") 2014 ACTION PLAN AND SUBMITTING THE SAME TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Jared Jakubowski, Assistant Planner/Grants Manager, advised that the Department of Housing and Urban Development requires the recipients of Community Development Block Grants ("CDBG") to submit an annual Action Plan containing the allocation of funding for the program year. The City was allocated \$297,022 for Program Year 2014. The CDBG Advisory Committee recommended the following projects/entities for funding. Mr. Jakubowski noted that administrative and planning costs would also be included in the funding:

1. Sewer line improvement project in the Southgate Addition.
2. Aging Services, Bethesda, Success by 6/Smart Start, and two programs with Moore Youth and Family Services.

Councilman Hamm moved to adopt Resolution No. 802(14), second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER REZONING APPLICATION NO. RZ-918, LOCATED IN THE SW/4 OF SECTION 14, T10N, R3W, BEING NORTH OF SW 1ST STREET AND EAST OF INTERSTATE-35, FROM R-3 GENERAL RESIDENTIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 777(14). APPLICATION BY ELITE MEDIA GROUP. (PLANNING COMMISSION RECOMMENDED DENIAL 6-2).

Elizabeth Jones, Community Development Director, advised that the subject property located north of SW 1st Street and east of I-35 was being used as an off-site storage facility for Garden Ponds Unlimited. The applicant, Elite Media Group, wanted to bring the existing use into compliance with the zoning code with the intent of applying to ODOT for a billboard sign with an LED changeable face. Ms. Jones advised that water and sewer services were available to the lot. Access would be provided from SW 1st Street and Chestnut Avenue. There was no floodplain located on the property, and detention would not be required. Ms. Jones stated that the Moore Vision 20/20 designated the subject site as Medium Commercial since it was located within the I-35 Corridor and had potential for commercialization. She advised that an amendment to the plan would not be required since uses in the C-3 zoning district are considered Medium Commercial in nature.

Ms. Jones stated that Old Town was experiencing a long transition from residential to commercial land uses driven primarily by the area's close proximity to I-35. Ancillary commercial uses such as outdoor storage and parking have existed for some time to the north and east of the subject site. She advised that the parcel to the south of this property was redeveloped into Garden Ponds Unlimited several years ago.

Ms. Jones advised that staff recommended approval of the C-3 zoning request. She noted that there was a lot of discussion at the Planning Commission meeting regarding the proposed use of a billboard sign on the subject site. She advised that any billboard sign applications would be reviewed by staff to determine compliance with the City's sign regulations and be approved or denied accordingly. Ms. Jones noted that three property owners submitted Letters of Protest and also appeared in opposition to the item at the Planning Commission meeting. The protestors' concerns appeared to be about the potential for a billboard to be located on the site rather than the rezoning of the property. Ms. Jones advised that the applicant and protestors were in attendance at the meeting and available for questions.

Mayor Lewis stated that the agenda item being considered was a request for rezoning, and any potential billboard must be approved by ODOT and the City before being erected. Ms. Jones confirmed that staff would require the sign permit application process to be followed before erection of a billboard. The City Code specifies the criteria that must be met. Councilman Roberts expressed his belief that the businesses operating there currently are not zoned properly and have been grandfathered in. The area was identified in the master plan as commercial and other rezonings have occurred in the area in anticipation of it becoming commercial property.

Councilman Krows asked what the current billboard sign regulations say regarding their location along I-35. Ms. Jones indicated that current regulations govern the size of the signs, prohibit placement in easements or rights-of-way, and sets the distance between a billboard sign and a residential home. She advised that a clause in the sign regulations state that there shall be no more billboard signs located along I-35. Staff has since allowed a one for one exchange. Generally if a billboard company removes a sign staff generally allows the erection of another. Mayor Lewis asked if a billboard was located previously on this site. Ms. Jones indicated that a billboard was located north of this site and was since removed. Councilman Cavnar asked if the rezoning was approved would the applicant require permission from the City Council to erect a billboard. Ms. Jones stated that Council would not be required to approve the application for a billboard sign. It is a use permitted by right in a C-3 zoning and an application would go through the administrative approval process through Community Development. The applicant would submit a site plan with an application and staff would ensure that it complies with spacing, location, and size requirements. Mr. Eddy added that ODOT approval would also be required prior to staff approval.

