

BOARD OF CITY COMMISSIONERS PROCEEDINGS

DECEMBER 16, 2024 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, December 16, 2024, at 6:00 PM, pursuant to notice duly posted as prescribed by law on Thursday, December 12, 2024, at 7:14 PM. Mayor Stephens presided and called the meeting to order. Upon roll call, the following members were in attendance.

Eric Stephens

Mayor

Daniel Matthews

Commissioner Ward 1 - Vice Mayor

Greta Madson

Commissioner Ward 2

Absent

Commissioner Ward 3

Ashley Fichtner

Commissioner Ward 4

Mark Sehorn

Commissioner Ward 5

Lauren Richter

Commissioner Ward 6

ABSENT: Chris Odneal

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

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

Citizens may provide comment relevant to City business. Per Oklahoma State Statute 25 O.S. § 311(B)(1), the City Commission may only consider, deliberate, or render decisions on those items of City business that were included in the agenda. For other citizen comments, the City Commission may refer the matter to the City Manager for administrative consideration, or to schedule the matter for Commission consideration at a later date.

Ms. Theresa Cody, Ms. Edwina Butler-Wolfe, Ms. Melissa Dennis, Mr. Rob Morris, Ms. Cyndi Berger, Mr. Dell Kerbs, and Mr. Glenn Peck spoke during Citizens Participation.

2. Consider approval of Consent Agenda:

a. Minutes from the November 18, 2024, regular meeting and December 9, 2024, special call meeting.

b. Acknowledge the following minutes and reports:

- Planning Commission Minutes from the October 2, 2024, regular meeting.
- Shawnee Beautification, Parks, and Recreation Committee Minutes from the September 19, 2024, regular meeting.
- License Payment Report for November 2024.
- Project Payment Report for November 2024.

c. Budget amendments for Fiscal Year 2024 – 2025:

- Fund 603 - Insurance Recovery - To appropriate insurance proceeds received for traffic pole claim.

d. Mayor Appointments:

Shawnee Hospital Authority

Ron Sharp 1st Partial Term

Replaces Mike Warwick, Deceased

Expires: September 30, 2028

- e. Acknowledgment of Assistant City Manager Mark Simpson as City of Shawnee member for the REACT board.
- f. Approve renewal of contract with Latham Consulting Group and Dunnington Consulting for legislative consulting services.

The Mayor requested that Consent Agenda Item No. 2(f) be pulled for separate consideration.

A motion was made by Mayor Stephens, seconded by Commissioner Fichtner, to approve Consent Agenda Item Nos. 2(a-e, less f). Motion carried 6-0-0.

AYE: Stephens, Fichtner, Sehorn, Richter, Matthews, Madson

NAY: None

ABSTAIN: None

Discussion was held among the Board regarding Consent Agenda Item No. 2(f).

A motion was made by Mayor Stephens, seconded by Commissioner Fichtner, to defer Consent Agenda Item No. 2(f) to a future meeting. Motion carried 4-2-0.

AYE: Stephens, Fichtner, Richter, Madson

NAY: Matthews, Sehorn

ABSTAIN: None

3. Presentation of the Pet of the Month by Animal Control.

Animal Control Officer Theresa Touchet introduced Sarah, an approximately eight (8) month old German Shepherd mix.

4. Acknowledgment of the Oklahoma Municipal League's Honor Roll of Service for Twenty-Five Years of Service to the City of Shawnee.

City Manager Andrea Weckmueller-Behringer recognized the following City employees that have completed twenty-five (25) or more years of public service.

- Jennifer Greenland - 26 years of service
- Todd Luster - 27 years of service

- Terry Moore - 29 years of service
- James Palinkas - 29 years of service

Ms. Greenland and Mr. Moore were present to accept the Certificates and lapel pins presented by the Mayor.

5. Presentation by the Pottawatomie County School Superintendents regarding the importance of education funding and the proposed April 1, 2025, election for the continuation of the county sales tax of 0.00495-cent "Education Money," which is set to expire in June 2026.

The following Pottawatomie County School Superintendents spoke regarding the importance of education funding and the proposed April 1, 2025, election for the continuation of the county sales tax of "Education Money":

- Blake Moody, North Rock Creek Public Schools
- Robert Kinsey, Tecumseh Public Schools
- Will Jones, Dale Public Schools
- Sally Thomason, Pleasant Grove Public Schools
- Teresa Wilkerson, Acting Superintendent of Shawnee Public Schools
- Matt Posey, Bethel Public Schools
- Cindy White, Maud Public Schools
- Rhonda Hockenbury, McLoud Public Schools
- Ryan Rosser, South Rock Creek Public Schools
- Scott Douthit, Wanette Public Schools
- Jason Alsup, Asher Public Schools
- Ryan Friend, Earlsboro Public Schools
- Matt Riggs, Macomb Public Schools
- Mark Bowlan, Grove Public Schools
- Rick Gowin, President of North Rock Creek Public Schools Board of Education

6. Public Hearing on an Amendment to the City of Shawnee Five-Year Capital Improvement Plan (CIP) for Fiscal Years 2025 through 2029, encompassing multiple changes.

Finance Director Kimberly Smith stated that the CIP for Fiscal Years 2025 through 2029 was adopted on June 17, 2024. Staff is requesting an amendment to

the CIP for the following funds/projects:

- Fund 301 - Capital Improvement Fund Projects
- Fund 302 - Street Improvement Fund Projects
- Fund 303 - 2018 Capital Improvement Fund Project
- Fund 304/501 - American Rescue Plan/Shawnee Municipal Authority Funds Project
- Fund 501 - Shawnee Municipal Authority Fund Project

Mayor Stephens declared a public hearing in session to consider an amendment to the City of Shawnee's Five-Year Capital Improvement Plan for Fiscal Years 2025 through 2029, encompassing multiple changes. Mr. Rob Morris spoke during the public hearing. The public hearing was closed.

7. Consideration of an Amendment to the City of Shawnee Five-Year Capital Improvement Plan (CIP) for Fiscal Years 2025 through 2029, encompassing multiple changes.

Finance Director Kimberly Smith stated Staff is requesting an amendment to the following, previously approved projects:

- Boy Scout Park
- Kayak Dock Area Improvements
- Police Department Fleet
- High Mast Light Replacement
- Main Street Bridge Replacement
- Unit Rate - Paving and Drainage

In addition, Staff is requesting the addition of the following projects:

- Optimist Park
- Expo Fleet Acquisition – 3/4 Ton Truck
- Walnut Street Water Line
- SW Loop Water Main

Discussion was held among the Commission and Staff.

A motion was made by Mayor Stephens to approve the proposed amendment to the City of Shawnee Five-Year CIP for FY2025-2029 less the proposed change for 3/4 ton truck for Expo Fleet. Motion failed for lack of a second.

Further discussion was held among the Commission and Staff.

A motion was made by Vice Mayor Matthews, seconded by Commissioner Sehorn, to approve an Amendment to the City of Shawnee Five-Year Capital Improvement Plan (CIP) for Fiscal Years 2025 through 2029, as proposed. Motion failed 3-3-0.

AYE: Matthews, Sehorn, Stephens

NAY: Madson, Fichtner, Richter

ABSTAIN: None

A motion was made by Commissioner Madson, seconded by Commissioner Fichtner, to approve an Amendment to the City of Shawnee Five-Year Capital Improvement Plan (CIP) for Fiscal Years 2025 through 2029, as proposed less the Kayak Dock Improvements and 3/4 ton truck for Expo Fleet. Motion carried 4-2-0.

AYE: Madson, Fichtner, Richter, Stephens

NAY: Matthews, Sehorn

ABSTAIN: None

8. Consideration of the following Budget Amendments regarding the City of Shawnee's Capital Improvement Plan (CIP) for Fiscal Years 2025 through 2029.

- a. Fund 303 - 2018 Capital Improvement Plan - adding Expo Fleet Acquisition - 3/4 Ton Truck to the Capital Improvement Plan
- b. Fund 304/502 - American Rescue Plan Association (ARPA)/Shawnee Municipal Authority/Capital Projects - adding Walnut Street to both ARPA and Shawnee Municipal Authority in the Capital Improvement Plan
- c. Fund 502 - Shawnee Municipal Authority/Capital Projects - adding SW Loop Water Main Project

Finance Director Kimberly Smith provided a staff report for the proposed budget amendments. Staff recommends approval of Agenda Item Nos. 8 b. and c.

A motion was made by Commissioner Madson, seconded by Commissioner Stephens, to approve the budget amendments listed in Agenda Item Nos. 8 b. and c. Motion carried 5-1-0.

AYE: Madson, Stephens, Fichtner, Sehorn, Richter

NAY: Matthews

ABSTAIN: None

9. Consideration and approval of the City Manager's hiring of James Kriwanek as the City's Fire Chief.

City Manager Andrea Weckmueller-Behringer stated she has extended an offer of employment to Interim Fire Chief James Kriwanek to be the City of Shawnee's next Fire Chief, subject to approval by the City Commission. In accordance with Article V, Section 2 of the City Charter, the appointment of a department head shall not become effective until approved by the Board of Commissioners.

A motion was made by Commissioner Fichtner, seconded by Commissioner Madson, to approve the City Manager's hiring of James Kriwanek as the City's Fire Chief. Motion carried 6-0-0.

AYE: Fichtner, Madson, Stephens, Sehorn, Richter, Matthews

NAY: None

ABSTAIN: None

10. Consideration of a contract between the City of Shawnee and Wall Engineering for Design Services associated with the SW Loop Water Main Project.

City Manager Andrea Weckmueller-Behringer stated that the project involves a 9,850-foot extension of a 12-inch water line, creating a crucial loop on the west side of Highway 177. The primary objectives of the project are to reduce water age, increase fire flow to the existing western system, and enhance water capacity for current customers. The contract with Wall Engineering for design is in the amount of Two Hundred Ninety-Nine Thousand Five Hundred Dollars (\$299,500.00) and the project scope will encompass:

- Survey
- Geotechnical Engineering
- Preliminary and Final Design
- Contract Documents, Bidding, and Procurement
- Construction Inspection and Engineering

- As-builts and Project Closeout

A motion was made by Commissioner Fichtner, seconded by Commissioner Richter, to approve a contract between the City of Shawnee and Wall Engineering for Design Services associated with the SW Loop Water Main Project. Motion carried 6-0-0.

AYE: Fichtner, Richter, Matthews, Madson, Stephens, Sehorn

NAY: None

ABSTAIN: None

11. Consideration of a Professional Services Agreement with Kimley-Horn and Associates, Inc. to provide design services for Wallace Street Sidewalk project.

City Manager Andrea Weckmueller-Behringer stated that as part of Fiscal Year 2025 of the City of Shawnee's Capital Improvement Plan (CIP), the Wallace Street Sidewalk project was identified for design initiation. Kimley-Horn submitted a proposal for engineering services to improve the sidewalk on the north side of Wallace Street, between Kickapoo and Harrison. The proposal's total cost is One Hundred Fifteen Thousand Dollars (\$115,000.00) and the project scope will encompass the following:

- Survey
- Final Plans
- Railroad Crossing Coordination

A motion was made by Commissioner Richter, seconded by Commissioner Fichtner, to approve a Professional Services Agreement with Kimley-Horn and Associates, Inc. to provide design services for Wallace Street Sidewalk project. Motion carried 6-0-0.

AYE: Richter, Fichtner, Sehorn, Matthews, Madson, Stephens

NAY: None

ABSTAIN: None

12. Consideration of an amendment to a contract with Landmark Construction to provide Construction Manager at Risk Services for the Shawnee Fire Department Station 3 Remodel.

Fire Chief James Kriwanek advised that in April 2024, the City Commission

authorized Staff to negotiate and enter into a contract for Construction Manager at Risk (CMAR) services for the Shawnee Fire Station 3 Remodel. CMAR is a delivery method that involves a commitment by the Construction Manager to deliver the project within a Guaranteed Maximum Price (GMP). The design stages of the project are nearing completion, and Construction Manager Landmark Construction Group, LLC has submitted a GMP for an amendment to the originally negotiated contract in the amount of One Million Seven Hundred Forty-Seven Thousand Four Hundred Thirty-One Dollars (\$1,747,431.00). The amendment will cover the total cost of construction, as well as Landmark's consulting fees.

A motion was made by Commissioner Fichtner, seconded by Commissioner Richter, to approve an amendment to a contract with Landmark Construction to provide Construction Manager at Risk Services for the Shawnee Fire Department Station 3 Remodel. Motion carried 6-0-0.

AYE: Fichtner, Richter, Matthews, Madson, Stephens, Sehorn

NAY: None

ABSTAIN: None

13. Consideration of a Memorandum of Understanding between the City of Shawnee and the Oklahoma Department of Mental Health and Substance Abuse Services related to the provision of overdose education, Naloxone distribution training, and overdose reversal kits.

City Manager Andrea Weckmueller-Behringer advised that the Memorandum of Understanding presented for consideration would allow for the cost-free distribution of Naloxone (overdose reversal kits) to the City of Shawnee.

A motion was made by Commissioner Fichtner, seconded by Mayor Stephens, to approve a Memorandum of Understanding between the City of Shawnee and the Oklahoma Department of Mental Health and Substance Abuse Services related to the provision of overdose education, Naloxone distribution training, and overdose reversal kits. Motion carried 6-0-0.

AYE: Fichtner, Stephens, Sehorn, Richter, Matthews, Madson

NAY: None

ABSTAIN: None

14. Consideration of an ordinance of the City of Shawnee, Oklahoma amending Section 16, Article II, Division 8 of the Shawnee Municipal Code; providing for repeal; providing for severability; providing for codification.

City Attorney Joe Vorndran stated that the proposed ordinance is related to potential assignments of lake lot leases when transfers are related to one of the following:

- Where the transfer is made to a trust of which the lessee is the grantor and owner of the assets and property for income and estate tax purposes;
- As a result of the administration of a trust or estate, or the probate of a will; or
- In cases where a lease has joint owners and one owner obtains full ownership rights.

A motion was made by Mayor Stephens, seconded by Commissioner Madson, to approve an ordinance of the City of Shawnee, Oklahoma amending Section 16, Article II, Division 8 of the Shawnee Municipal Code; providing for repeal; providing for severability; providing for codification.

Ordinance No. 2814NS was introduced.

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE II, DIVISION 8 OF THE SHAWNEE MUNICIPAL CODE; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR EMERGENCY.

Motion carried 6-0-0.

AYE: Stephens, Madson, Fichtner, Sehorn, Richter, Matthews

NAY: None

ABSTAIN: None

Ordinance No. 2814NS was adopted by the City Commission.

15. Consideration of an emergency clause as it relates to Agenda Item No. 14 for the protection of the public's health, safety, and welfare, an emergency is declared to exist per Oklahoma State Statute Title 11, Article XIV, Section 14-103.

A motion was made by Mayor Stephens, seconded by Commissioner Fichtner, to approve an emergency clause as it relates to Agenda Item No. 14 for the protection of the public's health, safety, and welfare, an emergency is declared to exist per Oklahoma State Statute Title 11, Article XIV, Section 14-103. Motion

carried 6-0-0.

AYE: Stephens, Fichtner, Sehorn, Richter, Matthews, Madson

NAY: None

ABSTAIN: None

16. Public hearing of a request to rezone property located at 3918 North Kickapoo from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District).

Case No. RZ05-24 | Applicant: Erika Jones

(Deferred from November 18, 2024 City Commission meeting.)

Community Development Director Rian Harkins stated that the subject property is located at 3918 N Kickapoo on a major arterial corridor. The Planning Commission and Staff recommend approval.

Mayor Stephens declared a public hearing in session to consider rezoning property located at 3918 North Kickapoo from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District). No one spoke for or against said rezoning. The public hearing was closed.

17. Consideration of an ordinance to rezone from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District) for property located at 3918 Kickapoo Avenue.

Case No. RZ05-24 | Applicant: Erika Jones

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

A motion was made by Vice Mayor Matthews, seconded by Commissioner Richter, to approve an ordinance to rezone from R-1 (Low-Density Residential District) to C-2 (Regional Commercial District) for property located at 3918 Kickapoo Avenue.

Ordinance No. 2815NS 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: LOT THREE, BLOCK ONE, COLLEGE VIEW ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT

THEREOF FROM ZONING CLASSIFICATION R-1 (LOW DENSITY RESIDENTIAL DISTRICT) TO C-2 (REGIONAL COMMERCIAL DISTRICT), AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0-0.

AYE: Matthews, Richter, Madson, Stephens, Fichtner, Sehorn

NAY: None

ABSTAIN: None

Ordinance No. 2815NS was adopted by the City Commission.

18. Public Hearing of a request for a Conditional Use Permit for a Short Term Rental located at 40 Chickasaw Drive.

Case No. CUP05-24 | Applicant: Edward King

Community Development Director Rian Harkins stated that the subject property is located at 40 Chickasaw Drive. The applicant is requesting a CUP to allow for one (1) short term rental unit on the property. The Planning Commission and Staff recommend approval.

Mayor Stephens declared a public hearing in session to consider a Conditional Use Permit for a Short Term Rental located at 40 Chickasaw Drive. No one spoke for or against said rezoning. The public hearing was closed.

19. Consideration of a Conditional Use Permit for a Short Term Rental located at 40 Chickasaw Drive.

Case No. CUP05-24 | Applicant: Edward King

Community Development Director Rian Harkins stated the Planning Commission and Staff recommend approval with the conditions as follows:

- 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.
- Adherence to Section 22-199(i) of Shawnee's Unified Development Code.

A motion was made by Vice Mayor Matthews, seconded by Commissioner Sehorn, to approve a Conditional Use Permit for a Short Term Rental located at 40 Chickasaw Drive per Staff's recommendation. Motion carried 6-0-0.

AYE: Matthews, Sehorn, Richter, Madson, Stephens, Fichtner

NAY: None

ABSTAIN: None

20. Consider Bid(s):

a. Lowe's Water Line Loop Replacement (Award)

Public Works Director Brad Schmidt announced that four (4) bids were received. Staff recommends awarding the base bid to Davenport Construction, Edmond, Oklahoma, for the total amount of Five Hundred Forty-Nine Thousand Seventeen Dollars (\$549,017.00).

A motion was made by Commissioner Madson, seconded by Commissioner Fichtner, to award the Lowe's Water Line Loop Replacement bid to Davenport Construction in the amount of Five Hundred Forty-Nine Thousand Seventeen Dollars (\$549,017.00). Motion carried 6-0-0.

AYE: Madson, Fichtner, Sehorn, Richter, Matthews Stephens

NAY: None

ABSTAIN: None

b. Hayes Street Waterline Replacement (Award)

Public Works Director Brad Schmidt announced that three (3) bids were received. Staff recommends awarding the base bid to B&H Construction, LLC, Norman, Oklahoma, for the total amount of Four Hundred Fifty Thousand One Hundred Ninety-Two Dollars (\$450,192.00).

A motion was made by Commissioner Sehorn, seconded by Commissioner Richter, to award the Hayes Street Waterline Replacement bid to B&H Construction, LLC in the amount of Four Hundred Fifty Thousand One Hundred Ninety-Two Dollars (\$450,192.00). Motion carried 6-0-0.

AYE: Sehorn, Richter, Matthews, Madson, Stephens, Fichtner

NAY: None

ABSTAIN: None

c. Public Works Maintenance Facility - Storm Repairs (Award)

Public Works Director Brad Schmidt announced that four (4) bids were received. Staff recommends awarding the Public Works Maintenance Facility - Storm Repairs bid to Midtown Construction Services, Edmond, Oklahoma, for the total amount of One Hundred Twenty-Six Thousand Three Hundred Ninety-Two Dollars (\$126,392.00).

A motion was made by Vice Mayor Matthews, seconded by Commissioner Fichtner, to award the Public Works Maintenance Facility - Storm Repairs bid to Midtown Construction Services in the amount of One Hundred Twenty-Six Thousand Three Hundred Ninety-Two Dollars (\$126,392.00). Motion carried 6-0-0.

AYE: Matthews, Fichtner, Sehorn, Richter, Madson, Stephens

NAY: None

ABSTAIN: None

21. Acknowledge Monthly Sales Tax and Budget Reports.

Finance Director Kimberly Smith reported sales tax collections are up Two Hundred Seventy-Five Thousand Three Hundred Eighty Dollars (\$275,380.00) or One Point Seven Nine Percent (1.79%), over the projected budget year-to-date. She stated that use tax collections are down One Hundred Forty-Nine Thousand Three Hundred Eighty-Seven Dollars (\$149,387.00) or Six Point Two Eight Percent (6.28%), below the projected budget year-to-date.

22. Administrative Report(s):

a. Per- and Poly-Fluoroalkyl Substances (PFAS) Update - Joe Vorndran, City Attorney

City Attorney Joe Vorndran provided presentation on the Per- and Poly-Fluoroalkyl Substances (PFAS) update. Topics discussed included:

- Per- and Poly-Fluoroalkyl Substances - PFAS
- Multi-District Litigation
- PFAS Testing and Results
- Litigation Outlook

23. 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.

24. Commissioners Comments

Vice Mayor Matthews commented on the service Mike Warwick provided to the community and thanked police, fire, and first responders.

Commissioner Madson commented on her commitment to her Ward and her intention to fully represent the City as a whole.

Commissioner Fichtner commented on the attendance by the school superintendents and the importance of education.

Commissioner Sehorn commented on sales tax.

Commissioner Richter commented on the importance of education.

Mayor Stephens thanked all who attended the meeting.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (8:17 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (8:50 P.M.)

25. Discussion and consideration of entering into executive session, as allowed under 25 O.S. § 307 (B) (4) to discuss confidential information between City Council, City Attorney and attorneys from Fulmer Sill concerning litigation against social media companies related to mental health, addiction and societal harms on behalf of the City of Shawnee and, under advice of City Attorney, disclosure will seriously impair the ability of the City of Shawnee to conduct litigation in the public interest.

A motion was made by Commissioner Fichtner, seconded by Mayor Stephens, to approve entering into executive session, as allowed under 25 O.S. § 307 (B) (4) to discuss confidential information between City Council, City Attorney and attorneys from Fulmer Sill concerning litigation against social media companies

related to mental health, addiction and societal harms on behalf of the City of Shawnee and, under advice of City Attorney, disclosure will seriously impair the ability of the City of Shawnee to conduct litigation in the public interest. Motion carried 6-0-0.

AYE: Fichtner, Stephens, Sehorn, Richter, Matthews, Madson

NAY: None

ABSTAIN: None

26. Discussion and consideration of entering into executive session, as allowed under 25 O.S. § 307 (B) (4) to discuss confidential information between City Council, City Attorney and attorneys from Fulmer Sill concerning litigation against Pharmacy Benefit Managers related to price fixing schemes of insulin and other medications vital to the community on behalf of the City of Shawnee and, under advice of City Attorney, disclosure will seriously impair the ability of the City of Shawnee to conduct litigation in the public interest.

A motion was made by Commissioner Madson, seconded by Commissioner Fichtner, to approve entering into executive session, as allowed under 25 O.S. § 307 (B) (4) to discuss confidential information between City Council, City Attorney and attorneys from Fulmer Sill concerning litigation against Pharmacy Benefit Managers related to price fixing schemes of insulin and other medications vital to the community on behalf of the City of Shawnee and, under advice of City Attorney, disclosure will seriously impair the ability of the City of Shawnee to conduct litigation in the public interest. Motion carried 6-0-0.

AYE: Madson, Fichtner, Sehorn, Richter, Matthews, Stephens

NAY: None

ABSTAIN: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 8:53 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 9:53 P.M. WITH ALL MEMBERS PRESENT.

27. Discussion and consideration to authorize the Mayor to execute the Legal Services Agreement (LSA) and Resolution for the City of Shawnee for representation by Fulmer Sill on behalf of the City of Shawnee in litigation against social media companies.

City Attorney Joe Vorndran stated that for a point of clarification, the resolution agenda item as authorized only lists Attorneys Fulmer Sill. He requested that if a motion is made, it is a motion to approve the Legal Services Agreement (LSA) and Resolution with an amendment by interlineation to include McAfee & Taft.

A motion was made by Commissioner Madson, seconded by Commissioner Fichtner, to authorize the Mayor to execute the Legal Services Agreement (LSA) and Resolution for the City of Shawnee for representation by Fulmer Sill, with an amendment by interlineation to include McAfee & Taft, on behalf of the City of Shawnee in litigation against social media companies.

Resolution No. 6761 was introduced.

A RESOLUTION OF THE CITY OF SHAWNEE, OKLAHOMA TO PROVIDE FOR RETENTION OF ATTORNEYS TO ADDRESS SOCIAL MEDIA COMPANIES RELATED TO MENTAL HEALTH, ADDICTION AND SOCIETAL HARM.

Motion carried 6-0-0.

AYE: Madson, Fichtner, Sehorn, Richter, Matthews, Stephens

NAY: None

ABSTAIN: None

28. Discussion and consideration to authorize the Mayor to execute the Legal Services Agreement (LSA) and Resolution for the City of Shawnee for representation by Fulmer Sill on behalf of the City of Shawnee in litigation against Pharmacy Benefit Managers.

A motion was made by Vice Mayor Matthews, seconded by Mayor Stephens, to authorize the Mayor to execute the Legal Services Agreement (LSA) and Resolution for the City of Shawnee for representation by Fulmer Sill, with an amendment by interlineation to include McAfee & Taft, on behalf of the City of Shawnee in litigation against Pharmacy Benefit Managers.

Resolution No. 6762 was introduced.

A RESOLUTION OF THE CITY OF SHAWNEE, OKLAHOMA TO PROVIDE FOR RETENTION OF ATTORNEYS TO ADDRESS PHARMACY BENEFIT MANAGERS RELATED TO INSULIN AND OTHER MEDICATIONS.

Motion carried 6-0-0.

AYE: Matthews, Stephens, Fichtner, Sehorn, Richter, Madson

NAY: None

ABSTAIN: None

29. Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:57 p.m.)



ERIC STEPHENS, MAYOR

ATTEST:



LISA LASZYONE, MMC
CITY CLERK