

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JULY 23, 2007

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 Room at City Hall, 516 E. Grand, with Mayor Homer Nicholson presiding:

Present: Homer Nicholson, Mayor
Stan Paynter, Commissioner
Wayne Foxworthy, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, Finance Director/City Clerk
Paul Krueger, Commissioner

Others Present: Chris Henderson, Sandra Hover, Clayton Johnson, David Horinek, Craig Stephenson, Terry Brown, Terri Sherbon, Jim Eck, Don Nuzum, Walt Klinger, Dana Bright, Mike Lane, Butch Herring, Hong Fu; City Employees, Rev. Andrew Gifford, Charles Clark, Rich Cantillon, Mary Beth Moore, Jayne Detten, Citizens;

1. Mayor Homer Nicholson called the meeting to order at 5:33 p.m.
2. Invocation – Reverend Andrew Gifford, Pastor First Presbyterian Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for July Contentment.
 - . The Board of Commissioners found items #5, #6, #7, #8, #9, #10, #11, #12, #13, #14, and #15 non-controversial and routine in nature.

Commissioner Anderson made the motion to approve the consent agenda. Paynter seconded. Motion carried.

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

Mayor Nicholson stated the he did not wish to remove any items from the consent agenda, but had a question on Item #7 and also on Item #13. Nicholson stated the summary on Item #7 showed the fiscal year to be 2005-2006, and should that not be 2007-2008. Nicholson questioned page 2, line 8 which states that the lessee further agrees to hold the lessee harmless, and should it not read the lessee further agrees to hold the lessor harmless.

5. Consider and vote upon minutes of the Ponca City Board of Commissioners special work session held June 21, 2007 and regular session held July 9, 2007.
6. Consider and vote on Deed of Dedication of East Lake Water Company Water System to City.
7. Consider and vote on an agreement between the City of Ponca City and the Ponca City Area

Chamber of Commerce, Inc. for the Chamber to operate the Ponca City Tourism Bureau for the purpose of encouraging, promoting, and fostering the Convention and Tourism

Development of Ponca City.

8. Consider and vote on renewal agreement between the City of Ponca City and Ponce City Main street in the amount of \$30,000.00, and authorize the Mayor to sign the agreement on behalf of the City.
9. 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.
10. Consider and vote on renewal agreement between the City of Ponca City and the Northern Oklahoma Youth Services Center & Shelter, Inc. (NOYS) in the amount of \$15,000.00 and authorize the Mayor to sign agreement on behalf of the City.
11. Consider and vote on an agreement to provide funding for Give Ponca the Business in the amount of \$5,000.00.
12. Consider and vote on the lease renewal for fiscal year 2007-2008 of Enrique Avila, CBA Enrique's Café.
13. Consider and vote to authorize 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 2007 to June 30, 2008.

14. **RESOLUTION NO. 5629**

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 2007-8.

15. **RESOLUTION NO. 5630**

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

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

16. None.

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

17. Commissioner Foxworthy stated that he would like to know the status of the spay and neutering Ordinance, which was discussed by the Animal Control Board, as he would like to see this Ordinance come before the Commission for review.

Mayor Nicholson commented on the Motocross by saying that this is the 32nd motocross and that is a huge accomplishment. Nicholson also advised that there are people here for the

motocross from forty states and four countries. Nicholson went on to say that there are 2,700 competitors and ninety-five classes, which is the largest amount of participants ever to have been entered in the motocross. Nicholson asked that all citizens of Ponca City make these out of town guests welcome, so they will remember Ponca City as being a city of hospitality.

Commissioner Foxworthy asked Rich Cantillon about the “no sales tax holiday” and whether or not this was promoted in Kansas, in order to get sales dollars. Cantillon explained that they have been promoting Crazy Days that will be held this weekend, and have not promoted the “no sales tax weekend.” Cantillon explained that the “no sales tax” weekend would be very difficult for merchants to comply, as there are many exemptions which do not qualify for the “no sales tax.” Cantillon further added that this will probably be a topic that will be discussed in next legislative session

****REPORTS****

18 CITY MANAGER’S REPORT

City Manager Gary Martin stated that the youth rodeo was Friday and Saturday night and due to the motocross they had a fantastic crowd.

Martin reported that last week the Park & Recreation Board met, and in attendance was a large group who are interested in a skate board and/or a BMX bicycle park. Martin went on to say the groups were challenged to work together, and come back before the Board with a location and a drawing showing plans. Martin added that an existing park is being looked at that already has restrooms and parking lots.

Martin also reported that the Department of Environmental Quality met in Ponca City recently, and much of the discussion in these meetings was in regards to coal fire plants, the item about mercury omissions was tabled until the October meeting.

Martin stated that there has been some confusion about grass clippings, due to the City not being able to accept bags of green grass at the landfill. Martin encouraged the public to mulch their grass and not bag. Martin also encouraged citizens not to blow grass clippings into the street.

Martin also advised that last week a meeting was held with contractors about the construction of the new recreation center.

Martin related to the Commission about a lengthy outage in the Academy area, and that there is to be a meeting with the homeowners to talk about solutions to the problems.

Another item of interest Martin related was that there was a job offer made today to the first female fire fighter for Ponca City.

Martin concluded by reminding the Commission that there would not be a work session next Monday, as it is the fifth Monday of the month.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

19. **RESOLUTION NO. 5631**

A RESOLUTION AUTHORIZING APPLICATION TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR INDUSTRIAL ACCESS FUNDS TO IMPROVE ROAD ACCESS TO THE PONCA CITY AIRPORT INDUSTRIAL PARK.

Commissioner Paynter made the motion to approve the Resolution authorizing application to the Oklahoma Department of Transportation for Industrial Access funds to improve road access to the Ponca City Airport Industrial Park in the amount of \$500,000.00 to reconstruct and widen Hartford Avenue from Ash to Waverly. Foxworthy seconded.

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

20. Consider and vote on agreement with the Ponca City Public Schools to receive reimbursement in the amount of \$86,192.58 for providing School Resource Officers for the 2007-2008 school year.

Commissioner Foxworthy made the motion to approve the agreement with the Ponca City Schools to receive reimbursement in the amount of \$86,192.58 for providing School Resource Officers for the 2007-2008 school year. Anderson seconded.

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

21. Consider and vote on general policies and guidelines for the use of the Ponca City Senior Center.

Commissioner Foxworthy made the motion to approve the general policies and guidelines for the use of the Ponca City Senior Center. Anderson seconded.

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

22. Consider and vote on Behavior Guidelines and Due Process Statement for the Ponca City Senior Center.

Anderson asked to change the arrangement of the beginning paragraph so the third paragraph, which says "it is our responsibility to ensure quality senior services for our seniors" is the first

paragraph. Commissioner Anderson made motion to approve the guidelines with the above change. Mayor Nicholson asked for a second to the motion, there being no second the motion died for the lack of a second.

Commissioner Paynter made the motion to approve the Behavior Guidelines and Due Process Statement for the Ponca City Senior Center as submitted. Foxworthy seconded.

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

23. Consider and vote to re-affirm the decision by the Mayor and Board of Commissioners to award a contract for the installation of vinyl siding and replacement windows at the Cann House to Frontier Siding in the amount of \$22,188.94.

Commissioner Foxworthy made the motion to re-affirm the decision by the Mayor and the Board of Commissioner to award the contract for the installation of vinyl siding and replacement windows at the Cann House to Frontier Siding in the amount of \$22,188.94. Paynter seconded.

Paynter commented that the City gets criticized for lack of maintenance, and this project is going to go above and beyond to keep the integrity of the home. Paynter stated that it has been said that the gardens are the main focus of that location and not the house. Paynter further added that a letter from the Historical Society dated July 9, 2007 advised that the Cann House was first brought to the attention of the Historical Society in 1998, but no follow-up has been made until this time. Paynter stated that in his opinion this eleventh hour is too late, and the project should continue as planned.

Commissioner Anderson also asked for it to be noted that the Preservation Society did come back with a recommendation that the project be put on hold, as they had submitted more information and had received a response.

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

****CITIZENS COMMENTS****

24. Charles Clark, 1316 Meadowbrook, Chairman of Senior Advisory Board, stated that he would like for the Commissioners to know that on the 25th of August the second "Aging Expo" will be held at the First Christian Church.
25. Mayor Nicholson adjourned the Board of Commissioners at 6:25 p.m.

PASSED IN SESSION AND APPROVED THIS 13TH DAY OF AUGUST 2007.

MAYOR

ATTEST

CITY CLERK