

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
DECEMBER 5, 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 December 5, 2022 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, Webb, Hamm, Lewis
ABSENT: Hunt, Williams

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; Manager of Information Technology, David Thompson; Parks and Recreation Director, Sue Wood; Police Chief, Todd Gibson; Police Sergeant David Dickinson; 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 NOVEMBER 21, 2022.
- B) ACCEPT THE KELLY CREEK DRAINAGE IMPROVEMENT PROJECT AS CONSTRUCTED BY SAC SERVICES IN THE FINAL AMOUNT OF \$2,595,009.85 AND IMPLEMENT THE TWO-YEAR MAINTENANCE BOND EFFECTIVE JULY 24, 2022.
- C) APPROVE AN AMENDMENT TO THE AGREEMENT WITH THE REGIONAL FOOD BANK OF OKLAHOMA FUNDED WITH COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19 FUNDS.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$4,308,994.47.

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

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

Agenda Item Number 3 being:

CONSIDER ACCEPTANCE OF THE CITY'S FINANCIAL AUDIT FOR THE FISCAL YEAR ENDED JUNE 30, 2022.

Bob Dillon, with Dillon and Associates, gave a short presentation regarding the results of the City's financial audit. Mr. Dillon advised that examination of the financial statements did not disclose any material misstatements and the City was issued an Unmodified Opinion. He added that an Unmodified Opinion was also issued on Internal Controls and Governmental Compliance.

Mr. Dillon stated that federal expenditures last year was approximately \$5 million which included stimulus funding in the approximate amount of \$3.4 million. He noted that a separate audit report was prepared; however, they had no findings or questioned costs related to the audit.

The Cleveland County property tax assessment millage rates last year was 15.42 mills and will be 15.31 this year with a collection ratio of nearly 100%. The sales and use tax increased by 16% or \$7 million. Total collections for the year was \$51 million due to the addition of new retailer stores.

The carry-over fund balance for the General Fund was \$20 million which included \$15 million of unassigned fund balance equating to around 28% of the annual revenue which is a healthy carry-over. The City established a reserve fund for unforeseen emergencies. That fund increased by \$1.4 million and contains around \$3 million. The City's long-term debt decreased by \$5.5 million.

The City Council thanked Mr. Dillon for his report.

Councilman Webb moved to accept the City's Financial Audit for the fiscal year ended June 30, 2022, second by Councilman Hamm. Motion carried unanimously.

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

Agenda Item Number 4 being:

RECEIVE A PRESENTATION FROM REPUBLIC SERVICES REGARDING A RECYCLING PROGRAM.

Crystal Bennett, Manager of Municipal Services and David Baker, General Manager with Republic Services gave a short presentation regarding possible implementation of a recycling program.

Crystal Bennett stated that Republic handles the recycling programs for Midwest City, Edmond, Norman, Tinker, Jones and Tuttle. Mr. Bennett advised that the Cities of Norman and Edmond have a participation rate of 91% which resulted in 8 million tons of garbage being diverted from the landfill to the recycling plant. Ms. Bennett advised that Republic Services partners with Batliner who sorts and sells the product in Oklahoma City, except for mixed papers which is sold to Mexico. Ms. Bennett invited the council members to tour the Batliner facility to learn more about the process involved in recycling.

Ms. Bennett stated that the proposed program for the City of Moore would involve curbside recycling every other week for single-family residents. All of the other participating cities offer a mandatory pay and voluntary participation making the program more cost effective. As a current customer of Republic the City would receive a special rate of \$4.30 per cart, per household, per month. She advised that Republic would purchase the carts that would be used in the program. Ms. Bennet stated that a contract for the service would include a five-year term to allow Republic to recover the upfront cost for the carts.

David Baker stated that Republic would use their own drivers and trucks to collect the recyclables and noted that they have a 99% reliability rate for pick-ups. One of their core values is being environmentally responsible by repurposing or recycling garbage and indicated that Republic would like the opportunity to partner with the City of Moore on a recycling program.

Councilwoman McKenzie asked what would happen to the recycle center if a curbside recycling program was implemented. Ms. Bennett advised that Norman, Midwest City and Edmond maintain a drop-off site that can be used by businesses or individuals that might have larger items to recycle.

Councilman Hamm asked if all of the garbage diverted from the landfill was actually recyclable. Ms. Bennett stated that the figures she quoted as being diverted by Norman and Edmond was the amount taken to Batliner; however, not everything diverted is recyclable. Republic will take items with Recycling Codes 1 and 2 (i.e., paper, plastic, cardboard, and aluminum) but will not take Codes 3 through 7. She commented that part of a recycling program is providing ongoing education on the correct way to recycle. Councilman Hamm asked if he could obtain data on comparably sized cities that shows the percentage of items collected that are recycled. Ms. Bennett stated that would provide the requested information and added that the estimated trash content of the items taken to the recycle center is around 25%.

Brooks Mitchell, City Manager, asked how long it would take to implement the recycling program if approved and when collections would occur. Mr. Baker stated that it would take approximately 4 to 6 months to implement the service and the curbside recycling pickup day would occur on the same day as a household's normal trash collection day. Mr. Mitchell advised that the agenda item was for discussion only to allow an opportunity for public comments or questions before being placing it on the January 3, 2023 agenda for consideration.

Councilwoman McKenzie felt that recycling could result in a cost savings for a family of four if a second cart at a cost of \$7.75 per month is eliminated by recycling at a cost of \$4.30 per month. Councilman Hamm felt that the option of implementing a curbside recycling program should be placed on a ballot and determined by the voters. He also requested a list of bond issues anticipated over the next two years that would impact the residents of Moore. He wanted to have a clear picture of what the City would be asking the people to pay for in addition to a new curbside recycling program. Mr. Mitchell stated that there are street projects that he would like to present to the City Council for placement on the ballot for a GO Bond. He reminded Council that the projects are budgeted so that the millage rate does not exceed 16.5 mills.

No action was taken on the item.

Agenda Item Number 5 being:

CONSIDER RENEWAL OF A FRANCHISE AGREEMENT WITH COXCOM, LLC FOR A TEN-YEAR TERM.

Brooks Mitchell, City Manager, stated that the proposed franchise agreement with Cox was reviewed and approved by the City Attorney's Office. Mr. Mitchell advised that Connor Carroll with Cox Communications was in attendance at the meeting to answer any questions. Councilwoman McKenzie asked for an estimate of franchise fees typically paid to the City. Mr. Carroll stated that he was uncertain of the amount the City receives; however, he advised that franchise fees are capped under federal law at 5% of the revenues collected from subscribers. Mr. Mitchell estimated that the City receives approximately \$300,000 annually in cable franchise fees.

Councilman Webb moved to approve renewal of a Franchise Agreement with Coxcom, LLC for a ten-year term, second by Councilwoman McKenzie. Motion carried unanimously.

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

Agenda Item Number 6 being:

CONSIDER ADOPTING RESOLUTION NO. 41(22) DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY AND/OR EASEMENTS, LOCATED NORTH AND WEST OF SARAH LANE BETWEEN NE 20TH AND NE 21ST, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF MOORE, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE SARAH LANE DRAINAGE IMPROVEMENT PROJECT, IN THE CITY OF MOORE; AND DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTIES FOR DRAINAGE PURPOSES.

Jerry Ihler, Assistant City Manager, advised that around two years ago residents on Sarah Lane, located west of Eastern Avenue between NE 20th and NE 21st, issued a complaint regarding property damage from flooding and requested that the City look into their drainage concerns. Mr. Ihler stated that the City asked Meshek & Associates to review the situation and determine a remedy for the flooding problem. Meshek recommended installing a drainage channel alongside the six homes on the west side of Sarah Lane. As a result the City approached three property owners, where most of the run-off was coming from, to obtain a drainage easement for the drainage channel. Mr. Ihler stated that one property owner was unwilling to participate in the solution; therefore, staff was requesting adoption of Resolution 41(22) declaring eminent domain to allow the City to acquire the necessary 50' x 350' strip of land from the property owner. He stated that one of the three property owners indicated their willingness to donate the required property. Negotiations were ongoing with the remaining property owner of the Hop & Lok. Mr. Ihler stated that the City would continue to attempt working on a solution with all of the property owners; however, if negotiations fail staff will be able to move forward with the eminent domain process.

Councilwoman McKenzie moved to adopt Resolution No. 41(22) declaring the necessity for acquiring certain real property and/or easements, located north and west of Sarah Lane between NE 20th and NE 21st, more particularly hereinafter described, all within the City of Moore, County of Cleveland, State of Oklahoma, for the purpose of the Sarah Lane Drainage Improvement Project, in the City of Moore; and declaring the necessity for acquiring said properties for drainage purposes, second by Councilman Webb. Motion carried unanimously.

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

Agenda Item Number 7 being:

CONSIDER APPROVAL OF THE 2021 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT ("CAPER") AND ADOPT RESOLUTION NO. 45(22) SUBMITTING SAID REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD").

Kahley Gilbert, Project-Grants Manager (Capital Planning & Resiliency), requested approval of the 2021 Consolidated Annual Performance and Evaluation Report ("CAPER") for program year ended September 2022. Ms. Gilbert advised that the City was awarded \$349,568 in program funds and utilized \$231,970 in CDBG-COVID funds. She stated that the funds were used for the following projects:

1. Home-delivered meals for seniors
2. Counseling for sexually abused children
3. Youth counseling

4. Forensic interviews for children
5. Utility assistance for low-income households
6. Fair housing services
5. Installation of a dry food pantry and small library located on The Sharing Tree property
7. Sewer line rehab project in the Armstrong neighborhood

Ms. Gilbert advised a total of 1,111 residents benefitted from the projects. Around \$37,741 in remaining funds would be rolled into next year's infrastructure project.

Mayor Lewis complimented Ms. Gilbert for her work on these important projects.

Councilman Blair moved to approve the 2021 Consolidated Annual Performance and Evaluation Report ("CAPER") and adopt Resolution No. 45(22) submitting said report to the U.S. Department of Housing and Urban Development ("HUD"), second by Councilwoman McKenzie. Motion carried unanimously.

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

Agenda Item Number 8 being:

CONSIDER AUTHORIZING THE SURFACE MOUNTED INSTALLATION OF 171 METAL TRASH CANS BY LIGHTHOUSE RECREATION AT A TOTAL COST OF \$57,500 AS THE LOWEST RESPONSIBLE QUOTE.

Sue Wood, Parks and Recreation Director, stated that the item was for installation of the previously approved trash cans in all of the City parks.

Councilman Webb moved to authorize the surface mounted installation of 171 metal trash cans by Lighthouse Recreation at a total cost of \$57,500 as the lowest responsible quote, second by Councilman Blair. Motion carried unanimously.

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:01 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD NOVEMBER 21, 2022.
- B) ACCEPT THE NEW SOUTHEAST LIFT STATION PROJECT AS CONSTRUCTED BY BRB CONTRACTORS IN THE FINAL AMOUNT OF \$6,825,541.00 AND IMPLEMENT THE ONE-YEAR MAINTENANCE BOND EFFECTIVE DECEMBER 5, 2022.
- C) ACCEPT THE NEW SOUTHEAST LIFT STATION FORCE MAIN SEWERLINE PROJECT AS CONSTRUCTED BY KRAPFF REYNOLDS COMPANY IN THE AMOUNT OF \$3,558,879.11 AND IMPLEMENT THE ONE-YEAR MAINTENANCE BOND EFFECTIVE DECEMBER 5, 2022.

- D) AMEND MIDWEST EMPLOYERS CASUALTY COMPANY POLICY NUMBER FROM 0237218 TO 0243036 DUE TO A SCRIVENER'S ERROR BY THE BECKMAN COMPANY, WHICH EXCESS WORKERS COMPENSATION INSURANCE POLICY AND PREMIUM AMOUNTS WERE PREVIOUSLY APPROVED ON NOVEMBER 21, 2022.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$1,067,831.38.

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

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:03 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD NOVEMBER 21, 2022.
- B) APPROVE PAYMENT OF A WORKERS COMPENSATION SETTLEMENT IN THE AMOUNT OF \$21,420 FOR CBR NO. 2050000853 TO JUSTIN OWENS AND AUTHORIZE PLACEMENT ON THE AD VALOREM TAX ROLL.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2022-2023 IN THE AMOUNT OF \$335,836.05.

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

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING WAS RECONVENED AT 7:04 P.M.

Agenda Item Number 11 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.

Councilwoman McKenzie stated that several employees expressed their appreciation for the COLA approved by Council at the November 21, 2022 meeting.

Mayor Lewis complimented the Christmas lights at The Station.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, gave the following comments:

- Congratulated the Parks Department for the popular Breakfast with Santa and the Christmas Spectacular events. Mr. Mitchell expressed appreciation to the Police and Fire Departments who worked to make the events safe for the public. He also expressed appreciation to the Public Affairs Department for their work in publicizing the events.
- Introduced Rebecca Brown as the new Assistant City Attorney.

Agenda Item Number 12 being:

ADJOURNMENT

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

Ayes: McKenzie, Blair, Webb, Hamm, Lewis
Nays: Hunt, Williams

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:06 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