

**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
AUGUST 20, 2018 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on August 20, 2018 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, Hamm, Lewis
ABSENT: Webb

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; City Attorney, Randy Brink; Assistant City Attorney, Brian Miller; Administrative Assistant (Capital Planning & Resiliency), Kahley Gilbert; Community Development Director, Elizabeth Weitman; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Finance Director, Betty Koehn; Fire Chief, Gary Bird; Human Resources Director, Christine Jolly; Manager of Information Technology, David Thompson; Police Chief, Jerry Stillings; Police Sergeant, Troy Fullbright; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and City Clerk, Linda Stewart.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 6, 2018.
- B) RECEIVE THE MINUTES OF THE REGULAR PARKS BOARD MEETING HELD JULY 12, 2018.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2017-2018 IN THE AMOUNT OF \$61,014.53 AND APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$2,331,207.77.

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

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

Agenda Item Number 3 being:

RECEIVE A REPORT FROM SELECT ACTUARIAL AND ACCEPT THE ANNUAL ACTUARIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2018.

Brian Miller, Assistant City Attorney, stated that the City had used Select Actuarial Services for preparation of the annual Actuarial Report for many years and was pleased with the service they provided. Mr. Miller introduced Laura Sprouse with Select Actuarial Services who gave a summary of their findings.

Laura Sprouse from Select Actuarial Services presented the results of the Actuarial Study for the fiscal year ended June 30, 2018. The total reserve requirement increased by \$304,000 from the previous fiscal year. The increase was due to Worker's Comp. claims. The required reserves for Health Benefits decreased by \$57,000 from the previous year.

Councilman Blair moved to accept the annual Actuarial Report for fiscal year ended June 30, 2018, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A CONTRACT IN THE AMOUNT OF \$6,350 WITH MESHEK AND ASSOCIATES FOR A SOUTHEAST DRAINAGE BASIN SECTIONAL DETENTION STUDY.

Elizabeth Weitman, Community Development Director, advised that staff was proposing approval of a contract with Meshek and Associates in the amount of \$6,350 for a Southeast Drainage Basin Sectional Detention Study in order to obtain a drainage plan for the entire quadrant instead of relying on a piecemeal development plan containing drainage from different engineers. The proposed study would cover the Southeast Quadrant of the City, which contained the most undeveloped land and floodplains/floodways, to determine the size and placement of detention facilities. This information would be given to developers when they inquire about development in the subject area. Once the study was complete the City would have the option of moving forward with the recommended detention or having the developers implement the improvements.

Councilwoman McKenzie asked for the specific area included in the study. Ms. Weitman indicated that the study would include two quarter sections in the southeast quadrant of the City. The first area in the study would be the quarter section west of the Edgewater Addition currently under construction. The second quarter section was located immediately west of the first quarter section and contained the Broadmoore Golf Course. Staff felt that with the recent District Court decision, and the drainage concerns expressed by the residents, it would be best to have a drainage plan in place before the property was developed.

Councilman Williams asked if the drainage plan would cover only the two quarter sections mentioned or the five quarter sections included in the backup material. Ms. Weitman indicated that the cost of the study was for the two quarter sections. The remaining three quarter sections, which were ranked by priority, could be incorporated into the study at a later date.

Mayor Lewis asked if the City Council had previously approved a contract with an engineering company to perform a drainage study. Ms. Weitman advised that the City did retain Meshek and Associates for a Master Drainage Study for the entire City; however, the placement of detention ponds for new development was not included in the original study. The Master Plan included the rate of flow within the existing creeks. Mayor Lewis asked if the new FEMA Floodplains would be considered in the detention

study. Ms. Weitman advised that Meshek and Associates would take into consideration any information currently available. Councilman Williams asked how the cost of the drainage work performed by the City could be distributed among the developers. Ms. Weitman stated that if the City opted to perform the work Meshek and Associates would look at developing an Impact Fee which could be charged for each acre of land to be developed in order to recoup those costs.

Councilwoman McKenzie moved to approve a contract in the amount of \$6,350 with Meshek and Associates for a Southeast Drainage Basin Sectional Detention Study, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF ORDINANCE NO. 875(18) AMENDING PART 12, CHAPTER 5, ARTICLE A, SECTIONS 12-1104, 12-1106, AND 12-1111 OF THE LAND DEVELOPMENT CODE BY ADDING LAND USE DEFINITIONS FOR "FAST CASUAL" RESTAURANT AND "PERSONAL STORAGE FACILITY" AND AMENDING THE TRANSPORTATION IMPACT FEE RATES FOR FAST FOOD, FAST CASUAL, AND OTHER RESTAURANTS, RETAIL AND COMMERCIAL, AND PERSONAL STORAGE FACILITY AND ESTABLISHING APPEALS PROCEDURES AND FEE.

Elizabeth Weitman, Community Development Director, stated that Ordinance No. 875(18) would amend the current Transportation Impact Fee Schedule by adding a new category of land use called "Fast Casual" restaurant that was becoming more prevalent. Ms. Weitman indicated that this land use was different from the "Fast Food" land use based on the quality of food, the time it took to receive the food, and the table service. Individuals with a land use category of Fast Casual feel they should pay a lower Transportation Impact Fee than a Fast Food category because they take longer to serve you and people tend to stay longer resulting in a shorter turnover than a Fast Food restaurant. Fast Casual is a restaurant industry term that is very difficult to define in the City Code. Staff would recommend placing Fast Casual and Fast Food restaurants in the same category but lower the top fee of \$3.44 to \$3.00. This would give them a break based on their turnover and usage rate. Staff also recommended adding a category of "Restaurant, Other" which would include the traditional sit-down restaurant. Staff recommended raising the retail rate by .10 cents per square foot to .35 cents per square foot. They also recommended another land use category called "Industrial, Personal Storage" for mini-storage or personal storage. Because their usage rates are very low during the day staff recommended lowering the fee to .10 cents per square foot.

Ms. Weitman also recommended amending the appeals process. Currently appeals require a Traffic Impact Study performed by an engineer which is an expensive and time consuming procedure. Staff would recommend a more standardized procedure by implementing a \$500 fee on appeals that would go to the City Engineer for a determination. This amount is what the engineer charges to make a land use determination.

Ms. Weitman surveyed local municipalities' Transportation Impact Fees. She found that Oklahoma City was the only community in the metro area that had a Transportation Impact Fee. Ms. Weitman included in the agenda packet a Transportation Impact Fee Comparison between Moore and Oklahoma City. Ms. Weitman stated that Moore's fees were still below Oklahoma City's fees giving Moore an edge when it came to business recruitment.

Councilwoman McKenzie asked what the Transportation Impact Fee was used for. Ms. Weitman stated that the fees were placed in an account used for capital improvements to the transportation system. Most of the arterial roadway repairs were funded using Transportation Impact Fee funds if no other funding source was available.

Mayor Lewis asked why the City categorized the various restaurants with fees ranging from .25 cents per square foot to \$3.44 per square foot. Councilwoman Hunt indicated that different businesses have different impacts on the roadways and the traffic that they bring to the City. She felt the proposed fees were a fair assessment. Mayor Lewis expressed his concern that the new fees could cause the City to lose new business. Councilwoman Hunt commented that other than the new land use for Fast Casual the other fees have been in place for some time. Councilman Williams added that if the fees were not collected the monies would have to be obtained in some other way.

Councilwoman Hunt moved to approve Ordinance No. 875(18), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF ORDINANCE NO. 889(18) AMENDING PART 12, CHAPTER 5, ARTICLE K, SECTIONS 12-561 OF THE LAND DEVELOPMENT CODE BY ADDING A REQUIREMENT FOR PRESERVING THE CITY OF MOORE SURVEY MONUMENTS AND ESTABLISHING FEE FOR SETTING MONUMENTS.

Elizabeth Weitman, Community Development Director, advised that the agenda item was related to the City's GIS survey monuments that were set several years ago. The monuments are used by engineers in order to populate the GIS database when they turn in their construction plans. Ms. Weitman indicated that some new development was threatening to remove the monuments when they constructed their improvements. Staff would propose implementing a fee to be assessed when a monument was disturbed to pay for the cost of the City's surveying contractor resetting the monument on the same system in order to prevent a discrepancy in data. Ms. Weitman stated that this fee would only be implemented if a developer could not amend his plans to allow the monument to remain undisturbed at its current location.

Councilwoman McKenzie moved to approve Ordinance No. 889(18), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF A CONTRACT WITH THE MOORE PUBLIC SCHOOL DISTRICT IN THE AMOUNT OF \$319,553.88 TO PROVIDE SEVEN UNIFORMED SCHOOL RESOURCE OFFICERS FOR FY 18-19.

Police Chief Jerry Stillings indicated that the proposed contract was an annual contract entered into with the Moore Public School District to provide School Resource Officers to two High Schools and three Junior Highs located in the city limits of Moore. The Moore Public Schools would fund 65% of the seven police officers' salary and benefits who are assigned as School Resource Officers.

Councilwoman McKenzie moved to approve a contract with the Moore Public School District in the amount of \$319,553.88 to provide seven uniformed school resource officers for FY 18-19, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF OLD TOWN PARK MASTER PLAN.

Todd Jenson, Assistant City Manager, indicated that the Old Town Park Master Plan was included in the agenda for review. Mr. Jenson indicated that the City purchased land directly across from the Public Safety Center for the Old Town Park approximately five years ago. After speaking with the Burlington Northern Santa Fe Railroad it was determined that the City owned more property than was originally thought. The project was anticipated to be funded using the ¼ cent sales approved in November 2016. The process included citizen involvement and a stakeholder group. The stakeholder group included Councilmembers McKenzie and Hamm, two citizens and Old Town representatives Shawn Evans and Brent Wheelbarger, and Parks Board Members Janie Milum and Jeff Arvin. In addition to himself, City staff included Assistant City Manager, Stan Drake, Community Development Director, Elizabeth Weitman, and Grants Manager, Kahley Gilbert. Mr. Jenson stated that the consultant Anthony McDermit with Tap Architecture and his team played a critical role in the process. He advised that five stakeholder meetings were held and a public meeting in order to obtain public input. He advised that the Parks Board unanimously approved the Old Town Park Master Plan at their July 2018 Parks Board Meeting.

Mr. Jenson indicated that the citizen and stakeholder groups expressed a desire to tell the history of Moore and express Moore's uniqueness in the park. Renderings of the park included a walking trail, a plaza with public art, a train depot, and landscaping. Mr. Jenson indicated that the budget would not allow for completion of the entire project; therefore, the park would be constructed in phases. He added that eventually they would like to connect the Old Town Park to Central Park. He noted that money for a pedestrian bridge was included in the recently approved 4th Street Underpass which could be used to connect the two parks.

Mr. Jenson stated that the citizen and stakeholder groups did not want the park to be something that people visited once and did not feel the need to visit again. They want it to be changing. The idea of operating a coffee shop in the Train Depot and to have an artist in residence was discussed. The City would solicit a Request for Proposals to select an independent business to operate the coffee shop for a period of three to five years. A contract with an artist in residence would be for a term of one year. Art shows could be held throughout the year with work on display. Mr. Jenson also mentioned that an artist in residence could teach art classes at Central Park. The original train depot opened in September 1895 and was removed from that location in 1973. The option of obtaining the original depot which is now privately owned was researched. Several attempts were made to contact the owner but the calls were never returned. However, since the cost of obtaining the depot, renovating it, and moving it was determined to be cost prohibitive there would be a replica made of the original depot. The north two-thirds of the depot would contain the coffee shop, a restroom, and a studio space occupied by the artist in residence.

Mr. Jenson indicated that if the City Council voted to approve the Old Town Park Master Plan. A contract with Tap Architecture would be presented for approval. Construction was estimated to begin in 8 to 9 months and would take approximately one year to complete. The estimated cost of the project was \$500,000. Mr. Jenson recommended the stakeholders work on an RFP for the coffee shop operation and on the selection of an artist in residence.

Councilwoman McKenzie asked Mr. Jenson to explain what portion of the project could be constructed using the \$500,000 budget. Mr. Jenson indicated that the project would include site work, the depot,

\$50,000 for public art, and the landscaping. Councilman Blair asked if the walking trail would be included in the first phase of the project. Mr. Jenson stated that the walking trail was part of the flat work budget. He estimated that approximately \$125,000 to \$150,000 was set aside for the trail. The length of the trail would depend on cost. He estimated the trail would go around the depot through the courtyard and possibly a little further south.

Councilman Hamm stated that he enjoyed being a part of the project and expressed appreciation to those individuals who gave their time to be a part of the planning process.

Councilman Blair moved to approve the Old Town Park Master Plan, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A BUDGET SUPPLEMENT FOR FY 17-18 IN THE AMOUNT OF \$388,155 TO BUDGET INCREASED STREET PROJECT REVENUES AND RELATED EXPENSES.

Betty Koehn, Finance Director, advised that Amendment 18-19 for Fund 12 was necessary to complete the FY 18 budget for the Old Town and Ward 3 projects. Revenue from the reimbursement from Bank of Oklahoma for the Pole Road Project and interest for Fund 12 would be budgeted as well as funds from the Fund Balance to offset increased costs for the two projects. Ms. Koehn advised that the cost of the project was split between two fiscal years; however, more progress occurred in FY 18 than was originally anticipated. The entire project is still anticipated to be within budget. She stated that several projects in Ward 3 required additional work to complete and the budget supplement would also cover those expenses.

Councilman Blair moved to approve a budget supplement for FY 17-18 in the amount of \$388,155 to budget increased street project revenues and related expenses, second by Councilman Williams. Motion carried unanimously.

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

Addendum Item Number 9.1 being:

CONSIDER APPROVAL OF A BUDGET SUPPLEMENT FOR FY 17-18 IN THE AMOUNT OF \$23,900 TO BUDGET INCREASED FEDERAL GRANT REVENUES AND RELATED EXPENSES.

Betty Koehn, Finance Director, advised that Amendment 18-29 for Fund 08 was necessary to complete the FY 18 budget for two federal programs. The COPS hiring program and the OKC Economic and Identity Task Force. Expenses for the two programs was over the original budget; however, the federal government reimbursed the City for the expenses. The budget supplement would budget the additional revenue and increase the budget for the two programs.

Councilwoman McKenzie moved to approve a budget supplement for FY 17-18 in the amount of \$23,900 to budget increased federal grant revenues and related expenses, second by Councilman Blair. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:22 P.M.

Agenda Item Number 10 being:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD AUGUST 6, 2018.
- B) RATIFY ACTION OF THE CITY COUNCIL ON ACCEPTANCE OF THE ANNUAL ACTUARIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2018.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2017-2018 IN THE AMOUNT OF \$45,948.57; AND APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$609,569.32.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:23 P.M.

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD AUGUST 6, 2018.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2017-2018 IN THE AMOUNT OF \$247,242.73.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH VICE-CHAIRMAN LOUIE WILLIAMS PRESIDING AT 7:24 P.M.

Agenda Item Number 12 being:

ROLL CALL

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

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD JULY 16, 2018.

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

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:25 P.M.

Agenda Item Number 14 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.

Councilman Hamm announced that the Moore War Run would be held August 25, 2018 at 7:30 a.m. The event would start at Moore High School and end at 200 N. Broadway in Old Town.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, advised that the groundbreaking for the 34th Street Overpass was held August 17, 2018 at 9:00 a.m. Mr. Mitchell advised that construction on the project would take approximately 13 months. ODOT was restriping the lanes on I-35 to divert traffic in anticipation of the construction. Mr. Mitchell indicated that the Oklahoma City Dodgers held a City of Moore night on August 18, 2018 at the Bricktown Ballpark. Several employees were able to attend.

Agenda Item Number 15 being:

EXECUTIVE SESSION:

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE ACTION TO JOIN PENDING LITIGATION AGAINST OPIOID MANUFACTURERS, DISTRIBUTORS, AND OTHER POTENTIAL DEFENDANTS THAT ARE RESPONSIBLE FOR THE OPIOID EPIDEMIC, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- B) CONVENE TO EXECUTIVE SESSION.

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

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

The City Council convened into executive session at 7:26 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 8:05 p.m.

D) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE ACTION TO JOIN PENDING LITIGATION AGAINST OPIOID MANUFACTURERS, DISTRIBUTORS, AND OTHER POTENTIAL DEFENDANTS THAT ARE RESPONSIBLE FOR THE OPIOID EPIDEMIC, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Blair moved to take no action at this time regarding joining pending litigation against Opioid manufacturers, distributors, and other potential defendants that are responsible for the opioid epidemic, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 16 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 8:07 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

ADAM WEBB, MPWA Secretary

FOR:

MARK HAMM, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2018.

ATTEST:

LINDA STEWART, City Clerk