

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
APRIL 14, 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, Clayton Johnson, Chris Henderson, Terry Brown, Steve Miner, Steve Sullivan, Butch Herering, Jim Sindelar, Don Nuzum, Mike Lane, Tana McKinley, Phil Johnston, City staff; Phil Bandy, Jayne Detten, Suzanne Boetcher, Larry Buck, Sandy James, Stan Kistler, Pat Drake, Baird Casey, Kelly Johnson, Steve Paresko, Bryan Streeter, citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:31 p.m.
2. Invocation - Gayle Young, First Baptist Church
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Phil Bandy Recognition
5. Fair Housing Proclamation
6. Earth Day Proclamation
7. Character Trait for April is Persuasiveness presented by Arlene Stauffer.

****CHARTER ITEM****

8. Election Of Vice-Mayor in accordance with provisions of Section 60 of the City Charter.

Commissioner Paynter nominated Commissioner Anderson for Vice-Mayor. Foxworthy seconded.

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

****CONSENT AGENDA****

The Board of Commissioners found items #9, #10, #11, #12, and #13 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Foxworthy seconded.

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

9. Consider and vote upon minutes of the Ponca City Board of Commissioners Work Session and Special Session held March 3, 2008, Regular Meeting held March 24, 2008 and Work Session held April 7, 2008.
10. Consider and vote on request by Mark McGlone, property owner, to burn brush within the city limits on the property located at 28 East Lake Drive.
11. Consider and vote on request by Everette VanHoesen, property owner, to burn brush within the city limits on the property located 1140 L.A. Cann drive.
12. Consider And Vote On Approving Change Order No. 1 For The Wentz Camp and pool Renovation Bath House In The Amount Of \$13,174.42.

13.

RESOLUTION NO. 5679

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

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

14. None.

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

15. Mayor Nicholson thanked the citizens for their participation in "Cleaning Up Ponca".

****REPORTS****

16. CITY MANAGER'S REPORT

City Manager Gary Martin reminded residents that every day is clean up day. Martin added that as long as trash is containerized or bundled the City will haul it off.

Martin reminded that on Monday, April 21 & Tuesday, April 22, 2008 will be all day budget hearings.

Martin informed the Commission that the Louise Fluke Flag Plaza Project is well underway and it is going to be an exciting project for the City.

****PUBLIC HEARINGS****

17. Conduct a Public Hearing on the proposed spay-neuter ordinance.

Mayor Nicholson explained that this being a controversial subject, the length of time for each person to speak will be limited to three minutes, in order to give each person a chance to talk.

Police Chief Clayton Johnson gave a timeline of the proposed citizen initiated ordinance.

Shanley Wells-Rau, Chair of the Animal Control Advisory Board introduced members of the advisory board. Wells-Rau then gave a brief overview of the proposed ordinance.

Bruce Kimbell, 9425 South R Street, expressed concern from a breeder's standpoint of the proposed ordinance, especially for a disabled person. Mr. Kimbell stated that this supplemental income from breeding their dog helps them out financially each year.

Dan Stahl, 1401 N. 7th Street, explained he is a breeder of golden retrievers and has been doing it for 20 years. Stahl expressed strong opposition to the proposed ordinance. Stahl relayed that he is presently the president of the Canine Dog Training Club, and the club is also opposed to mandatory spay/neuter law, but support a voluntary program

Suzanne Boetcher, 210 S. 10th Street, stated she is a former chair of P.C. Humane Society. Boetcher stated that she worked for many years for a spay & neuter law, and commends the people working on this ordinance. Boetcher noted she has adopted six golden retrievers, and is in strong support of a spay and neuter law.

Joy Powelson, 3850 W. South Avenue, has been a breeder over the years. Powelson stated she takes good care of her dogs and is opposed to the proposed ordinance.

Terry Vandell, 5 Hillcrest, explained section two (2) of the proposed ordinance has exceptions, and simplified it by saying if you have a purebred animal it is excluded, but the exclusion does not include the whelping fee. Vandell further added that this ordinance is not written for responsible pet owners and breeders, only irresponsible pet owners and breeders.

Mickey Furr, 410 W. Paden, Blackwell, stated that the purposed ordinance does not list which organization a breeder needs to be a member of to gain exemption. Furr encourages naming which organizations are approved, and expressed opposition to the proposed ordinance and stated it was not enforceable.

Katie Kienzle, Executive Director of PC Humane Society, 1600 Dover Drive, encouraged commissioners to pass the proposed ordinance. Kienzle expressed the tragedy of discarded animals and the resulting euthenizations.

Diane Chambers, 404 N. Irving, stated she is a breeder of Maltese dogs. Chambers stated that she does not believe mandatory spay/neutering works, and expressed opposition to the proposed ordinance.

Stan Kistler, 24 Hillcrest, gave editorial comments on various sections of the proposed ordinance, which he considered weak. Kistler suggested in his comments that perhaps instead of a fixed fee per litter, the ordinance should charge a whelping fee per puppy. Kistler also commented on feral cats, and who is the owner.

Ruth Steinberger, 16831 S. 433 W. Avenue, Bristow, OK, with the Oklahoma Alliance for Animals prefaced her comments that she works with spay/neuter programs throughout Oklahoma. Steinberger stated that this organization does about 22,000 low-income surgeries per year, and their overall budget is close to three-fourths of a million dollars, in the multiple

organizations, which run these programs. Stienberger stated that the proposed ordinance is a strong one, but is reasonable, and most importantly is doable. Steinberger emphasized that the proposed law does not punish the responsible breeder.

Linda Higgins, 297 N. McCord Road, stated that she could see both sides, and that she is for spaying and neutering of animals that belong to an irresponsible breeder, but how do you tell which are responsible, and which aren't.

Linda Holloway, 230 Wilde Road, stated that she belonged to the Collie Club of America, and currently serves on the Herding Advisory Committee for AKC. Holloway added that she resented the idea of more government control, and believes that this ordinance is not enforceable.

Mayor Nicholson said that city government does not want to intervene as there are more important things for City government to attend to, but irresponsible animal owners have made it necessary for city government to intervene.

Maxine Hasselbring, 2213 Joe Street, advised that she was for voluntary spay and neutering, but against mandatory spay and neutering, and feels it is unenforceable. Hasselbring further added that many citizens do not have the money to have their animals spayed or neutered, and perhaps a better idea is to educate people in being a responsible pet owner.

Tiffany Coburn, 509 N. Stephens, spoke saying that usually the problem is with the pet owners and not the breeders.

Rebecca Kimbrell of 9425 S "R" Street, stated that she is in favor of spaying and neutering, but that there should be multiple approaches to the animal overpopulation problem.

April Stillman, 119 E. Chrysler, Blackwell, OK, former president of the Humane Society Board, stated that the Ponca City Humane Society has a voluntary spay-neuter program, which clearly is not working in the Ponca City community. Stillman spoke about the certificates that the Humane Society has for people to utilize in spaying and neutering their animals, but which are not being utilized. Stillman advised that the Humane Society is all ears and have wide open arms to anyone who can give money to provide for more spay-neuter services, and to save homeless animals. Stillman went on to add that the Humane Society works hard to make sure anyone who needs to have a pet spayed or neutered can do so, but that funds are limited.

Terry Straw, 1700 Acoma Place, stated that she believed in a voluntary spay-neuter program, but does not believe that a person should be forced to spay or neuter their pet, unless they are an irresponsible dog owner.

Roger Able, 3604 Ashbury Road, stated that he was speaking for the basic rights of responsible citizens who want to be left the blank alone. Able further added that just because there is a problem with irresponsible animal owners, does not make this a good ordinance. Able went on to say that, this proposed ordinance takes away his basic rights, and infringes upon his property. Able cited that he appreciates the work that has gone into this proposal, but that it is a bad idea.

Mayor Nicholson closed the Public Hearing by saying that Animal Control is very expensive, and this is a cost for which the taxpayers pay. Nicholson added that the Commission works for the taxpayers and in doing so, try to be very frugal. Nicholson advised that the City is not trying to intervene in your life or property, but to protect innocent citizens from the possibility of an assault by an irresponsible pet owner's dog. Nicholson concluded by saying that all laws are made by necessity.

Commissioner Anderson commented that she felt they would be remiss if they did not commend the Committee for the hard work they have done on this Ordinance.

18A. Conduct a Public Hearing.

Development Services Director Chris Henderson explained to the Commission that this request for a special use permit is for a liquor store to occupy an existing building located at 4th and South Avenue. Henderson further added that liquor stores require a special use permit when the establishment is located in a C-1 Local Commercial district due to the close proximity of residential neighborhoods.

Mayor Nicholson opened the Public Hearing and invited anyone who was for or against the special use permit to speak.

There being no comments Mayor Nicholson closed the Public Hearing.

18B. Consider and vote on a petition for a Special Use Permit in the C-1 Local Commercial District for a liquor store, located at 821 South 4th Street.

Commissioner Paynter made the motion to approve the petition for a Special Use Permit in the C-1 Local Commercial District for a liquor store to be located at 821 South 4th Street. Foxworthy seconded.

Roll: Yeas; Chapman, Foxworthy, Nicholson, Paynter. Nays; Anderson. Motion carried

19A. Conduct a Public Hearing.

Development Services Director Chris Henderson advised that this Public Hearing is to rezone property from R-2m Medium Density Residential to R-3 Multi-Family Residential. Henderson further explained that this petition involves three vacant residential lots situated in the Willow West Addition, which is located south of Prospect Avenue and immediately west of the BNSF tracks. Henderson stated that the applicant must gain zoning approval, and then seek a Special Use Permit for an optometry office and present a site development plan for consideration by the Commission.

This being a Public Hearing, Mayor Nicholson opened the floor to anyone who wished to speak for or against the rezoning of this property. There being no one to speak for or against the rezoning, Mayor Nicholson closed the Public Hearing.

19B.

ORDINANCE NO. 6077

AN ORDINANCE REZONING PROPERTY LOCATED AT 524 LANSBROOK FROM R-2M MEDIUM DENSITY RESIDENTIAL TO R-3 MULTI-FAMILY RESIDENTIAL

Commissioner Foxworthy made the motion to rezone the property located at 524 Lansbrook from R-2M Medium Density Residential to R-3 Multi-Family Residential. Anderson seconded

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

20A. Conduct a Public Hearing.

Development Services Director Chris Henderson stated that this petition for a Special Use Permit could only be considered if the petition to rezone to R-3 had been approved. Henderson advised that since the rezoning was approved a Special Use Permit for a professional office, and then a site development plan are next for consideration by the Commission.

This being a Public Hearing, Mayor Nicholson opened the floor to anyone who wished to speak for or against the Special Use Permit. There being no one to speak for or against the Special Use Permit, Mayor Nicholson closed the Public Hearing.

20B. Consider and vote on a petition for a Special Use Permit in the R-3 multi-family residential district for an optometry office.

Commissioner Anderson made the motion to approve the petition for a Special Use Permit in the R-3 multi-family residential district for an optometry office, with a proposed sign type a “ground sign” limited to 6 feet or less. Foxworthy seconded.

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

Mayor Nicholson stated that he would like a correction on the vote for 19B, and asked that the record reflect his vote as abstained.

21A. Conduct a Public Hearing.

Development Services Director Chris Henderson informed the Commission that this Public Hearing is to consider the rezoning of property east of the 3200-3500 blocks of north Pecan Road from R-1 Single Family Residential to RA Rural Acreage District.

Henderson further advised that subdivisions that are developed under this zoning classification may utilize public streets that do not contain the typical curb and gutter section, due to the rural residential density, low vehicular traffic, and minimal stormwater discharges.

Mayor Nicholson opened the Public Hearing.

Guy Clark, representing owner of the property, responded to questions that because of various factors this tract is rural, and that it would be less densely developed.

Pat Drake, 65 Stoneridge, stated that she is a developer. Drake expressed confusion about the zoning issue, and reviewed some experiences she has encountered over the years as a developer. Drake then expressed a desire to see a clearer picture of what is being proposed,

and added that she is not complaining, but would like to see developments done right.

There being no one else to speak, Mayor Nicholson closed the Public Hearing.

21B.

ORDINANCE NO. 6068

AN ORDINANCE REZONING PROPERTY DESCRIBED AS A PART OF THE SOUTHWEST AND NORTHEAST QUARTERS OF SECTION 12, TOWNSHIP 26 NORTH, RANGE 2 EAST TO THE CITY OF PONCA CITY, LOCATED EAST OF THE 3200-3500 BLOCKS OF NORTH PECAN ROAD, R-1 SINGLE FAMILY RESIDENTIAL TO RA RURAL ACREAGE DISTRICT

Commissioner Paynter made the motion to approve the rezoning of property located east of the 3200-3500 blocks of North Pecan Road, from R-1 Single Family Residential to RA Rural Acreage District. Foxworthy seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

22. Consider and vote on a professional services agreement with Kendig Keast Collaborative for a comprehensive update to the city's master plan.

Development Services Director Chris Henderson informed the Commission that the Master Plan for the City was last updated in 1985. Henderson further advised that since that time there have been substantial physical and socio-economic changes to the City. Henderson went on to say that this fiscal year there has been set aside in the budget \$137,375.00 to update the City's Master Plan. Henderson advised that 30 RFU's were sent out to 30 prospective consultants, which resulted in four (4) proposals submitted from interested firms. Henderson added that the review committee decided on Kendig Keast out of Sugarland, Texas, as they have done 90 comprehensive plans all over the country, and recently three in Oklahoma. Henderson stated that City departments have prepared a number of individual plans that will eventually comprise the Master plan. Henderson informed the commission that a Master or "Comprehensive" Plan is mandated by State Statutes for Cities of 15,000 population or more.

Commissioner Anderson made the motion to approve the professional services agreement with Kendig Keast Collaborative for a comprehensive update to the city's master plan. Chapman seconded.

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

23. Consider and take action with respect to progress payment #9 to Honeywell Inc. for the performance contracting efficiency project in the amount of \$157,375.00.

Commissioner Paynter made the motion to approve progress payment #9 to Honeywell, Inc. for the Performance Contracting Efficiency Project in the amount of \$157,500.00. Chapman seconded.

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

24. Consider and vote on authorizing City staff in cooperation with the city's airport engineer, LBR, Inc., to solicit bids for the Phase I of Ponca City Regional Airport's Taxiway 'A' Reconstruction and Realignment Project.

Commissioner Foxworthy made the motion to authorize City staff, in cooperation with the city's airport engineer, LBR Inc., to solicit bids for the Phase I of Ponca City Regional Airport's Taxiway "A" Reconstruction and Realignment Project. Anderson seconded.

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

****CITIZENS COMMENTS****

25. None.

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

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

Mayor Nicholson adjourned the Board of Commissioners meeting at 9:03 p.m.

PASSED IN SESSION AND APPROVED THIS 28TH DAY OF APRIL 2008.

MAYOR

ATTEST

CITY CLERK