

## **MINUTES**

**CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY  
SEPTEMBER 18, 2012  
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 the Invocation was given by Mayor Woolley.

### **ROLL CALL**

#### **PRESENT**

Mayor Patrick Woolley  
Vice-Mayor Stewart Shapiro  
Councilman Stephen Fuhrman  
Councilman James Mickley  
Councilwoman Cathy Maxey  
Councilman William McClure  
Councilman Roger Godwin  
Councilman David Dirkschneider  
Councilwoman Jan Blake

#### **ABSENT**

#### **STAFF PRESENT**

Matthew Love, City Attorney  
Roger Patty, Police Chief  
Kenny Koger, Fire Chief  
Mike Turman, Public Works Director  
Pamela McDowell-Ramirez, City Clerk

2. Presentation of a 5 year service pin to Collections Clerk Sally Olivas.

Sally was unable to attend the meeting.

3. Call to the Public.

Lois Meiers-spoke to the council about the issues she has with the Salvation Army.

Chris Piatt-spoke to the council about the need for bus service to Vatterott College due to fact that many of the students do not drive and without bus service their enrollment has dropped off. He said the College has looked at several different ideas of how to transport the students to the college but none of them are feasible. He is asking for the council to contact the Department of Transportation and voice their support for added bus service. The Mayor stated that he had checked into service prior to the college moving into town

and was told that it would cost the city \$70-\$80,000 per year. He stated that he did not know if the demand for the service would be as great as the cost. The Mayor stated that the city would check it out again and see what could be done.

Officer Rockenfield brought in the new K-9 Officer Azor to show the council.

Carolyn Durbin-stated she had been working with Councilman Godwin on the city applying for a grant. She said the first step is to become a Certified Healthy Community and then there are grants available for many outdoor projects from sidewalks to parks to Farmers markets. Things that promote healthy living. The city will work on getting the paperwork filled out and turned in.

**Item 15 was heard after item 3.**

**Item 4 was heard after item 15.**

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 August 21, 2012. \*\*\*\*
  - B. Approval of Expenditures \*\*\*\*

General Fund	\$ 129,278.21
Res. Cap Repl.	\$ 5,557.00
CIP Fund	\$ 1,957.00
Sewer Line Maint	\$ 1,338.00
  - C. Approval of Actual Expenditures for August 2012 and Proposed Expenditures for September 2012. \*\*\*\*
  - D. Sales Tax History Report. \*\*\*\*
  - E. Approval of Supplemental Appropriations in the CIP Fund budget for the Garbage Truck payments final year \$25,441 and in General Fund budget under Garage department \$3,450. \*\*\*\*
  - F. Approval of Supplemental Appropriation of \$80.00 in donations to the Fire Department budget.

Councilman Shapiro asked for item C to be pulled, Councilman Mickley asked for item A to be pulled and Councilman McClure asked for item D to be pulled for discussion.

Motion by Maxey, second by Dirkschneider to approve items B, E and F of the consent docket. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

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

Item A.

Motion by Maxey, second by Godwin to approve item A. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, abstain; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed.**

Item C.

Councilman Shapiro asked about the budget sheets that were in the agenda packet and what they were for. Clerk Ramirez explained that they were the original budget and the budget after the changes to the Garage and CIP budgets to show beginning and corrected.

Motion by Maxey, second by Mickley to approve item C. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, out during vote; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

Item D.

Councilman McClure asked for a report to show how much Hotel room tax is brought in each month and where it is budgeted.

Motion by Maxey, second by McClure to approve item D. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

**Item 11 was heard after item 5.**

**Item 6 was heard after item 11.**

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

Councilman Shapiro stated that he had visited the fire house and said it is very crowded in the bay. He said they need more room. He told everyone about a great article there was in the Tribune about Asst. Chief Coy. Chief Koger stated that the Tribune is very supportive. Chief Koger told the council that the department had received the keys to the old Arby's, Metro Glass and Mazzio's so they can do training in the buildings before they are torn down.

Planning Commission Chairman Wehba spoke on behalf of City Planner Wiley Rice stating that there was not a Planning Commission meeting this month but they should be ready with everything for next month.

Clerk Ramirez asked for item 10 to be pulled from the agenda due to some errors that were discovered in the report.

Attorney Love said the settlement on the apartments was taken care of and that he was preparing for some classes that he would be teaching at the OML conference next week.

PWD Turman thanked the council for allowing them to purchase a new Sanitation truck. He said work is being done on the Community Center, Animal Control center plans are moving forward and an abstract of the property where the building will go was done. Demo should happen soon on NW Highway and MacArthur southwest corner as well as 63<sup>rd</sup> and MacArthur will see progress soon. Councilman McClure asked about the drainage ditch behind the homes on Reeves. PWD Turman stated that they had talked to a contractor about fixing or replacing it.

The council would like to see an item on the next agenda to discuss possible Charter changes.

7. Discussion and possible action on approving a stipend for the use of personal cell phones by specific personnel and canceling their city cell phones.

Attorney Love stated that he thinks all cities should go to this. Open records still apply if it pertains to city business but it is the employee that has to supply the record not the city because the city does not have the records. Right now the city pays around \$54 per phone and there are 18 city phones. The stipend amount would be \$50 per month. If something happens to their phone they must replace not the city. They will have to sign an agreement with the city that they will be available at all times and that the phone is their responsibility not the city's. The city will still have to supply the Mayor's phone because he is not allowed the stipend since it is considered pay. Clerk Ramirez stated that this would not take place until January when the new Fiscal year starts. The contract on the phones ends December 31<sup>st</sup>.

Motion by Dirkschneider, second by Mickley to approve switching to a stipend for those that carry cell phones. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

#### **Motion Passed Unanimously.**

8. A. Discussion and possible action to accept the bid and authorize the Mayor to execute a contract with Oakley, LLC. for the landscaping project for City Hall. \*\*\*\*

The city will go ahead and have the wiring done for future lighting. They will go ahead and approve the contract but items will be removed from the contract.

Motion by Maxey, second by Dirkschneider to authorize the Mayor to execute the contract and remove the lighting and benches. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

B. Approval of change orders for the project reducing the number of units for path lights sidewalk and/or benches as per the bid specifications and extending the contract by 37 days.

They are removing the walkway lighting and the benches.

9. Discussion and possible action to award the bid for re-roofing the flat section of roof over the administration offices to Red River Roofing and authorizing the Mayor to execute a contract with Red River Roofing and a contract with Mike Kertok Architect for the project.

The roof was installed incorrectly and then patch work was done. The Architect called for the wrong tar to be used. The Architect's insurance company is going to pay for the work however the city must approve the work to be done on the city building.

Motion by Dirkschneider, second by Blake to approve the contract with Red River Roofing and a letter that states the Architects insurance company is to be billed and pay for the work. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

10. Discussion and possible action on accepting the FY 2011 Annual Audit. \*\*\*\*\*

This item was pulled from the agenda.

11. Discussion and possible action on giving 30 days' notice to terminate the contract with Legacy Engineering and hiring Smith Roberts Baldischwiler LLC. as the City Engineer. \*\*\*\*\*

The Mayor stated that the city received a letter from Legacy resigning affective in 30 days and would work with the new Engineer to make a smooth transition.

Motion by Blake, second by Dirkschneider to authorize the Mayor to execute a contract with SRB for Engineering services. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

**Item 6 was heard after item 11.**

12. Discussion and possible action on approval of a job description for an Asst. Public Works Director. \*\*\*\*

Councilman McClure stated that they need to work on the pay scale so that they are able to hire people.

Motion by Blake, second by Godwin to approve the job description. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, abstain; Fuhrman, yea; and Woolley, yea.

**Motion Passed.**

13. Discussion and possible action on approving bid specs for park playground equipment and underlayment and authorizing the Public Works Director to advertise for bids. \*\*\*\*

This equipment will be for Baker Park behind City Hall.

Motion by Maxey, second by Godwin to authorize the Public Works Director to advertise for bids. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

14. Discussion and possible action on a Tort Claim filed by Deanne and Mel Rowe regarding damage to home due to an alleged sewer overflow. The city's insurance company has recommended denial. \*\*\*\*

Motion by Maxey, second by Mickley to deny the claim. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

15. Discussion and possible action on appointing Jon Evans to the At-Large Planning Commission seat. Term to expire October 2014.

Jon Evans was present to answer questions. He stated that he resigned from the Planning Commission two years ago to pursue a college degree. He will soon finish the course work and will be available for meeting and would like to serve again.

Motion by Maxey, second by Godwin to approve the appointment of Jon Evans to the At-Large Planning Commission seat. Poll vote: McClure, yea; Godwin, yea; Dirkschneider,

yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

**Item 4 was heard after item 15.**

16. Discussion and possible action on filling vacant Board of Adjustment seats for Ward II and Ward IV. Terms to expire October 2015.

