

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MARCH 7, 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 March 7, 2016 at 6:30 p.m. with Mayor Glenn Lewis presiding.

David Roberts
Councilman, Ward I

Unfilled Position
Councilman, Ward I

Melissa Hunt
Councilwoman, Ward II

Mark Hamm
Councilman, Ward II

Jason Blair
Councilman, Ward III

Terry Cavnar
Councilman, Ward III

PRESENT: Blair, Hunt, Roberts, Hamm, Lewis
ABSENT: Cavnar

STAFF MEMBERS PRESENT: City Manager, Steve Eddy; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; Finance Director, Brooks Mitchell; Associate Planner/Grants Manager, Jared Jakubowski; City Attorney, Randy Brink; Community Development Director, Elizabeth Jones; Assistant Emergency Management Director, Debi Wagner; Fire Chief, Gary Bird; Manager of Information Technology, David Thompson; Police Chief, Jerry Stillings; Sergeant Ernest Lockett; 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 FEBRUARY 16, 2016.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD DECEMBER 8, 2015.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$4,249,721.61.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF A CONTRACT WITH DILLON AND ASSOCIATES FOR AUDITING SERVICES FOR THE FISCAL YEAR ENDED JUNE 30, 2016.

Brooks Mitchell, Finance Director, stated that the proposed contract renewal with Dillon and Associates was for preparation of the annual audit with no proposed rate increase.

Councilwoman Hunt moved to approve a contract with Dillon and Associates for auditing services for the fiscal year ended June 30, 2016, second by Councilman Roberts. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER AN AMENDMENT TO THE CITY'S PURCHASING POLICY TO INCLUDE A NEW SECTION 7-211 ENTITLED "CAPITALIZATION OF PROPERTY, PLANT, AND EQUIPMENT."

Brooks Mitchell, Finance Director, indicated that the City's last financial audit noted the City's lack of a capitalization policy for fixed assets. Mr. Mitchell indicated that the City had previously been operating under a capitalization practice that was never formalized into a policy. Mr. Mitchell proposed implementing a capitalization policy with one change from the previous practice. The proposed policy would require capitalization for fixed assets valued over \$5,000 as opposed to fixed assets valued over \$2,500.

Councilman Blair moved to approve an amendment to the City's Purchasing Policy to include a new Section 7-211 entitled "Capitalization of Property, Plant, and Equipment", second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER REZONING APPLICATION NO. RZ-934, LOCATED IN THE SW/4 OF SECTION 24, T10N, R3W, BEING NORTH OF SE 19TH STREET AND EAST OF EASTERN AVENUE, FROM A-1 RURAL AGRICULTURAL DISTRICT TO C-3 GENERAL COMMERCIAL DISTRICT; AND APPROVE ORDINANCE NO. 813(16). APPLICATION BY JOLETA KLINK. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 1.

Elizabeth Jones, Community Development Director, stated that the subject property contained five acres located south of Jury Lane and east of Eastern Avenue. Ms. Jones advised that the applicant proposed rezoning the vacant property from A-1 to C-3 in order to sell it. She stated that public water was available along S. Eastern Avenue, however; public sewer must be extended from the southwest to serve the site prior to development. Access would be from S. Eastern Avenue. She noted that the site was not yet platted but a final plat would also be required prior to site development.

Ms. Jones stated that the comprehensive plan identified the property as Medium Commercial; therefore, a Comprehensive Plan Amendment would not be required. She advised that staff recommended approval of the item since the subject property was located in an increasingly commercialized area, with similar land uses to the north and to the south.

Citizens to Speak:

Lilia Concannon, 1000 Jury Lane, spoke in opposition to the item. Ms. Concannon indicated that Jury Lane was a private roadway leading to small acreages. She expressed concern about the types of businesses that would utilize the commercial property. Ms. Concannon indicated that the businesses located there currently close by 5:00 p.m. and do not cause additional noise or traffic problems.

Lisa Cowan, 1011 Jury Lane, stated that she lived directly behind the subject site and expressed concern that their neighborhood would be ruined by the addition of a commercial business. She felt it would no longer be a quiet neighborhood where the kids could run and play.

Councilman Hamm asked what types of business could be located in a C-3 Zoning District. Ms. Jones indicated that C-3 was the broadest commercial category and included items such as office space, dry cleaners, and fast food restaurants. She felt it would be an unlikely space for a fast food restaurant or a national tenant due to the lot size and mid-block location.

Councilman Roberts stated that plumbing and lawnmower repair businesses were located to the north, a storage facility to the south, and a large 7-Eleven on the corner. He commented that the neighborhood had likely already experienced the worst noise issues that might arise. Councilman Roberts indicated his opinion that the property owner had the right to develop their own property. He did not feel the land would be an appropriate residential or industrial use; therefore, he believed C-3 zoning was the best use for the property.

Ms. Cowan asked if there were other zoning options for the property. Ms. Jones indicated that the Comprehensive Plan designated the subject property as Medium Commercial. Zoning Districts that would fall within this designation would be C-3 and C-2 uses. Ms. Jones indicated that the main difference is that C-2 uses would not allow for fast food or drive-thru restaurants. Plumbing companies or mini-storage uses would also not be allowed under C-2 zoning.

Mayor Lewis asked if the applicant was in attendance and could speak on the issue. Applicant Joleta Klick indicated that properties on either side of her were zoned C-3, along with a business further down Jury Lane; therefore, she would like to rezone and sell her land as C-3 property. Ms. Cowan stated that she recognized Ms. Klick's ownership of the property and her right to rezone and sell it however she saw fit; but she felt C-2 zoning would be a good compromise by allowing the property to be rezoned for sale as commercial property but would prevent a fast food restaurant or drive-thru restaurant from locating there.

Councilwoman Hunt asked if C-2 zoning was discussed at the Planning Commission. Ms. Jones stated that there no residents appeared at the Planning Commission to discuss their concerns. Ms. Cowan indicated that she had not received notification of the Planning Commission meeting. She only became aware of the rezoning request from a small sign located on the property. Ms. Concannon stated that she also did not receive notification. Ms. Jones confirmed that letters were mailed out to individuals within a 300-foot radius of the subject property per State law.

Councilman Roberts felt that with properties on either side of the subject site being C-3, he did not think rezoning the property to C-3 would be changing the nature of the neighborhood. He also felt the site was appropriate for C-3 zoning.

Councilman Roberts moved to approve Rezoning Application No. RZ-934, located in the SW/4 of Section 24, T10N, R3W, being north of SE 19th Street and east of Eastern Avenue, from A-1 Rural Agricultural District to C-3 General Commercial District; and approve Ordinance No. 813(16), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER AWARDING BID NO. 1516-013 "MOWING AND NUISANCE ABATEMENT" TO THE LOWEST AND MOST RESPONSIBLE BIDDER.

Elizabeth Jones, Community Development Director, asked that the item be tabled to allow staff the opportunity to inspect the mowing equipment prior to making a recommendation.

Councilman Blair moved to table Agenda Item No. 6, second by Councilman Hamm. Motion carried unanimously.

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

Agenda Item Number 7 being:

APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE OKLAHOMA COUNTY SHERIFF'S OFFICE TO PROVIDE A TACTICAL OFFICER TO THE MULTI-JURISDICTIONAL TACTICAL TEAM.

Police Chief Jerry Stillings stated that a Moore Police Officer had been assigned to serve on the Oklahoma County Sheriff's Office Multi-Jurisdictional Tactical Team for the past five years. Chief Stillings indicated that he had previously signed the Memorandum of Understanding between the two law enforcement agencies; however, new legal counsel at the Oklahoma County District Attorney's Office was now requesting formal approval of the agreement by the Moore City Council.

Chief Stillings indicated that the police department's participation on the tactical team allowed the City access to law enforcement backup if a large scale event occurred, with a team member who has the training and knowledge of how the team operates. The City's involvement with the tactical team would also allow access to a bomb disposal unit, specialized equipment, and use of certain Oklahoma County facilities such as a gun range and emergency vehicle operations and driving range. Chief Stillings noted that being a part of the tactical team also allowed the City priority access to various training and schools offered by the Oklahoma County Sheriff's Office.

Councilwoman Hunt moved to approve a Memorandum of Understanding with the Oklahoma County Sheriff's Office to provide a tactical officer to the Multi-Jurisdictional Tactical Team, second by Councilman Hamm. Motion carried unanimously.

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

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

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD FEBRUARY 16, 2016.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$1,136,111.00. PAGE 126

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

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

Agenda Item Number 9 being:

CONSIDER APPROVAL OF A MATERIAL MODIFICATION TO THE CITY'S HEALTH BENEFIT PLAN THAT EXCLUDES ANY TYPE OF INFERTILITY TREATMENT.

