

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
MARCH 9, 2009

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
 Bill Flegler, Commissioner
 Paul Krueger, Commissioner
 Lanita Chapman, Commissioner
 Craig Stephenson, City Manager
 Kevin Murphy, City Attorney
 Marc LaBossiere, Finance Director/City Clerk

Absent: Diane Anderson, Commissioner

Others Present: Chris Henderson, Jim Sindelar, Rhonda Skrapke, Holly LaBossiere, Butch Herring, Don Bohon, Rob Dick, Marcia Hull, Mike Lane, Jim Fairbanks, City staff; Jayne Detten, Troy Lewis, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Tom Ramsey – 1st Lutheran Church and School
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: Arbor Week
5. Character Trait for March is Sincerity presented by Lowell LeFebvre.
6. Election of Vice-Mayor in Accordance with Provisions of Section 60 of the City Charter.

Commissioner Chapman nominated Commissioner Anderson as Vice Mayor. Krueger seconded.

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

****CONSENT AGENDA****

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

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

7. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held February 23, 2009.
8. Consider and vote on contract between the Oklahoma Department of Libraries and the Ponca City Library for FY09 Continuing Education Conference Grant for Marcia Hull.

9. Consider and vote on acceptance of the roadway and drainage improvements within the right-of-way and easements through the West Lake Estates Subdivision and within the new High Pointe Subdivision as public improvements.

10. **RESOLUTION NO. 5747**

A RESOLUTION SUSPENDING CITY CODE OF ORDINANCES SECTION 7-14(NUMBER OF GARAGE SALES IN A GIVEN YEAR) AND PERMIT FEE FOR GARAGE SALES ON MARCH 28, 2009.

11. Consider and vote on authorizing advertisement of bids on Project No. Gen 09-4, Hartford Avenue Reconstruction, Ash to Waverly.

12. **RESOLUTION NO. 5748**

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

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

13. None.

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

14. Mayor Nicholson informed everyone that Commissioner Anderson was absent due to the death of her mother.

Commissioner Flegler thanked the voters of Ponca City for electing him to the City Commission and said that he looked forward to being a Commissioner.

Commissioner Krueger stated that it was good to be back and looked forward to serving with such a fine group of Commissioners.

Commissioner Chapman welcomed the two new Commissioners.

****REPORTS****

15. **CITY MANAGER'S REPORT**

City Manager Craig Stephenson advised that staff would continue to meet this week with the budget team. Stephenson stated that budget meetings were held three days last week and there would be two more days this week.

Stephenson further reported that the bid opening for the Recreation Center has been moved from March 19, 2009 to March 26, 2009 due to Spring Break being that week; therefore, it would be difficult for some of the subcontractors to get their bids in.

Stephenson also updated the Commission on the Comprehensive Planning Committee by saying that they would be meeting to go over the Economic Development Chapter on March 19, 2009, and that they are still trying to coordinate a date for the final meetings with the

Commissioners between now and the end of May.

Mayor Nicholson asked the City Finance Director for an updated report on the city sales tax.

Finance Director Marc LaBossiere reported that there had been two months back to back with negative results, but the most recent report from the Oklahoma Tax Commission showed that for the period from January 15, 2009 to February 15, 2009 sales tax had increased 1.8% over the same period from the previous year.

****PUBLIC HEARINGS****

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

Community Development Director Chris Henderson gave a powerpoint presentation in conjunction with the petition being presented in regards to a zoning petition request. Henderson stated that the request involved several residential lots located just east of the Correll Automotive Paint and Body Shop on South Avenue. Henderson further explained that the owner of the body shop is requesting the rezoning so that it will enable him to expand his business. Henderson stated that the property is currently zoned R-2 two-family residential and needs to be rezoned to C-2 General Commercial to allow the property owner to expand.

Mayor Nicholson opened the floor to anyone who would like to speak for or against the rezoning of this property. There being no one to speak for or against the rezoning, Mayor Nicholson closed the Public Hearing.

16B.

ORDINANCE NO. 6095

AN ORDINANCE REZONING REAL PROPERTY DESCRIBED AS LOTS 3 THROUGH 6, BLOCK 15, EDWARDS ADDITION TO THE CITY OF PONCA CITY, LOCATED AT 914 EAST SOUTH AVENUE, R-2 TWO FAMILY RESIDENTIAL 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 Krueger made the motion to approve the rezoning of real property described as Lots 3 through 6, Block 15, Edwards Addition to the City of Ponca City, located at 914 East South Avenue, R-2 two-family residential 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. Chapman seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

17. Consider and vote on Letter of Agreement between the City of Ponca City and Lewis Associates Architects for roof maintenance of various City-owned buildings, with architectural services estimated at \$30,315.00, not to exceed \$46,819.00.

Commissioner Flegler made the motion to approve the Letter of Agreement between the City of Ponca City and Lewis Associates Architects for roof maintenance of various City-owned buildings, with architectural services estimated at \$30,315.00, not to exceed \$46,819.00. Chapman seconded.

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

18. Consider and vote on the State-Local Disaster Assistance Agreement FEMA-1712-DR-OK (HMGP) in the amount of \$50,459.00.

Commissioner Chapman made the motion to approve the State-Local Disaster Assistance Agreement FEMA-1712-DR-OK (HMGP) in the amount of \$50,459.00. Flegler seconded.

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

19. Consider and vote on awarding bid on Project No. STP-136-E(109)EH, Ponca City Downtown Sidewalk Improvements to Hembree and Hodgson Construction in the amount of \$344,057.14 and authorize the Mayor to execute contract.

Mike Lane, Traffic Engineering Manager, advised that this item was brought before the Commission at the last meeting, and after input from the Main Street Director, he was asked to get prices for installing real brick pavers in lieu of the brick pattern concrete that was bid. Lane showed several examples of brick pattern concrete in different areas of Ponca City and the year each project was completed. Lane also showed examples of real brick pavers. Lane advised the Commission that he had gone back to the low bidder, Hembree and Hodgson, and asked them to give him a comparison of the difference in cost of the real brick pavers versus the brick patterned concrete that was bid, and the difference would be a negative \$97,000.00 over the amount allowed for the project.

Lane further informed the Commission that the main opposition to using patterned concrete versus the real brick was color fading over time, would it wear as well as real brick, and the esthetics. Lane stated that Hembree had provided him with ASTM test results from the company that manufactures this product, which showed that the patterned brick withstood the scaling and abrasion tests better than the untreated concrete bricks.

Lane went on to say that staff members met, and the consensus was to get more sidewalks built for the amount of money budgeted, and the recommendation to the Commission is to stay with the brick patterned concrete, as bid, and award the bid to Hembree and Hodgson, and authorize the Mayor to execute and sign the documents. Lane stated then they would go back and work on the extension of quantities in order that the scope of the project can be extended to include complete reconstruction of sidewalks on Grand from First to Third.

Discussion ensued with Jayne Detten, Main Street Director, and Brian Hembree of Hembree and Hodgson giving input as to the type of brick or brick application that needs to be used in this project.

Commissioner Flegler made the motion to award the contract for Project No. STP-136-E(109)EH for sidewalk improvements to Hembree and Hodgson using the full depth integral color concrete brick strip. Krueger seconded.

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

****CITIZENS COMMENTS****

20. None.

21. Commissioner Krueger made the motion to adjourn. Chapman seconded.

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

Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 6:37p.m.

PASSED IN SESSION AND APPROVED THIS 23RD DAY OF MARCH 2009.

MAYOR

ATTEST:

CITY CLERK