

AGENDA  
BOARD OF CITY COMMISSIONERS  
August 4, 2014 AT 6:30 P.M.  
COMMISSION CHAMBERS AT CITY HALL  
SHAWNEE, OKLAHOMA

CALL TO ORDER

DECLARATION OF A QUORUM

INVOCATION

FLAG SALUTE

1. Consider approval of Agenda:
2. Consider approval of Consent Agenda:
  - a. Minutes from the July 21, 2014 regular meeting.
  - b. Acknowledge the following minutes:
    - Traffic Commission minutes from the April 22, 2014 meeting
  - c. Budget Amendment Fund 301  
*Rollover's from last year budget for projects that were not completed before year end. Also rolling over pool money from last year.*
  - d. Budget Amendment Fund 302  
*Rollover's from last year budget for projects that were not completed before year end.*
  - e. Acknowledge denial of Tort Claim No. 137877-BD, R. A. Burns
  - f. Approve resolution casting votes for District 4 Trustee and At-Large Trustee to the Oklahoma Municipal Retirement Fund.
  - g. Traffic Commission Recommendations
    - A. Consideration of request by Amanda Harrison, to post stop signs on the East and West bound lanes at the intersection of East Burns and North Hobson.

STAFF RECOMMENDATION: Staff has no recommendation

BOARD RECOMMENDATION: Board recommends denial of request

h. Mayor's Appointments:

Beautification Committee

Joe Harbeson Term Expires July 2017 1st Term  
*Replaces Tom Terry*

Debi Renegar Term Expires July 2017 1st Term  
*Replaces Paul Malley*

3. Commissioners Comments
4. Citizens Participation  
(A three minute limit per person)  
(A twelve minute limit per topic)
5. Presentation by City Manager to Employee of the Month, Kenneth Presley, Cemetery Division.
6. Discussion, consideration and possible action on an ordinance amending Article II of the City of Shawnee Charter providing for referral of Ordinances of Detachment of Territory under specified circumstances to a vote of the people and reimbursement for public improvements.
7. Discussion, consideration and possible action on a resolution calling for a special election to be held November 4, 2014, for a vote on whether Ordinance amending Article II of the Charter of the City of Shawnee should be approved.
8. Consider Bids:
  - a. a. Splash Pad Boy Scout Park (Open RFQ)
9. New Business  
(Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)
10. 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;"
11. 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;"
12. Consider an Executive Session to discuss Municipal Judge's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

13. 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;"
14. 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;"
15. Consider matters discussed in Executive Session regarding Municipal Judge's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"
16. 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:** 08/04/2014

MINUTES

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Minutes from the July 21, 2014 regular meeting.

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Attachments

Minutes

**BOARD OF CITY COMMISSIONERS PROCEEDINGS**  
**JULY 21, 2014 AT 6:30 P.M.**

The Board of City Commissioners of the City of Shawnee, County of Pottawatomie, State of Oklahoma, met in Regular Session in the Commission Chambers at City Hall, 9th and Broadway, Shawnee, Oklahoma, Monday, July 21, 2014 at 6:30 p.m., pursuant to notice duly posted as prescribed by law. Mayor Mainord presided and called the meeting to order. Upon roll call, the following members were in attendance.

Wes Mainord  
Mayor

Absent  
Commissioner Ward 1

Linda Agee  
Commissioner Ward 2

James Harrod  
Commissioner Ward 3-Vice Mayor

Absent  
Commissioner Ward 4

John Winterringer  
Commissioner Ward 5

Steve Smith  
Commissioner Ward 6

ABSENT: Stephens, Hall

INVOCATION

Lord's Prayer led by Mayor Mainord

FLAG SALUTE

Commissioner Winterringer

AGENDA ITEM NO. 1:

Consider approval of Agenda.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to table agenda items 6 and 7 until a future meeting.  
Motion carried 5-0.

AYE: Harrod, Smith, Agee, Mainord, Winterringer

NAY: None

AGENDA ITEM NO. 2:

Consider approval of Consent Agenda:

- a. Minutes from the July 7, 2014 regular meeting

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

TRANSFER

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

RENEWAL

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

Commissioner Agee asked that Consent Agenda Item 2(g) be pulled for separate consideration. A motion was made by Vice Mayor Harrod, seconded by

Commissioner Smith, to approve the Consent Agenda Item Nos. 2(a-h), less item 2(g). Motion carried 5-0.

AYE: Harrod, Smith, Mainord, Winterringer

NAY: None

ABSTAIN: Agee

Regarding agenda item 2(g), Commissioner Agee stated that Phil Tomlinson contacted her and stated that he would like the splash pad project to be a Request for Proposal for a design & build project. City Manager Brian McDougal said that the City is looking for a qualified firm to give advice regarding engineering and design. Director of Operations James Bryce addressed this issue and stated that the engineering should come first which would allow the City options regarding equipment and to bid out the construction work competitively. Mr. Bryce also stated that professional services are included in the grant and he hopes to receive the grant award within the next two weeks.

Commissioner Agee made a motion, seconded by Commissioner Smith, to approve Consent Agenda Item 2(g). Motion carried.

AYE: Agee, Smith, Harrod, Mainord, Winterringer

NAY: None

AGENDA ITEM NO. 3: Commissioners Comments

There were no Commissioners Comments

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

Commissioner-Elect Lesa Shaw made a recommendation regarding the establishment of an acquisition management process so that there were uniform practices for the Request for Proposals and the Request for Qualification process.

AGENDA ITEM NO. 5: Discussion, consideration and possible action regarding reducing the statutory minimum liability limits on City owned property located at property considered to be the north airport property as follows: to

wit, a tract of land described as beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00<sup>0</sup> 32' 54" East a distance of 3961.17 feet; thence N89<sup>0</sup> 20' 49" East a distance of 2687.98 feet; thence N89<sup>0</sup> 26' 08" East a distance of 660.09 feet; thence N00<sup>0</sup> 10' 39" East a distance of 1305.87 feet; thence N00<sup>0</sup> 19' 37" East a distance of 1322.35 feet; thence S89<sup>0</sup> 24' 58" West a distance of 659.35 feet; thence N00<sup>0</sup> 22' 02" East a distance of 1322.55 feet; thence S89<sup>0</sup> 34' 06" West a distance of 2746.60 feet to the point of beginning, containing 282 acres, more or less; LESS AND EXCEPT A TRACT DESCRIBED AS:

Beginning at the Northwest Corner of the Northwest Quarter of Section 7, Township 11 North, Range 4 East of the Indian Meridian, Pottawatomie County, Oklahoma; thence S00<sup>0</sup> 32' 54" East a distance of 1029.53 feet; thence N84<sup>0</sup> 34' 29" East a distance of 612.68 feet; thence N03<sup>0</sup> 46' 04" West a distance of 972.52 feet; thence S89<sup>0</sup> 34' 06" West a distance of 555.37 feet to the point of beginning, containing 13.40 acres, more or less.

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

Mr. McDougal addressed this item and explained that the property in question is being leased out by the Shawnee Economic Development Foundation. The City's insurance carrier, Oklahoma Municipal Assurance Group recommends raising the liability insurance to \$1,000,000.00 from the current \$500,000.00 to the two people who are currently leasing the property. Mr. McDougal stated that staff is recommending denial of the insurance reduction. A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer keep the current



liability insurance for the leaseholders at \$500,000.00 for a two year period and then raise to \$1,000,000.00 at the end of the two year period. Motion carried 4-1.

AYE: Harrod, Winterringer, Agee, Mainord

NAY: Smith

AGENDA ITEM NO. 6: Discussion, consideration an possible action on an ordinance amending Article II of the City of Shawnee Charter providing for referral of Ordinances of Detachment of Territory under specified circumstances to a vote of the people and reimbursement for public improvements.

This item was tabled to a future meeting.

AGENDA ITEM NO. 7: Discussion, consideration and possible action on a resolution calling for a special election to be held November 4, 2014, for a vote on whether Ordinance amending Article II of the Charter of the City of Shawnee should be approved.

This item was tabled to a future meeting.

AGENDA ITEM NO. 8: Discussion, consideration and possible action on a resolution asking the Pottawatomie County Commissioners to place before the voters a ballot title permitting the Sunday sale of alcoholic beverages in restaurants.

Commissioner Smith stated that he is in favor of this resolution and believes it would be great benefit in economic development. Mayor Mainord agreed, stating that he has received calls from people complaining about the current alcohol law in Pottawatomie County. A motion was made by Commissioner Smith, seconded by Commissioner Agee, to approve a resolution asking the Pottawatomie County Commissioners to place before the voters a ballot title permitting the Sunday sale of alcoholic beverages in restaurants.

Resolution No. 6471 was introduced.

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

Motion carried 5-0.

AYE: Smith, Agee, Harrod, Mainord, Winterringer

NAY: None

AGENDA ITEM NO. 9: Acknowledge Sales Tax Report received July 2014.

Cindy Sementelli, Finance Director, reported that July sales tax collected this month was \$1,477,552.00. Compared to last year's, sales tax is up \$92,498.00 or 6.68%. Compared to 2012, sales tax is up \$55,189.00

Ms. Sementelli also gave a quarterly report on sales tax collections in the separate tax categories. She further addressed quarterly revenue for the Shawnee Municipal Authority.

AGENDA ITEM NO. 10: City Manager's Report.

City Manager Brian McDougal reported on the following:

- a. Fire Chief David Short has retired and Police Chief Russell Frantz has been placed over the Fire Department until a new fire chief is hired.
- b. Bill Ford of Shawnee Milling Company wants to readdress the rail line between Shawnee and McAlester. A meeting was recently held with AOK Railroad and representatives from the Shawnee, Wewoka, Holdenville and Seminole. Mr. Dudley Hyde is working with entities to make the rail line opening a priority.
- c. The Master Plan work session held on July 14, 2014 and a reminder of the next work session at July 28, 2014.

AGENDA ITEM NO. 11: Consider Bids:

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

Assistant City Engineer Rex Hennen announced that three bids were received and after review and consideration it was staff's recommendation to award the bid to S&J Construction Specialists of Sapulpa, Oklahoma in the total amount of \$466,725.00.

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to accept staff's recommendation and award the bid to S&J Construction Specialists in the total amount of \$466,725.00. Motion carried 5-0.

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

AGENDA ITEM NO. 12: New Business (Any matter not known about or which could not have been reasonably foreseen prior to the posting of the agenda)

There was no New Business.

RECESS CITY COMMISSION MEETING BY THE POWER OF THE CHAIR TO CONVENE SHAWNEE AIRPORT AUTHORITY AND SHAWNEE MUNICIPAL AUTHORITY (7:03 P.M.)

RECONVENE CITY COMMISSION MEETING BY THE POWER OF THE CHAIR (7:10 P.M.)

AGENDA ITEM NO. 13: Consider an Executive Session to discuss potential claims, litigation or other options regarding Case No. CJ 2013-377, Pottawatomie County, Nash Construction v City of Shawnee, as authorized by 25 O.S. §307(B)(4).

A motion was made by Vice Mayor Harrod, seconded by Commissioner Smith, to enter into Executive Session to discuss potential claims, litigation or other options regarding Case No. CJ 2013-377, Pottawatomie County, Nash Construction v City of Shawnee, as authorized by 25 O.S. §307(B)(4). Motion carried 5-0.

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

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

A motion was made by Vice Mayor Harrod, seconded by Commissioner Winterringer, to enter into 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." Motion carried 5-0.

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

AGENDA ITEM NO. 15: Consider an Executive Session to discuss City Attorney's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee;"

A motion was made by Commissioner Winterringer, seconded by Commissioner Smith, 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 5-0.

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

AGENDA ITEM NO. 16:

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

A motion was made by Commissioner Winterringer, seconded by Vice Mayor Harrod, to enter into Executive Session to discuss Municipal Judge's performance evaluation and employment contract pursuant to 25 O. S. §307(B)(1) "Discussing the employment, hiring, appointment, demotion, disciplining or resignation of any individual salaried public officer or employee." Motion carried 5-0.

AYE: Winterringer, Harrod, Mainord, Smith, Agee

NAY: None

COMMISSION ENTERED INTO EXECUTIVE SESSION AT 7:10 P.M. WITH ALL MEMBERS PRESENT.

COMMISSION RECONVENED FROM EXECUTIVE SESSION AT 8:22 P.M. WITH ALL MEMBERS PRESENT.

AGENDA ITEM NO. 17:

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

No action taken.

AGENDA ITEM NO. 18:

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

resignation of any individual salaried public officer or employee."

No action taken.

AGENDA ITEM NO. 19:

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

No action taken.

AGENDA ITEM NO. 20:

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

No action taken.

AGENDA ITEM NO. 21:

Adjournment

There being no further business to be considered, the meeting was adjourned by power of the Chair. (8:23 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:** 08/04/2014

Board or Committee Minutes

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Acknowledge the following minutes:

- Traffic Commission minutes from the April 22, 2014 meeting
- 

Attachments

Traffic Commission Minutes

**MINUTES**  
**TRAFFIC COMMISSION**  
**April 22, 2014 MEETING**  
**COMMISSION CHAMBERS ROOM AT CITY HALL**

**I. CALL TO ORDER**

**II. ROLL CALL**  
**MEMBERS PRESENT**

Ronald Taffe – Chairman  
Deena Harris- Vice Chair  
Wayne Ardrey  
Rebecca Dolin  
Larry Smith

**MEMBERS ABSENT**

Theresa Cody  
Ron Duffell

**EX-OFFICIO MEMBERS**

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

**CITIZENS PRESENT**

None

**III. APPROVAL OF OCTOBER 22, 2013 MINUTES**

Motion was made by Ardrey, seconded by Dolin to approve the October 22, 2013 minutes. Motion carried

Roll Call: Aye: Taffe, Harris, Ardrey, Dolin, Smith  
Nay: none

**IV. SWEAR IN OF PEGGY RIDER**

**V. SWEAR IN OF PAUL ROBERTS**



VI. APPOINTMENT OF VICE CHAIRMAN TO TRAFFIC COMMISSION BY MEMBERS OF THE TRAFFIC COMMISSION BOARD

Motion was made by Dolin, seconded by Taffe to appoint Wayne Ardrey as Vice Chair to Traffic Commission. Motion carried

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts  
Nay: none

VII. ADMINISTRATIVE REPORTS

- Rehab Asphalt Street Project will continue with the overlay of Broadway from Federal to MacArthur to begin Friday 4/25/14- This section of Broadway will be down to one lane of traffic during the rehab process
- Design of the Main Street Streetscape Project is nearing completion. This project consists of the removal and replacement of street and sidewalk on Main Street from Beard to Oklahoma. Construction could begin as soon as January 2015
- The Kickapoo Project is ongoing. This project is behind schedule at this time. There is approximately a year left before completion. The contractor will be bringing in additional crews to assure work is complete by the deadline.
- Traffic Department will be out restriping roads that were damaged during the snow removal process and those faded and in need of restriping.
- Traffic Department is also removing and replacing old faded signs
- The installation of a new solar powered push button crosswalk light bar will be placed on Keithley.
- Bike route directional signs are being placed. This will be the beginning of the signage.

VIII. CITIZEN PARTICIPATION

none

IX. BOARD MEMBERS COMMENTS

Taffe welcomed new Traffic Commissioners

There being no further business to come before the Traffic Commission, a motion was made by Rider, seconded by Roberts recommending the meeting be adjourned.

Motion carried.

Roll Call: Aye: Taffe, Ardrey, Dolin, Rider, Roberts  
Nay: none

Respectfully submitted,

  
Dani Turner, Secretary

  
Ronald Taffe, Chairman

**Regular Board of Commissioners**

**2. c.**

**Meeting Date:** 08/04/2014

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Budget Amendment Fund 301

*Rollover's from last year budget for projects that were not completed before year end. Also rolling over pool money from last year.*

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Attachments

Budget Amendment Fund 301

**City of Shawnee**  
**Budget Amendment**  
**CAPITOL IMPROVEMENT FUND 301**  
**August 4, 2014**

**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	4,916,093.36	4,144,774.00	771,319.36
				Total	4,144,774.00	4,144,774.00	

**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 EQUIPMENT-VIDEO SERVER	180,800.00	10,250.00	191,050.00
301	5-0230-5450			CAPITAL EQUIPMENT-DVR REPLACEMENT	191,050.00	10,000.00	201,050.00
301	5-0230-5450			CAPITAL EQUIPMENT-CADSERVER REPLACE	201,050.00	25,000.00	226,050.00
301	5-0620-5420			CAPITAL IMPROVEMENT-POLICE TRAINING BLD	92,298.00	106,225.00	198,523.00
301	5-0640-5450			CAPITAL EQUIPMENT-ANIMAL CONTROL SIGN	5,000.00	2,874.00	7,874.00
301	5-0660-5450			CAPITAL EQUIPMENT- CID SECURITY	5,800.00	5,000.00	10,800.00
301	5-0810-5420			CAPITAL OUTLAY-AERIAL PHOTOGRAPHY	-	65,000.00	65,000.00
301	5-0940-5420			CAPITAL OUTLAY-PARK MASTER PLAN	86,700.00	24,500.00	111,200.00
301	5-1130-5420			CAPITAL OUTLAY-COMM CENTER-AIR	-	30,000.00	30,000.00
301	5-1130-5420			CAPITAL OUTLAY-EXTERIOR COMM CENTER	-	15,000.00	15,000.00
301	5-0940-5420			CAPITAL OUTLAY- SANTA FE DEPOT	111,200.00	9,700.00	120,900.00
301	5-0940-5420			CAPITAL OUTLAY-PARKS UPGRADE	120,900.00	23,000.00	143,900.00
301	5-1120-5450			CAPITAL OUTLAY-COEDD AC	495,000.00	10,000.00	505,000.00
301	5-0910-5450			CAPITAL OUTLAY- BEAUTICATION	30,000.00	8,300.00	38,300.00
301	5-1140-5420			CAPITAL OUTLAY-SENIOR CENTER	-	23,200.00	23,200.00
301	5-0940-5410			CAPITAL OUTLAY-POOL	-	3,776,725.00	3,776,725.00
						-	
					1,519,798.00	4,144,774.00	

Approved by the City Commission this \_\_\_\_\_

Approved: \_\_\_\_\_

Mayor

Attest: \_\_\_\_\_

City Clerk

Explanation of Budget Amendment:

These are rollover's from last year budget for projects that were in not completed before year end.

Also rolling over pool money

Posted By \_\_\_\_\_ Date \_\_\_\_\_ BA# \_\_\_\_\_ Pkt.# \_\_\_\_\_

**Regular Board of Commissioners**

**2. d.**

**Meeting Date:** 08/04/2014

Budget Amendment

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Budget Amendment Fund 302

*Rollover's from last year budget for projects that were not completed before year end.*

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Attachments

Budget Amendment Fund 302

**City of Shawnee**  
**Budget Amendment**  
**STREET FUND 302**  
**August 4, 2014**

**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
302	3001			FUND BALANCE	5,811,685.52	2,862,985.65	2,948,699.87
				Total	2,862,985.65	2,862,985.65	

**Appropriations**

Fund Number	Account Number	Project Code	Line Item	Description	Balance Before Amendment	Amount of Amendment Increase (Decrease)	Balance After Amendment
302	5-0820-5480			CAPITAL OUTLAY-STREET-STREETSCAPE	-	1,796,485.65	
302	5-0850-5480			CAPITAL OUTLAY-STREET-REPAIR & MAINT	-	150,000.00	
302	5-0920-5480			CAPITAL OUTLAY- REPAIR & MAINT	2,638,000.00	76,500.00	
302	5-0920-5480			CAPITAL OUTLAY-BRIDGE MAINT & REPAIR	-	400,000.00	
302	5-0920-5480			CAPITAL OUTLAY- MAINT & REPAIR	-	350,000.00	
302	5-0920-5480			CAPITAL OUTLAY-SIGNALS	-	40,000.00	
302	5-0920-5480			CAPITAL OUTLAY-STIPING	-	50,000.00	
					2,638,000.00	2,862,985.65	

Approved by the City Commission this \_\_\_\_\_

Explanation of Budget Amendment:

These are rollover's from last year budget for projects that were in not completed before year end.

Approved:

\_\_\_\_\_  
 Mayor

Attest:

\_\_\_\_\_  
 City Clerk

Posted By \_\_\_\_\_ Date \_\_\_\_\_ BA# \_\_\_\_\_ Pkt.# \_\_\_\_\_

**Regular Board of Commissioners**

**2. e.**

**Meeting Date:** 08/04/2014

Tort Claim Denial

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Acknowledge denial of Tort Claim No. 137877-BD, R. A. Burns

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Attachments

Tort Claim Denial

# HAMMOND, ARCHER & KEE, LLC

ATTORNEYS AT LAW  
1102 WEST MAPLE AVENUE  
DUNCAN, OKLAHOMA 73533  
TELEPHONE 580/252-9033  
FACSIMILE 580/252-6251  
EMAIL sfhpc@sfhpc.net

DAVID W. HAMMOND  
JEFFREY K. ARCHER  
LAWRENCE M. WHEELER

JAMES L. KEE of COUNSEL  
TELEPHONE 580/252-2120  
FACSIMILE 580/252-8647

Sent via Certified Mail,  
Return Receipt #: 7011 1150 0000 7825 3748

## AMENDED NOTICE OF TORT CLAIM

RECEIVED

MAY 19 2014

CITY CLERK

TO: City Clerk  
16 W 9th St  
Shawnee, OK 74801

CLAIMANTS: Robert Allen Burns, and Krista Nichole Burns, individually, and as next friend for Riley Paige Burns, and Dawson Dakota Burns.

ADDRESS: 461 Basin Road, Ardmore, OK 73401

PHONE NUMBER: (580) 465-3145

AMT OF CLAIM: \$75,000.00

1. Pursuant to Title 51 O.S. §151 et seq. Notice of Tort Claim is given by: Robert Allen Burns.
2. DATES OF OCCURRENCE: December 27, 2013 through December 30, 2013, and April 23, 2014.
3. PLACE OF OCCURRENCE: City of Shawnee, Oklahoma, City of Ardmore, Carter County, Oklahoma, and near the City of Madill, Marshall County, Oklahoma.
3. AGENCIES INVOLVED: Carter County, Oklahoma, Sheriff's Department; United States Marshall's Office; Police Department for the City of Shawnee, Oklahoma; Pottawatomie County, Oklahoma, District Attorney's Office.
4. MANNER IN WHICH DAMAGES OCCURRED: Claimants have suffered emotional distress, trespass damages, as well as damages for wrongful arrest and imprisonment as a result of the multiple unlawful actions of the Carter County Sheriff's Department, the United States Marshall's Office, and the Shawnee Police Department. On or about August 26, 2001, Detective Julie Huskins of the Shawnee Police Department negligently, wrongfully, and without any basis in fact; swore out an arrest affidavit charging Robert Allen Burns with Lewd Molestation. The arrest affidavit identifies Robert Allen Burns DOB as 5/28/81 and gives his Social Security Number as \*\*\*-\*\*-3189; which would properly identify Claimant. Based on Julie Huskins affidavit, an arrest warrant for Robert Allen Burns was issued by the Pottawatomie County District Court on August 21, 2001.

On December 27, 2013, twelve (12) years after the arrest warrant issued; two Deputies from the Carter County Sheriff's Department accompanied by a United States Marshall illegally and wrongfully entered Claimants' residence and wrongfully conducted a search therein. Upon Claimants' best information and belief, said search was conducted by subterfuge; law enforcement claiming they were searching for one Krysta Nicole Thompson, charged in Carter County,

Oklahoma, Case No: CF-2013-377.

On December 28, 2013, Carter County Deputies wrongfully arrested Claimant, Robert Allen Burns, on the outstanding Pottawatomie County warrant for Lewd Molestation. Claimant spent three (3) days in the Carter County Jail. It was not until December 30, 2013; after Claimants' attorney, Bob Wyatt, contacted Pottawatomie County Assistant District Attorney Ross Cochran, that Claimant was released from jail. The notation on the Inmate Release Report states: "Arrested the wrong guy."

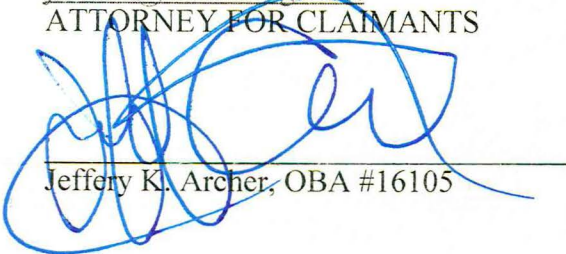
On April 23, 2014, near Madill, Marshall County, Oklahoma, Claimant was detained by the Oklahoma Highway Patrol for a moving violation. During his detention, the Highway Patrol Trooper became aware of the outstanding Pottawatomie County arrest warrant. Claimant was wrongfully detained for nearly three hours.

Claimants, and each of them have suffered damages due to the negligent and wrongful investigation, including the affidavit for arrest, the unlawful search of their residence, wrongful arrest and detention, civil rights violations (pursuant to 43 U.S.C. 1983 for acts committed under color of law), and emotional distress damages.

5. DAMAGES CLAIMED: An amount in excess of \$75,000.00. Punitive damages may also be claimed.

6. AGENT TO BE CONTACTED FOR FURTHER INFORMATION OR SETTLEMENT:

Jeffery K. Archer  
HAMMOND, ARCHER & KEE, P.L.L.C.  
1102 Maple Avenue  
Duncan, OK 73533  
580-252-9033 (Telephone)  
580-252-6251 (Facsimile)  
[jarcher@duncanlegal.net](mailto:jarcher@duncanlegal.net)  
ATTORNEY FOR CLAIMANTS



Jeffery K. Archer, OBA #16105





# Oklahoma Municipal Assurance Group

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

July 18, 2014

RECEIVED  
JUL 21 2014  
CITY ATTORNEY

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

Re: Member : City of Shawnee  
Claimant : Robert Allen Burns  
Date of Loss : 4-23-14  
Claim No. : 137877-BD


Dear Ms. Shelburne:

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

Under the Governmental Tort Claims Act, 51 Okla. Sec 157(A), this claim will be deemed denied ninety (90) days after it was received by City of Shawnee or on 8-20-14. 51 Okla. Stat. Sec 157 (B) requires any lawsuit under the Act to be commenced within one hundred eighty (180) days after denial of the claim.

Thus to begin the 180-day statute of limitations prior to 8-20-14 we suggest you docket this claim for denial at the next meeting of your municipal governing body. **For the 180-day period to start running, the claimant must be notified in writing at the address on the claim within five (5) days of the denial.** To document compliance with the Act, we recommend that you send notice of denial of the claim by certified mail.

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

Sincerely,  
  
Brad Doublehead  
Claims Examiner

Enclosure

**Regular Board of Commissioners**

**2. f.**

**Meeting Date:** 08/04/2014

Ballot for OMRF

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Approve resolution casting votes for District 4 Trustee and At-Large Trustee to the Oklahoma Municipal Retirement Fund.

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Attachments

Resolution Ballot OMRF

RESOLUTION NO.

OFFICIAL BALLOT

A RESOLUTION OF THE CITY OF SHAWNEE, OKLAHOMA, CASTING A VOTE FOR TWO (2) TRUSTEES OF THE OKLAHOMA MUNICIPAL RETIREMENT FUND TO FILL THE EXPIRING TERMS OF THE TRUSTEES REPRESENTING DISTRICT 4 AND TRUSTEE AT LARGE.

WHEREAS, the City of Shawnee, Oklahoma, participates in the Oklahoma Municipal Retirement Fund and is eligible to cast one vote each for the Trustee office of the Oklahoma Municipal Retirement Fund to fill the expiring terms for Trustees representing District 4 and the at-large position; and;

WHEREAS, the Authorized Agent indicates the results of our vote on the ballot and returns this ballot to the Trust Administrator between July 20, 2014, and August 30, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Commissioners of the City of Shawnee, Oklahoma, that its votes for the Trustees shall be cast for the following nominees:

1. BERTHA ANN YOUNG From List #1  
District 4 Trustee
2. MARY RUPP From List #2  
Trustee at-large

The undersigned hereby certifies that the foregoing Resolution was introduced before the Board of City Commissioners of Shawnee, Oklahoma, and was duly adopted and approved on the 4<sup>th</sup> day of August, 2014.

PASSED AND APPROVED this 4th day of August, 2014.

(SEAL)

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

ATTEST:

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

**Regular Board of Commissioners**

**2. g.**

**Meeting Date:** 08/04/2014

Traffic Commission Recommendations

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Traffic Commission Recommendations

A. Consideration of request by Amanda Harrison, to post stop signs on the East and West bound lanes at the intersection of East Burns and North Hobson.

STAFF RECOMMENDATION: Staff has no recommendation

BOARD RECOMMENDATION: Board recommends denial of request

---

Attachments

Traffic Commission Recommendations

**STAFF RECOMMENDATIONS  
TRAFFIC COMMISSION  
July 22, 2014 MEETING**

- A. Consideration of request by Amanda Harrison, to post stop signs on the East and West bound lanes at the intersection of East Burns and North Hobson.

STAFF RECOMMENDATION: Staff has no recommendation for this request

BOARD RECOMMENDATION: Board recommends denial of request

**MINUTES**  
**TRAFFIC COMMISSION**  
**July 22, 2014 MEETING**  
**COMMISSION CHAMBERS ROOM AT CITY HALL**

**I. CALL TO ORDER**

**II. ROLL CALL**  
**MEMBERS PRESENT**

Ronald Taffe - Chairman  
Wayne Ardrey- Vice Chairman  
Theresa Cody  
Peggy Rider  
Paul Roberts

**MEMBERS ABSENT**

Rebecca Dolin

**EX-OFFICIO MEMBERS**

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

**CITIZENS PRESENT**

None

**III. APPROVAL OF APRIL 22, 2014 MINUTES**

Motion was made by Rider, seconded by Roberts to approve the April 22, 2014 minutes. Motion carried

Roll Call: Aye: Taffe, Ardrey, Cody, Rider, Roberts

Nay: none

#### IV. CONSIDERATION OF REQUEST

- A. Consideration of request by Amanda Harrison, to post stop signs on the East and West bound lanes at the intersection of East Burns and North Hobson.

Discussion:

A handout has been placed for each Traffic Commissioner. The first page gives a location map of requested item. The small stop signs are the signs currently in place on the North and South corners of the intersection. The large stop sign marks additional requested signs. The police report had been added to the packet due to the fact the request came after an accident on that corner. Pages from the Manual on Uniform Traffic Control Devices (MUTCD) with highlighted areas to note standards for placing stop signs and Traffic counts have also been made available in the handout. Michael Ludi reported the intersection traffic counts showed a four (4) day count with day one having 34 units, day two (2) having 21 units, day three (3) having 25 units and day four (4) having 50 units. The MUTCD states a 2000 unit per day or 300 units per hour would be cause for Yield or Stop sign to be considered. This specific intersection does not meet the criteria for additional stop signs to be added.

Ms. Harrison was not present to speak.

Motion was made by Rider, seconded by Cody to **deny** proposed stop signs on the East and West bound lanes at the intersection of East Burns and North Hobson.

Motion carries

Roll Call: Aye: Taffe, Ardrey, Cody, Rider, Roberts  
Nay: none

#### V. ADMINISTRATIVE REPORTS

**None**

#### VI. CITIZEN PARTICIPATION

**None**

VII. BOARD MEMBERS COMMENTS

None

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

Roll Call: Aye: Taffe, Ardrey, Cody, Rider, Roberts  
Nay: none

Respectfully submitted,

---

Dani Turner, Secretary

---

Ronald Taffe, Chairman



**A. Consideration to post Stop Signs at East  
Burns & North Hobson**





# Manual on Uniform Traffic Control Devices (MUTCD)



## Section 2B.04 Right-of-Way at Intersections

### Support:

01 State or local laws written in accordance with the "Uniform Vehicle Code" (see [Section 1A.11](#)) establish the right-of-way rule at intersections having no regulatory traffic control signs such that the driver of a vehicle approaching an intersection must yield the right-of-way to any vehicle or pedestrian already in the intersection. When two vehicles approach an intersection from different streets or highways at approximately the same time, the right-of-way rule requires the driver of the vehicle on the left to yield the right-of-way to the vehicle on the right. **The right-of-way can be modified at through streets or highways by placing YIELD (R1-2) signs (see [Sections 2B.08 and 2B.09](#)) or STOP (R1-1) signs (see [Sections 2B.05 through 2B.07](#)) on one or more approaches.**

### Guidance:

02 *Engineering judgment should be used to establish intersection control. The following factors should be considered:*

- A. *Vehicular, bicycle, and pedestrian traffic volumes on all approaches;*
- B. *Number and angle of approaches;*
- C. *Approach speeds;*
- D. *Sight distance available on each approach; and*
- E. *Reported crash experience.*

03 *YIELD or STOP signs should be used at an intersection if one or more of the following conditions exist:*

- A. *An intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law;*
- B. *A street entering a designated through highway or street; and/or*
- C. *An unsignalized intersection in a signalized area.*

04 *In addition, the use of YIELD or STOP signs should be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches and where one or more of the following conditions exist:*

- A. *The combined vehicular, bicycle, and pedestrian volume entering the intersection from all approaches averages more than 2,000 units per day;*

- X B.** *The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is necessary; and/or*
- X C.** *Crash records indicate that five or more crashes that involve the failure to yield the right-of-way at the intersection under the normal right-of-way rule have been reported within a 3-year period, or that three or more such crashes have been reported within a 2-year period.*

**05 YIELD or STOP signs should not be used for speed control.**

## Section 2B.07 Multi-Way Stop Applications

Support:

01 Multi-way stop control can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.

02 The restrictions on the use of STOP signs described in [Section 2B.04](#) also apply to multi-way stop applications.

**Guidance:**

**03 The decision to install multi-way stop control should be based on an engineering study.**

04 *The following criteria should be considered in the engineering study for a multi-way STOP sign installation:*

- X A.** *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.*
- X B.** *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.*
- X C.** *Minimum volumes:*
  1. *The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and*
  2. *The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but*
  3. *If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.*
- X D.** *Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.*

Option:

05 Other criteria that may be considered in an engineering study include:

- X A.** The need to control left-turn conflicts;

- X B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
- X C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and
- X D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.



## City of Shawnee Traffic Counts

**Street Name** Burns & Hobson  
**Hundred Block**  
**Beginning Street**  
**Ending Street**  
**Location of Measure** East of Intersection - West Bound  
**Days of the Week** Fri, Sat, Sun, Mon



Reading Number	Date and Time	Counts
1	7/18/14 9:00 AM	0
2	7/18/14 10:00 AM	4
3	7/18/14 11:00 AM	4
4	7/18/14 12:00 PM	4
5	7/18/14 1:00 PM	5
6	7/18/14 2:00 PM	2
7	7/18/14 3:00 PM	5
8	7/18/14 4:00 PM	3
9	7/18/14 5:00 PM	2
10	7/18/14 6:00 PM	2
11	7/18/14 7:00 PM	1
12	7/18/14 8:00 PM	3
13	7/18/14 9:00 PM	0
14	7/18/14 10:00 PM	0
15	7/18/14 11:00 PM	0
16	7/19/14 12:00 AM	1
		34 Day Count
17	7/19/14 1:00 AM	0
18	7/19/14 2:00 AM	0
19	7/19/14 3:00 AM	0
20	7/19/14 4:00 AM	0
21	7/19/14 5:00 AM	0
22	7/19/14 6:00 AM	0
23	7/19/14 7:00 AM	1
24	7/19/14 8:00 AM	1
25	7/19/14 9:00 AM	0
26	7/19/14 10:00 AM	0
27	7/19/14 11:00 AM	1
28	7/19/14 12:00 PM	0
29	7/19/14 1:00 PM	3
30	7/19/14 2:00 PM	2
31	7/19/14 3:00 PM	3
32	7/19/14 4:00 PM	3
33	7/19/14 5:00 PM	1
34	7/19/14 6:00 PM	3
35	7/19/14 7:00 PM	2
36	7/19/14 8:00 PM	1

37	7/19/14 9:00 PM	2		
38	7/19/14 10:00 PM	0		
39	7/19/14 11:00 PM	1		
40	7/20/14 12:00 AM	1	21	Day Count
41	7/20/14 1:00 AM	1		
42	7/20/14 2:00 AM	0		
43	7/20/14 3:00 AM	0		
44	7/20/14 4:00 AM	1		
45	7/20/14 5:00 AM	0		
46	7/20/14 6:00 AM	0		
47	7/20/14 7:00 AM	0		
48	7/20/14 8:00 AM	0		
49	7/20/14 9:00 AM	0		
50	7/20/14 10:00 AM	1		
51	7/20/14 11:00 AM	2		
52	7/20/14 12:00 PM	2		
53	7/20/14 1:00 PM	3		
54	7/20/14 2:00 PM	3		
55	7/20/14 3:00 PM	1		
56	7/20/14 4:00 PM	0		
57	7/20/14 5:00 PM	3		
58	7/20/14 6:00 PM	2		
59	7/20/14 7:00 PM	1		
60	7/20/14 8:00 PM	3		
61	7/20/14 9:00 PM	3		
62	7/20/14 10:00 PM	1		
63	7/20/14 11:00 PM	1		
64	7/21/14 12:00 AM	1	25	Day Count
65	7/21/14 1:00 AM	0		
66	7/21/14 2:00 AM	1		
67	7/21/14 3:00 AM	0		
68	7/21/14 4:00 AM	0		
69	7/21/14 5:00 AM	0		
70	7/21/14 6:00 AM	0		
71	7/21/14 7:00 AM	2		
72	7/21/14 8:00 AM	6		
73	7/21/14 9:00 AM	2		
74	7/21/14 10:00 AM	2		
75	7/21/14 11:00 AM	3		
76	7/21/14 12:00 PM	1		
77	7/21/14 1:00 PM	3		
78	7/21/14 2:00 PM	4		
79	7/21/14 3:00 PM	4		
80	7/21/14 4:00 PM	2		
81	7/21/14 5:00 PM	6		
82	7/21/14 6:00 PM	3		
83	7/21/14 7:00 PM	5		



84	7/21/14 8:00 PM	1	
85	7/21/14 9:00 PM	2	
86	7/21/14 10:00 PM	2	
87	7/21/14 11:00 PM	3	
88	7/22/14 12:00 AM	1	50 Day Count
89	7/22/14 1:00 AM	2	
90	7/22/14 2:00 AM	0	
91	7/22/14 3:00 AM	1	
92	7/22/14 4:00 AM	3	
93	7/22/14 5:00 AM	0	
94	7/22/14 6:00 AM	1	
95	7/22/14 7:00 AM	0	

**Regular Board of Commissioners**

2. h.

**Meeting Date:** 08/04/2014

Mayor Appointments

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Mayor's Appointments:

*Beautification Committee*

Joe Harbeson Term Expires July 2017 1st Term

*Replaces Tom Terry*

Debi Renegar Term Expires July 2017 1st Term

*Replaces Paul Malley*

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Attachments

Application J.Harbeson

Application D. Renegar



# CITY OF SHAWNEE



## APPLICATION TO SERVE

*Boards, Committees, and Commissions*

Name: Joe HARBESON Application Date: 5-30-2014  
Address: 504 POOL LANE, Shawnee, OK.  
Mailing Address:  
Daytime Phone: 498-8140 Fax:  
Profession: Pharmacist Email: Joe2Joy@allegiance.tv  
Business Name: Retired  
Business Address:  
Business Phone: Fax: Email:

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

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

How many years have you lived in Shawnee? 1 year

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

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

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

Interested in not only maintaining but improving the looks of Shawnee.

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

Took + completed Master Gardener Program.

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

Master Gardner Program

List education, including degrees earned:

B.S. Pharmacy

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

No

Please include up to three personal or professional references:

Name	Relationship	Shawnee	Phone Number
Robert Cash	Volunteer	Beautification	640-0777
George Driever	Instruction	OSU Gt	213-7683
Tom Terry	President	Master Gardner	788-6634

PLEASE READ CAREFULLY:

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

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

Signature Joe Habeson Date 5-30-2014

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

Send application form to:

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



I believe my Master Gardener experience, along with a life-long love of gardening, ~~that~~ makes me a good candidate.

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

Master Gardening, church volunteer

List education, including degree(s) earned:

High School diploma, various computer classes, banking & real estate training  
Assorted classes at Vo-Tech - Secretarial

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

~~0~~

Please include up to three personal or professional references:

Name	Relationship	Phone Number
Mike Craig	Pastor - Temple Baptist Church	405-630-5906
Bobby Canty	Friend - ex co-worker at OBU	405-365-4603
Cindy Gibson	Friend (church)	405-432-8303
Tom Terry	Friend - (OBU)	405-788-6634

PLEASE READ CAREFULLY:

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

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

Signature Delvi Renegar Date 6-3-14

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

Send application form to:

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

**Regular Board of Commissioners**

**5.**

**Meeting Date:** 08/04/2014

Employee of the Month

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

Presentation by City Manager to Employee of the Month, Kenneth Presley, Cemetery Division.

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**Regular Board of Commissioners**

**6.**

**Meeting Date:** 08/04/2014

Ordinance Amending Charter - Detachment

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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Attachments

Ordinance - Charter Change

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

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

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

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

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

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

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

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

Section 4. Reimbursement for Public Improvements

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

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

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

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

PASSED AND APPROVED this \_\_\_\_ day of August, 2014.

---

WES MAINORD, MAYOR

ATTEST:

---

PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this \_\_\_\_ day of August, 2014.

---

Mary Ann Karns, City Attorney



**Regular Board of Commissioners**

7.

**Meeting Date:** 08/04/2014

Resolution for Special Election

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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Attachments

Resolution for Special Election

RESOLUTION NO. \_\_\_\_\_

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

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

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

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

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

Proposition 1

Shall the City of Shawnee, as provided for by Ordinance No. 2549 NS adopted on the 4<sup>th</sup> day of August, 2014, amend Article II of the Charter of the City of Shawnee by adding Section 3 to provide that:

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

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

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

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

For                       Against

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

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

### Proposition 2

Shall the City of Shawnee, as provided for by Ordinance No. 2549 NS, adopted on the 4<sup>th</sup> day of August, 2014, amend Article II of the Charter of the City of Shawnee by the addition of a Section 4, to provide that:

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

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

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

For                       Against

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

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

### BE IT FURTHER RESOLVED:

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

BE IT FURTHER RESOLVED:

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

BE IT FURTHER RESOLVED:

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

ADOPTED THIS \_\_\_\_ day of August, 2014.

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WES MAINORD, MAYOR

Attest:

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PHYLLIS LOFTIS, CMC, CITY CLERK

Approved as to form and legality this \_\_\_\_ day of August, 2014.

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MARY ANN KARNS, CITY ATTORNEY

**Regular Board of Commissioners**

**8. a.**

**Meeting Date:** 08/04/2014

Splash Pad - Boy Scout Park (Open)

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

a. Splash Pad Boy Scout Park (Open RFQ)

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Attachments

RFQ Boy Scout Park Splash Pad

## Request for Qualifications

### **Boy Scout Splash Pad and Restroom Project**

The City of Shawnee, Oklahoma is Requesting Qualifications from qualified Engineers/Architects for Design of the Boy Scout splash pad and restroom project. The overall objective is to work with City Staff to design and see project through construction. The splash pad will be located at Briscoe Boy Scout (Rotary) Park at the corner of Pesotum and Main streets Shawnee, Oklahoma 74801.

#### Scope of Services:

1. Meetings with staff for design of project.
2. Supply complete construction drawings and specs for project.
3. Supply estimated cost of project.
4. Oversee project through completion of construction.
5. Splashpad start up and Training.

Qualifying submittals will include a description of the business organization, including the name and address of the firm, year established, and descriptive breakdown of staff and types of services qualified to perform. Include references and names of staff persons that will be involved in the project described. Please list recent similar projects.

RFQ PACKETS can be picked up at Fairview Cemetery, 1400 N. Center Street, Shawnee, Ok.

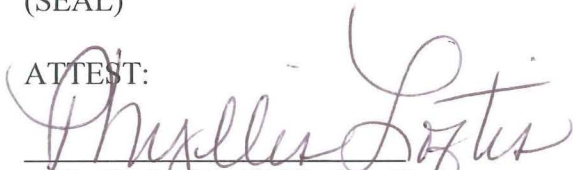
Firms responding to this RFQ should submit three copies of their proposal to the City of Shawnee, 16 W. 9<sup>th</sup> Street, Shawnee, OK 74801 or P.O. Box 1448, Shawnee, OK 74802-1448. Proposals must arrive no later than 4:00 p.m. on August 4, 2014.

Questions about this project should be directed to James Bryce, Director of Operations, at [jbryce@shawneeok.org](mailto:jbryce@shawneeok.org) or 405-878-1529.



(SEAL)

ATTEST:

  
Phyllis Loftis, CMC, City Clerk

CITY OF SHAWNEE  
A Municipal Corporation

BY: \_\_\_\_\_

  
Brian E. McDougal, City Manager

## Boy Scout Splash Pad and Restroom Project

### Bidders List

#### **Emily Elkins**

LandPlan Consultants, Inc.  
1110 West 23rd Street  
Tulsa, OK 74107  
[e.elkins@lpci.com](mailto:e.elkins@lpci.com)  
1-918-584-6464

#### **Julie**

Land Run Group  
116 N. Broadway  
Shawnee, Ok 74801  
[landrungroup@landrungroup.com](mailto:landrungroup@landrungroup.com)  
1-404-397-6730

[project@bidnews.com](mailto:project@bidnews.com)

[sheckler@ISQFT.com](mailto:sheckler@ISQFT.com)

[eplan@eplanbidding.com](mailto:eplan@eplanbidding.com)

[bids3@prime-vendor.com](mailto:bids3@prime-vendor.com)

[bids@bidocean.com](mailto:bids@bidocean.com)

#### **Craig Hamelin**

Power Play, LLC  
12812 S. Memorial Dr.  
Suite 100  
Bixby, OK 74008

#### **Dan Alaback**

**Alaback Design Associates, Inc.**  
3202 East 21st Street, Suite 100  
Tulsa, Oklahoma 74114

#### **Geoff Evans**

Planning Design Group  
5314 S. Yale Ave, Suite 710  
Tulsa, Ok 74135  
[gevans@pdgtulsa.com](mailto:gevans@pdgtulsa.com)  
1-918-628-1255

**Regular Board of Commissioners**

**10.**

**Meeting Date:** 08/04/2014

Exec Session City Manager

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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**Regular Board of Commissioners**

**11.**

**Meeting Date:** 08/04/2014

Exec Session City Attorney

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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**Regular Board of Commissioners**

**12.**

**Meeting Date:** 08/04/2014

Exec Session Judge

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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**Regular Board of Commissioners**

**13.**

**Meeting Date:** 08/04/2014

Possible Action Ex Session C.M.

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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**Regular Board of Commissioners**

**14.**

**Meeting Date:** 08/04/2014

Possible Action Ex Session C.A.

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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**Regular Board of Commissioners**

**15.**

**Meeting Date:** 08/04/2014

Possible Action Ex Session Judge

Submitted By: Donna Mayo, Administration

Department: Administration

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Information

Title of Item for Agenda

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

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