

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JULY 7, 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 July 7, 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: Blair, Singer, Roberts, Hamm, Lewis
ABSENT: Krows, Cavnar

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) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JUNE 16, 2014.
- B) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD APRIL 8, 2014.
- C) RECEIVE THE MINUTES OF THE PLANNING COMMISSION MEETING HELD MAY 13, 2014.
- D) APPROVE AN INTERLOCAL AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS FOR CLEVELAND COUNTY FOR GRADING, DRAINAGE, AND SURFACING OF CERTAIN STREETS WITHIN THE CITY.
- E) APPROVE RESOLUTION NO. 797(14) ESTABLISHING THE NINE-ONE-ONE EMERGENCY TELEPHONE FEE RATE FOR CALENDAR YEAR 2015.
- F) APPROVE A BUDGET SUPPLEMENT TO THE DEBT SERVICE FUND IN THE AMOUNT OF \$20,000.
- G) APPROVE A BUDGET SUPPLEMENT TO THE PARKS GENERAL OBLIGATION CONSTRUCTION FUND IN THE AMOUNT OF \$2,000,000.
- H) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$5,336,336.21.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF A CONTRACT WITH CARDINAL ENGINEERING FOR THE INFRASTRUCTURE RECOVERY AND IMPLEMENTATION PLAN TO BE FUNDED BY CDBG-DR FUNDS.

Elizabeth Jones, Community Development Director, advised that the Department of Housing and Urban Development requires an Infrastructure Recovery and Implementation Plan to identify and prioritize specific projects that will be funded using CDBG-DR funds. Ms. Jones stated that potential projects include street reconstruction, water and sewer line installation, streetscapes, and storm water improvements. The maximum budgeted amount for preparation of the plan is \$250,000. She advised that the selection committee interviewed three qualified firms and felt that Cardinal Engineering was the most responsive to the City's needs. A fee was negotiated and a "not to exceed" amount set at \$229,000. Of that amount \$150,000 would be Cardinal's engineering fees and \$79,000 would be allocated for a sub-consultant who would be billed on a deliverable basis. Ms. Jones explained that the City would only be billed for usable information.

Steve Eddy, City Manager, asked that Ms. Jones discuss the public input required by HUD. Ms. Jones stated that staff is looking at the purchase of an on-line participation tool that would be funded with CDBG-DR funds. It would be used throughout the disaster recovery grant funding process which is anticipated to last over the next five years. The software would allow different pictures or scenarios to be viewed and voted on. It would also have the capability of isolating a particular neighborhood to allow only those individuals affected to vote on a particular issue. Cardinal's contract includes \$15,000 for attendance at two public forums at which they will provide renderings and collect input. It would also include two walkability surveys performed at the Plaza Towers and Highland East schools. This would involve escorted tours with residents in the area and from the school to note problems such as access and tripping hazards, and whether they would like to see more bike trails, or landscaping. Cardinal's contract includes four points of public participation in addition to the on-line tool for this project. Each project using CDBG-DR funds will have its own public participation tools; however, the on-line tool will be the common denominator throughout all of the projects. Mayor Lewis asked if this was a requirement of HUD. Mr. Eddy indicated that the Infrastructure Recovery and Implementation Plan with public participation was required.

Councilman Singer moved to approve a contract with Cardinal Engineering for the Infrastructure Recovery and Implementation Plan to be funded by CDBG-DR funds, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER RETAINING THE LAW FIRM OF MCAFEE AND TAFT TO PROVIDE LABOR AND EMPLOYMENT RELATED COUNSEL AND SERVICES.

K.O. Williams, Assistant City Attorney, advised that attorneys Tony Puckett and Kristin Simpson with McAfee and Taft were in attendance and available to answer questions regarding the type of cases Council was considering hiring them to litigate. Steve Eddy, City Manager, indicated that one of the cases would be discussed in detail later in the meeting during executive session. Mr. Eddy advised that the proposed contract would allow the City to use them for complicated labor and employment issues. He believed that Mr. Puckett was considered the premier labor attorney for municipalities in the metro area.

Councilman Singer asked if the City was committing to retainer fees at this point. Mr. Puckett indicated that the contract included an hourly rate for any work that they might do and did not include any up-front fees or a retainer.

Councilman Roberts moved to approve retaining the law firm of McAfee and Taft to provide labor and employment related counsel and services, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF ORDINANCE NO. 778(14) AMENDING PART 10, CHAPTER 3, SECTION 10-301, PETIT LARCENY AND LARCENY OF LOST PROPERTY, BY INCREASING THE VALUE OF THE STOLEN OR LOST PROPERTY TO LESS THAN FIVE HUNDRED DOLLARS (\$500.00).

Randy Brink, City Attorney, advised that State law changed the definition of Petit Larceny and Larceny of Lost Property, which means the District Attorney will only prosecute misdemeanor charges on stolen property valued in excess of \$500. Therefore, staff proposed amending the City's definition of Petit Larceny and Larceny of Lost Property from \$50 to less than \$500 to allow municipal prosecution for offenses that qualify for prosecution through District Court because the value of the stolen property is less than \$500.

Councilman Roberts asked what the fine would be for someone who was found guilty of stealing property valued at \$400. Mr. Brink advised that the maximum fine allowed by ordinance was \$500 plus \$49 in court costs.

Councilman Roberts moved to approve Ordinance No. 778(14), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH RED PLAINS PROFESSIONAL, INC. FOR ENGINEERING SERVICES, IN AN AMOUNT NOT TO EXCEED \$19,600, FOR THE REDESIGN OF THE INTERSECTION OF MAX MORGAN DRIVE AND SW 19TH STREET AND FOR THE EXTENSION OF MAX MORGAN BLVD. TO SERVE ADDITIONAL COMMERCIAL DEVELOPMENT IN THE ROYAL ROCK DEVELOPMENT.

Steve Eddy, City Manager, stated that Red Plains Professional, Inc. is an engineering firm that was retained by the developers of the Royal Rock commercial development. The traffic study being completed

by the City's traffic engineer, Traffic Engineering Consultants ("TEC"), recommended some improvements in the area located north of S. 19th Street between BancFirst and Carl's Junior. Additional lanes are needed, along with engineering design work for the extension of Max Morgan Drive to the north, in anticipation of large commercial users that are interested in the area.

Mayor Lewis asked if TEC could do the necessary design work. Mr. Eddy indicated that TEC could certainly do the work but Red Plains already has some of the necessary survey data which would result in a cost savings to the City.

Councilman Singer moved to approve an agreement with Red Plains Professional, Inc. for engineering Services, in an amount not to exceed \$19,600, for the redesign of the intersection of Max Morgan Drive and SW 19th Street and for the extension of Max Morgan Blvd. to serve additional commercial development in the Royal Rock development, second by Councilman Roberts. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:42 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JUNE 16, 2014.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$852,226.11.

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

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF CHANGE ORDER NO. 7 (FINAL) WITH WYNN CONSTRUCTION CO., INC. AND ACCEPT FINAL PROJECT COMPLETION AND MAINTENANCE.

Mayor Lewis advised that he had a received a request that the item be tabled.

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

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

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

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JUNE 16, 2014.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$322,993.70.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:49 P.M.

Agenda Item Number 10 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 complimented the Parks and Recreation staff for the best Fourth of July fireworks celebration ever.

Councilman Hamm stated that he felt the discussion regarding Park Board appointments that was considered at the June 16, 2014 City Council meeting was uncomfortable for the applicants who were asked to speak. He suggested that the City Council draft a written policy to address how appointments to the various board and commissions are handled in the future. He felt there was an interest from the citizens to participate and would like those individuals to have the opportunity to serve. Councilman Hamm provided information to the City Manager that he obtained from local municipalities regarding how they make their appointments. He suggested that Mr. Eddy might make the information available to the other council members. Councilman Hamm advised that most of the other cities have limits on how many consecutive terms a board member can serve. He noted that one of the city's Park Board included a junior board member that serves a one year term versus a three year term. He felt including a high school student on the Parks Board could be very beneficial. Councilman Hamm added that some of the information on board and commissions that was included on the City's website was out of date. If the City Council believes that policies should be implemented then he requested that the City Manager bring some suggestions to either the July 21, 2014 or the August 4, 2014 meeting.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, discussed the following items:

- Expressed his appreciation to staff for the fantastic job they did putting together the July 4th festivities. He received many positive comments regarding the fireworks and the day without any significant problems or issues. There has been a continuing problem with citizens shooting off their own fireworks and the complaints that resulted from it.
- E-mailed additional updates to the City Council.
- Code enforcement activity in the storm area is looking very good.

Agenda Item Number 11 being:

EXECUTIVE SESSION

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIMS BY MICHAEL ATKINSON AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY SCOTT REED, ET AL. AGAINST THE CITY OF MOORE, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- C) CONVENE INTO EXECUTIVE SESSION

Councilman Blair moved to convene into executive session, second by Councilman Singer. Motion carried unanimously.

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

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

- D) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:30 p.m.

- E) ACTION.

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

Councilman Singer moved to direct staff to proceed as directed in executive session regarding pending claims by Michael Atkinson against the City of Moore, second by Councilman Blair. Motion carried unanimously.

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

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

Councilman Roberts moved to deny pending claim filed by Scott Reed, et al. against the City of Moore, and authorize legal counsel and staff to take action as necessary and appropriate in the interest of the City of Moore as authorized by 25 Okla. Stat. § 307(B)(4), second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 12 being:

ADJOURNMENT

Councilman Singer moved to adjourn the City Council meeting, second by Councilman Roberts. Motion carried unanimously.

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

The City Council, Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority meetings were adjourned at 7:32 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