

BOARD OF CITY COMMISSIONERS PROCEEDINGS

FEBRUARY 21, 2017 AT 6:30 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, Tuesday, February 21, 2017 at 6:30 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

Dub Bushong

Commissioner Ward 1

Ron Gillham

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Darren Rutherford

Commissioner Ward 4

Lesa Shaw

Commissioner Ward 5

Ben Salter

Commissioner Ward 6

ABSENT: None

INVOCATION

Emergency Management Director Don Lynch

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 11.
- b. Minutes from the February 6, 2017 regular meeting.
- c. Acknowledge the following minutes:
 - Shawnee Urban Renewal Authority Minutes from October 4, 2016 meeting

- d. Budget Amendment – Fund 001
Amend budget for leave payouts through February 10, 2017
- e. Authorize City Manager to execute Grant Agreement with the Avedis Foundation for the Shawnee Trails Project – Phase 2.
- f. Accept Auditorium HVAC and Lighting Upgrade Project and place bonds and warranties into effect.
- g. Acknowledge Preliminary 2017-2018 Budget Schedule.
- h. Mayor's Appointments

Shawnee Planning Commission

Craig Walker 1st Partial Term

Expires 06/01/2018

Replaces Regena Morton - Resigned

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

AYE: Harrod, Bushong, Gillham, Finley, Rutherford, Shaw, Salter

NAY: None

AGENDA ITEM NO. 2:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

Mr. Tom Smith spoke to Commissioners regarding several items of concern. Those items were the absence of lighting on parts of Main Street and the increased number of individuals loitering in the downtown area. He also expressed his displeasure with the local Shawnee Uprising movement and their protest against the current government in Washington DC.

Mr. Elliot Shuler spoke regarding the Shawnee Twin Lake lot leases. He asked if there was a system in place for the City to take back the property in certain instances; such as, foreclosure or death. City Manager Justin Erickson asked Mr. Shuler to call his office to discuss the issue further.

AGENDA ITEM NO. 3:

Presentation by City Manager to Employee of the Month, Vicki Files, Municipal Court.

Ms. Vicki Files was present to accept the Employee of the Month Certificate presented by City Manager Justin Erickson.

AGENDA ITEM NO. 4:

Mayor' Proclamations:
"Emergency Management Week"
March 5-11, 2017

Emergency Management Director Don Lynch accepted the Mayor's Proclamation for "Emergency Management Week" presented by Mayor Finley.

Commissioner Shaw asked if any events would be taking place for Emergency Management Week. Mr. Lynch noted several events taking place across the State during that week.

AGENDA ITEM NO. 5:

Presentation of Fiscal Year 2015-2016 Audit.

Ms. LaDonna Sinning of Arledge and Associates presented the 2015-2016 Fiscal Year Audit opinion. Ms. Sinning stated the audit went smoothly and only two findings were brought to the Finance Director's attention and have now been corrected. Ms. Sinning stated that the auditors' findings were for an unmodified opinion.

Ms. Sinning answered questions from Commissioners after her presentation regarding the different audit categories.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to approve the Fiscal Year 2015-2016 Audit. Motion approved 6-0-1.

AYE: Harrod, Bushong, Gillham, Finley, Rutherford, Salter

NAY: None

ABSTAIN: Shaw

Commissioner Shaw stated she had not had an opportunity to review the 2015-2016 Audit.

AGENDA ITEM NO. 6:

Discussion and presentation by the City Manager of the Community Survey results.

City Manager Justin Erickson gave a brief presentation of the National Citizen Survey results. Mr. Erickson noted that 2,200 surveys were mailed to residences, of those 420 were returned completed. An additional 480 surveys were completed online for a total of 900 combined surveys. Mr. Erickson gave an overview of the findings, mentioned areas where the national benchmark was met, and noted areas where they were not met. He invited each Commissioner to give the survey results a more in-depth review and noted the survey results would assist with strategic planning within the city. It is recommended that the survey be repeated in three years to track improvements.

Mayor Finley stated he is looking forward to delving deeper into the community survey results.

Vice Mayor Harrod noted the information provided by the survey would be useful information for the Shawnee Economic Development Foundation.

Commissioner Shaw said she was glad to see diverse demographics targeted for the survey. She also encouraged repeating the survey in three years.

Commissioner Gillham mentioned the broad socioeconomic groups within the city as reflected by the survey.

AGENDA ITEM NO. 7:

Consider OG&E Cost Proposal for providing decorative lighting along the west side of Kickapoo Street from Midland to MacArthur.

City Manager Justin Erickson explained the lighting would be on the west side of Kickapoo Street from Midland Street to MacArthur Street near Oklahoma Baptist University. Mr. Erickson stated that the large light poles were decorative and OG&E was the only vendor for such lighting. Staff recommends approval of the proposal by OG&E in the amount of \$42,618.40.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to authorize staff to accept the proposal from OG&E to provide decorative lighting along the west side of Kickapoo Street from Midland to MacArthur in the amount of \$42,618.40. Motion carried 7-0.

AYE: Shaw, Rutherford, Salter, Bushong, Gillham, Harrod, Finley

NAY: None

AGENDA ITEM NO. 8:

Consider authorizing staff to solicit bids for construction on the Fire Station #2 renovation project.

Fire Chief Dru Tischer explained that the design and development phases of the Fire Station #2 renovation project have been completed and it is now time to transition into the construction phase. He provided a slide presentation which shows elevations from each direction. Architects and engineers involved with the project suggest taking the building down to the red iron structure. Mr. Tischer said the new structure will have an additional one thousand square feet bump out to allow more room equipment and crew. Chief Tischer noted that for durability and cleanliness, the station will have polished concrete floors and stainless steel cabinets.

Vice Mayor Harrod added details about suggested generators and other changes being made to the Fire Station original plans.

Commissioner Shaw spoke regarding the building's aesthetics and stressed the importance of effective water drainage.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to authorize staff to solicit bids for construction on the Fire Station #2 renovation project. Motion carried 7-0.

AYE: Harrod, Shaw, Salter, Bushong, Gillham, Finley, Rutherford

NAY: None

AGENDA ITEM NO. 9:

Presentation by City Attorney regarding conflict of interest.

A presentation was given by City Attorney Joseph Vorndran regarding potential conflicts of interest of City Commissioners. Mr. Vorndran referenced the City Code and explained the appropriate action city officials should take if they feel a conflict of interest has arisen. Mr. Vorndran then answered questions from the Commissioners.

AGENDA ITEM NO. 10:

Acknowledge Sales Tax Report received February 2017.

Finance Director Cindy Arnold gave a monthly sales tax report advising that February sales tax collected this month was \$1,676,413.00, which is up 4.44% or \$71,211.00 from February of 2016. Ms. Arnold noted sales tax from Amazon sales

will begin being collected on March 1, 2017, which should increase use tax revenue in the upcoming months.

AGENDA ITEM NO. 11:

Consider Bids:

- a. Shawnee Convention Center HVAC and Lighting Upgrade Project
(Open)

<u>BIDDER</u>	<u>AMOUNT</u>
Johnson Controls Oklahoma City, OK	\$865,300.00 Additive Alternate 1: \$123,060.00 Additive Alternate 2: \$43,010.00
S.E. Hardesty Co. d/b/a Hardesty Team Oklahoma City, OK	\$541,409.00 Additive Alternate 1: \$61,229.00 Additive Alternate 2: \$20,750.00
Air Engineering Inc. Oklahoma City, OK	\$479,265.00 Additive Alternate 1: \$50,116.00 Additive Alternate 2: \$20,091.00
Jim Cooley Construction, LLC Oklahoma City, OK	\$414,900.00 Additive Alternate 1: \$51,300.00 Additive Alternate 2: \$17,200.00
T Scott Construction, LLC Oklahoma City, OK	\$439,084.00 Additive Alternate 1: \$54,590.00 Additive Alternate 2: \$16,809.00

Director of Operations James Bryce read five (5) bids into the record. Mr. Bryce requested the bid award be deferred to the next City Commission meeting on March 6, 2017.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to defer the bid award to the March 6, 2017 City Commission meeting. Motion carried 7-0.

