

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
DECEMBER 22, 2008

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
Stan Paynter, Commissioner
Wayne Foxworthy, Commissioner
Lanita Chapman, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Chris Henderson, Craig Stephenson, Don Nuzum, Rhonda Skrapke, Mike Lane, Holly LaBossiere, Earl Watkins, Phil Johnston, City staff; Rich Cantillon, Ponca City Chamber of Commerce; David Myers, Ponca City Development Authority; Leslie Evans, Verle Caid, Dolly Roland, Dick Stone, Chuck Clark, Steve Peresko, T.L. Walker, Bruce Evans, James Smith, Clement Collogen, Guy Clark, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Reverend Andy Gifford – First Presbyterian Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: Financial Literacy Month
5. Proclamation: National Mentoring Month.
6. Character Trait for December is Generosity and was presented by Malcolm Cooper.

****CONSENT AGENDA****

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

Roll: Yeas; Paynter, Anderson, Nicholson, Foxworthy, and Chapman. Nays; None. Motion carried.

7. Consider and vote upon minutes of the Ponca City Board of Commissioners special session held November 21, 2008, work session held December 1, 2008, and regular session held on December 8, 2008.
8. Consider and take action on contract between the Oklahoma Department of Libraries and the Ponca City Library for FY09 State Aid Grant.

9. **RESOLUTION NO. 5734**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, ADOPTING THE OCTOBER 2008 CITY OF PONCA CITY DEFINED BENEFIT RETIREMENT PLAN DOCUMENT, RESTATED JANUARY 1, 2008 THAT IS UPDATED FOR PROVISIONS OF THE FEDERAL "ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT. (EGTRRA)

10. Consider and take action with respect to progress payment #5, the final payment to Honeywell Inc. for the Wireless Mesh Network Project in the amount of \$114,550.00.

11. **RESOLUTION NO. 5735**

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

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

12. None.

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

13. Commissioner Anderson sent out her wishes to everyone to have a wonderful holiday.

Commissioner Paynter thanked the City Manager and Bobby Gibson, saying that it is a great joy to have the Christmas tree back in the middle of Grand Avenue. Paynter said that it brought back memories, and would like to have it done again.

Mayor Nicholson wished everyone a Merry Christmas and a Happy New Year, and urged everyone to be careful if traveling.

****REPORTS****

14. **CITY MANAGER'S REPORT**

City Manager Gary Martin stated that this was his last meeting, and expressed his appreciation to the Commission, his staff, and to the citizens for their support,

Martin further added that he has asked Finance Director Marc LaBossiere to do a financial report for the Commission on his leaving. Martin added that this report would be done at the first regular meeting in January. Martin advised that he would be on staff until the end of January.

Martin stated that it had been fun, and that he had been City Manager for 15 years and with the City for 35 years. Martin went on to say that, it has been a very enjoyable career, and upon becoming City Manager he had said that in reality we are Caretakers of all the assets owned by our Citizens, and he hoped that he had done a good job in taking care of those assets.

Mayor Nicholson commended City Manager Gary Martin on an outstanding job.

15. RECEIVE PRESENTATION OF THE CITY OF PONCA CITY'S SNOW AND ICE CONTROL MANUAL.

Assistant City Manager Craig Stephenson gave a presentation on the guidelines used by City staff for winter storms.

****PUBLIC HEARINGS****

16. Conduct a Public Hearing on subparagraphs(B) and(C)

Community Development Director Chris Henderson gave an overview of the request from Dr. Frank Rees for a development proposed north of Prospect Avenue, east of the 3400 block of North Pecan. Henderson noted an error on the blue sheet under staff recommendation, and stated that staff recommendation is approval of R-1 not R-2.

Mayor Nicholson opened the Public Hearing for anyone who would like to speak for or against the rezoning.

Guy Clark, 12 Ridge Creek Road, appeared on behalf of Rees. Clark noted the proposal represents one of the largest investments in Ponca City ever, as well as a big contribution to other areas of the community. Clark urged approval of the project.

Kelly Harris, Stillwater Engineering, clarified the proposal saying that the footprint has been flipped, so the apartment complex is further from the Fieldstone subdivision.

There being no further comments from the public, Mayor Nicholson closed the Public hearing at 6:10 pm

Mayor Nicholson relayed that the Commission has had many communications from residents, both in support and opposition of the proposal as well as much information.

16B. **ORDINANCE NO. 5736**

AN ORDINANCE REZONING REAL PROPERTY DESCRIBED AS PART OF THE WEST HALF OF SECTION 12-T26N-R2E, 1.M, CITY OF PONCA CITY, MORE FULLY DESCRIBED BELOW, LOCATED EAST OF THE 3400 BLOCK OF NORTH PECAN ROAD, RA RURAL ACREAGE TO R-1 SINGLE FAMILY RESIDENTIAL, DESIGNATING SAID PROPERTY AS A PUD PLANNED UNIT DEVELOPMENT, INCORPORATING THE STATEMENT OF INTENT INTO THE ORDINANCE OF RECORD, 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 Paynter made the motion to approve the Ordinance rezoning real property located east of the 3400 block of the North Pecan Road from RA Rural Acreage, to R-2 two family-residential. Foxworthy seconded. Paynter amended motion for rezoning from R2 to R1. Foxworthy amended second.

Roll: Yeas; Paynter, Foxworthy, Nicholson, Chapman, and Anderson. Nays; None. Motion carried.

- 16C. Consider and vote to designate said property as a PUD “Planned Unit Development” overlay district and incorporate the Statement of Intent in the Official Ordinance of Record.

Commissioner Anderson made the motion to approve the designation of said property as a PUD “Planned Unit Development” overlay district and incorporate the Statement of Intent in the Official Ordinance of Record. Paynter seconded.

Roll: Yeas; Anderson, Paynter, Nicholson, Foxworthy, and Chapman. Nays; None. Motion carried.

17. Consider and vote on a preliminary site development plan for the Pecan Village Retirement Community, located east of the 3400 block of North Pecan Road.

Commissioner Anderson made the motion to approve the preliminary site development plan for the Pecan Village Retirement Community, located east of the 3400 block of North Pecan Road. Foxworthy seconded.

Roll: Yeas; Anderson, Foxworthy, Nicholson, Paynter, and Chapman. Nays; None. Motion carried.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

18. **RESOLUTION NO. 5736**

A RESOLUTION APPROVING THE SUBMISSION OF THE CITY OF PONCA CITY'S STANDING BEAR TRAILS PHASE 5 APPLICATION FOR ENHANCEMENT FUNDS TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$577,852.00.

Commissioner Chapman made the motion to approve the Resolution for the submission of the City of Ponca City's Standing Bear Trails Phase 5 application for enhancement funds to the Oklahoma Department of Transportation in the amount of \$577,852.00. Foxworthy seconded.

Roll: Yeas; Chapman, Foxworthy, Nicholson, Paynter, and Anderson. Nays; None. Motion carried.

19. Consider and vote on the State-Local Disaster Assistance Agreement between the State of Oklahoma and the City of Ponca City in the amount of \$431,999.00 Federal Share and \$12,520.00 for administrative fees.

Commissioner Foxworthy made the motion to approve the State-Local Disaster Assistance Agreement between the State of Oklahoma and the City of Ponca City in the amount of \$431,999.00 Federal Share and \$12,520.00 for administrative fees. Anderson seconded.

Roll: Yeas; Foxworthy, Anderson, Nicholson, Paynter, and Chapman. Nays; None. Motion carried.

20. Consider and vote on a contract to employ Craig Stephenson as City Manager.

City Attorney Kevin Murphy outlined for the Commission the terms of the employment agreement with Stephenson. Murphy advised that the annual salary for the position is \$110,000.00 per year, which does include typical medical and health, and also some life insurance. Murphy further added that something notable is that the contract calls for a 6-month severance pay in the event that his services were terminated. Murphy explained that this is standard in the industry now, that there is some assurance that they can make a living in the event they are terminated. Murphy concluded by saying that January 1, 2009 will be his start date.

Commissioner Paynter made the motion to approve the contract employing Craig Stephenson as City Manager. Foxworthy seconded.

Roll: Yeas; Paynter, Foxworthy, Nicholson, Chapman, and Anderson. Nays; None. Motion carried.

- 21.

RESOLUTION NO. 5737

A RESOLUTION OF THE CITY OF PONCA CITY, OKLAHOMA, APPROVING AND CONSENTING TO AMENDMENT OF PONCA CITY UTILITY AUTHORITY TRUST INDENTURE WHEREIN THE PONCA CITY CLERK SHALL BE EX OFFICIO SECRETARY TO SAID TRUST AND AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS.

City Attorney Kevin Murphy explained that the Ponca City Utility Authority Trust Indenture establishes the trust, which operates all of Ponca City's utilities. Murphy went on to explain that originally provided that the Clerk of the City would serve as secretary of that Trust. Murphy added that in 1984 due to personalities involved, the trust indenture was amended making the City Manager ex officio the Secretary. Murphy stated that this is a little cumbersome, and it is recommended that the Commission approve making the city clerk the ex officio secretary of the PCUA.

Commissioner Foxworthy made the motion to approve the Resolution consenting to amendment of Ponca City Utility Authority Trust Indenture wherein the Ponca City Clerk shall be Ex Officio secretary to said trust and authorizing the Mayor to execute all necessary documents. Anderson seconded.

Roll: Yeas; Foxworthy, Anderson, Nicholson, Chapman, and Paynter. Nays; None. Motion carried.

****CITIZENS COMMENTS****

22. Dick Stone, 1409 Reveille, commended Gary Martin for his years of public service and wished him the best for the future.

Chuck Clark, 1316 Meadowbrook, informed the Commission that the Senior Center coordinated Medicare D sign ups at the facility, and had over 400 residents utilize the event to sign up.

RECESS TO PONCA CITY AUTHORITY MEETING

Mayor Nicholson recessed to the Utility Authority meeting at 6:34 p.m.

23. The Board of Commissioners reconvened their meeting at 6:57 p.m.

David Myers, Ponca City Development Authority, gave an overview of the local economy through report numbers derived from Oklahoma State University economic analysis. Myers discussed recent trends and observations on key components of the local economy.

24. At 7:12 p.m., Commissioner Paynter made the motion to enter into Executive Session pursuant to Title 25, Section 307 O.S. for purpose 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. Anderson seconded.

Roll: Yeas; Paynter, Anderson, Nicholson, Foxworthy, and Chapman. Nays; None. Motion carried.

21. The Commission returned to regular session at 7:27 p.m. with no action being taken

Commissioner Anderson made the motion to adjourn the Board of Commissioners. Foxworthy seconded.

Roll: Yeas; Anderson, Foxworthy, Nicholson, Paynter, and Chapman. Nays; None. Motion carried.

22. Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 7:27 p.m.

PASSED IN SESSION AND APPROVED THIS 12TH DAY OF JANUARY 2009.

MAYOR

ATTEST:

CITY CLERK