

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
OCTOBER 27, 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  
Diane Anderson, Commissioner  
Stan Paynter, Commissioner  
Wayne Foxworthy, Commissioner  
Lanita Chapman, Commissioner  
Gary Martin, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Others Present: Clayton Johnson, Chris Henderson, Mike Lane, Don Nuzum, Craig Stephenson, Mike Chapman, Rhonda Skrapke, Tana McKinley, Jim Fairbanks, Butch Herring, City staff; Rick Hughes, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation – Police Chaplain Rick Hughes, Victory Worship Center
3. Pledge of Allegiance

**\*\*CEREMONIES AND PROCLAMATIONS\*\***

4. Proclamation: Key Club Week

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

The Board of Commissioners found items #5, #6, #7, #8, #9, #10, and #11 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Foxworthy seconded

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners special session held October 6, 2008, regular session held on October 13, 2008, and Work Session held on October 20, 2008.
6. Consider and vote on an agreement to provide funding for Give Ponca the Business in the amount of \$5,000.00
7. Consider and vote on the lease renewal for fiscal year 2008-2009 of Enrique Avila, D/B/A, Enriques's Café.
8. Consider and vote on a five (5) year lease agreement with Integrity Aviation L.L.C. for Building #6 located on the Ponca City Regional Airport.

9. Consider and vote on the farm lease renewal for parcel #1 & 2 to Mary Jeans located on the Ponca City Regional Airport.

10. **RESOLUTION NO. 5720**

***A RESOLUTION OF THE CITY OF PONCA CITY ESTABLISHING PETTY CASH ACCOUNTS IN AMOUNTS ALLOCATED BY THE GOVERNING BODY FOR USE IN MAKING PAYMENTS FOR COSTS INCURRED IN OPERATING A MUNICIPALITY.***

11. **RESOLUTION NO. 5721**

***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 Paynter spoke about the Hazardous Waste Day, and gave special note to Commissioner Anderson who did an outstanding job in coordinating this event.

Mayor Nicholson also recognized Emergency Management Director Paula Cain for her participation and coordination of this event.

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

14. **CITY MANAGER'S REPORT**

Assistant City Manager Tana McKinley removed item 21B from the executive session.

15. **RECEIVE BUDGET STATUS REPORT FOR THE FIRST QUARTER ENDED SEPTEMBER 30, 2008.**

Finance Director Marc LaBossiere gave a summarized report of the unaudited financial operating budget for the first quarter ending September 30, 2008.

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

None.

**\*\*UNFINISHED BUSINESS\*\***

None.

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

16. Consider and vote on a contract in the amount of \$126,843.00 for the Small Cities Community Development Block Grant (CDBG) Program between the Oklahoma Department of Commerce and the City of Ponca City for a one (1) year funding cycle for demolition, special services assistance, down-payment assistance, and the sewer repair program.

Commissioner Foxworthy made the motion to approve a contract in the amount of \$126,843.00 for the Small Cities Community Development Block Grant (CDBG) Program between the Oklahoma Department of Commerce and the City of Ponca City for a one (1) year funding cycle for demolition, special services assistance, down-payment assistance, and the sewer repair program. Chapman seconded.

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

- 17.

**RESOLUTION NO. 5722**

***A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, ADOPTING THE IDENTITY THEFT PREVENTION PROGRAM (10/08 REV.) FOR THE CITY OF PONCA CITY AND PONCA CITY UTILITY AUTHORITY.***

Finance Director Marc LaBossiere explained to the Commission that the Federal government passed the FACTA legislation in 2003, which requires changes for business activity to help protect citizens from identity theft. LaBossiere further stated that one part of the legislation is entitled the "Red Flag Rules," and it was determined by the courts late this summer that cities and municipal utilities fall under its requirements.

LaBossiere went on to say that, the document before them is a draft plan for identifying red flags for possible identity theft, a plan to detect red flags, how to respond once detected, and a continued administration of the plan. LaBossiere advised that an Oversight Committee & Chairman have been established, and are nearly finished conducting operational assessments on applicable City departments. LaBossiere concluded by adding that if the proposed program, which is attached for the Commission's consideration, is approved; training of key staff will begin.

Commissioner Anderson made the motion to approve the Resolution adopting the Identity Theft Prevention Program (10/08 rev.) for the City of Ponca City and Ponca City Utility Authority. Foxworthy seconded.

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

18. Consider and vote on executing a project agreement with the Oklahoma Department of Transportation for the Construction of an Industrial Access Project on Hartford Avenue from Ash to Waverly, Project No. SAP-136D(177).

Commissioner Foxworthy made the motion to approve the executing of a project agreement with the Oklahoma Department of Transportation for the Construction of an Industrial Access Project on Hartford Avenue from Ash to Waverly, Project No. SAP-136D (177). Anderson seconded.

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

19. Consider and vote on authorizing advertisement of bids on Project No. Gen. 09-5, Pecan Road Reconstruction, Lake Road to Juanito.

Commissioner Foxworthy made the motion to approve the authorization of advertisement of bids on Project No. Gen 09-5, Pecan Road Reconstruction, Lake Road to Juanito. Chapman seconded.

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

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

20. None.

**RECESS TO PONCA CITY AUTHORITY MEETING**

Mayor Nicholson recessed to the Utility Authority meeting at 6:06 p.m.

21. The Board of Commissioners reconvened their meeting at 6:09 p.m., with Commissioner Anderson making the motion to enter into Executive Session pursuant to Title 25, Section 307 O.S. for purpose of discussing; Paynter seconded.

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

- A. Considering and discussing assessments of the vulnerability of government facilities to plan for protection from an Act of Terrorism.
- B. Discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried public officer or employee. (REMOVED)
22. The Commission returned to regular session at 6:40 p.m. with no action being taken

Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 6:40 p.m.

***PASSED IN SESSION AND APPROVED THIS 10TH DAY OF NOVEMBER 2008.***

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MAYOR

ATTEST:

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CITY CLERK

