

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS  
PONCA CITY, OKLAHOMA  
AUGUST 13, 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  
Wayne Foxworthy, Commissioner  
Paul Krueger, Commissioner  
Diane Anderson, Commissioner  
Gary Martin, City Manager  
Marc LaBossiere, Finance Director/City Clerk

Absent: Stan Paynter, Commissioner  
Kevin Murphy, City Attorney

Others Present: Mike Lane, Holly LaBossiere, Marcia Hull, Dwaine Vincent, Terri Sherbon, Craig Stephenson, Darwin Haney, David Keathly, Butch Herring, Phil Johnston, City staff; citizens; Beverly Bryant, Ponca City News.

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Reverend Blaine Herron, Pastor Four Square Church, gave the invocation followed by the pledge of allegiance.

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

4. Oklahoma Library Association Award – Marcia Hull  
The Board of Commissioners found items #5, #6, #7, #8, #9, #10, #11, #12, and #13 and non-controversial and routine in nature.

Commissioner Krueger requested item #9 be removed for further discussion.

Commissioner Krueger made the motion to approve the balance of the consent agenda. Foxworthy seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners work session held July 16, 2007 and regular session held July 23, 2007.
6. Consider and vote on request by Joyce & Jack Frame property owners, to burn brush within the City Limits on the property located at 33 E. Lake Drive.
7. Consider and vote to authorize 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 a revocable permit for the Independent School District #71, Ponca City Public School System, to locate playground equipment in Garfield Park.

10. Consider and vote on authorizing advertisement of bids for Traffic Signal Video Detection Retrofit on 14<sup>th</sup> Street from Grand to Knight.

11. **RESOLUTION NO. 5633**

*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.*

12. **RESOLUTION NO. 5634**

*A RESOLUTION AUTHORIZING THE FINANCE DIRECTOR TO MAKE A MANUAL PAYMENT FOR THE PURCHASE OF LAND FOR THE NEW CITY OF PONCA CITY RECREATION CENTER IN A TOTAL AMOUNT NOT-TO-EXCEED \$190,000.00 AT CLOSING.*

13. **RESOLUTION NO. 5635**

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

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

14. Item # 9 to consider and vote on deaccession of the memorial piano at Hutchins Auditorium to the Ponca City Concert Series was removed from the consent agenda for further explanation.

David Keathly explained that the Community Concert series had operated in Ponca City for over fifty years, and forty years ago when the Hutchins Memorial Building was built, they bought a grand piano for use with the concert series. Keathly further stated that the Cultural Affairs Committee had been notified that all the future Concert Series were going to be moved to the Ponca Theater. Keathly advised that the concert committee has requested that the piano be returned to them, since they were the ones to purchase it. Keathly stated the Cultural Affairs Committee has reviewed and approved the request, and now it is for the City Commission to vote on this request.

Commissioner Krueger made the motion to approve the deaccession of the memorial piano at the Hutchins Auditorium to the Ponca City Concert Series. Anderson seconded.

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

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

15. Commissioner Foxworthy reminded the public that school will be starting next week, and to drive very carefully, as there will be many children on the streets going to school.

Commissioner Krueger stated that he attended the open house at the new Garfield School, and congratulated the school board and superintendent on a job well done.

Commissioner Anderson reminded everyone to keep a check on your neighbors and pets during this hot weather.

Mayor Nicholson expressed gratitude to fellow commissioners for their dedication and support.

**\*\*REPORTS\*\***

16. CITY MANAGER'S REPORT

City manager Gary Martin informed the Commission that on August 28, 2007 there will be a seminar sponsored by the Festival and Events Association of Oklahoma at Marland's Grand Home.

Martin asked Finance Director Marc LaBossiere to give a sales tax update. LaBossiere reported that from mid June thru mid July sales tax was up 4.3%, which is good for the first month of the new fiscal year.

Martin also informed the Commission that the Human Service Coordinator from the Oklahoma Department of Transportation will be holding a meeting in the McFadden room on September 4, 2007 in regards to public transportation.

Martin advised that the Wentz and Ambuc swimming pools will still be open each weekend thru Labor Day. Terri Sherbon, Park & Recreation, advised that since there has been such a good response to the adult lap swim, they will continue this during the week from 4:00 p.m. to 6:30 p.m. and 11:00 a.m. to 12:30 p.m. on Saturday.

Martin further added that chip and seal projects would be starting soon, Honeywell coordinator will be in on Wednesday to meet with staff, sub-contractors are in place, and this project should be in full production by October. Martin went on to say that the Ponca City Development Authority will have a special meeting on Friday followed by a retreat to do strategic planning for the upcoming year, and a Chamber of Commerce fundraiser will be Saturday at the Marland Mansion.

Martin concluded by saying that during this hot time of the year, City Hall and the Library will be open for the public to come in and cool off, and that the city's payment to OMPA for July's electric was \$2,317,000.00.

17. RECEIVE UPDATE ON RECREATION CENTER.

Assistant City Manager Craig Stephenson gave an update on the new Recreation Center.

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

None.

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

None.

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

18A.

**ORDINANCE NO. 6064**

***AN ORDINANCE AMENDING THE PONCA CITY MUNICIPAL CODE BY THE ADDITION OF A NEW SECTION 5-1-5 PROHIBITING THE HOSTING OF GATHERINGS WHERE ALCOHOLIC BEVERAGES ARE CONSUMED BY MINORS; PROVIDING FOR REPEALER, SEVERABILITY AND EMERGENCY.***

Commissioner Krueger made the motion to approve the Ordinance amending the Ponca City Municipal Code by the addition of a new Section 5-1-5 prohibiting the hosting of gatherings where alcoholic beverages are consumed by minors; providing for repealer, severability and emergency. Anderson seconded.

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

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

Commissioner Anderson made the motion to approve the emergency clause of the Ordinance. Krueger seconded.

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

**ORDINANCE NO. 6065**

19A.

***AN ORDINANCE AMENDING THE CODE OF ORDINANCES AT SECTION 3-6-1(b) REDUCING THE NUMBER OF VOTING MEMBERS OF THE BOARD FROM ELEVEN TO NINE SO AS TO REDUCE THE SIZE OF THE QUORUM NEEDED TO CONDUCT BUSINESS, REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.***

Commissioner Foxworthy made the motion to amend the code of Ordinances at Section 3-6-1(b) reducing the number of voting members of the Park & Recreation Board from eleven to nine so as to reduce the size of the quorum needed to conduct business, repealing ordinances in conflict; providing for severability, and declaring an emergency. Anderson seconded.

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

- 19B. Consider and vote on the emergency clause of the Ordinance.

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

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

20. Consider and vote to receive bids and purchase two Chevrolet Impala police patrol vehicles from Hudiburg Auto Group in the total amount of \$37,464.00

Commissioner Anderson stated that since there was only a \$2,000.00 difference between the Hudiburg bid, even though it was the lowest bid, and the Pemberton Chevrolet bid, it was her opinion that the bid should be awarded to the local bidder. Commissioner Foxworthy commended the police department for taking the lowest bid.

Commissioner Foxworthy made the motion to receive bids and purchase two Chevrolet Impala police patrol vehicles from Hudiburg Auto Group in the amount of \$37,464.00. Krueger seconded.

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

21. Consider and vote to receive bids and purchase of two Chevrolet Impala unmarked police vehicles from Hudiburg Auto Group in the total amount of \$31,400.00.

Commissioner Krueger made the motion to approve the purchase two Chevrolet Impala unmarked police vehicles from Hudiburg Auto Group in the total amount of \$31,400.00. Anderson seconded.

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

22. Consider and vote upon entering into an Inter-Local Agreement with Kay County for a street improvement project on Highland Avenue, Flormable to Waverly.

Commissioner Krueger made the motion to approve entering into an Inter-Local Agreement with Kay County for a street improvement project on Highland Avenue, Flormable to Waverly. Anderson seconded.

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

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

23. None.

24. Commissioner Anderson made the motion to adjourn. Foxworthy seconded.

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

Mayor Nicholson adjourned the meeting at 6:24 p.m.

***PASSED IN SESSION AND APPROVED THIS 27<sup>TH</sup> DAY OF AUGUST 2007.***

ATTEST

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MAYOR

\_\_\_\_\_  
CITY CLERK