

## MINUTES

CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
FEBRUARY 15, 2011  
6:00 P.M.

This meeting was given in accordance with applicable State Statutes.

### ROLL CALL

#### PRESENT

Mayor Patrick Woolley  
Vice Mayor Stewart Shapiro  
Councilman Blayne Allsup  
Councilman David Dirkschneider  
Councilwoman Jan Blake  
Councilman Roger Godwin  
Councilman Doug Davis  
Councilwoman Cathy Maxey

#### ABSENT

Councilman Dean Johnson

#### STAFF PRESENT

Matthew Love, City Attorney  
Roger Patty, Police Chief  
Kenny Koger, Fire Chief  
Mike Turman, Public Works Director  
Jenell Robertson, Asst. City Clerk

1. Call to order, Declaration of a quorum, Flag salute and Invocation.

Mayor Woolley called the meeting to order at 6:00 p.m., declared a quorum present. Fire Chief Koger did the Flag Salute and Mayor Woolley did the Invocation.

2. Call to the Public. None.
3. Discussion and possible action to elect a Vice Mayor from the Council's membership to fill the un-expired term of former Vice Mayor Nancy Olson (term to expire March, 2011).

Nomination by Mayor Woolley.

Motion by Councilman Dirkschneider, seconded by Councilman Davis to elect Councilman Shapiro as Vice Chairman. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes. Motion passed.

Mayor Woolley swore in Shapiro as new Vice Mayor.

4. Discussion and possible action to fill a vacancy in the office of Ward II Council person (office vacated by former Councilwoman Nancy Olson, term to expire March, 2012).

Motion by Councilman Shapiro, seconded by Councilman Dirkschneider to nominate Blayne Allsup to fill the vacancy in the office of Ward II Council person. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes. Motion passed.

Mayor Woolley swore in new Councilman Blayne Allsup.

5. Swearing in ceremony for Roger Godwin to fill a vacancy in the office of Ward III Council person, office to be filled by virtue of Godwin's uncontested election to the seat (term to expire March, 2012).

Mayor Woolley swore in new Councilman Roger Godwin.

6. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #7.)

- A. Approval of the minutes from the Regular meeting of January 18, 2011.
- B. Approval of Expenditures 2011 

General Fund	\$ 137431.28
CIP Fund	\$ 2930.78
- C. Approval of Actual Expenditures for January 2011 and Proposed Expenditures for February 2011.
- D. Sales Tax History Report.

Motion by Councilman Dirkschneider, seconded by Councilwoman Maxey to approve Consent Docket items B., C., and D. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

Motion by Councilman Dirkschneider, seconded by Councilman Shapiro to approve item A. approval of the minutes from the January 18, 2011 City Council meeting. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, abstain; Shapiro, yes; Allsup, abstain; Godwin, abstain. Motion passed.

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

Councilman Dirkschneider pulled item A (see above).

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

Police Chief Patty – none.

Fire Chief Koger – new employee and new Tahoe vehicle

Attorney Matt Love – none.

PW Director Mike Turman – thanked employees in the PW Dept. for snow removal.

Scott Barrett – gave an overview of the sewer rehab project. He also stated the pumps and generators for the lift stations should be in around March 11, 2011.

Mayor Woolley – thanked employees who worked doing snow removal during the storms.

9. Discussion and possible action for approval to renew the City Engineer's contract with Legacy Engineering, Inc. for January 2011 through June 2011.

Mayor stated he asked for a 6 month contract from Scott Barrett. Mayor stated Mr. Barrett was doing a lot of projects at Legacy Engineering and he was being given a 6 month window to give Mr. Barrett time to see what he could get done for Warr Acres. Mayor Woolley stated he did not feel Mr. Barrett had been getting information to the City in a timely manner.

Motion by Councilman Shapiro, seconded by Councilwoman Maxey to approve renewal of the City Engineer's contract with Legacy Engineering, Inc. for January 2011 through June 2011. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, no; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

10. Discussion and possible action on items related to the Energy Efficiency Community Block Grant (EECBG) Projects for improvements at City Hall and the Community Center.

- A. Approval of plans for the City Hall EECBG Project
- B. Approval of plans for the Community Center EECBG Project
- C. Authorization for the City Clerk to Advertise for Bids for the City Hall EECBG Project
- D. Authorization for the City Clerk to Advertise for Bids for the Community Center EECBG Project

Scott Barrett stated the plans and specifications were complete and ready to go out for bid. He stated because of separate funding there would be separate bids. Grant money had been awarded for these projects and both projects are within budget. Mr. Barrett stated projects include Geo Thermal system, window replacements, new doors, insulation, lighting, etc. If this item is approved, bids will go out and be received back before the next regular City Council meeting. Mayor stated the City had to pay 5% for engineering fees and also advised there were no matching funds. Grant was for approx. \$380,000 for both projects.

Motion by Councilwoman Maxey, seconded by Councilwoman Blake to:

- A. Approve plans for the City Hall EECBG Project
- B. Approve plans for the Community Center EECBG Project
- C. Authorization for the City Clerk to Advertise for Bids for the City Hall EECBG Project and
- D. Authorization for the City Clerk to Advertise for Bids for the Community Center EECBG Project.

Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

11. Discussion and possible action to direct the City Engineer to prepare a solicitation for selection of a right-of-way acquisition agent for procuring the right-of-way required to construct the MacArthur Project from NW 36th to NW 47th.

Mayor Woolley stated engineering money had been spent and this project needed to be put on the ACOG list for 2012. This is an 80/20 project but the right of ways still needed to be purchased.

Scott Barrett stated he hired a company that specifically works on projects such as right of ways. There are a lot of federal requirements that have to do with right of ways and Scott Barrett was not comfortable in doing this – he stated his company does not have the expertise in the laws regulating right of ways. This company does the abstracting work, title work, etc. Plans are 65% complete and have been submitted to ODOT. Right of way plans have been submitted to ONG, OG+E, Oklahoma City Water, etc. and all other companies this pertains to. Mr. Barrett stated that there is also right of way acquisition that has to be completed. Page 20 of the agenda (Right of Way Parcel Summary) shows approximate dollar amounts for this part of the project.

Motion by Councilwoman Maxey, seconded by Councilman Shapiro to proceed with preparing a solicitation for selection of a right-of-way acquisition agent for procuring the right-of-way required to construct the MacArthur Project from NW 36th to NW 47th. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

12. Discussion and possible action to direct the City Engineer to prepare "Plan-In Hand" plans for submitting to the Oklahoma Department of Transportation for intersection improvements at NW 50th & MacArthur and at NW 49th & MacArthur.

Mayor Woolley stated money for this project had been set aside years ago, approx. \$980,000. This money was intended for N. W. 50<sup>th</sup> and MacArthur. There are no matching funds. ODOT has agreed to go from Sonic south to N. W. 49<sup>th</sup> St. on MacArthur and 500' east and west on N. W. 50<sup>th</sup> from MacArthur. Mayor stated ODOT sent him a letter stated they need plans. As long as there are plans, the money is the City's. Mayor stated engineering and right of way costs the City will have to pay for.

Scott Barrett stated this project was not on the ACOG list yet. He also said this was a federally funded project and the City could probably get ACOG money to also help pay for part of this project. Plans needed to be sent to ACOG as soon as possible in order to earmark the money for the project.

Motion by Councilman Shapiro, seconded by Councilwoman Blake to direct the City Engineer to prepare "Plan-In Hand" plans for submitting to the Oklahoma Department of Transportation for intersection improvements at NW 50th & MacArthur and at NW 49th & MacArthur. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

Scott Barrett stated it was difficult in the budgeting process for engineering fees so he has given the Mayor a couple of proposals from Legacy Engineering to not bill the City hourly for projects and bill a lump sum fee. This is proposed for the future – after the 6 month engineering contract.

13. Discussion on adoption of a policy relating to compensation for non-essential personnel during inclement weather.

Mayor stated City Hall was closed for a total of 3 days for the two snow storms. Mayor stated there was no policy for City Hall being closed due to weather. He advised a memo was issued to non-contract personnel stated for the days City Hall was closed, employees could use a vacation or comp. day for their time off. Mayor stated the City has new employees that do not have any time and were not paid for their days off due to weather.

Matt Love stated that from the legal stand point, the City has the legal obligation to pay the employees for time worked but the City does not have the legal obligation to pay employees for hours not worked. He stated the City does not have a written policy. Matt stated that another issue on this subject was what the City wants to do with the essential personnel who do show up for work – employees who have to show up (ie Street Dept., etc.) to clear snow. Matt also stated Jenell Robertson contacted other cities to see what their policy was on weather related days off when City Hall was closed. He read out loud to the Council Jenell’s list of each City, along with OMAG, and their policies.

Discussion among Council, Mayor and City Attorney reference days taken off, closing City Hall, safety of employees, employees who come in (ie Street, etc.) to do essential duties (snow plow), comp. time, employees taking vacation leave, etc.

City Council directed Attorney Matt Love to draft a policy relating to compensation for non-essential personnel during inclement weather and put the draft on the next regular City Council meeting for approval.

14. A. Discussion and possible action on an Ordinance creating Title 5, Chapter 5.35 of the Warr Acres Municipal Code to establish regulations for Tattoo and Body Piercing Establishments within the City of Warr Acres, including establishing Definitions; Licensure requirements; Prohibitions; Disposal of Hazardous Substances; Inspections; and Penalties for violation of this Chapter.

Matt Love stated an issue came up about this and there were no ordinances in place regarding this.

Motion by Councilwoman Blake, seconded by Councilman Godwin to approve an Ordinance creating Title 5, Chapter 5.35 of the Warr Acres Municipal Code to establish regulations for Tattoo and Body Piercing Establishments within the City of Warr Acres, including establishing Definitions; Licensure requirements; Prohibitions; Disposal of Hazardous Substances; Inspections; and Penalties for violation of this Chapter. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

- B. Approval of emergency clause.

Motion by Councilman Dirkschneider, seconded by Councilwoman Blake to approve the emergency clause for Item 14 A. above. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

15. Questions and comments from Council.

Blake – none

Dirkschneider – thanked the Street Dept. crews for the snow removal and felt that the Police Dept. needed to consider a 4x4 vehicle for snow

Godwin – glad to be here

Allsup – thanked the City Council for their vote of confidence

Maxey – welcomed new Councilpersons

Davis – none

Shapiro – stated he felt the tarring machine was a tremendous investment, felt a 2<sup>nd</sup> snow plow needed to be purchased, thanked the emergency crews, and thanked the Fire Dept. for coming to his home recently.

Mayor – welcomed the new City Councilpersons, thanked Scott Barrett for his work

16. 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.

Attorney Matt Love stated there was no need for executive session.

17. 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”).

None.

18. Adjournment.

Motion by Councilwoman Blake, seconded by Councilman Godwin to adjourn this meeting of the Warr Acres City Council meeting. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

Meeting adjourned at 7:46 p.m.

Respectfully Submitted,

Jenell Robertson  
Asst. City Clerk

## MINUTES

CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
FEBRUARY 15, 2011  
6:00 p.m.

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

1. Call to order, Declaration of a quorum.  
Mayor Woolley called the meeting to order at 7:46 p.m. and declared a quorum.
2. Approve the minutes of the Warr Acres Public Works Authority Meeting of January 18, 2011.

Councilman Shapiro stepped out of the meeting.

Motion by Councilwoman Maxey, seconded by Councilwoman Blake to approve the minutes of the Warr Acres Public Works Authority Meeting of January 18, 2011. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Allsup, yes; Godwin, yes. Motion passed.

Councilman Shapiro returned to meeting.

3. Approve payment of claim in the amount of \$39,997.27 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of January, 2011.

Motion by Councilwoman Maxey, seconded by Councilman Dirkschneider to approve payment of claim in the amount of \$39,997.27 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of January, 2011. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

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

Motion by Councilwoman Maxey, seconded by Councilman Godwin to approve payment of claims for the Sewer Dept. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

5. Adjournment.

Motion by Mayor Woolley, seconded by Councilwoman Blake to adjourn this meeting of the Warr Acres Public Works Authority. Poll vote: Woolley, yes; Dirkschneider, yes; Blake, yes; Maxey, yes; Davis, yes; Shapiro, yes; Allsup, yes; Godwin, yes. Motion passed.

Meeting adjourned at 7:50 p.m.

Respectfully Submitted,

Jenell Robertson, Asst. City Clerk

