



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

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BOARD OF COMMISSIONERS

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**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 5<sup>th</sup> day of January, 2012, 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 RESCHEDULED REGULAR MEETING OF DECEMBER 13, 2011.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
  - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
6. HEARINGS.
  - 6.1 CONDUCT A PUBLIC HEARING REGARDING AN ORDINANCE ADOPTING THE 2009 INTERNATIONAL CODES.

**BACKGROUND:** On December 15, 2011, the City of Enid held a public hearing regarding the adoption of the 2009 International Codes. Several comments made by citizens at the hearings were reviewed and taken into consideration by Staff, and either included or excluded from the final draft version of the ordinance. This hearing will give residents an opportunity to be heard on the final draft of the ordinance.

**PRESENTER:** Andrea Springer, City Attorney.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Conduct a hearing.

**6.2 CONDUCT A PUBLIC HEARING REGARDING THE ADOPTION OF AN ORDINANCE GOVERNING HISTORICAL PRESERVATION.**

**BACKGROUND:** On November 16 and November 29 of 2011, the City of Enid held public hearings regarding the adoption of an ordinance governing historical preservation. Several comments made by citizens at the hearings were reviewed and taken into consideration by Staff, and either included or excluded from the final draft version of the ordinance. This hearing will give residents an opportunity to be heard on the final draft of the ordinance.

**PRESENTER:** Whitney Box, Assistant City Planner.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Conduct a hearing.

**6.3 CONDUCT A PUBLIC HEARING REGARDING THE ADOPTION OF AN ORDINANCE REGULATING PARKING SPACES.**

**BACKGROUND:** On November 16 and November 29, the City of Enid held public hearings regarding the adoption of an ordinance regulating parking spaces within the City of Enid. Several comments made by citizens at the hearings were reviewed and taken into consideration by Staff, and either included or excluded from the final draft version of the ordinance. This hearing will give residents an opportunity to be heard on the final draft of the ordinance.

**PRESENTER:** Andrea Springer, City Attorney.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Conduct a hearing.

**6.4 CONDUCT A PUBLIC HEARING REGARDING THE ADOPTION OF AN ORDINANCE REGULATING SIGNS WITHIN THE CITY OF ENID.**

**BACKGROUND:** On November 16 and November 29 of 2011, the City of Enid held public hearings regarding the adoption of proposed regulations governing signs within the City of Enid. Several comments made by citizens at the hearings were reviewed and taken into consideration by Staff, and either included or excluded from the final draft version of the ordinance. This hearing will give residents an opportunity to be heard on the final draft of the ordinance.

**PRESENTER:** Whitney Box, Assistant City Planner.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Conduct a hearing.

**7. COMMUNITY DEVELOPMENT.**

**7.1 NONE.**

**8. ADMINISTRATION.**

**8.1 REMOVE FROM THE TABLE, AND CONSIDER A RESOLUTION AND PROCLAMATION CALLING AN ELECTION TO AMEND THE ENID MUNICIPAL CHARTER TO EXTEND THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY TO ALL NON-MANAGEMENT/CONFIDENTIAL PERMANENT CITY EMPLOYEES, AND CALL A SPECIAL ELECTION PROCLAMATION AND NOTICE FOR THIS RESOLUTION.**

**BACKGROUND:** This Item was tabled at the December 13, 2011, Commission meeting. Since 2004, the City of Enid has engaged in collective bargaining with its non-management/confidential permanent employees over the terms and conditions of employment, a right the employees were given by state law. That law was repealed effective November 1, 2011. This amendment would place that right to collectively bargain in the City Charter. The amendment would outlaw strikes and work stoppages and slowdowns just as the state law did.

The bargaining unit has been able to develop a very positive working relationship with the City Staff and the community as a whole.

Upon approval of the resolution, the City of Enid will call a special election to be presented to the qualified voters of the City of Enid at a later date.

**PRESENTER:** Michael Goodpasture, President, AFSCME Local 1136.

**ATTACHMENTS:** Resolution and Special Election Proclamation and Notice.

**RECOMMENDATION:** Remove from the table, consider, and take action as desired.

**8.2 AUTHORIZE FINAL PAYMENT TO FLINTCO, LLC, TULSA, OKLAHOMA, IN THE AMOUNT OF \$185,688.40.**

**BACKGROUND:** On October 11, 2011, the City of Enid terminated the Construction Manager at Risk contract with Flintco, LLC (Flintco), and authorized payment to Flintco in the amount of \$46,101.60 for work performed to date. On that same date, Flintco terminated the contract and invoiced the City of Enid \$231,790.00. The Construction Manager at Risk contract between the City of Enid and Flintco contained a penalty type clause, which requires the City of Enid to pay, upon termination of the contract, twenty-five percent (25%) of what Flintco would have made on the project. The remaining balance owed to Flintco is \$185,688.40.

**PRESENTER:** Andrea Springer, City Attorney.

**ATTACHMENTS:** None.

**RECOMMENDATION:** Authorize final payment of \$185,688.40 to Flintco, LLC.

**8.3 APPROVE CHANGE ORDER NO. 4 WITH WYNN CONSTRUCTION COMPANY, OKLAHOMA CITY, OKLAHOMA, FOR THE WATER RECLAMATION FACILITY CONSTRUCTION PROJECT, S-0703E.**

**BACKGROUND:** The Water Reclamation Facility (WRF) was contracted for construction in the amount of \$33,478,000.00. Work began in June 2010 with \$2,900,000.00 allowed for change orders. Three (3) change orders have been issued to date in the amount of \$448,878.03. Change Order No. 4 is presented to increase the contract amount by \$279,646.72 to cover the changes listed below:

- Additional rock was encountered during placement of the influent line across the creek at the new influent lift station, and at the storm water discharge structure, adding \$165,756.48 to the earthwork cost.
- Field inspection of the storm water discharge structure at Boggy Creek revealed the need for additional earthwork and rip-rap at a cost of \$37,627.79.
- A furnace and kiln hood in the laboratory was requested to be added to improve heat exhaust and ventilation at a cost of \$9,718.77.
- Additional controls and fire alarms were added to the service pump station to provide more security at a cost of \$45,279.11.
- Blower air piping was adjusted to match at a cost of \$21,264.57.

The amount of Change Order No. 4 is \$279,646.72, for a total revised contract amount of \$34,206,524.75. The total of all change orders is currently at twenty percent (20%) of budget.

PK Mathai, with Jacobs Engineering, will be available for any specific questions.

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

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

**RECOMMENDATION:** Approve Change Order No. 4 with Wynn Construction in the amount of \$279,646.72.

**8.4 AWARD AND EXECUTE A CONTRACT WITH POE & ASSOCIATES, INC., OKLAHOMA CITY, OKLAHOMA, FOR THE DESIGN OF THE SOUTH 42<sup>ND</sup> STREET OVER BOGGY CREEK (R-1108B) BRIDGE STRUCTURE, KNOWN LOCALLY AS BRIDGE STRUCTURE NUMBER (G-33).**

**BACKGROUND:** Solicitations were sent to over ten (10) design consultants, and proposals were received from seven (7) of these firms. The selection committee evaluated the qualifications of each firm as provided in the proposals, and selected Poe & Associates, Inc.

This contract provides for the design of the structure (the south abutment will be designed so that a new span can be added in the future), hydraulic analysis, right-of-way plans and acquisition, utility relocation coordination and plans, specifications, and bid documents for public utilities in an amount not to exceed \$208,000.00.

Funding for this project is from the Capital Improvement Fund, using excess funds from the General Obligation Bond Fund.

**PRESENTER:** Geoff Covalt, P.E., Tetra Tech, General Obligation Bond Program Manager.

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

**RECOMMENDATION:** Award and execute a contract with Poe & Associates, Inc. in the amount of \$208,000.00.

**9. CONSENT.**

**9.1 CONSIDERATION AND DENIAL OF TORT CLAIMS OF AARON HARDING, GALEN COFFIN, AND CLIFFORD LATSHAW.**

**BACKGROUND:** On October 6, 2011, Aaron Harding submitted a tort claim for vehicle damage in the amount of \$1,651.84. He claims the damages occurred on October 1, 2011, while driving on Van Buren and West Maine. He claims he hit a large drain hole, damaging two tires and two rims. The City of Enid forwarded that claim to its insurer, Oklahoma Municipal Assurance Group (OMAG), which opened an investigation into the claim. OMAG recommended that the City of Enid deny the tort claim.

On November 1, 2011, Galen Coffin submitted a tort claim for vehicle damage in the amount of \$90.10. He claims the damages occurred on October 28, 2011, while driving on Fillmore Street. He claims he drove over a manhole cover, popping it up into his rear passenger tire. The City Attorney investigated this claim and recommends that the City of Enid deny the tort claim.

On November 11, 2011, Clifford Latshaw submitted a tort claim for vehicle damage in the amount of \$50.00. He claims the damages occurred on November 19, 2011, when his vehicle was searched during a drug interdiction stop. The City Attorney investigated this claim and recommends that the City of Enid deny the tort claim.

**PRESENTER:** Andrea Springer, City Attorney.

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

**RECOMMENDATION:** Deny payment of the tort claims.

**9.2 ACCEPT UTILITY EASEMENT FROM BELLE CROSSING DEVELOPERS, LLC, EDMOND, OKLAHOMA.**

**BACKGROUND:** This document covers three (3) ten foot (10') wide easements located outside the Plat of Belle Crossing Addition, Blocks One through Four.

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

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

**RECOMMENDATION:** Accept easement.

**9.3 APPROVE ACQUISITION OF PROPERTY LOCATED AT 2418 WEST RANDOLPH AVENUE FOR THE SAFE ROUTES TO SCHOOL PROGRAM, PROJECT M-0906A.**

**BACKGROUND:** The City of Enid was awarded a grant in the amount of \$180,000.00 from the Oklahoma Department of Transportation's (ODOT) Safe Routes to School Program. The purpose of this program is to fund projects that improve access routes to schools by making them safer and compliant with Americans with Disabilities Act (ADA) regulations.

This project involves the complete replacement of the sidewalk on the north side of Randolph Avenue from Cleveland Street to Waller Middle School. A portion of the new sidewalk must be located on private property to meet design standards, and this property portion is owned by Christ United Methodist Church.

An appraisal of this property was undertaken to determine its fair market value, and an offer letter was sent and accepted by the owner.

This item is presented to accept the proposed acquisition and authorize payment as follows:

2418 West Randolph Avenue (2,956.5 square feet)

TOTAL \$5,500.00

Funding is from the Capital Improvement Fund.

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

**ATTACHMENTS:** Location Map.

**RECOMMENDATION:** Approve acquisition of property, and authorize payment to Christ United Methodist Church.

**9.4 APPROVAL OF CLAIMS IN THE AMOUNT OF \$5,455,105.64.**

**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 CONSIDER APPROVAL OF CONTRACT WITH KENNITH P. MAY AND MARY J. MAY AS TRUSTEES OF THE KENNITH P. MAY AND MARY J. MAY LIVING TRUST, AND CHRISTOPHER PERRY MAY, AN INDIVIDUAL, TO ACQUIRE WATER RIGHTS, W-1104 A.**

**BACKGROUND:** Water supply is an important role in development of the City of Enid. This responsibility requires the City of Enid to invest in additional water rights to support the demand. As part of the investment, three (3) test wells were drilled to find out the quality and quantity of the water in the Southwest Quarter (SW/4) of Section 2, Township 22 North, Range 12 West, abutting the Cleo Springs well field. The test area covers one hundred sixty (160) acres, owned by Kenneth P. May and Mary J. May as trustees of Kenneth P. May and Mary J. May Living Trust, and Christopher Perry May, an individual. Two (2) of the three (3) test wells returned favorable water.

This item is presented to acquire water rights over the one hundred sixty (160) acres at a cost of \$80,000.00, which is \$500.00 per acre.

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

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

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

**RECOMMENDATION:** Approve a contract with Kenneth P. May and Mary J. May, trustees of the Kenneth P. May and Mary J. May Living Trust, and Christopher Perry May, an individual, for Water Rights in the amount of \$80,000.00.

**12.2 APPROVAL OF CLAIMS IN THE AMOUNT OF \$288,568.73.**

**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 APPROVAL OF CLAIMS IN THE AMOUNT OF \$362,956.00.

**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 PERFORM THE ANNUAL PERFORMANCE EVALUATION OF CITY MANAGER ERIC BENSON AND TO CONSIDER RENEGOTIATING AND/OR RENEWING THE EMPLOYMENT CONTRACT WITH CITY MANAGER ERIC BENSON; AND TO RECONVENE INTO SPECIAL 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)(1), employment, hiring, appointment, promotion, demotion, disciplining, or resignation of any individual salaried employee.

19. ADJOURN.