

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
AUGUST 11, 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  
Wayne Foxworthy, Commissioner  
Lanita Chapman, Commissioner  
Gary Martin, City Manager  
Kevin Murphy, City Attorney  
Marc LaBossiere, Finance Director/City Clerk

Absent: Diane Anderson, Commissioner

Present: Terry Brown, Captain Earl Watkins, Butch Herring, Chris Henderson, David Keathly, David Horinek, Rod Alexander, Kevin Brown, Mike Self, Craig Stephenson, Tana McKinley, City staff; citizens; Beverly Bryant Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:33 p.m.
2. Invocation – Lyle Shipley, Asbury United Methodist Church
3. Pledge of Allegiance

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

4. Receive Golf Digest Award: Lew Wentz Memorial Golf Course Best Places to Play.
5. Character Trait for August: Joyfulness presented by Steve Ketchum.

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

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

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

6. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held July 28, 2008, and work session held August 4, 2008.

7. **RESOLUTION NO. 5705**

***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.***

<i><u>BOARD OR COMMISSION</u></i>	<i><u>NAME</u></i>	<i><u>TERM</u></i>	<i><u>TERM EXPIRATION</u></i>
Animal Control Commission	Deanna Fruits	Appointed	2011
Animal Control Commission	Alan Loch	Re-Appointed	2011
Library Board	Ana Beets	Appointed	2009
Marland Estate Commission	Tracy Freeman	Appointed	2010
Marland Estate Commission	Marilyn Snyder	Appointed	2011
Park & Recreation Advisory Board	Gary Gregg	Appointed	2010
Personnel Board	Robert Howard	Re-Appointed	2011
Personnel Board	Travis James	Re-Appointed	2011
Personnel Board	Keith Williamson	Appointed	2009
Ponca City Development Authority	Jodie Cline	Appointed	2011
Ponca City Development Authority	Larry Murphy	Appointed	2011

8. Consider and vote on renewal agreement between the City of Ponca City and United Community Action Program, Inc. for transportation services provided by Cimarron Transit in the amount of \$25,000.00.
9. Consider and vote on a renewal agreement between the City of Ponca City (Lessor) and Ponca City Christian Academy, Inc. (Lessee) commencing on August 15, 2008 and terminating on August 14, 2009.

10. **RESOLUTION NO. 5706**

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

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

11. None.

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

12. Mayor Nicholson stated that he would like to take this opportunity to discuss the replacement of the City Manager Gary Martin, who has announced his retirement. Nicholson asked if any of the Commissioners had other comments that they would like to make, before this discussion.

Commissioner Foxworthy informed everyone that the third annual "Successful Aging Expo" would be held on August 23, 2008, at the First Christian Church, located at 5<sup>th</sup> and Central, from 9:00 a.m. to 3:00 p.m. Foxworthy further added that the main speaker would again be Lance Robinson from the Department of Aging.

Commissioner Chapman reminded everyone to be careful with school starting this week.

Mayor Nicholson explained to the Commission that a list of search firms was included in their packets that might be used in looking for a new City Manager. Nicholson went on to say that, it is up to the Commission to decide how this search is to be conducted.

Commissioner Foxworthy talked about the criteria that he felt should be considered in searching for and hiring a new City Manager.

City Attorney Kevin Murphy suggested that the first step is to choose a consultant, and then form the criteria by which to choose your candidates.

Mayor Nicholson informed the Commission that he and City Manager Martin had been doing research into firms that specialize in providing consulting services to local governments. Nicholson added that they had chosen three firms that they would like to recommend to the Commission, which they felt would most meet the City's need in seeking a new City Manager. Nicholson further advised that he felt that any of the three firms could accomplish the task.

Mayor Nicholson further added that anyone within the City that is interested in this position are encouraged to put in their applications and will be fully considered.

Commissioner Paynter asked for an explanation from City Attorney Murphy as to why a bidding process was not required in this case. Murphy answered by saying that the City is not required to competitively bid anything except improvements to real property. Murphy further stated that traditionally you will interview various professionals, such as engineer, architects, etc., but this is usually based upon qualifications first, and price second.

Mayor Nicholson concluded by saying that the Commission would continue to review this in a special Commission meeting at 2:00 on Monday, August 18, 2008.

### **\*\*REPORTS\*\***

#### 13. CITY MANAGER'S REPORT

City Manager Gary Martin informed the Commission that the citizens and businesses have done very well in holding down their electric usage on the very hot days. Martin went on to say that according to Phil Johnston, Director of Ponca City Energy, the City has not exceeded peak, which could save the citizens and businesses \$70,000.00 next year.

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

#### 14A. Conduct a Public Hearing.

Development Services Director, Chris Henderson, explained that a petition had been received from Pioneer Rental Company for the rezoning of property located in the 1300 block of west Cherry, which is currently zoned as R-1 Single Family Residential. Henderson further stated that this single-family residence is the last remaining lot in a two-block area, which is not zoned commercial.

Mayor Nicholson opened the Public Hearing and asked if anyone would like to speak for or against the rezoning petition. There being no response, Mayor Nicholson closed the Public Hearing.

14B.

**RESOLUTION NO. 6087**

***AN ORDINANCE REZONING REAL PROPERTY DESCRIBED AS THE NORTH HALF OF LOT 4, BLOCK 2, STANLEY ADDITION TO THE CITY OF PONCA CITY, MORE FULLY DESCRIBED BELOW, LOCATED AT 1316 WEST CHERRY, R-1 SINGLE FAMILY RESIDENTIAL TO C-2 GENERAL COMMERCIAL, AND 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 real property described as the north half of lot 4, block 2, Stanley Addition to the City of Ponca City, more fully described below, located at 1316 West Cherry, R-1single family residential to C-2 general commercial, and directing the Development Services Director to change the official zoning map of the City accordingly, and directing the City Clerk to file of record. Foxworthy seconded.

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

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

None.

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

- 15 Consider and take action with respect to progress payment #2 to Honeywell Inc. for the Wireless Mesh Network Project in the amount of \$1,023,120.00.

Commissioner Chapman made the motion to approve progress payment #2 to Honeywell Inc. for the Wireless Mesh Network Project in the amount of \$1,023,120.00. Paynter seconded.

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

16. Consider and vote on contract with Tyler Technologies, Inc., for Egov Web based Eservices, make payment in the amount of \$13,920.00, and authorize the Mayor to sign contract.

Commissioner Foxworthy made the motion to approve the contract with Tyler Technologies, Inc., for Egov Web based Eservices, make payment in the amount of \$13,920.00, and authorize the Mayor to sign contract. Chapman seconded.

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

17. Consider and vote on wire transfer to Planet Technologies, Inc. in Taiwan to expedite the delivery of needed electronic hardware for the wireless mesh project in the amount of \$6,717.00.

Commissioner Foxworthy made the motion to approve the wire transfer to Planet Technologies, Inc. in Taiwan to expedite the delivery of needed electronic hardware for the wireless mesh project in the amount of \$6,717.00. Chapman seconded.

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

18A. **RESOLUTION NO. 6088**

***AN ORDINANCE AMENDING SECTION 6-3-10 OF THE CITY CODE TO REDUCE STATE LANDFILL FEE COLLECTED TO ONE AND 25/100 DOLLARS (1.25) PER TON, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.***

Commissioner Foxworthy made the motion to an Ordinance amending Section 6-3-10 of the City Code to reduce state landfill fee collected to one and 25/100 dollars (1.25) per ton, repealing Ordinances in conflict; providing for severability and declaring an emergency. Paynter seconded.

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

18B. Consider and vote on the emergency clause of the Ordinance.

Commissioner Foxworthy made the motion to approve the emergency clause. Paynter seconded.

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

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

19. Don Carter, 1801 Hudson Drive, spoke against utility rate increases.

20. Commission Foxworthy made the motion to adjourn the Board of Commissioners. Paynter seconded.

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

21. Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 6:39 p.m.

***PASSED IN SESSION AND APPROVED THIS 25TH DAY OF AUGUST 2008.***

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MAYOR

ATTEST:

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CITY CLERK

MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES  
PONCA CITY UTILITY AUTHORITY  
AUGUST 11, 2008

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 6:39 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

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

Absent: Diane Anderson, Trustee

Others Present: Butch Herring, Captain Earl Watkins, Terry Brown, Craig Stephenson, Tana McKinley, Chris Henderson, City staff;

1. Chairman Nicholson called the meeting to order at 6:39 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. Foxworthy seconded.

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

2. Consider and vote upon the minutes of the regular session held July 28, 2008.
3. Consider and vote on acknowledging receipt of construction permits as follows:

<u>PERMIT NO.</u>	<u>AREA OF CONSTRUCTION/IMPROVEMENT</u>
SL000036061419	Construct/Replace 250 L.F. of 24" Sewer Line on South Ave. Receive, Transport &/or Treat Flow from Willow Creek Villas II (w/reference to SL000036061372)
SX000036061496	
SL000036070636	Construct/Replace 265 L.F. of 8" Sewer Line on Princeton Ave.
SL000036070104	Construct/Replace 466 L.F. of 8" and 235 L.F. of 10" Sewer Line from McDonald's to Cookson.
SL000036071235	Construct 236 L.F. of 8" Sewer Line to serve Spring Village II
WL000036071234	Construct 20 L.F. of 6" & 568 L.F. of 4" Water Lines to serve Spring Village II
WL000036071354	Construction of 1,745 L.F. of 8" Water Line to serve the Holiday Inn Express
SL000036080061	Construct/Replace 2,523 L.F. of 12" and 120 L.F. of 8" Sewer Line from Virginia Avenue to 2 <sup>nd</sup> Street.
WL000036080151	Construct 1,410 L.F. of 6" Water Line on Garden Street
WL000036080449	Construct 694 L.F. of 6" of Water Line to serve Ginger's East Addition.

4.

**RESOLUTION NO. 700**

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

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

5. None.

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

None.