

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MAY 2, 2022 – 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 2, 2022 at 6:30 p.m. with Vice-Mayor Louie Williams 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

Louie Williams
Councilman, Ward III

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

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Jerry Ihler; Animal Control Supervisor, John Fryrear; Assistant Community Development Director, Chad Denson; City Attorney, Randy Brink; Assistant City Attorney, Brian Miller; City Clerk, Vanessa Kemp; Director of Public Affairs, Deidre Ebrey; Finance Director, Betty Koehn; Fire Chief Greg Herbster; Human Resources Director, Christine Jolly; Parks & Recreation Director, Sue Wood; Police Chief, Todd Gibson; Captain Kyle Dudley; Sergeant Rebecca Miller; Public Works Director, Tony Mensah; and Veolia Water Project Manager, Robert Pistole.

Vice-Mayor Williams read a proclamation declaring May 6, 2022 as "Provider Appreciation Day" in the City of Moore. A second proclamation was then read declaring May 15-21, 2022 as "Police Week" in Moore. This proclamation was accepted by Sergeant Rebecca Miller with the Moore Police Department. Vice-Mayor Williams expressed appreciation for the City's police officers who diligently protect and serve the community.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 18, 2022.
- B) ACCEPT 1799.79 S.F. OF PERMANENT PUBLIC RIGHT OF WAY AND UTILITY EASEMENT FROM RICHARD MONTGOMERY LOCATED ADJACENT TO THE WEST SIDE OF HILLCREST DRIVE FROM CASS AVENUE SOUTH APPROXIMATELY 315 FT. FOR CONSTRUCTION AND MAINTENANCE OF A NEW WATERLINE AND SIDEWALK AS PART OF THE HILLCREST DRIVE WARD 2 RESIDENTIAL STREET IMPROVEMENTS.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2021-2022 IN THE AMOUNT OF \$4,018,233.56.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF A LIBRARY SERVICES, FACILITIES AND MAINTENANCE AGREEMENT WITH THE PIONEER LIBRARY SYSTEM FOR FISCAL YEAR 2022-2023.

Brooks Mitchell, City Manager, advised that the proposed agreement was a renewal for FY 22-23 and recommended approval of the item.

Councilman Blair moved to approve a Library Services, Facilities and Maintenance Agreement with the Pioneer Library System for Fiscal Year 2022-2023, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER RENEWAL OF A CONTRACT WITH PIVOT IN THE AMOUNT OF \$16,000 FOR OPERATION OF A COMMUNITY INTERVENTION CENTER TO RECEIVE AND HOLD JUVENILES WHO HAVE BEEN TAKEN INTO CUSTODY BY LAW ENFORCEMENT AGENCIES.

Chief Todd Gibson requested approval of a contract renewal with Pivot for operation of a Community Intervention Center to hold juveniles taken into custody by the police department. Chief Gibson indicated that PIVOT originally asked for a \$4,000 increase in the contract amount; however, Major Belling was able to negotiate that down to \$1,000. Chief Gibson recommended approval of the contract.

Councilman Blair moved to approve a contract with PIVOT in the amount of \$16,000 for operation of a Community Intervention Center to receive and hold juveniles who have been taken into custody by law enforcement agencies, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER AWARDED BID NO. 2022-009 "RECONSTRUCTION OF THE WARD 3 RESIDENTIAL STREET IMPROVEMENT PROJECTS" TO NASH CONSTRUCTION COMPANY IN THE AMOUNT OF \$1,551,384.97; AND AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT.

Jerry Ihler, Assistant City Manager, advised that the November 2021 General Obligation Bond election included residential street improvement projects for each ward. Mr. Ihler stated that bids were solicited for the following Ward 3 residential street improvement projects:

- W. Main Street from Markwell to Norman
- S. Classen Avenue from 4th Street north to between 2nd and 3rd Street
- SW 27th Street from East I-35 Service Road to end of cul-de-sac.

He advised that five bids were received of which one was considered nonresponsive. Three were under the engineer's estimate and one was over the engineer's estimate. Staff recommended awarding Bid No. 2022-009 to Nash Construction Company in the amount of \$1,551,384.97 as the low bid. He noted that this bid was 19% lower than the engineer's estimate.

Councilman Hamm moved to approve awarding Bid No. 2022-009 "Reconstruction of the Ward 3 Residential Street Improvement Projects" to Nash Construction Company in the amount of \$1,551,384.97; and authorize the Mayor to execute the contract, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ENTERING INTO A MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT WITH THE STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION FINANCING A NOT-TO-EXCEED, ACOG STBG-UZA TOTAL ESTIMATED COST OF \$793,818 FOR THE SIGNAL DETECTION AND OPTICOM SYSTEM 19TH STREET CORRIDOR IN MOORE, PROJECT NUMBER: J3-5803(004)AG AND STATE JOB NUMBER: 35803(04); AND AUTHORIZE THE MAYOR TO EXECUTE THE AGREEMENT.

Jerry Ihler, Assistant City Manager, stated that ACOG awarded the City funding through ODOT for the upgrade of the signalization at 19th Street from Santa Fe east to the Broadway/Tower Road intersection from a camera to radar detection. Mr. Ihler stated that the project would receive 100% funding up to a not-to-exceed amount of \$793,818. He noted that the City would be responsible for anything over that amount.

Councilman Blair moved to approve a Maintenance, Financing, and Right-of-Way Agreement with the State of Oklahoma Department of Transportation financing a not-to-exceed, ACOG STBG-UZA total estimated cost of \$793,818 for the Signal Detection and Opticom System 19th Street Corridor in Moore, Project Number: J3-5803(004)AG and State Job Number: 35803(04); and authorize the Mayor to execute the Agreement, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVING A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MESHEK & ASSOCIATES, LLC IN THE AMOUNT OF \$41,919.60 FOR DESIGN OF THE NORTH FORK LITTLE RIVER EROSION CONTROL PROJECT LOCATED AT BRYANT AVENUE AND SE 4TH STREET.

Jerry Ihler, Assistant City Manager, stated that the item was for engineering services with Meshek & Associates in the amount of \$41,919 for design of the North Fork Little River Erosion Control Project

located north of SE 4th and east side of Bryant Avenue. The agreement also included obtaining the required 404 permit from the Corp of Engineers.

Councilwoman McKenzie moved to approve a Professional Engineering Services Agreement with Meshek & Associates, LLC in the amount of \$41,919.60 for design of the North Fork Little River Erosion Control Project located at Bryant Avenue and SE 4th Street, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 8 being:

DISCUSS AND CONSIDER ORDINANCE NO. 1006(02) AMENDING PART 4, CHAPTER 4, ARTICLE A OF THE MOORE CITY CODE BY AMENDING SECTION 4-104 BY ADDING REQUIREMENTS AND LIMITATIONS FOR BACKYARD CHICKENS AND ESTABLISHING A SUNSET DATE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Chad Denson, Assistant Community Development Director, advised that staff was asked to research an ordinance prepared by the City of Oklahoma City allowing backyard chickens. Mr. Denson indicated that the research was expanded to include the cities of Norman, Edmond and Stillwater. Standards for each community were compared regarding items such as the placement and size of the chicken coop and the number of chickens allowed. Mr. Denson noted that John Fryrear, Animal Control Supervisor, brought up several issues that should be considered when allowing backyard chickens. Mr. Fryrear indicated that roosters should not be allowed due to noise concerns and because it would make it difficult to control the chicken population. He advised that there are no known rescue organizations to take possession of seized chickens/roosters and farmers might not want to take roosters due to diseases they may carry such as the recent outbreak of avian influenza. Mr. Fryrear added that other communities are issuing citations for a noise violation instead of seizing them since there are no rescue organizations to take them. Mr. Denson noted that some of these concerns have yet to be addressed by other cities.

Councilwoman McKenzie felt that these concerns should be addressed before passing the proposed ordinance.

Councilman Williams asked if there was a lot size requirement in the ordinance. Mr. Denson stated that under the proposed ordinance backyard chickens would be allowed in the RE, R-1, R-2, and R-3 zoning districts with lot sizes being anywhere from 6,000 square feet to two acres. In any case, chicken coops must be located 30 feet from an adjacent dwelling.

Vice-Mayor Williams asked if anyone present wished to speak on the item. Finding no one he asked for a motion. Councilman Blair and Councilwoman Hunt thanked Mr. Denson and Mr. Fryrear for their work on the ordinance.

Councilman Hamm moved to approve Ordinance No. 1006(02). Motion died due to the lack of a second.

Councilwoman McKenzie felt that the item should be tabled until the first meeting in July to allow staff an opportunity to further research how other communities are dealing with seized chickens and roosters. She felt a solution should be found prior to approving the ordinance.

Councilwoman McKenzie moved to table Ordinance No. 1006(02), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER DESIGNATING THE PURCHASE OF 36 FORD POLICE VEHICLES TOTALING \$2,185,800 AND ONE E-ONE TYPHOON 1250 GPM CUSTOM PUMPER FOR THE FIRE DEPARTMENT AT A COST OF \$709,200 UTILIZING SECOND ROUND "AMERICAN RESCUE PLAN ACT ("ARPA") FUNDS UPON RECEIPT.

Brooks Mitchell, City Manager, stated that the proposed purchase of 36 police vehicles and a fire pumper was previously discussed in the individual budget meetings. Mr. Mitchell proposed utilizing ARPA monies to fund the purchases estimated to cost approximately \$709,200. He noted that the vehicles would not be ordered until the second round of ARPA funds was received.

Councilman Hamm moved to approve designating the purchase of 36 Ford police vehicles totaling \$2,185,800 and one E-One Typhoon 1250 GPM Custom Pumper for the Fire Department at a cost of \$709,200 utilizing second round "American Rescue Plan Act ("ARPA") funds upon receipt, second by Councilwoman McKenzie. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:55 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 18, 2022.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2021-2022 IN THE AMOUNT OF \$1,006,804.71.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:56 P.M.

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 18, 2022.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2021-2022 IN THE AMOUNT OF \$908,884.38.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:57 P.M.

Agenda Item Number 12 being:

NEW BUSINESS:

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

Darrell Carnes, 207 NE 18th, stated that he was the owner of the Mary Jane Dispensary. Mr. Carnes requested that an item be placed on a future agenda to consider restructuring the medical marijuana business license fees in view of the passage of House Bill 2646 and the fact that a Certificate of Compliance was no longer required. Vice-Mayor Williams stated that the issue would need to be reviewed by City staff before an item was placed on the agenda.

- B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilwoman McKenzie stated that she received several calls regarding mowing crews performing cemetery maintenance while being respectful of individuals visiting the cemetery. She thanked staff for being receptive to citizen concerns.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, advised that he and Police Chief Gibson gave presentations to the Oklahoma Association of Chiefs of Police. Mr. Mitchell expressed appreciation to those that were in attendance.

Agenda Item Number 13 being:

ADJOURNMENT

Councilman Blair moved to adjourn the City Council meeting, second by Councilman Hamm. Motion carried unanimously.

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:04 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

MELISSA HUNT, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2022.

ATTEST:

VANESSA KEMP, City Clerk