

MINUTES

CITY OF WARR ACRES
REGULAR CITY COUNCIL MEETING
TUESDAY
DECEMBER 15, 2020
6:00 P.M.

1. The meeting was called to order at 6:04 p.m. Declaration of a quorum present was given. The Flag salute was led by Chief Coy and the Invocation was given by Mayor Mickley.

ROLL CALL

Present

Mayor Jim Mickley
Vice-Mayor John Knipp
Councilman Pat Woolley
Councilman Jim Von Thayer
Councilwoman Kim Allsup
Councilman Roger Godwin
Councilman Donnie Ryan

Absent

Councilman Jon Evans

STAFF PRESENT

Matt Love, City Attorney
Roger Patty, Police Chief
Stephen Coy, Fire Chief
Pamela McDowell-Ramirez, Clerk/Treasurer
Mike Turman, Public Works Director
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 the November 12, 2020 and Special meetings of November 5, 2020 and November 19, 2020 and November 30, 2020. ****
- B. Approval of Expenditures ****
- | | |
|-----------------|---------------|
| General Fund | \$ 144,182.73 |
| 2019 GO Bond | \$ 48,385.54 |
| Emergency Fund | \$ 592,449.51 |
| CIP Fund | \$ 145,582.85 |
| Sewer Line Fund | \$ 31,380.52 |
- C. Approval of Actual Expenditures for November 2020 and Proposed Expenditures for December 2020. ****
- D. Sales Tax History Report. ****
- E. Approval of the 2020 Audit Engagement letter with Arledge & Associates, P.C. for the FY 2020 audit. ****
- F. Approval of the engagement agreement for Crawford and Associates for financial consulting and reporting for 2021. ****
- G. Approval of a contract with Steven Barker for Asst. City Attorney/City Prosecutor services for 2021. **** (No changes)
- H. Approval of a contract with Beverly Palmer for Alternate Judge services for 2021. **** (No changes)
- I. Approval of a contract with Nathan Luke Simms for Judge services for 2021. **** (Changes only in job title took out Attorney and now says Municipal Judge)
- J. Discussion and possible action on a Contract with Matthew Love for City Attorney services for 2021. **** (No changes)

Councilman Woolley asked to pull item B.

Motion by Godwin, second by Ryan to approve A, C, D, E, F, G, H, I and J of the consent docket. Poll vote: Von Thaer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

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

Councilman Woolley questioned the payment from the Emergency Fund and said he was wondering if all the limbs had been picked up. He was told they were done.

Motion by Woolley, second by Von Thaer to approve item B. Poll vote: Von Thaer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, 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. ****

Ramirez-said they would receive reports from her again someday. After returning from quarantine she had to get the budget finished and then had to pack and move so didn't get work on the reports.

Wallace-utility relocations continue and expect letting in January.

Rhodes-glad to be here in the new space, still a few things to finish. Animal Shelter they are working through a few minor issues. Police Station you can see the progress

6. Final Public hearing, discussion and possible action on a Use Subject to Review concerning a Race Car Fabrication & Professional Education. Applicant: James B. Sale, Jay Sale Racing located at 5940 NW 38th Street, Warr Acres, OK, 73122. **** (Planning Commission recommended approval by a unanimous vote with two members absent)

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

Motion Passed Unanimously.

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

Motion Passed Unanimously.

Councilman Woolley asked if they would be bringing in old car parts to make these race cars. He was told that they bring in sheet metal and fabricate them at the location so no they would not.

Motion by Godwin, second by Knipp to approve the Use Subject to Review. Poll vote: Von Thaer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

7. Discussion and possible action on amending Sections 19.36.020, 19.36.030, 19.37.020, 19.37.030, 19.38.020, 19.38.030 and/or 19.41.140 to address whether and to what extent commercially zoned property can be used by a business licensed by the State as a Medical Marijuana Transporter. (Planning Commission tabled this item to their January 2021 meeting by a unanimous vote with two members absent)

Moot.

8. Final Public hearing, discussion and possible action on a Use Subject to Review concerning a Marijuana Transportation/Transfer Center. Applicant: Matt Hatfield, PROCC-OK, LLC Marijuana Transportation/Transfer Center located at 4205 N MacArthur Blvd. Warr Acres, OK, 73122. (The Council tabled this item at its last regular meeting after the Commission did the same; the Planning Commission again tabled this item at its December meeting to their meeting in January 2021 by a unanimous vote with two members absent and the staff recommends the Council table the time to its next regular meeting in January 2021)

Motion by Ryan, second by Godwin to table this item to the January meeting. Poll vote: Von Thayer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

9. Final Public hearing, discussion and possible action on a Use Subject to Review concerning a Medical Marijuana Dispensary, Gaz Monkey. Applicant Tequisha Howard, located at 7319 N MacArthur Blvd. Warr Acres, OK, 73132. (The applicant did not show up so the application was legally withdrawn)

Moot.

10. Public Hearing, discussion and possible action on Fiscal Year 2021 Budget for the City of Warr Acres. (you have the budget nothing has changed)

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

Motion Passed Unanimously.

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

Motion Passed Unanimously.

11. Discussion and possible action on Resolution #552 approving the City of Warr Acres, Oklahoma Fiscal Year 2021 Budget. *****

Councilman Woolley stated that he was glad we got the money from the Feds so that the budget could get balanced. It is nice to see the reserve being \$400,000.

Motion by Knipp, second by Von Thær to approve the Resolution for the 2021 Budget. Poll vote: Von Thær, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

12. Discussion and possible action on Resolution #553 approving the City of Warr Acres Non-Exempt and Communications Officers pay plan for 2021. *****

Motion by Godwin, second by Knipp to approve the Resolution for Non-exempt and Communication Officers pay plan for 2021. Poll vote: Von Thær, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

13. Discussion and possible action on Resolution #554 approving the City of Warr Acres Exempt Executive Employee pay for 2021. *****

Motion by Godwin, second by Knipp to approve the Resolution for Executive Employee pay for 2021. Poll vote: Von Thær, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

14. Discussion and possible action to authorize the Chief to hire a part time Communications Officer. *Patty* *****

Chief Patty state that he has a former employee that now works for another department but has stated that she would like to help when she can and the city needs her do to the COVID issues and they are shorthanded, this will help him keep overtime down.

Motion by Godwin, second by Knipp to authorize the Chief to hire a part time Communications officer. Poll vote: Von Thær, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

15. Discussion and possible action to authorize the Chief to purchase six used 2019 Ford Explorer Police Interceptor SUV's from Kansas Highway Patrol at a cost of \$152,100 budgeted in the 2021 CIP budget and the remaining \$7,900 and from 2021 General Fund Police line item Safety Equipment \$24,264, not to exceed \$32,164 for the painting, marking and equipping of all units.

Motion by Woolley, second by Von Thær to authorize the Chief to purchase the units. Poll vote: Von Thær, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

16. Discussion and possible action on appropriation of additional funds not already appropriated in the CIP budget to the item “Street School Zone striping and Signage” on NW 63rd and NW 58th for James Capps Middle School in the amount of \$2,274.69 and approve payment of the claim to Action Safety Supply Co. LLC. for the total of \$5,819.69. ****

Councilman Woolley asked what was already approved. Engineer Wallace stated that they had a quote and that was approved but after that the Traffic Commission meeting some additional signage and striping were needed so that caused the increase.

Motion by Woolley, second by Knipp to approve the additional appropriation for the Street School Zone striping and Signage. Poll vote: Von Thaer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

17. Discussion and possible action on a contract with Smith Roberts Baldischwiler, LLC. for City Engineering services for 2021, to include Planner services. **** (changes have been made for 2021)

The council stated that they would like to have the contract separated with Engineer on one and Planner on one.

Motion by Woolley, second by Ryan to authorize the Mayor to sign two contracts with SRB one for Planning and one for Engineering with the same terms that are in the single contract here tonight. Poll vote: Von Thaer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

18. Discussion and possible action on two change order from LINGO one for the Police Station in the amount of \$11,356.36 and one for Fire Station in the amount of \$6,763.12. ****

Councilman Woolley asked what coordination and MEP stood for, did they not know there would need to be coordination? John with LINGO explained that MEP was Mechanical, Electrical and Plumbing and yes there was coordination needed for additional and changes that were made after the plans were excepted and bids done. Some of those were data ports, auto lock on doors several things that changed what the electrician would need to do. There were also louvers added that made an increase for mechanical. Removal of three trees, the brick chosen was a little more cost. Also, there were deductions. There were changes that were made after the drawings are issued. You

do your best to estimate the cost but changes get made that are on the positive and the negative.

19. Discussion on Special Use Permit and clarification as to whether stipulations can be placed on such permits. **** *Knipp*
20. Discussion and possible action on approving a contract with Pafford EMS, who has taken over Samaritan EMS for the Warr Acres ambulance transport company. ****

Pafford has taken over for Samaritan they do have the same personnel and the van type units but as they transition over they prefer to use the larger units said they are easier to handle patients in.

Motion by Godwin, second by Knipp to approve the contract with Pafford for EMS services. Poll vote: Von Thayer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

21. A. Discussion and possible action on an Ordinance increasing the Ambulance service fee. ****

Because of the increase in the contract the city would not collect enough to cover the subsidy and so an increase is needed.

Motion by Ryan, second by Knipp to approve the Ordinance increasing the fee across the board by \$.50 cents. Poll vote: Von Thayer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

- B. Approval of the emergency clause.

Motion by Knipp, second by Ryan to approve the emergency clause. Poll vote: Von Thayer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

22. A. Discussion and possible action on an Ordinance amending 9.44.025 the Warr Acres Municipal code related to unlawful production of excessive or disturbing noise on residentially zoned property within the city limits. *Ryan* (from last month's packet)

Councilman Ryan asked if there was a penalty or ticket allowed in this Ordinance and he was told yes it did. There is no time on this it just allows them to be able to write a ticket, example if you are a day sleeper and the neighbor was blasting music then the officer can

go out and warn them and if have to go back can ticket them if don't stop. Most people do comply but if they don't then this will allow them to write a ticket. Chief Patty found this Ordinance from another city and he would like to have it approved for us. Attorney Love stated that this Ordinance makes it very clear.

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

Motion Passed.

- B. Approval of the emergency clause.

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

Motion Passed.

Clerk Ramirez stated that she would be publishing the Ordinance in full.

23. A. Discussion and possible action on an Ordinance amending 8.19.007 related to the effective dates of the Warr Acres Mask mandate.

Motion by Ryan, second by Woolley to approve the Ordinance with the change of the date to be March 31, 2021. Poll vote: Von Thayer, yea; Woolley, yea; Allsup, yea; Godwin, nay; Knipp, nay; Ryan, yea; and Mickley, yea.

Motion Passed.

- B. Approval of the emergency clause.

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

Motion Passed.

24. Discussion and possible vote to enter into executive session to discuss the status of negotiations between the City of Warr Acres and the FOP Lodge #145 and IAFF Local #2374 for FY 2021 as authorized under 25 O.S. Supp. 307 (B) (2), discussing negotiations concerning employees and representatives of employee groups.

McMorrow-Love

Motion by Knipp, second by Godwin to enter into executive session on items 24 and 26. Poll vote: Von Thayer, out during the vote; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

The council enter into executive session at 7:55 p.m.

The council returned to open session at 8:34 p.m. With no action taken.

25. Possible vote to approve the CBA's with the IAFF Local #2474 and FOP Lodge #145 for FY 2021.

Motion by Woolley, second by Knipp to approve the IAFF and FOP 2021 CBA's. Poll vote: Von Thaer, out during the vote; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

26. Discussion and possible action to enter into executive session for confidential communication with the City Attorney regarding pending litigation (George Brown v. City of Warr Acres et al., Western Dist. Case CIV-20-98) where the Council determines, with the advice of the City Attorney, that public disclosure would seriously impact the Council's ability to process the litigation in the public interest, such session is authorized by 25 O.S. § 307 (B)(4).

27. Discussion and possible action to provide the consent of the City of Warr Acres to the Oklahoma Municipal Assurance Group (OMAG) to settle case CIV-20-98 as OMAG sees fit provided such settlement is within the applicable policy limit and that any monies to be paid would be paid solely by OMAG (subject only to City's deductible).

Motion by Ryan, second by Allsup to authorize OMAG to pursue a settlement. Poll vote: Von Thaer, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

28. Questions and Comments from Council.

29. Adjournment.

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

Motion Passed Unanimously.

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

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer

MINUTES

CITY OF WARR ACRES
PUBLIC WORKS AUTHORITY MEETING
TUESDAY
DECEMBER 15, 2020
6:00 p.m.

1. The meeting was called to order at 8:44 p.m. Declaration of a quorum present was given.

ROLL CALL

Present

Chairman Jim Mickley
Vice-Chairman John Knipp
Trustee Roger Godwin
Trustee Pat Woolley
Trustee Jim Von Thær
Trustee Kim Allsup
Trustee Donnie Ryan

Absent

Trustee Jon Evans

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 November 12, 2020. *****
 - B. Approve payment of claim in the amount of \$57,037.13 to the Bethany-Warr Acres Public Works Authority for the Warr Acres portion of the Joint Trust and Bond Retirement for the month of November, 2020. *****
 - C. Approval of payment of claims for the Sewer department in the amount of \$517.77.

Motion by Woolley, second by Knipp to approve he consent docket. Poll vote: Von Thær, yea; Woolley, yea; Allsup, yea; Godwin, yea; Knipp, yea; Ryan, yea; and Mickley, yea.

Motion Passed Unanimously.

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

Moot.

4. Adjournment.

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

Motion Passed.

The meeting was adjourned at 8:47 p.m.

Respectfully submitted,

Pamela McDowell-Ramirez
City Clerk/Treasurer