



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 7th 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 REGULAR MEETING OF MAY 17, 2011 AND SPECIAL MEETINGS OF MAY 26, 2011, MAY 27, 2011 AND JUNE 1, 2011.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
 - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
 - 5.2 PRESENTATION OF "WALK THIS WAY" AWARDS FROM THE METROPOLITAN HEALTH PLANNING COMMISSION.

BACKGROUND: Awards for the Metropolitan Health Planning Commission's six-week walking program.

5.3 CONSIDER APPOINTMENTS TO THE METROPOLITAN AREA PLANNING COMMISSION.

BACKGROUND: Two vacancies exist on the Metropolitan Area Planning Commission. One vacancy is due to the resignation of Mr. Roy Rainey. The second vacancy is due to the term expiration of Mr. John Hodgden who is no longer eligible to serve on the Commission due to serving on other City boards. These terms will expire March 1, 2014. A ballot is attached for your consideration.

PRESENTER: Joan Riley.

ATTACHMENTS: Applications and ballot.

RECOMMENDATION: Consider appointments.

6. HEARINGS.

6.1 CONDUCT A PUBLIC HEARING ON THE PROPOSED 2011-2012 GENERAL FUND, SPECIAL FUNDS, ENTERPRISE AND DEBT SERVICE FUNDS, ENID PUBLIC TRANSPORTATION AND VANCE DEVELOPMENT AUTHORITIES, AND RELATED BUDGET DOCUMENTS FOR THE CITY OF ENID.

BACKGROUND: This public hearing will allow for public comment on the proposed 2011-2012 General Fund, Special Funds, Enterprise and Debt Service Funds, Enid Public Transportation and Vance Development Authorities, and is a requirement of the Oklahoma Municipal Budget Act. The act requires that notice must be published no less than five days prior to the date of the hearing. Notice of said hearing was published in The Enid News and Eagle on June 1, 2011. The hearing must also be conducted at least 15 days prior to the beginning of the new fiscal year.

PRESENTER: Jerald Gilbert.

ATTACHMENT: None.

RECOMMENDATION: Conduct hearing.

7. COMMUNITY DEVELOPMENT.

7.1 NONE.

8. ADMINISTRATION.

8.1 RESOLUTION RATIFYING AND ADOPTING SECOND AMENDMENT TO THE CITY OF ENID 401(K) RETIREMENT SUPPLEMENT TO PROVIDE FOR COMPLIANCE WITH INTERNAL REVENUE REGULATIONS AND PROVIDE FOR DISCRETIONARY EMPLOYER MATCHING CONTRIBUTIONS.

BACKGROUND: This is a companion to item 8.2. This amendment will change the plan document for the 401 (k) Retirement Supplement Plan to satisfy requirements of the Internal Revenue Service and also provide for the employer match to the participants 401(k) contributions to be discretionary by the employer. This will allow contributions to be adjusted based on City Commission Resolution or contract negotiations with various employee groups without requiring a plan amendment.

PRESENTER: Sonya Key.

ATTACHMENT: 2011 Second Amendment and Resolution.

RECOMMENDATION: Approve.

8.2 RESOLUTION PROVIDING FOR CHANGE IN CONTRIBUTION FORMULA FOR THE CITY OF ENID 401(K) RETIREMENT SUPPLEMENT TO PROVIDE FOR A 100% MATCHING CONTRIBUTION FORMULA FOR NON-UNION ELIGIBLE, MANAGEMENT CONFIDENTIAL PLAN PARTICIPANTS.

BACKGROUND: This is a companion item to 8.1. This resolution establishes the discretionary match for non-union eligible, management/confidential plan participants at 100% of their contribution up to 10% of their base salary until further changed by resolution. The effective date will be the July 8, 2011 pay period.

PRESENTER: Sonya Key.

ATTACHMENT: Resolution.

RECOMMENDATION: Approve.

8.3 RESOLUTION RATIFYING AND ADOPTING 2011 FIRST AMENDMENT TO THE CITY OF ENID, OKLAHOMA, RETIREMENT PLAN TO PROVIDE FOR COMPLIANCE WITH INTERNAL REVENUE REGULATIONS.

BACKGROUND: This amendment will change the plan document for the City of Enid, Oklahoma Retirement Plan (Defined Benefit) to satisfy new requirements of the Internal Revenue Service. This plan amendment received a favorable determination from the Internal Revenue Service on May 12, 2011, and now must be approved by the City Commission within ninety (90) days.

PRESENTER: Jerald Gilbert.

ATTACHMENT: 2011 First Amendment and Resolution.

RECOMMENDATION: Approve.

8.4 APPROVAL OF AMENDMENT NO. 6 TO OWNER-ENGINEER AGREEMENT DATED SEPTEMBER 18, 2007 WITH COBB ENGINEERING FOR AIRPORT IMPROVEMENT PROJECT, WDG 11-F.

BACKGROUND: This project will replace deteriorated concrete slabs that make up the apron and taxiways around the 32 hangars at Enid Woodring Regional Airport. These critical taxi routes for our larger aircraft sustained extensive damage during the recent severe winter.

The City of Enid will apply for grant assistance for this project with the Oklahoma Aeronautics Commission (OAC). If approved, the OAC will fund 75% of the project cost, with the remainder funded by the City.

This amendment will authorize Cobb Engineering to conduct a field survey and complete engineering plans and specifications for the project, at a cost not to exceed \$32,300.00. The City's share of this amendment is \$8,075.00. Funds are available in the Airport Budget to fund this amendment.

PRESENTER: Dan Ohnesorge.

ATTACHMENT: Amendment No. 6.

RECOMMENDATION: Approve.

8.5 AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 12, ENTITLED "PARKING SPACE REQUIREMENTS," AMENDING SECTION 11-12-1, ENTITLED "PARKING SPACE DEFINED," TO ALLOW LARGER PARKING SPACES; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 12, ENTITLED "PARKING SPACE REQUIREMENTS," AMENDING SECTION 11-12-3, ENTITLED "SCHEDULE OF PARKING SPACE REQUIREMENTS," TO REQUIRE PHYSICALLY DISABLED PARKING SPACES; AMENDING TITLE 11, ENTITLED "ZONING," CHAPTER 12, ENTITLED "PARKING SPACE REQUIREMENTS," AMENDING SECTION 11-12-4, ENTITLED "DEVELOPMENT AND USE OF PARKING SPACES," TO ALLOW FOR THE REDUCTION IN SIZE OR NUMBER OF PARKING SPACES WITH APPROVAL OF THE MAYOR AND BOARD OF COMMISSIONERS, TO REQUIRE PHYSICALLY DISABLE PARKING TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT AND OTHER FEDERAL, STATE AND LOCAL LAWS, TO EXEMPT THE C-4 BUSINESS DISTRICT, AND TO ALLOW FOR EXEMPTION FROM THIS CHAPTER BY THE MAYOR AND BOARD OF COMMISSIONERS; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

BACKGROUND: This ordinance will amend Title 11, Chapter 12 of the Enid Municipal Code, 2003. The amendment amends the definition of

parking space to allow larger parking spaces, amends the schedule of parking space requirements to require physically disabled parking spaces as required by the Americans with Disabilities Act, allows for the reduction in size or number of parking spaces only with the approval of the Mayor and Board of Commissioners, requires that physically disabled parking spaces to comply with the Americans with Disabilities Act and other federal, state and local laws, exempts the C-4 Central Business District from the ordinance, and allows the Mayor and Board of Commissioners to exempt specific requirements of the ordinance upon a determination that it is in the best interest of the public.

PRESENTER: Andrea Springer.

ATTACHMENT: Ordinance.

RECOMMENDATION: Approve.

8.6 A RESOLUTION RECOGNIZING PARRISH ENTERPRISES FOR CONTRIBUTIONS TO OUR COMMUNITY AND DECLARING SUPPORT FOR PARRISH ENTERPRISES PLANS FOR EXPANSION AND APPLICATION SUBMITTED TO THE OKLAHOMA POOLED FINANCE PROGRAM.

