

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
JANUARY 18, 2011
6:00 P.M.**

1. The meeting was called to order at 6:00 p.m. Declaration of a quorum present was given. The Flag salute was lead by Asst. Chief Koger and the Invocation was given by Pastor John Devere.

ROLL CALL

PRESENT

Mayor Patrick Woolley
Vice-Mayor Nancy Olson
Councilman David Dirkschneider
Councilwoman Jan Blake
Councilman Stewart Shapiro
Councilwoman Cathy Maxey

ABSENT

Councilman Dean Johnson
Councilman Doug Davis

STAFF PRESENT

Matthew Love, City Attorney
Roger Patty, Police Chief
Rob Carter, Fire Chief
Mike Turman, Public Works Director
Pamela McDowell-Ramirez, City Clerk
Scott Barrett, City Engineer
Wiley Rice, Jr., City Planner

2. Call to the Public.

There was no one that wished to speak.

3. Presentations to Retired Fire Chief Rob Carter and former Councilmembers Christian Portwood and Phil Owens.

The Mayor asked Christian Portwood and Phil Owens to meet him at the podium and he said that they each had contributed greatly to the city and he hated losing them. He then presented each of them with plaques. The Mayor told a short story about Chief Carter and then asked him to step forward for the presentation. After

the Mayor presented Chief Carter with a clock/plaque Chief Carter said that it had been an honor to serve the city.

The Mayor asked for everyone to remember Councilman Dean Johnson in there prayers, stating that he has been in the hospital for 17 days fighting for his life.

Items 12 and 13 were heard after item 3.

Item 4 was heard after item 13.

4. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #5.)
 - A. Approval of the minutes from the Regular meeting of December 21, 2010 and Special meeting of December 16, 2010. ****
 - B. Approval of Expenditures 2010 ****

General Fund	\$	43,480.79
Res Cap Fund	\$	90,908.35

Approval of Expenditures 2011 ****	General Fund	\$	63,819.09
	CIP Fund	\$	2,930.78
 - C. Approval of Actual Expenditures for December 2010 and Proposed Expenditures for January 2011. ****
 - D. Sales Tax History Report. ****
 - E. Approval to surplus Chief Carter's gear.

Councilman Dirkschneider stated that he would like to have A pulled.

Motion by Shapiro, second by Maxey to approve B, C, D and E of the consent docket. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Discussion and possible action on items removed from the consent docket.

Item A. Minutes December 21st.

Motion by Shapiro, second by Dirkschneider to approve the minutes of December 21st. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Item A. Minutes December 16th.

Motion by Shapiro, second by Blake to approve the minutes of December 16th.
Poll vote: Blake, yea; Dirkschneider, abstain; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed.

6. Receive reports from Staff: Police Chief, Fire Chief, City Clerk, City Attorney, Public Works Director, City Engineer, and City Planner. ****

Chief Patty stated that the city received reimbursement from OKC on the records management system of around \$29,000 that was from a grant. Over the weekend Walgreens had an armed robbery and after it was on the news the received information that lead them to the suspect and he was arrested.

Chief Koger told the council that the IRIS system was working for the notification of employees and that the citizen part should be working soon. He thanked the council for the new SCBA's and stated that they were all now in service.

PWD Turman reminded everyone that Wednesday would be Ward 3 big trash and next Wednesday it would be Ward 4 and to limit what they put at the curb to no more than two pickup loads. He said they are continuing to tar the streets which will extend the life of the streets by sealing the cracks and not allowing water to get under the asphalt. He also stated that they are prepared to salt and sand the streets should there be icy weather. Councilwoman Blake asked how he was coming with a storage shed for the sand and salt and he told her that by next year they should have one installed along with new spreaders.

Engineer Barrett that the sewer project was underway and that 8 or 9 of the manholes were done. All the equipment has been ordered and unfortunately they found out that the pumps will not be here until April 3rd. He said that he received the flow monitoring report and would be reviewing it with PWD Turman. He stated they hoped to have everything ready to bid the Energy projects in February. The plans for MacArthur 36th to 47th are 65% to 70 % complete. They know what right of ways and easements will be needed and there will be a utility meeting to let all the utility companies know what the city is planning to do and if they have anything in the way they need to move it. He said the old plans that they received were not sufficient enough to use. The Mayor stated that the project will be very expensive and may need to be moved from 2012 to 2013. It will be an 80/20 split. Engineer Barrett stated that the projected cost is 2.2 million dollars. Clerk Ramirez asked if that included the right of was acquisitions and she was told that it did not.

Items 14 and 15 were heard after item 6.

Item 7 was heard after item 15.

