

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
APRIL 28, 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
Lanita Chapman, Commissioner
Wayne Foxworthy, Commissioner
Stan Paynter, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Present: Craig Stephenson, Don Nuzum, Paula Cain, Walt Klinger, Terry Brown, Mike Lane, Dwaine Vincent, Mike Chapman, Steve Sullivan, Jim Fairbanks, City staff; Shane Harland, David Myers, Lee Evans, Chuck Clark, Glen Nichols, citizens; Beverly Bryant PC News

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation - Gayle Young, First Baptist Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Proclamation: Older Americans Month.

Chuck Clark accepted the Proclamation from the Mayor for "Older Americans Month".

****CONSENT AGENDA****

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

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners Regular Session held April 14, 2008.
7. Consider and vote on Amendment #6 to the City of Ponca City's Health Plan adding language from the National Defense Authorization Act (NDAA) pertaining to the City of Ponca City's Leave Policy under the Family and Medical Leave Act (FMLA) and authorize the Mayor to sign the amendment.

8. Consider and vote on the agreement for the Emergency Management Performance Grant program between the State of Oklahoma and the City of Ponca City.
9. Consider and vote on authorizing advertisement of bids for purchase of Push-Button integrated Audible pedestrian Signals for 14th Street from Grand to Prospect.
10. **RESOLUTION NO. 5681**

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

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

11. Commissioner Paynter asked that Item No. 6 to acknowledge receipt of Commissioner Stan Paynter's notice of temporary absence and vote to approve same, be removed from the consent agenda.

Commissioner Anderson made the motion to approve Item No. 6 to acknowledge receipt of Commissioner Stan Paynter's notice of temporary absence. Chapman seconded.

Roll: Yeas; Anderson, Chapman, Nicholson, and Foxworthy. Nays; (Abstained) Paynter.
Motion carried.

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

12. Commissioner Wayne Foxworthy advised that this Saturday, May 3, 2008 is Ponca City Good Neighbor Day, which is a clean-up day for citizens over 65 who need help with removing items from their property. Foxworthy further added that those in need of help contact the Chamber of Commerce Office at 765-4400.

****REPORTS****

13. **CITY MANAGER'S REPORT**

City Manager Gary Martin reported that he and other city officials visited the CLEET facility in Ada. Martin added that he was very impressed with the facility. Martin also stated that this is where Ponca City sends all of the new police officers for a thirteen-week training course.

Martin informed the Commission that recently the jail had been inspected, and the 32-year old jail passed with flying colors.

Martin concluded by saying the water distribution crews have requested that the fire hydrant flow testing be stopped until the Honeywell Project concludes. Martin went on to explain that due to the leaks and failures the department cannot keep up with both projects, and the fire hydrant testing would continue as soon as the Honeywell Project is completed.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

14. ORDINANCE NO. 6079

AN ORDINANCE OF THE CITY OF PONCA CITY, OKLAHOMA, RELATING TO THE AMENDMENT OF ORDINANCE NO. 5987 OF THE CITY, AS CODIFIED IN SECTION 4-2-3 OF THE CODE OF ORDINANCES, BY EXTENDING THE EXPIRATION DATE; MODIFYING THE PURPOSE FOR WHICH SALES AND USE TAX PROCEEDS CAN BE USED; PROVIDING EFFECTIVE DATE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

Consider and vote on an Ordinance of the City of Ponca City, Oklahoma, relating to the amendment of Ordinance No. 5987 of the City, as codified in Section 4-2-3 of the Code of Ordinances, by extending the expiration date; modifying the purpose for which sales and use tax proceeds can be used; providing effective date; providing for severability of provisions; and containing other provisions related thereto.

City Attorney Kevin Murphy explained that the Ponca City Development Authority has passed a Resolution requesting the City to seek the voter's approval to extend the existing one-half percent Economic Development sales tax for another five years. Murphy stated that part of the process is the Ordinance that imposes the extension of the tax, subject to approval by the voters.

Commissioner Paynter made the motion to approve the Ordinance relating to the amendment of Ordinance No. 5987 of the City, as codified in Section 4-2-3 of the of the Code of Ordinances, by extending the expiration date; modifying the purpose for which sales and use tax proceeds can be used; providing effective date; providing for severability of provisions; and containing other provisions related thereto. Foxworthy seconded.

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

15. RESOLUTION NO. 5680

A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF PONCA CITY, OKLAHOMA, ON TUESDAY, JULY 29, 2008 FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION OF ORDINANCE NO 6079 OF THE CITY RELATING TO THE EXTENSION OF THE EXPIRATION DATE AND MODIFICATION OF

THE PURPOSE OF A ONE-HALF OF ONE PERCENT (0.5%) EXCISE TAX (SALES AND USE TAX) CURRENTLY LEVIED FOR ECONOMIC DEVELOPMENT PURSUANT TO ORDINANCE 5987, ALL AS MORE SPECIFICALLY SET FORTH IN ORDINANCE NO 6079; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

City Attorney Kevin Murphy stated that the Resolution is the actual mechanism by which the Economic Development Tax election is called, and establishes the date of the election.

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, July 29, 2008, for the purpose of submitting to the registered qualified electors of said city the question of approval or rejection of ordinance No 6079 of the City relating to the extension of the expiration date and modification of the purpose of a one-half of one percent (0.5%) excise tax (sales and use tax) currently levied for Economic Development pursuant to ordinance No. 5987, all as more specifically set forth in Ordinance No. 6079; and containing other provisions related thereto. Anderson seconded.

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

16. Consider and vote on authorizing City Clerk to deposit \$763,576.00 from the Street Improvement Sales Tax with the Oklahoma Department of Transportation for the construction of concrete intersection approaches on 14th Street at Highland, Hartford, Bradley, and Prospect.

Commissioner Foxworthy made the motion to authorize the City Clerk to deposit \$763,576.00 from the Street Improvement Sales Tax with the Oklahoma Department of Transportation for the construction of concrete intersection approaches on 14th Street at Highland, Hartford, Bradley, and Prospect. Paynter seconded.

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

17. Consider and vote on KRA "Settlement Agreement."

City Attorney Kevin Murphy gave a summary of the KRA litigation. Murphy further stated that the "Settlement Agreement" resolves the KRA litigation and removes all cities, but Stillwater and Ponca City as beneficiaries of the KRA. Murphy advised that this agreement states that Ponca City and Stillwater will pay off the conduit note in the amount of \$380,000.00, which will be shared equally by Ponca City and Stillwater. Murphy went on to say that the Kaw Reservoir Authority would continue to exist, with Stillwater and Ponca City as the only two beneficiaries, and that the little towns would benefit by being relieved of the conduit payments. Murphy concluded by saying that this agreement concludes the KRA Litigation.

Finance Director Marc LaBossiere clarified that the exact amount to pay off the conduit note was \$375,486.00 or \$187,743.00 each.

Commissioner Anderson made the motion to approve the KRA "Settlement Agreement." Foxworthy seconded.

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

18. Consider and vote on KRA Reorganization Agreement between Stillwater and Ponca City.

City Attorney Kevin Murphy explained that this item is for the Commission to approve the amended trust indenture, setting the by-laws, and setting the goals to be accomplished.

Commissioner Anderson made the motion to approve the KRA Reorganization Agreement between Stillwater and Ponca City. Foxworthy seconded.

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

19. **RESOLUTION NO. 5682**

A RESOLUTION APPOINTING/CONFIRMING KAW RESERVOIR AUTHORITY TRUSTEE, AND KRA AUTHORITY SETTLEMENT AGREEMENT.

Commissioner Paynter made the motion to approve the Resolution appointing/confirming Kaw Reservoir Authority Trustee, and KRA Authority Settlement Agreement. Foxworthy seconded.

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

20. Consider and vote upon authorizing City Staff to advertise for construction bids for Ponca City Aquatic & Family Center-YMCA upon receipt of complete bidding documents.

Commissioner Anderson made the motion authorizing City Staff to advertise for construction bids for Ponca City Aquatic & Family Center-YMCA upon receipt of complete bidding documents. Chapman seconded.

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

****CITIZENS COMMENTS****

21. None.

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

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

Mayor Nicholson adjourned the Board of Commissioners meeting at 6:31p.m.

PASSED IN SESSION AND APPROVED THIS 12TH DAY OF MAY 2008.

MAYOR

ATTEST

CITY CLERK