

**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
JANUARY 17, 2017 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on January 17, 2017 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, Blair, Hunt, Webb, Hamm, Lewis
ABSENT: Cavnar

STAFF MEMBERS PRESENT: Interim City Manager, Brooks Mitchell; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; City Attorney, Randy Brink; City Clerk, Linda Stewart; 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; Human Resources/Risk Management Director, Gary Benefield; Manager of Information Technology, David Thompson; Police Chief, Jerry Stillings; Sgt. Jeremy Lewis; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 3, 2017.
- B) ACCEPT A 15-FOOT WIDE UTILITY EASEMENT LOCATED IN THE NE/4 OF SECTION 26, T10N, R3W, BEING SOUTH OF INDUSTRIAL BLVD. AND WEST OF S. BROADWAY AVENUE. APPLICATION BY CARLTON BRYANT.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$1,576,007.17.

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

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

Item Number 3 being:

CONSIDER APPROVAL OF ORDINANCE NO. 845(17) AMENDING PART 14 OF THE MOORE MUNICIPAL CODE BY CREATING NEW CHAPTER 3, SECTIONS 14-301 THROUGH 14-324, CONSTRUCTION WITHIN CITY-OWNED RIGHTS-OF-WAY, PROVIDING DEFINITIONS, PROVIDING FOR REGISTRATION; ESTABLISHING A FEE; ESTABLISHING RENEWAL REQUIREMENTS; ESTABLISHING APPLICATION REQUIREMENTS; PROVIDING FOR EMERGENCY CONDITIONS; PROVIDING FOR INSPECTIONS' PROVIDING FOR REIMBURSEMENT OR COST OF REPAIR, PROVIDING AN EXEMPTION FOR CITY CONTRACTS; PROVIDING FOR REVOCATION; AND ESTABLISHING A PENALTY.

Elizabeth Jones, Community Development Director, stated that the City had been experiencing problems with utility companies who, while performing work in the City rights-of-way, damage sidewalks, water or sewer lines, or irrigation lines. Ms. Jones advised that it was sometimes difficult to determine liability for damages since the City does not always receive notice of a project. Ordinance No. 845(17) would require contractors or subcontractors working in the City rights-of-way to adhere to a registration and permitting process. Registration would include name, contact information, and proof of liability insurance in an amount up to \$500,000. An annual registration fee in the amount of \$75 along with a right-of-way permit in the amount of \$39.50 per job was also proposed. The application form would be developed and distributed to the various utility companies. She noted that emergency situations were addressed in the ordinance by allowing utility companies to contact the City the following business day to complete the necessary paperwork.

Ms. Jones stated that the establishment of a permit would allow the City to inspect the job site to ensure repairs had been made to the right-of-way, the job site cleaned up, and proper storm water erosion control requirements were met. The ordinance also contained a provision which allowed the City to request reimbursement from the utility companies when a job site was left in disrepair. The reimbursement request would be for the cost of damages plus 20% in administrative costs.

Councilwoman McKenzie asked if an additional inspector would be required for the inspections. Ms. Jones indicated that there was sufficient staff to handle the required inspections. Mayor Lewis asked how the ordinance would affect the franchise agreements the City had with some of the utility companies. Ms. Jones stated that the City Attorney, Randy Brink, reviewed the franchise agreements and felt that the City could legally implement the requirement of a right-of-way permit. Mayor Lewis asked if individuals wanting service to their home would be required to pay a permit fee. Ms. Jones indicated that the fee would be for improvements to the utility company's overall network not individual residences. Ms. Jones felt that the permit would save the City significant time and money when determining liability for damages and obtaining the necessary repairs. She added that the intent of the ordinance was to encourage respect by the utility companies of the investment the City has made to the City rights-of-way.

Councilman Blair moved to approve Ordinance No. 845(17), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A RENEWABLE CONTRACT WITH ARC PYROTECHNICS FOR THE JULY 4TH PYROTECHNIC PRODUCTION IN THE AMOUNT OF \$49,500.

Todd Jenson, Assistant City Manager, stated that the agenda item was for renewal of the fireworks contract with ARC Pyrotechnics in the amount of \$49,500. Mr. Jenson advised that the City had contracted with ARC for the past several years and was very satisfied with the fireworks production that was present to the community each year.

Mayor Lewis asked if the contract amount was comparable to what other cities spend on their July 4th fireworks show. Mr. Jenson indicated that the City likely spends as much or more than local communities on the show; however, staff believes that the community benefits from this widely anticipated event. Councilwoman Hunt asked for the approximate number of people who attend the daylong event. Mr. Jenson stated that it was difficult to determine a figure with absolute accuracy; however, he estimated around 20,000 to 30,000 people view the fireworks show. Councilwoman Hunt commented that the vendors who come to the venue pay a fee to participate which offsets the cost of the pyrotechnics show. Mr. Jenson stated that the City attempts to further offset costs by cutting staffing at the event, working to increase the number of participating vendors, and increasing the vendor fees. Mayor Lewis indicated that there was a positive economic impact from individuals traveling to the City for the yearly event. Mr. Jenson agreed that visitors who spend the day in Moore likely spend money at the festival and utilize the restaurants, gas stations and hotels while they are here. Councilman Webb stated that Lawton and Edmond spend more on their fireworks display than Moore. He commented that Moore was now known for the Fourth of July event. Comments on the various social media sites prove that people come to Moore to enjoy the event. He felt that it was one of the only events that Moore had that solicited this much participation and he expressed his desire to see it continue. Councilman Hamm asked for the amount of last year's contract. Mr. Jenson stated that the contract was approved by City Council in the amount of \$45,000; however, in May staff was asked to increase the amount to \$49,500 by change order. Councilman Hamm requested that overtime costs be calculated for the event and presented to the City Council.

Mayor Lewis expressed his appreciation to those employees who work on the July 4th celebration. He stated that he received positive feedback from the community regarding the event, and felt that the City should be proud of the recognition that it received.

Councilwoman Hunt moved to approve a renewable contract with ARC Pyrotechnics for the July 4th pyrotechnic production in the amount of \$49,500, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A CONTRACT WITH ARCHITECTURAL DESIGN GROUP ("ADG") FOR ENGINEERING FOR OLD TOWN DRAINAGE STUDY AND HOWARD AVENUE STREETScape IN AN AMOUNT NOT TO EXCEED \$45,000.

Stan Drake, Assistant City Manager, stated that he had received complaints regarding the lack of drainage and sidewalks in the Old Town area. The proposed contract with Architectural Design Group ("ADG") in an amount not to exceed \$45,000 was for design of various street improvements, including a streetscape with sidewalks, off-street parking, and storm sewer on Howard from NW 2nd to SW 4th Street. Mr. Drake advised that a portion of the sales tax set aside for residential street repairs would be dedicated to fund the project in the Old Town area.

Mr. Drake commented that the children from Central Elementary School who walk to the Moore Public Library must walk in the street since there are no sidewalks and a lack of drainage during periods of rain caused flooding. Councilman Webb stated that the area was long overdue for improvements.

Councilman Blair moved to approve a contract with Architectural Design Group (“ADG”) for engineering for Old Town Drainage Study and Howard Avenue Streetscape in an amount not to exceed \$45,000, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF A CONTRACT WITH KIRKPATRICK ARCHITECTURAL STUDIO IN THE AMOUNT OF \$335,000 FOR DESIGN OF FIRE STATION NO. 2.

Brooks Mitchell, City Manager, advised that the proposed contract with Kirkpatrick Architectural Studio in the amount of \$335,000 was for the design of a new Fire Station No. 2 to be constructed at a new location. Mr. Mitchell indicated that staff was recommending Kirkpatrick Architectural Studio following an interview process. He commented that the City would like to have the same basic design as the other stations, but with a few improvements to fix maintenance issues experienced at Fire Station No. 1. Mr. Mitchell noted that there had been a misunderstanding about using plans from the previously constructed fire stations. He indicated that the plans were copyrighted and were not transferrable. He indicated that construction of the new station would be funded using the .25% sales tax, which was extended by the voters at the November 8, 2016 election.

Councilwoman Hunt stated that she had received phone calls regarding the issue. She confirmed that the City could not use existing fire station plans from other construction projects. Councilwoman Hunt noted that the contract amount included the cost for design services, consultants, and construction administration throughout the process. The fee of \$335,000 was approximately 8% of the total project amount, which is considered a normal fee by industry standards.

Councilman Hamm moved to approve a contract with Kirkpatrick Architectural Studio in the amount of \$335,000 for design of Fire Station No. 2, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER ORDINANCE NO. 844(17) AMENDING PART 3, CHAPTER 1, SECTION 3-101(B) ESTABLISHING A BEER AND WINE LICENSE FOR THE SALE OF BEER AND WINE FOR CONSUMPTION ON THE PREMISES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Randy Brink, City Attorney, advised that Ordinance No. 844(17) establishes a beer and wine license for \$500 a year. This license would be in addition to the existing licenses for the sale of beer and the sale of mixed drinks which are \$1,000 a year. This provides an option for restaurant owners who wish to serve beer and wine and choose not to pay the higher licensing fee to sale liquor or mixed drinks.

Councilwoman McKenzie moved to approve Ordinance No. 844(17), second by Councilman Webb. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:53 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JANUARY 3, 2017.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$216,276.54.

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

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

MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:54 P.M.

Agenda Item Number 9 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JANUARY 3, 2017.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$558,031.71.

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

Ayes: McKenzie, Blair, Hunt, Webb, 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 ADAM WEBB PRESIDING AT 6:55 P.M.

Agenda Item Number 10 being:

ROLL CALL

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

Agenda Item Number 11 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD DECEMBER 19, 2016.

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

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:56 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 requested that an item be placed on a meeting in February or early March to discuss the position of City Manager.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, Interim City Manager, advised the City Council that he had received a report from engineer Satish Dasharathy with Eagle Consultants regarding an odor issue occurring at SE 34th and Broadway. Mr. Dasharathy was recommending installation of a VAPEX odor control system. Mr. Mitchell indicated that staff would review the recommendation and then bring it back to the City Council for approval and funding of the project.

Agenda Item Number 13 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 6:57 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

LINDA STEWART, CITY CLERK

FOR:

ADAM WEBB, MPWA Secretary

FOR:

MARK HAMM, MEDA Secretary

These minutes passed and approved as noted this ____ day of _____, 2017.

ATTEST:

LINDA STEWART, City Clerk