

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MAY 4, 2015 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on May 4, 2015 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Melissa Hunt
Councilwoman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Krows, Blair, Cavnar (arrived after roll call), Roberts, Hamm, Lewis
ABSENT: Hunt

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; Finance Director, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Human Resources/Risk Management Director, Gary Benefield; PC Technician, Mike Marti; Police Chief, Jerry Stillings; Police Officer Rebecca Miller; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 20, 2015.
- B) APPROVE THE MINUTES OF THE SPECIAL WORK STUDY SESSION HELD APRIL 13, 2015.
- C) APPROVE A CORRECTION OF PLAT FOR THE PLAZA TERRACE ADDITION, SECTION 1, LOCATED NORTH OF 19TH STREET AND WEST OF JANEWAY AVENUE, CHANGING THE STREET RIGHT-OF-WAY FROM PRIVATE TO PUBLICLY OWNED AND MAINTAINED ROADWAYS.
- D) ACCEPT A 10-FOOT UTILITY EASEMENT LOCATED ON LOT 13, BLOCK 2, PLAZA TERRACE ADDITION, SECTION 1, FOR A SANITARY SEWER EXTENSION.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$1,758,329.47.

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

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

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-922, LOCATED IN THE S/2 OF SECTION 10, T10N, R3W, BEING NORTH OF NW 12TH STREET AND WEST OF JANEWAY AVENUE, FROM C-5 AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT TO C-5/SUP AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT WITH A SPECIAL USE PERMIT; AND APPROVE ORDINANCE NO. 788(15). APPLICATION BY BRANCH COMMUNICATIONS, LLC/TROY WILLIAMS. (PLANNING COMMISSION RECOMMENDED APPROVAL 6-0). WARD 2.

Elizabeth Jones, Community Development Director, stated that the subject property, currently zoned C-5, is situated within an existing Shopping Center located north of NW 12th Street and west of Janeway Avenue. The applicant proposed erecting a communications or cell phone tower, which would require the site to be rezoned to C-5 with a Special Use Permit. Ms. Jones advised that a Special Use Permit expires upon change of use, occupancy, or ownership of the property. She noted that the application meets minimum setback requirements from any street right-of-way or residential property equal to the height of the tower. Access will be provided by NW 12th Street and N. Janeway Avenue. There is no floodplain located on the property. Ms. Jones advised that a comprehensive plan amendment was not necessary because the property is designated as Medium Commercial and is considered compatible with Medium Commercial land uses. Since the application is not anticipated to negatively impact the surrounding properties and meets all required setback requirements, staff recommended approval of the item.

Councilman Hamm indicated that he had driven by the proposed location and noticed the poor condition of the shopping center. He took some photographs of trash, broken windows, graffiti, tires, and the poor condition of the parking lot. Councilman Hamm asked if the applicant was present to address his concerns. Troy Williams with Branch Communications advised that if the rezoning application is approved they will be cleaning up the area where the tower will be erected. He indicated that the land was originally owned by an individual living in California. He recently sold the property to a local individual who has started cleanup of the site. When he first saw the site it was much worse than it is now. The new owner plans to repaint the shopping center within the next 30 days. Mr. Williams asked the property owner to wait to repair the parking lot until the tower had been installed so the heavy equipment would not damage it. If Council approves the item they hope to acquire the necessary permits and complete construction by mid-July. They have already obtained FAA and FCC approval. Mr. Williams advised that the tower would have an 8-foot wooden fence around it. Councilman Hamm asked if the property owner has given him any type of guarantee that the property will be cleaned up and maintained. He also inquired whether the City can enforce certain code enforcement violations. Steve Eddy, City Manager, indicated that some of the issues, such as trash, can certainly be addressed through Code Enforcement; however, the City cannot force the property owner to repair the parking lot or paint the structures. The City can express to the property owner that if the rezoning application is approved it would be with the expectation that the property be cleaned and maintained. Mr. Eddy indicated that staff is looking into the possibility of amending City Codes to require ongoing maintenance of commercial properties. Councilman Hamm commented that he did not want to prevent the installation of the tower, but he believed property owners should be held accountable for the condition of their property.

Mayor Lewis asked if anyone was present that was opposed to the item. Finding none he asked for a motion.

Councilman Hamm moved to approve Rezoning Application No. RZ-922, located in the S/2 of Section 10, T10N, R3W, being north of NW 12th Street and west of Janeway Avenue, from C-5 Automotive and Commercial Recreation District to C-5/SUP Automotive and Commercial Recreation District with a Special Use Permit; and approve Ordinance No. 788(15), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER REZONING APPLICATION NO. RZ-923, LOCATED IN THE NE/4 OF SECTION 11, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF EASTERN AVENUE, FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO C-3/PU GENERAL COMMERCIAL DISTRICT WITH A PERMISSIVE USE; AND APPROVE ORDINANCE NO. 789(15). APPLICATION BY ROBERTS ENTERTAINMENT, INC./BILLY ROBERTS. (PLANNING COMMISSION RECOMMENDED DENIAL 7-0). WARD 2.

Elizabeth Jones, Community Development Director, stated that the vacant lot located south of NE 27th Street and west of Eastern Avenue is zoned A-2 Suburban Agricultural District as part of the Pioneer Acres rural subdivision. The applicant was proposing a bar at this location requiring the property to be rezoned to C-3 with Permissive Use. Water is available to the site, and public sewer must be extended from the Brentwood Addition to the south or from the Jefferson Place Addition to the east. Ms. Jones advised that access would be provided from N. Eastern Avenue and no floodplain is located on the property.

Ms. Jones stated that permissive uses are uses that may not be appropriate in certain zoning districts due to potentially undesirable characteristics. She stated that in this instance things such as late-night hours, increased need for police services, and a higher incidence of noise pollution could be nuisances to adjoining residential properties. Ideally bars should be located in heavily commercialized areas and separated from less intense land uses such as residential land uses. She noted that although a comprehensive plan amendment was not necessary, the required permissive use process might determine the location of the use to be inappropriate. Ms. Jones stated that staff recommended denial of the item due to the prevailing residential land uses surrounding the site and potential land use conflicts.

Councilman Krows asked how close the bar would be to the residential properties. Ms. Jones stated that the closest property was located approximately 100-feet across Eastern Avenue in the Jefferson Place Addition. She noted that a senior development located directly south of Jefferson Place would be the next closest property. Councilman Cavnar commented that due to the recommendations from both staff and the Planning Commission he was going to move to deny the item.

Councilman Cavnar moved to deny Agenda Item No. 4, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER THE FINAL PLAT OF VANCO RV AND BOAT STORAGE LOCATED IN THE NE/4 OF SECTION 14, T10N, R3W, SOUTH OF NE 12TH STREET AND EAST OF NAIL PARKWAY. APPLICATION BY VANCO PROPERTIES, LLC/JIM VANDERPOOL. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 2.

Elizabeth Jones, Community Development Director, stated that the vacant 10 acre site is located south of NE 12th Street and east of Nail Parkway. The applicant proposes using the I-1 zoned site for an RV and boat storage facility with no outside storage. Ms. Jones advised that access would be provided from NE 12th Street through a private access easement, and no floodplain is located on the property. She stated that an 8-inch sewer line is available to serve the site; however, a water line must be extended from a neighboring property to the north. Staff recommended approval of the item.

Councilman Hamm asked if lighting would be a nuisance to the property owners living behind the proposed development. Ms. Jones noted that the City has a light trespass ordinance that states all commercial properties must have a package light unit that is no more than 6-feet tall, which should direct the light downward minimizing the risk of light trespass. Steve Eddy, City Manager, added that the issue can also be monitored in the building permit stage to ensure the lighting is not a problem. Mayor Lewis asked how tall the structure must be to enclose the items being stored. Ms. Jones indicated that staff has not received building plans; however, it must be tall enough to contain RVs. She added that there will be a setback from the residential properties of at least 24-feet. Councilman Krows asked if the City had received complaints from neighboring property owners. Ms. Jones stated they had not; however, final plats do not require notification to be given to the surrounding property owners. Mr. Eddy indicated that the property already has the appropriate zoning for this type of use. Councilman Hamm advised that he had visited with the property owners in the area who did not appear to have an issue with the item. Mayor Lewis asked if anyone present wished to voice their objection to the item. No objection was noted.

Councilman Hamm moved to approve the final plat of Vanco RV and Boat Storage located in the NE/4 of Section 14, T10N, R3W, south of NE 12th Street and east of Nail Parkway, second by Councilman Krows. Motion carried unanimously.

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

Agenda Item Number 6 being:

DISCUSS AND CONSIDER THE FINAL PLAT OF RETAIL BY THE LAKE LOCATED IN THE SW/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND WEST OF EAGLE DRIVE. APPLICATION BY SOLDIER CREEK INVESTMENTS/YONG HONG. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 3.

Elizabeth Jones, Community Development Director, stated that the subject property was located north of SW 19th Street and east of Ginger Avenue. Ms. Jones advised that the property was rezoned to C-2 as a Planned Unit Development in 2002. The proposed final plat includes three commercial lots. A 12-inch water main is available from SW 19th Street, and an 8-inch sanitary sewer line is located on the south side of the site. Ms. Jones noted that a 20-foot screening easement is provided along the north property line abutting the Foxglove Addition, which was a requirement from the PUD approved in 2002. Access is available from SW 19th Street, and a private access easement will provide access to Lot 3 as well as an existing private residence.

Ms. Jones advised that a 100-year floodplain exists on the east side of the property which serves as a major drainage way for the City's west side basin. She stated that applicant has submitted drainage calculations for review. Ms. Jones noted that the development was located within a Sanitary Sewer Recoupment District. A previous developer extended sanitary sewer and will now be reimbursed \$1,573.64 per acre to be paid at the time the final plat is filed. Staff recommended approval of the item.

Steve Eddy, City Manager, asked Ms. Jones to comment on the existence of another structure on the site. Ms. Jones advised that there is a dilapidated home on the north side of the property which was heavily damaged in the 2013 tornado. She indicated that a demolition permit has been received and the property owner advised that they plan to remove the structure as soon as possible.

Mayor Lewis asked what would be located on the commercial property. Ms. Jones indicated that Hideaway Pizza would be on one of the lots with retail businesses on the remaining lots.

Councilman Krows moved to approve the final plat of Retail by the Lake located in the SW/4 of Section 22, T10N, R3W, being north of SW 19th Street and west of Eagle Drive, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF A DEED ACCEPTING OWNERSHIP OF COMMON AREA "A" OF ROYAL ROCK ADDITION, SECTION 1, BEING LOCATED ON MAX MORGAN BLVD NORTH OF SW 19TH STREET, TO BE USED AS PUBLIC RIGHT-OF-WAY FOR THE MAX MORGAN BOULEVARD WIDENING PROJECT.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 7 and 8 were companion items. Ms. Jones advised that the City proposed a street widening project at Max Morgan Blvd. and SW 19th Street to accommodate the heavy traffic in the area. A second southbound turn lane and a wider northbound lane would be added to accommodate large trucks. Additional right-of-way must be obtained in order to complete the project. The developers are prepared to deed a common area to the City; however, they must retain a small portion for some signage that they committed to their tenants. Ms. Jones stated that Agenda Item No. 7 is acceptance of the deed for the entire common area of the Royal Rock Addition, and Agenda Item No. 8 is for the City to deed back the necessary portion for the promised signage.

Councilman Cavnar moved to approve a deed accepting ownership of Common Area "A" of Royal Rock Addition, Section 1, being located on Max Morgan Blvd north of SW 19th Street, to be used as public right-of-way for the Max Morgan Boulevard widening project, second by Councilman Blair. Motion carried by majority vote.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF A DEED TRANSFERRING OWNERSHIP OF A PORTION OF THE MAX MORGAN BLVD. RIGHT-OF-WAY TO ROYAL PARK BUSINESS DEVELOPMENT, LLC FOR CONSTRUCTION OF A COMMON AREA FOR THE ROYAL ROCK COMMERCIAL DEVELOPMENT.

Councilman Cavnar moved to approve a deed transferring ownership of a portion of the Max Morgan Blvd. right-of-way to Royal Park Business Development, LLC for construction of a common area for the Royal Rock commercial development, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A DEED TRANSFERRING OWNERSHIP OF A PORTION OF THE SUNNYLANE ROAD RIGHT-OF-WAY TO MOORE PUBLIC SCHOOLS.

Elizabeth Jones, Community Development Director, stated that in 2009 the Oklahoma Department of Transportation (“ODOT”) deeded right-of-way along Sunnyslane Road to the City of Moore. The right-of-way was previously a State highway that has since been abandoned. Ms. Jones advised that past practice has been to deed any property over the typical 100-foot right-of-way width to adjacent property owners upon their request. Ms. Jones noted that Moore Public Schools requested the additional 4.5 feet of right-of-way along Sunnyslane south of SE 34th Street to be included in the Timberlake Elementary School property. Staff recommended approval of the item.

Councilman Krows moved to approve a deed transferring ownership of a portion of the Sunnyslane Road right-of-way to Moore Public Schools, second by Councilman Roberts. Motion carried unanimously.

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

Addendum Item Number 9.1 being:

APPROVE THE FINAL PLAT OF ROYAL ROCK SECTION VI, BLOCK 2, LOCATED IN THE SE/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND EAST OF MAX MORGAN BOULEVARD. APPLICATION BY ROYAL PARK BUSINESS DEVELOPMENT, LLC/PAT BROADFOOT. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 3. COMMUNITY DEVELOPMENT

Elizabeth Jones, Community Development Director, advised that the C-3 property was located north of SW 19th Street and east of Max Morgan Blvd. Ms. Jones stated that the original Block 1, Lot 5 of Royal Rock Section 6 was vacated to accommodate the realignment of SW 17th Street in preparation for a big box development. Ms. Jones stated that the final plat consisted of one lot on approximately seven acres. She advised that access would be provided from SW 19th Street at Max Morgan Blvd. The lot is adjacent to an existing drainage channel to the east. Water and sewer are available to the site. Ms. Jones stated that staff recommended approval of the item.

Councilman Krows moved to approve the final plat of Royal Rock Section VI, Block 2, located in the SE/4 of Section 22, T10N, R3W, being north of SW 19th Street and east of Max Morgan Boulevard, second by Councilman Cavnar. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:02 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD APRIL 20, 2015.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$813,468.77.

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

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

MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:03 P.M.

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 20, 2015.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$131,527.01.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:04 P.M.

Agenda Item Number 12 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 if the terminator trucks had finished picking up debris from the March 25, 2015 tornado and were now scheduling pickups. Richard Sandefur, Public Works Director, indicated that scheduled pickups should resume within one week. Mayor Lewis congratulated the Public Works Department on the wonderful job they were doing in removing tornado debris.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, announced the ribbon cutting/grand opening for the new Sam's store would be held on May 7, 2015 at 8:00 a.m. A soft opening will be held at 5:00 p.m. on May 6, 2015. Mr. Eddy stated that the roadway construction at SE 19th and Broadway was completed. Mr. Eddy thanked Silver Star Construction for their work on the project. He commented that the heavy congestion should be alleviated with the new configuration and turn lanes.

Agenda Item Number 13 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:06 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

DAVID ROBERTS, MPWA Secretary

FOR:

JASON BLAIR, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2015.

ATTEST:

JIM CORBETT, City Clerk