

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
OCTOBER 6, 2014 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on October 6, 2014 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Scott Singer
Councilman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Krows, Blair, Singer, Roberts, Hamm, Lewis
ABSENT: Cavnar

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Finance Director, Jim Corbett; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Manager of Information Technology, David Thompson; Parks and Recreation Director, Todd Jenson; Police Chief, Jerry Stillings; Sgt. Trevor Troxell; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Mayor Lewis presented a proclamation declaring October 5-11, 2014 as "Fire Prevention Week" to Chief Bird and expressed his appreciation to the Moore Fire Department for the good job that they do for the community.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 15, 2014.
- B) RECEIVE THE MINUTES OF THE REGULAR PARK BOARD MEETINGS HELD JULY 1, 2014 AND AUGUST 5, 2014.
- C) ACCEPT A 20-FOOT PUBLIC UTILITY EASEMENT IN THE SW/4 OF SECTION 22, T10N, R3W, LOCATED NORTH OF SW 19TH STREET AND WEST OF MAX MORGAN BLVD., TO SERVE THE ROYAL ROCK ADDITION, SECTION 6.
- D) ACCEPT A PUBLIC UTILITY EASEMENT LOCATED IN THE SW/4 OF SECTION 22, T10N, R3W, BEING NORTH OF SW 19TH STREET AND EAST OF EAGLE DRIVE TO SERVE THE THIRTY5WEST ADDITION.

- E) ACCEPT A PUBLIC UTILITY EASEMENT LOCATED IN THE SE/4 OF SECTION 30, T10N, R2W, BEING NORTH OF SE 34TH STREET AND EAST OF SUNNYLANE TO SERVE MOORE PUBLIC SCHOOLS.
- F) ACCEPT A PUBLIC UTILITY EASEMENT LOCATED IN THE NE/4 OF SECTION 31, T10N, R2W, BEING SOUTH OF SE 34TH STREET AND EAST OF SUNNYLANE TO SERVE MOORE PUBLIC SCHOOLS.
- G) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$4,352,172.87.

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

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 3 being:

CONSIDER APPROVAL OF AN AUDIT REPORT FOR YEAR ENDED JUNE 30, 2014.

Jim Corbett, Finance Director, indicated that the year-end financial reports are complete and the audit issued. Mr. Corbett advised that the City received an unqualified audit opinion, or a clean audit opinion, which is what the City strives to achieve. The audit report included the financial audit, single audit, and a management letter that details the audit process and includes any findings that should be noted. Mr. Corbett expressed his appreciation to Bob Dillon with Dillon and Associates who prepared the audit report and asked Mr. Dillon to present his findings to the City Council.

Bob Dillon, Dillon and Associates, indicated that his firm completed the audit of the financial statements for year ended June 30, 2014. It was a clean opinion with no findings or compliance issues. Mr. Dillon added that the records were in very good shape. He noted that the sales and use tax increased by 15% over last year due to new construction as part of the recovery process from the May 20, 2013 tornado. Carryover on the general fund was also around 15% of total expenditures or \$4.7 million. Mr. Dillon provided a ten-year history of statistical data for the City of Moore. This data reflected significant growth over the past ten years in population size, school enrollment, and income per capita. The total new construction for residential and commercial was \$159 million compared to \$75 million last year. Mr. Dillon stated that the City has experienced a tough year but was doing very well. He thanked Mr. Corbett and his staff. The records are always in order and makes his job much easier.

Councilman Roberts moved to approve the Audit Report for year ended June 30, 2014, second by Councilman Krows. Motion carried unanimously.

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis
Nays: None
Absent: Cavnar

Mayor Lewis also expressed his appreciation to Jim Corbett and his staff.

Agenda Item Number 4 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH NYHART COMPANY, INC. IN THE AMOUNT OF \$7,625 FOR GASB 45 ACTUARIAL SERVICES.

Jim Corbett, Finance Director, advised that the City is required under the Governmental Accounting Standards to provide two actuarial reports as part of the Audit Report. These reports allow the City to obtain unqualified audit opinions. Mr. Corbett requested approval of an agreement with Nyhart Company in the amount of \$7,625 for two years of actual reports.

Councilman Roberts moved to approve an agreement with Nyhart Company, Inc. in the amount of \$7,625 for GASB 45 actuarial services, second by Councilman Singer. Motion carried unanimously.

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis

Nays: None

Absent: Cavnar

Agenda Item Number 5 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH UTILITY REBATE CONSULTANTS, INC. TO PERFORM AN AUDIT OF THE CITY'S ELECTRIC AND NATURAL GAS BILLS FOR POTENTIAL BILLING ERRORS AND RESULTING SAVINGS.

Jim Corbett, Finance Director, stated that the proposed agreement with Utility Rebate Consultants, Inc. was for the audit of the City's electric and natural gas bills in an attempt to locate any billing errors which could result in a savings to the City. Any savings would be split between the City and Utility Rebate Consultants. Mr. Corbett noted that there would be no charge for the service if the company does not find any cost saving errors. The City has never contracted with a company for this type of service but felt it could be beneficial and wanted to bring it to the City Council for consideration.

Councilman Krows asked if Utility Rebate Consultants looked at random bills. Mr. Corbett stated that they would look at every electric and gas bill over a three year period, which is the allowable time frame under State law. They will contact OG&E and ONG to obtain the records for review. Steve Eddy, City Manager, indicated that OEC might be included in the audit as well.

Councilman Hamm wanted to know what type of errors they would look for. Mr. Corbett indicated that they would ensure that the companies were charging the City the correct rate. Since the City does not have access to the utility company's rate schedules staff would be unable to ascertain if the billing was correct. The City also doesn't have enough time or staff to thoroughly review every bill that is received. Councilman Hamm asked what type of success rate Utility Rebate Consultants experienced. Gary Davis, Utility Rebate Consultants, indicated that the City has numerous meters with various rates, varying fuel adjustment factors, and meter demand multipliers on each account that must be looked at to determine cost savings. Councilman Krows asked what accounts for the errors. Mr. Davis indicated that an error that occurred several months prior could be carried forward. He did not believe they were intentional errors and that some of the savings could be due to rate changes. Mr. Davis stressed that there is no upfront charges. They receive payment after the savings are received. Mr. Eddy indicated that Utility Rebate Consultants have been successful with audits of other entities and they have a good working relationship with the utility companies. Councilman Krows wanted to know if the utility companies responded quickly with verified refunds. Mr. Davis indicated that the length of time it takes to respond depends in part upon the amount of the refund. He noted that sometimes they will credit the account rather than issue a refund check.

Councilman Roberts moved to approve an agreement with Utility Rebate Consultants, Inc. to perform an audit of the City's electric and natural gas bills for potential billing errors and resulting savings, second by Councilman Singer. Motion carried unanimously.

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 6 being:

CONSIDER THE APPOINTMENT OF MARK HAMM, JANIE MILUM, MARC CASSENS, KELLEY MATTOCKS, SHELIA HAWORTH, JEFF MILES, CHARLES THOMPSON, BRENT WHEELBARGER, ADAM WEBB, AND STEVE BUCHANAN TO SERVE ON AN AD HOC COMMITTEE TO MAKE RECOMMENDATIONS REGARDING THE OLD SANTA FE DEPOT AND A POSSIBLE CITY OF MOORE MUSEUM.

Steve Eddy, City Manager, stated that the subject of a train depot and possible City of Moore museum has been discussed for some time. Councilman Hamm indicated that he would be willing to take the lead in speaking to citizens who are interested in Old Town about the possibility of serving on a committee. The committee would look at options and make recommendations to the City Council.

