

**MINUTES**

CITY OF WARR ACRES  
REGULAR CITY COUNCIL MEETING  
WILL BE REMOTE ONLY TO  
INCLUDE TELECONFERENCE AND VIDEO CONFERENCE  
TUESDAY,  
JULY 21, 2020  
6:00 P.M.

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

**ROLL CALL**

PRESENT via Zoom Video

ABSENT

Mayor James Mickley  
Councilman Roger Godwin  
Councilman Patrick Woolley  
Councilman Jim Von Thaer  
Councilwoman Kim Allsup  
Councilman Jon Evans  
Councilman Glenn Lipinski  
Councilman Donnie Ryan

Vice-Mayor John Knipp

**STAFF PRESENT**

Matt Love, Attorney  
Roger Patty, Police Chief  
Stephen Coy, Fire Chief  
Mike Turman, Public Works Director  
Pamela McDowell-Ramirez, City Clerk/Treasurer  
Craig Wallace, City Engineer  
Marc Long, City Planner  
Troy Rhodes, Project Architect

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 June 16, 2020 Special meetings of June 9, 2020 and June 25, 2020. \*\*\*\*\*

- |    |                               |              |               |
|----|-------------------------------|--------------|---------------|
| B. | Approval of Expenditures **** | General Fund | \$ 137,173.40 |
|    |                               | 2019 GO Bond | \$ 185,361.86 |
|    |                               | E911 Fund    | \$ 66,342.50  |
|    |                               | CIP Fund     | \$ 220,921.56 |
|    |                               | Sewer Line   | \$ 92,926.62  |
- C. Approval of Actual Expenditures for June 2020 and Proposed Expenditures for July 2020. \*\*\*\*
- D. Sales Tax History Report. \*\*\*\*
- E. Approval to surplus (1) Police Lieutenant Badge and (1) Glock Model 21 .45 caliber pistol Serial Number #SWH-713 and authorize the transfer of said badge and pistol to Lieutenant Tom Green who is retiring after 22 years, 3 months of service with the Police Department per Municipal Ordinance 2.16.135 B and E and per the current Collective Bargaining Agreement Article 18-18.6.

Councilman Ryan asked to pull item E.

Motion by Woolley, second by Godwin to approve items A, B, C, D of the consent docket. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

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

Councilman Ryan wanted to acknowledge Lieutenant Green for his 22 years of service. Councilman Woolley stated Lieutenant Green was a great asset to the city and wished him well.

Motion by Ryan, second by Woolley to approve item E. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

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

Coy-stated that June was slow on fires but busy with medical calls, July they have already had a fire at Park MacArthur apartments, a lightening strike up north and a couple of fires in Bethany they assisted with. He stated that one of his guys resigned and another is leaving to go to Midwest City so he is looking to replace them.

Turman-Rudy's Construction has started the residential streets on the bond issue, there is utility work being done at 50<sup>th</sup> and MacArthur they will be installing a 5G tower, big trash continues with Ward IV, they are down two trucks and the new one should be here in September.

Wallace-transportation project moving along, sanitary sewer project has moved away from the school and should be done in the next couple of weeks, utility relocations have started for the South MacArthur project.

Long-St Charles has started their parking lot expansion and he is working with PC Schools on some tennis courts.

Rhodes-City hall is moving along nicely, the storm shelter has been delayed due to the rain, ACO is on schedule. He went over the plans for the Police department stated that he had finished the plans on June 30 sent them to LINGO and they started the bidding process. No one realized they needed council approval first so he apologized and stated that they could start over if they needed to on the bidding but it would delay them a few weeks. He asked they could go ahead and handle items 15 and 16 since he was going to be going over the plans for each in his report. The Mayor read items 15 and 16 and the council proceeded. (see 15 and 16)

6. Final Public Hearing, discussion and possible action on a Use Subject to Review on a medical marijuana dispensary located at the MacArthur Medical & Professional Center. The building was previously divided into 4 units addressed as 7313, 7315, 7317 and 7319 all on North MacArthur. Applicant has already been approved to operate the dispensary out of the unit addressed at 7317 North MacArthur and now seeks approval to expand that use to the remaining portions of the building. Business Name: Urban Flora Applicant Name: Kari Cunningham. \*\*\*\* (Planning Commission recommended denial by a unanimous vote, the applicant failed to appear at the meeting)

Mayor Mickley stated that the applicant is moving out of Warr Acres, she has been growing and selling wholesale since she moved in and was doing it without city approval.

### **Moot.**

7. Final Public Hearing, discussion and possible action on a Use Subject to Review concerning a medical marijuana dispensary, Budhead 2 Dispensary/Applicant: Keith Davis, located at 5930 NW 39<sup>th</sup> Expressway, Warr Acres, OK, 73122. \*\*\*\* (Planning Commission recommended approval by a unanimous vote)

Motion by Godwin, second by Woolley to open the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

### **Motion Passed Unanimously.**

Councilman Woolley stated that on page 2 of the application it states that he will be processing which is not allowed in Warr Acres. The applicant Mr. Keith Davis stated that he does that outside of Warr Acres and understands it is not allowed.

Motion by Godwin, second by Von Thaer to close the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

Motion by Ryan, second by Godwin to approve the Use Subject to Review for Budhead 2 Dispensary. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

8. Final Public Hearing, discussion and possible action on a Use Subject to review concerning a medical marijuana dispensary, Tree Life Dispensary. Dispensary/Applicant: Veronica Bowie located at 4110 N. MacArthur Blvd Warr Acres, OK 73122. \*\*\*\*\*(Planning Commission recommended approval by a unanimous vote)

Motion by Godwin, second by Von Thaer to open the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

The applicant was present and no one wished to speak from the public.

Motion by Woolley, second by Evans to close the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

Motion by Godwin, second by Evans to approve the Use Subject to Review for Tree Life Dispensary. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

The Mayor moved item 20 before item 9.

9. Final Public Hearing, discussion and possible action on a Use Subject to review concerning the dispensing of beverages composed in whole or in part of alcoholic

beverages containing more than 3.2 percent of alcohol, for consumption on the premises. Location: La Laja Mexican Restaurant, 4536 NW 50<sup>th</sup> Street, Warr Acres OK, 73122. Applicant: Adrian Martinez. \*\*\*\* (Planning Commission recommended approval by a 6 to 1 vote)

Motion by Ryan, second by Von Thayer to open the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

There was a question about the distance from the restaurant to the school. Attorney Love stated that they Ordinance was passed before the State changed the law stating must be door to door distance and the city ordinance states property line. Attorney Love stated several times that the state law trumps the city ordinance. A revised ordinance was asked for.

Motion by Ryan, second by Godwin to close the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

Motion by Ryan, second by Godwin to approve the Use Subject to Review to allow beverages containing over 3.2% alcohol. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

10. Final Public Hearing, discussion and possible action on a Use Subject to review concerning an Auto sales new or use Location: Brisanna Auto Dealer Sales 5528 N.W. 39<sup>th</sup> Expressway, Warr Acres OK, 73122. Applicant: Rodolfo Mellado. \*\*\*\* (Planning Commission recommended denial by a 6 to 1 vote)

Motion by Ryan, second by Godwin to open the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

Planning Chairman Wehba stated this is the third time they have denied this due to lack of parking and that was even before they started the wholesale flower business. Attorney Love encouraged the council not to approve since it would be on the property. Chairman Wehba stated there has never been allowed car sales there and they want to put 4 cars on front and 4 behind leaving no room for parking and they will be on the stated highway

easement. The applicant was present to answer questions. She stated that they are a small business and could continue with just 4 cars.

Motion by Evans, second by Von Thayer to close the public hearing. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

Motion by Ryan, second by Woolley to deny the Use Subject to Review for auto sales. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

11. Final Public Hearing, discussion and possible action on a Use Subject to review concerning a marijuana processing. Applicant: Matt Hattfield, Location: 4205 N. MacArthur Blvd Warr Acres, OK 73122. \*\*\*\* (Planning Commission tabled this item by a unanimous vote)

The Planning Commission tabled this item to their August meeting.

Motion by Ryan, second by Woolley to table this item to the regular council meeting on August 18<sup>th</sup>. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

12. Discussion and possible action on authorizing the mayor to enter into agreements, accept donations and approve payments for the following properties and owners:

**Parcel 5, Temp 3 (Strip Mall, Bank of Oklahoma)**: Check in the amount of \$8,465.00 made payable to, '*C.P.G. Property, L.L.C.*'

**Parcel 8, Temp 8 (north ½) CVS**

Check in the amount of \$9,702.50 made payable to, '*Green Meadows, LLC.*'

Check in the amount of \$9,702.50 made payable to, '*McFar Lands, LLC.*'

**Parcel 8A (south ½) CVS**

Check in the amount of \$10,000.00 made payable to, '*Green Meadows, LLC.*'

Check in the amount of \$10,000.00 made payable to, '*McFar Lands, LLC.*'

**Parcel 11, Temp 13 (Dollar Saver)**: Check in the amount of \$11,920.00 made payable to, '*Mahmoodul Bari and Ismat Bari.*'

for the purchase of permanent road way easements and temporary construction easements for the South MacArthur Project. \*\*\*\*

The Mayor stated that there were just a few left and one was the former Buy for Less property and that property has now sold and will become a new grocery store, small retail and an event center.

Councilman Ryan asked if the Bank of America would have to move their ATM, he was told no they will not.

Motion by Godwin, second by Ryan to authorize the Mayor to enter into the agreements and approve the payments. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

13. Discussion and possible action on replacing the two main lift station pumps at the 43rd Lift Station located at 4536 NW 43rd St by purchasing two Fairbanks Morse pumps from Hayes Equipment Company, 121 NW 132nd St, OKC, OK 73144 (\$28,744.00), plus shipping, installation labor and parts for total not to exceed \$36,000.00. Funds to come from the Sewer Line Maintenance Fund. \*Turman\* \*\*\*\*\*

Councilman Evans asked if PWD Turman was ok with using the same pipe. He stated that it has worked for a long time and there is a very tight space to work in.

Motion by Godwin, second by Woolley to approve the purchase and installation of the pumps. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

14. A. Discussion and possible action on an Ordinance adopting a new Chapter 8.19 to enact a set of temporary Ordinances to be known as the "Warr Acres Covid-19 Safety Code Sections 8.19.001 through 8.19.010. \*Mickley\* \*\*\*\*\*

The Mayor started with a statement giving some numbers and statistics, he stated many of the surrounding cities were also approving ordinances on mask wearing. He does not want to see businesses shut down again, this is a small thing that everyone can do to try and help the situation. There was a lengthy discussion for both sides of the issue. Some felt it was taking their rights away while others felt that it needed to be done to try and protect the citizens. Some agreed that people should wear mask but they didn't think the city should make them. The Mayor stated that only time will tell if it works to slow the spread, this will be in affect through Monday, September 7<sup>th</sup>, Labor day.

Motion by Lipinski, second by Von Thær to approve the Ordinance as amended in the meeting. Poll vote: Godwin, nay; Ryan, yea; Lipinski, yea; Von Thær, yea; Woolley, yea; Evans, nay; Allsup, nay; and Mickley, yea.

**Motion Passed.**

B. Approval of the emergency clause.

Clerk Ramirez asked the council to please consider voting for the emergency clause, it needed a certain majority to be effective immediately and if passed then only the heading had to be published but if not, the entire ordinance would need to be published so would appreciate the saving of the money. Attorney Love stated that it would take a 2/3 majority to pass or 6 yes votes.

Motion by Ryan, second by Lipinski to approve the emergency clause. Poll vote: Godwin, nay; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, nay; Allsup, yea; and Mickley, yea.

**Motion Passed.**

Items 15 and 16 were taken together after item 5.

15. Discussion and possible action to approve the final plans for the Police Department and authorize LINGO to go out for bids. \*Rhodes\* \*\*\*\*
16. Discussion and possible action to approve the final plans for the Fire Department and authorize LINGO to go out for bids. \*Rhodes\* \*\*\*\*

Councilman Woolley said the plans had been shrunk down to 1,200 square feet and wanted to know if that included the sally port. Mr. Rhodes stated it is around 12,000 square feet and that did include the sally port. Councilman Woolley stated that he really felt there needed to be a brick or rock exterior on the east side of the Police department for safety reason. He commented that he understood they had worked with experts on the new department and wondered about their thinking on the exterior. Mr. Rhodes stated yes they were working with Redstone on the design of the department but that was for functional issues inside on the exterior and that there were alternate bids for exterior finishes. He stated that they are hoping the base bid comes in low enough to allow for the alternate. Other council members also feel there should be brick exterior. The bids for the Police department are due in on July 30<sup>th</sup> and the ones for the Fire department on August 4<sup>th</sup>.

Motion by Ryan, second by Von Thaer to approve the final plans for the Police and Fire departments and authorize LINGO to go out for bids. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, lost connection; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

Item 6 was heard after item 16.

17. Discussion and possible action on the annual Fire Equipment Agreement with Oklahoma County Emergency Management. \*Coy\* \*\*\*\*

Motion by Godwin, second by Von Thayer to approve the agreement. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

18. Discussion and possible action to delegate authority to approve change orders to the Mayor for the bond project related to residential street provided such change orders relate to repairs/replacement of City curbing along such streets and that the total change from the original contract price from such change orders does not exceed \$40,000. Any change orders approved by this delegation will be reported to the Council at the next regular meeting of the Council following such approval. \*Love\* \*\*\*\*

This item was pulled from the agenda by the Mayor.

19. Discussion and possible action on an agreement with Public surplus. \*Patty\* \*\*\*\*

Chief Patty asked Attorney Love if he had reviewed the agreement, he stated that he had not. Chief Patty proceeded to tell the council that we have used Public surplus for a long time and the purchasers of our auction items have always paid the city directly and then we paid a fee to Public surplus. However, they are not required to collect and remit sales tax on all items sold on behalf of the city up front and this agreement allows for that and for them to collect their fee and will guarantee payment to the city.

Motion by Woolley, second by Godwin to approve the agreement. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

20. Discussion and possible action on appointing Mike Murphy to the Ward II and Ken Phillips to the Ward IV Board of Adjustment seats. (Terms to expire October 2021)

Motion by Godwin, second by Von Thayer to appoint Mike Murphy and Ken Phillips to the Board of Adjustment. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

Item 9 was heard after item 20.

21. Questions and Comments from Council.

Von Thayer-thank you to the council for passing the mask ordinance, I know not everyone is happy about it but I think was the right thing to do, everyone stay well.

Woolley-heck of a meeting.

Evans-nothing.

Allsup-pray for all safety and that we all get through this.

Godwin-thanks Police, Fire and all city workers that take care of us, I'm sorry that people are sick and I hope they get well and John Knipp gets well and if this thing continues on hope there are more people to say no to infringing on our personal rights.

Ryan-thanks for all everyone does.

Lipinski-thought everyone might have misunderstood what he was saying about the ordinance, does not want the ordinance to go past September 8<sup>th</sup> just wants the option to be able to review it, happy it passed.

Mickley-thanks for everyone for the discussion and comments on item 14 no matter which way you were leaning and appreciate everyone's understanding and consideration it is nice to have a controversial issue and everyone still be friends when it is over. Now, welcome Super Mercado it was official at noon today, there have been many delays and ups and downs but it is over. He met Manuel Gomez Santoyo at a conference for Hispanic business owners. The Governor introduced him said he has shopped at their store in Tulsa and that they serve a great lunch and have a fabulous grocery store. He talked to him after the conference and told him about the Buy for Less building. They loved the idea of closing the two stores that he leases the property and putting it in one place that he would own. It has taken months but it finally done.

22. Adjournment.

Motion by Woolley, second by Von Thær to adjourn. Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:42 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk/Treasurer

**MINUTES**

**CITY OF WARR ACRES  
PUBLIC WORKS AUTHORITY MEETING  
TUESDAY  
JULY 21, 2020  
6:00 p.m.**

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

1. The meeting was called to order at 8:42. Declaration of a quorum present was given.

**ROLL CALL**

PRESENT via Zoom Video

ABSENT

Chairman James Mickley  
Trustee Roger Godwin  
Trustee Patrick Woolley  
Trustee Jim Von Thaer  
Trustee Kim Allsup  
Trustee Jon Evans  
Trustee Glenn Lipinski  
Trustee Donnie Ryan

Vice-Chairman John Knipp

2. CONSENT DOCKET: (individual items may be deleted from the consent docket for discussion and action under #3.)
  - A. Approve the minutes of the Warr Acres Public Works Authority Meeting of May 19, 2020 and June 16, 2020. \*\*\*\*\*
  - B. Approve payment of claim in the amount of \$55,273.10 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of June, 2020. \*\*\*\*\*
  - C. Approval of payment of claims for the Sewer department in the amount of \$2,208.27.

Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

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

**Moot.**

4. Adjournment.

Poll vote: Godwin, yea; Ryan, yea; Lipinski, yea; Von Thær, yea; Woolley, yea; Evans, yea; Allsup, yea; and Mickley, yea.

**Motion Passed Unanimously.**

The meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez  
City Clerk/Treasurer