

**MINUTES OF THE REGULAR MEETING OF
OF THE MOORE CITY COUNCIL
THE MOORE PUBLIC WORKS AUTHORITY
AND THE MOORE RISK MANAGEMENT BOARD
AND A PUBLIC HEARING OF THE MOORE CITY COUNCIL
FEBRUARY 3, 2020 – 6:30 P.M.**

The City Council of the City of Moore met in the City Council Chambers, 301 North Broadway, Moore, Oklahoma on February 3, 2020 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, Jerry Ihler; City Attorney, Randy Brink; Assistant City Attorney, Brian Miller; City Clerk, Vanessa Kemp; Community Development Director, Elizabeth Weitman; Economic Development Director, Deidre Ebrey; Finance Director, Betty Koehn; Fire Chief Greg Herbster; Manager of Information Technology, David Thompson; Acting Parks and Recreation Director, Chris Villani; Police Chief, Todd Strickland; Sergeant David Dickinson; Project-Grants Manager (Capital Planning & Resiliency), Kahley Gilbert; Public Works Director, Richard Sandefur; and Veolia Water Project Manager, Robert Pistole.

Mayor Lewis asked that everyone observe a moment of silence for the victims, families, friends, and first responders that were involved in a serious accident between a hit and run driver and track students at Moore High School.

Mayor Lewis read a proclamation declaring the year 2020 as a "Year of Remembrance" for citizens Olen Burl Bloomer, Anthony Christopher Cooper II, Dana LeAnne Cooper, Jaci Rae Coyne, Christy Rosas, Sonja Lynn Sanders, Karan Howell Shepherd, Victoria "Vickey" L. Sohn, and Dolores "Dee" Stratton who were lost in the Alfred P. Murrah Federal Building Bombing 25 years ago

Brooks Mitchell, City Manager, indicated that a representative from the Oklahoma City National Memorial & Museum requested that the City also recognize a current citizen of Moore, Deniece Bell-Pitner, who also lost her 15-month old daughter, Danielle Bell, in the bombing.

Agenda Item Number 2 being:

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD JANUARY 21, 2020.
- B) ACCEPT THE MAYOR'S DESIGNATION OF DAVID ROBERTS AND MARLENE WOOD, DULY APPOINTED COMMISSIONERS OF THE MOORE URBAN RENEWAL AUTHORITY, AS CHAIRPERSON AND VICE-CHAIRPERSON, RESPECTIVELY, OF THE MOORE URBAN RENEWAL AUTHORITY
- C) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$2,587,081.30.

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

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

Agenda Item Number 3 being:

CONSIDER ADOPTING RESOLUTION NO. 950(20) DECLARING A CERTAIN AREA THAT LIES ON THE SOUTHWEST CORNER OF N.E. 12TH STREET AND S. SUNNYLANE ROAD, KNOWN AS CLEVELAND HEIGHTS, TO BE A BLIGHTED AREA AND APPROPRIATE FOR AN URBAN RENEWAL PROJECT PURSUANT TO 11 OKLA. STAT. § 38-101, ET SEQ.

Brooks Mitchell, City Manager, stated that adoption of Resolution No. 950(20) would declare the Cleveland Heights Addition located on the southwest corner of NE 12th and S. Sunnyslane as blighted based on the results of a blight report. Mr. Mitchell indicated that the Urban Renewal Authority was created to address this type of issue. Emily Pomeroy, attorney with the Center for Economic Development Law, was in attendance to answer any questions.

Councilman Webb moved to adopt Resolution No. 950(20), second by Councilman Williams. Motion carried by majority vote.

Ayes: McKenzie, Blair, Hunt, Williams, Webb, Lewis
Nays: Hamm

Agenda Item Number 4 being:

CONSIDER APPROVAL OF A LOT SPLIT LOCATED IN LOT 1, BLOCK 1 OF THE GRACE POINTE ADDITION, SECTION 5, BEING WEST OF SANTA FE AVENUE AND SOUTH OF NW 12TH STREET. APPLICATION BY GRACE POINTE 1 LLC/RON WALTERS.

Elizabeth Weitman, Community Development Director, stated that the subject property located at 1400 NW 12th Street was originally developed as a church. The site was recently rezoned to an R-3 Planned Unit Development to allow the property to be redeveloped as another phase of the Grace Pointe Senior Living Community. Ms. Weitman indicated that the applicant had submitted building plans, which were under review, for the rehabilitation of the church into apartments which would be accessed through interior common areas. In order to obtaining financing for the project, the lender required the lot be split from the remaining Grace Pointe Addition. Ms. Weitman stated that City water and sewer were available to serve the site. Access would be provided through the original private drive of the Grace Pointe Addition with an additional curb cut directly onto NW 12th Street that would be reconfigured as a gated entryway.

