

BOARD OF CITY COMMISSIONERS PROCEEDINGS

DECEMBER 19, 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, December 19, 2016 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
Commissioner Ward 6

ABSENT: None

INVOCATION

Rev. David Henry, Calvary Baptist Church

FLAG SALUTE

AGENDA ITEM NO. 1:

Consider approval of Consent Agenda:

- a. Minutes from the December 5, 2016 regular meeting.
- b. Acknowledge the following reports and minutes:
 - License Payment Report for November 2016
 - Project Payment Report for November 2016
 - Planning Commission Minutes from November 2, 2016 meeting.
 - Wes Watkins Reservoir Oversight Committee Meeting Minutes from September 1, 2016 meeting.

- c. Acceptance of public improvements, i.e., sanitary sewer and water line for North Harrison Industrial Park Addition, placing maintenance bonds into effect, authorizing obtainment of signatures and recording of the final plat.
- e. Authorize staff to request bids for wayfinding signage.
- f. Authorize staff to request bids for heat pump loop system retrofit and cooling tower at Shawnee Public Library.
- g. Mayor's Appointments

Beautification Committee

Joe Harbeson 2nd Full Term Expires 1/1/2020
Reappointment

Debi Renegar 2nd Full Term Expires 1/1/2020
Reappointment

Traffic Commission

Paul W. Roberts 2nd Full Term Expires 1/1/2020
Reappointment

Commissioner Shaw pulled Agenda Item No. 1(a) for separate consideration.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve Consent Agenda Item Nos. 1(b-g), less item 1(a). Motion carried 6-0.

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

NAY: None

Regarding Agenda Item No. 1(a), Commissioner Shaw stated that she would like Agenda Item Nos. 7 and 8 of the Minutes from the December 5, 2016 City Commission meeting to include her statement asking for clarification on the emergency clauses.

A motion was made by Commissioner Shaw to include her reference to the emergency clauses on Agenda Item Nos. 7 and 8. Motion failed due to lack of a second.

Ms. Lutz answered questions from the Board, including questions from Commissioner Shaw including her request to place the developed meeting planner guide online and who should be contacted to request goodie bags and maps and how much notice needs to be given.

AGENDA ITEM NO. 4:

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 November 21, 2016 City Commission meeting.)*

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to defer Agenda Items Nos. 4 and 5 until the January 17, 2017 City Commission at the request of the Chair. Motion carried 5-0-1.

AYE: Harrod, Gillham, Finley, Rutherford, Bushong

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 5:

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 November 21, 2016 City Commission meeting.)*

See Agenda Item No. 4.

AGENDA ITEM NO. 6:

Public hearing and consideration of an ordinance to rezone property located on the east side of Harrison Street, north on Transportation Parkway from PUD; Planned Unit Development to C-3; Highway Commercial District. Case No. P11-16. Applicant: City of Shawnee

Community Development Director Justin DeBruin gave a staff report and explained the purpose of this request is to rezone the property back to its original status of C-3; Highway Commercial District.

Mayor Finley declared a public hearing in session to consider an ordinance to rezone property located on the east side of Harrison Street, north on Transportation Parkway from PUD; Planned Unit Development to C-3; Highway Commercial District. No one appeared in favor or against said rezoning. The public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve an ordinance to rezone property located on the east side of Harrison Street, north on Transportation Parkway from PUD; Planned Unit Development to C-3; Highway Commercial District.

Ordinance No. 2592NS 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 FIVE (5) AND SIX (6), BLOCK ONE (1), YAHGNEE ADDITION, TO SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM PUD; PLANNED UNIT DEVELOPMENT TO C-3; HIGHWAY COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

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

NAY: None

Ordinance No. 2592NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Consider an ordinance repealing and amending portions of Chapter 5, Animals, of the Shawnee Municipal Code, by: deleting the requirement in Section 5-3(e) that the Court shall order the euthanasia of a "vicious animal" and replacing the euthanasia requirement to a case-by-case discretionary choice by the Court; amending Section 5-146 by extending individual rabies certificates through the effective lifespan of the particular rabies dose; and replacing specific dollar-fee amounts throughout the entire chapter with a reference to the City Fee Schedule; and providing for

codification, repealer, and severability; and providing for its immediate effect and enforceability upon passage and publication through the emergency clause.

City Manager Justin Erickson gave a staff report and explained that this proposed ordinance is part of the ongoing recodification process. Mr. Erickson stated staff recommends approval of this item and approval of the emergency clause, which would give the necessary tools to the Municipal Judge. Staff then answered questions from the Commission regarding language of the ordinance and staffing.

Discussion was then had between the Board and staff. Commissioner Shaw asked staff the following: (1) what is the reason for the 48-hour notice; (2) does the City currently have a fee schedule; (3) in Section 11, Section 5-83, what does it mean by competent person; (4) what is considered a dangerous dog; and (5) does the City have enough staff to complete the process outlined in Section 16. Staff responded individually to each questions with the reasoning and definition. Police Chief Mason Wilson stated that the current staff level is sufficient for the new processes outlined in Section 16.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to approve an ordinance repealing and amending portions of Chapter 5, Animals, of the Shawnee Municipal Code, by: deleting the requirement in Section 5-3(e) that the Court shall order the euthanasia of a "vicious animal" and replacing the euthanasia requirement to a case-by-case discretionary choice by the Court; amending Section 5-146 by extending individual rabies certificates through the effective lifespan of the particular rabies dose; and replacing specific dollar-fee amounts throughout the entire chapter with a reference to the City Fee Schedule; and providing for codification, repealer, and severability; and providing for its immediate effect and enforceability upon passage and publication through the emergency clause.

Commissioner Shaw stated that she appreciates the time and effort staff has took in preparing this ordinance, but that she cannot agree to all sections and therefore must vote no.

Ordinance No. 2593NS was introduced.

AN ORDINANCE REPEALING AND AMENDING PORTIONS OF CHAPTER 5, ANIMALS, OF THE SHAWNEE MUNICIPAL CODE, BY: DELETING THE REQUIREMENT IN SECTION 5-3(e) THAT THE COURT SHALL ORDER THE EUTHANASIA OF A "VICIOUS ANIMAL" AND REPLACING THE EUTHANASIA REQUIREMENT TO A CASE-BY-CASE DISCRETIONARY CHOICE BY THE COURT; AMENDING SECTION 5-146 BY EXTENDING INDIVIDUAL RABIES

CERTIFICATES THROUGH THE EFFECTIVE LIFESPAN OF THE PARTICULAR RABIES DOSE; AND REPLACING SPECIFIC DOLLAR-FEE AMOUNTS THROUGHOUT THE ENTIRE CHAPTER WITH A REFERENCE TO THE CITY FEE SCHEDULE; AND PROVIDING FOR CODIFICATION, REPEALER, AND SEVERABILITY; AND PROVIDING FOR ITS IMMEDIATE EFFECT AND ENFORCEABILITY UPON PASSAGE AND PUBLICATION THROUGH THE EMERGENCY CLAUSE.

Motion carried 5-1.

AYE: Harrod, Bushong, Gillham, Finley, Rutherford

NAY: Shaw

Ordinance No. 2593NS 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. 2593NS. Motion carried 5-1.

AYE: Harrod, Rutherford, Bushong, Gillham, Finley

NAY: Shaw

AGENDA ITEM NO. 8:

Consider annexation request by North Rock Creek School for purposes of future construction and authorize staff to proceed with Notice and Hearing Requirements.

A staff report was given by City Manager Justin Erickson explaining that North Rock Creek School has requested to have certain property annexed into the city limits. He stated that North Rock Creek School has plans to build a High School in the future.

A motion was made by Commissioner Gillham, seconded by Vice Mayor Harrod, to authorize staff to proceed with Notice and Hearing Requirements for the annexation request by North Rock Creek School. Motion carried 5-0-1.

AYE: Gillham, Harrod, Finley, Rutherford, Bushong

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 9:

Acknowledge Sales Tax Report received
December 2016.

City Manager Justin Erickson gave a monthly sales tax report advising that December sales tax collected this month was \$1,405,364.00, which is down 6.73% or \$136,067.00 from December of 2015.

AGENDA ITEM NO. 10:

Consider Bids:

a. Parks Design RFQ (Award)

Director of Operations James Bryce announced that five (5) bids were received and after review and consideration it was staff's recommendation to proceed with contract negotiations with CLS and Associates, LLC of Oklahoma City, Oklahoma. The contract should be on the January 17, 2017 City Commission Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to accept staff's recommendation to allow staff to proceed with contract negotiations with CLS and Associates LLC. Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 11:

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. 12:

Commissioners Comments

Commissioner Bushong wished everyone safe and Happy Holidays.

Commissioner Gillham said he hopes that everyone can pull together; noting that everyone wants the same things and we can all move ahead.

Vice Mayor Harrod wished all a Merry Christmas and safe New Year.

Vice Mayor Harrod said the Commission will start 2017 with a retreat session on January 6, which he is looking forward to.

Vice Mayor Harrod announced that the local Masonic Lodge will be hosting a blood drive on February 3, 2017 starting at 3:00 p.m.

Commissioner Rutherford wished everyone a Merry Christmas and encouraged citizens to shop Shawnee this holiday season.

Commissioner Shaw thanked all City staff and the Planning Commission. She also thanked the City of Shawnee for all they do and wished all a safe and Merry Christmas.

Mayor Finley stated that he could not say enough about City staff and thanked them all for moving in the right direction.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (7:08 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:11 p.m.)

AGENDA ITEM NO. 13:

Consider an Executive Session to discuss potential claims, litigation or other options regarding United States District Court for the Western District of Oklahoma, Case No. CIV-15-805-F, Circle D Pawn No. 4, Inc., et al. v. City of Shawnee, et al., as authorized by 25 O.S. §307(B)(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to enter into executive session to discuss potential claims, litigation or other options regarding United States District Court for the Western District of Oklahoma, Case No. CIV-15-805-F, Circle D Pawn No. 4, Inc., et al. v. City of Shawnee, et al., as authorized by 25 O.S. §307(B)(4). Motion carried 6-0.

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

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:12 P.M. WITH ALL MEMBERS PRESENT

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:41 P.M. WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 14:

Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding United States District Court for the Western District of Oklahoma, Case No. CIV-15-805-F, Circle D Pawn No. 4, Inc., et al. v. City of Shawnee, et al., as authorized by 25 O.S. §307(B)(4).

A motion was made by Commissioner Gillham, seconded by Vice Mayor Harrod, to authorize the City Attorney to negotiate and settle attorney fee claim with the authority granted by the Commission, subject to a maximum amount authorized, disclosure of which would seriously impair the negotiation process. Motion carried 6-0.

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

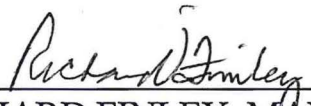
AGENDA ITEM NO. 15:

Adjournment

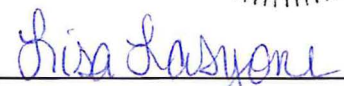
There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:42 p.m.)



ATTEST:



RICHARD FINLEY, MAYOR



LISA LASZYONE, CMC, DEPUTY CITY CLERK