

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
APRIL 7, 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 April 7, 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: Blair, Singer, Cavnar, Roberts, Hamm, Lewis
ABSENT: Krows

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; City Clerk/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; Sergeant Troy Fulbright; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD MARCH 17, 2014.
- B) APPROVE RESOLUTION NO. 792(14) ADOPTING THE CITY OF MOORE COMPREHENSIVE HOUSING MARKET ANALYSIS.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$2,411,232.10.

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

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

Agenda Item Number 3 being:

CONSIDER APPOINTMENT OF DANA MOFFATT TO THE MOORE PLANNING COMMISSION TO FILL THE UNEXPIRED TERM OF TRACI JINKENS.

Elizabeth Jones, Community Development Director, stated that approximately six months ago the City accepted applications to fill vacant seats on the Planning Commission and the Board of Adjustment. An application was submitted by Dana Moffatt for the Planning Commission. Due to the number of the applications for the Planning Commission Mr. Moffatt was instead appointed to the Board of Adjustment. Ms. Jones advised that one of the Planning Commissioners has since submitted their letter of resignation. She contacted Mr. Moffatt who indicated that he was still interested in filling the vacated position. Councilman Hamm asked if Mr. Moffatt would be able to continue serving on the Board of Adjustment. Ms. Jones indicated that the Board of Adjustment had an extra member and the vacancy left by Mr. Moffatt would not be filled.

Councilman Hamm moved to appoint Dana Moffatt to the Planning Commission to fill the unexpired term of Traci Jinkens, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER THE PURCHASE OF A VIRTRA 180LE USE OF FORCE FIREARMS SIMULATOR FROM VIRTRA SYSTEMS, AS A SOLE SOURCE PROVIDER, AT AN APPROXIMATE COST OF \$120,000.

Police Chief Jerry Stillings stated the Police Department had been interested in purchasing a firearms simulator for some time but decided to wait until they had the proper facility to house it in. The Virtra 180LE Use of Force Firearms Simulator offers real life scenarios that other vendors do not offer and that cannot be reproduced on the gun range for safety reasons. The program allows the instructor to change the scenarios during the simulation. It will have three seamless screens for a 180 degree picture; however, the system can be upgraded to a 360 degree picture. The cost of the system is approximately \$120,000 which will be paid for using Discretionary Funds obtained through drug seizures.

Mayor Lewis asked if the system had the capability of simulating returned shots at the officer. Chief Stillings advised that this system provides an electrical pulse that simulates being shot. The simulator can be used during Citizen's Police Academy to give them an idea of the split second decisions that must be made by an officer in the field. He added that the system was very realistic.

Councilman Roberts moved to approve the purchase of a Virtra 180LE Use of Force Firearms Stimulator from Virtra Systems as a sole source provider at an approximate cost of \$120,000, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER AUTHORIZING STAFF TO SOLICIT BIDS FOR CUSTODIAL SERVICES FOR THE MOORE PUBLIC LIBRARY, THE COMMUNITY CENTER, AND THE BRAND SENIOR CENTER.

Stan Drake, Assistant City Manager, stated that the City Council authorized an additional custodial position for the new Public Safety Center at the February 3, 2014 City Council Meeting. Since that time staff has determined the best option would be to privatize the custodial services for the Moore Public Library, the Moore Community Center, and the Brand Senior Center and use the current janitorial staff at the Public Safety Center. If this is acceptable to Council the new janitorial position previously authorized would not be filled.

Councilman Roberts asked if the change would cause the displacement of any employee. Steve Eddy, City Manager, indicated that no one would be displaced; however, some will be reassigned to a different facility.

Councilman Hamm moved to authorize staff to solicit bids for Custodial Services for the Moore Public Library, the Moore Community Center, and the Brand Senior Center, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 6 being:

DISCUSS AND CONSIDER REVISING THE OCCUPATION TAX CHARGED FOR "BREWERS" AND "DISTILLERS" AND DIRECT STAFF AS DEEMED APPROPRIATE.

Steve Eddy, City Manager, indicated that the item was placed on the agenda as a discussion item regarding revising the occupation tax charged to brewers and distillers. Mr. Eddy advised that an individual in Moore has operated a very small distillery out of a warehouse for the past two or three years. The occupation tax set by City Code is approximately \$3,500 a year. In addition to the occupation tax a State tax of \$3,500 is also required. Staff polled other cities and found that Norman charges \$35 for the same license. Oklahoma City charges \$1,250, Midwest City charges \$600, and Edmond charges \$1,000. Mr. Eddy felt that comparatively the City's fee seemed high and was requesting Council's opinion regarding the subject.

