BOARD OF CITY COMMISSIONERS PROCEEDINGS
FEBRUARY 18, 2020 AT 6:00 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Tuesday, February 18, 2020 at 6:00 p.m., pursuant to notice duly posted as prescribed by law at 3:30 p.m. on February 14, 2020. Mayor Finley presided and Ethan Anderson and Mariah Reed called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley
Mayor

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

ABSENT: None

INVOCATION — The Lord's Prayer

FLAG SALUTE

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

Mr. Gene Greenfield expressed his concerns with the Broadway Project. He stated this was a Blue Zone driven project. Mr. Greenfield asked Commissioners with Blue Zones connections to please abstain from voting on the project.

Ms. Linda Agee stated she noticed the two of the three bid awards had bid tabulation attachments, but the Broadway Project did not. She asked for more transparency with the agenda. Ms. Agee addressed past budget issues and questioned why funds were earmarked for beautification projects during financial hardships.

Ms. Cami Engles asked the Commissioners to move forward with the Broadway Project. She compared the community investment to the recent Downtown Streetscape that brought growth and investments to that area.

Ms. LaDonna Bryce spoke against the Broadway Project. She addressed the potential of forcing people to park in their yards because street parking may discontinue. She asked the City to address homelessness and crime rates instead of beautification.

Mr. Glenn Peck said he believes Blue Zones has hypnotized the City and asked if the project was worth it when feeder streets were in disrepair.

Ms. Carey McIntyre expressed her concerns about traffic impact on 45th Street with the proposed development in the area of East 45th Street and North Bryan Avenue.

Mr. Chuck Glave expressed concerns with the development in the area of the Hyatt Addition.

Mr. Rob Morris spoke against the Broadway Project. He asked that infrastructure be upgraded instead. He also stated concerns with the recent fee increase for medical marijuana establishments.

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

a. Minutes from the February 3, 2020 regular meeting.

b. Acknowledge the following reports and minutes:
- License Payment Report for January 2020
- Project Payment Report for January 2020
- Planning Commission Minutes from the December 4, 2019 meeting
- Senior Citizens of Shawnee Board Minutes from the December 10, 2019 meeting
- Shawnee Parks and Recreation Committee Minutes from the December 16, 2019 meeting

c. Mayor's Appointments:

Zoning Board of Adjustments
Brandon Dyer 1st Partial Term Expires: June 1, 2022
Replaces Mat Thomas – Termed Out

d. Acceptance of Rolling Hills South Addition public improvements and place maintenance bonds into effect.

e. Consider Oklahoma Municipal Retirement Fund lump sum payment for Defined Benefit Plan for Jeremy Weller.

f. Lake Lease Transfer:

TRANSFER:
Lot 19 Belcher Tract, 33402 Post Office Neck
From: Le Ngan Yeatts
To: Carol K. Hopkins

A motion was made by Commissioner Bolt, seconded by Vice Mayor Harrod, to approve Consent Agenda Item Nos. 2 (a-f). Motion carried 7-0.

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

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

There was no Pet of the Week.

AGENDA ITEM NO. 4: Consideration of approval of a proposal with Young Strategies for tourism lodging market analysis, visitor profile research, and strategic planning.

City Manager Chance Allison and Tourism Director Stacy Moore explained the strategic firm would assist with lodging market analysis, visitor profile research and strategic planning. Mr. Allison stated this will allow for a true marketing plan for the community and that funding will be from the hotel/motel fund. The firm plans to caption 1,000 individual surveys and 200 commercial surveys to compile the data. They will also hold physical meetings and post market surveys for guests staying in our community. The contract amount is $37,650.00.

A motion was made by Commissioner Sehorn, seconded by Commissioner Rutherford, to approve a proposal with Young Strategies for tourism lodging market analysis, visitor profile research, and strategic planning.

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

AGENDA ITEM NO. 5: Public hearing and consideration of an ordinance to rezone property located 630 feet west of the northwest corner of East 45th Street and North Bryan Avenue, containing 40.08 acres, from A-1 (Rural Agricultural District) to PUD (Planned Unit Development) for the proposed purpose of a campus for the National Institute on Developmental Delays. Case No. P01-20, Applicant: Mass Architects, Inc.

Planning Director Rebecca Blaine provided a staff report. She explained this organization is currently operating at the Saint Gregory's Abbey property. They assist children and families with physical and developmental delays. The new location will allow retreat cabins and horse therapy for affected families. No permanent housing will be established. Staff and the Planning Commission recommend approval.

Mayor Finley declared a public hearing in session to consider an ordinance rezoning property located 630 feet west of the northwest corner of East 45th Street and North Bryan Avenue, containing 40.08 acres, from A-1 (Rural Agricultural District) to PUD (Planned Unit Development) for the proposed purpose of a campus for the National Institute on Developmental Delays. Mr. Duane Mass, Sr. of Mass Architects and Former Governor Brad Henry appeared in favor of said rezoning. No one appeared against said rezoning. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve an ordinance to rezone property located 630 feet west of the northwest corner of East 45th Street and North Bryan Avenue, containing 40.08 acres, from A-1 (Rural Agricultural District) to PUD (Planned Unit Development).

Ordinance No. 2686NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: THE WEST HALF OF THE EAST HALF OF THE SOUTHEAST QUARTER (W/2 E/2 SE/4) OF SECTION THIRTY-TWO (32), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, FROM ZONING CLASSIFICATION A-1 (RURAL AGRICULTURAL DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

Ordinance No. 2686NS was adopted by the City Commission

AGENDA ITEM NO. 6: Public hearing and consideration of an ordinance to rezone property located 60 feet east of the northeast corner of North Harrison Avenue and East Whittaker Street, containing 0.11 acres, from R-2 (Combined Residential District) to C-3 (Highway Commercial District) for the proposed purpose of commercial development. Case No. P02-20, Applicant: Judy Akerman.

Planning Director Rebecca Blaine provided a staff report. She explained that the applicants have two adjacent properties on the corner and are combining the two lots. Staff and the Planning Commission recommend approval.

Mayor Finley declared a public hearing in session to consider an ordinance rezoning property located 60 feet east of the northeast corner of North Harrison Avenue and East Whittaker Street, containing 0.11 acres, from R-2 (Combined Residential District) to C-3 (Highway Commercial District) for the proposed purpose of commercial development. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Bolt, seconded by Commissioner Gillham, to approve an ordinance to rezone property located 60 feet east of the northeast corner of North Harrison Avenue and East Whittaker Street, containing 0.11 acres, from R-2 (Combined Residential District) to C-3 (Highway Commercial District).

Ordinance No. 2687NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: LOTS TWENTY-ONE (21) AND TWENTY-TWO (22), BLOCK "A" OF THE AMENDED PLAT OF BLOCK TWO (2) OF THE AMENDED PLAT OF WHITTAKER'S ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, FROM ZONING CLASSIFICATION R-2 (COMBINED RESIDENTIAL DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 7-0.

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

Ordinance No. 2687NS was adopted by the City Commission.

AGENDA ITEM NO. 7: Public hearing and consideration of an ordinance to rezone property located at 1310 North Kickapoo Avenue, containing 0.29 acres, from C-3 (Highway Commercial District) to C-3 (Highway Commercial District) with a Conditional Use Permit for a cell tower. Case No. P03-20, Applicant: Troy Williams.

Planning Director Rebecca Blaine provided a staff report. She explained the Zoning Board of Adjustments approved a height variance for the self-collapsing tower. This tower will be an AT&T tower providing additional assistance for first responders and increased data and wireless usage in the area. Staff and the Planning Commission recommend approval.

Mayor Finley declared a public hearing in session to consider an ordinance rezoning property located at 1310 North Kickapoo Avenue, containing 0.29 acres, from C-3 (Highway Commercial District) to C-3 (Highway Commercial District) with a Conditional Use Permit for a cell tower. Mr. Troy Williams appeared in favor of said rezoning. The public hearing was closed.

A motion was made by Commissioner Gillham, seconded by Commissioner Rutherford, to approve an ordinance to rezone property located at 1310 North Kickapoo Avenue, containing 0.29 acres, from C-3 (Highway Commercial District) to C-3 (Highway Commercial District).

Ordinance No. 2688NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, TO-WIT: PARENT TRACT: THE SURFACE ONLY OF A TRACT OF LAND COMMENCING AT THE NORTHEAST CORNER (NE/C) OF SECTION THIRTEEN (13), TOWNSHIP TEN (10) NORTH, RANGE THREE (3) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, THENCE S00°12'10" W A DISTANCE OF 365 FEET AND S89°57'35" W A DISTANCE OF 33 FEET TO THE POINT OF BEGINNING; THENCE S00°12'10" W A DISTANCE OF 125 FEET; THENCE S89°57'35" W A DISTANCE OF 100 FEET; THENCE N00°12'10" E A DISTANCE OF 125 FEET; THENCE N89°57'35" E A DISTANCE OF 100 FEET TO THE POINT OF BEGINNING. LEASE SITE DESCRIPTION: A TRACT OF LAND LYING IN AND BEING A PART OF THE NE4 OF SECTION 13, TOWNSHIP 10 NORTH, RANGE 3 EAST, INDIAN MERIDIAN AND BEING FURTHER DESCRIBED IN INSTRUMENT NUMBER 201600014825, DEED RECORDS OF POTTAWATOMIE COUNTY, OKLAHOMA, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE CUT "X" FOUND FOR THE NORTHEAST CORNER OF SAID NE4; THENCE S00°24'37" E ON THE EAST LINE OF SAID NE4 A DISTANCE OF 365.14 FEET TO A POINT ON SAID EAST LINE; THENCE S89°35'23" W PERPENDICULAR TO SAID EAST LINE A DISTANCE OF 33.00 FEET TO A POINT FOR THE NORTHEAST CORNER, SAID CORNER BEING THE PART OF BEGINNING: THENCE S00°24'37" E A DISTANCE OF 125.00 FEET TO A POINT FOR THE SOUTHEAST CORNER; THENCE S89°20'48" W A DISTANCE OF 100.00 FEET TO A MAG NAIL FOUND FOR THE SOUTHWEST CORNER; THENCE N00°24'37" W A DISTANCE OF 125.00 FEET TO 3/8" IRON ROD FOUND FOR THE NORTHWEST CORNER; THENCE N89°0'48" E A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING., FROM ZONING CLASSIFICATION C-3 (HIGHWAY COMMERCIAL DISTRICT) TO C-3 (HIGHWAY COMMERCIAL DISTRICT) WITH CONDITIONAL USE PERMIT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0-1.

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

Ordinance No. 2688NS was adopted by the City Commission.

<u>AGENDA ITEM NO. 8:</u> Consideration of approval of a preliminary plat for Hyatt Addition, Section IV located east of North Harrison Avenue and south of East 45th Street, containing 6.57 acres, for the purpose of a single-family development. Case No. S01-20, Applicant Hyatt Development, LLC.

A staff report was given by Rebecca Blaine, Planning Director. She addressed concerns with improving 42nd Street. Currently Phase IV is not adjacent to 42nd Street. The developer has expressed intentions to develop this portion at a later date that may connect with 42nd Street. This development will bring an additional 25 tracts to the area. Staff and the Planning Commission recommend approval.

A motion was made by Commissioner Gillham, seconded by Commissioner Bolt, to approve a Preliminary Plat for Hyatt Addition, Section IV located east of North Harrison Avenue and south of East 45th Street, containing 6.57 acres. Motion carried 7-0.

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

<u>AGENDA ITEM NO. 9:</u> Consideration of a final plat for Rolling Hills South Addition located on the southeast corner of Bryan Avenue and East Main Street, containing 3 acres, for the purpose of a single-family development. Case No. S02-20, Applicant: TLP Associates, Inc.

A staff report was given by Rebecca Blaine, Planning Director. Staff and the Planning Commission recommend approval.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bolt, to approve a Final Plat for Rolling Hills South Addition located on the southeast corner of Bryan Avenue and East Main Street, containing 3 acres. Motion carried 7-0.

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

<u>AGENDA ITEM NO. 10:</u> Consideration of an ordinance amending portions of Ordinance No. 2545NS, being codified as a part of the City Zoning Code located in Chapter 22, Article VII, of the Shawnee City Code of Ordinances, by specifically amending Section 22-262 and Table 22-262 of the code in order to revise dimensional standards for minimum lot

widths and minimum street frontage for all properties classified as A-1 Rural Agricultural Districts; providing for repeal; providing for severability; providing for codification; and providing for emergency clause.

Planning Director Rebecca Blaine provided a staff report. She advised that the item is proposing to amendments to Chapter 22. The proposed amendment would change the ambiguous language of 'None' for minimum street frontage to "330 feet'', which is implied by the minimum lot width of 330 feet but should be clearly defined. In addition, it would also eliminate the lot width exception for lots of more than 10 acres.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve an ordinance amending portions of Ordinance No. 2545NS, being codified as a part of the City Zoning Code located in Chapter 22, Article VII, of the Shawnee City Code of Ordinances, by specifically amending Section 22-262 and Table 22-262 of the code in order to revise dimensional standards for minimum lot widths and minimum street frontage for all properties classified as A-1 Rural Agricultural Districts; providing for repeal; providing for severability; providing for codification.

Ordinance No. 2689NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF ORD. NO. 2545NS, BEING CODIFIED AS A PART OF THE CITY ZONING CODE LOCATED IN CHAPTER 22, ARTICLE VII, OF THE SHAWNEE CITY CODE OF ORDINANCES, BY SPECIFICALLY AMENDING SECTION 22-262 AND TABLE 22-262 OF THE CODE IN ORDER TO REVISE DIMENSIONAL STANDARDS FOR MINIMUM LOT WIDTHS AND MINIMUM STREET FRONTAGE FOR ALL PROPERTIES CLASSIFIED AS A-1 RURAL AGRICULTURAL DISTRICTS; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY CLAUSE.

Motion carried 7-0.

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

Ordinance No. 2689NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve the emergency clause relating to Ordinance No. 2689NS. Motion carried 7-0.

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

<u>AGENDA ITEM NO. 11:</u> Consideration of the following budget amendments:

a. Fund 001 General Fund – Adjustment for changes that have occurred since the beginning of the fiscal year.

b. Fund 106 Hotel Motel Fund – Updating Department of Tourism budget to reflect changes since August 2019 and includes funding for grants and advertising.

c. Fund 301 Capital Improvement Fund – Budget for Oklahoma Municipal Assurance Group (OMAG) funding for body cameras and SPF and Byrne Grant funds for two motorcycles.

d. Fund 302 Street Improvement Fund – To provide for Oklahoma Department of Transportation (ODOT) payment for phase one of Kickapoo Street Project (MacArthur to Kickapoo Spur).

Finance Director Ashley Neel explained these budget amendments are to cover items that came up through the current fiscal year.

A motion was made by Commissioner Bolt, seconded by Vice Mayor Harrod, to approve the budget amendments listed in Agenda Item Nos. 11 (a-d). Motion carried 6-0-1.

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

<u>AGENDA ITEM NO. 12:</u> Acknowledge monthly Sales Tax and Budget Report.

Finance Director Ashely Neel reported sales tax is up $643,527.00, or 4.39%, over the projected budget year-to-date. She stated that use tax collections are up approximately $567,276.00, or 49.70%, over the projected budget year-to-date. Ms. Neel also reported 42% of the General Fund and 56% of the Shawnee Municipal Authority Fund are remaining for the Fiscal Year budget.

<u>AGENDA ITEM NO. 13:</u> Consider Bids/Requests for Qualifications (RFQ):

a. Upgrade and replace City of Shawnee outdoor warning system (Award)

Police Chief Mason Wilson announced that six (6) bids were received. The bid received from American Signal was not located in the packets until after the last City Commission meeting for reading into the record. American Signal's base bid was $311,373.01, Alternate No. 1 was $883.00 each, and Alternate No. 2 was $1,750.00 each. After review and consideration, it was Staff's recommendation to award the bid to Federal Signal Corporation for the base bid of $298,664.73 and Alternate No. 2 of $28,050.00 and subtract $17,205.00 from the base bid, for a total of $309,509.73.

A motion was made by Commissioner Rutherford, seconded by Commissioner Gillham, to accept staff's recommendation and award the bid to Federal Signal Corporation in the total amount of $309,509.73, which consists of the base bid of $298,664.73 and Alternate No. 2 of $28,050.00 and subtract $17,205.00 from the base bid. Motion carried 7-0.

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

b. Shawnee Police Department Architect's Project No. 1811, 912 East Independence, Shawnee, Oklahoma 74801 (Award)
Deferred from the January 21, 2020 City Commission agenda.

Police Chief Mason Wilson announced that four (4) bids were received. After review and consideration, it was Staff's recommendation to award the bid to W.L. McNatt and Company in the total amount of $2,443,000.00. This price consists of the base bid of $2,280,000.00 and Alternate No. 1 of $163,000.00.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Sehorn, to accept staff's recommendation and award the bid to W.L. McNatt and Company in the total amount of $2,443,000.00, which consists of the base bid of $2,280,000.00 and Alternate No. 1 of $163,000.00. Motion carried 7-0.

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

c. Broadway Street Project Request for Qualifications (RFQ) (Award)
Deferred from the February 3, 2020 City Commission agenda.

Planning Director Rebecca Blaine explained that a Request for Qualification (RFQ) is for professional services. It is a request for potential companies to submit why they are qualified to perform the work you are seeking on a specific project. Once a firm is selected, negotiations for services and costs take place. The proposal to hire Freese and Nichols is based on their financial stability and comparable projects they have completed. She advised that this firm would be hired at this time for the design only and no construction.

City Attorney Joseph Vorndran explained that this vote is to allow staff to negotiate a contract with Freese and Nichols for design only and that the contract would come before the Commission for final approval.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bolt, to accept staff's recommendation and hire Freese and Nichols. Motion carried 4-3.

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

AGENDA ITEM NO. 14: New Business (Any matter not known or which could not have been reasonably foreseen prior to the posting of the agenda.)

There was no New Business.

AGENDA ITEM NO. 15: Commissioners Comments

Commissioner Bolt reminded everyone that the vote regarding the Broadway Project was only to hire a design firm.

Commissioner Gillham stated that his seat, Ward Two, would be up for election in June and welcomed anyone willing to run.

Vice Mayor Harrod expressed his concerns with the Broadway Project. He announced that he would be running for Ward Three again.

Commissioner Rutherford stated this was the first contentious vote between the Commissioners and explained this is healthy for a commission. He encouraged everyone to look at both sides of issues. He ensured that no final decisions had been made yet.

Commissioner Sehorn expressed his biggest concern with the Broadway Project is will other projects that need to be completed be affected.

Commissioner Salter stated in the three years the Broadway Project has been discussed he has only received negative support up until this past Thursday, when he received his first supportive phone call for the project.

Mayor Finley explained future costs were a concern for the Broadway Project.

Mayor Finley addressed comments regarding the medical marijuana establishment fee increase. He explained that the fee increase was related to what the State requires for licensing and the fee is a reflection of time and effort of City Staff.

Mayor Finley also explained that Blue Zones does not tell entities what to do. They assimilate information about how to make healthy choices. He stated that the City Commission has endorsed certain policies that Blue Zones has recommended.

<u>AGENDA ITEM NO. 16:</u> Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:08 p.m.)

THE CITY OF SHAWNEE
SEAL
OKLAHOMA

RICHARD FINLEY, MAYOR

ATTEST:

Lisa Lasyone

LISA LASYONE, CMC, CITY CLERK