

AGENDA
BOARD OF CITY COMMISSIONERS
February 19, 2013 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Agenda:
2. 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 SMA Agenda Item No. 4-a
 - b. Minutes from the February 4, 2013 regular meeting and February 11, 2013 special call meeting.
 - c. Budget Amendment E-911 Fund 102
Transfer money from reserves to cover priority dispatch training – sole source reserve balance at 06/30/2012 \$428,041
 - d. Acknowledge the following minutes:
 - Shawnee Civic and Cultural Development Authority minutes from December 20, 2012
 - Shawnee Urban Renewal Authority minutes from December 4, 2012
 - License Payment Report for January 2013
 - Project Payment Report for January 2013
 - e. Lake Lot Leases Renewal and Transfer:

Transfer:

- Lot 6 Seck Track, 33804 Post Office Neck
From: Daina Spangler/Gail Harjo Personal Rep
To: Derrick Carpenter Properties LLC

Renewals:

- Lot 5 Seck Tract, 33800 Post Office Neck
Greta Colvin and Duwayne Colvin
- Lot 9 Renfro Tract, 15807 Sleepy Hollow Road
Steve Leader and Jamie Leader
- Lot 15A Belcher Tract, 33310 Post Office Neck

John Hays and Jason Hays

- Lot 6 Mosler Tract, 16304 Archery Range Road
LaDonna Freement

- Lot 15 Hart Tract, 16409 Hart Road
Ronald Swadley

- Lot 14 Hart Tract, 16405 Hart Road
Ronald Swadley

- f. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Amber Satterfield.
- g. Accept agreement with Mitchell Armitage, Excel Auction, for auctioning items declared surplus to the City of Shawnee. Auction to be held on March 30, 2013 at the Expo Center.

3. Citizens Participation

(A three minute limit per person)
(A twelve minute limit per topic)

- 4. City Manager's presentation of Employee of the Month to Brad Schmidt, Interim Systems Maint Manager.

**RECESS CITY COMMISSION MEETING TO CONVENE SHAWNEE MUNICIPAL
AUTHORITY AND SHAWNEE AIRPORT AUTHORITY**

RECONVENE

- 5. Public hearing and consideration of a resolution granting a Vehicle for Hire License to Castle Cab.
- 6. Consideration of an ordinance de-annexing a 20 acre parcel located near Walker Road and Homer Lane.
Tabled from the February 4, 2013 meeting.
- 7. Consider a resolution accepting the transfer of ownership of the local cable franchise from Allegiance Communications, LLC to BCI Allegiance, LLC.
- 8. Discussion, consideration and possible action to appoint an insurance committee to consist of three commissioners and two staff members.
- 9. Acknowledge Sales Tax Report received February 2013.
- 10. New Business
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
- 11. Administrative Reports
- 12. Commissioners Comments

13. Consider an executive session in accordance with 25 O.S. §307 (B)(4), communications with city's attorneys concerning a pending investigation, claim or action, the grievances filed by the IUPA and IAFF. The City Attorney has determined that disclosure will seriously impair the ability of the Commission to resolve the matter in the public interest.
14. Consider an Executive Session to discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).
15. Consider matters discussed in Executive Session regarding communications with city's attorneys concerning a pending investigation, claim or action, the grievances filed by the IUPA and IAFF. The City Attorney has determined that disclosure will seriously impair the ability of the Commission to resolve the matter in the public interest.
16. Consider matters discussed in Executive Session regarding discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).
17. Adjournment

Respectfully submitted

Phyllis Loftis, 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)

Regular Board of Commissioners

2. a.

Meeting Date: 02/19/2013

Open Bids

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in SMA Agenda Item No. 4-a

Regular Board of Commissioners

2. b.

Meeting Date: 02/19/2013

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the February 4, 2013 regular meeting and February 11, 2013 special call meeting.

Attachments

Reg Mtg 2-04-13

Spec Call 02-11-13

BOARD OF CITY COMMISSIONERS PROCEEDINGS
FEBRUARY 4, 2013 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, Monday, February 4, 2013 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord
Mayor

Pam Stephens
Commissioner Ward 1

Linda Agee
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Keith Hall
Commissioner Ward 4

John Winterringer
Commissioner Ward 5

Absent
Commissioner Ward 6

ABSENT: Steve Smith

INVOCATION Lord's Prayer led by Mayor Mainord

FLAG SALUTE Led by Commissioner Agee

AGENDA ITEM NO. 1: Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the Agenda. Motion carried 6-0.

AYE: Harrod, Hall, Winterringer, Stephens, Agee, Mainord

NAY: None

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

- a. Minutes from the January 22, 2013 regular meeting and January 28, 2013 special called meeting.
- b. Acknowledge the following minutes:
 - Traffic Commission minutes from October 23, 2012
- c. Accept deed from Greater Shawnee Area Chamber of Commerce for Lots Five (5) and Six (6), YAHGNEE ADDITION, PHASE 1, a subdivision of a part of the Northwest Quarter (NW/4) of Section 32, Township 11 North, Range 4 East of the Indian Meridian, subject to existing zoning ordinances, rights-of-ways, encroachments that a survey may reveal and easements of record and less and except all oil, gas and minerals and oil, gas and mineral rights therein and thereunder; to the City of Shawnee, Pottawatomie County, Oklahoma.
- d. Budget Schedule for 2013-2014
- e. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Amanda Clayton.
- f. Authorize the purchase of ProPatch Asphalt Equipment and Truck & Chassis.
- g. Mayor's appointments:
Shawnee Housing Authority

Sherry Lankford 1st Full Term Expires February 4, 2016
Replaces Chris Waddell – declining re-appointment due to time

Lauri Fluke 2nd Full Term Expires February 4, 2016
Re-appointment

Shawnee Airport Advisory Board

Will Smallwood 1st Partial Term Expires July 1, 2014
Replaces Dick Romine Termed out July 1, 2011

Commissioner Agee asked that Agenda Item No. 2-f be pulled for separate consideration.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve the Consent Agenda Items a-g, less Item f. Motion carried 6-0.

AYE: Harrod, Winterringer, Stephens, Agee, Mainord, Hall

NAY: None

Commissioner Agee asked about the money for the ProPatch Truck. John Krywicki, Director of Engineering, explained that there would be a budget transfer within the department.

A motion was made by Commissioner Agee, seconded by Vice Mayor Harrod, to approve Consent Agenda Item No. 2-f. Motion carried 6-0.

AYE: Agee, Harrod, Mainord, Hall, Winterringer, Stephens

NAY: None

AGENDA ITEM NO. 3:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 4:

Report from Shawnee Area Chamber of Commerce on Operations of CVB with discussion, consideration and possible action regarding interim budget to cover the period to June 30, 2013.

Nancy Keith, President and CEO of the Greater Shawnee Chamber of Commerce, presented the proposed budget ending June 30, 2013 for the operation of the Convention and Visitor Bureau. Ms. Keith talked about the success of the Convention and Visitor Bureau. She will be interviewing, along with an interview committee including members of the tourism industry, for the position of Director of the CVB. There is a new logo and a new website. They will, also, be working with a consultant to help set the direction of the CVB.

A motion was made by Commissioner Hall, seconded by Commissioner Winterringer, to accept the budget as presented to end on June 30, 2013. Motion carried 6-0.

AYE: Hall, Winterringer, Stephens, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 5:

Discussion, consideration and possible action to appoint insurance committee to consist of 3 commissioners and 2 staff members to review City's contracts with consultants and insurance providers and make recommendations to full commission for any changes. Committee would have authority to request proposals for all insurance related services.

A staff report was given by City Manager Brian McDougal on questions regarding the employee insurance. He highlighted the following 4 points: Consultant Services, Provider Contracts, the City's contribution to the employees' medical benefits, and definition of those eligible for participation in the plan.

Jennifer Dawson spoke regarding the employee insurance work group. She explained the process of the work group and urged the Commission to allow the work group to continue. When a Commissioner pointed out that they did not intend to abolish the insurance work group, it was noted that the agenda item made it appear that the work group's services were no longer required.

Dustin Brand, Employee Benefits Consultant INSURICA, presented written summary and analysis of different insurance options provided before selection of a provider. He also offered to answer any questions the commission might have.

Brenden "Chip" Shepard, Fire Department and President of the International Association of Firefighters, Local No. 206, spoke requesting the insurance work group be kept in place.

Commissioner Agee stated the commissioners wanted the best for the city employees and the money is commission responsibility.

Commissioner Stephens questioned why we need another level of bureaucracy and suggested that 2 or 3 commissioners be added to the current employee insurance work group. She also urged the new Commissioners to go through the budget process before making any changes.

Commissioner Hall wants commission to have better oversight on insurance.

A motion was made by Commissioner Harrod, seconded by Commissioner Agee, to appoint an insurance committee to consist of 3 commissioners and 2 staff members to review City's contracts with consultants and insurance providers and make recommendations to full commission for any changes. Committee would have authority to request proposals for all insurance related services. Motion carried 4-2.

AYE: Harrod, Agee, Mainord, Hall

NAY: Stephens, Winterringer

AGENDA ITEM NO. 6:

Discussion, consideration and possible action on Rita Knight-Taber's appeal of Administrative Hearing Officer's order on January 10, 2013, to remove all structures from five lots, including all concrete footings and the cellar, located at 915 E. Hayes.

Ms. Rita Knight-Taber and her brother spoke regarding the appeal of demolition order. They believe someone with adjoining property is going to purchase the property if the out buildings and cellar are left in place. They realize the primary residence will need to be destroyed and are obtaining bids now for that to happen. Their request is to give them until the end of April to have the residence removed and sell the property with the outbuildings and cellar.

Justin Erickson, Planning Director, request that Ms. Knight-Taber have a permit to demo the residence by March 1 and complete the demo by April 1, leaving the outbuildings and cellar in place.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to limit the order of demolition to the primary residence with a completion date of April 1, 2013, and set aside the order for demolition on the outbuildings and cellar. Motion carried 6-0.

AYE: Hall, Harrod, Mainord, Winterringer, Stephens, Agee

NAY: None

AGENDA ITEM NO. 7:

Public hearing and consideration of de-annexation of a 20-acre parcel located approximately 2,000 feet west of Walker Road on the south side of Homer Lane.

Mayor Mainord declared a public hearing in session to consider de-annexation of a 20-acre parcel located approximately 2,000 feet west of Walker Road on the south side of Homer Lane. Ms. Shawna Miller appeared in favor of the de-annexation of the property in question. When the property was purchased it was believed to be outside the city limits. Two county commissioners spoke affirming they had kept up the road in front of the property and believed it to be county property. Mayor Mainord closed the public hearing.

Justin Erickson, Planning Director, reported that an ordinance has been found showing the annexation of this property but county court house records do not show it was ever recorded.

The commission asked that research be done by city staff to determine if the property is inside the city limits of Shawnee, OK.

AGENDA ITEM NO. 8:

Consideration of an ordinance de-annexing a 20 acre parcel located near Walker Road and Homer Lane.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to table this item until the next commission meeting while the city attorney looks into the matter of the property being inside the Shawnee City limits. Motion carried 6-0.

AYE: Harrod, Winterringer, Stephens, Agee, Mainord, Hall

NAY: None

AGENDA ITEM NO. 9:

Presentation by Gateway to Prevention and Recovery on Healthy Community Grant requirements.

Amy Dunn, of Gateway to Prevention and Recovery, representing Pottawatomie Alliance for Community Health spoke regarding the Shawnee designation as a Certified Healthy Community. Shawnee received this designation last year and was awarded a grant of \$10,000.00. The City of

Shawnee has been certified again this year and she would like to apply for a merit level grant of \$20,000.00 for 2013 on behalf of the City of Shawnee. In order to apply for this grant, there would need to be a Resolution supporting municipality's right to set tobacco decisions for their community. Also, an Ordinance prohibiting the advertisement of alcohol and tobacco products at any city sponsored event.

AGENDA ITEM NO. 10:

Consider a resolution urging Oklahoma State Legislature to authorize municipalities to enact local tobacco regulations.

Resolution was introduced.

A RESOLUTION OF THE CITY OF SHAWNEE, OKLAHOMA, URGING THE OKLAHOMA STATE LEGISLATURE TO RESTORE THE RIGHTS OF CITIZENS OF LOCAL GOVERNMENTS TO ADOPT LAWS REGULATING THE USE OF TOBACCO WITHIN THEIR COMMUNITIES

A motion was made by Mayor Mainord, seconded by Commissioner Hall, to approve a resolution urging Oklahoma State Legislature to authorize municipalities to enact local tobacco regulations. Motion failed 3-3.

AYE: Mainord, Hall Winterringer

NAY: Stephens, Agee, Harrod

AGENDA ITEM NO. 11:

Consider an ordinance prohibiting advertising of alcohol and tobacco products at city sponsored events and in city publications.

A motion was made by Commissioner Hall, seconded by seconded by Mayor Mainord, to approve an ordinance prohibiting advertising of alcohol and tobacco products at city sponsored events and in city publications.

Ordinance was introduced.

AN ORDINANCE ENACTING A NEW SECTION TO THE SHAWNEE MUNICIPAL CODE PROHIBITING ADVERTISEMENT OF TOBACCO AND ALCOHOL PRODUCTS AT CITY-SPONSORED EVENTS;

PROVIDING FOR A PENALTY; PROVIDING FOR
SEVERABILITY; PROVIDING FOR
CODIFICATION; AND DECLARING AN
EMERGENCY.

Motion failed 3-3.

AYE: Hall, Mainord, Harrod

NAY: Winterringer, Stephens, Agee

AGENDA ITEM NO. 12:

Consider contract with Larkin Aquatics for design and engineering of the Shawnee Municipal Pool.

James Bryce, Operations Manager, reported that there is no contract available at this time. The city attorney has sent back a copy of an acceptable contract to Larkin Aquatics and we have not received verification that this contract is acceptable to them. The committee has another design and consulting company that they would recommend if no agreement is reached with Larkin Aquatics. Mr. Bryce advised that if no contract agreement is reached by tomorrow, they will proceed on with the next choice for the position.

AGENDA ITEM NO. 13:

Consider a resolution declaring certain items of personal property, furniture and equipment from the Shawnee Public Library no longer needed by the City of Shawnee and authorizing certain items be donated to public schools and other public libraries and the sale of the remaining items.

Resolution No. 6439 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AUTHORIZING THE DONATION OF CERTAIN ITEMS TO PUBLIC SCHOOLS AND PUBLIC LIBRARIES; AND AUTHORIZING THE SALE OF THE REMAINING ITEMS BY AUCTION ON MARCH 30, 2013.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve a resolution declaring certain items of personal property, furniture and equipment from the Shawnee Public Library no longer needed by the City of Shawnee and authorizing certain items be donated to public schools and other public libraries and the sale of the remaining items. Motion carried 6-0.

AYE: Harrod, Hall, Winterringer, Stephens, Agee, Mainord

NAY: None

AGENDA ITEM NO. 14:

Discussion, consideration and possible action accepting donation of real property located within the City of Shawnee for future training facility for the Fire Department.

Chief David Short, Fire Department, presented maps and information on 3.8 acres being donated for the use as fire department training facility. The group wishing to donate the property wants only a letter of donation in the amount of \$10,000 each for each of the five property owners. Also, a stipulation that if the land is not used for fire training within the next ten (10) years, the property would revert to the original owners.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to accept the donation of real property located within the City of Shawnee for future training facility for the Fire Department, including the stipulation that the land be used for fire training within ten years or revert to original owners, and with a letter of donation in the amount of \$10,000 to each of the five property owners. Motion carried 6-0.

AYE: Harrod, Winterringer, Stephens, Agee, Mainord, Hall

NAY: None

AGENDA ITEM NO. 15:

Consider Bids:

- a. Bell Street Sidewalk Project Contract No. COS-PW-12-03 (Open)

BIDDER

AMOUNT

TOM HUDSON PAVING INC

Guthrie, OK

\$155,519.35

<u>RUDY CONSTRUCTION CO</u> Oklahoma City, OK	<u>\$122,226.00</u>
<u>EAGLE VISION CONSTRUCTION LLC</u> Shawnee, OK	<u>\$ 95,696.56</u>
<u>ALL ROADS PAVING INC</u> Oklahoma City, OK	<u>\$ 95,857.50</u>
<u>C-P INTEGRATED SERVICES INC</u> Oklahoma City, OK	<u>\$132,785.15</u>
<u>A-TECH PAVING</u> Edmond, OK	<u>\$143,238.00</u>
<u>PARATHON CONST LLC</u> Edmond, OK	<u>\$107,858.00</u>
<u>YOUNG CONTRACTING LLC</u> Oklahoma City, OK	<u>\$164,267.00</u>

City Engineer John Krywicki announced that eight bids were received and after review and consideration it was staff's recommendation to award the bid to All Roads Paving, Inc. of Oklahoma City, Oklahoma in the amount of \$95,857.50.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to accept staff's recommendation and award the bid to All Roads Paving, Inc. in the amount of \$95,857.50. Motion carried 6-0.

AYE: Harrod, Hall, Winterringer, Stephens, Agee, Mainord
NAY: None

AGENDA ITEM NO. 16: 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. 17: Administrative Reports

There was no Administrative Reports.

AGENDA ITEM NO. 18:

Commissioners Comments

There were no Commissioners Comments

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE MUNICIPAL AUTHORITY AND SHAWNEE
AIRPORT AUTHORITY (9:13p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (9:18 p.m.)

AGENDA ITEM NO. 19:

Consider an Executive Session to discuss
potential claims, litigation or other options
regarding encroachment into City's utility
service area by other entities as authorized
by 25 O.S. §307(B)(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner
Winterringer, to enter into Executive Session to discuss potential claims, litigation
or other options regarding encroachment into City's utility service area by other
entities as authorized by 25 O.S. §307(B)(4). Motion carried 6-0.

AYE: Harrod, Winterringer, Stephens, Agee, Mainord, Hall

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 9:19 P.M. WITH
ALL MEMBERS PRESENT

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 10:05 P.M.
WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 20:

Consider matters discussed in Executive
Session regarding discuss potential claims,
litigation or other options regarding
encroachment into City's utility service
area by other entities as authorized by 25
O.S. §307(B)(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner
Hall, to authorize staff to write a letter to Citizen Potawatomi Nation (CPN) and

Rural Water District #3 (RWD#3) seeking resolution of issues regarding the city's water and wastewater service area. Motion carried 6-0.

AYE: Harrod, Hall, Winterringer, Stephens, Agee, Mainord

NAY: None

AGENDA ITEM NO. 21:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (10:07 p.m.)

WES MAINORD, MAYOR

ATTEST:

DONNA MAYO, DEPUTY CITY CLERK

BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE
SPECIAL CALLED SESSION
FEBRUARY 11, 2013

The Board of City Commissioners met in Special Called Session at the Shawnee Commission Chambers at Shawnee City Hall, 16 W. 9th, Shawnee, Oklahoma, Monday, February 11, 2013 at 2:00 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord

Chairman

Pam Stephens

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Absent

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

Absent: Keith Hall

The Call for said meeting was entered upon the records by the City Clerk, said Call being as follows:

NOTICE OF A CALLED SPECIAL SESSION OF THE BOARD OF CITY
COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA

TO THE CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA:

You and each of you are hereby notified that by virtue of a call issued by me on this 7th day of February, 2013, a Special Called Session will be held of the Board of Commissioners of the City of Shawnee, Oklahoma at the Shawnee Commission Chambers, 16 W. 9th, Shawnee, Oklahoma at 2:00 p.m. on February 11, 2013, and you are hereby notified to be present at said meeting.

The purpose of the following special call session of the City Commissioners will be for (a) the discussion, consideration and possible action to appoint an insurance committee to consist of three Commissioners and two staff members; and (b) the discussion, consideration and possible action to determine who, other than fulltime city employees and their dependents, should be covered by the City's insurance plan; whether those individuals would also be eligible for life, vision and dental plans; defining when non-employees are "retired"; and determining what retirement benefits would be available.

(SEAL)

ATTEST:

s/s Phyllis Loftis
PHYLLIS LOFTIS, CMC
CITY CLERK

s/s Brian McDougal
BRIAN MCDUGAL
CITY MANAGER

STATE OF OKLAHOMA, COUNTY OF POTTAWATOMIE, SS.

I received this notice on the 7th day of February, 2013 at 1:52 o'clock p.m., and executed the same by delivering a true and correct copy thereof to each of the Commissioners of the City of Shawnee, Oklahoma as follows:

I delivered a true and correct copy to Mayor Wes Mainord
via e-mail at 7:20 o'clock p.m. on February 8, 2013

I delivered a true and correct copy to Commissioner Linda Agee
via e-mail at 1:53 o'clock p.m. on February 7, 2013

I delivered a true and correct copy to Commissioner John Winterringer
via e-mail at 7:58 o'clock a.m. on February 8, 2013

I delivered a true and correct copy to Commissioner Steve Smith
via e-mail at 3:45 o'clock p.m. on February 7, 2013

I delivered a true and correct copy to Commissioner James Harrod
via e-mail at 5:46 o'clock p.m. on February 7, 2013

I delivered a true and correct copy to Commissioner Pam Stephens
via e-mail at 1:52 o'clock p.m. on February 7, 2013 but no response was received

I delivered a true and correct copy to Commissioner Keith Hall
via e-mail at 5:05 o'clock p.m. on February 7, 2013

s/s Phyllis Loftis
City Clerk, CMC

CALL FOR SPECIAL SESSION OF THE SHAWNEE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA TO BE HELD ON THE 11TH DAY OF FEBRUARY, 2013 AT 2:00 O'CLOCK P.M. AT THE SHAWNEE COMMISSION CHAMBERS, 16 W. NINTH, SHAWNEE, OKLAHOMA. THE PURPOSE OF SAID MEETING WILL BE FOR (A)THE DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO APPOINT AN INSURANCE COMMITTEE TO CONSIST OF THREE COMMISSIONERS AND TWO STAFF MEMBERS; AND (B) THE DISCUSSION, CONSIDERATION AND POSSIBLE ACTION TO DETERMINE WHO, OTHER THAN FULLTIME CITY EMPLOYEES AND THEIR DEPENDENTS, SHOULD BE COVERED BY THE CITY'S INSURANCE PLAN; WHETHER THOSE INDIVIDUALS WOULD ALSO BE ELIGIBLE FOR LIFE, VISION AND DENTAL PLANS; DEFINING WHEN NON-EMPLOYEES ARE "RETIRED"; AND DETERMINING WHAT RETIREMENT BENEFITS WOULD BE AVAILABLE.

By virtue of the authority vested in me by Section 4, Article IV of the Charter of the City of Shawnee, Oklahoma, a Special Session of the Board of City Commissioners of the City of Shawnee, Oklahoma is hereby called to meet at the City Commission Chambers, 16 W. 9th, Shawnee, Oklahoma at 2:00 p.m. on February 11, for (a)the discussion, consideration and possible action to appoint an insurance committee to consist of three Commissioners and two staff members; and (b) the discussion, consideration and possible action to determine who, other than fulltime city employees and their dependents, should be covered by the City's insurance plan; whether those individuals would also be eligible for life, vision and dental plans; defining when non-employees are "retired"; and determining what retirement benefits would be available.

Witness my hand this 7th day of February, 2013.

s/s Brian McDougal
BRIAN MCDOUGAL
CITY MANAGER

(SEAL)

ATTEST:

s/s Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

CALL TO ORDER:

DECLARATION OF A QUORUM

Roll was called with six Commissioners present and a quorum was declared.

Commissioner Smith requested that Agenda Items Nos. 1 and 2 be considered in reverse order.

AGENDA ITEM NO. 2:

Discussion, consideration and possible action to determine who, other than fulltime city employees and their dependents, should be covered by the City's insurance plan; whether those individuals would also be eligible for life, vision and dental plans; defining when non-employees are "retired"; and determining what retirement benefits would be available

A motion was made by Vice-Mayor Harrod, seconded by Commissioner Agee, to have the five-member insurance committee review this item and make a recommendation to the City Commission. Motion failed 2-4.

AYE: Harrod, Agee

NAY: Mainord, Winterringer, Smith, Stephens

After further discussion, a motion was made by Commissioner Smith, seconded by Commissioner Mainord, that no commissioner or family member can receive insurance in any form from the City of Shawnee. Motion carried 5-1.

AYE: Smith, Mainord, Winterringer, Stephens, Agee

NAY: Harrod

AGENDA ITEM NO. 1:

Discussion, consideration and possible action to appoint an insurance committee to consist of three Commissioners and two staff members.

After a lengthy discussion regarding the appointment of several different employees, it was suggested that Jennifer Dawson from the Human Resource Department and Jill Smith from Accounting be added to the new insurance committee.

A motion was made by Commissioner Agee, seconded by Commissioner Harrod, to appoint Jennifer Dawson, Jill Smith, Mayor Wes Mainord, Commissioner Linda Agee and Commissioner Keith Hall to the insurance committee. Motion failed 2-4.

AYE: Agee, Harrod

NAY: Mainord, Winterringer, Smith, Stephens

A motion was then made by Mayor Mainord, to appoint Jennifer Dawson, Jill Smith, Commissioner Linda Agee, Mayor Wes Mainord and Commissioner John Winterringer to the insurance committee. Motion failed for lack of a second.

AGENDA ITEM NO. 3:

ADJOURNMENT

There being no further business to be considered, the meeting was adjourned by power of the Chair. (3:01 p.m.)

WES MAINORD,
MAYOR

(SEAL)

ATTEST:

PHYLLIS LOFTIS, CMC
CITY CLERK

Regular Board of Commissioners

2. c.

