

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
FEBRUARY 26, 2007

Pursuant to notice as required by law, the Ponca City Board of Commissioners met in regular session at _____ p.m. in the Commission Room at City Hall, 516 E. Grand, with Mayor Richard Stone presiding:

Present: Homer Nicholson, Mayor
Paul Krueger, Commissioner
Stan Paynter, Commissioner
Wayne Foxworthy, Commissioner
Diane Anderson, Commissioner
Gary Martin, City Manager
Kevin Murphy, City Attorney
Marc LaBossiere, Finance Director/City Clerk

Others Present: Clayton Johnson, Jim Sindelar, Chris Henderson, Holly LaBossiere, Tana McKinley, Craig Stephenson, Mike Lane, Bill Kirkpatrick, David Keathly, Don Nuzum, Phil Johnston, City staff; Homer Nicholson, Mayor-elect; Ruth Stone, John Raley, Sandy James, Lyn Boyer, Raj Phansalker, T.L. Walker, Lori Nuzum, Keni Ray, Rich Cantillon, Mary Beth Moore, John Bohanon, Link Cotham, Clement Collogan, Jayne Detten, Mark Deten, Russ Didlake, Don Stephens, Charles Casey, Pat Mulligan, Lana Jones, D.W. Boyd, Chuck Rager, Chuck Clark, many more citizens; Louise Abercombie, Rolf Clements, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Mike Seabaugh, 1st Baptist Church, gave the invocation followed by the pledge of allegiance.

****CEREMONIES AND PROCLAMATIONS****

4. Presentation of Service Medallion to Mayor Richard Stone.
5. Oath of Office for Mayor Homer Nicholson
6. Character Trait for February: Flexibility – Presented by Steve Ketchum

CONSENT AGENDA

The Board of Commissioners found items #7, #8, #9 #10, #11, and #12 non-controversial and routine in nature.

Commissioner Anderson made the motion to approve the consent agenda. Foxworthy seconded.

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

7. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held on February 5, 2007 and regular session held February 12, 2007.
- 8.. Consider and vote upon rejecting the bids for a fairway mower for the Lew Wentz Golf Course,

9. Consider and vote upon approving Change Order No. 3 and final payment for Marland Estate East Terrace Improvements for the deduct amount of \$12,414.26 to the contract with Mid-Continental Restoration Company, Inc. Fort Scott, Kansas bringing the final contract price to \$217,355.74.
10. Consider vote on Traffic Commission recommendation to restrict the seven western-most parking spaces on the south side of 600 E. Grand to two-hour parking.
11. Consider and vote on Traffic Commission recommendation to conduct trial period of flashing Traffic signals on Central and Cleveland from 2nd to 4th Streets to determine the feasibility of permanently removing said traffic signals.

Commissioner Anderson stated that she would like to see this revisited at the end of three months, instead of the proposed six months. Anderson further added that she did not have a problem with the six month period, but would like to see some data at the end of three months.

12. **RESOLUTION NO. 5590**

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

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

13. None.

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

14. Commissioner Paynter expressed appreciation to the Mayor and his wife for the tremendous job he has done for the City.

Commissioner Foxworthy also expressed his appreciation to the Mayor.

Mayor Stone commended reporter Rolf Clements on his article in Wednesday's Mid-Week on the restoration of the ceilings at the Marland Estate. Stone encouraged citizens to go out to the Mansion and see the fine work that has been accomplished.

Mayor Stone stated that as an expression of his appreciation he was going to have a luncheon for the senior staff. Stone added that it is not just one person, but everyone working together to get a job done.

Stone related that he had attended an event at Attucks Community Center for an event celebrating "Black History Month." Stone recounted that during that meeting the Ponca City Network Group and the Attucks Association recognized a historical event in Ponca City, and that is Ponca City elected their first black woman Commissioner, Diane Anderson. Stone shared a plaque that was given to her commemorating this event.

****REPORTS****

15. CITY MANAGER'S REPORT

City Manager Gary Martin advised that there have been over 90 water main breaks in our community, and the crews have done their best to patch those areas, but due to the bad weather the asphalt plants were shut down, but are now back in production. Martin further added that; therefore, these patches can be fixed correctly with asphalt and paving.

Martin went on to inform the Commission that there was an acid spill in the sewer mains, which killed many of the bugs at the wastewater treatment plant, and they had to discharge into the holding reservoirs while trying to get the bugs built back up. Martin further added that it was determined that there was an acid leak at the OMPA plant, and their entire acid vat drained into the sewer. Martin advised that this is a reportable incident that must be reported to EPA. Martin concluded that OMPA has assured the City that steps are being taken so that this will not happen again.

Martin reminded the Commission that the pre-bid for the Wentz Pool Project will be on March 1, 2007, with bids to be opened on March 8, 2007.

Martin also advised that the City had been contacted by the Chamber of Commerce to consider a City-wide garage sale, to help in the spring clean-up. Martin added that an announcement will be forthcoming with further details.

16. RECEIVE BUDGET STATUS REPORT FOR THE SECOND QUARTER OF FISCAL 2006-07, ENDED DECEMBER 31, 2006.

Finance Director Marc LaBossiere presented the budget status report for the second quarter of fiscal year 2006-07, which ended on December 31, 2006.

****PUBLIC HEARINGS****

None.

****UNFINISHED BUSINESS****

None

****NEW BUSINESS****

17. ORDINANCE NO. 6049

CONSIDER AND VOTE ON AN ORDINANCE OF THE CITY OF PONCA CITY, OKLAHOMA, RELATING TO THE AMENDMENT OF ORDINANCE NO. 6012, BY MODIFYING THE PURPOSE OF ORDINANCE NO 6012 AND RELATING TO THE IMPOSITION OF A CITY EXCISE TAX (SALES AND USE TAX) OF ONE-HALF OF ONE

ONE PERCENT (1/2%) (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE) TO BE LEVIED UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TAXABLE UNDER THE OKLAHOMA SALES AND USE TAX CODE; PROVIDING FOR THE USE OF THE PROCEEDS OF SAID EXCISE TAX; PROVIDING FOR THE EFFECTIVE DATE AND TERMINATION DATE OF SAID EXCISE TAX; PROVIDING FOR SUBSISTING STATE PERMITS; PROVIDING FOR PAYMENT OF TAX; PROVIDING THAT THE TAX IS IN ADDITION TO TAXES CURRENTLY LEVIED; INCORPORATING CERTAIN PROVISIONS OF PRIOR CITY ORDINANCES; PROVIDING FOR AMENDMENTS TO THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE CUMULATIVE AND IN ADDITION TO ANY AND ALL TAXING PROVISIONS OF OTHER CITY ORDINANCES; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

City Attorney Kevin Murphy explained the above Ordinance by stating that since the last sales tax election in December, there has been a coalition of citizens formed, who have been lobbying this Commission to separate out the Recreation Center Project from the other projects, which were listed on the last ballot. Murphy went on to explain that this Ordinance is essentially identical to the previous one, with the complex to be constructed, if the balance of the items placed on the agenda are passed, at the southwest corner of Grand and Waverly, and will include an indoor pool, softball fields, gymnasiums, elevated walking, running track, workout facilities, and will be a full-service recreation center.

Murphy related that this Ordinance would propose to raise about \$14.8M thru the imposition of a one-half (1/2) cent sales tax. Murphy reported that when the Commission passes this Ordinance, although it imposes a tax, that tax is not effective until the votes affirm the Commission's action; therefore, an election will have to be called to see if this Ordinance is to be placed in force.

Commissioner Krueger made the motion to approve an Ordinance relating to the amendment of Ordinance 6012, by modifying the purpose of Ordinance No. 6012 and relating to the imposition of a City Excise Tax (Sales And Use Tax) of one-half of one percent (1/2%) (in addition to any and all other excise taxes now in force) to be levied upon the gross proceeds or gross receipts derived from all sales taxable under the Oklahoma sales and use tax code; providing for the use of the proceeds of said excise tax; providing for the effective date and termination date of said excise tax; providing for subsisting state permits; providing for payment of tax; providing that the tax is in addition to taxes currently levied; incorporating certain provisions of prior City Ordinances; providing for amendments to this Ordinance; Providing That The Provisions Of This Ordinance Are Cumulative And In Addition To any and all taxing provisions of other City Ordinances; providing for severability of provisions; and containing other provisions related thereto. Paynter seconded.

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

18.

RESOLUTION NO. 5589

CONSIDER AND VOTE ON A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF PONCA CITY, OKLAHOMA, ON TUESDAY, MAY 8, 2007, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVAL OR REJECTION

OF ORDINANCE NO. 6049, OF THE CITY RELATING TO: (I) THE MODIFICATION OF ORDINANCE NO. 6012, BY MODIFYING THE PURPOSE OF THE REVENUES GENERATED PURSUANT TO SAID ORDINANCE, ALL AS MORE FULLY SET OUT IN ORDINANCE NO. 6049 OF SAID CITY; AND (II) THE LEVY AND COLLECTION OF AN ADDITIONAL ONE HALF OF ONE PERCENT (1/2%) EXCISE TAX (IN ADDITION TO ANY AND ALL OTHER EXCISE TAXES NOW IN FORCE), ALL AS MORE SPECIFICALLY SET FORTH IN ORDINANCE NO. 6049; AND CONTAINING OTHER PROVISIONS RELATED THERETO

City Attorney Murphy stated that this is a collateral Resolution to the Ordinance, which calls for the election to be held on the 8th of May 2007.

Commissioner Paynter made the motion to approve a Resolution authorizing the calling and holding of a special election in the City Of Ponca City, Oklahoma, on Tuesday, May 8, 2007, for the purpose of submitting to the registered qualified electors of said City the question of approval or rejection of Ordinance No. 6049, of the City relating to: (i) The modification of Ordinance No. 6012, By Modifying the purpose Of The Revenues Generated Pursuant To said Ordinance, all as more fully set out in Ordinance No. 6049 of said City; and (ii) The levy and collection of an additional one-half of one percent (1/2%) Excise Tax (in addition to any and all other Excise Taxes now in force), all as more specifically set forth in Ordinance No. 6049; and containing other provisions related thereto. Anderson seconded.

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

19. Consider and vote on "Assignment of Rights" contract with the YMCA, whereby the YMCA assigns its right to purchase the property at the southwest corner of Grand Avenue and Waverly to the City for \$10, and other valuable consideration.

Commissioner Foxworthy made the motion to approve the "Assignment of Rights" contract with the YMCA; whereby the YMCA assigns its right to purchase the property at the southwest corner of Grand Avenue and Waverly to the City for \$10, and other valuable consideration. Krueger seconded.

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

20. **RESOLUTION NO. 5591**

RESOLUTION OF THE CITY COMMISSION OF PONCA CITY, OKLAHOMA DECLARING PROPOSED LOCATION OF RECREATION CENTER.

Consider and vote on a Resolution establishing location of the proposed recreation center.

Commissioner Anderson made the motion to approve the Resolution establishing the location of the proposed recreation center. Paynter seconded.

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

21. Consider and vote to authorize Honeywell to conduct a Utility Assessment Survey and present a self-funded program for future Commission meeting approval.

Commissioner Krueger made the motion to authorize Honeywell to conduct a Utility Assessment Survey. Foxworthy seconded.

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

22. Consider and vote to support an application to FEMA for the Assistance to Firefighters Grant Program for the Year 2007.

Butch Herring, Fire Chief, stated that he is requesting the Commission to take into consideration for the Fire Department to seek grant funding for personal protective equipment, which is turnout gear and airbags. Herring advised that the total project cost would be \$206,400.00, with the Federal share being \$185,760.00, making the applicant share \$20,640.00. Herring concluded that the application filing period is expected to be during the month of April 2007.

Commissioner Anderson made the motion to approve the application to FEMA for the Assistance to Firefighters Grant Program for the year 2007. Foxworthy seconded.

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

****CITIZENS COMMENTS****

23. Commissioner Foxworthy stated that he had a comment as a citizen. Foxworthy related that there are various groups in the City that are working on the event center, the downtown, and the Hutchins. Foxworthy advised that he would like for these groups to get very busy, and get their ideas together, and bring it to the Commission as soon as possible.
24. Mayor Stone adjourned the Board of Commissioners at 6:38 p.m.

PASSED IN SESSION AND APPROVED THIS 12TH DAY OF MARCH 2007.

ATTEST

MAYOR

CITY CLERK