

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
JUNE 3, 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 June 3, 2019 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, Williams, Hamm, Lewis
ABSENT: Hunt, Webb

STAFF MEMBERS PRESENT: City Manager, Brooks Mitchell; Assistant City Manager, Jerry Ihler; 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 Greg Herbster; Human Resources Director, Christine Jolly; Manager of Information Technology, David Thompson; Assistant Police Chief, Todd Strickland; Police Sergeant David Dickinson; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

The digital audio recording for the City Council Meeting malfunctioned. Minutes of the meeting were transcribed using a video recording.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE EMERGENCY CITY COUNCIL MEETING HELD MAY 21, 2019.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD APRIL 9, 2019.
- C) APPROVE A ONE-YEAR CONTRACT EXTENSION WITH DELOITTE & TOUCHE, LLP FOR CDBG-DR INTERNAL AUDIT SERVICES.
- D) APPROVE RENEWAL OF THE CITY MANAGER CONTRACT.
- E) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$2,122,009.40.

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

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

Agenda Item Number 3 being:

CONSIDER APPROVAL OF THE FY 2019-2020 ANNUAL BUDGET AND ADOPT RESOLUTION NO. 928(19).

Brooks Mitchell, City Manager, stated that a public hearing was held May 21, 2019 and a budget study session held on May 28, 2019 on the proposed budget for FY 2019-2020 which totaled \$115,467,913. Mr. Mitchell advised that the increase in the budget was primarily due to the G.O. Bonds passed by the voters in June 2018. He stated that there was a projected 1% increase in sales tax. Mr. Mitchell noted that no public comments had been received on the budget and he was requesting approval of the item.

Councilman Williams moved to approve the 2019-2020 Budget and adopt Resolution No. 928(19), second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 4 being:

CONSIDER REZONING APPLICATION NO. RZ-979, LOCATED IN THE NE/4 OF SECTION 16, T10N, R3W, BEING SOUTH OF NW 12TH STREET AND WEST OF SANTA FE AVENUE, FROM C-3 GENERAL COMMERCIAL DISTRICT TO R-3/PUD GENERAL RESIDENTIAL DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 908(19). APPLICATION BY SHANE MASHBURN. (PLANNING COMMISSION RECOMMENDED APPROVAL 7-0). WARD 2.

Elizabeth Weitman, Community Development Director, stated that Agenda Item No. 4 was tabled from the May 6, 2019 City Council Meeting. Ms. Weitman indicated that new notices were sent out notifying the surrounding property owners of the new City Council Meeting date for consideration of the application.

Ms. Weitman advised that the subject site addressed at 1245 N. Robinson was located south of NW 12th Street and west of Santa Fe Avenue. The applicant, Shane Mashburn, proposed construction of a senior housing development with up to 13 units on approximately one acre. She stated that in order to accommodate this use/density the property must be rezoned from C-3 General Commercial District to R-3 General Residential District as a Planned Unit Development ("PUD").

Ms. Weitman stated that public water and sewer were available to serve the site, and access would be provided from N. Robinson Avenue. She added that the site did not contain a FEMA regulated floodplain and stormwater detention would not be required.

She stated that the PUD proposal included the following amenities:

- Two above-ground storm shelters
- 70% masonry on all buildings
- All buildings limited to one-story
- The dumpster enclosure would be fenced with sight-proof fencing and brick columns
- Increased landscaping requirements would include 19 trees and 30 shrubs

Ms. Weitman advised that because the application was in compliance with the Envision Moore 2040 Plan and was located in a developed area with multi-family and commercial uses to the north, east, and west of the proposed site staff recommended approval of the item.

Ms. Weitman stated that Don Walters, owner of the Grace Pointe Apartments located to the west of the subject site, was the only person in attendance at the Planning Commission Meeting to express concerns about the proposed development. She indicated that a copy of an email that she received from Mr. Walters outlining his concerns regarding drainage, landscaping, and the potential for dogs at the apartments, was included in the agenda packet for Council's review. Ms. Weitman indicated that the applicant, Shane Mashburn, was in attendance at the meeting to answer any questions Council might have regarding the application.

Councilman Hamm stated that he met with some of the residents of the Grace Pointe Apartments and with Mr. Walters and he felt they were no longer opposed to the development. Councilman Williams asked if any of Mr. Walter's concerns had been addressed with the City. Ms. Weitman stated that a drainage report would be required prior to the issuance of any building permits to ensure there would be no negative impact to the area. Councilman Williams then asked the applicant if he was planning to make any restrictions regarding animal size. The applicant, Shane Mashburn, 14200 S. Pennsylvania, Oklahoma City, OK, indicated that he met with Mr. Walters following the May 6, 2019 City Council Meeting. He stated that they were considering implementing a weight restriction on animals and felt they could offer additional controls with specific fencing requirements.

