



City of Enid
401 W. Owen K. Garriott Road
Enid, Oklahoma 73701
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF MEETINGS

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust

Notice is hereby given that the Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust will meet in regular session at 6:30 p.m. on the 5th day of June, 2018, in the Council Chambers of the City Administration Building, located at 401 W. Owen K. Garriott Road in said city, and the agenda for said meeting is as follows:

- AGENDA -

MAYOR AND BOARD OF COMMISSIONERS REGULAR MEETING

1. CALL TO ORDER/ROLL CALL.
2. INVOCATION.
3. FLAG SALUTE.
4. CONSIDER APPROVAL OF MINUTES OF THE SPECIAL COMMISSION MEETINGS OF MAY 7, 2018 AND MAY 10, 2018, AND THE RESCHEDULED REGULAR MEETING OF MAY 22, 2018.
5. AWARDS, PRESENTATIONS, PROCLAMATIONS, AND ORGANIZATIONAL BUSINESS.
 1. PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
 2. PRESENT "DUMP THE PUMP DAY" PROCLAMATION.
 3. PRESENT "LOWE'S HOME IMPROVEMENT CORPORATE CITIZEN RECOGNITION DAY" PROCLAMATION.
6. ADMINISTRATION.

1. **CONDUCT A PUBLIC HEARING TO CONSIDER A REQUEST TO CLOSE A PORTION OF AN UNDEVELOPED STREET EAST OF LOT 1, BLOCK 8, EAST PARK ADDITION TO ENID, OKLAHOMA.**
2. **CONSIDER AN ORDINANCE CLOSING TO THE PUBLIC A PORTION OF AN UNDEVELOPED STREET EAST OF LOT 1, BLOCK 8, EAST PARK ADDITION TO ENID OKLAHOMA, PROVIDING FOR REPEALER, SAVINGS CLAUSE, AND SEVERABILITY.**
3. **CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 10, "BICYCLES AND PLAY VEHICLES", SECTION 6-10-8 "SKATEBOARDS, IN-LINE SKATES, COASTERS, AND ROLLER SKATES" TO ALLOW SKATEBOARD USE DOWNTOWN UNLESS PROHIBITION IS POSTED; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.**
4. **CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 1, "GENERAL TRAFFIC PROVISIONS" SECTION 6-1-2 "DEFINITIONS" TO ADD ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE"; AND AMENDING CHAPTER 13 "LOW SPEED ELECTRICAL VEHICLES, GOLF CARTS, MINIBIKES, AND ALL-TERRAIN VEHICLES", TO CREATE SECTION 6-13-5 "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" TO ALLOW FOR USE UPON CITY STREETS AND TRAILS PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.**
5. **CONDUCT A PUBLIC HEARING REGARDING THE FISCAL YEAR 2018 ANNUAL ACTION PLAN TO CONSIDER \$418,584.00 ALLOCATION AS RECOMMENDED BY THE MAYOR AND BOARD OF COMMISSIONERS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.**
6. **CONSIDER A RESOLUTION ADOPTING THE FISCAL YEAR 2018-2022 FIVE-YEAR CONSOLIDATED PLAN AND THE 2018 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND BUDGET FOR THE 2018-2019 PROGRAM YEAR, AND AUTHORIZE THE CDBG DIRECTOR TO SUBMIT THE PLAN TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.**
7. **CONSENT.**
 1. **ACCEPT AN AMENDMENT TO THE OKLAHOMA WATER RESOURCE BOARD (OWRB) SURFACE WATER PERMIT NO. 2014-047, SCHEDULE OF USE, FOR THE BENEFIT OF THE CITY OF ENID.**
 2. **ACCEPT THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) PERMIT WL000024180090 TO RELOCATE A WATERLINE TO SERVICE BROADWAY AVENUE, PROJECT NO. W-1801.**
 3. **ACCEPT THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) PERMIT WL000024180204 TO RELOCATE A WATERLINE IN THE 600 TO 800 BLOCK OF WEST ELM STREET, PROJECT NO. W-1804.**

4. ACCEPT THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) PERMIT WL000024180296 TO EXTEND THE WATER LINE NEAR THE CHISHOLM SCHOOL, PROJECT NO. W-1813A.
5. AWARD A CONTRACT WITH EMC SERVICES LLC., OKLAHOMA CITY, OKLAHOMA IN THE AMOUNT OF \$427,720.00 FOR THE PAVED CHANNEL FROM CHESTNUT AVE TO THE WALLER SCHOOL PROPERTY, PROJECT NO. F-1801C, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.
6. AWARD A CONTRACT WITH SMC UTILITY CONSTRUCTION OF OKLAHOMA CITY, OKLAHOMA FOR THE 2018 LOCAL STREETS PROGRAM, WATERLINE IMPROVEMENTS, PROJECT NO. W-1814C, IN THE AMOUNT OF \$253,662.00, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.
7. AWARD A CONTRACT WITH MTZ CONSTRUCTION OF OKLAHOMA CITY, OKLAHOMA, FOR THE ADA COMPLIANCE PROGRAM AT COOLIDGE ELEMENTARY SCHOOL, PROJECT NO. M-1805, IN THE AMOUNT OF \$318,974.00, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.
8. AWARD A CONTRACT WITH CUMMINS CONSTRUCTION COMPANY, INC., OF ENID, OKLAHOMA FOR THE 2018 ARTERIAL STREET PROGRAM, PROJECT NO. R-1802C, FOR THE BASE BID IN THE AMOUNT OF \$578,622.97, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.
9. APPROVE CHANGE ORDER NO. 3 WITH LAYNE CHRISTIANSEN COMPANY, GUTHRIE, OKLAHOMA, FOR WELL FIELD IMPROVEMENTS PROJECT, PROJECT NO. W-1512A, IN THE AMOUNT OF \$267,350.00.
10. APPROVE CHANGE ORDER NO. 1 WITH CUMMINS CONSTRUCTION COMPANY, INC., ENID, OKLAHOMA, FOR 2018 ARTERIAL STREET RESURFACING PROGRAM, PROJECT NO. R-1802C, IN THE AMOUNT OF \$138,161.78.
11. APPROVE SECOND AMENDMENT TO THE CONTRACT WITH GUERNSEY FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN AND TRANSPORTATION PLAN.
12. EXECUTE CONTRACT WITH THE OKLAHOMA DEPARTMENT OF CORRECTIONS FOR THE ANNUAL PRISONERS PUBLIC WORKS PROJECT (PPWP) FROM JULY 1, 2018 TO JUNE 30, 2019.
13. APPROVAL OF CLAIMS IN THE AMOUNT OF \$1,301,729.14.
8. RECESS TO CONVENE AS THE ENID MUNICIPAL AUTHORITY.
9. TRUSTEES OF THE ENID MUNICIPAL AUTHORITY REGULAR MEETING.
10. ENID MUNICIPAL AUTHORITY REGULAR MEETING.
1. APPROVAL OF CLAIMS IN THE AMOUNT OF \$240,883.93.
11. ADJOURN TO CONVENE AS THE ENID ECONOMIC DEVELOPMENT AUTHORITY.

12. **TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY REGULAR MEETING.**
13. **ENID ECONOMIC DEVELOPMENT AUTHORITY REGULAR MEETING.**
 1. **APPROVAL OF CLAIMS IN THE AMOUNT OF \$4,000.00.**
14. **ADJOURN TO CONVENE AS THE ENID PUBLIC TRANSPORTATION AUTHORITY.**
15. **TRUSTEES OF THE ENID PUBLIC TRANSPORTATION AUTHORITY REGULAR MEETING.**
16. **ENID PUBLIC TRANSPORTATION AUTHORITY REGULAR MEETING.**
 1. **CONSIDER A RESOLUTION AUTHORIZING THE ENID PUBLIC TRANSPORTATION AUTHORITY TO APPLY WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, TRANSIT PROGRAMS DIVISION, FOR A GRANT UNDER 49 U.S.C SECTION 5339(B), BUS AND BUS FACILITIES GRANT PROGRAM FOR FUNDS DURING THE 2018-2019 FISCAL PROGRAM YEAR.**
 2. **APPROVAL OF CLAIMS IN THE AMOUNT OF \$699.16.**
17. **ADJOURN TO RECONVENE AS THE ENID CITY COMMISSION.**
18. **PUBLIC COMMENTS.**
19. **CONSIDER CONVENING INTO EXECUTIVE SESSION TO DISCUSS AN ECONOMIC DEVELOPMENT PROPOSAL INVOLVING THE CITY'S WASTEWATER TREATMENT PLANT; PENDING ACTIONS ON THE HALL LEASES AND THE WALTON CONVEYANCE; AND PENDING LITIGATION, CIMARRON TERRACE WATER ASSOCIATION v. ENID MUNICIPAL AUTHORITY AND OKLAHOMA WATER RESOURCES; TO DETERMINE WHETHER TO JOIN IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION; AND RECONVENE INTO REGULAR SESSION TO TAKE ANY NECESSARY ACTION.**
20. **ADJOURN.**

City Commission Meeting

4.

Meeting Date: 06/05/2018

SUBJECT:

CONSIDER APPROVAL OF MINUTES OF THE SPECIAL COMMISSION MEETINGS OF MAY 7, 2018 AND MAY 10, 2018, AND THE RESCHEDULED REGULAR MEETING OF MAY 22, 2018.

Attachments

5-7-18 Minutes

5-10-18 Minutes

5-22-18 Minutes

MINUTES OF SPECIAL MEETING OF THE
MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA,
TRUSTEES OF THE ENID MUNICIPAL AUTHORITY, A PUBLIC TRUST,
TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY, A PUBLIC TRUST,
AND TRUSTEES OF THE ENID PUBLIC TRANSPORTATION AUTHORITY, A PUBLIC TRUST
HELD ON THE 7TH DAY OF MAY 2018

The Mayor and Board of Commissioners of the City of Enid, County of Garfield, State of Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust, met in special session at 11:00 A.M. on the 7th day of May 2018, in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, pursuant to notice given forty-eight hours in advance to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 11:00 A.M. on the 6th day of May 2018.

-MAYOR AND BOARD OF COMMISSIONERS-

Mayor Shewey called the meeting to order with the following members present and absent:

PRESENT: Commissioners Janzen, Norwood, Ezzell, Waddell and Mayor Shewey.

ABSENT: Commissioners Wilson and Pankonin.

Staff present were City Manager Jerald Gilbert, City Attorney Carol Lahman, City Clerk Alissa Lack, Chief Financial Officer Erin Crawford, Director of Engineering Services Christopher Gdanski, Police Chief Brian O'Rourke, Police Captain Bryan Skaggs, Public Utilities Director Louis Mintz, Planning Administrator Chris Bauer, Director of Marketing and Public Relations Steve Kime and Human Resources Director Sonya Key.

Discussion was held on the Fiscal Year 2018-2019 City of Enid Budget.

Opening comments were made by Chief Financial Officer Erin Crawford. She stated that the discussion included Capital Improvement, Street Improvement, Sanitary Sewer, Stormwater, Water Capital Improvement, and Capital Project Escrow. All of these made up the Capital Improvement Plan, which came to \$12.8 million for Fiscal Year 2019. In comparison to the current fiscal year overall, there was an increase of \$47,000. There were some variances in various areas. Street and Alley received more funding for capital for Public Utilities and Public Works Divisions to be able to complete more street improvements, crack sealing, and asphalt. Each of the other funds was based on the projects that had the highest priority.

Looking at the budget, \$12.8 million was the total for Fiscal Year 2019, but \$12.2 million was coming from a transfer from Enid Municipal Authority (EMA). The other \$600,000 was non-EMA revenue. This was consistent with what was being done in the current year.

Chris Gdanski, Director of Engineering Services, spoke regarding Capital Improvement Projects (CIP) for Fiscal Year 2019. A presentation was provided and illustrated the purpose of the CIP, which was to make improvements to real property and to provide major maintenance on some projects. There were 51 projects budgeted at an amount of \$12.8 million.

Under Road Maintenance, \$350,000 was budgeted for road maintenance for Public Works for general roadway repairs, maintenance, and reconstruction projects. \$50,000 was for the repair of panels by Fire Station #5. This also included flume work that was needed.

The Street Improvement Program was budgeted at \$1.5 million. This was a continuous project every year which allowed for reconstruction and heavy maintenance of local streets. The list of streets was determined by a coordinated effort between Engineering, Public Works, and the City Manager by priority, reconstruction method, and estimated cost.

There were three streets scheduled for reconstruction in Fiscal Year 2019, for which bids were due by May 23, 2018, in order to select contractors for the projects. This budget also included a 90% design completed for North Kennedy between Ash Avenue and Hemlock Avenue.

Mr. Gdanski provided a summary of the projects included in the upcoming budget for arterial and local street programs, such as mill and overlay, the three streets that were out for bids, and the streets that would be addressed in the coming budget year. Any residual funding for the year would go into starting design work for future local street projects for the following fiscal year.

Illustrations were provided to show the locations of the arterial street projects (West Broadway from Van Buren to Washington and 4th Street for the ADM truck lane) and local street projects (Kennedy Street from Ash to Hemlock and the Airport Entrance from Airport Road to the Terminal) budgeted for the upcoming fiscal year.

Also illustrated were the locations of future arterial street projects and local street projects and included portions of 66th Street, East Randolph, East Chestnut Avenue, East Birch, 19th Street, 3rd Street, 5th Street, Hoover, and North Jackson.

A brief discussion was held regarding some specific streets that were problematic and were potential projects to address.

Mr. Gdanski spoke regarding the Sidewalk Partnership Program and the Commercial Sidewalk Partnership Program, under Property Repairs and Maintenance. There had been a lot of involvement in the Commercial Sidewalk Partnership Program. \$25,000 was budgeted for each of these programs.

There were some Capital Improvement Funds provided for grant matching for major capital repair and new construction and would be used to design and construct a Park Trail Head/Restroom as a continuing plan to improve parks. The grant application had already been submitted and a summer

notification was anticipated. Once the amount of the grant award was determined, the location and design of the project could be determined.

Landfill construction was budgeted at \$1.5 million for Fiscal Year 2019, and provided for construction of a landfill cell approximately three acres in size that would take operations out approximately two and a half years.

Another project included in the budget was for signal timing and to update signal controllers. The existing equipment was antiquated and no longer sustainable. As the equipment was replaced, staff would need to come back to conduct a timing study and figure out an execution plan. This project pertained only to highway signals only, not to downtown signals.

Video detection improvements were proposed, at a budgeted amount of \$46,000, to improve traffic detection on U.S. Highway 412 at 10th Street and at 42nd Street. The idea was to improve video detection and improve the distance of oncoming traffic that the video detection could see and work the timing of the lights that way.

A project to upgrade traffic controllers was budgeted at an amount of \$40,000. There were ten signalized intersections that needed replacement equipment in order to bring the technology up to date.

Under Property Improvement, Expansion, and Acquisition, there was a maintenance project for chillers for the Administration Building budgeted at \$50,000. Also budgeted was a Public Works project to remodel the RSVP Building located at 606 South Van Buren, which would include windows and doors, at an amount of \$49,000. There were seven signal poles that needed to be replaced at the intersections of York Avenue and Van Buren Street, as well as Independence and Owen K. Garriott Road, budgeted at \$150,000. Additionally, there was design work budgeted for the Landfill methane gas blower system to figure out how to flare-off methane gas and to address growth and modularity. This was budgeted at \$49,000.

Under Property Repair and Maintenance, \$300,000 was budgeted to improve accessibility for items identified in the ADA Transition Plan. Included on the priority list for this project was adding remaining work at Coolidge School, for which design work was ready to go; sidewalks at Garfield, Taft and Monroe schools; and intersections at Independence Avenue and Randolph Avenue. Another maintenance project included, at a budgeted amount of \$50,000, taking an inventory of the City's buildings and determining which buildings were at risk for water and termite damage, and protect those that could be protected.

The Reconstruction and Overlays fund was budgeted at \$1.7 million. Of that amount, there was \$1 million ready to apply to the Cleveland Street, Railroad Crossing to Willow Road project. The plan for those funds in the upcoming year was to complete utility relocation and acquire the right-of-way needed for the project.

A brief discussion was held regarding potential challenges in completing the Cleveland Street Project.

Also in this fund was \$300,000 for the truck lane for ADM Milling. The intent of the project was to design it in-house and contract the work. Mr. Gdanski expressed concern regarding the condition of the street and potential stormwater issues. The truck lane was located on 4th Street, and the intent was not to replace the whole road, but to improve the truck lane. In time, funds would be recovered through the TIF for improvements made in this project.

The final project discussed under this fund was budgeted at \$400,000 and was to rebuild the airport entry road. An illustration was provided to show the location of the portion of South Boeing Drive where construction was proposed. This construction would connect to the new parking lot in conjunction with the new terminal building.

Bridge Construction and Renovation was budgeted at \$100,000. A couple of structures were identified for light maintenance, and included box structures at Randolph and 4th Street, as well as on Breckenridge Road, west of 30th Street.

There were several projects included in the \$502,000 budget for Park Projects.

The first project was the boat dock at Meadowlake North. The design, which was completed in-house, was ready to go. The budget for this project was \$105,000. There was also a companion project to this one to construct sidewalks. This was a Public Works project budgeted at \$30,000.

Discussion was held regarding the study and design work budgeted for the current fiscal year, the construction of pathway options to connect the north and south sides of Meadowlake Park, and the trail and potential funding of the trail to Vance Air Force Base.

A budget of \$50,000 was proposed for improvements to Don Haskin's Park to repair fences, repair sidewalks, install a drinking fountain, and complete other general site restoration. \$100,000 was budgeted for work in stabilizing approximately 2,200 linear feet of shoreline for Meadowlake, to help prevent erosion. This project would be contracted out, and might require the lowering of the lake during construction.

