

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
 PONCA CITY, OKLAHOMA
 JUNE 23, 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
 Gary Martin, City Manager
 Kevin Murphy, City Attorney
 Marc LaBossiere, Finance Director/City Clerk

Absent: Stan Paynter, Commissioner

Present: Butch Herring, Sherri Tapp, Jim Fairbanks, Chris Henderson, Craig Stephenson, Tana McKinley, Jim Sindelar, Terry Brown, Mike Lane, Clayton Johnson, City Employees; Jose Torres, Tim Burg, David Myers, Tom Muchmore, Allan Brooks, Jose Torres, Citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:32 p.m.
2. Invocation – Commissioner Diane Anderson
3. Pledge of Allegiance

****CONSENT AGENDA****

The Board of Commissioners found items #4, #5, #6, #7, #8, #9, #10, #12, and #13 non-controversial and routine in nature. Commissioner Foxworthy made the motion to approve the consent agenda with the exception of Item #11. Anderson seconded.

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

4. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held June 2, 2008 and regular session held June 9, 2008.

5. **RESOLUTION NO. 5693**

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.

<u>BOARD OR COMMISSION</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Cultural Affairs Commission	Brent Colle	Appointed	2010
Cultural Affairs Commission	Gene Putt	Re-Appointed	2011
Cultural Affairs Commission	Leslie Rardin	Re-Appointed	2011
Cultural Affairs Commission	Jeana Rush	Appointed	2009
Historic Preservation Advisory Panel	Mindy LittleCook	Re-Appointed	2011
Marland Estate Commission	Donald Gray	Re-Appointed	2011
Marland Estate Commission	Lori Hutchins	Appointed	2011
Marland Estate Commission	Dennis Kelly	Appointed	2011
Park & Recreation Advisory Board	Kinberlyn Bivins	Appointed	2011

6. Consider and vote on authorizing Mayor to sign a one-year lease agreement between the City of Ponca City and Keith Waller, 1304 Kygar Road, Ponca City, OK to continue to lease a parcel of land consisting of approximately two acres.
7. Consider and vote on authorizing the Mayor to sign the annual agreement between the City of Ponca City and Wheatheart Nutrition Project, Inc. to provide a weekday hot lunch program directed at the needs of older citizens on a daily basis.
8. Consider and vote on authorizing Mayor to sign the annual lease agreement between the City of Ponca City and the American Business Club of Ponca City to permit the lease of the Motocross track from July 1, 2008 to June 30, 2009.
9. Consider and vote on the Oklahoma Municipal Assurance Group as the City of Ponca City's Agent for buildings & contents insurance, boiler & machinery insurance and electronic data processing insurance for the policy period of July 1, 2008 through June 30, 2009.
10. Consider and vote on request by Ponca City Firefighters Local 2479, represented by Jake Pierce, President , for a permit of exemption to City Ordinance 5-4-20: Pedestrians Stopping Vehicles in the Streets or Parks prohibited for the purpose of Annual MDA Boot Drive on August 30, 2008.
12. Consider and vote on a partial release of a utility easement across property legally described as part of the NE/4 of Section 33, Township 26 North, Range 3 East, located at 6800 East South Avenue.
13.

RESOLUTION NO. 5694

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

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

14. Commissioner Foxworthy removed Item #11 to write off accounts with delinquent balances and transfer uncollectible to Collection Agency from the consent agenda.

Fire Chief Butch Herring explained to the Commission that these write off accounts deal with the Ponca City Fire Department EMS ambulance service. Herring introduced Ms. Tammy Campbell, Vice-President of Medi-Claims, Inc. who is the third-party billing provider for the Fire Department, to explain the increase in write-offs for this quarter. Ms. Campbell explained that in January this year, she and Chief Herring had met to discuss a new procedure in tracking delinquent accounts. Campbell explained that it was then discovered that an additional \$92,079.70 in delinquent accounts had never been approved previously for write-off. Therefore, Ms. Campbell explained, this amount has been added to the current amount of \$62,296.07 for this quarter's write-off to the collection agency.

Ms. Campbell gave a brief history on Medi-Claims claims billing process, and concluded by answering questions posed by the Commissioners.

Commissioner Foxworthy made the motion to approve the write-off of accounts with delinquent balances and transfer to uncollectible to the Collection Agency. Anderson seconded.

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

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

15. Mayor Nicholson stated that he would like to extend his appreciation to Beverly Bryant, Ponca City News reporter, for the excellent job she did in reporting the Comprehensive Planning Hearings to the citizens. Mayor Nicholson also advised that posted on the City's website are Boards and Commissions that have vacancies, and need citizens to volunteer to serve as members.

Commissioner Chapman advised that last week she had attended the statewide meeting for City Officials. Chapman stated that she enjoyed seeing that our City was doing everything according to requirements.

****REPORTS****

16. CITY MANAGER'S REPORT

City Manager Gary Martin gave an update on the 14th Street project, stating that it is in its fifth week, and pretty much on schedule even with the inclement weather.

Martin further advised that City staff is busy evaluating drainage problems that have occurred with the recent rains.

Martin concluded by reminding everyone about the 4th of July Celebration, and that the City will put on the largest fireworks display in northern Oklahoma at 9:50 that evening.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

17. Consider and vote on a Design/Build Contract with Honeywell Business Solutions, Oklahoma City, to construct a wireless mesh network in Ponca City for the amount of \$2,291,000.00, and authorize the Mayor to execute all related documents.

Commissioner Foxworthy made the motion to approve the Design/Build Contract with Honeywell Business Solutions, Oklahoma City, to construct a wireless mesh network in Ponca City for the amount of 2, 291,000.00, and authorize the Mayor to execute all related documents. Anderson seconded.

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

18. **RESOLUTION NO. 5695**

A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE PONCA CITY UTILITY AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM REVENUE NOTE, SERIES 2008 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE, AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; RATIFYING, CONFIRMING, AND APPROVING A LEASE AGREEMENT; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2008, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AND CONTAINING OTHER PROVISIONS RELATING HERETO.

Commissioner Foxworthy made the motion to approve the Resolution for incurrence of indebtedness by the Ponca City Utility Authority issuing its utility system revenue note, Series 2008; providing that the organizational document creating the Authority is subject to the provisions of the indenture, authorizing the issuance of said note; waving competitive bidding with respect to the sale of said note and approving the proceedings of the Authority pertaining to the sale of said note; ratifying, confirming, and approving a lease agreement; establishing the City's reasonable expectation with respect to the issuance of tax-exempt obligations by or on behalf of said City in calendar year 2008, and designating the note as a qualified tax-exempt obligation; and containing other provisions relating hereto. Anderson seconded.

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

19. **RESOLUTION NO. 5696**

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, AMENDING THE OPERATING BUDGETS OF VARIOUS FUNDS FOR THE FISCAL YEAR 2007-08.

Commissioner Anderson made the motion to approve the Resolution amending the operating budgets for the Fiscal Year 2007-08. Chapman seconded.

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

20. Consider and vote upon awarding the contract and authorizing the execution of the contract documents for "Ash Street – Street Improvement Project – Highland Avenue to Overbrook Avenue," Project No. GEN 08-4, to Sober Brothers, Inc. in the amount of \$463,754.00.

Commissioner Anderson made the motion to approve the awarding of the contract and authorizing the execution of contract documents for "Ash Street – Street Improvement Project – Highland Avenue to Overbrook Avenue," Project No. GEN 08-4, to Sober Brothers, Inc. in the amount of \$463,754.00. Foxworthy seconded.

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

21. Consider and vote upon Change Order No. 2, in the add amount of \$24,929.31, and the final payment in the amount of \$129,636.53, to Sober Brothers, Inc. for work completed on "Street Improvement Project-Concrete Pavement Reconstruction" Project No. GEN 07-4.

Commissioner Foxworthy made the motion to approve Change Order No. 2, in the add amount of \$24,929.31, and final payment of \$129,636.53 to Sober Brothers, Inc. for work completed on "Street Improvement Project—Concrete Pavement Reconstruction" Project No. GEN 07-4. Anderson seconded.

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

22. Consider and vote to award bid to Stryker EMS Equipment on (3) new powered ambulance cots in the amount of ~~\$29,632.70~~. Corrected to \$35,532.70.

Commissioner Anderson made the motion to award the bid for (3) powered ambulance cots in the amount of \$35,532.70. Chapman seconded

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

****CITIZENS COMMENTS****

22. Don Carter, 1801 Hudson Drive, addressed the Commission regarding complaints he had about utility rates and fees on the utility bill.

RECESS TO AUTHORITY MEETING

22. Mayor Nicholson recessed to the Utility Authority meeting at 6:43 p.m.

The Board of Commissioners reconvened their meeting at 6:50 p.m. and entered into Executive Session pursuant to Title 25, Section 307 O.S. for the purpose of A: Conferring on matters pertaining to Economic Development upon finding that the matter to be discussed would violate the confidentiality of the business and; B: discussing negotiations with the Fraternal Order of Police.

Commissioner Anderson moved to enter into Executive Session pursuant to Title 25, Section 307 O.S. for the purpose of discussing negotiations with the Fraternal Order of Police. Foxworthy seconded.

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

23. The Commission returned to regular session with no action being taken.
24. Mayor Nicholson adjourned the Ponca City Board of Commissioners meeting at 7:23 p.m.

PASSED IN SESSION AND APPROVED THIS 14TH DAY OF JULY 2008.

MAYOR

ATTEST

CITY CLERK