

MINUTES OF THE MEETING OF THE BOARD OF COMMISSIONERS
PONCA CITY, OKLAHOMA
JUNE 11, 2012

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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
Steve Hermann, Commissioner
R. Mark Macy, Commissioner
Diane Anderson, Commissioner
Lanita Chapman, Commissioner
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, Finance Director/City Clerk

Others Present: Terri Sherbon, Don Bohon, Mike Lane, Chris Henderson, Sherri Tapp, Hong Fu, Beverly Bryant, Ponca City News

1. Mayor Homer Nicholson called the meeting to order at 5:30 p.m.
2. Invocation – Pastor Don Huddleston, Hartford Ave Church of Christ
3. Pledge of Allegiance

****CEREMONIES AND PROCLAMATIONS****

4. Character Trait for June: Honor

****CONSENT AGENDA****

The Board of Commissioners found #5, #6, #7, #8, #9 and #10 non-controversial and routine in nature. Commissioner Anderson made the motion to approve the consent agenda. Macy seconded.

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

5. Consider and vote upon minutes of the Ponca City Board of Commissioners regular session held May 29, 2012.
6. **RESOLUTION NO. 5971**

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

7. RESOLUTION NO. 5972

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 OFFICE THEREOF.

<u>BOARD OR COMMISSON</u>	<u>NAME</u>	<u>TERM</u>	<u>TERM EXPIRATION</u>
Airport Advisory Board	Steve McGuire	Re-Appointed	2014
Cultural Affairs	Leslie Rardin	Appointed	2015
Marland Estate	S.J. Pickens	Appointed	2015
Ponca City Development Authority	Kelly Johnson	Re-Appointed	2015
Ponca City Development Authority	Jim Stieber	Re-Appointed	2015

8. RESOLUTION NO. 5973

A RESOLUTION DESIGNATING CERTAIN CITY EMPLOYEES AS PURCHASING OFFICERS WITH AUTHORITY TO MAKE PURCHASES AGAINST CITY AND MUNICIPAL TRUST APPROPRIATIONS.

9. RESOLUTION NO. 5974

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 2011-12.

10. Consider and vote on approval to execute certifications of local approval for the Emergency Solutions Grant in support of the Salvation Army of Ponca City and Northern Oklahoma Youth Services Grant Applications.

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

11. None.

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

12. None

****REPORTS****

13. CITY MANAGER'S REPORT

City Manager Craig Stephenson reported the following items:

Tuesday, June 12, 2012, there will be a Youth Fishing Clinic held at the Marland Mansion Pond. The Park and Recreation Department and Oklahoma Department of Wildlife are partnering to teach children how to tie knots, identify fish, cast & fishing safety. Be sure to bring water to drink and your rod & reel. Bait will be provided, the event will be from 9:00-11:00 a.m., and there is no charge.

This weekend is the Juneteenth Celebration and there are several events being held. On June 15, 2012, there will be Juneteenth Blues and Barbecue event. Join friends and family for this event at Attucks Park and Community Center. There will be non-food vendor booths from 4:00 p.m. to 8:00 p.m., with the Blues and BBQ starting at 7:30 p.m., and there is no admission charge.

On June 16, 2012, the Juneteenth Celebration, will be held at the Attucks Community Center, traditional games, food and festivities and a 3 on 3 Basketball Tournament from 10:00 a.m. to 4:30 p.m. For more information, please contact: (580) 762-2499.

Also, on June 16, 2012, there is also the 6th annual Multicultural Rodeo, at the 101 Rodeo Grounds, Ash & Prospect. Fun begins at 8:00 p.m. Tickets are \$8 for adults, \$5 ages 7-12, 6 and under is free! Ask about special group rates for 10 or more. Contact: (580) 762-2499.

This Friday, Free Wheel 2012 will be rolling in to Ponca City. There will be over 1,000 bicyclists coming Friday morning and leaving on Saturday morning. This is part of a weeklong adventure of riding from Texas to Kansas across the State of Oklahoma.

