

BOARD OF CITY COMMISSIONERS PROCEEDINGS

AUGUST 21, 2023 AT 6:00 PM

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 16 West 9th Street, Shawnee, Oklahoma on, Monday, August 21, 2023 at 6:00 PM, pursuant to notice duly posted as prescribed by law on Thursday, August 17, 2023, at 5:25 PM. Mayor Bolt presided and called the meeting to order. Upon roll call, the following members were in attendance.

Ed Bolt
Mayor

Daniel Matthews
Commissioner Ward 1

Cami Engles
Commissioner Ward 2

Travis Flood
Commissioner Ward 3

Darren Rutherford
Commissioner Ward 4 - Vice Mayor

Absent
Commissioner Ward 5

Absent
Commissioner Ward 6

ABSENT: Mark Sehorn, Lauren Richter

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Recognition of BancFirst, SSM Health, and Shawnee Mills for their generous donation of funds for the West Farral Street Welcome Sign.

Mayor Bolt presented Certificates of Recognition to BancFirst, SSM Health and Shawnee Mills representatives for their generous donations of funds for the West Farrall Street Welcome Sign.

AGENDA ITEM NO. 4 WAS MOVED BEFORE AGENDA ITEM NO. 2 BY POWER OF THE CHAIR.

4. Mayor's Proclamation(s)

a. "National Suicide Prevention Month", September 2023

Ms. Angi Mohr, SSM Health, accepted the Mayor's Proclamation for "National Suicide Prevention Month" from Mayor Bolt.

2. Citizens Participation

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

Ms. Kaye Steele, Mr. Fred Turner, Mr. Rob Morris, Mr. Rick Young, Mr. Beau Dorrough, Ms. Mindy Mew-Palmer, Mr. Pete Carrels, and Mr. Michael Barksdale spoke during Citizens Participation.

3. 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 Item No. 21.

b. Minutes from the July 17, 2023 regular meeting and the August 7, 2023 special call meeting.

c. Acknowledge the following minutes and reports:

- Board of Adjustment Minutes from the May 18, 2023 regular meeting.
- Planning Commission Minutes from the July 5, 2023 regular meeting.
- Shawnee Beautification, Parks, and Recreation Committee Minutes from the June 15, 2023 regular meeting.

- Shawnee Urban Renewal Authority from the November 1, 2022 rescheduled regular meeting.
 - License Payment Report for July 2023.
 - Project Payment Report for July 2023.
- d. Authorize a right-of-way easement be given to Canadian Valley Electric Cooperative, Inc., to serve an existing City Lake Lot Lease at Shawnee Twin Lakes.
 - e. Acceptance of public water line improvements along American Way and place Maintenance Bond into effect.
 - f. Acceptance of a right-of-way utility easement agreement for property along 417 South Lindale Avenue.
 - g. Acceptance of right-of-way utility easement agreement for property along 408 South Lindale Avenue.
 - h. Acceptance of right-of-way utility easement agreement for property along 1532 East Farrall Street.
 - i. Acceptance of right-of-way utility easement agreement for property within Out Lot 7 of Elliott's Addition.

- j. Acceptance of right-of-way utility easement agreement for property along 1530 East Farrall Street.
- k. Acceptance of right-of-way utility easement agreement for property along 1703 East Farrall Street.
- l. Acknowledge the resignation of Tosha Tanquary from the Shawnee Urban Renewal Authority.
- m. Mayor Appointments:

Shawnee Senior Citizens Advisory Board

Barry Fogerty	1st Full Term	Expires: July 1, 2026
<i>Replaces Janice Orlauski - Term Expired</i>		

Pamela Pensoneau	1st Full Term	Expires: July 1, 2026
<i>Replaces Jeanni Pruitt - Term Expired</i>		

Shawnee Housing Authority

Daniel Jordan	1st Partial Term	Expires: February 1, 2026
Resident Commissioner		
<i>Replaces Tamara Hale - Term Expired</i>		

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve Consent Agenda Item Nos. 3(a-m). Motion carried 5-0-0.

AYE: Matthews, Engles, Flood, Bolt, Rutherford

NAY: None

ABSTAIN: None

5. Shawnee Twin Lake No. 1 Briefing - Seth Barkhimer, Director of Engineering

Director of Engineering Seth Barkhimer spoke regarding the Shawnee Twin Lake No. 1 Briefing. Items he discussed included:

- Continuous Monitoring;
- Recent Timeline;
- Terracon's Initial Findings;
- Next Steps

6. Consideration of an agreement between the City of Shawnee and Terracon Consultants, Inc. for Geotechnical Engineering Services.

Director of Engineering Seth Barkhimer advised that the proposed agreement would allow Terracon Consultants, Inc. to conduct a geo-technical investigation of the full length of the dam at Shawnee Twin Lake No. 1.

A motion was made by Commissioner Engles, seconded by Commissioner Flood, to approve an agreement between the City of Shawnee and Terracon Consultants, Inc. for Geotechnical Engineering Services. Motion carried 5-0-0.

AYE: Engles, Flood, Bolt, Rutherford, Matthews

NAY: None

ABSTAIN: None

7. Consideration of a proposal with Elevation Land Surveying to provide Professional Survey Services at Shawnee Twin Lake No. 1.

Director of Engineering Seth Barkhimer advised this is the next phase to land surveying at Lake No. 1. If approved, the proposal would allow the process of replatting a portion of Lake No. 1 into lots and blocks.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve a proposal with Elevation Land Surveying to provide Professional Survey Services at Shawnee Twin Lake No. 1. Motion carried 5-0-0.

AYE: Matthews, Flood, Bolt, Rutherford, Engles

NAY: None

ABSTAIN: None

8. Consideration of a resolution authorizing the application for a Shawnee-specific Continuum of Care from the United States Department of Housing and Urban Development.

Community Development Director Rian Harkins said the proposed resolution allows the City to file for an application for a Shawnee-specific Continuum of Care with the United States Department of Housing and Urban Development. He advised this would provide more direct access to funding sources and further strengthen the collaboration between community stakeholders involved in the Homeless Program.

A motion was made by Mayor Bolt, seconded by Commissioner Flood, to approve a resolution authorizing the application for a Shawnee-specific Continuum of Care from the United States Department of Housing and Urban Development.

Resolution No. 6708 was introduced.

A RESOLUTION APPROVING THE APPLICATION FOR A SHAWNEE-SPECIFIC CONTINUUM OF CARE WITH THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

Motion Carried 5-0-0.

AYE: Bolt, Flood, Rutherford, Matthews, Engles

NAY: None

ABSTAIN: None

9. Consideration of a resolution declaring certain items of personal property surplus and no longer needed for City purposes; describing said items; and authorizing disposal at the City's discretion.

Deputy Public Works Director Shane Lomeli provided a Staff report.

A motion was made by Commissioner Matthews, seconded by Vice Mayor Rutherford, to approve a resolution declaring certain items of personal property surplus and no longer needed for City purposes; describing said items; and authorizing disposal at the City's discretion.

Resolution No. 6709 was introduced.

A RESOLUTION DECLARING CERTAIN ITEMS OF PERSONAL PROPERTY SURPLUS AND NO LONGER NEEDED FOR CITY PURPOSES; DESCRIBING SAID ITEMS; AND AUTHORIZING SALE OR DISPOSAL AT THE CITY'S DISCRETION.

Motion carried 5-0-0.

AYE: Matthews, Rutherford, Engles, Flood, Bolt

NAY: None

ABSTAIN: None

10. Consideration of a contract renewal between Central Oklahoma Community Action Agency and the City of Shawnee's Community Development Block Grant program for administration of Transitional Housing for Shawnee Urban Renewal Authority property.

Community Development Director Rian Harkins advised this item is the continuation of an agreement between Central Oklahoma Community Action Agency (COCAA) and the City of Shawnee's Community Development Block Grant (CDBG) program to provide administrative services for the transitional housing for a Shawnee Urban Renewal Authority (SURA) home at 1309 East Highland.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve a contract renewal between Central Oklahoma Community Action Agency and the City of Shawnee's Community Development Block Grant program for administration of Transitional Housing for Shawnee Urban Renewal Authority property. Motion carried 5-0-0.

AYE: Matthews, Engles, Flood, Bolt, Rutherford

NAY: None

ABSTAIN: None

11. Consider an agreement between the City of Shawnee and the AARP for participation in the Senior Community Service Employment Program offered by the AARP Foundation.

City Manager Andrea Weckmueller-Behringer provided a Staff report regarding the AARP Senior Community Service Employment Program.

A motion was made by Commissioner Engles, seconded by Commissioner Flood, to approve an agreement between the City of Shawnee and the AARP for participation in the Senior Community Service Employment Program offered by the AARP Foundation. Motion carried 5-0-0.

AYE: Engles, Flood, Bolt, Rutherford, Matthews

NAY: None

ABSTAIN: None

12. Public hearing of a request for a Conditional Use Permit (CUP) for telecommunications housing on property located at 43008 East MacArthur Street.

Case No. CUP02-23 | Applicants: Tim & Donna Russell

Community Development Director Rian Harkins advised that the request for a Conditional Use Permit (CUP) is to locate a telecommunications housing for fiber optics north of the existing building. He stated Staff and Planning Commission recommend approval with conditions. The conditions include:

- Acknowledgment by the applicant that the Approval of a Conditional Use Permit (CUP) does not negate or circumvent the other requirements of development as stated in the City Codes, which include the Zoning Code and the adopted Building and Fire Codes.
- Acknowledgment by the applicant that additional permits may be required, and standard inspections will be conducted.Options:

Mayor Bolt declared a public hearing in session for a Conditional Use Permit (CUP) for telecommunications housing on property located at 43008 East MacArthur Street. No one spoke during the public hearing. The public hearing was closed.

13. Consideration of approval for a Conditional Use Permit (CUP) for telecommunications housing at the property located at 43008 East MacArthur Street.

Case No. CUP02-23 | Applicants: Tim & Donna Russell

Community Development Director Rian Harkins advised that Staff and Planning Commission recommend approval.

A motion was made by Commissioner Flood, seconded by Vice Mayor Rutherford, to approve a Conditional Use Permit (CUP) for telecommunications housing at the property located at 43008 East MacArthur Street. Motion carried 5-0-0.

AYE: Flood, Rutherford, Matthews, Engles, Bolt

NAY: None

ABSTAIN: None

14. Consideration of an ordinance of the City of Shawnee, Oklahoma amending portions of Chapter 4 "Alcoholic Beverages", by creating a complimentary beverage license for a certain purpose and providing for a definition; providing for severability; providing for codification; and providing for repealer.

Director of Engineering Seth Barkhimer advised that Chapter 4 of the City of Shawnee's Municipal Code currently addresses alcohol sales but does not account for complimentary drinks. To align with state regulations and assist diverse businesses, such as art galleries and hair salons, City Staff recommends introducing a new ordinance that relates to complimentary beverages.

A motion was made by Commissioner Matthews, seconded by Commissioner Engles, to approve an ordinance of the City of Shawnee, Oklahoma amending portions of Chapter 4 "Alcoholic Beverages", by creating a complimentary beverage license for a certain purpose and providing for a definition; providing for severability; providing for codification; and providing for repealer.

Ordinance No. 2792NS was introduced.

AN ORDINANCE OF THE CITY OF SHAWNEE, OKLAHOMA AMENDING PORTIONS OF CHAPTER 4 "ALCOHOLIC BEVERAGES", BY CREATING A COMPLIMENTARY BEVERAGE LICENSE FOR A CERTAIN PURPOSE AND PROVIDING FOR A DEFINITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR REPEALER.

Motion carried 5-0-0.

AYE: Matthews, Engles, Flood, Bolt, Rutherford

NAY: None

ABSTAIN: None

Ordinance No. 2792NS was adopted by the City Commission.

15. Consideration of a resolution updating the City Fee Schedule by setting the complimentary beverage license fee pursuant to Article I of Chapter 4 "Alcoholic Beverages" of the Shawnee Municipal Code; and providing for the readoption of the City Fee Schedule in whole.

Director of Engineering Seth Barkhimer advised that the proposed resolution sets the fee for Agenda Item No. 14 and places the fee in City's Fee Schedule.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve a resolution updating the City Fee Schedule by setting the complimentary beverage license fee pursuant to Article I of Chapter 4 "Alcoholic Beverages" of the Shawnee Municipal Code; and providing for the readoption of the City Fee Schedule in whole.

Resolution No. 6710 was introduced.

A RESOLUTION UPDATING THE CITY FEE SCHEDULE BY SETTING THE COMPLIMENTARY BEVERAGE LICENSE FEE PURSUANT TO ARTICLE I OF CHAPTER 4 "ALCOHOLIC BEVERAGES" OF THE SHAWNEE MUNICIPAL CODE; AND PROVIDING FOR THE READOPTION OF THE CITY FEE SCHEDULE IN WHOLE.

Motion carried 5-0-0.

AYE: Matthews, Flood, Bolt, Rutherford, Engles

NAY: None

ABSTAIN: None

16. Consideration of an ordinance amending portions of the Shawnee Municipal Code, Chapter 6 "Aviation", providing for repeal; providing for codification; providing for severability; and setting the effective date.

Airport Manager Bonnie Wilson provided advised Staff has received several inquiries from several aviation companies looking at Shawnee for base operations for cargo services. At this time, the airport does not have section in minimum standards for cargo services. The Federal Aviation Administration (FAA) advises airports to publish minimal Standards governing the use of airport facilities, and to periodically review and update those standards.

A motion was made by Commissioner Engles, seconded by Vice Mayor Rutherford, to approve an ordinance amending portions of the Shawnee Municipal Code, Chapter 6 "Aviation", providing for repeal; providing for codification; providing for severability; and setting the effective date.

Ordinance No. 2793NS was introduced.

AN ORDINANCE AMENDING PORTIONS OF THE SHAWNEE MUNICIPAL CODE, CHAPTER 6 "AVIATION"; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND SETTING THE EFFECTIVE DATE.

Motion carried 5-0-0.

AYE: Engles, Rutherford, Matthews, Flood, Bolt

NAY: None

ABSTAIN: None

17. Public hearing on an amendment to the Capital Improvement Plan to add two projects at the Shawnee Municipal Airport.

Assistant Finance Director Angel Odom stated that the Capital Improvement Plan (CIP) for Fiscal Years (FY) 2024-2028 was adopted on June 20, 2023. City staff is requesting an amendment to the CIP to add two (2) projects at the Shawnee Municipal Airport. The two (2) projects are a Terminal Area Plan and a Pavement Condition Rating.

Mayor Bolt declared a public hearing in session for an amendment to the Capital Improvement Plan to add two (2) projects at the Shawnee Municipal Airport. Mr. Rob Morris spoke in favor of the amendment. Mr. Fred Turner spoke in favor and against the amendment. The public hearing was closed.

18. Consideration of an amendment to the Capital Improvement Plan to add two projects at the Shawnee Municipal Airport.

A motion was made by Commissioner Matthews, seconded by Commissioner Flood, to approve an amendment to the Capital Improvement Plan to add two projects at the Shawnee Municipal Airport. Motion carried 5-0-0.

AYE: Matthews, Flood, Bolt, Rutherford, Engles

NAY: None

ABSTAIN: None

19. Consideration and approval of a Memorandum of Understanding with Oklahoma Baptist University to allow nursing students to embed within the Homeless Resource Center.

Community Development Director Rian Harkins stated that the proposed Memorandum of Understanding (MOU) would allow nursing students from Oklahoma Baptist University to embed within the Homeless Resource Center as part of a clinical rotation. Staff recommends approval.

A motion was made by Commissioner Flood, seconded by Commissioner Engles, to approve a Memorandum of Understanding with Oklahoma Baptist University to allow nursing students to embed within the Homeless Resource Center. Motion carried 5-0-0.

AYE: Flood, Engles, Bolt, Rutherford, Matthews

NAY: None

ABSTAIN: None

20. Consideration of the following budget amendments for Fiscal Year 2023 – 2024:

- a. Gifts & Contributions Fund - Fund 706 - To fund the installation of the Shawnee Gateway sign on West Farrall Street funded by donations received in FY23.
- b. General Fund - Fund 001 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services will be received or rendered in FY23-24.
- c. Hotel/Motel Surcharge Fund - Fund 106 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services will be received or rendered in FY23-24.

- d. Capital Improvement Fund - Fund 301 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services will be received or rendered in FY23-24.
- e. Street Improvement Fund - Fund 302 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services will be received or rendered in FY23-24.
- f. 2018 Capital Improvement Fund - Fund 303 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services will be received or rendered in FY23-24.
- g. American Rescue Plan Fund - Fund 304 - to appropriate fund balance for FY22-23 Encumbrances for which goods or services will be received or rendered in FY23-24.
- h. Grant Fund - Fund 010 - to appropriate fund balance for remaining FY23 balance in the Grant Fund for the emergency services contracts due to the April 19, 2023 tornado event.

Assistant Finance Director Angel Odom advised that the proposed budget amendments are to appropriate fund balance related to encumbrances for prior fiscal year goods and services that were not received by June 30, 2023 and are expected to be received in the current fiscal year and require associated budget appropriation.

A motion was made by Commissioner Engles, seconded by Commissioner Flood, to approve the budget amendments listed in Agenda Item Nos. 20(a-h). Motion carried 5-0-0.

AYE: Engles, Flood, Bolt, Rutherford, Matthews

NAY: None

ABSTAIN: None

21. Consider Bid(s):

a. Independence Avenue Waterline Project (Open)

<u>BIDDER</u>		<u>AMOUNT</u>
Downey Contractors, LLC Oklahoma City, Oklahoma	Base Bid	\$2,116,425.00
	Alternate No. 1	\$ 461,718.00
	Alternate No. 2	\$ 546,488.00
Circle B Underground, LLC Bristow, Oklahoma	Base Bid	\$1,291,791.00
	Alternate No. 1	\$ 255,951.00
	Alternate No. 2	\$ 236,020.00
Marsau Enterprises, Inc. Enid, Oklahoma	Base Bid	\$1,943,209.00
	Alternate No. 1	\$ 431,258.50
	Alternate No. 2	\$ 570,991.00
Orr Construction, Inc. Davenport, Oklahoma	Base Bid	\$1,439,730.00
	Alternate No. 1	\$ 308,530.00
	Alternate No. 2	\$ 310,335.00

Director of Engineering Seth Barkhimer read four (4) bids into the record. Mr. Barkhimer requested that the bid award be deferred in order for Staff to review each bid.

A motion was made by Commissioner Flood, seconded by Commissioner Engles, to defer the item to a future City Commission meeting. Motion Carried 5-0-0.

AYE: Flood, Engles, Bolt, Rutherford, Matthews

NAY: None

ABSTAIN: None

22. Acknowledge Monthly Sales Tax Report.

Assistant Finance Director Angel Odom reported sales tax is up Five Hundred Forty Thousand Seven Hundred Forty-Three Dollars (\$540,743.00) or Eleven

Percent (11%), over the projected budget year-to-date. She stated that use tax collections are up One Hundred Thirteen Thousand One Hundred Seventy-Three Dollars (\$113,173.00) or Eighteen Point Six Percent (18.6%), above the projected budget year-to-date.

23. Administrative Report(s):

- a. Designated Camp & Shelter Site, Proposed Operations Model and Set-up Requirements - Andrea Weckmueller-Behringer, City Manager and Rian Harkins, Community Development Director

City Manager Andrea Weckmueller-Behringer and Community Development Director Rian Harkins provided an administrative report on Designated Camp and Shelter Site, Proposed Operations Model and Set-Up Requirements. Items discussed included:

- Immediate Next Steps
- Dockery Park
- Benefits
- Researched
 - Unorganized vs. Organized
 - Governance Models
 - Memorandum of Understanding Components
- Set-Up
 - Shelter Needs
 - Examples - Tents and Conestoga Huts
 - Other Needs
 - Cost Estimate
- Ongoing Costs

24. New Business (Any matter not known or which could not have been reasonably foreseen prior to the posting of the agenda.)

City Manager Andrea Weckmueller-Behringer stated that on August 7, 2023, the City Commission approved a transfer of the properties at 502 South Kickapoo and 210 South Kickapoo to Southern Pointe Community, LLC, under whose care the aforementioned assisted-living dwelling units for South Central Industries

(SCI) IDD clients will be built. Ms. Weckmueller-Behringer advised that within the last twenty-four (24) hours, it has come to the attention of City Staff that the approval of the property transfer and readoption of the Covenants, Conditions, and Restrictions (CC&R) inadvertently created a situation where both the previous as well as the new set of CC&R's were attached to the properties. The proposed documents provided at the current meeting would release and terminate the previous covenants and revert and put in place the appropriately amended and restated CC&R's for both affected properties.

A motion was made by Commissioner Flood, seconded by Commissioner Matthews, to affirm consent to transfer previously conveyed real estate property from South Central Industries, Inc. to Southern Pointe Community, LLC and Amendment and Restatement of Covenants. Motion carried 5-0-0.

AYE: Flood, Matthews, Engles, Bolt, Rutherford

NAY: None

ABSTAIN: None

25. Commissioners Comments

Commissioner Matthews commented on the recognitions for the West Farrall Street sign, the update on the lake, sales tax and the homeless presentation.

Commissioner Engles thanked the citizens that spoke.

Commissioner Flood said he was pleased to see how many individuals came and spoke on items important to them.

Vice Mayor Rutherford stated that Cops N Kids event will be on Saturday, August 26, 2023 at Heart of Exposition Center starting 11:00 am to 3:00 pm.

Mayor Bolt commented on the Cops N Kids event, the new sign in the Dunbar Heights neighborhood, and the homeless presentation.

26. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:41 p.m.)


ED BOLT, MAYOR

ATTEST:

A handwritten signature in blue ink that reads "Lisa Lasyone". The signature is written in a cursive, flowing style.

LISA LASYONE, CMC
CITY CLERK