

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
DECEMBER 3, 2018 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on December 3, 2018 at 6:30 p.m. with Vice-Mayor Jason Blair 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

Louie Williams
Councilman, Ward III

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

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Stan Drake; Assistant City Manager, Todd Jenson; City Attorney, Randy Brink; Assistant City Attorney, Brian Miller; City Clerk, Vanessa Kemp; Community Development Director, Elizabeth Weitman; Economic Development Director, Deidre Ebrey; Emergency Management Director, Gayland Kitch; Finance Director, Betty Koehn; Fire Chief, Gary Bird; Human Resources Director, Christine Jolly; PC Technician, Thomas Farrar; Police Chief, Jerry Stillings; Sergeant Troy Fullbright; Public Works Director, Richard Sandefur; Project-Grants Manager (Capital Planning & Resiliency), Kahley Gilbert; Veolia Water Project Manager, Robert Pistole.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 19, 2018.
- B) ACCEPT A 17' ROADWAY AND UTILITY EASEMENT LOCATED IN THE SW/4 OF SECTION 36, T10N, R3W BEING NORTH OF INDIAN HILLS ROAD AND EAST OF EASTERN AVENUE.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$2,235,164.87.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF THE REGIONAL TRUST AUTHORITY TRUST INDENTURE.

Brooks Mitchell, City Manager, stated that a task force comprised of six cities was implemented in December 2015 to research a proposed commuter rail system. The proposed Trust Indenture would create the governing body for the Regional Transit Authority ("RTA"), with Moore being one of the six member cities. Ratification of the agreement would give Moore a seat on the Board of Directors with no current financial obligation to the citizens.

Mr. Mitchell indicated that concerns have been expressed by other cities regarding usage of the commuter rail and its cost. A study performed in 2014 addressed ridership issues. He advised that the study must be updated which would take at least 18 months. Negotiations must occur with the Burlington-Northern Santa Fe Railroad ("BNSF"). After an agreement is reached information would be presented to the public regarding stops, costs, and funding sources. He stated that having a seat at the table would allow the City to have input. However, the Board would be limited to the original six member jurisdictions. If the City opts out then we would no longer be a member of the Board and would have no input into the decision making process, even if the City decided to opt back in at a later date. Mr. Mitchell recommended approval of the Trust Indenture and stated that representatives from ACOG were in attendance at the meeting to answer any questions.

Councilman Hamm advised that he served on the task force since its inception. He indicated that he was undecided on the issue due to funding concerns; however, he did feel that it would be beneficial to continue with the process at this point to ensure a place on the Board. Councilman Hamm requested that any surveys obtained be broken down by area so that he could determine what the citizens of Moore wanted in the way of transportation.

Councilman Williams stated that he had the opportunity to meet with representatives of ACOG in order to obtain additional information. He agreed with Councilman Hamm that it would not be prudent to opt out at this juncture. Councilman Williams felt that a bus system was imperative and the City was at a disadvantage because other cities already have one. He felt it would be advantageous to look into the EMBARK Bus Service. He stated that funding was the big question and whether or not the citizens would support it.

Councilwoman Hunt also felt the City should move forward with the process; however, she expressed an interest in future surveys which might determine whether the transit system would be utilized.

Councilwoman McKenzie agreed that everyone was concerned about the cost of the project. She expressed a desire for any surveys or studies performed to include additional demographic information on age since it could take 10 or 15 years to implement and would affect the next generation.

Councilwoman Hunt moved to approve the Regional Trust Authority Trust Indenture, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A CONTRACT WITH ENVISIONRX TO PROVIDE SERVICES AS PHARMACY BENEFITS MANAGER FOR THE CITY'S HEALTH BENEFITS PLAN EFFECTIVE JANUARY 1, 2019.

Christine Jolly, Human Resources Director, stated that on September 10, 2018 the Health Benefits Committee voted to recommend EnvisionRX as the City's Pharmacy Benefits Manager under the employee's health care plan. Ms. Holly advised that on September 17, 2018 the City Council voted to authorize staff to negotiate a three-year agreement with EnvisionRx to begin January 1, 2019. She noted that after review of the contract legal counsel noted an error in Section 10.14 of the agreement. The amendment now states that the contract would be governed under the laws of the State of Oklahoma instead of the State of Ohio. Ms. Jolly noted that the contract was also vetted by Gallagher Consulting.

Councilman Williams asked if the services provided were similar to the previous contract. Ms. Jolly indicated that they were nearly identical. Councilwoman Hunt stated that she was a member of the Health Benefits Committee, she had attended the interviews of the companies and felt the proposed change was a positive one.

Councilwoman Hunt moved to approve a contract with EnvisionRx to provide services as Pharmacy Benefits Manager for the City's health benefits plan effective January 1, 2019, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER ORDINANCE NO. 894(18) AMENDING SECTION 10-503, PART 10, CHAPTER 5, "CRIMES AND OFFENSES", OF THE MOORE MUNICIPAL CODE BY EXEMPTING CERTAIN ITEMS FROM THE DEFINITION OF DRUG PARAPHERNALIA; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Randy Brink, City Attorney, advised that Agenda Items No. 5 through 9 were related to medical marijuana and the criminal portion of the City ordinances pertaining to possession of marijuana and drug paraphernalia. Mr. Brink stated that Ordinance No. 894(18) would exempt items used to administer medical marijuana due to the passage of State Question 788.

Ordinance No. 895(18) would authorize the possession of medical marijuana for individuals who have a medical marijuana card, and sets out the amounts legally allowed under SQ 788.

Mr. Brink indicated that currently the penalty for possession of marijuana was a fine up to \$800 and/or 60 days in the Cleveland County Jail. Ordinance No. 896(18) would change the penalty to a maximum fine of \$800 and no jail time. Mr. Brink advised that by removing the jail time the officer can implement a site release which would free him from the two to three hours it would take to book the individual into jail.

Councilman Williams moved to approve Ordinance No. 894(18), second by Councilman Hunt. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF AN EMERGENCY CLAUSE FOR ORDINANCE NO. 894(18), IT BEING IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PEACE, HEALTH, SAFETY AND PUBLIC GOOD OF THE CITY OF MOORE AND THE INHABITANTS THEREOF THAT THE PROVISIONS OF THIS ORDINANCE BE PUT INTO FULL FORCE AND EFFECT, AN EMERGENCY IS HEREBY DECLARED TO EXIST BY REASON WHEREOF THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE PROVIDED HEREIN AS PROVIDED BY LAW.

Councilman Williams moved to approve the emergency clause for Ordinance No. 894(18), second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER ORDINANCE NO. 895(18) AMENDING SECTION 10-502, PART 10, CHAPTER 5, "CRIMES AND OFFENSES" OF THE MOORE MUNICIPAL CODE, AUTHORIZING THE POSSESSION OF MEDICAL MARIJUANA UNDER CERTAIN CONDITIONS; ESTABLISHING AN OFFENSE FOR POSSESSION OF MARIJUANA WITHOUT A STATE ISSUED MEDICAL MARIJUANA LICENSE; PROVIDING FOR A PENALTY; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Councilman Williams moved to approve Ordinance no. 895(18), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF AN EMERGENCY CLAUSE FOR ORDINANCE NO. 895(18), IT BEING IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PEACE, HEALTH, SAFETY AND PUBLIC GOOD OF THE CITY OF MOORE AND THE INHABITANTS THEREOF THAT THE PROVISIONS OF THIS ORDINANCE BE PUT INTO FULL FORCE AND EFFECT, AN EMERGENCY IS HEREBY DECLARED TO EXIST BY REASON WHEREOF THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE PROVIDED HEREIN AS PROVIDED BY LAW.

Councilman Williams moved to approve an emergency clause for Ordinance No. 895(18), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER ORDINANCE NO. 896(18) AMENDING SECTION 1-108, PART 1, CHAPTER 1, "GENERAL PROVISIONS" OF THE MOORE MUNICIPAL CODE BY AMENDING THE PUNISHMENT FOR THE OFFENSE OF POSSESSION OF MARIJUANA; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Councilman Williams moved to approve Ordinance No. 896(18), second by Councilwoman McKenzie. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND A PUBLIC HEARING WAS CONVENED AT 6:49 P.M.

Agenda Item Number 10 being:

DISCUSS AND CONSIDER APPROVAL OF THE FISCAL YEAR 2017 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT ("CAPER") AND ADOPT RESOLUTION NO. 914(18) SUBMITTING SAID REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ("HUD").

Kahley Gilbert, Project-Grants Manager, advised that the item was for approval of the Consolidated Annual Performance Evaluation Report ("CAPER") for the entitlement grant the City received from the Department of Housing and Urban Development. Ms. Gilbert advised that the FY 2017 program funds were used for infrastructure projects in the Crestmoor and Regency Park Additions. Also funded were programs with Bethesda, Aging Services, Metropolitan Fair Housing and school based and community based programs with Moore Youth and Family Services. Ms. Gilbert also advised that two new employees received CDBG training using grant monies. She noted that remaining grant monies totaling \$17,314.30 would be applied toward the FY 2018 infrastructure projects.

Councilman Williams moved to approve the Fiscal Year 2017 Consolidated Annual Performance Evaluation Report ("CAPER") and adopt Resolution No. 914(18) submitting said report to the U.S. Department of Housing and Urban Development ("HUD"), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 11 being:

DISCUSS AND CONSIDER RESOLUTION NO. 915(18) ADOPTING THE SUBSTANTIAL AMENDMENT OF THE 2013 COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY ACTION PLAN AND BUDGET; AND AUTHORIZE THE MAYOR TO SUBMIT THE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Kahley Gilbert, Project-Grants Manager, stated that a Substantial Amendment to the Community Development Block Grant – Disaster Recovery Action Plan was required when there was a proposed change in the program benefit or eligibility criteria, an addition or deletion of an activity, or an allocation or reallocation of more than \$1 million between activities. Ms. Gilbert indicated that only amendments that meet the definition of a substantial amendment are subject to public notification and comments. She noted that changes from the current allocation to the proposed allocation include moving funds from the planning and public facility projects to infrastructure and housing projects. She noted that four planning projects were moved to administration after further review by HUD. The projects included engineering for Bryant, Foxglove, the railroad underpass, and internal auditor items.

Five planning projects were completed which included the GIS system update, the Comprehensive Stormwater and Drainage Plan, The Comprehensive Plan Update, a Feasibility Study of the Hazard Mitigation Wall, and the Infrastructure Recovery and Implementation Plan. The Little River Playground and Splashpad project came in under budget resulting in the need to move money from public facilities to infrastructure. Ms. Gilbert advised that \$1.1 million remained in the infrastructure budget, which would be held until the Little River channel project was completed.

The Down Payment and Closing Cost Program assisted two low income families. Ms. Gilbert stated that there had been a significant response to the program with applications still being processed. The number of eligible homes; however, were lower than anticipated. Ms. Gilbert advised that homes must meet the new building code established in 2014, limiting the eligible homes to new construction. Due to this the budget for the program was decreased and the monies reallocated to the redevelopment project.

Councilman Williams moved to approve Resolution No. 915(18) adopting the Substantial Amendment of the 2013 Community Development Block Grant - Disaster Recovery Action Plan and budget; and authorize the Mayor to submit the plan to the U.S. Department of Housing and Urban Development, second by Councilwoman McKenzie. Motion carried unanimously.

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

THE PUBLIC HEARING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:55 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD NOVEMBER 19, 2018.
- B) RATIFY ACTION OF CITY COUNCIL ON APPROVAL OF A CONTRACT WITH ENVISIONRX TO PROVIDE SERVICES AS PHARMACY BENEFITS MANAGER FOR THE CITY'S HEALTH BENEFITS PLAN EFFECTIVE JANUARY 1, 2019.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$500,877.73.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 6:56 P.M.

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD NOVEMBER 19, 2018.
- B) APPROVE PAYMENT OF A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$13,566.00 FOR CBR CLAIM NO. 2050000651 TO RODNEY TOMPKINS AND AUTHORIZE PLACEMENT ON THE AD VALOREM TAX ROLL.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$284,682.19.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:57 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.

There were no items from the City Council.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, stated that copies of the annual audit for fiscal year ending June 30, 2018 were presented to the City Council. Mr. Mitchell indicated that the auditor would present his findings at the December 17, 2018 meeting and would be available to answer any questions. He congratulated Betty Koehn, Finance Director, and her staff for their work on the audit. Mr. Mitchell advised that the City's Christmas Parade held December 1, 2018 was well attended.

Councilwoman McKenzie announced that a public meeting on Old Town would be held on December 6, 2018 at 6:30 p.m. at The Station at Central Park.

Agenda Item Number 15 being:

EXECUTIVE SESSION:

- A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE ACTION TO JOIN PENDING LITIGATION AGAINST OPIOID MANUFACTURERS, DISTRIBUTORS, AND OTHER POTENTIAL DEFENDANTS THAT ARE RESPONSIBLE FOR THE OPIOID EPIDEMIC, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

B) CONVENE TO EXECUTIVE SESSION.

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

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

The City Council convened into executive session at approximately 7:00 p.m.

C) RECONVENE FROM EXECUTIVE SESSION

The Roll Call was inadvertently omitted.

The City Council reconvened from executive session at 7:36 p.m.

D) ACTION.

A) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, TAKE ACTION TO JOIN PENDING LITIGATION AGAINST OPIOID MANUFACTURERS, DISTRIBUTORS, AND OTHER POTENTIAL DEFENDANTS THAT ARE RESPONSIBLE FOR THE OPIOID EPIDEMIC, AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION(S) AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY OF MOORE AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Williams moved to take no action until notified by staff, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 16 being:

ADJOURNMENT

Councilwoman McKenzie moved to adjourn the City Council meeting, second by Councilman Williams. Motion carried by majority vote.

Ayes: Hunt, Williams, Hamm, Blair
Nays: None
Absent: Webb, Lewis

Councilwoman McKenzie name was not called during roll call.

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at approximately 7:38 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

ADAM WEBB, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2018.

ATTEST:

LINDA STEWART, City Clerk