

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
April 8, 2019

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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: Tana McKinley, Chris Henderson, Don Bohon, Dave Williams, Mike Lane, Eric Newell, Jim Fairbanks, Rhonda Skrapke, Richard Evans, John Andrew, Rob Dick, Butch Herring, City Staff; 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

****CEREMONIES & PROCLAMATIONS****

3. Fair Housing Proclamation

4. Character Trait for March: Forgiveness

****CONSENT AGENDA****

The Board of Commissioners found items #5 through #12 non-controversial and routine in nature. Commissioner Scott made the motion to approve the consent agenda. Commissioner Chapman seconded.

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

5. Consider And Vote Upon Minutes Of The Ponca City Board Of Commissioners Regular Session Held March 25, 2019.

6. Consider And Vote Upon Resolution Appropriating Money For Payment Of Claims Against The City of Ponca City, Oklahoma.

RESOLUTION NO. 6434

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

7. 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. 6435

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.

8. Consider And Vote On A Resolution Of The Board Of Commissioners Of The City Of Ponca City, Oklahoma, Continuing Support Of The Federal Fair Housing Law.

RESOLUTION NO. 6436

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, CONTINUING SUPPORT OF THE FEDERAL FAIR HOUSING LAW.

9. Consider And Vote Upon Awarding The Bid For Mill And Overlay Of Various Streets, Project No. Gen 19-2, To Evans And Associates In The Amount Of \$615,792.99.
10. Consider And Vote Upon Awarding The Bid For Sidewalk Improvement Project, Fourth Street From Central To Grand, Project No. Gen 19-6, To River Ridge Construction In The Amount Of \$44,733.90.
11. Consider And Vote Upon Issuing Western Enterprises, Inc. A Permit To Conduct A Fireworks Display At West Lake Ponca Dam On July 4, 2019 And Authorizing The Mayor To Execute A Pyrotechnical Production Contract For The Event With Western Enterprises, Inc. In The Amount Of \$30,000.00.
12. Consider And Vote Upon The Final Payment To Sober Brothers, Inc. To Accept All Work As Complete For "Lake Ponca Park – Checkstand Road, Deep Water Boat Ramp", Project No. GEN 18-4C In The Amount Of \$11,249.97.

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

13. None.

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

14. None.

****REPORTS****

15. CITY MANAGER'S REPORT

City Manager Craig Stephenson reminded the public that Spring Cleanup is currently under way for this year and is for Ponca City residents only. City crews are beginning this week to pick up items that are placed out. This takes the Solid Waste, Street, and Park Divisions to pick up all the materials placed out. The Great Day of Service was yesterday, April 7, 2019, and there is plenty of volume to keep the City crews busy. As a reminder, current PCUA customers can take up to 6 loads to the landfill for free this week. Loads are limited to vehicles not being any larger than a pickup or trailer. There are more details on the City's website.

Stephenson announced fire hydrant testing will begin on April 15, 2019. The Ponca City Fire Department will be flow testing fire hydrants in the southern half of the City this year and the northern half next year. The testing will last approximately three weeks and the area to be tested this year is Highland Avenue/Lake Road south. There is a map on the City's website outlining specifically what areas are being tested on which day of the week.

Stephenson reminded everyone that on April 10, 2019 Leadership Ponca City Class 33 will be touring City operations. The day is extremely informative for those in the class. It is probably the first time any of them have had a look at what all it takes and the responsibilities the Mayor and Board of Commissioners have in running this first class city government.

Stephenson stated that on April 22, 2019 the City will be celebrating Earth Day 2019 at Unity Gym from 9:00 a.m. to 1:00 p.m. There will be educational information on composting, recycling, energy savings, and stormwater pollution prevention. There will be document shredding along with giveaway items, including seedlings and trees for planting at your residence. Participating vendors are Ponca City Stormwater Division, Ponca City Energy, Solid Waste Division, Parks and Recreation Department, and Kay County District Conservation Office.

Stephenson let the public know that The Kay County Senior Resource Network will be at the Senior Center 11:00 a.m. to 1:00 p.m. on April 27, 2019 hosting a Build a Binder event. Binders will be provided by Bintz Pharmacy, and available for any anyone interested in creating an organized list of personal medical information for medical appointments and emergencies. Richard Williams, with the Veterans Landing, will discuss some things veterans may not know. A free lunch will be provided with door prizes. Please call the Ponca City Senior Center for reservations for this informative program.

Stephenson relayed to the public that The Ponca City Library will host Dr. Nyla Khan as the guest Scholar on April 27, 2019 from 1:00 p.m. to 3:00 p.m., to lead the discussion on the featured book *The Secret Life of Bees*. Khan was recognized at the Oklahoma State Capitol for her Human Rights work in 2018 and honored by the Oklahoma League of Women Voters as one of the 100 Trailblazers for 2018. This event is made possible by a grant from Oklahoma Humanities with funding from the Inasmuch Foundation and the Kirkpatrick Family Fund. Dr. Khan will present background information on the novel, author, and themes for the audience and will help to facilitate a discussion. The program is free of charge and open to all community members. A limited number of books are available, so please pre-register at the Ponca City Library.

Stephenson made it known that City Offices are closed for Good Friday, April 19, 2019. There will be no Residential Refuse service that day. Emergency operations will staff accordingly. Wentz Golf Course will be open as well as The Marland Mansion and Marland's Grand Home.

Stephenson reminded everyone that the meeting next week April 15-16, 2019 for all day budget meetings with the Department Heads to go over the proposed 2019-2020 Fiscal Year Budget. You will receive your Draft Budget on Thursday of this week.

****PUBLIC HEARINGS ****

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

Development Services Director Chris Henderson reviewed background on the petition, including a PowerPoint presentation with maps illustrating the area in question.

David Cummings, 123 E Grand, Suite C, informed all that his law firm represents Mr. Wohl. Cummings argued that this request is the opposite of spot zoning, and gave examples why. Cummings encouraged commissioners to support making this property C-2 as is most of the property zoning and uses around it.

- 16b. Consider And Vote Upon An Ordinance Zoning Real Property Located At 2012 North Union Street, More Particularly Described Below, From C-1 Local Commercial To C-2 General Commercial, And Directing The Development Services Director To Change The Official Zoning Map Of The City Accordingly, And Directing The City Clerk To File Of Record.

ORDINANCE NO. 6264

AN ORDINANCE ZONING REAL PROPERTY LOCATED AT 2012 NORTH UNION STREET, MORE PARTICULARLY DESCRIBED BELOW, FROM C-1 LOCAL COMMERCIAL TO C-2 GENERAL COMMERCIAL, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.

Commissioner Taylor made the motion to approve the re-zoning application. Commissioner Austin seconded.

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

- 17a. Conduct a Public Hearing on Subparagraph (B) Hereof.

Development Services Director Chris Henderson reviewed background on the petition, including a PowerPoint presentation with maps illustrating the area in question.

David Cummings, 123 E Grand, Suite C, represents Mr. Wohl. Cummings gave history on the area in question and expressed hope that re-zoning will help spur development of the area.

- 17b. Consider And Vote Upon An Ordinance Zoning Real Property Located At 2309 Lake Road, More Particularly Described Below, From R-1 Single Family Residential And C-1 Local Commercial To C-2 General Commercial, And Directing The Development Services Director To Change The Official Zoning Map Of The City Accordingly, And Directing The City Clerk To File Of Record.

ORDINANCE NO. 6265

AN ORDINANCE ZONING REAL PROPERTY LOCATED AT 2309 LAKE ROAD, MORE PARTICULARLY DESCRIBED BELOW, FROM R-1 SINGLE FAMILY RESIDENTIAL AND C-1 LOCAL COMMERCIAL TO C-2 GENERAL COMMERCIAL, AND DIRECTING THE DEVELOPMENT SERVICES DIRECTOR TO CHANGE THE OFFICIAL ZONING MAP OF THE CITY ACCORDINGLY, AND DIRECTING THE CITY CLERK TO FILE OF RECORD.

Commissioner Austin made the motion to approve item #17b. Commissioner Taylor seconded.

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

****NEW BUSINESS****

18. Consider And Take Action With Respect To An Ordinance Of The City Of Ponca City, Oklahoma, Relating To The Imposition Of A 0.833% Excise Tax (Sales And Use Tax), In Addition To All Present City, County, And State Excise Taxes, To Be Levied Upon The Gross Proceeds Or Gross Receipts Derived From All Sales Taxable Under The Oklahoma Sales And Use Tax Codes; Providing That The Proceeds Of Said Tax Are To Be Used To Fund Public Safety Capital Expenditures Benefiting The City; Providing For The Effective Date And Termination Date, If Any, Of Said Excise Tax; Providing For Amendments To This Ordinance; Providing For Severability Of Provisions; And Containing Other Provisions Related Thereto.

ORDINANCE NO. 6266

AN ORDINANCE OF THE CITY OF PONCA CITY, OKLAHOMA, RELATING TO THE IMPOSITION OF A 0.833% EXCISE TAX (SALES AND USE TAX), IN ADDITION TO ALL PRESENT CITY, COUNTY, AND STATE EXCISE TAXES, TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES AND USE TAX CODES; PROVIDING THAT THE PROCEEDS OF SAID TAX ARE TO BE USED TO FUND PUBLIC SAFETY CAPITAL EXPENDITURES BENEFITING THE CITY; PROVIDING FOR THE EFFECTIVE DATE AND TERMINATION DATE, IF ANY, OF SAID EXCISE TAX; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

City Manager Craig Stephenson gave background on the item being proposed.

Commissioner Chapman made the motion to approve item #18 as stated. Commissioner Taylor seconded.

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

19. Consider And Take Action With Respect To A Resolution Authorizing The Calling And Holding Of A Special Election In The City Of Ponca City, Oklahoma, On Tuesday, June 11, 2019, For The Purpose Of Submitting To The Registered Qualified Electors Of Said City The Question Of Approval Or Rejection Of An Ordinance Of The City Relating To A 0.833% Excise Tax (Sales And Use Tax), In Addition To All Present City, County, And State Excise Taxes, With The Proceeds Of Said Tax To Be Used To Fund Public Safety Capital Expenditures Benefiting The City, With Said Excise Tax To Become Effective October 1, 2020 And Of Said 0.833% Excise Tax, 0.500% Shall Terminate September 30, 2028 And The Remaining 0.333% Shall Have No Stated Termination Date, All As More Fully Set Out In Said Ordinance Of Said City; And Containing Other Provisions Related Thereto.

RESOLUTION NO. 6437

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF PONCA CITY, OKLAHOMA, ON TUESDAY, JUNE 11, 2019, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF AN ORDINANCE OF THE CITY RELATING TO A 0.833% EXCISE TAX (SALES AND USE TAX), IN ADDITION TO ALL PRESENT CITY, COUNTY, AND STATE EXCISE TAXES, WITH THE PROCEEDS OF SAID TAX TO BE USED TO FUND PUBLIC SAFETY CAPITAL EXPENDITURES BENEFITING THE CITY, WITH SAID EXCISE TAX TO BECOME EFFECTIVE OCTOBER 1, 2020 AND OF SAID 0.833% EXCISE TAX, 0.500% SHALL TERMINATE SEPTEMBER 30, 2028 AND THE REMAINING 0.333% SHALL HAVE NO STATED TERMINATION DATE, ALL AS MORE FULLY SET OUT IN SAID ORDINANCE OF SAID CITY; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Commissioner Scott made the motion to approve item #19. Commissioner Austin seconded.

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

20. Consider And Vote On A Resolution Of The Board Of Commissioners Of The City Of Ponca City, Oklahoma To Execute A Project Agreement With The Oklahoma Department Of Transportation In Connection With The Reconstruction And Widening Of Highland Avenue From Hampton Drive To Lake Street, Project No. STP-236B (062) UR, Job No. 33687(04).

RESOLUTION NO. 6438

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA TO EXECUTE A PROJECT AGREEMENT WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE RECONSTRUCTION AND WIDENING OF HIGHLAND AVENUE FROM HAMPTON DRIVE TO LAKE STREET, PROJECT NO. STP-236B (062) UR, JOB NO. 33687(04).

Commissioner Chapman made the motion to approve item #20 as stated. Commissioner Taylor seconded.

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

****CITIZENS COMMENTS ****

21. None.

22. ADJOURN

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

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

Mayor Nicholson adjourned the Board of Commissioners meeting at 6:42 p.m.

PASSED IN SESSION AND APPROVED THIS 22ND DAY OF APRIL 2019.

ATTEST:

CITY CLERK



Nolan Nicholson
MAYOR

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
April 8, 2019

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: Tana McKinley, Chris Henderson, Don Bohon, Dave Williams, Mike Lane, Richard Evans, John Andrew, Rob Dick, Butch Herring, City Staff; citizens; Steve Dye, Ponca City News, Beverly Bryant, TEAM Radio.

1. CALL TO ORDER

Chairman Homer Nicholson called the meeting to order at 6:42 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2 through #3 noncontroversial and routine in nature by the governing body and are approved by one motion.

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

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

2. Consider And Vote Upon The Minutes Of The Regular Session Held March 25, 2019.
3. Consider And Vote Upon A Resolution Appropriating Money For Payment Of Claims Against The Ponca City Utility Authority Of Ponca City, Oklahoma.

RESOLUTION NO. 1057

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

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

4. None

****NEW BUSINESS****

None

5. ADJOURN

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

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

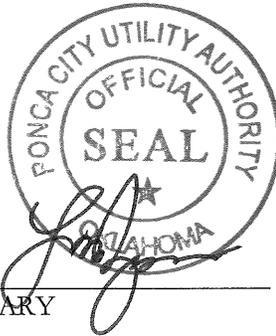
Chairman Nicholson adjourned the Ponca City Utility Authority meeting at 6:44 p.m.

PASSED IN SESSION AND APPROVED THIS 22ND DAY of APRIL 2019.

ATTEST:



TRUST SECRETARY





CHAIRMAN