

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
DECEMBER 2, 2019 – 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 2, 2019 at 6:30 p.m. with Vice-Mayor Danielle McKenzie 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: Blair, Hunt, Williams, Webb, Hamm, McKenzie
ABSENT: Lewis

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Jerry Ihler; City Attorney, Randy Brink; Assistant City Attorney, Brian Miller; City Clerk, Vanessa Kemp; Community Development Director, Elizabeth Weitman; Emergency Management Director, Gayland Kitch; Finance Director, Betty Koehn; Fire Chief, Greg Herbster; Manager of Information Technology, David Thompson; Acting Parks and Recreation Director, Chris Villani; PC/IT Technician, Zane Gruver; Police Chief, Todd Strickland; Sergeant Troy Fullbright; Project-Grants Manager (Capital Planning & Resiliency), Kahley Gilbert; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

Vice-Mayor McKenzie presented Adam Mewhorter, Director of Bands with the Southmoore High School, a proclamation declaring January 1, 2020 as "Southmoore High School Marching Band Day" in the City of Moore. Mr. Mewhorter thanked the City Council for recognizing the Southmoore High School Marching Band for being selected to participate in the 2020 London New Year's Day Parade. Mr. Mewhorter brought with him some staff members and students who would be representing the City on the international stage.

Steve Eddy, Regional Transportation Authority Board of Directors, gave a short presentation regarding regional public transportation. Mr. Eddy thanked the City Council for the opportunity to represent the City on the Regional Transportation Authority ("RTA") Board. He advised that the City became involved with the RTA task force in 2015. This was an evolutionary process that lead up to the creation of a formal Regional Transportation Authority on February 20, 2019. He stated that the Authority was made up of board members from the cities of Del City, Edmond, Midwest City, Moore, Norman, and Oklahoma City. These cities were identified as those directly affected by the proposed routes previously identified through studies regarding future commuter rail or bus service. Mr. Eddy advised that lines from Edmond to downtown Oklahoma City, Norman to downtown Oklahoma City, and from downtown Oklahoma City to Tinker Air Force Base in Midwest City was proposed. The cities came together under a state statute that was amended to allow Regional Transportation Authorities to be formed. The Moore City Council approved a Resolution and Trust Indenture approving the creation of the RTA and providing for one board member from the City of Moore to serve on the Authority. Mr. Eddy advised that the board

members include: Ken Bartlett, City of Del City; James Boggs, City of Edmond; Aaron Budd, City of Midwest City; Steve Eddy, City of Moore; Marion Hutchison, City of Norman; Mary Mélon, City of Oklahoma City; and Brad Henry, City of Oklahoma City. Former Governor Henry also serves as Chairman of the Board.

Mr. Eddy advised that the first few meetings were largely housekeeping items such as setting up bylaws and electing officers. He stated that negotiations have now begun with Burlington-Northern Santa Fe Railroad ("BNSF") regarding use of their rights-of-way for future commuter rail use. Mr. Eddy stated that it was a long process that might involve legislative changes. He stated that the RTA had been meeting with a consultant for some time. A procurement policy was developed to ensure that expenditures meet state and federal requirements. Mr. Eddy advised that he was asked to Chair a subcommittee of the Board. A Request for Proposals ("RFP") was being put together to refresh the 2014 Commuter Corridor Study which identified the three corridors previously discussed. It was the consultant's opinion that the study needed to be updated before any federal monies could be obtained. The RFP would be issued early next year and would look at transit issues, types of transit, projected costs, and ridership. Mr. Eddy indicated that the RTA operated through the Association of Central Oklahoma Governments ("ACOG") which acts as the administrative body. At this time the ACOG Executive Director serves as the Acting Executive Director for the RTA. However, the RTA would be taking steps in the future to have more autonomy which would be important when trying to obtain federal dollars. Over time the RTA would hire their own Executive Director. Mr. Eddy stated there was a lot of ongoing work and invited the City Council to contact him at any time for an update or if they have any questions. He felt that within the next year or two more information would be made available to the general public particularly when it becomes time to identify a funding source. He stated that this would not be a short-term effort. Other municipalities have taken many years to get an RTA in place, construction completed, and a funding source identified.