Meeting Date: 02/19/2013

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment E-911 Fund 102

Transfer money from reserves to cover priority dispatch training – sole source reserve balance at 06/30/2012 \$428,041

Attachments

E911 Training

Estimated Revenue, Fund Balance, or Transfers IN

Appropriations

Approved by the City Commission this

Approved:

Mayor

Attest:

Posted By _____ Date _____ BA# _____ Pkt.# _____



110 South Regent Street, Suite 500
Salt Lake City, UT 84111
(801) 363-9127 * (801) 363-9144 fax
(800) 363-9127 toll-free

Sales Quote #83697

by Tim Martin
Date 1/24/2013

Bill To: Shawnee FD
Attn: Christina Oldham
16 W 9th St
Shawnee, OK 74801-6898

Ship To: Shawnee FD
Attn: Christina Oldham
16 W 9th St
Shawnee, OK 74801-6898

For: Shawnee FD
Attn: Christina Oldham
16 W 9th St
Shawnee, OK 74801-6898

Phone: 405.273.2121 Fax:

Qty	Description	Unit Price	Extended Price
3	ProQA Stations - Medical Full (Medical - Standard - North American English)	\$3,300.00	\$9,900.00
2	Software Sys Admin/Install (Medical - Standard - North American English) 1. On-site days for ProQA and/or AQUA install, configure, IT training, development. \$ 1,500 Per trip	\$1,500.00	\$4,500.00
1	Training ProQA Software (Medical - Standard - North American English) 3.4 \$1,500 per trip travel fee PLUS quantity training days. Up to 2 training sessions per day.	\$1,500.00	\$3,000.00
1	XLerator Server Suite -- 11-20 users Database server software for ProQA and AQUA	\$4,500.00	\$4,500.00
3	ProQA Stations - Fire Full (Fire - Standard - North American English)	\$3,100.00	\$9,300.00
3	ProQA Stations - Police Full (Police - Standard - North American English)	\$4,900.00	\$14,700.00
1	Annual Maintenance Agreement for ProQA ESP * (North American English) Annual Original ESP for ProQA Software	\$5,760.00	\$5,760.00
1	AQUA - QI Base Software (Medical - Standard - North American English) 0. Quality Improvement Software base engine	\$1,900.00	\$1,900.00
1	AQUA Discipline Modules (Medical - Standard - North American English) Licensed discipline modules for AQUA	\$800.00	\$800.00
1	Training AQUA Software (North American English) 0.1 \$1,500 trip fee or training must be combined with ProQA training/ trip	\$1,500.00	\$1,500.00
1	AQUA Discipline Modules (Fire - Standard - North American English) Licensed discipline modules for AQUA	\$600.00	\$600.00
1	AQUA Discipline Modules (Police - Standard - North American English) Licensed discipline modules for AQUA	\$1,000.00	\$1,000.00
1	Annual Maintenance Agreement for AQUA ESP * (North American English) Annual Original ESP for AQUA Software	\$645.00	\$645.00
3	Cardset Medical v12.2 (Medical - Standard - North American English) 12.2 Protocol Cardset	\$395.00	\$1,185.00
3	Cardset Fire SR (Fire - Standard - North American English) 5.0 Fire Cardset at special rate	\$395.00	\$1,185.00
3	Cardset Police v4.1 (Police - Standard - North American English) 4.1	\$495.00	\$1,485.00

"To lead the creation of meaningful change in public safety and health."



110 South Regent Street, Suite 500
Salt Lake City, UT 84111
(801) 363-9127 * (801) 363-9144 fax
(800) 363-9127 toll-free

Sales Quote #83697

by Tim Martin
Date 1/24/2013

Law Enforcement Protocol

3	ESP Medical Cardset (Medical - Standard - North American English) 12.1 Annual Maintenance Agreement for Medical Cardsets	\$39.00	\$117.00
3	ESP Fire Cardset (Fire - Standard - North American English) 5.0 Annual Maintenance Agreement for Fire Cardsets	\$39.00	\$117.00
3	ESP Police Cardset (Police - Standard - North American English) 4.1 Annual Maintenance Agreement for Police Cardsets	\$49.00	\$147.00
3	QA Guide Medical v12.2 (Medical - Standard - North American English) 12.2 For training or off online case review	\$45.00	\$135.00
3	QA Protocol Guide v5.0 (Fire - Standard - North American English) 5.0 for offline case review for QA personnel and training	\$45.00	\$135.00
3	QA Protocol Guide- (Police - Standard - North American English) 4.1 for offline case review	\$45.00	\$135.00
15	Certified Dispatch Training (Host) (Medical - Standard - North American English)	\$295.00	\$4,425.00
1	Project Management / Implementation & Quality Assurance Program Development	\$22,500.00	\$22,500.00
15	Certified Dispatch Training (Host) (Fire - Standard - North American English)	\$295.00	\$4,425.00
15	Certified Dispatch Training (Host) (Police - Standard - North American English)	\$295.00	\$4,425.00
Sub-Total:			\$98,521.00
Tax:			\$0.00
Shipping & Handling:			\$0.00
Total:			\$98,521.00

Above prices are net of any applicable taxes, import duties or other assessments, which are the sole obligation of buyer.
Purchasing or signing below acknowledges your agreement to pay the invoice(s) and to the "break the seal" or "click to accept"
license agreement associated with the licensed product(s).
The license agreement is included with the licensed product(s) and you will have the opportunity to read it before opening or
installing. If unacceptable, you may promptly return the licensed product(s) for a refund.

Sign here ☒ _____ Date _____

Payment Method: (Check enclosed, or...)

☐ Purchase Order # _____

☐ VISA/MasterCard/AMEX # _____

Expiration: _____

"To lead the creation of meaningful change in public safety and health."

Regular Board of Commissioners

2. d.

Meeting Date: 02/19/2013

Reports and Board Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Shawnee Civic and Cultural Development Authority minutes from December 20, 2012
- Shawnee Urban Renewal Authority minutes from December 4, 2012
- License Payment Report for January 2013
- Project Payment Report for January 2013

Attachments

SCCDA

SURA

License Payment

Project Payment

A MEETING OF THE SHAWNEE
CIVIC AND CULTURAL DEVELOPMENT AUTHORITY
DECEMBER 20, 2012
12:30 P.M.
HEART OF OKLAHOMA EXPOSITION CENTER

THE TRUSTEES OF THE SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY MET FOR THEIR REGULAR MEETING THURSDAY, NOVEMBER 15, 2012 AT 12:30 PM AT HEART OF OKLAHOMA EXPOSITION CENTER, PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. NOTICE WAS FILED AT CITY HALL ON 12/14/2012 AT 11:30AM.

AGENDA ITEM NO.1

CALL TO ORDER.

THE MEETING WAS CALLED TO ORDER AT 12:33 PM BY MR. KARL KOZEL, CHAIRMAN.

AGENDA ITEM NO.2

ROLL CALL

TRUSTEES PRESENT: MR. KARL KOZEL
MR. BRIAN MCDUGAL
MR. LANCE WORTHAM
MR. RANDY GILBERT
MR. CARL PACKWOOD (LATE ARRIVAL)
MR. JIM LOWE
MR. CASEY BELL

TRUSTEES ABSENT:

ALSO IN ATTENDANCE: MICHAEL JACKSON, OPERATIONS MANAGER; MIKE CLOVER, STUART & CLOVER, SHELLY WELCH OF FINLEY & COOK, MICHAEL MCCORMICK OF THE SHAWNEE NEWS STAR, JACKIE & SUZANNE DERAMUS LAKESIDE CONCESSIONS.

AGENDA ITEM NO.3

DECLARATION OF A QUORUM

CHAIRMAN MR. KARL KOZEL, DECLARED A QUORUM.

AGENDA ITEM NO.4

APPROVAL OF MINUTES OF REGULAR
MEETING OF DECEMBER 2012.

THE MOTION MADE BY TRUSTEE LOWE, SECONDED BY TRUSTEE WORTHAM, THAT THE MINUTES OF THE REGULAR MEETING OF DECEMBER 2012 ARE APPROVED. MOTION CARRIED.

AYE: GILBERT, BELL, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO. 6

APPROVAL OF MONTHLY FINANCIALS

THE MOTION MADE BY TRUSTEE GILBERT, SECONDED BY TRUSTEE BELL THAT THE MINUTES OF THE MONTHLY FINANCIALS OF NOVEMBER 2012 ARE APPROVED. MOTION CARRIED.

AYE: GILBERT, BELL, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

AGENDA ITEM NO.7

APPROVAL OF GENERAL CLAIMS

THE MOTION MADE BY TRUSTEE LOWE, SECONDED BY TRUSTEE BELL THAT THE GENERAL CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, BELL, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN:

GENERAL CLAIMS

A.	PERSONAL PLUMBING GROUNDS MAINTENANCE	\$218.60
B.	TITAN SECURITY SECURITY MONEY	\$210.00
C.	OKLAHOMA NATURAL GAS MONTHLY UTILITIES	\$504.51
D.	PITNEY BOWES EQUIPMENT MAINTENANCE	\$319.99
E.	VISION BANK LOAN PAYMENTS	\$1,031.02
F.	OKLAHOMA NATURAL GAS MONTHLY UTILITIES	\$148.81
G.	ARVEST LOAN PAYMENT	\$502.69
H.	INS TECH SUPPORT	\$665.00
I.	OG&E MONTHLY UTILITIES	\$20,915.45
J.	AAA RESTAURANT SERVICES BLDG & GRNDS MAINTENANCE	\$495.00
K.	ARMSTRONG PEST CONTROL BLDG & GRNDS MAINTENANCE	\$125.00
L.	FMCA ASSOCIATION MEMBERSHIP DUES	\$40.00
M.	BACK 40 DESIGNS WEB HOSTING	\$50.00
N.	AUTOMATIC FIRE CONTROL BLDG & GRNDS MAINTENANCE	\$1,336.10
O.	ADVANCED FIRE EQUIPMENT BLDG & GRNDS MAINTENANCE	\$661.45
P.	WHITES ACE BLDG CENTER BLDG & GRNDS MAINTENANCE	\$50.97
Q.	GRIMSLEY'S SUPPLIES	\$261.60
R.	HUNZICKER BROTHERS BLDG & GRNDS MAINTENANCE	\$144.41
S.	BANKERS CREDIT CARD SERVICES MONTHLY PAYMENTS	\$838.84
T.	AT&T MOBILITY MONTHLY UTILITIES	\$52.16
U.	LOWES BLDG & GRNDS MAINTENANCE	\$50.45

V. CENTRAL DISPOSAL GROUNDS SERVICES	\$420.00
W. FINLEY & COOK ACCOUNTING SERVICES	\$453.50
X. STUART & CLOVER LEGAL SERVICES	\$450.00
Y. CITY OF SHAWNEE MONTHLY UTILITIES	\$557.17
Z. BRADFORD SUPPLY BLDG & GRNDS MAINTENANCE	\$33.86
AA. THYSSENKRUP BLDG & GRNDS MAINTENANCE	\$849.05
BB. COX SYSTEMS BLDG & GRNDS MAINTENANCE	\$285.00
CC. SPARKS HEAT & AIR BLDG & GRNDS MAINTENANCE	\$90.00
DD. FUELMAN MONTHLY UTILITIES	\$1,148.96
EE. BACK 40 DESIGNS WEB HOSTING/DOMAIN NAME	\$60.00
FF. WINKLER DOOR COMPANY BUILDING MAINTENANCE	\$330.00
GG. SHAWNEE OFFICE SYSTEMS EQUIPMENT MAINTENANCE	\$56.99
HH. CONSTELLATION ENERGY MONTHLY UTILITIES	\$284.88
II. WHITES ACE BLDG CENTER BLDG & GROUNDS MAINTENANCE	\$469.91
JJ. FRONTIER COUNTRY MARKETING MEMBERSHIP DUES	\$325.00
KK. PERSONAL PLUMBING GROUNDS MAINTENANCE	\$787.56
LL. LOCKE SUPPLY BLDG & GRNDS MAINTENANCE	\$41.17
MM. CINTAS UNIFORM COSTS	\$255.71
NN. OK TAX COMMISSION RE-NEWAL APPLICATION	\$20.00
OO. RBC INSURANCE INSURANCE COSTS	\$100.27
PP. OK TAX COMMISSION SALES TAXES RETURN	\$484.48
QQ. CITY OF SHAWNEE SURCHARGE	\$521.00
RR. AT&T MONTHLY UTILITIES	\$1,451.85

SS. JOHN DEERE FINANCIAL EQUIPMENT MAINTENANCE	\$103.87
TT. ARVEST MONTHLY PAYMENT	\$502.69
UU. OKLAHOMA NATURAL GAS MONTHLY UTILITIES	\$143.39

AGENDA ITEM NO. 8

APPROVAL OF SPECIAL EVENT CLAIMS

THE MOTION MADE BY TRUSTEE PACKWOOD, SECONDED BY TRUSTEE WORTHAM THAT THE SPECIAL EVENT CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, BELL, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
 NAY: NONE
 ABSTAIN:

SPECIAL EVENTS:

SPECIAL EVENT CLAIMS

A. MIKE MCCORMICK IFYR 2012	\$300.00
B. BANKERS CREDIT CARD SERVICES IFR TICKETS	\$2,405.00
C. CRICKET HAIRFORD TEAM CHILI PEPPERS- CHECK RE-ISSUE	\$420.00
D. LEE WOODSIDE, MBA IFYR 2013 PROGRAM CHANGES	\$126.00
E. SIGN FACTORY IFYR 2013 PROGRAM	\$25.00

AGENDA ITEM NO. 9

APPROVAL OF SHAVINGS CLAIMS

A. XYLO OF OK SHAVINGS	\$3,780.00
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THE MOTION MADE BY TRUSTEE PACKWOOD, SECONDED BY TRUSTEE WORTHAM THAT THE SPECIAL EVENT CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, BELL, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
 NAY: NONE
 ABSTAIN:

AGENDA ITEM NO.10

DISCUSSION, CONSIDERATION, AND
POSSIBLE ACTION TO APPROVE 2013 BUDGET.

THE MOTION MADE BY TRUSTEE GILBERT, SECONDED BY TRUSTEE LOWE TO APPROVE THE 2013 SC&CDA OPERATING BUDGET. MOTION CARRIED.

AYE: GILBERT, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
 NAY: NONE
 ABSTAIN: NONE

AGENDA ITEM NO.11

DISCUSSION, CONSIDERATION, AND
POSSIBLE ACTION TO SELECT CONCESSION
VENDOR FOR EXPO CENTER.

THE MOTION MADE BY TRUSTEE GILBERT, SECONDED BY TRUSTEE LOWE TO PICK LAKESIDE CONCESSIONS AS THE CONCESSION VENDOR FOR A 2 YEAR TERM. WITH THE AGREEMENT THAT IF THE VENDOR DOESN'T MAKE AT LEAST \$200 AT AN EVENT THERE IS NO % DUE THE EXPO CENTER, ALSO THAT LAKESIDE CONCESSIONS IS TO SPEAK DIRECTLY TO THE EVENT HOLDER IN CASE OF CLOSING EARLY DUE TO NO SALES, AN HOUR NOTICE MUST BE GIVEN OVER THE SPEAKER SYSTEM BEFORE THE DECISION TO CLOSE IS MADE. MOTION CARRIED.

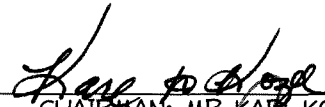
AYE: GILBERT, BELL, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN: NONE

AGENDA ITEM NO.18

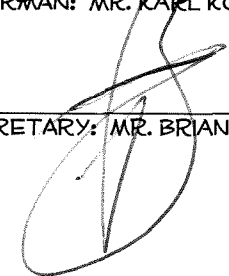
ADJOURNMENT

THE MOTION MADE BY TRUSTEE MCDUGAL, SECONDED BY TRUSTEE WORTHAM TO ADJOURN MEETING.
MOTION CARRIED.

AYE: GILBERT, BELL, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL
NAY: NONE
ABSTAIN: NONE



CHAIRMAN: MR. KARL KOZEL



SECRETARY: MR. BRIAN MCDUGAL

SHAWNEE URBAN RENEWAL AUTHORITY MINUTES OF DECEMBER 4, 2012

The Board of Commissioners of the **Shawnee Urban Renewal Authority** met for a regular meeting Tuesday, December 4, 2012 at 9:00 a.m. in the 4th Floor Conference Room, Masonic Building, 23 E. 9th, Room 440, Shawnee, Oklahoma.

Chairman Stephen Rice called the meeting to order at 9:07 a.m.

AGENDA ITEM NO. 2

ROLL CALL:

Roll call was taken showing the following members present:

	Chairman	Stephen Rice
	Commissioner	Ron Henderson
	Commissioner	Patty L. Nida
Absent:	Commissioner	Tiffany Barrett
	Commissioner	Monte Cockings

Also present:

Justin Erickson, Program Director

Mike Wolf, Program Manager, SURA

Elaine Shrum, Administrative Specialist, SURA

A quorum was declared.

AGENDA ITEM NO. 3

APPROVAL OF MINUTES:

A motion to approve the minutes of September 5, 2012 was made by **Commissioner Henderson** seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Henderson and Nida

VOTING NO: None

AGENDA ITEM NO. 4
APPROVAL OF CLAIMS:

A motion to approve claims totaling \$ 96,661.32 was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Henderson and Nida
VOTING NO: None

AGENDA ITEM NO. 5
REQUEST FOR ASSISTANCE:

Mike Wolf, Program Manager reported on the following requests:

a) Home Repair: Olivia Wilson, 1116 E. Alice

Ms. Wilson is 59 years old and lives in her home with her 17 year old son for 5-1/2 years. She is income qualified. The home needs siding and 3 windows replaced.

A motion to approve the request for assistance was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Henderson and Nida
VOTING NO: None

b) Emergency Assistance: James Thomas, 723 S. Market

Mr. Thomas is 46 years old and has lived in his home for 5 years. He is on disability and is income qualified. The home needs handicap accessibility in the bath room.

A motion to approve the request for assistance was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Henderson and Nida
VOTING NO: None

c) Home Repair: Anna Hill, 818 S. Philadelphia

Ms. Hill is 61 years old and has lived in her home for 34 years. She is on disability and is income qualified. The home needs plumbing work and some electrical and handicap accessibility.

A motion to approve the request for assistance was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Henderson and Nida
VOTING NO: None

AGENDA ITEM NO. 6
REQUEST FOR APPROVAL:

2013 Schedule of Regular Meetings

A motion to approve the schedule of regular meetings was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Henderson and Nida
VOTING NO: Rice

AGENDA ITEM NO. 7
BID OPENINGS:

- a) Emergency Assistance: James Thomas, 723 S. Market
Cost Estimate: \$ 18,200.00

<u>Contractor</u>	<u>Amount</u>
LG Construction:	\$ 16,977.00
Superior Const.:	\$ 16,741.00

A motion to refer bids to staff for review and award was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Henderson and Nida
VOTING NO: None

AGENDA ITEM NO. 8
OLD BUSINESS:

There was no old business.

AGENDA ITEM NO. 9
NEW BUSINESS:

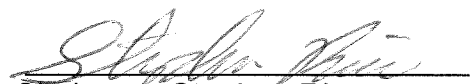
Mike Wolf, Program Manager reported that Donna Wickes, Director at HUD, is scheduling a visit to Shawnee for a tour of the projects SURA has completed. Mike is going to take her along with the Mayor on the tour. **Chairman Rice** stated that he would like a tour also.

AGENDA ITEM NO. 10
ADJOURNMENT

There being no further business to come before the Board at this time, a motion to adjourn at 9:26 a.m. was made by **Commissioner Henderson**, seconded by **Commissioner Nida**. Motion carried with no abstentions.

VOTING YES: Rice, Henderson and Nida
VOTING NO: None


Secretary, Patty L. Nida


Chairman, Stephen Rice

2/05/2013 3:43 PM
LICENSES: THRU ZZZZZZZZZZ

L I C E N S E P A Y M E N T R E P O R T
SORTED BY: CODE

PAGE:
PAYMENT DATES: 1/01/2013 TO 1/31/2013

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION		FEE	PENALTY	PAYMENT DISTRIBUTION TAX	INTEREST	TOTAL PAI
ALARM	BURGLAR/FIRE ALARM LICENSE	7	165.00CR				165.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	5	85.00CR				85.00
AMB	AMBULANCE LICENSE FEE	1	25.00CR				25.00
BOATREG	BOAT REGULAR PERMIT	17	442.00CR				442.00
BOWL	BOWLING LANE	1	50.00CR				50.00
DEMOL	DEMOLITION LICENSE FEE	5	375.00CR				375.00
ELEC1	ELECTRICAL CONTRACTOR INITIAL	3	300.00CR				300.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	8	625.00CR				625.00
EXT	EXTERMINATOR LICENSE FEE	11	275.00CR				275.00
FISHANNUAL	FISHING ANNUAL FEE	19	285.00CR				285.00
HUNT1	DOVES/QUAIL/SQUIIREL/RABBIT	6	48.00CR				48.00
HUNT2	MIGRATORY FOWL	6	48.00CR				48.00
LAKE-IN	LAKE LEASE CITY RESIDENT	1	200.00CR				200.00
LAKE-OUT	LAKE LEASE NON RESIDENT	4	1,600.00CR				1,600.00
LAKEINSP	LAKE LEASE INSPECTION	5	375.00CR				375.00
LAKELEASE	LAKE LEASE	4	2,548.00CR				2,548.00
LIQR	RETAIL LIQUOR OCCUPATIONAL TAX	1	600.00CR				600.00
MECH1	MECHANICAL CONTRACTOR INTIAL	1	100.00CR				100.00
MECH2	MECHANICAL CONTRACTOR RENEW	8	600.00CR				600.00
MIXER	MIXED BEVERAGE RENEWAL	3	2,700.00CR				2,700.00
PAWN	PAWN BROKERS LICENSE FEE	2	50.00CR				50.00
PLUM1	PLUMBING CONTRACTOR INITIAL	1	100.00CR				100.00
PLUM2	PLUMBING CONTRACTOR RENEW	2	150.00CR				150.00
RESAL	RESIDENTIAL SALE	3	30.00CR				30.00
SALVG	SALVAGE OPERATOR LICENSE FEE	1	25.00CR				25.00
SIGN	SIGN HANGERS LICENSE FEE	9	675.00CR				675.00
STORM	STORM CELLAR LICENSE FEE	7	525.00CR				525.00
TAXIB	VEHICLE FOR HIRE	1	25.00CR				25.00
TAXID	TAXI DRIVER LICENSE FEE	12	36.00CR				36.00
TREE	TREE TRIMMING LICENSE FEE	8	200.00CR				200.00
TOTAL			13,262.00CR				13,262.00

02/05/2013 2:18 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

P R O J E C T P A Y M E N T R E P O R T

PAGE: 6
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 1/01/2013 TO 1/31/2013
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	312.00CR
001-4202	BUILDING PERMITS	4,083.25CR
001-4203	PLUMBING PERMITS	1,440.00CR
001-4204	ELECTRICAL PERMITS	120.00CR
001-4206	HEATING & A/C PERMITS	890.00CR
001-4249	OTHER PERMITS	400.00CR
001-4822	OTHER MISC. REVENUE	39.00CR
101-4249	OTHER PERMITS	150.00CR
501-4510	WATER TAPS	900.00CR
799-1023	BANCFIRST GENERAL	8,334.25

02/05/2013 2:18 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

P R O J E C T P A Y M E N T R E P O R T

PAGE: 4
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 1/01/2013 TO 1/31/2013
SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	3,331.22CR
B2-ADD	BUILDING CONSTRUCTION ADD	1,199.00CR
B3-REMODEL	BUILDING CONSTRUCTION REM	802.53CR
B4-OTHER	BUILDING CAPORT/SHELTER	59.00CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	147.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	962.00CR
P3-REMODEL	PLUMBING REMODEL	1,263.50CR
P5-SEPTIC	SEPTIC PERMIT	20.00CR
X-BORE/CUT	BORING & PAVING CUT PERMI	150.00CR
X-DEMO	DEMOLITION PERMIT	100.00CR
X-SIGN	SIGN PERMIT	250.00CR
Z-OCCUP	OCCUPANCY PERMIT	50.00CR
TOTAL		8,334.25CR

Regular Board of Commissioners

2. e.

Meeting Date: 02/19/2013

Lake Lot Leases

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Lot Leases Renewal and Transfer:

Transfer:

- Lot 6 Seck Tract, 33804 Post Office Neck
From: Daina Spangler/Gail Harjo Personal Rep
To: Derrick Carpenter Properties LLC

Renewals:

- Lot 5 Seck Tract, 33800 Post Office Neck
Greta Colvin and Duwayne Colvin
- Lot 9 Renfro Tract, 15807 Sleepy Hollow Road
Steve Leader and Jamie Leader
- Lot 15A Belcher Tract, 33310 Post Office Neck
John Hays and Jason Hays
- Lot 6 Mosler Tract, 16304 Archery Range Road
LaDonna Freement
- Lot 15 Hart Tract, 16409 Hart Road
Ronald Swadley
- Lot 14 Hart Tract, 16405 Hart Road
Ronald Swadley

Attachments

Lake Transfer Carpenter

Ren Lot 5 Seck Tract

Renew Lot 9 Renfro Tract

Renew Lot 15A Belcher Tract

Renew Lot 6 Mosler Tract

Renew Lot 15 Hart Tract

Renew Lot 15 Hart Tract



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	2/11/13	License No. #023053
Type	☐ Renewal ☒ Transfer (Fee: \$1,000)	
Commission Meeting Date	2/19/2013	
Property Address	33804 Post Office Neck	
Lake Site Location	Lot 6 Seck Tract	
Lease Dates	2/19/2013 - 2/19/2043	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee (Transfer To)		
Name(s)	Derrick Carpenter Properties LLC	
Address	See File	
Phone		
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	Daina Spangler/Gail Harjo Personal Rep	
Address	See File	
Phone		
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	10/30/2012	
Misc. Comments		
Total Charges Paid: \$699.00		



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
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SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS

Date	2/11/2013	License No. #0010183
Type	☒ Renewal ☐ Transfer (Fee: \$1,000)	
Commission Meeting Date	2/19/2013	
Property Address	33800 POST OFFICE NECK	
Lake Site Location	LOT 5 SECT TRACT	
Lease Dates	8/19/12 – 8/19/42	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee (Transfer To)		
Name(s)	GRETA AND DUWAYNE COLVIN	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) (if applicable)		
Name(s)		
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	AUGUST 3, 2012	
Misc. Comments		
Total Charges Paid: \$699.00		



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**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	2/07/2013	License No. #010611
Type	☒ Renewal	☐ Transfer (Fee: \$1,000)
Commission Meeting Date	2/19/2013	
Property Address	15807 Sleepy Hollow Road	
Lake Site Location	Lot 9 Renfro Tract	
Lease Dates	10/07/2012 – 10/07/2042	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee		
Name(s)	Steve and Jamie Leader	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) (if applicable)		
Name(s)	N/A	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	10/03/12	
Misc. Comments	 Total Charges Paid: \$699.00	



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**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	2/07/2013	License No. #010852
Type	☒ Renewal ☐ Transfer <i>(Fee: \$1,000)</i>	
Commission Meeting Date	2/19/2013	
Property Address	33310 POST OFFICE NECK	
Lake Site Location	LOT 15A BELCHER TRACT	
Lease Dates	1/06/2013 - 1/06/2043	
Lease Fee (changes annually)	\$637.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee		
Name(s)	JOHN AND JASON HAYS	
Address	SEE FILE	
Phone		
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	12/11/2012	
Misc. Comments		
Total Charges Paid: \$712.00		



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SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS

Date	2/07/2013	License No. #010702
Type	☒ Renewal ☐ Transfer (Fee: \$1,000)	
Commission Meeting Date	2/19/2013	
Property Address	16304 Archery Range Road	
Lake Site Location	Lot 6 Mosler Tract	
Lease Dates	11/02/2012 – 11/02/2042	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee		
Name(s)	LaDonna Freeman	
Address	See File	
Phone		
Current Lessee (Transfer From) (if applicable)		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	11/06/2012	
Misc. Comments		
Total Charges Paid: \$699.00		



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**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	2/07/2013	License No. #013782
Type	☒ Renewal ☐ Transfer (Fee: \$1,000)	
Commission Meeting Date	2/19/2013	
Property Address	16409 Hart Road	
Lake Site Location	Lot 15 Hart Tract	
Lease Dates	10/15/2012 - 10/15/2042	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee		
Name(s)	Ronald Swadley	
Address	See file	
Phone		
Current Lessee (Transfer From) (if applicable)		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☒ Conventional ☐ Aerobic	
Last Inspected/Pumped	10/22/2012	
Misc. Comments		
Total Charges Paid: \$699.00		



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**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	2/07/2013	License No. #013783
Type	☒ Renewal ☐ Transfer (Fee: \$1,000)	
Commission Meeting Date	2/19/2013	
Property Address	16405 Hart Road	
Lake Site Location	Lot 14 Hart Tract	
Lease Dates	10/16/2012 - 10/16/2042	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: ☒ Yes ☐ No	
Lessee		
Name(s)	Ronald Swadley	
Address	See file	
Phone		
Current Lessee (Transfer From) (if applicable)		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	☒ Yes ☐ No (if no, due:)	
DEQ Report on File	☒ Yes ☐ No	
Type of Septic System	☐ Conventional ☒ Aerobic	
Last Inspected/Pumped	10/22/2012	
Misc. Comments		
Total Charges Paid: \$699.00		

Regular Board of Commissioners

2. f.

Meeting Date: 02/19/2013

Refund OMRF DC Satterfield

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Amber Satterfield.

Regular Board of Commissioners

2. g.

Meeting Date: 02/19/2013

Auctioneer Agreement

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Accept agreement with Mitchell Armitage, Excel Auction, for auctioning items declared surplus to the City of Shawnee. Auction to be held on March 30, 2013 at the Expo Center.

Attachments

Memo Auction

Excel Auction Agreement

City of Shawnee Memorandum



To: Mayor and City Commissioners
CC: Brian E. McDougal, City Manager
From: James Bryce, Director of Operations
Date: February 12, 2013
Re: Approve contract for auctioneer

Staff requests permission to enter into contract with Excel Auctions, LLC. to auction off surplus vehicles that the City has stored.

The date for the auction will be Saturday March 30th, 2013 at the Exposition Center in Shawnee, Oklahoma. The City's auction items will be sold in conjunction with a regularly scheduled auction that Excel already has going on. The cost to the City is 10% of the total sales of the City items that do not bring over \$1000.00.



AGREEMENT

This is an Agreement between Mitchell Armitage, as sole proprietor of Excel Auctions, and the City of Shawnee for the sale of goods. All items provided by the City of Shawnee will be sold “as is” and without reserve prices during the Excel Auction sale at the Shawnee Expo Center on March 30, 2013. Said items will be located at the Shawnee Expo Center in Shawnee, Oklahoma.

Excel Auctions agrees to promote the sale of the items owned by the City of Shawnee to the best of their ability through advertising and fliers distributed to the current mailing list of approximately 1500 people and on the company’s website used for that purpose.

In consideration for the services rendered, Excel Auctions shall deduct a Ten Percent (10%) fee from the final sale price of each item that sales for less than \$1000.00. This percentage shall constitute the entire fee charged to the City of Shawnee for the services rendered as well as any advertising or operating expenses. Additionally, Excel Auctions charges a Ten Percent (10%) Buyer’s Premium—paid by the Buyer—on all items sold.

Dated this _____ day of February, 2013.

City of Shawnee, Oklahoma
A Municipal Corporation

Mitchell Armitage
Excel Auctions, LLC

Brian E. McDougal, City Manager

Attest: _____
Phyllis Loftis, CMC, City Clerk

Mitchell Armitage

336920 E Hwy 62
McLoud, OK 74851
(405) 641-9438

Regular Board of Commissioners

4.

Meeting Date: 02/19/2013

Employee of the Month

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Manager's presentation of Employee of the Month to Brad Schmidt, Interim Systems Maint Manager.

RECESS CITY COMMISSION MEETING TO CONVENE SHAWNEE MUNICIPAL AUTHORITY AND SHAWNEE AIRPORT AUTHORITY

RECONVENE

Regular Board of Commissioners

5.

Meeting Date: 02/19/2013

Resolution Vehicle for Hire

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consideration of a resolution granting a Vehicle for Hire License to Castle Cab.

Attachments

Memo and Application

Resolution Taxi



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

**STAFF REPORT AND
RECOMMENDATION**

AGENDA: February 19, 2013

TO: Shawnee City Commission

FROM: Justin Erickson, Planning Director 

RE: Application: Vehicle For Hire Business (Taxi)
Castle Cab, Oklahoma City

SUMMARY OF REQUEST

Tony Sampson, owner of Castle Cab has submitted an application to establish a *Vehicle For Hire* business in the City of Shawnee. Castle Cab is a company based in the Oklahoma City metro area. According to the Oklahoma Secretary of State, Castle Cab (Castle LLC) was formed in February 2011.

STAFF ANALYSIS

The City ordinance governing the operation of a taxi service is outdated and in need of major revision. Staff will revise it concurrent with the recodification efforts presently underway. However, the applicant wishes to proceed with a license under the current rules. The Commission's duties with regard to evaluation of a license request are as follows:

Section 8-502: Prerequisite to issuance.

(a) No license shall be granted or issued to operate any taxicab or other vehicle for hire upon the city streets until the city commission, after a public hearing held before it, by resolution declares that:

(1) The public is not at that time adequately served.

(2) Public convenience and necessity require the proposed service for which such application for a license to operate such taxicab or other vehicle for hire is made.

(b) In determining whether public convenience and necessity require the licensing of such taxicabs or other vehicles for hire, the city commission shall take into consideration the following:

(1) Whether the demands of public convenience and necessity require additional taxicab service within the city;

(2) The financial responsibility of the applicant;

- (3) The number, kind, type of equipment, increased traffic congestion and demand for increased parking space upon the city streets that will result;
- (4) Whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such additional license; and
- (5) Other relevant facts as the city commission and police department may determine advisable or necessary.

With regard to the above-listed requirements, Staff offers the following analysis:

1. There is one existing vehicle for hire business in the City and it operates under the “Executive Cab” nameplate. Executive Cab has been licensed by the City since 2000 (approved by Shawnee City Commission: January 3, 2000). Executive Cab at present has two licensed drivers operating under its business license. According to information on file, they have three vehicles that provide service.
2. Public convenience:
 - a. Public convenience and necessity may require additional taxicab service within the City, but Staff has no way to determine this absent a survey of the general public, which has not been commissioned. One may make the assumption that because another private business wishes to establish a presence in Shawnee, that the local market is underserved.
 - b. The applicant has operated Castle Cab in the Oklahoma City area since 2011. Staff does not have any information regarding the financial viability of the applicant.
 - c. It is Staff’s understanding that one driver will be operational in Shawnee under the Castle Cab nameplate, if the Commission approves the application. Each driver is individually licensed and a background check is conducted by the Police Department.
 - d. Staff is not aware of any information that would suggest that the safe use of the streets by the public would be compromised by granting of a license.
 - e. Staff is not aware of any other relevant facts or information.

STAFF RECOMMENDATION

Based on the best available information, Staff recommends **approval** of a Vehicle For Hire License to Castle Cab (Tony Sampson). The official approval action needed is the passage of the attached Resolution by the City Commission.

Attachments

APPLICATION FOR VEHICLE FOR HIRE BUSINESS

City of Shawnee, Oklahoma

DATE 2-6-13

In accordance with the provisions of Section 8-501 of the Shawnee City Code, I hereby make application for a city Vehicle for Hire license.

NAME OF BUSINESS Castle Cab PHONE # _____

LOCATION OF BUSINESS 111 Bridger Trail

MAILING ADDRESS Same

OWNER OF BUSINESS Tony Sampson HOME PHONE # 595-6430

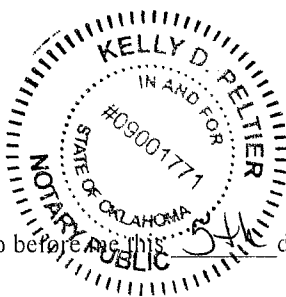
HOME ADDRESS 111 Bridger Trail

NUMBER OF VEHICLES 2

MAKE, MODEL & TAG # OF EACH VEHICLE 03 CV

I, Tony Sampson, the undersigned, upon oath do depose and say that all of the above and forgoing is true and correct to the best of my knowledge and I further depose and say that I shall in all respects comply with the ordinance relating to operation of vehicle for hire.

[Signature]
Signature of Applicant



Subscribed and sworn to before me this 5th day of Feb 20 13.

[Signature]
Notary Public

My Commission Expires: 2-5-13

USE BLACK INK

AUTHORIZATION FOR BACKGROUND CHECK AND RELEASE

I, Tony Sampson hereby authorize the City of Shawnee, Oklahoma, its agents, servants and employees, to conduct a complete background check of myself in connection with my application for a _____ license.

I understand that in making this check and investigation, certain records which might otherwise be confidential will be checked, and I authorize such check of confidential records.

I hereby release the City of Shawnee, Oklahoma, its agents, servants and employees, and all other persons, firms, or corporations and government entities and subdivisions from any liability as a result of disclosing the information which I have herein authorized the City of Shawnee, Oklahoma, its agents, servants and employees to secure.

DATED THIS 6 Day of Feb, 2013 at Shawnee, Oklahoma.

Tony Sampson

APPLICANT

2-6-13

DATE OF BIRTH

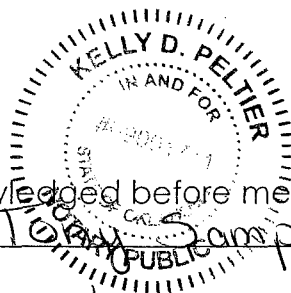
445-68-2397

SOCIAL SECURITY NUMBER

STATE OF OKLAHOMA

COUNTY OF POTTAWATOMIE

The foregoing instrument was acknowledged before me this 6 day of Feb, 2013, by Tony Sampson



Kelly D. Peltier
NOTARY PUBLIC

My Commission Expires 2-20-13

Shawnee, Oklahoma, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 8 - BUSINESSES, PERMITS AND LICENSES** >> **ARTICLE X. - VEHICLES FOR HIRE** >> DIVISION 2. - VEHICLE LICENSE >>

DIVISION 2. - VEHICLE LICENSE

[Sec. 8-501. - Required.](#)

[Sec. 8-502. - Prerequisites to issuance.](#)

[Sec. 8-503. - Fees; term.](#)

[Sec. 8-504. - Liability insurance.](#)

[Sec. 8-505. - Display of number on vehicle.](#)

[Sec. 8-506. - Records.](#)

[Sec. 8-507. - Revocation.](#)

[Secs. 8-508—8-535. - Reserved.](#)

Sec. 8-501. - Required.

