



City of Enid
401 W. Owen K Garriott
P.O. Box 1768
Enid, Oklahoma 73702
580-234-0400

BOARD OF COMMISSIONERS

NOTICE OF REGULAR MEETING

Mayor and Board of Commissioners of the City of Enid, Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development 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, and the Trustees of the Enid Economic Development Authority, a Public Trust, will meet in regular session at 6:30 p.m. on the 17th day of May 2011, 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. MINUTES OF RESCHEDULED REGULAR MEETING OF MAY 2, 2011 AND SPECIAL MEETINGS OF APRIL 28, 2011 AND MAY 10, 2011.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
 - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
 - 5.2 APPOINTMENTS OF THE MAYOR AND BOARD OF COMMISSIONERS TO VARIOUS BOARDS AND COMMISSIONS.

BACKGROUND: Members of the Board of Commissioners serve on various City advisory boards. Vacancies for commission representatives now exist on the following boards. All appointments are made by the City Commission with the exception of the Metropolitan Area Planning

Commission which is made by the Mayor. He may serve himself or designate a member of the Commission to serve in his place.

- Metropolitan Area Planning Commission (Mayoral Appointment)
- Park Board
- Enid Public Transportation Authority (Three Appointments)
- Dr. Martin Luther King, Jr. Holiday Commission
- PEGASYS
- Long Term Care Authority of Enid
- Special Sales Tax Oversight Committee
- Community Development Block Grant Funding Commission
- 911 Board of Enid and Garfield County (Two Appointments)
- Enid Metropolitan Area Human Service Commission
- Enid Regional Development Alliance (Two Appointments)
- Northwestern Oklahoma State University Foundation, Inc.
- Enid Public Higher Education Authority (Two Appointments)

ATTACHMENTS: None.

RECOMMENDATION: Appoint members of the City Commission to the above boards.

6. HEARINGS.

6.1 NONE.

7. COMMUNITY DEVELOPMENT.

7.1 NONE.

8. ADMINISTRATION.

8.1 AWARD A CONTRACT TO SUMMIT CIVIL CONTRACTORS, LLC, AND ASSIGN TO FLINTCO CONSTRUCTIVE SERVICES, LLC, AS PART OF THE CONSTRUCTION MANAGER AGREEMENT FOR BID PACKAGE NO. 1-2A

**(EARTHWORK, SITE CLEARING, SOIL EROSION & SEDIMENT CONTROL)
OF THE ENID RENAISSANCE PROJECT, M-1109.**

BACKGROUND: The City of Enid solicited bids for Bid Package No. 1-2A for earthwork, site clearing, soil erosion and sediment control for the Enid Renaissance Project and received three bids. Flintco Constructive Services, LLC (Flintco) reviewed the bids and recommend awarding the contract to Summit Civil Contractors, LLC, with the low bid of \$368,500.00.

Funding for Bid Package No. 1-2A is from the Capital Improvement Fund and is a portion of Flintco's Guaranteed Maximum Price.

PRESENTER: Chris Bauer.

ATTACHEMENT: Bid Tabulation.

RECOMMENDATION: Award a contract to Summit Civil Contractors in the amount of \$368,500.00 and assign to Flintco Constructive Solutions, LLC.

8.2 AWARD A CONTRACT TO CHEROKEE BUILDERS, INC. AND ASSIGN TO FLINTCO LLC, AS PART OF THE CONSTRUCTION MANAGER AGREEMENT FOR BID PACKAGE # 1-2B (SITE UTILITIES) FOR THE ENID RENAISSANCE PROJECT, M-1109.

BACKGROUND: The City of Enid recently solicited bids for Bid Package No. 1-2B for site utilities for the Enid Renaissance Project and received three bids. Flintco Constructive Solutions, LLC (Flintco) reviewed the bids and recommend awarding the contract to Cherokee Builders, Inc. with the low bid of \$280,780.00.

Funding for Bid Package No. 1-2B is from the Capital Improvement Fund and is a portion of Flintco's Guaranteed Maximum Price.

PRESENTER: Chris Bauer.

ATTACHEMENT: Bid Tabulation.

RECOMMENDATION: Award a contract to Cherokee Builders, Inc. in the amount of \$280,780.00 and assign to Flintco Constructive Solutions, LLC.

