

BOARD OF CITY COMMISSIONERS PROCEEDINGS

NOVEMBER 5, 2018 AT 6:00 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, November 5, 2018 at 6:00 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

Ed Bolt

Commissioner Ward 1

Ron Gillham

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Darren Rutherford

Commissioner Ward 4

Mark Sehorn

Commissioner Ward 5

Ben Salter

Commissioner Ward 6

ABSENT: None

INVOCATION

Don Lynch, Emergency Management
Director

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/request for proposals as set forth in Agenda Item No. 11.
- b. Minutes from the October 15, 2018 regular meeting and October 19, 2018 special call meeting.
- c. Acknowledge the following minutes:
 - Traffic Commission Minutes from June 26, 2018 meeting.

- Shawnee Community Beautification Committee Minutes from September 20, 2018 meeting.

d. Traffic Commission Recommendations

- Consideration of request by Carl Packwood for OG&E to put in a street light at the corner of 45th Street and Vision Boulevard.

BOARD RECOMMENDATION: Board recommends approval of request.

STAFF RECOMMENDATION: Staff recommends approval of request.

- e. Acknowledge City of Shawnee Holiday Schedule for 2019.
- f. Acknowledgement of sitting Municipal Judge Randall Wiley's accelerated resignation/retirement, effective on this day, November 5, 2018.
- g. Acknowledge, ratify, and authorize staff to enter into Accelerated Resignation/Retirement Agreement by and between Randall Wiley and the City of Shawnee, Oklahoma.
- h. Acknowledgment and receipt of the Mayor's appointment of Nicholas C. Atwood and Michael Warwick as the Acting Municipal Judges to serve in such capacity, effective immediately, and through November 30, 2018, and submitted to the Commission in writing in accordance with Article II, Chapter 12, Section 12-28 ["Acting Judge."] of the Shawnee Municipal Code.
- i. Acknowledgment and receipt of the Mayor's naming of Nicholas C. Atwood as the proposed appointee for the office of Municipal Judge, submitted to the Commission in writing at this next to last regularly scheduled meeting prior to the day upon which appointment is to take effect, and to be acted upon at the next regularly scheduled meeting, all in accordance with Article II, Chapter 12, Sections 12-25 ["Judges."] and 12-29 ["Vacancies in office of judge."] of the Shawnee Municipal Code.

- j. Authorize staff to execute an equipment services agreement with Motorola Solutions.
- k. Acknowledge Oklahoma Municipal Retirement Fund Retirement for John Krywicki.
- l. Acknowledge Oklahoma Municipal Retirement Fund Retirement for Robin Riddle.
- m. Acknowledge Oklahoma Municipal Retirement Fund Retirement for Teresa Story.
- n. Acknowledge Oklahoma Municipal Retirement Fund Retirement for Stephen Nolen.
- o. Acknowledge Oklahoma Municipal Retirement Fund Retirement for Craig Lee.
- p. Acknowledge Oklahoma Municipal Retirement Fund Retirement for Randall Keith Ward.
- q. Acknowledge Oklahoma Municipal Retirement Fund Retirement for Penny Kesler.
- r. Acknowledge Oklahoma Municipal Retirement Fund Retirement for Fred Treiber.
- s. Acceptance of public improvement, i.e. sanitary sewer line for First United Bank Addition, placing maintenance bonds into effect, authorizing obtainment of signatures and recording of final plat.
- t. Lake Lease Transfers:

TRANSFERS:

Lot 3A Johnston Tract, 16804 Magnino Road

From: Ronald Hughes

To: Lanny & Deana Lewis

Lot 8 Green Tract, 32001 Hornbeck Road

From: Patricia Hill & Dianna Jones

To: Dianna Jones

Lot 8 Roewe Tract, 32303 Hornbeck Road
From: Terri Johnson & Michael Johnson
To: Terri Johnson & Troy Sutherlin

Lot 6 Belcher Tract, 15411 Nickens Road
From: Carol Hopkins & Jacob Bamborough
To: Carol Hopkins

A motion was made by Commissioner Gillham, seconded by Vice Mayor Harrod, to approve Consent Agenda Item Nos. 1(a-t). Motion carried 7-0.

AYE: Gillham, Harrod, Finley, Rutherford, Sehorn, Salter, Bolt

NAY: None

AGENDA ITEM NO. 2: Presentation by Animal Control to present the Pet of the Week.

Animal Control Officer Kesha Miller introduced Chelsea, a four to six-month old pit bull mix. Her adoption fee is \$30.00 if the adopter resides outside the City limits and \$40.00 if the adopter resides within the City limits.

AGENDA ITEM NO. 3: Citizens Participation
(A three-minute limit per person)
(A twelve-minute limit per topic)

Mr. Daniel Shaugnessy and Ms. Holly Gordon stated the benefits to the Compete Streets Policy being considered on the agenda at tonight's meeting.

Ms. Rachel Melot provided an update on the Safe Streets Campaign. For two weeks volunteers canvassed Broadway Avenue and Wallace Street informing individuals they could not block the sidewalks across driveways. The following two weeks the Shawnee Police Department (SPD) issued warnings to cars parked across sidewalks. Beginning week five, SPD has followed up with citations for this violation.

Ms. Phyllis Bolt also spoke regarding the Safe Streets Campaign. She was a volunteer passing out information to citizens.

Mr. Tom Claybrook commented on a newspaper article that the City was offering an early retirement incentive. He then filed a record request with the City of Shawnee for budget information. Mr. Claybrook advised what he discovered regarding the general fund balance to the Commission.

AGENDA ITEM NO. 4:

Consider Oklahoma Municipal Retirement Fund lump sum payment from Defined Benefit Plan for Steve Nelms.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to approve the Oklahoma Municipal Retirement Fund lump sum payment from Defined Benefit Plan for Steve Nelms. Motion carried 7-0.

AYE: Harrod, Rutherford, Sehorn, Salter, Bolt, Gillham, Finley

NAY: None

AGENDA ITEM NO. 5:

Discussion, consideration, and possible approval of a resolution of the Mayor and the City Commission that establishes and provides for compensation of Acting Municipal Judge Nicholas C. Atwood pursuant to Article II, Chapter 12, Section 12-28 of the Shawnee Municipal Code.

City Attorney Joe Vorndran explained City ordinance requires compensation for the Acting Municipal Judge be set by resolution.

Resolution No. 6574 was introduced.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SHAWNEE, OKLAHOMA THAT ESTABLISHES AND PROVIDES COMPENSATION OF THE ACTING MUNICIPAL JUDGE PURSUANT TO ARTICLE II, CHAPTER 12, SECTION 12-28 OF THE CITY CODE.

A motion was made by Commissioner Bolt, seconded by Commissioner Sehorn, to approve a resolution of the Mayor and the City Commission that establishes and provides for compensation of Acting Municipal Judge Nicholas C. Atwood pursuant to Article II, Chapter 12, Section 12-28 of the Shawnee Municipal Code. Motion carried 7-0.

AYE: Bolt, Sehorn, Salter, Gillham, Harrod, Finley, Rutherford

NAY: None

AGENDA ITEM NO. 6:

Consider a resolution to adopt a Complete Streets Policy.

Community Development Director Justin DeBruin provided a staff report and explained this policy is in harmony with the efforts over the past three to four years with the sidewalks and connectivity throughout the City. This policy outlines design standards for future projects and provides commitment to look at performance standards. He noted this resolution and policy has been a joint effort between the City and Blue Zones.

Vice Mayor Harrod stated that he would like the Commission to take time to discuss it further.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Salter, to table this item to a future planning session to discuss further.

After further discussion, Vice Mayor Harrod, seconded by Commissioner Salter, amended his motion to defer this item to a future City Commission meeting. Motion carried 7-0.

AYE: Harrod, Salter, Bolt, Gillham, Finley, Rutherford, Sehorn

NAY: None

AGENDA ITEM NO. 7:

Consider a resolution to adopt a Joint Use of Facilities Agreement with Shawnee Public School District I93 (Shawnee Public Schools).

Community Development Director Justin DeBruin gave a staff report and stated that staff recommends approval of this item. He noted this agreement will be reviewed annually.

Resolution No. 6575 was introduced.

A RESOLUTION APPROVING A JOINT USE OF FACILITIES AGREEMENT BETWEEN THE CITY OF SHAWNEE AND SHAWNEE PUBLIC SCHOOL DISTRICT.

A motion was made by Commissioner Rutherford, seconded by Commissioner Bolt, to approve a resolution to adopt a Joint Use of Facilities Agreement with Shawnee Public School District I93 (Shawnee Public Schools). Motion carried 7-0.

AYE: Bolt, Rutherford, Sehorn, Salter, Gillham, Harrod, Finley

NAY: None

AGENDA ITEM NO. 8:

Discussion, consideration, and possible approval of an ordinance amending Article IV of Chapter 15 of the Shawnee Municipal Code to regulate the use of tobacco products and vapor products; and also providing for severability, codification, and repealer; and declaring an emergency. *(Deferred from the October 15, 2018 City Commission meeting.)*

City Attorney Joe Vorndran stated there was a slight change made from the draft submitted at the October 15, 2018 City Commission meeting to comply with model policy.

A motion was made by Commissioner Bolt, seconded by Commissioner Rutherford, to approve an ordinance amending Article IV of Chapter 15 of the Shawnee Municipal Code to regulate the use of tobacco products and vapor products; and also providing for severability, codification, and repealer; and declaring an emergency.

Ordinance No. 2644NS was introduced.

AN ORDINANCE REPEALING AND AMENDING ARTICLE IV OF CHAPTER 15 OF THE SHAWNEE MUNICIPAL CODE, FINES, SMOKING IN PUBLIC PLACES AND INDOOR WORK PLACES; PROVIDING FOR DEFINITIONS; REGULATING USE OF TOBACCO; PROVIDING FOR PENALTY; PROVIDING FOR SEVERABILITY, PROVIDING FOR CODIFICATION, PROVIDING FOR REPEAL, AND DECLARING AN EMERGENCY.

Motion carried 7-0.

AYE: Bolt, Rutherford, Sehorn, Salter, Gillham, Harrod, Finley

NAY: None

Ordinance No. 2644NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve emergency clause relating to Ordinance No. 2644NS. Motion carried 7-0.

AYE: Harrod, Gillham, Finley, Rutherford, Sehorn, Salter, Bolt

NAY: None

AGENDA ITEM NO. 9:

Public hearing and consideration of an ordinance to approve the annexation of 1.57 acres owned by North Rock Creek School Board located at 42308 Garretts Lake Road.

Community Development Director Justin DeBruin stated that this is a follow-up item from the October 15, 2018 City Commission meeting. He stated this parcel is surrounded by North Rock Creek School and will be annexed as C2; Limited Office District. He stated it is intended for the administrative building. Staff recommends approval of this item.

Mayor Finley declared a public hearing in session to consider an ordinance annexing 1.57 acres into the City. 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 Gillham, to approve an ordinance to approve the annexation of 1.57 acres owned by North Rock Creek School Board located at 42308 Garretts Lake Road.

Ordinance No. 2645NS 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: Harrod, Gillham, Finley, Rutherford, Sehorn, Salter, Bolt

NAY: None

Ordinance No. 2645NS was adopted by the City Commission.

AGENDA ITEM NO. 10:

Discussion and possible action to move forward with proposed financing related to capital projects.

Interim City Manager Eric Benson explained the City of Shawnee has the opportunity to pursue favorable interest rates on bond funding for the capital projects related to the one-half (1/2) cent sales tax increase.

Finance Director Chance Allison stated that on June 26, 2018, Proposition IV passed by electors of the City of Shawnee increased the sales tax by one-half (1/2) cent effective October 1, 2018. These funds are to assist with capital improvement projects related to public safety, streets, and parks and public facilities. Since the City has not borrowed debt during 2018, these projects can be kickstarted by borrowing up to \$10,000,000.00 on a bank qualified basis which receives favorable interest rate treatment. The City can possibly finance more in the future as projects progress. Staff recommends a motion to approve financial advisors to seek bids for bank qualified tax-exempt financing up to \$10,000,000.00.

A motion was made by Mayor Finley, seconded by Vice Mayor Harrod, to allow staff to direct the City's financial advisors to begin the bid process for bank qualified tax-exempt financing up to \$10,000,000.00. Motion carried 7-0.

AYE: Finley, Harrod, Rutherford, Sehorn, Salter, Bolt, Gillham

NAY: None

AGENDA ITEM NO. 11:

Consider Bids/Request for Proposals (RFP):

- a. City Manager Executive Search Firm CM-001-2018 (Open)

PROPOSERS

AMOUNT

The Executive Suite
Hyannis, MA

\$18,463.00

The Austin Peters Group Inc.
Fort Collins, CO

\$19,400.00

The Pace Group
Tupelo, MS

Thirty percent (30%) of base salary for first year for City Manager and out of pocket expenses with no limit.

Springstead, Waters Addison, TX	Base bid \$24,500.00 Survey \$1,650.00 Additional expenses \$220.00 per hour
Strategic Government Resources Keller, TX	\$26,500.00
Affion Public Camp Hill, PA	\$28,000.00
OMMS Edmond, OK	\$14,450.00
The LMC Group Manchester, NH	\$15,000.00 \$17,000.00 – on site

Human Resources Director Tammy Johnson read the proposals into the record and requested to defer the award to a future meeting to allow the City Manager Search Committee time to review and check references.

A motion was made by Commissioner Gillham, seconded by Commissioner Bolt, to defer the proposal award to a future meeting to allow the City Manager Search Committee time to review and check references. Motion carried 7-0.

AYE: Gillham, Bolt, Harrod, Finley, Rutherford, Sehorn, Salter

NAY: None

AGENDA ITEM NO. 12:

Administrative Report

a. Engineering Projects – Assistant City Engineer Michael Ludi

Assistant City Engineer Michael Ludi provided the Commission a list of Street Capital Improvement Projects and rough estimated costs. The order can be adjusted by the City Commission.

The City Commission previously approved IMS to do a street evaluation. IMS drove, tested and scanned all of the City streets. They found that the City has 225 centerline miles of roadways of asphalt and concrete. This does not include any dirt roads that the City maintains. These are preliminary results at this time. Only five percent (5%) of the streets currently falls between poor and very poor on

the national average. That is very good on a national average. To maintain the current level of streets that are considered very good, the City would have to spend \$3,000,000.00 annually of maintenance funds to do overlay projects and concrete replacement. The City currently spends approximately \$1,500,000.00 annually, which is not enough to maintain the current street conditions.

AGENDA ITEM NO. 13:

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. 14:

Commissioners Comments

Commissioners Bolt, Harrod, Sehorn and Salter encouraged everyone to vote on election day, November 6, 2018.

Commissioner Gillham stated that though it appeared the bonding issued was passed over lightly, there had been intense meetings to discuss it.

Vice Mayor Harrod commented on the Complete Streets Policy and said the public and Blue Zones need to realize that the City does not have additional funds to do the things that they would like to do. He stated he was not opposed to the policy itself, but that if you develop a policy, you should expect it to be followed.

Mayor Finley stated that the "hot button" issue for him on the Complete Streets Policy is that he is hesitant to give Code Enforcement any more tools to use to deter people from coming to Shawnee and building.

Mayor Finley addressed Mr. Tom Claybrook stating he appreciates his interest.

Commissioner Sehorn stated he agrees with the concept of the Complete Streets Policy, but the cost can get a little overboard.

AGENDA ITEM NO. 15:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (6:48 p.m.)

ATTEST:



Lisa Laszyone

LISA LASZYONE, CMC
CITY CLERK

Richard Finley

RICHARD FINLEY, MAYOR