

**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
APRIL 16, 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 April 16, 2018 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

Louie Williams
Councilman, Ward III

PRESENT: McKenzie, Blair, Hunt, Williams, Webb, Hamm, Lewis
ABSENT: None

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Stan Drake; City Attorney, Randy Brink; Community Development Director, Elizabeth Weitman; Economic Development Director, Deidre Ebrey; Finance Director, Betty Koehn; Fire Chief, Gary Bird; Human Resources Director, Christine Jolly; Manager of Information Technology, David Thompson; Police Chief, Jerry Stillings, Sergeant Troy Fullbright; Public Works Director, Richard Sandefur; 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 APRIL 2, 2018.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2017-2018 IN THE AMOUNT OF \$4,120,454.56.

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

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

Agenda Item Number 3 being:

RECEIVE THE ANNUAL PIONEER LIBRARY SYSTEM REPORT FROM EXECUTIVE DIRECTOR, LISA WELLS.

Lisa Wells, Executive Director with the Pioneer Library System, appeared before the City Council to present their annual report. Also present was Moore Public Library Branch Manager Chris Manna, Associate Director Aiden Street, and Brent Wheelbarger, who sits on the Pioneer Library System's Board of Trustees as the City's representative. She encouraged the Council to contact Mr. Wheelbarger with any Library concerns or comments.

Ms. Wells presented each of the council members with a copy of the annual report. She stated that state statutes allow for the creation of municipal libraries in order to provide library services to the community. Pioneer Library System ("Pioneer") was formed in 1958 and they provide library services to Cleveland, McClain and Pottawatomie Counties through eleven libraries in ten cities. She noted that a twelfth library would open in east Norman this summer. Under the Library Services, Facilities, and Maintenance Agreement with Pioneer, the City provides the facility, furniture, and custodial and maintenance services for the Moore Public Library. Pioneer Library System provides staff, digital and physical materials, public computers, and programming. Pioneer's budget for FY 17-18 to the Moore Public Library was just over \$2 million. In addition there were some system expenses in electronic resources totaling \$750,000. Ms. Wells advised that library patrons utilize 65 public computers and there have been 26,000 WI-FI uses over the past fiscal year. She noted that connectivity was a huge problem all across the service area and was not specific just to Moore. Ms. Wells stated that approximately 125,000 books were housed in Moore, which is the second largest library in the Pioneer Library System.

Various programs offered to the public by the Moore Public Library were discussed. She stated that story time was very popular and helped teach early literacy skills to young children. She announced that this summer they would be partnering with Moore Public Schools on a traveling feeding bus. This new service is focused on feeding children who are without consistent meals during the summer. Library staff would travel on the bus for story time and to provide educational and library resources to the children and their parents. The Girls Who Code program is an organization that works to close the gender gap in entry level computer science jobs. The program in Moore is full with a waiting list of 30 girls. She noted that their group project was to create a website and video that lists resources available to those who are suffering from mental distress and bullying. Also available is an adult Acrylic Painting Program called Paint the Sky. This class is at capacity so another session was added with a waiting list of another 30 people. A local artist taught the class and everyone who completed the course left with their own painting.

Ms. Wells stated that the library works to provide services for all age groups. She advised that she served as Branch Manager for the Moore Public Library from 2004 to 2010 and felt it was some of the most rewarding times of her professional career. She believed that the partnership between the City and Pioneer Library Systems benefitted the community and its citizens. She noted that the Moore Public Library was honored with an Achievement in Innovative Programs and Health Literacy Award by the Institute of Healthcare Advancement. Staff will travel to California in early May to receive the award. Ms. Wells thanked the City Council for their continued commitment and investment in both the community and the library. She hoped that in the future there would be an opportunity to update the Moore Public Library to meet the standards of a 21st century library. She stated that they will strive to provide a high standard of service to the community now and in the future.

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A CONTRACT AMENDMENT WITH ADG, INC. FOR THE HOWARD AVENUE STREETScape DESIGN IN THE AMOUNT OF \$49,500.

Elizabeth Weitman, Community Development Director, stated that the City Council approved an engineering contract with Architectural Design Group ("ADG") on January 17, 2017 for design of the Howard Avenue Streetscape project and an Old Town Drainage Study. Phase I included Howard Avenue

from Main Street to S. 4th Street at a cost of a \$108,000. Phase I exceeded the estimated construction costs due to the large drainage issues that had to be addressed.

Ms. Weitman advised that the proposed contract amendment was for Phase 2 of the project, which included storm sewer, on-street parking, and a reconstructed roadway with bike lanes and sidewalks on Howard Avenue from Main Street to N. 2nd Street. The estimated cost of the project was approximately \$49,500. She indicated that staff would like to begin construction immediately after school is out in order to have Howard Avenue completed before the start of the new school year.

Brooks Mitchell, City Manager, commented that there were some unforeseen issues with drainage and utility relocations that increased the cost of the project. Mr. Mitchell advised that staff was requesting approval of the engineering contract so that the project could be completed while school is out since Central Elementary School is located in the area.

Mayor Lewis asked if the contract was for engineering or construction services. Ms. Weitman indicated that the contract was for engineering and design services. Silver Star Construction crews would perform the construction work.

Councilman Blair moved to approve a contract amendment with ADG, Inc. for the Howard Avenue Streetscape design in the amount of \$49,500.00, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF THE AMENDED AND RESTATED EXCLUSIVE NEGOTIATION AGREEMENT WITH BELMONT DEVELOPMENT COMPANY, LLC AND RRC DEVELOPMENT MOORE, LLC FOR THE REDEVELOPMENT OF THE SW 17TH STREET AND JANEWAY SITE.

Brooks Mitchell, City Manager, stated that Jeff Sabin with the Center for Economic Development Law would address the item. Mr. Sabin advised that the City Council approved an Exclusive Negotiation Agreement ("ENA") with Belmont Development Company at the February 20, 2018 City Council Meeting. This agreement was the first of two agreements being proposed. The ENA states that the developer would submit design plans and the financing structure for the City to review and approve. Once the ENA is approved the Disposition and Development Agreement would be negotiated. He advised that this agreement obligates the developer to build the approved designs and provide construction and disposition timelines, including any other responsibility required under the City's CDBG-DR Program.

Mr. Sabin stated that the original ENA required submittal of design documents by the third week in March. He indicated that Belmont contacted them shortly before the deadline requesting additional time because one of the market studies caused them to re-evaluate their plan design. Therefore, the proposed amendment to the ENA reset the negotiation deadline to June 30, 2018. Belmont also requested authorization to submit their design documents and financing plan together by May 11, 2018 instead of submitting the design plan in March followed by the financing plan in April.

Mr. Sabin stated that the City review would be done at the end of May 2018. Under the terms of the amended ENA the negotiation period could be extended up to sixty days for extra review and negotiation. The timeline for the individual developer submissions for design and financing could be extended twice for 15 days each up to a month.

Mr. Sabin stated that if the amended ENA is approved the anticipated timeline would have the Disposition and Development Agreement signed by the end of June 2018. The Due Diligence and Property Conveyance would be completed by the end of August 2018 allowing for the start of construction in September 2018. The anticipated construction period would be between 20 and 22 months. Construction is expected to be completed by June 2020 and stabilized occupancy and full leasing would occur by late spring 2021.

Mayor Lewis asked if Belmont could be replaced since they were in default because of the missed deadline. Mr. Sabin stated that was technically correct. Mayor Lewis expressed his frustration over contract amendments that have occurred in the past with other companies and felt that Belmont should be replaced if they do not meet the contractual requirements.

Councilwoman McKenzie asked if City Manager Brooks Mitchell and City Attorney Randy Brink had any concerns after reviewing the contract, to which they responded that they did not.

Councilman Williams moved to approve the Amended and Restated Exclusive Negotiation Agreement with Belmont Development Company, LLC and RRC Development Moore, LLC for the redevelopment of the SW 17th Street and Janeway site, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 6 being:

RECEIVE INFORMATION CONCERNING THE PARKS AND CEMETERY MAINTENANCE PERSONNEL BUDGET FOR FY 18.

Betty Koehn, Finance Director, stated that during the FY 2016 budget process there was a request for three additional maintenance employees for the Parks and Cemetery Maintenance Department. Ms. Koehn stated that it was later discovered that the positions were not included in the FY 17-18 budget causing payroll expenses to exceed the budgeted line item. Ms. Koehn wanted to make the City Council aware of the situation and to advise them that staff would be presenting a budget amendment toward the end of the fiscal year to correct the omission in the FY 18 budget. She added that the positions would be included in the FY 2019 budget.

Mayor Lewis asked how much the overrun was in payroll expenses. Ms. Koehn indicated it was approximately \$60,000.

Councilwoman McKenzie moved to accept the report given by Finance Director Betty Koehn, second by Councilman Webb. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:00 P.M.

Agenda Item Number 7 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD APRIL 2, 2018.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2017-2018 IN THE AMOUNT OF \$611,429.42.

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

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:01 P.M.

Agenda Item Number 8 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 2, 2018.
- B) APPROVE PAYMENT OF A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF \$15,827.00 FOR CBR CLAIM NO. 2050000580 TO STEPHEN LANDRUS; AND AUTHORIZE PLACEMENT ON THE AD VALOREM TAX ROLL.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2017-2018 IN THE AMOUNT OF \$241,047.06.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS CONVENED WITH CHAIRMAN ADAM WEBB PRESIDING AT 7:02 P.M.

Agenda Item Number 9 being:

ROLL CALL

PRESENT: McKenzie, Blair, Hunt, Lewis, Williams, Hamm, Webb
ABSENT: None

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING HELD MARCH 19, 2018.

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

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

THE MOORE ECONOMIC DEVELOPMENT AUTHORITY MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:03 P.M.

Agenda Item Number 11 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.

There were no items from the City Manager

Agenda Item Number 12 being:

EXECUTIVE SESSION:

- A) DISCUSS, AND IF DEEMED APPROPRIATE CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY KEVIN BAILEY AGAINST THE CITY OF MOORE; AND AUTHORIZE LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- B) DISCUSS, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED CHRIS GEORGE AND JANET GEORGE V. THE CITY OF MOORE, CASE NO. CJ-2016-871-TB; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- C) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED BROADMOORE GOLF CLUB, L.C. V. THE CITY OF MOORE, CASE NO. CJ-2016-749; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).
- D) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED CANYON PROPERTIES, AN OKLAHOMA LIMITED LIABILITY COMPANY V. METRO BROKERS OF OKLAHOMA, INC. AN OKLAHOMA CORPORATION, REAL ESTATE SPECIALISTS, INC., AN OKLAHOMA CORPORATION, GRANT WORTMAN, DAVID DILLARD, GABE SEVIGNY, ELIZABETH JONES, STEVE EDDY, AND DOES I-X, CASE NO. CJ-2018-406-TB; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

E) CONVENE TO EXECUTIVE SESSION.

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

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

The City Council convened into executive session at 7:03 p.m.

F) RECONVENE FROM EXECUTIVE SESSION

PRESENT: McKenzie, Blair, Hunt, Williams, Webb, Hamm, Lewis
ABSENT: None

The City Council reconvened from executive session at 7:45 p.m.

G) ACTION.

A) DISCUSS, AND IF DEEMED APPROPRIATE CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING CLAIM BY KEVIN BAILEY AGAINST THE CITY OF MOORE; AND AUTHORIZE LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE CITY, AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilman Webb moved to proceed as directed in executive session on the pending claim filed by Kevin Bailey against the City of Moore, second by Councilman Blair. Motion carried unanimously.

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

B) DISCUSS, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED CHRIS GEORGE AND JANET GEORGE V. THE CITY OF MOORE, CASE NO. CJ-2016-871-TB; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilwoman McKenzie moved to proceed as directed in executive session regarding pending litigation styled Chris George and Janet George v. The City of Moore, Case No. CJ-2016-871-TB, second by Councilman Webb. Motion carried unanimously.

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

C) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED BROADMOORE GOLF CLUB, L.C. V. THE CITY OF MOORE, CASE NO. CJ-2016-749; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Councilwoman Hunt moved to proceed as directed in to executive session regarding litigation styled Broadmoore Golf Club, L.C. v. The City of Moore, Case No. CJ-2016-749, second by Councilman Williams. Motion carried unanimously.

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

- D) DISCUSS, CONSIDER, AND IF DEEMED APPROPRIATE, CONSIDER TAKING POSSIBLE ACTION REGARDING PENDING LITIGATION STYLED CANYON PROPERTIES, AN OKLAHOMA LIMITED LIABILITY COMPANY V. METRO BROKERS OF OKLAHOMA, INC. AN OKLAHOMA CORPORATION, REAL ESTATE SPECIALISTS, INC., AN OKLAHOMA CORPORATION, GRANT WORTMAN, DAVID DILLARD, GABE SEVIGNY, ELIZABETH JONES, STEVE EDDY, AND DOES I-X, CASE NO. CJ-2018-406-TB; AND AUTHORIZATION FOR LEGAL COUNSEL AND STAFF TO TAKE ACTION AS NECESSARY AND APPROPRIATE IN THE INTEREST OF THE DEFENDANT(S) AS AUTHORIZED BY 25 OKLA. STAT. § 307(B)(4).

Randy Brink, City Attorney, advised that no action was necessary on Agenda Item No. 12D

Agenda Item Number 13 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and the Moore Risk Management meetings were adjourned at 7:48 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

ADAM WEBB, MPWA Secretary

FOR:

MARK HAMM, MEDA Secretary

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

ATTEST:

LINDA STEWART, City Clerk