8.3 A RESOLUTION CREATING A SISTER CITIES INTERNATIONAL BOARD; ESTABLISHING MEMBERSHIP, TERMS OF OFFICE, DUTIES AND RESPONSIBILITIES.

BACKGROUND: This resolution would allow for the creation of a Board to reside over Sister Cities International relations, and would establish membership guidelines, terms of office and duties and responsibilities.

PRESENTER: Andrie Winters.

ATTACHMENT: Resolution.

RECOMMENDATION: Approve Resolution.

- 8.4 A RESOLUTION RECOGNIZING MID-CONTINENT PACKAGING, INC. FOR CONTRIBUTIONS TO OUR COMMUNITY AND DECLARING SUPPORT FOR MID-CONTINENT PACKAGING, INC.'S PLANS FOR EXPANSION AND APPLICATION SUBMITTED TO THE OKLAHOMA POOLED FINANCE PROGRAM.

BACKGROUND: Mid-Continent Packaging, Inc. has been a major employer in the City of Enid for over twenty (20) years and is expanding operations at its current facility.

This resolution acknowledges support by the Mayor and Board of Commissioners in Mid-Continent Packaging, Inc's. expansion efforts and its application for funding to the Oklahoma Pooled Finance Program.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve.

9. CONSENT.

- 9.1 EXECUTE RIGHT OF ENTRY AND INDEMNITY AGREEMENT (FOR BRIDGE PAINTING) BETWEEN UNION PACIFIC RAILROAD COMPANY AND THE CITY OF ENID.

BACKGROUND: Last year, the City of Enid made a request to Union Pacific Railroad for permission to clean and paint Union Pacific's Willow Street Bridge. This Agreement provides the City a right to enter upon Union Pacific's property in exchange for the City indemnifying Union Pacific if any damages occur.

PRESENTER: Andrea Springer.

ATTACHMENT: Right of Entry and Indemnity Agreement.

RECOMMENDATION: Execute Agreement.

- 9.2 EXECUTE ADOPTION AGREEMENT BETWEEN UNION PACIFIC RAILROAD AND THE CITY OF ENID.

BACKGROUND: In November, 2010, the City purchased from Earl and Karen Cunningham, a building that sat on Union Pacific Right-of-Way

behind the outfield of David Allen Memorial Ballpark. The building was removed on March 22, 2011. Mr. and Mrs. Cunningham leased the land under the building from Union Pacific through December 31, 2010, and the City is responsible for the rent from January 1, 2011, through March 22, 2011. The rent amount for that period is four hundred sixteen dollars and forty-seven cents (\$416.47).

PRESENTER: Andrea Springer.

ATTACHMENT: Adoption Agreement.

RECOMMENDATION: Execute Agreement and authorize payment.

9.3 EXECUTE INTERLOCAL AGREEMENT BETWEEN THE STATE OF OKLAHOMA OFFICE OF JUVENILE AFFAIRS (OJA) AND THE CITY OF ENID FOR FUNDING OF THE ENID COMMUNITY INTERVENTION CENTER (CIC).

BACKGROUND: Each year, the City of Enid contracts with OJA to run the Enid CIC, which is the reception and 24-hour juvenile holding facility within the Enid Police Department. This contract will be effective for FY 2011-2012.

PRESENTER: Andrea Springer.

ATTACHMENT: FY 2010-2011 Community Intervention Center Interlocal Agreement.

RECOMMENDATION: Execute Modification of Agreement.

9.4 AWARD AND EXECUTE CONTRACTS WITH SMITH'S LAWN CARE, RON'S MOWING SERVICE, MOULTON MOWING AND CLEANING AND BYRIN'S LAWN CARE FOR THE MOWING AND CLEANING OF LOTS FOR THE 2011 CALENDER YEAR.

BACKGROUND: The City of Enid's abatement programs rely on private mowing contractors to provide the labor necessary to eliminate accumulation of high grass and weeds throughout the community. The City awards annual contracts for such work.

PRESENTER: Toby Pritchett.

ATTACHMENTS: Canvass of bids. Contracts are on file in office of the City Clerk.

RECOMMENDATIONS: Award and execute contracts with Smith's Lawn Care, Ron's Mowing Service, Moulton Mowing and Cleaning and Byrin's Lawn Care.

9.5 CONSIDERATION AND DENIAL OF TORT CLAIM OF MEGAN ELLIS.

BACKGROUND: On May 6, 2011, Ms. Megan Ellis submitted a tort claim in the amount of \$110.00 for damage to her 2005 Chrysler Sebring. She claimed the damage occurred on April 8, 2011, as a result of City of Enid crews spraying paint onto her vehicle as they were striping the access road to the West of Van Buren Street near Willow Road. The City Attorney investigated the claim and found that it was Ms. Ellis' own actions which caused the damage. Ms. Ellis drove over freshly painted striping and the tires of her own vehicle transferred the wet paint onto her vehicle. City crews had employed proper safeguards, using a safety trailing vehicle and flashing lights. There was no negligence on the part of the City.

ATTACHMENT: None. Letter is on file in the Office of the City Clerk.

RECOMMENDATION: Deny payment of the tort claim.

PRESENTER: Andrea Springer.

9.6 AWARD CONTRACT FOR CONCRETE BOX STRUCTURAL LINER, PROJECT NO. F-1114A AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: A six-foot wide by seven-foot-tall concrete culvert currently exists on Cherokee Street between the Cherokee Strip Conference Center and Convention Hall. Inspection of the storm drainage structure shows it to be in good condition. However, to ensure the life of the storm drain exceeds the life of the area improvements, a structural liner must be placed inside the box.

Bids were solicited for the structural liner and Kenny Construction Company d/b/a Western Slope Utilities, LLC of Breckenridge, CO, was the lowest, responsible bid in the amount of \$399,975.00. Contract time for the project is 90 days, and the work will be limited to access points outside of the new Event Center construction zone, which will allow for both projects to proceed simultaneously.

Funding for this project is from the Storm Water Fund.

PRESENTER: Robert Hitt.

ATTACHMENTS: Canvass of Bids.

RECOMMENDATION: Award contract to Kenny Construction Company d/b/a Western Slope Utilities, LLC in the amount of \$399,975.00, and authorize the Mayor to execute all contract documents after review by the City Attorney.

9.7 ACCEPT 2010 ENID POLICE DEPARTMENT NORTHEAST WING RENOVATION PROJECT, M-0803E.

BACKGROUND: The Northeast Wing Renovation Project at the Enid Police Department has been completed and a final inspection was performed in March. Final billing has been received from Henson Construction, the project has passed inspection, and is ready for formal acceptance by the Commission. The base contract amount was \$564,742.00 and after total change orders, the final contract price is \$568,717.00 with the final balance of \$5,000.00 due.

This project was funded from the Police Fund.

PRESENTER: Brian O'Rourke.

ATTACHMENTS: None.

RECOMMENDATION: Accept project as complete.

9.8 APPROVAL OF CLAIMS IN THE AMOUNT OF \$4,413,410.92.

ATTACHMENT: List of claims.

RECOMMENDATION: Approve.

10. RECESS TO CONVENE AS THE ENID MUNICIPAL AUTHORITY.

-AGENDA-

11. TRUSTEES OF THE ENID MUNICIPAL AUTHORITY REGULAR MEETING.

12. ENID MUNICIPAL AUTHORITY REGULAR MEETING.

12.1 APPROVAL OF CLAIMS IN THE AMOUNT OF \$121,991.30.

ATTACHMENT: List of claims.

RECOMMENDATION: Approve.

13. ADJOURN TO CONVENE AS THE ENID ECONOMIC DEVELOPMENT AUTHORITY.

-AGENDA-

14. TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY REGULAR MEETING.

15. ENID ECONOMIC DEVELOPMENT AUTHORITY REGULAR MEETING.

15.1 APPROVAL OF CLAIMS IN THE AMOUNT OF \$6,244.50.

ATTACHMENT: List of Claims.

RECOMMENDATION: Approve.

16. ADJOURN TO RECONVENE AS THE ENID CITY COMMISSION.

17. PUBLIC DISCUSSION.

18. CONSIDER CONVENING INTO EXECUTIVE SESSION TO DISCUSS ROBERT B. BERRY V. CITY OF ENID; AND TO RECONVENE INTO REGULAR SESSION TO TAKE ANY NECESSARY ACTION.

BACKGROUND: The City Attorney recommends the Mayor and Board of Commissioners go into Executive Session pursuant to 25 Okla. Stat. 307(B)(4), “Confidential communications between its attorney concerning a pending investigation, claim, or action if the public body, with the advice of its attorney, determines that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest.”

19. ADJOURN.