

**MINUTES OF THE MEETING OF THE BOARD OF TRUSTEES
PONCA CITY DEVELOPMENT AUTHORITY
PONCA CITY, OKLAHOMA
December 14, 2023**

Pursuant to notice as required by law, the Ponca City Development Authority Board of Trustees met in regular meeting session at 7:30 am in Redbud Room, Lower Level of City Central Building, 400 East Central, Ponca City with Chair Mark Detten presiding.

1. Called the meeting to order at 7:30 a.m.
2. ATTENDANCE ROLL CALL: Trustees: Mark Detten, Erica Feters, Garrett Bowers, Mark Southard, Kirk Brown and Erik Peitz. Absent: Nancy Laffey. Staff members present: David Myers, Laurence Beliel, Lori Henderson, Aubrey Adams, Liz Leaming, Katherine Long and legal counsel Derrin Hiatt. Guests: Calley Lamar, Ponca City News; Molly Kyler and Dawn Brakey, Pioneer Technology Center; Mayor Nicholson; Craig Stephenson, City Manager and Chris Henderson, City of Ponca City.
3. PUBLIC COMMENT
4. CONSENT CALENDAR. CONSIDER AND VOTE UPON THE MINUTES FROM THE REGULAR MEETING ON NOVEMBER 9, 2023; CONSIDER AND VOTE UPON THE FINANCIAL REPORTS FOR NOVEMBER, 2023; CONSIDER AND VOTE UPON THE PAYMENT CLAIMS FOR NOVEMBER, 2023; REPORT ON EXPENSE OF \$18,511.67 PER BOARD RESOLUTION 19-09-01.

A motion was made by Trustee Peitz with a second by Trustee Southard to approve the consent calendar.

Roll: Yeas: Detten, Southard, Brown, Feters, Peitz, and Bowers
Nays: None.
Abstain: None
Motion Carried.

5. CONSIDERATION AND POSSIBLE ACTION OF APPROVING A PROPOSAL WITH TOWER SOLUTIONS IN THE AMOUNT OF \$21,636 TO EVALUATE, PLAN AND PROVIDE CERTAIN PROJECT MANAGEMENT SERVICES FOR THE CITY CENTRAL ELEVATOR REPLACEMENT PROJECT:

David gave an overview of the elevator's history, upkeep and needed modernization. Special thanks to Alan from OTIS Elevator for being Mr. Fixit for the elevator system. The RFP for someone to evaluate and plan a modernization project was been sent out. There is a timing issue for this project as the OTIS contract expires right around June 15, 2024. To be in compliance with public bid law in the State of Oklahoma, City Central must issue this project for public bid while the OTIS contract requires that OTIS exclusively does any and all work on the elevators. Canceling the OTIS contract, which can only be done during a very short timing window later this winter, is necessary to allow for the public bid process. Tower Solutions responded to the RFP and in the opinion of staff provided the most relevant and cost effective response. The firm addressed the actual needs of planning the bid package for this project. Staff has checked Tower Solutions referrals and past projects with good responses. Questions were asked and answered. Staff recommends approval.

A motion was made by Trustee Bowers with a second from Trustee Peitz to approve a proposal with Tower Solutions to evaluate, plan and provide project management services for the City Central elevator replacement project in the amount of \$21,636.

Roll: Yeas: Detten, Southard, Brown, Feters, Peitz, and Bowers
Nays: None.
Abstain: None
Motion Carried

6. CONSIDERATION AND POSSIBLE ACTION OF APPROVING A CONTRACT WITH COMMUNITY DEVELOPMENT STRATEGIES TO PERFORM AN INDEPENDENT HOUSING STUDY FOR THE PONCA CITY COMMUNITY AT A COST OF \$37,500.

David Myers said that he often hears the statement “Don’t people follow jobs?” This was true many years ago, particularly prior to 2008, but it is no longer true in today’s workforce constrained environment. Companies are moving to or starting up in areas with higher populations or those smaller communities with available workforce. To stay relevant, Ponca City must not only attract but also retain and retain current and future populations. This has been a subject of a great deal of discussion with “The Committee.”

Lori gave an overview of the second meeting of The Committee in which housing and retail attraction were discussed. The Committee reviewed the current housing projects which include those with income level requirements and other parameters. The need for current housing data was identified by the Committee. It was noted that a Ponca City housing study was completed in 2008. The results of that study were somewhat mitigated in that the study was delivered the day that ConocoPhillips announced their large job closure/relocations. In addition, housing developers will not rely on a 15-year-old housing study. The Committee is recommending a new housing study which would include the types of housing that are needed and the price points that will meet the market needs. Staff has talked with Community Development strategies of Houston. This is the firm that did the 2008 study and has worked on housing studies for a number of other Oklahoma cities. The study will likely take several months and will include a visit by CDS staff to gather primary data and interviews. PCDA staff will assist with any necessary extraneous data gathering and meeting coordination.

The cost of the study includes research, interviews and travel expenses. After the study is completed, it will be used in marketing efforts to housing developers and/or financial institutions, in addition to informing local shareholders about the housing needs in Ponca City. Questions were asked and answered. Staff recommends approval.

