BOARD OF CITY COMMISSIONERS PROCEEDINGS
FEBRUARY 1, 2016 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 1, 2016 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

Vacant Commissioner Ward 1	Linda Agee Commissioner Ward 2
James Harrod Commissioner Ward 3-Vice Mayor	Absent Commissioner Ward 4
Lesa Shaw Commissioner Ward 5	Micheal Dykstra Commissioner Ward 6

ABSENT: Hall

INVOCATION The Lord's Prayer led by Mayor Mainord

FLAG SALUTE Led by Commissioner Agee

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

a. Minutes from the January 19, 2016 regular meeting.

b. Acknowledge the following minutes:
- Shawnee Civic and Cultural Development Authority Minutes from December 17, 2015 meeting

c. Mayor's Appointments

Shawnee Housing Authority
Sherry Lankford 2nd Full Term Expires 02/14/2019
Reappointment

d. Authorize staff to trade-in 2000 American LaFrance Rescue fire truck to Conrad Fire Equipment toward new Engine 3 apparatus previously authorized and ordered.

e. Authorize staff to request bids to lease City owned property located at the northeast corner of Leo Street and Westech Road for the purpose of pasture land.

f. Authorize staff to request bids for the Municipal Auditorium Heating, Ventilation and Air Conditioning System (HVAC).

g. Approve closure of utility easement for property located at 2701 Crown Point and authorize staff to execute Utility Easement Release.

h. Acceptance of Shawnee Market Place public improvements and place maintenance bonds into effect.

Commissioner Shaw asked that Agenda Item Nos. 1(c) and 1(h) be pulled for separate consideration.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve the Consent Agenda Item Nos. 1 (a-h), less items 1(c) and 1(h). Motion carried 4-1.

AYE: Harrod, Shaw, Dykstra, Agee
NAY: Mainord

Regarding Agenda Item No. 1(c), Commissioner Shaw stated that she was happy with the reappointment of Ms. Lankford to the Shawnee Housing Authority Board, however she is still requesting current information on all appointees or reappointees.

Regarding Agenda Item No. 1(h), Commissioner Shaw asked for clarification regarding the multiple bonds and the differing dates on them. City Manager Justin Erickson explained that each covered different aspects of the project.

A motion was made by Commissioner Shaw, seconded by Commissioner Dykstra, to approve Consent Agenda Item Nos. 1(c) and 1(h). Motion carried 5-0.

AYE: Shaw, Dykstra, Agee, Harrod, Mainord
NAY: None

AGENDA ITEM NO. 2: Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)

The following individuals all spoke regarding their concerns with the Animal Shelter.

Ms. Dawn Gambrell who thanked the City for extending the hours at the Animal Shelter and for not euthanizing as many animals

Ms. Sheila Hill expressed her concern with the current euthanasia process used by the Shelter and asked what method the City would be switching to.

Mr. Michael Rhodes expressed his concern for the need for public education of animal treatment and asked about standards of care or animals at the shelter.

Ms. Kathy Dixon also thanked the City for extended hours at the Animal Shelter. Ms. Dixon stated that she was disappointed that the City had not switched to another form of euthanasia yet.

AGENDA ITEM NO. 3: Presentation by City Manager to Employee of the Month, Joshua Kimer, Parks Department.

Joshua Kimer was present to accept the Employee of the Month Certificate presented by City Manager Justin Erickson.

AGENDA ITEM NO. 4: Consider and approve resolution authorizing the Mayor to sign and execute State of Oklahoma Department of Transportation Project Agreement No. 32255(04), US-270B, Kickapoo Spur, south to Farrall Street (SH18).

A staff report was given by City Engineer John Krywicki, stating that staff recommends approval. Mr. Krywicki gave details on the project, noting that Oklahoma Department of Transportation will fund the roadway improvement one hundred percent, and the City will be absorbing the cost of rights-of-way acquisitions. Mr. Krywicki thanked Danny Overland, Phil Tomlinson, Kevin Bloss, Michael Patterson, and Gary Ridley for their assistance.

In response to questions asked by Commissioners, Mr. Krywicki stated he was not yet sure of the exact cost of rights-of-way acquisitions and that the project would hopefully be funded in one fiscal year.

Justin Erickson, City Manager explained it would be twelve to eighteen months before any construction could start.

Resolution No. 6507 was introduced.

A RESOLUTION SUPPORTING CERTAIN PROJECT AGREEMENT FOR FEDERAL-AID IMPROVEMENTS DESCRIBED BELOW BY AND BETWEEN THE CITY OF SHAWNEE AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve a resolution authorizing the Mayor to sign and execute State of Oklahoma Department of Transportation Project Agreement No. 32255(04), US-270B, Kickapoo Spur, South to Farrall Street (SH18). Motion carried 5-0.

AYE: Harrod, Agee, Mainord, Shaw, Dykstra
NAY: None

AGENDA ITEM NO. 5: Presentation of recognition from the Shawnee Beautification Committee to the following:

- Family Dental of Shawnee
- St. John Lutheran Church
- Augusta Court Home Owners Association
- Sonic at 45th and Harrison
- 2000 N. Broadway

Representative from each business, as well the homeowner at 2000 N. Broadway, were here to accept their award

AGENDA ITEM NO. 6: Authorize staff to enter into an agreement with Fritz Baily Architects of Tulsa, Oklahoma to provide design, engineering and biddable construction documents for the repair and renovation of Fire Station #2 located at 1401 N. Bryan.

A staff report was given by Fire Chief Dru Tischer. Chief Tischer explained the RFQ process that was used to reach their recommendation of Fritz Baily Architects. He stated that staff negotiated the contract down to $106,500.00 which is a 13% cost savings from the original quote. Chief Tischer noted that staff recommends approval of the agreement.

During discussion, Vice Mayor Harrod felt that the costs was exorbitant and asked that this item be tabled to allow for further information and investigation.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Dykstra, to defer the item to the February 16, 2016 City Commission meeting. Motion carried 4-1.

AYE: Harrod, Dykstra, Agee, Mainord
NAY: Shaw

AGENDA ITEM NO. 7: Discussion, consideration and possible action to approve a Budget Amendment for design, engineering and biddable construction documents for the repair and renovation of Fire Station #2 located at 1401 N. Bryan. *Transfer from General Fund to Capital Fund.*

A motion was made by Vice Mayor Harrod, seconded by Commissioner Dykstra, to defer the item to the February 16, 2016 City Commission meeting. Motion carried 4-1.

AYE: Harrod, Dykstra, Agee, Mainord
NAY: Shaw

AGENDA ITEM NO. 8: Discussion, consideration and possible action for an agreement for Dobson Technologies to make use of city rights-of-way upon the payment of a use and maintenance fee.

A staff report was given by Community Development Director, Justin DeBruin, stating that staff recommends approval of this item.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to approve an agreement for Dobson Technologies to make use of city rights-of-way upon the payment of a use and maintenance fee. Motion carried 5-0.

AYE: Harrod, Agee, Mainord, Shaw, Dykstra
NAY: None

AGENDA ITEM NO. 9 WAS MOVED UNTIL AFTER CITY MANAGER UPDATE BY THE POWER OF THE CHAIR.

<u>AGENDA ITEM NO. 10:</u> City Manager Update

City Manager Justin Erickson gave updates on the following city issues:

a) Branding is being finalized and will be implemented this year. He stated that any last minute comments need to be sent to him by tomorrow (Tuesday, February 2, 2016).

b) Regarding the Animal Shelter, the City has requested proposals by local veterinarians with one being received and another is expected, so far. The gas chamber cannot be dismantled until it is determined how the new form of euthanasia will work. The extended hours at the Animal Shelter have worked well. In regard to standards of care, the City is currently reviewing what other Municipal Shelters are doing. Mr. Erickson stated that the Animal Shelter is currently under the supervision of the Police Department.

In response to questions from Commissioners, Mr. Erickson addressed the following issues as well:

Commissioner Shaw asked if public education was being provided regarding the Animal Shelter. Mr. Erickson said that public education is offered in the newspaper, the city's web page and via on-line video.

Commissioner Dykstra referred to the question from Michael Rhodes, who spoke earlier. He stated that he hopes that whichever vet is chosen by the City for euthanasia purposes will also assist with standards of care for the animals.

Commissioner Agee asked about funding for the euthanasia process. Mr. Erickson stated that the funds are in the budget and will be in the next fiscal year's budget as well.

Vice Mayor Harrod stated that the Animal Shelter has provided prompt service each time he has contacted them.

<u>AGENDA ITEM NO. 9:</u> Administrative Reports

a. Zoning Process and Role of Planning Commission - Justin DeBruin, Community Development Director

Mr. DeBruin explained the zoning process and the considerations for zoning requests. He provided slides and discussed the following topics:

a. Considerations for Zoning Requests.
b. The specific requirements and differences in R-1 and R-2 zoning classes.
c. Density examples for each R-1 and R-2 zonings.
d. The role of the Planning Commission.

Commissioner Shaw had several follow-up questions for Mr. DeBruin. Among her questions were the following:

a. Does the Planning Department look at market value of homes when they are considering a rezoning?
b. Do they perform impact studies?
c. Do they consider environmental issues?
d. Do they listen to constituents instead of out-of-area contractors?

Mr. DeBruin responded to Commissioner Shaw's questions and also questions posed by other Commissioners regarding this item.

AGENDA ITEM NO. 11 WAS MOVED UNTIL AFTER COMMISSIONER COMMENTS BY THE POWER OF THE CHAIR.

<u>AGENDA ITEM NO. 12:</u> Commissioners Comments

Commissioner Shaw applauded the Pioneer Library System and encouraged citizens continue to utilize them.

She further mention the Master Gardener program at Gordon Cooper

Technology Center on Saturday, February 6, 2016.

Commissioner Shaw also noted the opening of the new College of Nursing at Oklahoma Baptist University.

Regarding the previous agenda item relating to the renovation of Fire Station No. 2, Commission Shaw said that she understood the cost of Architect and Engineering phases of construction and would like to be a part of the process going forward with this project. She also noted that this fire station is located in her ward.

Commissioner Dykstra announced that February is Heart Health Month and he wants to encourage citizens to walk. He mentioned that there is a Zumba class at the Senior Center on February 19, 2016.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND RECONVENE SHAWNEE MUNICIPAL AUTHORITY (7:49 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:51 P.M.)

<u>AGENDA ITEM NO. 11:</u> New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

City Attorney, Mary Ann Karns has requested an executive session under Title 25, Section 307(B)(1): Discussion, consideration and possible action of the employment, hiring, appointment, promotion, demotion, disciplining or resignation of the City Attorney.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Dykstra, to enter into an executive session under Title 25, Section 307(B)(1): Discussion of the employment, hiring, appointment, promotion, demotion, disciplining or resignation of the City Attorney. Motion carried 4-1.

AYE: Harrod, Dykstra, Agee, Mainord
NAY: Shaw

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:51 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:50 P.M. WITH ALL MEMBERS PRESENT

A motion was made by Commissioner Dykstra, seconded by Vice Mayor Harrod, to end the current contract with City Attorney, Mary Ann Karns as of February 26, 2016 and place her on a retainer contract until June 30, 2016; the details of the retainer contract will be worked out with Commissioner Agee and Mayor Mainord. Motion carried 5-0.

AYE: Dykstra, Harrod, Mainord, Shaw, Agee
NAY: None

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to seek proposals for the provision of legal services. Motion carried 5-0.

AYE: Shaw, Harrod, Mainord, Dykstra, Agee
NAY: None

AGENDA ITEM NO. 13: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:52 p.m.)

THE CITY OF SHAWNEE SEAL OKLAHOMA

Wes Mainord

WES MAINORD, MAYOR

ATTEST:

Phyllis Loftis

PHYLLIS LOFTIS, CMC, CITY CLERK