

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
November 26, 2018

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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  
Ryan Austin, Commissioner  
Lanita Chapman, Commissioner  
Shasta Scott, Commissioner  
Paul Taylor, Commissioner  
Craig Stephenson, City Manager  
Michael Vanderburg, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: none

Others Present: Mike Lane, Randy Tyner, Terry Brown, John Andrew, Chris Henderson, Tana McKinley, Dave Williams, Will Tripp, Butch Herring, Jim Fairbanks, Eric Newell, City Staff; many citizens; Steve Dye, Ponca City News, Beverly Bryant, TEAM Radio..

1. CALL TO ORDER

Mayor Homer Nicholson called the meeting to order at 5:30 p.m.

2. PLEDGE OF ALLEGIANCE

**\*\*CONSENT AGENDA\*\***

The Board of Commissioners found items #3 through #10 non-controversial and routine in nature. Commissioner Scott made the motion to approve consent agenda as presented. Commissioner Austin seconded.

Roll: Yeas; Scott, Austin, Nicholson, Chapman, Taylor. Nays; None. Motion carried.

3. Consider And Vote Upon Minutes Of The Ponca City Board Of Commissioners Regular Session Held November 12, 2018.

4. Consider And Vote Upon Resolution Appropriating Money For Payment Of Claims.

**RESOLUTION NO. 6405**

***A RESOLUTION APPROPRIATING MONEY FOR THE PAYMENT OF CLAIMS.***

5. Consider And Vote Upon A Resolution Of The Board Of Commissioners Of The City Of Ponca City, Oklahoma Amending The Operating Budget Of Various Funds For Fiscal Year 2018-19.

**RESOLUTION NO. 6406**

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA AMENDING THE OPERATING BUDGET OF VARIOUS FUNDS FOR FISCAL YEAR 2018-19.***

6. Consider And Vote Upon 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 Office Thereof.

**RESOLUTION NO. 6407**

***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 OFFICE THEREOF.***

7. Consider And Vote Upon Authorizing Advertisement Of Bids To Obtain Unit Prices For Items Of Work Performed For Sidewalk Maintenance During The Period January 1, 2019 Through June 30, 2019.
8. Consider And Vote To Purchase A Type 1 Ambulance Vehicle From Chief Fire & Safety In The Amount of \$232,196.00 For The City Of Ponca City Fire Department.
9. Consider And Vote On A Resolution Establishing A New Accounting Fund Called The Ponca City Broadband Fund, And Directing The Finance Director To Implement Changes.

**RESOLUTION NO. 6408**

***A RESOLUTION ESTABLISHING A NEW ACCOUNTING FUND CALLED THE PONCA CITY BROADBAND FUND, AND DIRECTING THE FINANCE DIRECTOR TO IMPLEMENT CHANGES.***

10. Consider And Vote Upon Change Order No. 1 In The Add Amount Of \$948.85 And The Final Payment In The Amount Of \$154,407.15 To MTZ Construction, Inc., To Accept All Work As Complete For "Reconstruction Of Cleveland Avenue – Oak Street To Pine Street", Project GEN19-1.

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

11. None

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

12. Mayor Nicholson expressed gratitude to the many residents in the audience for their participation in City affairs.

Commissioner Scott thanked City staffers who had to work over the Thanksgiving holiday.

**\*\*REPORTS\*\***

13. CITY MANAGER'S REPORT

City Manager Craig Stephenson announced the Festival of Angels has kicked off the Holiday Season, there are the various lighted displays at Lake Ponca Park and a 30 foot lighted angel located at 14<sup>th</sup> Street and Lake Road, and Cann Gardens located at 14<sup>th</sup> and Grand Avenue. The displays will be available thru Monday, December 31, 2018 each evening from 6:00 p.m. to 10:00 p.m.

Stephenson also reminded the public that the Marland Mansion and Marland's Grand Home are decorated for the Holidays and are a great place to take a tour. There are several events occurring at both locations during this season, go to the City's website to see all the possibilities for an outing. The Christmas Gala will be held at the Marland Mansion on December 8, 2018 from 7:30 p.m. to Midnight. Tickets for the event are \$100.00 and are available at the Marland Mansion gift shop.

Stephenson challenged the public for all the thrill seekers to take a cold plunge into Lake Ponca December 1, 2018 off of Ski Dock #13, at 1:00 p.m.!! Work/Civic Groups, families, friends, or individuals can participate. Participating children must be accompanied by a parent or guardian. Registration ends November 30, 2018 and the cost is \$5.00 per jumper. Online registration is available.

Stephenson noted that if individuals or groups are interested in participating in the 2018 Lighted Christmas parade, registration forms are now available at the Parks and Recreation Department or online. Participants are encouraged to decorate their entries with lights. The Lighted Christmas Parade will be held on December 7, 2018 at 6:00 p.m.

Stephenson let residents know once again the Senior Center will be housing Santa's Mailbox. The mailbox will be outside the Senior Center at 319 W. Grand Avenue through December 17, 2018. If a child sends a letter with a self-addressed stamped envelope, Santa will send a letter back.

Stephenson stated that there are many other events happening throughout the season at the Ponca City Library along with the Park and Recreation Department. Go to the City's webpage to see dates and times of all the events.

Stephenson recognized The Ponca City Senior Center operating under the Ponca City Parks and Recreation was recently received the 2018 Facility of Excellence Award by the Oklahoma Recreation and Park Society conference in Norman, Oklahoma. The Senior Center has completed several major improvements during the past year which contributed to the award. The public is invited to visit the Center for an Open House on Sunday, December 9, 2018, from 2:00 p.m. to 4:00 p.m. Larry Lenhart's group and the Forever Young Choir will provide the afternoon entertainment and refreshments will be served.

Stephenson reminded the residents that annual Autumn Leaf Collection is currently underway and will end on January 25, 2019. Residents are asked to bag their leaves if possible. Loose leaves should be placed within three feet of the front curb. City crews are working section by section and are asking the public's patience during this time.

14. Oklahoma Municipal Power Authority update from Ryan Piersol, OMPA Member Services Representative

Ryan Piersol gave commissioners an update on OMPA power costs, cost drivers, and financial projections for the near term. Piersol noted there are many new emerging technologies in the power industry, and gave examples. In conclusion, Piersol informed the Commission that OMPA is in the midst of a statewide customer service survey, to help them and member cities better gauge service levels being offered.

**\*\*PUBLIC HEARINGS\*\***

15A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Development Services Director introduced the item and background. Commissioners continued with an in depth question and answer period with Henderson on the proposed ordinance and zoning issues.

The Mayor then opened the Public Hearing.

John Summers, 1605 Yale, read minutes from the Planning Commission meeting and their findings. Summers expressed concern over this item, and recommended not approving the item.

Gary Bintz, 3104 Cadet, noted he owns the property in question. Bintz clarified the doctor types and approved number of those that can approve a medical marijuana use card.

James Schaeffer, with an office at 218 East Grand Avenue, clarified board certification confusion. Schaeffer continued, noting he represents the permit applicant, and encouraged commissioners to focus on the issue and approve a permit, with limited hours and abide with State law.

City Attorney Mike Vanderburg followed Schaeffer, agreeing with some of his assertions but emphasized to commissioners that it is important to understand that the statute as written allows for reasonable requirements, but prohibits attempts to avoid any dispensaries being allowed in a city. Vanderburg then gave an example of what was done in Broken Arrow, with limited hours, and they have already lost in court. Discussion on special use permits and this specific application ensued.

Rolf Clements, 1928 John, relayed that he resides two blocks from the applicant's proposed address and encouraged commissioners to consider possible future usages of the business and what that could bring. Clements voiced opposition to the change.

Frank Villarruel, 2016 Huntington Place, outlined his family history and encouraged commissioners to consider the people that will be helped by this facility, and approve the application.

Candace Villarruel, 2016 Huntington Place, reviewed her family's attempt to start a dispensary and emphasized that they did not attempt to mis-lead or any ill intent. She explained that as the building is in a medical overlay zone, they believed it was appropriate and were confused about that. Villarreal expressed hope to achieve success in opening a business there.

John Summers, 1605 Yale, re-stated the church has no animus to the parties involved. They are concerned of negative effect on them as an adjacent property, and he gave examples from Colorado's experience. Summers emphasized that church attempts to discourage drug use among their youth and provides counseling to drug abusers, so having this business next door is problematic.

Mayor Nicholson closed the Public hearing at 6:40 pm

- 15B. Consider And Vote To Approve An Ordinance Amending Title 11, Chapter 7-2.1 Of The Code Of Ponca City; Amending The Permitted Land Use Tables To Permit By Special Use Permit, The Establishment Of Medical Marijuana Dispensaries In The C-1 Local Commercial District; Repealing Ordinances In Conflict; Providing For Severability And Declaring An Emergency.

**ORDINANCE NO.**

***AN ORDINANCE AMENDING TITLE 11, CHAPTER 7-2.1 OF THE CODE OF PONCA CITY; AMENDING THE PERMITTED LAND USE TABLES TO PERMIT BY SPECIAL USE PERMIT, THE ESTABLISHMENT OF MEDICAL MARIJUANA DISPENSARIES IN THE C-1 LOCAL COMMERCIAL DISTRICT; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.***

Commissioner Chapman made the motion to amend Title 11 of the City Code as outlined in item 15B, and approve the item. Commissioner Scott seconded.

Roll: Yeas; Chapman, Scott. Nays; Nicholson, Austin, Taylor. Motion failed.

- 15C. Consider And Vote On The Emergency Clause Of The Ordinance.

Item not necessary with the failure of item 15B.

- 16A. Conduct a Public Hearing on Subparagraph (B) Hereof.

Item not necessary with the failure of item 15B.

- 16B. Consider And Vote To Approve An Application For A Special Use Permit In The C-1 Local Commercial District To Permit A Medical Marijuana Dispensary, Located At 1113 East Hartford Avenue

Item not necessary with the failure of item 15B.

**\*\*NEW BUSINESS\*\***

17. Consider And Vote Upon A Resolution Of The Board Of Commissioners Of The City Of Ponca City, Oklahoma, To Execute The Agreement Establishing The Oklahoma Municipal Management Services.

**RESOLUTION NO. 6409**

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, TO EXECUTE THE AGREEMENT ESTABLISHING THE OKLAHOMA MUNICIPAL MANAGEMENT SERVICES.***

Commissioner Chapman made the motion to approve item #17 as stated. Commissioner Austin seconded.

Roll: Yeas; Chapman, Austin, Nicholson, Scott, Taylor. Nays; None. Motion carried.

18. Consider And Vote Upon Awarding The Contract And Authorizing The Execution Of The Contract Documents For "Lake Ponca Park – Checkstand Road, Deep Water Boat Ramp", Project No. GEN 18-4C, To Sober Brothers, Inc. Of Ponca City, Oklahoma For \$224,999.50.

Commissioner Scott made the motion to approve item #18. Commissioner Chapman seconded.

Roll: Yeas; Scott, Chapman, Nicholson, Taylor, Austin. Nays; None. Motion carried.

**\*\*CITIZENS COMMENTS\*\***

19. None.

**RECESS TO PONCA CITY UTILITY AUTHORITY MEETING**

Commissioner Austin made the motion to recess to the Ponca City Utility Authority meeting. Commissioner Scott seconded.

Roll: Yeas; Austin, Scott, Nicholson, Chapman, Taylor. Nays; None. Motion carried.

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

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

20. Consider And Vote To Conduct An Executive Session For The Confidential Communication Between The Commission And Its Attorney On The Pending Contract Claims Over The Operation Of The Ponca City Family Aquatic Center. The City Attorney Advises That Public Disclosure Will Seriously Impair The Ability Of The Commission To Process The Claim And Any Possible Litigation Authorized Therefrom In The Public Interest. Authority for the Executive Session Is 25 O. S. § 307B.4.

At 7:07 p.m. Commissioner Scott made the motion to enter executive session. Commissioner Taylor seconded.

Roll: Yeas; Scott, Taylor, Nicholson, Chapman, Austin. Nays; None. Motion carried.

At 7:50 p.m. the Commission returned to regular session.

21. Return To Regular Session And Take Any Necessary Action, If Appropriate, On Items Discussed In Executive Session.

The Board of Commission returned to regular session to adjourn with no action being taken.

22. ADJOURN

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

Roll: Yeas; Taylor, Chapman, Nicholson, Austin, Scott. Nays; None. Motion carried.

Mayor Nicholson adjourned the Board of Commissioners meeting at 7:50 p.m.

***PASSED IN SESSION AND APPROVED THIS 10<sup>TH</sup> DAY OF DECEMBER 2018.***



*Howey Wildesoy*  
MAYOR

ATTEST:

*Wm. Johnson*  
CITY CLERK



MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
November 26, 2018

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  
Ryan Austin, Trustee  
Lanita Chapman, Trustee  
Shasta Scott, Trustee  
Paul Taylor, Trustee  
Craig Stephenson, City Manager  
Michael Vanderburg, Trust Attorney  
Marc LaBossiere, Secretary

Absent: none

Others Present: Mike Lane, Randy Tyner, Terry Brown, John Andrew, Chris Henderson, Tana McKinley, Dave Williams, Will Tripp, Butch Herring, Jim Fairbanks, Eric Newell, City Staff; many citizens; Steve Dye, Ponca City News, Beverly Bryant, TEAM Radio

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 #5 noncontroversial and routine in nature by the governing body and are approved by one motion.

Trustee Austin made the motion to approve the consent agenda. Trustee Taylor seconded.

Roll: Yeas; Austin, Taylor, Nicholson, Chapman, Scott. Nays; None. Motion carried.

2. Consider And Vote Upon Minutes Of The Ponca City Utility Authority Regular Session Held November 12, 2018.
3. Consider And Vote Upon A Resolution Appropriating Money For Payment Of Claims.

**RESOLUTION NO. 1047**

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

4. Consider And Vote Upon A Resolution Of The Ponca City Utility Authority, Ponca City, Oklahoma Amending The Operating Budgets Of Various Ponca City Utility Authority Funds For Fiscal Year 2018-19.

**RESOLUTION NO. 1048**

**A RESOLUTION OF THE PONCA CITY UTILITY AUTHORITY, PONCA CITY, OKLAHOMA  
AMENDING THE OPERATING BUDGETS OF VARIOUS PONCA CITY UTILITY AUTHORITY  
FUNDS FOR FISCAL YEAR 2018-19.**

5. Consider And Vote Upon Authorizing Chairman To Submit Monthly Operating Statement To OWRB.

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

6. None.

**\*\*NEW BUSINESS\*\***

7. Consider And Vote Upon Separate Agreements With AT&T And OneNet To Provide Backhaul Connectivity To the Internet For The Fiber To The Home Project And Authorizing The Chairman of the PCUA Board Of Trustees To Sign Any And All Paperwork Necessary To Initiate These Agreements.

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

Roll: Yeas; Taylor, Chapman, Nicholson, Austin, Scott. Nays; None. Motion carried.

8. ADJOURN

A motion to adjourn was made by Trustee Austin and seconded by Trustee Scott.

Roll: Yeas; Austin, Scott, Nicholson, Chapman, Taylor. Nays; None. Motion carried.

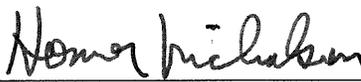
Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 7:07 p.m.

***PASSED IN SESSION AND APPROVED THIS 10<sup>TH</sup> DAY of DECEMBER 2018.***

ATTEST:

  
TRUST SECRETARY



  
CHAIRMAN