

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
OCTOBER 6, 2008

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in special 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
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Wayne Foxworthy, Commissioner
Gary Martin, City Manager
Marc LaBossiere, Finance Director/City Clerk
Kevin Murphy, City Attorney

Others Present: Jim Sindelar, Chris Henderson, Don Bohon, Craig Stephenson, Mike Chapman, Butch Herring, Tana McKinley, City staff; Shane Harland, YMCA; Brad Biddle, Schaeffer, Johnson, Cox & Frey; Carrie Head, Larry Murphy, Jaden Worley, Ron Stevens, Earl Ball, Don Keathly, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the special meeting to order at 5:30 p.m. Mayor Nicholson gave a status update on the Ponca City Aquatic and Family Center – YMCA project.
2. Receive an update from Brad Biddle, Schaefer Johnson Cox Frey and Associates on the Ponca City Aquatic and Family Center-YMCA.

Biddle began by reminding the Commission of their July 14 meeting, the last time he addressed them and recommended rejecting all bids. Biddle attempted to explain why the bid and related costs were high at the time, as well as a lack of interested sub-contractors. Biddle reviewed the Construction Manager at Risk role, issues to be addressed on the project, and challenges.

Biddle, on behalf of the committee, recommended contracting with Lambert Construction for Construction Manager at Risk (CMR) services.

3. Consider and vote to find that the Ponca City Aquatic and Family Center-YMCA Project meets and satisfies the requirements of 61 O.S. 202.1c and enter into an agreement with Lambert Construction for Construction Manager at Risk services for the construction of the Ponca City Aquatic and Family Center-YMCA and authorize the Mayor to execute the contract.

Assistant City Manager Craig Stephenson began by explaining the findings that must be reached by statute, to pursue the construction manager at risk path for the project.

Mark Lambert, Lambert Construction Company, gave an overview of similar projects the firm has worked on. Lambert then reviewed a path forward to best use CMR tools to complete the project in the most cost efficient manner, as well as a timeline. Lambert then gave a PowerPoint presentation showing pictures of similar projects his firm had completed elsewhere. Discussion ensued.

Shane Harland, Director of the YMCA, noted that the YMCA board convened last week and supports moving forward without cutting the project.

Commissioner Paynter made the motion to find that the Ponca City Aquatic and Family Center –YMCA project meets and satisfies the requirements of 61 O.S. 202.1(c) and enter into an agreement with Lambert Construction for Construction Manager at Risk services for the construction of the Ponca City Aquatic and Family Center – YMCA and authorize the Mayor to execute the contract. Anderson seconded.

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

4. Consider And Vote On An Ordinance Of The City Of Ponca City, Oklahoma, Relating To The Amendment Of Ordinance No. 6049 Of The City, As Codified In Section 4-2-3 Of The Code Of Ordinances, Which Extends The Expiration Date Of Ordinance No.6049; Providing Effective Date; Providing For Severability Of Provisions; And Containing Other Provisions Related Thereto.

ORDINANCE NO. 6089

AN ORDINANCE OF THE CITY OF PONCA CITY, OKLAHOMA, RELATING TO THE AMENDMENT OF ORDINANCE NO. 6049 OF THE CITY, AS CODIFIED IN SECTION 4-2-3 OF THE CODE OF ORDINANCES, WHICH EXTENDS THE EXPIRATION DATE OF THE EXCISE TAX LEVIED PURSUANT TO ORDINANCE NO. 6049; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Commissioner Chapman made the motion to approve the Ordinance relating to the amendment of Ordinance No. 6049 of the City, as codified in Section 4-2-3 of the Code of Ordinances, which extends the expiration date of the excise tax levied pursuant to Ordinance No. 6049; providing effective date; providing for severability of provisions; and containing other provisions related thereto. Foxworthy seconded.

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

5. **RESOLUTION NO. 5715**

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF PONCA CITY, OKLAHOMA, ON TUESDAY, DECEMBER 9, 2008, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF ORDINANCE NO 6089, OF THE CITY RELATING TO THE MODIFICATION OF ORDINANCE NO. 6049, WHICH EXTENDS THE EXPIRATION DATE OF THE EXCISE TAX LEVIED PURSUANT TO ORDINANCE NO 6049; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Commissioner Foxworthy made the motion to approve the resolution authorizing the calling and holding of a special election in the City of Ponca City, Oklahoma, on Tuesday December 9, 2008, for the purpose of submitting to the registered qualified electors of said City the Question

of approval or rejection of Ordinance 6089, of the City relating to the modification of Ordinance No. 6049, which extends the expiration date of the of the excise tax levied pursuant to Ordinance No. 6049; and containing other provisions related thereto. Anderson seconded.

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

6. Discuss the Federal Regulation "Fair and Accurate Credit Transactions Act of 2003" (FACTA), and related Red Flag Rules Requirements.

Finance Director Marc LaBossiere explained that the Federal government passed the "Fair and Accurate Credit Transaction Act of 2003" or (FACTA.) LaBossiere advised that the purpose was to help protect citizens from identity theft. LaBossiere further stated that a portion of this act 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 stated that the next step is to get an oversight committee in place by the first of November in order to be in compliance. LaBossiere advised that this committee would likely be made up of the Finance Director, the Utility Billing Manager, City Controller, and the General Accountant, with the Finance Director as the senior administrator of the program. LaBossiere stated that the committee would have to be appointed by the City Commission, which will come before the Commission in Resolution form at the next meeting.

7. CITY MANAGER'S REPORT

City Manager Gary Martin announced that this meeting would be re-broadcast on the City's television channel for the public. Martin also advised that the City had received their Industrial Waste Water permit from DEQ for the landfill leachate pond. Martin went on to say that, the City is desperate to hire a recycling coordinator, who will be a marketing person that will speak to the community and encourage recycling on an individual and business basis.

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

8. Commissioner Chapman expressed gratitude to all in attendance for their interest in matters discussed.

Mayor Nicholson commented on a successful Oktoberfest and also reminded the Community about the City sponsored Hazardous Waste Day to be held on October 25, 2008. Nicholson also reminded everyone that tentatively on October 20, 2008 there will be an "Operation Welcome Home" for the returning National Guard from Iraq. Nicholson encouraged everyone to be at the parade at 4:00 to welcome back our local soldiers.

9. Commissioner Foxworthy moved to adjourn. Commissioner Paynter seconded.

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

Mayor Nicholson adjourned the Special Session of the Board of Commissioners meeting at 6:25p.m.

PASSED IN SESSION AND APPROVED THIS 13TH DAY OF OCTOBER 2008.

MAYOR

ATTEST

CITY CLERK