



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 1st day of November, 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 PRESENTED BY BOY SCOUT TROOP 11.
4. CONSIDER APPROVAL OF MINUTES OF REGULAR MEETING OF OCTOBER 18, 2011.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
 - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
 - 5.2 APPOINTMENT TO THE SPECIAL SALES TAX OVERSIGHT COMMITTEE.

BACKGROUND: The term for the Ward 3 representative on this committee has expired. Members of this committee are appointed by the respective commissioner from that ward. This appointment will be made by Commissioner Blackburn. Term will expire March 1, 2014.

ATTACHMENTS: None.

RECOMMENDATION: Consider appointment.

6. HEARINGS.

- 6.1 CONDUCT A HEARING TO MODIFY THE LAND USE MAP OF THE ENID METROPOLITAN AREA COMPREHENSIVE PLAN 2025 FROM MEDIUM INTENSITY RESIDENTIAL DESIGNATION TO MEDIUM INTENSITY COMMERCIAL DESIGNATION, FOR LOTS 5-12, BLOCK 6, ROCK ISLAND ADDITION, LOCATED IN THE 300 BLOCK OF EAST CORNELL.

BACKGROUND: This is a companion to Item 7.1. This item will change the land use from a Medium Intensity Residential Designation to a Medium Intensity Commercial Designation to be consistent with the C-3 rezoning that was granted by the Mayor and Board of Commissioners at the October 4, 2011 meeting.

The proposed amendment is consistent with the overall intent of the plan, results in an improved plan, and achieves the plan goal of infill.

The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at the October 17, 2011 regular meeting.

PRESENTER: Chris Bauer, Planning Administrator.

ATTACHMENTS: Location Map.

RECOMMENDATION: Approve.

- 6.2 CONDUCT A HEARING TO MODIFY THE LAND USE MAP OF THE ENID METROPOLITAN AREA COMPREHENSIVE PLAN 2025 FROM MEDIUM INTENSITY RESIDENTIAL DESIGNATION TO MEDIUM INTENSITY COMMERCIAL DESIGNATION, FOR LOTS 17-24, BLOCK 13, ROCK ISLAND ADDITION, LOCATED AT 314 AND 318 EAST PRINCETON.

BACKGROUND: This is a companion to Item 7.2. This item will change the land use from a Medium Intensity Residential Designation to a Medium Intensity Commercial Designation to be consistent with the C-3 rezoning that was granted by the Mayor and Board of Commissioners at the October 4, 2011 meeting.

The property is not served by a water main. However, the existing ten (10) inch water main, located in 3rd Street, can be extended to the property. When the site is developed the water deficiency will be mitigated by extending the water main to the site.

The proposed amendment is consistent with the overall intent of the plan, results in an improved plan, and achieves the plan goal of infill.

The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at the October 17, 2011 regular meeting.

PRESENTER: Chris Bauer, Planning Administrator.

ATTACHMENTS: Location map.

RECOMMENDATION: Approve.

7. COMMUNITY DEVELOPMENT.

- 7.1 CONSIDER A RESOLUTION TO MODIFY THE LAND USE MAP OF THE ENID METROPOLITAN AREA COMPREHENSIVE PLAN 2025 FROM MEDIUM INTENSITY RESIDENTIAL DESIGNATION TO MEDIUM INTENSITY COMMERCIAL DESIGNATION, FOR PROPERTY DESCRIBED AS LOTS 5-12, BLOCK 6, ROCK ISLAND ADDITION.

BACKGROUND: This is a companion to Item 6.1. This item concerns a property located in the 300 block of East Cornell on the south side of the street.

The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at the October 17, 2011 regular meeting.

PRESENTER: Chris Bauer, Planning Administrator.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve.

- 7.2 CONSIDER A RESOLUTION TO MODIFY THE LAND USE MAP OF THE ENID METROPOLITAN AREA COMPREHENSIVE PLAN 2025 FROM MEDIUM INTENSITY RESIDENTIAL DESIGNATION TO MEDIUM INTENSITY COMMERCIAL DESIGNATION, FOR PROPERTY DESCRIBED AS LOTS 17-24, BLOCK 13, ROCK ISLAND ADDITION.

BACKGROUND: This is a companion to Item 6.2. This item concerns a property located at 314 and 318 East Princeton.

The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at the October 17, 2011 regular meeting.

PRESENTER: Chris Bauer, Planning Administrator.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve.

8. ADMINISTRATION.

- 8.1 CONSIDER A RESOLUTION ADOPTING THE 2011 THIRD AMENDMENT TO THE CITY OF ENID 401(k) RETIREMENT SUPPLEMENT PLAN TO ENSURE CONSISTENCY WITH RECENT CHANGES IN THE PENSION PROTECTION ACT OF 2006, THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008, AND THE WORKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008.

BACKGROUND: This amendment incorporates applicable regulatory and statutory changes regarding the 401(k) plan document requirements regarding rollovers by non-spouse beneficiaries, direct rollovers from a qualified plan to Roth IRA, and qualified domestic relations orders.

PRESENTER: Sonya Key, Human Resource Director.

ATTACHMENTS: Resolution and 2011 Third Amendment to the City of Enid 401(K) Retirement Supplement. The letter from John Papahronis, Legal Counsel, is on file in the Office of the City Clerk.

RECOMMENDATION: Approve.

- 8.2 CONSIDER A RESOLUTION ADOPTING THE 2011 SECOND AMENDMENT TO THE CITY OF ENID, OKLAHOMA RETIREMENT PLAN TO PROVIDE FOR COMPLIANCE WITH RECENT CHANGES IN THE PENSION PROTECTION ACT OF 2006, THE HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2008, AND THE WOKER, RETIREE AND EMPLOYER RECOVERY ACT OF 2008.

BACKGROUND: This amendment will change the plan document for the City of Enid, Oklahoma Retirement Plan (Defined Benefit) to reflect recent changes in Federal law regulating Code Section 415 limits; rollovers by non-spouse beneficiaries; direction rollovers from qualified Plan to Roth IRA plans; clarification of qualified domestic relations orders; death benefits for active duty military; the consideration of differential wage payments; and distribution of required minimum distributions.

PRESENTER: Sonya Key, Human Resource Director.

ATTACHMENTS: Resolution and 2011 Second Amendment to the City of Enid, Oklahoma Retirement Plan. The letter from John Papahronis, Legal Counsel, is on file in the Office of the City Clerk.

RECOMMENDATION: Approve.

- 8.3 CONSIDER CHANGE ORDER NO. 3 WITH WYNN CONSTRUCTION COMPANY FOR THE WATER RECLAMATION FACILITY CONSTRUCTION, PROJECT S-0703E.

BACKGROUND: The existing plan calls for construction of a two pipe inverted siphon (24” and 30”) to carry flow from a thirty-three (33) inch sewer main across Boggy Creek to the new plant. This construction method is necessary to comply with Federal regulations for creek crossing.

Inverted siphons require periodic cleaning. This large pipe diameter inverted siphon will require the use of a large volume sanitary sewer vac truck, which is currently not available in the City of Enid fleet. Another recommended solution is to place valves and controls on the existing thirty-three (33) inch pipe to close off low flows to allow flushing the system.

This change order will include two items specifically requested by staff to improve operations as follows:

- Add the required valves and controls at a cost of \$96,459.60 to provide for inline cleaning of inverted siphons;
- Extend the ten (10) inch waterline on the plan site to connect with the new waterline in 42nd Street. This cost is offset by savings in the waterline extension work, and the change order is recommended to limit conflict of having a third party contractor on the site. The cost is \$27,913.34.

Other items covered by the change order are:

- Change Headworks building doors from ten (10) feet to twelve (12) feet. The doors were originally shown as ten (10) feet in height, but twelve (12) feet is required. The additional cost is \$5,183.28;
- Change door hardware to match new specified doors approved in Change Order No. 2. Hardware cost was not available at the time of Change Order No. 2 approval. The additional cost is \$18,132.94.

The total change order amount is \$147,689.16, for a total revised contract amount of \$33,926,878.03.

Funding for this project is from the Sanitary Sewer Capital Improvement Fund via the Oklahoma Resources Board Loan.

PRESENTER: Jeff Gratzner, Jacobs Engineering, St. Louis, Missouri.

ATTACHMENTS: None. Change Order No. 3 is on file in the Office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 3 in the amount of \$147,689.16.

8.4 CONSIDER AN AGREEMENT WITH GRAND OPERATING, INC., TO LAY, MAINTAIN, AND OPERATE A PIPELINE WITHIN CITY OF ENID RIGHT-OF-WAY AND ACROSS CITY OF ENID OWNED PROPERTY.

BACKGROUND: Grand Operating, Inc., Addison, Texas, is preparing to place a gas product line from their well site, southeast of Oakwood Road and Chestnut Avenue, to an existing pipe line at Wheatridge and Chestnut Avenue. The line will be on private easements, except for 676.4 feet on Chestnut Avenue, just east of Garland Road, and 682.44 feet that cross the front of Water Plant No. 2 on West Chestnut.

Grand Operating, Inc. has submitted an application to lay, maintain, and operate that portion of the pipeline within City owned right-of-way (R/W) and across City owned property, as noted above, where private easement could not be acquired. As part of the agreement, Grand Operating, Inc., will pay for easements at a rate of \$30.00 per foot, and if a public improvement requires the relocation of the line, the line will be relocated at no cost to the City of Enid, whether on public R/W or private easement.

The application provides for directional boring of road crossings of Oakwood Road, Chestnut Avenue (east crossing), Westchester Drive, Chestnut Avenue (west crossing), Garland Road, and Wheatridge Road. Further, in compliance with City Ordinance, payment in the amount of \$100.00 per crossing will be provided.

Upon approval of the agreement, fees will be collected, and the contractor for this project will be issued a permit for the work.

PRESENTER: Robert Hitt, P.E., Director of Engineering Services.

ATTACHMENTS: None. Agreement is on file in the Office of the City Clerk.

RECOMMENDATION: Approve.

8.5 REMOVE FROM THE TABLE, AND DISCUSS AND AUTHORIZE THE CITY MANAGER TO PURSUE FINANCING OPTIONS FOR THE RENAISSANCE PROJECT TO INCLUDE A VARIABLE RATE LINE OF CREDIT AND TO BRING BACK TO THE COMMISSION FOR FURTHER CONSIDERATION.

BACKGROUND: This item was tabled at the October 18, 2011 Commission meeting. The City of Enid recently awarded a contract to build an event center for \$17,444,444.00, and to renovate Convention Hall for \$7,082,000.00, for a total of \$24,526,444.00. The City of Enid has cash reserves on hand to pay for this project, but it is prudent to

have the flexibility to retain some cash on hand for any emergencies or opportunities that may arise. The City of Enid's financial advisors, Municipal Finance Services, Inc., are here to present their analysis of the City of Enid's cash position and make financing recommendations for consideration.

PRESENTER: Jerald Gilbert, Chief Financial Officer; and Jon Wolff and Alan Brooks, Municipal Finance Services, Inc. (MFS).

ATTACHMENTS: None.

RECOMMENDATIONS: Remove from the table, and approve and authorize the City Manager to pursue a low rate variable line of credit for the Renaissance project.

9. CONSENT.

9.1 APPROVE A FIFTEEN (15) FOOT WIDE UTILITY EASEMENT FROM THE ENID BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 57.

BACKGROUND: This easement is provided as a condition of site plan approval for Prairie View School. This easement will allow the sewer line extension, Project #S-1109A, to provide service for the new school.

PRESENTER: Robert Hitt, P.E., Director of Engineering Services.

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

RECOMMENDATION: Approve.

9.2 APPROVE CHANGE ORDER NO. 2 WITH D.C. BASS & SONS CONSTRUCTION COMPANY FOR HOOVER PARK RESTROOM CONSTRUCTION, PROJECT M-0901H.

BACKGROUND: Hoover Park has experienced an increase in usage at the Splash Pad. As a result, various enhancements, including construction of restrooms, were authorized.

This change order modifies the water supply piping to allow the restrooms to remain open independent of the Splash Pad.

This change order will increase the contract amount by \$1076.40 for a total revised contact amount of \$66,111.40.

Funding for this project is from the Capital Improvement Fund.

PRESENTER: Robert Hitt.

ATTACHMENTS: Change Order No. 1 is on file in the Office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 1 in the amount of \$1,076.40.

9.3 APPROVE AND EXECUTE A CONTRACT BETWEEN HAC, INC., AND THE CITY OF ENID FOR THE PURCHASE OF THE PROPERTY LOCATED AT 3828 WEST OWEN K. GARRIOTT ROAD.

BACKGROUND: HAC, Inc., Edmond, Oklahoma, has agreed to sell the property located at 3828 West Owen K. Garriott Road to the City of Enid for the purchase price of \$1.75 million.

PRESENTER: Andrea Springer, City Attorney.

ATTACHMENTS: None. Contract is on file in the Office of the City Clerk.

RECOMMENDATION: Approve and execute contract.

9.4 APPROVAL OF CLAIMS IN THE AMOUNT OF \$791,965.91.

ATTACHMENTS: List of claims.

RECOMMENDATION: Approve.

10. RECESS TO CONVENE AS THE ENID MUNICIPAL AUTHORITY.

11. TRUSTEES OF THE ENID MUNICIPAL AUTHORITY REGULAR MEETING.

12. ENID MUNICIPAL AUTHORITY REGULAR MEETING.

12.1 A RESOLUTION INCREASING THE 2011-2012 FISCAL FINANCIAL PLAN FOR THE ENID MUNICIPAL AUTHORITY IN THE AMOUNT OF \$1,750,000.00.

BACKGROUND: This is a companion to Items 9.3 and 15.1. The City of Enid has agreed to purchase the former Homeland building at 3828 West Owen K. Garriott Road for \$1.75 million. This item will increase the 2011-2012 fiscal financial plan by \$1.75 million, to transfer to the Enid Economic Development Authority (EEDA), where the monies will be spent.

Funds are available to increase the fiscal financial plan from the Enid Municipal Authority Fund balance.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve.

12.2 APPROVAL OF CLAIMS IN THE AMOUNT OF \$52,988.43.

ATTACHMENTS: List of claims.

RECOMMENDATION: Approve.

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

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

15. ENID ECONOMIC DEVELOPMENT AUTHORITY REGULAR MEETING.

15.1 APPROVE DOWNTOWN PROPERTY PURCHASES IN THE AMOUNT OF \$598,966.00.

BACKGROUND: The City of Enid has been actively looking to purchase properties in the downtown area for future renewal purposes. In accordance with this strategy, the City Manager has tentatively agreed to purchase the following properties in that area: the Carter Paint property located at 414 South Grand; the Wesley Creasey property located at 412 South Grand; the Geronimo Motors property located at 407 South Grand; the Richard Kunkel properties located at 610 South Independence, 209 West Garriott and 211 West Garriott; and the Kevin McMullen property located at 217 West Oklahoma. The total price for all these properties is \$598,966.00. The tentative closing date for the above listed properties is November 3rd and 4th, 2011.

There are sufficient funds available in the Enid Economic Development Authority fiscal financial plan to fund these purchases.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

ATTACHMENTS: Real estate purchase contracts are on file in the Office of the City Clerk.

RECOMMENDATION: Approve property purchases.

15.2 A RESOLUTION INCREASING THE 2011-2012 FISCAL FINANCIAL PLAN FOR THE ENID ECONOMIC DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$1,750,000.00.

BACKGROUND: This is a companion to Items 9.3 and 12.1. The City of Enid has agreed to purchase the former Homeland building at 3828 West

Owen K. Garriott Road for \$1.75 million. This item will increase the 2011-2012 fiscal financial plan by \$1.75 million to purchase the building.

Funds will be transferred from the Enid Municipal Authority to provide the available funds to increase the fiscal financial plan for the Enid Economic Development Authority.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve.

15.3 APPROVAL OF CLAIMS IN THE AMOUNT OF \$5,250.00.

ATTACHMENTS: 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 AFSCME NEGOTIATIONS FOR FISCAL YEAR 2011-2013; 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)(2), discussing negotiations with employee groups, and 25 Okla. Stat. § 307(B)(4), attorney/client privilege to engage in confidential communications concerning these matters, because disclosure would serve only to impair the ability of the public body to proceed appropriately.

19. ADJOURN.