Councilman Hamm moved to approve Rezoning Application No. RZ-979 and Ordinance No. 908(19), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER APPROVAL OF A CONTRACT WITH JUNK KING OKLAHOMA TO PROVIDE CODE ENFORCEMENT ABATEMENT SERVICES.

Elizabeth Weitman, Community Development Director, stated that staff solicited Request for Qualifications ("RFQ") for code enforcement abatement services. Ms. Weitman advised that in the RFQ process the City sets fees for specified services and interested parties submit their qualifications. Ms. Weitman indicated that the City utilized the services of two contractors. One of the current contractors expressed an interest in continuing to provide mowing services for the City. She advised that staff received only one response to the solicited RFQ from Junk King who advised that they were only interested in providing trash abatement services.

Councilman Blair moved to approve a contract with Junk King Oklahoma to provide Code Enforcement Abatement Services, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER APPROVAL OF A CONTRACT WITH MESHEK ENGINEERING IN THE AMOUNT OF \$50,000 FOR DRAINAGE CRITERIA UPDATES.

Elizabeth Weitman, Community Development Director, stated that the proposed contract with Meshek Engineering in the amount of \$50,000 was for an update to the City's drainage criteria that was first implemented in 2003. Ms. Weitman advised that the contract would also allow for an engineer to meet with an advisory committee to discuss the process and address concerns since this information would dictate how developers would be developing their property in the future.

Councilwoman McKenzie moved to approve a contract with Meshek Engineering in the amount of \$50,000 for Drainage Criteria updates, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER REJECTING BID NO. 1900-11 "OLD TOWN PARK CONSTRUCTION AND LANDSCAPE" AND AUTHORIZE STAFF TO SOLICIT NEW BIDS.

Todd Jenson, Assistant City Manager, advised that staff solicited bids for the construction of Old Town Park and landscaping. Mr. Jenson stated that the City received six responses. Since the lowest bidder did not submit all of the required documentation he felt it would be in the best interest of the City to reject all bids and solicit new bids for the project.

Councilman Williams asked if the City was required to accept the lowest bid. Randy Brink, City Attorney, stated that the City does not have to accept the lowest bid. The City can award a bid to the lowest and most responsible bidder with reasonable justification for the decision.

Councilman Williams moved to reject Bid No. 1900-11 "Old Town Park Construction and Landscape" and authorize staff to solicit new bids, second by Councilwoman McKenzie. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER ORDINANCE NO. 912(19) CREATING CHAPTER 15 ENTITLED SHARE VEHICLE BUSINESSES OF PART 9 LICENSE AND BUSINESS REGULATIONS OF THE MOORE MUNICIPAL CODE BY ADOPTING NEW SECTION 9-1501 DEFINITIONS; SECTION 9-1502 SHARE VEHICLE SYSTEM LICENSE; SECTION 9-1503 APPLICATION; SECTION 9-1504 NUMBER OF SHARE VEHICLES IN FLEET; SECTION 9-1505 PARKING; 9-1506 RESTRICTIONS; 9-1507 RECORDS; 9-1508 INSURANCE, INDEMNIFICATION, BOND; SECTION 9-1509 COMPLIANCE; 9-1510 LICENSE SUSPENSION AND/OR REVOCATION; AND SECTION 9-1511 SHARE VEHICLE SYSTEM FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Brian Miller, Assistant City Attorney, stated that the proposed ordinance dealt with share vehicles or scooters. Mr. Miller indicated that he discussed the issue with the Police and Community Development departments and used Oklahoma City's ordinance as a template with minor variations. The ordinance included the implementation of an annual \$240 license application fee plus \$36 for each additional share vehicle, and allowed a maximum initial drop of 25 share vehicles. Mr. Miller advised that if there appeared to be a demand for the scooters they can have 5 additional share vehicles up to two times per year. He noted that Oklahoma City charges the same fee but allowed for a higher number of share vehicles in an initial drop.

Councilwoman McKenzie stated that she did not feel the scooters was an issue that required passage of an ordinance.

Councilwoman McKenzie moved to deny Agenda Item No. 8.

Councilman Williams asked what could happen if the ordinance was not approved. Mr. Miller indicated that companies could come into the City and drop as many scooters as they wished with no licensing requirements. Brooks Mitchell, City Manager, recommended that the item be tabled since there did not appear to be a problem currently. He indicated that the item could be brought back to Council if a problem reoccurred in the future.

Councilwoman McKenzie withdrew her previous motion and moved to table Agenda Item No. 8, second by, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER ORDINANCE NO. 913(19) AMENDING SECTION 15-306, PART 15, CHAPTER 3 OF THE MOORE MUNICIPAL CODE; ADDING DOCUMENTS REQUIRED DURING OPERATION OF MOTOR VEHICLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Brian Miller, Assistant City Attorney, stated that Ordinance No. 913(19) incorporated changes in state law which would become effective July 1, 2019. The ordinance outlined documentation required inside a vehicle that had been sold and the license plate removed and retained by the seller.

Councilman Williams moved to approve Ordinance No. 913(19), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 10 being:

CONSIDER ORDINANCE NO. 914(19) AMENDING PART 9, CHAPTER 14 OF THE MOORE MUNICIPAL CODE; TATTOOING, BODY PIERCING, AND MEDICAL MICROPIGMENTATION; SECTION 9-1401 AND SECTION 9-1413 BY ELIMINATING THE SURETY BOND REQUIREMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Brian Miller, Assistant City Attorney, stated that Ordinance No. 914(19) would remove the surety bond requirement for tattoo establishments. Mr. Miller stated that the health department stopped requiring a surety bond and the proposed ordinance would reflect that change.

Councilman Blair moved to approve Ordinance No. 914(19), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 11 being:

CONSIDER ORDINANCE NO. 915(19) AMENDING PART 3, CHAPTER 1, SECTION 3-101 BY CREATING A COMPLIMENTARY BEVERAGE LICENSE FOR A CERTAIN PURPOSE; AND PROVIDING FOR A DEFINITION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER.

Brian Miller, Assistant City Attorney, stated that Ordinance No. 915(19) would reflect recent changes in state law by adding a complimentary beverage license to a list of available alcohol licenses. Mr. Miller indicated that the ordinance would allow retail businesses or businesses that provide a service, such as hair and nail salons, furniture stores, cigar stores, clothing stores, bridal stores or business support services, to offer complimentary beer or wine to their patrons. The ordinance would also limit the number of complimentary drinks that could be offered.

Councilman Williams moved to approve Ordinance No. 915(19), second by Councilman Blair. Motion carried unanimously.

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

Agenda Item Number 12 being:

CONSIDER RESOLUTION NO. 927(19) ADOPTING THE SCHEDULE OF FEES AND CHARGES; EFFECTIVE UPON APPROVAL AND REMAINING IN EFFECT UNTIL MODIFIED, AMENDED OR REPEALED; AND REPEALING PRIOR INCONSISTENT FEES.

Brian Miller, Assistant City Attorney, stated that Resolution No. 927(19) incorporated fees approved under Agenda Item No. 11 for complimentary beverage license fees and fees included in the approved budget. However, Mr. Miller requested that the City Council approve the proposed Schedule of Fees and Charges without the share vehicle license fees since that item had been tabled under Agenda Item No. 8.

Councilman Williams moved to adopt Resolution No. 927(19) without the share vehicle license fees, second by Councilwoman McKenzie. Motion carried unanimously.

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

THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 6:59 P.M.

Agenda Item Number 13 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE EMERGENCY MOORE PUBLIC WORKS AUTHORITY MEETING HELD MAY 21, 2019.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$896,183.40.

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

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

Agenda Item Number 14 being:

CONSIDER APPROVAL OF THE FY 2019-2020 ANNUAL BUDGET AND ADOPT RESOLUTION NO. 247(19).

Trustee Williams to approve the FY 2019-2020 budget and adopt Resolution No. 247(19), second by Trustee McKenzie. Motion carried unanimously.

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

Agenda Item Number 15 being:

CONSIDER APPROVAL OF A FISCAL YEAR 2019 BUDGET SUPPLEMENT TO BUDGET FUNDS AND RELATED EXPENSES FOR THE NEW LIFT STATION FUNDED THROUGH THE OKLAHOMA WATER RESOURCES BOARD LOAN.

Betty Koehn, Finance Director, stated that the proposed budget supplement would budget funds received from the Oklahoma Water Resources Board for construction of a new lift station and expenditures that are anticipated for the project through June 30, 2019.

Trustee Blair to approve a Fiscal Year 2019 budget supplement to budget funds and related expenses for the new lift station funded through the Oklahoma Water Resources Board loan, second by Trustee Williams. Motion carried unanimously.

