BOARD OF CITY COMMISSIONERS PROCEEDINGS
JUNE 7, 2021 AT 6:00 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session, Monday, June 7, 2021 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 3:18 p.m. on June 4, 2021. Mayor Bolt presided and Miss Zoé Collier called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews Commissioner Ward 1	Bob Weaver Commissioner Ward 2
Travis Flood Commissioner Ward 3	Darren Rutherford Commissioner Ward 4-Vice Mayor
Mark Sehorn Commissioner Ward 5	Ben Salter Commissioner Ward 6

ABSENT: None

INVOCATION — Rev. Darryl K. Fields
Union Missionary Baptist Church

FLAG SALUTE

AGENDA ITEM NO. 1: Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Mr. Rob Morris asked questions regarding several items, including the contract with Shawnee Forward, the parklets and streateries, the MacArthur Street Sidewalk project and the proposed Chapter 8 resolution and Chapter 16 ordinance.

Mr. Michael Canaday asked questions and expressed concerns about the proposed Chapter 16 ordinance.

Ms. Teresa Cody thanked Commissioner Flood for having conversations with downtown business owners.

Mr. Randy Gilbert provided an update on the upcoming International Finals Youth Rodeo (IFYR). He requested the Commissioners visit the exposition center.

Mr. Andrew Johnson expressed his support for the proposed streateries.

Mr. Kenny Sparks asked questions and expressed concerns regarding the proposed Chapter 16 ordinance

Mr. Steve Mullican expressed concerns about the homeless individuals in the City.

Mr. Michael SanPedro expressed his support for the proposed Chapter 8 resolution.

Ms. Julie Akerman requested that people have input on the proposed Chapter 16 ordinance.

AGENDA ITEM NO. 2: Consider approval of Consent Agenda:

a. Minutes from the May 17, 2021 regular meeting.

b. Acknowledge the resignation of Erica Bass from the Community Service Contract Review Committee.

c. Acceptance of Xpress Wellness' public improvements and place maintenance bonds into effect.

d. Acceptance of a utility easement for Bentley Oaks Addition Sewer Project.

e. Acknowledge receipt of Pioneer Library Systems Budget for July 1, 2021 through June 30, 2022.

f. Approve renewal of the following agreements for Fiscal Year 2021-2022:

   1) Agreement with REACT Ambulance Authority for dispatch services.

   2) Agreement with Project H.E.A.R.T., Inc. to provide meals to elderly persons.

g. Approval of a Memorandum of Understanding with District Attorney's Office, 23rd Judicial District, for services to victims of domestic violence and sexual assault.

h. Lake Lease Transfer:

   TRANSFER:
   Lot 1 Skipper Tract, 16602 Archery Range Road
   From: Nyoka Griffin
   To: Scott and Sonja Malaske

A motion was made by Commissioner Matthews, seconded by Commissioner Weaver, to approve Consent Agenda Item Nos. 2 (a-h). Motion carried 7-0.

AYE: Matthews, Weaver, Flood, Bolt, Rutherford, Sehorn, Salter
NAY: None

AGENDA ITEM NO. 3: Presentation by Animal Control to present the Pet of the Week.

Animal Control Officer Brandy Spoon introduced Wilber, a three-year-old canine. Wilber is up for adoption.

Officer Spoon advised that the Animal Shelter currently has thirty-three dogs, twelve cats, and one pig.

AGENDA ITEM NO. 4: Mayor's Proclamations:

"Commemorate Juneteenth and Dunbar Heights Historic Neighborhood"

Mayor Bolt and the Commissioners presented the Mayor's Proclamation to "Commemorate Juneteenth and Dunbar Heights Historic Neighborhood" to Mr. Darryl Fields, Mr. Jamelle Payne, Ms. Gloria Wallace, Mr. Ricky Young and Mr. Timmy Young.

AGENDA ITEM NO. 5: Presentation of Purple Heart City Plaque by Mitch Reed, Purple Heart Legislative Ambassador.

Mr. Mitch Reed, Purple Heart Legislative Ambassador, was unable to attend the meeting.

There was no action taken.

AGENDA ITEM NO. 6: Consideration and possible action to approve the renewal of the contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit System for Fiscal Year 2021-2022.

City Manager Chance Allison advised the Community Service Contract Review Committee recommend renewing a contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit System for Fiscal Year 2021-2022 in the amount of Seventy-Five Thousand Dollars ($75,000.00). Staff supports this recommendation.

A motion was made by Commissioner Weaver, seconded by Commissioner Flood, to approve the renewal of the contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit System for Fiscal Year 2021-2022 in the amount of Seventy-Five Thousand Dollars ($75,000.00). Motion carried 7-0.

AYE: Weaver, Flood, Bolt, Rutherford, Sehorn, Salter, Matthews
NAY: None

AGENDA ITEM NO. 7: Consideration and possible action to approve the renewal of the contract with Safe Events for Families for Fiscal Year 2021-2022.

City Manager Chance Allison stated the Community Service Contract Review Committee recommended renewing a contract with Safe Events for Families (SEFF) for Fiscal Year 2021-2022 for a six-month period from July 1, 2021 to December 31, 2021 to reimburse eligible expenses for events up to Forty Thousand Dollars ($40,000.00). The Community Service Contract Review Committee also recommended modifying Section 3.B. to clarify the invoice review process and modify Section 7 to remove the audit requirement and add a right of inspection by the City Manager or designee.

Mr. Allison advised that Staff recommends renewing the contract for a one-year period from July 1, 2021 to June 30, 2022 and to reimburse eligible expenses up to Sixty-Five Thousand Dollars ($65,000.00). Staff supports the Community Service Contract Review Committee's recommendation of contract modifications.

A motion was made by Commissioner Sehorn, seconded by Commissioner Matthews, to approve the renewal of a contract with Safe Events for Families for Fiscal Year 2021-2022 to reimburse eligible expenses for events up to Sixty-Five Thousand Dollars ($65,000.00), modify Section 3.B. to clarify the invoice review process, and Section 7 to remove the audit requirement and add a right of inspection by the City Manager or designee. Motion carried 7-0.

AYE: Sehorn, Matthews, Weaver, Flood, Bolt, Rutherford, Salter
NAY: None

AGENDA ITEM NO. 8: Consideration and possible action to approve the renewal of the contract with Shawnee Forward for Fiscal Year 2021-2022.

City Manager Chance Allison advised the Community Service Contract Review Committee recommended renewing a contract with Shawnee Forward for Fiscal Year 2021-2022 in the amount of Two Hundred Ninety-Five Thousand Dollars ($295,000.00) and to strike Section 1.6.C. from the proposed contract, contingent upon the Pottawatomie County District Attorney's opinion. City Mr. Allison advised that the District Attorney's office advised not to strike Section 1.6.C. from the proposed contract. Staff supports this recommendation and guidance.

A motion was made by Commissioner Flood, seconded by Commissioner Weaver, to approve the renewal of the contract with Shawnee Forward for Fiscal Year 2021-2022 in the amount of Two Hundred Ninety-Five Thousand Dollars ($295,000.00) and to not strike Section 1.6.C from the contract according to the opinion of the District Attorney's office. Motion carried 7-0.

AYE: Flood, Weaver, Bolt, Rutherford, Sehorn, Salter, Matthews
NAY: None

AGENDA ITEM NO. 9: Discussion and consideration of Amendment No. 1 to contract for Design Consultant Services for the development and construction of Kids Space Park and Woodland Veterans Park with PDG Planning Design Group.

City Manager Chance Allison explained PDG Planning Design Group created the design concepts for Kid Space and Woodland Veterans Parks. This amendment will move the project from the conceptual design phase to a final design phase that will allow the project to proceed to the construction phase. The total amendment amount is Three Hundred Seven Thousand Five Hundred Dollars ($307,500.00) for a total contract amount of Five Hundred Fifteen Thousand Dollars ($515,000.00).

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to approve Amendment No. 1 to the contract for Design Consultant Services for the development and construction of Kids Space Park and Woodland Veterans Park with PDG Planning Design Group. Motion carried 7-0.

AYE: Weaver, Sehorn, Salter, Matthews, Flood, Bolt, Rutherford
NAY: None

AGENDA ITEM NO.10: Discussion, consideration, and approval of the Board of Pottawatomie County Commissioner's Interlocal Agreement Resolution No. 2021-03 for reimbursement regarding the construction of an Industrial Access Project along North Leo Avenue.

City Engineer Seth Barkhimer explained on March 1, 2021 the City Commission approved funding with Oklahoma Department of Transportation (ODOT) for an Industrial Access Project. Approval of the Board of Pottawatomie County Commission's Interlocal Agreement Resolution No. 2021-03 will formalize the agreement between the City of Shawnee and Pottawatomie County for funding of said project.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve the Board of Pottawatomie County Commissioner's Interlocal Agreement Resolution No. 2021-03 for reimbursement regarding the construction of an Industrial Access Project along North Leo Avenue. Motion carried 7-0.

AYE: Matthews, Flood, Bolt, Rutherford, Sehorn, Salter, Weaver
NAY: None

AGENDA ITEM NO. 11: Discussion and consideration of Streatery Guidelines. *(Deferred from the May 17, 2021 City Commission Agenda.)*

Planning Director Rebecca Blaine provided a staff report. The City of Shawnee surveyed and gathered Nine Hundred and Thirty (930) responses regarding the proposed Streatery Guidelines. The Commissioners discussed the Streatery and Parklet Guidelines.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve the Streatery Guidelines as presented. Motion carried 7-0.

AYE: Matthews, Flood, Bolt, Rutherford, Sehorn, Salter, Weaver
NAY: None

AGENDA ITEM NO. 12: Discussion and consideration of a resolution supporting the adoption of a parklet/streatery policy, allowing the temporary conversion of the sidewalk or of three or less curbside parking spaces into a platform or space with pedestrian amenities; parklets offer a place to stop, sit, and rest while in Shawnee, while streateries offer a place to conduct commerce in the right-of-way.

City Manager Chance Allison explained this resolution will replace the previous Parklet Resolution No. 6566 that was approved in 2018.

Resolution No. 6633 was introduced.

A RESOLUTION SUPPORTING THE ADOPTION OF A PARKLET/STREATERY POLICY, ALLOWING THE TEMPORARY CONVERSION OF THE SIDEWALK OR OF THREE OR LESS CURBSIDE PARKING SPACES INTO A PLATFORM OR SPACE WITH PEDESTRIAN AMENITIES; PARKLETS OFFER A PLACE TO STOP, SIT, AND REST WHILE IN SHAWNEE, WHILE STREATERIES OFFER A SPACE TO CONDUCT COMMERCE IN THE RIGHT-OF-WAY.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve a resolution supporting the adoption of a parklet/streatery policy, allowing the temporary conversion of the sidewalk or of three or less curbside parking spaces into a platform or space with pedestrian amenities; parklets offer a place to stop, sit, and rest while in Shawnee, while streateries offer a place to conduct commerce in the right-of-way. Motion carried 7-0.

AYE: Matthews, Sehorn, Salter, Weaver, Flood, Bolt, Rutherford
NAY: None

AGENDA ITEM NO. 13: Discussion and consideration of a resolution to approve a project maintenance, financing, and right-of-way agreement with the Oklahoma Department of Transportation (ODOT) regarding the MacArthur Street Sidewalk Project. (Shawnee: MacArthur Bike/Ped Trail) Project No.: TAP3-2996(004)TP – State Job No. 32996(04).

City Engineer Seth Barkhimer gave a staff report explaining the agreement with Oklahoma Department of Transportation (ODOT) will allow for new sidewalks on the southside of MacArthur Avenue from Bryan Avenue to Harrison Street. This agreement outlines the funding and responsibilities of the Transportation Alternative Program (TAP) Grant between the City of Shawnee and ODOT. The current construction cost is estimated at Seven Hundred Thirty-Eight Thousand One Hundred Seventy-Eight Dollars ($738,178.00); the TAP Grant will cover up to Four Hundred Twenty-Five Thousand Eight Hundred Ten Dollars ($425,810.00) of said cost.

Resolution No. 6634 was introduced.

A RESOLUTION APPROVING A PROJECT MAINTENANCE, FINANCING, AND RIGHT-OF-WAY AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR THE MACARTHUR STREET SIDEWALK PROJECT (SHAWNEE: MACARTHUR BIKE/PED TRAIL).

A motion was made by Commissioner Weaver, seconded by Commissioner Sehorn, to approve a resolution to approve a project maintenance, financing, and right-of-way agreement with the Oklahoma Department of Transportation (ODOT) regarding the MacArthur Street Sidewalk Project. Motion carried 7-0.

AYE: Weaver, Sehorn, Salter, Matthews, Flood, Bolt, Rutherford
NAY: None

AGENDA ITEM NO. 14: Discussion and consideration of a resolution establishing a temporary moratorium on the granting of new business permits and licenses requested under Chapter 8, Article VIII (Medical Marijuana) of the Code of Ordinances of the City of Shawnee.

City Attorney Joe Vorndran gave a staff report explaining State Legislation aimed at limiting the density of licenses that exist across the various platforms of the medial marijuana industry. The proposed temporary resolution would not have an impact on current pending applications.

Resolution No. 6635 was introduced.

A RESOLUTION ESTABLISHING A TEMPORARY MORATORIUM ON THE GRANTING OF NEW BUISNESS PERMITS AND LICENSES REQUESTED UNDER CHAPTER 8, ARTICLE VIII (MEDICAL MARIJUANA), OF THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE; WITH AMENDMENT BY INTERLINEATION TO ADD A TERMINATION DATE OF MAY 31, 2022.

A motion was made by Commissioner Weaver, seconded by Commissioner Matthews, to approve a resolution establishing a temporary moratorium on the granting of new business permits and licenses requested under Chapter 8, Article VIII (Medical Marijuana) of the Code of Ordinances of the City of Shawnee; with amendment by interlineation to add a termination date of May 31, 2022. Motion carried 7-0.

AYE: Weaver, Matthews, Flood, Bolt, Rutherford, Sehorn, Salter
NAY: None

AGENDA ITEM NO. 15: Discussion and consideration of an ordinance relating to Shawnee Lake Ordinances; amending and providing for repealer of various sections of Article II of Chapter 16 of the Code of the City of Shawnee, Oklahoma and creating Division 9 of Article II of Chapter 16 of the Code of the City of Shawnee, Oklahoma; providing for severability; providing for codification; and declaring an emergency.

City Manager Chance Allison explained Staff had been working on a project to bring lake regulations current with state law and design a set of ordinances that pertain to area activities. Mr. Allison stated the ordinance is in two parts. The first part is regarding changes to lake regulations and the second part details the commercial framework for the area.

The Commission discussed both portions of the proposed ordinance. Staff advised their recommendation is to defer the item to a future meeting.

A motion was made by Commissioner Weaver, seconded by Commissioner Salter, to defer the item to a future City Commission meeting. Motion carried 7-0.

AYE: Weaver, Salter, Matthews, Flood, Bolt, Rutherford, Sehorn
NAY: None

<u>AGENDA ITEM NO. 16:</u> Consider bids:

a. Whittaker Street Rehabilitation Project No. 20SHAWWHITST (Award)

City Engineer Seth Barkhimer announced that four (4) bids were received. Staff and the consultant project engineer have reviewed the bids and recommend awarding the bid to Wynn Construction Co., Inc of Oklahoma City, OK in the total amount of Five Hundred Sixty-Five Thousand Four Hundred Five Dollars ($565,405.00).

A motion was made by Commissioner Flood, seconded by Commissioner Sehorn, to award the bid to Wynn Construction Co., Inc. in the total amount of Five Hundred Sixty-Five Thousand Four Hundred Five Dollars ($565,405.00). Motion carried 7-0.

AYE: Flood, Sehorn, Salter, Matthews, Weaver, Bolt, Rutherford
NAY: None

<u>AGENDA ITEM NO. 17:</u> New Business (Any matter not known or which could not have been reasonably foreseen prior to the posting of the agenda.)

There was no New Business.

AGENDA ITEM NO. 18: Commissioners Comments

Commissioner Matthews expressed his excitement regarding public transit. He stated there was a place for everyone at the upcoming International Youth Finals Rodeo (IFYR).

Commissioner Matthews thanked Mayor Bolt for his involvement in the Juneteenth Proclamation. He encouraged citizens to participate in this event.

Commissioner Weaver thanked Randy and Suzanne Gilbert for their work at the Heart of Oklahoma Exposition Center.

Commissioner Weaver also addressed the residents of the Shawnee Twin Lake area. He thanked them for expressing their concerns and is looking forward to working with them.

Commissioner Flood expressed his pride in the City of acknowledging Juneteenth and the Dunbar Heights area. He noted there are a lot of amazing things going on within the City of Shawnee.

Commissioner Sehorn said he was glad to see the Whittaker Street and MacArthur Sidewalk projects progressing.

Commissioner Salter expressed his appreciation for everyone in attendance at the meeting tonight.

Mayor Bolt thanked Commissioner Flood for his involvement in the Juneteenth and Dunbar Heights Proclamation.

AGENDA ITEM NO. 19: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:10 p.m.)

ED BOLT, MAYOR

THE CITY OF SHAWNEE SEAL OKLAHOMA

ATTEST:

Lisa Lasyone

LISA LASYONE, CMC, CITY CLERK