

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
OCTOBER 3, 2016 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on October 3, 2016 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

Terry Cavnar
Councilman, Ward III

PRESENT: McKenzie, Hunt, Hamm, Lewis
ABSENT: Blair, Cavnar, Webb

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; Finance Director, Brooks Mitchell; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Associate Planner/Grants Manager, Jared Jakubowski; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Fire Chief, Gary Bird; Police Chief, Jerry Stillings; Sergeant Troy Fullbright; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Veolia Water Project Manager, Robert Pistole; and Administrative Assistant, Katie Berhalter.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD SEPTEMBER 19, 2016.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD AUGUST 9, 2016.
- C) RECEIVE THE MINUTES OF THE SPECIAL JOINT PARKS BOARD AND COMMUNITY DEVELOPMENT BLOCK GRANT ADVISORY COMMITTEE MEETING HELD AUGUST 2, 2016.
- D) DECLARE A 2011 FORD F-150 CREW CAB PICKUP (VIN NO. 1FTEW1CM8BFB46817), TAG NO. 955AKP, APPROPRIATED TO THE POLICE DEPARTMENT AS SURPLUS.
- E) APPROVE A CONTRACT EXTENSION WITH SILVER STAR CONSTRUCTION FOR ON-DEMAND CONSTRUCTION SERVICES.
- F) APPROVE A CONTRACT EXTENSION WITH RUDY CONSTRUCTION FOR ON-DEMAND CONSTRUCTION SERVICES.
- G) APPROVE A CONTRACT EXTENSION WITH CIMARRON CONSTRUCTION FOR ON-DEMAND CONSTRUCTION SERVICES.
- H) APPROVE A CONTRACT EXTENSION WITH POE & ASSOCIATES FOR ON-DEMAND ENGINEERING SERVICES.

- I) APPROVE A CONTRACT EXTENSION WITH CEC CORPORATION FOR ON-DEMAND ENGINEERING SERVICES.
- J) APPROVE A CONTRACT EXTENSION WITH MESHEK & ASSOCIATES FOR ON-DEMAND ENGINEERING SERVICES.
- K) APPROVE A CONTRACT EXTENSION WITH CABBINNESS ENGINEERING FOR ON-DEMAND ENGINEERING SERVICES.
- L) APPROVE A CONTRACT EXTENSION WITH COMMUNITY DEVELOPMENT SERVICES FOR PROFESSIONAL SERVICES OF TECHNICAL ASSISTANCE FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY PROGRAM.
- M) APPROVE A CONTRACT EXTENSION WITH HORNE, LLP FOR PROFESSIONAL SERVICES OF INTERNAL AUDITING SERVICES FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT-DISASTER RECOVERY PROGRAM.
- N) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$4,648.890.50.

Mayor Lewis asked why several contract renewals were listed on the consent docket at the same time. Steve Eddy, City Manager, indicated that since all of the HUD contracts were let at the same time they are expiring at the same time. Mr. Eddy added that under HUD regulations the contracts must be approved for renewal.

Councilman Hamm moved to approve the Consent Docket in its entirety, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 3 being:

CONSIDER REZONING APPLICATION NO. RZ-945, LOCATED IN THE SE/4 OF SECTION 30, T10N, R2W, BEING NORTH OF SE 34TH STREET AND WEST OF SUNNYLANE ROAD, FROM A-1 RURAL AGRICULTURAL DISTRICT TO RE RESIDENTIAL ESTATES; AND APPROVE ORDINANCE NO. 832(16). APPLICATION BY SHADY CREEK PROPERTIES, LTD., LLC/STEVE SHAWN. WARD 1.

Elizabeth Jones, Community Development Director, stated that Agenda Items No. 3 and 4 were companion items. The subject site contained 4.5 acres located north of SE 34th and west of Sunnylan. The applicant proposed rezoning the vacant property to RE Residential Estates to develop three lots for residential use. Ms. Jones advised that public water was available to serve the site, and the applicant would extend a public sewer main to serve the lots. Access would be provided from SE 34th Street. Two of the lots would have curb cuts to SE 34th Street, with the third lot having access to Shady Creek Lane, thereby reducing the number of curb cuts onto SE 34th Street. There is no FEMA designated floodplain on the property. Ms. Jones advised that the comprehensive plan designated the area as Rural Residential; therefore, a comprehensive plan amendment would not be required. She stated that due to the growth trends in the area, and compliance with the comprehensive plan, staff recommended approval of Agenda Items No. 3 and 4.

It was noted that the Planning Commission Meeting had not taken place when the agenda was prepared; therefore, a vote was unavailable on the items. Ms. Jones stated that the Planning Commission recommended approval of the items 8-0.

Councilman Hamm moved to approve Rezoning Application No. RZ-945, located in the SE/4 of Section 30, T10N, R2W, being north of SE 34th Street

and west of Sunnyside Road, from A-1 Rural Agricultural District to RE Residential Estates; and approve Ordinance No. 832(16), second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN THE SE/4 OF SECTION 30, T10N, R3W, BEING NORTH OF SE 34TH STREET AND WEST OF SUNNYSIDE. APPLICATION BY STEVE SHAWN.

Councilman Hunt moved to approve a lot split located in the SE/4 of Section 30, T10N, R3W, being north of SE 34th Street and west of Sunnyside, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER REZONING APPLICATION NO. RZ-947, LOCATED IN THE SW/4 OF SECTION 14, T10N, R3W, BEING NORTH OF SW 4TH STREET AND EAST OF INTERSTATE 35, FROM C-1 OFFICE DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 834(16). APPLICATION BY GREG RUSHING. WARD 1. COMMUNITY DEVELOPMENT.

Elizabeth Jones, Community Development Director, stated that the subject property consisted of .24 acres located north of SW 4th Street and east of I-35. The lot contains one residential structure. Ms. Jones advised that a second structure, which had been damaged in a fire, was recently removed. She indicated that the applicant proposed rezoning the property to C-3 General Commercial District in order to expand Malibu's, an existing custom auto accessories business. Ms. Jones noted that Malibu's has permission for limited auto sales with a five car limit which will continue at the current location. Public water and sewer are available to serve the site. Access would be provided from S. Howard Drive. She advised that the site was not located in a flood zone.

Ms. Jones stated that the comprehensive plan designated the area as Medium Commercial; therefore, a comprehensive plan amendment would not be required. Staff recommended approval of the application since the subject property was located in a commercialized area with similar land uses to the east and south, and was in compliance with the comprehensive plan.

Ms. Jones noted that several residents living on SW 3rd Street attended the Planning Commission meeting to voice their concerns regarding increased traffic and parking on the grass right-of-way. In an effort to address the residents' concerns the applicant agreed to utilize the existing driveway on SW 3rd for any overnight storage needs and have customers continue utilizing the existing drive on SW 4th for ingress and egress purposes. Ms. Jones advised that the Planning Commission recommended approval of the item 8-0.

Councilman Hamm advised that he had received complaints from the residents regarding Malibu parking cars for sale on the grass facing SW 4th Street. He asked if that was prohibited by Code. Ms. Jones indicated that the cars are prohibited from parking on the lawn; however, she believed the complaints

from the residents were vehicles parking on the lawn along SW 3rd Street. The applicant advised that while moving vehicles within the storage lot he pulls them out and temporarily parks them on the right-of-way.

Councilman Hamm asked a representative of Malibu's, Chris Werner, if they would be willing to discontinue parking cars on the grass along SW 4th Street. Mr. Werner indicated that cars had not been parked on the right-of-way since the concerns were mentioned at the Planning Commission meeting. Councilman Hamm also stated that the residents complained about the commercial dumpster being outside the fence line and asked Mr. Werner if he would consider erecting a fence around the dumpster during his future renovations. He suggested taking the opportunity to address some of the residents' concerns in an effort to be a good neighbor. Councilman Hamm stated that he used Malibu's in the past and had been very happy with their work. He added that he was pleased that Malibu's business was growing, but felt the neighborhood's concerns were valid and wanted to bring them to Mr. Werner's attention.

Councilman Hamm moved to approve Rezoning Application No. RZ-947, located in the SW/4 of Section 14, T10N, R3W, being North of SW 4th Street and East of Interstate 35, from C-1 Office District to C-3 General Commercial District; and approve Ordinance No. 834(16), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ADOPTION OF RESOLUTION NO. 861(16) ADOPTING THE SECTION 3 PLAN AS PART OF THE CITY'S COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Jared Jakubowski, Grants Manager, advised that Section 3 of the Housing and Urban Development Act of 1968 (amended 1992) states that any recipient of federal grant funds totaling over \$200,000 or for contractors or subcontractors who receive construction contracts in excess of \$100,000 must comply with requirements set out in a Section 3 Plan. Contractors are encouraged under the Plan to hire City of Moore residents when possible. The City must also comply with Section 3 requirements as part of the Community Development Block Grant Entitlement Program which uses grant monies to benefit low to moderate income areas.

Councilwoman McKenzie moved to adopt Resolution No. 861(16) adopting the Section 3 Plan as part of the City's Community Development Block Grant Program, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER RESOLUTION NO. 862(16) ADOPTING THE COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") AND THE COMMUNITY DEVELOPMENT BLOCK GRANT – DISASTER RECOVERY ("CDBG-DR") MANUAL FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAMS.

Jared Jakubowski, Grants Manager, stated that Resolution No. 862(16) adopts a CDBG/CDBG-DR Manual incorporating federal register notice updates, programmatic updates to the various programs, and consolidating the various CDBG programs' applicable policies and procedures.

Councilman Hamm moved to approve Resolution No. 862(16) adopting the Community Development Block Grant ("CDBG") and the Community Development Block Grant – Disaster Recovery ("CDBG-DR") Manual for the Community Development Block Grant Programs, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER ADOPTING RESOLUTION NO. 863(16) ADOPTING A REVISED ACCOUNTING MANUAL FOR CITY OPERATIONS.

Jared Jakubowski, Grants Manager, advised that Resolution No. 863(16) updates the City's Accounting Manual by incorporating the purchasing policy. Mr. Jakubowski stated that updates included Generally Accepted Accounting Principles ("GAAP"), HUD and federal regulations, federal and state laws, and implementation of the new financial software system.

Councilwoman Hunt moved to approve Resolution No. 863(16) adopting a revised Accounting Manual for City operations, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER RESOLUTION NO. 864(16) ADOPTING THE CDBG-DR ACTION PLAN AMENDMENT.

Jared Jakubowski, Grants Manager, advised that federal regulations require that any movement in grant funds over \$1 million must be approved by the City Council. Within the CDBG-DR Action Plan Amendment the City was requesting to move \$5,760,000 from Resiliency and \$2,490,639 from Planning into Infrastructure for a total of \$26,250,639. Mr. Jakubowski indicated that the City has completed two projects and have seven projects underway.

He stated that the second part of the Action Plan Amendment included the implementation of a Down Payment Assistance Program in the amount of \$1 million. Mr. Jakubowski related that the Program was for single family housing within the tornado affected area and must be unoccupied for at least 90 days prior to the buyer signing a sales contract for the property. The purchase price of the property cannot exceed \$133,000 for existing structures and \$155,000 for new structures. The property must meet the City's enhanced building code requirements and include a FEMA approved storm shelter or safe room. Eligibility requirements state that the applicant must have a household income between 50% and 80% of the area median or approximately \$64,000. They must meet all financial guidelines on the forgivable loan and will have a maximum assistance award of \$40,000 forgivable over five years. Staff anticipates the start of the application period beginning in early 2017 and will continue until funds have been expended.

Councilman Hamm asked if the City would be promoting the program. Mr. Jakubowski indicated that a full marketing campaign would be conducted. Steve Eddy, City Manager, advised that the news media already released a story regarding the program resulting in numerous phone calls to the City. It is hoped that the program will generate construction in the storm area.

Councilman Hamm moved to approve Resolution No. 864(16) adopting the CDBG-DR Action Plan Amendment, second by Councilwoman Hunt. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:51 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD SEPTEMBER 19, 2016.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$948,497.67.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:52 P.M.

Agenda Item Number 11 being:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD SEPTEMBER 19, 2016.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$207,042.40.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:53 P.M.

Agenda Item Number 12 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 stated that the Red Ribbon Parade will be held October 29, 2016. Council Members Hunt, Webb, and Hamm will be judges for the floats. He invited participation from any other interested council person. He advised that ACOG released the "Encompass 2040" draft plan summary that he distributed to the City Council for their review.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

There were no items from the City Manager.

Agenda Item Number 13 being:

EXECUTIVE SESSION:

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY SAM AND TRISH ALLEN 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) DISCUSS AND CONSIDER THE APPOINTMENT OF AN INTERIM CITY MANAGER TO SERVE UPON THE RETIREMENT OF CITY MANAGER STEVE EDDY, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).
- C) CONVENE INTO EXECUTIVE SESSION

Councilman Hamm moved to convene into executive session, second by Councilwoman McKenzie. Motion carried unanimously.

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

The City Council convened into executive session at 6:55 p.m.

- D) RECONVENE FROM EXECUTIVE SESSION

PRESENT: McKenzie, Hunt, Hamm, Lewis
ABSENT: Blair, Cavnar, Webb

The City Council reconvened from executive session at 7:23 p.m.

E) ACTION.

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY SAM AND TRISH ALLEN 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 Hamm moved to deny pending claim by Sam and Trish Allen against the City of Moore, and authorized legal counsel and staff to take action as necessary and appropriate in the interest of the City of Moore, second by Councilman Hunt. Motion carried unanimously.

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

- B) DISCUSS AND CONSIDER THE APPOINTMENT OF AN INTERIM CITY MANAGER TO SERVE UPON THE RETIREMENT OF CITY MANAGER STEVE EDDY, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).

Councilwoman Hunt moved to appoint Brooks Mitchell as Interim City Manager upon the retirement of City Manager Steve Eddy, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 14 being:

ADJOURNMENT

Councilman Hamm moved to adjourn the City Council meeting, second by Councilman McKenzie. Motion carried unanimously.

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:25 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

KATIE BERHALTER, Administrative Assistant

FOR:

ADAM WEBB, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2016.

ATTEST:

BROOKS MITCHELL, City Clerk