

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY
MARCH 15, 2021 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on March 15, 2021 at 6:41 p.m. with Vice-Mayor Mark Hamm 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, Hunt, Webb, Hamm
ABSENT: Blair, Williams, Lewis

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Jerry Ihler; City Attorney, Randy Brink; Assistant City Attorney/Risk Manager, Brian Miller; Community Development Director, Elizabeth Weitman; Deputy City Clerk; Katie Berhalter; Emergency Management Director, Gayland Kitch; Finance Director, Betty Koehn; Fire Chief, Greg Herbster; Human Resources Director, Christine Jolly; Interim Assistant Parks and Recreation Director, Whitney Wathen; 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; and Veolia Water Project Manager, Robert Pistole.

Mayor Lewis read a proclamation honoring Kathy Gillette for her service to the Moore Chamber of Commerce.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 1, 2021.
- B) RECEIVE THE MINUTES OF THE REGULAR PARKS BOARD MEETING HELD FEBRUARY 2, 2021.
- C) APPROVE ANNUAL PAYMENT TO THE CLEVELAND COUNTY ASSESSOR FOR THE 2020-2021 VISUAL INSPECTION PROGRAM IN THE AMOUNT OF \$38,408.80.
- D) APPROVE EXTENDING THE TERM OF A CONTRACT FOR APPLICATION AND UTILIZATION OF THE CARES ACT MONIES WITH WITT O'BRIEN, LLC FROM MARCH 8, 2021 TO APRIL 30, 2021.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2020-2021 IN THE AMOUNT OF \$3,884,229.92.

Councilwoman Hunt moved to approve the consent docket in its entirety, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 3 being:

CONSIDER RESOLUTION NO. 989(21) CANVASSING THE RESULTS OF THE SPECIAL ELECTION CONDUCTED IN THE CITY OF MOORE, OKLAHOMA ON MARCH 2, 2021 FOR APPROVAL OF ORDINANCE NO. 957(20) GRANTING A FRANCHISE TO ONE GAS, INC., ACTING BY AND THROUGH ITS OKLAHOMA NATURAL GAS COMPANY DIVISION, AND ITS SUCCESSORS AND ASSIGNS, FOR THE SALE, TRANSPORTATION AND DISTRIBUTION OF NATURAL GAS, AND ACCEPTING THE RESULTS OF SUCH SPECIAL ELECTION AND DECLARING THE MEASURE AS PASSED.

Brooks Mitchell, City Manager, stated that the proposed resolution would affirm the results of the election held on March 2, 2021 which granted a franchise agreement to Oklahoma Natural Gas d/b/a One Gas Inc.

Councilwoman McKenzie moved to adopt Resolution No. 989(21) canvassing the results of the special election conducted in the City of Moore, Oklahoma on March 2, 2021 for approval of Ordinance No. 957(20) granting a franchise to One Gas, Inc., acting by and through its Oklahoma Natural Gas Company Division, and its successors and assigns, for the sale, transportation and distribution of natural gas, and accepting the results of such special election and declaring the measure as passed, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A NEW JOB DESCRIPTION FOR ADMINISTRATIVE SPECIALIST - PUBLIC WORKS IN THE PUBLIC WORKS DEPARTMENT, AND APPROVE PLACEMENT IN PAY GRADE 107 OF THE CITY'S SALARY TABLE.

Christine Jolly, Human Resources Director, stated that the proposed request was for approval of a new job description for Administrative Specialist in the Public Works Department. Ms. Jolly advised that after the retirement of the Administrative Assistant and the Public Works Director in December 2020 discussions were held with staff regarding an equitable allocation of job duties and responsibilities. The suggested solution involved the creation of the proposed job description which included administrative tasks while incorporating some of the more specialized assignments in the areas of Fleet, Streets, and Sanitation. She stated that the reorganization would allow for the elimination of job descriptions for Fleet Administrative Clerk, Administrative Clerk II Public Works, and Public Works Administrative Assistant. Staff recommended approval of the proposed job description and placement in Pay Grade 107 of the City's salary table.

Councilwoman McKenzie moved to approve a new job description for Administrative Specialist - Public Works in the Public Works Department, and approve placement in Pay Grade 107 of the City's salary table, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF THE ANNUAL RENEWAL OF THE SOFTWARE LICENSE AND SUPPORT AGREEMENT WITH DBSQUARED EFFECTIVE APRIL 1, 2021 THROUGH MARCH 31, 2022.

Christine Jolly, Human Resources Director, stated that in 2016 the City contracted with The Johanson Group for a Classification and Compensation Study which was approved and implemented by the City Council in July 2016. Part of the implementation of the study included a software license and a technical support agreement. Ms. Jolly advised that the software, a one-time purchase through DBSquared, assisted the Human Resources Department with writing new job descriptions in a format which allowed for consistency across the classification system. The Technical Support Agreement, renewable on an annual basis, offered access to software upgrades released during the term of the agreement, basic technical support, and distance training for new Human Resource employees. She advised that no fee increases were proposed and the term of the new agreement was for the period from April 1, 2021 through March 31, 2022.

Councilman Webb moved to approve the annual renewal of the Software License and Support Agreement with DBSquared effective April 1, 2021 through March 31, 2022, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ORDINANCE NO. 968(21) AMENDING PART 4, CHAPTER 1, SECTION 4-102 OF THE MOORE MUNICIPAL CODE BY ADDING A PROGRESSIVE SCALE TO THE MINIMUM FINE ALLOWED FOR EACH SUBSEQUENT CONVICTION FOR VIOLATION OF THIS SECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Brian Miller, Assistant City Attorney, stated that Ordinance No. 968(21) would implement a progressive scale to the minimum fine for violation of Animals at Large. Mr. Miller advised that the intent was to discourage repeat offenders by increasing the fine for each conviction of the same offense.

Councilwoman McKenzie moved to approve Ordinance No. 968(21) amending Part 4, Chapter 1, Section 4-102 of the Moore Municipal Code by adding a progressive scale to the minimum fine allowed for each subsequent conviction for violation of this section; providing for severability; and providing for a repealer, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER ORDINANCE NO. 969(21) AMENDING SECTION 6-301, PART 6, CHAPTER 3 OF THE MOORE MUNICIPAL CODE BY CORRECTING THE FINE THRESHOLD FOR RIGHT TO JURY TRIAL AS PROVIDED BY STATE LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Brian Miller, Assistant City Attorney, found that Section 6-301 of the Moore City Code was out of date and not in compliance with State law. Mr. Miller advised that the City's fine threshold for Right to Jury Trial was \$200 and State law was \$500. Ordinance No. 969(21) would contain language stating that the fine would reflect the amount specified in 11 Okla. Stat. § 27-119.

Councilwoman McKenzie moved to Ordinance No. 969(21) amending Section 6-301, Part 6, Chapter 3 of the Moore Municipal Code by correcting the fine threshold for right to jury trial as provided by state law; providing for severability; and providing for a repealer, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF A SPORTS ASSOCIATION AGREEMENT FOR THE BASEBALL PROGRAM HELD AT BUCK THOMAS PARK FOR THE 2021-2022 SEASON.

Sue Wood, Parks and Recreation Director, stated that the proposed annual agreement with the Moore Youth Baseball Association included requirements for use of the ballfields. Councilwoman Hunt indicated that in the past residents complained about lights being left on following a game. Ms. Wood indicated that issues regarding lights and loud music have been addressed in the agreement.

Councilman Webb moved to approve a Sports Association Agreement for the Baseball Program held at Buck Thomas Park for the 2021-2022 season, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A SPORTS ASSOCIATION AGREEMENT FOR THE SOFTBALL PROGRAM HELD AT BUCK THOMAS PARK FOR THE 2021-2022 SEASON.

Sue Wood, Parks and Recreation Director, advised that the proposed annual agreement was with the Moore Girls Softball Association. Ms. Wood indicated that the agreement was similar to the agreement with the Moore Youth Baseball Association that was previously discussed under Agenda Item No. 8.

Councilwoman Hunt moved to approve a Sports Association Agreement for the Softball Program held at Buck Thomas Park for the 2021-2022 season, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF A \$5000 SUPPLEMENT TO THE SMALL RETAILER RELIEF PROGRAM USING CORONAVIRUS RELIEF FUNDS ("CRF").

Deidre Ebrey, Public Affairs and Economic Development Director, stated that the item was a request for a \$5,000 supplement to the \$150,000 already obtained from the Coronavirus Relief Funds for the Small Retailer Relief Program that was approved by the City Council on February 1, 2021. Ms. Ebrey advised that of the 34 applications received 3 did not meet the requirements. The supplement would allow each of the remaining 31 qualified applicants to receive a \$5,000 grant award.

Councilman Webb moved to approve a \$5000 supplement to the Small Retailer Relief Program using Coronavirus Relief Funds ("CRF"), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER AWARDDING BID NO. 2021-007 "CARDIO FITNESS EQUIPMENT" TO ADVANCED EXERCISE IN THE AMOUNT OF \$210,931.05 FOR THE PURCHASE AND INSTALLATION OF EXERCISE EQUIPMENT AT THE STATION.

Sue Wood, Parks and Recreation Director, stated that the item was to award the bid for cardio fitness equipment at The Station. Councilwoman McKenzie asked for a list of the equipment included in the bid request. Councilman Webb asked if punching bags was included. Ms. Wood stated that she would supply an itemized list of the equipment included in the bid solicitation. She added that punching bags would be considered weight equipment which was not a part of the bid proposal.

Ryan Schoolfield, 9071 E. 119th Place, Bixby, Oklahoma, with Push Pedal Pull asked that the City Council consider a bid he submitted for exercise equipment. He stated that there was inclement weather when the bids were due on February 12, 2021. He also mentioned that there was a miscommunication between himself and an employee regarding the bid terminology. Mr. Schoolfield had his bid in hand and requested that the City Council consider accepting it or rebidding the item.

Frank Giannone owner of Fitnessmith, 3610 Quantom Blvd, Boynton Beach, Florida 33426, stated that he flew into Moore in order to address the City Council regarding his bid. Mr. Giannone stated that the bid was submitted in a timely manner; however, FedEx was unable to deliver it due to the storm. The tracking slip stated that the bid was delivered on Tuesday, February 16, 2021 due to City Hall being closed over the weekend and for Presidents' Day on Monday, February 15, 2021.

Councilwoman Hunt asked for a legal opinion about rebidding the item since the bid amount was already made public. Randy Brink, City Attorney advised that the City Council could accept the bid that met all of the qualifications or reject all bids and rebid the item.

Councilwoman McKenzie asked if there was proof that the bids submitted late arrived prior to the amount of the proposed bid award being made public. Brian Miller, Assistant City Attorney, stated that the two bids that arrived late were not opened. He indicated that he believed the Purchasing Agent Barbara Furgiani still had the unopened bids in her possession. Mr. Miller added that the bid deadline and the bid opening were 15 minutes apart on the same day. Although the email stated that the bid opening had been changed it appeared there was some confusion about the terms "bid deadline" and "bid opening." In an effort at fairness Councilwoman McKenzie suggested that the other bids be opened, published, and the item rebid. Councilman Webb asked how long the rebidding process would take. Mr. Brink estimated the process could take approximately 40 days. Sue Wood, Parks and Recreation Director, stated that rebidding the item would not be a problem.

Councilwoman McKenzie moved to open all bids, publish them, and rebid the item.

Mr. Brink suggested that the motion should state that all bids were rejected and authorize the item to be rebid.

Councilwoman McKenzie amended her motion to reject all bids received on Bid No. 2021-007 "Cardio Fitness Equipment" for the purchase and installation of exercise equipment at The Station and rebid the item, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER DECLARING (6) PHYSIO CONTROL LIFEPAK 1000 DEFIBRILLATORS THAT HAVE BEEN REPLACED AND TAKEN OUT OF SERVICE AS SURPLUS AND AUTHORIZE DONATION TO THE OKLAHOMA STATE FIREFIGHTERS ASSOCIATION (OSFA).

Fire Chief Greg Herbster stated that Norman Regional Health System donated six new state of the art automatic defibrillators for the City's frontline rigs. The donated equipment would replace six Physio Control Lifepak 1000 Defibrillators. Chief Herbster requested authorization to donate the surplus equipment to the Oklahoma State Firefighters Association to be given to a smaller department that does not have any defibrillators.

Councilman Webb moved to declare (6) Physio Control Lifepak 1000 defibrillators that have been replaced and taken out of service as surplus and authorize donation of the items to the Oklahoma State Firefighters Association (OSFA), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER APPROVAL OF A FY 20-21 BUDGET SUPPLEMENT TO BUDGET ADDITIONAL FUNDS AND RELATED EXPENSES ASSOCIATED WITH THE CARES ACT AND MENTAL HEALTH PROGRAMS.

Betty Koehn, Finance Director, requested authorization to budget CARES Act funds to the specific accounts where the funds were expended. Ms. Koehn indicated that other project expenditures to be budgeted included the ice storm cleanup, winter weather well repair, the Small Retailer Grant Program, police equipment, and the SW 25th street construction. Also included in the budget supplement was a request to budget funds received by the Police Department for mental health transportation and placement of the funds toward the Police Department's mental health programs.

Councilwoman McKenzie moved to approve a FY 20-21 budget supplement to budget additional funds and related expenses associated with the CARES Act and mental health programs, second by Councilman Webb. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT APPROXIMATELY 7:07 P.M.

Agenda Item Number 14 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MARCH 1, 2021.
- B) ACKNOWLEDGE RECEIPT OF CONSTRUCTION PERMIT NO. SL000014210046 FROM THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR CONSTRUCTION OF SANITARY SEWER LINES AS PART OF THE SOUTHEAST LIFT STATION PROJECT.
- C) RATIFY ACTION OF THE CITY COUNCIL REGARDING APPROVAL OF THE ANNUAL RENEWAL OF THE SOFTWARE LICENSE AND SUPPORT AGREEMENT WITH DBSQUARED EFFECTIVE APRIL 1, 2021 THROUGH MARCH 31, 2021.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2020-2021 IN THE AMOUNT OF \$1,153,709.35.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT APPROXIMATELY 7:09 P.M.

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MARCH 1, 2021.
- B) APPROVE PAYMENT OF A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$5,390.00 FOR CBR CLAIM NO. 2050000819 TO MICHAEL HARLAN.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2020-2021 IN THE AMOUNT OF \$212,828.23.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH COUNCILMAN WEBB PRESIDING AT 7:10 P.M.

Agenda Item Number 16 being:

ROLL CALL

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

Agenda Item Number 17 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD FEBRUARY 16, 2021.

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

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:11 P.M. WITH VICE-MAYOR MARK HAMM PRESIDING.

Agenda Item Number 18 being:

NEW BUSINESS:

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

Kristi Couse, 813 Carol Ann Place, stated that she was a medical massage therapist with clinical experience and a member of the American Massage Therapy Association ("AMTA") for seven years. She

advised that before moving to Oklahoma a little over a year ago she had previously worked out of her home and was hoping to do so again. However, due to COVID it was difficult to get licensing, network, or find clientele. Ms. Couse stated that she had now obtained a state license with a small list of clientele waiting for her to open her doors. Unfortunately, when she attempted to get a license from the City she was informed that she could not run this type of business out of her home due to the amount of traffic it would bring to the residential area. Ms. Couse stated that a busy day typically included spending one to two hours with three to four clients a day. Ms. Couse was requesting that the City Code be changed to allow her to work out of her home. She expressed a need to work and felt people in pain could benefit from her education and experience. She noted that she was not a spa type therapist but a medical therapist that treated a variety of medical conditions such as migraines, TMJ, neck pain, back pain, bulging or herniated discs, frozen shoulder, carpal tunnel, sciatica, shin splints, plantar fasciitis, and neuromas. Ms. Couse thanked the City Council for their time.

Elizabeth Weitman, Community Development Director, stated that the City had two ordinances dealing with massage therapy. Ms. Weitman stated that although a medical therapist was not specifically prohibited the general rule was that home businesses were not allowed. One of the ordinances related to licensing for massage therapists and dictated requirements necessary under the building code to maintain a safe business. Ms. Weitman stated that the City Council may wish to revisit the home occupation ordinance; however, changing it might open the door to other occupations. She added that home businesses were difficult to monitor and generally caused complaints from the neighbors. Councilman Webb asked if there was something that could be done in this situation. Ms. Weitman stated that she would research the issue and report back to Council. Councilwoman Hunt suggested surveying local cities regarding their policies regarding home occupations.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Webb stated that he received numerous requests for a punching bag in the exercise room at The Station. Brooks Mitchell, City Manager, stated that staff would research the issue.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, advised that street reconstruction in the Golden Acres Addition located south of 34th Street from Eastern to Indian Hills Road would begin within the next month. He stated that BNSF would be closing the 12th Street railroad crossing for track replacement from 7:00 p.m. on March 16, 2021 until 5:00 a.m. on March 17, 2021. Mr. Mitchell advised that similar work would occur at the 4th and Main Street crossings at a later date. He indicated that construction at the crossings was anticipated to occur after rush hour in the evenings and end before rush hour in the mornings; however, details regarding closures would be posted on the City's website as they become available. He added that proper signage would be posted and all safety requirements followed.

Agenda Item Number 18 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:20 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

MELISSA HUNT, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2021.

ATTEST:

KATIE BERHALTER, Deputy City Clerk