

**MINUTES OF THE REGULAR MEETING OF  
OF THE MOORE CITY COUNCIL  
THE MOORE PUBLIC WORKS AUTHORITY  
AND THE MOORE RISK MANAGEMENT BOARD  
MAY 4, 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 May 4, 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: Blair, Hunt, Williams, Webb, Hamm, Lewis  
ABSENT: McKenzie

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; Emergency Management Director, Gayland Kitch; Finance Director, Betty Koehn; Fire Chief Greg Herbster; Parks and Recreation Director, Sue Wood; PC/IT Technician, Zane Gruver; Police Chief, Todd Gibson; Sergeant David Dickinson; Sergeant Becky Miller; Project-Grants Manager (Capital Planning & Resiliency), Kahley Gilbert; Public Works Director, Richard Sandefur

Mayor Lewis presented a proclamation to Sergeant David Dickinson declaring May 10-16, 2020 as Police Week in Moore. Sergeant Dickinson indicated that different events were typically held during Police Week; however, due to COVID-19 they will instead be utilizing social media platforms. The Mayor and Council expressed their appreciation for the Moore Police Department and the job that they do.

**Agenda Item Number 2 being:**

CONSENT DOCKET:

- A) APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD APRIL 20, 2020.
- B) RECEIVE THE MINUTES OF THE REGULAR PLANNING COMMISSION MEETING HELD MARCH 10, 2020.
- C) ACCEPT PUBLIC WATER IMPROVEMENTS TO SERVE A PORTION OF LOT 1, BLOCK 1, FRITTS FARM ADDITION, SECTION 2, BEING SOUTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD, ALSO KNOWN AS 740 SW 19<sup>TH</sup> STREET. APPLICATION BY ALRIG USA.
- D) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$2,649,427.91.

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

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

**Agenda Item Number 3 being:**

CONSIDER ENVISION MOORE PLAN 20/40 AMENDMENT NO. 3, LOCATED IN THE SE/4 OF SECTION 2, T10N, R3W, BEING NORTH OF NE 27TH STREET AND WEST OF EASTERN AVENUE, FROM EMPLOYMENT MIXED-USE AND NEIGHBORHOOD COMMERCIAL TO LIGHT INDUSTRIAL. APPLICATION BY BNSF RAILWAY COMPANY/ DARRELL COFFEY.

**Agenda Item Number 4 being:**

CONSIDER REZONING APPLICATION NO. RZ991, LOCATED IN THE SE/4 OF SECTION 2, T10N, R3W, BEING NORTH OF NE 27TH STREET AND WEST OF EASTERN AVENUE, FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO I-1/PUD LIGHT INDUSTRIAL DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 937(20). APPLICATION BY BNSF RAILWAY COMPANY/ DARRELL COFFEY.

Brooks Mitchell, City Manager, requested that Agenda Items No. 3 and 4 be tabled to the May 18, 2020 City Council Meeting.

**Councilman Williams moved to table Agenda Items No. 3 and 4 to a future meeting, second by Councilman Hamm. Motion carried unanimously.**

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

**Agenda Item Number 5 being:**

CONSIDER APPROVAL OF A CONTRACT AMENDMENT WITH MESHEK AND ASSOCIATES FOR THE UPDATE TO THE STORMWATER DESIGN CRITERIA IN THE AMOUNT OF \$10,000.

Elizabeth Weitman, Community Development Director, indicated that the proposed contract amendment with Meshek and Associates in the amount of \$10,000 was for an update to the Stormwater Design Criteria. The amendment would fund the cost for additional meetings with the advisory committee and City Council, along with preparation of an additional chapter to the update on Low Impact Development Design in order to satisfy City stormwater quality requirements with DEQ. She stated that the cost of the contract amendment would be funded using budgeted funds.

**Councilwoman Hunt moved to approve a contract amendment with Meshek and Associates for the Update to the Stormwater Design Criteria in the amount of \$10,000, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 6 being:**

CONSIDER REZONING APPLICATION NO. RZ-992, LOCATED IN THE NE/4 OF SECTION 27, T10N, R3W, BEING SOUTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD, FROM A-2 SUBURBAN AGRICULTURAL DISTRICT TO C-3/PUD GENERAL COMMERCIAL DISTRICT/PLANNED UNIT DEVELOPMENT; AND APPROVE ORDINANCE NO. 938(20). APPLICATION BY FRITTS LAND CO., LLC/ JASON FRITTS. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0) WARD 3.

