

**MINUTES**

CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
TUESDAY,  
APRIL 19, 2016  
6:00 P.M.

1. The meeting was called to order at 6:06 p.m. Declaration of a quorum present was given. The Flag salute was led by Chief Coy and the Invocation was given by Mayor Woolley.

**ROLL CALL**

**PRESENT**

Mayor Patrick Woolley  
Vice Mayor James Mickley  
Councilman Bo Broadwater  
Councilman Blayne Allsup (arrived at 6:13 p.m.)  
Councilman Stephen Fuhrman  
Councilman John Knipp  
Councilman Jimmy Bullen  
Councilman Glenn Lipinski  
Councilman Donnie Ryan

**ABSENT**

**STAFF PRESENT**

Matt Love, City Attorney  
Roger Patty, Police Chief  
Stephen Coy, 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.

**Moot.**

3. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #4.)
  - A. Approval of the minutes from the Regular meeting of March 15, 2016. \*\*\*\*\*

- |    |                               |              |               |
|----|-------------------------------|--------------|---------------|
| B. | Approval of Expenditures **** | General Fund | \$ 147,231.02 |
|    |                               | CIP Fund     | \$ 44,874.50  |
- C. Approval of Actual Expenditures for March 2016 and Proposed Expenditures for April 2016. \*\*\*\*
- D. Sales Tax History Report. \*\*\*\*
- E. Approval of a Supplemental Appropriation of a \$200 donation to the Animal Control Department.
- F. Approval of a recommendation from the Traffic Commission to place stop signs for east/west traffic at 5900 block of NW 42<sup>nd</sup>. (Unanimous vote to approve)
- G. Approval of a recommendation from the Traffic Commission to remove the “Deaf Child playing” sign from 5608 NW 62<sup>nd</sup>. (Unanimous vote to approve)

Councilman Ryan asked to pull item F.

Motion by Ryan, second by Mickley to approve A, B, C, D, E and G of the consent docket. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

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

**Item F.**

The Mayor called on Chief Patty to address the issue. Chief Patty stated that this came up at the request of a resident and that resident is present. He said that he did not believe that this would be the proper use of stop signs, they are not intended to slow traffic. He said the police can work the area any time. Mr. Lybrand, the resident making the request, addressed the council telling them about three incidents that directly affected his family. He said December 2011 a driver lose control and crashed into a tree in their yard; on July 25, 2015, his daughter was rear-ended at MacArthur and 42<sup>nd</sup>; and their dog got out and run over and the driver drove away. He said if this many things have happened to his family how many other incidents have there been and how many more before the city does something. He said that he felt putting stop signs up was the quickest and cheapest solution right now. Chief Patty again stated that stop signs will slow people down but that is not the purpose of stop signs. Councilman Lipinski said he has the same issue in front of his house farther east on 42<sup>nd</sup>. Councilman Ryan said he was a witness to a recent accident near there and it happened just past the stop sign so not sure if didn't stop or just hit the gas. He said he did not believe stop signs were the answer. Councilman Fuhrman stated that he cannot find anything on google that says stop signs slow down

traffic. Councilman Knipp asked if they could set up patrols and write tickets. Mr. Lybrand stated that he felt they had gotten off track and stuck on stop signs when the issue is about safety.

Motion by Lipinski, second by Mickley to approve the placement of the stop signs. Poll vote: Bullen, nay; Knipp, nay; Ryan, nay; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, nay; Fuhrman, nay; and Woolley, nay.

### **Motion Failed.**

After the vote Councilman Ryan asked if they could pursue other options. Engineer Wallace stated that there are other options such as speed boards.

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

Patty-the department did a derelict vehicle sweep and 32 vehicles were abated or repaired, the ACO truck was delivered today.

Coy-nothing to add.

Ramirez-Clerk Ramirez gave a brief explanation of how to read the quarterly financial reports. She also addressed an issue of an anonymous fax that was received and also an email. The fax did not have any of the required information at the top as required by FCC rules in the United States; there was no name or signature on it so they apparently did not want us to know who sent it. The email had an email address of JohnnyWard77, however we searched through Warr Acres utility database, OKC reports and County Assessor website and found no one with this name. It was received shortly after the e-billing was sent out so it was obviously someone that receives an e-bill, they were the only ones that had received their bill the ones that get mailed out had not been even printed out. There are 331 e-billing customers and the email address is not one that we send a bill to. She stated it sounds as though the sender has issues with the City Staff and Attorney. The staff does know how to do their jobs and the Attorney has nothing to do with billing or the annual adjustments so he could not have advised staff erroneously. She stated that the staff does know how to read the City Code and knows which months OKC water bills are to be used. She then quoted the City Code 13.04.060 (A) 3 and 4. The sender was correct that the changes will be affective on the May 20<sup>th</sup> billing. That billing will be for the month of May not June. The bills clearly show the time frame for which the customer is being billed. We do not bill in advance. We confirmed via an email from OKC that the consumption that was sent to us in March is the December, January and February bills/consumption. The City Code clearly states May, not April. The city does not send out newsletters with erroneous notices and everyone knows what assuming does. I have spoken with Veronica and she knows the correct months that are to be used for calculating the new rates. She stated that he did not recall speaking with a John or Johnny Ward and went back through her notes and could find nothing. Clerk Ramirez stated she was unclear as to how the sender could state what Veronica believes.

She said she just wanted to say again that they did confirm with OKC that the report Veronica was send was for the December, January and February bills/consumption. In the future it would be nice if persons that send faxes would follow the law and include their name and address, and the same goes for emails. She told them if any of them wanted to see the documentation for what she had just told them she had it there for them to look at. Clerk Ramirez also told the council that the firm that prepares Warr Acres financial reports each year for the audit is the same firm that has been hired by the City of Yukon to do their forensics audit. So hopefully this will put some of your minds at ease, since in the past there have been concerns by some of you that we were hiding something and that's just not true.

Love-good job Pam. He stated that he received a copy of this and he is use to having his name drug through the mud but it is very unfortunate that an anonymous fax called out an employee by name. It would have been nice for the person to come and discuss it here instead of hiding behind a mask. Very happy that the Governor has signed our legislation.

Turman-working on finalizing paperwork for the storm debris removal to FEMA, a sanitation truck hooked the lines along Meridian, will be reviewing procedures, Andy's frozen custard construction is underway.

Wallace-50<sup>th</sup> and Mac had a slow down due to rain, but still looking at May for paving.

Rice-Planning Commission needs to put in the regulations the city wants for Town Center for landscaping. Commission Evans gave them a copy of Oklahoma City's landscape ordinance. Landscaping needs to be integrated in the Town Center.

Item 12 was heard after item 5.

6. Discussion and possible action on an Automatic Mutual Aid agreement between Warr Acres and the City of Bethany. \*Coy\* \*\*\*\*\*

The date at the top needs to be corrected.

Motion by Mickley, second by Knipp to approve the agreement with the date being changed to today's date. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

### **Motion Passed Unanimously.**

7. Discussion and possible action to authorize the Mayor to have repairs made to Engine 23 not to exceed \$27,000. \*\*\*\*\*

Chief Coy said there are several options being looked at. This is the truck that is being replaced with the unit that has been ordered. The one thing we know is that we have been told a couple of times that it will be reimbursed at 75% since the truck was on the

way to a fire at the request of OEM. Some of the options are to have it fixed by United Engines, purchase a unit from another entity that has the same engine and have it swapped out, run it across the scales and get what we can out of it. Chief Coy stated that he felt the best option was to have it repaired and then it could be sold for possibly around \$30,000 but if they scrap it they may only get a few thousand for it.

Motion by Mickley, second by Knipp to authorize the Mayor to have the repairs made choosing the best option. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

8. Discussion and possible action on a Tort Claim filed by Muhammad Feroz in regards to a water line presumably being broken by a front end loader. The city's insurance company has recommended denial. \*\*\*\*

Councilman Ryan asked if there was any proof that the city caused the damage. PWD Turman stated that after they received the claim they went out and took a look and the resident had not rented a dumpster and the equipment from the contractor hired to remove debris was too large to have done the damage.

Motion by Mickley, second by Ryan to deny the tort claim. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

9. Discussion and possible action on a Resolution amending the Non-contract Employee Pay Grade and Scale by adding the position of Asst. Building Inspector to Grade 6 in the Pay Grade and Pay Scale and setting up for temporary or part time workers. \*\*\*\*

Motion by Mickley, second by Knipp to approve the Resolution. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

10. A. Discussion and possible action on an Ordinance amending 19.43.060 relating to the eligibility requirements for rezoning within the TCCC Overlay zoning district. \*\*\*\*

Councilman Fuhrman stated he has some issues with the verbiage. Councilman Ryan stated that he doesn't like that there will have to be approval from both the Planning Commission and the Council.

