

AMENDED

BOARD OF CITY COMMISSIONERS PROCEEDINGS

OCTOBER 17, 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, October 17, 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

Absent
Commissioner Ward 6

ABSENT: Micheal Dykstra

INVOCATION

The Lord's Prayer

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 Shawnee Municipal Authority Agenda Item No. 2.
- b. Minutes from the October 3, 2016 regular meeting.
- c. Acknowledge the following reports and minutes:
 - License Payment Report for September 2016
 - Project Payment Report for September 2016

- Shawnee Urban Renewal Authority Minutes from the July 5, 2016 meeting
 - Planning Commission Minutes from the September 7, 2016 meeting
- d. Approve agreement with the Housing Authority of the City of Shawnee for supplemental police services.
 - e. Acknowledge City of Shawnee Holiday Schedule for 2017.
 - f. Acceptance of public improvement, i.e., sanitary sewer, for the Regal Addition and placing the maintenance bond into effect.
 - g. Acceptance of public improvements, i.e., sanitary sewer, storm sewer, water, and paving for Deer Field Estates Addition, placing maintenance bonds into effect.
 - h. Acknowledge Oklahoma Municipal Retirement Fund Early Retirement for Frank Loman.
 - i. Mayor's Appointments:

Traffic Commission

John "Jack" Barrett	1 st Partial Term	Expires 1/1/2017
<i>Replaces Darren Rutherford – Resigned</i>		

Shawnee Hospital Authority

Mike Warwick	6 Year Term	Expires 9/30/2022
<i>Reappointment</i>		

John Robinson, M.D.	6 Year Term	Expires 9/30/2022
<i>Reappointment</i>		

Charles Skillings	6 Year Term	Expires 9/30/2022
<i>Reappointment</i>		

Commissioner Shaw asked that Agenda Item No. 1(i) be pulled for separate consideration.

A motion was made by Commissioner Shaw, seconded by Commissioner Rutherford, to approve the Consent Agenda Item Nos. 1 (a-i), less item 1(i). Motion carried 6-0.

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

Regarding Agenda Item No. 1(i), Shawnee Hospital Authority reappointments, Commissioner Shaw asked why that board, as well as the Avedis Foundation board, has not changed their appointment application process to be consistent with the City of Shawnee's application process. Shawnee Hospital Authority Board member and Avedis Foundation board member Michael Adcock was present and briefly addressed the commission regarding the yearly meeting of the Shawnee Hospital Authority Board.

Commissioner Shaw made a motion to table Agenda Item No. 1(i) until uniform applications can be submitted to the City Clerk's office. Motion failed due to the lack of a second.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve Agenda Item No. 1(i). Motion carried 5-1.

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

AGENDA ITEM NO. 2:

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

Mr. Douglas Gordon introduced himself as the co-owner of a new art gallery at 112 ½ East Main Street. He explained the concept behind the gallery and invited everyone to visit. He specifically mentioned events in November and an Opera and Art show scheduled for February, 2017.

AGENDA ITEM NO. 3:

Discussion, consideration and possible action on Clara and Juan Guerrero's appeal of an Administrative Order requiring the demolition of the residential structure located at 420 South Park Street. *(Reconsideration from September 6, 2016 City Commission meeting.)*

Community Development Director Justin DeBruin explained that Mr. and Mrs. Guerrero were issued a building permit and have six months to bring the property up to code. No action was taken.

AGENDA ITEM NO. 4:

Consideration of a Final Plat for Re-Plat of Vision Addition, Section I, located at 4301 North Harrison Street. Case No. S18-16. Applicant: Vision Bank, NA.

Community Development Director Justin DeBruin discussed Agenda Item Nos. 4 and 5. Mr. DeBruin explained that the properties in question are located on the Northeast corner of 42nd Street and Harrison Street. Staff recommends approval with four conditions, which includes a letter from the Federal Emergency Management Agency (FEMA). Mr. DeBruin stated that he did not expect any problems with either final plat.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Shaw, to approve a Final Plat for Re-Plat of Vision Addition, Section I, located at 4301 North Harrison Street, with the following conditions:

1. Present for review and approval an appropriate Letter of Map Revision (LOMR) from FEMA, indicating any changes to the floodplain due to channelization.
2. Final construction documents must be approved by the City Engineer prior to construction.
3. Any necessary drainage plans must be approved by the City Engineer prior to construction.
4. All other applicable City standards apply.

Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 5:

Consideration of a Final Plat for Vision Addition, Section II, located at 4301 North Harrison Street. Case No. S10-16. Applicant: Vision Bank, NA.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Bushong, to approve a Final Plat for Vision Addition, Section II, located at 4301 North Harrison Street, with the following conditions:

1. Present for review and approval an appropriate Letter of Map Revision (LOMR) from FEMA, indicating any changes to the floodplain due to channelization.

2. Final construction documents must be approved by the City Engineer prior to construction.
3. Any necessary drainage plans must be approved by the City Engineer prior to construction.
4. All other applicable City standards apply.

Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 6:

Public hearing and consideration of an ordinance to rezone property located at 1500 East Independence Street from R-1; Single Family Residential to C-1; Neighborhood Commercial. Case No. P08-16. Application: ADG, PC.

Community Development Director Justin DeBruin gave a staff report for Agenda Item Nos. 6 and 7. Mr. DeBruin explained that this property is located on the Northeast corner of East Independence Street and North Elm Street and is approximately twelve acres. A seven thousand square foot office building for the Avedis Foundation will be constructed on the site. Developers plan on keeping an abundance of the trees on the property. This buffer provides a lower density than previous development requests for this location. Mr. DeBruin stated that staff recommends approval of the ordinance and the preliminary plat with four conditions listed.

Commissioner Shaw stated that she resides in this neighborhood and the neighbors she has spoken with support this rezoning, although some are concerned that their property value will be affected. She also has concerns and mentioned previous flooding issues on Elm Street as one of the concerns.

Mayor Finley declared a public hearing in session to consider an ordinance rezoning property located at 1500 East Independence Street from R-1; Single Family Residential to C-1; Neighborhood Commercial. Mr. Michael Adcock, representing the Avedis Foundation, appeared in favor of said rezoning and stated the Avedis Foundation plans on keeping the property as much like a park setting as possible. Project Engineer Jason Cotton addressed the commission noting the City's drainage ordinance will be used to control any flooding issues. Staff advised as the project develops the final plat will show drainage plan and will address any potential flooding problems. With no one else coming forward to speak in favor or in opposition, the public hearing was closed.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Harrod, to approve the ordinance rezoning property located at 1500 East Independence Street from R-1; Single Family Residential to C-1; Neighborhood Commercial.

Ordinance No. 2587NS 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: A TRACT OF LAND DESCRIBED AS BEGINNING 660 FEET N89°43'27"E OF THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SW/4 SE/4) OF SECTION EIGHT (8), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE N00°16'33"W A DISTANCE OF 1314.50 FEET TO A POINT ON THE NORTH LINE OF THE S/2 SE/4; THENCE N89°19'27"E A DISTANCE OF 397.66 FEET; THENCE S00°16'33"E A DISTANCE OF 1314.50 FEET; THENCE S89°43'27"W A DISTANCE OF 397.66 FEET TO THE POINT OF BEGINNING, TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF REZONING SAID PROPERTY FROM R-1; SINGLE FAMILY RESIDENTIAL DISTRICT TO C-1; NEIGHBORHOOD COMMERCIAL DISTRICT AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

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

NAY: None

Ordinance No. 2587NS was adopted by the City Commission.

AGENDA ITEM NO. 7:

Consideration of a Preliminary Plat for Avedis Park located at 1500 East Independence Street. Case No. S17-16. Applicant: ADG, PC.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to approve a Preliminary Plat for Avedis Park located at 1500 East Independence Street, with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. Any necessary drainage plans must be approved by the City Engineer concurrent with Final Plat approval.
3. Correction of minor details on the Preliminary Plat.
4. All other applicable City standards apply.

Motion carried 6-0.

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

NAY: None

AGENDA ITEM NO. 8:

Acknowledge Sales Tax Report received
October 2016.

Finance Director Cynthia Arnold reported that October sales tax collected was \$1,496,732 which is down 3.14% from October 2015. She also provided current fiscal year figures against the previous fiscal year in revenue categories and provided top revenues in the general fund.

AGENDA ITEM NO. 9:

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. 10:

Commissioners Comments

Commissioner Shaw recommended reviewing the City Charter to restructure the ward boundaries in an attempt to equalize the number of inhabitants in each ward. She would like this information provided to the City Commission. City Attorney Vorndran noted that the City Manager was reviewing census information regarding this issue.

Commissioner Shaw stated she is excited about having the Avedis Foundation near and thanked them.

Commissioner Shaw invited Commissioners to attend the FAST Act Department of Transportation Rule Making Committee meetings being held at the Grand Casino/Hotel. All areas of transportation will be discussed.

Commissioner Gillham said he is proud that the Avedis Foundation has found a home in Shawnee and is enthusiastic with the work they have done and are continuing to do.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE
MUNICIPAL AUTHORITY (7:01 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE
CHAIR (7:05 p.m.)

AGENDA ITEM NO. 11:

Discussion, consideration and possible action to enter into executive session to discuss confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Gillham, to enter into executive session to discuss confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4). Motion carried 6-0.

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

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:06 P.M. WITH
ALL MEMBERS PRESENT

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 7:37 P.M.
WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 12:

Consider matters discussed in executive session regarding confidential communications between the City and the City Attorney concerning a pending claim and investigation which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability to the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307B(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Rutherford, to authorize the City Manager and City Attorney to hire a qualified independent third-party to conduct an investigation of a pending claim which the City, with the advice of the City Attorney, has determined that disclosure would seriously impair the ability of the City to process the claim and conduct an investigation in the public interest in compliance with its duty of confidentiality concerning investigation of complaints of the existence of a hostile work environment as authorized by 25 O.S. Section 307(B)(4). Commissioner Shaw stated that she understood the reason for the investigation but did not agree with the approach. Therefore, she would abstain. Motion carried 5-0-1.

AYE: Harrod, Rutherford, Bushong, Gillham, Finley

NAY: None

ABSTAIN: Shaw

AGENDA ITEM NO. 13:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (7:39 p.m.)



Phyllis Loftis

PHYLLIS LOFTIS, CMC, CITY CLERK

Richard Finley

RICHARD FINLEY, MAYOR