Gary Benefield, Risk Manager, stated that Agenda Items No. 9, 10, 11 and 12 were companion items that related to health care plan changes recommended by Gallagher, the City's Health Benefits Consultant, and the Health Benefits Committee. Mr. Benefield advised that under the Affordable Health Care Act, the City's Health Care Plan must either include all types of infertility treatment or exclude infertility treatment entirely. He stated that the City's health care plan currently covers some infertility treatments.

Leslie Bonebreak, 3101 Carey Place, did not feel it was the City's place to be involved in decisions regarding an employees' fertility issues. Ms. Bonebreak indicated that it should be a private issue between a family and their physician. She indicated that she had brought the issue to the attention of the Oklahoma Coalition for Reproductive Justice.

Trustee Roberts moved to approve a Material Modification to the City's Health Benefits Plan that excludes any type of infertility treatment, second by Trustee Hunt. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER APPROVAL OF AN AGREEMENT WITH PARTNER PLUS CONSULTING ("PPC") TO PERFORM A CLAIMS AUDIT OF THE CITY'S MEDICAL THIRD PARTY ADMINISTRATOR ("TPA") AND THE PHARMACY BENEFITS MANAGER ("PBM") IN THE AMOUNT OF \$43,250.

Gary Benefield, Risk Manager, indicated that the proposed agreement with Partner Plus Consulting was for a claims audit of the City's Third Party Administrator and the Pharmacy Benefits Manager. Mr.

Benefield stated that although there was no legal requirement for a claims audit, staff felt it was a good business practice to ensure claims were being processed accurately.

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

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF A WELLNESS PROGRAM MASTER AGREEMENT WITH INTERACTIVE HEALTH SOLUTIONS, INC. D/B/A INTERACTIVE HEALTH TO PROVIDE THE ADMINISTRATION OF HEALTH RISK ASSESSMENTS, BIOMETRIC SCREENINGS, VALIDATION OF PHYSICAL EXAMS, DISEASE MANAGEMENT, TRACKING, AND REPORTING IN THE AMOUNT OF \$52,200 PER YEAR.

Gary Benefield, Risk Manager, advised that the proposed Wellness Program Master Agreement with Interactive Health Solutions, Inc. d/b/a Interactive Health in the amount of \$52,200 was for the implementation of Health Risk Assessments, Biometric Screenings, Validation of Physical Exams, Disease Management, and Tracking and Reporting to determine if plan participants have any major health issues which, if caught early and treated, could reduce the number of large claims and excess health insurance costs.

Mayor Lewis asked if the new Wellness Program would be voluntary. Mr. Benefield indicated that beginning next year penalties would be assessed for nonparticipation.

Trustee Blair moved to approve a Wellness Program Master Agreement with Interactive Health Solutions, Inc. d/b/a Interactive Health to provide the administration of Health Risk Assessments, Biometric Screenings, Validation of Physical Exams, Disease Management, Tracking, and Reporting in the amount of \$52,200 per year, second by Trustee Roberts. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER AUTHORIZING DATA I-SITE TO NEGOTIATE CERTAIN OUT OF NETWORK CLAIMS FOR THE CITY'S HEALTH BENEFIT PLAN FOR A FEE OF 25% OF SAVINGS.

Gary Benefield, Risk Manager, stated that the proposed agreement with Data I-Site was for negotiation of out-of-network claims. For example, Data I-Site would negotiate a claim submitted by an out-of-network provider who participated in the medical care of a plan participant in a PPO medical facility. Successful negotiations would result in savings to the Health Benefits Plan as well as the participant.

Steve Eddy, City Manager, stated that there have been some situations where a plan participant entered the hospital after verifying the in-network status of the medical facility and doctor, but later found they were responsible for a high out-of-network claim from medical personnel they were unaware would be participating in their treatment.

Trustee Blair moved to authorize Data I-Site to negotiate certain out of network claims for the City's Health Benefit Plan for a fee of 25% of savings, second by Trustee Hunt. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER AWARDING BID NO. 1314-010 "PURCHASE OF ONE OR MORE CNG HIGH COMPACTION 32 CUBIC YARD AUTOMATED SIDE LOADER PACKER BODY" TO BRIDGEPORT MANUFACTURING IN THE AMOUNT OF \$142,399.38.

Richard Sandefur, Public Works Director, stated that the bid award was for the purchase of a packer body for a CNG sanitation truck. Mr. Sandefur recommended awarding the bid to Bridgeport Manufacturing in the amount of \$142,399.38. He noted that the chassis was purchased off of the State contract.