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

Agenda Item Number 16 being:

CONSIDER APPROVAL OF A SOLID WASTE DISPOSAL AGREEMENT WITH SOUTHEAST LANDFILL AND, IF DEEMED APPROPRIATE, CONSIDER RENEWAL OF SAID AGREEMENT FOR A PERIOD OF FIVE (5) YEARS.

Jerry Ihler, Assistant City Manager, stated that the proposed contract with Southeast Landfill for solid waste disposal included a term of five years with the option of an additional five year renewal period. He advised that landfill fees for the first year would be \$19.20 per ton plus an additional \$1.25 that DEQ required for inspection, permitting and oversight. The fees for years two through five of the agreement would be adjusted annually based on the Consumer Price Index.

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

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

Agenda Item Number 17 being:

CONSIDER APPROVAL OF A REVENUE SHARING AGREEMENT WITH SOUTHEAST LANDFILL FOR THE SALE OF LANDFILL GAS GENERATED AT THE LANDFILL.

Jerry Ihler, Assistant City Manager, stated this agreement was a companion item to Agenda Item No. 16. The proposed agreement was a revenue sharing agreement with Southeast Landfill. Mr. Ihler advised that revenue Southeast Landfill receives from selling the methane gas created through the trash decomposition process to a company that converts it to CNG Gas is shared with the City based on the percentage of trash tonnage delivered to the landfill.

Trustee McKenzie to approve a Revenue Sharing Agreement with Southeast Landfill for the sale of landfill gas generated at the landfill, second by Trustee Williams. Motion carried unanimously.

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

THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:04 P.M.

Agenda Item Number 18 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE EMERGENCY MOORE RISK MANAGEMENT MEETING HELD MAY 21, 2019.
- B) APPROVE PAYMENT OF A WORKERS COMPENSATION SETTLEMENT IN THE AMOUNT OF \$15,988.50 FOR CBR NO. 2050000695 TO SEAN ABER AND AUTHORIZE PLACEMENT ON THE AD VALOREM TAX ROLL.
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2018-2019 IN THE AMOUNT OF \$127,384.11.

Trustee Hamm asked for additional information on Agenda Item No. 18B. Brian Miller, Assistant City Attorney, stated that this was a negotiated workers compensation settlement for a police officer injured at work. Mr. Miller added that he was unable to legally discuss details of the case in open session.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:05 P.M.

Agenda Item Number 19 being:

NEW BUSINESS:

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

Rebecca Franklin, 219 N. Eastern, requested that a missing sidewalk panel be replaced on the west side of Telephone Road north of Wal-Mart. She indicated that it was difficult to maneuver the area in her wheelchair. Ms. Franklin also mentioned a sidewalk that had buckled on Tower Drive that was also in need of repair.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Councilwoman McKenzie mentioned that she had received several phone calls regarding the pending sale of the Broadmoore Golf Course. She stated that the item was scheduled for consideration before the Planning Commission but was tabled when the applicant did not supply all of the necessary information. She advised that the item was rescheduled to the July 9, 2019 Planning Commission Meeting, which she planned to attend. Councilwoman McKenzie also mentioned that the Old Town Park Committee was meeting to finalize the issue of an artist in residence.

Councilman Hamm stated that duplexes located on the south side of 12th Street between the railroad tracks and Broadway have relocated their dumpsters next to the roadway which sometimes contain large pieces of furniture. He asked if staff could see why the dumpsters had been moved from a covered area to the side of the street. Mr. Mitchell stated that he would check into the matter.

Councilman Williams asked if staff could check on the maintenance on the old KOMA property. He indicated that he had received several complaint calls regarding the property. Mayor Lewis felt that the City should implement a way to encourage commercial property owners to maintain their properties. Councilwoman McKenzie felt that it should be an issue handled through a code enforcement violation. Brooks Mitchell, City Manager, advised that some situations exist where there are multiple owners of commercial properties making enforcement a little more difficult. He indicated that he would meet with staff to discuss options for handling those types of maintenance issues.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, thanked Richard Sandefur, Public Works Director, and Todd Jenson, Assistant City Manager and their crews for working to ensure the parks and cemeteries were mowed in time for the Memorial Day weekend although there had been periods of inclement weather. The Movie in the Park was rescheduled and had an attendance of 469 attendees. Mr. Mitchell advised that ODOT estimated completion of the 4th Street Bridge project by mid-August 2019, and completion of the 34th Street Bridge project by early September 2019.

Agenda Item Number 20 being:

ADJOURNMENT

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

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

The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:16 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