



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 3rd day of April, 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 SPECIAL MEETING OF MARCH 16, 2012, SPECIAL MEETING OF MARCH 17, 2012, AND REGULAR MEETING OF MARCH 20, 2012.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.

5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.

5.2 EMPLOYEE RECOGNITION.

6. HEARINGS.

6.1 CONDUCT A PUBLIC HEARING TO CONSIDER \$415,210.00 IN PROPOSED ALLOCATIONS FROM THE FISCAL YEAR 2012 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING CYCLE AS RECOMMENDED BY THE COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING COMMITTEE AND STAFF.

BACKGROUND: The City of Enid, as an Entitlement City for the receipt of Community Development Block Grant (CDBG) funds, is required to submit an Annual Action Plan for expenditure of funds to the Department of Housing and Urban Development (HUD). The amount of CDBG funds available to the City of Enid is determined by a formula administered by HUD, and the Fiscal Year 2012 CDBG allocation is \$405,210.00. An additional \$10,000.00 is available from reallocated funds originating from under-budget projects, cancelled projects, and program income.

The CDBG Funding Committee produced funding recommendations on March 1, 2012. The notice of availability for the proposed plan was published on March 15, 2012, with a thirty (30) day comment period. The final decision is scheduled for the April 17, 2012, Commission meeting.

OPTIONS: A Public Hearing is mandated by HUD, and all comments received at the hearing must be included in the Annual Action Plan (grant proposal) to HUD.

Funding Committee recommendation options:

- OPTION A. Accept the Funding Committee's recommendations.
- OPTION B. Accept Staff recommendations.

OPTION A:

- **ADVANTAGES:** The Funding Committee has opportunity to hear presentations, read grant proposals, and research each project. The Funding Committee and Staff have similar recommendations (see attachments).
- **DISADVANTAGES:** The 24 Code of Federal Regulation 570.206 designates a twenty percent (20%) cap for administration costs. The Funding Committee's recommendation to fund Booker T. Washington Community Center's After School Tutoring Program cannot exceed the Staff recommendation of \$13,042.00.

A Funding Committee representative will be available at the hearing to discuss justification and reasoning for their recommendations.

OPTION B:

- **ADVANTAGES:** Staff has experience with HUD, as well as, proven ability to refine decisions and reasoning for funding each project. Staff ensures an acceptable, eligible allocation of funds considering priority, location, and the required ability to report and track allocations. Staff also monitors the number of beneficiaries to guarantee that each person served with CDBG funds is low-moderate income.

The City's track record retains excellent standing by serving one-hundred percent (100%) low-moderate income individuals. Additionally, housing is a high priority of the Five Year Consolidated Plan. Therefore, Staff recommends an increase for Community Development Support Association (CDSA), as well as, executable funding for the Booker T. Washington Community Center (BTW) that does not exceed the administration cap enforced by federal regulation.

Staff recommends less than the Funding Committee for Demolition because the number of beneficiaries is lower than other projects. However, Staff agrees that this program is valuable to the community, thus, proposes a lesser amount.

Staff recommends funding for Booker T. Washington Community Center facilities improvement project to provide a safe and sanitary facility for youth who may otherwise be unsupervised.

Staff does not recommend funding Junior Welfare League (JWL) of Enid due to the relocation to their newly purchased facility. This relocation moves the JWL from a primarily residential, low-income census tract neighborhood to the downtown area, which diminishes their funding priority. Staff recommends they apply for funding for a specific service so that eligible beneficiaries can be identified and tracked.

Staff recommends funding the homeless shelter at the Young Women's Christian Association (YWCA).

- **DISADVANTAGES:** None. The Mayor and Commissioners have the final approval of all content submitted in the Annual Action Plan.

2012-2013 BUDGET ITEM: Yes.

FUNDING SOURCE: The Department of Housing and Urban Development-Community Development Block Grant Funds.

ATTACHMENTS: FY-2012 Funding Committee/Staff Recommended Activities and Staff justification. The 2012 Action Plan is available for review in the CDBG Department and the Office of the City Clerk.

PRESENTER: Stephanie Carr, CDBG Coordinator.

7. **COMMUNITY DEVELOPMENT.**

7.1 **NONE.**

8. **ADMINISTRATION.**

8.1 **CONSIDER AND TAKE POSSIBLE ACTION WITH RESPECT TO A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE ENID MUNICIPAL AUTHORITY (THE "AUTHORITY") ISSUING ITS SALES TAX REVENUE NOTE SERIES 2012 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF ENID, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUES; ESTABLISHING THE CITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF SAID CITY IN CALENDAR YEAR 2012, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; DECLARING AN EMERGENCY; AND CONTAINING OTHER PROVISIONS RELATING THERETO.**

BACKGROUND: This is a companion to Item 12.1. On March 6, 2012, and March 20, 2012, Public Finance Law Group and Municipal Finance Services presented options to the Commission to refinance the existing 2003B Oklahoma Water Resource Board (OWRB) loan. The Commission approved the solicitation of bank bids at the March 20, 2012 Commission meeting.

The Enid Municipal Authority (EMA) took action to accelerate repayment of the utility-related obligation payable to the Oklahoma Water Resources Board (OWRB) in order to achieve interest cost savings. The obligation to be refinanced is the \$6,455,000.00 Series 2003 Promissory

Note with \$3,360,000.00 in principal outstanding (the “2003 Note”). The Authority intends to issue its Sales Tax Revenue Note, Series 2012 (the “2012 Note”) in the amount of \$2,830,000.00 to refinance the 2003 Note at the first redemption date and pay costs of issuance. This action reduces the total interest cost by increasing principal payments at a lower interest rate.

The Authority requested an interest rate quote for the proposed 2012 Note with a March 1, 2015, maturity, and requested a quote for the proposed 2012 Note with a March 1, 2017, maturity.

OPTIONS:

- OPTION A: Approve the Resolution to refinance the 2003 OWRB note for a three (3) or five (5) year period.
- OPTION B: Deny the Resolution, do not refinance, and pay off the existing note as per the original schedule.

OPTION A:

- ADVANTAGES: The City of Enid is eligible to retire the note over three and one half (3 ½) years or one and one half (1 ½) years early to save a net present value of approximately \$152,321.00 or \$135,977.00 over a three (3) or five (5) year period. This savings may be directed to other fiscal needs.
- DISADVANTAGES: An additional \$470,000.00 in principal and interest payments is required for the three (3) year term. Similarly, the five (5) year term will necessitate an additional \$75,000.00 in principal and interest payments for that term.

OPTION B:

- ADVANTAGES: Additional cash is not required, and there is no impact on future capital plans.
- DISADVANTAGES: There is no benefit of cash savings from interest reductions over the life of the loan, and an early payoff period is unlikely.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: EMA.

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

PRESENTER: Allan Brooks, Public Finance Law Group, PLLC, and Jon Wolff, Municipal Finance Services.

8.2 APPROVE A RIGHT-OF-WAY AGREEMENT WITH PARNON GATHERING, INC., TULSA, OKLAHOMA, TO LAY, MAINTAIN, AND OPERATE A PIPELINE ACROSS CITY OF ENID RIGHT-OF-WAY.

BACKGROUND: Parnon Gathering, Inc. has made an application to lay, maintain, and operate a gas product line within the north east portion of the city of Enid. This pipeline will cross the public streets of Carrier Road, Breckenridge Road, Phillips Avenue, 30th Street, 42nd Street, 54th Street, 66th Street, and 78th Street.

Parnon Gathering, Inc. withdrew its request to run the line in the public right-of-way on Willow Road from 66th Street to 78th Street, instead placing this section of the line on private easement.

This agreement provides for directional boring of road crossings. In compliance with City of Enid Municipal Code 2-6A-7, Parnon Gathering, Inc. will make a payment of \$100.00 per crossing.

Upon approval of the agreement and filing of payments, a permit will be issued to the contractor for installation of the pipeline.

OPTIONS:

- OPTION A. Approve a Right-Of-Way Agreement with Parnon Gathering, Inc.
- OPTION B. Deny Right-Of-Way Agreement.

OPTION A:

- ADVANTAGES: Economic development is encouraged through open commerce, and the City of Enid receives \$100.00 per crossing. This project complies with City Ordinance on right-of-way crossing.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.

- **DISADVANTAGES:** The City of Enid may be exposed to action for obstruction of commerce.

2012-2013 BUDGETED ITEM: Does not apply.

FUNDING SOURCE: Fees will be entered into General Fund.

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

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

9. CONSENT.

9.1 AWARD A CONTRACT TO PARATHON CONSTRUCTION, LLC, EDMOND, OKLAHOMA, FOR THE WEST BROADWAY AMERICANS WITH DISABILITIES ACT RAMPS, PROJECT, R-1202B, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This project will construct Americans with Disabilities Act (ADA) curb ramps on West Broadway from Jackson Street to Lincoln Street. Construction of the ramps is a requirement of the recently completed asphalt overlay on West Broadway. Work will include some concrete pavement repairs to intersections in order to meet cross street grade requirements.

Seven (7) bids were received (shown low to high):

| | |
|-----------------------------------|---------------------------------------|
| 1. Parathon Construction | \$125,422.50 Days to Construct-150 |
| 2. S.L. Madison Construction | \$135,880.50 Days to Construct-180 |
| 3. DC Bass Construction | \$142,665.32 Days to Construct-180 |
| 4. Hembree & Hodgson Construction | \$145,017.75 Days to Construct-60 |
| 5. Pettus Construction | \$160,000.58 Days to Construct-90 |
| 6. Ti-Zach Concrete | \$173,600.00 Days to Construct-10 |

7. JDC Contracting

\$181,922.36

Days to Construct-120

Pettus Construction and JDC Contracting had minor math errors on their bid forms. Ti-Zack Concrete's unit price for mobilization was found to be fifty percent (50%) higher than the next highest line item bidder by \$4,250.00, and the bid contract time of ten (10) days is considered to be unrealistic. All other bids were found in order.

Parathon Construction, LLC, provided the lowest responsive bid, meets the City's goals of ADA compliance, provides responsible cost control, meets the requirements of the Competitive Bidding Act, has previous experience, and a reasonable completion date.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Street Improvement Fund.

ATTACHMENTS: Canvass of Bids.

RECOMMENDATION: Award a Contract to Parathon Construction, LLC, in the amount of \$125,422.50.

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

9.2 APPROVE PAYMENT TO THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR CHANGE ORDER NO. 1 FOR THE WILLOW ROAD AND OAKWOOD ROAD INTERSECTION, ODOT PROJECT ID STP-124B (079) UR, PROJECT NO. R-0302.

BACKGROUND: This project was constructed under the supervision of the Local Government Division of the Oklahoma Department of Transportation (ODOT). Tom Hudson Paving, Edmond, Oklahoma, is the contractor for Local Government Division construction projects under ODOT.

This project is funded using Federal Highway funds capped at \$750,000.00. All additional costs are funded by the City of Enid. The original contract cost was \$1,725,040.94.

The original plan for widening Willow Road required adding a temporary lane to maintain traffic. During construction, it was determined that the temporary lane was insufficient, and a temporary curb was required to provide convenience and safety to residents. Change Order No. 1 provides for this additional work and adds \$68,115.71 to the contract. The revised total contract amount is \$1,793,156.65.

Approving the payment to ODOT confirms the City of Enid's commitment to reasonable convenience and safety for residents during construction, and supports our partnership with ODOT.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Capital Improvement Fund.

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

RECOMMENDATION: Approve payment to ODOT for Change Order No. 1 in the amount of \$68,115.71.

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

9.3 CONSIDER THE TORT CLAIM OF MATTHEW A. BALES.

BACKGROUND: On February 24, 2012, a tort claim was received from Matthew A. Bales in the amount of \$492.45 for damage to his 2006 Chevy Silverado. He submits that the damage occurred on August 7, 2011, as a result of a broken curb on Owen K. Garriott Road. Bales claims he struck the curb damaging two tires; resulting in personal expense and missed work. The City Attorney has investigated the claim determining the City of Enid had no prior knowledge of the damaged curb, thus has no liability for the damage. A work order was placed and the broken curb removed.

2012-2013 BUDGETED ITEM: No.

FUNDING SOURCE: General Fund.

ATTACHMENTS: Tort Claim.

RECOMMENDATION: Deny the Tort Claim.

PRESENTER: Andrea Springer, City Attorney.

9.4 APPROVAL OF CLAIMS IN THE AMOUNT OF \$1,743,734.26.

ATTACHMENTS: List of claims.

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 AND TAKE POSSIBLE ACTION WITH RESPECT TO A RESOLUTION AUTHORIZING THE ENID MUNICIPAL AUTHORITY (THE "AUTHORITY") TO ISSUE ITS SALES TAX REVENUE NOTE, SERIES 2012 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT-TO-EXCEED \$2,830,000.00 FOR THE PURPOSE OF REFUNDING THE AUTHORITY'S SERIES 2003 PROMISSORY NOTE TO OKLAHOMA WATER RESOURCES BOARD; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SALES TAX AGREEMENT BY AND BETWEEN THE CITY OF ENID, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO A YEAR-TO-YEAR PLEDGE OF CERTAIN SALES TAX REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A NOTE INDENTURE AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE NOTE INDENTURE; ESTABLISHING THE AUTHORITY'S REASONABLE EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY THE AUTHORITY IN CALENDAR YEAR 2012, AND DESIGNATING THE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION, INCLUDING PROFESSIONAL SERVICES AGREEMENTS; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

BACKGROUND: This is a companion to Item 8.1.

OPTIONS:

- OPTION A: Approve the Resolution to refinance the 2003 OWRB note for a three (3) or five (5) year period.
- OPTION B: Deny the Resolution, do not refinance, and pay off the existing note as per the original schedule.

OPTION A:

- ADVANTAGES: The City of Enid is eligible to retire the note over three and one half (3.5) years or one and one half (1.5) years early to save a net present value of approximately \$152,321.00 or \$135,977.00 over a three (3) or five (5) year period. This savings may be directed to other fiscal needs.
- DISADVANTAGES: An additional \$470,000.00 in principal and interest payments is required for the three (3) year term. Similarly, the five

(5) year term necessitates an additional \$75,000.00 in principal and interest payments for that term.

OPTION B:

- **ADVANTAGES:** The funding requirement is eliminated.
- **DISADVANTAGES:** The opportunity for interest savings and early note retirement is denied.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: EMA.

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

PRESENTER: Allan Brooks, Public Finance Law Group, PLLC, and Jon Wolff, Municipal Finance Services.

12.2 CONSIDER A RESOLUTION INCREASING THE 2011-2012 FISCAL FINANCIAL PLAN FOR THE ENID MUNICIPAL AUTHORITY IN THE AMOUNT OF \$234,500.00.

BACKGROUND: This is a companion to Items 15.1 and 15.2. The City of Enid has tentatively agreed to purchase the properties located at 201 West Garriott (Junior Welfare League building) for \$161,000.00 including estimated closing costs, 505 West Garriott (vacant house) for \$52,500.00 including estimated closing costs, and 227 West Oklahoma (empty lots east of south YMCA parking lots) for \$21,000.00 including estimated closing costs. All mentioned properties are being purchased for downtown Renaissance related purposes such as parking, green space, or for business relocation/development sites. Anticipated closing dates for these properties are forty-five (45) days or less. Monies will be transferred from the Enid Municipal Authority (EMA) Operating Department to the Enid Economic Development Authority (EEDA) Operating Department to provide the necessary funding.

OPTIONS:

- **OPTION A.** Approve the Resolution to purchase property for downtown Renaissance related purposes and other higher and better economic use projects.
- **OPTION B.** Deny the Resolution, and do not purchase the properties.

OPTION A:

- **ADVANTAGES:** Funding is available to acquire property in or near the downtown area to be utilized for its highest and best use.
- **DISADVANTAGES:** None.

OPTION B:

- **ADVANTAGES:** There is a short term cost savings.
- **DISADVANTAGES:** The opportunity to acquire properties to enhance economic development of the downtown business district and retail development is negated.

2012-2013 BUDGETED ITEM: No. This is the budget amendment to increase funding.

FUNDING SOURCE: EMA.

ATTACHMENTS: Resolution.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

12.3 APPROVAL OF CLAIMS IN THE AMOUNT OF \$63,846.49.

ATTACHMENTS: List of claims.

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 CONSIDER A RESOLUTION INCREASING THE 2011-2012 FISCAL FINANCIAL PLAN FOR THE ENID ECONOMIC DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$234,500.00.

BACKGROUND: This is a companion to Items 12.2 and 15.2.

OPTIONS:

- **OPTION A.** Approve the Resolution to increase the 2011-2012 Fiscal Financial Plan to allow the purchase of property.

- OPTION B. Deny the Resolution, and do not increase funding to purchase the properties.

OPTION A:

- ADVANTAGES: Funding is available to acquire property in or near the downtown area to enable its highest and best use.
- DISADVANTAGES: This requires an allocation of funds.

OPTION B:

- ADVANTAGES: Funds are available for other projects.
- DISADVANTAGES: The opportunity to acquire critical downtown properties to be used for parking, economic development, or potential relocation sites for businesses, as well as redevelopment, is eliminated.

2012-2013 BUDGETED ITEM: No. This is the budget amendment to increase funding.

FUNDING SOURCE: EEDA.

ATTACHMENTS: Resolution.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

15.2 APPROVE OR DENY DOWNTOWN PROPERTY PURCHASES IN THE AMOUNT OF \$234,500.00.

BACKGROUND: This is a companion to Items 12.2 and 15.1.

OPTIONS:

- OPTION A. Purchase the properties.
- OPTION B. Do not purchase the properties.

OPTION A:

- **ADVANTAGES:** The acquisition strategy that supports the highest and best use of subject properties will be completed.
- **DISADVANTAGES:** None.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** The opportunity to acquire additional downtown properties to be used for a variety of redevelopment and economic vitality options is precluded.

2012-2013 BUDGETED ITEM: No. See Financial Plan Amendments.

FUNDING SOURCE: EMA and EEDA.

ATTACHMENTS: None. Real Estate Purchase Contracts are on file in the Office of the City Clerk.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

15.3 APPROVAL OF CLAIMS IN THE AMOUNT OF \$145,273.00.

ATTACHMENTS: List of Claims.

- 16. ADJOURN TO RECONVENE AS THE ENID CITY COMMISSION.**
- 17. PUBLIC DISCUSSION.**
- 18. ADJOURN.**