

**MINUTES OF THE REGULAR MEETING OF  
OF THE MOORE CITY COUNCIL  
THE MOORE PUBLIC WORKS AUTHORITY  
AND THE MOORE RISK MANAGEMENT BOARD  
JULY 1, 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 July 1, 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, Blair, Singer, Cavnar, Roberts, Hamm, Lewis  
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Clerk, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Special Projects Coordinator, Jared Jakubowski; 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; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Senator Anthony Sykes and Senator David Holt presented a flag from the City of Miami, Florida that was signed by their Fire and Police Departments and other City personnel. Senator Sykes advised that it was a gift from Andrew Markowitz who grew up in the metro area with Senator Holt.

Christie Hill, Store Manager of the Walgreens at 19<sup>th</sup> and Santa, advised that the store sustained damage from the May 20, 2013 tornado. Ms. Hill invited the City Council to a grand reopening on July 19, 2013. She stated that they want to make it a celebration of the resilience of the City of Moore. Ms. Hill advised that the Walgreens Wellness Bus will be at the reopening to offer free health testing. She stated that they are grateful for everything the City has done and they are in the community to stay.

Robert Pistole, Project Manager with Veolia Water, stated that Veolia Water and Veolia Energy joined together to make a \$25,000 donation to the City of Moore for the tornado relief fund. He stated that Veolia Water is proud and honored to be a part of the community and stated that they are here to help. Mayor Lewis expressed his appreciation to Mr. Pistole and Veolia Water.

**Agenda Item Number 2 being:**

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 17, 2013.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD MAY 14, 2013.
- C) APPOINT BRENT WHEELBARGER TO THE PIONEER LIBRARY SYSTEM BOARD OF TRUSTEES FOR A THREE-YEAR TERM.
- D) APPROVE RESOLUTION NO. 777(13) ESTABLISHING THE NINE-ONE-ONE EMERGENCY TELEPHONE FEE RATE FOR CALENDAR YEAR 2014.
- E) APPROVE A CONTRACT BETWEEN THE CITY OF MOORE AND THE MOORE PUBLIC SCHOOL SYSTEM IN THE AMOUNT OF \$295,058.68 TO PROVIDE SEVEN UNIFORMED SCHOOL RESOURCE OFFICERS FOR FY 13-14.
- F) APPROVE AN INTERLOCAL AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS, CLEVELAND COUNTY FOR GRADING, DRAINAGE, AND SURFACING OF CERTAIN STREETS WITHIN THE CITY.
- G) APPROVE A FIELD LEASE AGREEMENT WITH THE MOORE GIRLS SOFTBALL ASSOCIATION ("MGSA") FOR ONE YEAR.
- H) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$4,099,525.48.

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

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

**Agenda Item Number 3 being:**

CONSIDER RESOLUTION NO. 776(13) ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") 2013-2014 ANNUAL ACTION PLAN AND SUBMITTING THE SAME TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Jared Jakubowski, Special Projects Coordinator, stated that each year the Department of Housing and Urban Development ("HUD") requires the Community Development Block Grant recipients to submit an annual action plan. During the upcoming 2013-2014 program year the City has been allocated \$309,731. Mr. Jakubowski advised that the following projects are included in the 2013-2014 program year: Regency Park Sewer Improvements, City of Moore Utilities Assistance Program, Aging Services for Senior Meal Delivery, Bethesda for youth counseling, Cleveland County Habitat for Humanity, and Moore Youth and Family Services for both community and school based programs. Also included are administrative costs for personnel, training, publications, Metro Fair Housing Administration and General Neighborhood Master Planning.

Mayor Lewis expressed his appreciation to HUD for the monies.

**Councilman Roberts moved adopt Resolution No. 776(13) adopting the Community Development Block Grant ("CDBG") 2013-2014 Annual Action Plan and submitting the same to the Department of Housing and Urban Development, second by Councilman Krows. Motion carried unanimously.**

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

**Agenda Item Number 4 being:**

CONSIDER THE FINAL PLAT FOR JANEWAY DISTRIBUTION CENTER ADDITION, LOCATED IN THE NE/4 OF SECTION 10, T10N, R3W, BEING SOUTH OF NW 27<sup>TH</sup> STREET AND EAST OF JANEWAY AVENUE. APPLICATION BY MALCOLM HALL. (PLANNING COMMISSION RECOMMENDED APPROVAL 6-0). WARD 2.

Elizabeth Jones, Community Development Director, stated that the subject property is zoned C-5 with six lots on approximately 2.5 acres. Ms. Jones advised that although water and sewer are located along Janeway Avenue, they must be extended to serve all of the lots within the addition. A floodplain is not located on the site and a fee in lieu of detention is required. Ms. Jones advised that a drainage report, calculations, and plans have been turned into the City's consulting engineer for review since the stormwater discharge will divert into an existing concrete drainage channel located south of the subject property in the Skyview Terrace Addition. She noted that the Final Plat was amended from the Preliminary Plat by eliminating two lots along Janeway Avenue. This will result in only Lots 1 and 2 being accessed from Janeway Avenue and a total of three curb cuts will be allowed. Lot 1 is a double frontage lot and will be allowed an additional curb cut from Vermeer Drive. The remaining lots will have access to Vermeer Drive. Staff recommended approval of the item.

Mayor Lewis asked what was being proposed on the site. Ms. Jones indicated that the applicant was proposing a multi-tenant heavy commercial use for Lot 2. He then asked if anyone appeared in opposition to the item. Ms. Jones indicated that no one appeared to oppose the item.

**Councilman Krows moved to approve the the Final Plat for Janeway Distribution Center Addition, located in the NE/4 of Section 10, T10N, R3W, being south of NW 27<sup>th</sup> Street and east of Janeway Avenue, second by Councilman Singer. Motion carried unanimously.**

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

**Agenda Item Number 5 being:**

CONSIDER AN AGREEMENT WITH THE OKLAHOMA CITY COMMUNITY FOUNDATION FOR ADMINISTRATION OF DONATION ACCOUNTS.

Jim Corbett, Finance Director, stated that shortly after the May 20, 2013 tornado the City received numerous calls from individuals and businesses wanting to donate toward recovery efforts. They were encouraged to give to the Red Cross, United Way or Salvation Army; however, some individuals wanted to donate directly to the City. Mr. Corbett stated that restricted accounts were set up for the donations. He noted that some donations were sent for tornado relief in general, while others specified where they wanted the monies to go. Staff was proposing that the City enter into an agreement with the Oklahoma City Community Foundation for administration of the monies. He noted that the money would be distributed at the discretion of the City Council. The foundation would receive the donations, send thank you letters, and send the money where Council deemed appropriate. Mr. Corbett stated that this was a method of accounting for the funds. The foundation is a 501(C)(3) organization that has been in existence for many years and does this type of work on a routine basis. He advised that if an agreement is approved they would take possession of the money and put an option on their website for future donations. The Oklahoma City Community Foundation would handle the administration of the funds. Councilman Cavnar asked if there was a cost associated with the service. Mr. Corbett stated that this would be done as service to the City of Moore free of charge for one year to assist with the recovery effort. He noted that to date the City has received \$422,545 in donations. Of that amount around \$150,000 was received in undesignated monies. Mr. Corbett stated that thank you letters have been sent to everyone that made a donation regardless of how much was sent.

Councilman Roberts commented that he believed the Oklahoma City Community Foundation was the largest community foundation in the country and was widely recognized as the premiere organization for community projects. He is familiar with some of the individuals who have served on the foundation and felt they are leaders with high integrity. Councilman Roberts stated that the current Director, Nancy Anthony, has a superb reputation within the community. He felt this would be a clean way of handling the donations and felt they had the necessary experience.

Mayor Lewis stated that he was unfamiliar with the Oklahoma City Community Foundation and would feel more comfortable with staff handling the administration of the funds. He suggested using some of the money to provide individuals that rebuild a one-year credit on their utility bills.

Councilman Singer asked if Mr. Corbett was familiar with other cities that have entered into contracts with the Oklahoma City Community Foundation. Mr. Corbett stated that Oklahoma City entered into an agreement with them for administration of funds following the Murrah Bombing. Councilman Roberts stated that they serve as administrator over several hundred trusts and foundations. Councilman Cavnar mentioned that the Moore Public School Foundation works with them as well.

Steve Eddy, City Manager, stated that the Oklahoma City Community Foundation is merely a holding point for the money. No direction has been given regarding the distribution of the monies that aren't already designated for a particular purpose. At some point, when there is a specific need identified that will benefit the victims, an item will be brought before the City Council for consideration and direction.

Councilman Hamm asked if there was process in play to deal with individuals who request assistance with a particular need. Mr. Corbett stated that a process could be developed. Councilman Hamm felt something like an application process should be implemented to ensure each situation is dealt with in a similar manner.

**Councilman Krows moved agreement with the Oklahoma City Community Foundation for administration of donation accounts, second by Councilman Singer. Motion carried unanimously.**

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

**Agenda Item Number 6 being:**

CONSIDER ORDINANCE NO. 751(13) AMENDING PART 5, CHAPTER 2, ARTICLE A OF THE MOORE CITY CODE BY AMENDING SECTION 5-212 DEFINING A TORNADO AREA AND ESTABLISHING MINIMUM BUILDING STANDARDS WITHIN THE AREA.

