

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
NOVEMBER 24, 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
Lanita Chapman, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Wayne Foxworthy, Commissioner

Others Present: Don Nuzum, Craig Stephenson, Chris Henderson, Terry Brown, Mike Lane, Clayton Johnson, Phil Johnston, Jim Fairbanks, Butch Herring, City Staff; Steve Peresko, James Smith, Dr. Frank Rees, Raj Phansalker, Kenny Jean, Quint Whitefield, Cheryle Kline, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Mayor Homer Nicholson
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: Robotics Month
5. Proclamation; National Family Week.

****CONSENT AGENDA****

The Board of Commissioners found items #6, #7, #8, #9, #10, #11, and #12 non-controversial and routine in nature. Commissioner Paynter made the motion to approve the consent agenda. Chapman seconded

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners special session held November 3, 2008, special session held November 4, 2008, regular session held on November 10, 2008, and work session held on November 17, 2008.

7. **RESOLUTION NO. 5727**

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 THE OFFICE THEREOF.

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Park & Recreation Advisory Board	Randy W. Wilson	Appointed	2009

8. Consider and vote on Change Order No. 1, in the deduct amount of \$699.73, and the final payment in the amount of \$242,785.52, to Sober Brothers, Inc. for work completed on “Ash Street Improvement Project – Highland to Overbrook” Project No. GEN 08-4.
9. Consider and vote on various Commission Policy Statements.

10. **RESOLUTION NO. 5728**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, ADOPTING FEDERAL HEROES EARNINGS ASSISTANCE AND RELIEF TAX (HEART) ACT PROVISION FOR THE CITY OF PONCA CITY DEFINED BENEFIT RETIREMENT PLAN.

11. **RESOLUTION NO. 5729**

A RESOLUTION DESIGNATING FUND TO WHICH STATE REQUIRED BOND FEE BE CREDITED.

12. **RESOLUTION NO. 5730**

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. Commissioner Paynter wished everyone a safe Thanksgiving and to be safe on the roads.
- Mayor Nicholson reiterated Commissioner Paynter’s comment and wished everyone a nice holiday.

****REPORTS****

15. OKLAHOMA MUNICIPAL POWER AUTHORITY UPDATE

Jennifer Rogers, OMPA representative, gave an update of OMPA activities in recent months.

16. CITY MANAGER'S REPORT

None.

****PUBLIC HEARINGS****

17A. Conduct a Public Hearing; and

Community Development Director Chris Henderson gave an introduction on the proposed re-zoning and project. Henderson explained that this hearing is in regards to a zoning application for a retirement community to be located east of the 3400 block of North Pecan. Henderson added that the application is to establish a Planned Unit Development on twenty-seven (27) acres of land that is currently zoned RA Rural Acreage. Henderson explained that sequentially to be able to establish a PUD on these 27 acres; the zoning must be changed from RA Rural Acreage to R-2 Two Family Residential.

Henderson further informed the Commission that PUD's are quite common throughout the State, but this proposal is the first of its kind in Ponca City, although Commercial PUD's have been used for the past twenty (20) years. Henderson further explained that the City's zoning ordinance contains a chapter devoted exclusively to the establishment of PUD's, and outlines the development process one must follow to achieve the PUD designation.

Henderson explained that the proposed retirement community contains a variety of housing types, ranging from executive homes, independent living, skilled nursing, and even a complex for dementia clients. Henderson further stated that there is a commercial element within the development, which would include a restaurant, wellness center, and supportive services such as a beauty salon, but due to this being a residential PUD there would be no commercial signage permitted. Henderson added that the commercial element comprises a very small portion of the PUD.

Henderson iterated that the 4-story senior living complex totaling sixty (60) units, which will measure forty-four (44) feet in height with a cupola extending to a height of six-three (63) feet, has caused the most concern for residents living in the area. Henderson pointed out that as the distance increases the disparity in height becomes less and less, and that the building in question is located over 100 to 500 feet to the nearest property line of those residential properties in the Fieldstone Addition, and the separation is even greater, over 1500 feet, to those homes located in the High Pointe Estate Addition.

Dr. Frank Rees, Jr. stated that he appreciated the opportunity to explain to the Commission and public as to what they wish to do with Pecan Village. Rees stated that he did not just happen to come to Ponca City, but was invited by Chuck Clark, who at that time was the president for the Conoco Retirees Assn. Rees explained that for years residents leave Ponca City when it is time to retire, and for example move to Oklahoma City to a continuing care community, even though they may have always lived in Ponca City.

Rees then addressed why the proposal is good for Ponca City. Rees explained that this retirement community would help to retain retirees, who might otherwise be forced to leave, taking with them future tax base. Rees further added that the residents who stay here will shop in Ponca City, will use the hospital and local banks, and most importantly keep families and friends together. Rees concluded that this is a very large investment in the community and requested the City Commission to approve this project. Discussion ensued.

Mayor Nicholson opened the Public Hearing and asked for those wishing to speak for or against the rezoning of the 3400 block of Pecan to come forward.

Cheryle Kline, 2617 Fieldstone, a developer of Fieldstone gave concerns about responsible growth and opposed the height of the proposed structure among other things.

Kenneth Jean, 2605 Fieldstone, gave details of his own costs of development and encouraged commissioners to deny the re-zoning.

Amy Steuver, 2600 Fieldstone, spoke of her own reasons for building in Ponca City and opposes the re-zoning because of the four story apartment complex and a TIF district.

Julian Ford, 2604 Fieldstone, expressed concerns over economic viability of the proposal, and opposes the re-zoning.

Tim Meyer, representing Renaissance of Ponca City, spoke from a competitor's standpoint and opposed the development.

Charles Clark, 1316 Meadowbrook, spoke of personal experience of family living in this type of facility and expressed a deep need for Ponca City to have this type of development, and encouraged approval of the re-zoning.

Elmore Stockford, representing Sterling House, questioned the economy and whether there is a need for the facility.

James Smith, 1611 E. Prospect, addressed several issues, clarifying that in his real estate experience property values will not be negatively affected. Smith, as a former Planning Commission member, also stated that PUD is more difficult to develop as the design is locked in up front, and encouraged Commission approval of the project.

Raj Phansalker, 20 Stoneridge, stated he is very impressed with Dr. Rees' presentation, and spoke of a community need for this facility in Ponca City and encouraged approval of the proposal.

Alison Ford, 2604 Fieldstone, encouraged that the facility be constructed elsewhere or the foot print changed, and spoke in opposition to the proposal.

Ann Martin, resident of Pecan Street, spoke in opposition of the proposal due to drainage issues.

Steve Peresko, 3700 High Point Drive, spoke as seller of the land and a homeowner adjacent to the proposal and based on the quality of the proposal encouraged approval of the re-zoning.

David Myers, Ponca City Development Authority, spoke of the need in Ponca City and the way communities grow today. Myers stated that this type of facility will help attract and retain workers and residents, and encouraged approval of the proposal.

Paula Blake, a resident living across the street, questioned the costs for the proposed executive homes and apartments. Dr. Rees clarified independent living monthly rent is approximately \$2000 per month, and addressed the process of rates and sales after plans are approved and finalized. Blake expressed that the price is too high and encouraged denial of the proposal.

Hugh Martin, 2508 Briar Ridge Road, questioned why taxpayers should bear a part of the cost and with ConocoPhillips job cuts, and can this proposal be a good thing.

Public hearing closed at 7:25pm.

17B.

ORDINANCE NO. (REMOVED)

AN ORDINANCE REZONING REAL PROPERTY DESCRIBED AS PART OF THE WEST HALF OF SECTION 12-T26N-R2E, I.M., CITY OF PONCA CITY, MORE FULLY DESCRIBED BELOW, LOCATED EAST OF THE 3400 BLOCK OF NORTH PECAN ROAD, RA RURAL ACREAGE TO R-2 TWO 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 property located east of the 3400 block of the North Pecan Road from RA Rural Acreage, to R-2 two family-residential. Paynter withdrew the original motion. Paynter then made a motion to table the matter and continue it at the next regular work session. Anderson seconded.

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

17C. Designate said property as a PUD "Planned Unit Development" Overlay District and incorporate the Statement of Intent in the official Ordinance of Record.

Commissioner Paynter made the motion to remove item 17C and item 18 from agenda. Anderson seconded.

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

18. 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. (Removed)

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

None.

The Commission recessed for a ten minute break at 7:58 p.m.

****CITIZENS COMMENTS****

19. None

RECESS TO PONCA CITY AUTHORITY MEETING

Mayor Nicholson recessed to the Utility Authority meeting at 8:10 p.m.

20. The Board of Commissioners reconvened their meeting at 8:12 p.m., with Commissioner Anderson making the motion to enter into Executive Session pursuant to Title 25, Section 307 O.S. for purpose of:

- A. 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.
- B. Discussing the hiring of a City Manager and interviewing the City Manager Applicants. Chapman seconded.

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

21. The Commission returned to regular session at 9:21 p.m. with no action being taken

22. Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 9:21 p.m.

MAYOR

ATTEST:

CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
NOVEMBER 24, 2008

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 8:10 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

Present: Homer Nicholson, Chairman
Diane Anderson, Trustee
Stan Paynter, Trustee
Lanita Chapman, Trustee
Gary Martin, Trust Secretary
Kevin Murphy, Trust Attorney
Marc LaBossiere, Finance Director/City Clerk

Absent: Wayne Foxworthy, Trustee

Others Present: Clayton Johnson, Craig Stephenson, Butch Herring, Chris Henderson, City staff; David Myers, citizens; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 8:10 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, and #4 non-controversial and routine in nature by the governing body and are approved by one motion.

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

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

2. Consider and vote upon the minutes of the regular session held November 10, 2008.
3. Consider and vote upon authorizing Chairman to submit Monthly Operating Statement to OWRB.
3. **RESOLUTION NO. 708**

A RESOLUTION APPROPRIATING MONEY FOR 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. Trustee Paynter made the motion to adjourn. Anderson seconded.
Roll: Yeas; Paynter, Anderson, Nicholson, and Chapman. Nays; None. Motion carried.
6. Mayor Nicholson adjourned the Ponca City Utility Authority meeting at 8:12 p.m.

PASSED IN SESSION AND APPROVED THIS 8TH DAY OF DECEMBER 2008.

CHAIRMAN:

ATTEST:

TRUST SECRETARY

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
NOVEMBER 24, 2008

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Others Present: Clayton Johnson, Craig Stephenson, Butch Herring, Chris Henderson, City staff; David Myers, citizens; Beverly Bryant, Ponca City News.

1. Chairman Nicholson called the meeting to order at 8:10 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, and #4 non-controversial and routine in nature by the governing body and are approved by one motion.

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

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

2. Consider and vote upon the minutes of the regular session held November 10, 2008.
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****ITEMS REMOVED FROM THE CONSENT AGENDA****

4. None

****NEW BUSINESS****

None.

5. Trustee Paynter made the motion to adjourn. Anderson seconded.

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

6. Mayor Nicholson adjourned the Ponca City Utility Authority meeting at 8:12 p.m.

PASSED IN SESSION AND APPROVED THIS 8TH DAY OF DECEMBER 2008.

CHAIRMAN:

ATTEST:

TRUST SECRETARY