

**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
SEPTEMBER 21, 2015 – 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 21, 2015 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Robert Krows
Councilman, Ward I

Melissa Hunt
Councilwoman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; City Attorney, Randy Brink; Assistant Finance Director, Cheryl McConnell; Assistant Planner/Grants Manager, Jared Jakubowski; 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; Police Chief, Jerry Stillings; Public Works Director, Richard Sandefur; Sergeant Rebecca Miller; 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 SEPTEMBER 8, 2015.
- B) RECEIVE THE MINUTES OF THE REGULAR PARKS BOARD MEETINGS HELD AUGUST 4, 2015.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$2,798,454.75.

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

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 3 being:

DISCUSS AND CONSIDER APPROVAL OF A MEMORANDUM OF UNDERSTANDING TO CREATE A REGIONAL TRANSIT AUTHORITY TASK FORCE FOR THE PURPOSE OF DEVELOPING A REGIONAL TRANSIT AUTHORITY IN CENTRAL OKLAHOMA, AND AUTHORIZE THE EXPENDITURE OF \$31,165.97 IN FY 15-16 TO SUPPORT SAID TASK FORCE.

John Johnson, Executive Director with the Association of Central Oklahoma Governments (“ACOG”), appeared at the meeting to answer questions regarding the Regional Transit Authority. The item was tabled from the September 8, 2015 City Council Meeting.

Mayor Lewis stated that the City would like to have a stop in the city along the commuter trail corridor. He felt a logical location would be at the new Central Park being constructed at SW 4th and Broadway. Mr. Johnson indicated that the first study included two conceptual stations in Moore; however, further study would be required along with environmental, engineering, and design work before a final determination was made. Mr. Johnson stated that it was important to have Moore represented during these discussions.

Mayor Lewis expressed his appreciation to Mr. Johnson for his attendance at the meeting.

Councilman Roberts moved to approve a Memorandum of Understanding to create a Regional Transit Authority Task Force for the purpose of developing a Regional Transit Authority in Central Oklahoma, and authorize the expenditure of \$31,165.97 in FY 15-16 to support said Task Force, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 4 being:

CONSIDER A CONDEMNATION AND DEMOLITION APPEAL FOR 3104 TWIN CIRCLE. APPLICATION BY VIRGIL HAYMON.

Elizabeth Jones, Community Development Director, indicated that the condemnation and demolition appeal requested by Virgil Haymon for 3104 Twin Circle had been heard by the City Council on two other occasions. Because the last appeal was denied at the September 8, 2015 and was now being revisited Ms. Jones did not go into the details of the condemnation and demolition order; however, she did submit pictures reflecting progress that had been made to the property since the item was last heard. Ms. Jones recommended that Mr. Haymon be required to meet strict deadlines if Council grants the applicant additional time.

Ms. Jones advised that she, along with Assistant City Manager Stan Drake and Building Official Gabe Sevigny, toured the site with Mr. Haymon and came up with a fairly aggressive deadline for the necessary repairs:

1. Mr. Haymon must obtain a temporary electrical pole by September 25, 2015 since he is currently using his neighbor’s electricity.
2. Ms. Jones noted that siding was currently being installed and must be completed by November 1, 2015.
3. Inspections must be made of the interior by November 1, 2015.
4. She stated that sheet rock must be erected within the home by December 1, 2015.
5. Final inspection would occur on January 1, 2016.

Ms. Jones stated that Mr. Haymon was made aware that if he was unable to meet any of the deadlines the property would be scheduled for condemnation. She advised that the City already received three quotes for the cost of demolition. If the City Council approves staff's recommendations she would suggest that Mr. Haymon sign a document agreeing to the proposed terms which includes the condition that if any of the deadlines are missed the City can order the home demolished. Virgil Haymon indicated that he was agreeable to the adjusted timelines and did not feel he would have a problem meeting them.

Councilman Roberts stated Mr. Haymon should be very sure that he can meet the deadlines prior to agreeing to them because a condemnation order would be issued upon his failure to comply. The home must be habitable and if he does not feel he can meet the deadlines he should stop work on the project and not invest any more time and money into the home. Councilwoman Hunt reiterated that a condemnation order could be issued at any point during the process if Mr. Haymon missed a deadline.

Councilman Krows asked Mr. Haymon if he had the finances to complete the project since he mentioned previously that money was a factor in his inability to move forward with the repairs. Mr. Haymon indicated that he had an investor and finances would not be an issue any longer. Councilman Krows asked what Mr. Haymon's plans were for the home. Mr. Haymon stated that it was his intention to live in the house.

Councilman Hamm asked if an agreement had been prepared for signature. Stan Drake, Assistant City Manager, stated that City Attorney Randy Brink would prepare a document that included the deadlines for repairs and scheduled inspections along with a clause which states that if Mr. Haymon does not meet one of the deadlines the property would be immediately condemned. Councilman Hamm asked if it was feasible for Mr. Haymon to get an electrical pole by the September 25, 2015 deadline. Mr. Drake stated that Mr. Haymon could meet the deadline if he retained an electrician, set the pole, and called the City for an inspection by September 25th, but the City has no control over when OG&E could complete their part of the process.

Councilman Krows thanked the residents for their patience throughout the appeal process.

Jerry Stephens, 3108 Twin Circle, thanked the City Council for their prompt response to the concerns he mentioned in his emails. Mr. Stephens felt it was unlikely that Mr. Haymon would meet the deadlines. Councilwoman Hunt stated that the agreement would make it possible to demolish the property without having to come back to the City Council for authorization if a deadline was missed.

Kathleen Metcalf, 3109 Twin Circle, asked that the City ensure Mr. Haymon used licensed electrical and plumbing contractors. Mr. Drake advised that the City requires licensed, bonded and insured contractors or a building permit would not be issued. Ms. Metcalf expressed her appreciation to the City Council for the work they put in on the issue with both the protestors and Mr. Haymon. She stated that she did not want Mr. Haymon to lose his home; however, she wanted Council to take action if he does not meet the required deadlines.

Councilman Krows moved to grant the appeal pursuant to the terms and conditions of the agreement between the City and Mr. Haymon, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Councilman Hamm requested that the City Council be updated on the status of the repairs. Mr. Drake stated that staff would email Council the results of each inspection.

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A LOT COMBINATION LOCATED IN THE SOUTH HALF OF SECTION 26, T10N, R3W, BEING SOUTH OF SW 27TH STREET AND EAST OF THE I-35 SERVICE ROAD. APPLICATION BY MISSION POINT APARTMENTS, LIMITED PARTNERSHIP/SCOTT CASE.

Elizabeth Jones, Community Development Director, advised that the C-3 zoned property contained 3.75 acres of vacant land located south of SW 27th Street and east of the I-35 Service Road, abutting the Mission Point Apartments on the west and the BNSF railroad tracks on the east. The applicant proposed splitting the property from the larger undeveloped commercial tract and combining it with the existing apartments. Ms. Jones advised that the purpose of the lot combination was not to build new apartments, but to provide a buffer area between the apartment complex and the railroad. Ms. Jones advised that if the City Council approves the lot combination the property would retain the C-3 zoning. She stated that the applicant has no plans to develop the property. However, if they decide to develop it at a later date a rezoning application must be considered by both the Planning Commission and the City Council since apartments and commercial developments are not allowed in a C-3 zoning district.

Councilman Roberts moved to approve a lot combination located in the south half of Section 26, T10N, R3W, being south of SW 27th Street and east of the I-35 Service Road, second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 6 being:

CONSIDER DECLARING A 1995 QUALITY SPARTAN FIRE APPARATUS (VIN NO. 4S7DT9K05SC018584) AS SURPLUS AND AUTHORIZE STAFF TO DISPOSE OF OR DONATE AS DEEMED APPROPRIATE.

Fire Chief Gary Bird indicated that the 1995 Quality Spartan Fire Engine being considered as surplus had 127,000 miles and 14,000 hours of service on it. Staff would like to take the engine out of service and replace it with a new fire engine that was recently purchased.

