

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
MARCH 6, 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 March 6, 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: Blair, Hunt, Cavnar, Webb, Hamm, Lewis
ABSENT: McKenzie

STAFF MEMBERS PRESENT: Interim City Manager, Brooks Mitchell; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; City Attorney, Randy Brink; Community Development Director, Elizabeth Weitman; Assistant Emergency Management Director, Debi Wagner; Associate Planner/Grants Manager, Jared Jakubowski; Fire Chief, Gary Bird; Manager of Information Technology, David Thompson; Police Chief, Jerry Stillings; Sgt. David Dickinson; Public Works Director, Richard Sandefur; Risk Manager, Gary Benefield; Veolia Water Project Manager, Robert Pistole; and City Clerk, Linda Stewart.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD FEBRUARY 21, 2017.
- B) APPROVE THE MINUTES OF THE SPECIAL JOINT WORK STUDY SESSION OF THE CITY COUNCIL AND THE MOORE BOARD OF EDUCATION HELD JANUARY 23, 2017.
- C) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD JANUARY 10, 2017.
- D) APPROVE WRITTEN AMENDMENTS TO THE FOLLOWING CONTACTS: THE CITY OF MOORE, OKLAHOMA AND THE PLAYWELL GROUP, INC./PLAYWORKS, INC FOR CONSTRUCTION OF LITTLE RIVER PLAYGROUND, RJR ENTERPRISES FOR CONSTRUCTION OF LITTLE RIVER SPRAY PARK, CIMARRON CONSTRUCTION FOR ON-DEMAND CONSTRUCTION SERVICES, RUDY CONSTRUCTION CO. FOR ON-DEMAND CONSTRUCTION SERVICES, AND SILVER STAR CONSTRUCTION CO. FOR ON-DEMAND CONSTRUCTION SERVICES AS REQUIRED BY THE COPELAND "ANTI-KICKBACK" ACT 18 U.S.C. § 874; DAVIS BACON ACT, 40 U.S.C. § 276A TO 276A-7; CONTRACTS WORK HOURS AND SAFETY STANDARDS ACT, 40 U.S.C. 327-330, § 1013 AND 107; NOTICE OF AWARDDING AGENCY REQUIREMENTS AND REGULATIONS PERTAINING TO

PATENT RIGHTS WITH RESPECT TO ANY DISCOVERY OR INVENTION WHICH ARISES OR IS DEVELOPED IN THE COURSE OF OR UNDER SUCH CONTACTS CLAUSE; AND NO SEGREGATED FACILITIES STATEMENT.

- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$2,056,052.65.

Councilman Hamm asked for additional information regarding Agenda Item No. 2D. Brooks Mitchell, Interim City Manager, indicated that the item contained amendments to the Housing and Urban Development contracts regarding various construction projects to include language from the United States Code.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF A CONTRACT WITH DILLON AND ASSOCIATES FOR AUDITING SERVICES FOR THE FISCAL YEAR ENDED JUNE 30, 2017.

Brooks Mitchell, Interim City Manager, advised that the agenda item was for renewal of a contract with Dillon & Associates for preparation of the City's annual audit.

Councilwoman Hunt moved to approve a contract with Dillon and Associates for auditing services for the fiscal year ended June 30, 2017, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER THE FINAL PLAT OF NORTH MOORE DUPLEXES, LOCATED IN THE NW/4 OF SECTION 11, T10N, R3W, BEING SOUTH OF NE 27TH STREET AND EAST OF BROADWAY AVENUE. APPLICATION BY ASH INVESTMENTS, LLC/JALAL FARZANEH. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 2.

Elizabeth Weitman, Community Development Director, advised that the subject site located south of NE 23rd and east of Broadway Avenue was zoned R-3 General Residential District. Ms. Weitman stated that the applicant proposed constructing 7 duplexes with 14 units on the vacant property. She noted that since the duplexes would be constructed on a single lot, they would be under one ownership and could not be sold separately in the future. She advised that the property was zoned correctly for residential duplexes but must be platted prior to development. Ms. Weitman indicated that an 8" waterline was available to serve the site, and City sewer would be extended from the southeast. No floodplain was located on the property. She stated that access would be available from a private drive off NE 23rd Street. Staff recommended approval of the item.

Councilman Hamm moved to approve Final Plat of North Moore Duplexes, located in the NW/4 of Section 11, T10N, R3W, being south of NE 27th Street and east of Broadway Avenue, second by Councilman Cavnar. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A JOB DESCRIPTION FOR CONSTRUCTION INSPECTOR AT A PAY GRADE 54.

Elizabeth Weitman, Community Development Director, advised that the position of construction inspector was traditionally held in the Community Development department. Job duties included inspection of public improvement projects such as streets, water, sewer, and drainage, for compliance with the City Code. Ms. Weitman stated that the position had been vacant for five years since the retirement of the previous inspector, Larry Campbell. At the time the workload did not necessitate a full-time employee and the City used several retired employees to fill in on a part-time basis when it became necessary. However, recently the need for inspections has increased with the addition of the HUD projects and increased City and private development projects. Ms. Weitman indicated that the City's building inspector had been performing the inspections and was doing a good job. She requested transferring the employee from his current position as building inspector into the position of construction inspector since the two positions were at the same pay grade. She stated that there would still be two remaining building inspectors which should suffice based on the current workload.

Councilman Hamm asked what the pay range was for pay grade 54. Brooks Mitchell, City Manager, indicated that he believed the pay range would start at around \$47,000.

Councilman Blair moved to approve a job description for Construction Inspector at a pay grade 54, second by Councilwoman Hunt. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:40 P.M.

Agenda Item Number 6 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD FEBRUARY 21, 2017.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$458,779.00.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:41 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD FEBRUARY 21, 2017.
- B) APPROVE PAYMENT OF A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$9,948.40 TO GREGORY LUCAS FOR WCC NO. 2050000474 AND AUTHORIZE PLACEMENT ON THE AD VALOREM TAX ROLL.
- C) APPROVE PAYMENT OF A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$14,212.00 TO CLAYTON HART FOR WCC NO. 2050000486 AND AUTHORIZE PLACEMENT ON THE AD VALOREM TAX ROLL.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2016-2017 IN THE AMOUNT OF \$147,512.77.

Councilman Hamm asked for additional information on the worker's compensation claim listed under Agenda Item No. 7C.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:42 P.M.

Agenda Item Number 8 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.

There were no items from the City Council/Trustees.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Interim City Manager Brooks Mitchell advised the City Council of the following items:

- Departmental budget meetings scheduled to begin this week.
- Steven Weitzman with Creative Design Resolutions will appear at the April 3rd City Council to make a presentation regarding decorative bridge design. Mr. Mitchell stated that Mr. Weitzman designed bridges in Norman, Midwest City and Oklahoma City and suggested that the City might consider contracting with Mr. Weitzman on the design of the 34th Street Bridge in Moore.
- Public meeting set for March 9, 2017 at 7:00 p.m. in the City Council Chambers regarding the application by Excel Food Mart for a truck stop or travel center at NW 27th and I-35. The public meeting was suggested by the City Council when the item was tabled from the February 6, 2017 City Council meeting.

Agenda Item Number 9 being:

EXECUTIVE SESSION:

- A) DISCUSS NEGOTIATIONS CONCERNING EMPLOYEE GROUP I.A.F.F. LOCAL 2047 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).
- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED: CITY OF MOORE, A MUNICIPAL CORPORATION V. THOMAS P. MORGAN AND JANE E. MORGAN, TRUSTEES OR THEIR SUCCESSORS IN TRUST UNDER THE THOMAS P. MORGAN LIVING TRUST, DATED MARCH 8, 2013, AND ANY AMENDMENTS THERETO; JIM REYNOLDS, IN HIS CAPACITY AS CLEVELAND COUNTY TREASURER; THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY; AND TRUCK-N-TRAILER, INC. AN OKLAHOMA CORPORATION, CASE NO. CV-2016-2723-TS; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE PLAINTIFF AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- C) DISCUSS, AND CONSIDER THE APPOINTMENT OF A CITY MANAGER, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).
- D) CONVENE TO EXECUTIVE SESSION.

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

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

The City Council convened into executive session at 6:45 p.m.

- E) RECONVENE FROM EXECUTIVE SESSION

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

The City Council reconvened from executive session at 8:10 p.m.

- F) ACTION.

- A) DISCUSS NEGOTIATIONS CONCERNING EMPLOYEE GROUP I.A.F.F. LOCAL 2047 AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(2).

Councilman Blair moved to take no action on negotiations concerning I.A.F.F. Local 2047, second by Councilwoman Hunt. Motion carried unanimously.

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

- B) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED: CITY OF MOORE, A MUNICIPAL CORPORATION V. THOMAS P. MORGAN AND JANE E. MORGAN, TRUSTEES OR THEIR SUCCESSORS IN TRUST UNDER THE THOMAS P. MORGAN LIVING TRUST, DATED MARCH 8, 2013, AND ANY AMENDMENTS THERETO; JIM REYNOLDS, IN HIS CAPACITY AS CLEVELAND COUNTY TREASURER; THE BOARD OF COUNTY COMMISSIONERS OF CLEVELAND COUNTY; AND TRUCK-N-TRAILER, INC. AN OKLAHOMA CORPORATION, CASE NO. CV-2016-2723-TS; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE PLAINTIFF AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Blair moved to direct staff to proceed as directed in City of Moore v. Thomas P. Morgan and Jane E. Morgan et al., Case No. CV-2016-2723-TS, second by Councilman Webb. Motion carried unanimously.

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

- C) DISCUSS, AND CONSIDER THE APPOINTMENT OF A CITY MANAGER, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(1).

Councilwoman Hunt moved to appoint Brooks Mitchell as City Manager pending contract approval, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 10 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 8:13 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

RECORDED BY:

LINDA STEWART, City Clerk

FOR:

ADAM WEBB, MPWA Secretary

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

ATTEST:

LINDA STEWART, City Clerk