Councilman Shapiro nominated James Eggert for Ward II.

Motion by Shapiro, second by Fuhrman to approve James Eggert. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

There was no nomination for Ward IV.

17. Discussion and possible action on a Resolution amending Section 506.3 of the personnel policies and procedures manual related to the reporting of work related accidents or injuries and related to activities during a period of temporary total disability.

\*Mayor/Love\* \*\*\*\*\*

Attorney Love stated that the employee must tell the supervisor right away or face disciplinary action. Also they should not be at the workplace while on TTD.

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

**Motion Passed Unanimously.**

18. Discussion and possible action on a Resolution amending Section 506 of the personnel policies and procedures manual, adopting Section 506.7 related to light duty assignments.

\*Mayor/Love\* \*\*\*\*\*

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

**Motion Passed Unanimously.**

19. A. Discussion and possible action on an Ordinance amending Title 16, Chapter 16.12 of the Municipal Code related to the fire prevention code. \*Koger/Love\* \*\*\*\*\*

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

**Motion Passed Unanimously.**

B. Approval of the emergency clause.

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

**Motion Passed Unanimously.**

20. Discussion and possible action concerning contract negotiations for FY 2012 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 Dirkschneider, second by Blake to enter into executive session. Poll vote: McClure, yea; Godwin, yea; Dirkschneider, yea; Blake, yea; Maxey, yea; Mickley, yea; Shapiro, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The council entered in to executive session at 8:01 p.m.

The council returned to open session at 8:30 p.m. With no action taken.

21. Questions and Comments from Council.

Blake- stated that she watched Last Once of Courage and it was really good.

Fuhrman-the 50<sup>th</sup> and MacArthur project is going to be great but something has to be done about the trashy building. The Planning Commission is looking into code changes that would tougher but you can not do anything about the ones that are already there. There is a big difference between looking bad and being a nuisance. He stated that he would like to see some kind of signs put up about not using cell phones in school zones and also punishment for those that do.

Shapiro-pushed for getting rid of the 42<sup>nd</sup> and MacArthur building. The city should not be in the rental business and it would be a great place to put a fire station. There was a discussion about having an education program for the elderly.



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

**Motion Passed Unanimously.**

The meeting was adjourned at 8:59 p.m.  
Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

**MINUTES**

**CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
SEPTEMBER 18, 2012  
6:00 p.m.**

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

1. The meeting was called to order at 8:59 p.m. Declaration of a quorum present was given.

**ROLL CALL**

**PRESENT**

**ABSENT**

Chairman Patrick Woolley  
Vice-Chair Stewart Shapiro  
Trustee Stephen Fuhrman  
Trustee James Mickley  
Trustee Cathy Maxey  
Trustee Bill McClure  
Trustee Roger Godwin  
Trustee David Dirkschneider  
Trustee Jan Blake

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of August 21, 2012. \*\*\*\*

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

**Motion Passed Unanimously.**

3. Approve payment of claim in the amount of \$59,014.31 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of August, 2012.

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

**Motion Passed Unanimously.**

4. Approval of Supplemental Appropriation in the Public Works Authority Budget for Sewer expenses in the amount of \$5,000. \*\*\*\*\*

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

**Motion Passed Unanimously.**

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

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

**Motion Passed Unanimously.**

6. Adjournment.

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

**Motion Passed Unanimously.**

The meeting was adjourned at 9:01 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk

**MINUTES**

**CITY OF WARR ACRES  
SPECIAL  
ECONOMIC DEVELOPMENT AUTHORITY MEETING  
TUESDAY  
SEPTEMBER 18, 2012  
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 9:01 p.m. Declaration of a quorum present was given.

**ROLL CALL**

**PRESENT**

**ABSENT**

Chairman Patrick Woolley  
Vice-Chair Stewart Shapiro  
Trustee Stephen Fuhrman  
Trustee James Mickley  
Trustee Cathy Maxey  
Trustee Bill McClure  
Trustee Roger Godwin  
Trustee David Dirkschneider  
Trustee Jan Blake

2. Approve the minutes of the Economic Development Authority meeting of July 17, 2012.  
\*\*\*\*

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

**Motion Passed Unanimously.**

3. Approval of payment of claims for Economic Development. \*\*\*\*

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

**Motion Passed Unanimously.**

4. Adjournment.

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

**Motion Passed Unanimously.**

The meeting was adjourned at 9:03 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk