

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
THE MOORE RISK MANAGEMENT BOARD
AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY
APRIL 21, 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 21, 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; Assistant City Attorney, K.O. Williams; Community Development Director, Elizabeth Jones; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Human Resources/Risk Management Director, Gary Benefield; Manager of Information Technology, David Thompson; Parks and Recreation Director, Todd Jenson; Police Chief, Jerry Stillings; Lt. James Fagans; Public Works Director, Richard Sandefur; Veolia Water Project Manager, Robert Pistole; and Purchasing Agent, Carol Folsom.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 7, 2014.
- B) RECEIVE THE MINUTES OF THE REGULAR PARK BOARD MEETING HELD MARCH 4, 2014.
- C) DECLARE CERTAIN POLICE VEHICLES AS SURPLUS.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$3,555,336.45.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF NEW JOB DESCRIPTIONS AND THEIR PLACEMENT IN THE NON-UNION PAY TABLE FOR THE HUD FUNDED POSITIONS OF "ASSISTANT PLANNER-GRANTS" IN PAY RANGE 58; "ADMINISTRATIVE ASSISTANT – CDBG" IN PAY RANGE 47; AND "ACCOUNTANT II" IN PAY RANGE 64.

Elizabeth Jones, Community Development Director, stated that the proposed full time positions would be working on the Disaster Recovery Program which is funded through a grant awarded by the Department of Housing and Urban Development.

Mayor Lewis asked if the positions were temporary. Ms. Jones stated that the City must spend the grant monies within five years followed by a period of approximately three to five years of compliance monitoring. The assumption is that after a ten year period the positions would be absorbed within the City due to attrition or growth.

Councilman Hamm moved to approve new job descriptions and their placement in the non-union pay table for the HUD funded positions of "Assistant Planner-Grants" in Pay Range 58; "Administrative Assistant – CDBG" in Pay Range 47; and "Accountant II" in Pay Range 64, second by Councilman Roberts.

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

Agenda Item Number 4 being:

CONSIDER AWARDDING BID NO. 1314-010 "PURCHASE OF ONE OR MORE CNG HIGH COMPACTION 32 CUBIC YARD AUTOMATED SIDE LOADER PACKER BODIES" TO RUSH TRUCK CENTER IN THE AMOUNT OF \$147,450.

Richard Sandefur, Public Works Director, advised that the City solicited bids for the purchase of a CNG sider loader packer body. Mr. Sandefur recommended awarding the bid to Rush Truck Center as the low bidder in the amount of \$147,450.

Councilman Hamm asked if the body would be replacing that of another vehicle or adding to the fleet. Mr. Sandefur indicated that it would be used as a replacement truck. Councilman Krows inquired about the length of time that the packer bodies last. Mr. Sandefur advised that they have been lasting around seven to eight years with a manufacturer estimated life expectancy of five to seven years.

Councilman Krows moved to award Bid No. 1314-010 "Purchase of One CNG High Compaction 32 Cubic Yard Automated Side Loader Packer Bodies" to Rush Truck Center in the amount of \$147,450, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER AWARDING BID NO. 1314-006 "LITTLE RIVER PARK PLAYGROUND" TO PLAYWELL/PLAYWORLD IN THE AMOUNT OF \$74,999.49.

Todd Jenson, Parks and Recreation Director, stated that Little River Park was the last playground to be replaced following the May 20, 2013 tornado. The City solicited bids and received nine responses. A committee comprised of Park Board Members and City staff reviewed the proposals and recommended awarding the bid to Playworld. Mr. Jenson indicated that the community build park would have a pirate ship theme. He anticipated construction occurring sometime in mid-July with an estimated completion date of two to three days. Mr. Jenson advised that insurance proceeds would be used to pay for the equipment.

Mayor Lewis asked how many volunteers would be needed for the project. Mr. Jenson estimated that the playground should be completed within a day if there are 50 to 200 volunteers. Councilman Krows stated that he was aware of several teachers who would like to volunteer their time on the project. Mayor Lewis asked if a construction date had been determined. Mr. Jenson stated that staff was looking at the week of July 14-19, 2014. He added that a more definitive date would be determined as time draws near and they get a better of idea of when the materials will be delivered.

Councilman Krows moved to award Bid No. 1314-006 "Little River Park Playground" to Playwell/Playworld in the amount of \$74,999.49, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ADOPTION OF RESOLUTION NO. 795(14) ADOPTING THE SCHEDULE OF FEES AND CHARGES BY AMENDING THE OCCUPATION TAX RELATED TO ALCOHOLIC BEVERAGES FOR BREWER AND DISTILLER; EFFECTIVE UPON APPROVAL AND REMAINING IN EFFECT UNTIL MODIFIED, AMENDED OR REPEALED; AND REPEALING PRIOR INCONSISTENT FEES.

Councilman Roberts moved to adopt Resolution No. 795(14), second by Councilman Singer. 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 6:42 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD APRIL 7, 2014.

- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$602,442.57.

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

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

MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:43 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 7, 2014.
B) APPROVE PAYMENT OF A COURT APPROVED WORKER'S COMPENSATION COMPROMISE SETTLEMENT TO MICHAEL DOROCIAK IN THE AMOUNT OF \$30,378.15 FOR CLAIM NO. WC2013-04514-R, AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLL, AND SUPPLEMENT THE BUDGET ACCORDINGLY.
C) APPROVE PAYMENT OF A COURT APPROVED WORKER'S COMPENSATION COMPROMISE SETTLEMENT TO MICHAEL DOROCIAK IN THE AMOUNT OF \$10,575.00 FOR CLAIM NO. WC2013-05428-L AND AUTHORIZE PLACEMENT ON THE PROPERTY TAX ROLL.
D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2013-2014 IN THE AMOUNT OF \$131,181.53.

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 RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH VICE-CHAIRMAN DAVID ROBERTS PRESIDING AT 6:44 P.M.

Agenda Item Number 9 being:

ROLL CALL

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

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD MARCH 17, 2014.

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

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:45 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 Hamm requested a brief update on the Broadway road construction. Stan Drake, Assistant City Manager, advised that the portion of the project located from N. 12th to N. 18th was completed and open to traffic. The storm sewer has been installed on the southern portion of the project along the east side of Broadway. The contractor is currently working on the roadway construction south of 12th Street. Weather permitting the project should be completed by the end of June.

Councilman Krows advised that an anti-abortion group has been picketing Norman and Moore High Schools with very graphic information. He indicated that Norman was working on an ordinance to address this type of issue. He contacted the Norman City Council to obtain information which he presented to the City Manager and City Attorney. He felt that schools should not be a forum for Freedom of Speech issues but a safe environment in which children can attend school. The proposed ordinance would prohibit any group from being in close proximity to a school with any type of propaganda. Steve Eddy, City Manager, advised that the anti-abortion group was a national organization that has a local chapter. They have recently been concentrating on the schools and a clinic located in Norman. The Norman School Board asked the City of Norman if there was something they could do to keep the protestors away from the schools. Norman believes they found a Supreme Court Ruling that would allow them to pass an ordinance prohibiting demonstrators from being within 150 feet from the point of ingress and egress of a school. He suggested that the City could do something similar but cautioned that the ordinance might be challenged. Councilman Blair commented that Moore Public Schools boundaries incorporates areas outside the city limits of Moore. He agreed with the intent of the ordinance but wondered if Moore passed an ordinance if it would push the demonstrators into schools located outside our City limits. Mr. Eddy felt that it was possible. Councilman Krows stated his hope that if Norman and Moore passed the ordinance Oklahoma City would follow suit. Councilman Singer asked if demonstrators were required to obtain a permit. Mr. Eddy indicated that there was a difference of opinion on that subject internally. The ordinance states that a permit is required if a demonstration interferes with the public's right to use public property such as sidewalks. He indicated that the City has been using this as a determining factor in the permitting process. If the City opts to copy Norman's ordinance it would mean implementing a stricter policy. Councilman Krows commented that the demonstrators are more aware of their rights than we are and wear cameras and microphones in order to post videos on YouTube. Because of the situation it would be

nice to have some way of handling it. Mr. Eddy stated it has been staff's position that a permit is required in order to demonstrate. This provides the City with information regarding who they are, when they plan to arrive and depart, and where they plan to picket. He stated that the City could certainly look into an ordinance similar to the City of Norman's if that was Council's desire. Councilman Singer asked if the demonstrators could be arrested if they operate outside the scope of the permit. Mr. Eddy stated that it was possible to arrest the demonstrators under the City's current ordinance; however, it was likely the City would encourage them to leave instead. Mayor Lewis asked what Moore Public School's policy on these situations. Councilman Krows indicated that if they encroach on school property they can be forced to leave; however, the demonstrators only appear on the public sidewalks. Mr. Eddy stated that the City must be careful not to infringe upon their right to Freedom of Speech. He indicated that staff would follow Council's direction on how to proceed. Mr. Eddy advised that he would forward the information received from the City of Norman who had initially proposed prohibiting demonstrations within 150 feet around the perimeter of the school; however, they have since decided it might be an excessive amount of area to enforce. Mr. Eddy felt the City would likely follow suit if the City of Norman takes the lead.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Mr. Eddy verified with the City Council their availability to attend a Budget Study Session scheduled for April 28, 2014 at 6:30 p.m.

Agenda Item Number 12 being:

EXECUTIVE SESSION:

A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY MICHAEL ATKINSON AGAINST THE CITY OF MOORE; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

B) CONVENE INTO EXECUTIVE SESSION

Councilman Krows moved to convene to executive session, second by Councilman Hamm. Motion carried unanimously.

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

The City Council convened into executive session at 6:58 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 7:10 p.m.

D) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY MICHAEL ATKINSON AGAINST THE CITY OF MOORE; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Krows moved to authorize staff to proceed as directed in executive session regarding pending claim filed by Michael Atkinson, second by Councilman Singer. Motion carried unanimously.

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

Agenda Item Number 13 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:11 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

CAROL FOLSOM, Purchasing Agent

FOR:

DAVID ROBERTS, MPWA Secretary

FOR:

JASON BLAIR, MEDA Secretary

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

ATTEST:

JIM CORBETT, City Clerk