

MINUTES

**CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY,
JUNE 21, 2016
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 Coy and the Invocation was given by Mayor Woolley.

ROLL CALL

PRESENT

Mayor Patrick Woolley
Vice-Mayor James Mickley
Councilman Bo Broadwater
Councilman Stephen Fuhrman
Councilwoman John Knipp
Councilman Donnie Ryan
Councilman Glen Lipinski
Councilman Blayne Allsup

ABSENT

Councilman Jimmy Bullen

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Stephen Coy, Fire Chief
Mike Turman, Public Works Director
Veronica Thompson, Utility Billing Clerk/Asst. City Clerk
Craig Wallace, Engineer
Wiley Rice, City Planner

2. Call to the Public

Barbara Harris 5917 NW 43- spoke on Consent docket. Asked why the City would be considering paying Mr. Case \$500.00. She stated she doesn't see any reason why the city would pay him anything after forfeiting his bond.

Mayor stated Mr. Case put up a \$10,000.00 bond for work that needed to be finished. The City gave him 6 months to finish. He didn't start the work until after the 6 months, therefore the bond was forfeited as of September 1, 2015. The City had to go and fix the ADA ramp which cost approx.3500.00, which was not in compliance, the engineer, who had to continue to go out and check the ramp took up about \$7,000.00. The City came up with a value of \$500.00 of the \$10,000.00. Matt offered it to them and Mr. Case has accepted the offer.

Matt stated Mr. Case filed a claim for over \$6,000.00, they argue the bond was invalid. The matter has been resolved for a proposed \$500.00. Bases for the payment is a demand and threat of litigation over the bond and amounts that were not spent out of the bond.

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 May 17, 2016. ****
 - B. Approval of Expenditures ****

General Fund	\$ 483,861.47
CIP Fund	\$ 278,817.00
 - C. Approval of Actual Expenditures for May 2016 and Proposed Expenditures for June 2016. ****
 - D. Sales Tax History Report. ****
 - E. Approval to surplus the following vehicles:
One 2008 Ford Crown Vic Police Interceptor VIN#2FAHP71V58X161271
One 2001 Ford Crown Vic, blue, VIN#2FAFP71W11X177733
One 2000 Jeep Cherokee Sport, black, VIN#1J4FT48S6YL116595
One 2005 Ford Crown Vic, black, VIN#2FAHP71W35X150399
 - F. Approval of a claim in the amount of \$500 to James W. Case.***

Councilman Fuhrman pulled Item A and F

Motion by Fuhrman, seconded by Ryan to approve items B,C,D and E of consent docket. Poll vote: yea's; Fuhrman, Ryan, Knipp, Lipinski, Broadwater, Mickley, Allsup, Woolley.

Motion Passed Unanimously.

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

Councilman Fuhrman pg 6 on the minutes, putting \$15,000.00 back on this agenda and it's not on the agenda. Not disputing the minutes being incorrect, disputing it's not on this agenda.

Motion by Fuhrman, Seconded by Mickley to approve Item A from consent docket. Poll vote: yea's; Fuhrman, Mickley, Woolley, Broadwater, Lipinski, Ryan, Knipp. Abstain; Allsup.

Motion passed.

Council Fuhrman pulled Item F because of the comments from the public just in case someone wanted to speak on it.

Motion by Mickley, seconded by Broadwater to approve Item F of consent docket. Poll vote: yea's; Mickley, Broadwater, Knipp, Allsup, Ryan, Fuhrman, Woolley. Nay's; Lipinski.

Motion passed.

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

Police Chief-Nothing

Mayor- pg. 17, 2 people, Det. Richardson who needs prayers and daughter of officer Markstone need prayers. Want to make sure the council knew there are serious illnesses within our family here.

Chief Coy- appreciate the Council for approving the \$18,800.00, to upgrade their masks. The new masks will survive 11-17 secs, which now is only up to 4 secs. He also stated the department has received many “thank yous” from, daycares, the library and the nursing home for the weather radios. They also hosted another Procure event for children with cancer. The children get to eat with the fireman and show them the fire house and fire trucks. We are THE fire department for the Procure Treatment Center off of Memorial and MacArthur.

PWD- Thanked the Council for New Front Loader. Street sweeper driver is back running the street sweeper. Next month is Big Trash Pickup.

Councilman Ryan asked if anyone has heard from FEMA.

Mayor stated Mike sent in the information FEMA requested and FEMA has called three different times for additional information. He sent the info, not sure when they are going to get back with us.

Engineer-Sidewalk between Meridian & MacArthur has been given a Sept or Oct letting date. At ACOG meeting they stated the City will be the first community that has successfully received a project through the TAP program and lett and started in construction.

Planner- Council Fuhrman has worked on updating sign requirements specifically as it relates to the Town Center working with him he will get those into the TC regulations and zoning codes.

6. Final Public Hearing, discussion and possible action on a Use Subject to review. Applicant: Bank of Oklahoma. Location: 3800 N. MacArthur Ste. E. The applicant would like to open a financial banking branch, generally limited to C-1 zoning, in a C-4 zoning which is a Use Subject to Review.

Motion by Ryan, seconded by Mickley to open the Public Hearing: Poll vote: yea’s; Ryan, Mickley, Broadwater, Allsup, Fuhrman, Lipinski, Knipp, Woolley.

Motion Passed Unanimously.

Motion by Ryan, seconded by Mickley to close the Public Hearing: Poll vote: yea’s; Ryan, Mickley, Fuhrman, Knipp, Lipinski, Broadwater, Allsup, Woolley.

Motion Passed Unanimously.

Chance Delancey with Architects Inc. out of Tulsa, OK.

BOK would like to add a new walk-in branch at 3800 N. MacArthur, to replace another instore branch.

Mayor- the Planning Commission recommended approval unanimously.

Councilman Ryan asked about the ATM. Mr. Delancey stated there will be an ATM Island, no awning, no overhang, no structure.

Mr. Delancey showed the council what they are proposing as far as the bank and the ATM. Stated he has filled out the paperwork for the variance for the ATM.

Mike stated, per our ordinance there is 75ft building line along MacArthur, this ATM fell within the 75ft building line therefore, BOA hearing is required if they are going to build this within the 75ft line.

Councilman Fuhrman is concerned about the widening project where the ATM is proposed to going.

PWD stated they cannot build a structure on a public ROW, therefore they cannot build it within the 50ft ROW.

Engineer- The 50ft is sufficient for our widening project and will NOT need any additional ROW to complete the widening in that area. Including temporary.

Councilman Ryan asked if in the future will there be an addition of a drive thru window. Mr. Delancey stated none.

Motion by Mickley, Seconded by Knipp to approve the Use Subject to Review for BOK with the restriction of no drive thru teller. Poll vote: yea's; Mickley, Knipp, Allsup, Broadwater, Ryan, Lipinski, Fuhrman, Woolley.

Motion Passed Unanimously.

7. Discussion and possible action on the annual radio license agreement with OKC.***

Motion by Ryan, Seconded by Broadwater to approve the annual radio license agreement with OKC. Poll vote: yea's; Ryan, Broadwater, Fuhrman, Allsup, Mickley, Knipp, Lipinski, Woolley.

Motion Passed Unanimously.

8. Discussion and possible action to authorize the Public Works Director to purchase a 4x4 Chevy C1500 Crew Cab from State contract in the amount of \$29,948, and approval to change the budget item name from Ford F150 Pickup to 4x4 Chevy C1500 Crew Cab. (budgeted in CIP for \$30,000) *Turman* ***

Motion by Knipp, Seconded by Mickley to approve the purchase and change the item name. Poll vote: yea's; Knipp, Mickley, Ryan, Fuhrman, Allsup, Lipinski, Broadwater, Woolley.

Motion Passed Unanimously.

9. Discussion and possible action to authorize the Public Works Director to purchase 27 front Load Sanitation Dumpsters from N.E.O. FAB not to exceed the budgeted amount of \$16,000. (budgeted in CIP for \$16,000) *Turman* ***

Mike- Getting more dumpsters since a lot of the 4yd dumpsters are being rented by citizens.

Councilman Fuhrman has a problem with so many dumpsters being rented out by citizens.

Mike- stated not all the 4yd dumpsters being purchased are going for residential rental. Some go to businesses that request 4yds and some are being decommissioned

Councilman Lipinski stated it's the best service the City has to offer, he participated in renting one and if he would have known the City offered this service he would have done it years ago. He believes the City needs to make the citizens more aware of this service.

Motion by Knipp, seconded by Mickley to approve the purchase. Poll vote: yea's; Knipp, Mickley, Ryan, Broadwater, Fuhrman, Allsup, Lipinski, Woolley.

Motion Passed Unanimously.

10. Discussion and possible action approving a Proclamation recognizing July as Water's Worth It month.

Motion by Mickley, Seconded by Ryan on approving Proclamation. Poll vote: yea's; Mickley, Ryan, Broadwater, Knipp, Lipinski, Allsup, Fuhrman, Woolley.

Motion Passed Unanimously.

11. Discussion and possible action on Resolution #512 approving E911 fees for calendar year 2017.***

Motion by Mickley, Seconded by Knipp to approve Resolution#512. Poll vote: yea's; Mickley, Knipp, Fuhrman, Ryan, Allsup, Broadwater, Lipinski, Woolley.

Motion Passed Unanimously.

12. Discussion and possible action on a Resolution amending the Alcohol & controlled Substance Testing Policy and Procedures to Warr Acres Personnel Policies and Procedures Manual.***

Matt- Policy was out of date and needed to be updated per statutory changes.

Motion by Mickley, seconded by Knipp to approve amending Resolution. Poll vote: yea's; Mickley, Knipp, Ryan, Lipinski, Broadwater, Allsup, Fuhrman, Woolley.

Motion Passed Unanimously.

13. A. Discussion and possible action on an Ordinance to adopt SPUD (SIMPLIFIED PLANNED UNIT DEVELOPMENT) Zoning Ordinance (Renumbering Chapter 19.40 to

19.41 and implementing the SPUD ordinance at new Chapter 19.40). ***(planning commission recommended approval with a 4-0 vote)

Matt- 2 procedural matters. 1) renumber, didn't have a Ch. 19.41, we added 19.40, Ch. 19.39 is the current PUD chapter. He thought it would make more sense to put the SPUD in the chapter immediately following the PUD. Since Ch. 19.40 is a "catch all" chapter, the first thing to be done is to move Ch. 40 to the vacant 41 and adding the SPUD in Ch. 40. 2) Mayor also found there are some numbers that need to be corrected so as part of any motion to approve, if that is what is chosen to do, he suggests renumbering those to 19.40.

Councilman Ryan stated in Paragraph D PUD needs to be changed to SPUD along with paragraph A under Reversion.

Matt-making changes as discussed, the renumbering and changing PUD to SPUD. He added verbiage to Section C under SPUD Master Plan and removed verbiage under Section C of SPUD Master Plan #5 and #8.

Motion by Mickley, seconded by Broadwater to approve the Ordinance with changes as amended. Poll vote: yea's; Mickley, Broadwater, Fuhrman, Allsup, Knipp, Lipinski, Ryan, Woolley.

Motion Passed Unanimously.

B. Approval of the emergency clause.

Motion by Mickley, Seconded by Knipp to approve the emergency clause. Poll vote: yea's; Mickley, Knipp, Ryan, Lipinski, Broadwater, Allsup, Fuhrman, Woolley.

Motion Passed Unanimously.

14. A. Discussion and possible action on an Ordinance amending the definition of a Seasonal Building (19.08.010).***

There was much discussion on this item on whether to allow or not allow seasonal buildings.

Motion by Ryan, Seconded by Lipinski to approve the Ordinance as written. Poll vote: yea's; Ryan, Lipinski, Broadwater, Fuhrman. Nay's' Knipp, Allsup, Mickley, Woolley.

No Action. Item still on Table.

Even more discussion on why the voters voted No and why the voters voted yes. None of the Councilmen were going to change their votes regardless of trying to add verbiage or take away verbiage to appease one another.

Motion by Allsup, Seconded by Fuhrman to table Item 14 to the next Regularly Scheduled Council Meeting. Poll vote: yea's; Allsup, Fuhrman, Knipp, Broadwater, Mickley, Woolley. Nay's; Ryan, Lipinski.

Motion passed.

B. Approval of the emergency clause.

Item 15 was not supposed to be on the agenda, it does not come in front of the Council just the Planning Commission.

15. Discussion and possible action on a Seasonal Building Permit Application. Applicant: Lourdes Lopez. Location: 3701 N. MacArthur.

16. Questions and Comments from Council

Broadwater-voted Yes to table the item because he believes the City will do the right thing and allow this lady to continue to operate for 30 more days having operated for 12 years until the Council can make a proper vote on this issue. If he shows up next week and it's an even number of people he may very well turn around and walk out so he can walk out with a clear conscience. He hopes the staff makes the right decision and allows the business operate for 30 more days. If, at the next council meeting, we decide to vote this down, then so be it. It is what it is. He also thanked everyone for hanging out and for their input. Have a good summer and GO VOTE!

Mickley- Warr Acres Health Fair is set for June 3, 2017. It will consist of The Red Cross, Blood Institute, OK Cancer Society, Ok county health, Delta Dental, AARP, Arthritis Foundation, Ok Heart and therapy dog and Fire and Police. Anyone who would like to volunteer is more than welcome.

Allsup- None

Fuhrman- agreed with Broadwater in hopes the City staff does take the proper action and allow these people to continue to operate until this Council can get its act together and decide and what is good for the City and what isn't. He understands everyone voted their way for their particular reason and it's fine, it is wrong to vote someone out of business and he stated that out of his own opinion, because last August this Council voted to approve the Food Truck Ordinance which made this lady not able to have her business without the council changing the definition of seasonal buildings. Yes, technically speaking, the Council did take steps to eliminate her from being in business and he thinks the Council is responsible for that. She has been here for 10 years and there are people from Warr Acres that go to her place and buy Sno Cones and that's how she makes money and then she makes money and then comes in and gets another permit so the City is doing a disservice to the residents that go and buy sno cones and a disservice to her, whether she's a resident or not, she is still a business person.

Lipinski-agreed with Council Fuhrman and Councilman Broadwater. He has been in Warr Acres for over 30 years and the thing about Warr Acres being anti-business was very well known. He feels like the council has taken another step in that direction, especially this going out over the airways. He things the City should do everything they can to encourage ANY business, whether a portable building or a brick and mortar, anything that will generate tax revenue for this City should be welcomed with open arms and we should do everything we can to accommodate anyone who wants open up a business in Warr Acres. He doesn't feel like the city did that tonight.

Ryan- The comments were made that we are not trying to inhibit business and we want businesses to operate and yet we are penalizing everyone. What he heard tonight was not that we don't want business to come in but not wanting businesses to come in selling food. He thinks that is a little bit prejudice towards food businesses. He also stated that he promised Mr. Lybrand at every council meeting and he is going to be true to his promise. What is the status of the speed board

signs for speed limit on 42nd Street? Last month he asked and Chief Patty stated he gave the Mayor the info on the cost. Commented on Police Dept. Police are going through tough times, from Chief's father passing away to the Det. And officer that are going through major medical issues. There is a fundraising sight for one of them for the medical bills. If you happen to run into any of the guys, help them out, pat them on the back, they are covering for their friends and the whole group is dealing with the issues, because it's their friends. Say a prayer for them. Also, Don't forget to VOTE next Tuesday.

Knipp- Food truck has been out of compliance for 8 years at least, if we are going to modify our ordinances for every little business that comes along so they can be in compliance when they are out of compliance, we will be changing ordinances every month. We will be having special meetings to change ordinances so businesses can do what they want to do. They have to do what the ordinances say. We are not trying to run businesses off we are trying to regulate it and get the businesses to go by the ordinances that we have in place. As far as voting, don't forget to vote on our changes not only for our two people running for representative.

Mayor-What he heard from people who voted Yes, each one of them stating we were running out of businesses, they more or less slapped the ones that voted No, in the face. They are stating we are penalizing everyone, we don't care about food businesses, running businesses off and we don't care about bringing new business in, in fact, that's what he's been doing for 8 years, trying to get businesses to come into this City. He takes it as a slap in the face, because we wouldn't have any food trucks or they would not be allowed if it wasn't for writing an ordinance for them. They were not allowed at all until that ordinance was written. He worked on the ordinance for 80 hours taking from ,OKC, County and from other municipalities, so that we could allow food trucks in Warr Acres. He wished changes could have been made, he made suggestions but apparently some people didn't pick up on a lot of it. Sorry it didn't pass. He would like to see it passed and changed and it does need to be worked on next month. He would like to help the people with their business. Maybe we can get changes this next time. It was a shame.

17. Adjournment.

Motion by Knipp, Seconded by Ryan to adjourn meeting. Poll vote: yea's; Knipp, Ryan, Lipinski, Broadwater, Mickley, Allsup, Fuhrman, Woolley, motion passed.

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

Respectfully submitted,

Veronica Thompson
Asst. City Clerk/
Utility Billing Clerk

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY,
JUNE 21, 2016
6:00 P.M.

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

1. Call to Order, Declaration of a quorum.
2. Approve the minutes of the Warr Acres Public Works Authority Meeting of May 17, 2016.***

Motion by Ryan, Seconded by Mickley to approve the minutes of May 17, 2016. Poll vote: yea's; Ryan, Mickley, Fuhrman, Knipp, Lipinski, Broadwater, Woolley. Abstain: Allsup.

Motion passed.

3. Approve payment of claim in the amount of \$55,055.38 to the Bethany-Warr Acres Public Works Authority for the Warr Ares portion of the Joint Trust and Bond Retirement for the month of May 2016.***(at time we will take our rate holiday and the money will stay inthe WAPWA)

Motion by Knipp, Seconded by Mickley to approve payments of claim to BWAPWA. Poll vote: yea's; Knipp, Mickley, Allsup, Fuhrman, Broadwater, Ryan, Lipinski, Woolley.

Motion Passed Unanimously.

4. Approval of payment of claims for the Sewer department for \$4,019.95.

Motion by Ryan, Seconded by Mickley to approve payment of claims for sewer dept. Poll vote: yea's; Ryan, Mickley, Lipinski, Broadwater, Allsup, Fuhrman, Knipp, Woolley.

Motion Passed Unanimously.

5. Adjournment.

Motion by Knipp, Seconded by Ryan to adjourn the meeting. Poll vote: yea's; Knipp, Ryan, Lipinski, Broadwater, Mickley, Allsup, Fuhrman, Woolley.

Motion Passed Unanimously.

The meeting was adjourned at 9:29 p.m.

Respectfully submitted,

Veronica Thompson
Asst. City Clerk/
Utility Billing Clerk