Councilman Hamm commented that a lot of people within the community have been interested in a train depot/museum for some time. The committee would look at identifying a location and design of the structure. Councilman Hamm indicated that he hoped to use private funds for construction of a museum. He believed it was important to remember the past and for people to see what Moore was and what it has become over the years. Councilman Hamm stated that he has been contacted by individuals who have a family history here that would like to donate some items to the City for display. He felt collecting the items and preserve their history would be a worthwhile endeavor. Councilman Hamm stated that any recommendations would be brought back to the City Council for input as to how to proceed.

Councilman Singer moved to approve the appointment of Mark Hamm, Janie Milum, Marc Cassens, Kelley Mattocks, Shelia Haworth, Jeff Miles, Charles Thompson, Brent Wheelbarger, Adam Webb, and Steve Buchanan to serve on an ad hoc committee to make recommendations regarding the old Santa Fe depot and a possible City of Moore museum, second by Councilman Hamm. Motion carried unanimously.

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 7 being:

CONSIDER APPROVAL OF AN ENGAGEMENT LETTER WITH FELLERS SNIDER, ATTORNEYS AT LAW, FOR REPRESENTATION OF THE CITY OF MOORE IN TORT CLAIMS OR POTENTIAL LAWSUITS ARISING FROM THE MAY 20, 2013 TORNADO.

Steve Eddy, City Manager, stated that the proposed engagement letter with the law firm of Fellers Snider is for representation of the City should litigation arise from the tort claims that were recently filed. Mr. Eddy indicated that Fellers Snider represented the City previously in the Shaz Investments lawsuit and felt they are an excellent firm. Attorney Blaine Nice, formerly City Attorney for the City of Norman, is currently with Fellers Snider and has significant knowledge of municipal law. Mr. Eddy recommended approval of the engagement letter.

Councilman Singer asked if the City would be billed by the hour or if Fellers Snider was on retainer by the City. Mr. Eddy indicated that the City does not have any law firms on retainer and Fellers Snider would bill by the hour.

Councilman Roberts moved to approve an engagement letter with Fellers Snider, Attorneys at Law, for representation of the City of Moore in tort claims or potential lawsuits arising from the May 20, 2013 tornado second by Councilman Blair. Motion carried unanimously.

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis
Nays: None
Absent: Cavnar

Agenda Item Number 8 being:

CONSIDER APPROVAL OF A CONTRACT WITH POE AND ASSOCIATES FOR DESIGN AND ENGINEERING SERVICES FOR THE I-35 HAZARD MITIGATION WALL AND IMPLEMENTATION PLAN TO BE FUNDED USING CDBG-DR FUNDS.

Elizabeth Jones, Community Development, advised that the proposed contract with Poe and Associates was to provide aesthetic and engineering services for a Hazard Mitigation Wall to be located along I-35 behind the Southmoor Addition. The wall would run from approximately 4th to 19th Streets. The wall must withstand wind speeds up to 135 mph, which is the equivalent of an F-3 tornado, and will be a minimum of eight to ten feet tall. Ms. Jones indicated that the purpose of the wall was to protect the neighborhood from variety of hazards along I-35 such as blowing debris, excessive noise, and protection from cars that might leave the roadway. Ms. Jones stated that she sent Council an updated version of the contract with Poe and Associates. The final cost for Phase I of the project was \$108,500. This cost will include preliminary drainage assessments and an extensive public participation process for design of the wall. The City is sensitive to the visual image of the wall to the drivers along I-35; therefore, various thematic renderings will be prepared for Council's review. Poe and Associates will attend three public meetings. One with the homeowners of the Southmoor Addition, a public meeting will be held with the CDBG Advisory Committee, and a meeting will be held with the City Council. Ms. Jones advised that the City will use the new Granicus citizen participation software tool as to way to obtain additional input regarding design of the wall.

Mayor Lewis asked what Phase II would entail. Ms. Jones indicated that Phase II would include design and construction management of the project. Mayor Lewis asked for the estimated total cost of the project. Ms. Jones advised that approximately \$3 million in federal funds was allocated. She stated that it was customary for engineering fees to be a percentage of the total cost. Mayor Lewis commented that the percentage typically ran around 12% to 15%. He asked if Phase II included the percentage for engineering costs. Ms. Jones believed that it would include engineering fees and believed the percentage would be closer to 10%. She noted that the project manager with Poe and Associates was in attendance at the meeting to answer questions.

Councilman Hamm asked if the project would be funded using federal dollars. Ms. Jones confirmed that no monies would be taken from the general fund for funding of the project only CDBG-DR funds would be used. She stated that this was one of the projects previously submitted for approval from HUD and they were very excited to see the community being proactive on resiliency and hazard mitigation.

Mayor Lewis stated that the City of Moore and the City of Norman are participating in an Oklahoma Department of Transportation ("ODOT") study which included a proposal for a service road along northbound I-35. He asked if there would be a conflict with the hazard mitigation wall. Ms. Jones stated

that the wall would be constructed on the property line and if a lane or service road was added at a later date she felt that the design could be made to fit within the parameters created by the wall.

Councilman Hamm asked for the estimated completion date on the hazard mitigation wall. Ms. Jones indicated that it would be a slow and deliberate process since the project would involve ODOT and the Federal Highway Administration ("FHWA"). A timeline of submittals was included in the contract with an estimated completion date in late 2017. Councilman Krows stated that he sat on the committee and met with the architect who showed the wall being on the back fence line of the existing properties. The wall would serve as the back fence for the property owners. He stated that some of the ideas for the wall were very impressive.

Councilman Krows moved to approve a contract with Poe and Associates for design and engineering services for the I-35 Hazard Mitigation Wall and Implementation Plan to be funded using CDBG-DR funds, second by Councilman Blair. Motion carried unanimously.

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis

Nays: None

Absent: Cavnar

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:04 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD SEPTEMBER 15, 2014.
- B) RATIFY ACTION OF CITY COUNCIL ON APPROVAL OF AUDIT REPORT FOR YEAR ENDED JUNE 30, 2014.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$3,115,924.54.

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

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis

Nays: None

Absent: Cavnar

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENE 7:05 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD SEPTEMBER 15, 2014.
- B) APPROVE PAYMENT OF A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$8,882.50 TO DAVID JOHNSTUN FOR CLAIM NO. 2050000299.

C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2014-2015 IN THE AMOUNT OF \$291,377.16.

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

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis
Nays: None
Absent: Cavnar

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:06 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.

Councilman Krows commented that the past year and a half has been very difficult for the first responders. He expressed his appreciation to them for the wonderful job that they do in very challenging situations. Councilman Hamm seconded his comments.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, advised the City Council of the following items:

- Commended the Police Chief and the officers for the outstanding job they did during the horrific situation that occurred at Vaughn Foods.
- Moore Beautiful Fall Tree Sale will be held October 10, 2014 at the Moore Community Center beginning at 7:00 a.m.
- Received questions regarding work on Telephone Road between 19th Street and 34th Street. He indicated that there are settling cracks in the subgrade from heat. They are cutting out the cracks and refilling them with asphalt until the roadway can be overlayed.

Chief Stillings introduced Sergeant Trevor Troxell who has been an employee of the Moore Police Department for six years. He grew up in Moore graduating from Moore High School before attending Oklahoma State University while working at his father's business. He received his Associate's Degree in Criminal Justice.

Mr. Eddy congratulated Elizabeth Jones, Community Development Director, who received Outstanding Alumni for the University of Oklahoma College of Architecture Regional and City Planning Program for 2014-2015.

Agenda Item Number 12 being:

ADJOURNMENT

Councilman Krows moved to adjourn the City Council meeting, second by Councilman Roberts. Motion carried unanimously.

Ayes: Krows, Blair, Singer, Roberts, Hamm, Lewis

Nays: None

Absent: Cavnar

The City Council, Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority meetings were adjourned at 7:10 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

DAVID ROBERTS, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2014.

ATTEST:

JIM CORBETT, City Clerk