BOARD OF CITY COMMISSIONERS PROCEEDINGS
MAY 6, 2019 AT 3:00 P.M.
RESCHEDULED FROM MAY 6, 2019 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 in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, May 6, 2019 at 3:00 p.m., rescheduled from Monday, May 6, 2019 at 6:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley
Mayor

Ed Bolt Commissioner Ward 1	Ron Gillham Commissioner Ward 2
James Harrod Commissioner Ward 3-Vice Mayor	Darren Rutherford Commissioner Ward 4
Mark Sehorn Commissioner Ward 5	Ben Salter Commissioner Ward 6

ABSENT: None

INVOCATION The Lord's Prayer

FLAG SALUTE

AGENDA ITEM NO. 1: Consider approval of Consent Agenda:

a. Minutes from the April 15, 2019 regular meeting.

b. Acknowledge the following minutes:
- Traffic Commission Minutes from the March 26, 2019 meeting
- Shawnee Community Beautification Committee Minutes from the February 21, 2019 meeting

c. Lake Lease Transfers:

TRANSFERS:
Lot 14 Belcher Tract, 33202 Post Office Neck
From: Joseph D. Shiff and Kristi L. Shiff
To: Kristi Peterson and Alvin R. Peterson

Lot 9 Belcher Tract, 15605 Nickens Road
From: Patricia Cunningham
To: Kasey Miller and Edward Hall

Lot 4 Magnino Tract, 16512 Archery Range Road
From: Mark Jennings and Bonnie Jennings (Deceased)
To: Mark and Brandy Jennings

Lot 5 Magnino Tract, 16516 Archery Range Road
From: Mark Jennings and Bonnie Jennings (Deceased)
To: Mark and Brandy Jennings

Lot 13 Belcher Tract, 33114 Post Office Neck
From: Dee Ann Lowrey and Kirk Lowrey and/or Michael T. Lowrey
To: Kirk Lowrey and Michael T. Lowrey

Lot 12 Belcher Tract, 33112 Post Office Neck
From: Dee Ann Lowrey and Michael T. Lowrey and/or Kirk Lowrey
To: Michael T. Lowrey and Kirk Lowrey

d. Mayor's Appointments:

Oklahoma Baptist University Board
Todd Fisher 2nd Full Term Expires: December 31, 2025
Reappointment

Marty Lewis 1st Full Term Expires: December 31, 2025
Replacing Will Smallwood

Airport Advisory Board
Harmik DerSahakian 1st Full Term Expires: July 1, 2022
Replacing Andy Freeman

Barry Fogerty *Reappointment*	2^{nd} Full Term	Expires: July 1, 2022
John Klaser *Reappointment*	2^{nd} Full Term	Expires: July 1, 2022
James (Jim) Smith *Reappointment*	2^{nd} Full Term	Expires: July 1, 2022

e. Authorize staff to purchase a Bauer Mini-Unicus Cascade System with Legacy Compressor in the total amount of $38,776.00 for Fire Station No. 2.

f. Acknowledgment of Commissioner Darren Rutherford, Interim City Manager Eric Benson, and Finance Director Chance Allison as appointees of the City of Shawnee to negotiate a contract with Global Spectrum LLC dba Spectra for management services of the Heart of Oklahoma Exposition Center, in conjunction with Rachael Melot and Lance Wortham of the Shawnee Civic and Cultural Development Authority Board.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Sehorn, to approve Consent Agenda Item Nos. 1(a-f). Motion carried 7-0.

AYE: Harrod, Sehorn, Salter, Bolt, Gillham, Finley, Rutherford
NAY: None

<u>AGENDA ITEM NO. 2:</u> Presentation by Animal Control to present the Pet of the Week.

There was no Pet of the Week.

<u>AGENDA ITEM NO. 3:</u> Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Daniel Shaughnessy read a letter stating that there is a place of unique place on our planet, where five (5) unique sovereign nations come together and share a land of freedom. He requested that it be left in existence today.