Junior Golf Clinic tournament registration is Saturday, June 16, 2012, and is open to boys and girls ages 7-17 at Lew Wentz Golf Course. Registration will begin at 10:00 a.m. The cost is \$60 per person, and clinics are Wednesday-Thursday, June 19-21, and play dates are Wednesday, June 27, July 11, 18, 25, 2012. Contact: Rod Alexander, Golf Pro, 767-0433.

****PUBLIC HEARINGS****

14A. Conduct a Public Hearing on subparagraph (B) Hereof.

Development Services Director Chris Henderson explained to the Commissioners that this is a zoning request to facilitate the possibility of a new housing development at the southeast corner of Highland and Waverly. Henderson stated that presently the zoning of this 5-acre tract is C-1 local commercial, and C-1 does not permit apartments by right; therefore, the applicant must down zone to a more restrictive zoning district in order to pave the way for this development. Henderson went on to say this complex would back up to an older established well-maintained neighborhood called Hampton Heights. Henderson added that this development proposes twelve fourplexes along with a clubhouse on the 5.39-acre tract. Henderson stated that this is a Public Hearing, and there may be those in the audience that would speak for or against this item.

Mayor Nicholson opened the floor to anyone who would like to speak for or against this issue.

Dale Hastings 506 N. Flormable, voiced his opposition to this project, due to the potential flooding it could cause to his property, and stated that he had submitted protests to the City.

Dan Sanders, with Maco Development Company, stated that they are the company making this proposal for Waverly Estates, and would like to address any questions that the Commissioners might have in regard to this project. Commissioner Hermann asked Sanders if he could address the concerns of the citizens about the run-off on this property. Sanders assured the Commission and citizens that there would be civil and full impact studies to address these issues, if they get full approval by the Oklahoma Housing Finance Authority.

City Attorney Kevin Murphy explained that City ordinances require that there be sufficient detention on any new construction, and Murphy addressed the issue of protest from a legal perspective. Commissioner Anderson asked question of Sanders about the number of people who could live in each unit., since each unit has two bedrooms and two bathrooms. Sanders stated that two people are all that are allowed to live in each unit. Discussion continued with Mayor Nicholson allowing Mr. Hastings to return to the microphone with more questions. City Manager Craig Stephenson referred Hastings to Development Services Director Chris Henderson for further answers to his questions.

Michelle Archer, 109 Fairview, stated that she had questions about the latest Quality Water Report. City Manager Stephenson directed her to come back before the Commission in the Citizens Comments portion of the meeting.

There being no one else to speak Mayor Nicholson closed the Public Hearing.

14B.

ORDINANCE NO. 6157

AN ORDINANCE ZONING REAL PROPERTY DESCRIBED AS PART OF THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 26 NORTH, RANGE 2 EAST, MORE PARTICULARLY DESCRIBED BELOW, LOCATED AT 601 NORTH WAVERLY, R-3 MULTI-FAMILY RESIDENTIAL DISTRICT, 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.

Development Services Director Chris Henderson related further information to the Commission concerning the area that Mr. Hastings was referring to in his comments. Henderson stated that the City has spent \$600,000.00 in the past five years studying the stormwater drainage pattern in our community, and the Selvey Addition was horribly under-designed when it comes to drainage. Henderson advised that further studies were done, and all were found too expensive to consider. Henderson stated that the most feasible and least expensive option would be to buy the house. Since it is not in the City limits, it would have to be Kay County, which has the opportunity to pursue the same grants that the City has done to buy out those houses that consistently flood. Henderson remarked that not all cities require detention, but Ponca City is one of the few communities that require you to retain your water on-site. Henderson reverted back to the subject at hand saying that staff recommends approval, as it addresses a lot of the housing concerns in Ponca City.

Commissioner Macy made the motion to approve the Ordinance zoning real property described as part of the Northwest Corner of the Northwest Quarter of Section 28, Township 26 North, Range 2 East, more particularly described below, located at 601 north Waverly, R-3 Multi-family residential district, 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. Anderson seconded.

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

****UNFINISHED BUSINESS****

None.

****NEW BUSINESS****

15A. ORDINANCE NO. 6158

AN ORDINANCE SUSPENDING ACTIVITY OF THE ENERGY ADVISORY BOARD FOR AN INDETERMINATE PERIOD; AMENDING SECTION 3-12-1 REDUCING SIZE OF THE SENIOR ADVISORY BOARD FROM NINE TO SEVEN MEMBERS; REPEALING CITY CODE SECTION 8-3-1 WHICH EFFECTIVELY DISSOLVES TRAFFIC ADVISORY BOARD AND CREATING A NEW SECTION 3-1A-11 TO CONSOLIDATE FUNCTIONS OF TRAFFIC ADVISORY BOARD UNDER AUTHORITY OF THE PLANNING COMMISSION REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY and ESTABLISHING AN EFFECTIVE DATE.

Commissioner Chapman made the motion to approve the Ordinance suspending activity of the Energy Advisory Board for an indeterminate period; amending Section 3-12-1 reducing size of the Senior Advisory Board from nine to seven members; repealing City Code section 8-3-1 which effectively dissolves Traffic Advisory Board and creating a new section 3-1a-11 to consolidate functions of Traffic Advisory Board under authority of the Planning Commission repealing Ordinances in conflict; providing for severability and declaring an emergency and establishing an effective date. Anderson seconded.

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

15B. Consider and vote on declaring an emergency with Ordinance to take effect upon its publication.

Commissioner Chapman made the motion to declare an emergency with the Ordinance to take effect upon its publication. Anderson seconded.

Roll: Chapman, Anderson, Nicholson, Macy, and Hermann. Nays; None. Motion carried.

16. RESOLUTION NO. 5975

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, TO SUPPORT THE PROPOSED 48-UNIT "WAVERLY ESTATES" ELDERLY APARTMENT DEVELOPMENT TO BE LOCATED AT 601 NORTH WAVERLY AVENUE.

Commissioner Anderson made the motion to approve the Resolution to support the proposed 48-Unit "Waverly Estates" Elderly Apartment Development to be located at 601 North Waverly Avenue. Chapman seconded.

Roll: Yeas; Anderson, Chapman, Nicholson, Hermann, Macy. Nays; None. Motion carried.

17.

RESOLUTION NO. 5976

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF THE CITY OF PONCA CITY, OKLAHOMA, TO SUPPORT THE PROPOSED 40-UNIT "HIGHLAND PARK" FAMILY DEVELOPMENT TO BE LOCATED AT 2000 WEST HIGHLAND AVENUE.

Development Services Director Chris Henderson explained that a new 40-Unit Single Family Housing Addition is to be located on a ten-acre tract, which was the site of the old Airline Drive-In. Henderson stated that this property is already zoned general commercial; therefore, requiring no zoning changes. Henderson further added that this would be a standard subdivision with forty single-family homes on standard lots. Henderson advised that both of these developments would be total electric, and would be stick built, not manufactured. City Manager Craig Stephenson related that both of these projects depend upon the funding by the Oklahoma Housing Finance Authority.

Steve Combes, 517 N. Olympia, and his neighbor Mark Hurd, 515 N. Olympia both expressed concerns about this housing project being built in their backyards.

Commissioner Macy made the motion to approve the Resolution to support the proposed 40-Unit "Highland Park" Family Development to be located at 2000 West Highland Avenue. Hermann seconded.

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

18. Consider and vote on proposed "Agreement for Enhancement of Raw Water Production Capacity and Delivery" between City of Ponca City and Phillips 66."

Commissioner Anderson excused herself due to conflict of interest, as she is an employee of Phillips 66.

Hong Fu, Director of Environmental Services, explained this issue to the Commission. Fu stated that with the recent droughts, Phillips 66 wanted to secure a secondary source of water in the event its well field should not be able to supply the normal amount of water. Phillips 66 did extensive research about the situation, when they contacted the City and proposed that the City drill additional supply wells and develop a raw water pipeline to feed the Phillips 66 refinery. Fu explained that this agreement has the potential to benefit both parties in rural water production capacity. Fu related that as part of this agreement two new water wells will be constructed in the City's east well field. Fu explained to the Commission what the basic agreement provides, and concluded by saying that the City in the near future will pass an Ordinance establishing raw water rates.

Commissioner Macy made the motion to approve the "Agreement for Enhancement of Raw Water Production Capacity and Delivery" between City of Ponca City and Phillips 66." Hermann seconded.

Roll: Yeas; Macy, Hermann, Nicholson, and Chapman. Nays; Anderson - abstained. Motion carried.

****CITIZENS COMMENTS****

19. Michelle Archer, 109 Fairview, stated that she was concerned about some of the items on the 2011 Quality Water Report. City Manager Craig Stephenson referred Ms. Archer to Dr. Hong Fu for the answers to her specific questions about the Quality Water report. The concern that Ms. Archer had was about radioactive amounts that were on the report that showed in the water. Dr. Fu advised that the Oklahoma Department of Environmental Quality Water tests the radioactive amount every six years. Fu further added that all the concentrations are below the maximum allowable limits, and Fu assured everyone that if there was anything wrong with the analysis and water quality parameters the City would be notified by Oklahoma Department of Environmental Quality. Ms Archer had further questions and was directed to talk to Dr. Fu for further answers to her questions.
20. Commissioner Macy made the motion to adjourn the Board of Commissioners. Chapman seconded.

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

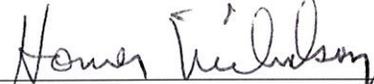
Mayor Nicholson adjourned the Board of Commissioners meeting at 6:45 p.m.

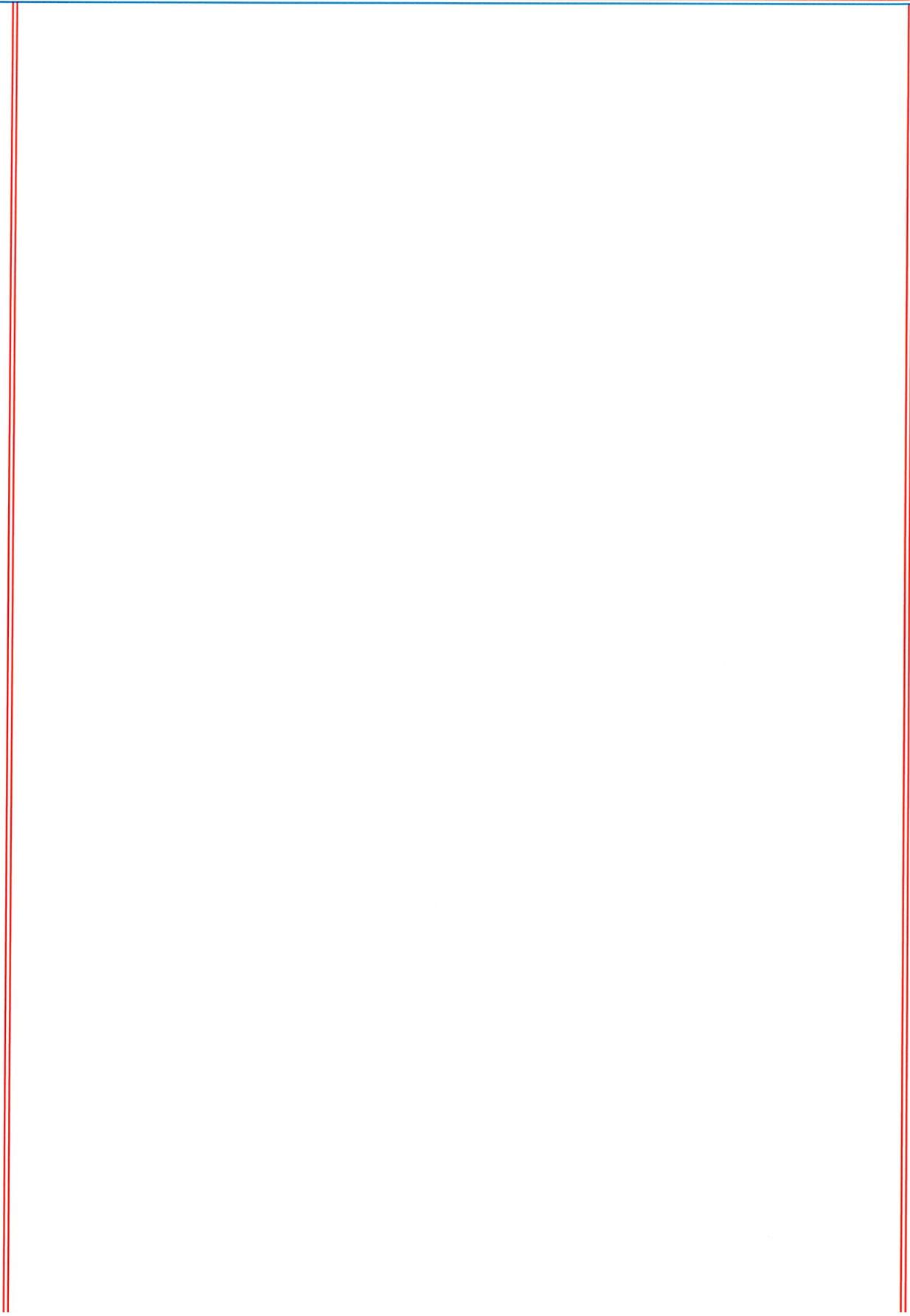
PASSED IN SESSION AND APPROVED THIS 25TH DAY OF JUNE 2012.