Elizabeth Weitman, Community Development Director, advised that Agenda Items No. 6 and 7 were companion items regarding vacant property located south of SW 19<sup>th</sup> Street and west of Telephone Road. The applicant proposed development for retail sales and services and an accessory fuel station, which would require the property to be rezoned for commercial development and platted. Ms. Weitman stated that public water and sewer were available along S. Telephone Road. She stated that SW 25<sup>th</sup> Street and a 12" waterline would be extended from Telephone Road to Fritts Boulevard. Additionally, the applicant would construct public roads on the south and west sides of the property. She advised that no FEMA designated floodplain was located on the site; however, a fee-in-lieu of detention would be required. The property would be accessed from Telephone Road and SW 25<sup>th</sup> Street. She indicated that 25<sup>th</sup> Street would provide an alternate route, bypassing the SW 19<sup>th</sup>/Telephone Road intersection. The intersection of Telephone Road and SW 25<sup>th</sup> Street would be signalized.

The applicant proposed reducing the amount of bricking from the City Code requirement of 75% and utilizing metal siding to increase the energy efficiency of the building. The applicant also proposed increasing the width of the curbcut from the 35' maximum setback required by City Code to a 40' maximum setback. Ms. Weitman stated that due to the requested variances to City Code the applicant was proposing a Planned Unit Development. The PUD proposal included a 35% increase in landscaping with 308 trees for the site, irrigation, and a 15% proposed open space instead of the 5% required by Code.

Ms. Weitman advised that the Envision Moore 2040 Plan designated the area as Community Commercial. Developments within this land use category are medium intensity mixed-use commercial centers of local significance. Staff reviewed the application and determined it to be in conformance with the comprehensive plan. Staff recommended approval of both the Rezoning Application and Final Plat.

Councilman Williams asked what percentage of the building would be bricked. Ms. Weitman estimated it to would be around 60% brick.

**Councilman Webb moved to approve Rezoning Application No. RZ-992, located in the NE/4 of Section 27, T10N, R3W, being south of SW 19th Street and west of Telephone Road, from A-2 Suburban Agricultural District to C-3/PUD General Commercial District/Planned Unit Development; and approve Ordinance No. 938(20), second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 7 being:**

CONSIDER THE FINAL PLAT OF COSTCO MOORE ADDITION, LOCATED IN THE NE/4 OF SECTION 27, T10N, R3W, BEING SOUTH OF SW 19TH STREET AND WEST OF TELEPHONE ROAD. APPLICATION BY FRITTS LAND CO., LLC/ JASON FRITTS. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

**Councilman Blair moved to approve the Final Plat of Costco Moore Addition, located in the NE/4 of Section 27, T10N, R3W, being south of SW 19th Street and west of Telephone Road, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 8 being:**

CONSIDER REZONING APPLICATION NO. RZ-993, LOCATED IN THE NW/4 OF SECTION 10, T10N, R3W, BEING NORTH OF NW 24<sup>TH</sup> STREET AND WEST OF JANEWAY AVENUE, FROM C-4 PLANNED SHOPPING CENTER DISTRICT TO C-3/PU GENERAL COMMERCIAL DISTRICT WITH A PERMISSIVE USE FOR CONSTRUCTION SALES AND SERVICES; HEAVY; AND APPROVE ORDINANCE NO. 939(20). APPLICATION BY JASON BRASSFIELD. (PLANNING COMMISSION RECOMMENDED APPROVAL 8-0).

Elizabeth Weitman, Community Development Director, stated that the subject property, located north of NW 24<sup>th</sup> Street and west of Janeway Avenue, contained one unoccupied building at the southeast corner of the site. The applicant proposed utilizing the property for a landscaping business with incidental outside storage. This use would require a rezoning to C-3 with a Permissive Use for Construction Sales and Services; Heavy.

Ms. Weitman advised that public water and sewer were available from N. Janeway Avenue. Access would be provided from NW 24<sup>th</sup> Street and N. Janeway Avenue. She noted that, at this time, no additional curb cuts had been proposed for N. Janeway Avenue.

Ms. Weitman indicated that the subject site was located in a heavy commercial area characterized by outdoor storage. Although the applicant intended to construct an accessory building for trucks and vehicles, common landscaping materials would be stored outside. She noted that City Code required any outdoor storage to be screened by a sight-proof fence.

She advised that the Envision Moore 2040 Plan designated the area as Employment Mixed-Use which would contain a mix of office, residential, and other supporting land uses primarily located along arterials. Ms. Weitman indicated that the application was reviewed and determined to be in compliance with the plan. Staff recommended approval of the item contingent upon sight-proof fencing being required for all outdoor storage areas, equipment, and vehicles.

Councilman Williams asked what made the application fall under the heading of Heavy category. Ms. Weitman advised that the outdoor storage of the landscaping materials which could include landscape boulders, heavier trucks, and piles of aggregate, caused it be placed under the Heavy category.

Councilman Hamm asked if any new construction was being proposed since the existing building was to be utilized. Ms. Weitman advised that the sight-proof fencing and an outbuilding for storage of vehicles would be the only new constructed. He expressed concern over the industrial look since an apartment complex and housing addition was located to the west of the site. Ms. Weitman stated that C-3 zoning required buildings to have a certain amount of brick with sight-proof fencing, which would be made from ribbed architectural metal. Councilman Hamm felt that NW 24<sup>th</sup> and Nottinghamway were in need of repair, and with the large truck traffic he asked if the City would be addressing the issue. It was noted that Nottingham was on the list of street repairs. However, depending on the sales tax figures, it could be next fiscal year before progress was made on the project.

**Councilman Hamm moved to approve Rezoning Application No. RZ-993, located in the NW/4 of Section 10, T10N, R3W, being north of NW 24<sup>th</sup> Street and west of Janeway Avenue, from C-4 Planned Shopping Center District to C-3/PU General Commercial District with a Permissive Use for Construction Sales and Services; Heavy; and approve Ordinance No. 939(20), second by Councilwoman Hunt. Motion carried unanimously.**

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

**Agenda Item Number 9 being:**

CONSIDER ORDINANCE NO. 943(20) AMENDING PART 14, CHAPTER 3, ARTICLE B, SECTION 14-405 "INVENTORY OF NETWORK NODE AND NODE SUPPORT POLES" BY ADDING AN OCCUPANCY AND USE OF PUBLIC RIGHT-OF-WAY FEE FOR SMALL WIRELESS FACILITIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR A REPEALER

Elizabeth Weitman, Community Development Director, stated that it had been approximately one year since the City began receiving small cell permit applications. Ms. Weitman advised that currently the applications are from AT&T; however, they would expect all of the wireless carriers to eventually start to construct small cell facilities. They are generally shorter poles placed within the right-of-way. State law gives the City the option to charge them an annual usage fee of the right-of-way of \$20 per small cell facility.

Councilman Williams asked how much space a small cell facility would encompass. Ms. Weitman stated that it would be the approximate size of a short telephone pole.

Councilman Webb inquired how close the poles would be placed and if anything could be done to make them more aesthetically pleasing. Ms. Weitman advised that it would be solely up to the individual carrier. They appear to be placing them in areas with weak signals to expand the coverage between the large cell phone towers. Ms. Weitman indicated that the City has minimum standards which dictates how much equipment can be on one of the poles. The City must be reasonable on any sort of requirements because the state legislature has determined that they can be there and cities cannot effectively deny them. Councilman Williams asked if the process would involve the cell phone company making application with a location in mind and staff approving or denying the application. Ms. Weitman confirmed stating that staff would review the application for things such height and the diameter of the antenna unit.

**Councilman Blair moved to approve Ordinance No. 943(20) amending Part 14, Chapter 3, Article B, Section 14-405 "Inventory of Network Node and Node Support Poles" by adding an occupancy and use of public right-of-way fee for small wireless facilities; providing for severability; and providing for a repealer, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 10 being:**

CONSIDER THE PURCHASE OF A 2020 FORD EXPLORER 4 DOOR 4X2 BASE MODEL SUV FOR THE POLICE DEPARTMENT IN THE AMOUNT OF \$27,724.00 OFF STATE CONTRACT NO. SW035 FROM BILL KNIGHT FORD.

Police Chief Todd Gibson that the proposed purchase of a 2020 Ford Explorer was a budgeted item that would be purchased from the state contract to replace a vehicle that had reached the end of its service life. The vehicle would be consistent in style with the rest of the vehicles.

**Councilman Webb moved to approve the purchase of a 2020 Ford Explorer 4 door 4x2 base model SUV for the Police Department in the amount of \$27,724.00 off State Contract No. SW035 from Bill Knight Ford, second by Councilman Hamm. Motion carried unanimously.**

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

**Agenda Item Number 11 being:**

CONSIDER THE BUDGETED PURCHASE OF SIX (6) REPLACEMENT HANDHELD MOBILE RADIOS FROM MOTOROLA SOLUTIONS INC. OFF STATE CONTRACT NO. SW1053M AT A COST OF 25,598.28.

Fire Chief Greg Herbster advised that the proposed budgeted purchase of six handheld mobile radios from Motorola Solutions off the state contract would replace radios purchased in 2006 that were beyond their service life. Councilman Hamm asked if the old radios were discarded. Chief Herbster indicated that they are kept in storage and, if possible, used as backup radios.