Ms. Weitman indicated that because the two resulting lots would be in conformance with City Code staff recommended approval of the item.

Councilwoman McKenzie moved to approve a lot split located in Lot 1, Block 1 of the Grace Pointe Addition, Section 5, being west of Santa Fe Avenue and south of NW 12th Street, second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 5 being:

CONSIDER AUTHORIZING STAFF TO SOLICIT REQUEST FOR QUALIFICATIONS FOR THE 2020-2021 CODE ENFORCEMENT NUISANCE ABATEMENT CONTRACT.

Elizabeth Weitman, Community Development Director, stated that several years ago the City instituted a selection process for code enforcement abatement services. The City would establish a price for each abatement activity and interested contractors would submit their qualifications through an RFP process for review. Ms. Weitman advised that the City required a minimum of two abatement contractors each year. She stated that an RFQ was typically solicited every one to two years.

Ms. Weitman indicated that the City was proposing an increase in pricing for mowing abatement services due to a lack of interest by contractors at the current price. She advised that mowing was charged on a tiered system based on the size of the property; however, most abatements take place on a regular city lot of around .20 acres. She advised that this tier was proposed to increase from \$60 to \$100 per lot. This increase would be in addition to administrative fees that are also charged. A survey indicated that the proposed fee was in line with other comparable metro-area communities. She felt that increasing the mowing rate would create more interest from contractors in submitting a response to the RFQ.

Councilwoman McKenzie asked if the administrative fee would increase as well. Ms. Weitman advised that the administrative fee would remain the same. Councilwoman McKenzie asked if the property owner for the property being abated was charged an administrative fee and a mowing fee, and if the mowing fee went to the contractor. Ms. Weitman indicated that was correct.

Councilman Williams moved to authorize staff to solicit Request for Qualifications for the 2020-2021 Code Enforcement Nuisance Abatement Contract, second by Councilman Webb. Motion carried unanimously.

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

Agenda Item Number 6 being:

CONSIDER ADOPTING RESOLUTION NO. 949(20) GIVING NOTICE OF THE PROPOSED ANNEXATION BY THE CITY OF MOORE OF PROPERTY DESCRIBED IN EXHIBIT "A"; PROVIDING FOR THE DATE, TIME, AND PLACE FOR THE PUBLIC HEARING ON THE QUESTION OF ANNEXING THE TERRITORY; PROVIDING THAT NOTICE BE PUBLISHED AND MAILED AS PROVIDED BY LAW; PROVIDING FOR THE COMPLETION OF A PLAN TO EXTEND MUNICIPAL SERVICES INTO THE ANNEXED TERRITORY; PROVIDING THAT SAID PLAN SHALL BE AVAILABLE FOR INSPECTION; AND PROVIDING FOR SEVERABILITY.

Randy Brink, City Attorney, stated that the item would finalize the annexation of property that began in December 2019. Adoption of Resolution No. 949(20) would set a public hearing for the February 18, 2020 City Council Meeting to annex two additional tracts of property, one containing the Blue Lakes Baptist Church and the second lot was necessary in order to make the annexation contiguous.

Councilwoman Hunt asked if the delay was in order to ascertain whether the property owner was interested in being annexed into the City of Moore. Mr. Brink confirmed that he had been waiting to hear from Blue Lakes Baptist Church to verify their desire to be included in the annexation. He noted that the other piece of property he mentioned earlier was owned by one of the property owners that was included in the first annexation.

Councilwoman Hunt moved to adopt Resolution No. 949(20), second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 7 being:

CONSIDER MODIFYING THE PERSONNEL POLICY AND PROCEDURES MANUAL BY ADDING SECTION 23 "FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION RULES" TO THE ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY LOCATED UNDER APPENDIX "E".

Brian Miller, Assistant City Attorney, advised that the proposed change to the City's drug and alcohol testing policy would affect only the employees with a Commercial Driver's License ("CDL"). The Federal Motor Carrier Safety Administration implemented a Clearing House, or a database, that is maintained by the Department of Transportation. The City of Moore is required to query the database at least once a year for all of the current employees and for new hires with a CDL. Mr. Miller stated that the new rules must be implemented into the City's Personnel Policy and Procedures Manual as notification to the employees what information would be reported to the Clearing House in case they violate the City's drug and alcohol testing policy.

Councilwoman Hunt moved to modify the Personnel Policy and Procedures Manual by adding Section 23 "Federal Motor Carrier Safety Administration Rules" to the Alcohol and Controlled Substance Testing Policy located under Appendix "E", second by Councilman Williams. Motion carried unanimously.

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

Agenda Item Number 8 being:

CONSIDER APPROVAL OF EMERGENCY PROVISION FOR ORDINANCE NO. 932(20) FINDING IT TO BE 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.

Brooks Mitchell, City Manager, advised that the item was for consideration of the emergency provision for Ordinance No. 932(20). This ordinance called for a franchise election for ONG which was approved at the January 21, 2020 City Council Meeting. Mr. Mitchell stated that if the emergency provision is approved and the election successful the ordinance would become effective immediately.

Councilman Webb moved to approve the emergency provision for Ordinance No. 932(20), second by Councilwoman Hunt. Motion carried unanimously.

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

Agenda Item Number 9 being:

CONSIDER AWARDING RFP NO. 1900-25 "PROFESSIONAL SERVICES FOR ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE" TO RKG ASSOCIATES, INC. IN THE AMOUNT OF \$31,000; AND APPROVE CONTRACT FOR SAME.

Kahley Gilbert, Project-Grants Manager (Capital Planning & Resiliency), advised that the Analysis of Impediments to Fair Housing Choice was required to be updated every five years in order to receive Community Development Block Grant funds. Ms. Gilbert stated that the analysis reviews impediments to fair housing in both the public and private sectors and provides actions to overcome the impediments.

She stated that a Request for Proposals was solicited on December 13, 2019 and the City received two responses on January 13, 2020. RKG & Associates was the lowest bidder in the amount of \$31,000. Ms. Gilbert noted that RKG completed the City's last analysis in 2015 and also prepared the Housing Market Analysis in 2013. She stated that the contract would be funded using CDBG Entitlement funds.

Councilman Williams moved to award RFP No. 1900-25 "Professional Services for Analysis of Impediments to Fair Housing Choice" to RKG Associates, Inc. in the amount of \$31,000; and approve contract for same, second by Councilwoman Hunt. 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 6:47 P.M.

Agenda Item Number 10 being:

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD JANUARY 21, 2020.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$1,319,943.80.

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

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

Agenda Item Number 11 being:

CONSIDER APPROVAL OF AN AMENDMENT TO THE OPERATIONS MAINTENANCE AND MANAGEMENT SERVICES AGREEMENT WITH VEOLIA WATER NORTH AMERICA – CENTRAL, LLC. CAPITAL PLANNING & RESILIENCY ("HUD")

Kahley Gilbert, Project-Grants Manager (Capital Planning & Resiliency), advised that in August 2019 the Department of Housing and Urban Development performed their annual audit of the City's CDBG program. A report of their findings was received on December 13, 2019. The report stated that per 2 CFR 200.323(d) "cost plus percentage of cost" and "percentage of construction cost" methods shall not be used because these methods of calculation allow for the profit to increase commensurate with increases in cost. The methods are disallowed since they provide little incentive for the contractor to control costs and there is limited certainty as to the final contract amount.

Ms. Gilbert stated that it was determined that Veolia's contract contained cost plus language in Section 9.2 of the Operations, Maintenance and Management Service Agreement. The proposed amendment to the agreement would eliminate the "additional cost plus 10% language" and replace it with "the annual fee shall be increased by an amount agreed upon by the City of Moore and Veolia."

Mayor Lewis asked if Veolia agreed to the change. Ms. Gilbert indicated that Veolia reviewed the proposed amendment and was agreeable to the changes

Trustee Williams moved to approve an Amendment to the Operations Maintenance and Management Services Agreement with Veolia Water North America – Central, LLC, second by Trustee McKenzie. 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 6:49 P.M.

Agenda Item Number 12 being:

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD JANUARY 21, 2020.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$11,376.04.

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

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

THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 6:50 P.M.

Agenda Item Number 13 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.

Councilwoman Hunt advised that a public meeting would be held at City Hall on February 4, 2020 at 6:30 p.m. with BNSF railroad representatives to discuss a logistics center proposed for NE 27th and Eastern Avenue. She encouraged the City Council and any interested citizens to attend.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, advised that the grand opening of the new Fire Station 2 was held on January 31, 2020. Mr. Mitchell advised that he would email the Council an update on the partial reopening of 34th Street. It was anticipated that two lanes would be reopened from Telephone Road to Santa Fe. He stated that the budget process for FY 20-21 had begun with the department heads submitting their budget requests. Meetings would be held with the department heads in March and individual meetings with the City Council in April. A public hearing would be held in May followed by Council consideration of the budget sometime after that.

Mr. Mitchell advised that six Moore High School students were struck by a hit and run vehicle earlier in the day. He stated that our thoughts and prayers were with the victims and their families.

Agenda Item Number 14 being:

ADJOURNMENT

Councilman Williams 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 Moore Risk Management meetings were adjourned at 6:53 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