No person shall operate any taxicab or other vehicle for hire, for the transportation of passengers or commodities for hire, in the city until such person has procured a license from the city clerk and a number to be conspicuously displayed upon such vehicle.

(Code 1986, § 14-231)

Sec. 8-502. - Prerequisites to issuance.

- (a) No license shall be granted or issued to operate any taxicab or other vehicle for hire upon the city streets until the city commission, after a public hearing held before it, by resolution declares that:
 - (1) The public is not at that time adequately served.
 - (2) Public convenience and necessity require the proposed service for which such application for a license to operate such taxicab or other vehicle for hire is made.
- (b) In determining whether public convenience and necessity require the licensing of such taxicabs or other vehicles for hire, the city commission shall take into consideration the following:
 - (1) Whether the demands of public convenience and necessity require additional taxicab service within the city;
 - (2) The financial responsibility of the applicant;
 - (3) The number, kind, type of equipment, increased traffic congestion and demand for increased parking space upon the city streets that will result;
 - (4) Whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the granting of such additional license; and
 - (5) Other relevant facts as the city commission and police department may determine advisable or necessary.

(Code 1986, § 14-232)

Sec. 8-503. - Fees; term.

The fee for a license issued pursuant to this division for a taxicab or other vehicle for hire shall be \$25.00 plus an additional \$25.00 for the second vehicle operated by such person. If such person operates more than two vehicles, he shall pay a license fee of \$10.00 for each additional vehicle. No such license shall be issued for less than one year or for any fraction thereof, ending on December 31 in each year.

(Code 1986, § 14-233)

Sec. 8-504. - Liability insurance.

- (a) Before any license shall be issued to operate a taxicab or other vehicle for hire in the city, there shall be filed with the city clerk, to be approved by the city manager or designee, an insurance policy for an indemnity fund as provided in this section.
- (b) The insurance policy shall be issued by an insurance company licensed and admitted to do business in the state and shall provide liability insurance coverage for every taxicab or vehicle for hire owned, operated or leased by the applicant with liability coverage of at least \$10,000.00 for the injury or death of any one person, \$20,000.00 for the injury or death of any number of persons in any one accident and at least \$10,000.00 for property damage in any one accident. Such insurance coverage shall be effective whether the taxicab or other vehicle for hire was, at the time of any accident, being driven by the owner or his agent, employee, lessee or licensee.
- (c) The policy shall further provide that it cannot be cancelled until ten days' written notice of such cancellation has been filed with the city clerk, and the policy shall carry an endorsement for actual notice to the city for any changes therein.
- (d) The policy shall be approved by the city manager or designee and endorsed thereon, and shall be approved as to form by the city attorney.
- (e) The policy shall be made for the use, benefit and protection of the city and for the use, benefit and protection of any person who may suffer injury, either to his person or property, because of any accident or omission of any licensee or his employee in the operation of any taxicab or other vehicle used in the transportation of passengers for hire in the city. If the policy is approved by the city manager or designee, it shall remain in full force and effect during the life of any license issued under this division to such person. If, after the approval of such policy and after the issuance of the license, such policy is allowed to lapse or is not renewed by the payment of premiums, the city commission may cancel any license issued under this division, after notice to the licensee and after an opportunity to be heard. The cancellation of any policy shall in no way affect or terminate any liability arising prior to the effective date of such cancellation. The policy of insurance shall contain the name and kind of cars used and the number of the engine and body thereof.

(Code 1986, § 14-234)

State law reference— Similar provisions, 47 O.S. § 8-104.

Sec. 8-505. - Display of number on vehicle.

No person engaged in the public transportation of passengers or commodities for hire upon the city streets and no driver so employed shall drive any vehicle engaged in such business unless there is plainly displayed upon such vehicle a license number to be furnished by the city clerk.

(Code 1986, § 14-235)

Sec. 8-506. - Records.

The city clerk shall provide a book in which he shall keep a duplicate of each license issued for a taxicab or vehicle for hire which shall show the ownership of each vehicle, the kind of vehicle, the city license number, the date the license was issued, the receipt number, the street or business address of the owner of such vehicle and the engine number.

(Code 1986, § 14-236)

Sec. 8-507. - Revocation.

- (a) If the city commission, after a public hearing of which the owner of any taxicab or other vehicle for hire involved has had ten days' written notice and an opportunity to appear and be heard, makes a finding that such owner has permitted any judgment of a court of record rendered therein against him, on any cause of action, to remain unpaid until after the time allowed by law for taking an appeal has expired, and no appeal is then pending, the city commission shall have the authority to revoke the license of such owner to operate a taxicab or other vehicle for hire upon the city streets.
- (b) Any person wilfully misrepresenting the identity of the ownership of any taxicab or other vehicle for hire or wilfully giving incorrectly any information required in this article shall have his license revoked.

(Code 1986, § 14-237)

Secs. 8-508—8-535. - Reserved.

RESOLUTION NO. _____

A RESOLUTION OF THE SHAWNEE CITY COMMISSION APPROVING A VEHICLE FOR HIRE BUSINESS LICENSE AS SET FORTH HEREIN.

WHEREAS, Castle Cab submitted an application to operate a Vehicle for Hire business license within the City of Shawnee on February 5, 2013; and

WHEREAS, in accordance with Shawnee Municipal Code Section 8-502, the Shawnee City Commission must hold a public hearing and adopt by resolution a declaration as set forth below; and

WHEREAS, the City of Shawnee City Commission held a public hearing on February 19, 2013 to consider the request by Castle Cab for a Vehicle for Hire license.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Commission of the City of Shawnee, Oklahoma that:

1. An application for a Vehicle for Hire business license is hereby approved for Castle Cab (Tony Sampson);
2. The public is not adequately served at present; and
3. Public convenience and necessity require the proposed service that is hereby approved.

ADOPTED this 19th day of February, 2013.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY ON THE 19TH DAY OF FEBRUARY, 2013

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

6.

Meeting Date: 02/19/2013

Deannexation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consideration of an ordinance de-annexing a 20 acre parcel located near Walker Road and Homer Lane.
Tabled from the February 4, 2013 meeting.

Attachments

Deannex information

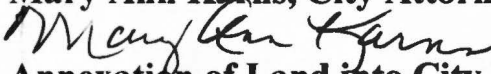
Information & maps

Ordinance Deannexation

CITY ATTORNEY LEGAL OPINION NO. 13-01

**To: Mayor, City Commissioners, Brian McDougal
Justin Erickson, Phyllis Loftis**

From: Mary Ann Karns, City Attorney


Re: Annexation of Land into City Limits

Date: February 7, 2013

Facts: On April 19, 1962, the City of Shawnee enacted Ordinance No. 183, annexing an area west of Twin Lakes into the city limits. This tract included the twenty acre parcel near Walker Road and Homer Lane.

The ordinance was published on April 21, 1962. It does not appear in the tract index of the Pottawatomie County Clerk.

The question is:

Is the twenty acre parcel located near Walker Road and Homer Lane (the West Half of the Northeast Quarter of the Northeast Quarter, Section 17, Township 10 North, Range 2 East of the Indian Meridian, Pottawatomie County, properly annexed into the City of Shawnee?

Title 11 O.S. 21-112 states:

When any territory is annexed to or detached from a municipality, whether by ordinance or court order, the mayor shall file and record a duly certified copy of the ordinance or court order, together with an accurate map or plat of the territory, in the office of the county clerk of the county in which the territory, or the greater portion of it, is located and with the Ad Valorem Division of the Oklahoma Tax Commission. The record in the office of the county clerk shall be conclusive evidence of such annexation or detachment.

Virtually identical language has appeared in Oklahoma law at least as far back as 1921. The language of that statute (Section 4469, Comp. Stat. 1921) was:

“When any territory is annexed by ordinance . . . to any city . . . it shall be the duty of the mayor of the city . . . to cause an accurate map of such added territory, together with a copy of the ordinance for the annexation, . . . duly certified, to be filed and recorded in

the officer of the register of deeds of the county in which such added territory or the greater portion of it is situated. . . .”

In *Biggerstaff v. City of Altus*, 1926 OK 115, 243 P. 751, the Oklahoma Supreme Court addressed precisely this issue when the City of Altus failed to record an annexing ordinance. The Court held:

“It is apparent from reading this section (4469, above) that the filing of a copy of the ordinance and map is not jurisdictional nor a prerequisite to the enactment of such ordinance, but is merely directory and to be done ‘when the territory is annexed.’ **The failure to record the ordinance and map therefore would not affect the validity of the ordinance. Nor would the failure of the county assessor to list said property for city taxes affect the validity of the ordinance.**”

Id. at §14. (Emphasis added.)

The Court adopted this holding in *Missouri-Kansas-Texas R. Co. v. Maltsberger*, 1941 OK 226, 116 P.2d 977.

Based upon a review of the ordinance and publication, along with the Charter and Ordinances of the City of Shawnee, and the Constitution, statutes, and case law of the State of Oklahoma, it is my legal opinion that your question:

Is the twenty acre parcel located near Walker Road and Homer Lane (the West Half of the Northeast Quarter of the Northeast Quarter, Section 17, Township 10 North, Range 2 East of the Indian Meridian, Pottawatomie County, properly annexed into the City of Shawnee?

Is answered in the affirmative.

N:\Attorney\City Attorney\Legal Opinions\Annexation opinion.doc



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

STAFF MEMORANDUM

AGENDA: February 4, 2013

TO: Shawnee City Commission

FROM: Justin Erickson, Planning Director 

RE: De-Annexation Request; Shawnee Twin Lakes Area

SUMMARY OF REQUEST

Tiffany Miller (DBA: R Town Real Estate Investments, LLC) owner of 20 acres on the western boundary of the city limits (see attached map) is requesting de-annexation of the property (see attached request and supporting documentation). The proposed use of the land is a rural residential subdivision. The proposed lot configuration could not be approved under City of Shawnee zoning regulations, which require a minimum of five (5) acres for each dwelling unit in the A-1 (Agricultural) Zone. Nearly all land in the vicinity of Shawnee Twin Lakes is zoned A-1. There are no City utilities in the vicinity of the property.

STAFF ANALYSIS

The Shawnee Comprehensive Plan encourages strategic annexation of unincorporated land adjacent to the City – it does not address the issue of de-annexation at all. In general, it would be rare for a City to actively pursue a policy of de-annexation, considering the difficulty in annexing property under State law.

With the above stated, Staff understands that the applicant was under the belief that the property was in unincorporated Pottawatomie County at the time of purchase. The development plans indicate a development featuring lots 1.14-1.57 acres in size with site-built homes a minimum of 1,800 square feet. The proposed development could not be approved by the existing zone classification. Even if the land was rezoned to "RE" (Rural Estate), the minimum size lot would be two-acres under City development regulations. With a few exceptions, nearly all the land in the Twin Lakes region, is zoned A-1 (Agricultural).

Considered in isolation, the proposed development and de-annexation probably has minimal impact to the City, but it would set a precedent that would make it very hard to deny similar petitions in this area, which could lead to a slow, but continual decrease in land within City Limits.

Staff notes the following potential benefits and drawbacks to de-annexation:

Potential Benefits of De-Annexation:

1. City no longer has to provide fire/police service, which in theory may save some resources/expense; and
2. Development of 16 rural residential lots can occur and serve the region.

Potential Drawbacks to De-Annexation:

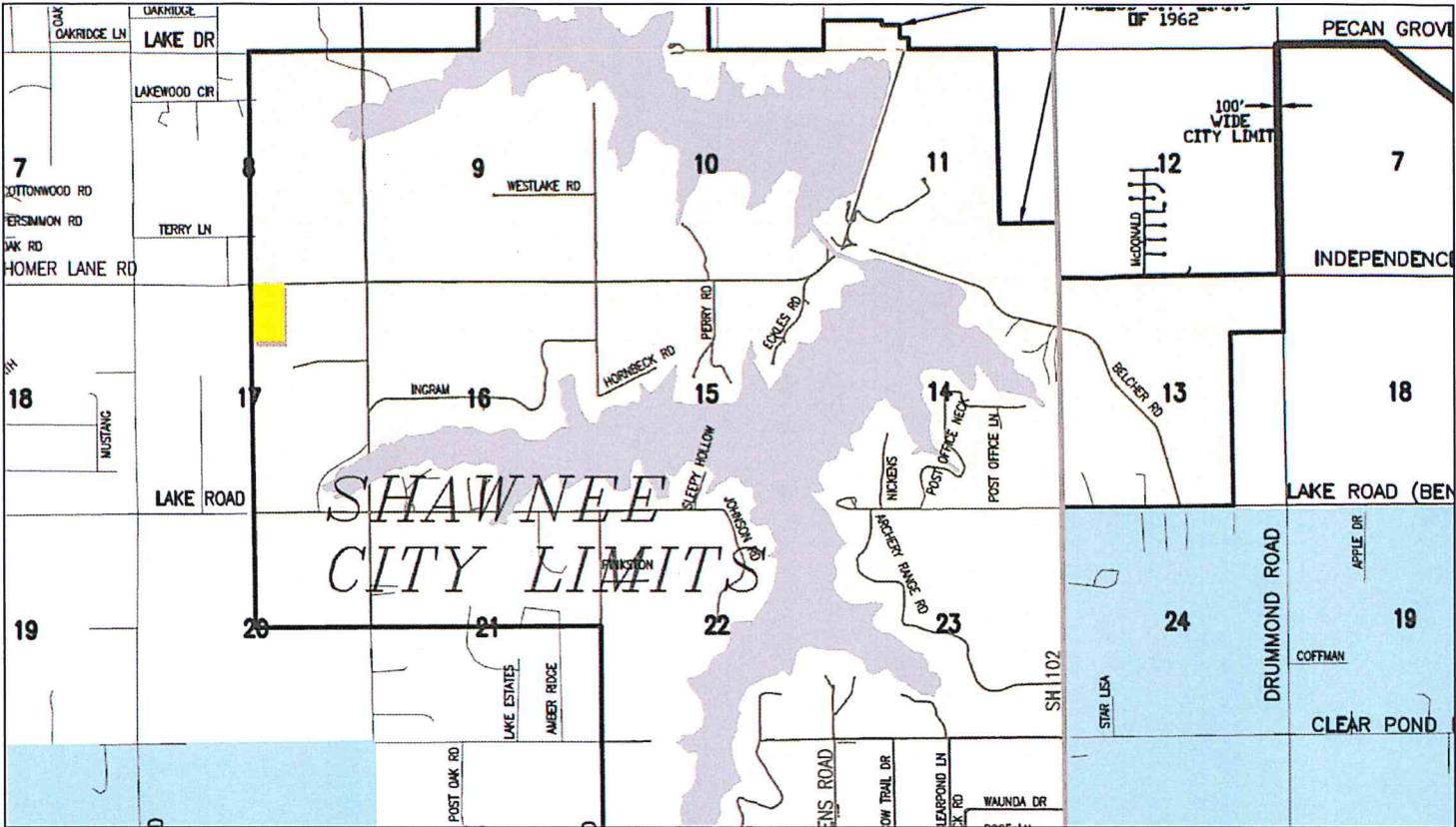
1. Density is greater than surrounding land use, other neighbors may want area to stay rural with 5-acre minimum;
2. Sixteen (16) additional wells/septic systems within the watershed;
3. May spur additional de-annexation requests and approval sets a precedent;
4. Development is dense (more urban than rural) – yet has no public utilities, fire protection (fire hydrants, etc.); and
5. City has no code enforcement authority/ability.

STAFF RECOMMENDATION

Staff recommends **denial** of the requested de-annexation. The potential drawbacks to de-annexation outweigh the potential benefits to the City of Shawnee in Staff's opinion.

Attachments

Vicinity Map



December 17, 2012

City of Shawnee

City Commission

P.O. Box 1448

Shawnee, OK 74802

RE: Deannexation of West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Seventeen (17), North Range Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

To Whom It May Concern:

May this letter serve as a request for Petitioning for Deannexation of the above referenced property from the City of Shawnee.

R Town Real Estate Investments, LLC. has purchased the referenced property with the intent to develop a one (1) plus acres subdivision/home addition – Quail Run.

The acreage was purchased with the understanding that it was not in city limits. The county assessor's office was contacted and it was shared that the property, at time prior to purchase, was county. The county commissioner's office was contacted and it was shared that the property was county. The county has maintained the road in front of the property for the last twelve (12) years – not the city as per the road markings and county commissioner. The road markings and/or striping currently in front of the property shows where the county and city change from one to the other and it appears to be at the Easterly edge of the property which would give the appearance that the property is in county - not city limits. The title company that issued the title insurance policy has no record or recorded book and page of any ordinance showing that the property is in city limits.

Jerry Richards, Pottawatomie County Commissioner for District 2 was contacted by Shawna Miller, Manager of R Town Real Estate Investments, LLC. Mr. Richards and Shawna Miller met approximately three different times to discuss the housing addition. Mr. Richards was in agreement with R Town Real Estate Investments, LLC. moving forward with the plat of survey to be submitted on the docket for approval of the addition. Road requirements of what the county required for the road were given to Shawna Miller at a meeting at the property with Mr. Richards and his foreman. The surveyor began working on the plat of survey for the addition to be submitted for the docket and bids were being obtained for the road when it was learned that the property may be in the city limits. As of present date, all operations have been stopped due to this possibility.

The Quail Run addition will be a great asset to the community. It will give those wishing to move in to the community, and not wanting to maintain five acres or more, a beautiful mature treed addition in the Bethel School District to live in.

Deannexation Letter Request

Shawna Miller is manager of my LLC and is also a licensed Realtor assisting me with the preparation and development of the addition. She has been in communication with Stan Malaske of SWM and Sons, Inc. to be the primary builder of the addition. Stan builds a quality home. It will be a prestigious addition with a minimum square footage requirement of 1,800 square foot or more.

Shawna has also obtained permission to use Stan's Deer Run Addition Covenants and Restrictions for my addition, Quail Run which is attached for your review. Also attached is an outline of the addition, an outline of the added benefits of the addition to the community, preliminary plat of survey and the plat showing the legal description.

Please accept this letter as request for deannexation of the referenced property so that I may proceed forward with the development/addition to help our area grow. The addition will also help benefit the Bethel School District with added tax dollars and give the community a beautiful addition to live in the area close to their family and friends.

Sincerely,



Tiffany Miller, Owner/Member

R Town Real Estate Investments, LLC.

CC: Jerry Richards, County Commissioner – District 2

Stan Malaske, Owner/Builder – SWM and Sons, Inc.

December 19, 2012

City of Shawnee

City Commission

P.O. Box 1448

Shawnee, OK 74802

RE: Approval of New Addition /Subdivision – Quail Run

West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Seventeen (17), North Range Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

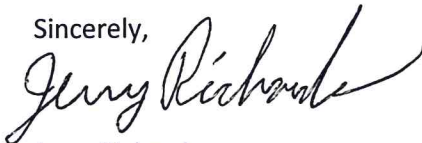
To Whom It May Concern:

May this letter serve as my approval of the above referenced addition/subdivision.

I was contacted by Shawna Miller, Manager of R Town Real Estate Investments, LLC. and Shawna and I have met several times to discuss the housing addition. I have been to the location and approve the development of Quail Run.

I am in agreement with R Town Real Estate Investments, LLC. moving forward with the plat of survey to be submitted on the docket for approval of the referenced addition/subdivision and/or deannexation to move forward with the approval process for the addition/subdivision. I am willing to be present to discuss my approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Richards", written in a cursive style.

Jerry Richards

Pottawatomie County Commissioner – District 2

Quail Run

1 acre plus lots

16 wooded lot addition

Benefit(s) of the prestigious Quail Run

addition to the community -

Homer Lane between Walker Road and Fishmarket

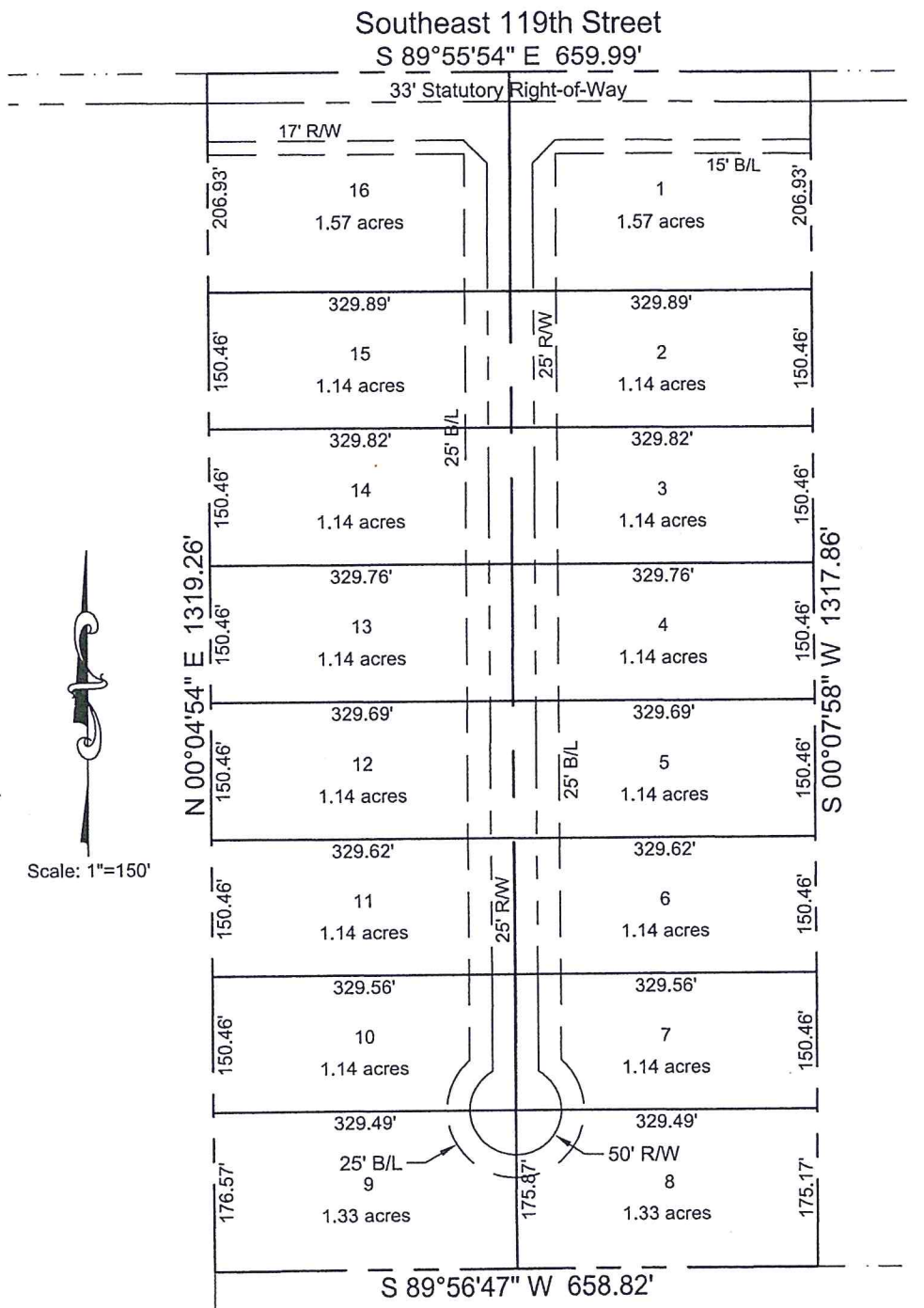
Quail Run would give those wanting to move to the area such as retired couples and/or families wishing to live close their family and friends that do not want to maintain a large acreage.

- Those wanting to live in the area have no choice(s) to a nice 1 acre + community (most do not want to maintain a 5 acres minimum – but desire to live in the area)
- Tax benefit to Bethel School District and the city/county for a 16 lot addition
- An average collected tax on each individual lot would be between \$1,800-\$3,000 per year per lot (once the addition is built out and established)
- Tax revenue could average at a built out stage of the addition of \$38,400.00/year to the community in property taxes plus any personal tax not being averaged in
- Each individual home owner would be responsible for drilling a well and installing a septic system – aerobic style septic system – no cost to the city/county for utility upkeep and/or maintenance
- The paved road would be installed to specifications by city and/or county specs
- The entire entrance area at the front sides and bricked entrance will be maintained by a homeowners association to maintain a nice curb appeal to the addition
- Mature trees will not be allowed to be cut down unless trees are in the building area needed to build home and/or a garage/shop.
- The addition will be a beautifully wooded addition – maintaining the country atmosphere
- Covenants and restrictions for the addition will be filed of record and are attached for review
- Plat map of the Quail Run addition attached for review

Quail Run Addition

- 1 acre plus – beautiful wooded lots
- Bethel Schools
- Paved road
- 1,800 s.f. minimum
- Approved builders only
- Easy access to interstate for easy commute to Tinker area and/or Shawnee
- Well and septic
- Canadian Valley Electric
- Homeowners association for entrance maintenance
- Less than 2 ¾ miles to Shawnee Twin Lakes

PRELIMINARY LOT LAYOUT



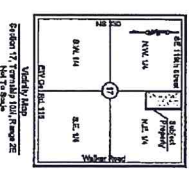
Date: 10-23-2012

CERTIFICATE OF AUTHORIZATION CA-819
EXPIRATION DATE: 6/30/2013
HALE & BUCKLEY SURVEY COMPANY INC.

Survey No. 5479.1



Land Surveying and Planning
1601 S.W. 89th Street, Building C, Suite 200
Oklahoma City, Oklahoma 73159
Tel: (405) 686-0174 - Fax: (405) 681-4881
C.A.: 819 - Exp.: June 30, 2013
www.halesurvey.com



Basal of Bearing:
 0 09°55'34" E, along
 the North Line of the
 NW1/4, NE1/4, Sec. 17,
 T10N, R2E

Commitment No. 12090338
Date: April 26, 2012
Stewart Advisors & Title of Oklahoma
Insured: R Town Real Estate Investments, LLC

1. This Survey meets the requirements of the Oklahoma Minimum Standards for the Practice of Land Surveying which was adopted by the Board of Registration for Professional Engineers and Land Surveyors May 17, 2010.
2. Date of Field Work: September 28, 2012

The West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 36, Township 17N, North Range Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

¹ Curtis Lee Hale, a registered Land Surveyor, do hereby certify that a careful survey has been made under my supervision on the above described property, as shown on the attached plat hereto and there are no encroachments except if shown herein. This Survey was made for the above stated purpose only and no other responsibility is hereby assumed. Dated at Oklahoma City, Oklahoma on the 1st day of October, 2012.

1004
CURTIS L. HALE LG No. 1004



NO.	REVISIONS	DATE

W/2, NW/4, NE/4, Section 10
Township 10 North, Range 2 East
Pottawatomie County, Oklahoma
Plat of Survey

Paradigm AdvantEdge Realty
2150 South Douglas Boulevard
Midwest City, Oklahoma 73130
(405) 836-3403



ORDINANCE NO. _____

AN ORDINANCE DE-ANNEXING/DETACHING CERTAIN PROPERTY NOW WITHIN THE CITY LIMITS OF SHAWNEE, OKLAHOMA, DESCRIBING SAID PROPERTY, REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

WHEAREAS, a petition requesting detachment (de-annexation) from the City of Shawnee was submitted on December 17, 2012;

WHEREAS, said petition includes one property and contains a valid signature from the owner of said property;

WHEREAS, the Shawnee City Commission on January 7, 2013 considered said petition and directed that a public hearing be set for formal consideration; and

WHEREAS, the City of Shawnee City Commission held a properly-noticed public hearing on February 4, 2013 and considered the request for detachment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

SECTION 1: AMENDATORY. That pursuant to the provisions of applicable law, the following property herein described shall be de-annexed and detached from the city limits of the City of Shawnee, Oklahoma:

West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 17, Township 10 North, Range 2 East of the Indian Meridian, Pottawatomie County, Oklahoma.

Containing 20.00 acres, more or less.

SECTION 2: REPEALER. That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: EMERGENCY. That for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2013.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

EMERGENCY SEPARATELY MOVED AND APPROVED THIS 19TH DAY OF FEBRUARY, 2013.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS 19TH DAY OF FEBRUARY, 2013

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

7.

Meeting Date: 02/19/2013

Cable Franchise Transfer

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider a resolution accepting the transfer of ownership of the local cable franchise from Allegiance Communications, LLC to BCI Allegiance, LLC.

Attachments

Resolution Cable Transfer

RESOLUTION NO. _____

A RESOLUTION CONSENTING TO AND APPROVING THE ASSIGNMENT OF THE CABLE FRANCHISE AND SYSTEM TO BCI ALLEGIANCE, LLC

WHEREAS THE CITY OF SHAWNEE, OKLAHOMA (“Grantor”) granted to Allegiance Communications, LLC or its predecessor (“Grantee”), a franchise to own and operate a cable television system (“System”) in the municipality (the “Franchise”);

WHEREAS, on January 8, 2013, Grantee entered into an Asset Purchase Agreement (the “Agreement”) with BCI Broadband Holding, LLC (“BCI”) whereby BCI will cause it’s indirect wholly owned subsidiary, BCI Allegiance, LLC (“Assignee”), to purchase and acquire certain assets relating to the System, including the Franchise, from Grantee (“Transaction”);

NOW, THEREFORE, THE GRANTOR RESOLVES:

1. Grantor consents to the Transaction to the extent required by the terms of the Franchise and applicable law.
2. Grantor confirms that (a) the Franchise is valid and outstanding and in full force and effect; (b) there have been no amendments or modifications to the Franchise, except as set forth herein; and (c) Grantee is in compliance with the provisions of the Franchise.
3. Effective upon the closing of the Transaction (the “Closing Date”), and the verification that Assignee has met the requirements of Section 5.2 of the permit by providing a Certificate of Insurance naming Grantor as an additional insured, Grantor releases Grantee from all obligations and liabilities under the Franchise and Assignee shall assume and be responsible for any obligations and liabilities under the Franchise that accrue on and after the Closing Date.
4. This Resolution shall have the force of a continuing agreement with the Grantor, Grantee, and Assignee, and Grantor shall not amend or otherwise alter this Resolution without the written consent of Grantee and Assignee.

BE IT FURTHER RESOLVED that for the preservation of the public peace, health and safety an emergency is hereby declared to exist by reason whereof this resolution shall be in full force and effect immediately upon its adoption.

ADOPTED AND APPROVED THIS 19th day of February, 2013.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved to form and legality on the 19th day of February, 2013, by City Attorney Mary Ann Karns.

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

8.

Meeting Date: 02/19/2013

Insurance Committee

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action to appoint an insurance committee to consist of three commissioners and two staff members.

Regular Board of Commissioners

9.

Meeting Date: 02/19/2013

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received February 2013.

Attachments

Sales Tax

City of Shawnee Memorandum

To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: February 8, 2013
Re: City Sales Tax Report

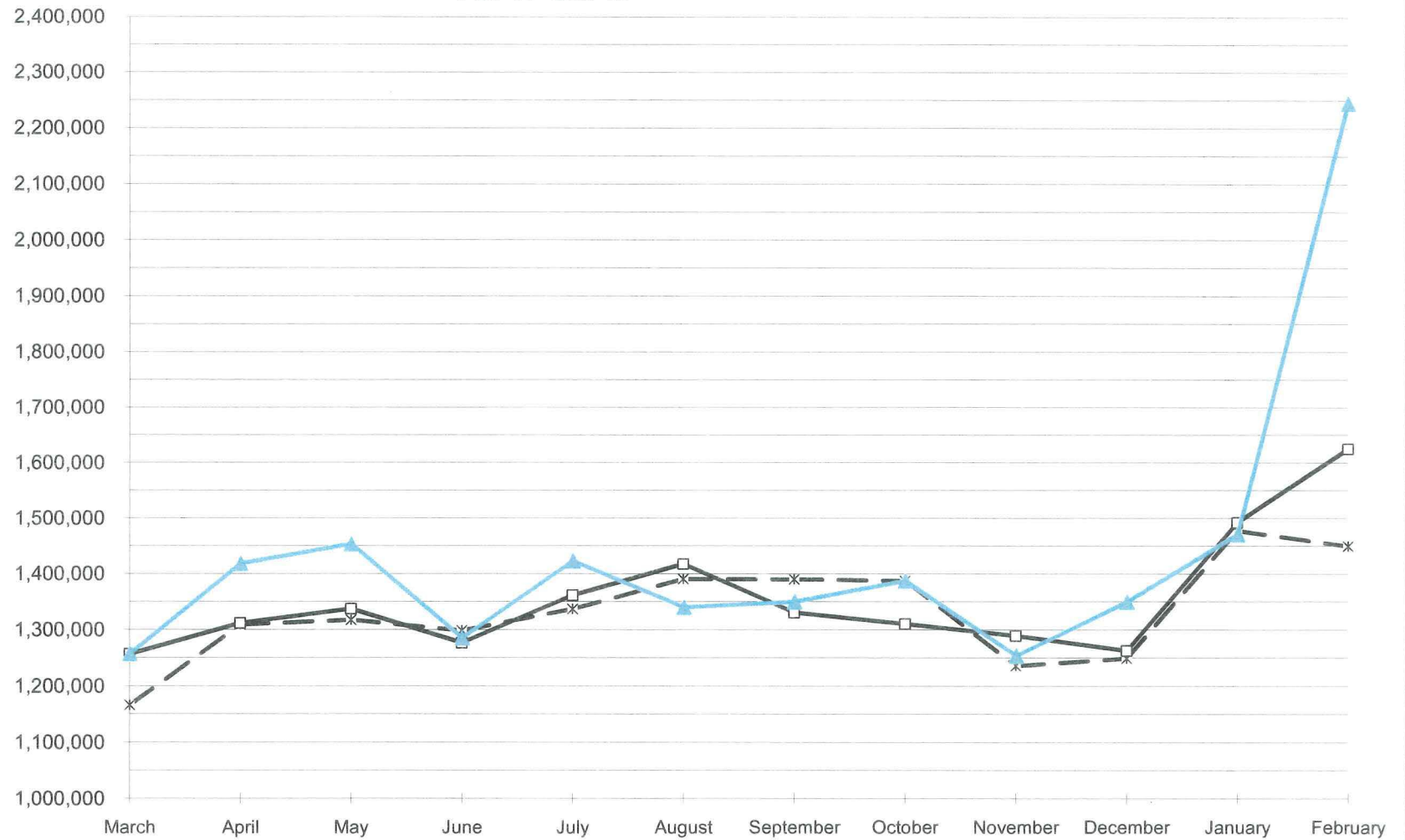


February Sales Tax receipts were up \$620,503 this month or 38.19% compared to last year. The increase this month was from the sale and transfer of the assets associated with the sale to St. Anthony's Hospital. The sales tax from this transaction was approx. \$633K so sales tax for the holidays was about flat compared to last year. The February Sales tax amount received plus interest was \$2,245,070.35 which accumulatively for the fiscal year we are up \$452,223 or 3.98%



	March 2010	March 2011	March 2012	Increase	(Decrease)
	through	through	through	Over Prior Year	
Month	February 2011	February 2012	February 2013	Amount	Percentage
March	1,165,927	1,256,430	1,256,806	376	0.03%
April	1,308,463	1,311,387	1,417,533	106,146	8.09%
May	1,317,167	1,337,029	1,452,759	115,731	8.66%
June	1,298,026	1,276,542	1,284,872	8,330	0.65%
July	1,336,599	1,361,273	1,422,363	61,090	4.49%
August	1,390,086	1,417,308	1,339,539	(77,769)	(5.49%)
September	1,389,702	1,330,420	1,349,282	18,862	1.42%
October	1,386,987	1,309,924	1,386,657	76,733	5.86%
November	1,235,390	1,289,143	1,253,140	(36,003)	(2.79%)
December	1,248,649	1,262,401	1,349,459	87,058	6.90%
January	1,476,824	1,491,647	1,470,565	(21,082)	(1.41%)
February	1,448,966	1,624,568	2,245,070	620,503	38.19%
Total	16,002,783	16,268,072	17,228,046	959,974	5.90%
		Prior Year	Current Year	Increase	(Decrease)
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		11,086,685	11,816,075	\$729,390	6.58%
Fiscal Year to Date Budget based on last year actual plus 2.5%					
		Current Year	Current Year	Budget Variance	
Period		Budget	Actual	Favorable	(Unfavorable)
Fiscal Year to Date		11,363,852	11,816,075	\$452,223	3.98%

**CITY OF SHAWNEE
SALES TAX COLLECTIONS
Feb 10- Jan 13**



— x — February 2010 through January 2011
— □ — February 2011 through December 2012
— ▲ — February 2012 through January 2013

Regular Board of Commissioners

13.

Meeting Date: 02/19/2013

Exec Session Pending Litigation IUPA & IAFF

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an executive session in accordance with 25 O.S. §307 (B(4)), communications with city's attorneys concerning a pending investigation, claim or action, the grievances filed by the IUPA and IAFF. The City Attorney has determined that disclosure will seriously impair the ability of the Commission to resolve the matter in the public interest.

Regular Board of Commissioners

14.

Meeting Date: 02/19/2013

Exec Session Litigation Utility Services

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).

Regular Board of Commissioners

15.

Meeting Date: 02/19/2013

Possible Action Exec Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding communications with city's attorneys concerning a pending investigation, claim or action, the grievances filed by the IUPA and IAFF. The City Attorney has determined that disclosure will seriously impair the ability of the Commission to resolve the matter in the public interest.

Regular Board of Commissioners

16.

Meeting Date: 02/19/2013

Possible Action Exec Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding discuss potential claims, litigation or other options regarding encroachment into City's utility service area by other entities as authorized by 25 O.S. §307(B)(4).
