

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JANUARY 3, 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 January 3, 2023 at 6:30 p.m. with Mayor Glenn Lewis presiding.

Adam Webb
Councilman, Ward I

Danielle McKenzie
Councilwoman, Ward I

Melissa Hunt
Councilwoman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Louie Williams
Councilman, Ward III

PRESENT: McKenzie, Blair, Hunt, Williams, Webb, Hamm, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Jerry Ihler; Animal Shelter Supervisor, John Fryrear; City Attorney, Brian Miller; 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; Manager of Information Technology, David Thompson; Parks and Recreation Director, Sue Wood; Police Chief, Todd Gibson; Sergeant Becky Miller; PC/IT Technician, Zane Gruver; Public Affairs Director, Deidre Ebrey; Public Works Director, Tony Mensah; 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 DECEMBER 19, 2022.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD OCTOBER 11, 2022.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$5,656,873.94.

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

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

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-1029, LOCATED IN THE NE/4 OF SECTION 15, T10N, R3W, BEING NORTH OF NW 5TH STREET AND WEST OF THE I-35 SERVICE ROAD AKA 601 NW 5TH STREET, FROM C-4 PLANNED SHOPPING CENTER DISTRICT TO C-4/PU PLANNED SHOPPING CENTER DISTRICT WITH A PERMISSIVE USE FOR GASOLINE SALES; LIGHT; AND APPROVE ORDINANCE NO. 14(23). APPLICATION BY KGS KS1, LLC/CHANDANA PERERA. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 3.

Elizabeth Weitman, Community Development Director, advised that the subject site was located north of NW 5th Street and west of I-35 at 601 NW 5th Street. Ms. Weitman stated that the C-4 property was originally developed with a gas station and convenience store which has been vacant for several years now. She advised that in 2021 the Moore City Council approved updates to the Moore Zoning District that placed all automotive uses as a use on review in most commercial zoning districts, including the C-4 zoning district. In order to comply with the new zoning ordinance the property must be rezoned from C-4 to C-4 with a Permissive Use. Ms. Weitman advised that the Envision Moore 2040 Plan designated the area as Regional Center. She stated after review of the application staff recommended approval of the application.

Councilman Blair moved to approve Rezoning Application No. RZ-1029, located in the NE/4 of Section 15, T10N, R3W, being north of NW 5th Street and west of the I-35 Service Road aka 601 NW 5th Street, from C-4 Planned Shopping Center District to C-4/PU Planned Shopping Center District with a Permissive Use for Gasoline Sales; Light; and approve Ordinance No. 14(23), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A SCOPE OF WORK AGREEMENT WITH LAUD STUDIO, LLC IN THE AMOUNT OF \$17,195 FOR THE BUDGETED DEVELOPMENT OF THE PHILLIPS 66 PARK TO BE LOCATED AT SE 12TH AND WHISPERING OAKS ROAD.

Sue Wood, Parks and Recreation Director, advised that the proposed Scope of Work agreement was to obtain a civil survey, provide guidance on legal restrictions of the property, and outline steps required to create a guiding plan for the 11.5 acre park. Ms. Wood stated that after completion of a guiding plan, and an established budget and scope of work had been agreed upon, LAUD Studio would present a separate proposal for construction documents, bidding, and construction observation.

Councilwoman Hunt moved to approve a Scope of Work agreement with LAUD Studio, LLC in the amount of \$17,195 for the budgeted development of the Phillips 66 Park to be located at SE 12th and Whispering Oaks Road, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A CONTRACTUAL AGREEMENT FOR THE CITY TO PROVIDE DISPATCH SERVICES FOR EMERGENCY MEDICAL CALLS FOR THE NORMAN REGIONAL HOSPITAL AUTHORITY D/B/A EMSSTAT.

Chief Todd Gibson advised that proposed contract renewal with Norman Regional Hospital Authority was for the City of Moore to provide dispatching services for their ambulance service, EMSSAT, within the City limits of Moore. Chief Gibson noted that the agreement contained a fee increase due to a rise in the number of calls for service.

Councilman Webb moved to approve a contractual agreement for the City to provide dispatch services for emergency medical calls for the Norman Regional Hospital Authority d/b/a EMSSTAT, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER A BUDGET AMENDMENT TO BUDGET ADDITIONAL SALES TAX AND INCREASE THE FLEET MAINTENANCE BUDGET.

Brooks Mitchell, City Manager, advised that the proposed budget amendment was to budget for equipment needed for the new Fleet Maintenance facility and to account for additional sales tax already collected.

Councilwoman McKenzie moved to approve a budget amendment to budget additional sales tax and increase the Fleet Maintenance budget, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER A BUDGET AMENDMENT TO BUDGET COURT SETTLEMENTS RELATED TO THE 4TH STREET UNDERPASS PROJECT.

Brooks Mitchell, City Manager, advised that the budget amendment was to account for court settlements related to the 4th Street Underpass Project that were to be paid out of bond proceeds. Mr. Mitchell indicated that the settlements were not included in the budget since the settlement amounts were unknown at that time.

Councilwoman McKenzie asked how many more court settlements were pending. Mr. Mitchell estimated three.

Councilwoman McKenzie moved to approve a budget amendment to budget court settlements related to the 4th Street Underpass project, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER AUTHORIZING STAFF TO RETURN 34 RUGGED LAPTOP COMPUTERS FOR MARKED PATROL VEHICLES PREVIOUSLY PURCHASED OFF STATE CONTRACT NO. SW1020D FROM DELL TECHNOLOGIES IN THE AMOUNT OF \$75,867.26, AND PURCHASE 34 RUGGED LAPTOP COMPUTERS WITH GPS OFF STATE CONTRACT NO. SW1020D FROM DELL TECHNOLOGIES IN THE AMOUNT OF \$78,448.88 FOR A PRICE DIFFERENCE OF \$2,581.62.

David Thompson, Manager of Information Technology, advised that the 34 new laptop computers recently purchased for Police patrol vehicles did not have GPS. Staff was unable to purchase GPS and install it on the laptops; therefore, staff would request authorization to return the 34 laptops for a full refund and order 34 new laptops which contain the necessary GPS for an additional \$2,581.62.

Councilman Williams moved to authorize staff to return 34 rugged laptop computers for marked patrol vehicles previously purchased off State Contract No. SW1020D from Dell Technologies in the amount of \$75,867.26, and purchase 34 rugged laptop computers with GPS off State Contract No. SW1020D from Dell Technologies in the amount of \$78,448.88 for a price difference of \$2,581.62, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVING CHANGE ORDER'S 1 THROUGH 5 WITH ALLEN CONTRACTING IN THE TOTAL ESTIMATED AMOUNT OF \$53,884 FOR CHANNEL EROSION CONTROL, TRAFFIC BOUND SURFACE COURSE ROCK FOR TEMPORARY PUBLIC ACCESS DURING REMOVAL AND REPLACEMENT OF DRIVEWAYS AND STREETS, ADJUSTMENT OF MANHOLES AND METER BOXES TO GRADE AND REQUIREMENT OF A SPECIAL INLET STRUCTURE FOR THE EASTERN AVENUE REHABILITATION PROJECT.

Jerry Ihler, Assistant City Manager, advised that the five change orders with Allen Contracting in the total amount of \$53,884 were necessary to provide temporary public access during removal and replacement of driveways and streets, adjust manholes and meter boxes to grade, and to provide a special inlet structure for the Eastern Avenue Rehabilitation Project. Mr. Ihler stated that prices were obtained by utilizing ODOT bids obtained over the last month. He noted that the amount of the change orders are less than 1% of the overall project cost.

Councilwoman McKenzie moved to approve Change Orders No. 1-5 with Allen Contracting in the total estimated amount of \$53,884 for channel erosion control, Traffic Bound Surface Course Rock for temporary public access during removal and replacement of driveways and streets, adjustment of manholes and meter boxes to grade and requirement of a special inlet structure for the Eastern Avenue Rehabilitation Project, second by Councilman Webb. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND A PUBLIC HEARING WAS CONVENED AT 6:43 P.M.

Agenda Item Number 10 being:

RECEIVE PUBLIC INPUT REGARDING PROPOSED CURBSIDE RECYCLING PROGRAM.

Brooks Mitchell, City Manager, stated that Republic Services appeared before Council on December 5, 2022 to discuss a proposed curbside recycling program for Moore residents. The proposal included a cost of \$4.30 per cart, per household, per month that would be on a mandatory pay and voluntary participation basis. Mr. Mitchell advised that if the program were enacted services at the recycling center would be reduced to accepting cardboard only. Savings from this would be passed on to the residents by reducing the monthly fee from \$4.30 to \$3.90. Mr. Mitchell added that senior citizens eligible for the Senior Citizen Utility Discount would receive the discounted rate of \$1.95 per month. Curbside recycling would be picked up on the resident's normal trash collection day every other week. He added that the item was placed on this agenda to received public input regarding a proposed recycling program.

Citizens Who Spoke in Support of Curbside Recycling:

Leanne Fellows, 1605 January Place, stated that a curbside recycling program would be much more convenient for her family and the monthly fee would be less than what they would pay for a second polycart. Ms. Fellows discussed the benefits of recycling and requested that if a curbside recycling program was implemented that the City provide educational information on the proper way to recycle through the City's webpage and monthly newsletter.

Mr. Poyser, 4217 Farm Road, indicated that he and his wife moved to Moore in May. Mr. Poyser advised that where he lived previously he had a polycart for household trash, a polycart for grass clippings, and a polycart for recycling which cost \$65 for a two-month period or \$58 with a senior citizen discount. The City currently charges \$11.50 for the first polycart and \$7.00 for the second polycart for a total of \$18.50 a month or \$37 for two months. Mr. Poyser believed that adding an additional \$3 to \$4 a month for curbside recycling was very reasonable compared to what he was paying.

Jim Morris, 2724 SE 38th, stated there would be a cost for trash disposal regardless of the method. The landfill continues to get higher and as water percolates through the mountain of trash it creates a variety of problems including the risk of collapse. Mr. Morris felt that something must be done and he was in favor of recycling.

Alana Childers, 1404 SE 15th, stated that she moved to Moore in 2010 from Dallas, Texas where they have a recycling program. With the pandemic there was a major increase in Amazon orders which created cardboard boxes that takes up too much room in their polycart and, with three children, it was difficult to take the items to the recycle center. Ms. Childers felt curbside recycling which be much more convenient for them and would also be an enticement for younger couples to move here. She didn't feel that \$3 was very much at all.

Angela Rosellini, 122 Brookside, advised that she was an army veteran living off disability, a mother, and a graduate student at the University of Oklahoma studying environmental sustainability. Ms. Rosellini stated that she cared deeply about the state of the country and what that looks like for future generations. She believed that recycling was a necessity and wasn't something that could be put off forever. She stated that with the economy changing we must continue to pay for raw material extraction and the transport of those materials. In order to reduce costs we should recycle the materials already in use. Ms. Rosellini stated that there was a global crisis due to carbon dioxide and methane emissions and landfills are the third largest anthropogenic source of methane emission. She stated that everyone wants

to save money, and agreed that for some people \$4 is a lot, but she believed recycling was necessary to protect the environment.

Michael Devenitch, 4224 Manhattan Drive, advised that he serves as Commander of the American Legion and the Moore VFW. Mr. Devenitch stated that the landfill will continue to get bigger and felt it was important to recycle. He stated his opinion that the veterans were in support of the program and asked that the City Council consider implementing it.

Citizens Who Spoke in Opposition of Curbside Recycling:

Barry Williams, 1061 NW 6th Street, commented that under the proposed recycling program everyone would be charged for the program which could put an undue hardship on seniors living on a fixed income. Mr. Williams felt that those individuals should be offered an "opt out" option. He stated that a company called Recyclops, who offers curbside recycling programs with the City of Yukon and the City of Piedmont, offers this type of option. Mr. Williams indicated that the subject of a curbside recycling program was put before the people before and it was voted down. The council voted to give the employees a cost-of-living increase due to the anticipated higher than normal inflation and continued rising prices of essential goods, services, and utilities but not everyone will receive a cost-of-living increase. He stated that if one neighbor does not clean and recycle their items correctly it would contaminate the load causing it to be taken to the landfill anyway. Mr. Williams stated that he utilizes the recycle center and does not want the added cost of a curbside recycling program.

Linda Howard, 3115 S. Broadway Avenue, stated that implementation of a curbside recycling program had been voted on before. However, if the Council felt a recycling program was necessary it should be placed on a ballot so residents can vote for what they want.

Council Comments:

Councilman Hamm expressed his appreciation to the individuals who came to the meeting to express their views on the subject of curbside recycling. He felt that residents were divided on the issue and, although curbside recycling appeared on a ballot around 2016 and failed, he felt it should be voted on again to see if the people have changed their view on the subject. He stated that he wanted to represent the people and wanted their voices to be heard.

Councilwoman McKenzie advised that she had received many emails regarding the subject of curbside recycling. The item failed by a very slim margin on the election that was held six years ago. She commented that she was an advocate of approving the curbside recycling program and not passing on the cost of an election. She encouraged individuals on both sides of the issue to continue emailing their council members with their feedback on the subject.

Councilwoman Hunt stated that she received around 60 emails with approximately 86% of them being in favor of a curbside recycling program. Councilwoman Hunt asked when the item would be back on the agenda. It was determined that the item would be placed on the February 6, 2023 agenda for consideration.

THE PUBLIC HEARING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:17 P.M.

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD DECEMBER 19, 2022.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$2,039,908.48.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:18 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD DECEMBER 19, 2022.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$217,228.84.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:19 P.M.

Agenda Item Number 13 being:

NEW BUSINESS:

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

Steffany Jones, 124 Eberle Drive, stated that she was a member of the American Mini Pig Association. Ms. Jones advised that on December 29, 2022 her pet pig Larry got out of the yard and was picked up by the Moore Police Department. She stated that when she went to the Moore Animal Shelter to pick Larry up she was informed that she had to get rid of him within two weeks because he was in violation of an ordinance that limited pigs to 75 pounds in weight and 20 inches in height. She indicated that Larry was approximately 22 inch tall and weighed approximately 144 pounds. Ms. Jones was appearing before the City Council to request permission to keep Larry whom she has had for 8 years and to request that the ordinance be amended to include height and weight restrictions based on recommendations by the American Mini Pig Association. Ms. Jones brought information from the American Mini Pig Association and veterinarians who were in support of her request. She felt that the information would also address concerns from citizens regarding lowered property values and health hazards.

Councilwoman Hunt expressed concerns about the ordinance as written because individuals who purchase a piglet as a pet are unaware of how big they can become when fully grown. By the time that happens

they are considered a part of the family. She felt that a compromise could be reached with an ordinance amendment.

Councilman Blair agreed that the City should look at the recommendations made by the American Mini Pig Association for recommendations on an amendment.

Brooks Mitchell, City Manager, noted that an administrative hold was placed on the two week limit for getting rid of Larry. Mr. Mitchell advised that the information would be reviewed and a proposal brought back to Council for an update to the ordinance.

Sarah Wishon, 629 SW 7th Street, thanked the Moore City Council for their willingness to amend the ordinance. She suggested that the City of Edmond has an ordinance that Moore might like to pattern theirs after that allows their residents to have two Asian pot-bellied swine or similar small swine that must be a pet and not kept or raised for human consumption and states that there cannot be more than two swine over the age of 3 months per residence.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

There were no items from the City Council/Trustees.

C) ITEMS FROM THE CITY/TRUST MANAGER.

There were no items from the City/Trust Manager.

Agenda Item Number 14 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:30 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