

AGENDA
BOARD OF CITY COMMISSIONERS
APRIL 17, 2023 AT 6:00 PM
COMMISSION CHAMBERS AT CITY HALL
16 WEST 9TH STREET
SHAWNEE, OKLAHOMA

Official action can only be taken on items which appear on the agenda. The public body may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the public body may refer the matter to Staff or back to Committee or the recommending body. Under certain circumstances, items are deferred to a future date or stricken from the agenda entirely.

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Presentation of Certificate of Recognition for Shawnee High School Swim Teams' State Championship Win.
2. Presentation of Certificate of Recognition for Shawnee Heavyweight Wrestling State Championship Win.
3. Presentation of Certificate of Recognition for 2022-2023 State Mathematics Championship Win.
4. Presentations of Certificates of Recognition for Shawnee Regional Airport Staff.
5. Citizens Participation (A three-minute limit per person)
(A twelve-minute limit per topic)
6. Consider approval of Consent Agenda:
 - a. Minutes from the March 20, 2023 regular meeting.
 - b. Acknowledge the following minutes and reports:
 - Shawnee Beautification, Parks, and Recreation Committee Minutes from the February 16, 2023 regular meeting.

- Shawnee Beautification, Parks, and Recreation Committee Minutes from the March 2, 2023 special call meeting.
 - Board of Adjustment Minutes from the December 15, 2022 regular meeting.
 - Planning Commission Minutes from the March 1, 2023 regular meeting.
 - License Payment Report for March 2023.
 - Project Payment Report for March 2023.
7. Presentation of the Pet of the Month by Animal Control.
8. Mayor's Proclamation(s):
- a. "National Donate Life Month", April 2023
 - b. "Fair Housing Month", April 2023
 - c. "Arbor Day", April 28, 2023
 - d. "Loyalty Day", May 1, 2023
9. Introduction of Shawnee 2023 student/teacher delegation for exchange trip to Nikaho, Japan.

Adult Delegate

Jessica Brown - Chairman

Amy Wiley - Grove School Teacher

Student Delegates

Gavin Grant - Grove School

Reese Rawdon - Grove School

Lilli Ann Rollins - Grove School

Chole Scott - Grove School

Daisey Neely - Shawnee Middle School

Olivia Ramirez - North Rock Creek

10. Presentation of the Fiscal Year 2021-2022 Annual Comprehensive Financial Report and Single Audit Report.
11. Presentation of the Fiscal Year 2023-2024 Proposed Budget.

12. Consideration of an ordinance amending certain portions of Chapter 2, Article II "Administration" of the Code of ordinances of the City of Shawnee, relating to Citizen Participation.
13. Consideration of suspension of the agreement between the City of Shawnee and Shawnee Forward relating to economic development services.
14. Consideration of a Professional Services Agreement with Devox Project Management Group for the Infill Housing Palette.
15. Consideration of a Task Order in accordance with the agreement between the City of Shawnee and Burns and McDonnell Engineering Company, Inc. for Water System Improvements along Marie Drive.
16. Public hearing to rezone property located at 1804 West Dewey Street from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District). Case Number RZ06-23, Applicant: Larry LeRay.
17. Consideration of an ordinance to rezone property located at 1804 West Dewey Street from I-2 (Light Industrial District) and R-1 (Single-Family Residential District) to A-1 (Rural Agricultural District). Case Number RZ06-23, Applicant: Larry LeRay.
18. Consideration of a resolution authorizing Mayor Ed Bolt to cast a ballot for the 2023 Oklahoma Municipal Assurance Group (OMAG) Election of Three Trustees.
19. Consideration of a Memorandum of Understanding and Lease Agreement to continue use of the Shawnee Rescue Mission as a Homeless Resource Center (HRC).
20. Consideration of a resolution approving and adopting the Sub-Recipient Section 3 Plan to comply with requirements of the Housing and Urban Development Act of 1968 for all grant recipients and sub-recipients of CDBG-CV funding.
21. Consider an amendment to the Agreement between the City of Shawnee and Community Market of Pottawatomie County relating to CDBG-CV2 Grant Nutrition Assistance.
22. Consideration of an ordinance to detach the following described property from

the City of Shawnee located within Pottawatomie County, State of Oklahoma, to-wit: Tract A beginning at the southwest corner (SW/C of the NE/4) of said Section 20; Thence N89°38'02"E a distance of 991.85 feet; Thence N00°55'45"W a distance of 660.00 feet; Thence N89°38'00"E a distance of 1650.41 feet; Thence N00°44'54"W a distance of 100.00 feet; Thence S89°38'00"W a distance of 1366.00 feet; Thence N00°44'54"W a distance of 558.83 feet; Thence S89°41 '47"W a distance of 1271.74 feet; Thence S00°38'31"E a distance of 1320.19 feet to the Point of Beginning; and Tract B beginning at the southeast corner (SE/C) of said NE/4; Thence N00°44'54"W a distance of 760.00 feet to the Point of Beginning; Thence S89°38'00"W a distance of 1366.00 feet; Thence N00°44'54"W a distance of 558.83 feet; Thence N89°41 '47"E a distance of 619.02 feet; Thence S00°44'54"E a distance of 508.15 feet; Thence N89°38'00"E a distance of 696.98 feet; Thence N00°44'54"W a distance of 180.00 feet; Thence N89°38'00"E a distance of 50.00 feet; Thence S00°44'54"E a distance of 230.00 feet to the Point of Beginning and Tract C Beginning at the Southeast Comer (SE/C) of said NE/4; Thence N00°44'54"W a distance of 990.00 feet to the Point of Beginning; Thence S89°38'00"W a distance of 50.00 feet; Thence S00°44'54"E a distance of 180.00 feet; Thence S89°38'00"W a distance of 696.98 feet; Thence N00°44'54"W a distance of 508.15 feet; Thence N89°41 '47"E a distance of 746.99 feet; Thence S00°44'54"E a distance of 327.33 feet to the Point of Beginning. Applicant: George Martin Knox, Cerina Stiles, Louis H. Cox and Emily J. Cox (*Deferred from March 20, 2023 City Commission meeting.*)

