

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
SEPTEMBER 3, 2019 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on September 3, 2019 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, Jerry Ihler; City Attorney, Randy Brink; Assistant City Attorney, Brian Miller; City Clerk, Vanessa Kemp; Community Development Director, Elizabeth Weitman; Emergency Management Director, Gayland Kitch; Finance Director, Betty Koehn; Fire Chief Greg Herbster; Human Resources Director, Christine Jolly; Manager of Information Technology, David Thompson; Acting Parks and Recreation Director, Chris Villani; Assistant Police Chief, Todd Strickland; Sergeant Troy Fullbright; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD AUGUST 19, 2019.
- B) RECEIVE THE MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING HELD JUNE 18, 2019.
- C) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD JULY 9, 2019.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$67,946.15 AND APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$2,453,029.78.

Councilwoman Hunt 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:

CONSIDER ADOPTING RESOLUTION NO. 931(19) AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF MOORE, OKLAHOMA FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED VOTERS OF SAID CITY THE QUESTION OF AUTHORIZING AN ADDITIONAL ONE-EIGHTH OF ONE PERCENT (0.1250%) SALES TAX AND PROVIDING THE USE THEREOF; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Brooks Mitchell, City Manager, advised that Cleveland County's ¼ cent sales tax would expire March 31, 2020 due to the early pay-off of their Jail bonds. Mr. Mitchell stated that Cleveland County would then be proposing an 1/8 cent sales tax at an upcoming election.

Mr. Mitchell indicated that Resolution No. 931(19) authorized the calling of an election in Moore for the purpose of considering an 1/8 sales tax to be used toward water line replace, water leak detection technology, small drainage projects, and funding to implement the DEQ compliance plan. In addition, the funds would also be used to modify the City's water wells to increase production. This would reduce the amount of water that must be purchased from Oklahoma City resulting in a potential annual savings of \$700,000. He noted that the two sales tax questions were separate propositions being proposed by Cleveland County and the City of Moore and could pass or fail individually. Mr. Mitchell stated that this proposal was discussed in more detail at the August 5, 2019 City Council Meeting. He advised that Terry Hawkins, the City's bond counsel, was present at the meeting and available to answer any questions.

Councilwoman Hunt verified that if the City and County propositions passed the sales tax rate in Moore would remain the same. Councilwoman McKenzie wanted to clarify for the public that the item was for authorization to call and hold the election. The sales tax proposition would then be on a ballot to be considered by the voters.

Councilwoman Hunt moved to adopt Resolution No. 931(19) authorizing the calling and holding of an election in the City of Moore, Oklahoma for the purpose of submitting to the registered qualified voters of said City the question of authorizing an additional one-eighth of one percent (0.1250%) sales tax and providing the use thereof; and containing other provisions relating thereto, second by Councilman Blair. Motion carried by majority vote.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF ORDINANCE NO. 922(19) AMENDING THE CITY OF MOORE, OKLAHOMA SALES TAX ORDINANCE [ORDINANCE NO. 60, AS AMENDED BY ORDINANCE NO. 331(83), AS AMENDED BY ORDINANCE NO. 470(88), AS AMENDED BY ORDINANCE NO. 551(06), AS AMENDED BY ORDINANCE NO. 677(10), AS AMENDED BY ORDINANCE NO. 725(12), AS AMENDED BY ORDINANCE NO. 780(14), AS AMENDED BY ORDINANCE NO. 829(16), AS AMENDED BY ORDINANCE NO. 888(18)] TO PROVIDE FOR THE LEVYING AND ASSESSING OF AN ADDITIONAL ONE-EIGHTH OF ONE PERCENT (0.1250%) SALES TAX UPON THE GROSS RECEIPTS OR PROCEEDS DERIVED FROM ALL SALES TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA; FIXING EFFECTIVE DATE; PROVIDING THE PURPOSE OF SAID ADDITIONAL SALES TAX; MAKING PROVISIONS SEVERABLE; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Brooks Mitchell, City Manager, stated that this item was a companion item to Agenda Item No. 3.

Councilwoman Hunt moved to approve Ordinance No. 922(19) amending the City of Moore, Oklahoma Sales Tax Ordinance [Ordinance No. 60, as amended by Ordinance No. 331(83), as amended by Ordinance No. 470(88), as amended by Ordinance No. 551(06), as amended by Ordinance No. 677(10), as amended by Ordinance No. 725(12), as amended by Ordinance No. 780(14), as amended by Ordinance No. 829(16), as amended by Ordinance No. 888(18)] to provide for the levying and assessing of an additional one-eighth of one percent (0.1250%) sales tax upon the gross receipts or proceeds derived from all sales taxable under the sales tax law of Oklahoma; fixing effective date; providing the purpose of said additional sales tax; making provisions severable; and containing other provisions relating thereto, second by Councilman Blair. Motion carried by majority vote.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH JEFF CLOUD, PLLC FOR LEGAL SERVICES.

Brooks Mitchell, City Manager, stated that the proposed agreement with Jeff Cloud was for legal representation in actions to be heard before the Corporation Commission. He advised that Mr. Cloud was in attendance and available to answer any questions.

Councilwoman McKenzie requested a description of the services being provided by Mr. Cloud. Mr. Mitchell advised that under state statutes railroad companies are to assist cities with grade crossings. Mr. Cloud believed that the BNSF railroad should contribute funding on the 4th Street underpass project. This legal action would be filed with the Corporation Commission to be heard by an administrative judge and then voted on by the Corporation Commissioners.

Mayor Lewis stated that Mr. Cloud's compensation would be contingent upon winning the case. Councilwoman Hunt commented that winning the case could result in a large savings to the taxpayers. Mr. Mitchell agreed, stating that it could be as much as \$14 million. Councilwoman McKenzie advised that, if successful, Mr. Cloud's compensation would be 20% of the total recovery amount.

Councilwoman McKenzie moved to approve an agreement with Jeff Cloud to provide legal services, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 6 being:

RECEIVE A REPORT FROM SELECT ACTUARIAL AND ACCEPT THE ANNUAL ACTUARIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2019.

Brian Miller, Risk Manager, stated that Select Actuarial Services was retained to prepare the annual Actuarial Report. Laura Sprouse with Select Actuarial Services would be giving a summary of their findings.

Ms. Sprouse stated that the actuarial report was required under the Governmental Accounting Standards to determine total liabilities associated with the City's health benefits, workers compensation, and automobile with general liability exposures. The report also provided required reserves as of 6/30/19 to fund all outstanding losses, and a forecast of expected losses and cash flows for the current and upcoming fiscal year.

PROGRAM SUMMARY

PROGRAM	RESERVES @ 6/30/19	FORECAST 7/1/19-20	FORECAST 7/1/20-21
Health	\$644,000	\$5,495,000	\$5,718,000
Workers Compensation	\$1,476,000	\$475,000	\$476,000
Liability	\$285,000	\$109,000	\$112,000
Other	\$30,000		
TOTAL	\$2,435,000	\$6,079,000	\$6,306,000

Ms. Sprouse advised that as of 6/30/19 the total amount of reserves required to pay for claims that occurred in the past but would continue to be paid into the future was \$2,435,000. The total forecast for 2019-2020 health claims, workers compensation, and liability used for budgeting purposes was \$6,079,000. Ms. Sprouse stated that health claims were down compared to last year although there are more employees participating in the plan. She advised that the total forecast for 2020-2021 was \$6,306,000. She noted that the forecast for health care costs for 2020-2021 was slightly higher in anticipation of additional employees and inflation. She noted that the 2014 changes in workers compensation laws in Oklahoma appeared to have a lasting impact with workers compensation costs to municipalities trending downward.

Councilman Williams moved to accept the annual Actuarial Report for fiscal year ended June 30, 2019, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE NW/4 OF SECTION 11, T10N, R3W, BEING EAST OF JULIE DRIVE AND SOUTH OF NE 21ST STREET. APPLICATION BY PAUL METHVIN.

Elizabeth Weitman, Community Development Director, advised that the vacant R-1 property containing approximately one acre was located east of Julie Drive and south of NE 21st Street. Ms. Weitman stated that the applicant proposed splitting the property into two lots around ½ acre in size to be used as residential homes. She advised that City water and sewer were available to serve the site. Ms. Weitman advised that because of the narrow configuration of the property only one curb cut would be granted to Julie Drive requiring a shared driveway. Staff recommended approval of the item contingent upon a shared access easement being filed with Cleveland County and the common driveway constructed to standards and specifications set forth by the City engineer that would accommodate an emergency vehicle.

Mayor Lewis asked if there were any drainage concerns at the site. Ms. Weitman indicated that there was not since it was not included in the floodplain.

Councilman Williams moved to approve a lot split located in the NW/4 of Section 11, T10N, R3W, being east of Julie Drive and south of NE 21st Street, 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 A REVOCABLE PERMIT TO ERECT A SIGN IN THE PUBLIC RIGHT-OF-WAY AT 2900 S. TELEPHONE ROAD. APPLICATION BY VANGUARD DEVELOPMENT/MICHAEL PLATT.

Elizabeth Weitman, Community Development Director, stated that the proposed revocable permit was for the erection of a sign for an existing office building located at 2900 S. Telephone Road that would create a 2' by 11' encroachment into the Telephone Road right-of-way. Ms. Weitman indicated that the executed copy of the revocable permit included in the agenda packet included language allowing the City to revoke the permit with notice if at any time it became necessary to remove the encroachment. Ms. Weitman indicated that the applicant was in attendance to answer any questions.

Councilman Williams moved to approve a Revocable Permit to erect a sign in the public Right-of-Way at 2900 S. Telephone Road, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER THE PRELIMINARY PLAT FOR BROADMOORE HEIGHTS, LOCATED IN THE S/2 OF SECTION 25, T10N, R3W, BEING NORTH OF SE 34TH STREET AND WEST OF BRYANT AVENUE. APPLICATION BY SCISSORTAIL DEVELOPMENT GROUP, LLC. (PLANNING COMMISSION RECOMMENDED APPROVAL 5-2). WARD 1.

Elizabeth Weitman, Community Development Director, advised that the subject site was located north of SE 34th Street and west of Bryant Avenue. The preliminary plat consisted of one tract of land containing 134 acres known as the Broadmoore Golf Course property. Ms. Weitman stated that the property was rezoned in 2018 pursuant to a District Court Order No. CJ-2016-749 which allowed the redevelopment of the property as a single-family subdivision. The preliminary plat proposed 439 residential lots and ten common areas, resulting in a density of approximately three lots per acre. Stormwater detention was required. She noted that although no FEMA floodplain was located on the property there was a history of flooding in the area due to the flat terrain. Some of the abutting homes, especially to the south and east have experienced flooding and standing water after significant rain events. The applicant submitted a Preliminary Drainage Report which was reviewed by the City engineer who felt the report included a workable solution for the property; however, he noted several items that must be addressed with the final platting.

Access was proposed by a divided median entryway from S. Bryant Avenue and through the existing Willow Pine Drive, which dead-ends into the subject site. The two access points meet the access standards as set out in the Subdivision Regulations. Ms. Weitman stated that two street stubs have been provided abutting the undeveloped properties to the north in order to increase future connectivity

between neighborhoods. She stated that access to Willow Pine Drive is anticipated to increase traffic flow; however, the street was built to collector street standards which included additional width to accommodate heavier traffic flow than a traditional residential street.

Ms. Weitman stated that there were 10 common areas identified on the plat. Common Areas A, B, C, G, and a portion of H and J was intended for drainage infrastructures, primarily detention ponds. Common Area D was reserved for existing cell towers and a future clubhouse. Common Areas E, F, I and portions of H and J were reserved for an existing pipeline easement. She advised that Common Area H abuts the south property line and would act as a buffer to the existing homes to the south and allow for historic encroachments on the subject site. She felt that consideration should be given to safety concerns with the open space in Common Areas B, G, and the southern boundary buffer in H since they were largely hidden from street view. The lot configuration abutting those common areas need to be adjusted at the final plat stage to focus on larger open space, access, and views from higher visibility streets. She advised that water and sewer was available to serve the site with extensions required to serve each lot.

Ms. Weitman indicated that the Envision Moore 2040 Plan designated the area as Urban Residential. Land uses allowed in Urban Residential include a mix of single-family detached units up to seven dwelling units per acre. Ms. Weitman advised that the application was reviewed and staff felt it met the intent of the Urban Residential Land Use District and the overall goals of the Plan; therefore, an amendment was not required. She stated that with the zoning of the property determined through Cleveland County District Court the matter currently under consideration was not whether the site was appropriate for urban density single-family zoning, but rather if the preliminary plat under consideration met the requirements as set forth in the Moore Subdivision Regulations. Staff recommended approval of the preliminary plat.

Ms. Weitman noted that there was a Letter of Protest included in the agenda packet for Council's review. She added that several items was discussed at a neighborhood meeting held in July that were not touched on in the staff report. Ms. Weitman stated that one item was the many encroachments on the site as a golf course. She advised that the developer's engineer met with many residents in an attempt to revolve the encroachment issues. She felt that many of the residents have had their concerns satisfied. She stated that the applicant was in attendance and could speak more on that matter. Another topic not mentioned in the staff report was school overcrowding. She stated that she spoke with School Superintendent Robert Romines regarding this issue and he assured her that as development continues, especially in the southeast quadrant of the City, the school district would make necessary adjustments to accommodate that growth. Ms. Weitman indicated that a draft copy of the August 13, 2019 Planning Commission minutes was made available to the City Council.

Citizens to Speak:

Keith Grady, 317 Christopher Todd Drive, stated that he had been a resident of The Clubs for 25 years. Mr. Grady stated that many of the residents had concerns about the roads, the Willow Pine entrance, overcrowding of the schools, and traffic congestion. He also mentioned concern about the displacement of the wildlife currently living on the golf course.

Greg Rogers, 409 SE 34th Street, questioned the densities that were mentioned in the staff report. Mr. Rogers commented on a property dispute and stated that the City Council should not let the development progress without resolving the issues.

David Box, Attorney at Law, 522 Colcord Drive, spoke on behalf of the applicant Mark Grubbs. Mr. Box indicated that Mr. Grubbs and his civil engineer, Kendall Dillon, were also present to answer any questions. Mr. Box stated that from the beginning they planned to deal with encroachments by neighboring property owners by Quit Claim Deed to prevent a development with very uneven fence lines. The balance would be a common area owned and maintained by the HOA of the new neighborhood. He

indicated that Mr. Dillon met with individuals who had a concern about the encroachment following the first neighborhood meeting. Mr. Box advised that although Mr. Grubbs had a contract to purchase the property he does not have the legal authority to grant any Quit Claim Deeds until there is a closing on the property. He stated that Mr. Grubbs cannot close on the property until the process through the City had been completed. He indicated that the plat being considered was designed to take into account all of the encroachments when possible.

Councilwoman Hunt asked Ms. Weitman if the drainage concerns expressed were addressed by the Drainage Report submitted by the City's engineer. Ms. Weitman indicated that she could not say that the plan would alleviate existing problems; however, she felt it would not create any new problems.

Mayor Lewis advised that the City attempted to purchase the golf course but could not agree on the terms. Mr. Box confirmed that countless meetings occurred regarding a possible purchase but a compromise could not be reached. Mr. Box addressed Councilwoman Hunt's question regarding drainage concerns. He indicated that they would certainly meet all state law requirements and ordinance requirements from the City of Moore. Mr. Box indicated that Mr. Dillon asked him to clarify for the record that the encroachments were all visible encroachments such as fences and structures.

Mayor Lewis asked Mr. Rogers if he was satisfied with the plans laid out by Mr. Box. Mr. Rogers stated that he was not satisfied. He felt he was given conflicting information from the City and the applicant. He felt the engineering report and encroachments needed to be dealt with prior to the item being considered and requested that the item be tabled for 30 days. Councilman Williams stated that the applicant could complete deeds to the property until he owned the property.

Paul Grubbs, 329 Pauline Renee Drive, stated that he and his wife moved to Moore from Texas where he saw similar neighborhoods like to the one being proposed create terrible traffic congestion. He felt the water run-off, and school concerns could also be a problem. He attempted to obtain additional information by attending several meetings but was unable to meet with the individuals he felt could address his concerns. Mr. Grubbs felt that some of the unresolved issues needed to be addressed and requested the item to be tabled to give them an opportunity to meet with the City engineer. Councilwoman McKenzie addressed some of Mr. Grubbs' remarks. She advised that the City and Moore Public Schools were separate entities. Staff approached the school superintendent who stated that they would make adjustments to accommodate the growing area. The City does not require a potential developer to submit preliminary drainage plans but the applicant provided one in an attempt to address the resident's concerns. At this point the applicant paid for a drainage report on property that he does not currently own. She stated that a final plat would be considered at a later date with more detailed information becoming available before that time. Mr. Grubbs also expressed concern about a rumor he heard about lead poisoning in the land. He mentioned that he made an inquiry through the EPA and did not receive a detailed response.

Councilwoman Hunt asked if Meshek and Associates could review the drainage report for this development. Ms. Weitman advised that Meshek was the engineering company that reviewed the applicant's drainage report. Councilwoman Hunt and Ms. Weitman indicated that the firm was well known in Oklahoma for this type of engineering. Ms. Weitman asked that Mr. Dillon address the environmental concerns since they have done additional research on the subject. Kendall Dillon with Crafton Tull addressed the Council regarding the rumor that batteries were dumped in a pool on the subject site. Mr. Dillon advised that three pools were verified as having been filled in. They were doing their due diligence in their Phase 1 Environmentals; however, they did contact DEQ and found a neighbor filed a complaint in July and DEQ made an investigation of the site. Their report stated that due to insufficient evidence the claim was suspended. They are working to ensure there are not any issues that should be addressed prior to closing on the property. Mayor Lewis asked if the City could require an environmental study. Mr. Dillon stated that they are in the process of doing an environmental study; however, he did not believe the study was required to be completed for consideration of a preliminary plat.

Councilman Hamm asked if Ms. Weitman could address concerns regarding traffic congestion. The preliminary draft of the minutes contained a statement from Ms. Weitman that traffic issues would be addressed as they became a problem. Ms. Weitman stated in Oklahoma a road is not constructed until there is a high enough traffic count to justify it. Ms. Weitman stated that Moore was unique in requiring transportation impact fees that goes into a fund for capital improvements where needed. Staff does look into traffic issue when a new development is being proposed and she felt the City would address traffic concerns in the future as the development builds out.

Raymond Culler stated that he lived on Fairway Drive and believed the prospective developer had been more than fair about the encroachments onto the golf course property. He stated that he would like to see Moore stay a small community but it is growing and people must have a place to live. Mr. Culler stated his fear that another developer might require the residents to remove their encroachments.

Councilman Hamm asked if a 30-day continuance would cause the applicant a problem. Mr. Box felt it would create some contractual problems with the seller. He also felt a continuance would only create additional delays in taking care of the encroachments.

Jim Day, 3208 Fairway, indicated that the applicant looked at his property and they are working on a solution satisfactory to them both. He agreed that if the development does not go through the next developer may not be willing to work with the property owners. Although he did not his wish to lose the golf course he felt this might be the best option.

Karen Thomas, 428 SE 33rd, asked for the size of a drainage ditch planned for the area. She stated that it was previously mentioned that the HOA would be responsible for mowing the property; however, it was her understanding that a neighborhood must be 75% developed before there can be an HOA. Councilman Williams stated that the developer would be responsible for mowing the property until it was turned over to the HOA. She stated that there was a terrible odor coming from the Sewer Treatment Plan on 34th Street. Brooks Mitchell, City Manager, stated that a proposed project estimated to be completed in approximately 18 months should alleviate the odors. The project took into consideration the population increase in the southeast quadrant of the City. Elizabeth Weitman, Community Development Director, advised that the size of drainage ditch was determined by the volume of water it needed to contain which was calculated in the final drainage plans. She added that the type and size of the infrastructure would be determined in the final plat stage.

Councilwoman McKenzie moved to approve the Preliminary Plat for Broadmoore Heights, located in the S/2 of Section 25, T10N, R3W, being north of SE 34th Street and west of Bryant Avenue, second by Councilwoman Hunt. Motion carried by majority vote.

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

Agenda Item Number 10 being:

CONSIDER REZONING APPLICATION NO. RZ-984 LOCATED IN THE CITY OF MOORE CENTER, SECTION 2, BEING SOUTH OF NE 12TH STREET AND WEST OF I-35 SERVICE ROAD; FROM C-3 GENERAL COMMERCIAL DISTRICT TO C-3/PU GENERAL COMMERCIAL DISTRICT WITH A PERMISSIVE USE FOR PARTICIPANT RECREATION AND ENTERTAINMENT; INDOOR, ALCOHOLIC BEVERAGES PERMITTED; AND APPROVE ORDINANCE NO. 920(19). APPLICATION BY TWISTED AXES THROW HOUSE. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 3.

Elizabeth Weitman, Community Development Director, advised the vacant lease property was located at 609 NW 8th Street. The applicant would like to utilize the property for indoor recreational axe throwing with incidental on-site alcoholic beverage sales and consumption. Ms. Weitman stated that the current zoning allowed for the recreational axe throwing by right; however, a permissive use was required for the incidental on-site alcohol beverage sales and consumption. She advised that public utilities were available to serve the site, and access would be provided from NW 8th Street and indirectly from the adjacent I-35 Service Road.

Ms. Weitman stated that the application falls under the Participant Recreation use unit classification, similar in planning and zoning characteristics to a bowling alley, escape room, or amusement center. Other businesses located along the I-35 Corridor that allowed incidental alcoholic sales and consumption was Warren Theatre, Hey Day Entertainment, Andy Alligators (located in Norman city limits), and the Moore Bowling Alley, which was destroyed in the 2013 tornado. This application would be on a smaller scale with alcoholic sales making up less than 50% of the business.

The Envision Moore 2040 Plan designated the area as Regional Center. This land use accommodates a mix of large-scale commercial uses such as retail shopping, entertainment, and dining. The application was reviewed and found to be in conformance with the intent of the Plan. Ms. Weitman stated that with the modernization of the State's liquor laws, incidental on-site alcoholic beverage sales and consumption was becoming more prevalent in a variety of entertainment and service venues. Staff recommended approval of the application contingent upon the alcoholic beverage sales not constituting more than 50% of the business sales and prohibiting outdoor storage or display. Ms. Weitman stated that with the new laws passed in Oklahoma any alcoholic beverage was considered a high point alcoholic beverage. Moore's zoning ordinance allows low point beer to be served in situations such as this; however, there is no such thing as low point beer any more.

Councilman Hamm asked if the applicant moved out of the space could the next tenant sell alcoholic beverages. Ms. Weitman stated that although the permissive use stays with the land the permissive use was only for incidental on-site alcoholic beverage sales that was less than 50% of the business sales and not the primary business.

Councilwoman McKenzie felt this type of business was prevalent in other states and would be a popular form of adult entertainment for the City.

Councilman Hamm asked about the hours of operation. The applicant Benjamin Gaddy, 516 Heather Lane, indicated that his hours of operation would be Monday through Friday from 4:00 p.m. to 10:00 p.m., Saturdays from 11:00 a.m. to 10:00 p.m., and Sundays from 1:00 p.m. to 8:00 p.m. Mr. Gaddy advised that there were two axe throwing businesses in the metro area that served alcohol. Andy Alligator's and Bad Axe at Western and Reno in Oklahoma City. Mr. Gaddy stressed that he did not want intoxicated patrons throwing axes in his establishment. He stated that he was looking into an ABLE approved class which would train his employees how to identify and deal with intoxicated patrons. He planned to limit alcoholic beverages to two beers per hour per patron. A normal axe throwing session would be approximately one to two hours.

Mayor Lewis thanked Mr. Gaddy for bringing his business to Moore.

Councilman Blair moved to approve Rezoning Application No. RZ-984 located in the City of Moore Center, Section 2, being south of NE 12th Street and west of I-35 Service Road; from C-3 General Commercial District to C-3/PU General Commercial District with a Permissive Use for Participant Recreation and Entertainment; Indoor, Alcoholic Beverages Permitted; and approve Ordinance No. 920(19), second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF BUDGET SUPPLEMENTS FOR FY 19-20 FOR PRIOR YEAR PURCHASE ORDER CARRYOVERS AS FOLLOWS: RISK MANAGEMENT \$60,239.90; MEDA \$572,328.95; STREET BOND IMPROVEMENTS \$4,979,398.33; MOORE PUBLIC WORKS AUTHORITY \$605,067.05; GENERAL FUND \$1,225,373.57; CEMETERY \$2,881.60; SPECIAL REVENUE FUND \$90,668.54; ½ CENT SALES TAX PUBLIC SAFETY EQUIPMENT/RESIDENTIAL STREETS \$823,488.14; ¼ CENT PARKS/FIRE STATION \$160,378.04; AND CDBG-DR GRANT \$1,167,733.76.

Betty Koehn, Finance Director, advised that this request would allow prior year open purchase orders to be rolled into the new fiscal year.

Councilman Williams moved to approve budget supplements for FY 19-20 for prior year purchase order carryovers as follows: Risk Management \$60,239.90; MEDA \$572,328.95; Street Bond Improvements \$4,979,398.33; Moore Public Works Authority \$605,067.05; General Fund \$1,225,373.57; Cemetery \$2,881.60; Special Revenue Fund \$90,668.54; ½ Cent Sales Tax Public Safety Equipment/Residential Streets \$823,488.14; ¼ Cent Parks/Fire Station \$160,378.04; and CDBG-DR Grant \$1,167,733.76, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER APPROVAL OF A NEW JOB DESCRIPTION FOR THE POSITION OF LEAD CONSTRUCTION INSPECTOR IN THE COMMUNITY DEVELOPMENT DEPARTMENT; AND APPROVE PLACEMENT IN PAY GRADE 108 OF THE CITY'S SALARY TABLE APPROVED BY CITY COUNCIL ON JUNE 20, 2016.

Christine Jolly, Human Resources Director, stated that the Community Development department was requesting approval of a new job description for the position of Lead Construction Inspector. This position would allow for more project management and coordination of work rather than simply inspecting and reporting. Staff recommended approval and placement of this budgeted position in Pay Grade 108 of the City's salary table approved in 2016.

Councilman Williams moved to approve a new job description for the position of Lead Construction Inspector in the Community Development Department; and approve placement in Pay Grade 108 of the City's salary table approved by City Council on June 20, 2016, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER APPROVAL OF AMENDMENT NO. 1 IN THE AMOUNT OF \$26,415 TO THE LITTLE RIVER AND KELLY CREEK CHANNEL IMPROVEMENT AGREEMENT FOR DESIGN PLANS FOR THE ADDITION OF A PARALLEL SANITARY SEWER LINE ALONG THE EAST SIDE OF KELLY CREEK BETWEEN NW 5TH AND NW 12TH STREETS.

Jerry Ihler, Assistant City Manager, advised that in April 2019 the City Council approved a contract with Meshek and Associates for design of construction plans for the Little River and Kelly Creek channel improvement from NE 12th Street to SW 4th Street. Mr. Ihler advised that an existing sewer line ran parallel to the channel to the west causing approximately 45 private service lines to the east to run under the drainage channel. Staff would request authorization to construct a new sewer line on the east side of the channel from NW 12th Street to NW 5th Street in order to remove the sewer lines from underneath the new channel. Mr. Ihler felt it was more cost effective to ask Meshek to provide a cost estimate for design of the proposed sewer line improvements since they provided the design and surveying on construction of the channel. The amendment was for design of the new sewer line.

Councilman Williams asked what costs would be involved with the amendment to the contract. Mr. Ihler stated that the City would also make improvements to the west side of the channel. He estimated that construction costs for this part of the project would be around \$450,000 to \$500,000. Mr. Ihler indicated that the City received \$227,000 in HUD money and was anticipated to receive another \$227,000 next year possibly resulting in a small cost to the City.

Councilman Blair moved to approval of Amendment No. 1 in the amount of \$26,415 to the Little River and Kelly Creek Channel Improvement Agreement for design plans for the addition of a parallel sanitary sewer line along the east side of Kelly Creek between NW 5th and NW 12th Streets, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH YOUTH SCOREBOARDS, LLC TO PROVIDE VIDEO SCOREBOARDS FOR THE BASEBALL AND SOFTBALL FIELDS AT BUCK THOMAS PARK.

Brooks Mitchell, City Manager, stated that he met with Barry Switzer who is a partner with Youth Scoreboards. Mr. Mitchell indicated that Youth Scoreboards installs video scoreboards at their cost in various cities throughout the state. They sell advertising on the scoreboards to recoup costs and then the advertising proceeds are split 50-50 with the City. He explained that operation of the scoreboards takes place from Tulsa. The only expense to the City would be the electrical costs necessary to operate the scoreboard. Mr. Mitchell recommended approval of the item. Councilwoman McKenzie asked who would be responsible for maintenance of the scoreboards. Mr. Mitchell indicated that the City would be responsible for the routine maintenance of the scoreboards.

Councilwoman McKenzie moved to approve an agreement with Youth Scoreboards, LLC to provide video scoreboards for the baseball and softball fields at Buck Thomas Park, second by Councilman Williams. 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 8:04 P.M.

Agenda Item Number 15 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD AUGUST 19, 2019.
- B) RATIFY ACTION OF THE CITY COUNCIL ON ACCEPTANCE OF THE ANNUAL ACTUARIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2019.
- C) RATIFY ACTION OF THE CITY COUNCIL ON APPROVAL OF BUDGET SUPPLEMENTS FOR FY 19-20 FOR PRIOR YEAR PURCHASE ORDER CARRYOVERS.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$103,073.85 AND APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$1,038,605.13.

Trustee Williams 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 8:06 P.M.

Agenda Item Number 16 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD AUGUST 19, 2019.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$122,999.75.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 8:07 P.M.

Agenda Item Number 17 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.

There were no items from the City Council/Trustees.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, stated that meetings would be scheduled in October for each ward to discuss the proposed sales tax issue.

Agenda Item Number 18 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 8:08 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

ADAM WEBB, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2019.

ATTEST:

VANESSA KEMP, City Clerk