APPROVED:

CITY CLERK




MAYOR



MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY UTILITY AUTHORITY
JUNE 11, 2012

Pursuant to notice as required by law, the Board of Trustees of the Ponca City Utility Authority met in regular session at 5:30 p.m. in the Commission Chamber at City Hall, 516 E. Grand, with Chairman Homer Nicholson presiding.

Present: Homer Nicholson, Chairman
R. Mark Macy, Trustee
Steve Hermann, Trustee
Lanita Chapman, Trustee
Diane Anderson, Trustee
Craig Stephenson, City Manager
Kevin Murphy, City Attorney
Paulette Cross, Deputy City Clerk

Absent: Marc LaBossiere, Finance Director/City Clerk

Others Present: Don Bohon, Mike Lane, Chris Henderson, Sherri Tapp, Hong Fu, Beverly Bryant, Ponca City News

1. Chairman Homer Nicholson called the meeting to order at 6:45 p.m.

****CONSENT AGENDA****

The Board of Trustees found items #2, #3, and #4 noncontroversial and routine in nature by the governing body and are approved by one motion.

Trustee Anderson made the motion to approve the consent agenda. Hermann seconded.

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

2. Consider and vote upon the minutes of the regular session held May 29, 2012.

3. **RESOLUTION NO. 832**

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

4. Consider and vote on Write-Off of Ponca City Utility Authority Accounts with delinquent balances and transfer uncollectible accounts to the Credit Bureau Services Association for further collection.

Commissioner Anderson did not want to remove this item, but had a question about why so many of the accounts to be written off are in the thousands of dollars. Sherri Tapp, Billing Supervisor, explained various reasons for the higher bills.

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

5. None.

****NEW BUSINESS****

None.

6. Commissioner Macy made the motion to adjourn. Hermann second.

Roll: Macy, Hermann, Nicholson, Chapman, and Anderson. Nays; None. Motion carried.

Mayor Nicholson adjourned the PCUA Board of Trustees at 6:50 p.m.

PASSED IN SESSION AND APPROVED THIS 25th DAY of June 2012.



Howard Nicholson

CHAIRMAN: