

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JUNE 5, 2023 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on June 5, 2023 at 6:30 p.m. with MPWA Vice-Chairwoman Danielle McKenzie presiding.

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

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; City Attorney, Brian Miller; Assistant City Attorney, Rebecca Brown; City Clerk, Vanessa Kemp; Community Development Director, Elizabeth Weitman; Emergency Management Director, Gayland Kitch; Finance Director, John Parker; Fire Chief Greg Herbster; Human Resources Director, Christine Jolly; Information Technology Director, David Thompson; Parks and Recreation Director, Sue Wood; Police Chief, Todd Gibson; Police Major, Ted Belling; Police Sergeant Nathan Wells; Public Works Director, Tony Mensah; Supervisor for Animal Control, John Fryrear; and Veolia Water Project Manager, Robert Pistole.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MAY 15, 2023.
- B) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL BUDGET STUDY SESSION HELD MAY 15, 2023.
- C) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD JANUARY 10, 2023.
- D) APPROVE AN ADDENDUM TO THE AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE FUNDING FOR A NEW GRAPPLE TRUCK.
- E) APPROVE RENEWAL OF AN INTERLOCAL AGREEMENT FOR FY 23-24 WITH THE BOARD OF COUNTY COMMISSIONERS FOR CLEVELAND COUNTY FOR GRADING, DRAINAGE, AND HARD SURFACING OF CERTAIN STREETS WITHIN THE CITY.
- F) ACCEPT FOUR VARIABLE-WIDTH SANITARY SEWER EASEMENTS FROM TABER HOMES TO SERVE THE BROADMOORE HEIGHTS ADDITION, SECTION 2, LOCATED IN THE SE/4 OF SECTION 25, T10N, R3W.

- G) ACCEPT FOUR VARIABLE-WIDTH WATERLINE EASEMENTS FROM TABER HOMES TO SERVE THE BROADMOORE HEIGHTS ADDITION, SECTION 2, LOCATED IN THE SE/4 OF SECTION 25, T10N, R3W.
- H) ACCEPT TWO VARIABLE-WIDTH SANITARY SEWER AND DRAINAGE EASEMENTS FROM TABER HOMES TO SERVE THE BROADMOORE HEIGHTS ADDITION, SECTION 2, LOCATED IN THE SE/4 OF SECTION 25, T10N, R3W.
- I) ACCEPT THREE VARIABLE-WIDTH DRAINAGE EASEMENTS FROM TABER HOMES TO SERVE THE BROADMOORE HEIGHTS ADDITION, SECTION 2, LOCATED IN THE SE/4 OF SECTION 25, T10N, R3W.
- J) ACCEPT PUBLIC WATER AND SANITARY SEWER IMPROVEMENTS TO SERVE THE MOORE TO COME ADDITION, SECTION 1, BEING NORTH OF NW 24TH STREET AND WEST OF JANEWAY AVENUE. APPLICATION BY SEAN PATTON.
- K) DECLARE THE FOLLOWING ITEMS FROM THE PUBLIC WORKS AND PUBLIC UTILITIES DEPARTMENTS, MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", AS SURPLUS: KLEENTEC PARTS WASHER, TRUCK TOOL BOXES, JOHN DEERE MOWER, TORO MOWER, TWO BOB-CAT MOWERS, ONE 1991 FORD F-700, THREE 2002 FORD F-250S, AND ONE 2005 FORD F-250.
- L) APPROVE A MEMORANDUM AGREEMENT FOR FY 23-24 WITH THE OKLAHOMA WATER RESOURCES BOARD AND THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGING AND AUTHORIZE PAYMENT IN THE AMOUNT OF \$6,500.
- M) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$5,544,178.76.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF THE FY 2023-2024 ANNUAL BUDGET AND ADOPT RESOLUTION NO. 50(23).

Brooks Mitchell, City Manager, stated that the proposed FY 23-24 budget contained \$33,650,000 in budgeted sales tax and \$5,250,000 in budgeted use tax representing 93% and 92% respectively of the projected FY 23 total. Mr. Mitchell noted that following the public hearing an expenditure of \$52,500 was added to the budget for a Police Department satellite office to be located at NW 12th and Janeway. Mr. Mitchell indicated that he had not received any public comments or requests for funding since the Public Hearing and Budget Work Study Session and recommended approval of the item.

Councilman Williams moved to approve the FY 2023-2024 annual budget and adopt Resolution No. 50(23), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A CONTRACT WITH CRAWFORD & ASSOCIATES TO PREPARE THE CITY'S ANNUAL FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2023 AND TO PROVIDE THE FINANCE DEPARTMENT WITH FINANCIAL SERVICES ON SPECIAL PROJECTS ON AN AS-NEEDED BASIS.

John Parker, Finance Director, stated that the proposed engagement letter with Crawford & Associates is for preparation of the City's financial statements and assistance with special projects as needed. Mr. Parker advised that the City has contracted with Crawford & Associates for the past several years and recommended approval of the item.

Councilman Blair moved to approve a contract with Crawford & Associates to prepare the City's annual financial statements for fiscal year ended June 30, 2023 and to provide the Finance Department with financial services on special projects on an as-needed basis, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER THE FINAL PLAT FOR CARDINAL LANDING, SECTION 1, LOCATED IN THE NW/4 OF SECTION 30, T10N, R2W, BEING SOUTH OF SE 19TH STREET AND EAST OF BRYANT AVENUE. APPLICATION BY IH DEVELOPMENT, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 1.

Elizabeth Weitman, Community Development Director, stated that the subject site is located south of SE 19th Street and east of S. Bryant Avenue. It was zoned as R-1 as a Planned Unit Development in 2021 with a Preliminary Plat of 492 homes on 155 acres with a density of 3.16 living units per acre. The PUD approved large communal open spaces and recreational amenities, but with narrower lots and smaller building setbacks to maximize lot coverage requirements. Ms. Weitman advised that public water is available along S. Bryant and SE 19th Street with sewer available to the south and east of the site. Stormwater detention is required and will be provided in Common Area "B". FEMA floodplains/floodways are located along the southern boundary of the site. In order to meet the 2021 drainage criteria all lots must be set back to a minimum of 25' from the top of bank of the southern creek. Ms. Weitman advised that access will be provided from one entryway along S. Bryant Avenue.

The Envision Moore 2040 Plan designated the area as Open Space Residential. Ms. Weitman stated that because the first phase of the development conforms with the PUD and Preliminary Plat and is in compliance with the comprehensive plan staff recommended approval of the application.

Councilman Williams requested that staff provide densities without the common areas going forward since he felt this would be a more accurate representation of the final lot size. However, he noted that he did not want to deviate from the comprehensive plan and how compliance is determined. Ms. Weitman stated that the requested information would be provided in the future.

Councilman Williams moved to approve the Final Plat for Cardinal Landing, Section 1, located in the NW/4 of Section 30, T10N, R2W, being south of SE 19th Street and east of Bryant Avenue, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER REZONING APPLICATION NO. RZ-1031, LOCATED IN THE SW/4 OF SECTION 27, T10N, R3W, BEING NORTH OF SW 34TH STREET AND EAST OF SANTA FE AVENUE, FROM C-3 GENERAL COMMERCIAL DISTRICT TO C-3/PU GENERAL COMMERCIAL DISTRICT WITH A PERMISSIVE USE FOR PERSONAL STORAGE; AND APPROVE ORDINANCE NO. 16(23). APPLICATION BY TWD PROPERTIES, LLC/DAVID BOX. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 3.

Elizabeth Weitman, Community Development Director, stated that the vacant subject property located north of SW 34th Street and east of Santa Fe Avenue was zoned C-3 General Commercial District in 2002. Ms. Weitman advised that the applicant proposed developing the site with retail uses along the frontage roads of Santa Fe Avenue and SW 34th Street with a mini-storage facility in the interior of the lot abutting the Bluestem Ridge Addition. She noted that a rezoning is necessary for the mini-storage use from C-3 General Commercial District to C-3/PU General Commercial District with a Permissive Use for Personal Storage. Public water and sewer would be extended from S. Santa Fe Avenue to serve the site. Stormwater detention is provided from the Oak Ridge Crossing North Addition, including this site, by an existing detention pond located north of the subject site. Access is proposed through a shared drive that will access other retail buildings on the site. Ms. Weitman stated that an access and maintenance agreement will be required for the shared drive.

The Envision Moore 2040 Plan designated the area as Neighborhood Commercial. Ms. Weitman advised that the plan was reviewed and found to be in conformance with the intent of the plan. If the City Council agrees that the subject site is not conducive to a traditional retail development, and the land area dedicated to the mini-storage use is sufficiently limited to preserve the integrity of the remaining commercial sites in the Oak Ridge Crossing North Addition, staff would recommend approval of the application. She noted that staff received one letter of protest from a property owner in the Oak Ridge Addition.

Councilman Williams asked if the mini-storage would be visible from Santa Fe or SW 34th. Ms. Weitman indicated that the mini-storage would be located behind the individual retail spaces. Councilman Blair expressed concern that the mini-storage would be located directly behind residential homes. Ms. Weitman advised that the layout included some green space located next to the Blue Stem Ridge Addition. During plan review staff would be looking at vegetation buffers such as evergreens. The units are also set back from the property line with a drive.

Kaitlyn Turner, attorney at law, 522 Colcord Drive, appeared on behalf of the applicant. Ms. Turner stated that they will have hours of operation and the lighting dimmed and shielded from residential uses. The development would also create less traffic than other uses. Applicant Jay Johnston added that there would be sight proof fencing and landscaping to act as a buffer. Councilman Blair asked what he meant by dimmed lighting. Mr. Johnston stated that the lighting would be installed on the fencing and directed away from the homes. Vice-Chairwoman McKenzie confirmed that the applicant was purchasing Lots 2A and 3A. The hours of operation and entry points to the storage units were also discussed.

Councilman Blair expressed his intention to vote no on the item. He felt it would be beneficial to all involved if the item were tabled to the June 19, 2023 City Council Meeting. Some of the Council commented that they had concerns with the close proximity of the storage units to the residential homes and the fact that it was so close to a school. Ms. Turner indicated that she would provide traffic studies

that reflect the low traffic impact to the area and a rendering of the sight proof fencing prior to the next meeting.

Councilman Blair moved to table Agenda Item No. 6 to the June 19, 2023 City Council Meeting, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF TWO LOT SPLITS LOCATED IN THE OAK RIDGE CROSSING NORTH ADDITION, BEING NORTH OF SW 34TH STREET AND EAST OF S. SANTA FE AVENUE. APPLICATION BY TWD OKLAHOMA PROPERTIES, LLC/TOM TURNER.

Elizabeth Weitman, Community Development Director, advised that the item was a companion item to Agenda Item No. 6.

Councilman Blair moved to table Agenda Item No. 7 to the June 19, 2023 City Council Meeting, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER REZONING APPLICATION NO. RZ-1030, LOCATED IN THE SE/4 OF SECTION 11, T10N, R3W, BEING NORTH OF NE 12TH STREET AND WEST OF FLICKER RIDGE ROAD, FROM C-1 OFFICE DISTRICT TO R-1/PUD SINGLE-FAMILY DWELLING DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 15(23). APPLICATION BY MONGOLD PROPERTIES, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 2.

Elizabeth Weitman, Community Development Director, advised that the undeveloped C-1 site is located north of NE 12th Street and west of Flicker Ridge Road. The application is for development of a single-family neighborhood consisting of 13 lots on 2.6 acres resulting in a density of approximately 5 units per acre. The applicant proposes a reduced minimum lot size of 5,000 sf versus the 6,000 sf required by City Code in addition to a 20' versus a 25' building line in the proposed cul-de-sac only. Ms. Weitman stated that in order to accommodate these site standard variances a Planned Unit Development zoning is required. Water and sewer are available to serve the site. Stormwater detention for the development is required. There are no FEMA floodplains/floodways located on the site. She advised that access will be provided by Flicker Ridge Road, a collector road feeding into NE 12th Street. Ms. Weitman indicated that 2 of the 13 lots will have direct access to Flicker Ridge Road with the remaining lots accessing a proposed cul-de-sac street.

The applicant is utilizing a PUD with the following amenities:

- Approximately 6,300 sf of common area, excluding the detention pond.
- Increased landscaping of 15 trees with 3" caliper in the common areas.
- Automatic irrigation system for all required landscaping.
- Residential exterior aesthetics with minimum of 60% brick, rock or stone.

Ms. Weitman advised that the site was the subject of an unsuccessful Rezoning Application No. 937 in 2016 for nine duplexes which resulted in a density of approximately seven units per acre. The application was denied based on incompatible densities with the existing neighborhood. Since that time the property has been for sale for commercial use but has had no interest. The current applicant purchased the property for single-family residential development that would be similar in nature to the surrounding neighborhood.

The Envision Moore 2040 Plan designated the area as Community Commercial. The applicant was reviewed as to its conformance with the intent of the Plan. Due to the compatibility of the proposed single-family development with the surrounding neighborhood staff recommended approval of the item. Ms. Weitman advised that there were some residents of the Fox Fire Addition who attended the Planning Commission Meeting but did not speak in protest. She stated that the developer met with them outside and it appears that their questions have been answered.

Councilman Williams moved to approve Rezoning Application No. RZ-1030, located in the SE/4 of Section 11, T10N, R3W, being north of NE 12th Street and west of Flicker Ridge Road, from C-1 Office District to R-1/PUD Single-Family Dwelling District/Planned Unit Development; and approve Ordinance No. 15(23), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER THE PRELIMINARY PLAT OF FLICKER RIDGE, LOCATED IN THE SE/4 OF SECTION 11, T10N, R3W, BEING NORTH OF NE 12TH STREET AND WEST OF FLICKER RIDGE ROAD. APPLICATION BY MONGOLD PROPERTIES, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0. WARD 2.

Elizabeth Weitman, Community Development Director, advised that the item was a companion to Agenda Item No. 8.

Councilman Williams moved to approve the Preliminary Plat of Flicker Ridge, located in the SE/4 of Section 11, T10N, R3W, being north of NE 12th Street and west of Flicker Ridge Road, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER REZONING APPLICATION NO. RZ-1032, LOCATED IN THE SW/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND EAST OF EAGLE DRIVE, FROM A-2/R-2 SUBURBAN AGRICULTURAL DISTRICT/TWO FAMILY DWELLING DISTRICT TO R-2/PUD TWO FAMILY DWELLING DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 17(23). APPLICATION BY OMNI CONSTRUCTION, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 3.

Elizabeth Weitman, Community Development Director, advised that Agenda Items No. 10 and 11 are companion items. Ms. Weitman stated that the undeveloped subject site located north of SW 19th and east of Eagle Drive is zoned A-2 Suburban Agricultural District and R-2 Two-Family Dwelling District. The applicant proposes a duplex development consisting of 10 lots and 20 living units on three acres resulting in a density of approximately 7 dwelling units per acre. The applicant proposed a reduced lot width of 60' versus the 75' and a maximum lot coverage of 50% versus 40% required by Code. In order to accommodate the sit standard variances a Planned Unit Development ("PUD") is required.

Ms. Weitman stated that public water and sewer are available to serve the site. Stormwater detention is required and no FEMA floodplains/floodways are located on the property. Access is provided by Eagle Drive, a collector street connecting to SW 19th Street at a signal light.

She advised that the applicant is utilizing a Planned Unit Development with the following amenities:

- Around 9,800 sf of common area excluding the detention pond.
- A total of 35 trees provided for the common areas.
- Around 200 sf pavilion with an 8-foot ADA picnic table and 6-foot bench.
- Automatic irrigation system for all required landscaping.
- Residential exterior aesthetics with minimum of 70% brick, rock or stone.

The Envision Moore 2040 Plan designated the area as Urban Residential. The application was reviewed and was found to be in conformance with the intent of the Plan. Because the development proposal has amenities and similar densities found in surrounding neighborhoods staff recommended approval of the items. Ms. Weitman advised that no one spoke in opposition to the item at the Planning Commission meeting.

Councilman Blair moved to approve Rezoning Application No. RZ-1032, located in the SW/4 of Section 22, T10N, R3W, being north of SW 19th Street and east of Eagle Drive, from A-2/R-2 Suburban Agricultural District/Two Family Dwelling District to R-2/PUD Two Family Dwelling District/Planned Unit Development; and approve Ordinance No. 17(23), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER THE PRELIMINARY PLAT OF EAGLE LANE DUPLEXES, LOCATED IN THE SW/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND EAST OF EAGLE DRIVE. APPLICATION BY OMNI CONSTRUCTION, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 3.

Council Blair moved to approve the Preliminary Plat of Eagle Lane Duplexes, located in the SW/4 of Section 22, T10N, R3W, being north of SW 19th Street and east of Eagle Drive, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER APPROVAL OF A REVOCABLE PERMIT AND HOLD HARMLESS AGREEMENT FOR THE CONSTRUCTION OF A MASONRY FENCE WITHIN THE S. BROADWAY RIGHT-OF-WAY ADJACENT TO THE MAHOGANY HILLS ADDITION, SECTION 1, LOCATED NORTH OF S. BRYANT AVENUE AND WEST OF S. BROADWAY.

Elizabeth Weitman, Community Development Director, advised that staff received a request for construction of a fence with brick columns which would encroach two feet within the City's right-of-way adjacent to the Mahogany Hills Addition. Mr. Weitman stated that the utility easement adjacent to the right-of-way has an Oklahoma Gas Gathering pipeline located within the easement with a required setback. The applicant proposed erecting the fencing within the right-of-way which places the fence close to the City's 12" waterline. Ms. Weitman indicated that Robert Pistole, Project Manager with Veolia, does not have an objection to the encroachment contingent upon approval of the Revocable Permit and Hold Harmless Agreement. She stated that the agreement gives the City the right to require removal of the fence for any reason and also acts as a Hold Harmless Agreement. In the event a problem occurs with the 12" waterline the City cannot be held liable for any damages to the fence.

Councilman Williams moved to approve a Revocable Permit and Hold Harmless Agreement for the construction of a masonry fence within the S. Broadway right-of-way adjacent to the Mahogany Hills Addition, Section 1, located north of S. Bryant Avenue and west of S. Broadway, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER APPROVAL OF ORDINANCE NO. 1030(23) AMENDING SECTION 7-202 OF PART 7, CHAPTER 2, OF THE MOORE MUNICIPAL CODE BY REMOVING ALL AMERICAN WASTE FROM LIST OF VENDORS AND ADDING REPUBLIC SERVICES AS EXAMPLES OF VENDORS CITY MANAGER (DESIGNEE) IS AUTHORIZED TO APPROVE PAYMENT OF INVOICE; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Brian Miller, City Attorney, stated that during review of the City Code staff noticed that a list of vendors for which the City Manager is authorized to approve payment included All American Waste who is no longer a vendor and has been replaced by Republic Services. Ordinance No. 1030(23) would amend the list by removing All American Waste and adding Republic Services.

Councilman Williams moved to approve Ordinance No. 1030(23) amending Section 7-202 of Part 7, Chapter 2, of the Moore Municipal Code by removing All American Waste from list of vendors and adding Republic Services as examples of vendors City Manager (designee) is authorized to approve payment of invoice; providing for a repealer; and providing for severability, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF ORDINANCE NO. 1024(23) AMENDING PART 7, CHAPTER 2, SECTION 7-207 AND SECTION 7-208 OF THE MOORE MUNICIPAL CODE BY AMENDING THE MINIMUM VALUE PROPERTY MUST BE DECLARED SURPLUS BY CITY COUNCIL BEFORE BEING SOLD AND AMENDING THE MINIMUM VALUE OF DISPOSING OF SURPLUS PROPERTY WITHOUT THE NEED FOR COMPETITIVE BIDDING FROM \$500 TO \$1,000; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Brian Miller, City Attorney, stated Ordinance No. 1024(23) would amend the City Code by waiving competitive bidding for surplus or obsolete items with a value less than \$1,000. Mr. Miller surveyed surrounding cities and found that they also have a \$1,000 threshold on bidding requirements for disposal of surplus items.

Councilman Williams moved to approve Ordinance No. 1024(23) amending Part 7, Chapter 2, Section 7-207 and Section 7-208 of the Moore Municipal Code by amending the minimum value property must be declared surplus by City Council before being sold and amending the minimum value of disposing of surplus property without the need for competitive bidding from \$500 to \$1,000; providing for a repealer; and providing for severability, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER APPROVAL OF ORDINANCE NO. 1025(23) AMENDING PART 7, CHAPTER 5, SECTION 7-505 OF THE MOORE MUNICIPAL CODE BY AMENDING THE PROCEDURE FOR HOTELS AND MOTELS CLAIMING TAX EXEMPTION; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Brian Miller, City Attorney, advised that the proposed update to the City Code would amend the procedure for hotels/motels claiming tax exemption to reflect the current policy. Ms. Miller indicated that he used the language from the City of Oklahoma City's ordinance since it mirrors the process currently being utilized.

Councilman Blair moved to approve Ordinance No. 1025(23) amending Part 7, Chapter 5, Section 7-505 of the Moore Municipal Code by amending the procedure for hotels and motels claiming tax exemption; providing for a repealer; and providing for severability, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 16 being:

CONSIDER APPROVAL OF ORDINANCE NO. 1028(23) AMENDING PART 10, CHAPTER 4 OFFENSES AGAINST PUBLIC PEACE, OF THE MOORE MUNICIPAL CODE BY ADDING SECTION 10-407 "LAWFUL OPERATION OF UNMANNED AIRCRAFT SYSTEMS"; PROVIDING FOR PUNISHMENT FOR VIOLATIONS; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Brian Miller, City Attorney, stated that Ordinance No. 1028(23) amends the City Code by adding a new section to Chapter 4 relating to unmanned aircrafts or drones. Mr. Miller advised that the ordinance was requested by Major Belling and his guidance and expertise was utilized during the drafting of the ordinance. Mr. Miller stated that the proposed ordinance provides rules for operation for drones of different sizes, rules of conduct for the pilot, and prohibits interference with a pilot operating a drone. He indicated that Major Belling was in attendance at the meeting to answer any technical questions.

Councilman Williams asked if licensing was required for operation of a drone. Major Belling advised that if the drone is .55 pounds or more and is being flown for anything other than recreational purposes a Part 107 Pilot Certificate was required.

Councilwoman McKenzie noted that the law is changing rapidly on the subject. Mr. Miller indicated that staff would be monitoring the situation in an effort to be current with updated laws or policies.

Citizens to Speak:

Barry Williams, 1061 NW 6th Street, signed up to speak on the item. However, he indicated that he had reviewed the proposed ordinance and did not have any questions or concerns with it.

Councilman Hamm moved to approve Ordinance No. 1028(23) amending Part 10, Chapter 4 Offenses Against Public Peace, of the Moore Municipal Code by adding Section 10-407 "Lawful Operation of Unmanned Aircraft Systems"; providing for punishment for violations; providing for a repealer; and providing for severability, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 17 being:

CONSIDER APPROVAL OF ORDINANCE NO. 1026(23) AMENDING PART 15, CHAPTER 5, SECTION 15-514 OF THE MOORE MUNICIPAL CODE BY AMENDING THE MAXIMUM FINE FOR RECKLESS DRIVING FROM \$200 TO \$500; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Rebecca Brown, Assistant City Attorney, stated that as part of the review of the City Code it was discovered that the maximum fine for Reckless Driving was \$200 while the fine for less serious traffic offenses was \$500. Ordinance No. 1026(20) would increase the maximum fine for Reckless Driving to \$500 to more accurately reflect the severity of the offense.

Councilman Williams confirmed with Ms. Brown that the fine was in line with local communities.

Councilman Williams moved to approve Ordinance No. 1026(23) amending Part 15, Chapter 5, Section 15-514 of the Moore Municipal Code by amending the maximum fine for Reckless Driving from \$200 to \$500; providing for a repealer; and providing for severability, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 18 being:

CONSIDER APPROVAL OF ORDINANCE NO. 1029(23) AMENDING PART 10, CHAPTER 5, SECTION 10-502 OF THE MOORE MUNICIPAL CODE BY AMENDING SECTION 10-502 BY ADDING THE UNLAWFUL POSSESSION OF OTHER CONTROLLED DANGEROUS SUBSTANCES, IN ADDITION TO MARIJUANA; PROVIDING FOR PENALTIES; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Rebecca Brown, Assistant City Attorney, stated that state law was recently changed to allow simple possession of controlled dangerous substances, other than marijuana, to be prosecuted as misdemeanors. Upon approval Ordinance No. 1029(23) would allow these types of crimes to be prosecuted in the City of Moore's Municipal Court.

Councilman Williams moved to approve Ordinance No. 1029(23) amending Part 10, Chapter 5, Section 10-502 of the Moore Municipal Code by amending Section 10-502 by adding the unlawful possession of other controlled dangerous substances, in addition to Marijuana; providing for penalties; providing for a repealer; and providing for severability, second by Councilman Blair. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:19 P.M.

Agenda Item Number 19 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MAY 15, 2023.
- B) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL BUDGET STUDY SESSION HELD MAY 15, 2023.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$1,280,390.85. PAGE 220

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

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

Agenda Item Number 20 being:

CONSIDER APPROVAL OF THE FY 2023-2024 ANNUAL BUDGET AND ADOPT RESOLUTION NO. 264(23).

Trustee Blair to approve the FY 2023-2024 annual budget and adopt Resolution No. 264(23), second by Trustee Williams. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:20 P.M.

Agenda Item Number 21 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MAY 15, 2023.
- B) RECEIVE AND APPROVE THE MINUTES OF THE SPECIAL BUDGET STUDY SESSION HELD MAY 15, 2023.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$373,820.48.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:21 P.M.

Agenda Item Number 22 being:

NEW BUSINESS:

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

Patrice Williams, 1061 NW 6th Street, stated that after watching the video of the previous City Council meeting she felt she came across as being very defensive and wished to apologize. Ms. Williams commented that at that time she had been accused of starting rumors and did not feel she was given the opportunity to address the issue. Vice-Chairwoman McKenzie apologized on behalf of the City Council. She stated that emotions were running high that night and that she would relay Ms. Williams' comments to the other council members who were not present at the meeting.

Al Jones, 3308 SE 89th Street, Oklahoma City, Oklahoma commented that he had previously appeared before the City Council to discuss his belief that the police department had disrespected his family and did not feel that anything was being done about it.

Linda Espinosa-Ross, 705 Penn Lane, asked questions regarding how to obtain information contained in the City Council's agenda packet. Brooks Mitchell, City Manager, invited Ms. Espinosa-Ross to contact the City Manager's office to obtain a copy of the agenda or any backup information that she would like to see. Councilman Hamm added that Ms. Espinosa-Ross is also welcome to contact the council members for her ward by phone or email if she has questions or concerns regarding an item. Ms. Espinosa-Ross also asked for the complaint process individuals should utilize when they have an issue with the Police Department.

Councilman Williams stated that the protocol would be for the individual to address their concerns with the employee's supervisor or department head. If the issue can't be resolved it would then go to the City Manager who would evaluate the situation. Vice-Chairwoman McKenzie stated that the City Manager has oversight over the employees. The City Council has oversight over the City Manager.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Vice-Chairwoman McKenzie complimented The Station for their efforts regarding the holding of special events during inclement weather.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, advised that he had attended the ODOT public meeting held June 1, 2023 regarding removal of Highway 37 from their network and giving it to the City. He indicated that the recommendation to the Transportation Commissioners is that when the 4th Street Underpass is completed the portion of SH 37 that runs through the City limits will be deeded to the City of Moore.

Agenda Item Number 23 being:

EXECUTIVE SESSION:

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CASE NO. CJ-2023-467 FILED IN CLEVELAND COUNTY DISTRICT COURT BY ABEL LAW FIRM ON BEHALF OF JAMES THOMPSON 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 CASE NO. CJ-2023-361 FILED IN CLEVELAND COUNTY DISTRICT COURT BY GRIFFIN REYNOLDS AND ASSOCIATES ON BEHALF OF KIMBERLY GILLELAND 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) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CASE NO. CJ-2023-580 FILED IN CLEVELAND COUNTY DISTRICT COURT BY WINTERS AND KING, INC. ON BEHALF OF COP HOMETOWN SERVICE, INC., FORMERLY AIRCO SERVICES, INC. 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).
- D) DISCUSS AND CONSIDER TAKING ACTION CONCERNING THE CITY MANAGER'S EVALUATION AND EMPLOYMENT BENEFITS, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).
- E) CONVENE INTO EXECUTIVE SESSION

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

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

The City Council convened into executive session.

F) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:39 p.m.

G) ACTION

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CASE NO. CJ-2023-467 FILED IN CLEVELAND COUNTY DISTRICT COURT BY ABEL LAW FIRM ON BEHALF OF JAMES THOMPSON 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 Blair moved to authorize staff to proceed as directed in executive session regarding pending Case No. CJ-2023-467 filed in Cleveland County District Court by Abel Law Firm on behalf of James Thompson against the City of Moore, second by Councilman Williams. Motion carried unanimously.

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

- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CASE NO. CJ-2023-361 FILED IN CLEVELAND COUNTY DISTRICT COURT BY GRIFFIN REYNOLDS AND ASSOCIATES ON BEHALF OF KIMBERLY GILLELAND 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 Blair moved to authorize staff to proceed as directed in executive session regarding pending Case No. CJ-2023-361 filed in Cleveland County District Court by Griffin Reynolds and Associates on behalf of Kimberly Gilleland against the City of Moore, second by Councilman Williams. Motion carried unanimously.

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

- C) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CASE NO. CJ-2023-580 FILED IN CLEVELAND COUNTY DISTRICT COURT BY WINTERS AND KING, INC. ON BEHALF OF COP HOMETOWN SERVICE, INC., FORMERLY AIRCO SERVICES, INC. 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 Blair moved to authorize staff to proceed as directed in executive session regarding pending Case No. CJ-2023-580 filed in Cleveland County District Court by Winters and King, Inc. on behalf of COP Hometown Service, Inc., formerly Airco Services, Inc. against the City of Moore, second by Councilman Williams. Motion carried unanimously.

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

- D) DISCUSS AND CONSIDER TAKING ACTION CONCERNING THE CITY MANAGER'S EVALUATION AND EMPLOYMENT BENEFITS, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).

Councilman Blair moved to proceed as directed in executive session concerning the City Manager's evaluation and employment benefits, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 24 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 8:24 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

MELISSA HUNT, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2023.

ATTEST:

VANESSA KEMP, City Clerk