Councilman Hamm stated that some of the local volunteer fire departments would be grateful to have the engine. He suggested that Council consider donating the equipment to the City of Lexington for their volunteer fire department. Chief Bird stated that the Lexington Fire Chief had indicated to him that they would like to have the 1995 engine to replace a 1980 engine that they are currently using. Councilman Hamm added that the City of Lexington participates in the Cleveland County Task Force and had provided Moore with mutual aid; therefore, the equipment might still benefit the City.

Mayor Lewis asked for a legal opinion regarding the donation of the equipment. Randy Brink, City Attorney, indicated that once the property was declared surplus the City Council could donate the property however they deem appropriate.

Councilman Hamm moved to declare a 1995 Quality Spartan Fire Apparatus (VIN No. 4S7DT9K05SC018584) as surplus and authorize its donation to the City of Lexington, second by Councilwoman Hunt. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 7 being:

CONSIDER APPROVAL OF A CONTRACT WITH INNOVATIVE EMERGENCY MANAGEMENT, INC. FOR PREPARATION OF NDRC PHASE II APPLICATION.

Jared Jakubowski, Assistant Planner/Grants Manager, stated that the Department of Housing and Urban Development (“HUD”) offered a National Disaster Resiliency Competition to seek innovative resiliency projects that would prepare communities for future extreme weather events. The competition was open to any state, county, or municipal government that experienced a Presidentially declared disaster in 2011, 2012 or 2013. Of the 67 eligible entities only 40 were invited to participate in Phase II of the competition. Mr. Jakubowski indicated that in June 2015 HUD announced that the City of Moore was one of seven cities to become a finalist.

He stated that in August 2015 the City submitted a Request for Proposals for development of the City’s NDRC Phase II application. One proposal was received from Innovative Emergency Management (“IEM”) who developed the City’s successful Phase I application. IEM’s original proposal was in the amount of \$97,000; however, that amount was later negotiated down to \$81,191.39.

Mayor Lewis asked what was involved in the development of the NDRC Phase II application. Mr. Jakubowski advised that IEM would coordinate with ten entities that the City is partnering with on various projects and prepare the application to ensure it meets all federal requirements.

Mayor Lewis asked how much funding would be awarded if the City’s application is selected. Mr. Jakubowski stated that \$18 billion was originally allocated after Hurricane Sandy. HUD must allocate the remaining \$1 billion before September 2016. He stated that the four projects totaling approximately \$90 million that are being considered for submittal are:

1. Joint partnership with the City of Oklahoma City for capital improvements to Draper Water Treatment Facility
2. Implementation of Smart Water Metering System for all residential meters.
3. Climate Vulnerability Assessment
4. Resiliency Center/Library

Councilman Krows moved to approve a contract with Innovative Emergency Management, Inc. for preparation of NDRC Phase II application, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 8 being:

CONSIDER, AND IF DEEMED APPROPRIATE, AMEND THE CONTRACT WITH SILVER STAR CONSTRUCTION COMPANY, INC. ENTERED INTO PURSUANT TO BID NO. 1314-014, BY AGREEMENT OF THE PARTIES, AMENDING THE TERMINATION DATE ONLY, WITH ALL OTHER PROVISIONS TO REMAIN IN FULL FORCE AND EFFECT.

Stan Drake, Assistant City Manager, advised that the proposed amendment to the existing contract with Silver Star Construction Company would change the termination date to June 30, 2016. The fee schedule would not change.

Mayor Lewis asked City Attorney Randy Brink if the City Council could legally approve the proposed contract. Mr. Brink confirmed that the Council could legally take action on the item.

Councilman Krows moved to amend the contract with Silver Star Construction Company, Inc. entered into pursuant to Bid No. 1314-014, by agreement of the parties, amending the termination date only, with all other provisions to remain in full force and effect, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:01 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 8, 2015.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$421,210.02.