There was \$25,000 budgeted to acquire and install playground equipment at Hoover Park, and \$77,000 budgeted to acquire and install playground equipment and address ADA accessibility improvements at Lions Park.

A budgeted amount of \$80,000 was proposed for Crosslin Park Sidewalk Improvements, and included design and construction of an accessible route from the parking lot to the new softball fields. Additionally, a budgeted amount of \$400,000 was proposed for parking improvements at Crosslin Park to design and construct additional parking adjacent to the new softball fields.

Lastly, \$35,000 was budgeted to refurbish Shelter #1 at Meadowlake Park South. This work would be completed by Public Works, and would conduct minor repairs, replace the roof, and paint the shelter.

Mr. Gdanski spoke regarding Reconstruction and Overlays in the Street Improvement Fund. This fund included Mill and Overlay budgeted at \$1 million, would be for arterial street maintenance for Broadway Avenue from Washington Street to Van Buren, and included design work and construction. Waterline relocation and sidewalk improvements were also included in this project.

Under the Sanitary Sewer Improvement Fund, there was a standard \$750,000 budgeted for overflow reduction identification and removal. This allowed for periodic inspections and point repairs of the sanitary sewer infrastructure. Money was also budgeted for model runs for the master plan. \$50,000 was budgeted, and would be utilized to update the stormwater master plan this year to update the 2009 model.

There was also money budgeted, in the amount of \$475,000, for sanitary sewer improvements at the soccer complex. The Enid Sports Association was doing the design work on the complex, and was working with City staff to execute the plans.

Discussion was held regarding factors that might impact the soccer complex project, such as traffic flow and the potential for flooding.

Flood Control had a proposed budget of \$1.065 million in the Stormwater Fund. The first project addressed was regarding the box structure on West Willow Road, which was budgeted at \$350,000, and would include design and construction of the deteriorating box structure on Willow Road. The next project was a study of the capacity alternatives upstream from Rolling Oaks Detention. \$40,000 was proposed to complete a study and analysis to deal with significant stormwater flows along Cleveland

Street to Rolling Oaks detention facility. The study would define and analyze potential alternatives to fix the problems.

Another stormwater structure that needed to be repaired was on Randolph, west of Oakwood. A budget of \$50,000 was proposed to replace a pipe that had caved in.

Some design work had been started, and would be budgeted in an amount of \$75,000 for the Meadows Regional Detention Facility. This site was north of Rupe, between Cleveland and Oakwood Road. Staff would need to reach out to the property owner regarding the City's interest, and to see if the property owner was willing to entertain that interest.

A process needed to be started to begin a project to dredge the Corp Channel. \$50,000 was budgeted to start on the design work and permitting process.

Stormwater improvements needed to be made for the development of the new soccer complex. The design work would be accomplished by the Enid Sports Association. A budget of \$350,000 was proposed for the improvements.

The final project under Flood Control was for channel improvements along Hoover Street, and was budgeted at \$75,000. Maintenance had become a challenge because of the steep slopes and the vegetation along the channel. Design work and improvements would be completed to help determine what could be done in future budgets to provide easier and more efficient maintenance.

Mr. Gdanski addressed the Water Capital Improvement Fund. A budget of \$260,000 was proposed for Tools, Parts and Supplies. All of the projects would be Public Utility projects.

The first project was to install an automatic line flush system to flush dead-end lines at approximately fifteen locations citywide. This project was budgeted at \$75,000. Flushing the lines was a more cost efficient method, as opposed to the more costly method of looping. On Garfield Street, there were some dead-end lines that would be fixed. Waterlines in this area would be tied and looped into the system. \$75,000 was proposed for this project. This would also improve fire flow.

Also budgeted was a standard water main replacement that was budgeted for annually. This was a joint effort between Engineering and Public Utilities. For Fiscal Year 2019, the water line along East Oak Avenue from 25th Street to 26th Street would be addressed. Several areas along this line had previously been patched.

A new, recurring project was budgeted at \$30,000 for Fire Hydrant Replacements, to replace worn or damaged fire hydrants. Another \$30,000 was budgeted for the replacement or maintenance of water main valves. This too was a systematic, recurring project to replace and correct water main valves throughout the city.

Under Water Upgrades and Extensions, there was a standard Well Field Improvement and Replacement project, budgeted at \$750,000, for continuous maintenance and improvement to maintain and expand well fields. Something that staff was looking at for FY 19 was refurbishment of existing wells.

A project was proposed to bore out a replacement waterline on Cleveland Street, under the railroad tracks. This waterline had failed approximately two years prior. The design and permitting process was complete, and the project was budgeted at \$300,000.

Water line improvements were planned for the new soccer complex. The Enid Sports Association would be completing the design work. A budgeted amount of \$325,000 was proposed to complete water improvements that were necessary for development of the soccer complex.

Discussion was held regarding the development of the new soccer complex.

A project to protect the 20-inch water line serving the east side of Enid was included in the budget, at an amount of \$100,000. The line had experienced several catastrophic failures, due to water hammering or lack of valve control for the water going through the line. The intent of the project was to acquire and install a pressure relief valve to blow-off over-pressure events.

Mr. Gdanski spoke regarding the Transfers Fund. This was for escrow transfer to stormwater, in the amount of \$300,000. When developers came to pay their Stormwater Development fees, by ordinance those fees were transferred into Stormwater when work had been done in the basin for which those fees were paid.

It was noted that there were fifty-one (51) projects for a total budgeted amount of \$12.8 million proposed for Capital Improvement for Fiscal Year 2019.

Discussion was held regarding the priority list of streets and how that list was determined, street striping and the status of that project, options for a golf maintenance building, Meadowlake and a crossing that connected the north and south sides of the park, Vance trail design, and the possible options and benefits of considering transitioning to CNG for City vehicles.

There being no further business to come before the Board at this time, Mayor Shewey adjourned the meeting at 12:37 P.M.

MINUTES OF SPECIAL MEETING OF THE
MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA,
TRUSTEES OF THE ENID MUNICIPAL AUTHORITY, A PUBLIC TRUST,
TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY, A PUBLIC TRUST,
AND TRUSTEES OF THE ENID PUBLIC TRANSPORTATION AUTHORITY, A PUBLIC TRUST
HELD ON THE 10TH DAY OF MAY 2018

The Mayor and Board of Commissioners of the City of Enid, County of Garfield, State of Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust, met in special session at 5:00 P.M. on the 10th day of May 2018, in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, pursuant to notice given forty-eight hours in advance to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 5:00 P.M. on the 9th day of May 2018.

-MAYOR AND BOARD OF COMMISSIONERS-

Mayor Shewey called the meeting to order with the following members present and absent:

PRESENT: Commissioners Janzen, Norwood, Ezzell, Waddell, Wilson and Mayor Shewey.

ABSENT: Commissioner Pankonin.

Staff present were City Manager Jerald Gilbert, City Attorney Carol Lahman, City Clerk Alissa Lack, Chief Financial Officer Erin Crawford, Director of Engineering Services Christopher Gdanski, Police Chief Brian O'Rourke, Police Captain Bryan Skaggs, Planning Administrator Chris Bauer, Director of Marketing and Public Relations Steve Kime, and Human Resources Director Sonya Key.

Chief Financial Officer (CFO) Erin Crawford addressed commissioners, noting that the areas to be covered during the meeting included Airport, Enid Event Center, Police Department, Fire Department, and Enid Economic Development Authority (EEDA), which were all funds that had not been addressed

during previous budget meetings for Fiscal Year 2019. There were place holders for Enid Municipal Authority (EMA) and Enid Public Transportation Authority (EPTA), in case any action needed to be taken on those funds.

Some proposed changes had been made to the budget, since it was originally distributed on April 27, 2018.

After looking through the budget in an effort to find money for a possible solution for the maintenance building at the golf course, it was determined that revenue could be added in for the sale of the property at #1 Woodlands Drive. It was anticipated that the sale of that property would increase the General Fund revenue by \$200,000. As a result, there would be \$160,000 available to transfer out to the Golf Fund.

There was also a desire to balance the Vance Development Authority budget, which was a \$6,100 deficit budget. To attain a balanced budget, a \$6,100 increased transfer in revenue was necessary.

The other increase of \$33,900 in General Fund was due to the desire to get seasonal grounds keepers in the Street and Stormwater Department, so that throughout the summer staff could continue to stripe and patch the streets and clean out ditches, instead of being pulled away for mowing. This was the cost to add four additional positions for the four-month season to get the mowing done.

One change was proposed for the Enid Public Transportation Authority. There were two letters that had been received from the Oklahoma Department of Transportation (ODOT): one for the 5311 Grant and one for the 5339 Grant. The 5311 was the normal funding transfer from the State to the Transit for operations. The Transit would be receiving an amount a little higher than what was previously anticipated when the allocation letter was received. The 5339 required approval, if the Transit wanted to accept that, and the grant would provide for the purchase of buses. The anticipated amount of this grant was \$17,000, and EPTA desired to increase the budget to show the additional grant revenue that would be received and have the \$17,000 in expense for the grant match for the purchase of the buses. The grant would be received in the Federal fiscal year, which begins in October.

Ms. Crawford presented an updated budget summary that included said changes, for reference. There would be an increase in revenue and expense of \$200,000 in General Fund, \$160,000 increase in revenue and expenditures in Golf, an increase of \$6,100 in the revenue for VDA to balance that budget, adding \$17,000 in revenue and expenditures for EPTA. Overall, for EPTA there was an increase of \$383,100 in revenues and \$377,000 in expenses, for a projected ending fund balance of \$6,100 higher for the year.

Discussion was held regarding the Golf Course operations, the implementation of recommendations made by the consultant, and the current transfer amount needed, in comparison to past Golf budgets and transfers. Two things that affected the budget included the purchase of \$15,000 for a sand top dresser and payouts for two anticipated retirements. There was no fund balance to draw down from, so the Golf Course would have to be fully funded in order to be able to operate.

Woodring Regional Airport Director Dan Ohnesorge addressed commissioners regarding the Airport Fund budget. He explained that the budget was very similar to what the budgets had been in the past. The Airport was an enterprise fund, so it was necessary to balance revenues and expenses.

The main revenues were from fuel, hangar leases, and land leases. Other revenues were collected from the sale of things such as charts and oil. On the other side, the expenses were for the purchase of fuel, parts for repairs, equipment used for the hangars, insurance, travel, vehicle maintenance, and office supplies.

There were three projects proposed for this year. The first was to paint the first row of hangars. The goal was to paint the older hangars, in order to help prevent rusting and to standardize colors. Another goal was to purchase a mule, an all-terrain vehicle, for mobility, especially along the perimeter road. Finally, there was the terminal building.

The bids from the re-bid had come in, but were still high. The engineers were asked to hire a third-party to take a look at the estimates and provide a new perspective as to where the price should be

for the project. Once that information had been provided, staff would come up with a plan to bring back to the commission.

Ms. Crawford provided opening remarks regarding the Enid Event Center Fund. There were two main components that made up the Enid Event Center Fund, which were the hotel tax and the Spectra contract. The Spectra contract included managing the Event Center, Convention Hall, and managing Visit Enid.

This year, revenue was projected to come in a little low. It was projected to come in approximately \$91,000 less than budgeted in hotel tax for the year. This resulted in reducing the revenue projected in the upcoming fiscal year budget. The revenue from the Event Center was projected to have an overall increase.

Contractual Services were about even. A 3 % tax paid to Garfield County reduced, based on the amount of revenue that would be reflected.

For maintenance and operations, there was a slight increase, which was due to operations from Spectra.

There was a slight increase in Capital Outlay, due to the need to have some repairs made to preserve the aging building, such as carpet, broken curbs, and other maintenance items that just needed general repairs.

Hotel tax came into the Fund, and the City was required to pay 3 % to Garfield County. This left the remaining hotel tax of 5% for us to work with, and pay things with out of this fund. Overall, a \$60,000 decrease was projected in hotel tax for the year, which has a reduction in expenditures at \$22,500. There was \$37,500 less in revenue to work with in the fund.

Interest, Visit Enid, insurance, and Spectra contract incentive were all the same year over year from the current year to next year. In the next year, there was a slight increase in capital items to get some of the repairs completed.

After removing all of the expenditures, \$155,342 was left of hotel tax. A supplement of \$325,000 was needed from the EMA to get up to the \$480,342 budget deficit that Spectra anticipated to have as a deficit. The deficit in the next fiscal year had improved from the deficit in the current fiscal year, which had been budgeted at \$535,000.

Kevin Boryczki, General Manager of the Central National Bank Center, provided a presentation for Spectra. The original budget for Fiscal Year 2018 was a \$535,000 deficit, and it looked like they were going to beat that by approximately \$45,000. Events were up from last year was part of that difference, which resulted in operating income increasing, as well. Expenses were only up slightly, but fairly consistent with what they were last year. Other income was fairly consistent to last year, as well. That was where they were getting the better net operating income of \$490,000.

An illustration was provided to show the percentage of revenues that were generated by specific events at both the Event Center and Convention Hall.

For Fiscal Year 2019, the direct event revenue and ancillary revenue were projected to be up fairly significantly. Event operating income was also projected to be higher. Other income was projected to be pretty steady from where they were this year. Net operating income was expected to be up, and indirect expenses were projected to be a little, as well. The proposed subsidy was projected to be \$480,000, which was \$10,000 less than what was needed in the current fiscal year.

Since Spectra started managing both facilities in Fiscal Year 2013-2014, the operating deficit had decreased, so financials had gotten better every year.

Looking at the Visit Enid Fund, \$475,000 was projected from the hotel tax. Visit Enid also had the store sales, visitor guide sales, and then some carry-over from the past year. A summary of the total revenues and expenditures was presented. Overall the expenditures were covered by the revenues, and this was the exact same budget, as far as funding, as the past few years. There was no increase in funding for this part of the fund.

Things that they planned to work on long-term for the future included hotel/long-term business with the new hotel, long-term conference and convention business, sporting events, continuing to maintain and increase the sponsorships and client relations, continued diversity of events, and other initiatives that could help improve the budget.

Discussion was held regarding dirt events at the event center, the potential impact of the new field house being built for Enid High School athletics, and potential athletic events to secure for the facility.

There were three Police Funds to review, and the funds included Special Projects, 911, and the Police General Fund.

Police Captain Bryan Skaggs spoke regarding Fund 12, which was the Special Projects Fund.

This was a savings fund for the Police Department, and included the following:

- Special Projects 1 was for restitution received from the District Court System
- Special Projects 2 was State seizures
- Special Projects 3 was for Federal seizures

These funds were also used to assist with the extra costs associated for the enforcement of narcotics.

It was anticipated that approximately \$20,000 was to be spent in the next fiscal year to obtain body cameras for officers.

Captain Skaggs spoke regarding Fund 51. They were going into the upcoming year with a \$195,000 deficit. The deficit was usually around \$1.3-1.4 million. It was expected to surpass that and cover that deficit and add to the fund balance.

A brief discussion was held regarding jail services and the contract with Garfield County for jail services.

Captain Ryan Singleton, 911 Division Commander, spoke regarding Fund 50, which was the fund for 911. He explained that the 911 Center conducted operations for Enid, Garfield and Major Counties, and dispatched for Police and Fire.

The 911 Fund was a stand-alone fund that was subsidized by Police and Fire for dispatch services. They would continue have a projected increase due to the additional 25 cent fee that the State of Oklahoma added to cell phones. A possible deficit of \$141,475 was reflected in the budget, and they would try to control that deficit by hiring one less staff member.

A brief discussion was held regarding 911 operations and protocols, the contract with Major County, potential agreements with other counties, and issues being addressed by the state 911 Board.

It was noted that a proposed upgrade in equipment and change in service provider would be brought before the commission for approval at the meeting of May 22, 2018. If approved, the upgrade would be expected to create a savings of approximately \$400,000-500,000 over a ten year period.

There being no further comments, discussion regarding the Police Fund concluded.

Fire Chief Joe Jackson addressed commissioners regarding the Fire Fund (Fund 65). Under personnel services, personnel costs would be budgeted the same as the current year, with 81 personnel. The budget showed a 1% increase in costs for personnel, based on the anticipated compensation after negotiations. Contractual Services reflected a 2% increase over the current year, primarily due to an inspection and repair program for the new personal protective equipment (PPE) and bunker gear that was purchased in the current year. This would provide for the company that manufactured the gear to come in to clean and inspect it, in order to maintain the condition of the equipment. Maintenance and Operations was down about 1% because some cuts had been made in areas where he felt there was a little extra to cut. Overall, with the capital that was budgeted, the budget was up 8% over the current year's budget.

Chief Jackson spoke regarding capital items. He planned to purchase six more sets of bunker gear and PPE for staff. In the previous budget, this gear was not budgeted for staff, in an effort to keep costs down. However, the staff gear was just as old as the gear that had been replaced in the current year. The gear was proposed at a cost of \$15,000.

A staff pickup truck was budgeted, in order to replace a well-used 2002 vehicle. This was proposed at a cost of \$35,000. A triple combination pumper truck was proposed for purchase, at a cost of approximately \$700,000. This would replace a worn 28-year-old apparatus that is currently used in reserve. This apparatus would move to the front line, and an older apparatus would then be moved to reserve. Under Property Improvement, Station 5 on Garland was built in 1982, and has not been updated. He proposed budgeting approximately \$25,000 to update Station 5.

There being no further comments, discussion regarding the Police Fund concluded.

Mayor Shewey recessed the meeting to convene as the Enid Municipal Authority.

- TRUSTEES OF THE ENID MUNICIPAL AUTHORITY -

PRESENT: Trustees Janzen, Norwood, Ezzell, Waddell, Wilson, Chairman Shewey, Trust Manager Jerald Gilbert, Trust Attorney Carol Lahman and Secretary Alissa Lack.

ABSENT: Trustee Pankonin.

There were no questions and no discussion was held regarding EMA.

Chairman Shewey adjourned the meeting to convene as the Enid Economic Development Authority.

- TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY -

PRESENT: Trustees Janzen, Norwood, Ezzell, Waddell, Wilson, Chairman Shewey, Trust Manager Jerald Gilbert, Trust Attorney Carol Lahman, and Secretary Alissa Lack.

ABSENT: Trustee Pankonin.

CFO Erin Crawford provided an overview for the Enid Economic Development Authority Fund, and explained that this fund had a deficit budget of \$1.367 million, but the deficit was due to a timing issue.

The TIF revenues received had gone up a little over \$1 million. The final payment of the TIF was anticipated for the Advance Foods Bond in June 2018. The payment would not be made until July 2018 for the final payout to pay off those bonds. This accounted for a decrease in revenue for TIF receipts. There was an increase for the Transportation Partners and Logistics (TP & L) TIF, for which an appropriation had been done this year for the first time. This was added to the budget document for the upcoming fiscal year, at an amount of \$2 million, in order to have enough appropriations. In the current year, \$1.2 million was received for revenue and payout related to this TIF.

Miscellaneous revenue remained the same, and was related to the Café Garcia rent. Interest earnings, which had been budgeted too high based on the smaller balance of this fund, had been adjusted to make it more in line for where the amounts had been coming in. Reimbursements, which had to do with the HUD loan that was taken out through the EEDA, and was paid through the Community Development Block Grant (CDBG) Fund, flowed through the EEDA to pay the note that was held by the EEDA on the Northern Oklahoma College (NOC) campus. The note would be paid off in August of 2019, and would eliminate the reimbursement flowing through the EEDA fund.

Transfers from General Fund were sales tax dollars that we were rebating back on some agreements.

The transfer from EMA was to supplement the remaining operations within this fund.

Overall, there was a \$775,000 increase, the majority of which was from the TP & L TIF.

Under the expenditures for EEDA, there were trust fees to be paid on two loans for a 2015 incentive agreement with Academy Sports and also for the Advance Foods TIF. This would be the last year that the Advance Foods trust fees would need to be paid.

Professional Services had decreased. This was relative to the Retail Attractions contract that was approved by the commission at the meeting of May 1, 2018. There was reduction in base pay for this contract, but \$100,000 was added into that line item in the budget to do demolition to the fire station near Cleveland and Garriott. This was to get the property ready, in case there was any action proposed for that property.

There was a slight increase in sales tax rebates. This was related to the parking lot guaranty with the downtown hotel. This was coupled with decreases in payments out for the rest of the agreement.

Economic Development increased \$5,000, for the Northwest Water Action Plan.

TIF payments increased by \$2 million with the TP & L TIF, where the revenue and expenses also increased by \$2 million.

This resulted in an overall \$2.1 million increase for operations under EEDA.

The current incentives outstanding under EEDA that were currently being paid on included the Jumbo's/Sav-A-Lot incentive at \$46,000 outstanding and had until November 2019 to receive those dollars; Enid Crossing Investors, for the location of the old Homeland building, was a \$950,000 incentive that does not pay off until 2028; Enid Travel Plaza will pay off in October 2018; and EnidBWP for the downtown hotel for \$200,000 that will be paid out within thirty days following completion of that development.

The outstanding debt notes included HUD loan, Academy Sports, and Advance Foods. The \$7,315 decrease for these was due to interest on those notes.

A brief discussion was held regarding the warehouse property by the Family Dollar store on Garriott.

Enid Regional Development Alliance (ERDA) Director Brent Kisling addressed commissioners and provided an updated for ERDA. He noted that the biggest news to continue to share was that over the last five years, there had been almost \$2.4 billion worth of construction in the community, which was

substantial, and exceeded any other county in the state of Oklahoma. There had been a lot of investment in this area over the last several years.

Since 2009, the City of Enid had invested over \$5 million in ERDA. This had been matched by donations that had been received from other sources from outside of the community. Last year ERDA had a record number of sixty-one local business members who had contributed.

Some accomplishments achieved by ERDA included spending almost \$1 million in retail incentives; they had continued to invest in industrial incentives, more in the areas of utility extensions and public-private partnerships, for site preparation; and most of their time was spent on the \$2.3 million level for business recruitment to bring new businesses in, working with local businesses, providing technical assistance. Most of the work was non-financial when it came to incentives, and involved assistance with finding new locations and capital resources, in order to grow.

Mr. Kisling provided some project highlights, which included the \$32 million ADM Milling expansion, the downtown hotel construction, Atwoods Distribution Center expansion, wayfinding signage, Thunder Ranch and Red Dirt Wind Farms, Wind Catcher Energy Connections project announcement, Senate Bill 1294 Water Bill, Wind and MTR Resolution, Jiffy Trip, and Transportation Partners & Logistics expansion.

For the next year, the priorities included a Community Residency Program, movie theater improvement, soccer complex completion, Lahoma Courts development, NORCE transition plan implementation, Workforce Development program implementation, marketing aggressively for retail, marketing land along 66th Street, finishing the downtown hotel, and enhancing partnership and marketing efforts.

The goal for ERDA over the next seven years was to continue to take Enid from being a \$650 million retail sales community in 2010 to this past year being an \$815 million sales community, and then into 2025 becoming a \$1 billion retail sales community. In order to do that, it was necessary to bring in people – both residents and visitors, more wealth, and be very aggressive with retail outlets.

The budget request from ERDA for Fiscal Year 2019 was \$550,000.

Discussion was held at length regarding the hiring of a new staffing position, direct incentives for the last year and the incentive account, and the Community Residency Program.

There being no further comments, discussion regarding the EEDA concluded.

Chairman Shewey adjourned the meeting to convene as the Enid Public Transportation Authority.

- TRUSTEES OF THE ENID PUBLIC TRANSPORTATION AUTHORITY -

PRESENT: Trustees Janzen, Norwood, Ezzell, Waddell, Wilson, Chairman Shewey, General Manager Jerald Gilbert, Trust Attorney Carol Lahman and Secretary Alissa Lack.

ABSENT: Trustee Pankonin.

CFO Erin Crawford spoke regarding the Fiscal Year 2018-2019 Enid Public Transportation Authority Financial Plan, and noted that the only proposed changes to this budget were to increase revenue and expense \$17,000, for the grant revenue increase and to cover the match on the new buses for \$17,000.

Chairman Shewey adjourned the meeting to reconvene as the Enid City Commission.

- MAYOR AND BOARD OF COMMISSIONERS -

CFO Erin Crawford reviewed the proposed changes being tracked. She explained that this was an opportunity to capture any other changes that commissioners might have or would like to see changed for the Fiscal Year 2019 budget, so that a clean budget could be presented for approval.

Brief discussion was held regarding the renewal of a consulting services contract with Curt Roggow.

Commissioner Janzen expressed that he would like to see a reduction in the amount of the contract.

Commissioner Ezzell suggested that, given concerns, it might be best to for the commission to discuss this contract.

Ms. Diane Levesque, 1324 West Oak Avenue, addressed Commissioners regarding the contract with Curt Roggow, Main Street Enid as a self-sufficient entity, the Vance infrastructure aspect of the Kaw Pipeline and funding, the Code Department and violation notices, the proposed footbridge at Meadowlake and safety issues, and derelict buildings on public property with regard to the maintenance building at Meadowlake Golf Course.

There being no further business to come before the Board at this time, Mayor Shewey adjourned the meeting at 6:31 P.M.

MINUTES OF RESCHEDULED REGULAR MEETING OF THE
MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA,
TRUSTEES OF THE ENID MUNICIPAL AUTHORITY, A PUBLIC TRUST,
TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY, A PUBLIC TRUST,
AND TRUSTEES OF THE ENID PUBLIC TRANSPORTATION AUTHORITY, A PUBLIC TRUST
HELD ON THE 22ND DAY OF MAY 2018

The Mayor and Board of Commissioners of the City of Enid, County of Garfield, State of Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, the Trustees of the Enid Economic Development Authority, a Public Trust, and the Trustees of the Enid Public Transportation Authority, a Public Trust, met in rescheduled regular session at 6:30 P.M. on the 22nd day of May 2018, in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, pursuant to notice given at least ten days in advance to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 5:00 P.M. on the 21st day of May 2018.

-MAYOR AND BOARD OF COMMISSIONERS-

Mayor Shewey called the meeting to order with the following members present and absent:

PRESENT: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

ABSENT: Commissioners Wilson.

Staff present were City Manager Jerald Gilbert, City Attorney Carol Lahman, City Clerk Alissa Lack, Chief Financial Officer Erin Crawford, Director of Engineering Services Christopher Gdanski, Public Utilities Director Louis Mintz, Public Works Director Everett Glenn, Planning Assistant Karla Ruther, Police Captain Ryan Singleton, Fire Chief Joe Jackson, Director of Marketing and Public Relations Steve Kime, Human Resources Director Sonya Key, and Ex-Officio Member Colonel Lee Gentile and Chief Master Sergeant Robert Johnson.

Commissioner Derwin Norwood, Jr. gave the Invocation, and Chief Joe Jackson led the Flag Salute.

Motion was made by Commissioner Janzen and seconded by Commissioner Waddell to approve the minutes of the regular Commission meeting of May 1, 2018 and Special meeting of May 3, 2018, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

Animal adoption Coordinator Charlet Ringwald presented "Pork Chop", a 1-year-old male Staffordshire available for adoption at the Enid Animal Shelter.

A hearing was held regarding the proposed 2018-2019 City of Enid Budget and related authorities' financial plans.

Chief Financial Officer Erin Crawford stated that a public hearing was required by the Municipal Budget Act to allow public input and comments regarding the proposed budget. She noted that the hearing was published in the Enid News and Eagle on Tuesday, May 15, 2018, as required by law.

Having no comment, the hearing concluded.

Ms. Crawford noted that at the meeting of April 27, 2018, commissioners had been presented a draft of the budget, and there had been three special sessions to discuss the items in the budget document. Staff was now asking for approval of the Fiscal Year 2019 budget document.

Discussion was held regarding the City owned building on Park, south of the Event Center. Commissioner Janzen proposed appropriating funds to demolish said structure. It was noted that this item would need to be addressed during the EMA portion of the meeting.

Motion was made by Commissioner Ezzell and seconded by Commissioner Pankonin to approve a resolution approving, adopting, and appropriating the 2018-2019 Fiscal Year Budget for the City of Enid, Oklahoma; approving the Fiscal Year 2018-2019 Financial Plan for the Vance Development Authority; authorizing the City Manager, or his designee, to make fund transfers as provided in the Municipal Budget Act; and authorizing the Chief Financial Officer to invest the City's funds as provided in Oklahoma Statute Title 62, Section 348.1, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

(Copy Resolution)

City Attorney Carol Lahman addressed commissioners and explained that the Legal Department was asked to expedite passage of an ordinance to allow for the prosecution of minors who possessed vapor products. She had determined that the ABLE Commission had preempted the field in a variety of specific tobacco and vapor related offenses, including tobacco vending machines and the size of print on signs that would alert minors that they were not to have vapor products or tobacco. This ordinance would repeal the one that the ABLE Commission had preempted. It added in vapor products, so that the Police could bring the vapor product offenses through municipal court, which was a better venue than State Court. If passed, the corresponding emergency clause would provide for the ordinance to go into effect upon publication. She noted that, in order to pass, the emergency clause would require unanimous approval from all six members of the commission who were present.

Brief discussion was held regarding paraphernalia and penalties associated with this proposed ordinance.

Motion was made by Commissioner Ezzell and seconded by Commissioner Janzen to adopt an ordinance amending the Enid Municipal Code, 2014, Title 5, "Public Safety," Chapter 6, "Minors," Article A, to rename the Article "Tobacco and Vapor Products"; to amend Section 5-6A-1 "Definitions"

to add vapor products and remove tobacco vending machines; to repeal Sections 5-6A-2 “Tobacco Vending Machines” and create Section 5-6A-2 “Purchase or Possession by Minors of Tobacco or Vapor Products” to provide penalty for possession, purchase or use of fraudulent identification; to amend Section 5-6A-3 “Furnishing Tobacco or Vapor Products to Minors” to include vapor products; to repeal Sections 5-6A-4 “Purchase, Receipt or Possession by Minors”; 5-6A-5 “Display of Tobacco Age Restriction Signage”; 5-6A-6 “Public Access to Tobacco Product”; 5-6A-7 “Tobacco Paraphernalia” due to state government’s preemption; providing for repealer, savings clause, severability, codification and declaring an emergency, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Ezzell to approve the emergency clause.

Motion was seconded by Commissioner Janzen, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2018-12

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2014, TITLE 5, “PUBLIC SAFETY,” CHAPTER 6, “MINORS,” ARTICLE A, TO RENAME THE ARTICLE “TOBACCO AND VAPOR PRODUCTS”; TO AMEND SECTION 5-6A-1 “DEFINITIONS” TO ADD VAPOR PRODUCTS AND REMOVE TOBACCO VENDING MACHINES; TO REPEAL SECTIONS 5-6A-2 “TOBACCO VENDING MACHINES” AND CREATE SECTION 5-6A-2 “PURCHASE OR POSSESSION BY MINORS OF TOBACCO OR VAPOR PRODUCTS” TO PROVIDE PENALTY FOR POSSESSION, PURCHASE OR USE OF FRAUDULENT IDENTIFICATION; TO AMEND SECTION 5-6A-3 “FURNISHING TOBACCO OR VAPOR PRODUCTS TO MINORS” TO INCLUDE VAPOR PRODUCTS; TO REPEAL SECTIONS 5-6A-4 “PURCHASE, RECEIPT OR POSSESSION BY MINORS; 5-6A-5 “DISPLAY OF TOBACCO AGE RESTRICTION SIGNAGE”; 5-6A-6 “PUBLIC ACCESS TO TOBACCO PRODUCTS”; 5-6A-7 “TOBACCO PARAPHERNALIA” DUE TO STATE GOVERNMENT’S PREEMPTION; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION AND DECLARING AN EMERGENCY.

Ms. Lahman spoke regarding a proposed ordinance amendment to address driving under the influence or driving while impaired. She explained that the State had preempted municipalities that do not have a court of record from prosecuting driving under the influence or driving while impaired. She noted that the City had not utilized these charges, since it was not a court of record. If the City got a prosecution, then the defendant would get a trial de novo in district court, which was difficult to get.

Motion was made by Commissioner Ezzell and seconded by Commissioner Pankonin to approve an ordinance amending the Enid Municipal Code 2014, Title 6, “Motor Vehicles and Traffic”, Chapter 5, “Driving Rules” to repeal Section 6-5-6 “Driving Under Influence of Liquor, Drugs, Other Substances or Combination Thereof” due to State preemption; providing for repealer, savings clause, and severability, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

No motion was made to approve an emergency clause.

ORDINANCE NO. 2018-13

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, “MOTOR VEHICLES AND TRAFFIC”, CHAPTER 5, “DRIVING RULES” TO REPEAL SECTION 6-5-6 “DRIVING UNDER INFLUENCE OF LIQUOR, DRUGS, OTHER SUBSTANCES OR COMBINATION THEREOF” DUE TO STATE PREEMPTION; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY.

Ms. Lahman noted that the City previously had a Class Offense schedule, but no longer did, and staff was working to clean up the Code. She explained that this ordinance was to

specify the penalty for any violation for interfering with public safety personnel and equipment during an emergency management situation.

Motion was made by Commissioner Ezzell and seconded by Commissioner Waddell to approve an ordinance amending the Enid Municipal Code 2014, Title 5 “Public Safety” Chapter 3 “Emergency Management”, Section 5-3-10 “Penalty” to change the penalty form a Class A Offense to maximum fine of five hundred dollars; providing for repealer, savings clause, severability and codification, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2018-14

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014 TITLE 5 “PUBLIC SAFETY” CHAPTER 3 “EMERGENCY MANAGEMENT” SECTION 5-3-10 “PENALTY” TO CHANGE THE PENALTY FROM A CLASS A OFFENSE TO MAXIMUM FINE OF FIVE HUNDRED DOLLARS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

Motion was made by Commissioner Ezzell and seconded by Commissioner Janzen to approve an ordinance amending the Enid Municipal Code 2014, Title 5 “Public Safety”, Chapter 8 “Noise”, Section 5-8-1 “Sound Amplification” to change the fine from seven hundred and fifty dollars to two hundred dollars; providing for repealer, savings clause, severability and codification, and the vote was follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2018-15

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014 TITLE 5 “PUBLIC SAFETY” CHAPTER 8 “NOISE” SECTION 5-8-1 “SOUND AMPLIFICATION” TO CHANGE THE FINE FROM SEVEN HUNDRED AND FIFTY DOLLARS TO TWO HUNDRED DOLLARS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

Motion was made by Commissioner Janzen and seconded by Commissioner Pankonin to approve an ordinance amending the Enid Municipal Code 2014, Title 7 “Public Ways and Property”, Chapter 9 “Community Antenna Television System”, Section 7-9-6 “Offenses to change the penalty from a Class A offense to a maximum fine of five hundred dollars; providing for repealer, savings clause, severability, and codification, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2018-16

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014 TITLE 7 “PUBLIC WAYS AND PROPERTY” CHAPTER 9 “COMMUNITY ANTENNA TELEVISION SYSTEM” SECTION 7-9-6 “OFFENSES” TO CHANGE THE PENALTY FROM A CLASS A OFFENSE TO A MAXIMUM FINE OF FIVE HUNDRED DOLLARS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.

Captain Ryan Singleton, 911 Administrator, explained that the 911 system was upgraded approximately five years prior. At that time, AT & T was the sole provider and had a 5-year contract with the City, which was effective through February 2018. Staff determined that they would not renew the contract with AT & T, but had looked at other providers for enhanced 911. It was determined that Motorola (Enid Callworks), had the product that was best suited for the City’s 911 operations, of the three products researched.

The new contract would be a ten-year contract, as opposed to a five-year contract. The contract amount was \$469,850.73, and would replace the current contract with AT & T. The City would host its own lines, as opposed to the lines coming through Shawnee to Enid, and would allow Major County to answer their calls directly. This capability would also reduce the response time for Major County personnel responding to emergency calls. By selecting a ten-year contract with Emergency Callworks, who was the only provider who offered that contract option, the City would see a savings of approximately \$517,000. The previous contract with AT & T had been \$475,000 every five years.

Brief discussion was held regarding specifications of the 911 system.

Motion was made by Commissioner Ezzell and seconded by Commissioner Pankonin to approve a contract with Motorola Solutions for a 10-year contract to provide 911 services for the Enid, Garfield County, and Major County 911 system, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

Captain Singleton noted that AT & T was the sole source provider for all of the data base services for Garfield County and Major County, and all of the physical phone lines were provided by them, as well. By signing a 36-month contract, it reduced the cost of services from \$90 a month to \$65 a month. In Garfield County, to pay month-to-month for 90 months resulted in an expense of \$8,640 per year, but with a 36-month contract the cost was only \$6,240.

Motion was made by Commissioner Ezzell and seconded by Commissioner Waddell to approve a contract with AT & T for a 36-month contract on network and database services provided to the Enid, Garfield County, and Major County 911 system, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Ezzell and seconded by Commissioner Pankonin to approve staff recommendations, on the following consent items as listed, and the vote was as follows:

AYE: Commissioners Janzen, Norwood, Ezzell, Waddell, Pankonin and Mayor Shewey.

NAY: None.

- (1) Approval of agreement for real estate purchase of property located at 1302 West Randolph Avenue, and authorization for staff to take any necessary action needed to purchase property, in the amount of \$38,000 plus closing costs;
- (2) Approval to void contract award for Project No. F-1809C, Willow Road West of 66th Street Bridge Replacement, to the lowest responsible bidder, JE Dirt Wurx, LLC, Waggoner, Oklahoma, for the Base Bid in the amount of \$192,800.00, due to contactor withdrawal of said bid; approval of contract award for said project to the third lowest responsible bidder, Morton Construction Inc., Stillwater, Oklahoma, and authorize the Mayor to execute all contract documents, in the amount of \$268,556.40;
- (3) Approval of contract award for Project No. R-1801, 2018 Local Streets Program, to the lowest responsible bidder, Rick Lorenz Construction, Enid, Oklahoma, in the amount of \$794,064.19;
- (4) Approval of contract award for Project No. W-1802C2, Surge Tank Rehabilitation Project, Cleo Springs and Ringwood, to the lowest responsible bidder, Luckinbill Inc., Enid, Oklahoma, in the amount of \$197,369.00;
- (5) Allowance of the following claims for payment as listed:

(List Claims)

Chairman Shewey adjourned the meeting to convene as the Enid Municipal Authority.

- TRUSTEES OF THE ENID MUNICIPAL AUTHORITY -

PRESENT: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin, Chairman Shewey, Trust Manager Jerald Gilbert, Trust Attorney Carol Lahman and Secretary Alissa Lack.

ABSENT: Trustee Wilson.

CFO Erin Crawford noted that she had received additional information from staff, who believed that the amount of \$100,000 budgeted in the EEDA for demolition should be sufficient to cover the cost of demolition for both the fire station on Garriott and the building on Park. If it was not, any difference could come before the commission for appropriation, at a later time. Funding for this item would require an EMA transfer through EEDA.

It was noted that the \$100,000 item in the budget specifically reflected that it was intended for plural demolitions, instead of a single demolition project, and could cover both projects that commissioners desired.

Motion was made by Trustee Ezzell and seconded by Trustee Pankonin to approve a resolution, as presented, approving and adopting the Fiscal Year 2018-2019 Enid Municipal Authority Financial Plan, and the vote was as follows:

AYE: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin and Chairman Shewey.

NAY: None.

(Copy Resolution)

Motion was made by Trustee Ezzell and seconded by Trustee Waddell to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin and Chairman Shewey.

NAY: None.

(List Claims)

Chairman Shewey adjourned the meeting to convene as the Enid Economic Development Authority.

- TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY -

PRESENT: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin, Chairman Shewey, Trust Manager Jerald Gilbert, Trust Attorney Carol Lahman, and Secretary Alissa Lack.

ABSENT: Trustee Wilson.

Discussion was held at length regarding the Enid Regional Development Alliance and concerns regarding how much money should be allocated, and the incentive budget and fund balance in that budget.

Commissioner Ezzell stated that generally, the purpose of the funding had been to provide a mechanism for smaller dollar incentives to be given out without having to go before the trustees. Over time, the nature of ERDA had shifted as the small dollar incentives had become less effective tools, ERDA had done fewer of them, while shifting its mission towards marketing Enid and putting together high-dollar deals that required City of Enid commitment, like the ADM TIF, TP & L, and Love's Travel Plaza. He expressed concern regarding the incentive budget and fund balance in that budget that had built up over time that he didn't feel was necessary for their continued operation.

ERDA Director Brent Kisling addressed trustees explaining that the projection for the next year would be reduced to under \$500,000. He further explained that they currently had more in the pipeline than what these dollars would cover. He explained that he felt that there had been a shift, and a lot of that was driven by what was heard in study sessions about how important it was to grow the community and get more large water users into the community. He explained that use of the incentive fund was not only to provide an outlay of dollars for a small business, but that those dollars were sometimes used for the ramp-up for a larger project, travel for a delegation for a visit to make a sale, legal fees, accounting fees, or putting contracts together.

Additional discussion was held regarding the operations budget and administrative budget.

Trustee Ezzell expressed that the ERDA was doing a great job developing projects for the city of Enid, but he had concerns regarding the necessity of keeping an economic incentive fund balance. It was noted that if there was a large project that they needed to move fast on, ERDA could bring that before the board to act on.

Mr. Kisling acknowledged that they had tried to be very fiscally responsible with the dollars that they had been entrusted with by the City of Enid, the 60 members that they had, and other partners that had contributed. He explained that there had been a number of communities that had tried to fund only administrative efforts of their economic development office, and what typically happened in those situations was that it eliminated the need for a development alliance board, and a lot of the projects became very retail oriented, and not primarily job oriented.

Discussion continued and addressed potential changes that might need to be implemented if the allocation was reduced and the impact of not having an available fund balance, as well as providing an explanation of funds spent.

ERDA Board Member Gene Anderson, the secretary and treasurer for the ERDA Board, addressed the trustees noting that the \$500,000 was not operating money, but opportunity money for future development. He stated that this was the first time since he's been on the board that this number had been that great, and that over the last couple of years, it had been in the \$200,000 range. The reason it had jumped was simply because there were ten or twelve companies that they were under contract with for incentives, and about 75% of those terminated on 12/31/2017. The other thing to consider was what made up their revenue, which primarily came from the City. He was concerned if money was taken away, they might not be able to operate and could hurt the ability to work with new companies.

It was noted by Trustee Waddell that this wasn't about withholding money, but was a procedural issue.

Trustee Norwood expressed concern that if the money was not allocated and was spent elsewhere, it would not be available if ERDA came to the board with a request.

Mr. Kisling provided a brief overview of things that ERDA does, which included the following:

- Work with existing businesses in town to help them grow
- Work with entrepreneurs
- Bring businesses to town

Mr. Kisling spoke briefly regarding the public part of the residency program. He noted that 85% of the physicians that were in Enid came to Enid through the residency program. Besides water, healthcare was the second most important economic development issue. It was the reason that people come here from all of northwest Oklahoma to eat and shop. If there was going to be a vibrant healthcare industry, there had to be residents. Recently, a lot of time had been spent by ERDA working on this program.

Trustee Ezzell expressed that this had been instructive, and briefly reiterated his concerns regarding the funding of ERDA.

Motion was made by Trustee Ezzell to amend the EEDA budget to allocate \$450,000 to ERDA, in lieu of \$550,000, while urging them to come to the board in the future.

Motion died for a lack of second.

Motion was made by Trustee Waddell and seconded by Trustee Pankonin to approve a resolution, as presented, approving and adopting the Fiscal Year 2018-2019 Enid Economic Development Authority Financial Plan, and the vote was as follows:

AYE: Trustees Norwood, Waddell, Pankonin and Chairman Shewey.

NAY: Trustees Janzen and Ezzell.

(Copy Resolution)

Motion was made by Trustee Ezzell and seconded by Trustee Pankonin to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin and Chairman Shewey.

NAY: None.

(List Claims)

Chairman Shewey adjourned the meeting to convene as the Enid Public Transportation Authority.

- TRUSTEES OF THE ENID PUBLIC TRANSPORTATION AUTHORITY –

PRESENT: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin, Chairman Shewey, General Manager Jerald Gilbert, Trust Attorney Carol Lahman and Secretary Alissa Lack.

ABSENT: Trustee Wilson.

Motion was made by Trustee Ezzell and seconded by Trustee Waddell to approve a resolution, as presented, approving and adopting the Fiscal Year 2018-2019 Enid Public Transportation Authority Financial Plan, and the vote was as follows:

AYE: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin and Chairman Shewey.

NAY: None.

(Copy Resolution)

Motion was made by Trustee Waddell and seconded by Trustee Pankonin to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Norwood, Ezzell, Waddell, Pankonin and Chairman Shewey.

NAY: None.

(List Claims)

Chairman Shewey adjourned the meeting to reconvene as the Enid City Commission.

- MAYOR AND BOARD OF COMMISSIONERS -

Ms. Diane Levesque, 1324 West Oak Avenue, addressed Commissioners regarding the Kaw Lake pipeline budget; ERDA, industrial incentive, and retention of businesses like Startek after they had been attracted to Enid; Meadowlake Golf Course facilities; consultants to the City; street crews, street maintenance, and alley maintenance.

There being no further business to come before the Board at this time, Mayor Shewey adjourned the meeting at 7:58 P.M.

City Commission Meeting

6.1.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONDUCT A PUBLIC HEARING TO CONSIDER A REQUEST TO CLOSE A PORTION OF AN UNDEVELOPED STREET EAST OF LOT 1, BLOCK 8, EAST PARK ADDITION TO ENID, OKLAHOMA.

BACKGROUND:

This is a companion to item 6.2.

The Engineering Department has received a request from Teresa and Rigoberto Chavez to close a portion of an undeveloped street east of 627 E State Avenue; Lot 1, Block 8, East Park Addition to Enid Oklahoma, a part of the Northwest Quarter of Section Seventeen, Township Twenty-two North, Range Six West of the Indian Meridian, being more particularly described as follows:

Commencing at the northeast corner of Lot 1, Block 8, East Park Addition to Enid Oklahoma, point of beginning; thence east perpendicular to the east line of said Lot 1, 34.5 feet to a point; thence south 130 feet parallel to the east property line of said Lot 1; thence west perpendicular to the east line of said Lot 1, 34.5 feet to the southeast corner of said Lot 1, thence north along east boundary line of said Lot 1, to the point of beginning.

When Mr. and Mrs. Chavez moved into the property in 1984, the existing fence and auxiliary structures were actually built on the street right of way. Since the driveway was preexisting, they assumed the property lines were correct. Upon realizing the fence was on the right of way, they are filing this request to close this portion of the street to bring their property into compliance.

The Metropolitan Area Planning Commission (MAPC) reviewed this request at its meeting on May 21, 2018 and voted unanimously to approve closing.

Pursuant to Section 7-1-4 of the Enid Municipal Code, 2003, all utility companies and property owners within three hundred feet (300') of the road to be closed have been notified of this Hearing.

RECOMMENDATION:

Conduct a Hearing.

PRESENTER:

Robert Hitt, P.E., City Engineer

Attachments

Location Map



**Proposed Closing
Location Map
627 East State Ave
Undeveloped street east of
Lot 1, Block 8
East Park Addition To Enid Oklahoma**

City Commission Meeting

6.2.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONSIDER AN ORDINANCE CLOSING TO THE PUBLIC A PORTION OF AN UNDEVELOPED STREET EAST OF LOT 1, BLOCK 8, EAST PARK ADDITION TO ENID OKLAHOMA, PROVIDING FOR REPEALER, SAVINGS CLAUSE, AND SEVERABILITY.

BACKGROUND:

This is a companion to item 6.1. The closing of the road will allow for beneficial use of the property by the property owners. There is no improved roadway surface on the right of way, and the unimproved roadway runs on the City property east of the road right of way.

A utility easement will be retained for the street light on State per OG&E's request.

RECOMMENDATION:

Pending outcome of Public Hearing, Approve Ordinance.

PRESENTER:

Robert Hitt, P.E., City Engineer

Attachments

Ordinance

ORDINANCE NO. 2018-17

AN ORDINANCE CLOSING TO THE PUBLIC A PORTION OF AN UNDEVELOPED STREET EAST OF LOT 1, BLOCK 8, EAST PARK ADDITION TO ENID OKLAHOMA, PROVIDING FOR REPEALER, SAVINGS CLAUSE, AND SEVERABILITY.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section 1: Public way closed. The required notices of hearing and passage of this Ordinance having been given, the public ways are described as follows:

A portion of an undeveloped street east of 627 E. State Avenue; Lot 1, Block 8, East Park Addition to Enid Oklahoma, a part of the Northwest Quarter of Section Seventeen, Township Twenty-two North, Range Six West of the Indian Meridian, being more particularly described as follows:

Commencing at the northeast corner of Lot 1, Block 8, East Park Addition to Enid Oklahoma, point of beginning; thence east perpendicular to the east line of said Lot 1, 34.5 feet to a point; thence south 130 feet parallel to the east property line of said Lot 1; thence west perpendicular to the east line of said Lot 1, 34.5 feet to the southeast corner of said Lot 1, thence north along east boundary line of said Lot 1, to the point of beginning.

Section 2: The public alleys, streets, and public ways listed above are hereby approved to be closed to public use except the City of Enid shall retain the absolute right to reopen the public way without expense and that the closing shall not affect the right to maintain, repair, construct, operate a public easement access or facility, until such time as action is brought in the District Court pursuant to Title 11, Oklahoma Statutes, Section 42-101, *et seq.*

Section 3: The City shall retain a utility easement with the absolute right to maintain, repair, construct, and operate its utilities.

Section 4: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 5: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such

section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

PASSED AND APPROVED this 5th day of June, 2018.

City of Enid, Oklahoma

William Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

City Commission Meeting

6.3.

Meeting Date: 06/05/2018

Submitted By: Korina Crawford, Executive Assistant

SUBJECT:

CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 10, "BICYCLES AND PLAY VEHICLES", SECTION 6-10-8 "SKATEBOARDS, IN-LINE SKATES, COASTERS, AND ROLLER SKATES" TO ALLOW SKATEBOARD USE DOWNTOWN UNLESS PROHIBITION IS POSTED; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

BACKGROUND:

This ordinance was reviewed at the May 22, 2018 study session. It allows for the use of skateboards in the downtown area.

RECOMMENDATION:

Approve ordinance.

PRESENTER:

Carol Lahman, City Attorney.

Attachments

Skateboard Ordinance

ORDINANCE NO. 2018- __

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 10, "BICYCLES AND PLAY VEHICLES", SECTION 6-10-8 "SKATEBOARDS, IN-LINE SKATES, COASTERS, AND ROLLER SKATES" TO ALLOW SKATEBOARD USE DOWNTOWN UNLESS PROHIBITION IS POSTED; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section 1: That Title 6, Chapter 10, Section 6-10-8 of the Enid Municipal Code, 2014 is hereby amended to read as follows:

6-10-8: SKATEBOARDS, IN-LINE SKATES, COASTERS AND ROLLER SKATES:

A. Riding Restricted In Certain Areas:

~~1. No person shall ride a skateboard on any public street or sidewalk within the downtown area bounded by Adams Street on the west, Elm Street on the north, Oklahoma Street on the south and the Old Rock Island railroad tracks on the east.~~

~~2. No person shall ride a skateboard, in-line skates or roller skates on private or public property where signs are posted prohibiting such use.~~

B. Outdoor Skate And Bicycle Motocross Parks:

1. It shall be unlawful for any person to use the outdoor skate and bicycle motocross parks without a helmet designed for said use.

2. No motor vehicles may be used at the outdoor skate and bicycle motocross parks.

3. The fine for a violation of this subsection shall be twenty five dollars (\$25.00).

C. Use Of Coasters, Roller Skates On Roadway:

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device shall go upon any roadway except while crossing a street on a crosswalk, and when so crossing shall be granted all of the rights and subject to all of the duties applicable to pedestrians. This subsection shall not apply to any street while set aside as a play street as authorized by ordinance.

D. Clinging To Vehicles: No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

(1994 Code §§ 20-16, 20-365.1, 20-366; amd. Ord. 2001-24, 9-18-2001; Ord. 2004-06, 1-20-2004; Ord. 2004-07, 2-3-2004)

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 5: Codification. This ordinance shall be codified as Title 6, Chapter 10, Section 6-10-8 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of _____, 2018.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

City Commission Meeting

6.4.

Meeting Date: 06/05/2018

Submitted By: Korina Crawford, Executive Assistant

SUBJECT:

CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, "MOTOR VEHICLES AND TRAFFIC", CHAPTER 1, "GENERAL TRAFFIC PROVISIONS" SECTION 6-1-2 "DEFINITIONS" TO ADD ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE"; AND AMENDING CHAPTER 13 "LOW SPEED ELECTRICAL VEHICLES, GOLF CARTS, MINIBIKES, AND ALL-TERRAIN VEHICLES", TO CREATE SECTION 6-13-5 "ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES" TO ALLOW FOR USE UPON CITY STREETS AND TRAILS PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

BACKGROUND:

This ordinance was reviewed at the May 22, 2018 study session. This ordinance codifies the state law that allows the use of electric personal assistive mobility devices, or Segways on City streets, sidewalks, and the trail system.

RECOMMENDATION:

Approve ordinance.

PRESENTER:

Carol Lahman, City Attorney.

Attachments

Segway Ordinance

ORDINANCE NO. 2018-__

AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE 2014, TITLE 6, “MOTOR VEHICLES AND TRAFFIC”, CHAPTER 1, “GENERAL TRAFFIC PROVISIONS” SECTION 6-1-2 “DEFINITIONS” TO ADD ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE”; AND AMENDING CHAPTER 13 “LOW SPEED ELECTRICAL VEHICLES, GOLF CARTS, MINIBIKES, AND ALL-TERRAIN VEHICLES”, TO CREATE SECTION 6-13-5 “ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES” TO ALLOW FOR USE UPON CITY STREETS AND TRAILS PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA:

Section 1: That Title 6, Chapter 1, Section 6-1-2 of the Enid Municipal Code 2014 is hereby amended to read as follows:

6-1-2: DEFINITIONS:

Whenever any words and phrases used in this title are not defined herein, but are defined in the state laws regulating the operation of vehicles, such definitions therein shall be deemed to apply to such words and phrases used herein. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ALL-TERRAIN VEHICLE: Utility type motor driven cycle with a maximum curb weight of one thousand five hundred (1,500) pounds. (State law reference, 47 OS § 1-125)

ALLEY: A narrow passage or way, not designed to be a street or highway, intersecting a block or tract of land, and so designated on a plat of record or established by prescription and used primarily for the accommodation of the abutting or adjoining property.

ARTERIAL STREET: Any U.S. or state numbered route, controlled access highway, or other major radial or circumferential highway designated as part of a major arterial system of streets or highways. (State law reference, 47 OS § 1-102)

AUTHORIZED EMERGENCY VEHICLES: Vehicles of fire departments, ambulances, and police vehicles, including vehicles owned or operated by the federal bureau of investigation; such vehicles shall be equipped with siren capable of giving an audible signal, as required by law, and a flashing red light. (State law reference, 47 OS § 1-103)

AUXILIARY SERVICE HIGHWAY: A street especially designed to furnish access to an arterial highway.

BICYCLE: Any device propelled solely by human power, upon which any person or persons may ride, having a seat or saddle for the use of each rider and: a) on a bicycle, two (2) tandem wheels, either of which is twenty inches (20") or more in diameter; b) on a tricycle, three (3) wheels in any configuration, of which at least one is twenty inches (20") or more in diameter; c) or on a quad cycle, four (4) wheels in any configuration, of which at least two (2) are twenty inches (20") or more in diameter. The wheel diameter provisions do not apply to recumbent bicycles. (State law reference, 47 OS § 1-104)

BUS: Every motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (State law reference, 47 OS § 1-105)

BUS STOP: Parking space along the side of a street adjacent to a crosswalk properly marked and designated, which shall be used by public buses for discharging and taking on passengers.

BUSINESS DISTRICT: The territory contiguous to and including a highway when within any six hundred feet (600') along such highway there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks or office buildings, railroad stations and public buildings which occupy at least three hundred feet (300') of frontage on one side or three hundred feet (300') collectively on both sides of the highway. (State law reference, 47 OS § 1-106)

CROSSWALK: A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs, from the edges of the traversable roadway; or B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (State law reference, 47 OS § 1-111)

CURB LOADING ZONE: Space adjacent to a curb reserved for the exclusive use of vehicles during the actual loading or unloading of passengers.

DAYTIME: One-half ($1/2$) hour before sunrise to one-half ($1/2$) hour after sunset.

DRIVER: A person who drives or is in actual physical control of a vehicle. (State law reference, 47 OS § 1-114)

ELECTRIC ASSISTED BICYCLE: Any bicycle with two (2) or three (3) wheels, fully operational pedals and an electric motor with a power not to exceed one thousand (1,000) watts, incapable of propelling the device at a speed of more than twenty (20) miles per hour on level ground, and, is incapable of further increasing the speed of the device when human power alone is used to propel the device at a speed of twenty (20) miles per hour or more. (State law reference, 47 OS § 1-104)

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE: a self-balancing, two nontandem-wheeled device, designed to transport only one person, having an electric propulsion system with an average of seven hundred fifty (750) watts (1 h.p.), and a maximum speed of less than twenty (20) miles per hour on a paved level surface when powered solely by such a propulsion system while ridden by an operator who weighs one hundred seventy (170) pounds. (State law reference, 47 OS §1-114(A))

GOLF CART OR GO-CART: Motor driven operated vehicle that is manufactured principally for use off the streets and highways. (State law reference, 47 OS § 1151)

GROSS WEIGHT: The weight of a vehicle without load plus the weight of any load thereon. (State law reference, 47 OS § 1-121)

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (State law reference, 47 OS § 1-122)

INTERSECTION: A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) highways which join one another at approximately right angles, or the area within which vehicles traveling upon different highways, joining at any other angle, may come in conflict. B. Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways of such highways shall be regarded as a separate intersection. (State law reference, 47 OS § 1-126)

LOW SPEED ELECTRICAL VEHICLE: Any four (4) wheeled electrical vehicle that is powered by an electric motor that draws current from rechargeable storage batteries or other sources of electrical current and whose top speed is greater than twenty (20) miles per hour but not greater than twenty five (25) miles per hour and is manufactured in compliance with the national highway traffic safety administration standards for low speed vehicles in 49 CFR 571.500. (State law reference, 47 OS § 1-134.1)

MINIBIKE: Any self-propelled vehicle or motor driven cycle having less than an eight inch (8") wheel rim, or less than a forty inch (40") wheel base, or less than a twenty five inch (25") seat height. (State law reference, 47 OS § 1-133.1)

MOPED: Any motor driven cycle with a motor that does not exceed two (2) brake horsepower and that is not capable of propelling the vehicle at a speed in excess of thirty (30) miles per hour on level ground. If an internal combustion engine is used, the displacement shall not exceed fifty (50) cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged. (State law reference, 47 OS § 1-133.2)

MOTOR DRIVEN CYCLE: Any motor vehicle having a power source that if it is a combustion

engine, has a piston or rotor displacement of greater than thirty five (35) cubic centimeters but less than one hundred fifty (150) cubic centimeters regardless of the number of chambers in the power source or if it is electric has a power output of greater than one thousand (1,000) watts and with either power source, has a seat or saddle for use by each rider and not more than three (3) wheels in contact with the ground, but excluding motorized bicycles. (State law reference, 47 OS § 1-136)

MOTOR VEHICLE: Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails; provided, however, that the definition of "motor vehicle" shall not include "implements of husbandry" as defined by 47 Oklahoma Statutes. (State law reference, 47 OS § 1-134)

MOTORCYCLE: Every motor vehicle having a seat or saddle for the use of each rider in contact with the ground, but excluding a tractor and combustion engine with a piston or rotor displacement of greater than one hundred fifty (150) cubic centimeters. (State law reference, 47 OS § 1-135)

MOTORIZED BICYCLE: Any bicycle having fully operative pedals for propulsion by power, an automatic transmission; and, a combustion engine with a piston or rotor displacement of fifty (50) cubic centimeters or less, regardless of the number of chambers in the engine, which is capable of propelling the bicycle at a maximum design speed of not more than thirty (30) miles per hour on level ground. (State law reference, 47 OS § 1-104)

MOTORIZED SCOOTER: Any vehicle having not more than three (3) wheels in contact with the ground, handlebars and a foot support or seat for the use of the operator, a power source capable of propelling the vehicle at a maximum design speed of not more than twenty five (25) miles per hour on level ground and if the power source is a combustion engine, has a piston or motor displacement of thirty five (35) cubic centimeters or less regardless of number of chambers in the power source or if the power source is electric, has a power output of not more than one thousand (1,000) watts. This definition does not include an electric personal assistive mobility device, bicycle, electric assisted bicycle, or motorized bicycle. (State law reference, 47 OS § 1-133.3)

OFFICIAL TRAFFIC CONTROL DEVICES: All signs, barricades, signals and markings and devices not inconsistent with state law, placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic. (State law reference, 47 OS § 1-139)

OUTSKIRTS OF THE CITY: Those parts of the national system of interstate and defense highways, federal aid highways and state highways within the boundaries of the city of Enid where there is: a) low land use density; b) absence of any school or residential subdivision requiring direct ingress or egress from the highway; c) low volume of traffic on the highway; and d) a scarcity of retail or commercial businesses abutting the highway. Highways 45, 64, 81, and 412 do not qualify as outskirts. (State law reference, 47 OS § 2-117)

OWNER: A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purposes of this title.

PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of, and while actually engaged in, loading or unloading merchandise or passengers. (State law reference, 47 OS § 1-142)

PARKING METER: Means and includes any mechanical device or meter, not inconsistent herewith, placed or erected for the regulation of parking by authority of the city. Each parking meter installed shall indicate by proper legend the legal parking time established herein and when operated shall at all times indicate the balance of the legal parking time, and at the expiration of such period shall indicate illegal or over parking time.

PARKING METER SPACE: Any space within a parking meter zone adjacent to a parking meter and which is duly designated for the parking of a single vehicle by the lines painted or adjacent to or adjoining the parking meter.

PARKING METER ZONES: Means and includes any restricted streets upon which parking meters are installed and in operation.

PARKWAY: Any street, highway, or limited access facility from which trucks, buses and other commercial vehicles are excluded.

PEDESTRIAN: A person afoot. (State law reference, 47 OS § 1-143)

POLICE OFFICER: Every sheriff, constable, policeman, highway patrolman, and any other officer who is authorized to direct or regulate traffic or make arrests for violations of state traffic laws and municipal ordinances. (State law reference, 47 OS § 1-147)

PRIVATE ROAD OR DRIVEWAY: A way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons. (State law reference, 47 OS § 1-148)

RAILROAD: A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails. (State law reference, 47 OS § 1-149)

RAILROAD SIGN OR SIGNAL: Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (State law reference, 47 OS § 1-150)

RAILROAD TRAIN: A steam engine, diesel, electric, or other motor, with or without cars coupled thereto, operated upon rails, except streetcars. (State law reference, 47 OS § 1-151)

RESIDENCE DISTRICT: The territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet (300') or more is in the main improved with residence or residences and buildings in use for business. (State law reference, 47 OS § 1-154)

RIGHT OF WAY: The privilege of the immediate use of the highway. (State law reference, 47 OS § 1-156)

ROADWAY: That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. In the event a highway includes two (2) or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately but not to all such roadways collectively. (State law reference, 47 OS § 1-158(a))

SAFETY ZONE: The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (State law reference, 47 OS § 1-159)

SCHOOL BUS: A motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school; provided, however, that this definition of "school bus" shall not be extended to include buses normally used in city transit which may be used part time for transportation of school children within the city during some portion of the day. (State law reference, 47 OS § 1-160)

SHOULDER: The portion of the roadway contiguous with the traveled way for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses. (State law reference, 47 OS § 1-158(b))

SIDEWALK: That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians. (State law reference, 47 OS § 1-163)

STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (State law reference, 47 OS § 1-167)

STOP: When required, the word "stop" shall mean complete cessation from movement. (State law reference, 47 OS § 1-169)

STOP OR STOPPING: When prohibited, the words "stop" or "stopping" mean any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal. (State law reference, 47 OS § 1-170)

STREET: The entire width between boundary lines of every way publicly maintained when any

part is open to the use of the public for the purposes of vehicular travel. (State law reference, 47 OS § 1-171)

TAXICAB STAND: A parking space properly marked and designated to be used by taxicabs while waiting for customers.

THROUGH HIGHWAY OR STREET: A street or highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this title. (State law reference, 47 OS § 1-175)

TRAFFIC: Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any highway for the purpose of travel. (State law reference, 47 OS § 1-177)

TRAFFIC CONTROL SIGNAL: A device, whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and to proceed. (State law reference, 47 OS § 1-178)

TRAFFIC DIVISION¹: The traffic division of the police department, or in the event a traffic division is not established, then the term, whenever used herein, shall be deemed to refer to the police department.

TRAFFIC LANE: The portion of the traveled way for the movement of a single line of vehicles. (State law reference, 47 OS § 1-179)

TRUCK: Every motor vehicle designed, used or maintained primarily for the transportation of property. (State law reference, 47 OS § 1-182)

TRUCK ROUTES: The streets and avenues herein designated for use by trucks.

URBAN DISTRICT: The territory contiguous to, and including, any street which is built up with structures devoted to business, industry or dwelling houses situated at intervals of less than one hundred feet (100') for a distance of a quarter of a mile or more. (State law reference, 47 OS § 1-185)

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, however, the definition of "vehicle", as used in this title, shall not include "implements of husbandry" as defined in 47 Oklahoma Statutes section 1-125. (State law reference, 47 OS § 1-186) (Ord. 2004-28, 9-7-2004)

Section II: That Title 6, Chapter 13, Section 6-13-5 of the Enid Municipal Code 2014 is hereby created to read as follows:

6-13-5: ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES:

A. Electric personal assistive mobility devices, as defined in Section 6-1-2, are not required to be registered pursuant to the Oklahoma Vehicle License and Registration Act and operators are not required to have an Oklahoma driver license to operate the device.

B. Electric personal assistive mobility devices cannot be operated on the state highways or turnpikes except they may be operated upon the sidewalks, walking trails, bikeways, and municipal streets of this state.

C. A person operating an electric personal assistive mobility device shall:

1. obey all speed limits,
2. yield the right of way to pedestrians and human powered devices at all times,
3. give an audible signal before overtaking and passing any pedestrian, and
4. wear or equip the electric personal assistive mobility device with reflectors and a headlight when operating at night.

D. Penalty: The violation of this section shall result in a warning for the first offense and thereafter the offense carries a maximum fine of Ten Dollars (\$10.00). Each act of noncompliance shall be considered a separate offense.

Section 2: Repealer. All ordinances or parts thereof, which are inconsistent with this ordinance, are hereby repealed.

Section 3: Savings Clause. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4: Severability. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall, for any reason, be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Commission of the City of Enid that this section of the Enid Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part not been included.

Section 5: Codification. This ordinance shall be codified as Title 6, Chapter 1, Section 6-1-2 and Chapter 13, Section 6-13-5 of the Enid Municipal Code, 2014.

PASSED AND APPROVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, on this ___ day of _____, 2018.

CITY OF ENID, OKLAHOMA

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Approved as to Form and Legality:

Carol Lahman, City Attorney

City Commission Meeting

6.5.

Meeting Date: 06/05/2018

Submitted By: Alissa Lack, City Clerk

SUBJECT:

CONDUCT A PUBLIC HEARING REGARDING THE FISCAL YEAR 2018 ANNUAL ACTION PLAN TO CONSIDER \$418,584.00 ALLOCATION AS RECOMMENDED BY THE MAYOR AND BOARD OF COMMISSIONERS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM.

BACKGROUND:

The City of Enid, as an entitlement city for the receipt of CDBG funds, is required to submit an annual action plan for expenditure of funds to the Department of Housing and Urban Development (HUD). The amount of CDBG funds available to the City of Enid is determined by a formula administered by HUD. Fiscal Year 2018 funding allocation amount has been determined by HUD in the amount of \$418,584.00. The City is obligated to repay the Section 108 loan and administration costs to oversee all projects.

After the Section 108 payment and administration costs are deducted from the total allocation, there is \$154,710.00 available to use for other projects.

The CDBG Funding Commission met on May 16, 2018 at 4:00 p.m., and has recommended approval of the following projects: CDSA Emergency Repairs for \$71,922.00; Low-Income Area Parks Improvements in the amount of \$20,000.00; Booker T. Washington Youth Program in the amount of \$20,929.33; Making A Difference Youth Program in the amount of \$20,929.33; and Zoe Kids' Cafe Youth Program in the amount of \$20,929.33.

The purpose of this public hearing is to receive comments from interested citizens regarding the plan. A resolution approving the proposed plan is a companion item to this item.

RECOMMENDATION:

Hold public hearing.

PRESENTER:

Stephanie Moffitt-Carr, CDBG Director

City Commission Meeting

6.6.

Meeting Date: 06/05/2018

Submitted By: Alissa Lack, City Clerk

SUBJECT:

CONSIDER A RESOLUTION ADOPTING THE FISCAL YEAR 2018-2022 FIVE-YEAR CONSOLIDATED PLAN AND THE 2018 ANNUAL ACTION PLAN FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND BUDGET FOR THE 2018-2019 PROGRAM YEAR, AND AUTHORIZE THE CDBG DIRECTOR TO SUBMIT THE PLAN TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

BACKGROUND:

The City of Enid, as an entitlement city for the receipt of CDBG funds, is required to submit a Five Year Consolidated Plan and Annual Action Plan for expenditure and use of CDBG funds to the Department of Housing and Urban Development (HUD). The plans adhere to federal requirements to undertake projects that provide decent housing, expand economic opportunities and provide a suitable living environment for the city's low- and moderate-income residents. All public hearing requirements have been met and public participation was encouraged. The Plan includes activities recommended for funding by the CDBG staff and Funding Commission.

Funding allocation amount is \$418,584.00.

RECOMMENDATION:

Approve resolution and submission of the Five Year Consolidated Plan, including the 2018 Annual Action Plan.

PRESENTER:

Stephanie Moffitt-Carr, CDBG Director

Fiscal Impact

Budgeted Y/N: Yes

Amount: \$418,584.00

Funding Source:

United States Department of Housing and Urban Development, Community Development Block Grant Program.

Attachments

- Resolution
 - Certifications
 - Assurances
 - Application
-

RESOLUTION

A RESOLUTION ADOPTING THE FY 2018-2022 ANNUAL ACTION PLAN FOR COMMUNITY DEVELOPMENT PROGRAMS, INCLUSIVE OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM BUDGET FOR THE JULY 2018 – JUNE 2019 PROGRAM YEAR, AND AUTHORIZING THE CITY OF ENID CDBG DEPARTMENT TO SUBMIT THE PLAN TO THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the Five Year Consolidated Plan and Annual Action Plan replaces all current planning and application requirements of the Community Planning and Development Programs funded by the U.S. Department of Housing and Urban Development; and

WHEREAS, the consolidated programs include Community Development Block Grant; Home Investment Partnership program, Emergency Shelter Grants and Housing Opportunities for Persons with AIDS; and

WHEREAS, the City of Enid has conducted public hearings and has received public input concerning the development of the Five Year Consolidated and Annual Action Plan and otherwise informed residents of the proposed plan of activities and budget levels included in the “Action Plan” for Fiscal Year 2018; and

WHEREAS, the Annual Action Plan contains the form SF-424 for the current funding year and the required certifications of eligibility for federal assistance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Commissioners of the City of Enid, Oklahoma, as follows

The Board of Commissioners has reviewed the 2018-2022 Five Year Consolidated Plan including the FY 2018 Annual Action Plan which includes the plan for expenditure of Community Development Block Grant Program to be consistent with the overall objectives of the Housing and Community Development Act and local neighborhood redevelopment strategies.

The Board of Commissioners, after evaluation of all the pertinent information presented, authorize the Mayor to submit on behalf of the City of Enid, the 2018-2022 Five Year Consolidated Plan and the FY 2018 Annual Action Plan for Community Planning and Development Programs.

PASSED, APPROVED AND ADOPTED by the Mayor and Board of Commissioners of the City of Enid, State of Oklahoma, on this 5th day of June 2018.

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing.

Uniform Relocation Act and Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42 in connection with any activity assisted with funding under the Community Development Block Grant or HOME programs.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan --The housing activities to be undertaken with Community Development Block Grant, HOME, Emergency Solutions Grant, and Housing Opportunities for Persons With AIDS funds are consistent with the strategic plan in the jurisdiction's consolidated plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 135.

Signature of Authorized Official

Date

Mayor

Title

Specific Community Development Block Grant Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the CDBG program (i.e., the development of viable urban communities, by providing decent housing and expanding economic opportunities, primarily for persons of low and moderate income) and requirements of 24 CFR Parts 91 and 570.

Following a Plan -- It is following a current consolidated plan that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

1. Maximum Feasible Priority. With respect to activities expected to be assisted with CDBG funds, it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low- and moderate-income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include CDBG-assisted activities which the grantee certifies are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available (see Optional CDBG Certification).

2. Overall Benefit. The aggregate use of CDBG funds, including Section 108 guaranteed loans, during program year(s) 2018-2019 [a period specified by the grantee of one, two, or three specific consecutive program years], shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period.

3. Special Assessments. It will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108 loan guaranteed funds, by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

In addition, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

1. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
2. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

Compliance with Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) and the Fair Housing Act (42 U.S.C. 3601-3619) and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of 24 CFR Part 35, Subparts A, B, J, K and R.

Compliance with Laws -- It will comply with applicable laws.

Signature of Authorized Official

Date

Mayor
Title

OPTIONAL Community Development Block Grant Certification

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities which are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.

Signature of Authorized Official

Date

Mayor

Title

Specific HOME Certifications

The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If it plans to provide tenant-based rental assistance, the tenant-based rental assistance is an essential element of its consolidated plan.

Eligible Activities and Costs -- It is using and will use HOME funds for eligible activities and costs, as described in 24 CFR §§92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in §92.214.

Subsidy layering -- Before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;

Signature of Authorized Official

Date

Mayor

Title

Emergency Solutions Grants Certifications

The Emergency Solutions Grants Program recipient certifies that:

Major rehabilitation/conversion/renovation – If an emergency shelter’s rehabilitation costs exceed 75 percent of the value of the building before rehabilitation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed rehabilitation.

If the cost to convert a building into an emergency shelter exceeds 75 percent of the value of the building after conversion, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 10 years after the date the building is first occupied by a homeless individual or family after the completed conversion.

In all other cases where ESG funds are used for renovation, the recipient will maintain the building as a shelter for homeless individuals and families for a minimum of 3 years after the date the building is first occupied by a homeless individual or family after the completed renovation.

Essential Services and Operating Costs – In the case of assistance involving shelter operations or essential services related to street outreach or emergency shelter, the recipient will provide services or shelter to homeless individuals and families for the period during which the ESG assistance is provided, without regard to a particular site or structure, so long the recipient serves the same type of persons (e.g., families with children, unaccompanied youth, disabled individuals, or victims of domestic violence) or persons in the same geographic area.

Renovation – Any renovation carried out with ESG assistance shall be sufficient to ensure that the building involved is safe and sanitary.

Supportive Services – The recipient will assist homeless individuals in obtaining permanent housing, appropriate supportive services (including medical and mental health treatment, victim services, counseling, supervision, and other services essential for achieving independent living), and other Federal, State, local, and private assistance available for these individuals.

Matching Funds – The recipient will obtain matching amounts required under 24 CFR 576.201.

Confidentiality – The recipient has established and is implementing procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted under the ESG program, including protection against the release of the address or location of any family violence shelter project, except with the written authorization of the person responsible for the operation of that shelter.

Homeless Persons Involvement – To the maximum extent practicable, the recipient will involve, through employment, volunteer services, or otherwise, homeless individuals and families in constructing, renovating, maintaining, and operating facilities assisted under the ESG program, in providing services assisted under the ESG program, and in providing services for occupants of facilities assisted under the program.

Consolidated Plan – All activities the recipient undertakes with assistance under ESG are consistent with its consolidated plan.

Discharge Policy – The recipient will establish and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, mental health facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent this discharge from immediately resulting in homelessness for these persons.

Signature of Authorized Official

Date

Mayor
Title

Housing Opportunities for Persons With AIDS Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the consolidated plan:

1. For a period of not less than 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For a period of not less than 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.

Signature of Authorized Official

Date

Mayor

Title

APPENDIX TO CERTIFICATIONS

INSTRUCTIONS CONCERNING LOBBYING CERTIFICATION:

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Mayor
APPLICANT ORGANIZATION City of Enid Oklahoma	DATE SUBMITTED

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 01/31/2019

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Mayor
APPLICANT ORGANIZATION City of Enid Oklahoma	DATE SUBMITTED

Application for Federal Assistance SF-424

* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): _____ * Other (Specify): _____
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* 3. Date Received: _____	4. Applicant Identifier: _____
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5a. Federal Entity Identifier: _____	5b. Federal Award Identifier: _____
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State Use Only:

6. Date Received by State: _____	7. State Application Identifier: _____
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8. APPLICANT INFORMATION:

* a. Legal Name: City of Enid Oklahoma	
* b. Employer/Taxpayer Identification Number (EIN/TIN): _____	* c. Organizational DUNS: _____

d. Address:

* Street1:	PO Box 1768
Street2:	401 W. Owen K. Garriott Rd.
* City:	Enid
County/Parish:	Garfield
* State:	OK: Oklahoma
Province:	_____
* Country:	USA: UNITED STATES
* Zip / Postal Code:	73702

e. Organizational Unit:

Department Name: Community Development Block Gr	Division Name: CDBG
---	-------------------------------

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: _____	* First Name: Stephanie
Middle Name: A	
* Last Name: Moffitt-Carr	
Suffix: _____	

Title: CDBG Director

Organizational Affiliation: _____

* Telephone Number: (580) 616-7211	Fax Number: (580) 616-7211
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* Email: scarr@enid.org

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grants/Entitlement Grants

*** 12. Funding Opportunity Number:**

CDBG Entitlement

* Title:

CDBG Entitlement Grant

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

Community Development Block Grant Program

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="418,584.00"/>
* b. Applicant	<input type="text"/>
* c. State	<input type="text"/>
* d. Local	<input type="text"/>
* e. Other	<input type="text"/>
* f. Program Income	<input type="text"/>
* g. TOTAL	<input type="text" value="418,584.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:
Middle Name:
* Last Name:
Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

City Commission Meeting

7.1.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

ACCEPT AN AMENDMENT TO THE OKLAHOMA WATER RESOURCE BOARD (OWRB) SURFACE WATER PERMIT NO. 2014-047, SCHEDULE OF USE, FOR THE BENEFIT OF THE CITY OF ENID.

BACKGROUND:

OWRB has approved the following changes to the City of Enid's permit and schedule of use, for the use of surface water from Kaw Lake for municipal purposes.

This is an amendment to the existing surface water permit and updates the schedule of usage specifically for Permit #2014-047:

Permit #	Previous Schedule (Years)	Amended Schedule (Years)	Qty. (Ac-ft.)
2014-047	2020	2022	5,000
	2030	2032	10,000
	2040	2042	15,000
	2050	2052	20,000

Upon acceptance of these permits by the Commission, it will be recorded as permanent record.

RECOMMENDATION:

Accept OWRB Permit.

PRESENTER:

Murali Katta, P.E., Project Engineer

City Commission Meeting

7.2.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

ACCEPT THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) PERMIT WL000024180090 TO RELOCATE A WATERLINE TO SERVICE BROADWAY AVENUE, PROJECT NO. W-1801.

BACKGROUND:

ODEQ approved a permit to construct 1,390 linear feet of 12-inch PVC, 66 linear feet of eight-inch PVC, 95 linear feet of four-inch HDPE potable waterline, with an alternative of 899 linear feet of 12-inch PVC, 252 linear feet of eight-inch PVC, 189 linear feet of four-inch HDPE, 27 linear feet of four-inch PVC potable waterline to serve the City of Enid, Garfield County, Oklahoma. The permit covers the relocation of water line on West Broadway from Van Buren Street to Washington Street in advance of resurfacing the street.

Upon acceptance of Permit No. WL000024180090 by the Commission, it will be recorded as a permanent record.

RECOMMENDATION:

Accept ODEQ Permit.

PRESENTER:

Murali Katta, P.E., Project Engineer

City Commission Meeting

7.3.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

ACCEPT THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) PERMIT WL000024180204 TO RELOCATE A WATERLINE IN THE 600 TO 800 BLOCK OF WEST ELM STREET, PROJECT NO. W-1804.

BACKGROUND:

ODEQ approved a permit to construct 1,140 linear feet of ten-inch PVC potable waterline to serve the 600 through the 800 blocks of West Elm Street, City of Enid, Garfield County, Oklahoma.

Upon acceptance of Permit WL000024180204 by the Commission, it will be recorded as a permanent record.

RECOMMENDATION:

Accept ODEQ Permit.

PRESENTER:

Jason Unruh, P.E., Project Engineer

City Commission Meeting

7.4.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

ACCEPT THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) PERMIT WL000024180296 TO EXTEND THE WATER LINE NEAR THE CHISHOLM SCHOOL, PROJECT NO. W-1813A.

BACKGROUND:

ODEQ approved a permit to construct 1,260 linear feet of 10-inch PVC potable water line to serve the Chisholm school by extending the water line on North Oakwood Road and West Carrier Road.

Upon acceptance of Permit No. WL000024180296 by the Commission, it will be recorded as a permanent record.

RECOMMENDATION:

Accept ODEQ Permit.

PRESENTER:

Murali Katta, P.E., Project Engineer

City Commission Meeting

7.5.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

AWARD A CONTRACT WITH EMC SERVICES LLC., OKLAHOMA CITY, OKLAHOMA IN THE AMOUNT OF \$427,720.00 FOR THE PAVED CHANNEL FROM CHESTNUT AVE TO THE WALLER SCHOOL PROPERTY, PROJECT NO. F-1801C, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.

BACKGROUND:

This project will construct a concrete-lined stormwater channel to improve the maintainability of the existing channel from West Chestnut Avenue to north of the Waller School property. This effort will not change the capacity of the existing channel.

Four bids were received, shown below:

Barnes Construction Solutions	\$352,134.00
EMC Services LLC	\$427,720.00
Cimarron Construction Company	\$449,449.00
Luckinbill, Inc.	\$527,201.60
Engineer's Estimate	\$315,280.00

Barnes Construction Solutions submitted the lowest bid but during the post qualification process the contractor's references show this type work to be fairly new to their portfolio. At this time Barnes Construction Solutions is not considered qualified to perform this work as the prime contractor.

EMC Services LLC provided the next lowest responsive bid. During the post qualification process, the contractor's references showed they had sufficient experience and past performance to successfully accomplish this work as the prime contractor. Based on the information, the contractor is considered qualified to perform the work.

RECOMMENDATION:

Award contract to EMC Services LLC for Base Bid in the amount of \$427,720.00 and authorize the Mayor to execute all contract documents.

PRESENTER:

Robert Hitt, P.E., City Engineer

Fiscal Impact

Budgeted Y/N: Y
Amount: \$427,720.00
Funding Source:
Storm Water Fund

Attachments

Canvass of Bids

FROM: Kamalakar Maraboyina
DATE: June 06, 2018

CANVASS OF BIDS
for
**Paved channel for the chestnut to Waller School site.
Project Number F-1801C**

FIRM NAME AND ADDRESS PRODUCT/SERVICE BID PRICE

Barnes Construction Solutions **Base Bid** **\$ 352,134.00**
1715 South Boston Avenue
Tulsa, OK 74119

Bid meets or exceeds all major specifications: YES X NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Does not Met the qualifications.**

EMC Services LLC. **Base Bid** **\$ 427,720.00**
1400 SW 56th Street
Oklahoma City, OK 73119

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

Cimarron Construction Company **Base Bid** **\$449,449.00**
3501 NE 63rd Street
Oklahoma City, OK 73121-3247

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

Luckinbill, Inc. **Base Bid** **\$ 521,201.60**
P.O. Box 186
Enid, OK 73702

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications**

RECOMMENDATION: **Award contract to EMC Services LLC, for Base Bid, in the amount of \$ 427,720.00**

City Commission Meeting

7.6.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

AWARD A CONTRACT WITH SMC UTILITY CONSTRUCTION OF OKLAHOMA CITY, OKLAHOMA FOR THE 2018 LOCAL STREETS PROGRAM, WATERLINE IMPROVEMENTS, PROJECT NO. W-1814C, IN THE AMOUNT OF \$253,662.00, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.

BACKGROUND:

This work consists of the construction of new waterlines along the following streets:

West Harvard Avenue from North Jackson Street to North Midway Street; North 12th Street from East Walnut Avenue to East Chestnut Avenue; and West Indiana Avenue from South Adams Street to South Jefferson Street.

Six responsive bids were received, shown low to high:

SMC Utility Construction	\$253,662.00
Luckinbill	\$319,023.00
Cimarron Construction	\$324,324.00
Danny Wick Excavating	\$390,118.55
Marsau Enterprises	\$447,575.00
Nowak Construction	\$499,335.00
Engineer's Estimate	\$365,695.00

SMC Utility Construction submitted the lowest, responsible bid in the amount of \$253,662.00.

The relocation work will be completed over the next six months.

RECOMMENDATION:

Execute a contract with SMC Utility Construction in the amount of \$253,662.00.

PRESENTER:

Jason T. Unruh, P.E., Project Engineer

Fiscal Impact

Budgeted Y/N: Y

Amount: \$253,662.00

Funding Source:
Street & Alley Fund

Attachments

Canvass of Bids



FROM: Jason Unruh
DATE: May 23, 2018

PAGE 1 OF 2

CANVASS OF BIDS
for
2018 Local Street Program Water Line Improvements
Project Number W-1814C

<u>FIRM NAME AND ADDRESS</u>	<u>PRODUCT/SERVICE BID</u>	<u>PRICE</u>
SMC Utility Construction	Base Bid	\$ 174,209.75
8405 SW 15th St	Alt #1	\$ 79,452.25
Oklahoma City, OK 73128		

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

Luckinbill, Inc.	Base Bid	\$ 245,278.10
PO Box 186	Alt #1	\$ 73,495.20
Enid, OK 73702		

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

Cimarron Construction Company	Base Bid	\$236,256.00
3501 NE 63rd St	Alt #1	\$ 88,068.00
Oklahoma City, OK 73121		

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

Danny Wick Excavating	Base Bid	\$ 262,757.55
2918 N Country Club Road	Alt #1	\$ 127,361.00
Stillwater, OK 74075		

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

Marsau Enterprises, Inc.	Base Bid	\$ 316,530.00
1209 N 30th St	Alt #1	\$ 131,045.00
Enid, OK 73701		

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

Nowak Construction Co. Inc.	Base Bid	\$360,927.00
200 South Goddard Rd	Alt #1	\$138,408.00
Goddard, KA 67052		

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

RECOMMENDATION: Award contract to SMC Utility Construction, for Base and Alternate Bid, in the amount of \$ 253,662.00.

City Commission Meeting

7.7.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

AWARD A CONTRACT WITH MTZ CONSTRUCTION OF OKLAHOMA CITY, OKLAHOMA, FOR THE ADA COMPLIANCE PROGRAM AT COOLIDGE ELEMENTARY SCHOOL, PROJECT NO. M-1805, IN THE AMOUNT OF \$318,974.00, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.

BACKGROUND:

This project provides construction of ADA compliant sidewalks along East Chestnut Avenue, North 16th Street, North 15th Street, North 14th Street, East Locust Avenue, and East Ash Avenue in the vicinity of Coolidge Elementary School in compliance with the Americans with Disabilities Act (ADA) and as identified in the ADA Transition Plan.

One responsive bid was received, shown:

MTZ Construction	\$318,974.00
Engineer's Estimate	\$318,974.00

MTZ Construction Inc submitted the lowest, responsible bid in the amount of \$318,974.00.

RECOMMENDATION:

Execute a contract with MTZ Construction, Inc., in the amount of \$318,974.00.

PRESENTER:

Robert Hitt, P.E., City Engineer

Fiscal Impact

Budgeted Y/N: Y

Amount: \$318,974.00

Funding Source:

Capital Improvement Fund

Attachments

Canvass of Bids

FROM: Kamalakar Maraboyina
DATE: May 23, 2018

PAGE 1 OF 1

CANVASS OF BIDS
for
2018 ADA Compliance program Coolidge Elementary School
Project Number M-1805

<u>FIRM NAME AND ADDRESS</u>	<u>PRODUCT/SERVICE BID</u>	<u>PRICE</u>
MTZ Construction Inc., 3545 SW 37 th ST Oklahomacity, OK 73113	Base Bid Alt #1 Alt #2	\$ 318,974.00 \$ 58,726.00 \$ 56,394.00
	Bid meets or exceeds all major specifications:	<u> X </u> YES <u> </u> NO
	Bid meets or exceeds all minor specifications:	<u> X </u> YES <u> </u> NO
	Bid meets or exceeds all minor specifications:	<u> X </u> YES <u> </u> NO

DEVIATIONS: **Met the Specifications.**

RECOMMENDATION: Award contract to MTZ Construction Inc., for Base Bid, in the amount of \$ 318,974.00.

City Commission Meeting

7.8.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

AWARD A CONTRACT WITH CUMMINS CONSTRUCTION COMPANY, INC., OF ENID, OKLAHOMA FOR THE 2018 ARTERIAL STREET PROGRAM, PROJECT NO. R-1802C, FOR THE BASE BID IN THE AMOUNT OF \$578,622.97, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS.

BACKGROUND:

The base bid consists of milling and overlaying Broadway Avenue from 16th Street to 20th Street and includes improving crosswalks to improve accessibility and remove barriers. Bids included an add alternate to extend the project from 20th Street to University Avenue. The bid received that included the add alternate exceeds the budget for the current fiscal year. The base bid is recommended for award with a companion item to award a change order to add on approximately one and a half blocks to the contract.

The funds to complete the remaining re-surfacing between 20th Street to University Avenue will be brought back for consideration under the fiscal year 2018-2019 budget.

One responsive bid was received:

	Base Bid	Add Alt
Cummins Construction Company	\$578,622.97	\$315,164.64

Cummins Construction Company, Inc. submitted the only responsive bid in the amount of \$578,622.97 for the base bid.

RECOMMENDATION:

Execute a contract with Cummins Construction Company, Inc. in the amount of \$578,622.97 for base bid.

PRESENTER:

Jason T. Unruh, P.E., Project Engineer

Fiscal Impact

Budgeted Y/N: Y

Amount: \$578,622.97

Funding Source:

Street Improvement Fund

Attachments

Canvass of Bids

FROM: Jason Unruh
DATE: May 24, 2018

PAGE 1 OF 1

CANVASS OF BIDS
for
2018 Local Street Program Water Line Improvements
Project Number W-1814C

<u>FIRM NAME AND ADDRESS</u>	<u>PRODUCT/SERVICE BID</u>	<u>PRICE</u>
Cummins Construction Company, Inc	Base Bid	\$ 578,622.97
PO Box 748	Alt #1	\$ 315,164.64
Enid, OK 73702		

Bid meets or exceeds all major specifications: X YES NO
Bid meets or exceeds all minor specifications: X YES NO

DEVIATIONS: **Met the Specifications.**

RECOMMENDATION: **Award contract to Cummins Construction Company, Inc., for Base Bid, in the amount of \$ 578,622.97.**

City Commission Meeting

7.9.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

APPROVE CHANGE ORDER NO. 3 WITH LAYNE CHRISTIANSEN COMPANY, GUTHRIE, OKLAHOMA, FOR WELL FIELD IMPROVEMENTS PROJECT, PROJECT NO. W-1512A, IN THE AMOUNT OF \$267,350.00.

BACKGROUND:

The purpose of this project is to increase water production capabilities by replacing abandoned or less productive wells.

This Change Order #3 will include adding a production well and 5,000 lateral feet of six (6) inch raw waterline. The well is located one mile west of Ames, Oklahoma. Specifically the well is identified as A-41.

This change order will be funded through the 2018 Well Field Improvement Project.

The Original Contract amount was \$ 1,012,856.00. The total revised contact amount is \$1,769,333.00.

RECOMMENDATION:

Approve Change Order Number Three.

PRESENTER:

Murali Katta, P.E., Project Engineer

Fiscal Impact

Budgeted Y/N: Y

Amount: \$267,350.00

Funding Source:

Water Capital Improvement Fund

Attachments

W-1512A Change Order #3

Change Order 1

Project Title: 2015 Well field Replacement Program, W-1512A

Change Order 3

Contractor: Layne Christensen Company

Date: May 23, 2018

Work involves Add a production well @ Ames (A-41)
The quantities to be added and deducted are as follows.

No.	Quan.	Unit	Item	Unit Price	Total Price
ADD					
1	1	LS	Mobilization	\$ 12,000.00	\$ 12,000.00
2	1	LS	Bonds and Insurances	\$ 4,282.00	\$ 4,282.00
3	35	VF	20" Steel Casing	\$ 220.00	\$ 7,700.00
4	55	VF	10" PVC well casing (Cert-Lok)	\$ 95.00	\$ 5,225.00
5	30	VF	10" Wire wond stainless steel screen and gravel pack	\$ 180.00	\$ 5,400.00
7	1	EA	10HP Submersible pump, motor, & column pipe	\$ 11,959.00	\$ 11,959.00
8	1	EA	Well house building, electrical, piping, & appurtenances	\$ 77,353.00	\$ 77,353.00
9	80	VF	Production well drilling, testing, pumping, and completio	\$ 169.00	\$ 13,520.00
10	1	EA	Test well pad and box	\$ 421.00	\$ 421.00
14	5000	LF	6" PVC C-900 pipe DR -14	\$ 24.00	\$ 120,000.00
15	4	Ea	6" Gate Valve and Box	\$ 1,765.00	\$ 7,060.00
18	1	LS	Disinfection and testing	\$ 730.00	\$ 730.00
19	1	LS	Temporary erosion and sediment cotrol	\$ 1,700.00	\$ 1,700.00
Subtotal					\$ 267,350.00
Deduct					
Subtotal					\$ -
Total					\$ 267,350.00

Original Contract:	\$ 1,012,856.00
Revised Contract by any prior change orders:	\$ 1,501,983.00
Change Order - add or (deduct):	\$ 267,350.00
Revised Contract:	\$ 1,769,333.00
Contract time (Calendar Days)	120 (one twenty)



City Engineer

Layne Christensen Company

Contractor

Date: 6.1.18

By: 

Date: 5-25-18

Mayor

Date: _____

Change Order 1

Project Title: 2015 Well field Replacement Program, W-1512A

Change Order 3

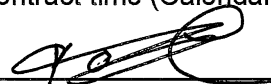
Contractor: Layne Christensen Company

Date: May 23, 2018

Work involves Add a production well @ Ames (A-41)
The quantities to be added and deducted are as follows.

No.	Quan.	Unit	Item	Unit Price	Total Price
ADD					
1	1	LS	Mobilization	\$ 12,000.00	\$ 12,000.00
2	1	LS	Bonds and Insurances	\$ 4,282.00	\$ 4,282.00
3	35	VF	20" Steel Casing	\$ 220.00	\$ 7,700.00
4	55	VF	10" PVC well casing (Cert-Lok)	\$ 95.00	\$ 5,225.00
5	30	VF	10" Wire wond stainless steel screen and gravel pack	\$ 180.00	\$ 5,400.00
7	1	EA	10HP Submersible pump, motor, & column pipe	\$ 11,959.00	\$ 11,959.00
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10	1	EA	Test well pad and box	\$ 421.00	\$ 421.00
14	5000	LF	6" PVC C-900 pipe DR -14	\$ 24.00	\$ 120,000.00
15	4	Ea	6" Gate Valve and Box	\$ 1,765.00	\$ 7,060.00
18	1	LS	Disinfection and testing	\$ 730.00	\$ 730.00
19	1	LS	Temporary erosion and sediment cotrol	\$ 1,700.00	\$ 1,700.00
Subtotal					\$ 267,350.00
Deduct					
Subtotal					\$ -
Total					\$ 267,350.00

Original Contract:	\$ 1,012,856.00
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Change Order - add or (deduct):	\$ 267,350.00
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Contract time (Calendar Days)	120 (one twenty)



City Engineer

Layne Christensen Company

Contractor

Date: 6-1-18

By: 

Date: 5-25-18

Mayor

Date: _____

Change Order 1

Project Title: 2015 Well field Replacement Program, W-1512A

Change Order 3

Contractor: Layne Christensen Company

Date: May 23, 2018

Work involves Add a production well @ Ames (A-41)
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14	5000	LF	6" PVC C-900 pipe DR -14	\$ 24.00	\$ 120,000.00
15	4	Ea	6" Gate Valve and Box	\$ 1,765.00	\$ 7,060.00
18	1	LS	Disinfection and testing	\$ 730.00	\$ 730.00
19	1	LS	Temporary erosion and sediment cotrol	\$ 1,700.00	\$ 1,700.00
Subtotal					\$ 267,350.00
Deduct					
Subtotal					\$ -
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Original Contract:	\$ 1,012,856.00
Revised Contract by any prior change orders:	\$ 1,501,983.00
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Revised Contract:	\$ 1,769,333.00
Contract time (Calendar Days)	120 (one twenty)



City Engineer

Layne Christensen Company

Contractor

Date: 6.1.18

By: 

Date: 5-25-18

Mayor

Date: _____

City Commission Meeting

7.10.

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

APPROVE CHANGE ORDER NO. 1 WITH CUMMINS CONSTRUCTION COMPANY, INC., ENID, OKLAHOMA, FOR 2018 ARTERIAL STREET RESURFACING PROGRAM, PROJECT NO. R-1802C, IN THE AMOUNT OF \$138,161.78.

BACKGROUND:

The contract for milling and overlaying Broadway Avenue from 16th Street to 20th Street is awarded to Cummins Construction Company, Inc. by companion item. This change order will add additional units to the contract to extend the work for approximately one and a half blocks. The resurfacing to University Avenue will be brought back for consideration when the 2018-2019 budget is in place.

Change Order No. 1 adds \$138,161.78 and results in a revised contract amount of \$716,784.75.

RECOMMENDATION:

Approve Change Order Number 1.

PRESENTER:

Jason T. Unruh, P.E., Project Engineer

Fiscal Impact

Budgeted Y/N: Y

Amount: \$138,161.78

Funding Source:

Street Improvement Fund

Attachments

Change Order 1

**City of Enid
Change Order**


Project Title: 2018 Arterial Street Resurfacing Program
 Project Number: R-1802C
 Change Order No.: One (1)
 Contractor: Cummins Construction Company, Inc.
 Date: June 5, 2018

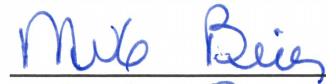
The purpose of this change order is to extend the mill and overlay portion of East Broadway approximately 800 feet from 20th Street to University Avenue.

No.	Quan.	Unit	Item	Unit Price	Total Price
ADD					
3	1.00	LSUM	CONSTRUCTION STAKING LEVEL I	\$4,905.00	\$ 4,905.00
4	1.00	LSUM	CONSTRUCTION TRAFFIC CONTROL	\$2,595.00	\$ 2,595.00
9	100.00	LF	TEMPORARY SILT FENCE	\$15.45	\$ 1,545.00
10	4.00	EA	TEMPORARY SEDIMENT FILTER	\$515.00	\$ 2,060.00
12	168.52	CY	AGGREGATE BASE TYPE A	\$74.25	\$ 12,512.61
13	923.31	GAL	TACK COAT	\$4.05	\$ 3,739.41
14	165.50	GAL	PRIME COAT	\$8.85	\$ 1,464.68
16	6,516.73	SY	COLD MILLING PAVEMENT	\$4.75	\$ 30,954.47
17	652.22	SY	PORTLAND CEMENT CONCRETE PAVEMENT	\$66.85	\$ 43,600.91
18	485.00	LF	COMBINED CURB & GUTTER	\$33.70	\$ 16,344.50
22	5.00	EA	REPLACEMENT OF MANHOLE FRAME & COVER	\$1,695.00	\$ 8,475.00
23	5.00	EA	MANHOLES ADJUST TO GRADE	\$530.00	\$ 2,650.00
24	3.00	EA	VALVE BOXES ADJUST TO GRADE	\$318.00	\$ 954.00
28	325.00	LF	REMOVAL OF CURB AND GUTTER	\$8.50	\$ 2,762.50
30	679.00	LF	SAWING PAVEMENT	\$5.30	\$ 3,598.70
TOTAL ADDED					\$ 138,161.78
DEDUCT					
					\$ -
TOTAL DEDUCT					\$ -
TOTAL					\$ 138,161.78

Original Contract Cost \$ 578,622.97
 Revised Contract by any prior change orders: \$ -
 Change Order - add or (deduct): \$ 138,161.78
 Revised Contract: \$ 716,784.75

Original Contract Time (Calendar Days): 150
 Revised Contract Time by any prior Change Orders: _____
 Change Order - Additional Days: 100
 Revised Contract Time (Calendar Days): 250


 City Engineer
 Date: 6-4-18

Cummins Construction Company, Inc.
 Contractor
 By: 
 Date: 6-4-18

 Mayor
 Date: _____

**City of Enid
Change Order**


Project Title: 2018 Arterial Street Resurfacing Program
 Project Number: R-1802C
 Change Order No.: One (1)
 Contractor: Cummins Construction Company, Inc.
 Date: June 5, 2018

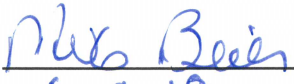
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DEDUCT					
					\$ -
			TOTAL DEDUCT		\$ -
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 City Engineer
 Date: 6-4-18

Cummins Construction Company, Inc.
 Contractor
 By: 
 Date: 6-4-18

 Mayor
 Date: _____

City of Enid
Change Order

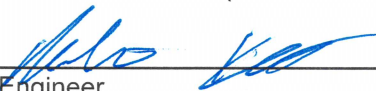
Project Title: 2018 Arterial Street Resurfacing Program
 Project Number: R-1802C
 Change Order No.: One (1)
 Contractor: Cummins Construction Company, Inc.
 Date: June 5, 2018

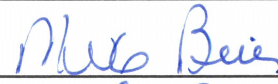
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30	679.00	LF	SAWING PAVEMENT	\$5.30	\$ 3,598.70
			TOTAL ADDED		\$ 138,161.78
DEDUCT					
					\$ -
			TOTAL DEDUCT		\$ -
			TOTAL		\$ 138,161.78

Original Contract Cost \$ 578,622.97
 Revised Contract by any prior change orders: \$ -
 Change Order - add or (deduct): \$ 138,161.78
 Revised Contract: \$ 716,784.75

Original Contract Time (Calendar Days): 150
 Revised Contract Time by any prior Change Orders: _____
 Change Order - Additional Days: 100
 Revised Contract Time (Calendar Days): 250


 City Engineer
 Date: 6-4-18

Cummins Construction Company, Inc.
 Contractor
 By: 
 Date: 6-4-18

 Mayor
 Date: _____

City Commission Meeting

7.11.

Meeting Date: 06/05/2018

Submitted By: Karla Ruther, Assistant City Planner

SUBJECT:

APPROVE SECOND AMENDMENT TO THE CONTRACT WITH GUERNSEY FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN AND TRANSPORTATION PLAN.

BACKGROUND:

The original contract for the development of a comprehensive plan and transportation plan was in the amount of \$395,785.00. It was awarded to Guernsey. The contract included an implementation plan at a cost of \$17,920.00 but was achieved at a savings of \$14,336.00. This amendment reduces the contract amount to \$381,449.00. The project is now complete.

RECOMMENDATION:

Approve the amendment.

PRESENTER:

Chris Bauer, Planning Administrator.

Attachments

Second Amendment

SECOND AMENDMENT

TO PROFESSIONAL SERVICES AGREEMENT FOR THE DEVELOPMENT OF A COMPREHENSIVE PLAN AND TRANSPORTATION PLAN

This Second Amendment is made and entered into by and between the City of Enid, Oklahoma, an Oklahoma Municipal Corporation ("City"), and C.H. Guernsey & Company, an Oklahoma Corporation ("Guernsey").

WITNESSETH

WHEREAS, the City and Guernsey entered into a Professional Services Agreement for the Development of a Comprehensive Plan and a Transportation Plan (the "Agreement"); and,

NOW THEREFORE in consideration of the mutual promises, covenants and conditions herein stated and in consideration of the mutual benefits which will accrue to each of the parties hereto, the sufficiency of which are hereby acknowledged by the parties, it is agreed by and between the parties as follows:

1. Article III of the Agreement shall be amended with the following:

ARTICLE III – BASIS OF PAYMENT

The City agrees to pay Guernsey for professional services for work completed as described in Article I, and in Attachment "A" of this Agreement up to and not to exceed three hundred eighty one thousand four hundred forty nine dollars (\$381,449.00).

2. Article III original contract amount was \$395,785.00. There will be \$14,336.00 reduction in the contract amount as a result of the Implementation Plan was achieved under budget. The project is now complete.
3. This Second Amendment shall be attached to the Agreement, and except as expressly modified by this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect and unaffected by this Amendment.

IN WITNESS WHEREOF, the Parties hereto have caused this Second Amendment to be executed on the day and year last written below.

Date Signed: _____

"City"
The City of Enid,
Oklahoma, a Municipal
Corporation

Jerald Gilbert, City Manager

(SEAL)

ATTEST:


Alissa Lack, City Clerk

Approved as to Form and Legality

Carol Lahman, City Attorney

Date Signed: _____


"Guernsey"
C. H. Guernsey & Company,
an Oklahoma Corporation



Ken Senour, Sr. Vice President

(SEAL)

ATTEST:



Ron Tanner, Asst. Secretary

City Commission Meeting

7.12.

Meeting Date: 06/05/2018

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

EXECUTE CONTRACT WITH THE OKLAHOMA DEPARTMENT OF CORRECTIONS FOR THE ANNUAL PRISONERS PUBLIC WORKS PROJECT (PPWP) FROM JULY 1, 2018 TO JUNE 30, 2019.

BACKGROUND:

The City contracts with the Oklahoma Department of Corrections (DOC) annually to provide inmate labor to assist public works and public utilities with certain specified responsibilities. The responsibilities include welding, mowing, weed eating, fixing tires, vehicle and equipment maintenance, road repair, and other similar duties. The DOC bills the City monthly for 12 inmates at \$135.00 per day for the inmate labor and lunches. The inmates work in various areas of the City to include the fleet maintenance, landfill, parks, and service center. The inmates are supervised by City employees who have been trained and certified by DOC annually. The agreement is effective July 1, 2018 and ends on June 30, 2019.

RECOMMENDATION:

Execute contract.

PRESENTER:

Jerald R. Gilbert, City Manager

Attachments

Contract

PRISONERS PUBLIC WORKS PROJECT CONTRACT

This contractual agreement (hereinafter, **Contract**) is entered into by, and between, the Oklahoma Department of Corrections (hereinafter, Department) and the undersigned Oklahoma governmental agency or political subdivision, **City of Enid** (hereinafter, **Public Agency**), upon written request by a majority of the board of county commissioners, the governing body of a municipality, an agency of the State of Oklahoma or of the United States, any subdivision thereof, or any community action agency for prisoners to be assigned to a Public Works Project. The written request is attached to this agreement and incorporated by reference.

This Contract is authorized by 57 O.S. § 215 et seq. entitled "The Prisoners Public Works Act."

For and in consideration of the following terms, conditions, and covenants, the parties herein agree as follows:

1. The Public Agency covenants that it is a public entity authorized under 57 O.S. § 216(2) to request a Public Works Project and the Public Works Project will meet the requirements of the Prisoners Public Works Act.
2. The term of this Contract will be for a period beginning on **July 1, 2018** and ending on **June 30, 2019**.
3. The prisoners assigned to the Public Works Project under this Contract will be prisoners from the following correctional center: **Enid Community Corrections Center**.
4. The Public Agency has requested **12** (#) prisoners to be assigned to the Public Works Project and the Department will generally make said number of prisoners available to the Public Agency.
5. The prisoners assigned to this Public Works Project will have the following responsibilities:
Work responsibilities will include welding, mowing, weed eating, tire shop, mechanic, filling pot holes, trash pickup and oil changes. Equipment they will be using includes mowers, weed eater, welding equipment, tools, fork lift and tire machines. Work will be done in the City of Enid, Oklahoma.
The above explanation should include a brief description of the Public Works Project indicating the location and type of work required. If more room is required, additional pages may be attached to this Contract.
+
6. The Public Agency agrees to pay to the Department **\$1620.00** per month. This amount includes the base cost and a ten percent administrative fee.
7. The Department will not provide the transportation to and from the work site of the prisoners assigned to the Public Works Project.

8. The Department will not provide supervision of prisoners assigned to the Public Works Project.
9. The Department will provide lunches to the prisoners, unless otherwise agreed.
10. The Public Agency will provide work orders, job duties/assignments, any training to the prisoners and will provide a safe working environment. The Public Agency will furnish all materials and tools necessary for the Public Works Project, unless otherwise agreed.
11. The Public Agency agrees to use prisoners assigned to the Public Works Project on public property only, except that prisoner labor may be used on private property for a public purpose. Labor conducted on private property must be approved by the Department prior to commencement of any work on private property. Public purpose is hereby defined as a purpose generally affecting the public good of the inhabitants of the state or political subdivision. The prisoners will be utilized as a group for this purpose and not as individuals.
12. The Public Agency will not use the prisoners to provide personal services for private benefit or to supervise other prisoners. The Public Agency will allow the Department to conduct unscheduled periodic visits to the Public Works Project work site to monitor the prisoners and contract compliance.
13. The Public Agency will, upon request, relinquish any assigned prisoner to the custody of the Department.
14. For community placement prisoners, the Public Agency agrees to cooperate and provide prisoner counts and close supervision of the prisoner's whereabouts. The supervisor will visually observe each prisoner at least every hour, and a formal count will be conducted and documented in a log book every two (2) hours.
15. For minimum security prisoners, the Public Agency agrees that the supervisor will visually observe each prisoner at least every half hour, and that a formal count will be conducted and documented in a log book every two (2) hours.
16. The Public Agency will immediately notify the Department and the local law enforcement agency of any missing or unaccounted for prisoner or if the Public Agency believes a prisoner has escaped.
17. The Public Agency will immediately report to the Department any guideline or rule violation, as provided for in Attachment F of OP-090106.
18. The Department shall invoice the Public Agency every month by electronic mail (e-mail) to the e-mail address provided in Paragraph 37, and the

Public Agency shall pay such invoices within thirty (30) days from the date of the invoice. Any invoice not paid within sixty (60) days from the date of the invoice may result in the Public Agency not be permitted to receive prisoners under this contract until all outstanding invoices are paid in full.

19. No prisoner assigned to a Public Works Project will be considered an employee of the requesting Public Agency, the Department, or the State of Oklahoma.
20. The Department will have the ultimate responsibility for the security of the prisoners.
21. The director of the Department or his designee will, at all times during the term of this Contract, have full jurisdiction and authority, to include immediate access, over the discipline and control of the prisoners performing work on the Public Works Project. Unsatisfactory job performance will be documented and reported to the Department by a representative of the Public Agency.
22. The prisoners, while assigned to the Public Works Project, will, for the purpose of punishment for escape, be deemed to be on trusty status and will be under the custody and control of the Department. The limits of the place of confinement are extended under the special conditions of Public Works Project pursuant to 57 O.S. § 510.1 (A) (4).
23. The Department will select and assign eligible prisoners to work for the Public Agency. The prisoners, while assigned to the Public Works Project, will be exempt from the provisions of the Worker's Compensation Act, (85A O.S. § 1 et seq.).
24. The Department will be responsible for the cost of medical and dental health care needs of the prisoners while assigned to the Public Works Project, including emergencies while assigned to the public works project, unless otherwise provided for in this Contract.
25. The Public Agency will be responsible to reimburse the Department for the cost of any required outside medical and/or dental care (including emergency care), which will include the cost of emergency transportation, if a prisoner assigned to the Public Works Project is injured while performing work for the Public Agency and the injury occurred as a result of the intentional, reckless, or negligent conduct of an employee or agent of the Public Agency.
26. The Public Agency will not allow any prisoner to operate or use any type of equipment unless and until the Public Agency has fully trained the prisoner in the proper and safe use of the equipment, and has documented records to support said training. Training associated with the use of lawn equipment; power tools and hand tools must meet OSHA and

- Department of Labor standards, and this training can be conducted without the Department's review of the curriculum. Training associated with the use of any heavy equipment e.g., backhoes, dozers, tractors and implements, frontend loaders, excavators, skid loaders etc. will require the Public Agency to provide the training curriculum to the Department for approval prior to the Public Agency training and allowing inmates to use this equipment. Under no circumstances will the Public Agency allow a prisoner to operate any equipment which has had the manufacturer's safety devices modified or removed, nor will the Public Agency allow any prisoner to operate any dangerous or unsafe equipment. The Public Agency will not allow a prisoner to operate any equipment without first providing and requiring the prisoner to wear protective equipment in accordance with Occupational Safety and Health Administration standards when operating any equipment. The Public Agency will also not allow a prisoner to operate any motor vehicle upon the public roadways at any time.
27. In the event a prisoner is injured while operating equipment or motor vehicle in violation of this Contract, the Public Agency will be responsible to reimburse the Department for the cost of any and all required outside medical and/or dental care (to include emergency care), which will include the cost of emergency transportation to and from the outside medical provider, and the Public Agency will be liable for all other damages resulting from said violation.
 28. The Department will provide the Public Agency with copies of relevant Department policies and operations procedures that are applicable, as well as the training and orientation required for proper implementation and security.
 29. The Public Agency, unless otherwise agreed, will provide work shifts of no longer than eight (8) working hours and will utilize prisoners for no more than eight (8) hours per shift. The normal working hours will be between 0700 and 1800 hours each working day. Any additional or different work shifts required will necessitate approval by the warden or administrator of the prisoner's correctional facility and be documented and attached as an addendum to this Contract.
 30. Either party may immediately terminate this Contract for the failure of the other party to perform or comply with the terms and conditions contained herein. Any damages will be authorized by law in a court of competent jurisdiction, except attorney's fees and related legal costs, which will be borne by each party separately. Both parties, in determining failure to perform under this Contract, will consider any mitigating circumstances.
 31. In the event a bona fide dispute or a conflict of interest arises between the parties, which cannot be resolved through reasonable diligence, either party may request mediation under the Oklahoma Dispute Resolution Act,

12 O.S. § 1801 et seq., as amended. Such request will not be unreasonably refused by the other party. The parties agree that the cost of this process will be borne separately by each party. Any dispute will not affect the performance requirements and duties of this Contract. The Contract will remain in full force and effect unless otherwise terminated or agreed to between the parties.

32. The Public Agency is required to retain records relative to the Contract for the duration of the Contract and for a period of seven (7) years following completion or termination of the Contract. If a claim, audit, litigation or other action involving such records is started before the end of the seven-year period, the records are required to be maintained for two (2) years from the date that all issues arising out of the action are resolved, or until the end of the seven (7) year retention period, whichever is later.
33. If any provision, clause, or paragraph of this Contract or any document incorporated by reference is determined to be invalid by a court of competent jurisdiction, such determination will not affect the other provisions, clauses, or paragraphs of this Contract. The provisions, clauses, or paragraphs, and any documents incorporated by reference are declared severable.
34. This Contract will be governed by the laws of the State of Oklahoma, with the venue for any action to be in Oklahoma County.
35. Either party may terminate this Contract, in whole or in part, for convenience, if it is determined that termination is in its best interest. The terminating party shall deliver to the other party a written notice of termination for convenience specifying the terms and effective date of termination. The Contract termination date shall be a minimum of thirty (30) days from the date the notice of termination is issued by the terminating party.
36. The terms of this contract may only be amended by agreement of the parties and in writing.
37. All notices required in this Contract will either be mailed (certified with return receipt requested) or emailed to the addresses of the parties set forth below:

For the Department:

David A. Cincotta
General Counsel
3400 N. Martin Luther King Ave.
Oklahoma City, OK 73111
david.cincotta@doc.ok.gov
(Include email address)

For the Public Agency:

Jerald Gilbert, City Manager
City of Enid
401 W. Owen K. Garriott
Enid, OK 73701
jgilbert@enid.org
(Include email address)

38. This Contract may be executed in multiple counterparts, each of which shall be deemed an original and all of which together shall constitute one and the same document. This Contract may be delivered by e-mail.
39. The representative executing this Contract on behalf of the Public Agency hereby warrants that said representative has the authority to execute and bind the Public Agency.
40. The representative executing this Contract on behalf of the Public Agency certifies that the prisoner labor shall not displace any employment opportunities for private citizens of the State of Oklahoma and that the Public Agency has insufficient funds available to perform the work set forth in this Contract.
41. The Public Agency will not allow an employee or agent of the Public Agency to direct, manage or supervise a prisoner assigned to work on behalf of the Public Agency until the employee or agent has completed all training required by the Department's Operating Procedure OP-090106.
42. The Public Agency agrees that prisoners shall not be permitted to work in or around any area in which minor children are located.
43. INDEMNIFICATION
 - a. Without waiving any defense or immunity, and subject to the Governmental Tort Claims Act, the Public Agency agrees to bear all expenses, fines, judgments, and cost(s), including its own attorney fees, which may arise from any and all acts of its officials, agents, and employees in relation to the performance or nonperformance of the Agreement.
 - b. Without waiving any defense or immunity, and subject to the Governmental Tort Claims Act, the Department agrees to bear all expenses, fines, judgments, and cost(s), including its own attorney fees, which may arise from any and all acts of its officials, agents, and employees in relation to the performance or nonperformance of the Agreement.
44. PRISON RAPE ELIMINATION ACT (§115.17 and §115.77)

- a. Any sexual assault or sexual misconduct or attempted sexual assault or sexual misconduct between the Public Agency, its employees, agents, or representative and a prisoner is expressly forbidden.
- b. In addition, by entering into this Contract with Department, Public Agency attests that no employee, agent or representative of the Public Agency who may have direct contact with the prisoners while performing the requirements of this contract has:
 - i. Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997);
 - ii. Been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
 - iii. Been civilly or administratively adjudicated to have engaged in the activity described above. Any employee or agent of Public Agency who engages in sexual abuse will be prohibited from contact with prisoners and will be reported to law enforcement agencies and to relevant licensing bodies.
- c. Any violation of this provision will be reported to law enforcement agencies and to relevant licensing bodies and will result in the filing of criminal charges as warranted. The Department may also terminate the contract immediately when violations are found.

45. Signatures:

Department:

Approved By: *[Signature]* Date: 5/17/18
Name: John Masqueller
Title: Director, ELLC

Public Agency:

Approved By: _____ Date: _____
Name: _____
Title: _____

City Commission Meeting

16.1.

Meeting Date: 06/05/2018

Submitted By: Kristin Martin, Executive Assistant

SUBJECT:

CONSIDER A RESOLUTION AUTHORIZING THE ENID PUBLIC TRANSPORTATION AUTHORITY TO APPLY WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, TRANSIT PROGRAMS DIVISION, FOR A GRANT UNDER 49 U.S.C SECTION 5339(B), BUS AND BUS FACILITIES GRANT PROGRAM FOR FUNDS DURING THE 2018-2019 FISCAL PROGRAM YEAR.

BACKGROUND:

This resolution will authorize the submission of a grant application to the Oklahoma Department of Transportation for FTA Section 5339(b) Program Financial Assistance to send replacement vehicles and equipment.

RECOMMENDATION:

Approve resolution.

PRESENTER:

Mary Beth Williams, EPTA General Manager

Attachments

Resolution

RESOLUTION

Res. #5339-2018-2019

A RESOLUTION AUTHORIZING THE ENID PUBLIC TRANSPORTATION AUTHORITY TO APPLY WITH THE OKLAHOMA DEPARTMENT OF TRANSPORTATION, TRANSIT PROGRAMS DIVISION, FOR A GRANT UNDER 49 U.S.C. SECTION 5339, BUS AND BUS FACILITIES GRANT PROGRAM FOR FUNDS DURING THE 2018-2019 FISCAL PROGRAM YEAR.

WHEREAS, the Oklahoma Department of Transportation, hereinafter called the "**DEPARTMENT**", is submitting a Capital grant application via Section 5339 Bus and Bus Facilities Program to the Federal Transit Administration, hereinafter called the FTA, and

WHEREAS, Enid Public Transportation Authority, hereinafter referred to as "**CONTRACTOR**" for the purpose of proving public transportation service to be known as The Enid Transit hereinafter referred to as "**TRANSIT AGENCY**", wishes to receive financial assistance pursuant to FTA via Section 5339 Bus and Bus Facilities Program funds that will be made available under this grant, and

WHEREAS, pursuant to Chapter 53 of Title 49 U.S.C., the Secretary of Transportation is authorized to make grants for mass transportation projects, and

WHEREAS, the APPLICANT, will be required to execute a contract to receive the financial assistance pursuant to the FTA via Section 5339 Bus and Bus Facilities Program, and

WHEREAS, the contract will impose certain obligations upon the APPLICANT required by the FTA in accordance with the provisions under the Chapter 53 of Title 49 U.S.C., as amended:

NOW, THEREFORE, BE IT RESOLVED by Enid Public Transportation Authority Board of Directors that Mary Beth Williams, General Manager for the Enid Public Transportation Authority is authorized to:

1. Submit a grant application to the DEPARTMENT seeking FTA via Section 5339 Bus and Bus Facilities Program financial assistance for the purpose of rural public transportation, hereinafter called "PROJECT."
2. Execute certifications and assurance or any other documents as may be required by the DEPARTMENT and/or the FTA, for the purpose of receiving said grant
3. Furnish such additional information as the DEPARTMENT and/or FTA may require in connection with the application of the PROJECT.
4. Set forth and execute Disadvantaged Business Enterprise policies and procedures in connection with the PROJECT's procurement needs.
5. Execute a contract with the DEPARTMENT seeking financial assistance on behalf of the APPLICANT to aid in the financing of above said PROJECT.

PASSED AND APPROVED this 5th day of June, 2018.

The City of Enid, Oklahoma

William E. Shewey, Mayor

(SEAL)

ATTEST:

Alissa Lack, City Clerk

Meeting Date: 06/05/2018

Submitted By: Jacqueline Cook, Engineering EA

SUBJECT:

CONSIDER CONVENING INTO EXECUTIVE SESSION TO DISCUSS AN ECONOMIC DEVELOPMENT PROPOSAL INVOLVING THE CITY'S WASTEWATER TREATMENT PLANT; PENDING ACTIONS ON THE HALL LEASES AND THE WALTON CONVEYANCE; AND PENDING LITIGATION, CIMARRON TERRACE WATER ASSOCIATION v. ENID MUNICIPAL AUTHORITY AND OKLAHOMA WATER RESOURCES; TO DETERMINE WHETHER TO JOIN IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION; AND RECONVENE INTO REGULAR SESSION TO TAKE ANY NECESSARY ACTION.

BACKGROUND:

The City Attorney recommends that the Mayor and Board of Commissioners go into Executive Session pursuant to 25 O.S. 307(C)(10), economic development proposal, and 307(B)(4) and the attorney-client privilege, to engage in confidential communication between the public body and its attorney concerning these matters since disclosure would seriously impair the ability of the public body to act and proceed with them appropriately.

RECOMMENDATION:

Consider going into executive session.

PRESENTER:
