

BOARD OF CITY COMMISSIONERS PROCEEDINGS

JANUARY 17, 2017 AT 6:30 P.M.

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Tuesday, January 17, 2017 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Finley presided and called the meeting to order. Upon roll call, the following members were in attendance.

Richard Finley

Mayor

Dub Bushong

Commissioner Ward 1

Ron Gillham

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Darren Rutherford

Commissioner Ward 4

Lesa Shaw

Commissioner Ward 5

Vacant – Ben Salter

Commissioner Ward 6

ABSENT: None

INVOCATION

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Acknowledge staff will proceed in the instant meeting with the opening and consideration of bids as set forth in Agenda Item No. 15.
- b. Minutes from the December 19, 2016 regular meeting.
- c. Acknowledge the following reports:
 - License Payment Report for December 2016
 - Project Payment Report for December 2016

- d. Accept public improvements, i.e. streets & paving, sanitary sewer, and water line for the Rolling Hills Addition Section I, authorizing obtainment of signatures, recording of the final plat and placing maintenance bonds into effect.
- e. Accept public improvements, i.e. streets & paving, drainage, and water line for Vision Addition Section I re-plat and Vision Addition Section II, authorizing obtainment of signatures, recording of the final plats and placing maintenance bonds into effect.
- f. Authorize staff to request bids for the Heart of Oklahoma Exposition Center for Heating and Air Conditioning (HVAC) and lighting upgrades for the Convention Center.
- g. Authorize staff to execute and agreement for telephone service with A.T. & T.
- h. Budget Amendment – Fund 001
To amend budget for grant money received from the Oklahoma Department of Emergency Management, which will be used for video monitors in the Emergency Operations Center (EOC)
- i. Lake Lease Renewal:

RENEWAL:
Lot 23 Johnston Tract, 16504 Stevens Road
Lessee: Richard Rose
- j. Acknowledge the resignation of Susan Havens from the Shawnee Civic and Cultural Development Authority.
- k. Mayor's Appointments

Shawnee Urban Renewal Authority

Johnie Maxwell 1st Full Term Expires 2/2/2020
Replaces Monte Cockings – Termed Out

Tiffany Barrett 2nd Full Term Expires 2/2/2020
Reappointment

Marissa Lightsey	1 st Partial Term	Expires 6/30/2017
<i>Replaces Cherity Pennington – Resigned</i>		

Carl Packwood	1 st Full Term	Expires 12/31/2020
<i>Replaces Susan Havens – Resigned</i>		

Tamara Hale	1 st Full Term	Expires 2/4/2020
<i>Replaces T. Clarice Stone – Termed Out</i>		

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

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

Mr. Buck Day, City Manager of McCloud, spoke regarding Wes Watkins Lake. Mr. Day explained that the City of McCloud is in charge of the recreational operation of the lake. Mr. Day spoke of positive changes that have been made to the facilities and lake operations and expressed the City of McCloud's desire to continue with the current arrangement.

Abbot Lawrence Stasyszen of St. Gregory's University spoke regarding their request for deannexation. He stated that the collaboration between the City and the monks is a positive movement that will be beneficial to the University.

Presentation by City Manager to Employee of the Month, Tabitha Fitzgerald, Dispatch.

Tabitha Fitzgerald was not present to accept the Employee of the Month Certificate presented by City Manager Justin Erickson.

AGENDA ITEM NO. 4:

Conduct interviews of City Commissioner Ward 1 applicants:

- a. Steve Smith – Mayor Finley announced that Mr. Steve Smith has withdrawn his application from consideration.
- b. Ben Salter – Mr. Salter was present and answered questions posed by the Commissioners.
- c. B. Edwina Butler-Wolfe – Ms. Butler-Wolfe was present and answered questions posed by the Commissioners.

AGENDA ITEM NO. 5:

Discussion, consideration and possible action to appoint a City Commissioner to the Ward 6 position to fill the open position left by Micheal Dykstra until the next regular City Commissioner election in 2018 or a special election, whichever occurs first.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to appoint Mr. Ben Salter as Ward 6 City Commissioner until the next regular City Commission election in 2018 or a special election, whichever occurs first. Motion carried 5-1.

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

AGENDA ITEM NO. 6:

Swearing in of Ward 6 Commissioner. (*This item only occurs if a Commissioner for Ward 6 is appointed during Agenda Item No. 5.*)

Ben Salter was sworn in by Municipal Judge Randall Wiley.

AGENDA ITEM NO. 7:

Public hearing and consideration of an ordinance to close University Drive, University Avenue, also known as University Street, Chapman Avenue, also known as Pottenger Street, and Pottenger Avenue, also known as Ione Street.

Applicant: Oklahoma Baptist University.
(Deferred from December 19, 2016 City
Commission meeting.)

Staff report was given by City Manager Justin Erickson. Mr. Erickson stated the City has no concerns regarding the street closures except for University Street which is an important east/west access road. The City Manager referenced a proposed agreement between the City and Oklahoma Baptist University (OBU) in which both parties agree there will be no immediate closure of University Street and that it will remain open for a minimum of ten (10) years. This will allow the City time to investigate the development of another east/west access road. It was also noted that either party can request an extension to this agreement.

The Mayor opened the public hearing and Mr. Randy Smith, Executive Vice President for Business and Administrative Services for OBU, came forward to speak in favor of the ordinance. Mr. Smith stated that University staff had met with both City staff and citizens regarding this street closure request in an effort to be a good community partner. He explained that the purpose of the street closures are for future long range planning due to the potential increased growth in campus population and the long-range plan to build a Performing Arts Center.

No one appeared to speak in opposition to the proposed ordinance and the public hearing was closed.

A motion was made by Commissioner Gillham, seconded by Vice Mayor Harrod, to approve an ordinance to close University Drive, University Avenue, also known as University Street, Chapman Avenue, also known as Pottenger Street, and Pottenger Avenue, also known as Ione Street.

Ordinance No. 2594NS was introduced.

AN ORDINANCE CLOSING UNIVERSITY DRIVE, UNIVERSITY AVENUE, ALSO KNOWN AS UNIVERSITY STREET, CHAPMAN AVENUE, ALSO KNOWN AS POTTENGER STREET, AND POTTENGER AVENUE, ALSO KNOWN AS IONE STREET, IN THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA; SPECIFICALLY DESCRIBING SAID PROPERTY; RESERVING THE RIGHT TO REOPEN SAID STREETS; RESERVING UTILITIES; AND DECLARING AN EMERGENCY.

Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Salter

Ordinance No. 2594NS was adopted by the City Commission.

A motion was made by Commissioner Gillham, seconded by Commissioner Bushong, to approve emergency clause relating to Ordinance No. 2594NS. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 8:

Consideration of an Agreement between the City of Shawnee and Oklahoma Baptist University to maintain vehicular access to University Drive/Street and pursue certain roadway improvements. *(Deferred from December 19, 2016 City Commission meeting.)*

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to authorize staff to proceed with an Agreement between the City of Shawnee and Oklahoma Baptist University to maintain vehicular access to University Drive/Street and pursue certain roadway improvements. Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Salter

AGENDA ITEM NO. 9:

Discussion, consideration and possible action regarding an ordinance to approve the detachment of 520 acres owned by St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc., located in Section 2, Township 10 North, Range 3 East; and providing for its immediate effect and enforceability upon passage and publication through the emergency clause.

City Manager Justin Erickson gave the staff report regarding the detachment request by St. Gregory's University and the Benedictine Fathers of Sacred Heart

Mission, Inc. The detachment will allow them to refinance debt through an United States Department of Agriculture (USDA) loan which requires the applicant to be located outside of a municipality. Mr. Erickson noted that if the detachment is approved, the City's population will decrease by approximately 300 individuals

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve an ordinance for the detachment of 520 acres owned by St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc., located in Section 2, Township 10 North, Range 3 East.

Ordinance No. 2595NS was introduced.

AN ORDINANCE AMENDING THE BOUNDARIES OF THE CITY OF SHAWNEE, OKLAHOMA, BY DETACHING CERTAIN PROPERTIES LOCATED NORTH OF MACARTHUR, EAST OF ACME ROAD, SOUTH OF 45TH STREET, WEST OF LEO STREET, POTTAWATOMIE COUNTY; AND PROVIDING FOR ITS IMMEDIATE EFFECT AND ENFORCEABILITY UPON PASSAGE AND PUBLICATION THROUGH THE EMERGENCY CLAUSE.

Motion carried 7-0.

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

Ordinance No. 2595NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve emergency clause relating to Ordinance No. 2595NS. Motion carried 7-0.

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

AGENDA ITEM NO. 10:

Consideration of an Agreement Ancillary to Detachment between the City of Shawnee, Shawnee Municipal Authority, St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc.

Mr. Erickson and City Attorney Joe Vorndran explained the Agreement Ancillary to Detachment which outlines the terms and conditions of the proposed detachment. In response to a question from Vice Mayor Harrod, St. Gregory's

University President Michael Scaperlanda advised that the term of the loan is forty (40) years at three and one half percent (3½%) interest.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve an Agreement Ancillary to Detachment between the City of Shawnee, Shawnee Municipal Authority, St. Gregory's University and the Benedictine Fathers of Sacred Heart Mission, Inc. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 11:

Public hearing and consideration of an ordinance annexing 60.57 acres into the City. Applicant: North Rock Creek School

Community Development Director Justin DeBruin explained that the passage of this ordinance will facilitate the North Rock Creek School District with their intent to build a high school on property they own. This annexation will allow the school district the use of city services such as police, fire, water/sewer and building inspections. Mr. DeBruin stated that staff recommends approval of this request.

Mayor Finley declared a public hearing in session to consider an ordinance annexing 60.57 acres into the City. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Commissioner Gillham, seconded by Commissioner Bushong, to approve an ordinance annexing 60.57 acres into the City.

Ordinance No. 2596NS was introduced.

AN ORDINANCE ANNEXING CERTAIN TERRITORY AND PROPERTY OUTSIDE THE PRESENT CITY LIMITS INTO THE CITY LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, PURSUANT TO TITLE 11 OF THE OKLAHOMA STATUTES; DESCRIBING SAID PROPERTY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith AND PROVIDING FOR SEVERABILITY.

Motion carried 7-0.

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

NAY: None

Ordinance No. 2596NS was adopted by the City Commission.

AGENDA ITEM NO. 12:

Public hearing and consideration of an ordinance for proposed changes to City ward boundaries.

City Manager Justin Erickson explained that Ward 6 boundaries would need to be reevaluated due to the deannexation of St. Gregory's University. He asked that this item be deferred to the next City Commission meeting on February 6, 2017.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to defer this item until the next City Commission meeting on February 6, 2017. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 13:

Discussion and possible action to establish a City Commission subcommittee on Capital Projects and Strategic Planning.

After discussion by the Commission, it was decided that this subcommittee should consist of three City Commissioners. Mayor Finley asked that any commissioner(s) interested in being appointed to this subcommittee please contact him. Once Commissioners have been selected, a determination would then be made regarding the addition of other board members.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to establish a City Commission subcommittee on Capital Projects and Strategic Planning to include three City Commissioners. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 14:

Acknowledge Sales Tax Report received January 2017.

Finance Director Cindy Arnold gave a monthly sales tax report advising that January sales tax collected this month was \$1,552,155.00, which is up 0.34% or \$5,204.00 from January of 2016.

AGENDA ITEM NO. 15:

Consider Bids:

a. Library Heat Pump Loop and Cooling Tower Project (Open)

BIDDER

AMOUNT

Lambert Mechanical Inc. Colgate, OK	Addendum #1 – cost per foot:	\$53,500.00 4" \$20.00/foot 3" \$18.00/foot
Air Engineering Inc. Oklahoma City, OK	Addendum #1 – cost per foot:	\$77,687.00 4" \$16.00/foot 3" \$14.00/foot 2 ½" \$13.00/foot 2" \$6.50/foot
Johnson Controls Oklahoma City, OK	Addendum #1 – cost per foot:	\$99,840.00 \$45.00 – 120.00/foot
Harrison-Orr Air Conditioning, LLC Oklahoma City, OK	Addendum #1 – cost per foot:	\$99,900.00 \$50.00/foot
Jim Cooley Construction, LLC Oklahoma City, OK	Addendum #1 – cost per foot:	\$88,300.00 \$22.00/foot

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

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

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

AGENDA ITEM NO. 16:

City Manager Report

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

- a. Recognizing the Street Department for their hard work and good job during the recent weather challenges.

- b. Regarding the Downtown Streetscape, all streets and intersections are now open.
- c. The annual Police Foundation Banquet will be at 6:30 p.m. on January 20, 2017 at the Heart of Oklahoma Exposition Center. Tickets are available in the Police Chief's office.
- d. In 2016, dispatchers handled 87,648 emergency calls; of those nearly 45,000 were for the Shawnee Police Department.

AGENDA ITEM NO. 17:

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. 18:

Commissioners Comments

Commissioner Gillham addressed junk and debris on porches of homes around town. Mr. Gillham stated he is attempting to mitigate blight and will be addressing this issue in his ward.

Vice Mayor Harrod addressed an error he made at the last City Commission meeting. He noted that the blood drive he mentioned at the previous meeting was actually on January 3rd and not February 3rd.

Vice Mayor Harrod also agreed that the Street Department did a great job with street maintenance during the recent winter weather.

Commissioner Rutherford said he was at the Joe Cooper Ford construction location when the recent fire took place there. He commended the Shawnee Fire Department for the great job they did in fighting the fire.

Commissioner Shaw thanked Finance Director Cindy Arnold for educating her regarding sales tax she recently noticed on movie theater tickets.

Commissioner Shaw mentioned the partnerships the City has formed with local entities and encouraged partnerships with local tribes.

Commissioner Shaw also commented on neighborhood issues such as the improper parking of boats at residences. She noted that there are ordinances that

address these neighborhood issues but are not being enforced. She encouraged citizens to take pride in their community.

Commissioner Shaw thanked Emergency Management Director Don Lynch for the weather updates during recent winter storms.

Mayor Finley stated he did not want the City's cooperation with its stakeholders to be misunderstood as weakness.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (7:47 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:50 p.m.)

AGENDA ITEM NO. 19:

Consider an Executive Session to discuss potential claims, litigation or other options regarding Pottawatomie County District Court Case No. CJ-2014-128, The Citizen Potawatomi Nation by Linda Capps, its Vice Chairman, and Deanna Jesse vs. City of Shawnee, as authorized by 25 O.S. §307(B)(4).

A motion was made by Commissioner Rutherford, seconded by Commissioner Gillham, to enter into executive session to discuss potential claims, litigation or other options regarding Pottawatomie County District Court Case No. CJ-2014-128, The Citizen Potawatomi Nation by Linda Capps, its Vice Chairman, and Deanna Jesse vs. City of Shawnee, as authorized by 25 O.S. §307(B)(4). Motion carried 7-0.

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

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:50 P.M. WITH
ALL MEMBERS PRESENT

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:56 P.M.
WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 20:

Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Pottawatomie County District Court Case No. CJ-2014-128, The Citizen Potawatomi Nation by Linda Capps, its Vice Chairman, and Deanna Jesse vs. City of Shawnee, as authorized by 25 O.S. §307(B)(4).

A motion was made by Mayor Finley, seconded by Commissioner Bushong, to authorize the City Attorney and City Manager to continue negotiations towards a settlement and prepare alternative courses of action with respect to the noted cases. Motion carried 6-0-1.

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

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 21:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:58 p.m.)



ATTEST

PHYLLIS LOFTIS, CMC, CITY CLERK

RICHARD FINLEY, MAYOR