

AGENDA
BOARD OF CITY COMMISSIONERS
February 3, 2014 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

REV. RAY BELFORD

FIRST CHRISTIAN CHURCH

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Minutes from the January 21, 2014 meeting.
 - b. Authorize staff to request bids on handicap sidewalks and ramps
 - c. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan and Defined Benefit plan for Frank Loman.
 - d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Rebecca Cragin.
 - e. Lake Lease Lot Transfer and Renewal

Transfer:

- Lot 6 Sect Tract, 33804 Post Office Neck
From: Derrick Carpenter Properties, LLC
To: Terry Farris
- Lot 1 Johnston Tract, 16816 Magnino Road
From: Jerry and Deborah Roberts
To: Jennifer Cardin and Jose Massey

Renewal:

- Lot 12 Magnino A Tract, 17304 Magnino Road
Larry Mitchell and Crystal K. Brown

f. Mayor's appointments:

Shawnee Traffic Commission

Peggy Rider 1st Full Term Expires January 1, 2017

Shawnee Civic and Cultural Development Authority

Tim Barrick 1st Full Term Expires December 31, 2017

Replaces Carl Packwood Termed Out

Shawnee Urban Renewal Authority

Re-appointment

Ron Henderson 2nd Full Term Expires February 2, 2016

g. Approve agreement with North Rock Creek School for use of facilities as a public storm shelter.

3. Commissioners Comments

4. Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

5. Mayor's Presentation of Certificates of Appreciation for Disaster Response and Recovery.

6. Consider approval of partial lump sum for Zane Qualls from the Oklahoma Municipal Retirement Fund.

7. Discussion, consideration and possible action on a release of easement request from Oklahoma Baptist University for the closing of Raley Drive.

8. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

9. Administrative Reports

RECESS TO CONVENE SHAWNEE MUNICIPAL AUTHORITY AND SHAWNEE AIRPORT AUTHORITY

RECONVENE

10. Discussion, consideration and possible action for an executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.).

11. Discussion, consideration and possible action on matters from executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.)
12. Adjournment

Respectfully submitted

Phyllis Loftis, CMC, City Clerk

The City of Shawnee encourages participation from its citizens in public meetings. If participation is not possible due to a disability, notify the City Clerk, in writing, at least forty-eight hours prior to the scheduled meeting and necessary accommodations will be made. (ADA 28 CFR/36)

Regular Board of Commissioners

2. a.

Meeting Date: 02/03/2014

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the January 21, 2014 meeting.

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
JANUARY 21, 2014 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, Tuesday, January 21, 2014 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord
Mayor

Absent
Commissioner Ward 1

Linda Agee
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Absent
Commissioner Ward 4

John Winterringer
Commissioner Ward 5

Steve Smith
Commissioner Ward 6

ABSENT: Stephens, Hall

INVOCATION

Rev. Amy Busse
United Presbyterian

FLAG SALUTE

Led by Commissioner Smith

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice-Mayor Harrod, seconded by Commissioner Agee, to approve the Agenda. Motion carried 5-0.

AYE: Harrod, Agee, Mainord, Winterringer, Smith

NAY: None

AGENDA ITEM NO. 2:

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 Agenda Item No. 11 and SMA Agenda Item No. 2-a
- b. Minutes from the December 16, 2013 regular meeting.
- c. Budget Amendment – Capital Fund 301
To adjust for insurance money received due to vehicles in accidents
- d. Budget Amendment – General Fund
To adjust fire department budget for the SAFR Grant
- e. Acknowledge the following minutes and reports:
 - Shawnee Civic and Cultural Development Authority minutes from October 21, 2013 and November 21, 2013
 - Planning Commission minutes from December 4, 2013
 - Beautification Committee minutes from December 12, 2013
 - License Payment Report for December 2013
 - Project Payment Report for December 2013
- f. Authorize staff to execute agreement with Oklahoma Department of Emergency Management for the subgrant of Emergency Management Performance Grant funds.
- g. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan and Defined Benefit Plan for Marsha Martin.
- h. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan and Defined Benefit Plan for Guadalupe Deleon, Jr.
- i. Approve recommendation of staff to update the City's workers compensation leave policy (non-Union employees only).
- j. Mayor's Appointments:
Traffic Commission
Re-appointments

Wayne Ardrey	Expires 1/01/17	2 nd Term
Ronald Taffe	Expires 1/01/17	2 nd Term
Rebecca E Dolan	Expires 1/01/17	2 nd Term

Shawnee Housing Authority Commissioners

Re-appointments

Donna Houston	Expires 2/04/17	2 nd Term
Rebecca K. Carter	Expires 2/04/17	2 nd Term
T. Clarice Stone	Expires 2/04/17	2 nd Term

A motion was made by Commissioner Winterringer, seconded by Commissioner Agee, to approve the Consent Agenda Item Nos. 2(a-j). Motion carried 5-0.

AYE: Winterringer, Agee, Harrod, Mainord, Smith

NAY: None

AGENDA ITEM NO. 3: Commissioners Comments

Vice-Mayor Harrod commented that the west side of Kickapoo Street is now open and looks good.

AGENDA ITEM NO. 4: Citizens Participation
(A three minute limit per person)
(A twelve minute limit per topic)

There was no Citizens Participation.

AGENDA ITEM NO. 5: Public hearing and consideration of an ordinance to approve rezoning of property located at 3720 N. Bryan from A-1; Agricultural to R-1; Single Family Residential. Case #P01-14 Applicant: Janice Percell

Mayor Mainord declared a public hearing in session to consider an ordinance rezoning of property located at 3720 N. Bryan from A-1; Agricultural to R-1; Single Family Residential. Community Development Director Justin

Erickson provided a staff report. 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 Agee, to approve the ordinance rezoning of property located at 3720 N. Bryan from A-1; Agricultural to R-1; Single Family Residential.

Ordinance No. 2526NS 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: A TRACT OF LAND DESCRIBED AS BEGINNING AT A POINT 12.0 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE/4) OF SECTION FIVE (5), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE SOUTH 392.03 FEET; THENCE WEST 666.68 FEET; THENCE NORTH 392.03 FEET; THENCE EAST 666.68 FEET TO THE POINT OF BEGINNING; FROM A-1; AGRICULTURAL TO R-1; SINGLE FAMILY RESIDENTIAL; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 5-0.

AYE: Harrod, Agee, Mainord, Winterringer, Smith
NAY: None

Ordinance No. 2526NS was adopted by the City Commission

AGENDA ITEM NO. 6: Consideration of an ordinance repealing and amending Chapter 10 of the Shawnee Municipal Code, Cemeteries.

City Attorney Mary Ann Karns provided the staff report.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve an ordinance repealing and amending Chapter 10 of the Shawnee Municipal Code, Cemeteries.

Ordinance No. 2527NS was introduced.

AN ORDINANCE AMENDING CHAPTER 10, CEMETERIES, OF THE CODE OF ORDINANCES OF THE CITY OF SHAWNEE, OKLAHOMA, BY PROVIDING FOR THE SETTING OF FINES AND FEES BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR THE SETTING OF LANDSCAPE PLANS, RESTRICTIONS FOR MONUMENTS, MARKERS AND STRUCTURES,

ORNAMENTS, DECORATIONS, AND PLANTS TO BE DONE BY RESOLUTION OF THE CITY COMMISSION; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

Motion carried 5-0.

AYE: Harrod, Winterringer, Smith, Agee, Mainord

NAY: None

Ordinance No. 2527NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve emergency clause relating to Ordinance No. 2527NS. Motion carried 5-0.

AYE: Harrod, Winterringer, Smith, Agee, Mainord

NAY: None

AGENDA ITEM NO. 7: Consideration of a resolution adopting rules and regulations for the operations of Cemeteries.

Resolution No. 6460 was introduced.

A RESOLUTION BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA, TO ADOPT RULES AND REGULATIONS FOR THE OPERATION OF FAIRVIEW CEMETERY AND SETTING FEES FOR SERVICES.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve a resolution adopting rules and regulations for the operations of Cemeteries. Motion carried 5-0.

AYE: Harrod, Winterringer, Smith, Agee, Mainord

NAY: None

Resolution No. 6460 was adopted by the City Commission.

AGENDA ITEM NO. 8: Consideration of an ordinance repealing and amending Chapter 11 of the Shawnee Municipal Code, Emergency Management.

Mary Ann Karns addressed this agenda item. She stated that this ordinance would, among other things, define the duties and emergency powers for the City Manager and Emergency Management Director in the event of an emergency or disaster. The ordinance also creates an Emergency Management Advisory Committee consisting of the Emergency Management Director, Fire Chief, Police Chief, City Attorney, Community Development Director, Utilities Director and Floodplain Administrator.

A motion was made by Commissioner Smith, seconded by Commissioner Winterringer, to approve an ordinance repealing and amending Chapter 11 of the Shawnee Municipal Code, Emergency Management.

Ordinance No. 2528NS was introduced.

AN ORDINANCE REPEALING ARTICLE II OF CHAPTER 11 OF THE SHAWNEE MUNICIPAL CODE, "EMERGENCY MANAGEMENT", PROVIDING FOR INTENT AND PURPOSE, SETTING FORTH: DEFINITIONS, ORGANIZATION AND APPOINTMENTS, EMERGENCY POWERS AND DUTIES OF CITY MANAGER, DUTIES AND EMERGENCY POWERS OF THE EMERGENCY MANAGEMENT DIRECTOR, EMERGENCY AND DISASTER OPERATIONS PLAN, AUTHORITY OF SHELTER MANAGERS DURING EMERGENCIES, AMENDMENTS TO EMERGENCY AND DISASTER OPERATIONS PLAN, ASSISTANCE OF PERSONS OUTSIDE CITY GOVERNMENT, NO MUNICIPAL OR PRIVATE LIABILITY, VIOLATION OF REGULATIONS, PENALTY, PROHIBITED ACTS, VIOLATION OF EMERGENCY PRICE STABILIZATION ACT, EMERGENCY MANAGEMENT ADVISORY COMMITTEE; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND DECLARING AN EMERGENCY.

Motion carried 5-0.

AYE: Smith, Winterringer, Agee, Harrod, Mainord

NAY: None

Ordinance No. 2528NS was adopted by the City Commission.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to approve emergency clause relating to Ordinance No. 2528NS. Motion carried 5-0.

AYE: Harrod, Winterringer, Smith, Agee, Mainord

NAY: None

AGENDA ITEM NO. 9:

Acknowledge Sales Tax Report received January 2014.

Diane Smith, Assistant to Finance Director, reported that the January sales tax is up \$86,051.00 from the previous year. The total collected for the month of January was \$1,556,616.00. Since the beginning of the fiscal year, sales tax is up a total of \$528,895.00 or 5.53% over what was budgeted.

AGENDA ITEM NO. 10:

City Manager's Report.

City Manager Brian McDougal reported on the following:

1. The Glory Daze planning preparation has started. There will be more food vendors this year.
2. Chamber Education Committee has been meeting to discuss public school needs.
3. Sears is going of business at the mall. The mall is looking for a new retail company to fill the 68,000 square feet space.
4. Pension Choice results have been sent to the actuarial and will be presented soon.

AGENDA ITEM NO. 11:

Consider Bids/Proposals:

a. Police Firing Range Tower Project (Award)

Police Chief Russell Frantz announced that three bids were received and after review and consideration, it was staff's recommendation to reject all bids that were opened on December 16, 2013. All three bids were over budget limits. Chief Frantz requested to rebid the project.

A motion was made by Vice-Mayor Harrod, seconded by Commissioner Smith, to accept staff's recommendation and reject all bids received and rebid the project. Motion carried 5-0.

AYE: Harrod, Smith, Agee, Mainord, Winterringer

NAY: None

b. City Hall ADA, Family Restroom Project (Award)

Director of Operation James Bryce announced that one bid was received and after review and consideration it was staff's recommendation to award the bid to Oklahoma Construction LLC of Shawnee, Oklahoma in the total amount of \$31,984.92.

A motion was made by Vice-Mayor Harrod, seconded by Commissioner Winterringer, to accept staff's recommendation and award the bid to Oklahoma Construction LLC in the total amount of \$31,984.92. Motion carried 5-0.

AYE: Harrod, Winterringer, Smith, Agee, Mainord

NAY: None

c. Cutting and Mowing of Rank Weeds, and the Clean-up of Trash and/or Debris (Open and Possible Award)

	G&G Services	Just-Rite Weed Control & Lawn Services
<u>1. Show Up Fee:</u>		
A. Based on Contractor transporting equipment to job site If job was completed by property owner after contract was received by Contractor	<u>\$0.00</u> (flat fee)	<u>\$25.00</u> (flat fee)
<u>2. Cutting, Mowing and Debris Removal:</u>		
A. Up to ¼ acre (<10,890 sq. ft.) and (1) 30 gallon container of trash Before and after pictures must be taken	<u>\$30.00</u> (flat fee)	<u>\$30.00</u> (flat fee)
B. ¼ to ½ acre (<21,780 sq. ft.) and (1) 30 gallon container of trash Before and after pictures must be taken	<u>\$32.50</u> (flat fee)	<u>\$55.00</u> (flat fee)
C. ½ to ¾ acre (<32,670 sq. ft.) and (1) 30 gallon container of trash Before and after pictures must be taken	<u>\$35.00</u> (flat fee)	<u>\$80.00</u> (flat fee)
D. ¾ to 1 acre (<43,560 sq. ft.) and (1) 30 gallon container of trash Before and after pictures must be taken	<u>\$37.50</u> (flat fee)	<u>\$95.00</u> (flat fee)
E. 1 or more acres (per acre) and (1) 30 gallon container of trash Before and after pictures must be taken	<u>\$50.00</u> (flat fee)	<u>\$120.00</u> (flat fee)
<u>3. Trash and/or Debris Removal:</u>		
A. Removal of each one-half (½) ton pick-up (per load) Before and after pictures must be taken	<u>\$45.00</u> (flat fee)	<u>\$55.00</u> (flat fee)
B. Removal of refrigerators or air conditioners (with freon) Before and after pictures must be taken	<u>\$15.00</u> (per unit)	<u>\$55.00</u> (per unit)
<u>4. Tire Disposal:</u>		
A. Disposal of vehicle tires – automobile or pick-up truck Before and after pictures must be taken	<u>\$7.00</u> (per unit)	<u>\$25.00</u> (per unit)
B. Disposal of large tires – semi-truck or similar Before and after pictures must be taken	<u>\$10.00</u> (per unit)	<u>\$55.00</u> (per unit)
<u>5. Tree Trimming:</u>		
A. Trimming and disposal of Trees and Bushes	<u>\$30.00</u> (per hour)	<u>\$75.00</u> (per hour)

(Underbrush and limbs in alleyway)
Before and after pictures must be taken

6. Boarding and Securing Structures:

- A. Boarding and securing structures, open doors,
and windows

(City will reimburse for materials at cost)

\$30.00 (per hour)

\$85.00 (per hour)

Before and after pictures must be taken

Community Development Director Justin Erickson read the bids into the record and after review and consideration it was staff's recommendation to award the bid to G & G Services of Shawnee, Oklahoma as follows:

G&G Services

1. Show Up Fee:

- A. Based on Contractor transporting equipment to job site

\$0.00 (flat fee)

If job was completed by property owner after contract was received by Contractor

2. Cutting, Mowing and Debris Removal:

- A. Up to ¼ acre (<10,890 sq. ft.) and (1) 30 gallon container of trash

\$30.00 (flat fee)

Before and after pictures must be taken

- B. ¼ to ½ acre (<21,780 sq. ft.) and (1) 30 gallon container of trash
Before and after pictures must be taken

\$32.50 (flat fee)

- C. ½ to ¾ acre (<32,670 sq. ft.) and (1) 30 gallon container of trash
Before and after pictures must be taken

\$35.00 (flat fee)

- D. ¾ to 1 acre (<43,560 sq. ft.) and (1) 30 gallon container of trash
Before and after pictures must be taken

\$37.50 (flat fee)

- E. 1 or more acres (per acre) and (1) 30 gallon container of trash
Before and after pictures must be taken

\$50.00 (flat fee)

3. Trash and/or Debris Removal:

- A. Removal of each one-half (½) ton pick-up (per load)
Before and after pictures must be taken

\$45.00 (flat fee)

- B. Removal of refrigerators or air conditioners (with freon)
Before and after pictures must be taken

\$15.00 (per unit)

4. Tire Disposal:

- A. Disposal of vehicle tires – automobile or pick-up truck
Before and after pictures must be taken

\$7.00 (per unit)

- B. Disposal of large tires – semi-truck or similar
Before and after pictures must be taken

\$10.00 (per unit)

5. Tree Trimming:

- A. Trimming and disposal of Trees and Bushes
(Underbrush and limbs in alleyway)
Before and after pictures must be taken

\$30.00 (per hour)

6. Boarding and Securing Structures:

- A. Boarding and securing structures, open doors,
and windows

(City will reimburse for materials at cost)

\$30.00 (per hour)

Before and after pictures must be taken

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to accept staff's recommendation and award the bid to G & G Services as follows:

G&G Services

1. Show Up Fee:

A. Based on Contractor transporting equipment to job site \$0.00 (flat fee)
 If job was completed by property owner after contract was received by Contractor

2. Cutting, Mowing and Debris Removal:

C. Up to ¼ acre (<10,890 sq. ft.) and (1) 30 gallon container of trash \$30.00 (flat fee)
 Before and after pictures must be taken
 D. ¼ to ½ acre (<21,780 sq. ft.) and (1) 30 gallon container of trash \$32.50 (flat fee)
 Before and after pictures must be taken
 C. ½ to ¾ acre (<32,670 sq. ft.) and (1) 30 gallon container of trash \$35.00 (flat fee)
 Before and after pictures must be taken
 D. ¾ to 1 acre (<43,560 sq. ft.) and (1) 30 gallon container of trash \$37.50 (flat fee)
 Before and after pictures must be taken
 F. 1 or more acres (per acre) and (1) 30 gallon container of trash \$50.00 (flat fee)
 Before and after pictures must be taken

3. Trash and/or Debris Removal:

A. Removal of each one-half (½) ton pick-up (per load) \$45.00 (flat fee)
 Before and after pictures must be taken
 B. Removal of refrigerators or air conditioners (with freon) \$15.00 (per unit)
 Before and after pictures must be taken

4. Tire Disposal:

A. Disposal of vehicle tires – automobile or pick-up truck \$7.00 (per unit)
 Before and after pictures must be taken
 B. Disposal of large tires – semi-truck or similar \$10.00 (per unit)
 Before and after pictures must be taken

5. Tree Trimming:

B. Trimming and disposal of Trees and Bushes \$30.00 (per hour)
 (Underbrush and limbs in alleyway)
 Before and after pictures must be taken

6. Boarding and Securing Structures:

B. Boarding and securing structures, open doors, and windows \$30.00 (per hour)
 (City will reimburse for materials at cost)
 Before and after pictures must be taken

Motion carried 5-0.

AYE: Winterringer, Smith, Agee, Harrod, Mainord

NAY: None

d. RFP's for Professional Consultant Services to Develop a Parks Master Plan (Open and Possible Award)

PROPOSAL/QUALIFICATIONS RECEIVED BY:

Shafer, Kline & Warren, Inc.
Tulsa, OK

Freese and Nichols
Fort Worth, TX

Director of Operations James Bryce read the names of the two companies submitting qualifications into the record. Mr. Bryce requested time to examine each set of qualifications and meet with each company, if needed. He will bring this information back to the Commission at a future meeting.

A motion was made by Vice-Mayor Harrod, seconded by Commissioner Winterringer, to defer this item until staff has verified qualifications and returned with a recommendation.

AYE: Harrod, Winterringer, Smith, Agee, Mainord
NAY: None

AGENDA ITEM NO. 12: 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. 13: Administrative Reports

There was no Administrative Reports.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (7:13p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:19 p.m.)

AGENDA ITEM NO. 14:

Discussion, consideration and possible action for an executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.).

A motion was made by Commissioner Smith, seconded by Commissioner Winterringer, to enter into Executive Session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.). Motion carried 5-0.

AYE: Smith, Commissioner, Agee, Harrod, Mainord

NAY: None

AGENDA ITEM NO. 15:

Discussion, consideration and possible action for an executive session pursuant to 25 O.S. §307 (B) (04) to discuss appeal of arbitration award #FMCS 130513 – 55757 – 1.

A motion was made by Commissioner Winterringer, seconded by Vice-Mayor Harrod, to enter into Executive Session pursuant to 25 O.S. §307 (B) (04) to discuss appeal of arbitration award #FMCS 130513 – 55757 – 1. Motion carried 5-0.

AYE: Winterringer, Harrod, Mainord, Smith, Agee
NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:21 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:30 P.M. WITH ALL MEMBERS PRESENT.

COMMISSIONERS CONSIDERED AGENDA ITEM NO. 17 BEFORE AGENDA ITEM NO. 16.

AGENDA ITEM NO. 17: Discussion, consideration and possible action on matters discussed in executive session pursuant to 25 O.S. §307 (B) (04) regarding appeal of arbitration award #FMCS 130513 – 55757 – 1.

A motion was made by Vice-Mayor Harrod, seconded by Commissioner Smith, to appeal the arbitration award #FMCS 130513-55757-1. Motion carried 5-0.

AYE: Harrod, Smith, Agee, Mainord, Winterringer
NAY: None

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR AT 8:35 P.M. TO RECONVENE ON FRIDAY, JANUARY 24, 2014 AT 3:00 P.M.

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR ON FRIDAY, JANUARY 24, 2014 AT 3:00 P.M. AND RECONSIDERED AGENDA ITEM NO. 14.

AGENDA ITEM NO. 14: Discussion, consideration and possible action for an executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business

to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to enter into Executive Session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.). Motion carried 4-0.

AYE: Harrod, Agee, Mainord, Winterringer

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 3:02 P.M. WITH ALL MEMBERS PRESENT.

COMMISSIONER SMITH ENTERED EXECUTIVE SESSION AT 3:07 P.M.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 3:47 P.M. WITH ALL MEMBERS PRESENT TO CONSIDER AGENDA ITEM NO. 16.

AGENDA ITEM NO. 16:

Discussion, consideration and possible action on matters from executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the

matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.)

Commission returned from Executive Session and considered a Resolution of support for providing incentives for retail development by Hunt Properties, Inc.

Resolution No. 6461 was introduced.

A RESOLUTION EXPRESSING SUPPORT FOR PROVIDING INCENTIVES FOR RETAIL DEVELOPMENT BY HUNT PROPERTIES, INC., TO BE LOCATED ON NORTH KICKAPOO BETWEEN INTERSTATE 40 AND 45TH STREET.

Commissioner Agee noted that the passage of this resolution was not a knee jerk reaction and that a lot work and discussion went into her decision.

Commissioner Smith commended staff for their assistance in providing the information needed to reach a decision.

Vice Mayor Harrod stated he thinks the new retail development will be a good thing for Shawnee and that providing incentives is a practice that all cities do to attract new revenue.

Mayor Mainord thanked Economic Development Director Tim Burg for bringing this exciting project to light.

AGENDA ITEM NO. 18: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (3:54 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. b.

Meeting Date: 02/03/2014

Request Bids Sidewalks and Ramps

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Authorize staff to request bids on handicap sidewalks and ramps

Attachments

Bid Request Sidewalks and Ramps

<p>Mayor WES MAINORD</p> 	<p>The City of Shawnee PO Box 1448 Shawnee Oklahoma 74802-1448 (405) 273-1250 Fax (405) 878-1581 www.ShawneeOK.org</p>	<p>Commissioners PAM STEPHENS LINDA AGEE JAMES HARROD KEITH HALL JOHN WINTERRINGER STEVE SMITH</p>
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Date: January 30, 2014

To: Brian McDougal, City Manager

From: John Krywicki, P.E., City Engineer



Re: Authorization to Advertise for Bids the FY13-14 ADA Handicap Ramps and Sidewalk Project

At the February 3, 2014 City Commission, we will request authorization to advertise for bids our FY13-14 ADA Handicap and Sidewalk Project. We currently have \$225,000 budgeted for the project this fiscal year, and have been doing such the last several years. Federal law requires us to provide ADA handicap ramps and accessibility at all intersections that have had street work performed where there are existing sidewalks but no ramps.

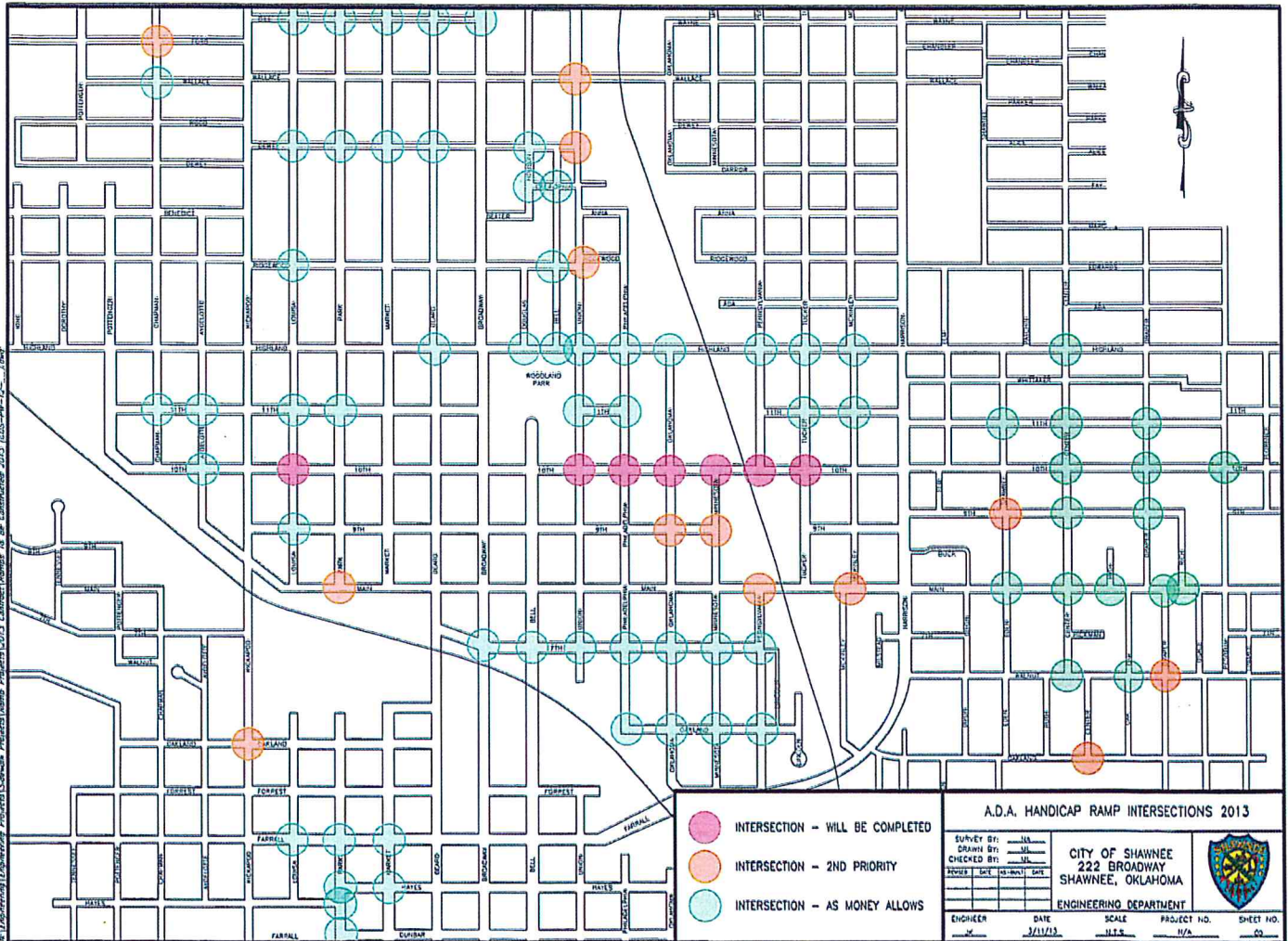
The project we bid out is a quantity based project, and we do as much work as the budgeted money allows. Attached is a map showing locations that will be targeting for this years project.

If you have any questions or need additional information, please advise.

CITY OF SHAWNEE CAPITAL OUTLAY BUDGET REPORT

FUND	ACCOUNT	PROJECT	LINE	DESCRIPTION	BUDGET	ACTUAL	ENCUMBRANCES	BALANCE
<u>STREET IMPROVEMENT FUND</u>								
NEW STREET PROJECTS								
CAPITAL OUTLAY - STREETS								
302	5-0820-5480	408	0820-02	ADA HANDICAP RAMPS AND SIDEWAL	225,000.00	0.00	0.00	225,000.00
302	5-0820-5480	408	0820-03	MAIN STREETSCAPE	1,800,000.00	0.00	0.00	1,800,000.00
TOTAL CAPITAL OUTLAY - STREETS					2,025,000.00	0.00	0.00	2,025,000.00
CAPITAL OUTLAY - KICKAPOO ST								
302	5-0820-5481	408	0820-01	STORAGE TANKS- REMOVAL	11,000.00	12,492.00	11,000.00	-12,492.00
TOTAL CAPITAL OUTLAY - KICKAPOO ST					11,000.00	12,492.00	11,000.00	-12,492.00
TOTAL NEW STREET PROJECTS					2,036,000.00	12,492.00	11,000.00	2,012,508.00
STREET REHAB PROJECTS								
CAPITAL OUTLAY - STREETS								
302	5-0850-5480	408	0920-05	REPAIR & MAINT MATERIAXS	150,000.00	-38.67	0.00	150,038.67
TOTAL CAPITAL OUTLAY - STREETS					150,000.00	-38.67	0.00	150,038.67
TOTAL STREET REHAB PROJECTS					150,000.00	-38.67	0.00	150,038.67
OTHER PROJECTS								
CAPITAL OUTLAY - STREETS								
302	5-0880-5480	408	0920-10	HUNT PROPERTY	0.00	0.00	0.00	0.00
TOTAL CAPITAL OUTLAY - STREETS					0.00	0.00	0.00	0.00
TOTAL OTHER PROJECTS					0.00	0.00	0.00	0.00

As Prepared by Engineer Approved License No. 45264 Project No. 2013-01-001 Date of Construction 2013 10:00 AM - 02:00 PM



- INTERSECTION - WILL BE COMPLETED
- INTERSECTION - 2ND PRIORITY
- INTERSECTION - AS MONEY ALLOWS

A.D.A. HANDICAP RAMP INTERSECTIONS 2013

SURVEY BY: _____ DRAWN BY: _____ CHECKED BY: _____ REVIEW DATE: _____ DATE: _____ ENGINEER: _____	CITY OF SHAWNEE 222 BROADWAY SHAWNEE, OKLAHOMA ENGINEERING DEPARTMENT	 PROJECT NO. _____ SHEET NO. _____
SCALE: _____ PROJECT NO.: I/A		SHEET NO.: 02

Regular Board of Commissioners

2. c.

Meeting Date: 02/03/2014

OMRF Refund of DC and DB for F Loman

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan and Defined Benefit plan for Frank Loman.

Regular Board of Commissioners

2. d.

Meeting Date: 02/03/2014

OMRF refund of DC for B Cragin

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Rebecca Cragin.

Regular Board of Commissioners

2. e.

Meeting Date: 02/03/2014

Lake Lease Transfer and Renewal

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Lease Lot Transfer and Renewal

Transfer:

- Lot 6 Sect Tract, 33804 Post Office Neck
From: Derrick Carpenter Properties, LLC
To: Terry Farris
- Lot 1 Johnston Tract, 16816 Magnino Road
From: Jerry and Deborah Roberts
To: Jennifer Cardin and Jose Massey

Renewal:

- Lot 12 Magnino A Tract, 17304 Magnino Road
Larry Mitchell and Crystal K. Brown
-

Attachments

Lake Lease Transfer

Lake Lease Transfer

Lake Lease Renewal



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
(405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	01-15-14	License No. #024911
Type	<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> Transfer (Fee: \$1,000)
Commission Meeting Date	02-03-2014	
Property Address	33804 POST OFFICE NECK	
Lake Site Location	LOT 6 SECT TRACT	
Lease Dates	02-03-14 – 02-03-2044	
Lease Fee (changes annually)	\$637.00	
Inspection Fee	\$75.00 Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Lessee (Transfer To)		
Name(s)	TERRY FARRIS	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	DERRICK CARPENTER PROPERTIES, LLC	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if no, due: 10-30-2017)	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	10-30-2012	
Misc. Comments	Total Charges Paid: \$637.00	



City of Shawnee
Community Development Department
 222 N. Broadway
 Shawnee, OK 74801
 (405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS

Date	01-15-14	License No. #024913
Type	<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> Transfer <i>(Fee: \$1,000)</i>
Commission Meeting Date	02-03-14	
Property Address	16816 Magnino Rd	
Lake Site Location	Lot 1 Johnston Tract	
Lease Dates	02-03-14 – 02-03-2044	
Lease Fee (changes annually)	\$649.00	
Inspection Fee	\$75.00	Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Lessee (Transfer To)		
Name(s)	JENNIFER CARDIN AND JOSE MASSEY	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	JERRY AND DEBORAH ROBERTS	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if no, due: 05-31-18)	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	05-31-13	
Misc. Comments	<p align="center">Total Charges Paid: \$649.00</p>	



City of Shawnee
Community Development Department
 222 N. Broadway
 Shawnee, OK 74801
 (405) 878-1665 Fax (405) 878-1587
www.ShawneeOK.org

**SHAWNEE TWIN LAKES CABIN SITE LEASES
 SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	01-15-14	License No. #010872
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer <i>(Fee: \$1,000)</i>
Commission Meeting Date	02-03-2014	
Property Address	17304 MAGNINO RD	
Lake Site Location	LOT 12 MAGNINO A TRACT	
Lease Dates		
Lease Fee (changes annually)	\$649.00	
Inspection Fee	\$75.00	Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Lessee (Transfer To)		
Name(s)	LARRY MITCHELL & CRYSTAL K. BROWN	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)		
Address		
Phone		
Inspection Information		
Inspection Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if no, due: 05-31-18)	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	12-13-2013	
Misc. Comments		
	Total Charges Paid: \$724.00	

Regular Board of Commissioners

2. f.

Meeting Date: 02/03/2014

Mayor's Appointments

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's appointments:

Shawnee Traffic Commission

Peggy Rider 1st Full Term Expires January 1, 2017

Shawnee Civic and Cultural Development Authority

Tim Barrick 1st Full Term Expires December 31, 2017

Replaces Carl Packwood Termed Out

Shawnee Urban Renewal Authority

Re-appointment

Ron Henderson 2nd Full Term Expires February 2, 2016

Attachments

Traffic Commission

SCCDA

CITY OF SHAWNEE



APPLICATION TO SERVE

Boards, Committees, and Commissions

Name: <u>Peggy S Rider</u>	Application Date: <u>1/17/2014</u>
Address: <u>811 West Midland St Shawnee, OK 74804</u>	
Mailing Address: _____	
Daytime Phone: <u>405.760.8075</u>	Fax: <u>405.878.7236</u> Email: <u>peggy_rider12@yahoo.cpm</u>
Profession: <u>Banking</u>	
Business Name: <u>BancFirst</u>	
Business Address: <u>1939 N Harrison, Shawnee, OK 74804</u>	
Business Phone: <u>405.878.7214</u>	Fax: <u>405.878.7236</u> Email: <u>prider@bancfirst.com</u>

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board or committee? Yes or No (please circle)

How many years have you lived in Shawnee? 58 years (lifelong resident)

Select the Board/Committee/Commission you are interested in serving on: (please check)

<input type="radio"/> Airport Advisory Board	<input type="radio"/> Library Board
<input type="radio"/> Beautification Committee	<input type="radio"/> Oklahoma Baptist University Trust Authority
<input type="radio"/> Board of Adjustment (Zoning)	<input type="radio"/> Planning Commission
<input type="radio"/> Cable TV Advisory Committee	<input type="radio"/> Regional Park Oversight Committee
<input type="radio"/> Civic and Cultural Development Authority	<input type="radio"/> Shawnee Hospital Authority
<input type="radio"/> Community Service Contracts Review Committee	<input type="radio"/> Shawnee Urban Renewal Authority
<input type="radio"/> Economic Development Foundation, Inc. Board of Trustees	<input type="radio"/> Tourism Advisory Committee
<input type="radio"/> Housing Authority	<input checked="" type="checkbox"/> Traffic Commission
	<input type="radio"/> Building Code Board of Appeals
	<input type="radio"/> Other:

Why are you interested in serving on the Board/Committee/Commission selected above?

I believe serving on a board is one way residents of our city can volunteer and get involved with our city government. By becoming involved I hope to have a voice in our city government and make a difference in our community.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?

I am a lifelong resident of Shawnee, employed by a company where I have a substantial amount of interaction with the people of Shawnee. Through this interaction, I get to hear various opinions and information with what goes on in Shawnee. I have been involved with several boards and civic groups in our town, serving in various capacities.

What civic or volunteer activities (if any) are you currently involved in?
Chamber of Commerce, co-chair auction committee, March of Dimes Committee member, Regional Representative for the USJCI Senate Foundation, Secretary of the OKJCI Senate Foundation, and Director for the OKJCI Senate, IFYR*

List education, including degree(s) earned:
Shawnee High School Graduate.

*volunteer the past 22 years, Bell ringer for Salvation Army member of Shawnee Home Builders Assoc.

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

Southside Community Center under Mayor Chuck Mills - 4 years

Please include up to three personal or professional references:

Name	Relationship	Phone Number
Kim Rawls	Friend	214.1234
Marion McMillan	President BancFirst	878.7235
Chris Hardin	Exec Dir Project Heart	214.1953

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature  Date 1-17-14

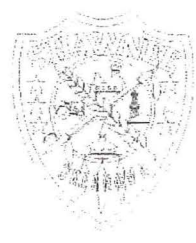
Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send application form to:

Shawnee City Clerk
PO Box 1448
Shawnee, OK 74802
878-1605 (phone)
878-1581 (fax)
dmayo@ShawneeOK.org

Expo Board

CITY OF SHAWNEE



APPLICATION TO SERVE

Boards, Committees, and Commissions

Name: <u>Tim Barrick</u>	Application Date: <u>1-15-14</u>
Address: <u>67 Granada</u>	
Mailing Address: <u>same</u>	
Daytime Phone: <u>273-9417</u>	Fax: <u>273-8849</u> Email: <u>srprx@sbcglobal.net</u>
Profession: <u>Pharmacist</u>	
Business Name: <u>The Clinic Pharmacy</u>	
Business Address: <u>3210 Kethley</u>	
Business Phone: <u>273-9417</u>	Fax: <u>273-8849</u> Email: <u>same</u>

Do you live within the City Limits of the City of Shawnee? Yes or No (please circle)

Do you currently serve on a City board or committee? Yes or No (please circle)

How many years have you lived in Shawnee? 40 yrs

Select the Board/Committee/Commission you are interested in serving on: (please check)

- | | |
|---|--|
| <input type="checkbox"/> Airport Advisory Board
<input type="checkbox"/> Beautification Committee
<input type="checkbox"/> Board of Adjustment (Zoning)
<input type="checkbox"/> Cable TV Advisory Committee
<input type="checkbox"/> Civic and Cultural Development Authority
<input type="checkbox"/> Community Service Contracts Review Committee
<input type="checkbox"/> Economic Development Foundation, Inc. Board of Trustees
<input type="checkbox"/> Housing Authority | <input type="checkbox"/> Library Board
<input type="checkbox"/> Oklahoma Baptist University Trust Authority
<input type="checkbox"/> Planning Commission
<input type="checkbox"/> Regional Park Oversight Committee
<input type="checkbox"/> Shawnee Hospital Authority
<input type="checkbox"/> Shawnee Urban Renewal Authority
<input type="checkbox"/> Tourism Advisory Committee
<input type="checkbox"/> Traffic Commission
<input type="checkbox"/> Building Code Board of Appeals
<input checked="" type="checkbox"/> Other: <u>Expo Board</u> |
|---|--|

Why are you interested in serving on the Board/Committee/Commission selected above?
The Expo plays a big role in bringing events to Shawnee & if I can help ~~another~~ bring another perspective on how I think the Expo can be utilized it will help better the whole community.

What will make you a good board member and what skills or knowledge do you have that would be relevant to this board/committee/commission?
I have been in Shawnee for 40 yrs & I am very interested in making Shawnee the best it can be.

What civic or volunteer activities (if any) are you currently involved in?

Shawnee Rotary Club
Pott County Free Clinic

List education, including degree(s) earned:

Associate Degree in Science @ St. Greg's
BS Pharmacy - OU

Have you ever served on a City-appointed board/committee/commission before? If so, which ones and for how long did you serve?

No

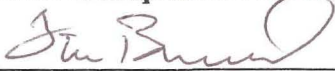
Please include up to three personal or professional references:

Name	Relationship	Phone Number
Chris Clark	Friend - Colleague	214-1700
Miky Langley	Friend	275-7201
Gordon Richards	Friend - Partner	200-9020

PLEASE READ CAREFULLY:

Appointment by the Commission is for one term and individuals may not serve more than two consecutive full terms. Appointment to a second term remains at the discretion of the City Commission.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in disqualification from further consideration.

Signature  Date 1-20-14

Applications are retained on file for one (1) year. Applicants are encouraged to include a letter of interest with this application. Thank you for your interest in serving Shawnee.

Send application form to:

Shawnee City Clerk
PO Box 1448
Shawnee, OK 74802
878-1605 (phone)
878-1581 (fax)
dmayo@ShawneeOK.org

Regular Board of Commissioners

2. g.

Meeting Date: 02/03/2014

North Rock Creek Storm Shelter

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Approve agreement with North Rock Creek School for use of facilities as a public storm shelter.

Attachments

Agreement and Memo

City of Shawnee Memorandum



To: Honorable Mayor and City Commissioners
Through: Brian McDougal, City Manager
From: Donald D. Lynch, Emergency Management Director
Date: January 30, 2014
Re: Agreement with North Rock Creek School for Public Shelter

NATURE OF THE REQUEST:

I am writing to request your approval for staff to execute an agreement with the North Rock Creek Public Schools for use of their facility as a public storm shelter. A copy of the agreement is attached for your reference.

STAFF ANALYSIS /CONSIDERATIONS:

The North Rock Creek School system is offering us the use of the Safe Rooms in the Middle School as public tornado shelters during those times when school children are not present at the facility. The safe rooms were designed and constructed to the FEMA safe room standard. I have coordinated with Blake Moody, Superintendent of Schools, who escorted me as we performed a walk-through inspection of the facility and found it suitable for use.

We have volunteer Shelter Monitors who live close by who would be assigned along with School personnel when we utilize the facility.

The City Attorney has reviewed the documents and approves them as to form.

RECOMMENDATION:

Staff recommends approval.

BUDGET CONSIDERATION:

There is no charge for the use of the facilities.

Thank you for your favorable attention to this request.

AGREEMENT FOR THE USE OF A BUILDING AS A PUBLIC TORNADO SHELTER

This Agreement is made and entered into between the City of Shawnee, Oklahoma, a municipal corporation, and North Rock Creek Public Schools.

WHEREAS, the Oklahoma Interlocal Cooperation Act, Title 74 Oklahoma Statutes Section 1001 et. Seq. , authorizes local government units to cooperate in order to provide services and facilities that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities; and

WHEREAS, the City of Shawnee, Oklahoma, hereinafter referred to as the “City”, desires to operate public tornado shelters for the protection of its citizens; and

WHEREAS, the Board of Education for North Rock Creek Public Schools , hereinafter referred to as the “Board” owns certain property located at 42400 Garrett’s Lake Road, Shawnee, OK 74804, hereinafter referred to as the “ Facility” ; and

WHEREAS, the Board has offered the use of the Facility for emergency public tornado shelter needs;

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section 1. This agreement shall become effective upon adoption and shall remain in effect until termination by either one of the parties. Either party may terminate the agreement upon 30 days’ written notice to the other party.

Section 2. The point of contact for the City is the City Manager. The address for correspondence is P.O. Box 1448, Shawnee, OK 74802. The telephone number is 405-878-1601.

Section 3. The point of contact for the Board is the Superintendent of Schools. The address for correspondence is 42400 Garrett’s Lake Road, Shawnee, OK 74804. The telephone number is 405-273-1798.

Section 4. Both parties agree that for coordination and operational purposes, the points of contact may assign responsibilities for execution of the provisions of this agreement to staff members. These persons will hereinafter be referred to as the “Coordinators.”

Section 5. The Coordinators will jointly conduct a pre-inspection survey of the Facility before the City operates the tornado shelter. The pre-inspection survey will be used to identify and record any existing damage or conditions.

Section 6. The Board will secure all equipment and contents that are not supposed to be used by the City in the operation of the Facility.

Section 7. The Board agrees to provide and pay for utility services, including electricity and heating to the facility.

Section 8. As part of the emergency nature of the services required, the Board agrees that the facility shall be available seven (7) days/week except when school is in session and occupied by students.

Section 9. The City has primary responsibility for the operation of the public tornado shelter. The City will provide staff and volunteers to carry out the activities of the shelter. The City will post signs identifying the Shelter. The City will remove all signs upon termination of this agreement. The City and all of its agents, employees, and volunteers will exercise reasonable care in the operation of the shelter.

Section 10. Shelter population shall be exclusively the role of City. The Board shall not distribute or reveal any information concerning occupants of the shelter without the express written consent of the City.

Section 11. Storm damage or other damage caused to the Facility by the emergency is the responsibility of the Board.

Section 12. Property damaged, lost or stolen due to the negligence of the City will be compensated based on depreciated actual cash value. Reimbursement for any extraordinary or capital expenses (including without limitation, paintings, carpeting, wiring, and structural work) will be limited to replacement at actual cash value of the property. In such cases, the City may solicit bids from at least three reputable contractors for the repair/replacement.

Section 13. At the time of the adoption of this agreement, Title 51 Oklahoma Statutes, Chapter 5 Section 155 Sub-Section 36 provides tort liability protection to any governmental agency that uses a public facility opened to the general public during an emergency. If so desired, the Board shall carry any Commercial General Liability insurance coverage on the Facility it deems appropriate.

Section 14. The City shall carry Workman's Compensation and Employer Liability Insurance on its workers operating the shelter.

Section 15. This Agreement and any disputes relating to it shall be construed under Oklahoma Law.

Section 16. Any Amendments to this Agreement must be made in writing and signed by both parties.

Section 17. If any of the provisions in this Agreement are determined to be in violation of State or Federal Law, said provisions shall be interpreted so as to be in compliance with such Law or said Provisions shall fall out this Agreement, but otherwise, the Agreement shall be unaffected and shall remain in full force and effect.

Section 18. The City and the Board agree that both parties have played an equal and reciprocal part in drafting of this Agreement. Therefore, no provisions of the Agreement shall be construed by any court or other authority against any party hereto because such party is deemed to have drafted or structured such provisions.

Section 19. Nothing in this Agreement, expressed or implied, is intended or shall be construed to confer upon any person, firm or corporation other than the parties hereto, any right, remedy or claim, legal or equitable, under or by reason of this Agreement or any provision hereof, this Agreement and all of its provisions being intended to be and being for the sole and exclusive benefit of the parties hereto. In addition, nothing contained herein shall be construed to create any partnership, joint venture or other relationship between the parties with respect to the emergency shelter or to authorize any party to bid for or undertake or offer any contracts for any other party or act as agent for the other party except as and to the extent expressly permitted herein.

Section 20. This Agreement does not create a landlord/tenant relationship, but constitutes a mere license in favor of the City to use portions of the Facility in common with the Board in strict accordance with the terms and conditions herein provided.

Section 21. The persons executing this agreement on behalf of their respective entities hereby represent and warrant that they have the right, power, legal capacity, and appropriate authority to enter into this agreement on behalf of the entity for which they sign.

For the City of Shawnee:

Brian McDougal
City Manager

Date _____

Attest:

Phyllis Loftis
City Clerk

For the Board of Education of North Rock Creek Public Schools:

Blake Moody
Superintendent of Schools

Date _____

Attest:

Regular Board of Commissioners

5.

Meeting Date: 02/03/2014

Certificates of Appreciation

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Mayor's Presentation of Certificates of Appreciation for Disaster Response and Recovery.

Regular Board of Commissioners

6.

Meeting Date: 02/03/2014

OMRF Partial Sum for Z Qualls

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider approval of partial lump sum for Zane Qualls from the Oklahoma Municipal Retirement Fund.

Regular Board of Commissioners

7.

Meeting Date: 02/03/2014

Raley Drive closing

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on a release of easement request from Oklahoma Baptist University for the closing of Raley Drive.

Attachments

Raley Drive Closure

Raley Drive Map

J. Roger Henson, P.L.L.C
Attorney at Law
2801A N. Kickapoo
Post Office Box 1465
Shawnee, Oklahoma 74802-1465

(405) 273-8558
Facsimile: (405) 234-3981

Email: roger@rhensonlaw.com

December 12, 2013

Brian McDougal
City Manager
City of Shawnee
Shawnee, OK

Re: Release of road easement for Oklahoma Baptist University.

Dear Mr. McDougal:

As you are aware, Oklahoma Baptist University is in the process of building additional residential facilities for its anticipated growth in the student body over the next several years. In reviewing the master plan and the location of the proposed residential facilities, the existing Raley Drive located on the Oklahoma Baptist University campus needs to be moved to the east.

Recently I visited with John Krywicki and learned Raley Drive was an easement as opposed to a dedicated street. In September of 2005, Oklahoma Baptist University gave an easement to the City of Shawnee on the following described real property, to-wit:

A road easement described as starting at the Southwest Corner of the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼) of Section 1, T10N, R3E of the Indian Meridian, Pottawatomie County, Oklahoma thence N00°40'46"W for a distance of 40 feet; thence S89°19'14"W for a distance of 23.16 feet to the Point of Beginning (POB); thence N00°40'46"W for a distance of 622.44 feet; thence S88°14'33"W for a distance of 60.00 feet; thence S00°40'148"E for a distance of 622.44 feet, thence N89°19'14"E for a distance of 60.00 feet to the Point of Beginning (POB), said described parcel containing 0.81 acres, more or less.

The easement is dated the 20th day of September, 2005 and was recorded on the 22nd day of September, 2005 as instrument number 200500013653 in the Office of the

Letter to Brian McDougal
December 12, 2013
Page 2

County Clerk of Pottawatomie County, State of Oklahoma. A copy is attached. Raley Drive is located in the easement.

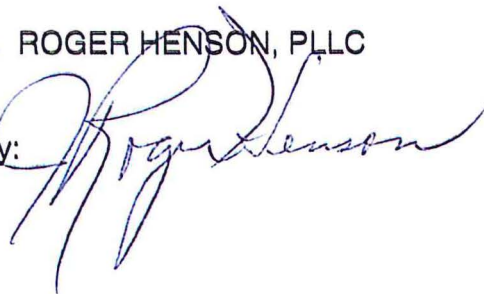
On behalf of Oklahoma Baptist University, this letter constitutes a request to the City of Shawnee to release the roadway easement that is described above. Once the easement has been released, Oklahoma Baptist University plans in the near future to move the roadway to the east which will be at the expense of Oklahoma Baptist University.

Should you have any questions regarding this request feel free to contact either myself or Randy Smith.

Yours very truly,

J. ROGER HENSON, PLLC

By:

A handwritten signature in black ink, appearing to read "J. Roger Henson", written over a horizontal line.

JRH:jmc
Enclosure

cc: Randy Smith, Executive Vice President
John Krywicki, City Engineer
Justin Erickson, Community Development/Planning Director



200500013653
Filed for Record in
POTTAWATOMIE OKLAHOMA
NANCY BRYCE
09-23-2005 At 09:51 am.
EASEMENT 17.00

Instrument PG 1 OF 3
200500013653

Parcel 2.0
18866(04)
STPY-163C(079)UR

ROADWAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

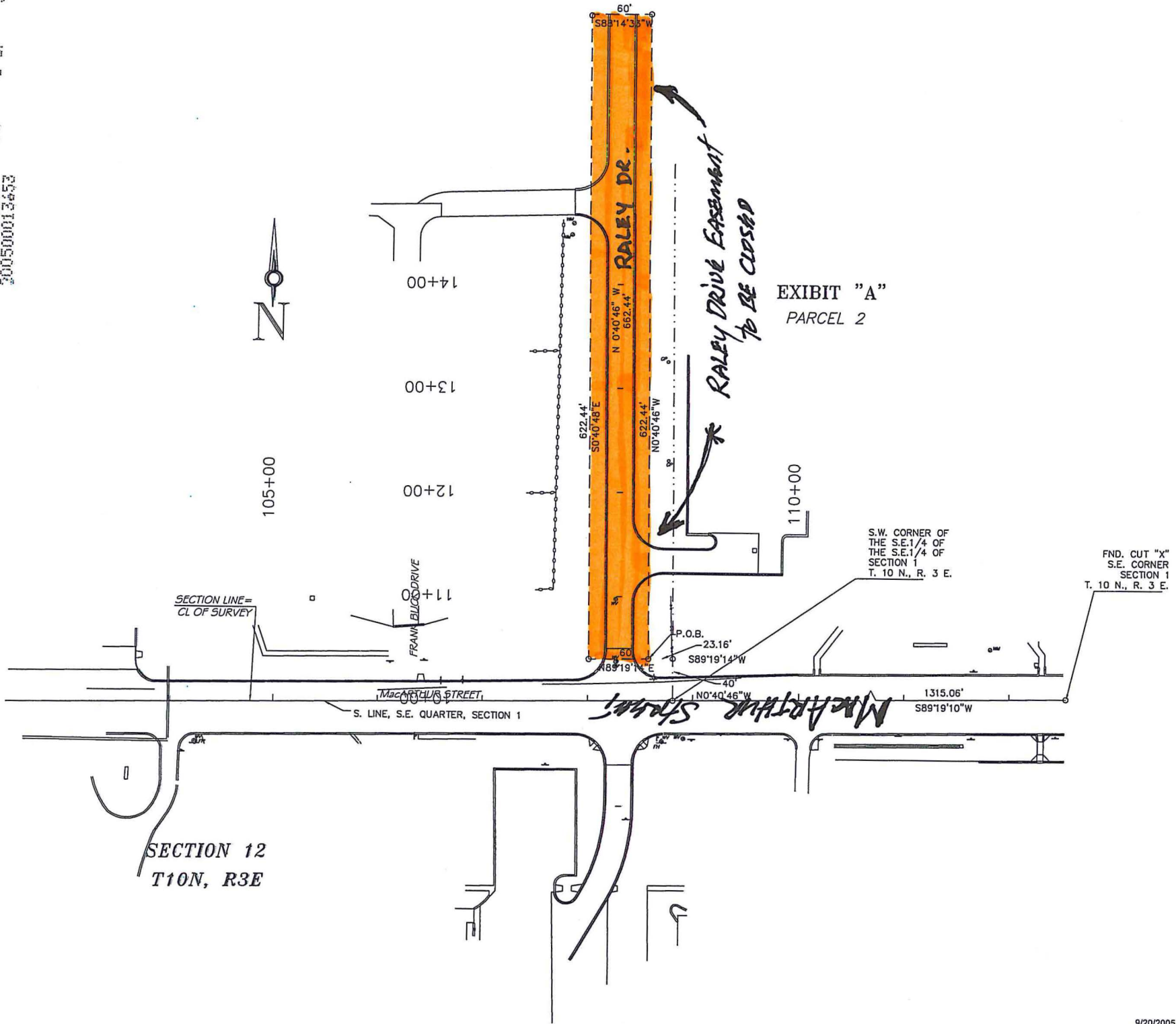
THAT Oklahoma Baptist University, an Oklahoma education and religious corporation, of Pottawatomie County, State of Oklahoma, hereinafter called the Grantors (whether one or more), for and in consideration of the sum of One Dollar (\$1.00) and other good, valuable and sufficient considerations, do hereby grant, bargain, sell, convey and dedicate unto **The City of Shawnee, Oklahoma**, the following described lots or parcels of land for the purpose of establishing thereon a road easement or facilities necessary and incidental thereto, to wit:

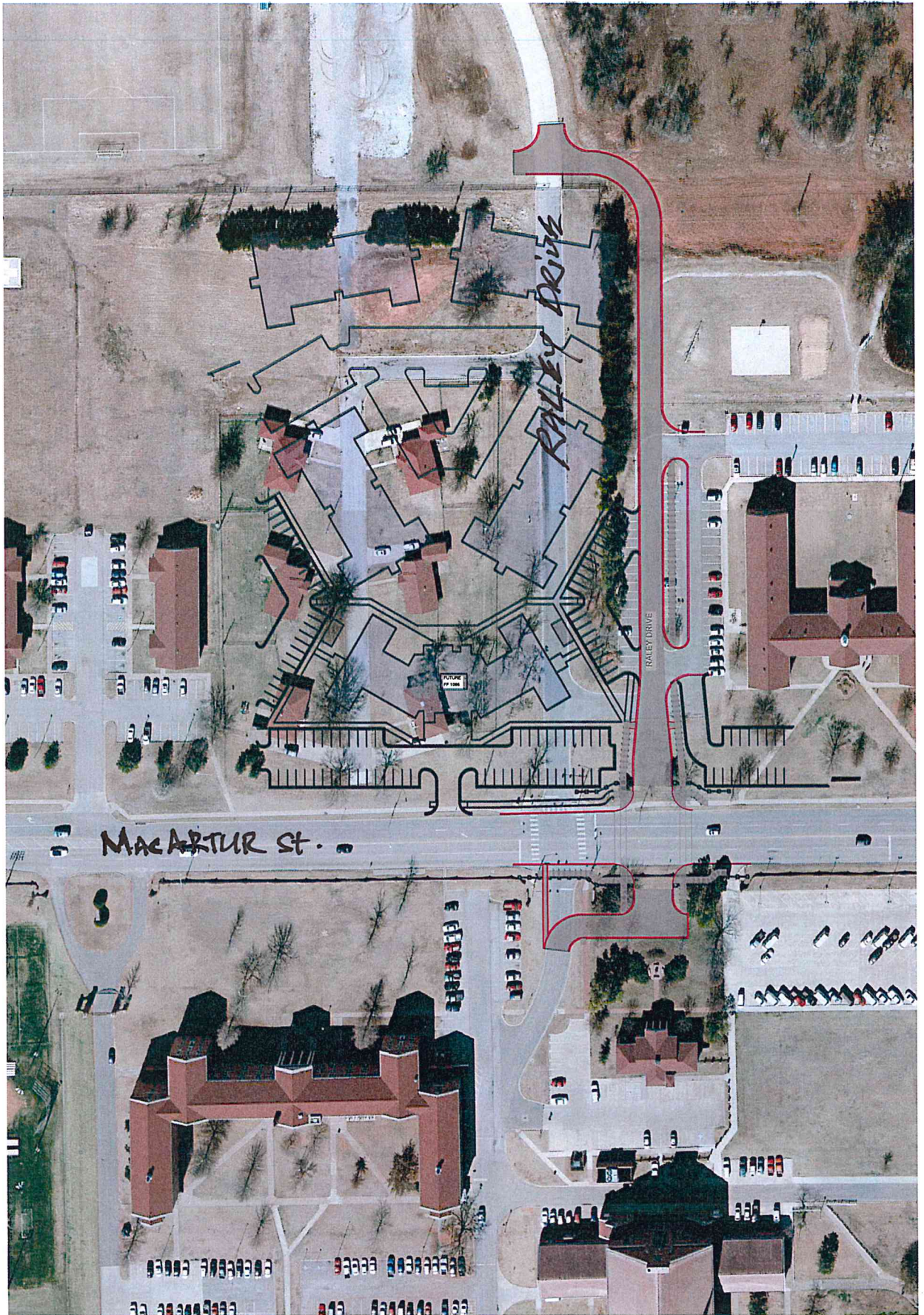
A road easement described as starting at the Southwest Corner of the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) of Section 1, T10N, R3E of the Indian Meridian, Pottawatomie County, Oklahoma thence N00°40'46"W for a distance of 40 feet; thence S89°19'14"W for a distance of 23.16 feet to the Point of Beginning (POB); thence N00°40'46"W for a distance of 622.44 feet; thence S88°14'33"W for a distance of 60.00 feet; thence S00°40'48"E for a distance of 622.44 feet, thence N89°19'14"E for a distance of 60.00 feet to the Point of Beginning (POB), said described parcel containing 0.81 acres, more or less. See Attached Exhibit "A"

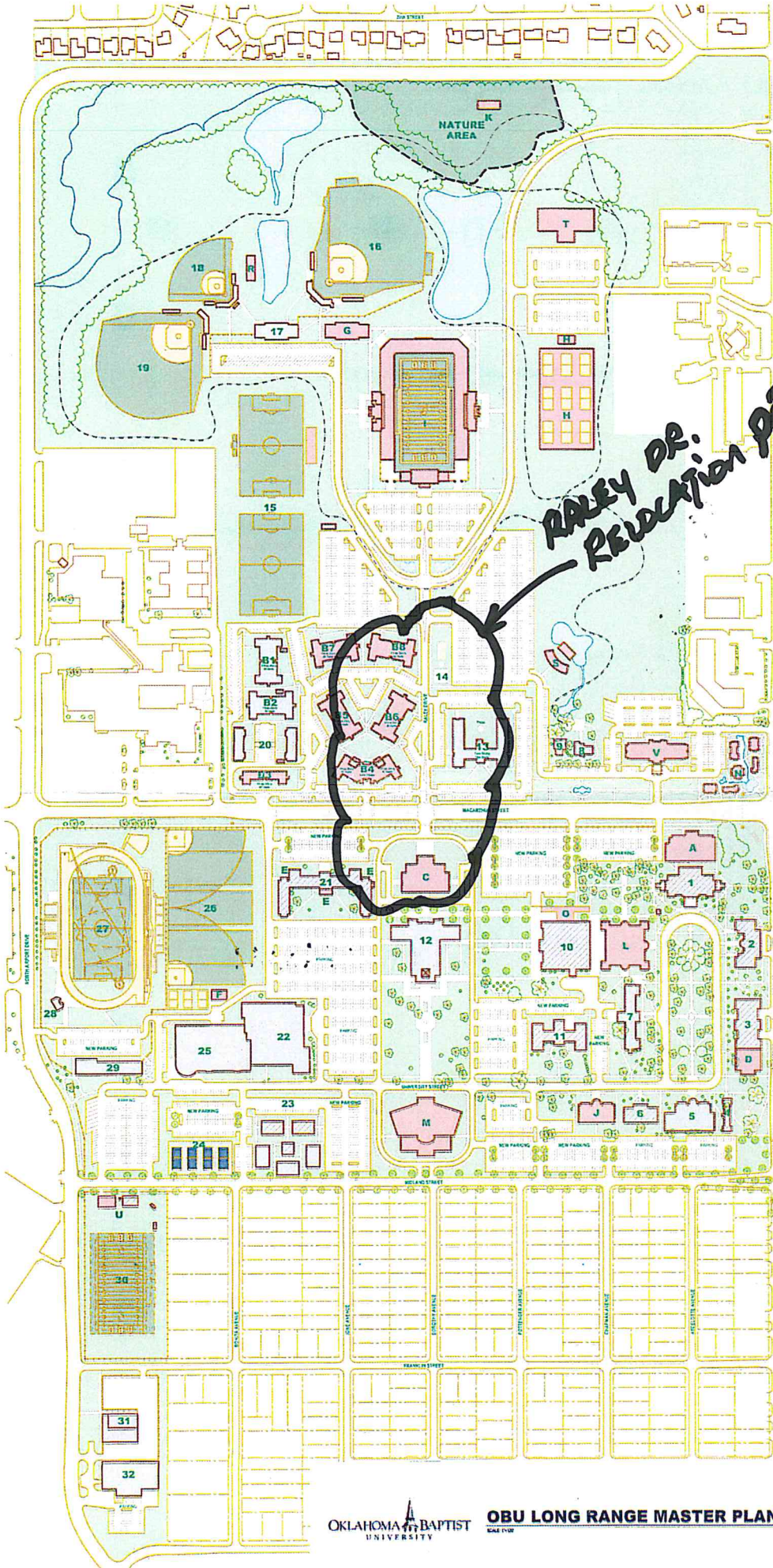
For the same considerations hereinabove recited, said Grantors hereby waive, relinquish and release any and all right, title or interest in and to the surface of the above granted and dedicated tract of land and the appurtenances thereunto belonging, including any and all dirt, rock, gravel, sand and other road building materials, reserving and excepting unto said Grantors the mineral rights therein provided, however, that any explorations or development of said reserved mineral rights shall not directly or indirectly interfere with the use of said land for the purposes herein granted; and reserving unto said Grantors the right of ingress and egress to said road easement from the remaining lands of the Grantors.

To have and to hold said above described premises unto the said party, the City of Shawnee, Oklahoma, free, clear and discharged from any and all claims for the purposes of constructing and maintaining road easement and incidental facilities over and across and above described real estate.

Said Grantors hereby covenant that at the time of the delivery of these presents they were the owners in fee simple of the above-described premises.







EXISTING CAMPUS LEGEND

- EXISTING BUILDINGS
- REMODEL PROJECTS
- 1 SHAWNEE HALL
- 2 THURMOND HALL
- 3 W.P. WOOD SCIENCE BUILDING
- 4 FORD MUSIC HALL
- 5 BAILEY BUSINESS CENTER
- 6 MONTGOMERY HALL
- 7 WMU RESIDENCE CENTER
- 8 CARROLL ALUMNI CENTER
- 9 STURBULEFIELD CHAPPELL
- 10 GEIGER CENTER
- 11 KERR RESIDENCE HALL
- 12 RALEY CHAPEL
- 13 TAYLOR RESIDENCE CENTER
- 14 MILLENNIUM PARK
- 15 SOCCER AND LACROSSE COMPLEX
- 16 BISON BASEBALL FIELD AT FORD PARK
- 17 COATES BASEBALL/SOFTBALL ATHLETIC FACILITY
- 18 LADY BISON SOFTBALL FIELD
- 19 BISON JV BASEBALL FIELD
- 20 MACARTHUR DRIVE APARTMENTS
- 21 AGE RESIDENCE CENTER
- 22 NOBLE COMPLEX
- 23 WEST UNIVERSITY APARTMENTS
- 24 INTRAMURAL TENNIS COURTS
- 25 RECREATION AND WELLNESS CENTER
- 26 INTRAMURAL FIELDS
- 27 HUNT MEMORIAL TRACK COMPLEX
- 28 TRACK SCORING / RESTROOM FACILITIES
- 29 CHECK TRACK BUILDING
- 30 TRACK / LACROSSE PRACTICE FIELD
- 31 ATHLETIC LOCKER ROOM / WEIGHT ROOM
- 32 BUILDING - FACILITIES MANAGEMENT

NEW BUILDING LEGEND

- NEW BUILDINGS
- A JANE E. & NICK R. STAYROS HALL
- B APARTMENTS
- C STUDENT SERVICES CENTER
- D W.P. WOOD SCIENCE BUILDING ADDITION
- E AGE HALL ENTRANCE ADDITIONS
- F INTRAMURAL RESTROOMS / SAFE ROOM & STORAGE
- G SOCCER/TENNIS BUILDING
- H BISON TENNIS COURTS / RESTROOMS & STORAGE
- I FOOTBALL COMPLEX
- J ART BUILDING
- K NATURE AREA / CLASSROOM / RESTROOMS / STORAGE / SUSTAINABLE DESIGN
- L LIBRARY
- M PERFORMING ARTS CENTER
- N RETAIL CENTER
- O GEIGER CENTER LOADING DOCK ADDITION / COVERED WALKWAY
- P K-12 PRIMARY-SECONDARY SCHOOL - LOCATION TO BE DETERMINED
- Q RETIREMENT CENTER - LOCATION TO BE DETERMINED
- R BATTING CAGES
- S AMPHITHEATRE
- T AQUATICS CENTER
- U ATHLETIC TRAINERS FACILITY
- V HOTEL

OBV Prop.?



Regular Board of Commissioners

10.

Meeting Date: 02/03/2014

Exec Session

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action for an executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.).

Regular Board of Commissioners

11.

Meeting Date: 02/03/2014

Possible Action on Exec Session Discussion

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on matters from executive session pursuant to 25 O.S. §307 (C) (10), for the purpose of conferring on matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate Shawnee due to advice from the City Attorney and City Manager that public disclosure of the matter would interfere with the development and would violate the confidentiality of the business, specifically a retail development on North Kickapoo (Hunt Properties, Inc.)
