

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JUNE 13, 2005

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 Room at City Hall, 516 E. Grand, with Mayor Richard Stone presiding:

Present: Richard Stone, Mayor
David Cummings, Commissioner
Stan Paynter, Commissioner
Paul Krueger, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Diane Anderson, Commissioner

Others Present: Jim Sindelar, Tana McKinley, Butch Herring, Craig Stephenson, Terry Brown, Judi Newland, Dwaine Vincent, Don Nuzum, Chris Henderson, City staff; Rhonda Skrapke, Joie Holder, David Myers, citizens; Rog Allen, Rod Bolin, news press

1. Mayor Richard Stone called the meeting to order at 5:30 p.m.
2. Gary Wilburn, of Oak Grove Baptist Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

None.

****CONSENT AGENDA****

The Board of Commissioners found items #4, #5, #6, #7, #8, #9, #10, #11, and #12 non-controversial and routine in nature. Commissioner Paynter made the motion to approve the consent agenda. Krueger seconded.

Roll: Yeas; Krueger, Stone, Paynter, and Cummings. Nays; None. Motion carried.

4. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held May 2, 2005, work session held May 16, 2005, and regular session held May 23, 2005.

5. **RESOLUTION NO. 5471**

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>
Cultural Affairs Commission	Gene Putt	Appointed	May 2008
Planning Commission	Dennis Kinkaid	Appointed	May 2007

6. Consider and vote to authorize Mayor to sign an annual license agreement between the City of Ponca City and RSVP to provide regular programming for seniors at the Ponca City Senior Center located at 319 West Grand.
7. Consider and vote to authorize Mayor to sign an annual agreement between the City of Ponca City and Wheatheart Nutrition Project, Inc. to provide a weekday hot lunch program directed at the needs of older citizens on a daily basis.
8. Consider and vote on Park and Recreation Advisory Board recommendation to waive event fee for Chili Cook-Off.
9. Consider and vote to approve an annual lease agreement with Julian R. Thompson for property legally described as Lots 33 and 34, Block 3, of Crestview Addition to the City of Ponca City.
10. Consider and vote to approve an annual lease agreement with John S. Sledge for property legally described as Lot 2, Block 1, of North Woodlands Addition to the City of Ponca City.

11. **RESOLUTION NO. 5472**

A RESOLUTION READOPTING THE CITIZEN PARTICIPATION PLAN FOR THE CITY OF PONCA CITY, OKLAHOMA DATED JUNE 11, 2001.

12. **RESOLUTION NO. 5473**

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

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

13. None.

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

14. Commissioner Cummings addressed three (3) items: Cummings first thanked Police Chief Clayton Johnson for inviting the Commissioners to watch the police department officers in action with both firearms and the two canine units. Cummings stated that he discovered that the City's Police officers are well-trained, serious about their jobs, and well equipped. Secondly, Cummings stated that we need to be careful about what we ask for, as it finally rained, and rained, and rained, Cummings went on to remind citizens that if they have flooding problems to report them to the Community Development Department, in order that documentation can be made on the various flood areas in Ponca City. Third, Cummings reminded everyone that the Free Wheel Bicyclers would be in Ponca City and staying all night at North Park on Friday night.

Commissioner Paynter also thanked the police and expressed his appreciation to all City employees for their dedication by being out in the elements to aid citizens in various ways, during the recent storms.

Commissioner Krueger commended citizens on their increased use of the recycling center. Krueger encouraged all citizens to recycle to save the landfill, trees, and the environment.

Mayor Stone added his compliments to citizens for the use of the recycling center, and the City water crew for working Sunday to install new valves in the downtown area to keep from inconveniencing the downtown merchants when they are open for business.

****REPORTS****

15. CITY MANAGER'S REPORT

City Manager Gary Martin reported that City crews, in replacing the downtown water valves, discovered two fire plugs that need to be replaced, which they will do at a later time. Martin informed the Commission that the camera van that has been on order for several months has finally arrived, but that it does not meet specs, as the air bag on the passenger side is missing. Martin went on to add that the City has three alternatives: (1) send the truck back, further delaying work that needs to be done; (2) give the bid to the second bidder, which is not a recommendation of City staff; or (3) accept the van without the passenger side airbag, deducting the amount of the airbag from the total cost. Martin stated that staff has recommended the third option, as the camera van is needed in many areas to check out problems with the storm sewer drains, especially with all the rain of the past few weeks.

Martin advised the Commission that on Wednesday morning there is to be a joint PCDA and Ponca City Energy breakfast meeting at the Country Club for key customers to discuss broadband connection.

Martin went on to say that a special meeting would need to be scheduled for Monday, June 20, 2005, for the 1995A Bond issue and that four Commissioners would need to be in attendance for voting purposes. Martin also reminded the Commission and the public that there will be a joint dedication with the City, Kay and Osage Counties, the Ponca Tribe, and the Oklahoma Department of Transportation on June 30, 2005 at 4:00 p.m., for the new bridge across the Arkansas River.

****PUBLIC HEARINGS****

16. Conduct a Public Hearing and vote on an Ordinance rezoning property described as part of the Southwest Quarter of the Southwest Quarter of Section 10, Township 26 North, Range 2 East, to the City of Ponca City, located at 105 West Prospect, R-2 Two Family Residential to C-1 Local Commercial.

Chris Henderson, Community Development Director, explained to the Commission that this zoning petition request involves a small parcel of land near the intersection of Prospect and Union. Henderson stated that the building has previously been utilized as an infant day care, in conjunction with the adjacent Day Care Center. Henderson went on to say that there is a prospective buyer for this property, who would like to locate a computer sales and service store at this location. Henderson stated that to do so would require rezoning this property to a C-1 Local Commercial. Henderson added that the zoning change would be consistent with the land use polices, as well as the master plan, and staff recommends approval.

Mayor Stone opened the Public Hearing and asked for any citizens who would like to speak to come forward. Mayor Stone closed the Public Hearing as no one came forward to address the issue.

ORDINANCE NO. 6021

AN ORDINANCE REZONING REAL PROPERTY LOCATED AT 105 WEST PROSPECT (MORE SPECIFICALLY SET FORTH BELOW) FROM R-2 TWO FAMILY RESIDENTIAL TO C-1 LOCAL COMMERCIAL DISTRICT, AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.

Commissioner Paynter made the motion to approve the Ordinance rezoning real property located at 105 west Prospect (More specifically set forth below) from R-2 two family residential to C-1 local commercial district, and directing the Community Development Director to change the official zoning map of the city accordingly, and directing the City Clerk to file of record. Krueger seconded.

Roll: Yeas; Paynter, Stone, Krueger, and Cummings. Nays; None. Motion carried.

****UNFINISHED BUSINESS****

17. Consider and vote on a contract award for a High Speed Air Runway Sweeper, AIP Project 3-40-0078-0011-2005 and PNC 05-F.

Commissioner Paynter made the motion to approve the awarding of a contract for a High Speed Air Runway Sweeper. Krueger seconded.

Roll: Yeas; Cummings, Paynter, Krueger, and Stone. Nays; None. Motion carried.

****NEW BUSINESS****

18. **RESOLUTION NO. 5474**

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA APPROVING THE OPERATING BUDGETS OF THE VARIOUS CITY FUNDS, MORE SPECIFICALLY DELINEATED AS EXHIBITS 1, 2, AND 3 ATTACHED HERETO FOR THE FISCAL YEAR 2005-06.

Commissioner Cummings made the motion to approve the Resolution adopting the Fiscal Year 2004-05 Annual Budget, for the City of Ponca City. Krueger seconded.

Roll: Yeas; Krueger, Cummings, Stone, and Paynter. Nays; None. Motion carried.

19. Consider and vote to contract with Marlton/Peoples for individual and aggregate re-insurance on the City's Health Benefit Plan for the Fiscal Year beginning July 1, 2005, and authorize the Mayor to execute all related documents.

Commissioner Krueger made the motion to approve the contract with Marlton/Peoples for individual and aggregate re-insurance on the City's Health Benefit Plan for the Fiscal Year beginning July 1, 2005 and authorize the Mayor to execute all related documents. Paynter seconded.

Roll: Yeas; Krueger, Stone, Paynter, and Cummings. Nays; None. Motion carried.

20. Consider and vote on the Administrative Agreement with America's Choice Healthplans, LLC for Plan Year 2005-06.

Commissioner Krueger made the motion to approve the Administrative Agreement with America's Choice Healthplans, LLC for Plan Year 2005-06. Cummings seconded.

Roll: Yeas; Krueger, Paynter, Stone, and Cummings. Nays; None. Motion carried.

21. Consider and vote to submit an application for the Small Cities Community Development Block Grant (CDBG) Program to the Oklahoma Department of Commerce for FY-2005 funding in the amount of \$105,520.00.

Commissioner Cummings made the motion to approve the application for Small Cities Community Development Block Grant (CDBG) Program to the Oklahoma Department of Commerce for FY-2005 funding in the amount of \$105,520.00 for the sanitary sewer project on South Avenue. Paynter seconded.

Roll: Yeas; Paynter, Cummings, Stone, and Krueger. Nays; None. Motion carried.

22. **RESOLUTION NO. 5475**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR THE FISCAL YEAR 2004-05.

Commissioner Paynter made the motion to approve the amendment to the operating budgets of various funds for the Fiscal Year 2004-05. Cummings seconded.

Roll: Yeas; Paynter, Cummings, Stone, and Krueger. Nays; None. Motion carried.

23. Consider and vote on the purchase of a 32' X 14' Showmaster Mobile Sound Shell Stage from Century Industries, Inc. through the GSA Contract #GS-07-F-9321G in the amount of \$96,789.00 from account #240-5-1121-4891.65.

Commissioner Paynter made the motion to approve the purchase of a 32' X 14' Showmaster Mobile Sound Shell Stage from Century Industries, Inc. through the GSA Contract #GS-07F-9321G in the amount of \$96,789.00 from Account #240-5-1121-4891.65. Krueger seconded.

Roll: Yeas; Krueger, Stone, Paynter, and Cummings. Nays; None. Motion carried.

24. Consider and vote on Park and Recreation Advisory Board recommendation to install a multi-use Hiking, Biking, and Equestrian Wilderness Trail on the west side of Lake Ponca.

Commissioner Paynter made the motion to approve a recommendation to install a multi-use Hiking, Biking, and Equestrian Wilderness Trail on the west side of Lake Ponca. Krueger seconded.

Roll: Yeas; Cummings, Paynter, Stone, and Krueger Nays; None. Motion carried.

25. **RESOLUTION NO. 5476**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, CONSENTING TO DISSOLUTION OF THE MARLAND MANSION AND ESTATE TRUST UPON APPROVAL OF THE GOVERNOR OF THE STATE OF OKLAHOMA.

Commissioner Paynter made the motion to approve the Resolution consenting to dissolution of the Marland Mansion and Estate Trust upon approval of the Governor of the State of Oklahoma. Krueger seconded.

Roll: Yeas; Paynter, Krueger, Cummings, and Stone. Nays; Motion carried.

26. ****CITIZENS COMMENTS****

None.

27. **RECEIVE PONCA CITY DEVELOPMENT AUTHORITY REVIEW**

David Myers, Economic Development Director, presented each Commissioner with a copy of the Economic Development Authority's strategic plan, which was adopted by the Economic Development Board of Trustees. Myers explained to the Commission and to the public why it is important to discuss specific negotiations with specific companies behind closed doors. Myers stated that due to the competitiveness of Economic Development in today's world, the state law allows Economic Development to go into closed session to discuss items that are sensitive in nature. Meyers stated that the focus of Economic Development is job creation.

Mayor Stone recessed the Board of Commissioners regular session at 6:47 p.m. and moved to the Ponca City Utility Authority meeting and Marland Mansion Estate Trust Meeting.

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING AND MARLAND MANSION ESTATE TRUST MEETING

28. Mayor Stone called the Board of Commissioners regular meeting back to order at 6:49 p.m. and moved to enter into Executive Session pursuant to Title 25, O.S. for the purpose of:

- A. Conferring on matters pertaining to Economic Development, upon finding that the matter to be discussed would interfere with the development of products or services, as public disclosure would violate the confidentiality of the business.

B. Discussing Negotiations with IAFF.

29. The Board of Commissioners returned to regular session following Executive Session at 8:50 p.m. with no action being taken.
30. Upon a motion from Commissioner Paynter and a second from Commissioner Krueger, Mayor Stone adjourned the Ponca City Board of Commissioners meeting at 8:50 p.m.

PASSED IN SESSION AND APPROVED THIS 27TH DAY OF JUNE 2005.

MAYOR

ATTEST

CITY CLERK