A motion was made by Trustee Southard with a second by Trustee Feters to approve the contract with Community Development Strategies to perform a housing study for the Ponca City community at a cost of \$37,500.

Roll: Yeas: Detten, Southard, Brown, Feters, Peitz, and Bowers
Nays: None.
Abstain: None
Motion Carried.

7. CONSIDER AND POSSIBLE ACTION ON A PROPOSAL FROM RETAIL STRATEGIES IN AN AMOUNT NOT TO EXCEED \$49,000 FOR DATA ANALYTICS, TRADE SHOW REPRESENTATION AT THE ICSC SHOW AND AN INITIATIVE TO IDENTIFY AND RECRUIT A MOVIE THEATER TO PONCA CITY.

David asked Lori and Liz to give information on this item. Lori stated that PCDA is limited by the current trust limitations that does not expressly authorize the organization to participate in retail attraction. This is a legal limitation, not one set by PCDA policy. She noted that one of the charges given to The Committee was to examine and recommend whether or not PCDA should seek to have the trust amended to allow for retail attraction. The Committee has had several discussions about this subject. To this end, PCDA has received a proposal from Retail Strategies, an Oklahoma firm with whom Brent Kisling, former Executive Director of the Oklahoma Department of Commerce, is now a key executive. PCDA has a long and positive history with Brent, first through his time in Enid and then at the Department of Commerce. The proposal received from Retail Strategies outlines a plan to recruit a movie theater operator for the former AMC theater location at Fifth and Prospect.

Movie theaters are starting to rebuild their audiences, following the pandemic. Movie Theaters are also highly visible projects and could have a catalytic impact upon economic growth and support for the community's economic development efforts. This could have the impact of attracting other retailers. Movie theaters often create other dining and shopping opportunities which adds to sales tax growth from those visiting the community.

The Retail Strategies proposal seeks to attract a specific movie theater chain that has experience in smaller markets such as Ponca City. Brent Kisling has reported that this company has an interest in Ponca City. In addition to the firm working this one lead, the proposal would also provide Ponca City with access to the firm's retail subscription data base that utilizes real time consumer behavior that is used by retail chains nationwide for location consideration. This information could be used by either PCDA or other partners to attract retailers using that data. In addition, the firm would represent Ponca City at the ICSC trade shows in Las Vegas and Dallas, something that PCDA has spent a significant amount of money on in pre-COVID years. Staff cautioned, however, that it is still likely that retailers would seek incentives. That will still need to be addressed and could deter firms that Retail Strategies initially attracts. Staff also discussed the need to work with the Ponca Theater on the movie theater project since they have begun showing first run movies. The Committee and Trustees echoed this need. There was a board member of the Ponca Theater in attendance at the Committee meeting when this proposal was discussed and the need to include the Ponca Theater in these discussions and potential projects was discussed and understood by Brent Kisling and Retail Strategies. This will have to be carefully managed.

Lori stated that this proposal would not require a trust change as entertainment venues (a movie theater) are specifically mentioned as allowable projects in the PCDA Trust. The contract is for one year at \$2,000 per month (\$24,000) which can be terminated with 60 day notice. It also includes a \$5,000 data charge for a total of \$29,000. Should the firm be successful in attracting a movie theater, there is a one time bonus of \$20,000 that would be paid, making a potential grand total of \$49,000. Brent Kisling suggested that some type of a sales tax sharing agreement may be required as an incentive and city staff told PCDA staff unofficially that that this could be discussed. Questions were asked and answered. Staff recommends approval.

A motion was made by Trustee Fetters with a second by Trustee Bowers to approve the proposal from Retail Strategies for \$49,000 for data analytics, trade show representation at the ICSC show and an initiative to identify and recruit a movie theater to Ponca City

Roll: Yeas: Detten, Southard, Brown, Fetters, Peitz, and Bowers
Nays: None.
Abstain: None
Motion Carried.

8. CONSTRUCTION PROJECT UPDATES;

David stated that Spec Building Duke is effectively done. There are a few punch list items which still need to be completed. Laurence believes the certificate of occupancy (COO) will be issued in January for the building. Of the 77 items on the punch list, there are still several larger items to be completed. Laurence spoke with the City Building Inspector Corey Pruitt to finalize any issues that may be required for the COO.

Laurence stated there is a possibility for a change order for more sod to finish laying sod in all the required areas for water detention. Staff is not sure of the cost, but this issue is being investigated with the building contractor.

There have been two companies who have visited Duke as a possible location for their needs.

David stated the west side drainage project survey is proceeding now that the grant funding for the project has been released by the Oklahoma Department of Commerce.

9. STAFF REPORTS;

Contact reports included 38 contacts with new industry, 121 with existing industry, 68 with regional partners, 14 with government, 11 with consultants, 96 City Central contacts, and 26 small business. There were three new leads with a total project count of five.

Lori gave an overview of the third meeting of The Committee which included discussions on childcare and workforce attraction. Melissa Flaherty from Building Blocks was present and spoke of childcare issues including baby waiting lists and finding and keeping employees. Liz presented information on the Creekstone Farms onsite childcare facility. It was reported that Ponca City Public Schools recently acquired the Edwin Fair building on Fifth Street and this building may potential for childcare, although that was not the focus for PCPS in acquiring the building. Katherine stated that there are two childcare operators interested in second shift and overnight care. Impediments to moving these projects forward include location, adequate and appropriate building, cost of hiring and training employees and adequate transportation for employees and workers. Discussions have begun with possible student workforces at NOC and the Tribes.

The Committee requested language for future consideration that would amend the PCDA Trust to allow for involvement in housing and retail attraction. Staff has asked legal counsel to prepare sample language for future discussion. This will be brought to the next meeting of The Committee.

Katherine answered questions on the database Placer.ai with regards to data generated by the program and who else in the community could benefit from the data. This included the City, the Chamber, Pioneer Technology Center, small businesses, retail and service.

Laurence led the Ponca City Leadership class for Manufacturing Day on Wednesday and asked Calley Lamar, a current PC Leadership participant, what he thought of the day. He said that what impressed him most was the scale of all the machines and products. This was a side of Ponca City that many people do not normally see. Very eye opening about our Ponca City economy. Some of those that participated in the industry panel were Bowers Trucking, CPM Bliss and Centerline. Laurence stated that this Leadership class is one of the most interested and engaged of the classes.

Tuesday is the Chamber, the City of Ponca City and PCDA will host the Holiday Business After Hours from 5 to 7 pm at the Marland Mansion.

10. ENTERTAIN A MOTION TO ENTER INTO EXECUTIVE SESSION PURSUANT TO TITLE 25, SECTION 307 OKLAHOMA STATUTES TO DISCUSS PROJECTS 23-02, 23-10 AND ARTISAN, BLUE INNOVATION, CUTTER AND TRAWLER ROSE, AS WELL AS POTENTIAL REAL ESTATE TRANSACTIONS INVOLVING PROPERTY LOCATED WEST OF THE PONCA CITY AIRPORT INDUSTRIAL PARK, NORTH OF HARTFORD AND SOUTH OF PROSPECT; A PARCEL OF LAND LOCATED NORTH OF KNIGHT, WEST OF THE BNSF TRACK, EAST OF US 77 AND SOUTH OF HUBBARD; PROPERTY LOCATED AT 1500 N WAVERLY AND A PERSONNEL MATTER INVOLVING THE EXECUTIVE DIRECTOR.

A motion was made by Trustee Southard with a second by Trustee Fetters to enter into executive session.

Roll: Yeas: Detten, Southard Fetters, Brown, Peitz, and Bowers

Nays: None.

Abstain: None

Motion Carried.

The Board returned to open session at 9:17 a.m.

11. NEW BUSINESS;

12. ENTERTAIN A MOTION TO ADJOURN. Motion was made by Trustee Fetters with a second by Trustee Peitz, followed by unanimous vote to adjourn at 9:18 a.m.

**MINUTES OF THE EXECUTIVE SESSION OF THE BOARD OF TRUSTEES OF
THE PONCA CITY DEVELOPMENT AUTHORITY
December 14, 2023**

Pursuant to notice as required by law, the Ponca City Development Authority met in executive session at 8:49 a.m. at City Central in in Redbud Room, Lower Level of City Central Building, 400 East Central, Ponca City with Chair Mark Detten presiding.

Present: MARK DETTEN, TRUSTEE
 ERICA FETTERS, TRUSTEE
 GARRETT BOWERS, TRUSTEE
 KIRK BROWN, TRUSTEE
 MARK SOUTHARD, TRUSTEE
 ERIK PEITZ, TRUSTEE
 MAYOR NICHOLSON
 CRAIG STEPHENSON, CITY MANAGER
 MOLLY KYLER, PIONEER TECHNOLOGY CENTER
 DAVID MYERS, PCDA STAFF
 LAURENCE BELIEL, PCDA STAFF
 LORI HENDERSON, PCDA STAFF
 LIZ LEAMING, PCDA STAFF
 AUBREY ADAMS, PCDA STAFF
 KATHERINE LONG, PCDA STAFF
 DERRIN HIATT, ATTORNEY

At 8:49 a.m. Trustee Southard made a motion with a 2nd from Trustee Feters unanimously carried to enter into executive session pursuant to Title 25, Section 307 Oklahoma Statutes to discuss Projects 23-02, 23-10 and Artisan, Blue Innovation, Cutter and Trawler, as well as potential real estate transactions involving property located west of the Ponca City Airport Industrial Park, North of Hartford and south of Prospect; a parcel of land located north of Knight, west of the BNSF track, east of US 77 and south of Hubbard; property located at 1500 N. Waverly; and a personnel matter involving the Executive Director. David Myers, PCDA staff, led the discussion and was provided direction for the continuing negotiations with the projects and potential real estate transactions listed on the Closed Session agenda.

At 9:17 a.m. Chair Detten returned the meeting to open session.

Respectfully submitted by:

Katherine Long