

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
WILL BE REMOTE ONLY TO
INCLUDE TELECONFERENCE AND VIDEO CONFERENCE
TUESDAY,
AUGUST 18, 2020
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 and Invocation were done by Mayor Mickley.

ROLL CALL

PRESENT via Zoom Video

ABSENT

Mayor James Mickley
Vice-Mayor John Knipp
Councilman Roger Godwin (logged in at 6:02 p.m.)
Councilman Patrick Woolley
Councilman Jim Von Thaer
Councilwoman Kim Allsup
Councilman Jon Evans
Councilman Glenn Lipinski
Councilman Donnie Ryan (logged in at 6:52 p.m.)

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 July 21, 2020 Special meeting of August 4, 2020. ****
- B. Approval of Expenditures ****

| | |
|--------------|---------------|
| General Fund | \$ 137,282.72 |
| 2019 GO Bond | \$ 189,244.02 |
| CIP Fund | \$ 347,398.64 |
| Sewer Line | \$ 160,586.91 |
- C. Approval of Actual Expenditures for July 2020 and Proposed Expenditures for August 2020. ****
- D. Sales Tax History Report. ****
- E. Approval to waive the City’s right of appeal BOA Case #2020-01 for Zachary Taylor (Applicant) filed a Notice of Appeal before the Board of Adjustment, Warr Acres, OK, concerning a property located at 7100 N Gun Hill Way, Warr Acres, Oklahoma, Oklahoma County. The applicant requests a variance to zoning ordinance 19.41.050 Swimming Pools.

NATURE OF APPEAL: SWIMMING POOLS (19.41.050).

The City of Warr Acres Ordinance, Chapter 19.41.050 Requires that the installation of a swimming pool shall be no closer than six (6) feet to the utility easement. The applicant claims that this would create an unnecessary hardship and is requesting a variance to place the pool closer inside the required setback.

19.41.050: SWIMMING POOLS:

Private inground and aboveground swimming pools may be constructed as an accessory use, but shall be completely enclosed by a permanent wall or fence of not less than six feet (6’) in height and shall meet the requirements of the City. A swimming pool shall not be constructed in front of the front building line, and no portion of the pool, excluding equipment, walkway or other facilities related thereto, shall be located closer than:

- A. Six feet (6’) to utility easement;
- B. Ten feet (10’) to the side or rear lot line. Swimming pools shall not be included in back yard coverage calculations (Ord. 1169, 2016: Ord. 832 §1, 1997)

(The Board of Adjustment recommended approval of the variance by a 3-1 vote. The one vote was counted as an abstain due to the fact that there was an issue with their connection and they could not be heard)

- F. Approval to waive the City’s right of appeal BOA Case #2020-02 for Day Ta (Applicant) filed a Notice of Appeal before the Board of Adjustment, Warr Acres,

OK, concerning a property located at 5025 N Meridian Ave., Warr Acres, Oklahoma, Oklahoma County. The applicant claims that this would create an unnecessary hardship and is requesting a variance to ordinance 15.06 Mural to put a Mural on the building.

NATURE OF APPEAL: MURAL (15.06).

The City of Warr Acres Ordinance Chapter 15.06 defines a mural as follows:
MURAL: A painting or work of art directly painted on a wall or other structure including streets, sidewalks, fences or buildings. Depictions shall not contain words, logos, emblems, trademarks or other similar depictions. Allowed only in Warr Acres Town Center Cultural District and contains no advertising message.

(This item was not an item that should or could be heard by the BOA see memo from Matt)

Mayor Mickley pulled item F. He stated that item E was in line with issues on pools the BOA has heard before and the applicant signed an agreement that the knows is his responsibility to move it if the easement is needed.

Motion by Godwin, second by Von Thaer to approve A-E of the Consent Docket. Poll vote: Godwin, yea; Knipp, nay, Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed.

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

Item F.

This was not an issue that the BOA should have heard it is not in Title 19 of the code and they only hear issues dealing with Title 19. The Mayor stated that murals are not allowed in the city except in the Town Center. Mr. Ta stated that there are other around, but did discover some were not in Warr Acres. Attorney Love stated do not look at what is on the mural, you cannot restrain the freedom of speech, the fact is murals are not allowed anywhere in the city except Town Center. No Action is to be taken on this item.

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

Engineer Wallace-sewer project almost done, working on lots of projects all over the city.

Planner Long-PC schools pulled the item concerning tennis courts they have changed where they plan to put them.

Architect Rhodes- ACO moving along it will probably take two weeks longer because of all the rain. City Hall progressing nicely. JP Craig with LINGO showed picture of the completed concrete on the southside the new paint on the exterior. He believes they should be done a few weeks early. Troy stated the bids come in very well so they will be able to do the alternates for Police and see about Fire. The items for the Fire and Police stations were heard next.

6. Final Public Hearing, discussion and possible action concerning a Use Subject to Review for marijuana processing. Applicant: Matt Hattifield, location 4205 N MacArthur Blvd, Warr Acres, OK 73122. **** (Planning Commission recommended denial by a vote of 5-2)

Motion by Evans, second by Von Thaer to open the Public Hearing. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

Mayor Mickley questioned if Mr. Matt Hattifield was the owner because other names are listed in past paperwork. Mr. Hattifield stated that he thought what is father had done would be grandfathered in, but the 4205 address was never discussed.

Motion by Ryan, second by Evans to close the Public Hearing. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

Attorney Love stated that there has been growing and processing taking place at 4205 for the last year and has never been approved. The State shows Metrovape as a grower, Bubbas Good Stuff as a processor and Blazed as a Dispensary. Mr. Hattifield stated that his dad passed away in October and that he got rid of the plants and kicked out the processor in May when he found out his dad had not been approved. He stated that he would start over.

Motion by Ryan, second by Woolley to deny the application for lack of authority to grant what the application seeks. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

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

Parcel 2, 4, Temp 1: A check in the amount of \$1,750.00 needs to be made payable to, *'Supermercados Morelos, LLC.'*

Parcel 14, Temp 17: A check in the amount of \$725.00 needs to be made payable to, '[Wilkins Vet Hospital, L.L.C.](#)'

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

Motion by Woolley, second by Von Thayer to authorize the Mayor to sign the agreements and make the payments. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

8. Discussion and possible action on Change Order #1 for the addition of a half inch asphalt leveling course to various projects within the bond program which will improve the asphalt overlay smoothness and increase the pavement thickness from one and a half inches to two inches at an additional cost of \$118,000.00. *Wallace* ****

The Mayor pulled this item.

9. Discussion and possible action on Change Order #1 for the Sanitary Sewer Project for the addition of a three-inch (3") Surge Rock at the construction entrance at an additional cost of \$3,750.00. *Wallace* ****

Engineer Wallace stated that they needed the rock for the erosion and accessibility to the construction site off of 58th.

Motion by Woolley, second by Von Thayer to approve. Poll vote: Godwin, yea; Knipp, yea, Ryan, nay; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed.

10. Discussion and possible action to amend the budget line item in the CIP budget from "1 3/4" Fire Hose and Nozzles" to "Fire Hose and Nozzles" to allow for the purchase of different size hose and to authorize Chief Coy to purchase 1 3/4" hose and 2 1/2" hose and nozzles. *Coy* ****

Motion by Von Thayer, second by Evans to amend the budget line item name to Fire Hose and Nozzles and to allow the Chief to purchase the hose and nozzles. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thayer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

Items 11 and 12 were heard following Troy Rhodes monthly report

11. Discussion and possible action to approve the bids, GMP and any alternates for the New Fire Department. ****

All bids proposed are quality bids and the low bids. There were some things found during the core sampling that caused some of the cost to come in high. Councilman Evans asked if they could discuss the Police first before considering alternates on the Fire. Mr. Rhodes stated that the Police station bids came in so well that all the alternates will be able to be included which give them brick all the way up on the southside and the majority of the eastside. Councilman Evans state that he liked that and thanked Mr. Rhodes. Back to the Fire station will have brick entry and columns by the bay doors. Councilman Knipp asked how big the bay doors would be. He was told 15 ft wide and 14 ft tall. He stated that future apparatus might be larger and is concerned they might not fit. Mr. Rhodes stated that all the bays are drive-thru. Councilman Woolley asked where the sheets they received during the City Hall bidding with all the bidder information on it was, said he would like to have the sheets for the Police and Fire. JP Craig stated that he could send them to Pam for her to send out to everyone. He also stated that the GPM shows the alternates that will be included.

Motion by Woolley, second by Evans to approve the Fire bids, GMP and all alternates listed. Poll vote: Godwin, yea; Knipp, yea, Ryan, nay; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed.

12. Discussion and possible action to approve the bids, GMP and any alternates for the New Police Department. ****

Motion by Ryan, second by Knipp to approve the Police bids, GMP and all alternates listed. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

13. Discussion and possible action on Resolution #547 approval of the weighted voting amendment to the agreement creating the 9-1-1 Association of Central Oklahoma Governments. ****

Mayor Mickley and Vice-Mayor Knipp both voiced their displeasure about this but both said that if it isn't done the city might not get funding in the future.

Motion by Ryan, second by Von Thaer to approve Resolution #547. Poll vote: Godwin, yea; Knipp, nay, Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, nay; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed.

14. Discussion and possible action on Resolution #548 concerning funding pursuant to the CARES ACT and the Coronavirus Relief Fund, confirming that it is the policy of the City that all Public Safety personnel costs are "substantially dedicated" to the COVID-19 response efforts of the city throughout the ongoing state of emergency. ****

Motion by Woolley, second by Von Thaer to approve Resolution #548. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

15. Questions and Comments from Council.

Von Thaer-thanks to all the first responders, everyone stay healthy.

Woolley-said he asked a lot of questions but wants to make sure has the information, thanks to all the employees, staff and council.

Evans-based on the budget report it looks like everyone is working hard to hold down the budget.

Allsup-with all the streets getting redone she is so grateful that it will make the community look nice and hopes that the citizens will help by cleaning up their properties.

Knipp-thanks for carrying on while he was gone.

Godwin-excited next month's agenda will have the ABLE Commission changes to the city code. Thanks to city staff and he still opposes mask wearing.

Ryan-PC schools are doing virtual learning, but buses are still running so be aware and stop for the buses.

Lipinski-Thanks to all the employees and stay safe.

Mickley-Urban Flora has closed by way of US Marshalls, thank you to the staff.

16. Adjournment.

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

Motion Passed Unanimously.

The meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

**CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
AUGUST 18, 2020
6:00 p.m.**

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

1. The meeting was called to order at 7:41 p.m. Declaration of a quorum present was given.

ROLL CALL

PRESENT via Zoom Video

ABSENT

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

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 July 21, 2020. ****
 - B. Approve payment of claim in the amount of \$57,729.92 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of July, 2020. ****
 - C. Approval of payment of claims for the Sewer department in the amount of \$617.25.

Motion by Woolley, second by Godwin to approve the consent docket. Poll vote: Godwin, yea; Knipp, yea, Ryan, yea; Lipinski, yea; Von Thaer, yea; Woolley, yea; Evan, yea; Allsup, yea; and Mickley, yea.

Motion Passed Unanimously.

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

Moot.

4. Adjournment.

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

Motion Passed Unanimously.

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer