

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
SEPTEMBER 12, 2011

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor
Paul Krueger, Commissioner
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, City Clerk/Finance Director

Absent: Bill Flegler, Commissioner

Others Present: Terry Brown, Mike Lane, David Keathly, Chris Henderson, Jim Fairbanks, Earl Watkins, Jim Sindelar, Tana McKinley, Butch Herring, Hong Fu, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – Jack Pease, Life Center
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for September: Thoroughness

****CONSENT AGENDA****

The Board of Commissioners found, #5, #6, #7, #8, #9, #10, #11, #12, #13, #14 and #15 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Chapman seconded.

Roll: Yeas; Anderson, Chapman, Nicholson, and Krueger. Nays; None. Motion carried.

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held August 15, 2011.
6. **RESOLUTION NO. 5925**

A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS AGAINST THE CITY OF PONCA CITY, OKLAHOMA.

7. **RESOLUTION NO. 5926**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF THE OFFICE THEREOF.

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Senior Advisory Board	Stan Brown	Appointed	2014
Senior Advisory Board	Charles Clark	Appointed	2014

8. **RESOLUTION NO. 5927**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA CONFIRMING NOMINATIONS OF THE MAYOR OF PONCA CITY, OKLAHOMA FOR APPOINTMENT OF OFFICERS AND DEPARTMENT HEADS FOR THE CITY OF PONCA CITY, OKLAHOMA AND SETTING THE TERM OF OFFICE THEREOF.

9. **RESOLUTION NO. 5928**

A RESOLUTION OBLIGATING FUNDS TO BE USED AS LEVERAGE WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD FOR LAKE PONCA RESTROOM AND SEWER FACILITY AND HOME-BUYER ASSISTANCE.

10. Consider and vote on contract with Oklahoma Highway Safety for a grant in the amount of \$34,500.00 for Police Department Education and Expenses.
11. Consider and vote on a contract in the amount of \$38,479 with Jim French Design Studio to Construct Eighteen Pedestals, Two Display Cases, Two 3-D Panels and Museum Quality Lighting for the Artist Studio, and Authorizing A Pre-Payment of \$19,239.50 for One-Half of the total contract, enabling the immediate purchase of materials and commencement of labor.
12. Consider and vote on annual agreement between the City Of Ponca City and Ponca City Christian Academy to rent Unity Gym two days a week during the school year as part of the school curriculum.
13. Consider and vote on Traffic Commission recommendation to install stop Signs on Lake Street at Ponca Avenue.
14. Consider and vote on the excavation and construction restoring the original pond and incorporation of Bronze Sculpture Located near the front entrance of the Marland Estate.
15. Consider and vote on Landscape, Lighting and Irrigation Enhancements to the east side of the Marland Estate Artist Studio & Oil Museum, Around Lydie Marland's and George Marland's Statues and surrounding the New Water Feature near the Main Gate.

****ITEMS REMOVED FROM THE CONSENT AGENDA****

16. None

****COMMUNICATIONS FROM MAYOR AND COMMISSIONERS****

17. Mayor Nicholson advised that most of the staff would be attending the Oklahoma Municipal League annual meeting in Tulsa this week.

****REPORTS****

18. CITY MANAGER'S REPORT

City Manager Craig Stephenson commented on the following:

Saturday, September 10, at approximately 10:30 a.m., Ponca City Utility Authority customers were without water, due to a broken 18" water main located west of the Water Treatment Plant. The line was immediately repaired and brought back on line by approximately 4:30 p.m. This sand-cast pipe was constructed in the 1930's. Plans are to replace 500 feet of the section located west of the Water Treatment Plant with PVC pipe and to replace two valves. This pipe broke in almost the same spot 7

years ago. The issue is due to the pipe going through a heavily wooded area, and the trees seek out the water source. The new PVC pipe should correct this situation.

On Monday, September 19, fire hydrant testing will occur Monday through Thursday each week between the hours of 8:30 a.m. until 4:30 p.m. Hydrant testing will be completed in approximately four weeks. When hydrants are tested near the border of a testing area, water discoloration may also occur in the adjacent testing area. Residents who live along area borders should also monitor their water on days when testing occurs in the adjacent area.

OMPA's annual "All Employee Training" will be held from 8:30 a.m. to 11:30 a.m. on September 20 and September 22. Dr. Lee Manzer, Professor in the Department of Marketing, Spears School of Business, at OSU will be conducting this year's training.

Ponca Politics will be held in the City Commission Chamber of City Hall on Friday, September 23, 2011. The featured speakers will be Dr. David Pennington of the Ponca City Public Schools and Dr. Steve Tiger of the Pioneer Technology Center.

****PUBLIC HEARINGS****

19A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Development Services Director Chris Henderson explained to the Commission that later this month there is to be an audit of the ISO concerning our building code grading effectiveness, which essentially is a measure of your code enforcement program. Henderson further explained that the insurance organization is what the insurance companies use to determine what your property insurance is going to be in your local community. Henderson further stated that it is a measure of how effective your department is, how many personnel you have in relation to how many permits you issue, and how much training is done. Henderson stated that in summation they give you a grade. Henderson stated that Ponca City is currently a six and a five and we need to grade out as a five and a five. Henderson further added that if the score is lower than that, the City will lose its CRS classification, which will negate a lot of the hard work done by staff to have a first rate flood plain measurement program, and provide discounts to those who need flood insurance.

Mayor Nicholson stated that this is a Public Hearing and asked if there were any comments from the public. There being no comments from the citizens, Mayor Nicholson closed the Public Hearing.

19B.

ORDINANCE NO. 6144

AN ORDINANCE AMENDING TITLE 10, CHAPTER 1 OF THE CITY CODE OF PONCA CITY, ENTITLED "BUILDING CODES AND REGULATIONS," PROVIDING FOR THE ADOPTION OF THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE; PROVIDING FOR REPEALER; SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

Commissioner Chapman made the motion to approve an Ordinance amending Title 10, Chapter 1 of the City Code of Ponca City, entitled "Building Codes and Regulations," providing for the adoption of the 2009 Edition of the International Energy Conservation Code; providing for repealer; severability; codification; and setting an effective date. Krueger seconded.

Roll: Yeas; Chapman, Krueger, Nicholson, and Anderson. Nays; None. Motion carried.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

20. Consider And Vote Upon Change Order No. 2, in the add amount of \$3,603.54, and the final payment in the amount Of \$179,984.04, to Hembree and Hodgson Construction, LLC for work

completed on “Street Improvement Project–Reconstruction and Widening of 7th, Highland and Virginia Intersection” Project No. GEN 10-7.

City Engineer Jim Fairbanks gave a summary of the completed project., and final costs of this project.

Commissioner Anderson made the motion to approve the Change Order No. 2, In The Add Amount of \$3,603.54, and the Final Payment in the Amount Of \$179,984.04, to Hembree and Hodgson Construction, LLC for work completed on “Street Improvement Project–Reconstruction and Widening of 7th, Highland and Virginia Intersection” Project No. GEN 10-7. Krueger seconded.

Roll: Yeas; Anderson, Krueger, Nicholson, and Chapman. Nays; None. Motion carried.

21. Consider and vote on purchase of four Chevrolet Impala Police Patrol Vehicles from John Vance Auto Group in the amount of \$84,995.

Commissioner Chapman asked a question concerning the price difference between the John Vance bid and Pemberton Chevrolet. Chapman stated that the difference between John Vance and the local dealership, Pemberton, was only \$1,405.00, and asked if the bid was always awarded to the lowest bidder. City Attorney Kevin Murphy answered this question, stating that there is not a state statute that controls personal items, therefore you go by the City’s SOP, which makes it a decision of the City Manager. Murphy further added that by law you could deviate and choose a bid other than the lowest bid. City Manager Stephenson stated that if the Commission chooses to go with the local dealer that should be the decision of the Commission, but in spending public funds, Stephenson related typically the lowest bid price was used.

Commissioner Chapman made the motion to approve the purchase of four Chevrolet Impala Police Patrol Vehicles from Pemberton Chevrolet in the amount of \$86,400. Krueger seconded.

Roll: Yeas; Chapman, Krueger, Nicholson, and Anderson. Nays; None. Motion carried.

****CITIZENS COMMENTS****

22. None.

23. Commissioner Anderson made the motion to adjourn the meeting. Chapman seconded.

Roll: Yeas; Anderson, Chapman, Nicholson, and Krueger. Nays; None. Motion carried.

Mayor Nicholson adjourned the Board of Commissioners at 6:15 p.m.

PASSED IN SESSION AND APPROVED THIS 26TH DAY OF SEPTEMBER 2011.

MAYOR

ATTEST:

CITY CLERK

Roll: Yeas; Anderson, Chapman, Nicholson, and Krueger. Nays; None. Motion carried.

Chairman Nicholson adjourned the Ponca City Utility Authority at 6:17 p.m.

PASSED IN SESSION AND APPROVED THIS 26TH DAY OF SEPTEMBER 2011.

CHAIRMAN:

ATTEST:

TRUST SECRETARY