Councilman Webb thanked Mr. Eddy for serving on the Board. Vice-Mayor McKenzie asked how the RTA was currently funded. Mr. Eddy advised that each city contributed money totaling just over \$2 million. The City of Moore specifically contributed slightly over \$128,000. As of December 31, 2019 approximately \$80,000 of the City's portion remained. These funds would likely be used for administrative expenses and payment to the consultant. He noted that he anticipated the need for additional funding going forward; however, he could not speculate as to when that might occur.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD NOVEMBER 18, 2019.
- B) RECEIVEUTES OF THE SPECIAL PLANNING COMMISSION MEETING HELD SEPTEMBER 17, 2019.
- C) APPROVE THE ISSUANCE OF A \$50 CHRISTMAS STIPEND TO EMPLOYEES PER COUNCIL RESOLUTION.
- D) ACCEPT A 10' TEMPORARY CONSTRUCTION EASEMENT FOR THE CONSTRUCTION OF A SANITARY SEWER FORCE MAIN FROM OKLAHOMA GAS AND ELECTRIC (OG&E) LOCATED IN THE SE/4 OF SECTION 36, T10N, R3W, BEING NORTH OF INDIAN HILLS ROAD AND WEST OF BRYANT AVENUE.
- E) ACCEPT A 20' UTILITY EASEMENT FOR THE CONSTRUCTION OF A SANITARY SEWER GRAVITY MAIN FROM SKYLANE RENTALS, LLC LOCATED IN THE NORTH HALF OF LOT 4, BLOCK 1 OF SKYLANE INDUSTRIAL TRACT, BEING EAST OF SUNNYLANE AND NORTH OF INDIAN HILLS ROAD.
- F) ACCEPT A VARIABLE WIDTH UTILITY EASEMENT FOR THE CONSTRUCTION OF A SANITARY SEWER GRAVITY MAIN FROM SKYLANE RENTALS, LLC LOCATED IN LOTS 6 THROUGH 10,

BLOCK 1 OF SKYLANE INDUSTRIAL TRACT, BEING EAST OF SUNNYLANE AND NORTH OF INDIAN HILLS ROAD.

- G) ACCEPT A 25' TEMPORARY CONSTRUCTION EASEMENT AND A 20' PERMANENT UTILITY EASEMENT FOR THE CONSTRUCTION OF A SANITARY SEWER GRAVITY MAIN FROM MAZOLIE LLC/BRIAN PORCH LOCATED IN THE SW/4 OF SECTION 32, T10N, R2W, BEING NORTH OF INDIAN HILLS ROAD AND EAST OF SUNNYLANE AVENUE.
- H) ACCEPT A 45' TEMPORARY CONSTRUCTION EASEMENT AND A 20' PERMANENT UTILITY EASEMENT FOR THE CONSTRUCTION OF A SANITARY SEWER GRAVITY MAIN FROM STEPHEN MICHAEL KENTON LOCATED IN LOT 5, BLOCK 1 OF THE SKYLANE INDUSTRIAL TRACT, BEING NORTH OF INDIAN HILLS ROAD AND EAST OF SUNNYLANE AVENUE.
- I) APPROVE AN AGREEMENT WITH THE STATE OF OKLAHOMA DEPARTMENT OF EMERGENCY MANAGEMENT FOR THE FY 2020 EMERGENCY MANAGEMENT PROGRAM GRANT IN THE AMOUNT OF \$25,000.
- J) APPROVE A CONTRACT WITH THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS ("ACOG") FOR THE FY 2020 UNIFIED PLANNING WORK PROGRAM.
- K) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$4,392,483.60.

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

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

THE CITY COUNCIL MEETING WAS RECESSED AND A PUBLIC HEARING CONVENED.

Agenda Item Number 3 being:

CONDUCT A PUBLIC HEARING TO RECEIVE CITIZEN INPUT AND COMMENTS REGARDING THE 2018 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER).

Kahley Gilbert, Project-Grants Manager for Capital Planning & Resiliency, advised that a Consolidated Annual Performance Evaluation Report was submitted to HUD at the end of each program year. Ms. Gilbert stated that this report was for the 2018 program year ending September 2019. She stated that the City received \$321,879 in grant monies which was used to fund home-delivered meals for seniors, counseling for sexually abused children, youth counseling, rent and utility assistance for low income households, and waterline rehabilitation projects for both the north and south portions of Norman Avenue. The projects benefited approximately 2,016 individuals. Ms. Gilbert noted that there was a remaining balance of \$16,043.81 in funds designated for administrative costs that would be rolled into the 2019 program year for the infrastructure project.

There were no citizen comments on the item.

Agenda Item Number 4 being:

HOLD A PUBLIC HEARING CONCERNING THE ANNEXATION OF CERTAIN PROPERTY INTO THE CITY OF MOORE AS DESCRIBED IN EXHIBIT "A" OF ORDINANCE NO. 926(19).

Brooks Mitchell, City Manager, requested that Agenda Items No. 4, 6 and 7 be tabled due to a problem that occurred with the publication of the legally required public notice.

THE PUBLIC HEARING WAS RECESSED AND CITY COUNCIL MEETING WAS RECONVENED.

Agenda Item Number 5 being:

CONSIDER APPROVAL OF THE 2018 CONSOLIDATED ANNUAL PERFORMANCE EVALUATION REPORT (CAPER) AND ADOPT RESOLUTION NO. 940(19) SUBMITTING SAID REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

Councilwoman Hunt moved to approve the 2018 Consolidated Annual Performance Evaluation Report (CAPER) and Adopt Resolution No. 940(19) submitting said report to the U.S. Department of Housing and Urban Development (HUD), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ORDINANCE NO. 926(19) EXTENDING THE CORPORATE LIMITS OF THE CITY OF MOORE, OKLAHOMA, PROVIDING FOR THE DESIGNATION OF THE TERRITORY INCLUDED IN SUCH EXTENSION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE ZONING OF PROPERTIES IN THE ANNEXED TERRITORY; PROVIDING FOR SEVERABILITY THEREOF; PROVIDING FOR A REPEALER; AND DECLARING AN EMERGENCY.

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

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

Agenda Item Number 7 being:

CONSIDER APPROVAL OF EMERGENCY PROVISION FOR ORDINANCE NO. 926(19) 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 Blair moved to table Agenda Item No. 7, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER THE FINAL PLAT OF MAHOGANY HILLS ESTATES, SECTION 1, LOCATED IN THE E/2 OF SECTION 36, T10N, R3W, BEING NORTH OF INDIAN HILLS ROAD AND WEST OF BRYANT AVENUE. APPLICATION BY GRAY SEA, LLC/MIKE GRAY. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 1.

Elizabeth Weitman, Community Development Director, stated that the subject site located west of S. Broadway Avenue and north of Indian Hills Road was rezoned to R-1 in June 2019. The applicant was now requesting a final plat for 34 single-family lots on 27.5 acres. Access was proposed by a divided median entryway from S. Broadway Avenue. Public water would be extended to serve the site with septic systems proposed for each lot. Ms. Weitman advised that no FEMA regulated floodplain was located on the property; however, stormwater detention was required. She stated that this section of the development contained two detention areas on the west side of the site.

Ms. Weitman advised that the Envision Moore 2040 Plan designated the area as Open Space Residential. She stated that staff found the plat to be in conformance with the requirements of the plan and was recommending approval of the item.

Vice-Mayor McKenzie asked if sidewalks were required for the neighborhood. Ms. Weitman stated that on the outskirts of an urbanized area the City requires a fee in lieu of a sidewalk because those streets are likely to be improved in the future to a four-lane roadway which would require removal of everything from right-of-way to right-of-way. She advised that a fee in lieu of a sidewalk was recommended for the proposed final plat. Vice-Mayor McKenzie expressed concern for children walking to school without a sidewalk. Ms. Weitman stated that the City Council could require sidewalks on the constructions plans if they felt it was necessary. After discussing the distance of the development from Broadmoore Elementary School it was ultimately decided that a fee in lieu of sidewalks would be acceptable at this time.

Councilman Williams moved to approve the Final Plat of Mahogany Hills Estates, Section 1, located in the E/2 of Section 36, T10N, R3W, being north of Indian Hills Road and west of Bryant Avenue, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER THE FINAL PLAT FOR THE WATERS PHASE III, LOCATED IN THE S/2 OF SECTION 1, T10N, R3W, BEING NORTH OF NE 27TH STREET AND EAST OF EASTERN AVENUE. APPLICATION BY PREMIUM LAND, LLC/TABER LEBLANC. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 2.

Elizabeth Weitman, Community Development Director, stated that the subject property was located north of NE 27th Street and east of Eastern Avenue. The property was rezoned to R-1 in January 2016. The applicant was now requesting a final plat for 71 single-family lots on 21 acres. Ms. Weitman indicated that access was proposed by NE 25th Street and NE 33rd Terrace which were existing residential streets in The Waters Addition Sections 1 and 2. Public utilities would be extended to serve the site. No FEMA regulated floodplain was located on the property. She stated that on-site detention was required and would be provided on 4 acres of open space containing three retention ponds platted as common areas.

The Envision Moore 2040 plan designated the area as Urban Residential. The plat was reviewed and determined to be in conformance with the requirements of the plan; therefore, staff recommended approval of the item.

Councilman Webb moved to approve the Final Plat for The Waters Phase III, located in the S/2 of Section 1, T10N, R3W, being North of NE 27th Street and East of Eastern Avenue, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER REZONING APPLICATION NO. RZ-986, LOCATED IN THE NW/4 OF SECTION 22, T10N, R3W, BEING SOUTH OF SW 4TH STREET AND EAST OF SANTA FE AVENUE; FROM C-2 NEIGHBORHOOD COMMERCIAL DISTRICT TO C-2/PUD NEIGHBORHOOD COMMERCIAL DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 927(19). APPLICATION BY TBF, LLC/SHARON SCHILREFF. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 3.

Elizabeth Weitman, Community Development Director, stated that Agenda Items No. 10 and 11 were companion items. Ms. Weitman advised that the vacant subject property was located south of SW 4th Street east of Santa Fe Avenue. The applicant proposed developing ten commercial buildings with zero lot lines and a common access drive with parking. Access would be provided from S. Santa Fe Avenue with individual access through a private access drive. Ms. Weitman advised that public water and sewer were available to serve the site. No FEMA designated floodplain was located on the property.

She stated that a rezoning as a Planned Unit Development ("PUD") was required in order to accommodate the desired layout of the building and to achieve higher densities. By utilizing a PUD the City could relax certain intensity requirements in exchange for amenities that would not otherwise be required. Ms. Weitman indicated that the applicant was proposing the following amenities:

- All buildings would utilize residential architectural elements.
- Increased landscaping with a minimum of two trees and two shrubs per lot.
- Thirty percent open space including a 10' wide landscape buffer along Santa Fe Avenue and two detention ponds.
- One monument sign per building to be located within the business center complex no larger than 4' tall and 25' in length.

The Envision Moore 2040 designated the area as Employment Mixed Use. The plat was reviewed and determined to be in conformance with the requirements of the plan. Ms. Weitman noted changes made at the Planning Commission Meeting. She advised that the applicant would like the buildings to be two-story versus one-story and 85% of the structures would be brick, rock or stone materials.

She stated that the development was not anticipated to negatively affect the area and staff recommended approval of the items.

Councilman Williams asked if the Planning Commission approved the proposal for the two-story buildings including those buildings that back up to the neighborhood. Ms. Weitman indicated that the Planning Commission was not opposed to the change. She noted that there was a larger than normal landscape buffer along the east boundary line of the property between the buildings and the neighborhood.

Vice-Mayor McKenzie asked if the tenants would be primarily office space with work hours around 8:00 a.m. to 5:00 p.m. Ms. Weitman stated that there was nothing in the proposed development that would be in a high intensity commercial center.

Councilman Webb moved to approve Rezoning Application No. RZ-986, located in the NW/4 of Section 22, T10N, R3W, being south of SW 4th Street and east of Santa Fe Avenue; from C-2 Neighborhood Commercial District to C-2/PUD Neighborhood Commercial District/Planned Unit Development; and approve Ordinance No. 927(19), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER THE PRELIMINARY PLAT FOR SANTA FE EXECUTIVE CENTER, LOCATED IN THE NW/4 OF SECTION 22, T10N, R3W, BEING SOUTH OF SW 4TH STREET AND EAST OF SANTA FE AVENUE. APPLICATION BY TBF, LLC/SHARON SCHILREFF. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0). WARD 3.

Councilwoman Hunt moved to approve the Preliminary Plat for Santa Fe Executive Center, located in the NW/4 of Section 22, T10N, R3W, being south of SW 4th Street and east of Santa Fe Avenue, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER AUTHORIZING THE PURCHASE OF TWO (2) 2020 FORD ESCAPE VEHICLES FROM BILL KNIGHT FORD OFF THE STATE CONTRACT IN THE TOTAL AMOUNT OF \$51,674 USING BUDGETED FUNDS.

Elizabeth Weitman, Community Development Director, stated that the proposed purchase of two 2020 Ford Escape vehicles were budgeted items to replace two Ford F-150 trucks that have over 100,000 miles on them. Ms. Weitman advised that one vehicle would be for Code Enforcement and the other for the Storm Water Manager. She felt the proposed Ford Escapes would provide better gas mileage and be a better fit for their intended use.

Councilman Williams moved to authorize the purchase of two (2) 2020 Ford Escape vehicles from Bill Knight Ford off the state contract in the total amount of \$51,674 each using budgeted funds, second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 13 being:

CONSIDER AWARDING BID NO. 1900-22 "WATER SLIDE ADDITION AT THE STATION AQUATIC FACILITY" TO BRANCO ENTERPRISES INC. IN THE AMOUNT OF \$1,093,000.

Chris Villani, Acting Parks and Recreation Director, stated that staff requested that Bid No. 1900-22 for construction of a new water slide at The Station Aquatic Facility be awarded to Branco Enterprises, Inc. in the amount of \$1,093,000. Mr. Villani advised that the City received three responses to the bid solicitation and Branco was the low bidder. He indicated that this company had experience working on similar projects and received good references. Mr. Villani advised that this was a budgeted item and would be funded using ¼ cent sales tax money.

Councilman Blair moved to award Bid No. 1900-22 "Water Slide Addition at The Station Aquatic Facility" to Branco Enterprises Inc. in the amount of \$1,093,000, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 14 being:

CONSIDER ADOPTING RESOLUTION NO. 939(19) AUTHORIZING THE CITY OF MOORE TO SUBMIT AN APPLICATION TO THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS ("ACOG") FOR THE CLEAN AIR GRANT FOR PUBLIC SECTOR FLEETS.

Kahley Gilbert, Project-Grants Manager (Capital Planning & Resiliency), stated that adoption of Resolution No. 939(19) would authorize the submittal of a Clean Air grant application to ACOG which would fund the cost of converting a new sanitation truck to Compressed Natural Gas. Ms. Gilbert advised that the total amount of the grant request was \$64,974. The application due date was December 16, 2019 with an anticipated grant award notification date in February 2020.

Councilman Webb moved to adopt Resolution No. 939(19) authorizing the City of Moore to submit an application to the Association of Central Oklahoma Governments ("ACOG") for the Clean Air Grant for Public Sector Fleets, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER APPROVAL OF A CONTRACT WITH DOWNEY CONTRACTING, LLC FOR CONSTRUCTION MANAGEMENT SERVICES FOR OLD TOWN PARK USING ¼ CENT SALES TAX.

Kahley Gilbert, Project-Grants Manager for Capital Planning & Resiliency, stated that a Request for Qualifications for Construction Management Services for Old Town Park was solicited on September 25, 2019. The City received four responses on October 29, 2019. A committee comprised of staff and representatives with Tap Architecture reviewed the submittals and selected two semi-finalists who were interviewed on November 14, 2019. The committee recommended entering into an agreement with

Downey Contracting. She noted that the proposed contract included a fee of 8% of the guaranteed maximum price. Ms. Gilbert noted that since the guaranteed maximum price was based on bid amounts an amendment would be made to the contract once all bids have been received. Staff recommended approval of the item.

Councilwoman Hunt moved to approve a contract with Downey Contracting, LLC for construction management services for Old Town Park using ¼ cent sales tax, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 16 being:

CONSIDER ORDINANCE NO. 925(19) AMENDING PART 8, HEALTH AND NUISANCES, CHAPTER 12, MEDICAL MARIJUANA, SECTION 8-1201 DEFINITIONS, SECTION 12-1202 GENERAL REQUIREMENTS, 8-1203 MEDICAL MARIJUANA DISPENSARY, 8-1204 COMMERCIAL MEDICAL MARIJUANA GROWING FACILITY, 8-1205 COMMERCIAL MEDICAL MARIJUANA PROCESSING FACILITY, 8-1206 MEDICAL MARIJUANA TESTING LABORATORY FACILITY, 8-1207 MEDICAL MARIJUANA RESEARCH FACILITY, ADDING SECTIONS 8-1208, MEDICAL MARIJUANA EDUCATION FACILITY, 8-1209 MEDICAL MARIJUANA GROWING FOR PERSONAL USE, 8-1210 LEGAL NON-CONFORMING CLAUSE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Brian Miller, Assistant City Attorney, advised that Ordinance No. 925(19) would amend the prior Medical Marijuana Ordinance by changing definitions, adding new licenses allowed through the Unity Bill, and addressing some of the concerns brought up by business owners during a previous City Council Meeting. Mr. Miller stated that the addition of a legal non-conforming clause would address issues with businesses with a grow operation that currently hold a state license but did not fill out a Certificate of Occupancy with the City. The state is now requiring them to renew their licensing through the City; however, zoning issues might now exist. Under the proposed ordinance, businesses can come to the City prior to January 1, 2020 to be grandfathered by giving the City the ability to note on the Certificate of Compliance that the zoning was considered legal non-conforming. Another scenario where the legal non-conforming clause would involve an individual wanting a potential location for an establishment but hesitant because the City might not approve the zoning. In this situation individuals that apply for a Certificate of Occupancy before the end of the year would be grandfathered in on the zoning as in the example above, but must provide their state license to the City by July 1, 2020. This would eliminate concerns expressed by business owners at the meeting.

Mr. Miller stated that the propose ordinance also included more fully defined zoning requirements and fees were decreased to match the City of Norman's with a fee of \$600 for a dispensary and \$900 for all others. He noted that if the agenda item was approved he would bring back a new fee schedule to incorporate the new fees at the December 16, 2019 meeting.

Councilman Williams asked if the City was still in conformance with state law. Mr. Miller stated that we were.

Jeff Richardson, 1217 Sequoyah Circle, stated that he was a local business owner. He commented that read the ordinance and found the changes to be very helpful and more than fair. Mr. Richardson asked that the ordinance be approved as written.

Councilman Blair moved to approve Ordinance No. 925(19) amending Part 8, Health and Nuisances, Chapter 12, Medical Marijuana, Section 8-1201 Definitions, Section 12-1202 General Requirements, 8-1203 Medical Marijuana Dispensary, 8-1204 Commercial Medical Marijuana Growing Facility, 8-1205 Commercial Medical Marijuana Processing Facility, 8-1206 Medical Marijuana Testing Laboratory Facility, 8-1207 Medical Marijuana Research Facility, adding Sections 8-1208, Medical Marijuana Education Facility, 8-1209 Medical Marijuana Growing for Personal Use, 8-1210 Legal Non-Conforming Clause; providing for a repealer; providing for severability; and declaring an emergency, second by Councilman Webb. Motion carried unanimously.

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

Councilman Blair expressed his appreciation to Assistant City Attorney Brian Miller for all of the time and work that he put into the ordinance.

Agenda Item Number 17 being:

CONSIDER APPROVAL OF EMERGENCY PROVISION FOR ORDINANCE NO. 925(19) 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.

Brian Miller, Assistant City Attorney, stated that Agenda Item No. 17 was the emergency provision for Ordinance No. 925(19) approved under Agenda Item No. 16. Passage of the clause would allow the ordinance to become effective immediately.

Councilwoman Hunt moved to approve an emergency provision for Ordinance No. 925(19) 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, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 18 being:

CONSIDER ORDINANCE NO. 928(19) AMENDING PART 13, PUBLIC SAFETY, CHAPTER 5, EMERGENCY TELEPHONE AND ALARM SYSTEMS, SECTIONS 13-503 REGISTRATION, 13-505 CRIMINAL LIABILITY FALSE ALARMS, 13-506 NOTICE OF FALSE ALARMS, 13-507 INSTRUCTION AS TO THE OPERATION OF SYSTEMS, 13-508 EMERGENCY NOTIFICATIONS, MAINTENANCE OF RECORDS, DESIGNATED PERSONNEL, 13-510 MINIMAL SYSTEM REQUIREMENTS, 3-512 NOTIFICATION OF TESTS, 13-513 AUTOMATIC DIALING DEVICES AND PRE-RECORDED OR PROGRAMMED MESSAGE ALARM SYSTEM

REQUIREMENTS, 13-514 NOTICE OF DISRUPTION OF SERVICE, 13-515 POLICE OR FIRE INSPECTION OF ALARM SYSTEMS, 13-516 PROMPT RESPONSE OF AGENTS OR EMPLOYEES, 13-517 ALARM MONITORING BY POLICE DEPARTMENT, COST, ENROLLMENT FEES; PROVIDING FOR A REPEALER; AND PROVIDING FOR SEVERABILITY.

Brian Miller, Assistant City Attorney, stated that the proposed ordinance was an update to the Emergency Phone and Alarm System Ordinance requested by Dispatch. Mr. Miller stated that the ordinance was written in the early 1990s and was now outdated due to numerous advances in technology. Under the proposed ordinance updates to Certificates of Occupancy would be shared with Dispatch. The Alarm Permit Registration Fee would be eliminated since it was no longer necessary and the Certificate of Occupancy fee would be increased from \$15 to \$40.

Councilman Williams asked if the changes pertained to commercial only. Mr. Miller indicated that it would affect both residential and commercial customers.

Councilman Webb moved to approve Ordinance No. 928(19) amending Part 13, Public Safety, Chapter 5, Emergency Telephone and Alarm Systems, Sections 13-503 Registration, 13-505 Criminal Liability False Alarms, 13-506 Notice of False Alarms, 13-507 Instruction as to the Operation of Systems, 13-508 Emergency Notifications, Maintenance of Records, Designated Personnel, 13-510 Minimal System Requirements, 13-512 Notification of Tests, 13-513 Automatic Dialing Devices and Pre-Recorded or Programmed Message Alarm System Requirements, 13-514 Notice of Disruption of Service, 13-515 Police or Fire Inspection of Alarm Systems, 13-516 Prompt Response of Agents or Employees, 13-517 Alarm Monitoring by Police Department, Cost, Enrollment Fees; providing for a repealer; and providing for severability, second by Councilman Blair. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:13 P.M.

Agenda Item Number 19 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD NOVEMBER 18, 2019.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$914,358.15.

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

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

Agenda Item Number 20 being:

CONSIDER APPROVAL OF AN EXCESS PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY POLICY WITH STRATFORD INSURANCE COMPANY, A DIVISION OF WESTERN WORLD INSURANCE COMPANY, AN ADMITTED BEST RATING WITH AN A EXCELLENT RATING, FOR \$31,082.00 (12.2% RATE INCREASE OVER LAST YEAR) WITH GLENN HARRIS & ASSOCIATES AS AGENT.

Brian Miller, Risk Manager, stated that Dan Kramer with Glenn Harris & Associates was the agent for the City's Excess Public Officials and Employment Practices Liability Policy. Mr. Miller indicated that Mr. Kramer shopped the market and was recommending a policy with Stratford Insurance Company with a premium of \$31,082. He noted that this amount reflected a 12.2% increase over last year's premium due primarily to an increase in the budget.

Trustee Blair to approve an Excess Public Officials and Employment Practices Liability Policy with Stratford Insurance Company, a division of Western World Insurance Company, an Admitted Best Rating with an A Excellent rating, for \$31,082.00 (12.2% rate increase over last year) with Glenn Harris & Associates as agent, second by Trustee Williams. Motion carried unanimously.

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

Agenda Item Number 21 being:

CONSIDER APPROVAL OF A PROPERTY AND CONTENTS INSURANCE POLICY THROUGH OMAG, AN EXCESS PROPERTY AND CONTENTS INSURANCE POLICY THROUGH HOMELAND INSURANCE COMPANY OF NEW YORK, EXCESS FLOOD INSURANCE THROUGH VOYAGER INDEMNITY INSURANCE COMPANY, AND PHYSICAL DAMAGE COVERAGE FOR THE CITY'S SANITATION TRUCKS AND MOBILE COMMAND CENTER THROUGH GREAT AMERICAN INSURANCE COMPANY WITH RUSSELL HOLLINGSWORTH OF DILLINGHAM INSURANCE AS AGENT.

Brian Miller, Assistant City Attorney, advised that the City's insurance agent, Russell Hollingsworth, shopped the market for property insurance and coverage for the sanitation trucks and Emergency Management mobile command post. He recommended Great American Insurance Company with a total premium amount of \$418,568. He stated that this amount was around 15% less than last year. Mr. Miller stated that the insurance coverage for the vehicles went up due to the additional emergency management vehicle purchased last year. A decrease was due to the deductible being \$50,000 for all perils. This was the only option offered by OMAG; however it was much better than the previous coverage which included a \$500,000 deductible for wind and hail. He added that Boiler and Machinery coverage was now included in the policy and did not require separate coverage. Mr. Miller noted that if the City remained claims free we would receive a 10% rebate at the end of the year. He noted that Mr. Hollingsworth was in attendance at the meeting to answer any questions.

Trustee Williams to approve a Property and Contents Insurance Policy through OMAG, an Excess Property and Contents Insurance Policy through Homeland Insurance Company of New York, Excess Flood Insurance through Voyager Indemnity Insurance Company, and Physical Damage Coverage for the City's sanitation trucks and Mobile Command Center through Great American Insurance Company with Russell Hollingsworth of Dillingham Insurance as agent, second by Trustee Webb. Motion carried by a majority vote.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:20 P.M.

Agenda Item Number 22 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD NOVEMBER 18, 2019.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$240,184.74.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:21 P.M.

Agenda Item Number 23 being:

NEW BUSINESS:

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

There were no citizen comments.

- B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilman Webb stated that he had received compliments on the Christmas decorations located around the City. Councilman Williams noted that he had received several comments regarding the new 34th Street Bridge, some of which came from individuals living outside the City limits.

- C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, advised that Shop with a Cop, Breakfast with Santa, and Christmas Spectacular were activities scheduled for December 7, 2019. He expressed his appreciation to the Police Department for their work in providing Christmas gifts to children in need.

Agenda Item Number 24 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:23 p.m.

TRANSCRIBED BY:

RHONDA BAXTER, Executive Assistant

FOR:

ADAM WEBB, MPWA Secretary

These minutes passed and approved as noted this ____ day of _____, 2019.

ATTEST:

VANESSA KEMP, City Clerk