

BOARD OF CITY COMMISSIONERS PROCEEDINGS

APRIL 17, 2023 AT 6:00 PM

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, 16 West 9th Street, Shawnee, Oklahoma on, Monday, April 17, 2023 at 6:00 PM, pursuant to notice duly posted as prescribed by law at 4:57 p.m. on Thursday, April 13, 2023. Mayor Bolt presided and Mr. Benny Wahpepah and Mr. Brandon Wahpepah called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Cami Engles
Commissioner Ward 2

Travis Flood
Commissioner Ward 3

Darren Rutherford
Commissioner Ward 4 - Vice Mayor

Mark Sehorn
Commissioner Ward 5

Lauren Richter
Commissioner Ward 6

ABSENT: None

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.

The Mayor presented a Certificate of Recognition to the Shawnee High School Swim Team.

2. Presentation of Certificate of Recognition for Shawnee Heavyweight Wrestling State Championship Win.

The Mayor presented a Certificate of Recognition to Mr. Logan Cash, Shawnee Heavyweight Wrestling State Champion.

3. Presentation of Certificate of Recognition for 2022-2023 State Mathematics

Championship Win.

The Mayor presented a Certificate of Recognition to the Jefferson Elementary Mathematics Team.

4. Presentations of Certificates of Recognition for Shawnee Regional Airport Staff.

The Mayor presented Certificates of Recognition to Shawnee Regional Airport Staff Mr. Matthew Lovelace, Ms. Kathryn Parker and Mr. Steve Miller.

By Power of the Chair, moved Agenda Item Nos. 8 and 9 before Agenda Item No. 5.

5. Citizens Participation (A three-minute limit per person)
(A twelve-minute limit per topic)

Mr. James Thomas, Mr. Fred Turner, Ms. Debra Waterman, Mr. Troy Cook, Mr. Rick Young, Ms. Shelley Bryd, and Ms. Vicky Bryan spoke during Citizens Participation.

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.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve Consent Agenda Item Nos. 6(a-b) . Motion Carried 7-0-0.

AYE: Matthews, Flood, Engles, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

7. Presentation of the Pet of the Month by Animal Control.

Animal Control Officer Theresa Touchet introduced Ginger, a three- to four-month old Dutch Shepherd mix.

8. Mayor's Proclamation(s):

a. "National Donate Life Month", April 2023

Ms. Heather Dean accepted the Mayor's Proclamation for "National Donate Life Month" from Mayor Bolt.

b. "Fair Housing Month", April 2023

Community Development Director Rian Harkins accepted the Mayor's Proclamation for "Fair Housing Month" from Mayor Bolt.

c. "Arbor Day", April 28, 2023

Girl Scout Troop 240 accepted the Mayor's Proclamation for "Arbor Day" from Mayor Bolt.

d. "Loyalty Day", May 1, 2023

Mayor Bolt presented and read the proclamation for "Loyalty Day".

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

Sister Cities Chairman Jessica Brown introduced each of the Shawnee 2023 adult and student delegates for the exchange trip to Nikaho, Japan.

10. Presentation of the Fiscal Year 2021-2022 Annual Comprehensive Financial Report and Single Audit Report.

Finance Director Lindsey McNabb-Fox introduced Mr. Jake Winkler, CPA with Arledge & Associates. Mr. Winkler reported an unmodified opinion was given for both the Annual Comprehensive Financial Report (ACFR) and the Single Audit Report for Fiscal Year ended June 30, 2022. There were no findings.

11. Presentation of the Fiscal Year 2023-2024 Proposed Budget.

Finance Director Lindsey McNabb-Fox presented the proposed budget for Fiscal Year 2023-2024.

RECESS CITY COMMISSION MEETING BY POWER OF THE CHAIR AT 7:22 P.M.

RECONVENE CITY COMMISSION MEETING BY POWER OF THE CHAIR AT 7:36 P.M.

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.

City Attorney Joe Vorndran provided a Staff report. The proposed ordinance language includes a provision to eliminate the ceding of time from one public commenter to another. The Commissioners asked questions to Staff.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Sehorn, to approve 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.

Ordinance No. 2784NS was introduced

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING CERTAIN PORTIONS OF CHAPTER 2, ARTICLE II "ADMINISTRATION"; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, REPEALER, AND DECLARING AN EMERGENCY.

Motion Carried 6-0-1.

AYE: Rutherford, Sehorn, Engles, Flood, Matthews, Bolt

NAY: None

ABSTAIN: Richter

Ordinance No. 2784NS was adopted by the City Commission.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve the emergency clause related to Ordinance No. 2784NS. Motion Carried 6-0-1.

AYE: Matthews, Rutherford, Engles, Flood, Sehorn, Bolt

NAY: None

ABSTAIN: Richter

13. Consideration of suspension of the agreement between the City of Shawnee and Shawnee Forward relating to economic development services.

City Manager Andrea Weckmueller-Behringer advised that the due to resent resignations of both the Executive Director and the Economic Development Lead,

Shawnee Forward Board of Directors has expressed a concern that its organization may be unable at this time to effectively meet the requirements of the existing agreement. The Shawnee Forward Board believes it would be prudent to suspend the balance of the existing agreement as they undergo a refocus of economic development activities and search for individuals to fill the vital openings.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve the suspension of the agreement between the City of Shawnee and Shawnee Forward relating to economic development services. Motion Carried 7-0-0.

AYE: Matthews, Engles, Flood, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

14. Consideration of a Professional Services Agreement with Devox Project Management Group for the Infill Housing Palette.

Community Development Director Rian Harkins provided a Staff report.

A motion was made by Commissioner Engles, seconded by Commissioner Flood, to approve a Professional Services Agreement with Devox Project Management Group for the Infill Housing Palette. Motion Carried 7-0-0.

AYE: Engles, Flood, Matthews, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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.

Director of Engineering Seth Barkhimer provided a Staff report. He advised that this item includes water line replacement and street repairs associated with construction along Marie Drive in the College View Addition. He stated that the project scope included the survey, final design and bidding. The amount of the Task Order is Sixty-Eight Thousand Three Hundred Dollars (\$68,300.00).

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve 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. Motion Carried 7-0-0.

AYE: Matthews, Engles, Flood, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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.

Community Development Director Rian Harkins advised that the applicant requested that the rezoning request be deferred for one month. Staff recommends the deferral of both Agenda Item Nos. 16 and 17 to the May 15, 2023 City Commission meeting.

A motion was made by Commissioner Flood, seconded by Commissioner Matthews, to defer the item to the May 15, 2023 City Commission meeting. Motion Carried 7-0-0.

AYE: Flood, Matthews, Engles, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to defer the item to the May 15, 2023 City Commission meeting. Motion Carried 7-0-0.

AYE: Matthews, Flood, Engles, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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.

A motion was made by Commissioner Flood, seconded by Commissioner Engles, to approve a resolution authorizing Mayor Ed Bolt to cast a ballot for the 2023 Oklahoma Municipal Assurance Group (OMAG) Election of Three Trustees.

Resolution No. 6697 was introduced.

A RESOLUTION AUTHORIZING AND DIRECTING ED BOLT, MAYOR, AN AUTHORIZED AGENT OF THE CITY OF SHAWNEE, OKLAHOMA, TO CAST VOTES FOR TRUSTEES OF THE OKLAHOMA MUNICIPAL ASSURANCE GROUP TO FILL EXPIRING TERMS OF TRUSTEES.

Motion Carried 7-0-0.

AYE: Flood, Engles, Matthews, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

19. Consideration of a Memorandum of Understanding and Lease Agreement to continue use of the Shawnee Rescue Mission as a Homeless Resource Center (HRC).

Community Development Director Rian Harkins explained that in 2022, the City was offered the Shawnee Rescue Mission building to be used for Homeless Resource Center. The proposed Memorandum of Understanding (MOU) and Lease Agreement would allow for continued use of the Shawnee Rescue Mission building.

A motion was made by Commissioner Sehorn, seconded by Commissioner Matthews, to approve a Memorandum of Understanding and Lease Agreement to continue use of the Shawnee Rescue Mission as a Homeless Resource Center (HRC). Motion Carried 7-0-0.

AYE: Sehorn, Matthews, Engles, Flood, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

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.

Community Development Director Rian Harkins advised that based upon the United State Department of Housing and Urban Development (HUD) regulations, the Oklahoma Department of Commerce (ODOC) requires all sub-recipients of the Community Development Block Grant (CDBG) - Coronavirus (CVS) relief grants

to have a current Section 3 Plan adopted in order to complete a Release of Funds.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve 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.

Resolution No. 6698 was introduced.

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 SUBRECIPIENTS OF CDBG-CV FUNDING.

Motion Carried 7-0-0.

AYE: Matthews, Engles, Flood, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

COMMISSIONER MATTHEWS LEFT 8:16 P.M.

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.

Community Development Director Rian Harkins advised that this item is a proposed amendment to the Agreement with Community Market using the Community Development Block Grant (CDBG) - Coronavirus (CVS) funds.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Flood, to approve an amendment to the Agreement between the City of Shawnee and Community Market of Pottawatomie County relating to CDBG-CV2 Grant Nutrition Assistance. Motion Carried 6-0-0.

AYE: Rutherford, Flood, Engles, Richter, Sehorn, Bolt

NAY: None

ABSTAIN: None

COMMISSIONER MATTHEWS RETURNED 8:19 P.M.

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 S00038'31"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 Begnning; Thence S89°38'00"W a distance of 50.00 feet; Thence S0044'54"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 Begnning. Applicant: George Martin Knox, Cerina Stiles, Louis H. Cox and Emily J. Cox (*Deferred from March 20, 2023 City Commission meeting.*)

City Attorney Joe Vorndran provided a Staff report. He advised that after having completed the review, Staff, based upon internal precedent and not based upon any definitive law, has made the determination that the Petition for Detachment is sufficient and recommends approval of the item.

A motion was made by Commissioner Matthews, seconded by Commissioner Sehorn, to approve 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 S00038'31"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.

Ordinance No. 2785NS was introduced.

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF SHAWNEE, OKLAHOMA, BY DE-ANNEXING/DETACHING CERTAIN PROPERTY WITHIN THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY; AND ALSO PROVIDING FOR SEVERABILITY, CODIFICATION, REPEALER, AND DECLARING AN EMERGENCY.

Motion Carried 7-0-0.

AYE: Matthews, Sehorn, Engles, Flood, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

Ordinance No. 2785NS was adopted by the City Commission.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve the emergency clause relating to Ordinance No. 2785NS.

Motion Carried 7-0-0.

AYE: Matthews, Engles, Flood, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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.

Finance Director Lindsey McNabb-Fox provided Staff reports.

A motion was made by Commissioner Engles, seconded by Commissioner Flood, to approve the budget amendment listed in Agenda Item No. 23(a). Motion Carried 7-0-0.

AYE: Engles, Flood, Matthews, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

24. Consider Bid(s):

- a. Highland Street Sidewalk Improvements (Award)

Director of Engineering Seth Barkhimer announced that five (5) bids were received. Staff recommends awarding the bid to EMC Services, Oklahoma City, Oklahoma in the total amount of One Million One Hundred Eight Thousand Seventy Dollars (\$1,108,070.00).

A motion was made by Commissioner Flood, seconded by Vice Mayor Rutherford, to award the bid to EMC Services in the total amount of One Million One Hundred Eight Thousand Seventy Dollars (\$1,108,070.00). Motion Carried 7-0-0.

AYE: Flood, Rutherford, Engles, Matthews, Richter, Sehorn, Bolt

NAY: None

ABSTAIN: None

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

Director of Engineering Seth Barkhimer advised that Staff is recommending approval of a contract with Smith Roberts Baldischwiler, LLC (SRB) for construction management and inspection services of the Highland Street Sidewalk

Improvement Project.

A motion was made by Commissioner Sehorn, seconded by Commissioner Engles, to approve an Agreement with Smith Roberts Baldischwiler, LLC (SRB) for construction management and inspection services for Highland Street Sidewalk Improvement project. Motion Carried 7-0-0.

AYE: Sehorn, Engles, Flood, Matthews, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

26. Acknowledge Monthly Sales Tax Report.

Finance Director Lindsey McNabb-Fox reported sales tax is up Two Million Seven Hundred One Thousand Nine Hundred Seventy Dollars (\$2,701,970.00) or Thirteen Point Seven Percent (13.7%), over the projected budget year-to-date. She stated that use tax collections are up One Hundred Thirty-Four Thousand One Hundred Sixty-Five Dollars (\$134,165.00) or Four Point Eight Percent (4.8%), above the projected budget year-to-date.

27. Administrative Report(s):

a. Major Public Park Improvements - Seth Barkhimer, Director of Engineering

Director of Engineering Seth Barkhimer provided a presentation on Major Public Park Improvements. He discussed items that included:

- 2018 Sales Tax
- Planning for Parks
- Current Contract and Schedule of KidSpace and Woodland Park projects
- KidSpace Final Design
- Woodland Veterans Park Final Design

b. 2018 Half-Cent Sales Tax - Quarterly Update - Lindsey McNabb-Fox, Finance Director

Finance Director Lindsey McNabb-Fox provided a presentation on the 2018 Half-Cent Sales Tax - Quarterly Update. She discussed items that included:

- 2018 Sales Tax Election
- Investment Updates
- Investment Updates - Third Quarter

c. 2023 Proposed City Charter Amendments - Andrea Weckmueller-Behringer, City Manager

City Manager Andrea Weckmueller-Behringer provided a presentation on the 2023 Proposed City Charter Amendments. She discussed items that included:

- City Charter
- Ward Specific Voting
- Competitive Bidding
- Swearing-In of Mayor and Commissioners
- Qualifications of City Employees
- Conflict of Interest Policy for Commissioners and City Employees/Officers
- Twin Lakes Regulation
- Cemetery Perpetual Care Fund

28. 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.

29. Commissioners Comments

The Mayor and Commissioners congratulated the Shawnee Swim Team, Shawnee Wrestler Logan Cash, Jefferson Elementary Mathematics Team, Airport Staff and the Sister Cities delegates.

Commissioner Matthews commented on homelessness, the Strategic Planning meeting, Staff reports and presentations.

Commissioner Engles commented on the Strategic Planning meeting, the audit and the upcoming Charter election vote.

Commissioner Flood commented on the Strategic Planning meeting.

Vice Mayor Rutherford commented on the Strategic Planning meeting.

Commissioner Sehorn commented on the sidewalk improvements and the efforts the Finance Departments puts in to keep the Commission informed of the City's financial health.

Commissioner Richter commented on Strategic Planning meeting, the ARPA items and the Citywide clean-up event. She also welcomed the new Assistant City Manager Danny Vise, Jr.

Mayor Bolt commented on Strategic Planning meeting, the Staff updates, sales tax and the KidSpace Park Project. He also welcomed the new Assistant City Manager Danny Vise, Jr.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (9:11 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (9:18 P.M.)

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).

A motion was made by Commissioner Sehorn, seconded by Vice Mayor Rutherford, 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). Motion Carried 7-0-0.

AYE: Sehorn, Rutherford, Engles, Flood, Matthews, Richter, Bolt

NAY: None

ABSTAIN: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 9:21 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 9:33 P.M. WITH ALL MEMBERS PRESENT.

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.

City Attorney Joe Vorndran advised that Agenda Item Nos. 31, 32, 33, 34, and 35 relate to distributors and opioid litigation.

A motion was made by Commissioner Flood, seconded by Commissioner Matthews, to approve the 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.

Resolution No. 6699 was introduced.

A RESOLUTION TO APPROVE PARTICIPATION IN WALGREENS SETTLEMENT AGREEMENT.

Motion Carried 7-0-0.

AYE: Flood, Matthews, Engles, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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.

A motion was made by Commissioner Flood, seconded by Commissioner Engles, to approve 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.

Resolution No. 6700 was introduced.

A RESOLUTION TO APPROVE PARTICIPATION IN WALMART SETTLEMENT AGREEMENT.

Motion Carried 7-0-0.

AYE: Flood, Engles, Matthews, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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..

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve 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.

Resolution No. 6701 was introduced.

A RESOLUTION TO APPROVE PARTICIPATION IN CVS SETTLEMENT AGREEMENT.

Motion Carried 7-0-0.

AYE: Matthews, Flood, Engles, Richter, Rutherford, Sehorn, Bolt

NAY: None

ABSTAIN: None

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.

A motion was made by Commissioner Engles, seconded by Commissioner Sehorn, to approve 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.

Resolution No. 6702 was introduced.

A RESOLUTION TO APPROVE PARTICIPATION IN ALLERGAN SETTLEMENT AGREEMENT.

Motion Carried 7-0-0.

AYE: Engles, Sehorn, Flood, Matthews, Richter, Rutherford, Bolt

NAY: None

ABSTAIN: None

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.

A motion was made by Vice Mayor Rutherford, seconded by Commissioner Matthews, to approve 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.

Resolution No. 6703 was introduced.

A RESOLUTION TO APPROVE PARTICIPATION IN TEVA SETTLEMENT AGREEMENT.

Motion Carried 7-0-0.

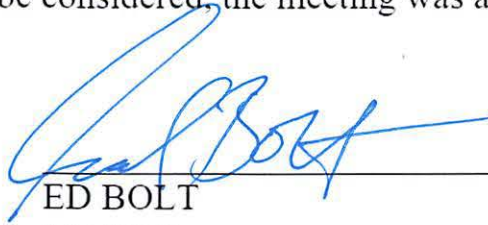
AYE: Rutherford, Matthews, Engles, Flood, Richter, Sehorn, Bolt

NAY: None

ABSTAIN: None

36. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:44 p.m.)


ED BOLT
MAYOR


LISA LASZYONE, CMC
CITY CLERK