AYE: Harrod, Rutherford, Shaw, Salter, Bushong, Gillham, Finley
NAY: None

AGENDA ITEM NO. 12:

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

There was no New Business.

AGENDA ITEM NO. 13:

Commissioners Comments

Commissioner Bushong thanked City Manager Justin Erickson for his assistance with downloading his agenda packet.

Commissioner Gillham spoke regarding the trash and debris on properties. He stated he teamed up with the City's Action Department to address the issue in his ward and they are starting to see improvements. Commissioner Gillham said a number of homes are being renewed in the Ward Two area, and he is hopeful this will encourage other homeowners to take pride in their properties as well.

Commissioner Gillham mentioned the ribbon cutting ceremony for the new Domino convenience store went well.

Vice Mayor Harrod stated that Marsh Electric bought his company and he no longer has an interest in it. He stated that it would no longer be a conflict of interest for Marsh Electric to bid on City projects.

Vice Mayor Harrod said he had also noticed the lack of lighting on the east end of Main Street.

Commissioner Rutherford thanked all those who took time to complete the survey. He said he was glad to see the survey results following closely with the direction the City is moving.

Commissioner Shaw announced she went to a dinner hosted by Gateway to Prevention and Recovery and wanted to thank them for their involvement with the community.

Commissioner Shaw stated she hopes the City can work with the local cable company to increase their rating on the next citizen survey.

Commissioner Shaw asked if all the bids the City accepts for various projects could be submitted to a centralized location, such as the City Clerk's Office.

Commissioner Shaw commented on the progress of the Domino Plaza on the corner of 45th Street and Harrison Street.

Commissioner Shaw asked if the City was registered as a 501(c)(3) so the Animal Control Center could receive benefits as such.

Commissioner Shaw said she would like to see the City move toward voting for Commissioners by wards instead of at-large voting. She stated this allows people to choose who represents them in their specific ward.

Commissioner Salter said he was impressed with the community survey.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (8:03 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (8:07 p.m.)

AGENDA ITEM NO. 14:

Consider an Executive Session for discussion and possible action on litigation pending against the City of Shawnee by Loran Greenlee (Workers Compensation Court Case No. 2003-3253R) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to enter into executive session for discussion and possible action on litigation pending against the City of Shawnee by Loran Greenlee (Workers Compensation Court Case No. 2003-3253R) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City. Motion carried 7-0.

AYE: Harrod, Bushong, Gillham, Finley, Rutherford, Salter
NAY: Shaw

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 8:08 P.M. WITH
ALL MEMBERS PRESENT

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:33 P.M.
WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 15:

Consider matters discussed in Executive Session regarding pending against the City of Shawnee by Loran Greenlee (Workers Compensation Court Case No. 2003-3253R) as authorized by 25 O. S. §307(B)(4) on the recommendation of counsel that public discussion would impair the ability of the City Attorney to adequately defend the City.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to authorize counsel to settle the claim for up to the requested authority amount, disclosure of which would impair the City's ability to negotiate and settle the claim favorably. Motion carried 7-0.

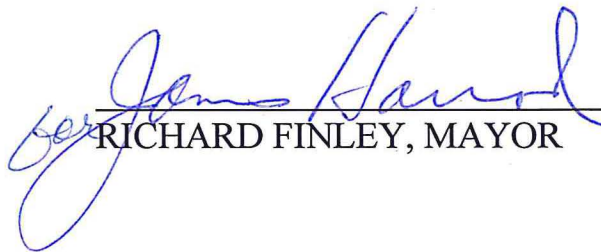
AYE: Harrod, Bushong, Gillham, Finley, Rutherford, Shaw, Salter
NAY: None

AGENDA ITEM NO. 16:

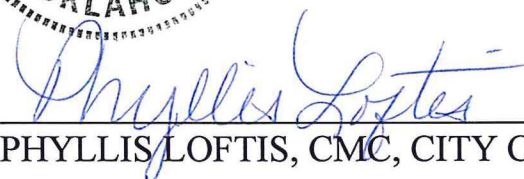
Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:35 p.m.)





RICHARD FINLEY, MAYOR



PHYLLIS LOFTIS, CMC, CITY CLERK