



City of Enid
401 W. Owen K Garriott RD
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 21st day of June 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 JUNE 7, 2011.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
 - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
6. HEARINGS.
 - 6.1 NONE.
7. COMMUNITY DEVELOPMENT.
 - 7.1 NONE.

8. ADMINISTRATION.

8.1 AWARD CONTRACT FOR THE CONSTRUCTION OF A 300 FOOT COMMUNICATION TOWER, PROJECT W-0915C, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This project will construct a 300-foot guyed tower at the Service Center to provide public safety and Automated Meter Infrastructure (AMI) needs. Six (6) bids were received, with the lowest, responsible bid submitted by Sabre Communications Corporation, Sioux City, Iowa, in the amount of \$202,114.00 and a contract time of 182 calendar days. This amount includes Alternate No. 1, a generator and propane tank for backup power supply, and Alternate No. 2, an additional 2-year warranty period, which was bid at zero cost.

Funding for this project is from the EMA Capital Replacement, Fire Department, and Police Department funds.

PRESENTER: Robert Hitt.

ATTACHMENT: Canvass of Bids.

RECOMMENDATION: Award contract to Sabre Communications Corporation in the amount of \$202,114.00, and authorize the Mayor to execute all contract documents after review by the City Attorney.

8.2 RESOLUTION APPROVING, ADOPTING AND APPROPRIATING THE 2011-2012 FISCAL BUDGET FOR THE CITY OF ENID, OKLAHOMA; APPROVING THE FISCAL YEAR 2011-2012 FINANCIAL PLANS FOR THE ENID PUBLIC TRANSPORTATION AND VANCE DEVELOPMENT AUTHORITIES; 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.

BACKGROUND: The proposed 2011-2012 Budget for the City of Enid, and Fiscal Year 2011-2012 financial plans for the Enid Public Transportation and Vance Development authorities, were delivered to the Commission May 20, 2011, and presented during special meetings held on May 26th and 27th, and June 1, 2011.

This resolution provides for the formal adoption and appropriation of the 2011-2012 operating and capital budgets for the City of Enid, and approves the Fiscal Year 2011-2012 financial plans for the Enid Public Transportation and Vance Development authorities.

PRESENTER: Jerald Gilbert.

ATTACHMENT: Resolution and Summary of Estimated Revenues and Expenditures for Fiscal Year 2011-2012.

RECOMMENDATION: Approve.

8.3 AMENDMENT NO. 1 TO THE CONTRACT FOR PROFESSIONAL SERVICES BETWEEN THE CITY OF ENID AND CONVERGENCE DESIGN, LLC, DATED FEBRUARY 1, 2011, ENID RENAISSANCE PROJECT M-1109A.

BACKGROUND: The City of Enid entered into a contract for professional services with Convergence Design, LLC, on February 1, 2011. That contract established a basic Scope of Engagement, which the Architect has almost completed. The contract also provided additional services at a fixed sum of \$217,000.00 which were not funded in the original contract. Additional services include: Audio Visual Design, Security Systems Design, Telecommunications System Design, Acoustical Design, Food Service Design, Graphics and Wayfinding, and Landscape Architecture, and are essential for the success of the Enid Renaissance Project to ensure a seamless integration of design.

PRESENTER: Chris Bauer.

ATTACHMENT: Amendment No. 1.

RECOMMENDATION: Approve.

8.4 AWARD A CONTRACT TO KRONOS, INC., FOR PURCHASE OF ELECTRONIC TIMEKEEPING SOFTWARE AND HARDWARE, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: Bids were solicited for Electronic Timekeeping Software and Hardware to automate the City's payroll timekeeping system. All employees, including Fire and Police, will utilize the new software.

Three proposals were received. Based on experience, functionality, and cost, Kronos, Inc., was selected for the project at a cost not to exceed \$193,050.00.

PRESENTER: Jerald Gilbert.

ATTACHMENT: Canvass of Bids.

RECOMMENDATION: Award contract to Kronos, Inc., in an amount not to exceed \$193,050.00, and authorize the Mayor to execute all contract documents after review by the City Attorney.

- 8.5 RESOLUTION ACCEPTING FAA GRANT AIP PROJECT NO. 3-40-0028-024-2011, REMOVAL OF RUBBER BUILD-UP AND RE-MARK RUNWAY 17-35, AT ENID WOODRING REGIONAL AIRPORT, AND AUTHORIZE THE MAYOR TO EXECUTE ALL GRANT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This is a companion to Item 9.5, and will accept an FAA grant which will fund 95% of the project to remove rubber build-up and re-mark runway 17-35, and authorize the Mayor to execute any and all grant documents related to the project.