Ms. Carole Pool read a letter in support of the Shawnee Senior Center and Kate Joyce. She requested that the contract be tabled until more information can be gathered.

Ms. Fran Topping addressed the topic of transparency. She stated that the number 1 core value on the city plaque in the chambers is transparency. She stated that she hopes that can be kept in mind.

Ms. Linda Agee stated she is here because the Contract Review has recommended denial of the Historical Shawnee Alliance contract. She stated areas where the façade grants not only improve the downtown business, but also remit sales tax that comes back to the City.

Ms. Kate Joyce, Director for the Senior Citizens Center, stated that the books are open to anyone that wants to see them. She requested to sit down with the Senior Center board, Contract Review board or City Commission to talk about what the problems are, what can be done to fix them, put it in writing and track it.

Ms. Correna Pickens, Senior Citizens Center board member. She stated her support for the Senior Citizens Center and Kate Joyce as Director.

Mr. Jim Ruth stated he was here to discuss a boundary dispute for the property that he leases from the City of Shawnee. He advised that the City approved a permit for him to build a storage building, but construction was stopped when a survey appeared that conflicted with the existing definition of the property. The City asked him to wait until the City could make a decision. He requested that the property be recognized as it has been over the past years.

AGENDA ITEM NO. 4: Consideration and possible action to approve Community Service Contract Review Committee Recommendations for Fiscal Year 2019-2020:

a. Consider renewal of the contract with Historical Shawnee Alliance for FY 2019-2020.

RECOMMENDATION: To not renew the contract with Historical Shawnee Alliance for FY 2019-2020.

b. Consider renewal of contract with Senior Citizens of Shawnee, Inc. for FY 2019-2020.

RECOMMENDATION: To not renew the contract with Senior Citizens of Shawnee, Inc. for FY 2019-2020.

c. Consider renewal of contract with Shawnee Forward for FY 2019-2020.

RECOMMENDATION: To renew the contract with Shawnee Forward for FY 2019-2020 in the amount of $286,000.00.

d. Consider renewal of the contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit System for FY 2019-2020.

RECOMMENDATION: To renew the contract with Central Oklahoma Community Action Agency/Central Oklahoma Transit System for FY 2019-2020 in the amount of $68,000.00, and direct staff to negotiate the requested parking lot usage south of East Main Street and west of South Bell Avenue.

e. Consider renewal of the contract with Safe Events for Families for FY 2019-2020.

RECOMMENDATION: To renew the contract with Save Events for Families for FY 2019-2020 to reimburse expenses for events up to $63,000.00.

f. Consider renewal of the contract with Visit Shawnee, Inc. for FY 2019-2020.

RECOMMENDATION: To not renew the contract with Visit Shawnee, Inc. for FY 2019-2020.

Mayor Finley stated that it is the job of the board to accept the recommendations of the Community Service Contract Review Committee. From his perspective, it is an opening for negotiations to begin for those contracts which the Committee has recommended to not be renewed in their present form.

Commissioner Gillham stated that when they come across things like this that they are dealing with the City and public's money, they have certain procedures and requirements that they must follow. He stated they have things that need to be settled to fulfill their obligations to the public.

Vice Mayor Harrod stated that he and the Mayor are both on the Community Contract Review Committee board and this will allow negotiations for the contracts. The Commission will be working on the budget for the next 30-45 days.

Commissioner Rutherford requested to pull Agenda Item No. 4(a), (b) and (f) to be considered separately. Commissioner Bolt requested to pull Agenda Item No. 4(e) to be considered separately.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bolt, to approve the recommendations by the Community Service Contract Review Committee for Consent Agenda Item Nos. 4(c) and (d). Motion carried 7-0.

AYE: Rutherford, Bolt, Gillham, Harrod, Finley, Sehorn, Salter
NAY: None

Regarding Agenda Item No. 4(a), Rutherford asked if we had a recommendation from Staff. City Manager Eric Benson stated that the budget development demands that we examine each and every budget item in comparison to each other. The recommendation to remove the three (3) from the automatic approval was made after considerable discussion and consideration of the financial impact of each contract. He recommends that each should be examined in concert with the many other funding issues that will have to be examined rather than making them separate.

Mayor Finley stated that the board is not deciding to renew or not renew the contract. He stated they are deciding to accept the recommendations of the Community Contract Review Committee that this contract needs further review and negotiations before it is automatically renewed.

A motion was made by Commissioner Sehorn, seconded by Commissioner Rutherford, to approve the recommendations by the Community Service Contract Review Committee for Consent Agenda Item No. 4(a). Motion carried 6-0-1.

AYE: Sehorn, Rutherford, Gillham, Harrod, Finley, Salter
NAY: None
ABSTAIN: Bolt

Regarding Agenda Item No. 4(b), Commissioner Rutherford asked the Shawnee Senior Center would remain funded through June 30, 2019 if contract was not renewed. The Mayor advised him it remains under contract at this point and it would be funded through June 30, 2019.

A motion was made by Mayor Finley, seconded by Commissioner Sehorn, to approve the recommendations by the Community Service Contract Review Committee for Consent Agenda Item No. 4(b). Motion carried 6-1.

AYE: Finley, Sehorn, Salter, Bolt, Gillham, Rutherford
NAY: Harrod

Regarding Agenda Item No. 4(e), a motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve the recommendations by the Community Service Contract Review Committee for Consent Agenda Item No. 4(e). Motion carried 6-0-1.

AYE: Harrod, Rutherford, Sehorn, Salter, Gillham, Finley
NAY: None
ABSTAIN: Bolt

Regarding Agenda Item No. 4(f), Commissioner Rutherford stated that the board is not saying this entity is going to cease. He stated the board is going to look at this contract with the budget and determine the best way to move forward.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve the recommendations by the Community Service Contract Review Committee for Consent Agenda Item No. 4(f). Motion carried 6-0-1.

AYE: Harrod, Rutherford, Sehorn, Salter, Gillham, Finley
NAY: None
ABSTAIN: Bolt

<u>AGENDA ITEM NO. 5:</u> Public hearing and consideration of an ordinance to rezone property located at 4011 North Kickapoo Avenue from R-1; Single Family District to C-3; Highway Commercial District for the purposed purpose of retail development. Case No. P03-19, Applicant: Nelmon Brauning.

Planning Director Rebecca Blain gave a staff report. She stated there were no objections received from area residents. Staff recommended approval of the rezoning.

Mayor Finley declared a public hearing in session to consider an ordinance to rezone property located at 4011 North Kickapoo Avenue from R-1; Single Family District to C-3; Highway Commercial District for the purposed purpose of retail development. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Salter, to approve an ordinance to rezone property located at 4011 North Kickapoo Avenue from R-1; Single Family District to C-3; Highway Commercial District for the purposed purpose of retail development.

Ordinance No. 2660NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING 289 FEET NORTH OF THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER (SW/C NW/4 NW/4) OF SECTION SIX (6), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE EAST 183 FEET; THENCE NORTH 100 FEET; THENCE WEST 183 FEET; THENCE SOUTH 100 FEET TO THE POINT OF BEGINNING FROM ZONING CLASSIFICATION, R-1; SINGLE FAMILY RESIDENTIAL TO C-3; HIGHWAY COMMERCIAL AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

AYE: Harrod, Salter, Bolt, Gillham, Finley, Rutherford, Sehorn
NAY: None

Ordinance No. 2660NS was adopted by the City Commission.

AGENDA ITEM NO. 6: Consideration of approval of a preliminary plat for The Grove Retirement Homes located at approximately 3900 North Union Avenue. Case No. S04-19; Applicant: Crafton Tull & Associates.

Planning Director Rebecca Blaine explained that Agenda Item Nos. 6 and 7 are related. She stated that the final plat was approved in October 2018; however, the developer's intention was to complete the project in two (2) phases. The first phase would have included the water and sewer infrastructure and doing phase two (2) at a later time. However, they had originally platted it as one (1) lot and, by ordinance, had to have all of that infrastructure completed at the same time prior to the development. Staff had a meeting with the developer on April 12 and they reorganized the plat to represent the single lot with all infrastructure they plan on constructing before they develop. Staff recommends approval of the preliminary and final plats.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Sehorn, to approve a preliminary plat for The Grove Retirement Homes located at approximately 3900 North Union Avenue, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. All other applicable City standards apply.

Motion carried 7-0.

AYE: Harrod, Sehorn, Salter, Bolt, Gillham, Finley, Rutherford
NAY: None

AGENDA ITEM NO. 7: Consideration of approval of a final plat for The Grove Retirement Homes located at approximately 3900 North Union Avenue. Case No. S06-19; Applicant: Crafton Tull & Associates.

A motion was made by Commissioner Bolt, seconded by Commissioner Gillham, to approve a final plat for The Grove Retirement Homes located at approximately 3900 North Union Avenue, with the following conditions:

1. Final improvement plans shall be approved by the City Engineer prior to construction.
2. Prior to filing (recording) the final plat, the applicant shall commence with making the required public site improvements in accordance with construction plans approved by the City Engineer or otherwise bond the project in accordance with City code.
3. All other applicable City standards apply.

Motion carried 7-0.

AYE: Bolt, Gillham, Harrod, Finley, Rutherford, Sehorn, Salter,
NAY: None

AGENDA ITEM NO. 8: Consideration of an ordinance to amend Article III, Flood Damage Prevention, Chapter 14, in its entirety of the Code of the City of Shawnee, Oklahoma; adopting new flood damage prevention standards; providing for severability; declaring an emergency and establishing an effective date.

Engineering Director Michael Ludi stated that this is an amendment to the previous floodplain ordinance. He advised that the biggest changes are adopting the new maps being issued from Federal Emergency Management Association (FEMA). He states he has been working with FEMA for the last five (5) years regarding these changes.

A motion was made by Commissioner Sehorn, seconded by Commissioner Bolt, to approve an ordinance to amend Article III, Flood Damage Prevention, Chapter 14, in its entirety of the Code of the City of Shawnee, Oklahoma; adopting new flood damage prevention standards; providing for severability; declaring an emergency and establishing an effective date.

Ordinance No. 2661NS was introduced.

AN ORDINANCE AMENDING ARTICLE III, FLOOD DAMAGE PREVENTION, CHAPTER 14, IN ITS ENTIRETY, OF THE CODE OF THE CITY OF SHAWNEE, OKLAHOMA; ADOPTING NEW FLOOD DAMAGE PREVENTION STANDARDS; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE.

Motion carried 7-0.

AYE: Sehorn, Bolt, Gillham, Harrod, Finley, Rutherford, Salter
NAY: None

Ordinance No. 2661NS was adopted by the City Commission.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bolt, to approve an emergency clause relating to Ordinance No. 2661NS. Motion carried 7-0.

AYE: Rutherford, Bolt, Gillham, Harrod, Finley, Sehorn, Salter
NAY: None

AGENDA ITEM NO. 9: Consideration of an ordinance to amend portions of the Shawnee Municipal Code, Chapter 6 “Aviation”; providing for repeal; providing for codification; providing for severability; and setting the effective date.

Airport Manager Bonnie Wilson stated that many years ago the code was written to include the Minimum Standards for operations, developments and procedures at the Shawnee Regional Airport. The Federal Aviation Association (FAA) has asked the Airport to make sure to use those minimum standards to guide the operations. For the past nine (9) months, the Airport Advisory Board (AAB) and Staff have reviewed all of the documentation that was issued in 2000 and amended over time through an ordinance change and resolutions through the Shawnee Airport Authority. The changes are fairly significant in the list of definitions and the technical terminology has changed over that time. Staff recommends to reissue the Minimum Standards as part of the ordinance and update that ordinance to reflect the information that the FAA uses and to ensure that we are stating in compliance with their guidance. Ms. Wilson stated that the changes being recommended are corrected in nature and also to make sure that the Airport complies with the areas the FAA would like to see included in the Minimum Standards.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve an ordinance to amend portions of the Shawnee Municipal Code, Chapter 6 “Aviation”; providing for repeal; providing for codification; providing for severability; and setting the effective date

Ordinance No. 2662NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF THE SHAWNEE MUNICIPAL CODE, CHAPTER 6 “AVIATION”; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND SETTING THE EFFECTIVE DATE.

Motion carried 7-0.

AYE: Harrod, Bolt, Gillham, Finley, Rutherford, Sehorn, Salter
NAY: None

Ordinance No. 2662NS was adopted by the City Commission.

AGENDA ITEM NO. 10: 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.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (3:58 p.m.)

AFTER THE SHAWNEE MUNICIPAL AUTHORITY MEETING ADJOURNED AT 4:00 P.M., THE CITY COMMISSION MEETING WAS RECESSED BY THE POWER OF THE CHAIR FOR 10 MINUTES.

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (4:20 p.m.)

AGENDA ITEM NO. 11: Extended Audit and Budget Brief

Finance Director Chance Allison stated that he would be speaking on a two-part series – first will be the audit and results of the audit for Fiscal Year (FY) ending June 30, 2018; and the second will be the small fund budgets that have been developed for FY2020.

The City received an unmodified opinion on the audit results, which means there is no modifications. This opinion is in relation to the conformity with U.S. Generally Accepted Accounting Principles (GAAP).

The last portion is the Internal Control over Financial Reporting. There were no material weaknesses or significant deficiencies. There were two compliance matters that were noted. They have both been ongoing repeat findings from FY2017. The first is Budgeted Appropriations. There were three departments expenditures exceed budgeted appropriations - General government, public safety and culture and recreation categories. The other compliance matters noted was a negative fund balance – General Fund, Street and Alley Fund and Hotel/Motel Tax Fund. To correct those, the City will do a better job managing cash flow and budgets to ensure items are not overspent in those categories.

Mr. Allison briefly discussed the following small funds:

- Street and Alley Fund
- E-911 Fund
- Revolving Oil and Gas Fund
- Economic Development Fund
- Spay/Neuter Fund
- Hotel/Motel Surcharge Fund
- Police Sales Tax Fund
- Fire Sales Tax Fund
- Tax Increment Financing Fund
- Drug Forfeiture Fund
- Gifts and Contributions Fund
- Cemetery Care Fund

Mr. Allison stated that the total proposed revenues for FY2020 is $2,379,209.00 and the total proposed expenditures are $2,045,596.00.

AGENDA ITEM NO. 12: Commissioners Comments

Commissioner Bolt stated that he appreciated all of the interest in today's meeting.

Commissioner Gillham thanked the management team for the City's healthy financial situation and that the City's credit rating was excellent and the City is getting good rates on loans.

Commissioner Harrod stated that the change in the meeting time to 3:00 p.m. was not to restrict people coming to the meeting, but for the audit and budget presentation.

Mayor Finley requested that the rhetoric regarding City decisions be kept respectful around town. He advised that the change in the meeting time from 6:00 p.m. to 3:00 p.m. was to give plenty time for the audit and budget presentation and not to restrict people from attending the meeting.

Mayor Finley announced that the board will be talking to Chance Allison in the near future about being hired as the next City Manager. He also advised that Ashley Neel, the current Assistant Chief Financial Officer, will be the new Chief Financial Officer.

<u>AGENDA ITEM NO. 13:</u> Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (5:02 p.m.)

Richard Finley

RICHARD FINLEY, MAYOR

ATTEST:

THE CITY OF SHAWNEE SEAL OKLAHOMA

Lisa Lasyone

LISA LASYONE, CMC, CITY CLERK