Trustee Hamm moved to award Bid No. 1314-010 "Purchase of One or More CNG High Compaction 32 Cubic Yard Automated Side Loader Packer Body" to Bridgeport Manufacturing in the amount of \$142,399.38, second by Trustee Blair. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENE 7:05 P.M.

Agenda Item Number 14 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD FEBRUARY 16, 2016.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2015-2016 IN THE AMOUNT OF \$315,395.72.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:06 P.M.

Agenda Item Number 15 being:

NEW BUSINESS:

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

Memory Taylor, 2801 Sooner Lake Drive and Leslie Bonebreak, 3101 Carey Place, requested an update regarding the subject of curbside recycling, which was previously discussed at the February 16, 2016 City Council Meeting. Steve Eddy, City Manager, stated that Allied Waste, the City's commercial sanitation service provider, indicated that they should have cost estimates by the end of the week for various recycling options. Mr. Eddy stated that he would forward the information to the City Council for further discussion upon receipt of the information.

Ms. Taylor asked when the item would be up for consideration. Mayor Lewis indicated that the item would not be considered until budget information for FY 16-17 became available. Mr. Eddy indicated that if Ms. Taylor would contact his office with her email information he would make sure she received a copy of the cost estimates. Councilman Hamm stated that the City Council fully intended to hear the item but were uncertain when all of the information necessary to make a decision would become available. Councilman Roberts stated that the City Council was moving as rapidly as possible; however, the issue may not be on a ballot until as late as November. Councilwoman Hunt stated her opinion that there was already too much on the November ballot to consider placing the curbside recycling item on there too.

Joy Hampton, Moore American, asked if the City Council had the option of either approving the implementation of a curbside recycling program or putting the issue on a ballot for consideration by the citizens. Mayor Lewis indicated that either option was possible. He felt that the cost of a curbside recycling program would play a part in whether the City Council implemented a program or put the issue on a ballot for a vote of the people.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Hamm stated that although the 12th Street railroad tracks were recently repaired, he had received several phone calls regarding the need for additional repairs to the tracks. Stan Drake, Assistant City Manager, indicated that he had visited the BNSF yard on 89th Street after receiving a citizen complaint regarding the state of the tracks and being unable to speak to someone by phone. He was told that the railroad hoped to be on site by the end of the week but were having difficulty obtaining the materials they need to complete the job. Councilwoman Hunt noted that the City cannot make repairs to the tracks since it is the property of the railroad. Mr. Drake advised that the City was only responsible for the roadway access up to the tracks. Councilman Hamm requested that after repairs were made the City work on the approach and make it smoother. Mr. Drake stated that staff could work on the approach but the grade is set by the railroad.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Steve Eddy, City Manager, advised the City Council of the following items:

- The financial statement included a \$1 million encumbrance on the City side which was the cost for a new fire truck. Payment for the truck would not occur until next fiscal year and would come from the Public Safety sales tax monies, but a purchase order had to be issued before the truck could be ordered. Also, routine transfers from the MPWA to the City have not been made as of yet.
- The City received a check in the amount of \$2,316 from the City of Ladysmith, Wisconsin that contained a letter asking that the money be applied toward tornado recovery efforts. The letter advised that the money was donated from local residents whose own lives were touched when an F-3 tornado hit their community on Labor Day 2002. Mr. Eddy indicated his intent to deposit the money with other donated funds into the storm shelter rebate program.

Agenda and Addendum Item Number 16 being:

EXECUTIVE SESSION:

- A) CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED: JARED AND CHELSEA TODD V. CITY OF MOORE, CASE NO. CJ-2011-2103, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTERESTS OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- A.1) 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).
- B) CONVENE INTO EXECUTIVE SESSION

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

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

The City Council convened into executive session at 7:24 p.m.

- C) RECONVENE FROM EXECUTIVE SESSION

PRESENT: Blair, Hunt, Roberts, Hamm, Lewis
ABSENT: Cavnar

The City Council reconvened from executive session at 7:46 p.m.

- D) ACTION.

- A) CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED: JARED AND CHELSEA TODD V. CITY OF MOORE, CASE NO. CJ-2011-2103, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTERESTS OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Blair moved to authorize staff to proceed as directed in executive session, second by Councilman Hamm. Motion carried unanimously.

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

- A.1) 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 Hamm moved to authorize staff to proceed as directed in executive session, second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 9 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, Moore Risk Management and Moore Economic Development Authority meetings were adjourned at 7:48 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 _____, 2016.

ATTEST:

BROOKS MITCHELL, City Clerk