PRESENTER: Dan Ohnesorge.

ATTACHMENT: Resolution.

RECOMMENDATION: Approve.

- 8.6 CHANGE ORDER NO. 1 AND ACCEPTANCE OF THE 7TH STREET AND GARRIOTT ROAD CULVERT BOX PROJECT, F-0603A.

BACKGROUND: This project consisted of cutting Garriott Road at 7th Street and adding a cell to the existing box culvert to carry more storm water flow from North Boggy Creek under the highway. The project will reduce the backwater effect of the road, and flooding potential upstream, including St. Mary's Hospital, without increasing flooding downstream.

This change order removed a lighting system and assessed liquidated damages resulting in the deduct amount of \$37,850.00.

CP3 Enterprises, Inc. began work 148 days after issuance of the Notice to Proceed. Work was substantially completed on July 26, 2008, 101 calendar days after the required completion date of April 10, 2008. This resulted in liquidated damages being assessed in the amount of \$35,350.00.

The change order and an associated letter of explanation were sent to the contractor's attorney on February 14, 2011, and included a deadline of March 1, 2011 to sign and return the change order. To date, this document has not been received.

The revised contract amount is \$550,596.88.

PRESENTER: Robert Hitt.

ATTACHMENT: Change Order No. 1 (unsigned) is on file in the Office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 1 in the deduct amount of \$37,850.00 and accept the project.

- 8.7 REJECT ALL BIDS FOR BID PACKAGE #2, 3A (CAST IN PLACE CONCRETE, REINFORCING STEEL [FURNISH & INSTALL], WATER STOPS, VAPOR BARRIERS, SLAB TREATMENTS, WATERPROOFING, CURING MATERIALS AND TERMITE CONTROL) AND BID PACKAGE #2, 5A (STRUCTURAL AND MISCELLANEOUS STEEL AND GRATINGS) OF THE ENID RENAISSANCE PROJECT, M-1109.

BACKGROUND: Staff has determined that it is in the best interest of the City of Enid to reject all bids. In light of conditions imposed through the Bob Berry lawsuit, previous options deemed most attractive are no longer available. The elimination of a guaranteed maximum price modifies the approach toward the completion of the Renaissance Project due to its potential for escalating cost.

PRESENTER: Chris Bauer.

ATTACHEMENT: Bid Tabulation.

RECOMMENDATION: Reject all bids.

9. CONSENT.

- 9.1 PROJECT ACCEPTANCE FOR ALL PHASES OF THE REHABILITATION OF RUNWAY 17-35 AT ENID WOODRING REGIONAL AIRPORT.

BACKGROUND: This project was completed last fall and has been inspected by the airport consultant, LBR Engineer, FAA representatives and the City of Enid Airport Director. This project was constructed in accordance with plans and specifications, and all required documents have been completed to close the project.

The FAA provided \$8,183,724 of the project, with the City of Enid and the Oklahoma Aeronautics Commission being responsible the remaining amount of \$254,827.00 and \$175,896.00 respectively, for a total project cost of \$8,614,447.00.

PRESENTER: Dan Ohnesorge.

ATTACHMENT: Final Acceptance Notice.

RECOMMENDATION: Accept project.

- 9.2 AWARD A CONTRACT TO HENSON CONSTRUCTION FOR THE CONSTRUCTION OF HANGARS AND APRONS AT ENID WOODRING REGIONAL AIRPORT, PROJECT A-1101A, AND AUTHORIZE THE MAYOR

TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This project will provide for the construction of two hangars at Woodring Regional Airport. The first will be a large “flow through” hangar designed specifically to facilitate rapid sheltering of transient aircraft when inclement weather threatens. Because military aircraft will be accommodated, the Oklahoma Strategic Military Planning Commission has granted \$200,000.00 to aide with financing this hangar. The second will shelter two medium sized aircraft, thereby filling a demand for hangar space at the airport.

Seven (7) bids were received with the lowest, responsive bid submitted by Henson Construction Co., Inc., in the amount of \$756,000.00.

This project will be funded from the Airport Fund, supplemented by a \$200,000.00 grant from the Oklahoma Strategic Military Planning Commission.

PRESENTER: Dan Ohnesorge.

ATTACHMENT: Canvass of Bids.

RECOMMENDATION: Award contract to Henson Construction in the amount of \$756,000.00, and authorize the Mayor to execute all contract documents after review by the City Attorney.

9.3 AWARD A CONTRACT TO HI-LITE MARKINGS, INC., TO REMOVE RUBBER BUILD-UP AND RE-MARK RUNWAY 17-35 AT ENID WOODRING REGIONAL AIRPORT, AIP PROJECT 3-40-0028-024-2011, SUBJECT TO RECEIPT OF GRANT FUNDS, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This is a companion to item 8.5, and will provide for the removal of accumulated rubber on the landing surface on Runway 17-35 at Enid Woodring Regional Airport. Once the rubber is removed, re-striping of the runway will be necessary. FAA grant funds are available to cover 95% of the total project cost.

Two (2) bids were received with the lowest, responsive bid submitted by Hi-Lite Markings, Inc. in the amount of \$125,715.50. The FAA will fund \$114,429.73 of the total cost with a City of Enid match of \$6,285.77. Funds are available in the Airport Fund.

PRESENTER: Dan Ohnesorge.

ATTACHMENT: Canvass of Bids.

RECOMMENDATION: Award contract to Hi-Lite Markings, Inc. in the amount of \$125,715.50, subject to the receipt of grant funds, and authorize the Mayor to execute all contract documents after review by the City Attorney.

9.4 FINAL CHANGE ORDER NO. 4 FOR THE 2007 WATER LINE REPLACEMENT PROGRAM, W-0701A.

BACKGROUND: This project involved the installation of 7400 l.f. of new PVC water pipe to replace deteriorated pipe in various locations throughout the city. The contractor, Luckinbill, Inc., has completed the work.

The purpose of this change order is to reduce the contract amount by the amount of liquidated damages as set out in the contract documents at \$350.00 per day for days over the contract time. The contractor took 29 additional days to complete the project, and total amount of damages were assessed at \$10,250.00. This Change Order will also correct a mathematical error of one cent (\$.01) from a previous pay request. The total for this Change Order is a reduction of \$10,149.99.

Final contract amount is \$762,802.26 and was funded from the Water Capital Improvement Fund.

PRESENTER: Robert Hitt.

ATTACHMENTS: None. Change Order No. 4 is on file in the Office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 4 in the deduct amount of \$10,149.99.

9.5 CHANGE ORDER NO. 1 FOR HOOVER PARK RESTROOM CONSTRUCTION, M-0901H.

BACKGROUND: The splash pad at Hoover Park has been a huge success and has experienced a significant increase in usage, and on May 2, 2011, D. C. Bass & Sons Construction Co. was awarded a contract to construct a restroom facility at the site.

This change order will add Owner's and Contractor's Protective Liability Insurance to the project in the amount of \$500.00, which was inadvertently omitted from the original bidding documents. Construction is scheduled for September 2011.

Funding for this project is from the Capital Improvement Fund.

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 \$500.00.

9.6 AWARD CONTRACT TO LUCKINBILL, INC. FOR FIRE HYDRANTS AND WATER LINE EXTENSIONS, W-1114A, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This project will provide for the installation of 18 new fire hydrants and water line extensions, and the installation of a new water line on 7th Street, from East Oklahoma Avenue to East Cherokee Avenue. The location of fire hydrants will be determined based on a priority list provided by the Fire Department.

Three (3) bids were received with the lowest, responsive bid submitted by Luckinbill, Inc. in the amount of \$191,335.80.

The project will be funded from the Water Capital Improvement fund.

PRESENTER: Robert Hitt.

ATTACHMENT: Canvass of Bids.

RECOMMENDATION: Award a contract to Luckinbill, Inc. in the amount of \$191,335.80, and authorize the Mayor to execute all contract documents after review by the City Attorney.

9.7 AWARD A CONTRACT TO LUCKINBILL, INC. FOR THE CONSTRUCTION OF THE VAN BUREN WATERLINE FROM ELM STREET TO MOORE, W-1105A, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: The 2009 Master Plan proposed an additional water supply line along Van Buren Street from Elm to Moore. This line provides additional water for fire protection in the southern part of the city, including VAFB and Grayridge Subdivision, and will also supply water to the future elevated water storage tank. As part of the Water Master Plan, this project includes construction of 8,840 l.f. of 18" waterline on Jackson Street from Elm Street to Moore Street.

Three bids were received with the lowest, responsive bid submitted by Luckinbill, Inc. in the amount \$1,626,106.30

The project will be funded from the Water Capital Improvement Fund.

PRESENTER: Robert Hitt.

ATTACHMENTS: Canvass of Bids.

RECOMMENDATION: Award a contract to Luckinbill, Inc. in the amount of \$1,626,106.30, and authorize the Mayor to execute all contract documents after review by the City Attorney.

9.8 REJECT ALL BIDS FOR WI-FI PROJECT PHASE II.

BACKGROUND: The City recently solicited bids for twenty-five (25) Wi-Fi units. Two bids were received, one of which was incomplete, and the second outside the project's budget. Staff will revise the specifications and re-bid the project at a later date.

PRESENTER: Dana Watkins.

ATTACHMENTS: Bids are on file in Office of the City Clerk.

RECOMMENDATION: Reject bids.

9.9 ACCEPT A QUIT CLAIM DEED FROM THE COUNTY COMMISSIONERS OF GARFIELD COUNTY FOR THE NORTH FIFTEEN FEET (15') OF LOT THIRTY-ONE (31), AND LOTS THIRTY-TWO (32) AND THIRTY-THREE (33), BLOCK THIRTEEN (13), HIGHLAWN 2ND ADDITION TO THE CITY OF ENID, AND CONVEY THE SAME BY QUIT CLAIM DEED TO CDSA.

BACKGROUND: The County Commissioners of Garfield County, Oklahoma, granted the above described property, located at 1229 North Davis, to the City of Enid for the purpose of conveying the same to CDSA.

PRESENTER: Andrea Springer.

ATTACHMENT: None. Quit Claim Deeds are on file in the Office of the City Clerk.

RECOMMENDATION: Accept Quit Claim Deed and Convey Quit Claim Deed to CDSA.

9.10 EXECUTE CONTRACT FOR PUBLIC SERVICES BETWEEN THE CITY OF ENID AND ENID JOINT RECREATION TRIAD, INC.

BACKGROUND: In accordance with Okla. Const. Art. 10, §§ 14 and 17, the Mayor and Board of Commissioners of the City of Enid determined the Enid Joint Recreation Triad (EJRT) serves a proper public purpose. The City of Enid and EJRT desire to set forth the terms and conditions with which EJRT shall comply in order to receive funding. The City of

Enid will pay EJRT twenty-five thousand dollars (\$25,000.00) for Fiscal Year 2010-2011 to provide the services set out in the contract.

PRESENTER: Andrea Springer.

ATTACHMENT: 2010 Contract between the City of Enid and EJRT.

RECOMMENDATION: Execute contract.

9.11 APPROVAL OF CLAIMS IN THE AMOUNT OF \$5,278,470.61.

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 AWARD CONTRACT FOR THE CONSTRUCTION OF A 300 FOOT COMMUNICATION TOWER, PROJECT W-0915C.

BACKGROUND: This is a companion to Item 8.1. The project will construct a 300-foot guyed tower at the Service Center to provide public safety and Automated Meter Infrastructure (AMI) needs. Six (6) bids were received, with the lowest, responsive bid submitted by Sabre Communications Corporation, Sioux City, Iowa, in the amount of \$202,114.00, and a contract time of 182 calendar days.

Funding for this project is from the EMA Capital Replacement, Fire Department, and Police Department funds.

PRESENTER: Robert Hitt.

ATTACHMENT: Canvass of Bids.

RECOMMENDATION: Award contract to Sabre Communications Corporation in the amount of \$202,114.00.

12.2 RESOLUTION APPROVING AND ADOPTING THE PROPOSED FISCAL YEAR 2011-2012 ENID MUNICIPAL AUTHORITY FINANCIAL PLAN.

BACKGROUND: This item will provide for the concurrent approval and adoption of the Fiscal Year 2011-2012 Enid Municipal Authority Financial Plan.

PRESENTER: Jerald Gilbert.

ATTACHMENTS: Resolution.

RECOMMENDATIONS: Approve.

12.3 APPROVAL OF CLAIMS IN THE AMOUNT OF \$103,074.11.

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 RESOLUTION APPROVING AND ADOPTING THE PROPOSED FISCAL YEAR 2011-2012 ENID ECONOMIC DEVELOPMENT AUTHORITY FINANCIAL PLAN.

BACKGROUND: This item will provide for the concurrent approval and adoption of the Fiscal Year 2011-2012 Enid Economic Development Authority Financial Plan.

ATTACHMENTS: Resolution.

RECOMMENDATIONS: Approve.

15.2 APPROVAL OF CLAIMS IN THE AMOUNT OF \$8,384.98.

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 THE PURCHASE OR APPRAISAL OF REAL PROPERTY; TO DISCUSS WORKER’S COMPENSATION CASE BERGDALL V. CITY OF ENID; TO DISCUSS THE PERFORMANCE OF CITY ATTORNEY ANDREA SPRINGER; 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 O.S. § 307(B)(3), “[d]iscussing the purchase or appraisal of real property,” 25 O.S. § 307(B)(4), “[c]onfidential communications between a public body and 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, and 25 O.S. § 307(B)(1), “[d]iscussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee.”

19. **ADJOURN.**