7. Discussion and possible action on granting a Minor Subdivision (Lot Split) located at 4227 N Ann Arbor. Applicant: Dena and John Smith. (Planning Commission recommended approval with stipulations) *****

Planning Commissioner Bob Wehba stated that this lot will be split north to south and one address will be on 42nd and the other will be on Ann Arbor. Attorney Love noted that the applicants were present should the council have any questions for them.

Motion by Shapiro, second by Blake to approve the Minor Lot Split as recommended by the Planning Commission, with stipulations. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

8. Final Public Hearing, discussion and possible action on a Special Use Permit for Vatterott Education Center to operate an Education Center in C-4 zoning. The physical address of the property is 5537 NW Expressway (Lot 4, Block 1 of Northlake Marketplace Addition). (Planning Commission recommended approval with stipulations) *****

Motion by Shapiro, second by Olson to open the public hearing. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Attorney Love stated that there was one dissenting vote on the Planning Commission. A representative from Vatterott flew in from North Carolina in case the council had any questions. Jeff Roth stated that Vatterott currently is located at 23rd and Meridian and the facility no longer meets their needs. The location on NW Expressway has a 7 year lease and will bring in approximately 200 students at any given time. The classes are mostly Monday through Thursday with heavy morning and evening schedules and light afternoons. They have 22 campuses in 9 states. Councilman Shapiro stated that he had been to the college and watched the way traffic flowed in and out, the way the students acted and the cleanliness of the area. He said he was impressed with the students conduct and said they ate at the local restaurants and shopped at the area store and felt that it would benefit Warr Acres.

Motion by Blake, second by Shapiro to close the public hearing. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

Motion by Blake, second by Dirkschneider to approve the Special Use Permit as recommended by the Planning Commission, with stipulations. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

9. Update on MS4 Program. *Turman*

PWD Turman stated that a requirement of the Stormwater regulations is to keep the Council, Planning Commission and citizens informed. He stated the city has three water sheds. The city must do flyers, brochures, books and reports and the fee that is charged on the utility bill is to pay for these things. He stated the books must be turned into ODEQ to meet the requirements. He stated that he will keep the city updated.

- 10 Discussion and possible action on approving bid specs for Patrol Rifles for the Police Department, budgeted for in CIP, and authorize the Chief to advertise for bids. *Patty* *****

The Mayor stated that he felt the city needed to supply the officer with rifles. Currently the officers carry city issued hand guns but their personal rifles. Chief Patty stated that they are hopeful that they will be able to purchase 17 rifles if bids come in low. All officer will have to qualify before being issued the rifle.

Motion by Shapiro, second by Dirkschneider to approve the bid specs and authorize the Chief to advertise for bids. Poll vote: Blake, yea; Dirkschneider, yea; Davis, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

11. Discussion and possible action on a massage parlor license suspension or revocation proceeding pursuant to 5.04.610, including receiving the report of the hearing officer relating to the fact finding hearing. Licensee is CGM massage parlor as applied for by Son Yong Lee located at 5826 N.W. 63rd Street.

This item was dropped since the license has expired. They have no license at all so they should not be open for any reason.

Item 16 was heard after item 11.

Items 12 and 13 were heard after item 3.

12. Discussion and possible action on the appointment of Kenny Koger as Fire Chief for the City of Warr Acres upon the recommendation of the Mayor, including possible action to enter into executive session for the purpose of discussing the

hiring of a Fire Chief as authorized by 25 O.S. §307(B)(1), and administer the Oath of Office. *Mayor*

Motion by Shapiro, second by Blake to approve the Mayor's appointment of Kenny Koger as Fire Chief. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The Mayor then swore in Kenny Koger as Fire Chief and Former Chief Carter and Laura Koger did the honorary pinning of the new Chief.

13. Acknowledgement of the appointment by the Mayor of Stephen Coy as Assistant Fire Chief for the City of Warr Acres Fire Department, and administer the Oath of Office. *Mayor/Koger*

The Mayor stated that in deciding on a Fire Chief and looking for someone to replace Kenny as Assistant Chief he found a young man with drive, ambition, education and desire. He stated that he believes Stephen Coy will be an excellent Assistant Chief. He asked Stephen to say a few words about himself. Stephen stated that he is 33 years old and would love the opportunity. He said that he believes that with his relationships, education ***** they can make the fire department a great team success and there is a great future for the fire department.

The Mayor swore in Stephen Coy as Assistant Fire Chief and Former Chief Carter and Erin Coy did the honorary pinning of the new Assistant Fire Chief.

Item 4 was heard after item 13.

Items 14 and 15 were heard after item 6.

14. Discussion and possible action on a nomination by the Mayor for the At-Large Planning Commission position. (Term to expire October 2011) Administer the Oath of Office. *Mayor*

The Mayor stated that he would like for Reese Wilmoth to serve on the Planning Commission. He stated that he has served the city in numerous positions over the years. Mr. Wilmoth stated that he felt it was an honor to be asked to serve.

Motion by Shapiro, second by Blake to approve Reese Wilmoth. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The Mayor administered the oath of office to Reese Wilmoth.

15. Discussion and possible action on a nomination by the Mayor for the Personnel Board position. (Term to expire July 2016) Administer the Oath of Office.
Mayor

The Mayor asked Pastor John Devere to address the council. He did so telling the council that he raised two grown children, has a boyfriend-in-law and a grand dog, his wife is a teacher of earth science and tells her students that she has been teaching since the dirt was new and God was in 7th grade. He said he loves working with people and feels that he could help the city.

Motion by Shapiro, second by Dirkschneider to approve John Devere. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The Mayor administered the oath of office to John Devere.

Item 7 was heard after item 15.

16. A. Discussion and possible action on an Ordinance amending 2.36.025 relating to starting pay for Probationary Police Officers. *Patty/Love* *****

Attorney Love stated that the current starting pay was low and once they pass FTO they get a raise and then a very large increase once they finish probation. This Ordinance will bring the starting pay up to within either 20% of step one or 15% of step one whichever the council decides. In negotiations the FOP can not negotiate for the probationary employees. The council wants to be competitive with the other local cities.

Motion by Blake, second by Shapiro to approve Ordinance (#1101) with the amendment to 15% difference between starting pay and the first step of the pay scale. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

- B. Approve the emergency clause.

There were not enough members present to approve the emergency clause. The Ordinance will go into effect in 30 days.

17. A. Discussion and possible action on an Ordinance amending 10.88.030 relating to impounding of vehicles for failing to possess valid insurance verification. *Patty/Love* *****

Attorney Love stated that this Ordinance is to clean up the code and make it consistent with State law.

Motion by Blake, second by Dirkschneider to approve Ordinance (#1102). Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

B. Approve the emergency clause.

There were not enough members present to approve the emergency clause. The Ordinance will go into effect in 30 days.

18. Questions and comments from Council.

Councilwoman Maxey-asked what could be done about the POD't that people have in their driveways. PWD Turman stated that they fall under the codes on temporary buildings.

Councilman Shapiro-stated that people are calling him about when they should or shouldn't put their trash out because the days of service are not in the newsletter for holidays. Clerk Ramirez stated that there is a list available of the holidays and pickup schedule that is given to new residents so she will give it to the Mayor for the next newsletter.

Councilwoman Blake-stated that at last weekends recycling there were comments made about the change of attitude the city has and how it is now a proud thing to tell people that they live in Warr Acres.

Mayor Woolley-thanked the council and all of those who serve the city on boards and commissions for caring about the city and taking the time to serve for free. He pointed out Barry Curl and Bob Wehba, who were present, that they have continued to serve in different positions through the years because they care about the city.

19. Discussion and possible action concerning contract negotiations for FY 2011 with IAFF Local #2374, and the City of Warr Acres, including discussion and action on entering into Executive Session as allowed under 25 O.S. Supp. 307 (B)(2), discussion negotiations concerning employees and representatives of employee groups. *Love*
- Motion by Shapiro, second by Blake to enter into executive session. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The council entered into executive session at 7:49 p.m.

The council returned to open session at 8:38 p.m. With no action taken.

20. Any Old or New Business (“New Business”) is defined by the Open Meeting Act as any matter not known about or which could not have been reasonably foreseen prior to the time of posting of the agenda of a (“surprise nature”).

Moot.

21. Adjournment.

Motion by Blake, second by Dirkschneider to adjourn. Poll vote: Johnson, yea; Blake, yea; Maxey, yea; Shapiro, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:39 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
JANUARY 18, 2011
6:00 p.m.**

(Immediately following completion of the regularly scheduled City Council meeting)

1. The meeting was called to order at 8:39 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chair Nancy Olson
Trustee Jan Blake
Trustee David Dirkschneider
Trustee Stewart Shapiro
Trustee Cathy Maxey

ABSENT

Trustee Dean Johnson
Trustee Doug Davis

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of December 21, 2010. ****

Motion by Shapiro, second by Blake to approve the minutes. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

3. Approve payment of claim in the amount of \$47,377.55 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of December, 2010. ****

Motion by Olson, second by Blake to approve the payment. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

4. Approval of payment of claims for the Sewer department. ****

Motion by Dirkschneider, second by Blake to approve the payment of the claims. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

5. Adjournment.

Motion by Shapiro, second by Olson to adjourn. Poll vote: Blake, yea; Dirkschneider, yea; Maxey, yea; Shapiro, yea; Olson, yea; and Woolley, yea.

Motion Passed Unanimously.

The meeting was adjourned at 8:41 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk