

## **MINUTES**

CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY,  
DECEMBER 17, 2013  
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 led by Chief Koger and Invocation was given by Mayor Woolley.

### **ROLL CALL**

#### **PRESENT**

Mayor Patrick Woolley  
Vice Mayor Stewart Shapiro  
Councilman Stephen Fuhrman  
Councilman Roger Godwin  
Councilman William McClure  
Councilman Donnie Ryan  
Councilwoman Cathy Maxey  
Councilman James Mickley

#### **ABSENT**

#### **STAFF PRESENT**

Matt Love, City Attorney  
Craig Wallace, City Engineer  
Hugh Osborn, Deputy Police Chief  
Kenny Koger, Fire Chief  
Mike Turman, Public Works Director  
Pamela McDowell-Ramirez, City Clerk/Treasurer

2. Presentation of OML Honor Roll of Service Certificates and pins to Fire Captain Jeff Parsons, Fire Captain Dennis Robertson, Fire Lt. Ky Smith, Deputy Police Chief Hugh Osborn, Asst. City Clerk Jenell Robertson and Planning Commission Chairman Bob Wehba. Presentation of a 5 year pin to Officer Evan Rockenfield. Presentation of a plaque for former Councilwoman Jan Blake.

The Mayor presented the Certificates and pins to Jenell Robertson, Hugh Osborn and Bob Wehba.

3. Call to the Public.

**Moot.**

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 November 19, 2013 and Special meetings of November 26, 2013 and December 2, 2013. \*\*\*\*
  - B. Approval of Expenditures \*\*\*\*
 

General Fund	\$ 148,581.65
CIP Fund	\$ 20,626.75
  - C. Approval of Actual Expenditures for November 2013 and Proposed Expenditures for December 2013. \*\*\*\*
  - D. Sales Tax History Report. \*\*\*\*

Councilman Fuhrman asked for item A to be pulled.

Motion by Fuhrman, second by Shapiro to approve B, C and D of the consent docket.  
 Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, 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 Ryan, second by Shapiro to approve the minutes from November 19<sup>th</sup> as amended removing the unanimously from the approval. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

Motion by Shapiro, second by Godwin to approve the minutes from November 26<sup>th</sup>. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, abstain; Shapiro, yea and Woolley, yea.

**Motion Passed.**

Motion by Shapiro, second by Godwin to put the minutes of December 2<sup>nd</sup> on the agenda next month for approval after the roll call is added. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

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

Deputy Chief Osborn said that Chief Patty was still out with family health issues. He said he wanted to thank the Street Department for the great job they did clearing the streets after the winter storm, it really helped them be able to get around town.

Chief Koger said they have been hosting groups of kids with cancer and it has been a great experience. The IAFF buys t-shirts for the kids that are like the ones the firemen wear.

Clerk Ramirez said that she was in the city's bank account taking care of business and discovered 4 items that had hit the account that were fraudulent, she contacted the bank they immediately put a hold on the account. She also spoke with the Attorney, Mayor and Deputy Chief and there is an investigation underway. Councilman Fuhrman asked about the tax audits that were being done. Clerk Ramirez stated that the one on the Heat and Air business they told her was fine and nothing to report. The other large company is ongoing and they have found some things.

Mayor Woolley stated that the city crews did a great job salting and sanding streets and it made it easier for the police and fire to get where they needed to be. He said they did a great job and he received an email thanking the city that said the surrounding cities did not do a very good job and they were happy Warr Acres did.

PWD Turman thanked the council for purchasing the equipment that was used for the storm he said it made everything run more efficiently. He said Alfredo's recently opened. They used the street sweeper until it got too cold to spray water. Councilman McClure asked if the city dropped the ball on another CDBG grant and he was told that you have to have one closed before you can apply for another one and there is more information that DEQ is now requesting so it does not look like there will be a grant for 2014.

Engineer Wallace said that the sidewalk project is on track for 2015, and the South MacArthur project is set for 2016 and a couple of the current projects will be let at the first of the year. He said the city has done a great job of spending other entities money.

Planning Commission Chairman Wehba said that they did not have a meeting this month because the date on the agenda was incorrect.

7. Discussion and possible action on an engagement agreement for Crawford and Associates for financial consulting and reporting for 2014. \*\*\*\*

This item was pulled from the agenda.

8. Discussion and possible action on a Contract with Matthew Love for City Attorney services for 2014. \*\*\*\*

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

**Motion Passed Unanimously.**

9. Discussion and possible action on a contract with Nathan Luke Simms for City Attorney/City Prosecutor services for 2014. \*\*\*\*

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

**Motion Passed Unanimously.**

10. Discussion and possible action on a contract with Smith Roberts Baldischwiler, LLC. for City Engineering services for 2014. \*\*\*\*

Motion by Shapiro, second by Godwin to approve the contract based on hourly pay. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

11. Discussion and possible action on re-appointing Barry Curl to the Ward I Planning Commission seat (term to expire October 2016) and appointing Kristi Clayton to the At-Large Planning Commission seat that was vacated by Reece Wilmoth (term to expire October 2014). Swearing in of Commissioners. \*\*\*\*

Motion by Maxey, second by Godwin to re-appoint Barry Curl. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

Motion by Woolley, second by Shapiro to appoint Kristi Clayton. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

12. Discussion and possible action on an Agreement between the City of Warr Acres and the City of Oklahoma City for project #PR-2-13/14, Street resurfacing, NW 50<sup>th</sup> from Meridian west to the city limits not to exceed \$50,000. \*\*\*\*

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

**Motion Passed Unanimously.**

13. Discussion and possible action to adopt a Resolution declaring a necessity for acquiring and owning property/right of ways for the Northwest 50<sup>th</sup> and MacArthur Project. \*Love\*

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

**Motion Passed Unanimously.**

14. Discussion and possible action on a Resolution and agreement with ODOT concerning Pedestrian Facility sidewalks and related improvements on NW 50<sup>th</sup> between Meridian and MacArthur. \*\*\*\*

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

**Motion Passed Unanimously.**

15. Discussion and possible action to adopt a Resolution establishing the City's contribution to insurance premiums for employees and employees' dependents. \*Love\* \*\*\*\*

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

**Motion Passed Unanimously.**

16. Discussion and possible action to adopt a resolution of support for the development and rehabilitation of Savannah Pointe Apartment Community. \*Fuhrman\* \*\*\*\*

There was a lengthy discussion there were many questions asked about the upkeep of the complex and why they needed a Resolution of support from the city. They said that every 15 years the property can ask for tax credits to do major upgrades to the complex which would require a new funding source so Mr. Alexander, who has a vested interest in the complex, went out looking for an investor. They explained how the funding program worked and that without the resolution they could not apply.

Motion by Fuhrman, second by Ryan to approve the Resolution. Poll vote: McClure, nay; Godwin, nay; Ryan, yea; Maxey, nay; Mickley, abstain; Fuhrman, yea; Shapiro, nay and Woolley, abstain.

**Motion Failed.**

17. A. Discussion and possible action on an Ordinance amending Chapter 5, Sections 5.04.550, 5.04.580, 5.04.090 and 5.04.600 related to massage parlor regulations. \*Love\*  
\*\*\*\*\*

Motion by Maxey, second by Ryan to approve the Ordinance as amended in 5.04.590 the second sub section C to be changed to D. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

- B. Approval of the emergency clause.

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

**Motion Passed Unanimously.**

18. Questions and Comments from Council.

Ryan thanked the street crews for doing a great job of cleaning the streets, he said it is really appreciated.

Godwin reported that ACOG has several committees and they have money available for things like bike paths or park upgrades and the city should apply for some of the funding.

Maxey said a big thank you to the ladies that redid the Christmas decorations they look great.

Fuhrman said he would like to see the city apply for the bike route funding.

Shapiro said he appreciated the time and effort Councilman Godwin is putting in with ACOG and that he reports back to the council the information he receives that has not been the case in the past. He said he understands that Deputy Chief Osborn has really stepped up with the Chief being out and he appreciated everything he has been doing. He then stated that he was embarrassed at the way item 16 was handled and that questioning and discussion continued to go on after the vote was taken. Parliamentary procedure was broken and after the item was voted on they should have moved on to the next item not continued to discuss it. He also was frustrated that the item was done and closed and that he did not appreciate that someone wanted to know why he voted the way he did. He

said he served for years dealing with the arguing amongst the council and he won't have it again. When an item is voted on it is done and should not question the others votes. Councilman Fuhrman stated that he asked if it would be proper to ask the ones that voted no why they did and the Attorney said he could ask but that did not mean he would get an answer. Councilman Shapiro stated that he should not have even asked.

Mayor Woolley said that he was sorry he should have stopped the conversation after the vote. He thanked the street crews for the work they did during the storm and Deputy Chief Osborn. He said he feels like the current council is one that wants to see the city move forward and appreciates all of them.

19. Discussion and possible action to enter into executive session pursuant to 25 O.S. 307(B)(4) for confidential communications with the City Attorney regarding pending litigation (Ventresca v. City of Warr Acres and Roger Patty, OK County Case No CJ-13-3488 and Goodman v. City of Warr Acres, OK County Case No. CV-13-2292) with the advice of the City Attorney that disclosure will seriously impair the ability of the City Council to process the pending litigation in the public interest. \*Love\*
20. Discussion and possible action concerning contract negotiations for FY 2014 with IAFF Local #2374 and FOP Lodge #145, 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/Koger/Patty\*

Motion by Shapiro, second by Ryan to enter into executive session. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

### **Motion Passed Unanimously.**

The council took a 10 minute recess at 8:11 p.m. and then entered into executive session at 8:21 p.m.

The council returned to open session at 9:25 p.m. with no action taken.

21. Discussion and possible action on a MOU between the City of Warr Acres and the Warr Acres FOP Lodge 145. \*\*\*\*\*

There was no action taken on this item.

22. 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.**

23. Adjournment.

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

**Motion Passed Unanimously.**

The meeting was adjourned at 9:26 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk/Treasurer



**MINUTES**

**CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
DECEMBER 17, 2013  
6:00 p.m.**

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

1. The meeting was called to order at 9:27 p.m. Declaration of a quorum present was given.

**ROLL CALL**

**PRESENT**

**ABSENT**

Chairman Patrick Woolley  
Vice Chairman Stewart Shapiro  
Trustee Stephen Fuhrman  
Trustee Donnie Ryan  
Trustee William McClure  
Trustee Roger Godwin  
Trustee Cathy Maxey  
Trustee James Mickley

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of November 19, 2013. \*\*\*\*

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

**Motion Passed Unanimously.**

3. Approve payment of claim in the amount of \$58,415.72 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of November, 2013.

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

**Motion Passed Unanimously.**

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

Motion by Godwin, second by Mickley to approve the payment of claims. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

5. Discussion and possible action on appointing a member to serve on the Bethany/Warr Acres Trust Authority for 2014.

Motion by Maxey, second by Mickley to appoint Bill McClure to serve. Poll vote: McClure, yea; Godwin, yea; Ryan, yea; Maxey, yea; Mickley, yea; Fuhrman, yea; Shapiro, yea and Woolley, yea.

**Motion Passed Unanimously.**

6. Adjournment.

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

**Motion Passed Unanimously.**

The meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk/Treasurer