

**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
APRIL 5, 2021 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma, and by videoconference, on April 5, 2021 at 6:30 p.m. with Vice-Chairman Adam Webb 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

APPEARED IN PERSON: McKenzie, Blair, Hunt, Williams, Webb
APPEARED BY VIDEOCONFERENCE: Lewis
ABSENT: Hamm

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; Manager of Information Technology, David Thompson; Parks and Recreation Director, Sue Wood; Police Chief Todd Gibson; Sergeant Troy Fullbright; Public Affairs Director, Deidre Ebrey; and Veolia Water Project Manager, Robert Pistole.

Vice-Chairman Webb advised that he would be reading the items on behalf of Mayor Lewis who would be participating in the meeting by videoconference. Mayor Lewis expressed his appreciation to Vice-Chairman Webb for chairing the meeting while he was recovering from some medical issues. Vice-Chairman Webb read a proclamation proclaiming April 2021 as World Autism Awareness Month in the City of Moore. Melanie Moore stated that she sat on the Board of Directors for the Autism Foundation for Oklahoma. Ms. Moore appeared along with her son Matthew to accept the proclamation. Ms. Moore stated that she was thankful to live in Moore and expressed her appreciation to the Moore Police Department for being progressive in implementing a Special Needs Alert Identification Program ("S.A.ID").

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 15, 2021.

- B) RECEIVE THE MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING HELD FEBRUARY 18, 2021.
- C) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD FEBRUARY 9, 2021.
- D) ACCEPT A 10' TEMPORARY WORKSPACE EASEMENT AND A 17' PERMANENT ROADWAY AND UTILITY EASEMENT FROM THE PRATER FAMILY TRUST FOR CONSTRUCTION AND MAINTENANCE OF THE SE SEWER FORCE MAIN IMPROVEMENTS ALONG THE NORTH SIDE OF INDIAN HILLS ROAD.
- E) APPROVE REVISED JOB DESCRIPTION FOR SENIOR ACCOUNTANT IN THE FINANCE DEPARTMENT, AND APPROVE PLACEMENT IN PAY GRADE 111 OF THE CITY'S SALARY TABLE.
- F) APPROVE REVISED JOB DESCRIPTION FOR PAYROLL CLERK IN THE FINANCE DEPARTMENT, WITH A CHANGE IN THE JOB TITLE TO PAYROLL ADMINISTRATIVE SPECIALIST, AND APPROVE PLACEMENT IN PAY GRADE 109 OF THE CITY'S SALARY TABLE.
- G) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2020-2021 IN THE AMOUNT OF \$2,462,819.78.

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

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

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-1006, LOCATED IN THE NE/4 OF SECTION 11, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND EAST OF POLE ROAD, FROM C-5 AUTOMOTIVE AND COMMERCIAL RECREATION DISTRICT TO I-1 LIGHT INDUSTRIAL DISTRICT; AND APPROVE ORDINANCE NO. 967(21). APPLICATION BY HES PROPERTIES, INC./ERIC SCHMIDT. (PLANNING COMMISSION RECOMMENDED APPROVAL 9-0). WARD 2.

Elizabeth Weitman, Community Development Director, stated that the subject site was addressed at 2212 N. Pole Road and was located south of NE 27th Street and west of N. Eastern Avenue. Ms. Weitman advised that the applicant requested to rezone the property from C-5 Automotive and Commercial Recreation District to I-1 Light Industrial District in order to increase leasing opportunities for an existing building. She indicated that public utilities were available to serve the site and no flood plain was located on the property.

She stated that the comprehensive plan designated the area as Light Industrial which allows land uses for office, warehouse, and other light industrial developments. Ms. Weitman noted that because the application did not seek to redevelop the area but to occupy an existing building in a heavy commercial area staff believed the application to be in compliance with the Envision Moore 2040 Plan and recommended approval of the item. Ms. Weitman advised that one property owner attended the Planning Commission to speak in opposition to the item. The individual owned a commercial lot near the subject site and stated that because surrounding properties were zoned C-5 she was opposed to allowing Light Industrial development into the area.

Councilwoman Hunt moved to approve Rezoning Application No. RZ-1006, located in the NE/4 of Section 11, T10N, R3W, being south of NE 27th Street and east of Pole Road, from C-5 Automotive and Commercial Recreation District to I-1 Light Industrial District; and approve Ordinance No. 967(21), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER THE FINAL PLAT OF THE WATERS, PHASE V, LOCATED IN THE SE/2 OF SECTION 1, T10N, R3W, BEING NORTH OF NE 27TH STREET AND EAST OF EASTERN AVENUE. APPLICATION BY PREMIUM LAND LLC/TABER LEBLANC. (PLANNING COMMISSION RECOMMENDED APPROVAL 9-0). WARD 2.

Elizabeth Weitman, Community Development Director, advised that the proposed final plat was for the final phase of The Waters Addition located north of NE 27th Street and east of Eastern Avenue. The site was zoned R-1 Single-Family Residential and would contain 58 single-family lots on 19.72 acres with a density of three dwelling units per acre. Ms. Weitman indicated that access would be provided by existing streets within the neighborhood. Public water and sewer would be extended through the site. Ms. Weitman noted that a secondary tie-in for a dual source system at Northridge Addition to the east was needed. Engineering plans for the tie-in were under review.

Ms. Weitman advised that the Envision Moore 2040 Plan designated the area as Urban Residential. Staff believed the application was in conformance with the plan and recommended approval of the item.

Councilwoman McKenzie moved to approve the Final Plat of The Waters, Phase V, located in the SE/2 of Section 1, T10N, R3W, being north of NE 27th Street and east of Eastern Avenue, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER THE PRELIMINARY PLAT OF CYPRESS CREEK, LOCATED IN THE SE/4 OF SECTION 19, T10N, R2W, BEING NORTH OF SE 19TH STREET AND WEST OF SUNNYLANE ROAD. APPLICATION BY FARZANEH DEVELOPMENT LLLP/HOSSEIN FARZANEH. (PLANNING COMMISSION VOTED TO APPROVE. MOTION FAILED 4-5). WARD 1.

Elizabeth Weitman, Community Development Director, stated that the subject site contained one tract of land on 70 acres located north of SE 19th Street and west of S. Sunnyslane Road. Ms. Weitman advised that a rezoning application to rezone the property to R-1 Single-Family Residential District was approved by the City Council on March 1, 2021. She stated that an existing oil well located on the site was scheduled to be abandoned and removed. Water and sewer were available to serve the site with required detention provided by two ponds located on the property. A FEMA floodplain and floodway were located on the site with no modifications being proposed. She stated that access would be provided by SE 19th Street through Cypress Creek Blvd., a divided median entryway, with a secondary access point at Noah Drive located north of the property and connecting to the south end of the Rock Creek Addition. She advised that a street stub to the west and a street stub to the east would be provided to serve undeveloped property.

Ms. Weitman indicated that the site was previously used to dump wood chips resulting in approximately 25 lots being affected. The applicant proposed removing the wood chips and using fill dirt to establish adequate build sites. She advised that a report detailing removal of the wood chips and mitigation measures for

development must be submitted at the final plat stage. Congestion management techniques would also be required.

The Envision Moore 2040 Plan designated the area as Open Space Residential which allowed for residential developments up to three lots per acre with 30% open space. Ms. Weitman stated that the subject of open space created a lot of discussion at the Planning Commission meeting. The original plat included 244 lots with a density of 3.49 lots per acre and 21% open space which was provided largely through the floodplain and detention ponds. The Planning Commission wanted to see more accessible open space. The applicant requested that the item be tabled and a revised plat was brought before the Planning Commission at their next meeting which contained 239 lots with a density of 3.29 lots per acre and 22.45% open space. Ms. Weitman indicated that the five lots removed for development would be utilized for open space and were not located within the floodplain or floodway. Staff believed that the application met the intent of the Open Space Residential Zoning District which was to preserve environmentally sensitive pieces of land such as floodplains and floodways. She added that City Code did not contain a requirement for open space beyond what would be required for park land dedications. Ms. Weitman stated that the City Council must determine if the amount of open space included in the proposed preliminary plat was acceptable for the densities proposed. She added that no citizens appeared at the Planning Commission meeting to speak on the item.

Councilwoman McKenzie asked for the densities in Rock Creek. Ms. Weitman advised that Rock Creek contained 3.79 lots per acre and a total of 3.43% open space provided through detention ponds.

Attorney David Box, 522 Colcord Drive, appeared on behalf of the applicant along with Jason Spencer who was the civil engineer on the project. Mr. Box felt that the determining factor on consideration of the item should be whether the plat conformed to the zoning ordinances and the subdivision regulations. Mr. Box did not feel a comprehensive plan had any relevance in a discussion regarding a preliminary plat. He advised that there was a recent Oklahoma Court of Civil Appeals opinion in which the City of Edmond denied a plat based solely on the lack of conformance with a comprehensive plan. Mr. Box read briefly from the opinion regarding in the case SACC Investments v. City of Edmond, Case No. SD-118252. He indicated that paragraph 25 stated in part that “we find no authority in Oklahoma law supporting City’s argument that the City had discretion to deny a preliminary plat based upon incompatibility with the plan. Such plans are useful guides in directing municipalities in making legislative decisions such as amending ordinances. We reject any argument that denial of a preliminary plat could properly be based upon policy goals expressed in a comprehensive plan.” Mr. Box felt that the plat met and exceeded requirements in the subdivision regulations and the ordinances and requested approval of the item.

Vice-Chairman Webb asked if anyone present wished to speak on the item. Finding no one he asked if there was a motion.

Councilwoman McKenzie moved to approve the Preliminary Plat of Cypress Creek, located in the SE/4 of Section 19, T10N, R2W, being north of SE 19th Street and west of Sunnyslane Road, second by Mayor Lewis. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER REZONING APPLICATION NO. RZ-1005, LOCATED IN THE NE/4 OF SECTION 12, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF BRYANT AVENUE, FROM A-1 RURAL AGRICULTURAL

DISTRICT TO R-1 SINGLE FAMILY DWELLING DISTRICT; AND APPROVE ORDINANCE NO. 966(21). APPLICATION BY MIKE GALIER. (PLANNING COMMISSION RECOMMENDED DENIAL 9-0). WARD 2.

Elizabeth Weitman, Community Development Director, advised that the subject property contained two existing homes located south of NE 27th Street and west of N. Bryant Avenue. The application proposed rezoning the property from A-1 Rural Agricultural District to R-1 Single-Family Dwelling District. Ms. Weitman advised that the homes would be demolished for a single-family residential development of 47 lots with two common areas. This would result in a density of 2.8 living units per acre. Ms. Weitman stated that water and sewer were available to serve the property. Required detention would be provided by an existing retention pond located on the west side of the property abutting the Signal Ridge Addition. She advised that a FEMA floodplain was located on the property which would require the applicant to obtain a Flood Study to establish the limits of the floodplain. Ms. Weitman estimated that 34% of the floodplain would be modified to accommodate the development. Access would be provided by NE 27th Street with a secondary emergency access point provided through an easement between Lots 11 and 12 on the plat. The development was proposed to be a gated community with private streets. Ms. Weitman advised that the developer was requesting a variance to the front building line setback from 25' as required by City Code to 20'. She noted that a 20' variance had been approved in certain situations; although staff recommended against a 20' building lines since parked cars can block the sidewalk. However, because the addition was proposed to be gated the City Council could determine if a 20' setback was appropriate.

Ms. Weitman indicated there were various issues that must be addressed and would be reviewed in more detail with the final plat. For instance, Lot 46 may not have enough width for a house and an adequate rear yard setback. Also, the eastern boundary contained a 30' strip of vacant land that contained an access easement was on file in the County and was originally used for access to the radio towers to the south. However, the radio towers are now accessed through a street stub in the Sienna Ridge Addition. In order for the property to be utilized the radio tower company must first release the easement.

Ms. Weitman stated that the Envision Moore 2040 plan designated the area as Urban Residential which allowed densities up to 7 units per acre and recommended 10% in open space. Ms. Weitman advised that the proposed development included 26% in open space. She stated that the applicant discussed putting in walking trails and a club house. The site was shown on the Greenway Trails Map as eventually connecting to Buck Thomas Park with a multi-use trail requiring a pedestrian easement for future trail construction, the location of which would be determined during the final flat stage. She indicated that because the application met the density and open space recommendations staff believed it to be in compliance with the comprehensive plan. Since the site was located between two R-1 Single-Family Residential additions and was shown as Urban Density Residential on the comprehensive plan staff recommended approval of both the rezoning application and the preliminary plat.

Ms. Weitman advised that 12 citizens attended the Planning Commission to speak in opposition to the item. Concerns included the loss of wildlife in an environmentally sensitive area, water pressure/service issues, and drainage concerns. Ms. Weitman stated that a rough draft of the minutes of the Planning Commission meeting were submitted to the City Council along with a petition circulated in opposition to the item. She commented that the water line issues were causing low water pressure or loss of service. She indicated that Veolia Water was currently working on repair of the lines and improvement to the connections to resolve the problem. She indicated that the site contained a major drainage channel that drained from the north to the south. Ms. Weitman stated that staff would ensure all of the drainage requirements would be met when the applicant submits construction plans for the development. She added that this portion of 27th Street was low and did tend to hold water in heavy rain; however, she felt the development should have no effect on the issue since the problem was with undersized infrastructure that the City would have to look into at a future date.

Councilwoman Hunt asked if the final plat must comply with new drainage requirements. Ms. Weitman stated that staff would ask that the final plat meet any new requirements which are in place but the final decision would be left up to the City Council. Councilwoman Hunt requested that Meshek and Associates review the plans for the development due to the drainage concerns.

Casey Beach, 2717 Ethan Lane, spoke in opposition to the rezoning and development of the land. Ms. Beach asked the City consider buying the property. She stated that the City of Edmond was attempting to build a nature park but felt that the City was fortunate to already have an area that could be purchased for a nature park which would only require permanent trails and benches. This would bring in revenue from people wanting to hike or it could be used as a study area for field trips or natural habitats. Ms. Beach felt that the proposed plan would comply with the Envision Moore 2040 Plan by protecting the environment, maintaining the natural beauty of the land, increase open space, project unique natural features, and eliminate the need to raise taxes since there would be no maintenance involved. Individuals that signed the petition would rather see money spent on a park that everyone could enjoy rather a bigger road with more traffic and pollution.

Ross Morris with Morris Engineering appeared on behalf of the applicant who was also in attendance at the meeting. Mr. Morris stated that FEMA designated a drainage floodplain on the site which is undefined. He stated that they would be defining the area per the new drainage requirements and install a detention pond.

Councilwoman McKenzie asked how much each property owner would need to pay in HOA fees to cover streets repairs for private roadways. Mr. Morris indicated that they have not yet calculated costs. He stated that he would create a schedule for anticipated repairs so that homeowners could plan for the future costs.

Councilwoman Hunt stated that when a similar situation occurred Council found there was not a legal reason to deny the rezoning. She also stated that the City would not be able to purchase land as open space each time a similar situation occurred. She suggested that the only way an individual could ensure property remained the same was for them to purchase it.

Councilwoman McKenzie commented that the City Council received copies of letters and had the opportunity to read the concerns of the residents. She confirmed that when a similar situation occurred the City voted against a rezoning. The decision was appealed through District Court and the applicant won the appeal.

Councilwoman Hunt moved to approve Rezoning Application No. RZ-1005, located in the NE/4 of Section 12, T10N, R3W, being south of NE 27th Street and west of Bryant Avenue, from A-1 Rural Agricultural District to R-1 Single Family Dwelling District; and approve Ordinance No. 966(21), second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER THE PRELIMINARY PLAT OF MADISON GARDENS, LOCATED IN THE NE/4 OF SECTION 12, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND WEST OF BRYANT AVENUE. APPLICATION BY MIKE GALIER. (PLANNING COMMISSION RECOMMENDED DENIAL 9-0). WARD 2.

Councilwoman Hunt asked if staff concerns were be addressed before the final plat approval. Ms. Weitman stated that the issues mentioned in the previously item would be resolved prior to Council's consideration of the final plat.

Councilwoman Hunt moved to approve the Preliminary Plat of Madison Gardens, located in the NE/4 of Section 12, T10N, R3W, being south of NE 27th Street and west of Bryant Avenue, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF A CONTRACT WITH PARKHILL, INC. D/B/A LEMKE LAND SURVEYING IN THE AMOUNT OF \$200,000 FOR GIS UPDATES TO THE CITY'S STORMWATER NETWORK.

Elizabeth Weitman, Community Development Director, stated that the contract with Parkhill, Inc. d/b/a Lemke Land Surveying in the amount of \$200,000 was for GIS updates to the City's stormwater network map. Ms. Weitman advised that this was a budgeted item that would come from Fund 11 which contains dedicated funding for water and drainage improvements. She indicated that most of the information for the maps was obtained through As-Built digitization; however, some of the older stormwater systems do not have As Builts. Therefore, it would involve a crew doing hands-on work in the field to obtain the necessary data resulting in the higher contract cost. Ms. Weitman stated that this was a requirement of the City's Stormwater Management Plan and the Lake Thunderbird TMDL. Brooks Mitchell, City Manager, added that funding for Fund 11 comes from the 1/8 cent sales tax.

Councilman Williams asked how long the project would take. Ms. Weitman estimated it wouldn't take any longer than 12 months. Mayor Lewis asked if the information would be available to developers, builders, and plumbers. Ms. Weitman stated that the information would not be available to the general public. However, individuals could call their office to obtain access to the system.

Councilman Williams moved to approve a contract with Parkhill, Inc. d/b/a Lemke Land Surveying in the amount of \$200,000 for GIS updates to the City's stormwater network, second by Mayor Lewis. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A SERVICES AND MATERIALS PROPOSAL IN THE AMOUNT OF \$113,836.04 WITH SPARQ NATURAL GAS TO TEMPORARILY MOVE THE COMPRESSED NATURAL GAS FUELING EQUIPMENT WHILE THE CITY UNDERGOES UPGRADES TO THE PUBLIC WORKS FACILITY.

Jerry Ihler, Assistant City Manager, stated that the City was finalizing the plans for the Public Works facility funded by the ¼ cent sales tax. The project would require the temporary relocation of the CNG fueling facility used to fuel the City's 14 sanitation trucks. Mr. Ihler advised that Sparq, who constructed the facility, submitted a proposal in the amount of \$113,836.04 for the relocation of the CNG fueling facility. He indicated that staff looked at utilizing On-Cue or 7-Eleven for fuel; however, the contract with Sparq included a minimum fuel purchase that must be made by the City each year. Considering this, it was determined that the cost to utilize On-Cue and 7-Eleven would be \$20,000 more than the cost to temporarily move the facility. Councilman Williams asked if the cost to move the refueling station was

included in the project. Mr. Ihler indicated that it was anticipated and included in the cost estimate. Councilman Williams asked where the station would be moved to during construction. Mr. Ihler advised that it would be relocated to the northeast corner of the site behind the water tower.

Councilman Williams moved to approve a services and materials proposal in the amount of \$113,836.04 with Sparq Natural Gas to temporarily move the compressed natural gas fueling equipment while the City undergoes upgrades to the Public Works Facility, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF AMENDMENT NO. 2 IN THE AMOUNT OF \$78,814.75 TO THE SE 4TH STREET BNSF RAILROAD UNDERPASS FINAL PLAN AGREEMENT WITH POE & ASSOCIATES FOR PREPARATION OF AN ENVIRONMENTAL STUDY NECESSARY FOR THE PROJECT.

Jerry Ihler, Assistant City Manager, stated that the railroad underpass project at SE 4th Street has oversight and funding available from the Oklahoma Department of Transportation and the Federal Highway Administration. Amendment No. 2 to the Poe & Associates contract in the amount of \$78,814.75 was for preparation of the necessary Environmental Study to meet ODOT and federal standards.

Councilwoman McKenzie moved to approve Amendment No. 2 in the amount of \$78,814.75 to the SE 4th Street BNSF Railroad Underpass Final Plan Agreement with Poe & Associates for preparation of an environmental Study necessary for the project, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF AMENDMENT NO. 1 IN THE AMOUNT OF \$17,500 TO THE PUBLIC WORKS FACILITY RENOVATION AGREEMENT WITH TAP ARCHITECTURE FOR REVISIONS NECESSARY FOR CONSTRUCTION OF THE FACILITIES.

Jerry Ihler, Assistant City Manager, indicated that the item was for approval of an amendment to the Tap Architecture contract in the amount of \$17,500 for the addition of overhead crane equipment for the Street Department and overhead storage for the Building Maintenance, Fleet Maintenance and Street and Drainage areas of the Public Works facility renovation.

Councilwoman McKenzie moved to approve Amendment No. 1 in the amount of \$17,500 to the Public Works Facility Renovation Agreement with Tap Architecture for revisions necessary for construction of the facilities, second, and waive competitive bidding, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER APPROVAL OF A CONTRACT IN THE BUDGETED AMOUNT OF \$49,500, PURSUANT TO WRITTEN QUOTES, WITH ARC PYROTECHNICS FOR THE CITY'S ANNUAL JULY 4TH FIREWORKS SHOW.

Sue Wood, Parks and Recreation Director, requested approval of a contract in the budgeted amount of \$49,500 with Arc Pyrotechnics for the City's annual fireworks show. Ms. Wood advised that three companies prepared a quote for a pyrotechnics show in the amount of \$49,500. Staff felt that Arc Pyrotechnics submitted the best quote. Ms. Wood indicated that the show would last approximately 24 minutes with a 45 second finale.

Councilwoman Hunt moved to approve a contract in the budgeted amount of \$49,500, pursuant to written quotes, with ARC Pyrotechnics for the City's annual July 4th fireworks show, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER AUTHORIZING THE BUDGETED PURCHASE OF THREE Z960M ZTRAK TRACTORS USING STATE CONTRACT NO. SW0190 FROM P & K EQUIPMENT IN THE AMOUNT OF \$11,028.71 EACH FOR A TOTAL OF \$33,086.13 FOR REPLACEMENT OF OUTDATED EQUIPMENT.

Sue Wood, Parks and Recreation Director, requested authorization to purchase three ZTRAK mowers off the state contract. Ms. Wood stated that the mowers have a safer and more efficient mowing capacity than the outdated equipment. She indicated the equipment being replaced would be stored at the Park Maintenance yard until plans could be made to auction them off.

Councilwoman Hunt moved to approve the budgeted purchase of three Z960M ZTrak Tractors using State Contract No. SW0190 from P & K Equipment in the amount of \$11,028.71 each for a total of \$33,086.13 for replacement of outdated equipment, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF A CONTRACT WITH CRAWFORD & ASSOCIATES FOR PREPARATION OF THE CITY'S ANNUAL FINANCIAL STATEMENTS FOR FISCAL YEAR ENDED JUNE 30, 2021 AND TO PROVIDE THE FINANCE DEPARTMENT WITH FINANCIAL SERVICES ON SPECIAL PROJECTS ON AN AS NEEDED BASIS.

Betty Koehn, Finance Director, stated that the proposed contract with Crawford & Associates was for financial statement preparation but may include limited special projects as needed. Ms. Koehn stated that the contract amount was estimated to be approximately \$50,000.

Mayor Lewis stated that Crawford & Associates used to prepare the financial statements and the audit. He asked why the City now wanted to retain two companies to perform the same work. Brooks Mitchell, City Manager, indicated Crawford & Associates no longer performed auditing services. Mayor Lewis commented that the contract amount was \$10,000 more than it was when they prepared everything. Mr. Mitchell stated that in the years since they prepared the audit there have been a significant number of GASB pronouncements added to the auditing standards. Mayor Lewis asked if the new accounting position approved earlier in the meeting could perform the work. Mr. Mitchell indicated that the accountant job duties did not include the financial statements for the audit. Councilman Williams asked for the amount of the two contracts last year. Ms. Koehn indicated that last year the City paid Crawford & Associates approximately \$42,000 and Dillon & Associates \$50,000.

Councilman Williams moved to approve a contract with Crawford & Associates for preparation of the City's annual financial statements for fiscal year ended June 30, 2021 and to provide the Finance Department with financial services on special projects on an as needed basis, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER APPROVAL OF A CONTRACT WITH DILLON & ASSOCIATES FOR AUDITING SERVICES FOR THE FISCAL YEAR ENDING JUNE 30, 2021.

Betty Koehn, Finance Director, stated that the proposed contract with Dillon & Associates was for auditing services for FY 21, filing of the Annual Survey of City and Town Financials with the State Auditor, and preparation of the City's Sinking Fund Estimate of Needs Report for the Cleveland County Excise Board. Ms. Koehn advised that the cost for the services was estimated to be approximately \$56,500.

Councilman Williams moved to approve a contract with Dillon & Associates for auditing services for the fiscal year ending June 30, 2021, second by Councilman McKenzie. Motion carried unanimously.

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

Agenda Item Number 16 being:

CONSIDER AUTHORIZING THE PURCHASE OF A 33KGVW BROOM BEAR MECHANICAL SWEEPER USING STATE CONTRACT NO. SW091 FROM J & R EQUIPMENT, LLC ELGIN SWEEPERS IN THE AMOUNT OF \$315,000 USING CARES ACT FUNDS.

Brooks Mitchell, City Manager, stated that the City's street sweeper requires frequent repairs and was unreliable. Mr. Mitchell advised that there had not been sufficient funding for the past two years to

purchase the equipment which was included on the 2018 G.O. Bond issue. He recommended authorizing the purchase of the equipment off the State contract to be funded using CARES Act funds.

Mayor Lewis asked for legal opinion regarding the use of CARES Act funds for purchase of a street sweeper. Randy Brink, City Attorney, felt it would be a qualifying expense.

Councilman McKenzie moved to authorize the purchase of a 33KGVW Broom Bear Mechanical Sweeper using State Contract No. SW091 from J & R Equipment, LLC Elgin Sweepers in the amount of \$315,000 using CARES Act funds, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 17 being:

CONSIDER AUTHORIZING THE PURCHASE OF A REPLACEMENT LOGIC CONTROLLER SYSTEM FROM KOHLER POWER SYSTEMS/RP POWER, AS SOLE SOURCE, IN THE AMOUNT OF \$134,350 FOR USE ON PUBLIC SAFETY BUILDING GENERATORS USING CARES ACT FUNDS.

Brooks Mitchell, City Manager, stated that the controller system for the generators in the Public Safety Building was in need of replacement. It has become problematic to diagnose the issue and obtain replacement parts. The manufacturer recommended replacing the controller system. Mr. Mitchell indicated that the City is two generations behind. He advised that Gayland Kitch, Emergency Management Director, was in attendance to answer any questions.

Mayor Lewis confirmed that CARES Act funds could legally be used for purchase of a Logic Controller System.

Councilwoman McKenzie asked the age of the current controller system. Mr. Mitchell indicated it was installed in 2013. Councilman Williams asked if money should be budgeted annually or would it be better to pay for the total replacement cost as needed. Gayland Kitch, Emergency Management Director, stated that there are two sophisticated generators located in the Public Safety Building. In order to have the two generators work together it required a Logic Controller System. The Logic Controller System operated on Windows 7 as an operating system which was no longer supported by Microsoft or the manufacturer. He clarified that the item was not for the replacement of the generators themselves.

Councilman Blair moved to authorize the purchase of a replacement Logic Controller System from Kohler Power Systems/RP Power, as sole source, in the amount of \$134,350 for use on Public Safety Building generators using CARES Act funds, second by Councilman Williams. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT APPROXIMATELY 7:24 P.M.

Agenda Item Number 18 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MARCH 15, 2021.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2020-2021 IN THE AMOUNT OF \$1,184,846.06.

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

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

Agenda Item Number 19 being:

CONSIDER AWARDING BID NO. 2021-009 FOR CONSTRUCTION OF THE SANITARY SEWER RELOCATIONS FOR THE LITTLE RIVER BRIDGE REPLACEMENT ON STATE HIGHWAY 37/SW 4TH STREET EAST OF JANEWAY AVENUE TO MATTHEWS TRENCHING, AS LOWEST AND MOST RESPONSIBLE BIDDER, IN THE AMOUNT OF \$429,480; AND APPROVE CONTRACT FOR SAME.

Jerry Ihler, Assistant City Manager, stated that the proposed bid award was for the relocation of a sanitary sewer line necessary for the Oklahoma Department of Transportation to construct their bridge on State Highway 37/SW 4th Street just east of Janeway. Mr. Ihler indicated that four bids were received with the most responsible bid from Matthews Trenching in the amount of \$429,480. He noted that a lower bid was received; however, the contractor requested to withdraw his bid since he had several inconsistencies in his unit comp prices. Mr. Ihler advised that the funding source for project would be MPWA funds; however, the State would reimburse approximately 99.2% of the total amount making the City's cost \$4,500.

Trustee Blair moved to award Bid No. 2021-009 for construction of the sanitary sewer relocations for the Little River Bridge Replacement on State Highway 37/SW 4th Street east of Janeway Avenue to Matthews Trenching, as lowest and most responsible bidder, in the amount of \$429,480; and approve contract for same, second by Trustee Williams. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:27 P.M.

Agenda Item Number 20 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MARCH 15, 2021.

- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2020-2021 IN THE AMOUNT OF \$427,847.05.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED AT 7:28 P.M. WITH VICE-CHAIRMAN ADAM WEBB PRESIDING.

Agenda Item Number 21 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.

Mayor Lewis expressed his appreciation to Vice-Chairman Webb for chairing the City Council meeting on his behalf. He also thanked Vice-Mayor Hamm for his assistance in chairing the meeting in the past. He took the opportunity to thank the City Council for the work they do. Vice-Chairman Webb thanked the Mayor for his comments. He stated that they appreciated him and looked forward to his return.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, asked Community Development Director Elizabeth Weitman and Assistant City Attorney Brian Miller to give an update regarding home-based businesses which was brought to the attention of the City Council at the last meeting. Ms. Weitman indicated that staff had surveyed other cities to see what they allowed. Mr. Miller used that information to prepare a draft ordinance which was reviewed by herself and Code Enforcement who would be responsible for enforcement of the ordinance. She stated that ultimately it was up to the City Council to determine how detailed the ordinance should be written. There were two options. The first would be to continue with a list of allowed and disallowed home-based businesses. Under this option, enforcement of disallowed home-based businesses are done through a citizen complaint. She stated that the other option would be to implement an annual permitting process for home-based businesses. This would allow City staff to make inspections to ensure they are compliance with any requirements. Mr. Miller suggested items that should be considered before deciding to move forward with the ordinance. Most of the cities had an itemized list of prohibited home-based businesses and a list of allowed home-based businesses. There were guidelines in place in the event the businesses was not included in either category of what a business could and could not do. He did express concern about enforcement of some of the guidelines. Mr. Miller indicated that he chose guidelines common among the various cities and put them in an ordinance in a rough draft format to be reviewed by the City Council. He felt that a discussion should occur to determine the intent of the City Council on issues regarding, among other things, the number of employees allowed, signage, and the percentage of the home set aside for the business. In the sample ordinance he used 25% since that was a common number among other cities. Councilwoman Hunt commented that they did not want the neighbors of home-based businesses to be impacted. Ms. Weitman stated that the biggest complaint they receive regarding home-businesses is parking. It is also difficult to enforce if the parking is occurring on a public

street. Councilman Williams stated that the cost of the permit must be high enough to pay a salary. He felt that the issue needed to be thought out. Councilwoman Hunt indicated that Senate Bill 316 was going through the legislature that would allow municipalities to prohibit some home-based businesses based on the number of employees. Ms. Weitman felt that was some merit in defining what was allowed and disallowed by ordinance. Vice-Chairman thanked Ms. Weitman and Mr. Miller for their research on work on the issue.

Mr. Mitchell congratulated the Moore Fire Department who were presented with a check from the Moore Public Schools Foundation in the amount of \$125,000 to go toward the Santa Express program. He stated that they do a great job with the program. He issue a special thank you to Assistant Fire Marshal Darren Sigmen who worked particularly hard on the program.

Agenda Item Number 22 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:37 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:

JAMIE WEAVER, Deputy City Clerk