

AGENDA
BOARD OF CITY COMMISSIONERS
October 7, 2013 AT 6:30 P.M.
COMMISSION CHAMBERS AT CITY HALL
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
 - a. Minutes from the September 16, 2013 regular meeting and the September 30, 2013 special call meeting.
 - b. Budget Amendment Capital Fund 301
Rollovers for projects that finance killed the P O for last year and projects were not finished. Airport walking trail, scan system , radio and remote terminal unit – adjust account for insurance check Radio we received but have not been installed and rifles for court
 - c. Budget Amendment Capital Fund 302
To rollover money from Projects that hadn't been completed – Flashing school zone sign. Bell street sidewalk project, federal street bridge. City hall parking lot. Sidewalk and handicap ramps, and rehab asphalt street project.
 - d. Acknowledge the following minutes:
 - Traffic Commission minutes for February 26, 2013
 - Beautification Committee minutes for July 11, 2013
 - Planning Commission minutes for August 7, 2013
 - e. Traffic Commission and Staff Recommendations from September 24, 2013 meeting.
 - A. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to post a speed limit sign on Poplar Street between Kickapoo and Pottenger Streets.

STAFF RECOMMENDATION : Staff recommends denial of request

BOARD RECOMMENDATION : Board recommends denial of request

B. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional street lights mid-block on : 500 block West Wallace, 600 block West Ford, 600

block West Wallace, 700 block West Dewey, 900 block Overland Court, 1000 block Overland Court, 1100 block West Dewey, and the 1100 block of West Wood

STAFF RECOMMENDATION : Staff recommends denial of request

BOARD RECOMMENDATION : Board recommends denial of request

C. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional lighting with-in Jefferson Circle Park located at the northeast corner of Chapman and Dill and with-in Strickland Park located at the corner of Chapman and Kirk.

STAFF RECOMMENDATION : Staff recommends approval of request

BOARD RECOMMENDATION : Board recommends approval of request

- f. Authorize Police Department to purchase a 2014 Ford police interceptor SUV from Bob Hurley dealership to replacement vehicle wrecked in August.
- g. Lake Lease Transfer and Renewals:

Transfer:

- Lot 9 Magnino A Tract, 17232 Magnino Road
From: Betty Wooldridge Revocable Trust
To: Robert Goodman and Kimberly Goodman

Renewals:

- Lot 45 School Land, 31950 Lake Road
Charles Akerman and Julie Akerman
- Lot 15 Magnino Tract, 16700 Clearpond Lane
Robby Parsons and Deborah Parsons
- Lot 5 Johnston Tract, 16712 Magnino Road
Lora Davis
- Lot 22 Johnston Tract, 16500 Stevens Road
Robert Patnaude and Sharon Patnaude
- Lot 5 Damron Tract, 33807 Belcher Road
Russel Adams and Deborah Adams

3. Commissioners Comments

4. Citizens Participation

(A three minute limit per person)

(A twelve minute limit per topic)

5. Public hearing and consider an ordinance rezoning property located at 2723 N. Kickapoo from C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation. Case #P13-13

Applicant: Monogram Construction/Landes Engineering

6. Public hearing and consider an ordinance rezoning property located at 4621 N. Kickapoo from C-3; Automotive, Commercial and Recreation to C-3P; Automotive, Commercial and Recreation with a Conditional Use Permit.
Case #P14-13
Applicant: La Joya Mexican Restaurant dba El Nopal Mexican Restaurant
7. Discuss, consider and possible action regarding Ward 5 Commission seat currently held by John Winterringer.
8. New Business

(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
9. Administrative Reports
10. 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: 10/07/2013

Minutes from 9-16-13 and 9-30-13

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Minutes from the September 16, 2013 regular meeting and the September 30, 2013 special call meeting.

Attachments

Minutes 9-16-13

Minutes Spec Call 9-30-13

BOARD OF CITY COMMISSIONERS PROCEEDINGS
SEPTEMBER 16, 2013 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, September 16, 2013 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord

Mayor

Pam Stephens

Commissioner Ward 1

Linda Agee

Commissioner Ward 2

James Harrod

Commissioner Ward 3-Vice Mayor

Keith Hall

Commissioner Ward 4

John Winterringer

Commissioner Ward 5

Steve Smith

Commissioner Ward 6

ABSENT: None

INVOCATION

Lord's Prayer led by Mayor Mainord

FLAG SALUTE

Led by Vice Mayor Harrod

AGENDA ITEM NO. 1:

Consider approval of Agenda.

City Attorney Mary Ann Karns asked Commissioners to move Agenda Item No. 16 to be considered after Agenda Item No. 13. A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to approve the agenda, as revised. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the September 3, 2013 regular meeting.
- b. Acknowledge the following minutes and reports:
 - Shawnee Civic and Cultural Development Authority minutes from June 20, 2013
 - License Payment Report for August 2013
 - Project Payment Report for August 2013
- c. Authorize staff to apply for sub-grant of Emergency Management Performance Grant funds from Oklahoma Department of Emergency Management.
- d. Authorize staff to advertise for proposals to provide snow and ice removal assistance from city streets.

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to approve the Consent Agenda Item Nos. 2(a-d). Motion carried 7-0.

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

AGENDA ITEM NO. 3: Commissioners Comments

Commissioner Agee said that she disagrees that if people do not show up for City Commission meetings that they do not care. More effort needs to be made to keep everyone informed.

Vice Mayor Harrod requested an update on the municipal pool. Director of Operations reported that last Tuesday the committee decided to go with the original plan. It will be 5 1/2 weeks until bidding. Mayor Mainord stated the City is accepting donations for the pool.

Commissioner Smith reported that a citizen said the lateral lines are required to be 500 feet from the lake. Commissioner Agee said it was 150 feet.

Commissioner Winterringer asked for an update on the Federal Street Bridge. City Engineer John Krywicki reported it will be 5 - 6 weeks until completed.

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

Phil Tomlinson gave an update on the fundraising for the pool

AGENDA ITEM NO. 5:

Mayor's Proclamations:

"No Texting While Driving Day"
September 19, 2013

Police Chief Russell Frantz accepted the Mayor's Proclamation for "No Texting While Driving Day" presented by Mayor Mainord.

"Fire Prevention Week"
October 6-12, 2013

Fire Marshall David Anderson accepted the Mayor's Proclamation for "Fire Prevention Week" presented by Mayor Mainord.

AGENDA ITEM NO. 6:

City Manager's presentation of Employee of the Month to Lindsay Pickens of Public Works.

Lyndsay Pickens was present to accept the Employee of the Month Certificate presented by City Manager Brian McDougal.

AGENDA ITEM NO. 7:

Report from the student delegates regarding their trip to Nikaho, Japan.

Teachers who spoke were Pamela Hamman and Beth Polston. Students that spoke were Liam Larson, Brice Koons, Sabrina Bartley and Macie May. A letter from Anika Stevens was read to the Commission.

AGENDA ITEM NO. 8:

Acknowledge Sales Tax Report received September 2013.

Cynthia Sementelli, Finance Director, reported that September Sales Tax receipts were up \$63,426.00 this month or 4.706% compared to last year actual for the same time frame. September Sales tax amount received plus interest was \$1,412,708.00 which accumulatively for the fiscal year we are up \$152,828.00 or 3.72%.

AGENDA ITEM NO. 9:

City Manager's Report.

City Manager Brian McDougal reported on the following items:

1. PCDA. The Pottawatomie County Development Authority acquisition is off the table for now. They are hiring their own operator.
2. 911 Center. Reported on their recent visit to the 911 center in Lawton.
3. Pension Choice. Sixty percent of non-union employees chose the defined benefit (pension) plan and forty percent chose the defined contribution plan.
4. City Hall Parking Lot. Explained the City Hall parking lot layout for the parking spaces.
5. Special Call Meeting. The special call meeting to discuss the Master Water Plan and Capital Improvements projects list has been rescheduled for September 30, 2013.
6. Business Licenses. Looking for a way to audit sales tax compliance
7. Taxi Cabs. The new ordinance regarding taxi cabs will be on the October 21, 2013 meeting.
8. Storm Shelters. Staff is continuing to look for alternatives for citizens instead of the City Hall basement.
9. Storm Victims. Case management for storm victims is continuing as a coordinated effort with other agencies.
10. iPad Device. There is a new iPad in the lobby for information and payment of fines and utility bills.
11. Electronic Voting. The electronic voting system for the Commission will be in place within the next 30 days.
12. Oklahoma Municipal League. Staff will be attending the Oklahoma Municipal League Conference in Tulsa this week.

AGENDA ITEM NO. 10:

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. 11:

Administrative Reports

Assistant Airport Manager Keenan English reported on the Airport Fly-In and Pancake Breakfast scheduled for October 5, 2013.

Finance Director/Treasurer Cynthia Sementelli distributed copies of a visual guide illustrating revenue collected and distribution of city funds for FY 2013. She asked for Commissioners input before she proceeded with printing of the document.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (7:20 p.m.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (8:23 p.m.)

AGENDA ITEM NO. 12:

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

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to defer consideration of the City Manager's performance evaluation and employment contract for 30 days. It will be considered at the October 21, 2013 City Commission meeting. Motion carried 4-3.

AYE: Harrod, Agee, Mainord, Hall

NAY: Winterringer, Smith, Stephens

AGENDA ITEM NO. 13:

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

A motion was made by Vice Mayor Harrod, seconded by Commissioner Agee, to enter into Executive Session to discuss City Attorney's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;". Motion carried 7-0.

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

AGENDA ITEM NO. 16: Consider an Executive Session to discuss potential claims, litigation or other options regarding CJ 2013-377, Pottawatomie County, Nash Construction v. City of Shawnee, as authorized by 25 O.S. §307(B)(4).

A motion was made by Commissioner Hall, seconded by Vice Mayor Harrod, to enter into Executive Session to discuss potential claims, litigation or other options regarding CJ 2013-377, Pottawatomie County, Nash Construction v. City of Shawnee, as authorized by 25 O.S. §307(B)(4). Motion carried 7-0.

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

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 8:29 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 9:16 P.M. WITH ALL MEMBERS PRESENT

AGENDA ITEM NO. 14: Consider matters discussed in Executive Session regarding City Manager's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

Item deferred.

AGENDA ITEM NO. 15:

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

A motion was made by Commissioner Stephens, seconded by Commissioner Hall, to amend the contract with the City Attorney to include 180 severance days, to receive a 5% merit increase retroactive to July 2, 2013, and to include a provision that any employees of the City Attorney are deemed city employees but answerable to the City Attorney only. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 17:

Consider matters discussed in Executive Session regarding CJ 2013-377, Pottawatomie County, Nash Construction v. City of Shawnee, as authorized by 25 O.S. §307(B)(4).

A motion was made by Commissioner Stephens, seconded by Commissioner Winterringer, to approve the City Attorney to engage outside representation to defend CJ 2013-377, Pottawatomie County, Nash Construction v. City of Shawnee. Motion carried 7-0.

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

NAY: None

AGENDA ITEM NO. 18:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (9:20 p.m.)

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

**BOARD OF CITY COMMISSIONERS
AND THE SHAWNEE MUNICIPAL AUTHORITY
CITY OF SHAWNEE
SPECIAL CALLED SESSION
September 30, 2013**

The Board of City Commissioners and the Trustees of the Shawnee Municipal Authority met in Special Called Session at the Shawnee Commission Chambers at Shawnee City Hall, 16 W. 9th, Shawnee, Oklahoma, Monday, September 30, 2013 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
Chairman

Pam Stephens
Commissioner Ward 1/SMA Trustee

Linda Agee
Commissioner Ward 2/SMA Trustee

James Harrod
Commissioner Ward 3-Vice Mayor
SMA/Trustee

Keith Hall
Commissioner Ward 4/SMA Trustee

John Winterringer
Commissioner Ward 5/SMA Trustee

Steve Smith
Commissioner Ward 6/SMA Trustee

Absent: None

The Call for said meeting was entered upon the records by the City Clerk, said Call being as follows:

NOTICE OF A CALLED SPECIAL SESSION JOINT MEETING
OF THE BOARD OF CITY COMMISSIONERS
AND THE SHAWNEE MUNICIPAL AUTHORITY
OF THE CITY OF SHAWNEE, OKLAHOMA

TO THE BOARD OF COMMISSIONERS OF THE CITY OF SHAWNEE, OKLAHOMA
AND THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY:

You and each of you are hereby notified that by virtue of a call issued by me on this 25th day of September, 2013, a Special Called Session will be held of the Board of Commissioners in the Shawnee Commission Chambers, 16 W. 9th, Shawnee, Oklahoma at 6:30 p.m. on September 30, 2013, and you are hereby notified to be present at said meeting.

The purpose of said meeting will be for Water Sewer Master Plan update, a work session to discuss Capital Projects and discussion of applying for an Economic Development Association Grant for sewer line to the North Airport Property.

(SEAL)

ATTEST:

s/s Phyllis Loftis
PHYLLIS LOFTIS, CMC
CITY CLERK

s/s Brian McDougal
BRIAN MCDUGAL
CITY MANAGER

STATE OF OKLAHOMA, COUNTY OF POTTAWATOMIE, SS.

I received this notice on the 25th day of September, 2013 at 12:24 o'clock p.m., and executed the same by delivering a true and correct copy thereof to each of the Commissioners of the Board of City Commissioners for the City of Shawnee, Oklahoma and the Trustees of the Shawnee Municipal Authority as follows:

I delivered a true and correct copy to Mayor Wes Mainord
via e-mail at 8:08 o'clock a.m. on September 26, 2013

I delivered a true and correct copy to Commissioner Linda Agee
via e-mail at 12:24 o'clock p.m. on September 25, 2013 but no response was received

I delivered a true and correct copy to Commissioner John Winterringer
via e-mail at 8:48 o'clock a.m. on September 30, 2013

I delivered a true and correct copy to Commissioner Steve Smith
via e-mail at 8:23 o'clock p.m. on September 25, 2013

I delivered a true and correct copy to Commissioner James Harrod
via e-mail at 7:32 o'clock p.m. on September 25, 2013

I delivered a true and correct copy to Commissioner Pam Stephens
via e-mail at 12:24 o'clock p.m. on September 25, 2013 but no response was received

I delivered a true and correct copy to Commissioner Keith Hall
via e-mail at 11:06 o'clock a.m. on September 26, 2013

s/s Phyllis Loftis
City Clerk

CALL FOR SPECIAL JOINT SESSION OF THE BOARD OF CITY COMMISSIONERS AND THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY OF THE CITY OF SHAWNEE, OKLAHOMA TO BE HELD ON THE 30TH DAY OF SEPTEMBER, 2013 AT 6:30 O'CLOCK P.M. AT THE SHAWNEE COMMISSION CHAMBERS, 16 W. NINTH, SHAWNEE, OKLAHOMA. THE PURPOSE OF SAID MEETING WILL BE FOR WATER SEWER MASTER PLAN UPDATE, A WORK SESSION TO DISCUSS CAPITAL PROJECTS AND DISCUSSION OF APPLYING FOR AN ECONOMIC DEVELOPMENT ASSOCIATION GRANT FOR SEWER LINE TO THE NORTH AIRPORT PROPERTY.

BY VIRTUE OF THE AUTHORITY VESTED IN ME BY SECTION 4, ARTICLE IV OF THE CHARTER OF THE CITY OF SHAWNEE, OKLAHOMA, A SPECIAL JOINT SESSION OF THE BOARD OF CITY COMMISSIONERS AND THE TRUSTEES OF THE SHAWNEE MUNICIPAL AUTHORITY, ARE HEREBY CALLED TO MEET AT THE CITY COMMISSION CHAMBERS, 16 W. 9TH, SHAWNEE, OKLAHOMA AT 6:30 P.M. ON SEPTEMBER 30, 2013, FOR WATER SEWER MASTER PLAN UPDATE, A WORK SESSION TO DISCUSS CAPITAL PROJECTS AND DISCUSSION OF APPLYING FOR AN ECONOMIC DEVELOPMENT ASSOCIATION GRANT FOR SEWER LINE TO THE NORTH AIRPORT PROPERTY.

WITNESS MY HAND THIS 25TH DAY OF SEPTEMBER, 2013.

s/s Brian McDougal
BRIAN MCDOUGAL
CITY MANAGER

(SEAL)

ATTEST:

s/s Phyllis Loftis
PHYLLIS LOFTIS, CMC, CITY CLERK

CALL TO ORDER AT 6:30 P.M.

DECLARATION OF A QUORUM

Roll was called with seven Commissioners/Trustees present and a quorum was declared.

AGENDA ITEM NO. 1: Water Sewer Master Plan Update.

A presentation by Smith, Roberts, Baldischwiler, LLC, on the Comprehensive Utility System Master Plan included updates on the following.

- Project Schedule and Deliverables
- Water Supply and Treatment
- Water Distribution System
- Sanitary Sewer Collection System
- Wastewater Treatment
- Project Priorities and Cost Estimates

The completed plan is on schedule to be delivered to the Commission and Trustees in December, 2013. It was emphasized that the Master Plan, once completed, should be updated approximately every five years.

AGENDA ITEM NO. 2: Work Session to Discuss Capital Projects.

City Manager Brian McDougal gave a slide presentation on Capital Projects and the General Capital Improvements prioritized list from 2011. Many of the items on the 2011 list have been completed or are in the process of completion. It was suggested that the department heads prepare an updated list of Capital Improvement Projects and the Commission prioritize the new list and add projects as they feel necessary. Mayor Mainord suggested meeting on the updating of this list more often. City Manager Brian McDougal agreed with meeting more often as this list should be a very fluid, working document.

AGENDA ITEM NO. 3: Discussion of applying for an Economic Development Association Grant for sewer line to the North Airport Property.

Vice-Mayor Harrod had asked that this item be placed on the agenda. After receiving more information from grant writers, he decided to table this item until a time when industry is in the area. Without industry there, the grant would not be likely.

It was suggested that another planning session be set up and one of the discussion items be other ways of financing this project.

AGENDA ITEM NO. 2:

ADJOURNMENT

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:20 p.m.)

WES MAINORD,
MAYOR

(SEAL)

ATTEST:

DONNA MAYO
DEPUTY CITY CLERK

Regular Board of Commissioners

2. b.

Meeting Date: 10/07/2013

Budget Amendment Fund 301

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment Capital Fund 301

Rollovers for projects that finance killed the P O for last year and projects were not finished. Airport walking trail, scan system , radio and remote terminal unit – adjust account for insurance check Radio we received but have not been installed and rifles for court

Attachments

Fund 301

City of Shawnee
Budget Amendment
Capital Fund 301
October 7, 2013

Estimated Revenue, Fund Balance, or Transfers IN

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
301	3001			FUND BALANCE	1,875,257.77	168,047.81	1,707,209.96
301	4804			Insurance refunds	-	28,200.00	28,200.00
				Total		196,247.81	

Appropriations

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
301	5-0230-5450			Capital Outlay- Equipment	246,000.00	42,715.00	288,715.00
301	5-0940-5425			Capital Outlay- airport walking trail	127,000.00	61,414.81	188,414.81
301	5-0710-5450			Capital Outlay-Equipment	-	22,998.00	22,998.00
301	5-0740-5450			Capital Outlay- Equipment-	66,116.00	37,550.00	103,666.00
301	5-0610-5450			Capital Outlay-Equipment	200,000.00	28,200.00	228,200.00
301	5-0620-5450			Capital Outlay-equipment	142,400.00	1,000.00	143,400.00
301	5-0320-5450			Capital Outlay- equipment	1,000.00	2,370.00	3,370.00
					-	-	-
					-	-	-
					782,516.00	196,247.81	978,763.81

Approved by the City Commission this _____

Approved: _____

Mayor _____

Attest: _____

City Clerk _____

Explanation of Budget Amendment:

Rollovers for projects that finance killed the PO for last year and projects were not finish- Airport walking trail, scan system Radio and remote terminal unit - adjust account for insurance check Radio we received but have not been installed and rifles for court

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

Regular Board of Commissioners

2. c.

Meeting Date: 10/07/2013

Budget Amendment Fund 302

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Budget Amendment Capital Fund 302

To rollover money from Projects that hadn't been completed – Flashing school zone sign. Bell street sidewalk project, federal street bridge. City hall parking lot. Sidewalk and handicap ramps, and rehab asphalt street project.

Attachments

Fund 302

Regular Board of Commissioners

2. d.

Meeting Date: 10/07/2013

Board and Committee Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Acknowledge the following minutes:

- Traffic Commission minutes for February 26, 2013
 - Beautification Committee minutes for July 11, 2013
 - Planning Commission minutes for August 7, 2013
-

Attachments

Traffic Commission

Beautification Committee

Planning Commission

MINUTES
TRAFFIC COMMISSION
February 26, 2013 MEETING
COMMISSION CHAMBERS ROOM AT CITY HALL

I. ROLL CALL

MEMBERS PRESENT

Ronald Taffe - Chairman
Wayne Ardrey
Theresa Cody
Ron Duffell
Rebecca Dolin

MEMBERS ABSENT

Deena Harris – Vice Chairman

EX-OFFICIO MEMBERS

Michael Ludi, Assistant City Engineer
Danielle Turner, Traffic Commission Secretary
Keith Mangus, Traffic Supervisor

CITIZENS PRESENT

Michael Dodson – KGFF News
Kevin Kalies
Stephanie Clary

II. APPROVAL OF JANUARY 22, 2013 MINUTES

Motion was made by Duffel, seconded by Cody to approve the January 22, 2013 minutes. Motion carried.

Roll Call: Aye: Taffe, Cody, Duffell, Dolin
Nay:
Abstain – Ardrey

III. SWEAR IN OF LARRY SMITH

IV. CONSIDERATION OF REQUEST

A. Discussion, consideration and possible action to approve proposed bike route map.

Discussion: Michael Ludi stated this item has been discussed in previous meetings and Traffic Commissioners could ask questions if they had any at this time. Cody asked to make sure the maps given had not been changed from the previous meeting. The map has not changed since January 22, 2013 meeting. Ardrey asked if the widths of the streets were the same and if they were not would it cause a safety issue designating these streets as bike routes. Ludi explained that this would not cause an issue that you would not have on any other street but it really depends on what you do to that street re: signage. If you tried to make a designated lane none of the streets had room for this but if you were adding street signs to make drivers aware of the route the lanes would be no different than they are now. Taffe reminded everyone that the signage is a separate issue and that we are just approving the route map as is and not what will be used as far as signage for each street. Ardrey states his main concern is the safety issue. He states he does not believe that some of the streets on the current map would be safe unless you buy right of ways to make bike lanes. Ludi states all of the information re: the different types of signage was given for this reason. He could not recommend some types of signs on some roads but could recommend those signs on others. Taffe questioned if we recommend this map would the future signage come before the Traffic Commission or the City commission. Ludi reported if the City Commission requested the staff to put together a signage plan based on the amount they have budgeted it would be ran thru the Traffic Commission for approval of the recommendation then sent to the City Commissioners. Taffe wanted to clarify if the planning commission requested certain signage in certain area would it come before the Traffic Commission or to the City Commission? Ludi explained the Planning commission would put that as a recommendation to the City Commission and then the City Commission would have to ask the Traffic Commission to look at that request. The Planning Commission should not be giving recommendations for Traffic related items these items should go thru the Traffic Commission. Taffe voiced his concern re: the bike lanes originating thru the Planning Commission and their involvement with the signage in the future. Cody wanted to verify what they would be asking the City Commission. Ludi stated at this time the Traffic Commission would give their recommendation on the bike map only. Duffell asked if we would ask for funds to be designated for these routes or if that would be understood that by recommending this map. Ludi stated this would be assumed. All the minutes for the Traffic Commission is forwarded to the City Commission so they are aware of all of the discussions on this matter. The city Commission would know to look at this in the budgeting process if approved. All our projects go thru the City Commission whether it be a street project or traffic project. A letter could always be written to the City Commission to request funding for this or any other project. Taffe states that these issues dealing with the maps and signage have been discussed in the previous four months of meetings and we know what is going on with the bicycle groups and what they are wanting to do.