BACKGROUND: Parrish Enterprises 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 Parrish Enterprises' expansion efforts and its application for funding to the Oklahoma Pooled Finance Program.

PRESENTER: Brent Kisling.

ATTACHMENT: Resolution.

RECOMMENDATION: Approve.

8.7 A RESOLUTION AMENDING THE 2010-2011 AIRPORT BUDGET BY APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$425,000 FOR THE AIRPORT DEPARTMENT TO INCREASE THE 2010-2011 APPROPRIATED AMOUNTS FOR THE CITY OF ENID, OKLAHOMA.

BACKGROUND: To meet the demand for increased fuel sales, the City of Enid must increase the Airport Budget. Airport fuel sales have exceeded the original predicted amounts by approximately \$490,000. As a result, the cost to deliver these increased fuel sales will exceed originally budgeted amounts, and according to state law needs to be increased by \$425,000. Profits will increase accordingly; this expenditure indicates a

strengthening of the airport market and the increased expenditure replenishes fuel stocks.

PRESENTER: Jerald Gilbert.

ATTACHMENT: Resolution.

RECOMMENDATION: Approve.

- 8.8 A RESOLUTION AMENDING THE 2010-2011 GENERAL FUND BUDGET BY APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$960,000 FOR THE GENERAL FUND TRANSFERS DEPARTMENT TO INCREASE THE 2010-2011 APPROPRIATED AMOUNTS FOR THE CITY OF ENID, OKLAHOMA.**

BACKGROUND: The City of Enid originally budgeted \$6,390,000 for transfer from the General Fund to the Police Fund and \$5,420,000 from the General Fund to the Fire Fund. Because net operating revenues have been higher than budgeted, the General Fund transfer amounts to Police and Fire are projected to be approximately \$518,000 higher for Police and \$442,000 higher for Fire. Funds are available to appropriate from the General Fund balance.

PRESENTER: Jerald Gilbert.

ATTACHMENT: Resolution.

RECOMMENDATION: Approve.

- 8.9 AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS WITH CHEROKEE BUILDERS, INC. FOR BID PACKAGE #1-2B (SITE UTILITIES) OF THE ENID RENAISSANCE PROJECT, M-1109, AFTER REVIEW BY THE CITY ATTORNEY.**

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

On May 17, 2011, the Mayor and Board of Commissioners awarded a contract to Cherokee Builders, Inc., for Bid Package # 1-2B of the Enid Renaissance Project, M-1109, and approved the assignment of the contract to Flintco Constructive Solutions, LLC. Staff has determined that it is in the best interest for the City to execute the contracts rather than assign them to Flintco Constructive Services, LLC.

Funding for Bid Package No. 1-2B is from the Capital Improvement Fund.

PRESENTER: Chris Bauer.

ATTACHEMENT: None.

RECOMMENDATION: Authorize the Mayor to execute all contract documents with Cherokee Builders, Inc., after review by the City Attorney.

- 8.10 AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS WITH SUMMIT CIVIL CONTRACTORS, LLC, FOR BID PACKAGE #1-2A (EARTHWORK, SITE CLEARING, SOIL EROSION & SEDIMENT CONTROL) OF THE ENID RENAISSANCE PROJECT, M-1109, AFTER REVIEW BY THE CITY ATTORNEY.**

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 Solutions, LLC, reviewed the bids and recommended awarding the contract to Summit Civil Contractors, LLC, with the low bid of \$368,500.00.

On May 17, 2011, the Mayor and Board of Commissioners awarded a contract to Summit Civil Contractors, LLC, for Bid Package # 1-2A of the Enid Renaissance Project, M-1109, and approved the assignment of the contract to Flintco Constructive Solutions, LLC. Staff has determined that it is in the best interest for the City to execute the contracts rather than assign them to Flintco Constructive Services, LLC.

Funding for Bid Package No. 1-2A is from the Capital Improvement Fund.

PRESENTER: Chris Bauer.

ATTACHEMENT: None.

RECOMMENDATION: Authorize the Mayor to execute all contract documents with Summit Civil Contractors, LLC, after review by the City Attorney.

9. CONSENT.

- 9.1 ACCEPT A UTILITY EASEMENT FROM STACY AND MARION PHILLIPS AT 626 NORTH VAN BUREN STREET.**

BACKGROUND: This easement is provided as a condition of site plan approval for expanding an existing building at 626 N. Van Buren Street. An existing sanitary sewer serves the property and no easement exists. The easement is being provided to the City of Enid at no cost.

PRESENTER: Robert Hitt.

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

RECOMMENDATION: Accept Easement.

9.2 CHANGE ORDER NO. 1 WITH LUCKINBILL, INC. AND ACCEPTANCE OF THE 30TH STREET WATERLINE CONSTRUCTION PROJECT, W-0704A.

BACKGROUND: The purpose of this project was to extend the water line on 30th Street from Willow Road to Chestnut Avenue in order to provide service and needed fire flow to the adjacent industrial areas. The water line consists of 3,300 feet of 18" DIP and encasement in steel pipe at railroad and highway crossings.

This change order will adjust bid quantities to actual quantities placed. The increase in quantities is primarily due to the extension of a public water line across 30th Street to service east-side water customers. This addition replaces 600' of existing smaller diameter water line, and will best serve the users, add fire protection, and allow for development in the area.

This change order increases the contract amount by \$10,167.00, for a total contract of \$603,176.00.

Funding for this project is from the Capital Improvement Fund.

This project has a three-year Maintenance Bond.

PRESENTER: Robert Hitt.

ATTACHMENT: None. Change Order No. 1 is on file in the office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 1 in the amount of \$10,167.00 and accept the project.

9.3 CHANGE ORDER NO. 1 WITH RICK LORENZ CONSTRUCTION, INC. FOR THE 2011 LOCAL STREET PROGRAM, R-1101A, CONTRACT NO. 1.

BACKGROUND: This change order will provide for an ADA accessible entry at the east front entrance to the Administration Building. The west front entrance was originally planned as the ADA accessible entrance but was moved to the east entrance due to the elevation difference from the doors to the parking lot. The new entry system will be an automatic sliding door manufactured by Besam. The entry modification is in

conjunction with the sidewalk replacement around the Administration Building.

The cost of the new entry, removal of the existing entry, and installation, including a 3-year maintenance bond is \$32,155. The work is being funded from the Street and Alley Fund.

PRESENTER: Robert Hitt.

ATTACHMENT: None. Change Order No. 1 is on file in the office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 1 in the amount of \$32,155.00.

9.4 CHANGE ORDER NO. 1 WITH WYNN CONSTRUCTION COMPANY, INC. FOR THE WATER RECLAMATION FACILITY CONSTRUCTION PROJECT, S-0703E.

BACKGROUND: The purpose of this project is to construct a new sanitary sewer treatment plant.

This item will reduce the amount of natural gas piping to the new sanitary sewer treatment plant for a savings of \$9,996.00, as well as increase the cost for improving screening equipment for the re-use of effluent water in the plant, improvements in the maintenance shop HVAC ductwork, installing a larger lab exhaust fan, placing additional conducts between existing and new plant control rooms, upgrading the intrusion detection system, reinforcing steel quantity, and changing differing site conditions.

The net change order is an increase of \$51,603.07, for a total revised contract amount of \$33,529,603.07.

PRESENTER: Robert Hitt.

ATTACHMENTS: None. Change Order No. 1 is on file in the office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 1 in the amount of \$51,603.07.

9.5 RENEWAL OF ADMINISTRATIVE SERVICES AGREEMENT BETWEEN THE CITY OF ENID AND BLUECROSS/BLUESHIELD OF OKLAHOMA FOR THIRD PARTY ADMINISTRATION OF THE CITY OF ENID’S SELF FUNDED EMPLOYEE HEALTH INSURANCE PLAN, HEALTH AND DENTAL COBRA ADMINISTRATION AND STOP LOSS COVERAGE.