23. Consideration of the following budget amendments for Fiscal Year 2022 – 2023:

- a. Fund 010 - Grant Fund - to account for the receipt of two grant awards - Crisis Intervention Team grant for \$173,600.00 and Edward Byrne Memorial grant for \$21,824.00.

24. Consider Bid(s):

- a. Highland Street Sidewalk Improvements (Award)

25. Consideration of an Agreement with Smith Roberts Baldischwiler, LLC (SRB) for construction management and inspection services for Highland Street Sidewalk Improvement project.

26. Acknowledge Monthly Sales Tax Report.

27. Administrative Report(s):

- a. Major Public Park Improvements - Seth Barkhimer, Director of Engineering
- b. 2018 Half-Cent Sales Tax - Quarterly Update - Lindsey McNabb-Fox, Finance Director
- c. 2023 Proposed City Charter Amendments - Andrea Weckmueller-Behringer, City Manager

28. New Business (Any matter not known or which could not have been reasonably foreseen prior to the posting of the agenda.)

29. Commissioners Comments

30. Consideration, discussion, and possible action to enter into executive session to hold confidential communications between the City Commission of the City of Shawnee and its counsel concerning the settling of certain claims in pending litigation (City of Shawnee v. Purdue Pharma, L.P., et al., 19-op-46155-DAP, pending in the United States District Court for the Northern District of Ohio, and related litigation), including potential resolution of certain claims against Walmart, Walgreens, CVS, Teva, and Allergan, related to lawsuits against pharmaceutical supply chain participants of opioid prescription drugs, and taking appropriate action in open session, including possible authorization to settle claims, the disclosure of which may seriously impair the litigation if known by public disclosure as allowed by 25 O.S. § 307(B)(4).
31. Consider approving Participation in the Walgreens Settlement Agreement dated December 9, 2022, the Retailer State-Subdivision Agreement as it pertains to the Walgreens Settlement Agreement, and the State Back-Stop Agreement applicable to the Walgreens Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Shawnee and other litigating Oklahoma subdivisions, including approval of Resolution No. 6699, and authorize the Mayor of the City of Shawnee to execute the Subdivision Participation Form for the City of Shawnee's participation in the Walgreens Settlement Agreement.
32. Consider approving Participation in the Walmart Settlement Agreement November 22, 2022, the Retailer State-Subdivision Agreement as it pertains to the Walmart Settlement Agreement, and the State Back-Stop Agreement applicable to the Walmart Settlement Agreement, as recommended by Todd

Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Shawnee and other litigating Oklahoma subdivisions, including approval of Resolution No. 6700, and authorize the Mayor of the City of Shawnee to execute the Subdivision Participation Form for the City of Shawnee's participation in the Walmart Settlement Agreement.

33. Consider approving Participation in the CVS Settlement Agreement dated December 9, 2022, and the Retailer State-Subdivision Agreement as it pertains to the CVS Settlement Agreement, and the State Back-Stop Agreement applicable to the CVS Settlement Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Shawnee and other litigating Oklahoma subdivisions, including approval of Resolution No. 6701, and authorize the Mayor of the City of Shawnee to execute the Subdivision Participation Form for the City of Shawnee's participation in the CVS Settlement Agreement..
34. Consider approving Participation in the Allergan Settlement Agreement dated November 22, 2022, and the Allergan State-Subdivision Agreement and the Allergan State Back-Stop Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Shawnee and other litigating Oklahoma subdivisions, including approval of Resolution No. 6702, and authorize the Mayor of the City of Shawnee to execute the Subdivision Participation Form for the City of Shawnee's participation in the Allergan Settlement Agreement.
35. Consider approving Participation in the Teva Settlement Agreement dated November 22, 2022, and the Teva State-Subdivision Agreement and the Teva State Back-Stop Agreement, as recommended by Todd Court and Tony G. Puckett, McAfee Taft, legal counsel for the City of Shawnee and other litigating Oklahoma subdivisions, including approval of Resolution No. 6703, and authorize the Mayor of the City of Shawnee to execute the Subdivision Participation Form for the City of Shawnee's participation in the Teva Settlement Agreement.

36. Adjournment

Respectfully submitted,

Lisa Lasyone, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting, and necessary accommodations will be made. (ADA 28 CFR 36)