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

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 10 being:

CONSIDER AUTHORIZING STAFF TO NEGOTIATE WITH THE CITY'S CURRENT AGENTS FOR 2016 INSURANCE POLICIES FOR PROPERTY AND CONTENTS, EXCESS PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY, AND GROUP LIFE INSURANCE.

Gary Benefield, Risk Manager, was requesting authorization to negotiate with the City's current agents for Property and Contents, Excess Public Officials and Employment Practices Liability, and Group Life Insurance policies.

Trustee Hunt moved to authorize staff to negotiate with the City's current agents for 2016 insurance policies for Property and Contents, Excess Public Officials and Employment Practices Liability, and Group Life Insurance, second by Trustee Hamm. Motion carried by majority vote.

Ayes: Krows, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None
Abstentions: Blair

MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:03 P.M.

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD SEPTEMBER 8, 2015.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$211,368.05.

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

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN TERRY CAVNAR PRESIDING AT 7:04 P.M.

Agenda Item Number 12 being:

ROLL CALL

PRESENT: Krows, Blair, Hunt, Lewis, Roberts, Hamm, Cavnar
ABSENT: None

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD AUGUST 17, 2015.

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

Ayes: Krows, Blair, Hunt, Lewis, Roberts, Hamm, Cavnar
Nays: None

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:05 P.M.

Agenda Item Number 14 being:

NEW BUSINESS:

- A) CITIZENS' FORUM FOR ITEMS NOT ON THE AGENDA.

There were no citizens to speak.

- B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Krows asked if information regarding the Moore Public Schools \$209 million school bond election on October 13, 2015 could be placed on the City's web page. Deidre Ebrey, Economic Development Director, advised that a video prepared by the school district had been posted to the City's webpage.

Councilman Hamm distributed the results of a History of Moore Museum Survey that was offered on-line. He stated that there were approximately 650 participants in the survey. Councilman Hamm noted that the information would be discussed at the next museum committee meeting scheduled for September 24, 2015. Councilman Hamm advised that the Moore Alumni Association raised money to replace the teeth in the lion statute that was donated by the class of 1964-1965 and sat in Moore High School at that time. Property owner Charlie Cotton currently has possession of the lion and is willing to donate it back to Moore High School. The Moore Alumni Association has the funds to have the lion completely refurbished. The lion will be presented at the assembly on September 25, 2015 that will be held prior to the Homecoming Parade. Councilman Hamm invited everyone to attend the game between Moore High School and Southmoore High School that evening.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Stan Drake, Assistant City Manager, advised that the street widening project on 19th Street between Fritts Blvd. and Eagle Drive will start soon.

Agenda Item Number 15 being:

EXECUTIVE SESSION:

Section 307, Title 25, Oklahoma Statutes permits the public body to meet in executive session for certain specified reasons under certain specified conditions. It is the opinion of the City Attorney that the City Council may consider and adopt a motion to meet in executive session to discuss the following item(s):

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE POSSIBLE ACTION REGARDING PENDING CLAIM BY MICHELLE AND MICHAEL BORG AGAINST THE CITY OF MOORE, AND AUTHORIZE 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, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

The City Council convened into executive session at 7:09 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

PRESENT: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
ABSENT: None

The City Council reconvened from executive session at 7:26 p.m.

D) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE POSSIBLE ACTION REGARDING PENDING CLAIM BY MICHELLE AND MICHAEL BORG AGAINST THE CITY OF MOORE, AND AUTHORIZE 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 deny pending claim filed by Michelle and Michael Borg against the City of Moore and authorize staff to proceed as directed in executive session, second by Councilman Cavnar. Motion carried unanimously.

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

Agenda Item Number 16 being:

ADJOURNMENT

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

Ayes: Krows, Blair, Hunt, Cavnar, Roberts, Hamm, Lewis
Nays: None

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:27 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

KATIE BERHALTER, Administrative Assistant

FOR:

DAVID ROBERTS, MPWA Secretary

FOR:

JASON BLAIR, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2015.

ATTEST:

LINDA STEWART, Deputy City Clerk