Citizen participation: Kevin Kalies questioned signage: With these being called bike lanes could runners use them as well? Ludi states these are streets and runners can use them. Kalies asked if this would be on the signs. He stated there is a sign that says share the road and has a runner as well as a biker on it and requests this one to be used. He wanted to find ways to educate the public on what they are supposed to do regarding driving when they come across a runner or bicyclist. Taffe stated this should be in the drivers license process it would be in the book. Kalies also wanted to address parking on the streets. He wanted to make the "share the road" that cars not be allowed to park. Taffe states with approximately twenty-five (25) miles of road for this route it would be impossible to implement that. Duffell stated that runners, bicyclists and drivers are sharing those roads now, all that the Traffic Commission is looking at is to put in place a designated route and signage to make people more aware of the bicyclists. This is just an awareness issue. In order to allow this route to be connected the no parking could not be designated. Kalies thanked the Traffic Commission.

Dolin expressed her concern that this route dead ends on 45th Street. She believes this would be dangerous for bikers or joggers. Taffe states they were told that there are a great number of bicyclists in town. He has spent the last 2 months driving around and has seen only a handful. He does not know if spending the money on these routes would be a good idea. Smith states a lot of bicyclists use this as their sole means of transportation. These cyclists are not allowed to get drivers licenses. Some use bicycles for competition. These cyclists get out of town as quickly as they can. He states a lot of people go to mountain bike trails. He stated the City missed out on a trail around lake number two (2) they could've had a lot of people come into this town but instead they go to Draper they go to Thunderbird and the place over east of Seminole. He pointed out that the cyclists are using these streets now and are just crossing the busy intersections like Kickapoo. Even though the road ends at 45th this would be more of a route than we have right now. Ardrey states we have existing roadways and they are what they are and he does not believe that you can find a route where all the roads are 32 foot or you don't have a dead end. Taffe states that maybe on streets in the future they can be wider to allow room for joggers, cyclists' and cars. Ludi states that there are more steps between the Traffic Commission recommendation and what the Traffic Commissioners are talking about re: the widening of streets. Currently there are no bike lanes in our city street sections.

Kalies spoke again about signage. He stated the signage would need to be on the street as well as the other signs that people would see better. Ludi stated he would not recommend signage on the street without the other signs. These signs would all depend on funding. The first recommendation would be to put up share the road signs. Kalies would like to again request the signs to have both a biker and a jogger. Ludi stated we can take that in consideration at the time that we look at signage but at this time we are only looking at the map. Taffe asked for a motion

Motion was made by Smith, seconded by Cody to approve proposed bike route map.
Motion fails.

Roll Call: Aye: Cody, Duffell, Smith
Nay: Taffe, Ardrey, Dolin

Ronald Taffe - Chairman
Deena Harris- Vice Chairman
Wayne Ardrey
Theresa Cody
Ron Duffell
Rebecca Dolin
Larry Smith

V. NEW BUSINESS

VI. CITIZEN PARTICIPATION

VII. ADMINISTRATIVE REPORTS

Ludi handed out construction traffic plan for the Kickapoo Project. Traffic on Kickapoo will be open both directions at all times. The plan given will be the first phase of the project. Construction will begin at Kickapoo Spur and move to Independence. Traffic speed limit has been lowered to 25 mph and will continue to be this throughout the Project. The Project will move to the North from this point.

VIII. BOARD MEMBERS COMMENTS

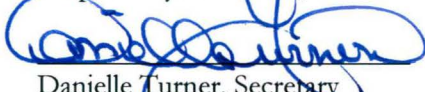
Smith discussed pedestrian crossing like in Scandinavia. There are crossings on each street and pedestrians have the right away. He would like to look at more pedestrian crossings to be placed throughout the City in the future.

There being no further business to come before the Traffic Commission, a motion was made by Dolin, seconded by Duffell recommending the meeting be adjourned.
Motion carried.

Roll Call: Aye: Taffe, Ardrey, Cody, Duffell, Dolin, Smith
Nay:

Ronald Taffe - Chairman
Deena Harris- Vice Chairman
Wayne Ardrey
Theresa Cody
Ron Duffell
Rebecca Dolin
Larry Smith

Respectfully submitted,



Danielle Turner, Secretary

Ronald Taffe, Chairman

Mayor
WES MAINORD



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

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

Minutes
Shawnee Beautification Committee
JULY 11, 2013

The Shawnee Beautification Committee met in the EOC Room
The meeting was called to order at 4:04 pm

Roll Call was taken showing the following members present:

Member	Robert Cash, Chairman
Member	Paul Malley, Vice Chairman
Absent	Nancy Ford
Absent	Janet Turner
Member	Tom Terry
Member	Linda Malley
City Staff	James Bryce
City Staff	Whisper Peace
City Staff	Justin Erickson

-
- AGENDA NO 1** **Roll Call and Declaration of a Quorum.** Roll was called and a quorum was declared.
- AGENDA NO 2** **Approved Minutes for June 2013.** The minutes for June 2013 were approved with a motion made by Tom Terry and 2nd by Paul Malley. The motion carried unanimously.
- AGENDA NO 3** **Update on conditions on Harrison Street bed.** (Tom Terry) Group discussed the condition of the bed. James advised that Marcum's was coming to replace some of the plantings.
- AGENDA NO 4** **Discussion on finalizing entries for Shawnee Beautification Contest.** (Tom Terry) Winners were finalized and will be presented an award by the Mayor in the August 5th commission meeting. Janet Turner will print out the awards.
- AGENDA NO 5** **Discussion on schedule for replacing Bell Street Pots.** (Tom Terry) Tom Terry requested a time be set to change out the pots on Bell Street.
- AGENDA NO 6** **Discussion of Tree Ordinance.** (James Bryce) Discussion on removing the word "Street" from "Street Trees". Decision was made to leave it alone. The decision was also made to remove "Bald Cypress" and "Russian Holly" of the list.
- AGENDA NO 7** **Old Business.**

AGENDA NO 8 New Business.

AGENDA NO 9 Comments. Tom Terry and COJAC workers along with a City employee mulched the beds on Kickapoo Spur. West side Neighborhood started up a beautification program awarding their residents. James Bryce discussed the addition of HWY 177 to the mowing responsibilities of the Parks Department. Area is from the EXPO Center to ½ mile South of Hardesty Rd.

AGENDA NO 10 Adjournment. Committee adjourned at 4:55 pm

Robert Cash
Chairman, Robert Cash

9-12-13
Date

PLANNING COMMISSION MINUTES

DATE: August 7, 2013

The Planning Commission of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in the Commission Chambers, at City Hall, 9th and Broadway, on Wednesday, August 7, 2013 at 1:30 p.m., pursuant to notice duly posted as prescribed by law. Justin Erickson, Planning Director for the City of Shawnee, presented the staff reports. Staff reports are available upon request.

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

Upon roll call the following members were present:

Carter, Hoster, Silvia, Cowen, Salter

Absent: Bergsten, Turner

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

AGENDA ITEM NO. 2: **Approval of the minutes from the July 3, 2013 Planning Commission Meeting**

Vice-Chairman Silvia asked for any changes, corrections or additions to the minutes. None were given. Commissioner Cowen made the motion seconded by Commissioner Salter to approve the July 3, 2013 minutes.

Motion passed:

AYE: Cowen, Salter, Carter, Silvia

NAY:

ABSTAIN: Hoster

AGENDA ITEM NO. 3: **Citizens Participation**

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

AGENDA ITEM NO. 4:

Case # P10-13 A public hearing for consideration of approval to rezone property from A-1; Agricultural to R-1; Residential for property located at 5 Mullins Drive.

Applicant: Gary Mullins

Vice-Chairman Silvia asked for the staff report. Justin Erickson presented the staff report. The applicant is requesting to rezone 7.8 acres (approximate) to facilitate the sale of an existing house with less than 5 acres and the development of one or more additional lots. Mr. Erickson explained the applicant has requested a zoning classification of "residential" and the rezone was officially noticed with a proposed designation of R-1, since this would be the most-dense single family residential zone. However, due to non-existent public sewer service, the most appropriate zoning classification would be Rural Estate (RE), which would permit lots as small as one acre.

Staff recommended rezoning property from A-1 to RE.

Vice-Chairman Silvia opened the public hearing asking if anyone wanted to speak for the proposal. Jeffery Mullins, sister to Gary Mullins came forward and stated the property has been vacant for a while and asked for the request to be approved.

Vice-Chairman Silvia asked if anyone was against the proposal. Pat Weir came forward and stated she was for the proposal and just had a question concerning one of the lots. Applicant and staff answered her question.

Commissioner Hoster disclosed that he lives in Granada Estates.

Vice-Chairman Silvia asked for a motion. Commissioner Cowen made a motion, seconded by Carter to approve the proposal.

Motion passed:

AYE: Cowen, Carter, Hoster, Silvia, Salter

NAY:

ABSTAIN:

AGENDA ITEM NO. 5:

Case # P11-13 A public hearing for consideration of approval to rezone property from R-1; Residential to C-3; Automotive, Commercial & Recreation for property located at 2400 N. Harrison

Applicant: Lynn Baucom

Vice-Chairman Silvia asked for the staff report. Justin Erickson presented the staff report. Mr. Erickson stated the subject property is currently surrounded by commercially-zoned land, with the exception of residential land to the west. According to the Shawnee Comprehensive Plan the subject property is designated for commercial use. There is no designated use at this time. The applicant is requesting to rezone the site to facilitate the sale and redevelopment of the site for a commercial use.

Staff recommended approval of rezoning property from R-1 to C-3.

Vice-Chairman Silvia opened the public hearing and asked if anyone was for the proposal. Roger Henson representing the applicant came forward to answer questions. There were no questions.

Vice-Chairman Silvia asked if anyone was against the proposal. No one came forward.

Vice-Chairman Silvia asked for a motion. Commissioner Hoster made the motion, seconded by Salter to approve the rezone.

Motion passed:

AYE: Hoster, Salter, Carter, Silvia, Cowen

NAY:

ABSTAIN:

AGENDA ITEM NO. 6:

Case # P12-13 A public hearing for consideration of approval to rezone property from A-1; Agricultural to C-3; Automotive, Commercial & Recreation for property located in the 300 block of Shawnee Mall Drive

Applicant: Vintage Dwellings, LLC

Vice-Chairman Silvia asked for the staff report. Justin Erickson presented the staff report. Mr. Erickson stated the applicant is requesting to rezone the subject site of 16 acres (minus existing C-3 area) to facilitate the establishment of a car dealership at the property. The subject property has not been platted and a plat will be required prior to development of the site.

Staff recommended approval to rezone property from A-1 to C-3.

Vice-Chairman Silvia opened the public hearing and asked if anyone was for the proposal. Bobby Dolatabadi representing the applicant came forward to answer any questions. Commissioner Cowen asked if the dealership will be built within six months to 1 year. Mr. Dolatabadi stated he did not know the time frame. As soon as his clients close on the property they will be ready for move forward.

Vice-Chairman Silvia asked if anyone was against the proposal. No one came forward.

Vice-Chairman Silvia asked for a motion. Commissioner Carter made the motion, seconded by Cowen to approve the request.

Motion passed:

AYE: Carter, Cowen, Hoster, Silvia, Salter

NAY:

ABSTAIN:

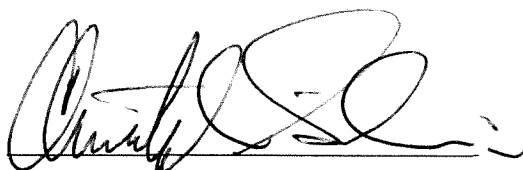
AGENDA ITEM NO. 7: Planning Director's Report

Justin Erickson reported 42 single family home permits were issued from January 1 thru July.

AGENDA ITEM NO. 8: Comments/New Business

AGENDA ITEM NO. 9: Adjournment

Meeting was adjourned.



Chairman/Vice-Chairman

Karen Drain OBO Linda Burg

Planning Commission Secretary

Regular Board of Commissioners

2. e.

Meeting Date: 10/07/2013

Traffic Commission Recommendations

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Traffic Commission and Staff Recommendations from September 24, 2013 meeting.

A. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to post a speed limit sign on Poplar Street between Kickapoo and Pottenger Streets.

STAFF RECOMMENDATION: Staff recommends denial of request

BOARD RECOMMENDATION: Board recommends denial of request

B. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional street lights mid-block on : 500 block West Wallace, 600 block West Ford, 600 block West Wallace, 700 block West Dewey, 900 block Overland Court, 1000 block Overland Court, 1100 block West Dewey, and the 1100 block of West Wood

STAFF RECOMMENDATION: Staff recommends denial of request

BOARD RECOMMENDATION: Board recommends denial of request

C. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional lighting with-in Jefferson Circle Park located at the northeast corner of Chapman and Dill and with-in Strickland Park located at the corner of Chapman and Kirk.

STAFF RECOMMENDATION: Staff recommends approval of request

BOARD RECOMMENDATION: Board recommends approval of request

Attachments

Recommendations and Info

STAFF RECOMMENDATIONS
TRAFFIC COMMISSION
September 24, 2013 MEETING

- A. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to post a speed limit sign on Poplar Street between Kickapoo and Pottenger Streets.

STAFF RECOMMENDATION: Staff recommends denial of request

- B. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional street lights mid-block on : 500 block West Wallace, 600 block West Ford, 600 block West Wallace, 700 block West Dewey, 900 block Overland Court, 1000 block Overland Court, 1100 block West Dewey, and the 1100 block of West Wood

STAFF RECOMMENDATION: Staff recommends denial of request

- C. Consideration of request by Della Hutton, President of Westside Neighborhood Watch, to place additional lighting with-in Jefferson Circle Park located at the northeast corner of Chapman and Dill and with-in Strickland Park located at the corner of Chapman and Kirk.

STAFF RECOMMENDATION: Staff recommends approval of request



PO Box 321
Oklahoma City, Oklahoma 73101-0321

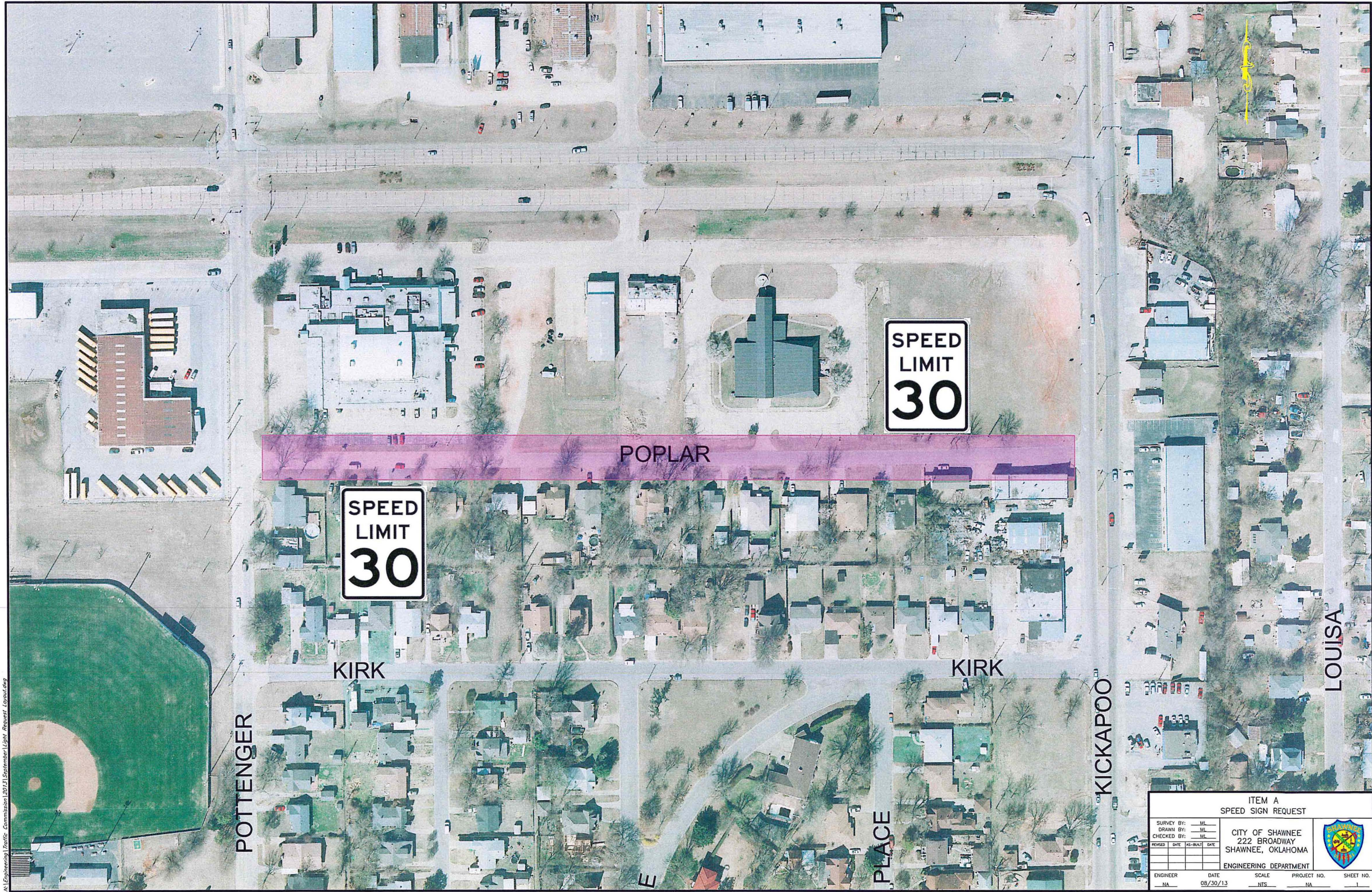
City of Shawnee
Michael Ludi
222 N Broadway
Shawnee, Ok, 74802

Michael,

Per your request to OGE, I have put together a cost estimate to install OGE mid-block lights at various locations in Shawnee. The cost estimate includes 1760' OH and UG cable (no charge for 1050'), 1260' boring, 1260' 2" flex pipe, 5 – 2" risers, 10 – street light connection boxes, 10 – 2" elbows, 7 – 30' class 6 poles (no charge), 7 - 14k lumen metal halide street lights (no charge), tree trimming and right of way costs associated with the project. The material cost for the project is \$16,504, UG installation cost is \$11,866 and OH installation cost is \$3,372 (includes tree trimming and ROW). The total cost of project is \$31,742. This cost estimate is contingent on OGE being able to obtain easements for street light cable and tree trimming from existing customers. This cost estimate is good until December 31, 2013. Any questions or concerns, I can be reached at 553-4472.

Thank You.

Mike Evans



SPEED
LIMIT
30

SPEED
LIMIT
30

POPLAR

KIRK

KIRK

POTTENGER

PLACE

KICKAPOO

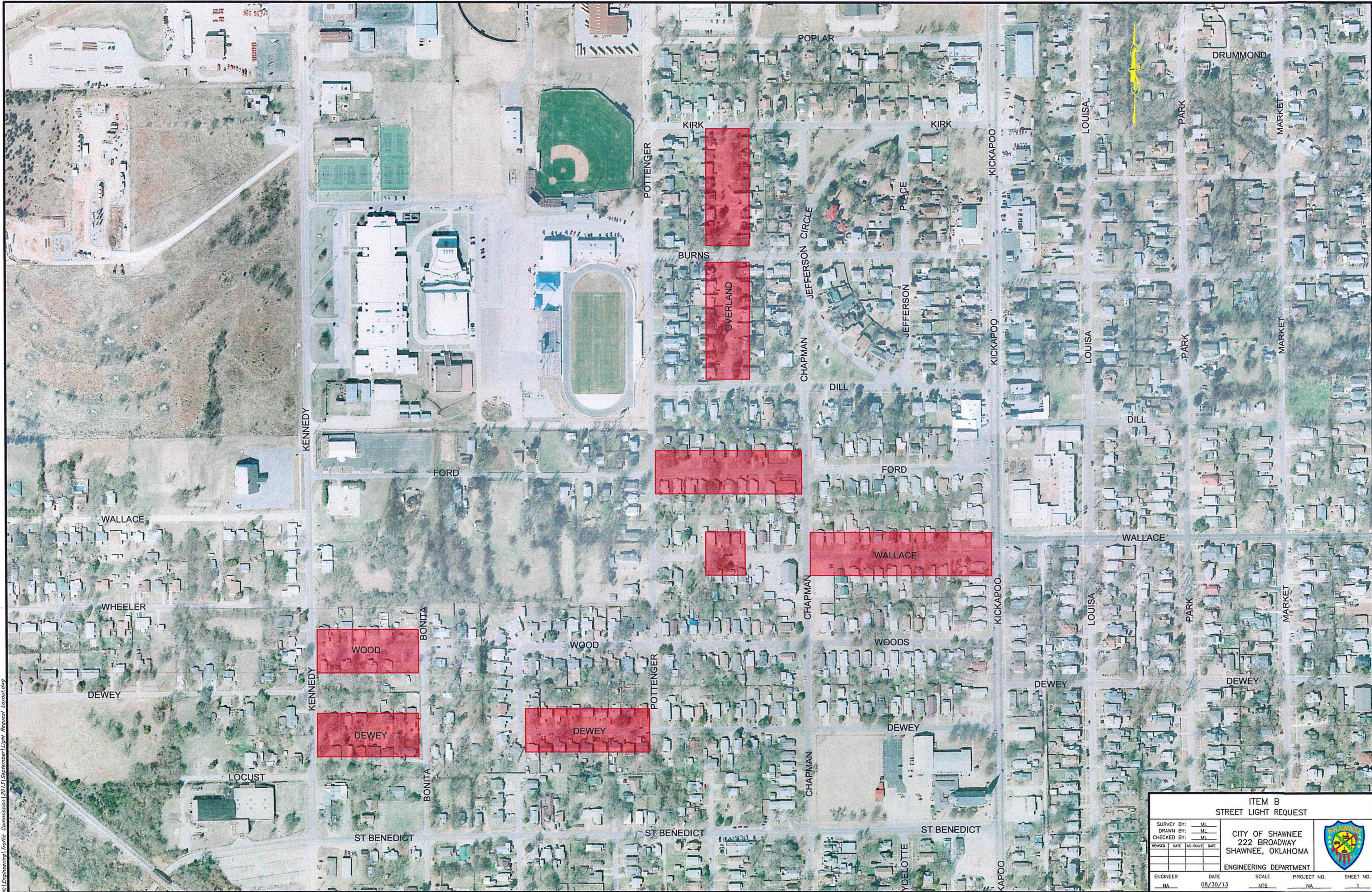
LOUISA

ITEM A SPEED SIGN REQUEST					
SURVEY BY:	ML				
DRAWN BY:	ML				
CHECKED BY:	ML				
REVISED:	DATE	AS-BUILT	DATE		
ENGINEER		DATE	SCALE	PROJECT NO.	SHEET NO.
NA		08/30/13	NTS	NA	1


CITY OF SHAWNEE
222 BROADWAY
SHAWNEE, OKLAHOMA



ENGINEERING DEPARTMENT



K:\Engineering\Traffic Commission\2013\September\Light Request Layout.dwg


ITEM B STREET LIGHT REQUEST		 CITY OF SHAWNEE 222 BROADWAY SHAWNEE, OKLAHOMA		
SURVEY BY: _____	MIL _____			
DRAWN BY: _____	MIL _____	ENGINEERING DEPARTMENT		
CHECKED BY: _____	MIL _____			
REVISED: _____	DATE: _____	AS-BUILT: _____		
ENGINEER: _____	DATE: 08/30/13	SCALE: NTS	PROJECT NO.: NA	SHEET NO.: 1



ITEM C
PARK LIGHT REQUEST

SURVEY BY:	ML			
DRAWN BY:	ML			
CHECKED BY:	ML			
REVISED	DATE	AS-BUILT	DATE	
ENGINEERING DEPARTMENT				
ENGINEER	DATE	SCALE	PROJECT NO.	SHEET NO.
NA	08/30/13	NIS	NA	1

CITY OF SHAWNEE
222 BROADWAY
SHAWNEE, OKLAHOMA



Regular Board of Commissioners

2. f.

Meeting Date: 10/07/2013

Request Police Dept Replacement Vehicle

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Authorize Police Department to purchase a 2014 Ford police interceptor SUV from Bob Hurley dealership to replacement vehicle wrecked in August.

Attachments

Request to Replace Vehicle



Shawnee Police Department

Chief Russell Frantz

P.O. Box 1448

Shawnee, Oklahoma 74802

Office (405)878-1680 or 1681 *Fax (405)878-1520



TO : Brian McDougal
City Manager

FROM : Russell Frantz
Chief of Police

SUBJECT : **Vehicle Request**

DATE : September 26, 2013

This memo is to requested permission to purchase one (1) 2014 Ford police interceptor SUV from Bob Hurley dealership in order to replace unit totaled on 8-12-13. Vehicle will be purchased from capital line item #301-5-0610-5450 with funds received from insurance company at a cost of \$26,433.00.

Regular Board of Commissioners

2. g.

Meeting Date: 10/07/2013

Lake Lease Transfer and Renewals

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Lake Lease Transfer and Renewals:

Transfer:

- Lot 9 Magnino A Tract, 17232 Magnino Road
From: Betty Wooldridge Revocable Trust
To: Robert Goodman and Kimberly Goodman

Renewals:

- Lot 45 School Land, 31950 Lake Road
Charles Akerman and Julie Akerman
 - Lot 15 Magnino Tract, 16700 Clearpond Lane
Robby Parsons and Deborah Parsons
 - Lot 5 Johnston Tract, 16712 Magnino Road
Lora Davis
 - Lot 22 Johnston Tract, 16500 Stevens Road
Robert Patnaude and Sharon Patnaude
 - Lot 5 Damron Tract, 33807 Belcher Road
Russel Adams and Deborah Adams
-

Attachments

Transfer Lot 9 Magnino A Tract

Renew Lot 45 School Land

Renew Lot 15 Magnino Tract

Renew Lot 5 Johnston Tract

Renew Lot 22 Johnston Tract

Renew Lot 5 Damron Tract



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

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

Date	10/01/13	License No. #024550
Type	<input type="checkbox"/> Renewal	<input checked="" type="checkbox"/> Transfer (Fee: \$1,000)
Commission Meeting Date	10/07/13	
Property Address	17232 MAGNINO RD	
Lake Site Location	LOT 9 MAGNINO A TRACT	
Lease Dates	10/07/13-10/07/43	
Lease Fee (changes annually)	\$637.00	
Inspection Fee	\$75.00 Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Lessee (Transfer To)		
Name(s)	ROBERT & KIMBERLY GOODMAN	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) (if applicable)		
Name(s)	BETTY WOOLDRIDGE REVOCABLE TRUST	
Address	SEE FILE	
Phone	SEE FILE	
Inspection Information		
Inspection Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if no, due: 6/17/15)	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	6/17/10	
Misc. Comments	Total Charges Paid: \$1637.00	



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

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

Date	10/01/13	License No. #009811
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer <i>(Fee: \$1,000)</i>
Commission Meeting Date	10/07/13	
Property Address	31950 LAKE ROAD	
Lake Site Location	LOT 45 SCHOOL LAND	
Lease Dates	7/08/2013 – 7/08/2018	
Lease Fee (changes annually)	\$200.00	
Inspection Fee	\$ 75.00 Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Lessee (Transfer To)		
Name(s)	Charles and Julie Akerman	
Address	See File	
Phone		
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if no, due:)	
DEQ Report on File	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Type of Septic System	<input type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	No Septic On Site	
Misc. Comments	School Land – Access only	
	Total Charges Paid: \$275.00	



City of Shawnee
Community Development Department
 222 N. Broadway
 Shawnee, OK 74801
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www.ShawneeOK.org

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

Date	10/07/13	License No. #010192
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer <i>(Fee: \$1,000)</i>
Commission Meeting Date	10/07/13	
Property Address	16700 CLEARPOND LANE	
Lake Site Location	LOT 15 MAGNINO TRACT	
Lease Dates	08/16/13-08/16/43	
Lease Fee (changes annually)	\$637.00	
Inspection Fee	\$75.00 Applicable: <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Lessee (Transfer To)		
Name(s)	ROBBY & DEBORAH PARSONS	
Address	SEE FILE	
Phone	SEE FILE	
Current Lessee (Transfer From) <i>(if applicable)</i>		
Name(s)		
Address		
Phone		
Inspection Information		
Inspection Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if no, due: 08/09/17)	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	08/09/12	
Misc. Comments		
	Total Charges Paid: \$637.00	



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

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

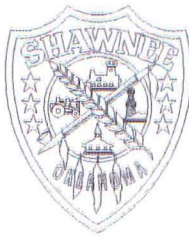
Date	12/03/2012	License No. #010697
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer (<i>Fee: \$1,000</i>)
Commission Meeting Date	10/07/13	
Property Address	16712 MAGNINO ROAD	
Lake Site Location	LOT 5 JOHNSTON TRACT	
Lease Dates	11/17/2012 - 11/16/2042	
Lease Fee (changes annually)	\$624.00	
Inspection Fee	\$75.00 Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Lessee		
Name(s)	LORA DAVIS	
Address		
Phone		
Current Lessee (if applicable)		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if no, due:)	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	11/19/2012	
Misc. Comments		
	Total Charges Paid: \$699.00	



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

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

Date	10/01/13	License No. #010348
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer (<i>Fee: \$1,000</i>)
Commission Meeting Date	10/07/13	
Property Address	16500 STEVENS RD	
Lake Site Location	LOT 22 JOHNSTON TRACT	
Lease Dates	09/07/2013 - 09/07/2043	
Lease Fee (changes annually)	\$637.00	
Inspection Fee	\$75.00 Applicable: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Lessee		
Name(s)	ROBERT & SHARON PATNAUDE	
Address		
Phone		
Current Lessee (if applicable)		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (if no, due:)	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	07/16/12	
Misc. Comments		
	Total Charges Paid: \$712.00	



City of Shawnee
Community Development Department
222 N. Broadway
Shawnee, OK 74801
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**SHAWNEE TWIN LAKES CABIN SITE LEASES
SUMMARY/INSPECTION REPORT – FOR RENEWALS/TRANSFERS**

Date	10/01/13	License No. #015530
Type	<input checked="" type="checkbox"/> Renewal	<input type="checkbox"/> Transfer (<i>Fee: \$1,000</i>)
Commission Meeting Date	10/07/13	
Property Address	33807 BELCHER RD	
Lake Site Location	LOT 5 DAMRON TRACT	
Lease Dates	09/02/13-09/02/43	
Lease Fee (changes annually)	\$637.00	
Inspection Fee	\$75.00 Applicable: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Lessee		
Name(s)	RUSSEL & DEBORAH ADAMS	
Address		
Phone		
Current Lessee (if applicable)		
Name(s)	N/A	
Address		
Phone		
Inspection Information		
Inspection Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if no, due (09/07/17))	
DEQ Report on File	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Type of Septic System	<input checked="" type="checkbox"/> Conventional <input type="checkbox"/> Aerobic	
Last Inspected/Pumped	09/07/12	
Misc. Comments		
	Total Charges Paid: \$637	

Regular Board of Commissioners

5.

Meeting Date: 10/07/2013

Rezoning and Ordinance P13-13

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance rezoning property located at 2723 N. Kickapoo from C-1; Neighborhood Commercial to C-3; Automotive, Commercial and Recreation. Case #P13-13
Applicant: Monogram Construction/Landes Engineering

Attachments

P13-13 Rezone

ORDINANCE P13-13

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: Monogram Construction/Landes Engineering
FOR: Rezone
LOCATION: 2723 N. Kickapoo
PROJECT#: 131136 Case# P13-13

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-1; Neighborhood Commercial
REQUESTED CLASSIFICATION: C-3; Automotive, Commercial & Recreation
PROPOSED PROPERTY USE: Commercial-Convenience Store/ Gasoline Service Station

PLANNING COMMISSION MEETING DATE: October 2, 2013

PLANNING COMMISSION RECOMMENDATION: Approval

VOTE OF THE PLANNING COMMISSION: **MEMBERS PRESENT:** 5

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

RESPECTFULLY SUBMITTED,
Karen Drain
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

STAFF REPORT
REZONE
CASE #P13-13

TO: Shawnee Planning Commission

AGENDA: October 2, 2013

RE: Rezone Request from C-1: Neighborhood Commercial to C-3:
Commercial Automotive

PROPOSAL

The applicant is requesting to rezone the subject site of 0.929 acres (approximately) to facilitate the redevelopment of a current convenience store and gas station. The property is located southeast of the intersection of Kickapoo and 32nd Street. The property is currently zoned C-1 (Neighborhood Commercial) and the requested zoning classification is C-3 (Commercial Automotive). The property is currently occupied and being used as a convenience store, gas station, and car wash.

GENERAL INFORMATION

Applicant	Monogram Construction / Landes Engineering
Owner	Modern Oil Company / Kwick Stop #33
Site Location/Address	2723 N Kickapoo
Current Site Zoning	C-1: Suburban Office Commercial
Proposed Zoning	C-3: Commercial Automotive
Property Area	0.929 Acres
Proposed Use	Commercial-Convenience and Store/Gasoline Service Station.

Comprehensive Plan Designation	Commercial
Existing Land Use	Commercial
Surrounding Land Use	North – Office/Commercial South – various Commercial West – Shopping Center East - Residential
Surrounding Zoning	Varies – please see zoning map. (<i>Figure 1</i>)

STAFF REVIEW AND ANALYSIS

The applicant is requesting approval for a zone change to facilitate the redevelopment of a current convenience store and gas station.

The subject property is primarily surrounded by land zoned Commercial, besides one parcel directly north east of the subject property that is zoned Residential (R-1). Furthermore, the majority of properties abutting Kickapoo, in the immediate area, are zoned C-3 (Commercial Automotive), making this rezone request consistent with neighboring uses.

As the property is currently zoned C-1, the use of a gas station is not permitted in the current zoning codes; however, because the C-1 zoning classification was grandfathered in it has been allowed. By rezoning to C-3 the proposed uses would conform to the current zoning standards. According to the Shawnee Comprehensive Plan (Figure 4.2), the subject property is designated Commercial/Residential, as are the surrounding properties along Kickapoo Street. Within this district, “commercial activity may include commercial retail, service and office functions.”

Upon review of the Preliminary Design Concept (Figure 3), the proposed design will remove the car wash on the east property line and develop the new convenience store and gas pumps further east from the Kickapoo Street right-of-way. This will allow greater accessibility from Kickapoo St. and 32nd St. and potentially reduce traffic congestion. For a look at the current development design, please refer to *Figure 2*.

The benefits to the property owner include:

- The property owner will be in compliance to build the desired convenience store and gas station.

The benefits to the City include:

- The current use is grandfathered in and non-conforming. A rezone would end the grandfathered status and make the proposed use conforming.

- According to the Shawnee Comprehensive Plan, the proposed rezone would conform to future land use.
- A rezone to C-3 would be consistent to the majority of other properties along Kickapoo Street.
- Overall site improvement would include conforming signage and landscaping, complete sidewalks, and improved driveways.

Staff does hereby recommend the proposed zone change as it is consistent with the comprehensive plan and surrounding land uses.

STAFF RECOMMENDATION

Staff recommends **approval** of the proposed rezone from *C-1: Neighborhood Commercial* to *C-3: Commercial Automotive* for the subject property.

Attachments

1. Figure 1: Zoning map
2. Figure 2: Aerial view of site
3. Figure 3: Design Concept

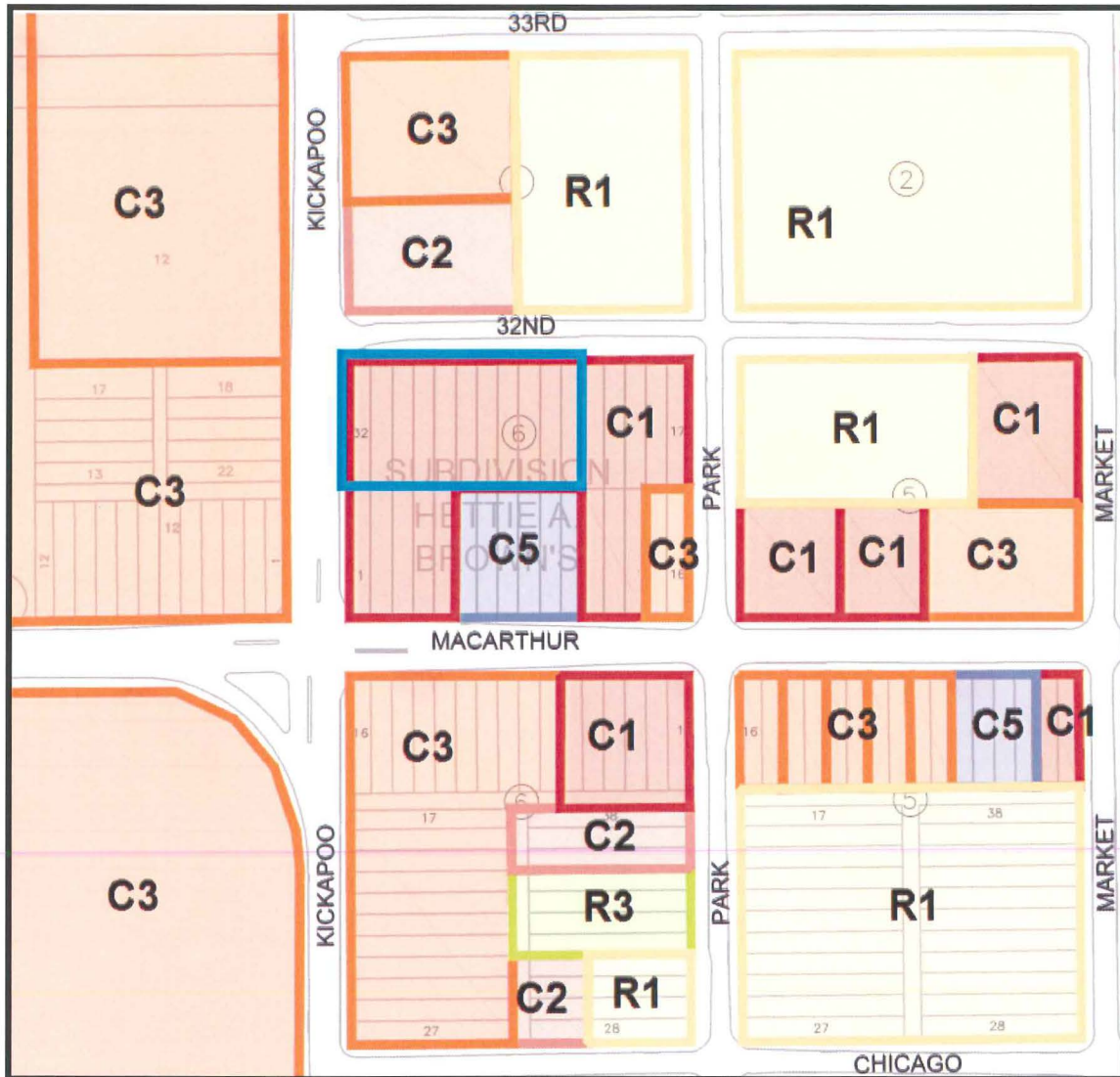


Figure 1: Zoning Map of site – approximate total area outlined in blue.



Figure 2: Aerial view of the site – approximate total area outlined in red.

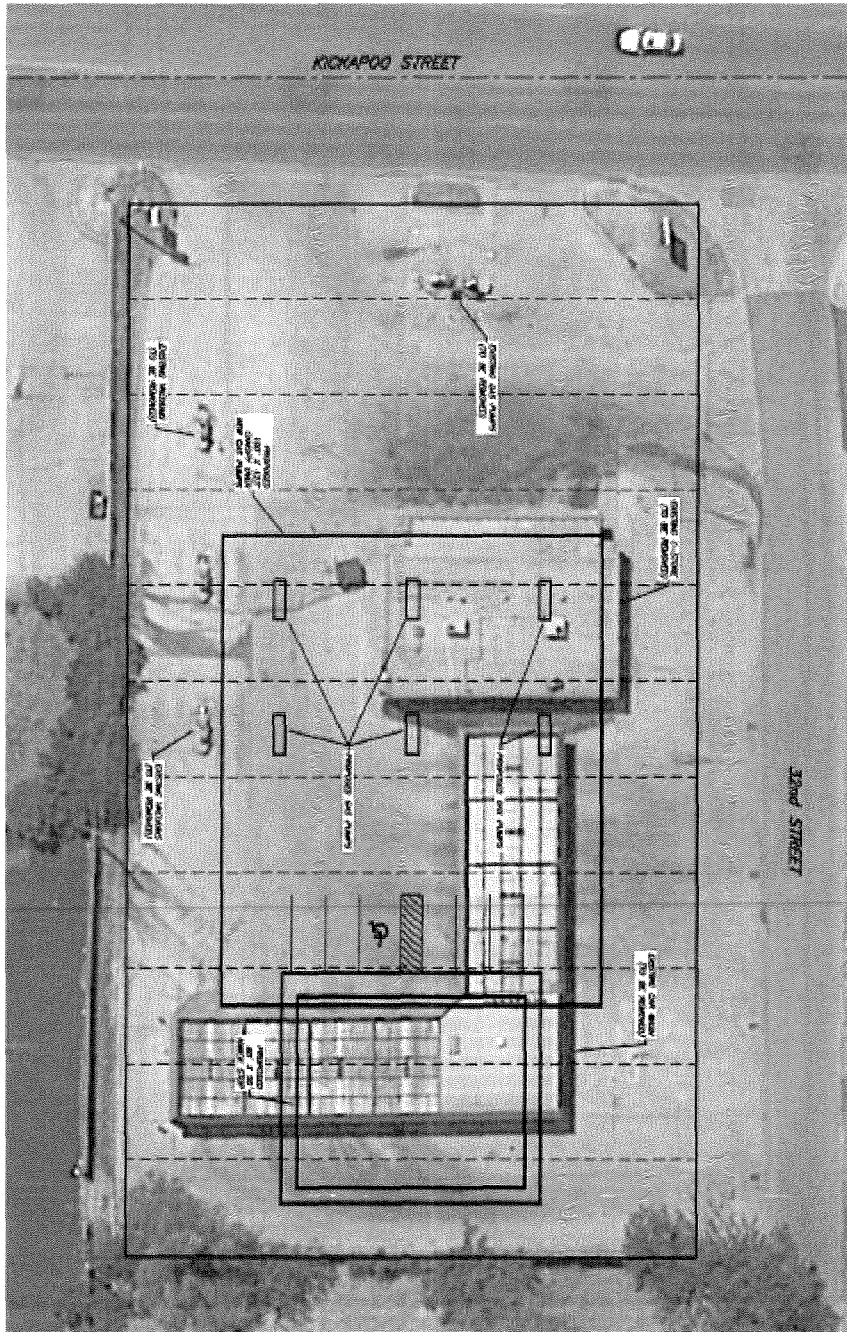


Figure 3: Design Concept.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P13-13

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:

Lots Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five, Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one and Thirty-two(32), HETTIE A BROWN'S SUBDIVISIOIN OF BLOCK 6, WYANTS ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known As:	<u>2723 N Kickapoo</u>
Current Zoning Classification:	<u>C-1; Neighborhood Commercial</u>
Requested Zoning Classification:	<u>C-3; Automotive, Commercial & Recreation</u>
Proposed Use of Property:	<u>Commercial-Convenience Store/Gasoline Service Station</u>
Applicant:	<u>Monogram Construction/ 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.

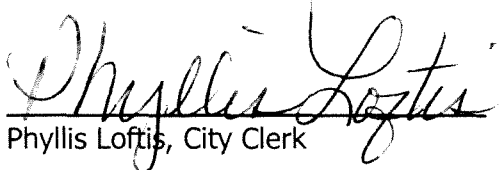
The public hearings will be held in the City Commission Chambers in City Hall, 16 W. 9th St. Shawnee, Oklahoma, as follows:

Date October 2, 2013 AT 1:30 P.M.: CITY OF SHAWNEE PLANNING COMMISSION
Date October 7, 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 10th day of September, 2013.




Phyllis Loftis, City Clerk

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION

Project # 131136 CASE NO. P13-13

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 C-1 District to C-3 District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 2723 Kickapoo

LEGAL DESCRIPTION: Lots 22 through 31 in Hattie A. Brown's Subdivision of Blk 6 of Wyant's Addition to City of Shawnee, Pott.Co. Oklahoma
PROPERTY OWNER (S): Modern Oil Company / Kwick Stop #33

PROPERTY AGENT (APPLICANT): Monogram Construction / Landes Engineering

APPLICANT'S ADDRESS: 816 N. Harrison Ave. / 903 E. 35th

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

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

DIMENSIONS OF PROPERTY: AREA 0.929 ac WIDTH 150
LENGTH 270 FRONTAGE 150

CURRENT ZONING: C-1 **CURRENT USE:** C-1

PROPOSED ZONING: C-3 **PROPOSED USE:** C-3

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 / Owner's Agent
Landes Engineering

att. Layout/ Ownership List

(FOR STAFF USE ONLY)

Filed in the office of the Planning Department, 222 N. Broadway, this 3rd day of, Sept 20 13.


PLANNING COMMISSION SECRETARY

REZONING FEE & C.U.P \$ 280.00 **PLANNED UNIT DEVELOPMENT FEE \$** 550.00

RECEIPT NO. 1510309 **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 Office 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:

Lots Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five (25), Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31) and Thirty-two (32), HETTIE A. BROWN'S SUBDIVISION OF BLOCK 6, WYANTS 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 14th day of August, 2013.

FIRST AMERICAN TITLE AND TRUST COMPANY

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

Order No. 1861673-SH99

Ownership List

Order No. 1861673-SH99

Date August 14, 2013

Page No. 1

OWNER

BRIEF LEGAL:

Janell J. James Trust – 3005 N. Bell, Shawnee, OK 74804

N 60' of S 150' of W 200', Block 1 & E 200' of S 150', Block 1 & W 200' of S 90' of Block 1, WYANT'S 2ND ADDITION to Shawnee

Shawnee Suds, LLC – 3223 N. Kickapoo, Shawnee, OK 74804

N 150' of W 200' of Block 1, WYANT'S 2ND ADDITION to Shawnee...LESS 5'

Stephen Mark Wickerd – 2832 N. Park, Shawnee, OK 74804

E/2 of N/2 Block 1, WYANT'S 2ND ADDITION to Shawnee

Donald E. Grove and Catherine E. Grove – 11 W. Midland, Shawnee, OK 74804

Beg. SW/C Block 2, WYANT'S 2ND ADDITION to Shawnee; thence N 150'; thence E 75'; thence S 150'; thence W 75' to beg.

Johnny J. Sommers – 233 W. 33rd St., Shawnee, OK 74804

Beg. NW/C Block 2, WYANT'S 2ND ADDITION to Shawnee; thence E 140'; thence S 60'; thence W 140'; thence N 60' to beg.

David E. Kingsley and Kellianne Kingsley – 318 W. 32nd, Shawnee, OK 74804

Beg. 75' E SW/C Block 2, WYANT'S 2ND ADDITION to Shawnee; thence N 150'; thence E 125'; thence S 150'; thence W 125' to beg.

Chris Rigney and Donna Rigney – 29801 Parkwood Road, McLoud, OK 74851

Beg. 60' S NW/C Block 2, WYANT'S 2ND ADDITION to Shawnee; thence E 140'; thence S 90'; thence W 140'; thence N 90' to beg.

Robert F. Woodmore and Alethia M. Woodmore – 1301 Manchester Dr., Shawnee, OK 74804

Beg. 76.5' S NW/C Block 5, WYANT'S ADDITION to Shawnee; thence E 100'; thence S 75'; thence W 100'; thence N 75' to beg.

Two Brothers Properties, LLC – 33 N. Meridian, Oklahoma City, OK 73107

S/2 E/2 W/2 Block 5 & N/2 E/2 W/2, Block 5, WYANT'S ADDITION to Shawnee, LESS S 7' to City

Bernard B. Lewis, Jr. Trust – 2403 Libra Lane, Shawnee, OK 74804

Beg. NW/C Block 5, WYANT'S ADDITION to Shawnee; thence E 100'; thence S 76.5'; thence W 100'; thence N 76.5' to beg.

Vikhoon Somvongsiri -1500 NW 19th, Oklahoma City, OK 73106-4012

Beg. SW/C Block 5, WYANT'S ADDITION to Shawnee; thence E 100'; thence N 151'; thence W 100'; thence S 151' to beg.

R & F LLC – 913 N. Broadway, Oklahoma City, OK 73102

Lots 1 thru 4, HETTIE A. BROWN SUB-DIVISION OF BLOCK 6, WYANT'S ADDITION to Shawnee

Ownership List

Order No. 1861673-SH99

Date August 14, 2013

Page No. 2

OWNER

BRIEF LEGAL:

Anthony E. Knox and Elva Jean Knox – 45801 A Garrett's Lake Road, Shawnee, OK 74804
Lots 5 & 6 & N 8' Lot 7, HETTIE A. BROWN SUB-DIVISION OF BLOCK 6, WYANT'S
ADDITION to Shawnee

Steven Matthews – P.O. Box 3225, Shawnee, OK 74802-3225
E 17' Lot 7 & All Lots 8 thru 14, HETTIE A. BROWN SUB-DIVISION OF BLOCK 6, WYANT'S
ADDITION to Shawnee

Jan Mat Investments, LLC – P.O. Box 913, Muskogee, OK 74402
Lots 15 & 16 & S 50' Lots 17 thru 21, HETTIE A. BROWN SUB-DIVISION OF BLOCK 6,
WYANT'S ADDITION to Shawnee

City of Shawnee – P.O. Box 1448, Shawnee, OK 74802-1448
S 7' Lots 15 & 16, HETTIE A. BROWN SUB-DIVISION OF BLOCK 6, WYANT'S ADDITION & N
7' Lots 1 thru 6, Block 6, ROSE GARDEN ADDITION to Shawnee

Don C. Ealey, Mary L. Ealey and Mary Ealey Trustee – 39801 Garretts Lake Road, Shawnee, OK
74804
N 51.25' Lots 17 thru 21, HETTIE A. BROWN SUB-DIVISION OF BLOCK 6, WYANT'S
ADDITION to Shawnee

Leon Wesley Kaskuske, Jr. – 2032 W. 57th Street, Tulsa, OK 74107
N 50' of S 100' Lots 17 thru 21, HETTIE A. BROWN SUB-DIVISION OF BLOCK 6, WYANT'S
ADDITION to Shawnee

Oklahoma Baptist University – 500 W. University, Shawnee, OK 74804
S/2 Lot 12, GILMORE ADDITION to Shawnee & N/2 N/2 NE/4 Section 12, Township 10
North, Range 3 East

University Plaza, LLC – P.O. Box 5150, Edmond, OK 73083
Beg. 36' S NE/C Lot 12, GILMORE ADDITION to Shawnee; thence S 265.50'; thence W
297'; thence N 301.50'; thence E 199'; thence S 36'; thence E 98' to beg.

Oklahoma Natural Gas – 231 N. Bell, Shawnee, OK 74801
Tract in N/2 Lot 12, GILMORE ADDITION to Shawnee

Cynthia O. Hardin – 315 W. MacArthur, Shawnee, OK 74804
Lots 13 thru 16, Block 5, ROSE GARDEN ADDITION to Shawnee

Coetta Helton c/o The Book Barns of Okla. – 413 W. MacArthur, Shawnee, OK 74804
Lots 1 thru 4, Block 6, ROSE GARDEN ADDITION to Shawnee

John D. Stobbe and Barbara K. Stobbe Trust – 2616 N. Park, Shawnee, OK 74804
Lots 5 & 6, Block 6, ROSE GARDEN ADDITION to Shawnee

Ownership List

Order No. 1861673-SH99

Date August 14, 2013

Page No. 3

OWNER

BRIEF LEGAL:

George Defenbaugh – P.O. Box 9856, The Woodlands, TX 77387

Lots 7 thru 16, Block 6, ROSE GARDEN ADDITION to Shawnee & N 15' vacated
alley...LESS Tract to City beg. NW/C Lot 16; thence E 31.88'; thence S 44°W 45.11'; thence N
32.58' to beg.

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: LOTS TWENTY-TWO (22), TWENTY-THREE (23), TWENTY-FOUR (24), TWENTY-FIVE, TWENTY-SIX (26), TWENTY-SEVEN (27), TWENTY-EIGHT (28), TWENTY-NINE (29), THIRTY (30), THIRTY-ONE (31) AND THIRTY-TWO (32), HETTIE A BROWN'S SUBDIVISION OF BLOCK 6, WYANTS ADDITION TO THE CITY OF SHAWNEE, POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM C-1; NEIGHBORHOOD COMMERCIAL TO C-3; AUTOMOTIVE, COMMERCIAL, AND RECREATION 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 October, 2013, upon an application to rezone property located in the City of Shawnee, Oklahoma to C-3: Automotive, Commercial and Recreation.

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 rezoned 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: Lots Twenty-two (22), Twenty-three (23), Twenty-four (24), Twenty-five, Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31) and Thirty-two (32), HETTIE A BROWN'S SUBDIVISION OF BLOCK 6, WYANTS ADDITION to the City of Shawnee, Pottawatomie County, Oklahoma, according to the recorded plat thereof, be rezoned to C-3; Automotive, Commercial and Recreation and the official zoning map heretofore adopted is hereby amended as to include said to C-3; Automotive, Commercial and Recreation.

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

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on the 7th day of October, 2013.

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

6.

Meeting Date: 10/07/2013

Rezoning and Ordinance #P14-13

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Public hearing and consider an ordinance rezoning property located at 4621 N. Kickapoo from C-3; Automotive, Commercial and Recreation to C-3P; Automotive, Commercial and Recreation with a Conditional Use Permit.

Case #P14-13

Applicant: La Joya Mexican Restaurant dba El Nopal Mexican Restaurant

Attachments

Rezone P14-13

Ordinance P1413

RECOMMENDATION TO:

MAYOR
BOARD OF CITY COMMISSIONERS
CITY OF SHAWNEE

RECOMMENDATION FROM:

CITY OF SHAWNEE
PLANNING COMMISSION

SUBJECT:

APPLICANT: LaJoya Mexican Restaurant
dba El Nopal Mexican Restaurant
FOR: Conditional Use Permit
LOCATION: 4621 N. Kickapoo
PROJECT#: 131169 Case# P14-13

LEGAL DESCRIPTION:

SEE OWNERSHIP LIST

CURRENT CLASSIFICATION: C-3; Automotive, Commercial & Recreation
REQUESTED CLASSIFICATION: C-3P; Automotive, Commercial & Recreation with a Conditional Use Permit to allow for the sale of beer for on premise consumption
PROPOSED PROPERTY USE: Restaurant

PLANNING COMMISSION MEETING DATE: October 2, 2013

PLANNING COMMISSION RECOMMENDATION: CUP to allow for the sale of beer or alcohol beverages for on premise consumption.

VOTE OF THE PLANNING COMMISSION: **MEMBERS PRESENT:** 5

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

RESPECTFULLY SUBMITTED,
Karen Drain
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

STAFF REPORT
CONDITIONAL USE PERMIT
CASE #P14-13

TO: Shawnee Planning Commission

AGENDA: October 2, 2013

RE: Consideration of a *Conditional Use Permit* to allow for the sale of low-point beer for on-premise consumption.

PROPOSAL

The applicant requests approval of a Conditional Use Permit to allow for on-site consumption of beer for on-site consumption within an existing restaurant (*El Nopal Mexican Grill*). The subject property is located at 4621 N. Kickapoo Ave. and is zoned C-3. No modifications to the building are proposed.

GENERAL INFORMATION

Applicant	La Joya Mexican Restaurant
Owner	Kaye Steele Harrod
Site Location/Address	4621 N Kickapoo
Current Site Zoning	C-3: Commercial Automotive (also within an existing PUD)
Proposed Zoning	C-3: Commercial Automotive (with CUP)
Property Area	0.58 Acres
Proposed Use	Allow for on-site consumption of low-point beer.
Comprehensive Plan Designation	Commercial/Residential

Existing Land Use	Commercial
Surrounding Land Use	Commercial
Surrounding Zoning	North – C-3 South – C-3 East – C-3 West – C-3

STAFF REVIEW AND ANALYSIS

The applicant is requesting a conditional use permit to allow for onsite consumption of beer. The property in question was formerly a Pink Swirls (yogurt and health shakes) and has been converted to a Mexican restaurant, El Nopal Mexican Grill. The subject site is entirely surrounded by commercially zoned properties (*Figure 1 and 2*), including other restaurants serving beer and alcohol. Section 1401.10.C of the Shawnee Zoning Code states the Planning Commission shall consider the “effect of such proposed building or use upon the character of the neighborhood, traffic congestion, public utilities and other matters pertaining to the general welfare.”

The request to allow beer to be sold for on-premise consumption does not affect the character of the neighborhood, traffic congestion, or public utilities. Granting a permit to sell beer for on-premise consumption would not change the general character of the neighborhood. Allowing the restaurant to serve alcohol is consistent with other conditional use permits that have been approved for restaurants throughout the City and within close proximity of the subject site.

Also, according to the *Master Development Plan for the Shawnee Mission Plaza PUD*, “the use and development regulations of the ‘C-3’ Commercial District shall apply for the Development of Tract 1A (within which the subject property lies). Those land uses which require a special use permit in C-3 areas shall also be allowed in Tract 1A” (*Figure 3*). This excerpt provides clarification that even though the subject property lies within a PUD zone, the underlying C-3 development regulations, as they relate to conditional use permits, remain in effect.

STAFF RECOMMENDATION

Staff recommends **approval** of the requested Conditional Use Permit for the purpose of on-premise consumption of beer or alcohol beverages within an existing commercial (restaurant) establishment located at 4621 N. Kickapoo Ave.

Attachments

1. Figure 1: Zoning map
2. Figure 2: Aerial view of site
3. Figure 3: PUD Master Development Plan map

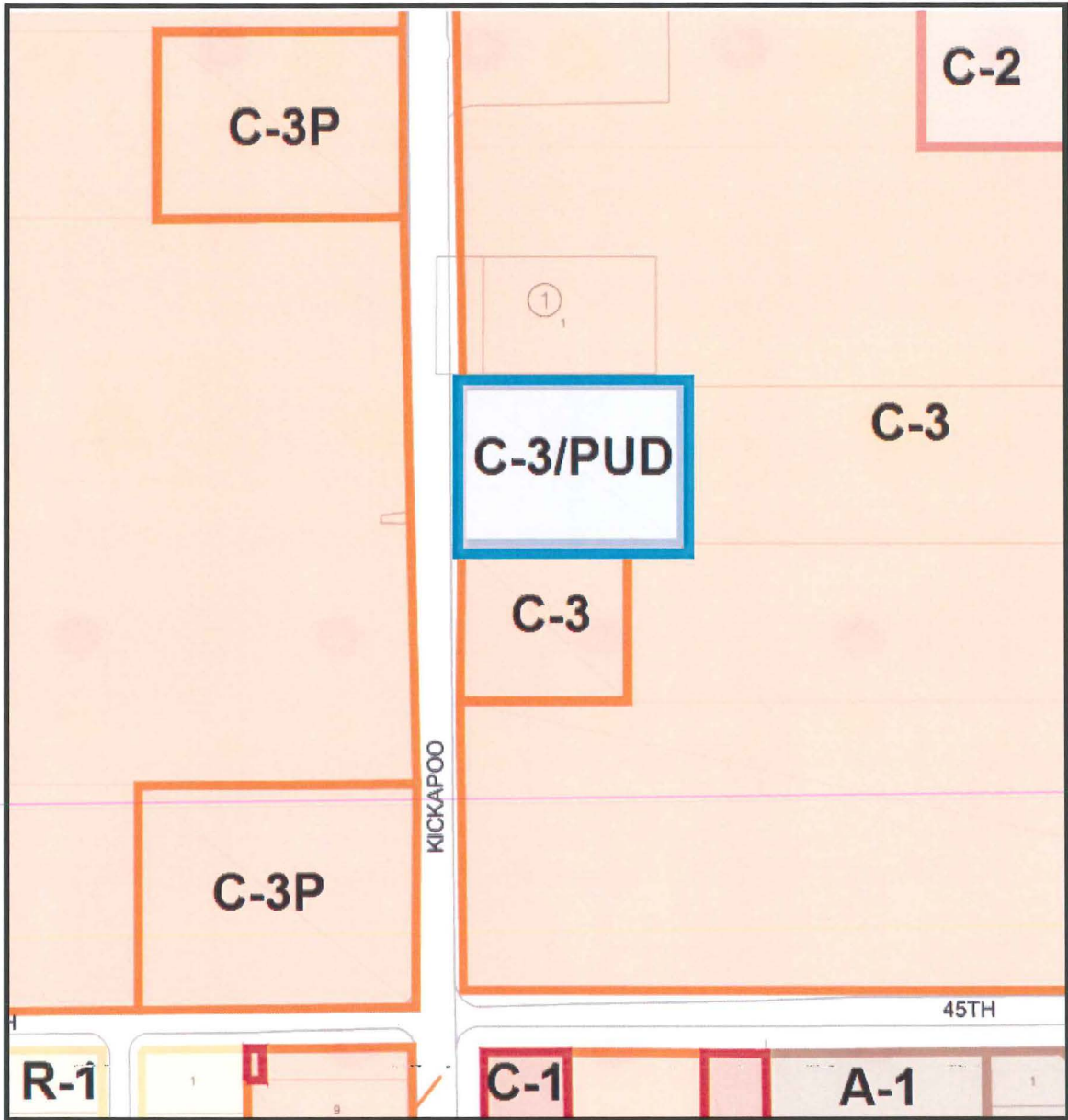


Figure 1: Zoning Map of site – approximate total area outlined in blue.



Figure 2: Aerial view of the site – approximate total area outlined in red.

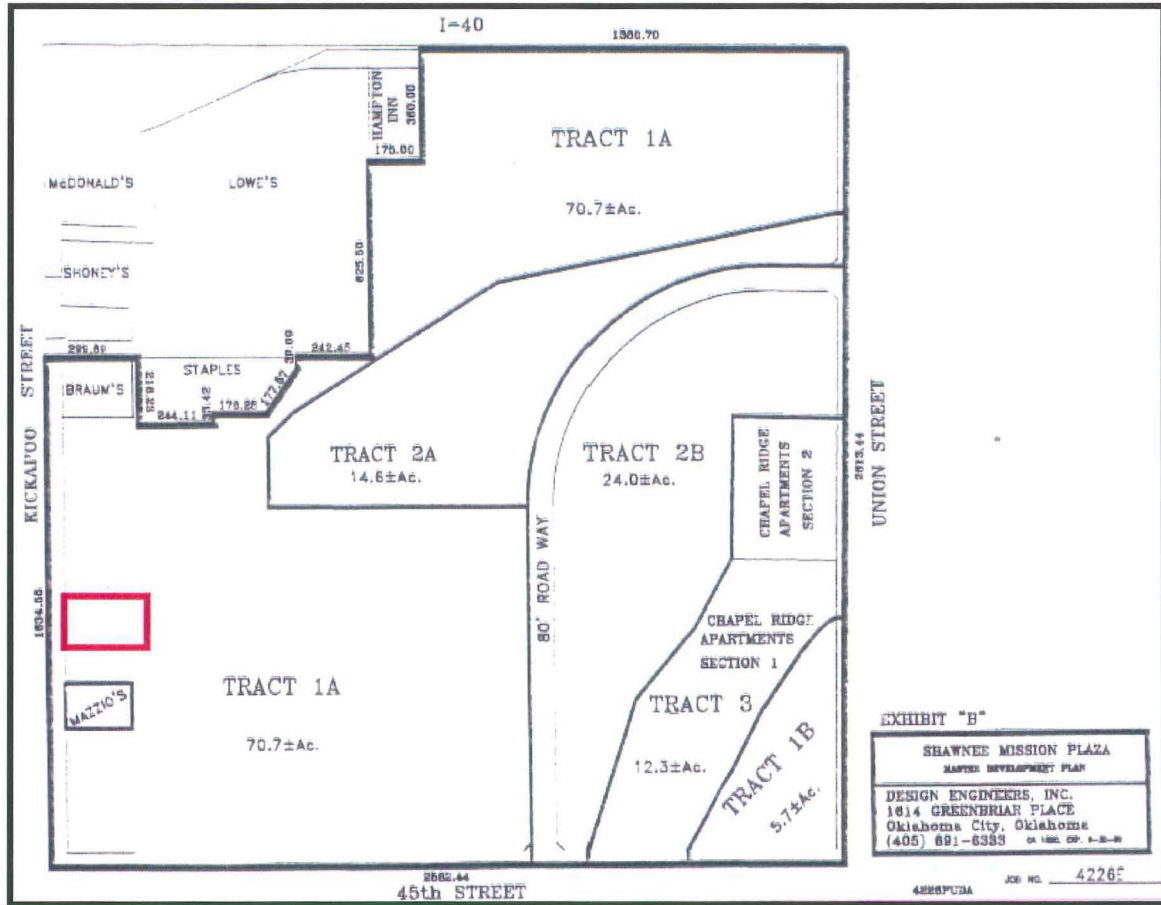


EXHIBIT "B"

SHAWNEE MISSION PLAZA
 MASTER DEVELOPMENT PLAN

DESIGN ENGINEERS, INC.
 1814 GREENBRIAR PLACE
 Oklahoma City, Oklahoma
 (405) 691-6389 CA 1992, COP. 1-B-20

Figure 3: PUD Master Development Plan Map - Subject property outlined in red.

CITY OF SHAWNEE
PUBLIC HEARING NOTICE
CASE #P14-13

Notice is hereby given that the City of Shawnee, Oklahoma, will conduct a public hearing on an application for a Conditional Use Permit on property located within the City of Shawnee.

The applicant requests a conditional use permit for the following described property:

Lot One (1), Block One (1), SHAWNEE MISSION PLAZA, SECTION 4, to the City of Shawnee Pottawatomie County, Oklahoma, according to the recorded plat thereof.

General Location Known as:	<u>4621 N Kickapoo</u>
Current Zoning Classification:	<u>C-3; Automotive, Commercial & Recreation</u>
Requested Zoning Classification:	<u>C-3 with a Conditional Use Permit to sell 3.2 beer for on premise consumption</u>
Proposed Use of Property:	<u>Restaurant</u>
Applicant:	<u>La Joya Mexican Restaurant dba El Nopal Mexican Restaurant</u>


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

October 2, 2013	AT 1:30 P.M.:	CITY OF SHAWNEE PLANNING COMMISSION
October 7, 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 conditional use permit. The Commission reserves the right to limit discussion and debate on the proposed conditional use permit in the public hearing, in which event those persons appearing in support or opposition of the proposed conditional use permit will be allotted equal time. 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 12th day of September, 2013.





Phyllis Loftis, City Clerk

CITY OF SHAWNEE
222 N. BROADWAY
SHAWNEE, OK 74801

PLANNING DEPARTMENT
PHONE: (405) 878-1666
FAX: (405) 878-1587

PLANNING COMMISSION APPLICATION
PROJECT NO. 131169 CASE NO. P14-13

REQUEST:

Rezoning _____ Rezoning w/Conditional Use Permit _____ Conditional Use Permit X
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 C-3 District to C-2 w/ CUP District, as hereinafter requested, and in support of this application, the following facts are shown:

PROPERTY LOCATION (STREET ADDRESS): 4621 N. KICKAPOO AVE

LEGAL DESCRIPTION: _____

PROPERTY OWNER (S): KAYE STEELE HARROD

PROPERTY AGENT (APPLICANT): LA JOYA MEXICAN RESTAURANT

APPLICANT'S ADDRESS: 4621 N. KICKAPOO AVE

CITY: SHAWNEE STATE OK ZIP 74804-1200

EMAIL ADDRESS: _____

TELEPHONE NUMBER: (405) 214-0308 CONTACT NUMBER: (405) 412-9811

DIMENSIONS OF PROPERTY: AREA _____ WIDTH _____
LENGTH _____ FRONTAGE _____

CURRENT ZONING: _____ **CURRENT USE:** _____

PROPOSED ZONING: _____ **PROPOSED USE:** _____

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 12th day of September 20 13

Karen Drain
PLANNING COMMISSION SECRETARY

REZONING &/OR C.U.P FEE \$ 280.00
RECEIPT NO. 1515532

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 Office 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 One (1), Block One (1), SHAWNEE MISSION PLAZA, SECTION 4, 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 one (1), 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 5th day of September, 2013.

FIRST AMERICAN TITLE AND TRUST COMPANY

By Teresa Southard
Teresa Southard, Licensed Abstractor #264

No. 1867155-SH99

Ownership List

Order No. 1867155-SH99

Date September 5, 2013

Page No. 1

OWNER

BRIEF LEGAL:

J. C. Winterringer, Inc. – P.O. Box 1809, Shawnee, OK 74801-1809

Lot 1, Block 2, SHAWNEE MISSION PLAZA, SECTION 2, to Shawnee

Kwik Industries, Inc. – 4725 Nall Road, Dallas, TX 75244

Lot 2, Block 1, SHAWNEE MISSION PLAZA, SECTION 4, to Shawnee

Kaye S. Harrod – 1303 W. Farrall, Shawnee, OK 74801

Lot 1, Block 1, SHAWNEE MISSION PLAZA, SECTION 4, to Shawnee

SR Properties, LLC – 8117 Preston Road, Dallas, TX 75225

Beg. 450' N & 60' E SW/C SW/4; thence E 230'; thence S 165'; thence W 230'; thence N 165' to beg. & Beg. 285' N SW/C SW/4; thence N 165'; thence E 60'; thence S 165'; thence W 60' to beg.

Shawnee Mission Improvements Association, LLC & Intervest Development Limited Partnership
– 132 W. Main St., Purcell, OK 73080

Beg. 1119.55' N of SW/C SW/4 Section 31, Township 11 North, Range 4 East; thence N 130'; thence E 60'; thence S44°54'57"E 35.36'; thence E 195'; thence S 80'; thence W 195'; thence S45°5'3"W 35.36'; thence W 60' to beg.

Colorvision, Inc. – c/o Burke & Associates – 3336 E. 32nd St., Suite 217, Tulsa, OK 74135-4442

Beg. 450' N SW/C Section 31, Township 11 North, Range 4 East; thence N 145'; thence E 220'; thence S 145'; thence W 220' to beg.

Shawnee Mission Plaza, LLC – 132 W. Main St., Purcell, OK 73080

SW/4 Section 31, Township 11 North, Range 4 East...LESS TRACTS

Commissioners of the Land Office – c/o Clo-Legal Division, P.O. Box 26910, Oklahoma City, OK 73126

S/2 of Section 36, Township 11 North, Range 3 East

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE ZONING CLASSIFICATION OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SHAWNEE, OKLAHOMA, TO-WIT: LOT ONE (1), BLOCK ONE (1), SHAWNEE MISSION PLAZA, SECTION 4, TO THE CITY OF SHAWNEE POTTAWATOMIE COUNTY, OKLAHOMA, ACCORDING TO THE RECORDED PLAT THEREOF, REZONING SAID PROPERTY FROM C-3; AUTOMOTIVE, COMMERCIAL, AND RECREATION TO C-3P; AUTOMOTIVE, COMMERCIAL, AND RECREATION WITH A CONDITIONAL USE PERMIT 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 October, 2013, upon an application to rezone property located in the City of Shawnee, Oklahoma to C-3P: Automotive, Commercial and Recreation with a Conditional Use Permit.

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 rezoned 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: Lot One (1), Block One (1), SHAWNEE MISSION PLAZA, SECTION 4, to the City of Shawnee Pottawatomie County, Oklahoma, according to the recorded plat thereof, be rezoned to C-3P; Automotive, Commercial and Recreation with a Conditional Use Permit and the official zoning map heretofore adopted is hereby amended as to include said to C-3P; Automotive, Commercial and Recreation with a Conditional Use Permit.

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

WES MAINORD, MAYOR

ATTEST:

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality on the 7th day of October, 2013.

MARY ANN KARNS, CITY ATTORNEY

Regular Board of Commissioners

7.

Meeting Date: 10/07/2013

Ward 5 Commission Seat

Submitted By: Donna Mayo, Administration

Department: Administration

Information

Title of Item for Agenda

Discuss, consider and possible action regarding Ward 5 Commission seat currently held by John Winterringer.
