

AGENDA
BOARD OF CITY COMMISSIONERS
July 21, 2014 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Minutes from the July 7, 2014 regular meeting
 - b. Budget Amendment Fiscal Yr. 2014-15 CDBG Grant
 - c. Acknowledge Pottawatomie County Election Board Certification of Election results for Ward Six from the June 24, 2014 Primary Election
 - d. Acknowledge the following reports:
 - License Payment Report June 1-30, 2014
 - Project Payment Report June 1-30, 2014
 - e. Acknowledge and accept donation of a 9.3 KW portable emergency power generator from Superior Security.
 - f. Acknowledge denial of Tort Claim No. 13751-TW P. Foutch
 - g. Authorize staff to advertise for Request for Qualifications on engineering firm to design Boy Scout Park Splash Pad.
 - h. Lake Lease Transfer and Renewals:

TRANSFER

- Lot 11 Belcher Tract, 15609 Nickens Road
From: C. Warmington and C. Warmington
To: R. Weaver and K. Weaver

RENEWAL

- Lot 5 Renfro Tract, 15810 Sleepy Hollow Road
P. Young

- Lot A Hart Tract, 16001 Hart Road
E. Agee and L. Agee

- Lot 10 Damron Tract, 15504 Highway 102
C. Roberts and M. Roberts

3. Commissioners Comments

4. Citizens Participation

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

5. Discussion, consideration and possible action regarding reducing the statutory minimum liability limits on City owned property located at property considered to be the north airport property as follows: to wit, a tract of land described as beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 0' 32' 54" East a distance of 3961.17 feet; thence N89° 20' 49" East a distance of 2687.98 feet; thence N89° 26' 08" East a distance of 660.09 feet; thence N00° 10' 39" East a distance of 1305.87 feet; thence N00° 19' 37" East a distance of 1322.35 feet; thence S89° 24' 58" West a distance of 659.35 feet; thence N00° 22' 02" East a distance of 1322.55 feet; thence S89° 34' 06" West a distance of 2746.60 feet to the point of beginning, containing 282 acres, more or less; LESS AND EXCEPT A TRACT DESCRIBED AS:

Beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 32' 54" East a distance of 1029.53 feet; thence N84° 34' 29" East a distance of 612.68 feet; thence N03° 46' 04" West a distance of 972.52 feet; thence S89° 34' 06" West a distance of 555.37 feet to the point of beginning, containing 13.40 acres, more or less.

Tabled at the June 16, 2014 meeting for 30 days.

6. Discussion, consideration an possible action on an ordinance amending Article II of the City of Shawnee Charter providing for referral of Ordinances of Detachment of Territory under specified circumstances to a vote of the people and reimbursement for public improvements.

7. Discussion, consideration and possible action on a resolution calling for a special election to be held November 4, 2014, for a vote on whether Ordinance amending Article II of the Charter of the City of Shawnee should be approved.

8. Discussion, consideration and possible action on a resolution asking the Pottawatomie County Commissioners to place before the voters a ballot title permitting the Sunday sale of alcoholic beverages in restaurants.

9. Acknowledge Sales Tax Report received July 2014.

10. City Manager's Report

11. Consider Bids:

a. Rehab Concrete Streets Project Various Locations FY 13-14 COS-PW-13-02 (Award)

12. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
13. Consider an Executive Session to discuss potential claims, litigation or other options regarding Case No. CJ 2013-377, Pottawatomie County, Nash Construction v City of Shawnee, as authorized by 25 O.S. §307(B)(4)
14. Consider an Executive Session to discuss City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
15. Consider an Executive Session to discuss City Attorney's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
16. Consider an Executive Session to discuss Municipal Judge's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
17. Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Case No. CJ 2013-377, Pottawatomie County, Nash Construction v. City of Shawnee, as authorized by 25 O.S. §307(B)(4).
18. Consider matters discussed in Executive Session regarding City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
19. Consider matters discussed in Executive Session regarding City Attorney's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
20. Consider matters discussed in Executive Session regarding Municipal Judge's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
21. 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: 07/21/2014

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the July 7, 2014 regular meeting

Attachments

Minutes

BOARD OF CITY COMMISSIONERS PROCEEDINGS
JULY 7, 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, Monday, July 7, 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

Pam Stephens
Commissioner Ward 1

Linda Agee
Commissioner Ward 2

James Harrod
Commissioner Ward 3-Vice Mayor

Keith Hall
Commissioner Ward 4

Absent
Commissioner Ward 5

Steve Smith
Commissioner Ward 6

ABSENT: John Winterringer

INVOCATION

Rev. Leroy Kerbo
Cross Connection Church

FLAG SALUTE

Mayor Mainord

AGENDA ITEM NO. 1: Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the Agenda. Motion carried 6-0.

AYE: Harrod, Hall, Smith, Stephens, Agee, Mainord

NAY: None

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR
TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE

MUNICIPAL AUTHORITY (6:34 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (6:49 P.M.)

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. 14
- b. Minutes from the June 16, 2014 regular meeting.
- c. Acceptance of 105 Howitzer from the US Army TACOM Life Cycle Management Command for display in Woodland Veterans' Park
- d. Acknowledge the following minutes:
 - Planning Commission meeting minutes from June 4, 2014
 - Shawnee Civic and Cultural Development Authority minutes from May 15, 2014
- e. Approve renewal of excess liability policy for Workers' Compensation with Safety National Casualty Corp. for July 1, 2014, through June 30, 2015.
- f. Authorize police department to purchase two 2014 Ford police interceptor SUV's from Bob Hurley Ford dealership at a cost of \$26,706 each, from 2014-15 capital funds.
- g. Authorize staff to apply for a continuing training grant from FEMA.
- h. Approve Wes Watkins Reservoir Oversight Committee meeting minutes from March 6, 2014 and City of McLoud Budget (7-01-13 through 5-31-14) for Wes Watkins Reservoir.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve the Consent Agenda Item Nos. 2(a-h). Motion carried 6-0.

AYE: Hall, Harrod, Mainord, Smith, Stephens, Agee

NAY: None

AGENDA ITEM NO. 3:

Commissioners Comments

Mayor Mainord stated that the groundbreaking for the municipal pool is on Tuesday, July 8, 2014, at 11:00 a.m.

AGENDA ITEM NO. 4:

Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

Mr. Jim Sims stated that construction companies are blocking sidewalks and that City ordinance states sidewalks are to remain clear

Mr. John Barrett spoke regarding Agenda Item No. 11, which is the consideration of a charter amendment which requires a vote of the people when detachment of city property is requested. Mr. Barrett stated that if the Commission passes this charter amendment it will deny citizens their fundamental right of initiative and referendum. Mr. Barrett said that current Commissioners are trying to preempt the vote of the new Commission, which will be seated in September.

Also regarding Agenda Item No. 11, City Commissioner-Elect Lesa Shaw stated that the City needs to look at area tribes as partners. She stated she does not agree with the City Attorney's opinion regarding detachment and asked each Commission to look at the deannexation issue thoroughly before voting. She further proposed that the City establish an annexation/deannexation committee.

Mr. Kevin Kalies also spoke regarding this item and stated that he is against the detachment request as a property owner.

AGENDA ITEM NO. 5:

A public hearing and consideration of an ordinance to rezone property located northwest of Terminus of Churchill Street, Woodsong Addition, Shawnee, Oklahoma, from A-1; Rural Agricultural and Planned Unit Development to R-1; Single Family Residential.

Case # P09-14 Applicant: Rick Austin

Assistant City Planner Justin DeBruin gave a staff report and said that staff and the Planning Commission recommend approval.

Mayor Mainord declared a public hearing in session to consider an ordinance rezoning rezone property located northwest of Terminus of Churchill

Street, Woodsong Addition, Shawnee, Oklahoma, from A-1; Rural Agricultural and Planned Unit Development to R-1; Single Family Residential. Mr. Rick Austin, applicant, appeared to answer any question the Commission may have. No one appeared against said rezoning and the public hearing was closed.

A motion was made by Commissioner Hall, seconded by Commissioner Stephens, to approve the ordinance rezoning property located northwest of Terminus of Churchill Street, Woodsong Addition, Shawnee, Oklahoma, from A-1; Rural Agricultural and Planned Unit Development to R-1; Single Family Residential.

Ordinance No. 2547NS was introduced.

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: A TRACT OF LAND DESCRIBED AS BEGINNING 625.40 FEET N00°34'34"E OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SE/C SW/4) OF SECTION THIRTY-TWO (32), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA; THENCE N00°34'34"E A DISTANCE OF 1324.33 FEET; THENCE N89°42'29"W A DISTANCE OF 548.32 FEET; THENCE S00°06'12"E A DISTANCE OF 1955.77 FEET (MEASURED S00°05'29"E A DISTANCE OF 1957.25 FEET) TO THE SOUTH SECTION LINE; THENCE N89°28'29"E A DISTANCE OF 126 FEET (MEASURED 125.60 FEET); THENCE N00°34'34"E A DISTANCE OF 625.40 FEET; THENCE N89°28'29"E A DISTANCE OF 400.03 FEET (MEASURED 400.00 FEET) TO THE POINT OF BEGINNING.

AND

A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION THIRTY-TWO (32), TOWNSHIP ELEVEN (11) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA, BEING FURTHER DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER (SW/C SE/4); THENCE N00°34'34" E A DISTANCE OF 1340.18 FEET TO THE POINT OF BEGINNING; THENCE N90°00'00" E A DISTANCE OF 175.43 FEET; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 725.00 FEET, A CHORD DISTANCE OF 10.08 FEET, A CHORD BEARING OF S06°49'52" E AND AN ARC DISTANCE OF 10.08 FEET; THENCE N 90°00'00" E A DISTANCE OF 131.28 FEET; THENCE S07°35'41" E A DISTANCE OF 61.38 FEET; THENCE N79°55'00" E A DISTANCE OF 160.61 FEET; THENCE N00°34'34" E 701.20 FEET; THENCE S89°38'26" W A DISTANCE OF 474.62 FEET; THENCE S00°34'34" W A DISTANCE OF 655.49 FEET TO THE POINT OF BEGINNING, FROM A-1 RURAL AGRICULTURAL AND PUD; PLANNED UNIT DEVELOPMENT TO R-1; SINGLE FAMILY RESIDENTIAL; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

Motion carried 6-0.

AYE: Hall, Stephens, Agee, Harrod, Mainord, Smith

NAY: None

Ordinance No. 2547NS was adopted by the City Commission.

AGENDA ITEM NO. 6: Consideration of approval of a Preliminary Plat for Stone Creek Crossing located at the north corner of MacArthur and Acme Road. *Case #S07-14 Applicant: Stone Creek Investments, Inc.*

Justin DeBruin gave the staff report and stated that this property was originally planned for 12 lots but the plat now allows for up to 16 lots.

A motion was made by Commissioner Stephens, seconded by Vice Mayor Harrod, to approve the preliminary plat for Stone Creek Crossing located at the north corner of MacArthur and Acme Road with the following conditions:

1. Final construction documents must be approved by the City Engineer concurrent with Final Plat approval.
2. The final engineered drainage plan must be approved by the City Engineer concurrent with Final Plat approval.
3. Approval of the following deviations:
 - a. The proposed cui-de-sacs are approved as shown.
 - b. A private street network may be utilized provided the street is built to City Standards. The final plat shall clearly denote "private" on the street.
 - c. Aerobic septic system may be utilized for up to 16 lots, as approved by the City Engineer. Also, all septic systems shall be approved by and meet the standards of both the Health Department and Department of Environmental Quality (DEQ). Lots on septic systems shall be no smaller than 0.50 acres in size.
4. All other applicable City standards apply.

Motion carried 6-0.

AYE: Stephens, Harrod, Mainord, Hall, Smith, Agee

NAY: None

AGENDA ITEM NO. 7: Consideration of approval of a Final Plat for Shawnee Marketplace Planned Unit Development located at the southwest quarter of Interstate 40 and Kickapoo Street. *Case #S09-14 Applicant: Cates-Clark & Associates, LLP*

Deferred by Planning Commission to a special called meeting.

Staff advised that this item was deferred by the Planning Commission to a special called meeting. No action taken.

AGENDA ITEM NO. 8:

A public hearing and consider an ordinance closing alley between 10th Street and 11th Street and between N. Pesotum Avenue and N. Florence Avenue.

Mr. DeBruin gave the staff report and stated that the requested closure is due to criminal activity in the area. Staff also reported that notice was given to utility companies and surrounding residents with no protests filed. Staff recommends approval

Mayor Mainord declared a public hearing in session to consider an ordinance closing alley between 10th Street and 11th Street and between N. Pesotum Avenue and N. Florence Avenue. Rev. Ken Kerbo appeared and spoke in favor of said closing. He described some of the problems and criminal activity that has occurred recently on and around church property. No one appeared against said ordinance and the public hearing was closed.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve the ordinance closing alley between 10th Street and 11th Street and between N. Pesotum Avenue and N. Florence Avenue.

Ordinance No. 2548NS was introduced.

AN ORDINANCE CLOSING PART OF THE PUBLIC ALLEYWAY LOCATED IN BLOCK 7, OAK PARK ADDITION AND PROVIDING FOR SEVERABILITY

Motion carried 6-0.

AYE: Harrod, Hall, Smith, Stephens, Agee, Mainord

NAY: None

Ordinance No. 2548NS was adopted by the City Commission.

AGENDA ITEM NO. 9:

Consideration of a resolution in support of tax credits for CSY Investors, LLC, for rehabilitation of Ashford Place Apartments.

Resolution No. 6469 was introduced.

A RESOLUTION SUPPORTING THE ACQUISITION AND REHABILITATION OF A HOUSING DEVELOPMENT KNOWN AS ASHFORD PLACE APARTMENTS, LOCATED IN THE CITY OF SHAWNEE, OKLAHOMA; SUPPORTING FAVORABLE CONSIDERATION BE GIVEN FOR TAX CREDIT AWARD FOR THIS PROJECT.

Mr. Pete Marrone, a representative of CSY Investors, LLC advised they are purchasing the Ashford Place Apartment property out of bankruptcy and will be making inside and outside improvements to this low-income property. It is currently 90 - 95% occupied. The rehabilitation project will most likely be completed in late 2014 or early 2015.

A motion was made by Commissioner Stephens, seconded by Commissioner Agee, to approve a resolution of support of tax credits for CSY Investors, LLC, for rehabilitation of Ashford Place Apartments. Motion carried 6-0.

AYE: Stephens, Agee, Harrod, Mainord, Hall, Smith

NAY: None

AGENDA ITEM NO. 10:

Consideration of a resolution to surplus a vehicle to recycle.

Resolution No. 6470 was introduced.

A RESOLUTION DECLARING A VEHICLE ASSIGNED TO THE POLICE DEPARTMENT AS SURPLUS PROPERTY AND NO LONGER USABLE FOR CITY OR ANY OTHER PURPOSES; DESCRIBING SAID ITEM; AND AUTHORIZING STAFF TO PROCEED WITH REMOVAL OF SAID VEHICLE AND DISPOSING OF SAID PROPERTY TO A RECYCLING FACILITY.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to approve a resolution to surplus a vehicle to recycle. Motion carried 6-0.

AYE: Harrod, Hall, Smith, Stephens, Agee, Mainord

NAY: None

AGENDA ITEM NO. 11:

Discussion, consideration and possible action on a proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances. *Continued from the June 16, 2014 meeting with the following motion and second remaining on the floor for discussion.*

A motion made by Commissioner Hall, seconded by Vice Mayor Harrod, to direct staff to move forward in preparation of ballot language on a proposal for a charter amendment requiring a vote of the people to approve detachment of territory under specific circumstances.

Commissioner Hall amended the previous motion which remained on the floor from the June 16, 2014 meeting. His new motion is as follows and was seconded by Vice Mayor Harrod: To proceed with City Charter amendment resolution on the ballot for the next available election. Wording as follows: “Whenever the Commission determines that territory should be detached from the City limits, it shall submit the question to the voters no later than the next available municipal election, if the territory:

1. Is zoned higher than agricultural; or
2. Has infrastructure, including without limitation, utility services and roads constructed by the City and in place for less than 25 years; or
3. Has infrastructure that produces revenue pledged to payment of indebtedness; or
4. There are more than five occupied residences on the tract; or
5. There is at least one retail business on the tract.”

Regarding the motion, Commissioner Agee expressed her concern that this would only complicate the issue. She feels that it would cost the City several thousand dollars and could result in a waiting period up to two years until an election is set to vote on the proposed detachment.

Commissioner Stephens stated that she agreed with Commission-Elect Shaw’s suggestion to establish an annexation/deannexation committee. She also stated that she does not want the current board of Commissioners to act rashly and

urged them to wait until the new City Commissioners are seated to consider this issue.

Commissioner Hall stated there has never been an annexation case in the history of Shawnee that met the criteria proposed. He feels that something this important should have citizen input and not be left up to four people on the City Commission to determine.

Mayor Mainord then called for the vote.

Motion carried 4-2.

AYE: Hall, Harrod, Mainord, Smith

NAY: Stephens, Agee

A motion was then made by Commissioner Hall, seconded by Vice Mayor Harrod, to proceed with the City Charter amendment resolution on the ballot for the next available election with wording as follows: "When land within existing City limits is detached, whether by vote of the people or by city ordinance, the City is entitled to reimbursement for public improvements that have been made to the land being detached. The value of reimbursement to the City shall be no less than:

1. The actual cost of the applicable public improvements; or
2. The remaining sum total of revenues from the applicable infrastructure that are pledged to payment of debt, whichever is greater."

Motion carried 4-2.

AYE: Hall, Harrod, Mainord, Smith

NAY: Stephens, Agee

AGENDA ITEM NO. 12:

Consider approval of Disability Retirement for Carla Clemons from the Oklahoma Municipal Retirement Fund.

A motion was made by Commissioner Stephens, seconded by Commissioner Hall, to approve the Disability Retirement for Carla Clemons from the Oklahoma Municipal Retirement Fund. Motion carried 6-0.

AYE: Stephens, Hall, Harrod, Mainord, Smith, Agee

NAY: None

AGENDA ITEM NO. 13:

Consider approval of acquiring a Permanent Easement for Public Highway at Independence and Kickapoo for parcel 11 and Temporary Easement on parcel 11.2 and 11.3, as necessary for the Kickapoo Street widening project.

A motion was made by Commissioner Stephens, seconded by Commissioner Smith, to approve acquiring a Permanent Easement for Public Highway at Independence and Kickapoo for parcel 11 and Temporary Easement on parcel 11.2 and 11.3, as necessary for the Kickapoo Street widening project. Motion carried 6-0.

AYE: Stephens, Smith, Agee, Harrod, Mainord, Hall
NAY: None

AGENDA ITEM NO. 14:

Consider Bids:

- a. Rehab Concrete Streets Project (Various Locations) FY13-14
Contract No. COS-PW-13-02 (Open)

<u>BIDDER</u>	<u>AMOUNT</u>
MTZ Construction, Inc. Oklahoma City, OK	\$505,500.00
C 3 Construction Ada, OK	\$508,316.61
S&J Construction Specialists LLC Sapulpa, OK	\$466,725.00

City Engineer John Krywicki read the bids into the record and requested that the bid award be deferred to the next meeting to allow staff to review and check references.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Stephens, to defer the bid award to the July 21, 2014 City Commission meeting. Motion carried 6-0.

AYE: Harrod, Stephens, Agee, Mainord, Hall, Smith
NAY: None

AGENDA ITEM NO. 15: 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. 16: Consider an Executive Session to discuss potential claims, litigation or other options regarding Case No. CV-2014-6, Pottawatomie County, City of Shawnee v. International Union of Police Associations, Local No. 3 and Jon Arnett, as authorized by 25 O.S. §307(B)(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to enter into Executive Session to discuss potential claims, litigation or other options regarding Case No. CV-2014-6, Pottawatomie County, City of Shawnee v. International Union of Police Associations, Local No. 3 and Jon Arnett, as authorized by 25 O.S. §307(B)(4). Motion carried 6-0.

AYE: Harrod, Smith, Stephens, Agee, Mainord, Hall
NAY: None

AGENDA ITEM NO. 17: Consider an Executive Session to discuss evaluations of City Manager and City Attorney pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee."

A motion was made by Vice Mayor Harrod, seconded by Commissioner Hall, to enter into Executive Session to discuss evaluations of City Manager and City Attorney pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee." Motion carried 6-0.

AYE: Harrod, Hall, Smith, Stephens, Agee, Mainord

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:35 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:16 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 18: Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Case No. CV-2014-6, Pottawatomie County, City of Shawnee v. International Union of Police Associations, Local No. 3 and Jon Arnett, as authorized by 25 O.S. §307(B)(4).

No action taken.

AGENDA ITEM NO. 19: Consider matters discussed in Executive Session regarding discussion of evaluations of City Manager and City Attorney pursuant to 25 O.S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee."

No action taken.

AGENDA ITEM NO. 20: Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:17 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Regular Board of Commissioners

2. b.

Meeting Date: 07/21/2014

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment Fiscal Yr. 2014-15 CDBG Grant

Attachments

Budget Amendment CDBG

CITY OF SHAWNEE
BUDGET AMENDMENT FISCAL YR 2014-2015
CDBG GRANT
07/21/2014

Estimated Revenue or Fund Balance

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
189	4101	C13		Federal Grant Revenue	-	285,000.00	285,000.00
189	4830	C13		Program income		15,000.00	15,000.00
				Total		300,000.00	

Appropriations

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
189	5.1410.5101	C13	14105101	Admin - Regular Salaries	-	7,096.62	7,096.62
189	5.1410.5102	C13	14105102	Admin - Overtime	-	-	-
189	5.1410.5104	C13	14105104	Admin - Longevity	-	114.95	114.95
189	5.1410.5111	C13	14105111	Admin - FICA	-	447.12	447.12
189	5.1410.5112	C13	14105112	Admin - Medicare	-	104.57	104.57
189	5.1410.5113	C13	14105113	Admin - Health Insurance	-	2,000.00	2,000.00
189	5.1410.5114	C13	14105114	Admin - Life Insurance	-	23.00	23.00
189	5.1410.5115	C13	14105115	Admin - OMRF	-	1,200.00	1,200.00
189	5.1410.5201	C13	14105201	Office & Computer Supplies	-	1,500.00	1,500.00
189	5.1410.5220	C13	14105220	Tools & Minor Equipment	-	50.00	50.00
189	5.1410.5250	C13	14105250	Other Materials & Supplies	-	500.00	500.00
189	5.1410.5303	C13	14105303	Repair & Maintenance-Equipment	-	50.00	50.00
189	5.1410.5304	C13	14105304	Repair & Maintenance-Vehicle	-	400.00	400.00
189	5.1410.5310	C13	14105310	Legal Services	-	100.00	100.00
189	5.1410.5325	C13	14105325	Telephone	-	500.00	500.00
189	5.1410.5328	C13	14105328	Copy Usage	-	1,200.00	1,200.00
189	5.1410.5329	C13	14105329	Postage & Shipping	-	1,700.00	1,700.00
189	5.1410.5339	C13	14105339	Other Contractual Services	-	2,500.00	2,500.00
189	5.1410.5349	C13	14105349	Books & Subscriptions	-	100.00	100.00
189	5.1410.5354	C13	14105354	Printing	-	1,000.00	1,000.00
189	5.1410.5356	C13	14105356	Land & Building Rental	-	11,724.00	11,724.00
189	5.1420.5101	C13	14205101	Rehab - Regular Salaries	-	92,326.84	92,326.84
189	5.1420.5102	C13	14205102	Rehab - Overtime	-	-	-
189	5.1420.5104	C13	14205104	Rehab - Longevity	-	1,404.00	1,404.00
189	5.1420.5111	C13	14205111	Rehab - FICA	-	7,430.00	7,430.00
189	5.1420.5112	C13	14205112	Rehab - Medicare	-	1,737.00	1,737.00
189	5.1420.5113	C13	14205113	Rehab - Health Insurance	-	8,732.00	8,732.00
189	5.1420.5114	C13	14205114	Rehab - Life Insurance	-	95.00	95.00
189	5.1420.5115	C13	14205115	Rehab - OMRF	-	13,567.00	13,567.00
189	5.1420.5370	C13	14205370	Housing Rehabilitation	-	95,571.00	95,571.00
189	5.1420.5371	C13	14205371	Emergency Rehab Assistance	-	46,826.90	46,826.90
						300,000.00	

Approved by the City Commission this

Explanation of Budget Amendment:

rollover for fiscal year 2013-2014

left over money from last year grant

Approved:

Mayor

Attest:

City Clerk

Posted By _____ Date _____ BA# _____ Pkt.# _____

Regular Board of Commissioners

2. c.

Meeting Date: 07/21/2014

Election Certification

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Pottawatomie County Election Board Certification of Election results for Ward Six from the June 24, 2014 Primary Election

Attachments

Election Certification

OFFICIAL CERTIFICATE OF VOTES
 POTTAWATOMIE COUNTY, OKLAHOMA
 JUNE 24, 2014

CITY OF SHAWNEE
 FOR WARD SIX COMMISSIONER CITY OF SHAWNEE

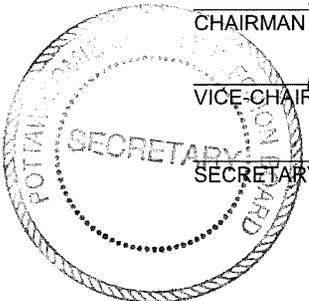
Precinct	MICHEAL DYKSTRA	LARRY G. SMITH	STEVEN C SMITH
POTTAWATOMIE COUNTY PCT 630001	0	0	0
POTTAWATOMIE COUNTY PCT 630002	105	23	52
POTTAWATOMIE COUNTY PCT 630003	238	55	67
POTTAWATOMIE COUNTY PCT 630006	139	36	70
POTTAWATOMIE COUNTY PCT 630007	226	59	97
POTTAWATOMIE COUNTY PCT 630009	92	16	41
POTTAWATOMIE COUNTY PCT 630011	208	52	140
POTTAWATOMIE COUNTY PCT 630012	221	56	115
POTTAWATOMIE COUNTY PCT 630013	304	108	221
POTTAWATOMIE COUNTY PCT 630015	275	65	111
POTTAWATOMIE COUNTY PCT 630018	228	41	127
POTTAWATOMIE COUNTY PCT 630022	40	11	14
POTTAWATOMIE COUNTY PCT 630024	10	2	4
POTTAWATOMIE COUNTY PCT 630025	28	4	15
POTTAWATOMIE COUNTY PCT 630026	14	1	3
POTTAWATOMIE COUNTY PCT 630029	0	0	0
Total:	2,128	529	1,077

WE, THE DULY APPOINTED MEMBERS OF THE POTTAWATOMIE COUNTY ELECTION BOARD, STATE OF OKLAHOMA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS A TRUE AND CORRECT NUMBER OF VOTES CAST IN THE ELECTION HELD ON 6/24/2014. RESULTS OF SAID ELECTION ARE SHOWN ABOVE. DATED AT SHAWNEE, OKLAHOMA, THIS 27th DAY OF JUNE, 2014.

Jeggy J. Harwell
 CHAIRMAN

Dennis J. Norton
 VICE-CHAIRMAN

Diana R. Knight
 SECRETARY



Regular Board of Commissioners

2. d.

Meeting Date: 07/21/2014

Reports

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following reports:

- License Payment Report June 1-30, 2014
 - Project Payment Report June 1-30, 2014
-

Attachments

License Payment Report

Project Payment Report

** FEE CODE TOTALS **

FEE CODE	DESCRIPTION	FEE	PAYMENT DISTRIBUTION			TOTAL PAI
			PENALTY	TAX	INTEREST	
ALARM	BURGLAR/FIRE ALARM LICENSE	3	75.00CR			75.00
ALARMRENEW	BURGLAR/FIRE ALARM RENEW	9	135.00CR			135.00
AUCD	AUCTION LICENSE FEE ONE DAY	1	10.00CR			10.00
AUCM	AUCTION LICENSE FEE ONE MONTH	1	30.00CR			30.00
BEER1	BEER CONSUMPTION ON PREMISE	15	300.00CR			300.00
BEER2	BEER PACKAGE FEE	24	240.00CR			240.00
BOATDAILY	BOATING DAILY FEE	1	7.00CR			7.00
BOATREG	BOAT REGULAR PERMIT	68	1,768.00CR			1,768.00
CONCE	CONCESSION STAND EVENT FEE	1	7.50CR			7.50
ELEC1	ELECTRICAL CONTRACTOR INITIAL	2	200.00CR			200.00
ELEC2	ELECTRICAL CONTRACTOR RENEW	9	675.00CR			675.00
FISHANNUAL	FISHING ANNUAL FEE	30	450.00CR			450.00
FISHDAILY	FISHING DAILY FEE	2	6.00CR			6.00
IMERC	ITINERANT MERCHANT FEE	8	100.00			100.00
LAKE-IN	LAKE LEASE CITY RESIDENT	1	200.00CR			200.00
LAKEINSP	LAKE LEASE INSPECTION	3	225.00CR			225.00
LAKELEASE	LAKE LEASE	11	7,139.00CR			7,139.00
LAKEXFER	LAKE LEASE TRANSFER FEE	1	1,000.00CR			1,000.00
MECH1	MECHANICAL CONTRACTOR INTIAL	3	300.00CR			300.00
MECH2	MECHANICAL CONTRACTOR RENEW	9	675.00CR			675.00
MIXED	MIXED BEV OCCUPANTIONAL TAX	2	2,000.00CR			2,000.00
PLUM1	PLUMBING CONTRACTOR INITIAL	7	600.00CR			600.00
PLUM2	PLUMBING CONTRACTOR RENEW	3	225.00CR			225.00
REFUND	REFUND	2	100.00CR			100.00
RESAL	RESIDENTIAL SALE	149	1,490.00CR			1,490.00
SOLIC	SOLICITOR ANNUAL LICENSE	1	50.00CR			50.00
STORM	STORM CELLAR LICENSE FEE	2	150.00CR			150.00
TAXIBR	VEHICLE FOR HIRE RENEWAL	1	50.00CR			50.00
TAXIDR	TAXI DRIVER RENEAL FEE	3	75.00CR			75.00
TOTAL			18,082.50CR			18,082.50

07/09/2014 2:00 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

PROJECT PAYMENT REPORT

PAGE: 6
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 6/01/2014 TO 6/30/2014
SORTED BY: PROJECT

** GENERAL LEDGER DISTRIBUTION **

FUND G/L ACCOUNT	ACCOUNT NAME	AMOUNT
001-2133	UBCC FEE PAYABLE	340.00CR
001-4202	BUILDING PERMITS	6,787.80CR
001-4203	PLUMBING PERMITS	860.00CR
001-4204	ELECTRICAL PERMITS	240.00CR
001-4205	ZONING PERMITS & APPLICATIONS	1,903.00CR
001-4206	HEATING & A/C PERMITS	1,150.00CR
001-4249	OTHER PERMITS	540.00CR
001-4822	OTHER MISC. REVENUE	42.50CR
101-4249	OTHER PERMITS	125.00CR
501-4510	WATER TAPS	750.00CR
799-1023	BANCFIRST GENERAL	12,738.30

07/09/2014 2:00 PM
STATUS: ALL
SEGMENT CODES: All
FEE CODES: All

PROJECT PAYMENT REPORT

PAGE: 4
PROJECTS: THRU ZZZZZZZZZZ
PAYMENT DATES: 6/01/2014 TO 6/30/2014
SORTED BY: PROJECT

** SEGMENT CODE TOTALS **

SEGMENT CODE	DESCRIPTION	TOTAL PAID
B1-NEW	BUILDING CONSTRUCTION NEW	3,416.16CR
B3-REMODEL	BUILDING CONSTRUCTION REM	3,832.64CR
B4-OTHER	BLD OLD CAPORT/SHELTER	29.50CR
B4-SHELTER	BUILDING SHELTER	206.50CR
B4-STORAGE	BUILDING STORAGE SHED	266.00CR
E3-REMODEL	ELECTRICAL REMODEL/REPAIR	285.00CR
M3-REMODEL	MECHANICAL REMODEL/REPAIR	1,231.00CR
P2-ADD	PLUMBING ADDITION	154.50CR
P3-REMODEL	PLUMBING REMODEL	710.50CR
UNAPPLIED	UNAPPLIED CREDITS	50.00CR
X-BORE/CUT	BORING & PAVING CUT PERMI	50.00CR
X-CURBCUT	CURBCUT/DRIVEWAY/SIDEWALK	50.00CR
X-DEMO	DEMOLITION PERMIT	200.00CR
X-PLATFIN	PLAT REVIEW FINAL	826.00CR
X-PLATREV	PLAT REVIEW PRELIM	377.00CR
X-SIGN	SIGN PERMIT	100.00CR
X-SWIMPOOL	SWIMMING POOL PERMIT	103.50CR
Z-BOAAPP	BOA APPLICATION	90.00CR
Z-CONDUSE	CONDITIONAL USE PERMIT	280.00CR
Z-OCCUP	OCCUPANCY PERMIT	150.00CR
Z-REZONING	REZONING REQUEST	330.00CR
TOTAL		12,738.30CR

Regular Board of Commissioners

2. e.

Meeting Date: 07/21/2014

Donation Portable Generator

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge and accept donation of a 9.3 KW portable emergency power generator from Superior Security.

Attachments

Donation Portable Generator

City of Shawnee Memorandum

To: Honorable Mayor and City Commissioners
Through: Brian McDougal, City Manager
From: Donald D. Lynch, Emergency Management Director
Date: June 14, 2014
Re: Donation of Emergency Power Generator



NATURE OF THE REQUEST:

I am writing to request your acceptance of the donation of a 9.3 kilowatt emergency power generator from Superior Security and Investigations in Shawnee.

STAFF ANALYSIS /CONSIDERATIONS:

The generator has been placed on a military surplus cargo trailer that we had on hand. We intend to add portable light towers to this trailer and a distribution panel so that the unit may be used at emergency and disaster scenes by all City departments.

RECOMMENDATION:

Staff recommends approval.

BUDGET CONSIDERATION:

The generator is in working order. The cost for the light towers and distribution panel are in the current fiscal year budget.

We had planned to purchase a similar commercial model of light plant. This donation and the ability to build our own will provide us a savings over the purchase of the commercial model.

A letter of recognition to Superior Security is attached.

Thank you for your favorable attention to this request.

<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>
---	--	---

July 21, 2014

Louis Maltos
Superior Security
4419 North Bryan
Shawnee, OK 74804

Dear Mr. Maltos:

The City of Shawnee gratefully acknowledges your donation of a 9.3 kilowatt emergency power generator to our Emergency Management Department. Your contribution will provide emergency power support for emergency and disaster scenes, thereby aiding workers in performing their response tasks in a more safe and efficient manner.

Thank you for your generous donation.

Sincerely,

Wes Mainord
Mayor

Regular Board of Commissioners

2. f.

Meeting Date: 07/21/2014

Denial of Tort Claim

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge denial of Tort Claim No. 13751-TW P. Foutch

Attachments

OMAG Denial Letters

Denial Tort Claim



Oklahoma Municipal Assurance Group

3650 S. Boulevard • Edmond, OK 73013-5581 • 405/657-1400 • 800/234-9461 • fax: 405/657-1401 • www.omag.org

RECEIVED
JUN 25 2014
CITY ATTORNEY

June 23, 2014

Ms. Dana Shelburne
City of Shawnee
PO Box 1448
Shawnee, OK 74802

Re: Member : City of Shawnee
Claimant : Preston Foutch
Date of Loss : 03/16/14
Claim No. : 137514-TW

Dear Ms. Shelburne:

We have completed our investigation regarding the above referenced claim. It is our recommendation to the City of Shawnee that this claim be denied. We find no liability on the City's part, regarding this incident.

Under the Governmental Tort Claims Act, 51 Okla. Sec 157(A), this claim will be deemed denied ninety (90) days after it was received by City of Shawnee or on 07/23/14. 51 Okla. Stat. Sec 157 (B) requires any lawsuit under the Act to be commenced within one hundred eighty (180) days after denial of the claim.

Thus to begin the 180-day statute of limitations prior to 07/23/14 we suggest you docket this claim for denial at the next meeting of your municipal governing body. **For the 180-day period to start running, the claimant must be notified in writing at the address on the claim within five (5) days of the denial.** To document compliance with the Act, we recommend that you send notice of denial of the claim by certified mail.

Please advise us as soon as possible of any official action taken by the municipal governing body on denial of this claim.

Sincerely,

Tiara Wallace
Claims Examiner

Enclosure



Oklahoma Municipal Assurance Group

3650 S. Boulevard • Edmond, OK 73013-5581 • 405/657-1400 • 800/234-9461 • fax: 405/657-1401 • www.omag.org

RECEIVED

JUN 25 2014

CITY ATTORNEY

June 23, 2014

Mr. Preston Foutch
1934 N. Minnesota Ave
Shawnee, OK 74804

RE: Member : City of Shawnee
Claimant : Preston Foutch
Date of Loss : 03/16/14
Claim No. : 137514-TW

Dear Mr. Foutch:

As the adjuster for the Oklahoma Municipal Assurance Group, the insurer for the City of Shawnee, we are recommending denial of this claim and find no liability on the City's part.

Oklahoma law has consistently held that a municipality is not an insurer of its sanitary sewer system. This means that a municipality is not automatically liable for damages to property which results from a sewage backup. A municipality may be liable only if it had prior notice of a defect or problem in the sewer line and failed to take appropriate remedial action within a reasonable time before the damage occurred.

Our investigation indicates that the cause of this sewer backup was an unknown obstruction and the City had no notice of this problem prior to the sewer backup at 1934 N. Minnesota Ave, Shawnee, Oklahoma.

Therefore, we have determined that the City of Shawnee was not negligent in its maintenance of the sanitary sewer line. Accordingly, while we regret the inconvenience and distress involved in the clean up, we do not believe that state law authorizes us to pay for these damages on behalf of the City of Shawnee.

Sincerely,

Tiara Wallace
Claims Examiner

cc: City of Shawnee ✓

NOTICE OF TORT CLAIM

OKLAHOMA MUNICIPAL ASSURANCE GROUP - MUNICIPAL LIABILITY PROTECTION PLAN

A. CLAIMANT REPORT

To the City of Shawnee Public works Dept.
Public entity you are filing this claim against.

PLEASE PRINT OR TYPE AND SIGN

IMPORTANT NOTICE: The filing of this form with the City Clerk's office is only the initial step in the claim process and does not indicate in any manner the acceptance of responsibility by the City or its related entities.

CLAIMANT(S) Preston Foutch
ADDRESS 1934 N Minnesota Ave
Shawnee OK, 74804
CLAIMANT(S) SOCIAL SECURITY NO. 442-98-8592
CLAIMANT(S) DATE OF BIRTH 8/31/87
PHONE: HOME (405) 615-1032 BUS. ()

- 1. DATE AND TIME OF INCIDENT 3/16/14 (7:00) a.m.
2. LOCATION OF INCIDENT Home - 1934 N Minnesota Ave. Shawnee OK, 74804
3. DESCRIBE INCIDENT City sewage backup into Guest bathroom, bedroom, part of laundry room & Garage

4. LIST ALL PERSONS AND/OR PROPERTY FOR WHICH YOU ARE CLAIMING DAMAGES:

BODILY INJURY: WAS CLAIMANT INJURED? YES NO
Describe injury
WERE YOU ON THE JOB AT THE TIME OF INJURY? YES NO
NAME OF DOCTOR OR HOSPITAL
ALL MEDICAL BILLS (attach Copies) \$
LIST OTHER DAMAGES CLAIMED \$
TOTAL BODILY INJURY..... \$

PROPERTY DAMAGE: Proof that you are the owner of the vehicle or property allegedly damaged as specified in your claim will be required.
VEHICLE NAME BODY TYPE YEAR
NOTE: If damage is to a vehicle, a photocopy of your motor vehicle title is required.
IF NOT A VEHICLE, DESCRIBE PROPERTY AND LOSS Sewage backup into home flooding Guest bathroom, bedroom, laundry room & Garage
PROPERTY DAMAGE (Attach repair bills or two estimates) \$ 7350
LIST OTHER DAMAGES CLAIMED \$ 1000
TOTAL PROPERTY..... \$ 8350

Table with 4 columns: 5. NAME OF YOUR INSURANCE CO., POLICY NO., AMOUNT CLAIMED, AMOUNT RECEIVED. Includes The Republic Group, 1895327.

6. The names of any witnesses known to you.
Vicky Foutch 62 Crown point 405-615-2826
James Foutch 62 Crown point 405-823-2373

STATE THE EXACT AMOUNT OF COMPENSATION YOU WOULD ACCEPT AS FULL SETTLEMENT ON THIS CLAIM.
TOTAL CLAIM..... \$ 8350.00

SIGNATURE(S) DATE 4-24-14

Regular Board of Commissioners

2. g.

Meeting Date: 07/21/2014

RFQ Splash Pad

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Authorize staff to advertise for Request for Qualifications on engineering firm to design Boy Scout Park Splash Pad.

Attachments

Splash Pad RFQ Boy Scout Park

Mayor
WES MAINORD



The City of Shawnee
Office of the Director of Operations

P.O. Box 1448
Shawnee, Oklahoma 74802-1448
(405) 878-1529 Fax (405) 878-1593
www.ShawneeOK.org

Commissioners

PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

Date: July 16, 2014
To: Mayor and City Commissioners
From: James Bryce, Director of Operations
RE: Boy Scout Park Splash Pad

Nature of the Request:

Request for Qualifications for an engineering firm to design the Boy Scout Park Splash pad

Staff Analysis, Considerations:

This project will consist of a new splash pad and handicap assessable restrooms in Boy Scout Park. The City will need to hire a firm to design the project and create bid documents. Staff is expecting to hear from the Oklahoma Land and Water Conservation Fund within the next few weeks on the selection of grant awardees. This process will give staff a head start on this project insuring that the project is finished and open by next summer.

Recommendation:

It is staff's recommendation to send out for RFQs to design the Boy Scout Splash Pad.

Budget Consideration:

Project will be funded through a grant, if selected, from the Oklahoma Land and Water Conservation Fund, from private donated funds left over from the pool fund raising, and the City of Shawnee Capital Outlay fund if needed. .

Regular Board of Commissioners

2. h.

Meeting Date: 07/21/2014

Lake Transfer and Renewals

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Lease Transfer and Renewals:

TRANSFER

- Lot 11 Belcher Tract, 15609 Nickens Road
From: C. Warmington and C. Warmington
To: R. Weaver and K. Weaver

RENEWAL

- Lot 5 Renfro Tract, 15810 Sleepy Hollow Road
P. Young
 - Lot A Hart Tract, 16001 Hart Road
E. Agee and L. Agee
 - Lot 10 Damron Tract, 15504 Highway 102
C. Roberts and M. Roberts
-

Attachments

Lot 11 Belcher Tract Transfer

Lot 5 Renfro Tract Renewal

Lot A Hart Tract Renewal

Lot 10 Damron Tract 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	July 15 th , 2014	License No. 025729
Type	<input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Transfer (<i>Fee: \$1,000</i>)	
Commission Meeting Date	July 21 st , 2014	
Property Address	15609 Nickens Rd	
Lake Site Location	Lot 11 Belcher Tract	
Lease Dates	07/21/2014 – 07/21/2044	
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)	Robert & Kellianne Weaver	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	Chad & Courtney Warmington	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (due: 02-29-17)	
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	02/29/2012	
Misc. Comments	<p style="text-align: right;">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	July 15 th 2014	License No. 017242
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer (Fee: \$1,000)
Commission Meeting Date	July 21 st , 2014	
Property Address	15810 Sleepy Hollow Rd	
Lake Site Location	Lot 5 Renfro Tract	
Lease Dates	07/07/2014 – 07/07/2044	
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)		
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	Patricia Young	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (due: 06-25-18)	
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		
Misc. Comments		
	Total Charges Paid: \$649.00	



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	July 15 th , 2014	License No. 010346
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer <i>(Fee: \$1,000)</i>
Commission Meeting Date	July 21 st , 2014	
Property Address	16001 Hart Rd.	
Lake Site Location	Lot A Hart Tract	
Lease Dates	9/19/2014 – 9/19/2044	
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)		
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	Elton & Linda Agee	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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	06/16/2014	
Misc. Comments		
	Total Charges Paid: \$724.00	



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	July 15th, 2014	License No. 009218
Type	<input checked="" type="checkbox"/> Renewal <input type="checkbox"/> Transfer <i>(Fee: \$1,000)</i>	
Commission Meeting Date	July 21 st , 2014	
Property Address	15504 HWY 102	
Lake Site Location	Lot 10 Damron Tract	
Lease Dates	04/05/2014 – 04/05/2044	
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)		
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	Curtis & Martina Roberts	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
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	03/31/2014	
Misc. Comments		
	Total Charges Paid: \$724.00	

Regular Board of Commissioners

5.

Meeting Date: 07/21/2014

Statutory Minimum Liability Insurance

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action regarding reducing the statutory minimum liability limits on City owned property located at property considered to be the north airport property as follows: to wit, a tract of land described as beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 32' 54" East a distance of 3961.17 feet; thence N89° 20' 49" East a distance of 2687.98 feet; thence N89° 26' 08" East a distance of 660.09 feet; thence N00° 10' 39" East a distance of 1305.87 feet; thence N00° 19' 37" East a distance of 1322.35 feet; thence S89° 24' 58" West a distance of 659.35 feet; thence N00° 22' 02" East a distance of 1322.55 feet; thence S89° 34' 06" West a distance of 2746.60 feet to the point of beginning, containing 282 acres, more or less; LESS AND EXCEPT A TRACT DESCRIBED AS:

Beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00° 32' 54" East a distance of 1029.53 feet; thence N84° 34' 29" East a distance of 612.68 feet; thence N03° 46' 04" West a distance of 972.52 feet; thence S89° 34' 06" West a distance of 555.37 feet to the point of beginning, containing 13.40 acres, more or less.

Tabled at the June 16, 2014 meeting for 30 days.

Attachments

North Airport Liability Requirement

Mayor
WES MAINORD



The City of Shawnee
Office of the City Manager

PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 878-1601 Fax (405) 878-1571
www.ShawneeOK.org

Commissioners
PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

Date: May 14, 2014

To: Mayor and City Commissioners

From: Brian McDougal, City Manager

RE: Liability Insurance on North Airport Property

Nature of the request:

Reduction of the required \$1 million dollar liability policy required for leaseholders on City of Shawnee property from \$1 million dollars down to \$500,000.00.

Staff Analysis/Considerations:

Commissioner Harrod asked that this be placed on the Commission agenda. While reviewing a new lease for a new tenant on the North Airport property, we discovered that a current lessee has a contract with SEDF that has a \$500,000.00 annual insurance liability policy. Under Oklahoma law, municipalities (including public trusts) are liable for up to \$1,000,000.00 in damages for a tort claim. If the City were to be found to be at fault, to the extent that amount is not covered by the lessee's insurance, the remainder would come from the City's insurance carrier (if it is a covered claim), fund balances or an assessment to the property tax in Shawnee. For this reason, SEDF has informed its lessees to provide proof of insurance in the amounts of the statute. The Stillwater Airport Authority also requires a liability policy of that amount.

Our insurance carrier, OMAG, has recommended that we require the statutory amount in our leases.

Recommendation:

Staff understands that SEDF has a liability policy and that activity at the North Airport Property is limited both by the lack of utilities and activity on the property (currently storage). However, staff cannot recommend to the Commission to reduce the required level of liability insurance. It places the taxpayer at greater risk in terms of exposure and it will certainly set a precedent for further requests for reducing insurance coverage on property leased by others from the City.

Budget Consideration:

None.

Regular Board of Commissioners

6.

Meeting Date: 07/21/2014

Ordinance Charter Change

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration an possible action on an ordinance amending Article II of the City of Shawnee Charter providing for referral of Ordinances of Detachment of Territory under specified circumstances to a vote of the people and reimbursement for public improvements.

Attachments

Ordinance

ORDINANCE NO. _____

AN ORDINANCE RELATED TO AMENDMENTS TO THE CHARTER OF THE CITY OF SHAWNEE PROVIDING FOR REFERRAL OF ORDINANCES OF DETACHMENT OF TERRITORY FROM THE CITY LIMITS TO A VOTE OF THE PEOPLE UNDER CERTAIN CIRCUMSTANCES; AND FOR REIMBURSEMENT OF THE COSTS OF PUBLIC IMPROVEMENTS LOCATED ON DETACHED PROPERTY; SETTING AN EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY

BE IT ENACTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

Section 1. AMENDATORY. That Article II of the Charter of the City of Shawnee, Oklahoma, is hereby amended by the addition of Section 3, to read as follows:

Section 3. Detachment of Territory; Vote of the People Required.

“Whenever the Commission determines that territory should be detached from the City limits, it shall submit the question to the voters no later than the next available municipal election, if the territory:

1. Is zoned higher than agricultural; or
2. Has infrastructure, including without limitation, utility services and roads constructed by the City and in place for less than 25 years; or
3. Has infrastructure that produces revenue pledged to payment of indebtedness; or
4. There are more than five occupied residences on the tract; or
5. There is at least one retail business on the tract.”

Section 1. AMENDATORY. That Article II of the Charter of City of Shawnee, Oklahoma, is hereby amended by the addition of Section 4, to read as follows:

Section 4. Reimbursement for Public Improvements

“When land within existing City limits is detached, whether by vote of the people or by city ordinance, the City is entitled to reimbursement for public improvements that have been made to the land being detached. The value of reimbursement to the City shall be no less than:

1. The actual cost of the applicable public improvements; or
2. The remaining sum total of revenues from the applicable infrastructure that are pledged to payment of debt, whichever is greater.”

Section 2. EFFECTIVE DATE. This ordinance shall become effective on and after the fifteenth day of November, 2014, subject to approval of the registered voters of the City of Shawnee, voting on the same in the manner prescribed by law; providing that upon approval of the voters as required above, this ordinance shall remain in effect and not be repealed unless repealed by a majority of the registered voters of the City of Shawnee, Oklahoma, voting to repeal the same in the manner required by law.

Section 3. SEVERABILITY. The provisions above are hereby declared to be severable and if any section, paragraph, sentence or clause of this ordinance is for any reason held invalid or inoperative by any Court of competent jurisdiction, such decision shall not affect any other section, paragraph, sentence or clause hereof.

PASSED AND APPROVED this ____ day of July, 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this ____ day of July, 2014.

Mary Ann Karns, City Attorney

Regular Board of Commissioners

7.

Meeting Date: 07/21/2014

Resolution calling for Special Election

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on a resolution calling for a special election to be held November 4, 2014, for a vote on whether Ordinance amending Article II of the Charter of the City of Shawnee should be approved.

Attachments

Special Election

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF SHAWNEE, OKLAHOMA ON TUESDAY THE 4th DAY OF NOVEMBER, 2014, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED VOTERS OF SAID CITY THE QUESTION OF WHETHER ORDINANCE NO. 2549 NS, WHICH AMENDS THE CHARTER OF THE CITY OF SHAWNEE BY ADDITION OF TWO SECTIONS TO ARTICLE II, PROVIDING FOR REFERRAL OF ORDINANCES OF DETACHMENT OF TERRITORY FROM THE CITY LIMITS TO A VOTE OF THE PEOPLE UNDER CERTAIN CIRCUMSTANCES; AND FOR REIMBURSEMENT OF THE COSTS OF PUBLIC IMPROVEMENTS LOCATED ON DETACHED TERRITORY; PROVIDING FOR SAID ELECTION TO BE CONDUCTED BY THE POTTAWATOMIE COUNTY ELECTION BOARD; PROVIDING THAT POLLS SHALL BE OPEN CONTINUOUSLY FROM 7:00 A.M. TO 7:00 P.M.; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the Mayor and Board of Commissioners of the City of Shawnee, Oklahoma, has passed Ordinance No. 2549 NS, which amends the Charter of the City of Shawnee Article II; and

WHEREAS, according to the provisions of Title 26, Oklahoma Statutes, Section 13-102, the City shall submit a Resolution to the Pottawatomie County Election Board, not fewer than sixty (60) days from the date of the election, notifying said Election Board that said election will be held.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:

That there shall be held on the 4th day of November, 2014, a special election on the following propositions:

Proposition 1

Shall the City of Shawnee, as provided for by Ordinance No. 2549 NS adopted on the 21st day of July, 2014, amend Article II of the Charter of the City of Shawnee by adding Section 3 to provide that:

“Whenever the Commission determines that territory should be detached from the City limits, it shall submit the question to the voters no later than the next available municipal election, if the territory:

1. Is zoned higher than agricultural; or
 2. Has infrastructure, including without limitation, utility services and roads constructed by the City and in place for less than 25 years; or
 3. Has infrastructure that produces revenue pledged to payment of indebtedness;
- or

4. There are more than five occupied residences on the tract; or
5. There is at least one retail business on the tract.”

The ballot setting for the above proposition shall also contain in connection with each of said proposition the following words:

For Against

If the voter desires to vote for the above proposition, he shall mark the box to the right of the word “For.”

If the voter desires to vote against the above proposition, he shall mark the box to the right of the word “Against.”

Proposition 2

Shall the City of Shawnee, as provided for by Ordinance No. 2549 NS, adopted on the 21st day of July, 2014, amend Article II of the Charter of the City of Shawnee by the addition of a Section 4, to provide that:

“When land within existing City limits is detached, whether by vote of the people or by city ordinance, the City is entitled to reimbursement for public improvements that have been made to the land being detached. The value of reimbursement to the City shall be no less than:

1. The actual cost of the applicable public improvements; or
2. The remaining sum total of revenues from the applicable infrastructure that are pledged to payment of debt, whichever is greater.”

The ballot setting for the above proposition shall also contain in connection with each of said proposition the following words:

For Against

If the voter desires to vote for the above proposition, he shall mark the box to the right of the word “For.”

If the voter desires to vote against the above proposition, he shall mark the box to the right of the word “Against.”

BE IT FURTHER RESOLVED:

That said special election shall be conducted by the Pottawatomie County Election Board in accordance with the provisions of the Charter of the City of Shawnee and the general election laws of the State of Oklahoma where applicable and that the polls shall remain open on Election Day continuously from 7:00 a.m. to 7:00 p.m.

BE IT FURTHER RESOLVED:

That if any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

BE IT FURTHER RESOLVED:

That for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof, this Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED THIS ____ day of July, 2014.

WES MAINORD, MAYOR

Attest:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this ____ day of July, 2014.

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

8.

Meeting Date: 07/21/2014

Resolution Sunday sale of Alcohol

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discussion, consideration and possible action on a resolution asking the Pottawatomie County Commissioners to place before the voters a ballot title permitting the Sunday sale of alcoholic beverages in restaurants.

Attachments

Resolution of Support Sunday Alcohol Sales

SEDF

RESOLUTION NO. _____

A RESOLUTION ENCOURAGING AND REQUESTING THE POTTAWATOMIE COUNTY COMMISSIONERS TO PLACE BEFORE THE VOTERS OF THE COUNTY A BALLOT QUESTION ALLOWING THE SUNDAY SALE OF ALCOHOLIC BEVERAGES AT RESTAURANTS IN THE COUNTY

WHEREAS, the City of Shawnee and the Shawnee Economic Development Foundation are partners in their independent and collaborative efforts to improve the community and region; and

WHEREAS, the livelihood of both the City and County are dependent on retail sales, which allows for improvements that both the City and County undertake that are for the greater good of all citizens; and

WHEREAS, that the Board of Directors of the Shawnee Economic Development Foundation has expressed its support for this measure; and

WHEREAS, that Shawnee's largest restaurants are not able to compete with other restaurants in the metropolitan areas or restaurants located outside of the jurisdictional control of the City or County, due to a lack of alcoholic beverage sales on Sunday; and

WHEREAS, that by allowing the area's restaurants to fully compete in all of their beverage selections would not only help raise the income levels of those affected businesses, but would also directly add to the sales tax collections of both the City and County, which in turn would allow for additional quality of life investments for the residents of the City and County.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Commissioners of the City of Shawnee join with the Shawnee Economic Development Foundation in requesting that the Pottawatomie County Commissioners place on the General Election Ballot a question to the voters that would allow for alcoholic beverage sales on Sundays at restaurant locations;

PASSED AND APPROVED this _____ day of _____, 2014.

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

(SEAL)

Shawnee Economic Development Foundation
Resolution 2014-2015-01

ENCOURAGE AND SUPPORT THE COMMISSIONERS OF THE CITY OF SHAWNEE IN REQUESTING THAT THE POTTAWATOMIE COUNTY COMMISSIONERS PLACE BEFORE THE CITIZENS OF THE COUNTY A BALLOT QUESTION ALLOWING SALES OF ALCOHOLIC BEVERAGES AT RESTURANTS IN THE COUNTY ON SUNDAYS.

WHEREAS, the City of Shawnee and the Shawnee Economic Development Foundation are partners in their independent and collaborative efforts to improve the community and region; and

WHEREAS, the livelihood of both the City and County are dependent on retail sales, which allows for improvements that both the City and County undertake that are for the greater good of all citizens; and

WHEREAS, that the Board of Directors of the Shawnee Economic Development Foundation believes and publicly supports the City of Shawnee and the County of Pottawatomie's efforts to grow the economic base in the area; and

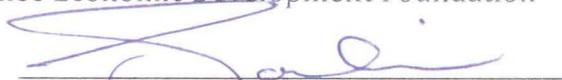
WHEREAS, that Shawnee's largest restaurants are not able to compete with other restaurants in the metropolitan areas or restaurants located outside of the jurisdictional control of the City or County, due to a lack of alcoholic beverage sales on Sunday; and

WHEREAS, that by allowing the area's restaurants to fully compete in all of their beverage selections would not only help raise the income levels of those affected businesses, but would also directly add to the sales tax collections of both the City and County, which in turn would allow for additional quality of life investments for the residents of the City and County; and

NOW THEREFORE LET IT BE RESOLVED that the Shawnee Economic Development Foundation Board of Directors has voted to publicly support the Commissioners of the City of Shawnee in requesting that the Pottawatomie County Commissioners place on the General Election Ballot a question to the voters that would allow for alcoholic beverage sales on Sundays at restaurant locations;

PASSED AND APPROVED this 9th day of July 2014.

Shawnee Economic Development Foundation


Mr. Harmik DerSahakian, Chairman


Mr. Brian Blansett, Secretary

Restaurant name:	Lost alcohol sales per Sunday	Lost food sales on Sunday due to not having alcohol	Estimated monthly totals (4 Sundays)
Chilis	\$ 800.00	\$ 1,200.00	\$ 6,000.00
Red Lobster	\$ 500.00	\$ 600.00	\$ 4,400.00
Buffalo Wild Wings	\$ 1,000.00	\$ 2,000.00	\$ 12,000.00
Bricktown Brewery	\$ 1,300.00	\$ 2,600.00	\$ 15,600.00
Santa Fe Cattle	\$ 1,000.00	\$ 2,000.00	\$ 12,000.00

Total: \$50,000 x 12 months = \$600,000.00

3% City @ month = \$1,500 x 12 months = \$18,000.00

1% County @ month = \$500 x 12 months = \$6,000.00

In addition to lost sales, wages, tips, sales tax collections, we lose the ability to attract other restauranteurs who may have an interest in investing in the community, along with other potential retail sales opportunities.

Resturtants all commented that they know they lose sales to their counterparts in OKC/Midwest City/Norman/etc. due to the inability to not serve adult beverages on Sunday.

* Rib Crib only sells 3.2 beer and offers no other alcoholic beverages. Did not contact Sakura (felt they may be to new to have an accurate estimate of the sales volumes lost) or any of the taverns that may or may not sell food along with alcohol.

Estimations by the restaurant managers based upon the sales volumes they see on Friday and Saturday.

Regular Board of Commissioners

9.

Meeting Date: 07/21/2014

Sales Tax

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge Sales Tax Report received July 2014.

Attachments

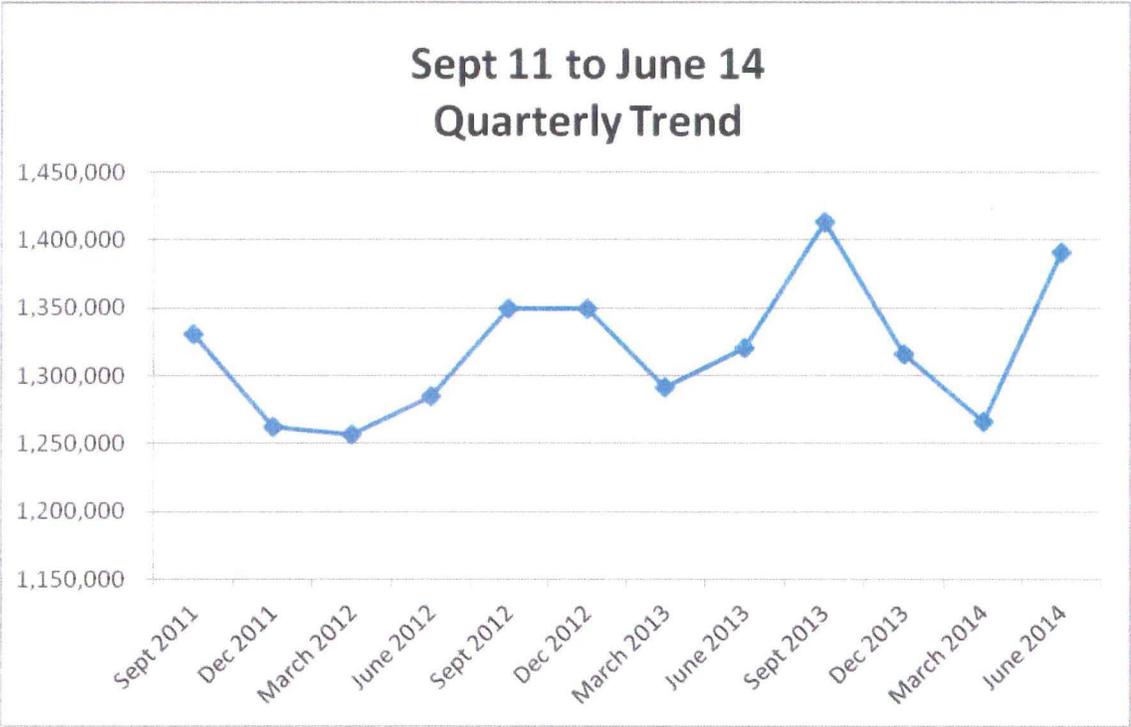
Sales Tax

City of Shawnee Memorandum

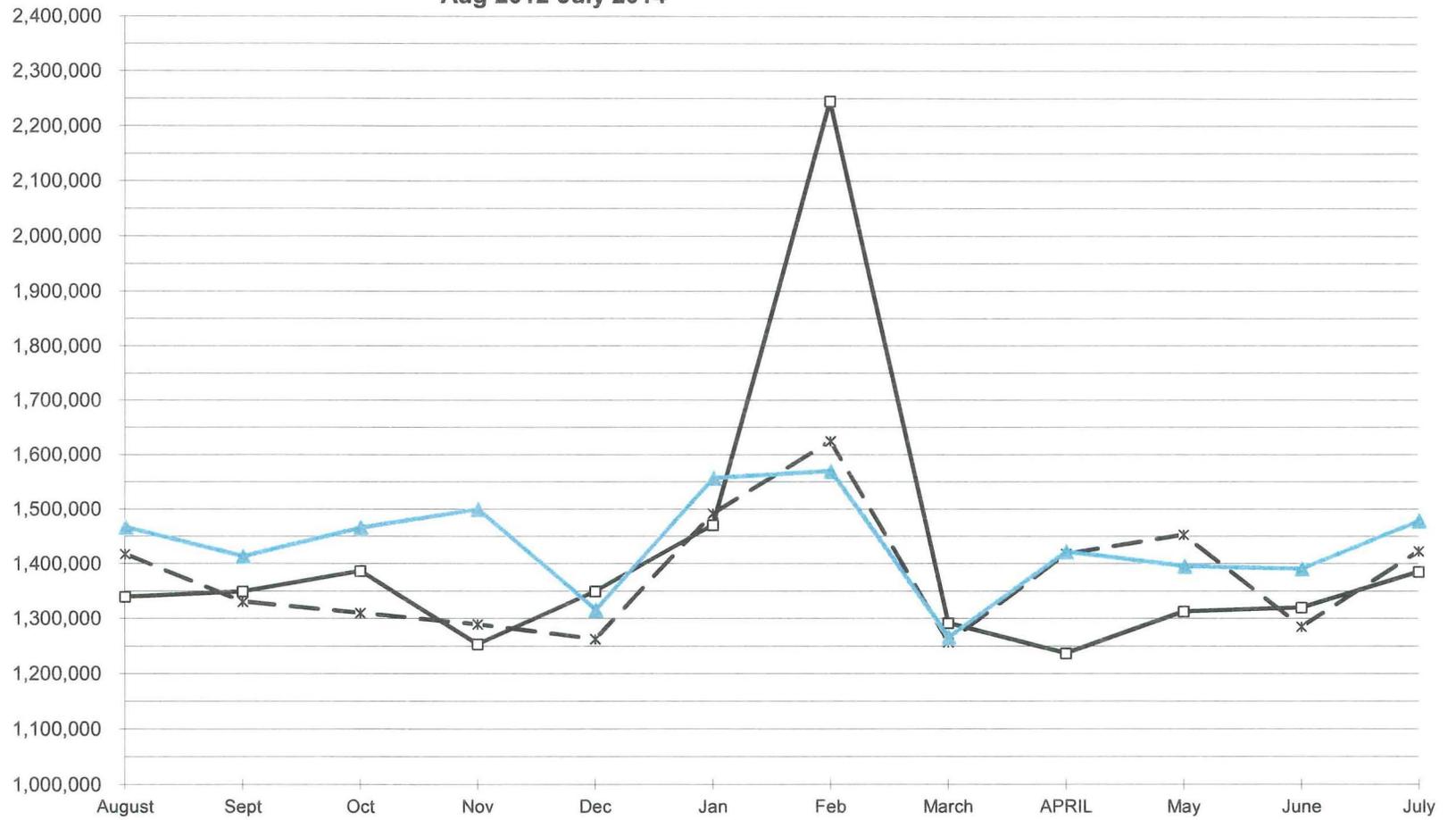


To: Mayor and City Commissioners
CC: Brian McDougal, City Manager
From: Cynthia R Sementelli, Finance Director
Date: July 10, 2014
Re: City Sales Tax Report

July Sales Tax collected this month was \$1,477,552 compared to last year's we are up \$92,498 or 6.68%. Compared to 2012 we are up \$55,189



**CITY OF SHAWNEE
SALES TAX COLLECTIONS
Aug 2012-July 2014**



- x— August 2011 through July 2012
- August 2012 through July 2013
- △— August 2013 through July 2014

	August 2011	August 2012	August 2013	Increase	(Decrease)
	through	through	through	Over Prior Year	
Month	July 2012	July 2013	July 2014	Amount	Percentage
August	1,417,308	1,339,539	1,466,250	126,711	9.46%
Sept	1,330,420	1,349,282	1,412,708	63,426	4.70%
Oct	1,309,924	1,386,657	1,465,063	78,406	5.65%
Nov	1,289,143	1,253,140	1,499,183	246,043	19.63%
Dec	1,262,401	1,349,459	1,315,025	(34,433)	(2.55%)
Jan	1,491,647	1,470,565	1,556,616	86,051	5.85%
Feb	1,624,568	2,245,070	1,569,453	(675,618)	(30.09%)
March	1,256,806	1,291,532	1,265,687	(25,845)	(2.00%)
APRIL	1,417,533	1,236,564	1,421,540	184,976	14.96%
May	1,452,759	1,312,710	1,394,972	82,262	6.27%
June	1,284,872	1,319,813	1,390,155	70,342	5.33%
July	1,422,363	1,385,055	1,477,552	92,498	6.68%
Total	15,137,382	15,554,331	15,756,651	202,320	1.30%
		Prior Year	Current Year	Increase	(Decrease)
Period		Actual	Actual	Over Prior Year	
Fiscal Year to Date		1,385,055	1,477,552	\$92,498	6.68%

Regular Board of Commissioners

10.

Meeting Date: 07/21/2014

City Managers Report

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

City Manager's Report

Regular Board of Commissioners

11. a.

Meeting Date: 07/21/2014

Award Bid Concrete Streets Rehab

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Rehab Concrete Streets Project Various Locations FY 13-14 COS-PW-13-02 (Award)

Attachments

Memo and Bid Tab

Bid Tab

Notice and Bidders List

Mayor
WES MAINORD



The City of Shawnee
PO Box 1448
Shawnee Oklahoma 74802-1448
(405) 273-1250 Fax (405) 878-1581
www.ShawneeOK.org

Commissioners
PAM STEPHENS
LINDA AGEE
JAMES HARROD
KEITH HALL
JOHN WINTERRINGER
STEVE SMITH

MEMORANDUM

Date: July 17, 2014

To: Brian McDougal, City Manager

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

A handwritten signature in blue ink, appearing to be 'JK' with a flourish.

Re: Award Recommendation for the "REBID" of the Rehab Concrete Streets Project (Contract No. COS-PW-13-02)

At the May 19, 2014 City Commission meeting we had the Bid Opening for the above referenced project, but only received one bid in the amount of \$568,250.00 and staff recommended to reject the one bid and readvertise the project which the City Commission concurred. At the July 7, 2014 we had the Bid Opening for the rebid project and received three bids (see attached Bid Tabulations) with S&J Construction Specialists being the low bid with the amount of \$466,725.00.

Staff has compiled and reviewed the bids submitted, and will recommend to the City Commission at their July 21, 2014 Commission meeting to award the Rehab Concrete Streets Project to S&J Construction Specialists as the "lowest and best bid" received in the dollar amount of \$466,725.00.

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

COS-PW-13-02
 FY 13-14 REHAB CONCRETE STREET PROJECT

ITEM NO.	Spec No.	DESCRIPTION	QNTY.		MTZ CONSTRUCTION		MTZ CONSTRUCTION		COS-PW-11-11 ALL ROADS		COS-PW-11-11 ALL ROADS		COS-PW-08-02 A-TECH		COS-PW-08-02 A-TECH	
			NO.	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL				
1.	202 ©	Unclassified Excavation	1,000.00	C.Y.	\$ 12.00	\$ 12,000.00	\$ 6.64	\$ 6,640.00	\$ 18.00	\$ 18,000.00						
2.	230 (a)	Solid Slab Sodding	500.00	S.Y.	\$ 4.50	\$ 2,250.00	\$ 2.00	\$ 1,000.00	\$ 7.00	\$ 3,500.00						
3.	303	Aggregate Base	1,500.00	TONS	\$ 35.00	\$ 52,500.00	\$ 28.44	\$ 42,660.00	\$ 25.00	\$ 37,500.00						
4.	414 (b)	6" Concrete Paving {H.E.S.}	7,500.00	S.Y.	\$ 55.00	\$ 412,500.00	\$ 34.88	\$ 261,600.00	\$ 34.00	\$ 255,000.00						
5.	619 (b)	Concrete Pavement Removal	7,500.00	S.Y.	\$ 8.50	\$ 63,750.00	\$ 7.25	\$ 54,375.00	\$ 7.50	\$ 56,250.00						
6.	619 (c)	Saw Cutting Exist. Paving	500.00	L.F.	\$ 4.00	\$ 2,000.00	\$ 3.45	\$ 1,725.00	\$ 3.00	\$ 1,500.00						
7.	800	Traffic Control	1.00	L.S.	\$ 12,000.00	\$ 12,000.00	\$ 8,844.00	\$ 8,844.00	\$ 5,000.00	\$ 5,000.00						
8.	609 (a)	6" Integral Curb	750.00	L.F.	\$ 15.00	\$ 11,250.00	\$ 3.71	\$ 2,782.50	\$ 12.00	\$ 9,000.00						
TOTAL AMOUNT OF BASE BID						\$ 568,250.00	\$ 379,626.50	\$ 385,750.00								

COS-PW-13-02
 FY 13-14 REHAB CONCRETE STREET PROJECT

ITEM	Spec	QNTY.			S & J	S & J	MTZ	MTZ	C-3	C-3
					CONSTRUCTION SPECIALISTS	CONSTRUCTION SPECIALISTS	CONSTRUCTION	CONSTRUCTION	CONSTRUCTION	CONSTRUCTION
NO.	No.	DESCRIPTION	NO.	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.	202 (C)	Unclassified Excavation	1,000.00	C.Y.	\$ 8.00	\$ 8,000.00	\$ 6.00	\$ 6,000.00	\$ 9.58	\$ 9,580.00
2.	230 (A)	Solid Slab Sodding	500.00	S.Y.	\$ 9.00	\$ 4,500.00	\$ 4.50	\$ 2,250.00	\$ 7.88	\$ 3,940.00
3.	303	Aggregate Base	1,500.00	TONS	\$ 24.20	\$ 36,300.00	\$ 35.00	\$ 52,500.00	\$ 44.47	\$ 66,705.00
4.	414 (B)	6" Concrete Paving {H.E.S.}	7,500.00	S.Y.	\$ 35.55	\$ 266,625.00	\$ 50.00	\$ 375,000.00	\$ 37.83	\$ 283,725.00
5.	619 (B)	Concrete Pavement Removal	7,500.00	S.Y.	\$ 17.55	\$ 131,625.00	\$ 6.00	\$ 45,000.00	\$ 18.47	\$ 138,525.00
6.	619 (C)	Saw Cutting Exist. Paving	500.00	L.F.	\$ 4.00	\$ 2,000.00	\$ 3.00	\$ 1,500.00	\$ 3.22	\$ 1,610.00
7.	800	Traffic Control	1.00	L.S.	\$ 5,000.00	\$ 5,000.00	\$ 12,000.00	\$ 12,000.00	\$ 1,666.61	\$ 1,666.61
8.	609 (A)	6" Integral Curb	750.00	L.F.	\$ 16.90	\$ 12,675.00	\$ 15.00	\$ 11,250.00	\$ 3.42	\$ 2,565.00
TOTAL AMOUNT OF BASE BID						\$ 466,725.00		\$ 505,500.00		\$ 508,316.61

NOTICE TO BIDDERS

Sealed bids will be received by the City of Shawnee, Oklahoma, City Hall, 16 West 9th – P.O. Box 1448, Shawnee, OK 74802-1448 up to 4:00 p.m., **Monday, July 7, 2014**, for:

BID: CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT (VARIOUS LOCATIONS)

Bidding Documents, Plans and Specifications are available to qualified bidders at the office of City Engineer, 222 North Broadway, Shawnee, OK 74802-1448. The fee for Plans and Specifications is \$50.00 per contract set and is non-refundable. No documents will be mailed unless the request is accompanied by an additional \$10.00 per set to cover mailing cost. **A Pre-Bid Conference is scheduled for Wednesday, June 25, 2014, at 11:00 a.m. in the Engineering Conference Room, 222 North Broadway, Shawnee, OK.**

Each bid shall be filed in a sealed envelope. On the front of each envelope shall be written the following words to the left of the address:

BID: CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT
(VARIOUS LOCATIONS)
July 7, 2014

This project shall include approximately **removal and replacement of concrete roadway**. BIDDERS must obtain Bid Documents directly from the City of Shawnee in order for Bids to be acknowledged. The ORIGINAL COPY of each bid shall be filed with the City Clerk of the City of Shawnee, Oklahoma, together with a sworn anti-collusion affidavit in writing that the bidder has not entered into any agreement, expressed or implied, with any other bidder, or bidders, for the purpose of limiting the bid, or bidders, or parcel out to any bidder, or bidders or any other persons, any part of the contract or subject matter of the bid.

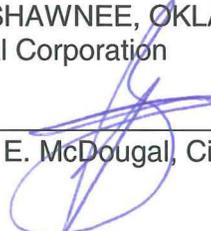
Each BIDDER shall attach to his/her BID filed with the City of Shawnee either a bidder's bond, a certified check, or a cashier's check made payable to the City of Shawnee, in an amount not less than five percent (5%) of the amount of bid as a guarantee of delivery of the service in full compliance with the specifications as issued by the City of Shawnee. Should the successful BIDDER fail to deliver the service in full compliance with the specifications within forty-five (45) days after acceptance of his/her bid, the bidder's bond, certified check or cashier's check deposited with his/her bid will be retained as and for liquidated damages. The deposit of each unsuccessful bidder will be returned when his/her bid is rejected.

The bids filed with the City Clerk will be opened and considered by the Board of Commissioners at a Public Meeting in the City Hall, Shawnee, Oklahoma, at 6:30 p.m., **Monday, July 7, 2014**. The City of Shawnee reserves the right to reject any and all bids.



Phyllis Loftis
Phyllis Loftis, CMC, City Clerk

CITY OF SHAWNEE, OKLAHOMA
a Municipal Corporation

BY: 
Brian E. McDougal, City Manager

CITY OF SHAWNEE
PLAN HOLDER'S LIST
CONTRACT NO. COS-PW-13-02
FY 13-14 REHAB CONCRETE STREETS PROJECT
(VARIOUS LOCATIONS)

Business Name: MTZ Construction Inc
Contact: Joe Martinez
Address: 3545 SW 33rd Street
OKC, OK 73119
Telephone: 405-802-0494
Fax: 405-686-0716
Cell: 405-593-1395
E-Mail: mtzconstruction2012@hotmail.com
Paid for & Picked Up Specs: 6/25/14 credit card

Business Name: Rudy Construction
Contact: Phil Pratt
Address: PO Box 14575
OKC, OK 73113
Telephone: 405-478-9900
Fax: 405-478-9901
Cell: _____
E-Mail: info@rudyconstruction.com
Paid for & Picked Up Specs: check #57243 6/25/14

Business Name: S&J Construction Specialists LLC
Contact: Eric Subia
Address: PO Box 2543
Sapulpa, Ok 74066
Telephone: 918-247-7997
Fax: 918-247-6459
Cell: 918-906-8898
E-Mail: esubia.sjc@gmail.com
Paid for & Picked Up Specs: 6/25/14 credit card

Business Name: C-3 Construction
Contact: Michael Summers
Address: 1012 N. Mississippi Ste A
Ada, Ok 74820
Telephone: 580-310-0888
Fax: 580-310-0008
Cell: 580-320-8958
E-Mail: Michael@c3construction.us
Paid for & Picked Up Specs: 7/1/14 ck #12261

Business Name: _____
Contact: _____
Address: _____

Telephone: _____
Fax: _____
Cell: _____
E-Mail: _____
Paid for & Picked Up Specs: _____

Business Name: _____
Contact: _____
Address: _____

Telephone: _____
Fax: _____
Cell: _____
E-Mail: _____
Paid for & Picked Up Specs: _____

Regular Board of Commissioners

13.

Meeting Date: 07/21/2014

Exec Session Nash Construction

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss potential claims, litigation or other options regarding Case No. CJ 2013-377, Pottawatomie County, Nash Construction v City of Shawnee, as authorized by 25 O.S. §307(B)(4)

Regular Board of Commissioners

14.

Meeting Date: 07/21/2014

Exec Session City Manager

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

Regular Board of Commissioners

15.

Meeting Date: 07/21/2014

Exec Session City Attorney

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss City Attorney's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

Regular Board of Commissioners

16.

Meeting Date: 07/21/2014

Exec Session Municipal Judge

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider an Executive Session to discuss Municipal Judge's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

Regular Board of Commissioners

17.

Meeting Date: 07/21/2014

Consider Action Nash Const

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding potential claims, litigation or other options regarding Case No. CJ 2013-377, Pottawatomie County, Nash Construction v. City of Shawnee, as authorized by 25 O.S. §307(B)(4).

Regular Board of Commissioners

18.

Meeting Date: 07/21/2014

Consider Action City Manager

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

Regular Board of Commissioners

19.

Meeting Date: 07/21/2014

Consider Action City Attorney

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding City Attorney's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

Regular Board of Commissioners

20.

Meeting Date: 07/21/2014

Consider Action Municipal Judge

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Consider matters discussed in Executive Session regarding Municipal Judge's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