Mr. Eddy also advised that the City charges a fee of \$1,250 for a Brewer License. The surrounding cities were again polled and staff found that Norman charges a fee of \$1,000, Oklahoma City charges \$1,250, Midwest City \$600, and Edmond \$1,000. He felt that the City's Brewer License fee seems more in line with what other metro cities charge.

Mr. Eddy recommended amending the occupation tax by looking at the fees charged by other cities, throwing out the highest and lowest figures, and averaging the remaining three figures to arrive at a fee of approximately \$950 which he felt was much more reasonable. He suggested leaving the amount charged for the Brewer tax the same.

Councilman Hamm asked why the fee or tax was originally set so high. Mr. Eddy stated that the City had originally set the fee at the same rate as the State. He felt the fee had been in place for a very long time and it was possible that it was set high to dissuade brewers or distillers from operating in the City.

However, Mr. Eddy stated his opinion that if brewers and distillers are permitted under the zoning regulations he did not feel the high fee was fair. Mr. Eddy indicated that an item would be placed on the April 21, 2014 agenda for consideration.

No action was taken on the item.

Agenda Item Number 7 being:

CONSIDER APPROVAL OF A CONTRACT WITH BALLARD-KING ASSOCIATES IN THE AMOUNT OF \$26,000 FOR PREPARATION OF A BUSINESS AND OPERATIONS PLAN FOR OPERATION OF CENTRAL PARK.

Todd Jenson, Parks and Recreation Director, advised that staff is in the early stages of developing Central Park. It is a huge undertaking considering the size of the facilities. The park will be located on 50 acres of land containing a 52,000 square foot recreation center, 50,000 square foot aquatic center, a 5,000 to 6,000 square foot farmer's market/multipurpose pavilion, and an amphitheater located on one to two acres.

Mr. Jenson focused on the construction of the recreation center which will be divided up into a 5,000 to 6,000 square foot fitness center, a 1,000 square foot child watch area, an 800 square foot multi-purpose room used for art classes and birthday parties, and a 3,000 square foot dance and exercise room. He advised that City staff has had no experience in operating a facility which offers this type of activities. The existing business model would not be usable. The operating hours will change dramatically. The facility will only close five days out of the year and will operate with extended hours of operation. A lot of staffing needs and challenges would be involved in operating the new facility. He believed that how the challenges are met will be critical in determining the success of the facility and the park.

Mr. Jenson indicated that the proposed contract will help streamline the process by setting timelines for projects that must be met in order to have a successful opening. It will help staff avoid common mistakes, help troubleshoot issues, and prioritize areas that need to be addressed. Mr. Jenson felt it was critical to the successful opening of the park. The strategy in the development and design of all of the facilities is so important and they want to make sure it done right.

Mayor Lewis asked how staff chose to contract with Ballard-King. Mr. Jenson indicated that they were involved in the preparation of the Parks Master Plan and are associated with TAP Architecture. They are currently involved in developing fee structures for the recreation center and aquatic park. He added that Ballard-King was instrumental in the space allocation and design of the facility and are known worldwide for their expertise in the development of recreational facilities.

Councilman Hamm commented that he felt staff was capable of handling a lot of the items included in the contract. Mayor Lewis agreed stating that this would be the fifth consultant contract on the planning of the park. He did not feel it was necessary. Mr. Jenson commented that he understood his concern but felt that if the City could avoid a costly mistake it would be worth the money for the contract. He anticipated 227,000 people visiting the recreation center and approximately 75,000 visiting the aquatic center the first year it is open. They want the experience of the visitors to be good. They want to make sure the right equipment and amenities are included in the facilities and he believes the value of their service in this regard is worth the amount of the contract.

Councilman Roberts agreed that the City does not have an employee on staff with the experience to handle the complexities involved in opening and operating this type of facility. He felt it makes good business sense to hire someone to assist with these things. Mayor Lewis felt that the Master Plan would include a completed design. Mr. Jenson advised that the Master Plan was a general plan and did not include the specifics included in this contract.

Councilman Singer asked if any other companies were solicited before submitting the contract with Ballard-King. Mr. Jenson stated that the City's experience with Ballard-King has been so good and they come so highly recommended that they did not solicit other companies.

Councilman Hamm stated that he was supportive of the recommendations made by staff but wanted them to be mindful of the cost involved to the City.

Councilman Cavnar moved to approve a contract with Ballard-King Associates in the amount of \$26,000 for preparation of a Business and Operations Plan for operation of Central Park, second by Councilman Hamm. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:01 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD MARCH 17, 2014.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$535,788.71.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:02 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD MARCH 17, 2014.
- B) APPROVE PAYMENT OF A WORKERS' COMPENSATION COURT ORDERED SETTLEMENT TO MICHAEL LEONARD IN THE AMOUNT OF \$12,920 FOR CLAIM NO. 2013-02777A; AND AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLL.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$323,325.51.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:03 P.M.

Agenda Item Number 10 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 asked if a retreat was planned for the spring. Steve Eddy, City Manager, indicated that a retreat would be scheduled sometime in the near future since there were several issues that needed to be discussed with Council.

Mayor Lewis indicated that he had received several calls regarding potholes. He was pleased to note that City crews had started work filling them.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, discussed the following items:

- Commended the police department in the handling of the potentially volatile situation with Westboro who picketed Plaza Towers Elementary School on April 6, 2014. He indicated that things could have ended badly but they handled the situation well.
- Issued 502 building permits for new construction in the tornado areas.
- Announced the drawing for the storm shelter rebate program would occur within the next few days. Staff has reviewed over 4,000 applications that were in the system. Around 400 were included in Phase I leaving approximately 1,100 to be included in the drawing for Phase II. Notifications will be made shortly. Mayor Lewis asked if the individuals who already installed shelters after the tornado and were disqualified from being included in the drawing could receive some consideration. Mr. Eddy stated that in all of the programs to date individuals were ineligible to receive funds if their storm shelter was already installed. The rules were approved and published prior to the start of the program. He was concerned that if the rules were changed after the fact to include those individuals there may be some complaints made by those who complied with the requirements. Councilman Roberts asked if some of the HUD monies could be used. Mr. Eddy indicated that it was possible; however, HUD has more stringent eligibility requirements. For instance the current program does not have any financial eligibility requirements; however, a HUD program would. There is still a possibility of FEMA mitigation funds being available in the future. Councilman Roberts asked if the other programs would allow those individuals disqualified for this program to receive funds. Mr. Eddy indicated that the same individuals would be disqualified for the FEMA funds issued through the State since they will not allow participation with an existing shelter. Mr. Eddy indicated that there may be a way to do it in

the future but he was unaware of what that might be currently. Mayor Lewis mentioned using donated funds that individuals gave to the tornado recovery effort. Mr. Eddy felt that using the donated monies might a viable solution. Mr. Eddy asked Gayland Kitch, Emergency Management Director, how many applicants were disqualified because they had installed a storm shelter. Mr. Kitch advised that the figure was somewhere around 1,100. Mayor Lewis felt that the City's goal should be to ensure that every household has a storm shelter. Mr. Kitch indicated that renters are also not eligible to participate in the program. Application must be made by the homeowner.

Agenda Item Number 10 being:

EXECUTIVE SESSION

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED AMY TAYLOR V. CITY OF MOORE, EX. REL., MOORE POLICE DEPARTMENT, CASE NO. CJ-2011-1836, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- B) DISCUSS POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF MOORE AND AUTHORIZE STAFF TO PROCEED AS APPROPRIATE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(3).
- C) CONVENE INTO EXECUTIVE SESSION

Councilman Roberts moved to convene into executive session, second by Councilman Cavnar. Motion carried unanimously.

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

The City Council convened into executive session at 7:11 p.m.

- D) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:42 p.m.

- D) ACTION.
 - A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED AMY TAYLOR V. CITY OF MOORE, EX. REL., MOORE POLICE DEPARTMENT, CASE NO. CJ-2011-1836, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Roberts moved to direct staff to proceed as directed in executive session regarding pending litigation styled Amy Taylor v. City of Moore, ex. Rel., Moore Police Department, Case No. CJ-2011-1836, and authorization for

legal counsel and staff to take action as necessary and appropriate in the interest of the Defendant, second by Councilman Hamm. Motion carried unanimously.

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

B) DISCUSS POTENTIAL ACQUISITION OF CERTAIN REAL PROPERTY IN THE CITY OF MOORE AND AUTHORIZE STAFF TO PROCEED AS APPROPRIATE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(3).

Councilman Roberts moved to take no action regarding Agenda Item No. 10B, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 12 being:

ADJOURNMENT

Councilman Cavnar moved to adjourn the City Council meeting, second by Councilman Singer. Motion carried unanimously.

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

The City Council, Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority meetings were adjourned at 7:44 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