Elizabeth Jones, Community Development Director, advised that Ordinance No. 751(13) was in response to a request by Council to implement building standards. A moratorium was in effect since the June 17, 2013 City Council meeting suspending building permits in the tornado area. Staff reviewed the Building Code and found language from the May 3, 1999 tornado that was applicable to this tornado. Several amendments were made to the existing ordinance and were being brought back for consideration by the City Council. The ordinance was amended to apply to any tornado that was declared a federal disaster. The other changes include:

1. Minimum square footage of a structure that did not have plat restrictions already governing it was set at 1,000 square feet minimum.

2. A 50% bricking requirement for residential structures within the storm damaged area, excluding the Foxglove Addition. Foxglove was constructed originally with vinyl siding and has no bricking requirements.
3. Each residence must have an attached garage.

Ms. Jones felt that the suggested amended to the building standards are reasonable. She noted that lot combinations, although not addressed in Ordinance No. 751(13), would not be permitted in the R-2 and R-3 zoning districts since this would allow for the construction of duplexes. Lot combinations in an R-1 zoning district would be considered.

**Councilman Roberts moved to approve Ordinance No. 751(13) amending Part 5, Chapter 2, Article A of the Moore City Code by amending Section 5-212 defining a tornado area and establishing minimum building standards within the area, second by Councilman Cavnar. Motion carried unanimously.**

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

**Addendum Item Number 6.1 being:**

CONSIDER DECLARING AN EMERGENCY CLAUSE FOR ORDINANCE NO. 751(13).

**Councilman Roberts moved to approve an emergency clause for Ordinance No. 751(13), second by Councilman Singer. Motion carried unanimously.**

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

Mayor Lewis asked that since the moratorium expires on this date can builders bring in their plans. Ms. Jones indicated that the City has been accepting plans and reviewing them as they come in. However, they were not issuing building permits until building standards could be established for the tornado area. She advised that they would begin issuing permits beginning the next day. Councilman Krows asked how the plans that were being submitted looked. Ms. Jones stated that for the most part the plans indicate that the buildings will be reconstructed to a much better standard.

**Agenda Item Number 7 being:**

CONSIDER ORDINANCE NO. 752(13) AMENDING PART 5, CHAPTER 11, OF THE MOORE CITY CODE BY ADDING SECTION 5-1104 REQUIRING THE CONSTRUCTION OF STORM SHELTERS FOR ALL NEW SINGLE-FAMILY DWELLINGS.

**Agenda Item Number 8 being:**

CONSIDER ORDINANCE NO. 753(13) AMENDING PART 5, CHAPTER 11 OF THE MOORE CITY CODE BY ADDING SECTION 5-1105 REQUIRING THE CONSTRUCTION OF STORM SHELTERS FOR ALL TWO-FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, MANUFACTURED HOME RESIDENTIAL, AND GROUP RESIDENTIAL HOUSING, AND SECTION 5-1105 REQUIRING THE CONSTRUCTION OF STORM SHELTERS FOR ALL ELEMENTARY SCHOOLS, MIDDLE SCHOOLS, HIGH SCHOOLS, AND DAYCARE FACILITIES IN THE CITY OF MOORE.

**Agenda Item Number 9 being:**

CONSIDER ORDINANCE NO. 754(13) AMENDING PART 5, CHAPTER 1, ARTICLE A, SECTION 5-202 OF THE MOORE CITY CODE BY ADDING REQUIREMENTS FOR BOLTING AND FASTENERS TO THE FOUNDATION, TOP PLATE, BOTTOM PLATE, DOORS AND WINDOWS, AND TRUSS TO WALL CONNECTIONS, FOR THE PURPOSE OF STRENGTHENING DWELLINGS IN TORNADO-PRONE AREAS.

**Councilman Roberts moved to table Agenda Items No. 7, 8 and 9, 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 7:04 P.M.**

**Agenda Item Number 10 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JUNE 17, 2013.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$638,565.46.

**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 PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:05 P.M.**

**Agenda Item Number 11 being:**

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JUNE 17, 2013.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2012-2013 IN THE AMOUNT OF \$239,847.75.

**Trustee Singer 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 7:06 P.M.**

**Agenda Item Number 12 being:**

NEW BUSINESS:

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

Helga Lassiter, 608 Plaza Drive, appeared on behalf of the citizens of Moore that are planning on rebuilding after the May 20, 2013 tornado. She referred to an article on Yahoo entitled "In Tornado Alley, Building Practices Boost Damage." Ms. Lassiter felt that the article was referring to homes constructed after the 1999 tornado which, in their opinion, should have been built stronger. The article quotes an Assistant Professor of Civil and Coastal Engineering at the University of Florida that studied damage from hurricanes and the tornadoes in Joplin, Missouri and Tuscaloosa, Alabama. He felt that the homes in tornado alley are not built to withstand even a modest tornado. The current building code minimum applied in Oklahoma and tornado alley calls for the structure to withstand 90 mph straight line winds for 3 seconds. She stated that EF5 tornadoes pack enormous winds of 200 miles per hour and higher. Ms. Lassiter discussed the various construction suggestions that were mentioned in the article. Ms. Lassiter felt that the building codes should have been strengthened following the 1999 tornado. Ms. Lassiter thanked Stan Drake, Assistant City Manager, regarding Veterans Park and Councilman Blair for visiting the area and asking how they were doing. Mayor Lewis advised that a work study session was held June 26, 2013 regarding building standards. They decided to table the item until homebuilders and engineers, among others, had an opportunity to review the ordinance and offer comments.

Larry Hutcheson stated that he has been a pastor in this community since 2007. In six years he has been involved in three tornadoes. He realized that the City cannot construct a community shelter big enough to house the entire population of Moore; however, his concern was for those individuals living in apartments and duplexes who could not afford a shelter. Pastor Hutcheson advised that they are willing to put a community shelter on the church property.

Randall Gschwind manufacturing representative for Composite Building Systems stated that he had previously appeared before Council at the June 17, 2013 meeting. He stated that they construct dome homes that can withstand an F-5 tornado. He felt that the City was stuck on aesthetics instead of safety, and he did not feel that the proposed building standards would protect the public. Mr. Gschwind stated that he attempted to get a human interest story regarding his product on television and in the newspapers and they wanted him to pay for it. Councilman Krows stated that he was here to sell his product. Mr. Gschwind stated that he is not a solicitor, he is a manufacturer representative. Councilman Krows stated that the City was collecting information to determine the best way to reconstruct the storm damaged areas and they are not going to rush into anything by authorizing the construction of dome homes before the debris had even been removed from the streets. Councilman Krows stated that input from engineers and citizens would also be sought to make the homes better and safer.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Krows stated he would like to work with the City and schools to erect a memorial, possibly at Little River Park, to honor the children that were killed in the tornado. Mayor Lewis mentioned that Lowe's expressed an interest in assisting with the rebuilding of a park.

Councilman Hamm advised that he received calls from individuals that received flat tires from the debris on 27<sup>th</sup> Street. He suggested that the City could sweep the road on a routine basis.

C) ITEMS FROM THE CITY/TRUST MANAGER.

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

- Several hundred notices were posted on homes that sustained major damage to request the property owners notify the Community Development department to let the City know the status of the debris removal and any problems they are experiencing that the City might be able to help with.
- The deadline for pickup of tree limbs from the May 31, 2013 storm has expired.
- July 4<sup>th</sup> activities will be held from 10:00 am to 10:00 pm with a car show at 8:00 a.m. at Buck Thomas Park followed by a fireworks display.
- Joint City Council and Parks Board meeting is tentatively set for July 29, 2013 for presentation of the final Parks Master Plan for the new Central Park at 4<sup>th</sup> and Broadway.
- The new Wastewater Treatment Plant has become operational.

**Agenda Item Number 22 being:**

EXECUTIVE SESSION

- A) DISCUSS AND CONSIDER FISCAL YEAR 2013-2014 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 Krows moved to convene into executive session, second by Councilman Cavnar. Motion carried unanimously.**

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

**The City Council convened into executive session at 7:34 p.m.**

- C) RECONVENE FROM EXECUTIVE SESSION

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

**The City Council reconvened from executive session at 7:48 p.m.**

- D) ACTION.

- A) DISCUSS AND CONSIDER FISCAL YEAR 2013-2014 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 Singer moved to approve FY 2013-2014 contract between the City of Moore and the Fraternal Order of Police Lodge 131, second by Councilman Krows. Motion carried unanimously.**

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

**Agenda Item Number 14 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 7:49 p.m.**

TRANSCRIBED BY:

\_\_\_\_\_  
RHONDA BAXTER, Executive Assistant

RECORDED BY:

\_\_\_\_\_  
CAROL FOLSOM, Purchasing Agent

FOR:

\_\_\_\_\_  
DAVID ROBERTS, MPWA Secretary

These minutes passed and approved as noted this \_\_\_\_ day of \_\_\_\_\_, 2013.

ATTEST:

\_\_\_\_\_  
JIM CORBETT, City Clerk