**Councilman Williams moved to approve the budgeted purchase of six (6) replacement handheld mobile radios from Motorola Solutions Inc. off State Contract No. SW1053M at a cost of 25,598.28, second by Councilwoman Hunt. Motion carried unanimously.**

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

**Agenda Item Number 12 being:**

CONSIDER APPROVING A CONTRACT FOR ENGINEERING SERVICES WITH CABBINESS ENGINEERING, LLC IN AN AMOUNT NOT TO EXCEED \$40,000 FOR DESIGN OF WATERLINE AND SANITARY SEWERLINE RELOCATIONS FOR THE LITTLE RIVER BRIDGE REPLACEMENT ON STATE HIGHWAY 37/ SW 4<sup>TH</sup> STREET PROJECT EAST OF JANEWAY AVE.

Jerry Ihler, Assistant City Manager, advised that ODOT was replacing the bridge box located on State Highway 37/SW 4<sup>th</sup> Street and east of Janeway. As part of the project multiple sewer lines and one water line must be relocated. The proposed contract with Cabbiness Engineering was for design of the relocations in an amount not to exceed \$40,000 to be funded using MPWA funds.

Councilman Hamm asked when ODOT planned to start the project. Mr. Ihler advised it was his understanding the project would begin in late 2020 or early 2021. ODOT requested that the necessary

relocation plans be submitted by September 2020 and they would begin relocations at that time. Councilman Hamm inquired whether the roadway would be closed during construction. Mr. Ihler indicated that the bridge would be reconstructed one side at a time. This would require the roadway to be narrowed down to two-lanes with one lane remaining open in each direction.

**Councilman Hamm moved to approve a contract for engineering services with Cabbiness Engineering, LLC in an amount not to exceed \$40,000 for design of waterline and sanitary sewerline relocations for the Little River Bridge Replacement on State Highway 37/ SW 4<sup>th</sup> Street Project east of Janeway Ave, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 13 being:**

CONSIDER APPROVING A CONTRACT FOR ENGINEERING SERVICES WITH FREESE AND NICHOLS, INC. IN THE AMOUNT OF \$93,900 TO COMPLY WITH THE 2018 AMERICA'S WATER INFRASTRUCTURE ACT (AWIA) TO CONDUCT A RISK AND RESILIENCE ASSESSMENT (RRA) OF THE CITY OF MOORE'S WATER SYSTEMS AND DEVELOP CORRESPONDING EMERGENCY RESPONSE PLANS (ERP).

Jerry Ihler, Assistant City Manager, advised that in October 2018 congress signed into law America's Water Infrastructure Act which would require each community to conduct a Risk and Resilience Assessment ("RRA") for their water system and develop a corresponding Emergency Response Plan to mitigate or reduce the risk. Mr. Ihler indicated that the proposal would include two phases. Phase 1 would involve preparation of the RRA. Deadline for the assessment would be based on the size of the community. Those communities with a population of more than 100,000 were required to have their assessment completed by March 31, 2020. Moore falls into the category of more than 50,000 but less than 100,000 population with a deadline of December 31, 2020. The City must submit the completed assessment that is in compliance with the Act to the EPA. Phase 2 involved submittal of an Emergency Response Plan within 180 days following completion of the assessment, or June 30, 2021. A self-certification must then be submitted to the EPA indicating we have met all of the requirements for the Emergency Response Plan. Mr. Ihler indicated that this was an unfunded mandate by the federal government with which municipalities must comply. He stated that the estimated combined cost for Phase 1 and Phase 2 was \$93,900, which would be funded using MPWA funds.

**Councilman Webb moved to approve a contract for engineering services with Freese and Nichols, Inc. in the amount of \$93,900 to comply with the 2018 America's Water Infrastructure Act (AWIA) to conduct a Risk and Resilience Assessment (RRA) of the City of Moore's water systems and develop corresponding Emergency Response Plans (ERP), second by Councilwoman Hunt. Motion carried unanimously.**

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

**Agenda Item Number 14 being:**

CONSIDER APPROVING A CONTRACT FOR ENGINEERING AND ENVIRONMENTAL SERVICES WITH MESHEK & ASSOCIATES, LLC IN THE AMOUNT OF \$59,696.18 TO CONDUCT A FIELD TOPOGRAPHIC

SURVEY OF THE NORTH FORK RIVER THROUGH VETERAN'S PARK, PREPARE AN APPLICATION FOR A NATIONWIDE PERMIT AND DEVELOP CONSTRUCTION PLANS TO INSTALL GABION BASKETS TO ADDRESS BANK EROSION OF THE NORTH FORK RIVER THROUGH THE PARK.

Jerry Ihler, Assistant City Manager, stated that a presentation was held during the March 16, 2020 City Council meeting to discuss two alternatives for addressing channel erosion problems at Veteran's Park. The favorable alternative was to install gabion baskets. Mr. Ihler indicated that the North Fork of the Little River was a blue line stream on the USGS maps. This would indicate that it runs all of the time or nearly all of the time requiring the City to obtain a permit with the Corp of Engineers and address several environmental issues. The City must also perform a topographical archeological survey. Mr. Ihler recommended utilizing the services of Meshek & Associates who works with this type of issue often. In addition to applying for the necessary permit and conducting the necessary surveys, they would also develop construction plans for the installation of the gabion baskets at a total cost of \$59,696.18.

**Councilman Webb moved to approve a contract for engineering and environmental services with Meshek & Associates, LLC in the amount of \$59,696.18 to conduct a field topographic survey of the North Fork River through Veteran's Park, prepare an Application for a Nationwide Permit and develop construction plans to install Gabion Baskets to address bank erosion of the North Fork River through the park, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 15 being:**

CONSIDER APPROVAL OF A ONE-YEAR EXTENSION OF THE PUBLIC WORKS MAINTENANCE CONTRACT WITH SILVER STAR CONSTRUCTION CO., INC.

Jerry Ihler, Assistant City Manager, advised that in June 2014 bids were solicited and a contract entered into with Silver Star Construction Company for a Public Works Maintenance Contract. The contract was for professional services for street repairs, drainage improvements, sidewalks, park improvements, along with other types of normal maintenance projects. Mr. Ihler stated that the contract was for a five-year term with additional one-year extensions available for five years. The City must rebid the contract in 2024. He indicated that the contract was extended for one year in 2019. The proposed agenda item was for the second one-year extension. He indicated that Silver Star Construction was located in Moore and provided the City with a five to six man crew exclusively dedicated to the City along access to all of their equipment. Staff did a comparison of their prices with those projects recently bid and found Silver Star's fees provided a significant savings to the City. Mr. Ihler indicated that this contract included a 1.5% increase to fund additional employee raises, equipment, and operating costs. He stated funding would come from the ½ cent sales tax for street improvements and the ¼ sales tax for parks improvements.

Mayor Lewis indicated that a public works maintenance contract allowed the City to utilize their services for cleanup in the event of a tornado. Councilman Webb expressed his appreciation for their quick response to requests for assistance.

Councilman Hamm asked if issues with Telephone Road from 19<sup>th</sup> to 34<sup>th</sup> Street had been resolved following sampling of the roadway to determine the cause of failure. Mr. Ihler stated that Terracon was hired to perform the sampling due to cracking in the roadway. The sampling occurred in four subdivisions and on Telephone Road. They felt that one issue was the use of recycled asphalt. They indicated that it

could contain contaminants that prevented it from binding properly with the oils and aggregates causing it to become brittle. As a result the City would not be utilizing recycled asphalt under the contract renewal. He advised that a company with a patented solution for potholing had been found as a repair method. The company had filled holes on some sample streets within the City which appear to be holding up well. Staff would like to monitor it a little longer to determine how it holds up over time. Mr. Ihler advised that the failures did not appear to be caused by construction methods but rather the recycled asphalt that did not bind well with the oil and aggregates. Terracon also mentioned that when stabilization is applied to the subgrade it is difficult to get a uniform consistency which could have also been a contributing factor.

**Councilwoman Hunt moved to approve a one-year extension of the Public Works Maintenance contract with Silver Star Construction Co., Inc., second by Councilman Webb. Motion carried unanimously.**

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

**Agenda Item Number 16 being:**

CONSIDER ORDINANCE NO. 941(20) AMENDING PART 17 "UTILITIES", CHAPTER 2 "GARBAGE AND REFUSE COLLECTION", SECTION 17-201 "DEFINITIONS" AND SECTION 17-202 "RECEPTACLES" OF THE MOORE MUNICIPAL CODE, REQUIRING YARD TRASH AND TRASH CLIPPINGS TO BE BAGGED AND PLACED IN POLYCARTS FOR PICK UP; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Brian Miller, Assistant City Attorney, stated that Ordinance No. 941(20) would require yard waste, including grass clippings, to be bagged and placed inside the polycart. This procedure was started under an Emergency Proclamation. Approval of the ordinance would amend the Code to make it a permanent change. The ordinance also included a change in the fee for a second polycart that, if approved, would be included in an amendment to the fee schedule under Agenda Item No. 18. Councilwoman Hunt asked if the change was requested because collecting the garbage bags was too labor intensive. Mr. Miller indicated that it was partly due to that but also because of health and safety concerns with the sanitation workers handling the bags during the COVID-19 outbreak.

Councilman Williams asked if the change would reflect what was occurring in other communities. Mr. Miller indicated that he surveyed local communities and found that Edmond and Del City had made a permanent change. Oklahoma City was following the policy but had not made it a permanent change as of yet. Councilwoman Hunt asked what the new fee for a second polycart would be. Mr. Miller advised that the monthly fee for a second cart would be \$7.00 instead of the current rate of \$10.50. The monthly fee for a third or fourth cart would remain \$10.50 per month. He emphasized that the reduced rate was for the second cart only.