Mayor Lewis asked why the Planning Commission recommended denial of the item if staff recommended approval and the Moore Vision 20/20 designated the site as Medium Commercial which was appropriate for a C-3 use. Ms. Jones suggested it might be due to the amount of protest the item received. Councilman Hamm expressed his concern that if the rezoning application was approved it would allow placement of a billboard sign at this location without further consideration from Council. Randy Brink, City Attorney, was asked for clarification of the ordinance pertaining to billboard signs. Councilman Hamm felt that if the signs were removed they should be considered as abandoned and did not feel a new sign could be erected based upon this section of the ordinance. Mr. Brink concurred with Councilman Hamm's understanding of the ordinance. Councilman Krows stated that he would be opposed to a sign coming down and being replaced with one in a different location. Councilman Cavnar agreed that he also opposed the policy of allowing a sign to be moved to a different location with the current ordinance in effect. Mayor Lewis asked for Mr. Brink to reiterate his understanding of the ordinance. Mr. Brink indicated that he had written the ordinance several years ago at the request of the City Council. The intent of the ordinance was to prevent new signs from being erected along the I-35 Corridor.

Citizens to Speak:

Mike Lucas, owner of Garden Ponds Unlimited 200 S. I-35 Service Road, stated that his business was in part located on leased property. He had prepaid on his lease until July 2016. He was opposed to the rezoning of the site since it would allow for the installation of a billboard without giving him another opportunity to oppose it. Mr. Lucas advised that he has a rental home close by that he believed would be adversely affected by a lighted billboard.

Councilman Krows stated that the issue with the billboard was moot since City ordinance prohibits new billboards from being erected along the I-35 Corridor. Mr. Lucas stated that this might be his only opportunity to oppose a billboard being located there, and was concerned that a competitor might lease the billboard space. He also expressed concern that the billboard sign would block the view of his business. Councilman Krows asked Mr. Lucas if he was opposed to the rezoning of the property. Mr. Lucas advised that he was opposed to the rezoning of the property to C-3 since it would allow a billboard to be located there.

Councilman Roberts asked if Mr. Lucas had a permit for his own billboard sign. Mr. Lucas indicated that he was in the process of obtaining one. Councilman Roberts repeated that under the ordinance billboard signs are not permitted along the I-35 Corridor. Ms. Jones explained that Mr. Lucas has a large accessory sign that advertises his business and looks like a small billboard.

Councilman Hamm indicated that the ordinance allows for an existing sign to be upgraded but not removed and a new sign erected in the same location. He expressed concern that if the rezoning occurred and the applicant applied for a billboard permit, which staff should deny under the current ordinance, the applicant may try to sue the City if other signs have been erected since passage of the ordinance. Councilman Roberts commented that accessory signs have been installed since the ordinance was approved, but they are permitted under the City Code. Mr. Eddy felt certain that there had not been an increase in the number of non-accessory billboard signs along I-35 since the ordinance became effective. However, there may be situations where a sign was removed and another put in the same location. Councilman Krows asked Ms. Jones if she felt rezoning the property to C-3 would be detrimental to the area. Ms. Jones felt that a C-3 zoning would provide certain protections to the area since those uses must meet certain aesthetic standards and contain restrictions on outside storage. Councilman Krows asked what type of businesses could be located in a C-3 zoning district. Ms. Jones advised that C-3 is the broadest commercial zoning classification and allows uses such as an office building, retail outlet, or grocery store. Councilman Roberts felt that the Council adequately expressed their desire for a stricter interpretation of the sign ordinance. He felt that the issue might ultimately be decided in District Court or in Ms. Jones' office.

David Box, 522 Colcord Drive, attorney representing Elite Media Group appeared on behalf of the applicant. Mr. Box felt that there was some confusion regarding the signage. The existing Garden Pond sign is an accessory sign. However, the owner of Garden Ponds has applied for a 60' LED sign through ODOT that has no limitation on it being accessory. There is a permit in place that his client acquired for the old Hoffman's Furniture sign. Who actually owns the sign was up for debate but the permit is owned by his client. Mr. Box advised that the sign had been removed without his client's knowledge. Mayor Lewis interrupted Mr. Box to remind him that Council was not voting on the billboard sign. The issue being decided was the rezoning and requested that his remarks to be limited to that issue. Mr. Box stated that the rezoning request was in compliance with the comprehensive plan. If the rezoning was approved they plan to bring the current use into conformance with the zoning.

Councilman Roberts moved to approve Rezoning Application No. RZ-918, located in the SW/4 of Section 14, T10N, R3W, being north of SW 1st Street and east of Interstate-35, from R-3 General Residential District to C-3 General Commercial District; and approve Ordinance No. 777(14), second by Councilman Krows. Motion carried by majority vote.

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

Agenda Item Number 7 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 47, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD, FROM HIGH DENSITY RESIDENTIAL TO MEDIUM COMMERCIAL. APPLICATION BY ROYAL ROCK BUSINESS DEVELOPMENT, LLC/PAT BROADFOOT. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Elizabeth Jones, Community Development Director, advised that Agenda Items No. 7, 8, 9 and 10 were companion items. The subject site, located north of SW 19th Street and west of Telephone Road, was the previous home of the Royal Park mobile home park prior to its destruction as a result of the May 20, 2013 tornado. Ms. Jones advised that the general area was experiencing large scale redevelopment with the construction of the Thirty5West apartment complex and the redevelopment of the Bonnie Brae duplexes. The applicant was requesting to expand the Royal Rock Commercial area to the north of the current development by approximately 425 feet. To accommodate this request the zoning must be changed from R-3 General Residential District to C-3 General Commercial District. Water and sewer would be extended to the site from the existing Royal Rock Commercial Park to the south. Access will be provided from Max Morgan Blvd. and SW 17th Street. Ms. Jones advised that the applicant was not proposing any changes to a FEMA floodway located within the limits to the drainage channel to the east of the site. She stated that detention would be provided off-site with a regional detention pond constructed in the Little River Park. A fee-in-lieu of detention will be required.

Ms. Jones stated that the Moore Vision 20/20 designated a large portion of the property as High Density Residential due to the mobile home park that was located there for many years prior to the tornado. Because the application seeks to expand the existing commercial park and because Medium Commercial land uses are similar in nature to High Density Residential land uses, staff does not anticipate any adverse effects on the area. Following the tornado a resurgence of development has occurred within the area. Ms. Jones believed that with the closing of the mobile home park, a unique opportunity existed to provide quality development that would support and compliment the surrounding high density residential developments.

Ms. Jones advised that two plats were also on the agenda for consideration. They are replats of the Royal Park Moore Addition Sections 5 and 6. This is the addition that housed the mobile home park. The applicant would vacate the original plat through District Court. Section 5 included three commercial lots located west of Max Morgan Blvd., and Section 6 included four lots north of L.A. Fitness. She stated that Max Morgan Blvd. will be extended to serve the lots and would reconnect with SW 17th Street. Changes to Max Morgan where it connects with 19th Street were being considered to increase capacity.

Staff recommended approval of the items.

Councilman Roberts moved to approve Moore Vision 20/20 Comprehensive Plan Amendment No. 47, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Telephone Road, from High Density

Residential to Medium Commercial, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER REZONING APPLICATION NO. RZ-916, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD, FROM R-3 GENERAL RESIDENTIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 774(14). APPLICATION BY ROYAL ROCK BUSINESS DEVELOPMENT, LLC/PAT BROADFOOT. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Councilman Krows moved to approve Rezoning Application No. RZ-916, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Telephone Road, from R-3 General Residential District to C-3 General Commercial District; and approve Ordinance No. 774(14), second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER THE FINAL PLAT FOR ROYAL ROCK ADDITION, SECTION 5, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY ROYAL ROCK BUSINESS DEVELOPMENT, LLC/PAT BROADFOOT. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Councilman Krows moved to approve the Final Plat for Royal Rock Addition, Section 5, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Telephone Road, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER THE FINAL PLAT FOR ROYAL ROCK ADDITION, SECTION 6, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY ROYAL ROCK BUSINESS DEVELOPMENT, LLC/PAT BROADFOOT. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Councilman Krows moved to approve the Final Plat for Royal Rock Addition, Section 6, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Telephone Road, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER REZONING APPLICATION NO. RZ-917, LOCATED IN THE SW/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND EAST OF SANTA FE AVENUE, FROM C-2 NEIGHBORHOOD COMMERCIAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 776(14). APPLICATION BY RETAIL BUILDINGS, INC. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Elizabeth Jones, Community Development Director, stated that the subject site was located north of SW 19th Street and east of Santa Fe Avenue. The property contained two lots which were platted in 1999 prior to the widening of Santa Fe from a two-lane to a four-lane roadway. Development interest in the area increased following the roadway improvements. The applicant proposed construction of a Braum's fast food restaurant with a drive-thru on the site. Ms. Jones advised that both lots must be rezoned to C-3 General Commercial District in order to accommodate this use. Water was available to the site from Santa Fe Avenue and public sewer would be extended to serve the site from the south. Access was available from Santa Fe Avenue; however, cross access agreements will be required with the lots to the north and the south. No floodplain is located on the property, and a fee-in-lieu of detention will be required.

The Moore Vision 20/20 designated the southern lot as Medium Commercial and the northern lot as Light Commercial. It was staff's belief that the intent of the plan was to have a Light Commercial buffer between the Medium Commercial developments and the existing neighborhood. This would be achieved with the lot to the north, which is zoned C-2, and was being developed as a Light Commercial land use.

Because the site is located along a major urban thoroughfare, and set back from the existing single-family neighborhood by approximately 100-feet, staff recommended approval of the application.

Councilman Cavnar moved to approve Rezoning Application No. RZ-917, located in the SW/4 of Section 22, T10N, R3W, being north of SW 19th Street and east of Santa Fe Avenue, from C-2 Neighborhood Commercial District to C-3 General Commercial District; and approve Ordinance No. 776(14), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 12 being:

DISCUSS PROPOSED FINAL CHANGE ORDER TO WYNN CONSTRUCTION CO. ON THE WASTEWATER TREATMENT PLANT AND DIRECT STAFF AS DEEMED APPROPRIATE.

Steve Eddy, City Manager, advised that he previously e-mailed information pertaining to the proposed change order to the City Council. Staff had been working on a resolution on the final payment and acceptance of the new wastewater treatment plant. The project lasted much longer than anticipated, and a less than desirable relationship between the City, engineer, and the contractor developed over time. The City is trying to work out an amicable resolution to the conflict with Wynn Construction in order to avoid litigation. Mr. Eddy believed that the proposed Final Change Order that was agreed to by Wynn Construction was fair and would resolve the issue. He indicated that the project was complete and Wynn Construction did an excellent job. Including the change orders that have already been approved, the contract amount was \$46,383,439.03. The City has paid all but \$262,000 of the total amount. Change Order No. 6, which was previously approved by Council, extended the completion date to May 14, 2013. However, the actual completion date was determined to be March 21, 2014. The City contends that the

project was completed 191 days after the anticipated completion date. Mr. Eddy advised that 30 additional days were considered appropriate delays due to weather, and 90 days was allowed for a delay in startup due to demolition and removal of the old plant. Mr. Eddy stated that Wynn Construction submitted Change Order No. 7 requesting \$614,000 in additional costs. Of that amount all but \$94,924, which was additional work that was agreed to, was denied. He added that \$97,500 owed to Siemens Water Technologies was being held but is owed and will be paid out. Some paving costs outside of the scope of the contract in an approximate amount of \$23,000 would also be paid. Mr. Eddy stated that the agreement with Wynn included payment of the original contract amount of \$46,383,439.03 in exchange for extending the contract time to March 21, 2014 when the engineer deemed the plant completed. This would add the 30 weather days and the 90 days for startup and 191 days in exchange for them voiding the \$94,924 change order previously agreed to by the City. The net effect would be that of the \$262,000 currently owed, the City would pay Wynn approximately \$165,000 and there would not be liquidated damages for the additional time it took to complete the project. Staff would request authorization to approve the proposed amount. Satish Dasharathy, engineer with Eagle Consultants, was available to answer any questions.

Councilman Roberts stated that the City was aware that the project would be very complex and this type of construction is uncommon. The bottom line is that the City ended up with an excellent plant that solved the problems that existed. He stated that this was not an issue that the City would need to address again for some time. Mr. Eddy indicated that the odor problem was solved and the capacity of the plant was doubled.

Mayor Lewis commented that with the additional costs added to the contract amount Wynn Construction would have been the second lowest bidder. He stated that when Change Order No. 7 went before the City Council for consideration he asked Wynn Construction if the project be completed on time and they assured him that it would. Councilman Roberts commented that both bidders were bidding on the same specifications at the time. The revisions that have occurred since that time, with the engineer's concurrence, would have caused the other bidder to face additional costs as well. Mr. Eddy stated that the total cost of all of the approved changed orders totaled 1.63% of the contract amount. Since it was a large contract it isn't a small amount of money; however, as a percentage on such a large and difficult project he did not feel it was bad. There were a lot of underground issues that were unexpected. Mayor Lewis stated that there were contingency funds built into the \$46 million that are gone. He felt that Wynn Construction did not give the project their due diligence. Mr. Eddy indicated that the six change orders previously approved were agreed to by the City. Wynn submitted \$2 to \$3 million in additional change orders that were not approved. He stated that there was no denying that the construction took much longer than expected; however, this is a resolution that was agreeable to Wynn Construction. If the City Council opts not to accept the Final Change Order staff will attempt to work out a different solution or the issue may result in litigation.

Councilman Cavnar stated that he did not disagree with Mayor Lewis' feeling about the change order; however, he felt this was a compromise that would keep the City out of court. Councilman Krows felt that the City should continue including penalty clauses for late completion date on projects.

Councilman Roberts moved to approve a final Change Order to Wynn Construction Company in the approximate amount of \$165,000 that the City is holding in retainage on the wastewater treatment plant, second by Councilman Singer. Motion carried unanimously.

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

Mr. Eddy announced that a grand opening would be held at the wastewater treatment plant to allow people the opportunity to tour the facility. It is likely one of, if not the most, state-of-the-art plants in Oklahoma. Other cities and various engineers have toured the plant to obtain ideas for the design of plants around the State of Oklahoma.

Agenda Item Number 13 being:

DISCUSS AND AUTHORIZE A PROPOSED GRANT APPLICATION TO MERCURY ONE FOR PARTIAL FUNDING OF A NEW EMERGENCY COMMAND POST.

Steve Eddy, City Manager, stated that Councilman Hamm became aware of Mercury One following the May 20, 2013 tornado. Mercury One provides grants to law enforcement agencies and municipalities. Councilman Hamm helped obtain funds for a command post for the Cleveland County Sheriff's Department. He suggested that the City might also want to apply for grant funds. Mr. Eddy stated that Mercury One indicated the City was eligible to apply for funding, although there is no guarantee of receiving an award. Mr. Eddy indicated that the grant application would be submitted in the amount of \$300,000. Mayor Lewis asked if funds were budgeted for a new command post because the Sheriff's grant included matching funds. Mr. Eddy advised that \$250,000 was budgeted using Public Safety Tax funds.

Councilman Hamm advised that there were seven or eight employees of the Sheriff's Department who either lost their home or their home sustained significant damage in the May 20, 2013 tornado. Mercury One appeared and wrote out checks for either \$50,000 or \$25,000 to each employee depending on the amount of damage their home received. Councilman Hamm stated that for some employees \$50,000 is more than a year's pay. He hoped that the City of Moore would take advantage of the opportunity to possibly obtain grant funds for a new emergency command post.

Councilman Krows moved to authorize submittal of a grant application to Mercury One for partial funding of a new Emergency Command Post, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF AN UPDATED JOB DESCRIPTION FOR THE POSITION OF "EMERGENCY MANAGEMENT DIRECTOR"; AND APPROVE A JOB DESCRIPTION FOR THE POSITION OF "ASSISTANT EMERGENCY MANAGEMENT DIRECTOR" AND PLACEMENT IN PAY RANGE 64 OF THE NON-UNION PAY TABLE.

Steve Eddy, City Manager, advised that this item would update the outdated job description for the position of Emergency Management Director by removing the communications functions. Mr. Eddy stated that the other job description was for the new position of Assistant Emergency Management Director and its placement in the pay table.

Councilman Roberts moved to Hamm moved to an updated job description for the position of "Emergency Management Director"; and approve a job description for the position of "Assistant Emergency Management Director" and placement in Pay Range 64 of the non-union pay table, second by Councilman Krows. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:35 P.M.

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JULY 21, 2014.
- B) APPROVE A BUDGET SUPPLEMENT TO THE MPWA FUND IN THE AMOUNT OF \$1,086,100.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$655,104.29; AND APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$320,871.68.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENE 7:36 P.M.

Agenda Item Number 16 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JULY 21, 2014.
- B) APPROVE A BUDGET SUPPLEMENT TO THE MOORE RISK MANAGEMENT FUND IN THE AMOUNT OF \$32,357.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$296,164.23.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:37 P.M.

Agenda Item Number 17 being:

NEW BUSINESS:

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

There were no citizens to speak.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Mayor Lewis thanked staff for the roadway repairs at Broadway and Eastern. He stated that 248 people registered to attend the fishing derby at Little River Park. There was such a great attendance that the City should consider doing it twice a year. Mayor Lewis asked staff if HUD money could be used to update the Moore Vision 20/20 Plan. Mr. Eddy advised that HUD had indicated that would be an appropriate use of the money. Mayor Lewis felt that the City should begin work on the update as soon as possible.

Councilman Hamm wanted to stress that Council's intent in requesting the billboard ordinance clarification, which was discussed under Agenda Item No. 6, was to prevent the erection of billboard signs along I-35. Based on the City Attorney's opinion regarding his interpretation of the ordinance staff should deny the installation of any new signs.

Councilman Cavnar commented that the City should be proud of the new facilities that people were coming from around the State to tour.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, advised that National Night Out activities would be held August 5, 2014 from 7-9 p.m. in the Target parking lot. Mr. Eddy thanked Chick-fil-A, Home Depot, McAlister's Deli, Raising Cane's, Target, and USA Tae Kwon Do Center as participating businesses.

Agenda Item Number 11 being:

EXECUTIVE SESSION

A) CONSIDER APPROVAL OF THE FISCAL YEAR 2014-2015 CONTRACT BETWEEN THE CITY OF MOORE AND THE FRATERNAL ORDER OF POLICE ("FOP") LODGE 131 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

B) CONVENE INTO EXECUTIVE SESSION

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

Ayes: Krows, Blair, Singer, Cavnar, Roberts, Hamm, Lewis

Nays: None

The City Council convened into executive session at 7:41 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

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

ABSENT: None

The City Council reconvened from executive session at 7:52 p.m.

D) ACTION.

- A) CONSIDER APPROVAL OF THE FISCAL YEAR 2014-2015 CONTRACT BETWEEN THE CITY OF MOORE AND THE FRATERNAL ORDER OF POLICE ("FOP") LODGE 131 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

Councilman Krows moved to approve the Fiscal Year 2014-2015 contract between the City of Moore and the Fraternal Order of Police ("FOP") Lodge 131 as authorized by 25 Okla. Stat. § 307(B)(2), second by Councilman Singer. Motion carried unanimously.

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

Mayor Lewis thanked the police officers for their service to the community. He stated that they do an excellent job.

Agenda Item Number 19 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority meetings were adjourned at 7:53 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

DAVID ROBERTS, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2014.

ATTEST:

JIM CORBETT, City Clerk