

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY,
JANUARY 20, 2015
6:00 P.M.

1. The meeting was called to order at 6:02 p.m. Declaration of a quorum present was given. The Flag salute was led by Chief Koger and the Invocation was given by Mayor Woolley.

ROLL CALL

PRESENT

Mayor Patrick Woolley
Vice Mayor James Mickley
Councilman Stewart Shapiro
Councilman Stephen Fuhrman
Councilman Roger Godwin
Councilman William McClure
Councilman Glen Lipinski
Councilman Donnie Ryan

ABSENT

Councilwoman Cathy Maxey

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Kenny Koger, Fire Chief
Mike Turman, Public Works Director
Pamela McDowell-Ramirez, City Clerk/Treasurer
Craig Wallace, Engineer
Wiley Rice, City Planner

2. Call to the Public.

Mark Nestlin-addressed the council concerning the elevation of the property next door. Some councilmembers and staff have been there to look at the situation. The stem wall is 3 ½ inches higher than his footing. He is concerned that his property will have flooding problems. He said that he was going to have a survey done and would bring the information to the city.

3. Presentation of a 5 year service pin to Officer Jacob Markstone and a 10 year service pin to Communications Specialist Tischia Guthrie.

The Mayor presented Tischia with a 10 year pin and talked about what a great job she does and thanked her for her service. Officer Markstone was unable to attend.

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 16, 2014 and Special meetings of November 25, 2014, December 11, 2014, December 15, 2014 and January 6, 2015. ****
 - B. Approval of Expenditures 2014 ****

General Fund	\$ 56,459.99
CIP Fund	\$ 11,202.24
Sewer Line Maint.	\$163,561.23

Approval of Expenditures 2015****	General Fund	\$103,708.05
	CIP Fund	\$ 9,512.00
	Sewer Line Maint.	\$ 7,992.42
 - C. Approval of Actual Expenditures for December 2014 and Proposed Expenditures for January 2015. ****
 - D. Sales Tax History Report. ****
 - E. Approval of supplemental appropriation of a donation to the Fire department in the amount of \$1,000 from WalMart.
 - F. Approval to surplus one Glock Model 21 .45 pistol Serial #TPD959. ****
 - G. Approval of a supplemental appropriation for 2014 in the Sewer Line Maintenance Fund in the amount of \$4,000 from unappropriated funds.
 - H. Approval to surplus one office desk and one kitchen table per the Public Works Director.

Councilman Ryan asked to pull item A so each of the meeting minutes can be voted on separately.

Clerk Ramirez stated that last month the November 25th minutes were on for approval and they were pulled and it was discussed that Councilman McClure was not present at that meeting and the minutes needed to be amended to remove him. When she pulled up the minutes she discovered he was in fact at the meeting, it was the Insurance meeting and he was one that spoke in favor of keeping UnitedHealth Care. So she placed them back on the agenda to be approved.

Motion by Ryan, second by Mickley to approve B, C, D, E, F, G, and H. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

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

Motion by Fuhrman, second by Ryan to approve November 25, December 11 and December 15 minutes. Poll vote: McClure, abstain; Godwin, abstain; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed.

Councilman Fuhrman stated that there was some issues at last month's meeting and he spoke out in regards to Roberts Rules about the fact the debate was cut off short and there nothing in the minutes about it and since some people did not get to finish the debate and they voted on it he feels it needs to be written in to the minutes.

Motion by Fuhrman, second by Mickley to approve the December 16 minutes with the addition of the comments made by Councilman Fuhrman in regards to the Roberts Rules of Order. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

Motion by Mickley, second by Ryan to approve the January 6 minutes. Poll vote: McClure, yea; Godwin, abstain; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, abstain; Shapiro, yea; and Woolley, yea.

Motion Passed.

Item 6 was heard after item 7.

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

Koger-the department is doing training with Bethany here at the station. They also broke the 3 minute response time.

Love-Planning Commission discussion on Cherokee Crossing issues and working on C-5 district boundaries.

Turman-playground is ready and he will be asking permission to purchase another set to put in one of the other parks. Mayor stated that if the council had a certain park they wanted the set installed in he would like for them to let him know. On the ACO building

they have talked to another architect and they will see what they come up with. Construction on 7-11 is moving along and big trash for wards 3 and 4 are this week and next. Barbara Harris thanked the public works department for putting plastic up on the pagoda to give the recyclers a little protection from the cold.

Wallace-apologized for not having a report in the packet. They are hoping to be able to bid out the 50th and MacArthur project in March. Tonight they are closing out the CDBG grant project, sidewalk project is moving forward. The Mayor thanked Craig, Mike and Matt for getting things taken care of when some issues recently arose.

Rice-working on the sign ordinances and will probably have changes soon. Mayor thanked Wiley for all his work on the Town Center.

Item 7 was heard before item 6.

7. Final Public Hearing and possible action on a sign variance for an electronic message board for 7-Eleven Store, located at 7321 N MacArthur. ****

Motion by Mickley, second by Godwin to open the public hearing. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

Mr. Brown with 7-11 was present to answer questions. Mr. John Bradford, 5927 NW 72nd Place, said his property backs up to the pawn shop and he is concerned about the lights from the sign, where it will be located and if a fence will be put up. Attorney Love stated that there was a written protest received from Albert Hoch that included three property owners and Mr. Bradford was one of those.

Motion by Godwin, second by Fuhrman to close the public hearing. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

Mr. Brown was asked if this sign would be like others in the area. He stated it would be like others and it will be 100 to 150 feet from the east property line, facing east/west and guessing it is 75 feet from the street, it is not allowed to be in ODOT's right-of-way. The way the lay of the land falls off there should not be any effect on Mr. Bradford's property from the signs lighting. He addressed the concern of fencing and he does not own any of the property that is next to the residential property. Councilman Fuhrman asked Clerk Ramirez which sign the receipt was for in the agenda packet. She stated that she did not know, the information is turned into the Inspector and then he passes it on to her for the agenda. Mr. Brown stated that it was for the message sign that will be on NW Expressway. Councilman Fuhrman stated that both signs were electronic so there should

be two variances. Attorney Love stated that the variance was for the message board sign on NW Expressway the one on MacArthur did not require one. Councilman Fuhrman asked who interpreted that. PWD Turman stated that they did, one was an electronic message board and the other was only an illuminated sign. Councilman Fuhrman stated he did not believe this was correct and that both signs were electronic the one on MacArthur is lighted and the prices change electronically. PWD Turman stated that they did not do a variance on the price sign for Homeland, which was before he was here and is the same as the sign that will be on MacArthur. Councilman Fuhrman stated that he did not believe that was the way the ordinance reads and they need to do a variance on the sign that will be on MacArthur. Someone asked if there was any objection to approving the variance and Councilman Fuhrman stated that he had a problem with approving the item with the MacArthur sign included because it had not had a variance applied for on it. Attorney Love stated that for the purposes tonight the only sign they can vote on is the one with the message board on NW Expressway.

Motion by Godwin, second by Mickley to approve the variance on the message board sign that will be on NW Expressway only. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

8. Public Hearing; final performance report on the FY 2014 CDBG Grant; Sewer Rehab Project.

Motion by Ryan, second by Mickley to open the public hearing. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

There was no one present that wished to speak.

Millie Vance stated that to keep the city in compliance with the grant regulations they must hold a public hearing for any resident that wished to speak on the issue. She stated that the projects were done with a grant money and city money and the city was able to gain the points needed for the grant due to a consent order. The DEQ is now happy with the way the city has worked to improve and correct issues and has now lifted the consent order. The Mayor stated that he was very happy that the city had hired Ms. Vance to do the grant writing and appreciated all she had done. The Mayor and Ms. Vance stated that federal funding had been cut and is more competitive than ever to get the funding. Without the consent order it will be very difficult to get the points needed.

Motion by Godwin, second by Mickley to close the public hearing. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, out during the vote; and Woolley, yea.

Motion Passed unanimously.

Item 9 was heard after item 10.

9. Discussion and possible action of final acceptance of the FY 2014 CDBG Sewer Rehab Project and authorizing the Mayor to sign the closeout documents.

Millie Vance told the council that the project was ready to close out and make final payment. The public hearing was posted and held for any interested citizen to talk, final payment has been approved. The deadline for close out is January 30th if the city wishes to apply for another grant.

Motion by Mickley, second by Godwin to accept the project and authorize the Mayor to sign the documents. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

Item 10 was heard before item 9.

10. Discussion and possible action on approval of Amendment/Change order #1 for CDBG Grant Sewer Rehab Project and approval of payment of Claim #2, final payment.

Engineer Wallace stated that this project was basically rehab and they were also able to add in some investigating of lines to see what area needs to have work done in the next project.

Motion by Ryan, second by Mickley to approve the amendment/change order and pay the final pay claim. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

11. Discussion and possible action on approval of an engagement letter with Arledge & Associates, P.C. for the FY 2014 audit. *****

Motion by Mickley, second by Godwin to approve the engagement letter. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

12. Discussion and possible action to approve the purchase of New Garage Doors for the Fire Bay. (budgeted in CIP for \$10,580) *****

Motion by Godwin, second by Mickley to approve the purchase. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

13. Discussion and possible action on approval of an agreement with Oklahoma County for work on Adams Drive between NW 42nd and NW 43rd.

Motion by Mickley, second by McClure to approve the agreement. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

14. Questions and Comments from Council.

Lipinski-questioned why the city sells dog tags. He said he doesn't know how many citizens purchase the tags but doesn't think many do. It is a hassle to purchase one, the dispatchers couldn't make change for a \$10. Does not understand why they are required, the city needs to make it easier or not do them at all. Councilman Fuhrman stated that he agreed he does not keep the city tag on his dog, doesn't like the clanking of the with the tag from the vet. They can purchase the vaccine and tags every three years but have to get a city tag every year. Attorney Love stated that the ordinance reads is required to confirm vaccinated. Bob Wehba stated that his dog got out and the animal control officer was able to call the station and find out the owner and brought it right to his door instead of having to take to the shelter and call the vet.

Godwin-who will be attending the NW Chamber event next Tuesday.

McClure-asked if Kevin, Mayor and Matt had info and Attorney Love stated that they must have cause to enter. The fire does inspections of every business throughout the city every year. They cannot pick and choose. He asked what the Use tax was used for and currently it is not budgeted the council can amend the budget at anytime to appropriate the funds. It is divided between CIP, Public Safety and General Fund.

Mickley-thanked Engineer Wallace for all the work he has done on all the projects. Said since becoming Vice-Mayor he has seen first hand what all the Mayor does, he works as the city manager and an advocate for the city. Please don't get sick.

Fuhrman-asked why the city doesn't apply for a grant for an Animal Control facility. Millie Vance stated that cities do fundraising so citizens take part in the process and there are foundations, donations and also charges on utility bills for shelters. He said the sign committee met had great conversations and putting together final draft for the Attorney to review to let them know what can and cannot be done. He appreciates Councilman Lipinski's comments on the dog tags. A pet peeve of his is following the rules and

regulations and they need to state what their motion is no just say so moved. He stated that in his opinion that last month the council broke the law and he feels the item needs to be brought back up on the agenda and voted on again. Because Councilman Ryan and himself were stopped from talking on an item and the council continued to vote and he feels it was one of the most important issues that he has voted on for the city and he feels they messed up big time and it needs to be brought back up next month and he believes it will be approved again and if it isn't that that's what happens. But right now he feels they have opened the city up to big giant law suit and that isn't fair to the citizens they represent. There were a dozen people in the room and 3 or 4 that spoke and spoke very well but there over 9000 other citizens that they represent and they were not represented. They were shut down, vote taken and they didn't care. The Mayor asked what would have to take place to bring it back. Attorney Love stated that they would need a motion to reconsider and then if they did they would have to post and send out all the notices again. Councilman Fuhrman stated that the hearing was already closed. Attorney Love stated that if they are not going to modify it then there would not be a need for notices but if they want to make changes then it would require the notifications. Councilman Fuhrman stated that it is his opinion that it will probably pass, possibly unanimously. But it would allow the council to finish what they had to say. He stated that he thinks they have opened themselves up to a law suit weather it is next month or next year or 10 years from now. He thinks it was foolish. The Mayor stated that if they decide to modify it then they would have to do notices. Councilman Fuhrman said that the State approved fixing the State Capital and the courts shut it down because they did it wrong two years ago. The Mayor again stated that if anyone wanted to make modifications they would have to send out notices. Attorney Love stated that he disagrees with Councilman Fuhrman characterization that they did not break the law and they can disagree that is fine, however that is a very serious allegation to level. He explained that what they brought it back and they made a motion to make a modification then it would be tabled and brought back at the next meeting after all notices were sent out and posted then they could have the public hearing on the modification. If there was no modification then you could vote on it and go on. Councilman Shapiro stated that maybe to avoid issues like this in the future they might want to look at appointing a parliamentarian. A parliamentarian could help keep issues like this from coming up in the future and they could be taken care of at the time. He stated that he is sure that not all of them are familiar with the entire process. Councilman Fuhrman stated that he has read the rules numerous times and he is not trying to say he knows them all; he is concerned that they have done the citizens a injustice. He wants to make sure it is clean and beautiful, it has taken 4 years to get here and doesn't want it to get screwed up here and it might cost the city. Councilman Godwin asked if he was referring to Councilman Ryan wanting to include a section of 49th street. Councilman Fuhrman stated no that he was referring to Councilwoman Maxey calling for the question when there was still discussion going on and they were stopped from finishing what they had to say. At that point he was not sure how he wanted to vote on the boundaries. He voted to abstain and was the minority but they got shut down and not allowed to finish. He is concerned that in 5 years if someone comes in and wants to develop on 52nd that is not in the Town Center. He needs someone that voted to approve it needs to make a motion to reconsider so that everyone would get a chance to finish what they had to say. The Mayor asked if anyone wanted to have it