**Councilman Williams moved to approve Ordinance No. 941(20) amending Part 17 "Utilities", Chapter 2 "Garbage and Refuse Collection", Section 17-201 "Definitions" and Section 17-202 "Receptacles" of the Moore Municipal Code, requiring yard trash and trash clippings to be bagged and placed in polycarts for pick up; providing for a repealer; providing for severability; and declaring an emergency, second by Councilman Blair. Motion carried by majority vote.**

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

**Agenda Item Number 17 being:**

CONSIDER APPROVAL OF EMERGENCY PROVISION FOR ORDINANCE NO. 941(20) IT BEING IMMEDIATELY NECESSARY FOR THE PRESERVATION OF THE PEACE, HEALTH, SAFETY AND PUBLIC GOOD OF THE CITY OF MOORE AND THE INHABITANTS THEREOF, THAT THE PROVISIONS OF THIS ORDINANCE BE PUT INTO FULL FORCE AND EFFECT, AN EMERGENCY IS HEREBY DECLARED TO EXIST BY REASON WHEREOF THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE AND EFFECT FROM AND AFTER THE DATE PROVIDED HEREIN AS PROVIDED BY LAW.

**Councilman Williams moved to approve the emergency provision for Ordinance No. 941(20), second by Councilman Blair. Motion carried unanimously.**

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

**Agenda Item Number 18 being:**

CONSIDER ADOPTION OF RESOLUTION NO. 954(20) ADOPTING THE SCHEDULE OF FEES AND CHARGES; EFFECTIVE UPON APPROVAL AND REMAINING IN EFFECT UNTIL MODIFIED, AMENDED OR REPEALED; AND REPEALING ALL PRIOR INCONSISTENT FEES.

Brian Miller, Assistant City Attorney, stated that the update to the Schedule of Fees and Charges included the new second polycart fee, the occupancy and use of public right-of-way fee for small wireless facilities, correction of a typographical error, and small changes in the Parks and Recreation Department on outside food and drink. Because the Parks Department no longer rents umbrellas that charge was deleted from the Fee Schedule.

**Councilwoman Hunt moved to adopt Resolution No. 954(20) adopting the Schedule of Fees and Charges; effective upon approval and remaining in effect until modified, amended or repealed; and repealing all prior inconsistent fees, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 19 being:**

CONSIDER RESOLUTION NO. 955(20) ADOPTING THE AMENDMENT TO THE CITY OF MOORE CITIZEN PARTICIPATION PLAN. CAPITAL PLANNING & RESILIENCY (“HUD”)

Kahley Gilbert, Project-Grants Manager (Capital Planning & Resiliency), advised that the City’s Citizen Participation Plan was first approved in August 2015. Ms. Gilbert indicated a Plan was required in order to receive Community Development Block Grant funds. Federal regulations require a 30-day comment period for all Action Plans and Action Plan Amendments. The Department of Housing and Urban Development issued a waiver for the 30-day comment period in order to allocate funding quickly in response to COVID-

19. The waiver changes the comment period to 5 days. Resolution No. 955(20) incorporates the waiver from a 30-day to a 5-day comment period.

**Councilman Williams moved to adopt Resolution No. 955(20) adopting the Amendment to the City of Moore Citizen Participation Plan, second by Councilman Hamm. Motion carried unanimously.**

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

**Agenda Item Number 20 being:**

CONSIDER RESOLUTION NO. 956(20) ADOPTING THE SUBSTANTIAL AMENDMENT OF THE 2019 COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN; AND AUTHORIZE THE MAYOR TO SUBMIT THE PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. CAPITAL PLANNING & RESILIENCY (“HUD”)

Kahley Gilbert, Project-Grants Manager (Capital Planning & Resiliency), advised that on March 27, 2020 President Trump signed the Coronavirus Aid Relief and Economic Security Act (“CARES” Act). The CARES Act authorized funds for response to the growing effects of the pandemic. On April 2, 2020 HUD allocated CDBG-COVID-19 Funds to the City of Moore in the amount of \$200,472 to assist with prevention, preparation for, and response to, the Coronavirus (“COVID-19”). Staff met with several public service agencies and the CBDG Advisory Committee to define the most critical needs of the community. It was determined that rental/mortgage/utility assistance, home-delivered meals for seniors, medical supplies, and grocery assistance were the most critical needs. Staff recommended the following allocations for the COVID-19 funds:

<b>COVID-19 FUNDING ALLOCATION</b>	
Rental/Mortgage/Utility Assistance	\$75,000.00
Home Delivered Meals for Seniors	29,243.65
Grocery Assistance The Moore Food & Resource Center	66,030.00
Medical Supplies – Moore Faith Medical Clinic	1,000.00
Administration	29,198.35
TOTAL	\$200,472.00

Ms. Gilbert indicated that all of the remaining funds were placed in the category of administration costs until it could be determined whether additional funds should be allocated to one of the remaining categories or if another need would arise.

Mayor Lewis thanked the members of the CDBG Advisory Committee for their work on the allocations.

**Councilman Williams moved to adopt Resolution No. 956(20) adopting the Substantial Amendment of the 2019 Community Development Block Grant Action Plan incorporating the supplemental CDBG funds for the COVID-19 response; and authorize the Mayor to submit the plan to the U.S. Department of Housing and Urban Development, second by Councilwoman Hunt. Motion carried unanimously.**

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

**Agenda Item Number 21 being:**

CONSIDER APPROVAL OF AN AGREEMENT WITH AGING SERVICES TO PROVIDE HOME DELIVERED MEALS TO HOMEBOUND SENIOR ADULTS IN MOORE USING COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19 FUNDS. CAPITAL PLANNING & RESILIENCY (“HUD”)

**Councilman Blair moved to an agreement with Aging Services to provide home delivered meals to homebound senior adults in Moore using Community Development Block Grant COVID-19 funds, second by Councilman Hamm. Motion carried unanimously.**

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

**Agenda Item Number 22 being:**

CONSIDER APPROVAL OF AN AGREEMENT WITH THE CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY TO PROVIDE A UTILITY AND RENTAL/MORTGAGE ASSISTANCE PROGRAM FOR MOORE RESIDENTS USING COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19 FUNDS. CAPITAL PLANNING & RESILIENCY (“HUD”)

**Councilman Blair moved to approve an agreement with the Central Oklahoma Community Action Agency to provide a utility and rental/mortgage assistance program for Moore residents using Community Development Block Grant COVID-19 funds, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 23 being:**

CONSIDER APPROVAL OF AN AGREEMENT WITH THE REGIONAL FOOD BANK OF OKLAHOMA TO PROVIDE GROCERY ASSISTANCE TO RESIDENTS IN MOORE USING COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19 FUNDS. CAPITAL PLANNING & RESILIENCY (“HUD”)

**Councilman Blair moved to approve an agreement with the Regional Food Bank of Oklahoma to provide grocery assistance to residents in Moore using Community Development Block Grant COVID-19 funds, second by Councilman Williams. Motion carried unanimously.**

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

**Agenda Item Number 25 being:**

CONSIDER APPROVAL OF AN AGREEMENT WITH MOORE FAITH MEDICAL CLINIC TO PROVIDE FREE MEDICAL CARE TO LOW INCOME RESIDENTS OF MOORE USING COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19 FUNDS. CAPITAL PLANNING & RESILIENCY (“HUD”)

Mayor Lewis suggested that funds left over after administrative costs could be placed in the category for medical supplies. Ms. Gilbert indicated that their allocation was twice what was requested; however, Moore Faith Medical was asked to contact their office if additional funds are needed.

**Councilman Blair moved to approve an agreement with Moore Faith Medical Clinic to provide free medical care to low income residents of Moore using Community Development Block Grant COVID-19 funds, second by Councilman Webb. Motion carried unanimously.**

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

**THE CITY COUNCIL MEETING WAS RECESSED AND THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS CONVENED AT 7:25 P.M.**

**Agenda Item Number 25 being:**

CONSENT DOCKET:

- A) RECEIVE AND APPROVE THE MINUTES OF THE REGULAR MOORE PUBLIC WORKS AUTHORITY MEETING HELD APRIL 20, 2020.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$1,037,077.29.

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

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

**THE MOORE PUBLIC WORKS AUTHORITY MEETING WAS RECESSED AND THE MOORE RISK MANAGEMENT MEETING WAS CONVENED AT 7:26 P.M.**

**Agenda Item Number 26 being:**

CONSENT DOCKET:

- A) ACCEPT THE MINUTES OF THE REGULAR MOORE RISK MANAGEMENT MEETING HELD APRIL 20, 2020.
- B) APPROVE AND RATIFY CLAIMS AND EXPENDITURES FOR FY 2019-2020 IN THE AMOUNT OF \$198,718.04.

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

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

**THE MOORE RISK MANAGEMENT MEETING WAS RECESSED AND THE CITY COUNCIL MEETING RECONVENED WITH MAYOR GLENN LEWIS PRESIDING AT 7:26 P.M.**

**Agenda Item Number 27 being:**

NEW BUSINESS:

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

Tim Harper, 1799 Moran Road, Choctaw, Oklahoma, complained that the Police Department blocked off traffic at the 12<sup>th</sup> Street Bridge over I-35 due to cruising that been occurring on 12<sup>th</sup> Street. Mr. Harper indicated that he had participated in the event and did not feel there was an issue. Mr. Harper made an Open Records Request on how many noise complaints were made over the weekend from 6:00 p.m. and 11:00 p.m. On Friday there were four complaints for noise and on Saturday there were three complaints. He felt that individuals living along a busy street like 12<sup>th</sup> Street should anticipate noise. He was told that the decision to block the street had been made based on problems that had occurred with cruising 20 years previously. He felt that the crowd at that time was much younger, they were drinking, and doing things they shouldn't do. Mr. Harper indicated that he did not see any of that occurring now. He would like to have the ability to travel up and down 12<sup>th</sup> Street all night. He obeys the traffic laws and does not play his radio loud, his vehicle is legal and not loud and he felt he was in his legal right to drive up and down the street as many times as he would like or stop in a parking lot and to talk. The Public Information Officer indicated that the Police Department was attempting to stop noise from occurring from 10:00 p.m. until midnight. Mr. Harper suggested that the problem be addressed on a case-by-case basis. He felt that that the cruising event should not be interrupted without reason. If the noise increases or the behavior deteriorates he would support the Police Department closing the street at 10:00 p.m. He did not feel it was necessary at this time.

Councilwoman Hunt said that she had received complaints from residents in the area regarding noise and the traffic and speeding in the Crest parking lot. She felt that although they may have the right to do it they must also respect the rights of Moore's citizens and those living along 12<sup>th</sup> Street. She appreciated the police presence to ensure everything was working the way that it should.

Councilman Webb advised that he had also received a lot of complaints regarding the cruising of 12<sup>th</sup> Street. He stated that the Chief was working to find a good balance between the cruisers and the residents.

Councilman Williams felt that the dilemma was allowing people to participate while dealing with those individuals who abuse the situation. It is sometimes difficult to find a compromise. He stated that Council and staff would continue to work on a solution.

Councilman Hamm expressed his support of staff but wondered if other options could be considered versus closing the street.

Brooks Mitchell, City Manager, advised that discussions were continuing regarding options that would respect the property owners' rights but respect the rights of the law abiding citizens who want to drive the street too.

B) ITEMS FROM THE CITY COUNCIL/MPWA TRUSTEES.

Mayor Lewis thanked the citizens for practicing social distancing and asked them continue their efforts.

C) ITEMS FROM THE CITY/TRUST MANAGER.

Brooks Mitchell, City Manager, commented that this was the first in-person Council meeting since hiring new Police Chief Todd Gibson and Parks and Recreation Director Sue Wood. He welcomed them to the City.

Construction of the storm shelter in City Hall was moving along well.

Staff was gathering information to determine the cause of the utility billing problems that occurred through Elavon. Mr. Mitchell advised that Elavon was the company that previously handled gateway and credit card payment processing for the City. Elavon was working on the last payment process job before OpenEdge, a new company that the City contracted with took over the payment processing jobs. Staff was working to determine the cause of the error and how many accounts were impacted. He expressed appreciation to Finance Director Betty Koehn and Customer Service Supervisor Sarah Hembree and their staff for working to quickly issue refund checks and address concerns from the citizens. Mr. Mitchell hoped to determine the cause and report back to Council within the next few days. Elavon did not give a timeframe for a solution and still had not reported back with a cause for the utility billing errors. The City began issuing refund checks to those affected due to the hardship it caused them from the job loss and economy issues experienced due to COVID-19. Councilman Webb stated that essentially the City had to deal with a situation caused by Elavon. He wanted that made clear to the citizens of Moore. Staff asked Elavon for a report to determine how many customers were effected in order to determine the financial impact it would cause to the residents and the City. Councilman Webb thanked Mr. Mitchell and staff for attempting to find a solution for the problem.

The Station is now opened to the public.

Individual budget meetings with the City Council would begin on May 13, 2020. A meeting on Old Town Park would be scheduled for an update on the depot and obtain direction on how to proceed. A meeting would also be scheduled on the resurfacing of Eastern and 12<sup>th</sup> Streets.

Mayor Lewis thanked Councilman Hamm for his attendance with him at the City Council meetings while the remainder of the Council appeared by videoconference.

**Agenda Item Number 28 being:**

ADJOURNMENT

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

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

**The City Council, Moore Public Works Authority, and Moore Risk Management meetings were adjourned at 7:44 p.m.**

TRANSCRIBED BY:

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RHONDA BAXTER, Executive Assistant

FOR:

\_\_\_\_\_  
ADAM WEBB, MPWA Secretary

These minutes passed and approved as noted this \_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
VANESSA KEMP, City Clerk