

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JULY 3, 2017 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on July 3, 2017 at 6:30 p.m. with Mayor Glenn Lewis presiding.

Adam Webb
Councilman, Ward I

Danielle McKenzie
Councilwoman, Ward I

Melissa Hunt
Councilwoman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Hunt, Cavnar, Hamm, Lewis
ABSENT: McKenzie, Blair, Webb

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; City Attorney, Randy Brink; Community Development Director, Elizabeth Weitman; Emergency Management Director, Gayland Kitch; Associate Planner/Grants Manager, Jared Jakubowski; Finance Director/City Clerk, Betty Koehn; Fire Chief, Gary Bird; Manager of Information Technology, David Thompson; Assistant Police Chief, Todd Strickland; Sgt. David Dickinson; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Loss Control Officer, Brian Miller; and City Clerk, Linda Stewart.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 19, 2017.
- B) RECEIVE THE MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING HELD MAY 9, 2017.
- C) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD MAY 9, 2017.
- D) APPROVE THE REAPPOINTMENT OF JANIE MILUM AND KELLEY MATTOCKS TO THE PARKS BOARD FOR THREE-YEAR TERMS.
- E) DECLARE A 2004 FORD PICKUP (VIN NO. 1FTNF20L04EB25423) AS SURPLUS.
- F) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$2,139,220.35.

Councilman Hamm moved to approve the Consent Docket in its entirety, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm Lewis
Nays: None
Absent: McKenzie, Blair, Webb

Agenda Item Number 3 being:

CONSIDER MOORE VISION 20/20 COMPREHENSIVE PLAN AMENDMENT NO. 58, LOCATED IN THE NW/4 OF SECTION 13, T10N, R3W, BEING SOUTH OF NE 12TH STREET AND EAST OF EASTERN AVENUE, FROM URBAN RESIDENTIAL LOW DENSITY TO LIGHT COMMERCIAL. APPLICATION BY NAWAZ SAYED. (PLANNING COMMISSION RECOMMENDED DENIAL 8-0). WARD 1.

Elizabeth Weitman, Community Development Director, advised that that Agenda Items No. 3 and 4 were companion items regarding 1.5 acres located south of NE 12th Street and east of Eastern Avenue. Ms. Weitman stated that the site consisted of one unplatted residential structure addressed as 1430 NE 12th Street. The applicant proposed rezoning the property to C-2 Neighborhood Commercial District for development of a daycare and/or neighborhood commercial use. Ms. Weitman indicated that the lot adjacent to the Summerhill Addition was not included in the proposed comprehensive plan amendment or rezoning. She advised that public water was available to serve the site; however, public sewer must be extended to the property prior to commercial development. Access would be provided from NE 12th Street.

Ms. Weitman noted that there were two anchoring land uses that should be taken into consideration regarding the proposed rezoning. She stated that Winding Creek Elementary School and Buck Thomas Park were land uses that generate heavy automobile and pedestrian traffic patterns as individuals travel to school and to park activities. She noted that any rezoning change should ensure both the compatibility and safety of the family oriented area and, while a daycare might be compatible with the area, other undefined C-2 uses might not be.

The Moore Vision 20/20 Plan designed the area as Low Density Residential. A Comprehensive Plan Amendment to Light Commercial would be necessary since C-2 Neighborhood Commercial land uses are commercial in nature. Ms. Weitman indicated that although C-2 Neighborhood Commercial uses are generally lighter than C-3 General Commercial, some uses may be considered incompatible within the low density residential areas. She felt this would make it difficult to anticipate how future uses would affect the character of the area. Additionally, the Moore Vision 20/20 and the Envision Moore 2040 Plans both highly discourage the location of strip center commercial development away from major intersections. She added that the Envision Moore 2040 sets a maximum allowable distance from a major intersection of 600 feet. The subject application was located 2,640 feet from a major intersection. Ms. Weitman stated that allowing commercial strip centers along arterial roadways would change the nature of the area from residential to commercial.

Ms. Weitman recommended denial of the agenda items since the application did not comply with the comprehensive plan's past practice of limiting commercial development to major intersections, and because other commercial uses beyond a daycare could potentially increase traffic congestion and auto-pedestrian conflicts. Ms. Weitman advised that the Planning Commission heard the applications on June 13, 2017 and after a lengthy discussion determined that a daycare use was a reasonable fit for the area but was adamantly opposed to a more general neighborhood commercial C-2 zoning due to the unknown issues that might impact the area. The Planning Commission discussed the possibility of a Planned Unit Development ("PUD") with the applicant which would lower the scope of the application to a daycare only. The applicant was opposed to the suggestion stating that he wanted more flexibility with developing the lot; therefore, the Planning Commission recommended denial of the items.

Councilman Cavnar moved to deny Moore Vision 20/20 Comprehensive Plan Amendment No. 58, second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm Lewis
Nays: None
Absent: McKenzie, Blair, Webb

Agenda Item Number 4 being:

CONSIDER REZONING APPLICATION NO. RZ-958, LOCATED IN THE NW/4 OF SECTION 13, T10N, R3W, BEING SOUTH OF NE 12TH STREET AND EAST OF EASTERN AVENUE, FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO C-2 NEIGHBORHOOD COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 852(17). APPLICATION BY NAWAZ SAYED. (PLANNING COMMISSION RECOMMENDED DENIAL 8-0). WARD 1.

Councilman Cavnar moved to deny Rezoning Application No. RZ-958 and Ordinance No. 852(17), second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

Agenda Item Number 5 being:

CONSIDER REZONING APPLICATION NO. RZ-962, LOCATED IN THE NE/4 OF SECTION 10, T10N, R3W, BEING SOUTH OF NW 27TH STREET AND EAST OF N. JANEWAY AVENUE, FROM C-5 AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT; AND APPROVE ORDINANCE NO. 865(17). APPLICATION BY MJH PROPERTIES, LLC/MALCOLM HALL. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 2.

Elizabeth Weitman, Community Development Director, indicated that the subject property contained 1.5 acres located south of NW 27th and east of Janeway Avenue. Ms. Weitman stated that commercial warehouse structures were recently constructed on the site and contain multiple lease spaces. The applicant proposed rezoning the property from C-5 Automotive and Commercial Recreation District to I-1 Light Industrial District in order to accommodate demand for lease space for other types of uses. She noted that the proposed I-1 zoning would bring a noncompliant tenant currently occupying one space into compliance. She advised that public water and sewer were available to serve the site, and access would be provided from N. Janeway Avenue.

Ms. Weitman stated that the Envision Moore 2040 designated the area as Transitional Commercial which included uses characterized by heavy commercial and light industrial uses generally located along arterial roadways and away from any residential land uses in an effort to minimize potential conflicts. However, because the property was located in a traditionally heavy commercial and light industrial area with similar land uses to the north, south, east and west, staff recommended approval of the item.

Councilman Hamm moved to approve Rezoning Application No. RZ-962, located in the NE/4 of Section 10, T10N, R3W, being south of NW 27th Street and east of N. Janeway Avenue, from C-5 Automotive and Commercial Recreation District to I-1 Light Industrial District; and approve Ordinance No. 865(17), second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

Agenda Item Number 6 being:

CONSIDER THE FINAL PLAT OF APPLE ESTATES, SECTION 3, LOCATED IN THE SW/4 OF SECTION 36, T10N, R3W, BEING SOUTH OF SE 34TH STREET AND EAST OF EASTERN AVENUE. APPLICATION BY ASH INVESTMENTS, LLC/MO SHARIFI. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 1.

Elizabeth Weitman, Community Development Director, advised that the subject site was located south of SE 34th Street and east of Eastern Avenue in the Apple Valley Addition. The property was rezoned to R-1 Single-Family Residential in 2000 and was preliminary platted into larger home sites in 2003. Ms. Weitman stated that a final plat application was approved in 2007 for 24 residential lots; however, the plat was never developed and the applicant was now requesting a final plat for 21 large home site lots on approximately 25 acres. She indicated that the application was in general conformance with the approved 2003 preliminary plat. Ms. Weitman stated that a common area containing around 12 acres located along the west side of the development would be used for detention and drainage. Public water was available to the site. However, due to the topography of the area gravity flow to public sewer would not be feasible; therefore, private septic systems would service the individual lots. Access would be provided from S. Baldwin Avenue, a local residential street. Ms. Weitman stated that there was no FEMA designated floodplain located on the property. Staff recommended approval of the item.

Councilman Hamm commented that the property owner had been involved in some litigation with the City and asked if those issues had been resolved. Ms. Weitman stated that the City had denied an application that included much higher densities. The applicant filed a lawsuit which they ultimately lost. Ms. Weitman indicated that the proposed final plat was in conformance with their original plan for the property. Councilman Hamm requested clarification on the sewer system for the property. Ms. Weitman stated that the land is lower than the sewer lines surrounding the site requiring a lift station which is cost prohibitive. In situations such as these the City allows the use of private septic systems for larger lots. Mayor Lewis confirmed that DEQ approval was necessary for the proposed septic systems.

Councilwoman Hunt moved to approve the Final Plat of Apple Estates, Section 3, located in the SW/4 of Section 36, T10N, R3W, being south of SE 34th Street and east of Eastern Avenue, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

Agenda Item Number 7 being:

CONSIDER THE FINAL PLAT OF HEALTH CARE EXPRESS, LOCATED IN THE SE/4 OF SECTION 14, T10N, R3W, BEING NORTH OF SE 4TH STREET AND WEST OF EASTERN AVENUE. APPLICATION BY SCIPPIO PROPERTIES, LLC/CAYLON HAGGARD. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 1.

Elizabeth Weitman, Community Development Director, stated that the subject property was located north of SE 4th Street and west of Eastern Avenue. The proposed development consisted of approximately one acre and was zoned C-3 General Commercial for a medical clinic. Ms. Weitman indicated that public water

and sewer were available to serve the site and access would be from SE 4th Street with one curb site. She indicated that no FEMA floodplain was located on the site. She advised that the applicant would utilize a portion of an existing pond that lies in the northwest corner of the property. Ms. Weitman noted that the City was investigating the possibility of utilizing the pond for subregional detention. A detention solution for this and the surrounding properties should be finalized prior to the final plat being filed in Cleveland County. She noted that the solution may involve a fee in lieu of detention at this location. Ms. Weitman stated that the plat was in general compliance with the Envision Moore 2040, with the inclusion of a cross access easement to the property to the west. Staff recommended approval of the item.

Councilman Hamm moved to approve the Final Plat of Health Care Express, located in the SE/4 of Section 14, T10N, R3W, being north of SE 4th Street and west of Eastern Avenue, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:48 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JUNE 19, 2017.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$282,129.17.

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

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:49 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JUNE 19, 2017.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$255,513.83.

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

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:50 P.M.

Agenda Item Number 10 being:

NEW BUSINESS:

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

John Hanes, 301 S. Silverleaf Drive, addressed the City Council regarding safety concerns with residents parking on Silverleaf Drive between Main and 4th Street. Parking occurring on both sides of the street narrows the street increasing the chance of a collision. Mr. Hanes indicated that additional problems occur during football games at Moore High School with individuals parking on the streets and throwing their beer bottles and cans in the yard. He also expressed concern with drivers speeding through the area while cutting through their addition to avoid the main thoroughfares. Mr. Hanes expressed anger about emergency personnel recently having difficulty responding to a medical call for help due to the parking congestion on the street. He indicated that this might also be a concern if he had to contact the fire department in the future. Mr. Hanes stated that something must be done about the situation. Mayor Lewis requested that City Manager Brooks Mitchell and Police Chief Jerry Stillings review the situation and determine what could be done. Councilman Hamm suggested placing a sign in a curve of the street prohibiting parking there.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

There were no items from the City Council/Trustees.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, encouraged everyone to attend the 4th of July festivities at Buck Thomas Park. Mayor Lewis advised that pets would not be allowed at the park during the fireworks display and the dog park would be closed through July 5, 2017.

Agenda Item Number 19 being:

EXECUTIVE SESSION:

A) RECEIVE AN UPDATE AND DISCUSS NEGOTIATIONS BETWEEN THE CITY OF MOORE AND THE FRATERNAL ORDER OF POLICE ("FOP") LODGE 131 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

B) RECEIVE AN UPDATE AND DISCUSS NEGOTIATIONS BETWEEN THE CITY OF MOORE AND THE I.A.F.F. LOCAL 2047 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

C) CONVENE TO EXECUTIVE SESSION.

Councilman Cavnar moved to convene to executive session, second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

The City Council convened into executive session at 6:56 p.m.

D) RECONVENE FROM EXECUTIVE SESSION

PRESENT: Hunt, Cavnar, Hamm, Lewis
ABSENT: McKenzie, Blair, Webb

The City Council reconvened from executive session at 7:14 p.m.

E) ACTION.

- A) RECEIVE AN UPDATE AND DISCUSS NEGOTIATIONS BETWEEN THE CITY OF MOORE AND THE FRATERNAL ORDER OF POLICE ("FOP") LODGE 131 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

Councilwoman Hunt moved to proceed as directed in executive session, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

- B) RECEIVE AN UPDATE AND DISCUSS NEGOTIATIONS BETWEEN THE CITY OF MOORE AND THE I.A.F.F. LOCAL 2047 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

Councilwoman Hunt moved to proceed as directed in executive session, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

Agenda Item Number 12 being:

ADJOURNMENT

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

Ayes: Hunt, Cavnar, Hamm, Lewis
Nays: None
Absent: McKenzie, Blair, Webb

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:15 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

ADAM WEBB, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2017.

ATTEST:

LINDA STEWART, City Clerk