



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 17th day of July, 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 JULY 3, 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 HEARING TO REZONE PROPERTY LOCATED AT 3411 NORTH 66TH STREET, KNOWN AS TRACT NO. 550 IN THE NORTHWEST QUARTER SECTION 31, TOWNSHIP 23 NORTH, RANGE 5 WEST, INDIAN MERIDIAN, FOR CHESAPEAKE ENERGY'S OIL FIELD EQUIPMENT/STORAGE YARD.

BACKGROUND: This is a companion to Items 7.1 and 7.2. The property located at 3411 North 66th Street, on the east side of the street approximately a quarter mile south of Breckinridge Road, has 6.03 acres that is occupied with three (3) oil tank batteries. It has been requested to rezone the property from "A" General Agriculture District to "I-2" Light Industrial District. Rezoning would permit the location of an oilfield equipment storage yard.

This request also requires a Land Use Amendment from Agriculture Designation to High Intensity Industrial Designation. The proposed amendment is consistent with the overall intent of the plan, results in an improved plan that allows the expansion of the existing high intensity industrial land use classification within close proximity. See the attached applicant's and staff's response to the Land Use Amendment criteria in Item 7.1.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Location Map.

RECOMMENDATION: Conduct Hearing.

PRESENTER: Chris Bauer, Planning Administrator.

7. COMMUNITY DEVELOPMENT.

- 7.1 CONSIDER A RESOLUTION APPROVING A LAND USE AMENDMENT FOR PROPERTY DESCRIBED AS TRACT NO. 550 IN THE NORTHWEST QUARTER SECTION 31, TOWNSHIP 23 NORTH, RANGE 5 WEST, INDIAN MERIDIAN, FROM AGRICULTURE DESIGNATION TO HIGH INTENSITY INDUSTRIAL DESIGNATION.

BACKGROUND: This is a companion to Items 6.1 and 7.2.

OPTIONS:

- OPTION A: Approve the Resolution.
- OPTION B: Do not approve the Resolution.

OPTION A:

- ADVANTAGES: Permits the applicant to develop the property for oilfield equipment storage.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: None.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Location Map, Land Use Map, Response to Criteria, and Resolution.

PRESENTER: Chris Bauer, Planning Administrator.

7.2 CONSIDER ADOPTING AN ORDINANCE TO REZONE PROPERTY DESCRIBED AS TRACT NO. 550 IN THE NORTHWEST QUARTER SECTION 31, TOWNSHIP 23 NORTH, RANGE 5 WEST, INDIAN MERIDIAN, FROM “A” GENERAL AGRICULTURE DISTRICT TO “I-2” LIGHT INDUSTRIAL DISTRICT.

BACKGROUND: This is a companion to Items 6.1 and 7.1.

OPTIONS:

- OPTION A: Adopt the Ordinance.
- OPTION B: Do not adopt the Ordinance.

OPTION A:

- ADVANTAGES: Permits the applicant to proceed with developing the property.

- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: None.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Ordinance.

PRESENTER: Chris Bauer, Planning Administrator.

8. ADMINISTRATION.

8.1 CONSIDER A RESOLUTION AMENDING THE 2012-2013 CAPITAL IMPROVEMENT FUND BUDGET BY APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$21,923.00 TO INCREASE THE 2012-2013 APPROPRIATED AMOUNTS FOR THE CAPITAL IMPROVEMENT DEPARTMENT.

BACKGROUND: This is a companion to Items 8.2 and 12.1. Key Construction was awarded the Enid Renaissance Event Center Construction Project on October 11, 2011, for a contract amount of \$17,444,444.00. Three (3) change orders have been approved by the Commission in the total amount of \$152,775.00.

This item will transfer funds from the Enid Municipal Authority Operations Department to the Capital Improvement Fund Capital Improvement Department to support Change Order No. 4.

Change Order No. 4 will address the following items:

1. Modify storm line work at loading dock.
Added cost: \$4,923.00
2. Incorporate modifications to Event Center graphics and signage.
Added cost: \$4,533.00.
3. Install blue glass instead of clear glass at the connection link between Convention Hall and the Event Center as it is required by Building Codes.
Added cost: \$2,732.00.

- 4. Increase fire sprinkler scope: Ordinary Hazard Type 2 coverage on the event floor is required instead of Light Hazard per the Fire Marshal's review.
Added cost: \$9,735.00.

Upon acceptance of Change Order No. 4 in the amount of \$21,923.00, the revised total contract amount will be \$17,619,142.00.

OPTIONS:

- OPTION A: Approve the Resolution.
- OPTION B: Do not approve the Resolution.

OPTION A:

- **ADVANTAGES:** Authorizes the transfer of funds to support Change Order No. 4, which will allow the contractor to proceed with this critical portion of the project necessary for completion.
- **DISADVANTAGES:** None.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Components of this change order are required by Code and are necessary to complete the project.

2012-2013 BUDGETED ITEM: No. This item appropriates the funding in the Capital Improvement Fund.

FUNDING SOURCE: Enid Municipal Authority.

ATTACHMENTS: Resolution.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

8.2 CONSIDER APPROVAL OF CHANGE ORDER NO. 4 WITH KEY CONSTRUCTION OKLAHOMA, LLC, TULSA, OKLAHOMA, FOR THE NEW EVENT CENTER, M-1109E.

BACKGROUND: This is a companion to Items 8.1 and 12.1.

OPTIONS:

- OPTION A: Approve Change Order No. 4.
- OPTION B: Do not approve Change Order No. 4.

OPTION A:

- **ADVANTAGES:** Authorizes the contractor to proceed with this portion of the project that is critical for completion.
- **DISADVANTAGES:** None.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Components of this change order are required by Code and are necessary to complete the project.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Capital Improvement Fund.

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

PRESENTER: Danny Jardine, Program Manager, Carter and Associates, Inc.

8.3 CONSIDER APPROVAL OF A SECOND AMENDMENT TO THE MANAGEMENT AGREEMENT WITH GLOBAL SPECTRUM, L.P., PHILADELPHIA, PENNSYLVANIA.

BACKGROUND: The City of Enid and Global Spectrum, L.P., are parties to a Management Agreement dated August 1, 2009, and amended on October 19, 2010. This Second Amendment adds management of the Event Center and Convention Hall to the Scope of Services required to be performed by Global Spectrum, and extends the term of the contract.

OPTIONS:

- OPTION A: Approve the Amendment.
- OPTION B: Do not approve the Amendment.

OPTION A:

- **ADVANTAGES:** Provides a seamless transition from the management of the Conference Center to the management of the Event Center and Convention Hall. Allows Global Spectrum to begin booking events in the Event Center and Convention Hall immediately.
- **DISADVANTAGES:** None.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Would require that the City seek out management for the Event Center and Convention Hall, and would delay bookings of the facilities.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Renaissance Fund.

ATTACHMENTS: Second Amendment.

PRESENTER: Joan Riley, Assistant City Manager.

9. CONSENT.

9.1 APPROVE CHANGE ORDER NO. 2 WITH SCOTT RICE FLOORING SOLUTIONS, OKLAHOMA CITY, OKLAHOMA, AND ACCEPT THE ADMINISTRATIVE BUILDING FLOOR RENOVATION (TERRAZZO INSTALLATION), PROJECT M-1107A.

BACKGROUND: This project replaced the first and second levels of the deteriorated parquet floor with terrazzo flooring at the City of Enid's Administration Building. Commission awarded this project to Scott Rice on October 4, 2011, for an original contract amount of \$77,338.23. Change Order No. 1 added \$11,392.98 to install a crack isolation membrane.

Change Order No. 2 will deduct \$9,500.00 as the final finishing item was completed by a separate contractor. The revised total contract amount is \$79,231.21, with a three (3) year Maintenance Warranty for product installation that excludes any finishing work completed by a separate contractor.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Capital Improvement Fund.

ATTACHMENTS: None. Change Order No. 2 is on file in the Office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 2, and accept the project.

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

9.2 APPROVE CHANGE ORDER NO. 2 WITH JDC CONTRACTING, LLC, ENID, OKLAHOMA, FOR THE ABC PARK SIDEWALKS, PROJECT P-1201A.

BACKGROUND: This project provided sidewalk improvements at ABC Park to comply with Americans with Disabilities Act (ADA) requirements. It included concrete slabs for stands and concrete mow strips for fencing. The original contract amount was \$49,657.00. Change Order No. 1 added \$51.46, and this project was accepted by the Commission on June 19, 2012.

An error was found in the original contract amount within Change Order No. 1. Change Order No. 2 in the deduct amount of \$310.50 will correct the final contract amount to \$49,397.96.

This project is complete and has a three (3) year Maintenance Warranty.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Capital Improvement Fund.

ATTACHMENTS: None. Change Order No. 2 is on file in the Office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 2 in the deduct amount of \$310.50.

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

9.3 APPROVE CHANGE ORDER NO. 1 WITH CIMARRON CONSTRUCTION COMPANY, OKLAHOMA CITY, OKLAHOMA, FOR CONSTRUCTION OF THE EAST WILLOW ROAD BRIDGE OVER SKELETON CREEK, PROJECT R-0814C (G-6).

BACKGROUND: This project removed and replaced the bridge structure on East Willow Road over Skeleton Creek for a contract amount of \$584,101.32. Commission accepted the project on October 4, 2011.

Change Order No. 1 will deduct \$7,700.00 to adjust for 22 days of liquidated damages at \$350.00 per day. The revised total contract amount is \$576,401.32.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: General Obligation Bond Fund.

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

RECOMMENDATION: Approve Change Order No. 1 in the deduct amount of \$7,700.00 with Cimarron Construction Company.

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

9.4 APPROVE CHANGE ORDER NO. 2 WITH RICK LORENZ CONSTRUCTION, INC., ENID, OKLAHOMA, AND ACCEPT THE GARRIOTT ROAD AND MONROE STREET SIDEWALK IMPROVEMENTS PROJECT, R-1104A.

BACKGROUND: This project reconstructed sidewalks and curb ramps at the intersection of Garriott Road and Monroe Street to comply with Americans with Disabilities Act (ADA) requirements. It also added pedestrian signals and crosswalks. The original contract amount was \$90,175.04. Change Order No. 1 added \$6,000.00 to replace the existing pedestrian call buttons that were not compatible with the new system.

Change Order No. 2 will add \$1,139.67 to alter pavement markings from plastic to epoxy to match the new striping recently completed by the Oklahoma Department of Transportation (ODOT). The revised total contract amount is \$97,314.71.

This project is complete and has a three (3) year Maintenance Warranty.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Capital Improvement Fund.

ATTACHMENTS: None. Change Order No. 2 is on file in the Office of the City Clerk.

RECOMMENDATION: Approve Change Order No. 2 in the amount of \$1,139.67, and accept the project.

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

9.5 AWARD AND EXECUTE THE PURCHASE OF TWELVE (12) USED 2010 FORD CROWN VICTORIA POLICE INTERCEPTOR SEDANS.

BACKGROUND: The Enid Police Department submitted requests for bids to purchase twelve (12) white used 2010 Ford Crown Victoria Police Interceptor Sedans with less than 55,000 miles to replace the more heavily utilized Police patrol vehicles. The only distributors that sell sedans to fit the requirements are Missouri Highway Patrol Fleet Sales and Kansas Highway Patrol Fleet Sales.

One bid was received from Missouri State Highway Patrol Fleet Sales in the amount of \$183,000.00. The Enid Police Department has purchased used police sedans from the Missouri Highway Patrol, and has been satisfied with the quality and reliability of the vehicles purchased as well as the service provided.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Police Department Vehicle Replacement Fund.

ATTACHMENTS: None. Canvass of Bids and Vendor List are on file in the Office of the City Clerk.

RECOMMENDATION: Award a contract Missouri State Highway Patrol Fleet Sales in the amount of \$183,000.00.

PRESENTER: Lieutenant Scott L. Miller, Police Department.

9.6 AWARD AND EXECUTE THE PURCHASE OF A NEW CAB TRACTOR / FLAIL MOWER FOR THE PARKS DEPARTMENT.

BACKGROUND: All flail mowers utilized by the Parks Department are inoperative. Currently, three (3) hustler mowers are operating together to replace one (1) flail mower. To increase production, the purchase of one (1) flail mower has been pursued. A bid was received from P & K Equipment for a John Deer/Tiger 6330 unit in the amount of \$107,683.80, and is in compliance with State Contract No. SW-190.

To fund this purchase, equipment that was budgeted in Fiscal Year 2012-2013 will be purchased at a later date with savings that the Public Works Department will encumber throughout the budget year.

2012-2013 BUDGETED ITEM: No.

FUNDING SOURCE: General Fund Capital Replacement Department.

ATTACHMENTS: P & K Equipment Quote Summary.

RECOMMENDATION: Award and execute the purchase of a new Cab Tractor/Flail Mower from P & K Equipment, Inc. for \$107,683.80.

PRESENTER: Jim McClain, Director of Public Works.

9.7 CONSIDER AND DENY TORT CLAIMS OF WILLIAM BLUBAUGH, THOMAS AND CHERYL SARGEANT, JO E. VOGT ON BEHALF OF THE BENDER FAMILY TRUST, AND BRANDON GRANT.

BACKGROUND: On April 23, 2012, William Blubaugh submitted a tort claim for property damage in the amount of \$6,000.00. He claimed the damage occurred as a result of a backup in the main city sewer line. The City of Enid forwarded that claim to its insurer, Oklahoma Municipal Assurance Group (OMAG), which opened an investigation of the claim. OMAG found no liability on behalf of the City, and recommended denial of the claim.

On May 4, 2012, Thomas and Cheryl Sargeant submitted a tort claim for property damage in the amount of \$2,000.00. They claimed the damage occurred as a result of a backup in the main city sewer line. The City forwarded that claim to OMAG, which found no liability on behalf of the City, and recommended denial of the claim.

On May 4, 2012, Jo E. Vogt submitted a tort claim on behalf of the Bender Family Trust for property damage in the amount of \$25,000.00. She claimed the damage occurred as a result of a backup in the main city sewer line. The City forwarded that claim to OMAG, which found no liability on behalf of the City, and recommended denial of the claim.

On June 13, 2012, Brandon Grant submitted a tort claim for property damage in the amount of \$450.00. He claimed that while passing a City of Enid truck on Garriott Road, his 2006 Chevy pickup truck was struck with a rock or other debris. The City Attorney investigated, and found no negligence on behalf of the City regarding this claim, and recommends that the City deny the tort claim.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

PRESENTER: Andrea Springer, City Attorney.

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

RECOMMENDATION: Deny tort claims.

9.8 ACCEPT WARRANTY DEED FROM GEORGE J. DAVIS, TRUSTEE OF THE GRACE G. DAVIS REVOCABLE TRUST OF MARCH 2007.

BACKGROUND: George J. Davis, Trustee of the Grace G. Davis Revocable Trust of March 2007, has donated a little over eight (8) lots to the City of Enid. The property is described as: Lots 1 through 7, Block 3, and the east 15 feet of Lot 13, and all of Lot 14 in Block 3, Kennedy's Second Addition to the City of Enid. The lots are vacant, so no demolition is required.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: None. Deed is on file with the Office of the City Clerk.

RECOMMENDATION: Accept deed.

PRESENTER: Andrea Springer, City Attorney.

9.9 APPROVE AND EXECUTE LOCAL FUNDING PROGRAM CONTRACTS WITH ENID JOINT RECREATION TRIAD, YOUTH AND FAMILY SERVICES OF NORTH CENTRAL OKLAHOMA, PEGASYS, BOOKER T. WASHINGTON COMMUNITY CENTER, AND MAIN STREET ENID.

BACKGROUND: In accordance with Okla. Const. Art. 10, §§ 14 and 17, the Mayor and Board of Commissioners of the City of Enid found that the above local programs met and served a proper public purpose, and made appropriations for the local programs in the City of Enid's Fiscal Year 2012-2013 budget. The City of Enid desires to set forth the terms and conditions with which the local programs shall comply in order to receive funding.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: General Fund.

ATTACHMENTS: Contracts.

RECOMMENDATION: Approve and execute local program funding contracts.

PRESENTER: Andrea Springer, City Attorney.

9.10 APPROVAL OF CLAIMS IN THE AMOUNT OF \$5,230,495.76.

ATTACHMENTS: List of claims.

10. RECESS TO CONVENE AS THE ENID MUNICIPAL AUTHORITY.

11. TRUSTEES OF THE ENID MUNICIPAL AUTHORITY R MEETING.

12. ENID MUNICIPAL AUTHORITY REGULAR MEETING.

12.1 CONSIDER A RESOLUTION INCREASING THE 2012-2013 FISCAL FINANCIAL PLAN FOR THE ENID MUNICIPAL AUTHORITY IN THE AMOUNT OF \$21,923.00.

BACKGROUND: This is a companion to Items 8.1 and 8.2.

OPTIONS:

- OPTION A: Approve the Resolution.
- OPTION B: Do not approve the Resolution.

OPTION A:

- **ADVANTAGES:** Authorizes the transfer of funds to support Change Order No. 4, which will allow the contractor to proceed with this critical portion of the project necessary for completion.
- **DISADVANTAGES:** None.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Components of this change order are required by Code and are necessary to complete the project.

2012-2013 BUDGETED ITEM: No. This item increases the Enid Municipal Authority Financial Plan.

FUNDING SOURCE: Enid Municipal Authority.

ATTACHMENTS: Resolution.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

12.2 APPROVAL OF CLAIMS IN THE AMOUNT OF \$370,702.84.

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 APPROVAL OF CLAIMS IN THE AMOUNT OF \$15,373.00.

ATTACHMENTS: List of Claims.

16. ADJOURN TO RECONVENE AS THE ENID CITY COMMISSION.

17. PUBLIC DISCUSSION.

18. CONSIDER CONVENING INTO EXECUTIVE SESSION TO DISCUSS ECONOMIC DEVELOPMENT; AND TO RECONVENE INTO REGULAR SESSION.

BACKGROUND: The City Attorney recommends the Mayor and Board of Commissioners go into Executive Session pursuant to 25 Okla. Stat. §307(C)(10), to discuss “matters pertaining to economic development, including the transfer of property, financing, or the creation of a proposal to entice a business to remain or to locate within their jurisdiction” because public disclosure would violate the confidentiality of the businesses involved.

19. ADJOURN.