brought back up and they need to let him know. The Attorney strongly disagrees that anything was done wrong and there is no law that would stand to challenge a vote of 8-1 especially since the council now knows that they have the option to reconsider it. There are council elections every year and if citizens are not happy then that would be a political issue not a legal issue. He is not concerned about the issue there are sometimes that issues come up with wording on the agenda and sometimes it is caught before and sometimes after and if found after the next meeting it is on again for ratification to make sure it is clear going forward. He sees no need to ratify this issue but if there is a councilmember that voted for the item that would like to have it reconsidered they have that right. He then explained how the process would work. There was no one that wished to have the item reconsidered at this time.

Shapiro-in all the years they have never paid attention to the kids of the community and they need to put together a mentoring program to get the youth of the community interested in city government. He would like to see a civic program put together to develop them and possibly work with Putnam City High School.

Woolley-NW Chamber Evening of Accolades will be January 27th and he needs to know who wants to go so they can be registered. Don't forget the Special meeting on Thursday night to honor Judge Cassil.

15. Adjournment.

Motion by Mickley, second by Godwin to adjourn. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea; and Woolley, yea.

Motion Passed unanimously.

The meeting was adjourned at 8:17 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
JANUARY 20, 2015
6:00 p.m.**

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

1. The meeting was called to order at 8:18 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chair James Mickley (in 8:19pm)
Trustee Stephen Fuhrman
Trustee William McClure
Trustee Roger Godwin
Trustee Glen Lipinski
Trustee Donnie Ryan

ABSENT

Trustee Cathy Maxey
Trustee Stewart Shapiro

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of December 16, 2014. *****

Motion by Godwin, second by Ryan to approve the minutes. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, out during the vote; Fuhrman, yea; and Woolley, yea.

Motion Passed unanimously.

3. Approve payment of claim in the amount of \$57,373.23 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, 2014. *****

Motion by Ryan, second by Godwin to pay the claim. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed unanimously.

4. Approval of payment of claims for the Sewer department 2014 and 2015. *****

Motion by Godwin, second by Mickley to pay the claims. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed unanimously.

5. Adjournment.

Motion by Ryan, second by Mickley to adjourn. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed unanimously.

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

CITY OF WARR ACRES
SPECIAL
ECONOMIC DEVELOPMENT AUTHORITY MEETING
TUESDAY
JANUARY 20, 2015
6:00 p.m.
(Immediately following completion of the regularly scheduled City Council and Public Works Authority meetings)

1. The meeting was called to order at 8:21 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT

Chairman Patrick Woolley
Vice-Chair James Mickley
Trustee Stephen Fuhrman
Trustee William McClure
Trustee Roger Godwin
Trustee Glen Lipinski
Trustee Donnie Ryan

ABSENT

Trustee Cathy Maxey
Trustee Stewart Shapiro

2. Approve the minutes of the Economic Development Authority meeting of December 16, 2014. ****

Motion by Godwin, second by McClure to approve the minutes. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed unanimously.

3. Approve payment of claims.

Motion by Ryan, second by Godwin to pay the claims. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed unanimously.

4. Adjournment.

Motion by Fuhrman, second by Mickley to adjourn. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Lipinski, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

Motion Passed unanimously.

The meeting was adjourned at 8:22 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer