

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
November 11, 2013

Southwest Business Products E1113067LD

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
Lanita Chapman, Commissioner
R. Mark Macy, Commissioner
Diane Anderson, Commissioner
Steve Hermann, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: None

Others Present: Tana McKinley, Chris Henderson, Phil Johnston, Terry Brown, Don Bohon, Mike Lane, Darwin Haney, Johnny Barron, Randy Tyner, William Tripp, Craige Baird, Hong Fu, Butch Herring, Aaron Michaud, City staff; Allan Brooks, Nate Ellis, Public Finance Law Group; Dave Osburn, Drake Rice, OMPA; David Myers, PCDA; UTC representatives; citizens.

1. CALL TO ORDER
Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. INVOCATION – Pastor Jeff Pershing, Glad Tidings Assembly of God
3. PLEDGE OF ALLEGIANCE

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for November: Initiative
5. Presentation Of UTC Apex Award To City Of Ponca City By UTC President

****CONSENT AGENDA****

The Board of Commissioners found items #6 through #10 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Commissioner Macy seconded.

Roll: Yeas; Anderson, Macy, Nicholson, Hermann, Chapman. Nays; None. Motion carried.

6. Consider And Vote Upon Minutes Of The Ponca City Board Of Commissioners Regular Session Held October 28, 2013 And Work Session Held November 4, 2013.
7. Consider And Vote Upon Resolution Appropriating Money For Payment Of Claims.

RESOLUTION NO. 6070

A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS.

8. Consider And Vote Upon A Resolution Amending The Operating Budget Of Various City Funds, As Outlined On Amendment #5, For Fiscal Year 2013-14.

RESOLUTION NO. 6071

A RESOLUTION AMENDING THE OPERATING BUDGET OF VARIOUS CITY FUNDS, AS OUTLINED ON AMENDMENT #5, FOR FISCAL YEAR 2013-14.

9. Consider And Vote On The Final Change Order In The Add Amount Of \$12,657.30, Acknowledging Final Acceptance Of The Project And Authorizing Final Payment In The Amount Of \$14,566.84 For Project No. Gen 10-5, Bridge Reconstruction on L.A. Cann Over Ponca Lake.
10. Consider And Vote To Authorize The Purchase Certain Real Property Located In An Area Identified By The City's Stormwater Master Plan To Be A Localized Drainage Problem And Authorize The Finance Director To Cut A Manual Check At Closing

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

11. None

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

12. Mayor Homer Nicholson commented on a beautiful weekend in Ponca City for a great Veteran's Day Parade which had a large number of people out to watch it.

Commissioner Mark Macy recited a Veteran's poem.

****REPORTS****

13. CITY MANAGER'S REPORT

City Manager Craig Stephenson announced that the City has received a second place award from The Rural Broadband Association which is the premier association representing nearly 900 independent, community-based telecommunications companies that are leading innovation in the rural and small-town America. The City of Ponca City was one of three finalists for the Service Provider of the Year and ended up second.

Stephenson then reported on the Housing Incentive Program (HIP) in which City staff plans to bring to the Commission at a Work Session on November 18, 2013 for a modified program that will be geared more towards the speculative market, continuing to generate momentum in the housing market and therefore increase home prices. This is all with the intent of creating enough inertia that the home building industry can continue on without the incentives from the Ponca City Utility Authority.

Stephenson stated that there will be a Special Planning Commission meeting on November 18, 2013 to consider a rezoning request from MACO Companies, who are the current developers of the Senior Tax Credit Housing project at the corner of Highland Avenue and Waverly Street. The request will be to rezone the northwest corner of Grand Avenue and Waverly Street to a C-2 on the corner with a R-3 multi-family wrapped around the C-2. The multi-family unit will be a two-story building with approximately 60 family units in total. This is proposed as a general family tax credit project.

Stephenson concluded with the announcement that this past Saturday, November 10, 2013 was an extremely successful Veteran's Day Parade and there were many other events in town as well.

14. OKLAHOMA MUNICIPAL POWER AUTHORITY UPDATE WITH GENERAL MANAGER DAVE OSBURN AND DIRECTOR OF MEMBER SERVICES DRAKE RICE

Member Services Director Drake Rice gave an update of awards and incentives provided by the Oklahoma Municipal Power Authority along with current projects.

General Manager Dave Osburn briefly described the new Charles D. Lamb Energy Center which is being built just north of Ponca City on Highway 11.

Osburn and Rice then presented the Competitive Utility Program (CUP) award.

****PUBLIC HEARINGS****

15A. Conduct A Public Hearing On Subparagraph (B) Hereof.

15B. Consider And Vote On An Ordinance Authorizing The Closing Of A Portion Of An Alley Lying In Block 28, Townsite Of Lynchville Addition To The City Of Ponca City, Located In The 500 Block Of South 6th Street.

ORDINANCE NO. 6183

AN ORDINANCE AUTHORIZING THE CLOSING OF A PORTION OF AN ALLEY LYING IN BLOCK 28, TOWNSITE OF LYNCHVILLE ADDITION TO THE CITY OF PONCA CITY, LOCATED IN THE 500 BLOCK OF SOUTH 6TH STREET.

Commissioner Macy made the motion to support the Planning Commission and the ordinance. Commissioner Anderson seconded.

Roll: Yeas; Macy, Anderson, Nicholson, Hermann, Chapman. Nays; None. Motion carried.

****NEW BUSINESS****

16. Consider And Vote On Resolution Calling For General Election For The Purpose Of Electing Commission Positions 1 And 3, In 2014, Currently Held By Commissioners Lanita Chapman And Diane Anderson, Respectively, Establishing Filing Period And Date Of Election, And Directing Mayor To Issue Proclamation Calling For Election.

RESOLUTION NO. 6072

A RESOLUTION CALLING FOR GENERAL ELECTION FOR THE PURPOSE OF ELECTING COMMISSION POSITIONS 1 AND 3, IN 2014, CURRENTLY HELD BY COMMISSIONERS LANITA CHAPMAN AND DIANE ANDERSON, RESPECTIVELY, ESTABLISHING FILING PERIOD AND DATE OF ELECTION, AND DIRECTING MAYOR TO ISSUE PROCLAMATION CALLING FOR ELECTION.

Commissioner Hermann made the motion to approve item 16. Commissioner Macy seconded.

Roll: Yeas; Hermann, Macy, Nicholson, Anderson, Chapman. Nays; None. Motion carried.

17. Consider And Take Action With Respect To A Resolution Of The City Of Ponca City, Oklahoma (The "City") Approving The Incurrence Of Indebtedness By The Ponca City Utility Authority (The "Authority") Issuing Its Sales Tax Revenue Note, Series 2013 (The "Note"); Providing That The Organizational Document Creating The Authority Is Subject To The Provisions Of The Note Indenture Authorizing The Issuance Of Said Note; Waiving Competitive Bidding With Respect To The Sale Of Said Note And Approving The Proceedings Of The Authority Pertaining To The Sale Of Said Note; Approving And Authorizing Execution Of A Sales Tax Agreement By And Between The City And The Authority Pertaining To A Year-To-Year Pledge Of Certain Sales Tax Revenue; And Containing Other Provisions Relating Thereto.

RESOLUTION NO. 6073

A RESOLUTION OF THE CITY OF PONCA CITY, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE PONCA CITY UTILITY AUTHORITY (THE "AUTHORITY") ISSUING ITS SALES TAX REVENUE NOTE, SERIES 2013 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A SALES TAX AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Commissioner Anderson made the motion to approve item #17 as presented. Commissioner Chapman seconded.

Roll: Yeas; Anderson, Chapman, Nicholson, Macy, Hermann. Nays; None. Motion carried.

18. Consider And Vote On An Application To Rural Water District # 3 For A Commercial Water Meter To Be Placed At 4637 North Pleasantview Road (Highway 177).

Mayor Homer Nicholson noted the scrivener error regarding Highway 177 which should read Highway 77.

Commissioner Hermann made the motion to approve item #18. Commissioner Anderson seconded.

Roll: Yeas; Hermann, Anderson, Nicholson, Chapman, Macy. Nays; None. Motion carried.

19. Consider And Vote On An Application To Rural Water District # 3 For Three (3) Water Meters To Be Placed On Three (3) Tracts Of Land, All Of Which Contain Less Than 5 Acres In Area, Said Property Located At 4200 North Pecan Road, Kay County, Oklahoma.

Commissioner Chapman made the motion to conditionally consent to the placement of water meters if subject property is annexed into City limits and zoned appropriately. Commissioner Anderson seconded.

Roll: Yeas; Chapman, Anderson, Nicholson, Macy, Hermann. Nays; None. Motion carried.

****CITIZENS COMMENTS****

20. None

RECESS TO PONCA CITY UTILITY AUTHORITY MEETING

Commissioner Macy made the motion to recess to the Ponca City Utility Authority meeting. Commissioner Hermann seconded.

Roll: Yeas; Macy, Hermann, Nicholson, Anderson, Chapman. Nays; None. Motion carried.

Mayor Nicholson recessed to the Ponca City Utility Authority at 6:59 p.m.

At 7:07 p.m. the Commission returned to regular session.

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

Ponca City Development Authority Executive Director David Myers provided a brief update of local economic matters. Myers stated that the growth of economic development in the area was due to various companies developing and expanding which included Consolidated Oil Well Services, MJ&H Manufacturing, K&C Manufacturing, Freddy's Frozen Custard, rue21, Ground Round, and Papa Murphy's. Myers concluded by reporting on recruitment projects and expansion projects which were ongoing at this time.

22. Entertain Motion To Enter Executive Session Pursuant To Title 25 Section 307 Oklahoma Statutes For Purposes Of Conferring On Matters Pertaining To Economic Development Upon Finding That The Matter To Be Discussed Would Interfere With The Development Of Products Or Services Or If Public Disclosure Would Violate The Confidentiality Of The Business.

At 7:16 pm a motion was made by Commissioner Hermann to enter into executive session. Commissioner Macy seconded.

Roll: Yeas; Hermann, Macy, Nicholson, Anderson, Chapman. Nays; None. Motion carried.

23. The Board Of Commission returned to regular session with no action being taken.

24. ADJOURN

The motion to adjourn was made by Commissioner Chapman and seconded by Commissioner Anderson.

Roll: Yeas; Chapman, Anderson Nicholson, Macy, Hermann. Nays; None. Motion carried

Mayor Nicholson adjourned the Board of Commissioners meeting at 7:44 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY OF NOVEMBER 2013.



Barbara Chapman

VICE MAYOR

ATTEST:

William Johnson

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
November 11, 2013

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

Present: Homer Nicholson, Chairman
Lanita Chapman, Trustee
R. Mark Macy, Trustee
Steve Hermann, Trustee
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Secretary

Absent: None

Others Present: Tana McKinley, Chris Henderson, Don Bohon, Darwin Haney, Johnny Barron, Hong Fu, Butch Herring, City staff; Allan Brooks, Nate Ellis, Public Finance Law Group; David Myers, PCDA; citizens.

1. CALL TO ORDER
Chairman Homer Nicholson called the meeting to order at 6:59 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2 through #4 noncontroversial and routine in nature by the governing body and are approved by one motion.

Trustee Anderson made the motion to approve the consent agenda. Trustee Macy seconded.

Roll: Yeas; Anderson, Macy, Nicholson, Hermann, Chapman. Nays; None. Motion carried.

2. Consider And Vote Upon The Minutes Of The Regular Session Held October 28, 2013.
3. Consider And Vote Upon A Resolution Appropriating Money For Payment Of Claims.

RESOLUTION NO. 879

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

4. Consider And Vote On Acknowledging Receipt Of Construction Permit No. WL000036130686 To Construct New Water Line From Waverly To South Avenue Intersection To Serve Consolidation Oil Service Company And Other Future Development.

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

5. None

****NEW BUSINESS****

6. Consider And Take Action With Respect To A Resolution Authorizing The Ponca City Utility Authority (The "Authority") To Issue Its Sales Tax Revenue Note, Series 2013 (The "Note") In The Aggregate Principal Amount Of \$12,510,000.00; Waiving Competitive Bidding And Authorizing The Note To Be Sold On A Negotiated Basis; Approving And Authorizing Execution Of A Sales Tax Agreement By And Between The City Of Ponca City, Oklahoma (The "City") And The Authority Pertaining To A Year-To-Year Pledge Of Certain Sales Tax Revenue; Approving And Authorizing Execution Of A Note Indenture Authorizing The Issuance And Securing The Payment Of The Note; Providing That The Organizational Document Creating The Authority Is Subject To The Provisions Of The Note Indenture; Authorizing And Directing The Execution Of The Note And Other Documents Relating To The Transaction, Including An Escrow Deposit Agreement And Professional Services Agreements; And Containing Other Provisions Relating Thereto.

RESOLUTION NO. 880

A RESOLUTION AUTHORIZING THE PONCA CITY UTILITY AUTHORITY (THE "AUTHORITY") TO ISSUE ITS SALES TAX REVENUE NOTE, SERIES 2013 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$12,510,000.00; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF PONCA CITY, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A NOTE INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION, INCLUDING AN ESCROW DEPOSIT AGREEMENT AND PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Trustee Anderson made the motion to approve the resolution. Trustee Hermann seconded.

Roll: Yeas; Anderson, Hermann, Nicholson, Macy, Chapman. Nays; None. Motion carried.

7. Consider And Vote On The Purchase Of A 2014 Conventional Full Truck/Combination Sewer Cleaning Truck In The Amount Of \$335,000 From Frontier Equipment.

Trustee Chapman made the motion to approve item #7. Trustee Hermann seconded.

Roll: Yeas; Chapman, Hermann, Nicholson, Macy, Anderson. Nays; None. Motion carried.

8. ADJOURN

Trustee Macy made the motion to adjourn the meeting of the Ponca City Utility Authority. Trustee Chapman seconded.

Roll: Yeas; Macy, Chapman, Nicholson, Hermann, Anderson. Nays;None. Motion carried.

Chairman Nicholson adjourned the PCUA Board of Trustees at 7:07 p.m.

PASSED IN SESSION AND APPROVED THIS 25TH DAY of November 2013.

ATTEST:



[Signature]
TRUST SECRETARY

[Signature]
VICE CHAIRMAN

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