Motion by Mickley, second by Broadwater to approve the Ordinance with the amendment to Section 1 from Chapter 19.68. to 19.43 and Section 19.68.010 to

19.43.060. Poll vote: Bullen, yes; Knipp, nay; Ryan, nay; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, nay; Fuhrman, nay; and Woolley, yea.

**Motion Passed.**

B. Approval of the emergency clause.

Motion by Ryan, second by Knipp to approve the emergency clause. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, nay; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

11. Discussion and possible action to reconsider vote denying the tort claim filed by Kerry Rice in regards to door being kicked in by the Fire department responding to a medical call, the calling party gave the wrong address. The city's insurance company has recommended denial and City council denied the claim at its March regular meeting. May include possible action to enter into executive session as authorized by 25 O.S. Section 307(B)(4) for confidential communications with the City Attorney regarding the claim on the advice from the City Attorney that public disclosure would seriously impair the Council's ability to process the claim. \*Lipinski\*

Motion by Fuhrman, second by Allsup to enter into execute session. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 9:00 p.m. The council returned to open session at 9:28 p.m. With no action taken.

Motion by Lipinski, second by Allsup to reconsider the vote from March 15, 2016. Poll vote: Bullen, nay; Knipp, nay; Ryan, nay; Lipinski, yea; Broadwater, nay; Mickley, nay; Allsup, yea; Fuhrman, nay; and Woolley, nay.

**Motion Failed.**

Item 12 was heard after item 5.

12. Discussion and possible action to enter into executive session for the purpose of confidential communications with the City Attorney regarding a pending claim from James W. Case (on behalf of Cherokee Crossing LLC) demanding a refund of a performance bond that was posted in April 2015. Such executive session is authorized by 25 O.S. Section 307(B)(4) on the advice of the City Attorney that disclosure would seriously impair the ability of the City Council to investigate and process the claim.

The Mayor asked for Engineer Wallace and PWD Turman to be included in the executive session.

Motion by Ryan, second by Knipp to enter into executive session. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The council entered into executive session at 7:17 p.m. The council returned to open session at 8:05 p.m. With no action taken.

13. Questions and Comments from Council.

Mickley-Good luck to Donnie and Bo in their run for State Representative seats.

Fuhrman-stated he hopes that the new legislation will help. Said that hard to discuss tort claims and would really be nice to have something drafted up on how to deal with them. He told Donnie and Bo to knock them dead in their State Representative races.

Woolley-congrats to Donnie and Bo on filing to run for State Representatives, they represent the city well and will represent the state well. Thanks to everyone for working to help get the legislation passed. Thanks to Representative Hall and Senator Holt and the committees. He told the council that he have in the budget to hire someone to help with Economic Development. He has found someone that will work to bring in developers and will hold a meeting to jumpstart economic development at no pay.

14. Adjournment.

Motion by Ryan, second by Mickley to adjourn. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk/Treasurer

## MINUTES

CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
APRIL 19, 2016  
6:00 p.m.

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

1. The meeting was called to order at 9:38 p.m. Declaration of a quorum present was given.

### ROLL CALL

#### PRESENT

Chairman Patrick Woolley  
Vice Chairman James Mickley  
Trustee Bo Broadwater  
Trustee Blayne Allsup  
Trustee Stephen Fuhrman  
Trustee John Knipp  
Trustee Jimmy Bullen  
Trustee Glenn Lipinski  
Trustee Donnie Ryan

#### ABSENT

2. Approve the minutes of the Warr Acres Public Works Authority Meeting of March 15, 2015. \*\*\*\*\*

This item will be corrected and placed on the May agenda for approval the date of the minutes shows 2015 not 2016.

3. Approve payment of claim in the amount of \$57,486.08 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of March, 2016. \*\*\*\*\*

Motion by Ryan, second by Knipp to approve the payment. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

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

4. Approval of payment of claims for the Sewer department for \$2,088.43.



Motion by Ryan, second by Knipp to approve the payment of claims. Poll vote: Bullen, yea; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

5. Adjournment.

Motion by Knipp, second by Ryan to adjourn. Poll vote: Bullen, yes; Knipp, yea; Ryan, yea; Lipinski, yea; Broadwater, yea; Mickley, yea; Allsup, yea; Fuhrman, yea; and Woolley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 9:43 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk/Treasurer