

AGENDA  
BOARD OF CITY COMMISSIONERS  
January 7, 2013 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 December 17, 2012 meeting.
  - b. Budget Amendment – PCDA  
*To amend budget for PCDA revenue need to reimburse accounting salaries*
  - c. Acknowledge the following minutes:
    - Shawnee Civic and Cultural Development Authority minutes from November 15, 2012
    - Planning Commission minutes from December 5, 2012
  - d. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Jennifer Shafer.
  - e. Authorize staff to apply for sub grant of Emergency Management Performance Grant funds from the Oklahoma Department of Emergency Management.
  - f. Mayor’s appointments:  
  
Oklahoma Baptist University Authority  
  
Jack Moore 1st Partial Term Expires 08/01/2015  
*Replaces C.L. Craig (resigned effective 10-01-12)*
3. Citizens Participation  

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

4. A public hearing to consider an ordinance rezoning property located at 4016 and 4020 North Kickapoo from R-1; Residential (Single Family Dwelling) and C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation Retail. Case No. P21-12 Applicant: Nelmon Brauning.

*Deferred from the December 17, 2012 meeting.*

*Continued to the March Planning Commission meeting at the request of the applicant.*

5. A public hearing and consideration of an ordinance rezoning property located at 702 East Main from I-2; Restricted Light Industrial to C-3; Automotive, Commercial and Recreation. Case #P01-13 Applicant: Steve Buoy
6. A public hearing and consideration of an ordinance rezoning property located at the 4200 Block of North Harrison from A-1; Agricultural to C-3; Automotive, Commercial and Recreation. Case #P02-13 Applicant: Landes Engineering
7. Receive petition from R Town Real Estate Investments LLC for detachment of the West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 17, Township 10 North, Range 2 East of the Indian Meridian, Pottawatomie County, Oklahoma; setting a date for public hearing on the petition; and authorizing staff to issue notice in accordance with law.
8. Discussion, consideration and possible action on contract with Shawnee Area Chamber of Commerce to provide services of a Convention and Visitor's Bureau.
9. Consider approval of Retirement for Robert Billins from the Oklahoma Municipal Retirement Fund.
10. Consider Bids:
  - a. Federal Street Bridge Rehab Project Contract No. COS-PW-12-02 (Award)
11. New Business  
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
12. Administrative Reports
13. Commissioners Comments
14. 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:** 01/07/2013

Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Minutes from the December 17, 2012 meeting.

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Attachments

Minutres 12-17-12

**BOARD OF CITY COMMISSIONERS PROCEEDINGS**  
**DECEMBER 17, 2012 AT 6:30 P.M.**

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, December 17, 2012 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

Absent

Commissioner Ward 3-Vice Mayor

Absent

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

ABSENT: Pam Stephens, James Harrod, Keith Hall

INVOCATION

Rev. David Henry  
Calvary Baptist

FLAG SALUTE

THE COMMISSION MEETING WAS PAUSED FOR A MOMENT OF SILENCE IN HONOR OF THE CONNECTICUT SCHOOL SHOOTING VICTIMS.

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Commissioner Winterringer, seconded by Commissioner Agee, to approve the Agenda. Motion carried 4-0.

AYE: Winterringer, Agee, Mainord, Smith

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the December 3, 2012 regular meeting.
- b. Acknowledge the following minutes and reports:
  - Planning Commission minutes from October 10, 2012 and November 7, 2012
  - Shawnee Urban Renewal Authority minutes from September 5, 2012
  - Project Payment Report for November 2012
  - License Payment Report for November 2012

- c. Mayor's Appointments:

*Shawnee Urban Renewal Authority*

Stephen Rice – 2<sup>nd</sup> Full Term Expires 02-02-15  
Re-Appointment

Patty Nida – 2<sup>nd</sup> Full Term Expires 02-02-15  
Re-Appointment

*Shawnee Civic and Cultural Development Authority (Expo Center)*

David W. Harmon – 1<sup>st</sup> Partial Term Expires 12-31-15  
Replaces Lance Wortham – Termed Out

- d. Acknowledge receipt of DEQ Permit to Construct Water Line Along the Kickapoo Paving Project
- e. Acknowledge receipt of DEQ Permit to Construct Sanitary Sewer to Serve Shawnee Mission Plaza 8

- f. Request Authorization to Advertise the Bell Street Sidewalk Project from 7th to Farrall, with enhanced lighted crosswalk at Farrall.
- g. Approve ODOT Maintenance Agreement for Highway Lighting along I-40.
- h. Acknowledge Oklahoma Municipal Retirement Fund Normal Retirement for Jim Bierd.
- i. Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Matthew Duncan.

A motion was made by Commissioner Agee, seconded by Commissioner Winterringer, to approve the Consent Agenda Items a-i. Motion carried 4-0.

AYE: Agee, Winterringer, Smith, Mainord

NAY: None

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

There was no Citizens Participation.

AGENDA ITEM NO. 4: Mayor's Presentation of Beautification Committee Awards for yards and landscaping.

The recipients of the Beautification Committee awards who were present to accept were:

Bethel 4-H  
 Nick Shepherd from Shepherd's Men's Wear  
 Representatives from Immanuel Episcopal Church  
 Marion McMillan from BancFirst  
 Michelle Freeman for the residence at 931 North Broadway

Receiving an award but not present to accept was Oklahoma Natural Gas Company.

AGENDA ITEM NO. 5:

A public hearing to consider an ordinance rezoning property located at 4016 and 4020 North Kickapoo from R-1; Residential Single Family Dwelling and C-1; Neighborhood Commercial, to C-3; Automotive, Commercial and Recreational. Case #P21-12 Applicant: Nelmon Brauning  
*Deferred by Planning Commission until their January 2, 2013 meeting*

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, to defer the item to the January 7, 2012 City Commission meeting. Motion carried 4-0.

AYE: Winterringer, Smith, Agee, Mainord

NAY: None

AGENDA ITEM NO. 6:

Presentation by Anne Masters, Pioneer Library Systems.

Anne Masters presented the annual update for the Pioneer Library Systems. She thanked the Commission for the \$50,000.00 to purchase furniture for the library.

AGENDA ITEM NO. 7:

Discussion, consideration and possible action on appointment of a committee to establish a city/county calendar of events that might be of interest to the citizens.

Mayor Mainord introduced this item saying that there are residents living in the City that want to have a central location that will show all city, county and regional activities on a monthly calendar. Dr. Bill Hagans has agreed to coordinate the project. Commissioner Agee suggested this “master” calendar interface with current calendars already in existence with many agencies. Mayor Mainord noted that there would be involvement from the city’s IT Department as well as other entities. It was determined that the project should proceed as proposed, however, in the event financial assistance is required this matter will come back before the Commission for reconsideration.

AGENDA ITEM NO. 8:

Discussion, consideration and possible action on appointment of a water conservation committee to suggest possible ways to save on water usage.

Mayor Mainord also spoke regarding this item. He stated that he is concerned about water conservation and wants the conservation education to start with young people. The Commissioners discussed volunteer conservation throughout the year, hoping that during the peak summer months the water need will not be as critical. The Mayor stated that he had spoken with Dr. Joe Taron about chairing a water conservation committee and Commissioner Agee suggested that Sustainable Shawnee also be part of the committee. The Commission agreed to establish a conservation committee but in the event financial assistance is needed the matter will come back before the Commission for reconsideration.

AGENDA ITEM NO. 9:

Discussion, consideration and possible action to approve OG&E cost proposal for providing decorative lighting along Bell Street from 7th to Farrall.

City Engineer John Krywicki reported this item is for decorative lighting along Bell Street. The cost is \$30,050.00.

A motion was made by Commissioner Smith, seconded by Commissioner Winterringer, to approve the OG&E cost proposal for providing decorative lighting along Bell Street from 7th to Farrall. Motion carried 4-0.

AYE: Smith, Winterringer, Agee, Mainord

NAY: None

AGENDA ITEM NO. 10:

Discussion, consideration and possible action to approve a Resolution in the Selection of City of Shawnee Bridge Inspectors for ODOT Bridge Inspection Program.

Resolution No. 6438 was introduced.



CONCERNING BRIDGE INSPECTION  
RESPONSIBILITY BY LOCAL GOVERNMENT  
FOR COMPLIANCE WITH NATIONAL BRIDGE  
INSPECTION STANDARDS

Bridge Inspection Contracts for April 2013 to April  
2016

City Engineer John Krywicki stated Oklahoma Department of Transportation pays eighty percent (80%) and the city pays twenty percent (20%) of the bridge inspection fees. Staff has selected Brawley Engineering for the next three (3) years.

A motion was made by Commissioner Agee, seconded by Commissioner Winterringer, to approve a Resolution in the Selection of City of Shawnee Bridge Inspectors for ODOT Bridge Inspection Program. Motion carried 4-0.

AYE: Agee, Winterringer, Smith, Mainord

NAY: None

AGENDA ITEM NO. 11: Discussion, consideration and possible action regarding Central Oklahoma Economic Development District (COEDD) Lease.

Staff report was given by Director of Operations James Bryce. Mr. Bryce noted that COEDD is requesting to remodeling the building which is own by the City of Shawnee. Construction costs are estimated to be \$183,000.00. COEDD is requesting a reduction in rent to off-set the costs associated with the remodel.

A motion was made by Commissioner Agee, seconded by Commissioner Smith, to approve a new ten (10) year lease with Central Oklahoma Economic Development District at \$1,000.00 per month for the space they currently occupy with Central Oklahoma Economic Development District agreeing to spend not less than \$100,000.00 to remodel the facility. Motion carried 4-0.

AYE: Agee, Smith, Mainord, Winterringer

NAY: None

AGENDA ITEM NO. 12: Acknowledge Sales Tax report received December 2012.

Finance Director/Treasurer Cindy Sementelli presented the information regarding sales tax receipts. Sales tax receipts are up \$87,000.00 from the previous year. She stated we need to bring in new retail before we will see any significant increase.

AGENDA ITEM NO.13:

Consider Bids:

- a. Federal Street Bridge Rehab Project Contract No. COS-PW-12-02 (Open)

<u>BIDDER</u>	<u>AMOUNT</u>	<u>ALTERNATE</u>
Oklahoma Bridge Co. Edmond, OK	\$1,038,546	\$100,900
PbX Corporation Sapulpa, OK	\$665,205	\$78,360

Engineer's Estimate: \$680,000

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 Commissioner Winterringer, seconded by Commissioner Smith, to defer the bid award to the January 7, 2013 City Commission meeting. Motion carried 4-0.

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

AGENDA ITEM NO. 14:

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. 15:

Administrative Reports

Finance Director Cindy Sementelli explained that the City is preparing a Comprehensive Annual Financial Report (CAFR) this year rather than just doing financial statements, which is all that is required by law. The CAFR is an in depth document divided into three sections that provides full disclosure in all areas. The City of Shawnee last performed a CAFR in 2006.

AGENDA ITEM NO. 16:

Commissioners Comments

Commissioner John Winterringer thanked former Commissioner Frank Sims for his passion for the Shawnee Public Library.

AGENDA ITEM NO. 17:

Adjournment

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

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WES MAINORD, MAYOR

ATTEST:

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PHYLLIS LOFTIS, CMC, CITY CLERK

**Regular Board of Commissioners**

**2. b.**

**Meeting Date:** 01/07/2013

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Budget Amendment – PCDA

*To amend budget for PCDA revenue need to reimburse accounting salaries*

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Attachments

Budet Amendment PCDA



**Regular Board of Commissioners**

**2. c.**

**Meeting Date:** 01/07/2013

Boards and Commissions Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Acknowledge the following minutes:

- Shawnee Civic and Cultural Development Authority minutes from November 15, 2012
  - Planning Commission minutes from December 5, 2012
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Attachments

SCCDA 11-15-12

Planning 12-5-12

A MEETING OF THE SHAWNEE  
CIVIC AND CULTURAL DEVELOPMENT AUTHORITY  
NOVEMBER 15, 2012  
12:30 P.M.  
HEART OF OKLAHOMA EXPOSITION CENTER

THE TRUSTEES OF THE SHAWNEE CIVIC AND CULTURAL DEVELOPMENT AUTHORITY MET FOR THEIR REGULAR MEETING THURSDAY, NOVEMBER 15, 2012 AT 12:30 PM AT HEART OF OKLAHOMA EXPOSITION CENTER, PURSUANT TO NOTICE DULY POSTED AS PRESCRIBED BY LAW. NOTICE WAS FILED AT CITY HALL ON 11/09/2012 AT 4:37PM.

AGENDA ITEM NO.1

CALL TO ORDER.

THE MEETING WAS CALLED TO ORDER AT 12:40 PM BY MR. KARL KOZEL, CHAIRMAN.

AGENDA ITEM NO.2

ROLL CALL

TRUSTEES PRESENT: MR. KARL KOZEL  
MR. BRIAN MCDUGAL  
MR. LANCE WORTHAM  
MR. RANDY GILBERT (LATE ARRIVAL)  
MR. CARL PACKWOOD  
MR. JIM LOWE

TRUSTEES ABSENT: MR. CASEY BELL

ALSO IN ATTENDANCE: MICHAEL JACKSON, OPERATIONS MANAGER; MIKE CLOVER, STUART & CLOVER, SHELLY WELCH OF FINLEY & COOK, MICHAEL MCCORMICK OF THE SHAWNEE NEWS STAR, AND MAYOR WES MAYNARD.

AGENDA ITEM NO.3

DECLARATION OF A QUORUM

CHAIRMAN MR. KARL KOZEL, DECLARED A QUORUM.

AGENDA ITEM NO.4

APPROVAL OF MINUTES OF REGULAR  
MEETING OF OCTOBER 2012.

THE MOTION MADE BY TRUSTEE LOWE, SECONDED BY TRUSTEE PACKWOOD, THAT THE MINUTES OF THE REGULAR MEETING OF OCTOBER 2012 ARE APPROVED. MOTION CARRIED.

AYE: LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL  
NAY: NONE  
ABSTAIN:

AGENDA ITEM NO. 6

APPROVAL OF MONTHLY FINANCIALS

THE MOTION MADE BY TRUSTEE PACKWOOD, SECONDED BY TRUSTEE WORTHAM THAT THE MINUTES OF THE MONTHLY FINANCIALS OF OCTOBER 2012 ARE APPROVED. MOTION CARRIED.

AYE: LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL  
NAY: NONE  
ABSTAIN:

AGENDA ITEM NO.7

APPROVAL OF GENERAL CLAIMS

THE MOTION MADE BY TRUSTEE LOWE, SECONDED BY TRUSTEE PACKWOOD THAT THE GENERAL CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL  
NAY: NONE  
ABSTAIN:

GENERAL CLAIMS

A. INS COMPUTER MAINTENANCE	\$665.00
B. BANKERS CREDIT CARD SERVICES MONTHLY UTILITIES	\$2,615.88
C. AT&T MOBILITY MONTHLY UTILITIES	\$47.16
D. CONSTELLATION ENERGY MONTHLY UTILITIES	\$127.37
E. OKLAHOMA NATURAL GAS MONTHLY UTILITIES	\$506.77
F. RISING STARS CALF ROPING ADVERTISING	\$500.00
G. CONVENTION & VISITORS BUREAU ADVERTISING	\$800.00
H. SHAWNEE LIGHTING GROUNDS MAINTENANCE	\$389.40
I. VISION BANK PAYMENTS (EQUIPMENT)	\$1,031.02
J. ARVEST MONTHLY PAYMENTS (TAHOE)	\$502.69
K. HUNZICKER BROTHERS BLDG/GROUNDS MAINTENANCE	\$18.06
L. BACK 40 WEB HOSTING	\$50.00
M. OG&E MONTHLY UTILITIES	\$29,216.78
N. A-1 STAFFING TEMP LABOR (RE-DO CHECK)	\$880.70
O. SHAWNEE OFFICE SYSTEMS EQUIPMENT MAINTENANCE	\$82.06
P. CLEMENCE TIRE LLC EQUIPMENT MAINTENANCE	\$110.00
Q. ENGLAND REFRIGERATION SERVICES EQUIPMENT MAINTENANCE	\$590.00
R. CITY OF SHAWNEE MONTHLY UTILITIES	\$651.98
S. CINTAS UNIFORM COSTS	\$148.76
T. CHUCK JONES GROUNDS MAINTENANCE	\$575.00
U. POTT CO JR LIVESTOCK SHOW LUNCHEON FEES	\$7.00



Y. SHAWNEE CHAMBER OF COMMERCE PLANNING SESSION FEES	\$40.00
W. HUNZICKER BROTHERS BLDG/GROUNDS MAINTENANCE	\$579.49
X. SPARKS HEAT & AIR EQUIPMENT MAINTENANCE	\$90.00
Y. LOCKE SUPPLY GROUNDS MAINTENANCE	\$202.11
Z. FRED'S TIRE & BATTERY EQUIPMENT MAINTENANCE	\$258.02
AA. AT&T MONTHLY UTILITY	\$1,452.46
BB. FUELMAN MONTHLY UTILITIES	\$1,482.19
CC. NAPA EQUIPMENT MAINTENANCE	\$3.90
DD. STUART CLOVER DURAN THOMAS & YONDRAN LEGAL SERVICES	\$375.00
EE. ALLEGIANCE COMMUNICATIONS EQUIPMENT MAINTENANCE	\$30.79
FF. COX SYSTEMS TECHNOLOGY EQUIPMENT MAINTENANCE	\$180.00
GG. OK TAX COMMISSION TAXES DUE	\$929.44
HH. CITY OF SHAWNEE SURCHARGE	\$193.00
II. CITY GREASE TRAP SERVICE EQUIPMENT MAINTENANCE	\$200.00
JJ. INS EQUIPMENT MAINTENANCE	\$760.76
KK. CVB RV RALLY RE-IMBURSEMENT	\$50.00

AGENDA ITEM NO. 8

APPROVAL OF SPECIAL EVENT CLAIMS

THE MOTION MADE BY TRUSTEE LOWE, SECONDED BY TRUSTEE PACKWOOD THAT THE SPECIAL EVENT CLAIMS BE APPROVED. MOTION CARRIED.

AYE: GILBERT, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL

NAY: NONE

ABSTAIN:

SPECIAL EVENTS:

SPECIAL EVENT CLAIMS

A. MIKE MCCORMICK IFYR 2012	\$300.00
B. HERITAGE EMBROIDERY IFYR 2012	\$235.00

AGENDA ITEM NO. 9

APPROVAL OF SHAVINGS CLAIMS

NONE

AGENDA ITEM NO.10

DISCUSSION, CONSIDERATION, AND  
POSSIBLE ACTION ON CHANGES OF THE IFYR  
YOUTH DIRECTOR JANUARY 2013 TRIP.

THE MOTION MADE BY TRUSTEE GILBERT, SECONDED BY TRUSTEE PACKWOOD TO HAVE MIKE JACKSON DO SOME RESEARCH AND MAKE THE FINAL DECISION BASED ON MILEAGE-VS-MONEY GIVEN TO GO TOWARDS AIRFARE FOR THE YOUTH DIRECTOR CONTESTANT ONLY. THE YOUTH DIRECTOR TRIP IN JANUARY WILL GO ON AS SCHEDULED FOR THIS YEAR WITH POSSIBLE CHANGES LOOKED AT FOR THE PROGRAM IN THE LONG RUN- MOTION CARRIED.

AYE: GILBERT, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL  
NAY: NONE  
ABSTAIN: NONE

AGENDA ITEM NO.17

ADJOURNMENT

THE MOTION MADE BY TRUSTEE PACKWOOD , SECONDED BY TRUSTEE WORTHAM TO ADJOURN MEETING.  
MOTION CARRIED.

AYE: GILBERT, LOWE, PACKWOOD, WORTHAM, MCDUGAL, KOZEL  
NAY: NONE  
ABSTAIN: NONE



CHAIRMAN: MR. KARL KOZEL



SECRETARY: MR. BRIAN MCDUGAL

## PLANNING COMMISSION MINUTES

DATE: December 5, 2012

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9<sup>th</sup> and Broadway, on Wednesday, December 5, 2012 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, and Staff presented the staff reports. Staff reports are available upon request.

**AGENDA ITEM NO.1:                      Roll Call**

Upon roll call the following members were present:

Bergsten, Hoster, Turner, Salter

Absent: Carter, Silvia, Prince

A quorum was declared present and the meeting was called to order.

**AGENDA ITEM NO. 2:                      Approval of the minutes from the November 7, 2012  
Planning Commission Meeting.**

Chairman Shawna Turner asked for a motion. Commissioner Hoster made a motion, seconded by Commissioner Bergsten to approve the November 7, 2012 minutes.

Motion passed:

AYE: Hoster, Bergsten, Turner, Salter

NAY:

ABSTAIN:

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

Chairman Turner opened the Citizens' Participation and asked if anyone would like to speak. No one came forward.

**AGENDA ITEM NO. 4**

**Consideration of approval of the 2013 schedule of regular meetings for the Planning Commission.**

Chairman Turner asked for a motion. Commissioner Hoster made the motion to approve the 2013 schedule of regular meetings, seconded by Commissioner Bergsten.

Motion passed:

AYE: Hoster, Bergsten, Turner, Salter

NAY:

ABSTAIN:

**AGENDA ITEM NO. 5:**

**Case # P21-12 A public hearing for consideration of approval to rezone property from R-1; Residential (Single Family Dwelling), C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation for property located at 4016 and 4020 North Kickapoo**

**Applicant: Nelmon Brauning**

Chairman Turner called for staff report. Stephanie Clary presented the staff report. Ms Clary stated the proposal is to rezone the property at 4016 N Kickapoo for retail/commercial development and a projected restaurant at 4020 N Kickapoo. Staff recommends approval to rezone from R-1, C-1 to C-3.

Staff answered questions from the Commission.

Chairman Turner opened the public portion and asked if anyone was in support of the proposal. Nelmon Brauning came forward answering question from the Commissioners about the proposed uses for the two lots.

Chairman Turner asked if anyone was against the proposal to come forward. Mr Preston Adair lives behind 4016 North Kickapoo. He voiced concerns about other properties which were rezoned in the past on North Harrison that are now closed.

Next to speak was Mr Adair's wife. She does not see a need for another hamburger restaurant since so many already exist on Kickapoo. Concerns also mentioned were the hours of operation, noise levels, odors from the restaurant, and the bright lights. She stated all of these things would change the composition of a long established neighborhood.

Roger McMahan had concerns about the trash dumpster odors and the noise from the outside drive-thru speakers. He stated he would appreciate the Commission considering a requirement for a taller fence and voiced concerns about his property value.

Chairman Turner closed the public portion. Staff answered questions from the Commission regarding comments made from the concerned citizens.

Commissioner Hoster made the motion to postpone this proposal pending a redesign submittal until the January 2, 2013 Planning Commission Meeting. The motion was seconded by Commissioner Salter.

Motion passed:

AYE: Hoster, Salter, Bergsten, Turner

NAY:

ABSTAIN:

**AGENDA ITEM NO. 6:**                      **Code Revision Workshop**

Justin Erickson gave a report on a revised draft version of the Residential Zoning Districts code from the April 18, 2012 Workshop Meeting. He also reported on one item not reviewed at that meeting, Section 22.80, Keeping of Domestic Birds and Bees.

Mr Erickson also addressed the moratorium sent from the City Commission requesting specific zoning standards be developed for homeless shelters. Chairman Turner asked for a better definition in the code for day shelters.

Further discussions of the Code Revisions will be continued at a workshop in January or February.

**AGENDA ITEM NO. 7:**                      **Planning Director's Report**

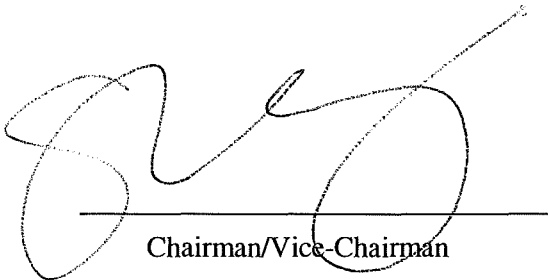
Justin Erickson reported the final downtown presentation and meeting by the OU Institute for Quality Communities will be at First Baptist Church on Monday, December 10, 2012, at 5:30pm.

**AGENDA ITEM NO. 8:**                      **COMMISSIONERS COMMENTS AND/OR NEW BUSINESS**

Commissioner Bergsten asked Staff questions concerning the sidewalk ordinance.

**AGENDA ITEM NO. 9:**                      **Adjournment**

Meeting was adjourned.



Chairman/Vice-Chairman

*Linda Burg*  
Linda Burg, Planning Commission Secretary

**Regular Board of Commissioners**

**2. d.**

**Meeting Date:** 01/07/2013

Retirement Fund Refund - Shafer

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Acknowledge Oklahoma Municipal Retirement Fund refund of contributions from the Defined Contribution plan for Jennifer Shafer.

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**Regular Board of Commissioners**

**2. e.**

**Meeting Date:** 01/07/2013

Emer Mgmt Grant

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Authorize staff to apply for sub grant of Emergency Management Performance Grant funds from the Oklahoma Department of Emergency Management.

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Attachments

Emer Mgmt Grant



# City of Shawnee Memorandum

**To:** Honorable Mayor and City Commission Members  
**Through:** Brian McDougal, City Manager  
**From:** Donald D. Lynch, Emergency Management Director  
**Date:** January 2, 2013  
**Re:** Sub-Grant from State Emergency Management



I am requesting permission for staff to apply for a sub-grant of Emergency Management Performance Grant funds from the Oklahoma Department of Emergency Management. This is the annual sub-grant program that the City has participated in for many years which helps defray the costs associated with the administration of our emergency management program.

The number and magnitude of the tasks required in the scope of work has increased in this year's program in comparison to previous years. As examples, we are now required to:

Develop an annual work plan that describes the planned accomplishments for the upcoming year showing estimated hours and cost for each identified task. As we complete each task, we will be required to document the actual work activities, time required for completion, and costs associated with completion.

Develop a training and exercise plan with input from all emergency services and stakeholders in the county.

Design, develop, conduct, and evaluate 4 exercise activities of any type and 1 full-scale exercise. A substitution for a declared disaster in lieu of conducting the exercise may no longer be given.

Update our Emergency Operations Plan by assembling a planning team, holding a planning workshop, and, revising the plan to meet the requirements of the FEMA guidance.

Developing a Hazard Mitigation Plan. (Note: We are already working on this project through a grant awarded to Pottawatomie County)

The Director is required to attend the Area EM Workshop, the Annual Emergency Management Conference, and a 32 hour academy course.

Participation is required in the activities of the Local Emergency Planning Committee.

At least one preparedness project is required each quarter.

Thank you for your favorable attention to this matter.

December 11, 2012

Dear Director:

You are invited to submit an application for State and Local Assistance (SLA) Sub-Grant funding for Federal Fiscal Year (FFY) 2013. Funding is provided by the Federal Emergency Management Agency's (FEMA) Emergency Management Performance Grant (EMPG). This is a **performance based** sub-grant. Seventy Percent (70%) of each sub-grant award will be paid on a quarterly basis, following the receipt of the quarterly report. Thirty percent (30%) of each sub-grant will be contingent on the accomplishment of approved projects selected by the applicant.

This package contains everything you need to apply for SLA Grant funding for FFY 2013; a sub-grant guidance package, an application package, a sample application package, an example of the quarterly SLA reports, and various forms for your use. Applications must be received at this agency by close of business on January 31, 2013.

Please review eligibility requirements before applying. If you have any questions, contact Steve Palladino, Chief, Field Services Division, at (405)521-2481.

**Regular Board of Commissioners**

**2. f.**

**Meeting Date:** 01/07/2013

Mayor Appointment

Submitted By: Donna Mayo, Administration

Department: Administration

---

Information

Title of Item for Agenda

Mayor's appointments:

Oklahoma Baptist University Authority

Jack Moore 1st Partial Term Expires 08/01/2015  
*Replaces C.L. Craig (resigned effective 10-01-12)*

---

Attachments

OBU Authority

December 10, 2012

COPY

RECEIVED  
DEC 12 2012  
C. GIBSON

Mayor Wes Mainord  
City of Shawnee  
16 W 9<sup>th</sup>  
Shawnee, OK 74801

Dear Mayor Mainord:

The Executive Committee of the Board of Trustees of Oklahoma Baptist University has requested that I present Jack Moore for consideration by the Shawnee City Commission to be appointed to the Oklahoma Baptist University Authority. Mr. Moore will be filling the vacancy left by C.L. Craig. Mr. Craig resigned from the Authority effective October 1, 2012.

Mr. Moore's address is:  
2012 Brook Hollow  
Shawnee, OK 74804-9635

If you need additional information concerning this matter, please contact me.

Sincerely,



Randy L. Smith  
Secretary, Oklahoma Baptist University Authority

enclosures

**OKLAHOMA BAPTIST UNIVERSITY  
BOARD OF TRUSTEES  
EXECUTIVE COMMITTEE**

**October 4, 2012**

**Recommendation Regarding the Appointment of Trustees for OBU Authority**

The Executive Committee recommends that Jack Moore be recommended to the Commission of the City of Shawnee for appointment as trustee of the Oklahoma Baptist University Authority to fill the vacancy left by the resignation of C.L. Craig.

Zimbra

randy.smith@okbu.edu

---

**OBU Authority**

**From :** CLCraig@aol.com

Thu, Oct 04, 2012 03:23 PM

**Subject :** OBU Authority

**To :** randy smith <randy.smith@okbu.edu>

Please accept my resignation from the OBU Authority effective Oct. 1, 2012.

Sincerely,

C. L. Craig

**Regular Board of Commissioners**

**4.**

**Meeting Date:** 01/07/2013

Rezone P21-12

Submitted By: Donna Mayo, Administration

Department: Administration

---

Information

Title of Item for Agenda

A public hearing to consider an ordinance rezoning property located at 4016 and 4020 North Kickapoo from R-1; Residential (Single Family Dwelling) and C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation Retail. Case No. P21-12 Applicant: Nelmon Brauning.

*Deferred from the December 17, 2012 meeting.*

*Continued to the March Planning Commission meeting at the request of the applicant.*

---

Attachments

P21-12



RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE  
PLANNING COMMISSION

SUBJECT:

APPLICANT: Nelmon Brauning  
FOR: Rezoning  
LOCATION: 4016 and 4020 North Kickapoo  
PROJECT#: 121654 Case# P21-12 (defer from 12/5/12)

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION:

R-1; Residential (Single Family Dwelling)  
C-1; Neighborhood Commercial

REQUESTED CLASSIFICATION:

C-3; Automotive, Commercial and Recreation Commercial

PROPOSED PROPERTY USE:

Retail

PLANNING COMMISSION MEETING DATE: January 2, 2013

PLANNING COMMISSION RECOMMENDATION: Defer to March 6, 2013

VOTE OF THE PLANNING COMMISSION:

MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN		X	X			
CARTER			X			
HOSTER	X		X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)			X			
PRINCE			X			
SALTER						ABSENT

RESPECTFULLY SUBMITTED,

Linda Burg

SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_



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

**STAFF REPORT**  
**REZONE REQUEST**  
**CASE #P21-12-Updated**

TO: Shawnee Planning Commission

AGENDA: January 2, 2013

RE: CASE #P21-12; 4016 and 4020 N. Kickapoo

---

**PROPOSAL**

The applicant has requested permission to postpone this case until the March meeting due to scheduling issues and to allow more time for the applicant to present a new site plan. The applicant is working with a different business that is interested in using 4020 N. Kickapoo for a use other than a restaurant and thus needs additional time to develop a new preliminary site plan.

## Stephanie Clary

---

**From:** Justin Erickson  
**Sent:** Wednesday, December 12, 2012 1:42 PM  
**To:** Stephanie Clary; Linda Burg  
**Subject:** FW: From Nelmon

Please include in the PC packets for January.

Thanks,  
Justin

**From:** Nelmon Brauning [<mailto:nbrauning@hotmail.com>]  
**Sent:** Tuesday, December 11, 2012 11:24 AM  
**To:** Justin Erickson  
**Subject:** From Nelmon

Good Morning Justin,

Please rescheduled case # P21-12 for the Property at 4016 and 4020 N. Kickapoo. I am working with Bob Throup with Discount Tires he wants both lots. I am trying to put something together. I will need the extra time for Discount Tires to get a site plan and work on a Letter of Intent to Purchase both lots. I am working with the seller on this now. If I can would like till March but I understand if I can not. Please let me know if there is anything else I need to do. I do not want the seller to be out any additional expence.

Thanks  
Nelmon

**Regular Board of Commissioners**

**5.**

**Meeting Date:** 01/07/2013

Rezone P01-13

Submitted By: Donna Mayo, Administration

Department: Administration

---

Information

Title of Item for Agenda

A public hearing and consideration of an ordinance rezoning property located at 702 East Main from I-2; Restricted Light Industrial to C-3; Automotive, Commercial and Recreation.

Case #P01-13 Applicant: Steve Buoy

---

Attachments

P01-13

RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE  
PLANNING COMMISSION

SUBJECT:

APPLICANT: Steve Buoy  
FOR: Rezoning  
LOCATION: 702 East Main  
PROJECT#: 121474 Case# P01-13

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: I-2; Restricted Light Industrial  
REQUESTED CLASSIFICATION: C-3; Automotive, Commercial and Recreation  
PROPOSED PROPERTY USE: Soup Kitchen and Food Pantry

PLANNING COMMISSION MEETING DATE: January 2, 2013

PLANNING COMMISSION RECOMMENDATION: Deny

VOTE OF THE PLANNING COMMISSION: MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN			X			
CARTER		X	X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)	X		X			
PRINCE			X			
SALTER						ABSENT

RESPECTFULLY SUBMITTED,  
Linda Burg  
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_



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

**STAFF REPORT**  
**REZONE REQUEST**  
**CASE #P01-13**

TO: Shawnee Planning Commission

AGENDA: January 2, 2013

RE: CASE #P01-13; 702 East Main- Rezoning Application

---

**PROPOSAL**

The applicant is requesting to rezone property located at 702 East Main Street from I-2: Light Industrial to C-3: Automotive, Commercial and Recreation. The applicant wishes to use the property for a soup kitchen and food pantry.

**GENERAL INFORMATION**

<b>Applicant</b>	William Buoy
<b>Owners</b>	Bobby Dancer & William Buoy
<b>Site Location/Address</b>	<i>See Figure 1</i>
<b>Current Site Zoning</b>	I-2, Light Industrial District
<b>Parcel Size</b>	7,560 square feet
<b>Proposed Use</b>	Commercial Use
<b>Comprehensive Plan Designation</b>	Commercial/Residential
<b>Existing Land Use</b>	Vacant Industrial
<b>Surrounding Proposed Land Use</b>	<u>North</u> : Residential <u>South</u> : Industrial <u>West</u> : Industrial

	<u>East</u> : Commercial
<b>Surrounding Zoning</b>	<u>North</u> : R-2 <u>South</u> : I-2 <u>West</u> : I-2 <u>East</u> : I-2

**STAFF ANALYSIS AND FINDINGS**

Currently, the property located at 702 East Main Street is zoned I-2, Light Industrial and consists of a one-and-a-half story structure with a total square footage of around 7,560 square feet. After reviewing case files, Staff is unaware of when the property was originally zoned I-2, but it was likely zoned such when the zoning map was initially created, as many properties along the railroad were zoned for industrial use.

Based on current lot standards, the lot is non-conforming because it does not meet the lot standards of the I-2 Zone (e.g., minimum lot size, minimum lot width, etc.). Further, the structure itself does not meet setback and coverage ratio standards. The most logical zoning classification for the subject site is C-4: Central Business District. However, a property can only be rezoned to C-4 if it abuts or is across the street from an adjacent parcel zoned C-4. Because of this, the lot and structure will continue to be non-conforming regardless of what it is zoned. The only viable solution to this is a City-driven rezone that rezones a larger swath of properties C-4.

The applicant’s request for C-3 zoning to allow for a food pantry and soup kitchen are uses similar to a grocery store and restaurant, so Staff applied the code to the uses as such. Within the C-3 zoning, both uses are allowed. Because of the requested use for a food pantry, the applicant must have a zone change since that use is not permitted in an industrial zoned area. An “eating place” not serving beer is a permitted use in the I-2 Zone. The C-3 Zone requires a minimum lot width of 100 feet and a minimum lot area of 10,000 square feet. It also does not permit coverage of more than 30% of the lot with buildings. These standards cannot be met on the subject site.

Because of the location of the site and lot coverage, the applicant is only afforded on-street parking. The number of on-street parking spaces located along East Main, along the frontage of the subject property is four. A total of 16 parking spaces are located on the north side of Main Street between Tucker and McKinley. The existing buildings are built to the property lines and there is no off-street parking (Figure 2). There may be additional parallel parking on the west side of Tucker Street as well, but because such parking is in the City right-of-way, it is not considered legal parking or a legal loading zone, since it is not “off-street” parking/loading as defined by the zoning code. Based on the size of the buildings, required parking is estimated at between 33-37 spaces.

The applicant will have to adhere to code standards regarding lighting, which must be oriented away from the residential structures to the North per Section 603.8 of the Zoning Regulations which states, “In addition, the lighting, including any permitted illuminated sign, shall be

arranged so that there will be no annoying glare directed ore reflected toward residential buildings in a residential district”.

According to the Comprehensive Plan, the subject property is anticipated as to be utilized for commercial, public and residential uses according to the Future Land Use Map (Figure 3). The two proposed uses are compatible uses within the plan and are much more suited to the surrounding neighborhood than the current industrial zoning. That said, Staff cannot recommend approval of the rezone, because the property and building will not conform to C-3 zoning standards. Further, a designation of C-4 is most consistent with the Comprehensive Plan, Shawnee Zoning Code, and existing (as-built) conditions.

## **RECOMMENDATION**

Based on the analysis and findings above, Staff recommends **denial** of the applicant’s request to rezone the subject property to C-3. Staff recommends that the Planning Commission forward this recommendation to the City Commission.

With confirmation by the Planning Commission, Staff will process a City-initiated rezoning effort to rezone this entire block (fronting Main Street), and adjoining property as deemed necessary, C-4: Central Business District.

## **Attachments**

1. Figure 1-Zoning Map
2. Figure 2-Aerial Map
3. Figure 3-Land Use Map



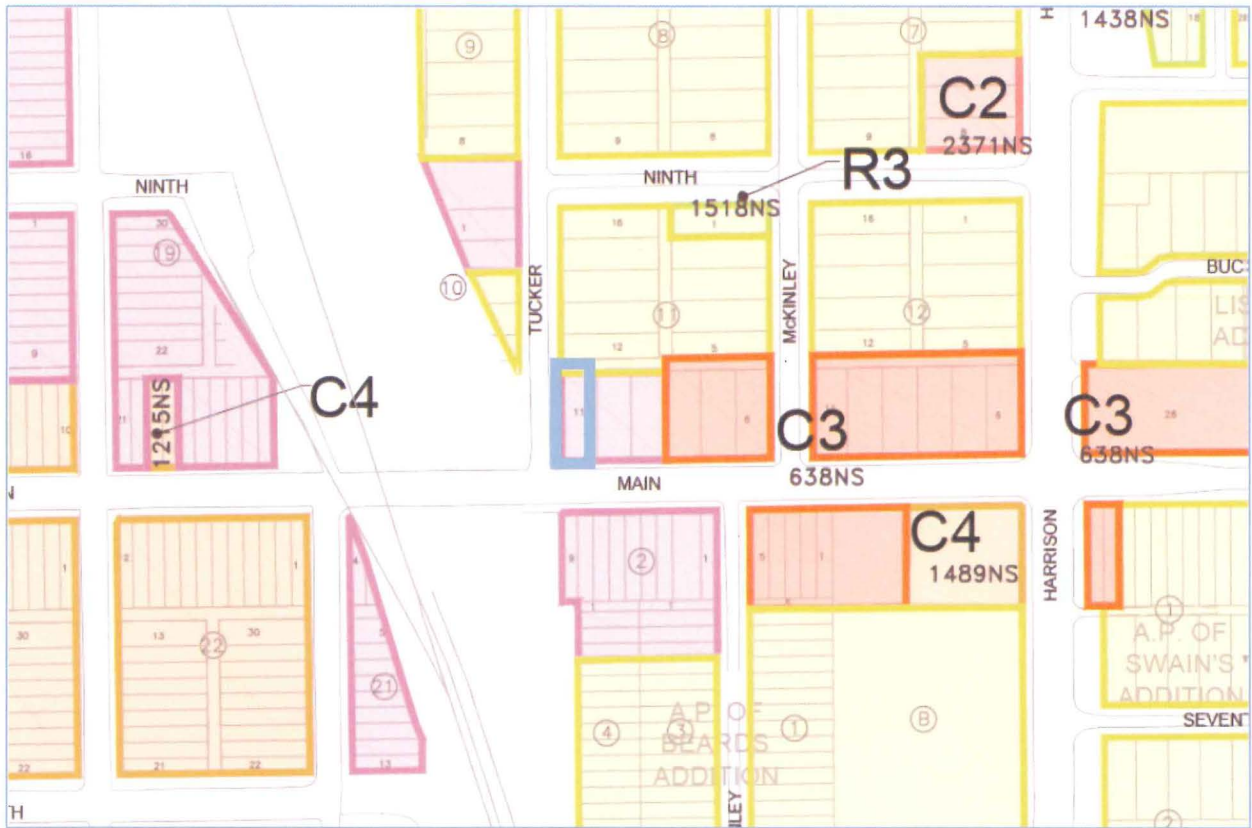


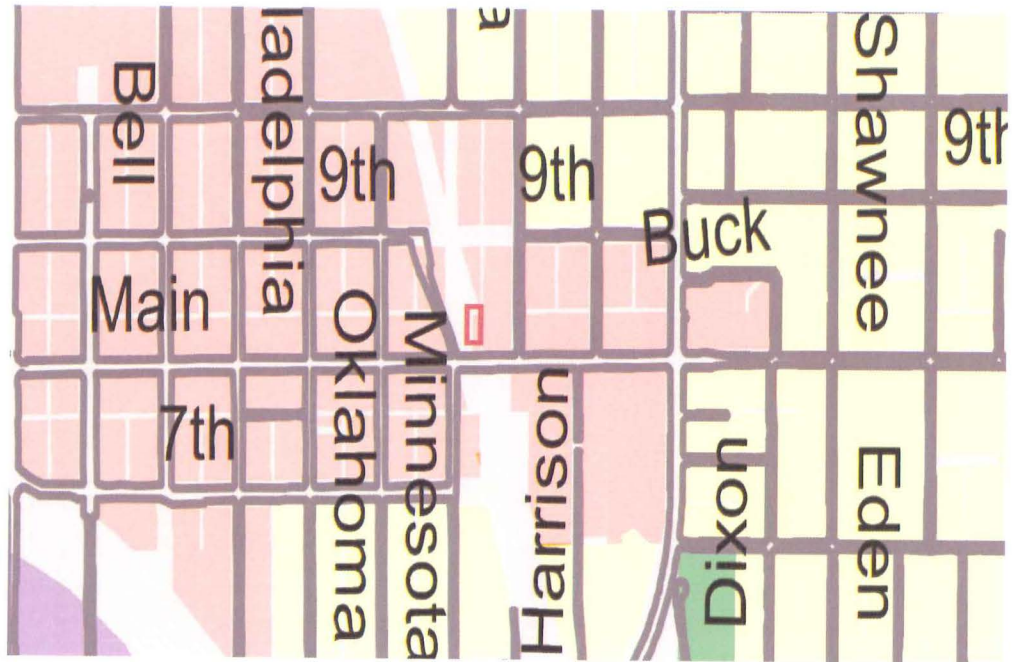
Figure 1: Zoning map, with site outlined in blue.



Figure 2: Aerial map, with site outlined in red.

**FUTURE LAND USE**

-  Rural Development/Agriculture
-  Residential
-  Commercial/Residential
-  Commercial
-  Residential/Public/Commercial
-  Public/Commercial
-  Public
-  Residential/Public
-  Industrial/Commercial
-  Industrial
-  Parks/Open Space
-  Right of Way
-  Lake
-  Shawnee City Limits
-  Planning Area



**Figure 3:** Future Land Use Map, with site outlined in red.

CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE #P01-13

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

Lot Eleven (11), Block Eleven (11), BEARD'S ADDITION, to the City of Shawnee,  
Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>702 East Main</u>
Current Zoning Classification:	<u>I-2; Restricted Light Industry</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial and Recreation</u>
Proposed Use of Property:	<u>Soup Kitchen and Food Pantry</u>
Applicant:	<u>Steve Buoy</u>

The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9<sup>th</sup> St. Shawnee, Oklahoma, as follows:

January 02, 2013	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
January 07, 2013	AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 12 day of December, 2012.

\_\_\_\_\_  
Phyllis Loftis, City Clerk

# Location Map

Figure 1 – Location Map- Property in question is highlighted in blue.



**PLANNING COMMISSION APPLICATION**  
**PROJECT NO. 121474 CASE NO. P01-13**

**REQUEST:**

Rezoning I-2 Rezoning w/Conditional Use Permit C-3 Conditional Use Permit \_\_\_\_\_  
Planned Unit Development \_\_\_\_\_

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from I-2 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

**PROPERTY LOCATION (STREET ADDRESS):** 702 E. Main Shawnee, Okla

**LEGAL DESCRIPTION:** Beard's Add. Block 11 Lot 11

**PROPERTY OWNER (S):** Bobby G. Dancy + William J. Dancy

**PROPERTY AGENT (APPLICANT):** Ar Dancy

**APPLICANT'S ADDRESS:** P.O. Box 926 331 N. Carl Hubbell

**CITY:** Meeker **STATE:** Okla. **ZIP:** 74855

**EMAIL ADDRESS:** bucybrothers@yahoo.com

**TELEPHONE NUMBER:** (405) 275-7000 **CONTACT NUMBER:** (405) 620-1578

**DIMENSIONS OF PROPERTY:** AREA 50x140 WIDTH 54'  
LENGTH 140' FRONTAGE 54'

**CURRENT ZONING:** I-2 **CURRENT USE:** Vacant

**PROPOSED ZONING:** C-3 **PROPOSED USE:** Soup Kitchen + Food Processing

With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.

  
\_\_\_\_\_  
**SIGNATURE OF APPLICANT**

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 21 day of November 2012

  
\_\_\_\_\_  
**PLANNING COMMISSION SECRETARY**

**REZONING &/OR C.U.P FEE \$** 280.00  
**RECEIPT NO.** 01409113

**PLANNED UNIT DEVELOPMENT FEE \$** 550.00  
**SIGN DEPOSIT \$** 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

**PLANNING COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**CITY COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_  
**PLACE ON ZONING MAP:** \_\_\_\_\_ **ORDINANCE NO.:** \_\_\_\_\_

STATE OF OKLAHOMA                    )  
  ) SS:  
COUNTY OF POTTAWATOMIE         )

**-: AFFIDAVIT OF BONDED ABTRACTOR :-**

The undersigned Bonded Abstractor in and for the aforesaid County and State does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the Office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described lands:

Lot Eleven (11), Block Eleven (11), BEARD'S ADDITION, to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Three (3), both inclusive.

The Abstractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abstractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abstractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abstractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 9<sup>th</sup> day of November, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

By *Teresa Southard*  
Teresa Southard, Licensed Abstractor #264

Order No. 1767536-SH99

# Ownership List

Order No. 1767536-SH99

Date November 13, 2012

Page No. 1

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OWNER

BRIEF LEGAL:

---

Sonia L. Broudrick – 46500 F Hardesty Road, Shawnee, OK 74801

Lot 8, Block 8 & Lot 1, Block 11, BEARD'S ADDITION to Shawnee

---

James D. Bonner and Barbara A. Bonner – 202 N. Tucker, Shawnee, OK 74801

Lot 9, Block 8 & S 28' Lot 3 & Beg. NE/C Lot 4; thence W to E line of AT&SF RR R/W; thence SE'ly 31.78'; thence S to N line Lot 4; thence E to E line Lot 4, Block 10, BEARD'S ADDITION to Shawnee

---

Barbara A. Goodson – 202 N. Tucker, Shawnee, OK 74801

Lot 8, Block 9 & Lots 1 & 2 & N 23' Lot 3, Block 10, BEARD'S ADDITION to Shawnee

---

Board of County Commissioners – 14101 Acme Road, Shawnee, OK 74804

S 18.22' Lot 4 & All Lot 5 lying E of AT&SF RR R/W, Block 10, BEARD'S ADDITION to Shawnee

---

Lola D. Cox and Cathy A. Robison – 128 N. McKinley, Shawnee, OK 74801

Lot 2, Block 11, BEARD'S ADDITION to Shawnee

---

Stephen Randel Cox – 124 N. McKinley, Shawnee, OK 74801

Lot 3, Block 11, BEARD'S ADDITION to Shawnee

---

Lola D. Cox and Stephen R. Cox – 124 N. McKinley, Shawnee, OK 74801

Beg. NE/C Lot 4, Block 11, BEARD'S ADDITION to Shawnee; thence W 135' to W line of Lot 4; thence S 37'; thence SE'ly to a point on E line of Lot 4 8' N of SE/C of said Lot; thence N 42' to beg.

---

Cathy A. Robison – 128 N. McKinley, Shawnee, OK 74801

Beg. SE/C Lot 4; thence N 8'; thence NW'ly passing through the center of a well to the alley; thence S 13' E along the S line of Lot 4 to beg. & all Lot 5, Block 11, BEARD'S ADDITION to Shawnee

---

Ricky Crow and Claudia Crow – 47504 E. Independence St., Shawnee, OK 74804

Beg. SW/C Lot 6, Block 11, BEARD'S ADDITION to Shawnee; thence N 97.28'; thence E 23.56'; thence S 97.07'; thence W 23.89' to beg.

---

Ricky K. Crow and Maria C. Crow – 47504 E. Independence, Shawnee, OK 74801

Beg. SE/C Lot 6, Block 11, BEARD'S ADDITION to Shawnee; thence W 31.11'; thence N 97.07'; thence E 31.44'; thence S 96.80' to beg.

---

Patrick Allen Hughes – 2127 W. Benedict, Shawnee, OK 74801

Lot 7 & E 24.9' Lot 8, Block 11, BEARD'S ADDITION to Shawnee...LESS the E 25' of Lot 7

---

Brandon Crow and Carra Crow – 19757 South Rock Creek Road, Shawnee, OK 74801

E 25' Lot 7, Block 11, BEARD'S ADDITION to Shawnee

---

Mack Reeves and Kathy Reeves – 1819 N. Pennsylvania, Shawnee, OK 74804

W 30'4" Lot 8 & E 5' Lot 9, Block 11, BEARD'S ADDITION to Shawnee

---

# Ownership List

Order No. 1767536-SH99

Date November 13, 2012

Page No. 2

---

## OWNER

### BRIEF LEGAL:

---

J. C. Winterringer, Inc. – P.O. Box 1809, Shawnee, OK 74802-1809

W 25' Lot 9, Block 11, BEARD'S ADDITION to Shawnee

---

Donnie A. Vickery, Bobby G. Dancer and William S. Buoy – P.O. Box 424, Tecumseh, OK 74873

W 25' of E 30' Lot 9 & E 31' Lot 10 & W 24' Lot 10, Block 11, BEARD'S ADDITION to Shawnee

---

Bobby G. Dancer and William S. Buoy – 9301 N. Harrison, Shawnee, OK 74804

Lot 11, Block 11, BEARD'S ADDITION to Shawnee

---

Ramona J. Cleek Trust – 13001 Vinehaven Boulevard, Oklahoma City, OK 73170

Lot 12, Block 11, BEARD'S ADDITION to Shawnee

---

Shawnee Affordable Housing LP – 820 Eastside Boulevard, Muskogee, OK 74403

Lot 13, Block 11, BEARD'S ADDITION to Shawnee

---

Charles Casey and Gina Casey – 127 N. Tucker, Shawnee, OK 74801

Lot 14, Block 11, BEARD'S ADDITION to Shawnee

---

Marcus Pischedda – 129 N. Tucker, Shawnee, OK 74801

Lot 15, Block 11, BEARD'S ADDITION to Shawnee

---

Juanita Green Trust – 2306 E. 11<sup>th</sup>, Shawnee, OK 74801

Lot 16, Block 11, BEARD'S ADDITION to Shawnee

---

James E. Mongold and Juanita Mongold – 701 S. Bryan, Shawnee, OK 74801

Lot 6, Block 11, BEARD'S ADDITION to Shawnee...LESS Beg. SE/C; thence W 31.11'; thence N 97.07'; thence E 31.44'; thence S 96.80' to beg. & LESS Beg. SW/C Lot 6; thence N 97.28'; thence E 23.56'; thence S 97.07'; thence W 23.89' to beg.

---

Kevin Kalies – 1811 Henson Court, Shawnee, OK 74804

Lots 10 & 11, Block 12, BEARD'S ADDITION to Shawnee

---

Jimmy Dean Heffley and Tammy R. Heffley – 117 N. McKinley, Shawnee, OK 74801

Lots 12 & 13, Block 12, BEARD'S ADDITION to Shawnee

---

Bruce D. Hurst – 125 N. McKinley, Shawnee, OK 74801

Lot 14, Block 12, BEARD'S ADDITION to Shawnee

---

Citizen Potawatomi Nation – 1601 Gordon Cooper Dr., Shawnee, OK 74801

Lots 1 thru 6, Block 1, AMENDED PLAT OF BLOCK 14 AND PART BLOCK C, BEARD'S ADDITION to Shawnee

---

Harvey G. Rooks and Sandra A. Rooks – 944 S. Fishmarket Road, McLoud, OK 74851

Lots 7 & 8, Block 1, AMENDED PLAT OF BLOCK 14 AND PART BLOCK C, BEARD'S ADDITION to Shawnee

---



# Ownership List

Order No. 1767536-SH99

Date November 13, 2012

Page No. 3

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OWNER

BRIEF LEGAL:

---

Ronald D. Green – 723 E. Main, Shawnee, OK 74801

Lot 1 & E 20' Lot 2 & All Lot 3, Block 2, AMENDED PLAT OF BLOCK 14 AND PART BLOCK C,  
BEARD'S ADDITION to Shawnee

---

George Hoover – c/o George N. Hoover – 7916 Woodway Dr., Houston, TX 77063

W 25' Lot 2, Block 2, AMENDED PLAT OF BLOCK 14 AND PART BLOCK C, BEARD'S  
ADDITION to Shawnee

---

Sarge's Aviation Machine, Inc. – 711 E. Main, Shawnee, OK 74801

Lots 4 & 5, Block 2, AMENDED PLAT OF BLOCK 14 AND PART BLOCK C, BEARD'S  
ADDITION to Shawnee

---

Randall D. Penson and Brenda L. Penson – 2109 N. Bell, Shawnee, OK 74804

Lots 6 thru 9, Block 2 & Lots 1 thru 6, Block 3 & Lots 1 thru 6, Block 4, AMENDED PLAT  
OF BLOCK 14 AND PART BLOCK C, BEARD'S ADDITION to Shawnee

---

Eastern Oklahoma Railroad

Lots 1 & 2 and Part Lots 3 thru 12, Block 21, CHOCTAW ADDITION to Shawnee

---

**Regular Board of Commissioners**

**6.**

**Meeting Date:** 01/07/2013

Rezone P02-13

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

A public hearing and consideration of an ordinance rezoning property located at the 4200 Block of North Harrison from A-1; Agricultural to C-3; Automotive, Commercial and Recreation.

Case #P02-13 Applicant: Landes Engineering

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Attachments

P02-13

Ordinance

RECOMMENDATION TO:

MAYOR  
BOARD OF CITY COMMISSIONERS  
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE  
PLANNING COMMISSION

SUBJECT:

APPLICANT: Landes Engineering  
FOR: Rezoning  
LOCATION: 4200 Block North Harrison  
PROJECT#: 121510 Case# P02-13

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: A-1; Agricultural  
REQUESTED CLASSIFICATION: C-3; Automotive, Commercial and Recreation  
PROPOSED PROPERTY USE: Commercial

PLANNING COMMISSION MEETING DATE: January 2, 2013

PLANNING COMMISSION RECOMMENDATION: Approve

VOTE OF THE PLANNING COMMISSION: MEMBERS PRESENT: 6

MEMBERS:	1ST	2ND	AYE	NAY	ABSTAIN	COMMENTS
BERGSTEN		X	X			
CARTER			X			
HOSTER			X			
TURNER (CHAIRMAN)			X			
SILVIA (VICE-CHAIRMAN)			X			
PRINCE	X		X			
SALTER						ABSENT

RESPECTFULLY SUBMITTED,  
Linda Burg  
SECRETARY, PLANNING COMMISSION

ACTION BY CITY COMMISSION:

PUBLIC HEARING SET: \_\_\_\_\_

DATE OF ACTION: \_\_\_\_\_

ADOPTED \_\_\_\_\_ DENIED \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_



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

**STAFF REPORT**  
**REZONE REQUEST**  
**CASE #P02-13**

TO: Shawnee Planning Commission

AGENDA: January 2, 2013

RE: CASE #P02-13- Block 4200 Harrison Ave- Rezoning A-1 to C-3

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**PROPOSAL**

The applicant is requesting to rezone property located at the 4200 block of Harrison St on the East side of the street from A-1, Agricultural to C-3- Automotive, Commercial and Recreation. The applicant wishes to use the property for a car lot.

**GENERAL INFORMATION**

<b>Applicant</b>	Landes Engineering LLC
<b>Owners</b>	Vision Bancshares Inc.
<b>Site Location/Address</b>	<i>See Figure 1</i>
<b>Current Site Zoning</b>	A-1, Agricultural
<b>Parcel Size</b>	10.3 Acres
<b>Proposed Use</b>	Commercial Use
<b>Comprehensive Plan Designation</b>	Commercial/Residential
<b>Existing Land Use</b>	Vacant Agricultural
<b>Surrounding Proposed Land Use</b>	<u>North</u> : Commercial <u>South</u> : Commercial <u>West</u> : Commercial <u>East</u> : Residential
<b>Surrounding Zoning</b>	<u>North</u> : C-3 <u>South</u> : C-3

	<u>West:</u> C-3 <u>East:</u> R-1
--	--------------------------------------

**STAFF ANALYSIS AND FINDINGS**

The applicant is requesting a zone change to allow the property to be rezoned from A-1, Rural Agricultural to C-3, Automotive, Commercial, Retail for a car lot. The proposed development concept is still in the planning stage and the sale of the property is conditional upon approval of the zone change.

The site has frontage on both 45<sup>th</sup> Street and Harrison Avenue with floodplain at the rear of the site. The applicant has been working with FEMA regarding the floodplain and is in the final stage of the approval process to modify/reduce the floodplain. More information concerning this aspect will be presented when the applicant proceeds with a formal plat on the property. Pursuant to City standards, no part of the regulated floodplain can be part of a platted (buildable) lot.

The application meets all of the requirements for a zone change, and it is in Staff’s opinion that the proposed change does conform to the Comprehensive Plan (Figure 2), which recommends that the area be used for Commercial uses. The rezoning and proposed use of the property is similar to previous recent requests made before the Commission over the last several years in this vicinity.

The applicant will have to adhere to the code regarding the lighting, which will be oriented away from the residential structures to the east per Section 603.8 of the Zoning Regulations which states, “In addition, the lighting, including any permitted illuminated sign, shall be arranged so that there will be no annoying glare directed ore reflected toward residential buildings in a residential district”. The applicant will also have to comply with Section 603.8 in regard to fencing which states, “Whenever any office district or parking or parking are is established so as to abut the side or rear line of a lot in a residential district, an opaque, ornamental fence, wall or sense evergreen hedge of not less than six (6’) feet high shall be constructed and maintained in good condition alongside and rear lot lines up to, but not beyond, the abutting residential setback building line”.

**RECOMMENDATION**

Based on the analysis and findings above, Staff recommends approval of the applicant’s request to rezone the subject property to C-3 due to the property meeting all requirements under the Zoning Code and Comprehensive Plan. Staff recommends that the Planning Commission forward this recommendation to the City Commission.

**Attachments**

1. Figure 1-Zoning Map
2. Figure 2-Arial Map
3. Figure 3-Land Use Map
4. Figure 4-Flood Plain Map

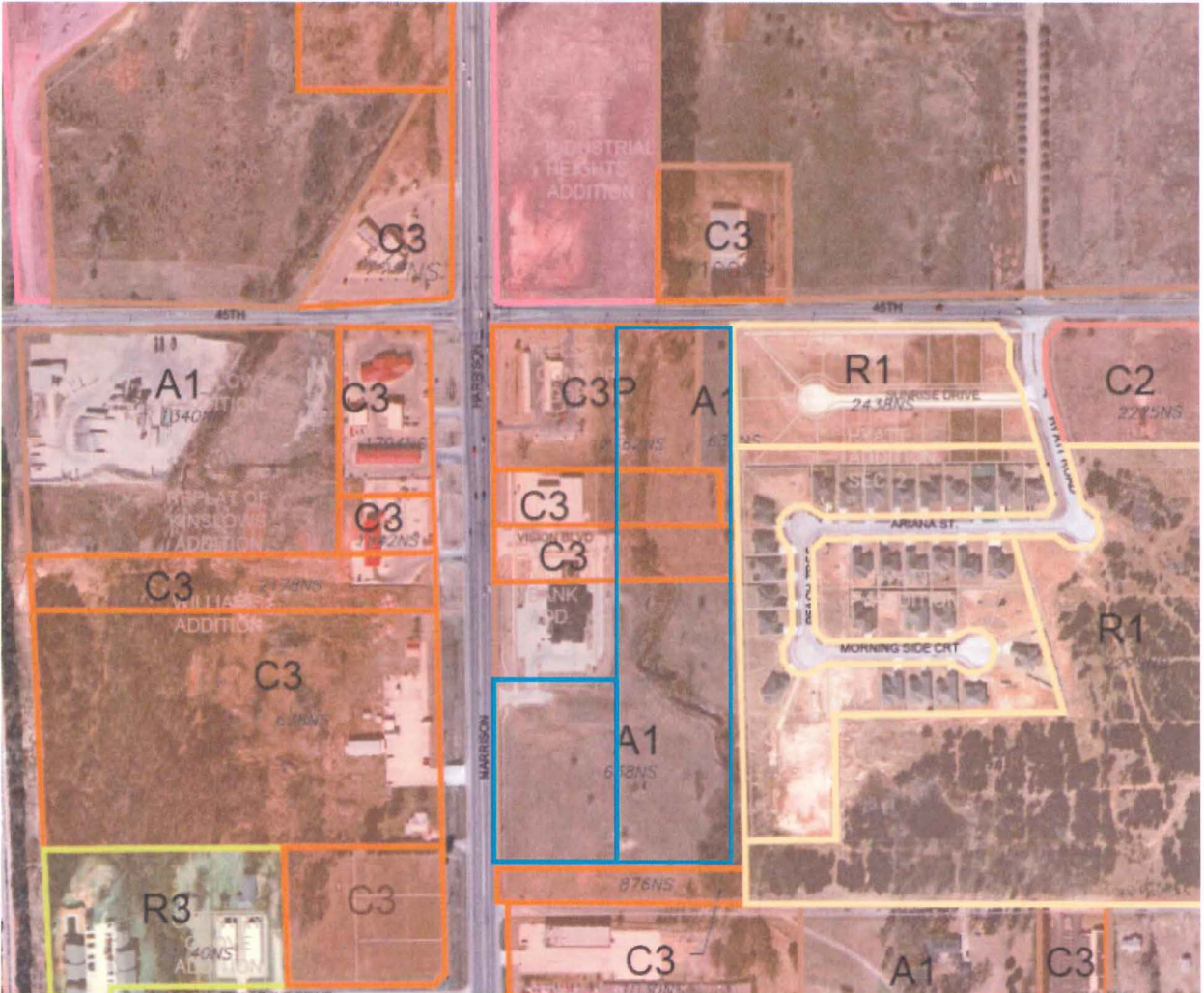


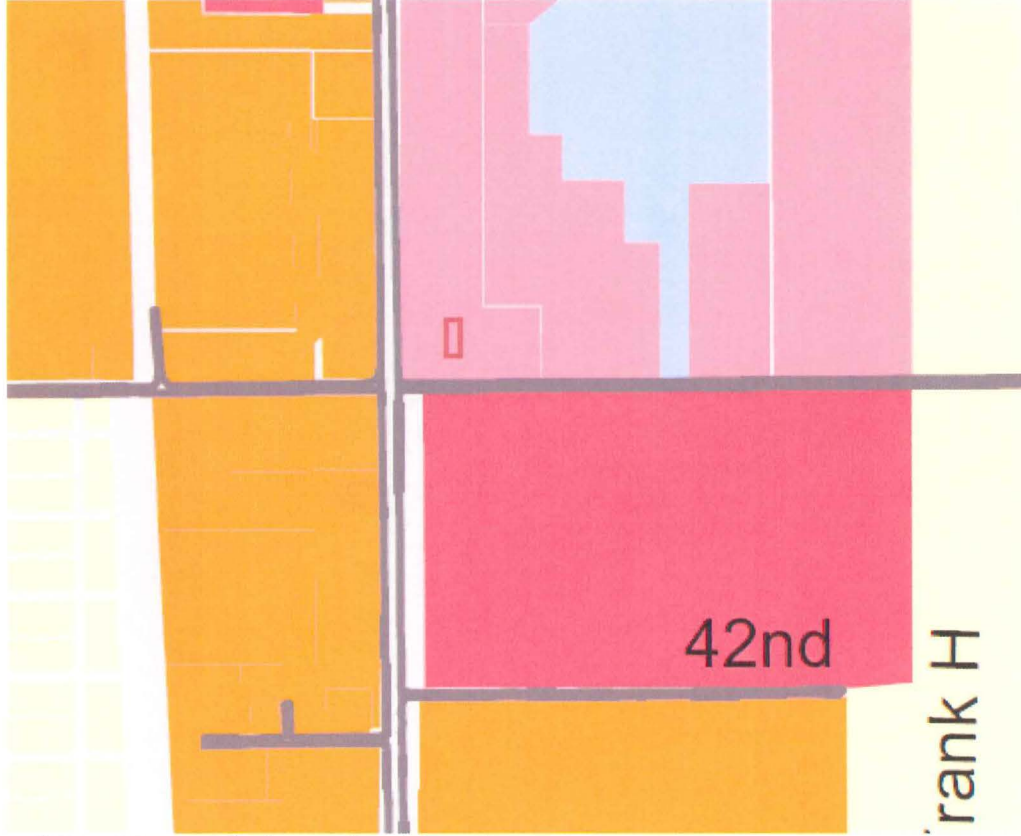
Figure 1: Zoning map, with site outlined in blue.



**Figure 2:** Aerial Map, with site outlined in blue.

**FUTURE LAND USE**

- Rural Development/Agriculture
- Residential
- Commercial/Residential
- Commercial
- Residential/Public/Commercial
- Public/Commercial
- Public
- Residential/Public
- Industrial/Commercial
- Industrial
- Parks/Open Space
- Right of Way
- Lake
- Shawnee City Limits
- Planning Area



**Figure 3:** Future Land Use Map, with site outlined in red



Figure 4: Flood Plain Map



CITY OF SHAWNEE  
PUBLIC HEARING NOTICE  
CASE #P02-13

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on a proposed Rezone of property located within the City of Shawnee.

The property requesting rezoning is described as follows:

A tract of land located within Government Lot Four (4), Section Five (5), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma and being further described as: Beginning at the Northwest Corner of said Lot 4; thence N89°13'10"E along the North line of said Lot 4 450.08 feet to the point of beginning; thence N89°13'10"E along the North line of said Lot 4 209.49 feet; thence S01°43'46"E 1328.55 feet; thence S89°05'10"W 527.83 feet to a point on the East Right-of-Way line of Harrison Avenue (SH#18); thence N00°56'19"W along said Right-of-Way line 517.59 feet to the Southwest Corner of Lot Two (2), Block One (1), VISION ADDITON, to the City of Shawnee; thence S45°28'09"E 35.64 feet; thence N90°00'00"E 111.17 feet to a point of curvature; thence Southeasterly along a 125.00 foot radius curve to the right, having a chord bearing of S78°49'50"E, a chord length of 48.43 feet and an arc distance of 48.74 feet to the Southeast Corner of said Lot 2, Block 2, VISION ADDITON; thence N88°53'49"E a distance of 116.57 feet; thence N00°56'36"W 848.24 feet to the point of beginning.

General Location Known As:	<u>4200 Block North Harrison Ave</u>
Current Zoning Classification:	<u>A-1; Agricultural</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial and Recreation</u>
Proposed Use of Property:	<u>Commercial</u>
Applicant:	<u>Landes Engineering</u>

The "Zoning Map of the City of Shawnee, Oklahoma" will be amended accordingly to reflect such change if approved by the City Commission.

The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9<sup>th</sup> St. Shawnee, Oklahoma, as follows:

January 02, 2013	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
January 07, 2013	AT 6:30 P.M.:	CITY OF SHAWNEE CITY COMMISSION

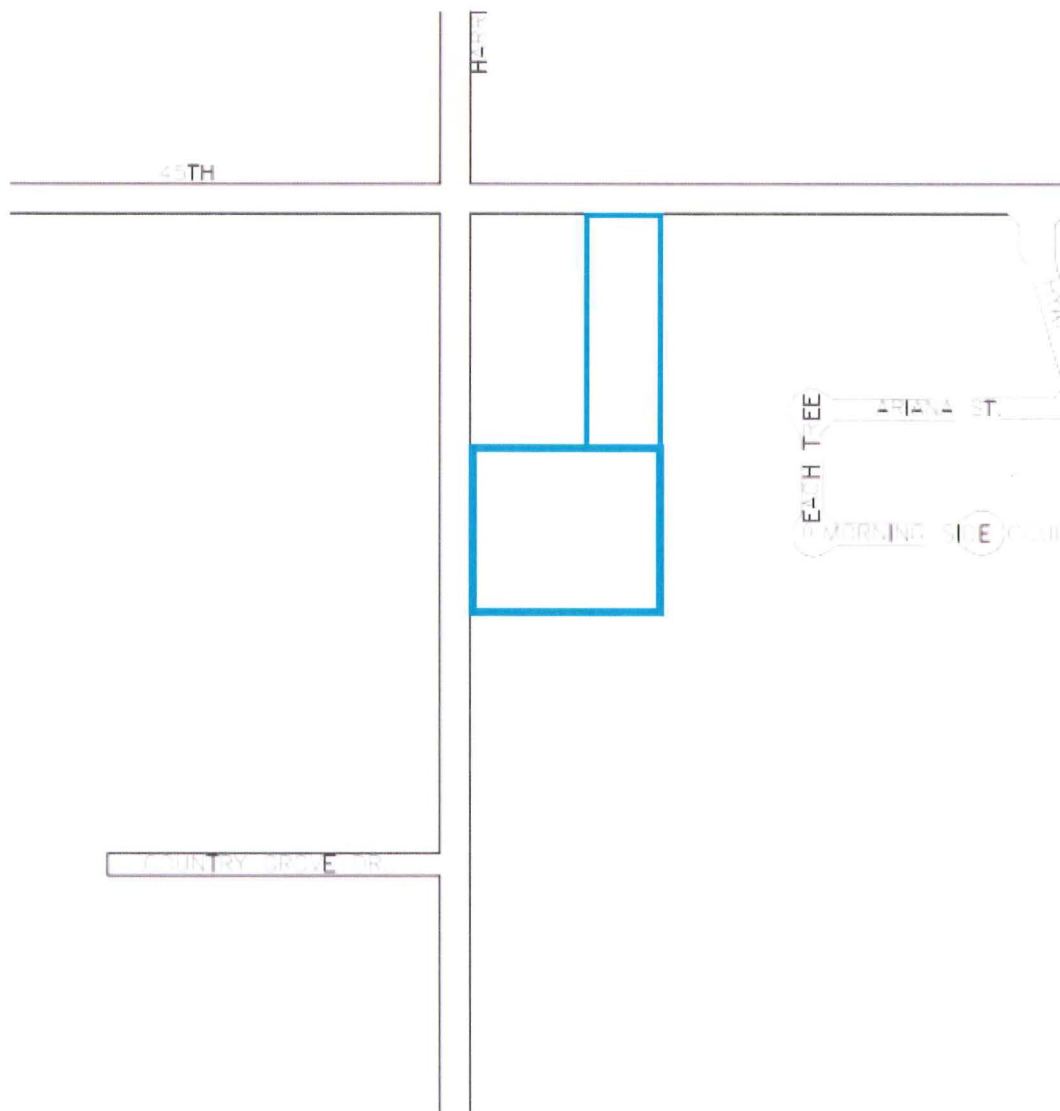
At this time any interested citizen of Shawnee, Oklahoma will have the opportunity to appear and be heard with regard to the rezone. The Commission reserves the right to limit discussion and debate on the proposed rezone in the public hearing, in which event those persons appearing in support or opposition of the proposed rezone will be allotted equal time. Any formal protest must be filed in writing with the City Clerk during normal working hours before 5:00 p.m. a minimum of three (3) days prior to the hearing. If there are any questions about the proposal, or you need additional information prior to the public hearing, please contact the Planning Department at 878-1616. A copy of the application is available for public inspection during normal working hours in the Planning Secretary's office at 222 N. Broadway.

Witness my hand this 12 day of December, 2012.

\_\_\_\_\_  
Phyllis Loftis, City Clerk

# Location Map

Figure 1 – Location Map- Property in question is highlighted in blue.



**PLANNING COMMISSION APPLICATION**  
**PROJECT NO. 121510 CASE NO. P02-13**

**REQUEST:**

Rezoning X Rezoning w/Conditional Use Permit \_\_\_\_\_ Conditional Use Permit \_\_\_\_\_  
Planned Unit Development \_\_\_\_\_

I, the undersigned, do hereby respectfully make application and petition to the City Commission to amend the zoning map, and to change the zoning district of the Shawnee area, from A-1 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

**PROPERTY LOCATION (STREET ADDRESS):** Block 4200 - East side Harrison Ave

**LEGAL DESCRIPTION:** See attached drawing (Attached: AFFIDAVIT - FAT)

**PROPERTY OWNER (S):** Vision Bancshares Inc.

**PROPERTY AGENT (APPLICANT):** Landes Engineering LLC

**APPLICANT'S ADDRESS:** 903 E. 35th

**CITY:** Shawnee **STATE** OK **ZIP** 74801

**EMAIL ADDRESS:** landesengineering@landesengineering.net

**TELEPHONE NUMBER:** (405) 275-5388 **CONTACT NUMBER:** ( ) same

**DIMENSIONS OF PROPERTY:** AREA 10.3 acres WIDTH 527  
LENGTH 1328 FRONTAGE 209 (45th) / 517 (Harrison)

**CURRENT ZONING:** A-1 **CURRENT USE:** OPEN

**PROPOSED ZONING:** C-3 **PROPOSED USE:** Automotive/Commercial

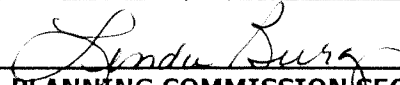
With the filing of this application, I acknowledge that I have been informed of off-street parking, fencing and paving requirements in regard to the zoning I have requested as witnessed by my signature.



**SIGNATURE OF APPLICANT**

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 12 day of, December 2012



**PLANNING COMMISSION SECRETARY**

**REZONING &/OR C.U.P FEE \$** 280.00  
**RECEIPT NO.** 01412963

**PLANNED UNIT DEVELOPMENT FEE \$** 550.00  
**SIGN DEPOSIT \$** 50.00

(Refundable if Applicant returns 48 hrs. after City Commission Meeting)

**PLANNING COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**CITY COMMISSION ACTION:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**PLACE ON ZONING MAP:** \_\_\_\_\_ **ORDINANCE NO.:** \_\_\_\_\_

STATE OF OKLAHOMA                    )  
  ) SS:  
COUNTY OF POTTAWATOMIE         )

**-: AFFIDAVIT OF BONDED ABTRACTOR :-**

The undersigned Bonded Abtractor in and for the aforesaid County and State does hereby certify that the following Ownership is true and correct according to the current year's tax rolls in the Office of the County Treasurer of Pottawatomie County, Oklahoma, as updated by the records of the County Clerk of Pottawatomie County, Oklahoma; that the owners, as reflected by said records, are based on the last conveyance or final decree of record of certain properties located within 300 feet in all directions of the following described lands:

A tract of land located within Government Lot Four (4), Section Five (5), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma and being further described as: Beginning at the Northwest Corner of said Lot 4; thence N89°13'10"E along the North line of said Lot 4 450.08 feet to the point of beginning; thence N89°13'10"E along the North line of said Lot 4 209.49 feet; thence S01°43'46"E 1328.55 feet; thence S89°05'10"W 527.83 feet to a point on the East Right-of-Way line of Harrison Avenue (SH#18); thence N00°56'19"W along said Right-of-Way line 517.59 feet to the Southwest Corner of Lot Two (2), Block One (1), VISION ADDITION, to the City of Shawnee; thence S45°28'09"E 35.64 feet; thence N90°00'00"E 111.17 feet to a point of curvature; thence Southeasterly along a 125.00 foot radius curve to the right, having a chord bearing of S78°49'50"E, a chord length of 48.43 feet and an arc distance of 48.74 feet to the Southeast Corner of said Lot 2, Block 2, VISION ADDITON; thence N88°53'49"E a distance of 116.57 feet; thence N00°56'36"W 848.24 feet to the point of beginning.

and find the following owners, addresses and brief legal descriptions on the attached pages numbered from One (1) to Three (3), both inclusive.

The Abtractor makes no representation or warranty, either expressed or implied, regarding the accuracy of the information contained in this report. The Abtractor does not guarantee the validity of the title of such parties nor is this report intended to guarantee title thereof. The liability of the Abtractor shall be based solely on contract and shall be limited to the price paid for the report by the customer. The parties agree that the Abtractor shall not be liable for consequential damages. Acceptance of the instrument constitutes acceptance of this limitation on liability.

EXECUTED at Shawnee, Oklahoma, this 20<sup>th</sup> day of November, 2012.

FIRST AMERICAN TITLE AND TRUST COMPANY

BY *Teresa Southard*  
Teresa Southard, Licensed Abstractor #264

Order No. 1770525-SH99

# Ownership List

Order No. 1770525-SH99

Date November 20, 2012

Page No. 1

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## OWNER

### BRIEF LEGAL:

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Linda Lawyer – 1112 Ariana, Shawnee, OK 74804

Lot 7, Block 3, HYATT ADDITION to Shawnee

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Absentee Shawnee Housing Authority – P.O. Box 425, Shawnee, OK 74802-0425

Lots 8, 15 & 17, Block 3, HYATT ADDITION to Shawnee

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Link Cowen Construction, LLC – 655 N. Broadway, Shawnee, OK 74801

Lots 9 & 11, Block 3, HYATT ADDITION to Shawnee

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Floyd D. Roland Construction – 35507 Clearpond Road, Shawnee, OK 74801

Lots 10, 19 & 20, Block 3, HYATT ADDITION & Lots 11 & 12, HYATT 2<sup>ND</sup> ADDITION to Shawnee

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Verna C. Kilburn – 4424 Peach Tree, Shawnee, OK 74802

Lot 12, Block 3, HYATT ADDITION to Shawnee

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Stephen Sanders and Amanda Sanders – 4 W. Midland, Shawnee, OK 74804

Lot 13, Block 3, HYATT ADDITION to Shawnee

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Merle L. Burns and Janice K. Burns – 4416 Peach Tree, Shawnee, OK 74804

Lot 14, Block 3, HYATT ADDITION to Shawnee

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Cotton Homes, LLC – 203 E. 40<sup>th</sup>, Shawnee, OK 74804

Lots 16 & 34, Block 3, HYATT ADDITION & Lots 5 & 6, HYATT 2<sup>ND</sup> ADDITION to Shawnee

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Mehdi Azimi Bolourian and Carol A. Azimi Bolourian – P.O. Box 1420, Norman, OK 73070

Lot 18, Block 3, HYATT ADDITION & Lots 7 thru 10 & Lot 14, HYATT 2<sup>ND</sup> ADDITION to Shawnee & E/2 Lot 4 & W/2 Lot 3, Section 5, Township 10 North, Range 4 East...LESS part platted into Hyatt Addition and Hyatt 2<sup>nd</sup> Addition

---

Run Lin Feng and Jin F. Luo – 1109 Morningside Court, Shawnee, OK 74804

Lot 21, Block 3, HYATT ADDITION to Shawnee

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Bret Austin – 37311 45<sup>th</sup>, Shawnee, OK 74804

Lot 31, Block 3, HYATT ADDITION to Shawnee

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Patricia L. Ford Revocable Trust – 1104 Morningside Court, Shawnee, OK 74804

Lot 32, Block 3, HYATT ADDITION to Shawnee

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Bill J. Cathey and Barbara J. Cathey – 1100 Morning Side Court, Shawnee, OK 74804

Lot 33, Block 3, HYATT ADDITION to Shawnee

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Doretha M. Lowery – 1107 Ariana, Shawnee, OK 74804

Lot 35, Block 3, HYATT ADDITION to Shawnee

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Hilary R. Welch and Adam D. Welch – 1113 Ariana, Shawnee, OK 74804

Lot 36, Block 3, HYATT ADDITION to Shawnee

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Tommy Blackwell and Lori Blackwell – 352084 E. 1050 Road, Prague, OK 74864

Lot 13, HYATT 2<sup>ND</sup> ADDITION to Shawnee

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# Ownership List

Order No. 1770525-SH99

Date November 20, 2012

Page No. 2

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OWNER

BRIEF LEGAL:

---

Vision Bank NA – P.O. Box 669, Ada, OK 74821

Lot 2, Block 1, VISION ADDITION to Shawnee & Beg. 450.08' E NW/C NW/4 Section 5, Township 10 North, Range 4 East; thence E 209.49'; thence S 710'; thence W 519.29' to point on E R/W of Harrison St.; thence N 219.91'; thence E 300.04'; thence N 490' to beg. & Beg. SW/C Lot 2, Block 1, VISION ADDITION; thence N 101.8'; thence E 300.06'; thence E 138.33'

---

OKC Golf, LLC – P.O. Box 142, Meeker, OK 74855

Lot 1, Block 1, VISION ADDITION to Shawnee & Beg. 450.08' E NW/C NW/4 Section 5, Township 10 North, Range 4 East; thence E 209.49'; thence S 710'; thence W to E R/W of Harrison St.; thence N 360'; thence E 300'; thence N 350' to beg...LESS part platted into Vision Addition

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Vision Bancshares, Inc. – Attn: Lavonda Jones – P.O. Box 669, Ada, OK 74821

Beg. 659.57' E & 710' S NW/C NW/4 Section 5, Township 10 North, Range 4 East; thence S 618.54'; thence W 527.83' to point on E R/W of Harrison St.; thence N along R/W 619.68'; thence E 519.29' to beg. & Beg. 450.08' E NW/C NW/4; thence E 209.49'; thence S1°E 710'; thence W 219.23'; thence N 710' to beg...LESS beg. SW/C Lot 2, Block 1, VISION ADDITION; thence N 101.8'; thence E 300.06'; thence S 138.33'; thence W 116.28'; thence on a curve to the left 48.74'; thence W 111.17' to beg.

---

Hudimax II, LLC – 6000 Tinker Diagonal, Midwest City, OK 73110-2830

Beg. 132.59' E & 23' S NW/C SW/4 NW/4; thence S 150'; thence E 530.58'; thence N 150'; thence W 528.58' to beg. & Beg. 115.096' E & 905.42' N SW/C NW/4; thence E 534.06'; thence N 249.37'; thence W 530.57'; thence S 250' to beg. all in Section 5, Township 10 North, Range 4 East

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Hubert W. Hopkins and E. Mable Hopkins Joint Revocable Trust – 1414 N. Kennedy, Shawnee, OK 74801

E/2 SW/4 NW/4... LESS 250' X 250' to OG&E & Beg. NW/C E/2 SW/4 NW/4; thence S 330'; thence E 660'; thence N 330'; thence W 660' to beg...LESS Beg. 332.77' E NWC E/2 SW/4 NW/4; thence S 305.82'; thence S55°13'45"E 64.57'; thence E 117.53'; thence N 343.28'; thence W 170.13' to beg. Section 5, Township 10 North, Range 4 East

---

Terry W. Hopkins and Margaret Hopkins – 1730 N. Broadway, Shawnee, OK 74804

Beg. 332.77' E NW/C E/2 SW/4 NW/4 Section 5, Township 10 North, Range 4 East; thence S 305.82'; thence S55°13'45"E 64.57'; thence E 117.53'; thence N 343.28'; thence W 170.13' to beg.

---

D. P. Kinslow, Inc. – 4438 N. Harrison, Shawnee, OK 74804

S 5 acres of Lot 1, WILLIAMS ADDITION to Shawnee

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# Ownership List

Order No. 1770525-SH99

Date November 20, 2012

Page No. 3

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OWNER

BRIEF LEGAL:

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Gateway to Prevention and Recovery Inc. – c/o American National Bank – P.O. Box 1089,  
Shawnee, OK 74802-1089

Beg. 482' E SW/C SW/4 Section 32, Township 11 North, Range 4 East; thence N 330';  
thence E 264'; thence S 330'; thence W 264' to beg.

---

Gordon Cooper Vo Tech – 1 John C. Bruton Boulevard, Shawnee, OK 74804

Beg. 482' E & 1980' N SW/C SW/4 Section 32, Township 11 North, Range 4 East; thence  
N 428.7' to point on I-40 R/W NE'ly on a curve to the left radius 1550.39' 232'; thence N64°E  
153.47'; thence S89°E 968' etc.

---

Juanita Carpenter Trust, Gary Carpenter, Trustee – c/o Mark Finley – P.O. Box 246, Shawnee, OK  
74802-0246

Beg. 120' E SW/C SW/4 Section 32, Township 11 North, Range 4 East; thence E 362';  
thence N 853.29'; thence W 352.77' to Hwy 18 R/W; thence S 853' to beg.

---

Wilma J. Smith Revocable Trust – 4220 N. Harrison, Shawnee, OK 74804

Block 2, WILLIAMS ADDITION to Shawnee

---

ESG Properties, LLC – 2910 Crown Point, Shawnee, OK 74804

Beg. 1558.28' S NE/C NE/4; thence W 372'; thence S 110'; thence E 372'; thence N 110'  
to beg. Section 6, Township 10 North, Range 4 East (Part Block 3, WILLIAMS ADDITION) to  
Shawnee

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Bowles-Patterson Holdings, LLC – 15 W. 9<sup>th</sup>, Shawnee, OK 74801

Lots 1, 2, 3 & 4B, COUNTRY GROVE ADDITION to Shawnee

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JAK Properties, Inc. – 17 W. 9<sup>th</sup>, Shawnee, OK 74801

Lot 4-A & All of Lots 5 & 6, COUNTRY GROVE ADDITION to Shawnee

---

Mannford Land Co. – P.O. Box 1809, Shawnee, OK 74802-1809

Lots 1 & 1A, Block 1, KELSEY & CONNOR ADDITION to Shawnee

---

America's Car Mart, Inc. – P.O. Box 2580, Bentonville, AR 72712

Beg. 1792.2' S NE/C NE/4 Section 6, Township 10 North, Range 4 East; thence W  
350.36'; thence N 124.33'; thence S 350.36'; thence S 124.33' to beg.

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY: A TRACT OF LAND LOCATED WITHIN GOVERNMENT LOT FOUR (4), SECTION FIVE (5), TOWNSHIP TEN (10) NORTH, RANGE FOUR (4) EAST OF THE INDIAN MERIDIAN, POTTAWATOMIE COUNTY, OKLAHOMA AND BEING FURTHER DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 4; THENCE N89°13'10"E ALONG THE NORTH LINE OF SAID LOT 4 450.08 FEET TO THE POINT OF BEGINNING; THENCE N89°13'10"E ALONG THE NORTH LINE OF SAID LOT 4 209.49 FEET; THENCE S01°43'46"E 1328.55 FEET; THENCE S89°05'10"W 527.83 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF HARRISON AVENUE (SH#18); THENCE N00°56'19"W ALONG SAID RIGHT-OF-WAY LINE 517.59 FEET TO THE SOUTHWEST CORNER OF LOT TWO (2), BLOCK ONE (1), VISION ADDITION, TO THE CITY OF SHAWNEE; THENCE S45°28'09"E 35.64 FEET; THENCE N90°00'00"E 111.17 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG A 125.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING OF S78°49'50"E, A CHORD LENGTH OF 48.43 FEET AND AN ARC DISTANCE OF 48.74 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2, BLOCK 2, VISION ADDITION; THENCE N88°53'49"E A DISTANCE OF 116.57 FEET; THENCE N00°56'36"W 848.24 FEET TO THE POINT OF BEGINNING; REZONING SAID PROPERTY FROM A-1; AGRICULTURAL TO C-3; AUTOMOTIVE COMMERCIAL & RECREATION DISTRICT; AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SHAWNEE ACCORDINGLY.

WHEREAS, pursuant to notice duly given as required by law, a public hearing was conducted by the Board of Commissioners of the City of Shawnee, Oklahoma, on the 7th day of January, 2013 upon an application to rezone certain property located in the City of Shawnee, Oklahoma from zoning classification A-1; Agricultural to C-3; Automotive and Commercial Recreation District.

WHEREAS, the Planning Commission of the City of Shawnee has conducted one or more public hearings on said application pursuant to notice as required by law and has submitted its final report and recommendation upon said application to the Board of Commissioners; and,

WHEREAS, it appears to be in the best interest of the City of Shawnee and the inhabitants thereof for said property to be zoned as considered.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA:**

SECTION 1: That the following described property located in the City of Shawnee, Oklahoma, to-wit: A tract of land located within Government Lot Four (4), Section Five (5), Township Ten (10) North, Range Four (4) East of the Indian Meridian, Pottawatomie County, Oklahoma and being further described as: Beginning at the Northwest Corner of said Lot 4; thence N89°13'10"E along the North line of said Lot 4 450.08 feet to the point of beginning; thence N89°13'10"E along the North line of said Lot 4 209.49 feet; thence S01°43'46"E 1328.55 feet; thence S89°05'10"W 527.83 feet to a point on the East Right-of-Way line of Harrison Avenue (SH#18); thence N00°56'19"W along said Right-of-Way line 517.59 feet to the Southwest Corner of Lot Two (2), Block One (1), VISION ADDITION, to the City of Shawnee; thence S45°28'09"E 35.64 feet; thence N90°00'00"E 111.17 feet to a point of curvature; thence Southeasterly along a 125.00 foot radius curve to the right, having a chord bearing of S78°49'50"E, a chord length of

48.43 feet and an arc distance of 48.74 feet to the Southeast Corner of said Lot 2, Block 2, VISION ADDITON; thence N88°53'49"E a distance of 116.57 feet; thence N00°56'36"W 848.24 feet to the point of beginning, be and the same is hereby rezoned to C-3; Automotive and Commercial Recreation District and the official zoning map heretofore adopted is hereby amended so as to include said property as C-3; Automotive and Commercial Recreation District.

.  
PASSED AND APPROVED this 7th day of January, 2013.

\_\_\_\_\_  
WES MAINORD, MAYOR

(SEAL)

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CMC, CITY CLERK

**Regular Board of Commissioners**

**7.**

**Meeting Date:** 01/07/2013

De-Annex Request

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Receive petition from R Town Real Estate Investments LLC for detachment of the West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 17, Township 10 North, Range 2 East of the Indian Meridian, Pottwatomie County, Oklahoma; setting a date for public hearing on the petition; and authorizing staff to issue notice in accordance with law.

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Attachments

De-Annex Request



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

**MEMORANDUM**

**AGENDA:** January 7, 2013

**TO:** Shawnee City Commission

**FROM:** Justin Erickson, Planning Director 

**RE:** Notice to Proceed: De-Annexation Request; Shawnee Twin Lakes Area

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**SUMMARY**

Tiffany Miller (DBA: R Town Real Estate Investments, LLC) owner of 20 acres on the western boundary of the city limits (see attached map) is requesting de-annexation of the property (see attached request and supporting documentation). The proposed use of the land is a rural residential subdivision. The proposed lot configuration could not be approved under City of Shawnee zoning regulations, which require a minimum of five (5) acres for each dwelling unit in the A-1 (Agricultural) Zone. Nearly all land in the vicinity of Shawnee Twin Lakes is zoned A-1. There are no City utilities in the vicinity of the property.

**STAFF REQUEST**

Staff requests concurrence by the City Commission to consider petition from R. Town Real Estate Investments LLC for detachment of the West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section 17, Township 10 North, Range 2 East of the Indian Meridian, Pottawatomie County, Oklahoma; setting a date for the public hearing on the petition; and authorizing staff to issue notice in accordance with law.

The anticipated timeframe would be as follows:

Staff provides required legal notice(s):	January 21	(no later than)
Public Hearing:	February 4	(regular City Commission meeting)

Attachments





**PROPERTY EXHIBIT**

SCALE	DATE	PROJECT NO.	SHEET NO.
1" = 100'	2/27/23		01
CITY OF SHAWNEE 222 BROADWAY SHAWNEE, OKLAHOMA ENGINEERING DEPARTMENT			

SHAWNEE COUNTY

SHAWNEE CITY LIMITS

SHAWNEE

WALKER RD

HOMER LANE

SUBJECT PROPERTY

December 17, 2012

City of Shawnee

City Commission

P.O. Box 1448

Shawnee, OK 74802

RE: Deannexation of West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Seventeen (17), North Range Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

To Whom It May Concern:

May this letter serve as a request for Petitioning for Deannexation of the above referenced property from the City of Shawnee.

R Town Real Estate Investments, LLC. has purchased the referenced property with the intent to develop a one (1) plus acres subdivision/home addition – Quail Run.

The acreage was purchased with the understanding that it was not in city limits. The county assessor's office was contacted and it was shared that the property, at time prior to purchase, was county. The county commissioner's office was contacted and it was shared that the property was county. The county has maintained the road in front of the property for the last twelve (12) years – not the city as per the road markings and county commissioner. The road markings and/or striping currently in front of the property shows where the county and city change from one to the other and it appears to be at the Easterly edge of the property which would give the appearance that the property is in county - not city limits. The title company that issued the title insurance policy has no record or recorded book and page of any ordinance showing that the property is in city limits.

Jerry Richards, Pottawatomie County Commissioner for District 2 was contacted by Shawna Miller, Manager of R Town Real Estate Investments, LLC. Mr. Richards and Shawna Miller met approximately three different times to discuss the housing addition. Mr. Richards was in agreement with R Town Real Estate Investments, LLC. moving forward with the plat of survey to be submitted on the docket for approval of the addition. Road requirements of what the county required for the road were given to Shawna Miller at a meeting at the property with Mr. Richards and his foreman. The surveyor began working on the plat of survey for the addition to be submitted for the docket and bids were being obtained for the road when it was learned that the property may be in the city limits. As of present date, all operations have been stopped due to this possibility.

The Quail Run addition will be a great asset to the community. It will give those wishing to move in to the community, and not wanting to maintain five acres or more, a beautiful mature treed addition in the Bethel School District to live in.

Deannexation Letter Request

Shawna Miller is manager of my LLC and is also a licensed Realtor assisting me with the preparation and development of the addition. She has been in communication with Stan Malaske of SWM and Sons, Inc. to be the primary builder of the addition. Stan builds a quality home. It will be a prestigious addition with a minimum square footage requirement of 1,800 square foot or more.

Shawna has also obtained permission to use Stan's Deer Run Addition Covenants and Restrictions for my addition, Quail Run which is attached for your review. Also attached is an outline of the addition, an outline of the added benefits of the addition to the community, preliminary plat of survey and the plat showing the legal description.

Please accept this letter as request for deannexation of the referenced property so that I may proceed forward with the development/addition to help our area grow. The addition will also help benefit the Bethel School District with added tax dollars and give the community a beautiful addition to live in the area close to their family and friends.

Sincerely,

A handwritten signature in blue ink that reads "Tiffany Miller". The signature is fluid and cursive, with the first name being more prominent.

Tiffany Miller, Owner/Member

R Town Real Estate Investments, LLC.

CC: Jerry Richards, County Commissioner – District 2

Stan Malaske, Owner/Builder – SWM and Sons, Inc.



December 19, 2012

City of Shawnee

City Commission

P.O. Box 1448

Shawnee, OK 74802

RE: Approval of New Addition /Subdivision – Quail Run

West Half (W/2) of the Northwest Quarter (NW/4) of the Northeast Quarter (NE/4) of Section Seventeen (17), North Range Ten (10) North, Range Two (2) East of the Indian Meridian, Pottawatomie County, Oklahoma.

To Whom It May Concern:

May this letter serve as my approval of the above referenced addition/subdivision.

I was contacted by Shawna Miller, Manager of R Town Real Estate Investments, LLC. and Shawna and I have met several times to discuss the housing addition. I have been to the location and approve the development of Quail Run.

I am in agreement with R Town Real Estate Investments, LLC. moving forward with the plat of survey to be submitted on the docket for approval of the referenced addition/subdivision and/or deannexation to move forward with the approval process for the addition/subdivision. I am willing to be present to discuss my approval.

Sincerely,

A handwritten signature in cursive script that reads "Jerry Richards".

Jerry Richards

Pottawatomie County Commissioner – District 2

# Quail Run

1 acre plus lots

16 wooded lot addition

## Benefit(s) of the prestigious Quail Run

addition to the community -

### Homer Lane between Walker Road and Fishmarket

**Quail Run would give those wanting to move to the area such as retired couples and/or families wishing to live close their family and friends that do not want to maintain a large acreage.**

- Those wanting to live in the area have no choice(s) to a nice 1 acre + community (most do not want to maintain a 5 acres minimum – but desire to live in the area)
- Tax benefit to Bethel School District and the city/county for a 16 lot addition
- An average collected tax on each individual lot would be between \$1,800-\$3,000 per year per lot (once the addition is built out and established)
- Tax revenue could average at a built out stage of the addition of \$38,400.00/year to the community in property taxes plus any personal tax not being averaged in
- Each individual home owner would be responsible for drilling a well and installing a septic system – aerobic style septic system – no cost to the city/county for utility upkeep and/or maintenance
- The paved road would be installed to specifications by city and/or county specs
- The entire entrance area at the front sides and bricked entrance will be maintained by a homeowners association to maintain a nice curb appeal to the addition
- Mature trees will not be allowed to be cut down unless trees are in the building area needed to build home and/or a garage/shop.
- The addition will be a beautifully wooded addition – maintaining the country atmosphere
- Covenants and restrictions for the addition will be filed of record and are attached for review
- Plat map of the Quail Run addition attached for review

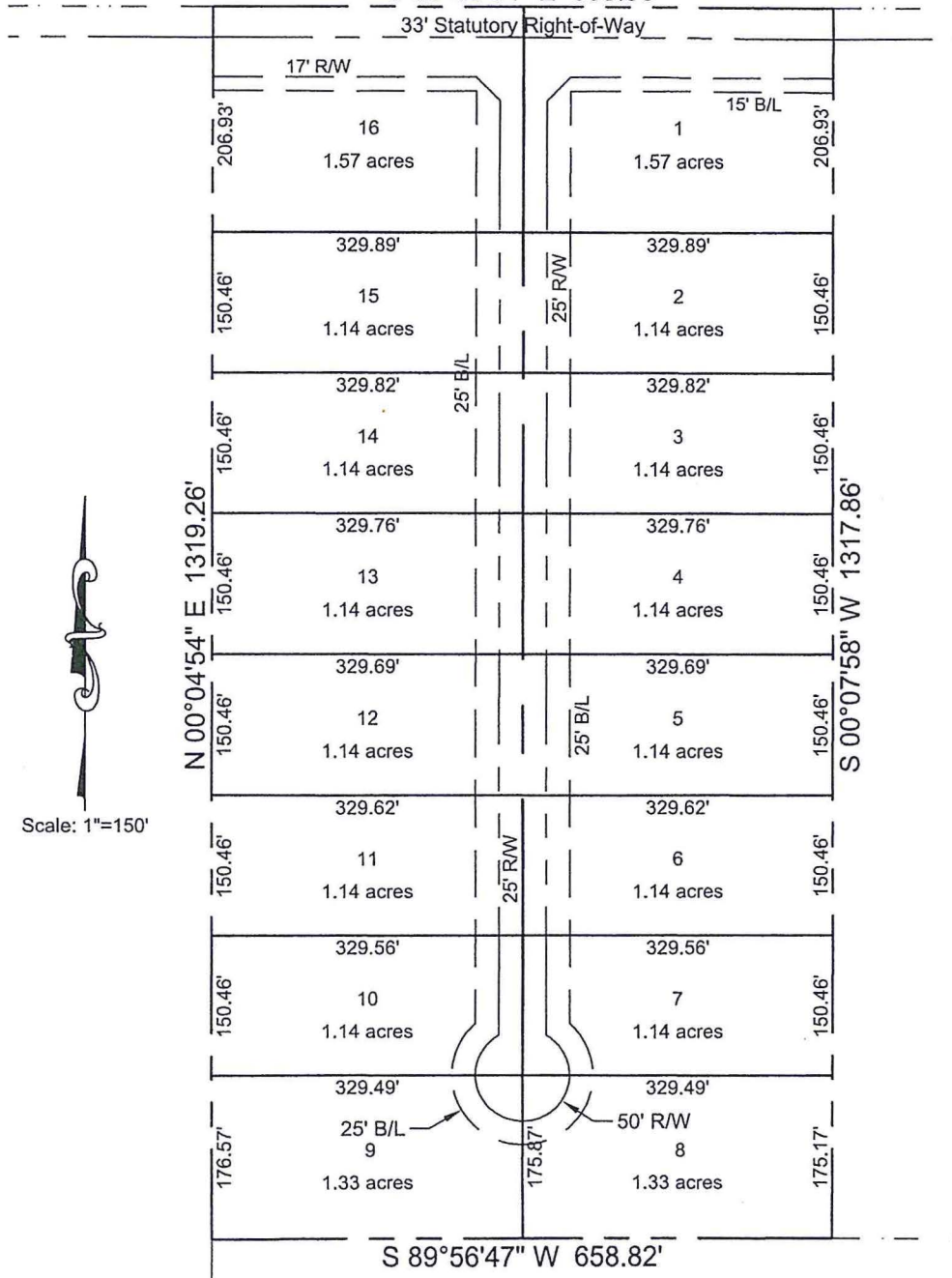
# Quail Run Addition

- 1 acre plus – beautiful wooded lots
- Bethel Schools
- Paved road
- 1,800 s.f. minimum
- Approved builders only
- Easy access to interstate for easy commute to Tinker area and/or Shawnee
- Well and septic
- Canadian Valley Electric
- Homeowners association for entrance maintenance
- Less than 2  $\frac{3}{4}$  miles to Shawnee Twin Lakes

# PRELIMINARY LOT LAYOUT

Southeast 119th Street  
 S 89°55'54" E 659.99'

33' Statutory Right-of-Way



Scale: 1"=150'



Date: 10-23-2012

CERTIFICATE OF AUTHORIZATION CA-819  
 EXPIRATION DATE: 6/30/2013

HALE & BUCKLEY SURVEY COMPANY INC.



Land Surveying and Planning  
 1601 S.W. 89th Street, Building C, Suite 200  
 Oklahoma City, Oklahoma 73159  
 Tel.: (405) 686-0174 • Fax: (405) 681-4881  
 C. A.: 819 - Exp.: June 30, 2013  
 www.halesurvey.com

**Regular Board of Commissioners**

8.

**Meeting Date:** 01/07/2013

Contract With Chamber for CVB

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Discussion, consideration and possible action on contract with Shawnee Area Chamber of Commerce to provide services of a Convention and Visitor's Bureau.

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Attachments

Memo for Contract

Agreement for CVB

Mayor  
WES MAINARD



**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](http://www.ShawneeOK.org)

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

**Date:** January 3, 2013

**To:** Mayor and City Commissioners

**From:** Brian McDougal, City Manager

A handwritten signature in blue ink, appearing to read "B. McDougal", is written over the name of the City Manager.

**RE: Convention and Visitors Bureau Contract with the Greater Shawnee Area Chamber of Commerce**

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Attached is the Contract approved by the Shawnee Area Chamber of Commerce for the operation of the CVB.

The Contract spells out the duties and responsibilities of the Chamber and the City more fully than the prior contract. Specific changes include:

1. The contract will go before the City's Contract Review Committee each year and then be forwarded with a recommendation to the City Commission.
2. Approval of a budget item by the Commission is a one-year renewal of the contract.
3. The CVB will continue to receive funds as they are collected after the payment of the Administrative Fee (1%) and payment to reimburse SMA for payment of note balance on the land near Harrison and I-40. That amount needs to be set as part of the approval of the contract. The monthly payment to the bank had been approximately \$1,700.00, with additional payments to the principal based on availability of funds. It is my recommendation that the monthly reimbursement to SMA be \$1,700.00, with any other payments be determined during the budget process. (This will be more fully discussed during the SMA agenda.)
4. Provisions are made for the creation of an inventory of equipment and for tracking items that would belong to each party.
5. There is a fixed management services fee of \$40,400.00 that is included in the Chambers operating budget. This fee is, in our opinion reasonable and customary and will be used for a new phone system, copier and management oversight by the Chamber.
6. The Chamber will not charge rent. The City has agreed that if the Chamber is assessed a fee for upkeep to the building as part of its occupancy agreement with SEDF, it may charge half of that assessment against CVB funds.

7. There are improved reporting standards.

Chamber agrees to retain the services of Bill Geist to do an analysis of the operations, goals, and methods of governance of the CVB and to assist the City Officials, Chamber Staff, CVB Staff, and the TAC with its management and governance of the CVB. Payment for these services shall come from the proceeds of the Hotel Tax.

Upon approval of the contract by both parties, the lawsuit brought by the Chamber and the cross-petition filed by the City will be dismissed with each party bearing its own costs.

The Chamber will deed the land for the proposed 'visitors' center to the City.

Staff recommends approval of the contract.



## AGREEMENT FOR OPERATION OF CONVENTION & VISITORS BUREAU

This Agreement made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2012, is *between* the City of Shawnee, a municipal corporation ("City"), and the Greater Shawnee Area Chamber of Commerce ("Chamber"). It sets forth the duties and responsibilities of each of the parties for the operation of a Convention and Visitor's Bureau ("CVB") under the auspices of Chamber.

### I. DUTIES AND RESPONSIBILITIES OF CHAMBER

**A. Operation of CVB.** Chamber agrees to operate CVB for the purposes of encouraging, promoting, and fostering conventions, conferences, and tourism development in the City of Shawnee consistent with Sections 25-226 through 25-239, inclusive, of the Shawnee Municipal Code and the Resolutions and Ordinances of the City. Chamber shall be responsible for the day-to-day management of the CVB consistent with this Agreement, policies, and procedures established by Chamber upon recommendation of TAC, the annual program of work developed by Chamber upon recommendation of TAC, and the budget approved by City.

**B. Employees.** Chamber agrees to provide a qualified and competent staff to be assigned to CVB and to provide all the management and administrative services required to present a viable promotional program including, but not limited to, the gathering and dissemination of information, ideas, research, promotional programs, servicing conventions (including all normal convention support services and equipment), representing local business, negotiating civic and hotel interests with associations and other convention groups, and assisting in development and promotion of local activities and attractions designed to enhance the City's tourist desirability. Staff assigned to CVB shall provide assistance to TAC in carrying out its obligations under this Agreement.

Chamber shall hire the employees to carry out its obligations in this Agreement. The salary and benefits of Chamber employees assigned to CVB functions shall be paid entirely from proceeds of the Hotel Tax pursuant to the procedures in Article V of this Agreement.

All employees carrying out tasks pursuant to this Agreement are employees of the Chamber and are not employees of TAC or the City of Shawnee.

**C. Facilities.** Chamber agrees to provide office and work space for the operation of CVB, including maintenance (interior and exterior), janitorial services, building identification, signage, and all utilities (except telephone). Chamber shall be reimbursed for overhead costs based on indirect cost allocations as determined by Chamber and approved by TAC, set out in the Annual Operating Budget, and from the proceeds of the Hotel Tax. Payment shall be made pursuant to the procedures in Article V of this Agreement. Chamber shall not charge rent for the office and work space provided.

**D. Management Services.** Chamber agrees to provide other equipment and management services for the operation of the CVB. It shall allow reasonable use of its files, data bases, records, and other information relative to convention and tourism activities, and access to its computer, audiovisual/technical/media equipment, and other equipment of the Chamber necessary to implement the said promotional program. The equipment shall include furniture, photocopier, postage machine, and telephone

equipment. The services shall include bookkeeping, accounting, auditing, reception, oversight, and human resources functions. All employees (whether assigned to CVB or provided as part of management services) shall be bonded, and Chamber shall carry insurance insuring both Chamber and City against all legal liability in amounts equal to those set out in the Oklahoma Governmental Tort Claims Act and workers' compensation laws. Proof of insurance and bonding shall be attached to this Agreement. The premiums for insurance and bonding shall be included in the management services fee set out in this paragraph. Chamber shall be reimbursed for management services based on indirect cost allocations as determined by Chamber and approved by TAC as set out in the annual operating budget, from the proceeds of the Hotel Tax. Payment shall be made pursuant to the procedures in Article V of this Agreement.

Chamber shall be reimbursed for the CVB's telephone and for actual postage used relating to the CVB. Payment shall be made pursuant to the procedures in Article V of this agreement.

**E. Indirect Costs.** Indirect costs represent the expenses of doing business that are not readily identified with a particular grant, contract, project function or activity, but are necessary for the general operation of the CVB and the conduct of activities it performs.

**F. Records and Reporting**

**1. Reports.** Chamber will provide a monthly report of CVB's activities and finances (including income, expenditures, and balance) at the regular meetings of the TAC and to the City Treasurer or designee. Chamber will also provide quarterly report in an appearance before the City Commission. The report will include a financial report as well as accomplishments in the previous quarter and plans for the upcoming quarter.

**2. TAC Minutes.** Chamber shall be responsible for recording minutes of the meetings of the TAC that represent all views presented at a meeting, including those of ex-officio members. The minutes shall be distributed to the Chamber Executive Committee, the TAC, and City.

**3. Inspection and Audit.** Chamber agrees to keep its books and records pertaining to the operation of the CVB open during regular business hours for inspection by the TAC, the Director of Finance of the City, any designee, or persons designated by City to perform audits. Chamber agrees to include the funds paid to it pursuant to this Agreement in its annual audit and to provide a copy of that audit to City no later than April 30 of each year. Copies of books and records shall be furnished to City, its staff, auditors, and elected officials at no additional charge.

**4. Compliance with Open Meeting and Open Records Laws.** All meetings of the TAC shall be subject to the provisions of the Open Meeting Law (25 O.S. §§ 301-314). The records of the Chamber relating to the operation of the CVB shall be subject to the provisions of the Open Records Law (51 O.S. §§ 24A 1-29). CVB staff shall post agendas for TAC meetings on the City of Shawnee website. Copies of records shall be provided to City and its staff and elected officials without charge.

**G. Budget.** Chamber will advise TAC no later than the TAC's March meeting of each year of any proposals to increase or decrease the amount charged for management services or reimbursables for the next fiscal year to allow time for

negotiations and agreement for submission of a budget to City. City's Contract Review Committee shall review the request in accordance with its procedures and make its recommendation to the Mayor and City Commission. The submission is due April 1 and, as part of its submission to the Contract Review Committee, Chamber shall submit a clean, unqualified audit of its financials and be prepared to substantiate the annual services rendered and discuss general operations items of the previous year. The budget request shall be prepared in accordance with the requirements set out in II(G). The Contract Review Committee shall forward a recommendation to the City Commissioners for its approval.

## II. DUTIES AND RESPONSIBILITIES OF TAC

**A. General.** TAC shall continue to have all the powers, duties, and responsibilities consistent with Sections 2-171 through 2-176 and Sections 28-65 through 28-86 of the Shawnee Municipal Code and any other Resolutions and Ordinances of the City.

**B. Program of Work.** TAC, aided by Chamber staff, shall prepare goals and objectives for the CVB and shall create an annual program of work. These documents will be presented to the Chamber no later than the February meeting to enable approval of the program of work by the Chamber and appropriate budget preparation.

**C. Policies and Procedures.** The TAC shall recommend such policies and procedures as it deems necessary to the Chamber for approval. The CVB shall operate consistently with this Agreement and the established policies and procedures and annual program of work.

**D. Communications.** TAC shall report any problems with the operation and management of the CVB or the employees providing services pursuant to this Agreement to the Chamber CEO, the Chamber Executive Committee, and to the City Manager.

**E. Expenditures.** TAC shall monitor revenues and expenses of the CVB and report any concerns to the Chamber CEO, the Chamber Executive Committee, the City's Finance Director, the City Manager, and the Mayor.

**F. Revenue.** The TAC shall determine whether to charge for its services, including advertising, and to set those rates. Any revenue so generated shall be accounted for by the Chamber as part of the budget.

**G. Budget.** TAC shall participate in preparation of the budget for presentation to City for approval, but the final determination of budget to be presented shall be made by Chamber. The budget shall be detailed and shall set forth fees for management services and personnel costs, as well as line items for the program of work developed for the CVB. Advance approval of City is required for all capital expenditures and all expenditures in excess of \$5,000 for depreciable assets; and in excess of \$10,000 for services, publications, etc., or non-depreciable assets. Expenditures for event support shall not require advance approval of the City. Approval of a line item in the budget by City will be deemed advance approval of the expenditure. The budget shall be submitted to City no later than April of each year. (See provisions of I(G) above.)

### III. JOB DUTIES AND RESPONSIBILITIES OF TAC AND CHAMBER

**A. Communication.** The TAC chair shall serve as an ex-officio member of the Chamber Board of Directors. Conversely, Chamber chair shall serve as an ex-officio, non-voting member of the TAC. CVB staff, a representative of TAC and the City Manager or designee shall meet quarterly to discuss current and future projects, needs and challenges. (NOTE: turns out there is not another place for this type of meeting, but it does not need all of TAC. Brian asked for this specifically, so I have "fixed" it to be just a small group.)

**B. Contract Amendments.** Request for changes may be made jointly or by only one party at any time. Requests for financial changes shall be made in the annual budget presentation.

### IV. DUTIES AND RESPONSIBILITIES OF CITY OF SHAWNEE

**A. Collection and Disbursement of Hotel Tax.** City shall collect the Hotel Tax as set out by law. Each month the City shall distribute collections as follows:

1. One percent (1%) to the City of Shawnee as an administrative fee;
2. The sum of \$1,700.00 per month to the Shawnee Municipal Authority as reimbursement for the payment of the loan on the property described as:
  - a. The remaining funds to the Chamber.
  - b. The City's Finance Officer shall prepare an estimate of revenues for the year and furnish it to the City Manager, TAC, and the Chamber by February 1 each year. The City Commission shall review the Budget proposed by the Chamber for the operation of the CVB, the recommendation of the Contract Review Committee, the report of activities, and all other information it considers necessary, and then appropriate the funds in accordance with a budget for the Chamber's operation of the CVB. The City Commission shall appropriate 95% of the projected net proceeds for the ensuing year. Any unappropriated fund balances available at the end of the year shall be (i) carried over for budgeting in the next fiscal year; and/or (ii) kept as a reserved fund balance restricted to the uses set forth in the Hotel Tax ordinance; and/or (iii) used to reimburse the SMA for its assumption of the debt existing on the Chamber's purchase of land for a Visitor's Center.
  - c. The City may amend the budget for the operations of the CVB during the year in the same manner as it would any other budget based upon revenues collected.

**B. Staff Assistance.** City will provide advice and assistance upon request from its various departments in providing training and advice to the employees and volunteers who have responsibilities under this Agreement. Specifically, the City's Finance Department, on request, will provide assistance in the preparation of budgets, budget

amendments, and requirements from the City's auditor. The City Attorney shall provide legal advice to TAC pursuant to Section 2-172 of the Shawnee Municipal Code. The advice shall include the review of contracts for form and legality (but not substance); the adequacy of notices and agenda for compliance with Open Meeting law; review of open records request for assistance in responding in compliance with law; preparation of standard forms; and any other matter in which there is no ethical conflict related to the City Attorney's representation of the City. In the event of a conflict, upon notice and request of TAC or Chamber, the Commission will either engage other counsel for the TAC at City's expense; authorize the payment of counsel from tax revenues; or reserve the determination of payment of outside counsel fees until the resolution of the dispute.

**C. City Manager.** The City Manager shall make himself or a designee available for the quarterly meetings required in III (A) above.

**D. Contract Review Committee.** City agrees its Contract Review Committee will meet in a timely fashion so as not to delay recommendation for budget and renewal.

## **V. INVESTMENTS AND ACCOUNTING**

**A. Investment of Funds; Allocation of Interest.** The Hotel Tax shall be invested in interest bearing accounts and all interest earned from such investment shall be maintained in the account. If there are unencumbered funds at the close of the fiscal year, the TAC may recommend in its budget to carry the unencumbered balance forward or to establish a reserve fund as it deems prudent and necessary. Unencumbered funds remain the property of City and in no event will become the property of Chamber.

In the event this Agreement or any successor agreement is terminated, all funds in the possession of Chamber relating to the Hotel Tax shall be returned to City.

**B. Accounting of Proceeds.** Chamber shall place the proceeds in CVB accounts, designated for the purposes set out by the ordinance, and spent as follows:

1. Chamber shall be reimbursed after each payroll for salary and related expenses for the personnel assigned to the CVB. The request for reimbursement shall be accompanied by records showing hours worked, leave taken, leave accumulated to date, and a listing of amounts paid to each employee in salary or on the employee's behalf as benefit.
2. The CVB account shall be invoiced for management services the sum of \$3,364.00 on the 1<sup>st</sup> of each month. Other reimbursable expenses shall be invoiced at the same time.
3. Proceeds may be used to pay for 50% of the Chamber's share of assessments pursuant to Chamber's Occupancy Agreement with the Shawnee Economic Development Foundation. A budget amendment, approved by the City, shall be required.
4. Except as set out elsewhere in this Agreement, expenses of the CVB not otherwise included in its annual budget shall be paid only after approval by City, through the Office of the City Manager. Chamber shall present to

City, not less often than quarterly, a detailed listing of expenditures provided by each vendor and, upon request by City, shall provide supporting documentation. Such documentation must contain sufficient information to determine that the expenses are appropriate under the Ordinance and this Agreement. Expenses not approved by City will be the fiscal responsibility of Chamber, and will not encumber proceeds of the Hotel Tax.

## VI. EQUIPMENT

**A. Equipment and Supplies.** Equipment and supplies purchased with proceeds of the Hotel Tax shall become the property of City. Equipment and supplies purchased by Chamber as part of management services and as a part of providing space shall become Chamber's property. Property belonging to City shall be disposed of only by following the procedures set out for disposition of all City property.

**B. Inventory.** The individual assigned by Chamber to be the Executive Director of the CVB shall be responsible for preparing and insuring the accuracy of a list of equipment owned by the parties, which list is attached to this Agreement and made a part hereof. The inventory list shall be amended whenever property is acquired or disposed of. Property belonging to City shall be returned to City to be declared surplus and disposed of according to law.

**C. Distribution of Equipment at End of Agreement.** In the event this Agreement is canceled or terminated during the term hereof, or in the event the parties fail to enter into a similar agreement in subsequent years, all equipment, furniture, fixtures, and improvements to which City holds title that have been used for the operation of the CVB under the terms of this Agreement shall be returned to City. City shall pay to Chamber an amount equal to Chamber's remaining unpaid obligation, if any, incurred in the purchase of same and otherwise indemnify Chamber from any further such liability provided, however, this provision shall in no event be applicable to furniture, fixtures, and improvements owned by and inventoried to the Chamber, title to which shall be and remain in the Chamber. All files and work products of CVB shall be the property of City.

Unless there is specific agreement to the contrary at the time of purchase, all equipment purchased for \$2,500 or more shall be deemed equipment belonging to the City.

## VII. TERM OF AGREEMENT, NO TRANSFER OR ASSIGNMENT

**A. Effective Date.** This Agreement shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and shall remain in effect until June 30, 2013. All modifications to this Agreement must be in writing and approved by Chamber and City. The Agreement will be reviewed annually in conformance with the budget request and appropriation as set out above. Approval of a budget and appropriation of funds shall be deemed to be a one year renewal of the Agreement.

**B. Transfer of Rights and Responsibilities.** No party to this agreement can transfer or assign its rights and responsibilities without approval of the other parties.

**C. Indemnification.** Upon termination of this Agreement, whether pursuant to breach or nonrenewal by any party, the City shall indemnify the Chamber and hold it harmless from loss from all lawful contracts entered into by the CVB and Chamber in furtherance of this Agreement.

## **VIII. NON-DISCRIMINATION**

**A. Non-Discrimination Agreement.** Chamber agrees not to discriminate against any employee, applicant for employment, or party seeking the services of CVB because of race, creed, color, national origin, gender, ancestry, disability, or Chamber membership. Chamber shall take affirmative action to insure that employees are provided equal opportunity in employment, promotion, demotion, transfer, or termination, rates or pay, or other forms of compensation, and selection for training.

**B. Chamber Membership Not Required.** Chamber membership shall not be required for any group, business, or individual to participate in or receive the services of the CVB.

## **IX. WAIVER**

The waiver by any part of any breach of any term, condition, or covenant herein contained shall not be deemed a waiver of any subsequent breach of the same, or any other term, condition, or covenant.

## **X. BREACH OF AGREEMENT**

If any party to this Agreement fails, refuses, or neglects to abide by its duties and responsibilities hereunder, any other party may give notice of such breach to all parties. The breaching party shall be notified, in writing, of its alleged breach and shall be given ninety (90) days (unless such time is extended by the non-breaching parties) to cure the breach. If the breach is due to violation of law or mismanagement or embezzlement of funds by the Chamber, the Agreement shall terminate immediately. If the breach is not remedied, the other parties may terminate the Agreement. The notice period shall not operate to extend the Agreement beyond its current term. Should the Agreement be terminated prior to the end of its regular term, the parties shall be governed by the provisions of Paragraphs IV(B) and V.

## **XI. MISCELLANEOUS**

For the purpose of the first contract year only, the parties agree as follows:

- A. The Chamber shall transfer ownership of the land described as \_\_\_\_\_ to the City. The City shall assume the indebtedness thereon, and indemnify and hold harmless the Chamber from any obligation with regard to the payment of the loan.
- B. Chamber agrees to retain the services of Bill Geist to do an analysis of the operations, goals, and methods of governance of the CVB and to assist the City Officials, Chamber Staff, CVB Staff, and the TAC with its management

and governance of the CVB. Payment for these services shall come from the proceeds of the Hotel Tax.

- C. Each party shall bear all its own expenses of litigation, including court costs, attorney's fees, bond premiums and the like. Chamber shall not charge any portion of those expenses against the revenues of the Hotel Tax.

WITNESS OUR HANDS THIS 19th DAY OF DECEMBER 2012.

GREATER SHAWNEE AREA CHAMBER OF COMMERCE, A NON-PROFIT CORPORATION

BY: [Signature]  
CHAIRMAN OF THE BOARD

ATTEST:

[Signature]  
SECRETARY

APPROVED by the Mayor and the City Commissioners of the City of Shawnee this \_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF SHAWNEE, OKLAHOMA  
A MUNICIPAL CORPORATION

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
PHYLLIS LOFTIS, CITY CLERK

APPROVED AS TO FORM AND LEGALITY THIS \_\_\_ DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
MARY ANN KARNs, CITY ATTORNEY



**Regular Board of Commissioners**

**9.**

**Meeting Date:** 01/07/2013

Retirement - Billins

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Consider approval of Retirement for Robert Billins from the Oklahoma Municipal Retirement Fund.

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**Regular Board of Commissioners**

**10. a.**

**Meeting Date:** 01/07/2013

Federal St Bridge Rehab (Award)

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Federal Street Bridge Rehab Project Contract No. COS-PW-12-02 (Award)

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Attachments

Notice to Bidders and Bidders List

Bid Tab Sheets

**NOTICE TO BIDDERS**

Sealed bids will be received by the City of Shawnee, Oklahoma, City Hall, 16 West 9<sup>th</sup> – P.O Box 1448, Shawnee, OK 74802-1448 up to 4:00 p.m., **Monday, December 17, 2012**, for:

**BID: CONTRACT NO. COS-PW-12-02  
FEDERAL STREET BRIDGE REHAB PROJECT**

Bidding Documents, Plans and Specifications are available to qualified bidders at the office of City Engineer, 222 North Broadway, Shawnee, OK 74801. 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, December 5, 2012, 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-12-02  
FEDERAL STREET BRIDGE REHAB PROJECT  
December 17, 2012**

This project shall include **the complete removal of deck, approaches, sidewalks and parapets of the bridge to be put back as designed. As well as, the construction of new slope wall, repair of piers, beams, and columns, and addition of a throw fence. This bridge is within the R/W of the BNSF railroad and will be handled accordingly.** 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.

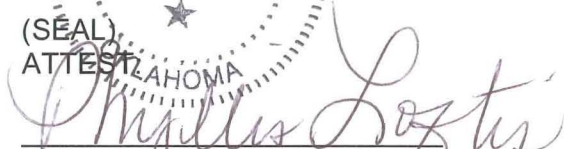
The bids filed with the City Clerk will be opened and considered by the Board of Commissioners at a Public Meeting in the City Hall, Shawnee, Oklahoma, at 6:30 p.m., **Monday, December 17, 2012**. The City of Shawnee reserves the right to reject any and all bids.

CITY OF SHAWNEE, OKLAHOMA  
a Municipal Corporation



BY: \_\_\_\_\_  
Brian E. McDougal, City Manager



(SEAL)  
ATTEST  
  
Phyllis Loftis, CMC, City Clerk

CITY OF SHAWNEE  
PLAN HOLDER'S LIST  
CONTRACT NO. COS-PW-12-02  
FEDERAL STREET BRIDGE REHAB PROJECT

Business Name: GIBSON & ASSOCIATES, INC  
Contact: Pam Davis  
Address: 11210 Ryliecrest  
Balch Springs, Texas 75180-0579  
Telephone: 972-557-1199  
Fax: 972-557-1552  
Cell: \_\_\_\_\_  
E-Mail: pamd@gibsonassoc.net  
Paid for & Picked Up Specs: 11/15/12 check # 60133 fedex

Business Name: MERIDIAN CONTRACTING, INC  
Contact: Edith Owens / Trace Musgrave  
Address: 17500 S. Sooner Road  
Norman, Ok 73071  
Telephone: 520-878-0500 ext. 232 /405-928-5959  
Fax: 520-878-0501 / 405-928-5554  
Cell: \_\_\_\_\_  
E-Mail: t.musgrave@meridiancon.net  
Paid for & Picked Up Specs: 11/26/12 ck # 49602 mailed

Business Name: OBC Inc  
Contact: Patrick Rother  
Address: PO Box 3817  
Edmond, Ok 73083  
Telephone: 405-263-7787  
Fax: 405-513-6786  
Cell: 405-226-9914  
E-Mail: prother@obcinc.biz  
Paid for & Picked Up Specs: 11/27/12 ck # 32293

Business Name: C-P INTEGRATED  
Contact: Steve Conley  
Address: 3800 Beacon Dr. Okc, Ok 73179  
  
Telephone: 405-732-0532  
Fax: 405-732-0502  
Cell: 405-823-2147  
E-Mail: steveconley@coxinet.net  
Paid for & Picked Up Specs: 12/5/12 credit

Business Name: CIMARRON CONSTRUCTION CO  
Contact: Travis Lloyd  
Address: 7409 N.W. 85<sup>th</sup> Street  
OKC, OK 73132  
Telephone: 405-728-1555  
Fax: 405-728-5026  
Cell: 405-535-7036  
E-Mail: tlloydcimarronconstructionco.com  
Paid for & Picked Up Specs: 12/5/12 ck# 7052

Business Name: PBX CORPORATION  
Contact: Logan Hudspeth  
Address: P.O. Box 644  
Supulpa, OK 74067  
Telephone: 918-227-9650  
Fax: 918-227-9637  
Cell: 918-740-7593  
E-Mail: loganh@pbxcorp.com  
Paid for & Picked Up Specs: 12/5/12 ck# 5207

Business Name: SAC SERVICES  
Contact: Joe Martinez  
Address: 3600 S. Ross Ave.  
OKC, OK 73119  
Telephone: 405-684-9057  
Fax: 405-686-0882  
Cell: 405-834-9092  
E-Mail: sacservicesmtz@yahoo.com  
Paid for & Picked Up Specs: 12/5/12 ck #35069

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: \_\_\_\_\_

BID TABULATION SHEET

FEDERAL STREET BRIDGE REHAB PROJECT

COS- PW-12-02

DECEMBER 17, 2012

<u>BIDDER</u>	<u>BASE</u>	<u>AMOUNT</u>	<u>AET</u>
<u>OKLAHOMA BRIDGE CO</u> Edmond, OK	<u>\$1,038,546</u>	<u>\$100,900</u>	
<u>PbX CORPORATION</u> Sapulpa, OK	<u>\$665,205</u>	<u>\$78,360</u>	
ENGINEER'S ESTIMATE:	<u>\$680,000<sup>00</sup></u>		

**COS-PW-12-02  
FEDERAL STREET BRIDGE REHAB PROJECT**

ITEM NO.	Spec No.	DESCRIPTION	QNTY. NO.	UNIT	PBX UNIT PRICE	PBX TOTAL	OBC UNIT PRICE	OBC TOTAL
1.	201A	Clearing & Grubbing	1.00	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 18,750.00	\$ 18,750.00
2.	202A	Unclassified Excavation	150.00	C.Y.	\$ 15.00	\$ 2,250.00	\$ 60.00	\$ 9,000.00
3.	202E	Select Borrow	100.00	C.Y.	\$ 20.00	\$ 2,000.00	\$ 90.00	\$ 9,000.00
4.	619D	Removal of Existing Bridge Structure	1.00	LSUM	\$ 70,000.00	\$ 70,000.00	\$ 90,000.00	\$ 90,000.00
5.	412	Cold Milling Pavement	60.00	S.Y.	\$ 15.00	\$ 900.00	\$ 127.50	\$ 7,650.00
6.	509A	Class AA Concrete	100.00	C.Y.	\$ 1,200.00	\$ 120,000.00	\$ 940.00	\$ 94,000.00
7.	511B	Epoxy Coated reinforcing Steel	40,000.00	LB	\$ 1.30	\$ 52,000.00	\$ 0.90	\$ 36,000.00
8.	507C	Elastomeric Bearing Pads	24.00	EA.	\$ 1,500.00	\$ 36,000.00	\$ 565.00	\$ 13,560.00
9.	502	Falsework Jacking	1.00	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 174,400.00	\$ 174,400.00
10.	504E	Parapet	230.00	LF	\$ 130.00	\$ 29,900.00	\$ 145.00	\$ 33,350.00
11.	624	Wrought Iron Fence (5')	230.00	LF	\$ 75.00	\$ 17,250.00	\$ 127.50	\$ 29,325.00
12.	504A	Approach Slab	115.00	S.Y.	\$ 225.00	\$ 25,875.00	\$ 190.00	\$ 21,850.00
13.	609B	Combined Curb & Gutter	90.00	LF	\$ 35.00	\$ 3,150.00	\$ 105.00	\$ 9,450.00
14.	509	Preformed Expansion Joint Filler	120.00	LF	\$ 10.00	\$ 1,200.00	\$ 15.00	\$ 1,800.00
15.	504G	Rapid Cure Joint Sealant	105.00	LF	\$ 12.00	\$ 1,260.00	\$ 60.00	\$ 6,300.00
16.	501G	CSLM Backfill	40.00	CY	\$ 250.00	\$ 10,000.00	\$ 270.00	\$ 10,800.00
17.	512A	Cleaning and Painting Existing Structure	1.00	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 8,250.00	\$ 8,250.00
18.	521A	Pneumatically Placed Mortar	30.00	S.Y.	\$ 734.00	\$ 22,020.00	\$ 1,000.00	\$ 30,000.00
19.	701	Fiber Wrapping (carbon)	50.00	LSUM	\$ 103.00	\$ 5,150.00	\$ 140.00	\$ 7,000.00
20.	510C	Slopedwall (4")	260.00	S.Y.	\$ 160.00	\$ 41,600.00	\$ 185.00	\$ 48,100.00
21.	511A	Reinforcing Steel	120.00	LB	\$ 1.00	\$ 120.00	\$ 2.00	\$ 240.00
22.	221C	Temporary Silt Fence	150.00	LF	\$ 4.00	\$ 600.00	\$ 16.50	\$ 2,475.00
23.	855A	Traffic Stripe (Plastic) (4" wide)	310.00	LF	\$ 3.00	\$ 930.00	\$ 3.60	\$ 1,116.00
24.	880J	Construction Traffic Control	1.00	LSUM	\$ 10,000.00	\$ 10,000.00	\$ 2,730.00	\$ 2,730.00
25.	641	Mobilization	1.00	LSUM	\$ 75,000.00	\$ 75,000.00	\$ 81,500.00	\$ 81,500.00
26.	104	Railroad Access Expenses	1.00	LSUM	\$ 2,000.00	\$ 2,000.00	\$ 63,000.00	\$ 63,000.00
27.		>Flagger	90.00	PD	\$ 800.00	\$ 72,000.00	\$ 2,400.00	\$ 216,000.00
28.		>Insurance	1.00	LSUM	\$ 34,000.00	\$ 34,000.00	\$ 12,900.00	\$ 12,900.00
<b>TOTAL AMOUNT OF BASE BID</b>					<b>\$</b>	<b>665,205.00</b>	<b>\$</b>	<b>1,038,546.00</b>

**ALTERNATIVE BID ITEMS**

ITEM	DESCRIPTION	QNTY NO.	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	
	510 Parapet Form Liner	290	SY	\$ 25.00	\$ 7,250.00	\$ 85.00	\$ 24,650.00	
	510 Stain and Sealant Application	690	SY	\$ 19.00	\$ 13,110.00	\$ 65.00	\$ 44,850.00	
	502 Column	4	EA	\$ 14,500.00	\$ 58,000.00	\$ 7,850.00	\$ 31,400.00	
					\$ -	\$ -	\$ -	
<b>TOTAL ALTERNATIVE BID</b>					<b>\$</b>	<b>78,360.00</b>	<b>\$</b>	<b>100,900.00</b>