BACKGROUND: The City of Enid periodically contracts with an outside service to provide a due diligence review of the self-funded employee health insurance program, third party administration services and related costs. This review took place in 2009 and concluded that Blue Cross/Blue Shield is providing quality services within acceptable prices.

For Fiscal Year 2011-2012, the renewal cost is \$44.69 per covered employee, per month. The City of Enid also purchases stop loss insurance to protect the Health Fund in the event of claims in excess of \$3,469,700. Actuaries determine this amount based on the number of covered lives, claim loss history, market data, etc. In 2006, Blue Cross/Blue Shield also began providing stop loss coverage. The fee for this service will be \$23.19 per month, per covered employee. Additionally, this year, in order to streamline benefits administration, the City of Enid will utilize Blue Cross/Blue Shield's Cobra Administration services at a cost of \$75 for the monthly administrative fee, and \$10 per notification event.

PRESENTER: Sonya Key.

ATTACHMENTS: Administrative Services Agreement, Exhibit to the Stop Loss Coverage Policy and the Cobra Administration Agreement.

RECOMMENDATION: Approve.

9.6 CONSIDERATION AND DENIAL OF TORT CLAIMS OF JUDY BULLER, ELISABETH COX AND RUSSELL ARTHUR KEMMA.

BACKGROUND: On April 26, 2011, Ms. Judy Buller submitted a tort claim in the amount of \$838.58 for damage to her 2007 Dodge Caliber. She claimed the damage occurred on March 22, 2011, as a result of a City trash dumpster hitting her vehicle. The City forwarded that claim to its insurer, Oklahoma Municipal Assurance Group (OMAG), which opened an investigation into the claim. After investigating, OMAG found no negligence on the part of the City. OMAG recommended that the City deny the tort claim.

On May 18, 2011, Ms. Elisabeth Cox submitted a tort claim in the amount of \$100.00 for plumber costs related to a waterline leak. The City Attorney has reviewed and investigated the claim and determined that National Metering Services, Inc. is at fault and has since repaired the waterline. The City Attorney has recommended that the City deny the tort claim.

On March 8, 2011, Mr. Russell Arthur Kemna submitted a tort claim in the amount of \$1,000,000.00 for injuries allegedly sustained during an arrest on March 9, 2010. He claimed that the injuries were both improperly and wrongfully sustained. The City forwarded that claim to

its insurer, Oklahoma Municipal Assurance Group (OMAG), which opened an investigation into the claim. After investigating, OMAG found no negligence on the part of the City. OMAG recommended that the City deny the tort claim.

PRESENTER: Andrea Springer.

ATTACHMENT: None. Letters are on file in the Office of the City Clerk.

RECOMMENDATION: Deny payment of tort claims.

9.7 APPROVAL OF CLAIMS IN THE AMOUNT OF \$1,429,931.04.

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 \$117,928.74.

ATTACHMENT: List of claims.

RECOMMENDATION: Approve.

12.2 CONDUCT A PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2011-2012 FINANCIAL PLAN FOR THE ENID MUNICIPAL AUTHORITY.

BACKGROUND: This public hearing will allow for public comment on the proposed Fiscal Year 2011-2012 Financial Plan for the Enid Municipal Authority.

PRESENTER: Jerald Gilbert.

ATTACHMENT: None.

RECOMMENDATION: Conduct hearing.

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 \$16,971.00.

ATTACHMENT: List of Claims.

RECOMMENDATION: Approve.

15.2 CONDUCT A PUBLIC HEARING ON THE PROPOSED FISCAL YEAR 2011-2012 FINANCIAL PLAN FOR THE ENID ECONOMIC DEVELOPMENT AUTHORITY.

BACKGROUND: This public discussion will allow for public comment on the proposed Fiscal Year 2011-2012 Financial Plan for the Enid Economic Development Authority.

PRESENTER: Jerald Gilbert.

ATTACHMENT: None.

RECOMMENDATION: Conduct hearing.

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.