



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 7th day of August, 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 REGULAR MEETING OF JULY 17, 2012, AND SPECIAL MEETING OF JULY 31, 2012.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
 - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.

5.2 EMPLOYEE RECOGNITION:

- **CARL STREITBERGER (ENGINEER)**
- **JUSTIN PHILLIPS (ENGINEER)**
- **MIKE EVANS (POLICE)**
- **YOUTH JOB CORPS**

6. HEARINGS.

6.1 CONDUCT A HEARING TO REZONE PROPERTY LOCATED AT 512, 514, 520, AND 526 SOUTH JACKSON, AND 902 WEST OWEN K. GARRIOTT ROAD, KNOWN AS LOTS 4-8, BLOCK 12, WEATHERLY'S SIXTH ADDITION.

BACKGROUND: This is a companion to Items 7.1 and 7.2. The property located on the west side of Jackson Street, just north of Owen K. Garriott Road, has been requested to be rezoned from "R-7" Residential Multi Family District to "C-3" General Commercial District. Rezoning will permit the location of a proposed CVS Pharmacy.

This request requires a Land Use Amendment from Medium Intensity Residential Designation to Medium Intensity Commercial Designation, and is considered in Item 7.1. The proposed amendment is consistent with the overall intent of the plan, results in an improved plan, and achieves the plan goal of redevelopment.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Location Map.

RECOMMENDATION: Conduct Hearing.

PRESENTER: Chris Bauer, Planning Administrator.

6.2 CONDUCT A HEARING TO CLOSE A PORTION OF A TWENTY (20) FOOT WIDE ALLEY ADJACENT TO LOTS 4-14 IN BLOCK 12, WEATHERLY'S SIXTH ADDITION; AND A STORM SEWER UTILITY EASEMENT IN LOTS 5, 9, 10, AND 11 IN BLOCK 12, WEATHERLY'S SIXTH ADDITION, LYING IN THE SOUTHWEST QUARTER (SW/4) OF SECTION 7, TOWNSHIP 22 NORTH, RANGE 6 WEST OF THE INDIAN MERIDIAN, GARFIELD COUNTY, OKLAHOMA.

BACKGROUND: This is a companion to Item 8.1. Winkelmann & Associates, Inc. requests closing a portion of the alley and storm sewer

utility easement located at the corner of Van Buren Street and Owen K. Garriott Road. This closure will allow redevelopment of the corner for a proposed 13,225 foot pharmacy with a drive-thru.

New easements will be dedicated with the consolidating re-plat along with plans to relocate storm water and sanitary lines from the proposed closed easements.

The Metropolitan Area Planning Commission (MAPC) reviewed this request at its meeting on July 16, 2012, and voted unanimously to approve closing contingent upon the approval of the utility relocation plans.

Pursuant to Section 7-1-4 of the Enid Municipal Code, 2003, all utility companies and property owners within 300 feet of the portion of the alley to be closed have been notified of this hearing.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Location Map.

RECOMMENDATION: Conduct Hearing.

PRESENTER: Robert Hitt, Director of Engineering Services.

6.3 CONDUCT A HEARING TO SUBMIT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR.

BACKGROUND: This is a companion to Item 8.2. The City of Enid, as an entitlement city, is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to the Department of Housing and Urban Development (HUD) within ninety (90) days of the close of the program year. The CAPER has been prepared and made available for public inspection. After a 15-day comment period, the City of Enid will submit the report to HUD along with a narrative of public comments received during the comment period and from this public hearing. The CAPER is due to HUD before September 30, 2012.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

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

RECOMMENDATION: Conduct Hearing.

PRESENTER: Stephanie Carr, CDBG Coordinator.

- 6.4 CONDUCT A HEARING TO CONSIDER AN ORDINANCE AMENDING ENID MUNICIPAL CODE 2003, TITLE 2, ENTITLED; CHAPTER 2, ENTITLED “FINANCE AND TAXATION,” CHAPTER 6, SECTION 2-6E-5, ENTITLED “WATER RATES AND CHARGES,” TO PROVIDE FOR EMERGENCY WATER CONSERVATION RATES; AMENDING TITLE 8, ENTITLED “UTILITIES,” SECTION 8-2-15, ENTITLED “CONSERVATION AND WASTE OF WATER,” TO REVISE EMERGENCY WATER CONSERVATION MEASURES TO INCLUDE AN EMERGENCY WATER CONSERVATION RATE SCHEDULE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION, AND DECLARING WITH EMERGENCY.

BACKGROUND: This is a companion to Item 8.3. The City of Enid recently applied Phase 1 of Ordinance 8-2-15. The attempt to stabilize demand was unsuccessful. Phase 2 was initiated on August 2, 2012. In the event Phase 2 is unsuccessful, staff recommends a third phase utilizing a new rate structure. This additional structure will automatically assess punitive fees upon those failing to adhere to the restriction.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Ordinance.

RECOMMENDATION: Conduct Hearing.

PRESENTER: Scott Morris, Utility Services.

7. COMMUNITY DEVELOPMENT.

- 7.1 CONSIDER A RESOLUTION APPROVING A LAND USE AMENDMENT FOR PROPERTY DESCRIBED AS LOTS 4-8, BLOCK 12, WEATHERLY SIXTH ADDITION, FROM MEDIUM INTENSITY RESIDENTIAL DESIGNATION TO MEDIUM INTENSITY COMMERCIAL 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 a new CVS Pharmacy.
- 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 AN ORDINANCE TO REZONE PROPERTY LOCATED AT 512, 514, 520, AND 526 SOUTH JACKSON, AND 902 WEST OWEN K. GARRIOTT ROAD, KNOWN AS LOTS 4-8 BLOCK 12 WEATHERLY'S SIXTH ADDITION.

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 develop 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.

7.3 CONSIDER APPROVAL OF THE FINAL PLAT FOR THE SHARP ADDITION.

BACKGROUND: This item requires consideration of the final plat for the Sharp Addition located in the 3600 Block of East Market. Currently, the property has 8.76 acres divided into three (3) lots, and is zoned as an “I-2” Light Industrial District. The applicant/developer is proposing to sell the east two (2) lots, and has met all provisions of the review process for the preliminary plat. The required infrastructure (road, water and sewer) are existing. Applicant seeks relief from stormwater impact fees.

City staff has reviewed the final plat to ensure compliance with all provisions of Title 12, Chapter 5, Final Plat of the City of Enid Subdivision Regulations.

OPTIONS:

- OPTION A: Approve the preliminary and final plat.
- OPTION B: Do not approve the preliminary and final plat.

OPTION A:

- ADVANTAGES: Permits the applicant to proceed with the sale of the east two (2) lots.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: Limits the maximum potential use of the property per its current zoning.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Final Plat.

PRESENTER: Chris Bauer, Planning Administrator.

8. ADMINISTRATION.

8.1 CONSIDER A RESOLUTION TO SUPPORT CLOSING TO THE PUBLIC A PORTION OF A TWENTY (20) FOOT WIDE ALLEY ADJACENT TO LOTS 4-14 IN BLOCK 12, WEATHERLY'S SIXTH ADDITION; AND A STORM SEWER UTILITY EASEMENT IN LOTS 5, 9, 10, AND 11 IN BLOCK 12, WEATHERLY'S SIXTH ADDITION, LYING IN THE SOUTHWEST QUARTER (SW/4) OF SECTION SEVEN 7, TOWNSHIP 22 NORTH, RANGE 6 WEST OF THE INDIAN MERIDIAN, GARFIELD COUNTY, OKLAHOMA.

BACKGROUND: This is a companion to Item 6.2.

OPTIONS:

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

OPTION A:

- **ADVANTAGES:** Supplements new business to the City of Enid, and enhances land use at the intersection.
- **DISADVANTAGES:** Requires non-standard alignment of utilities.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Prevents redevelopment of this corner.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

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

PRESENTER: Robert Hitt, Director of Engineering Services.

8.2 CONSIDER A RESOLUTION TO SUBMIT THE CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FOR THE 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM YEAR.

BACKGROUND: This is a companion to Item 6.3.

OPTIONS:

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

OPTION A:

- ADVANTAGES: The submission is on time.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: The report will be delayed, and approval of an emergency resolution will be required before September 30, 2012.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Resolution. CAPER is on file in the Office of the City Clerk.

RECOMMENDATION: Approve the Resolution to submit the 2011 CAPER to HUD.

PRESENTER: Stephanie Carr, CDBG Administrator.

8.3 CONSIDER AN ORDINANCE AMENDING ENID MUNICIPAL CODE 2003, TITLE 2, ENTITLED; CHAPTER 2, ENTITLED "FINANCE AND TAXATION," CHAPTER 6, SECTION 2-6E-5, ENTITLED "WATER RATES AND CHARGES," TO PROVIDE FOR EMERGENCY WATER CONSERVATION RATES; AMENDING TITLE 8, ENTITLED "UTILITIES," SECTION 8-2-15, ENTITLED "CONSERVATION AND WASTE OF WATER," TO REVISE

EMERGENCY WATER CONSERVATION MEASURES TO INCLUDE AN EMERGENCY WATER CONSERVATION RATE SCHEDULE; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, CODIFICATION, AND DECLARING WITH EMERGENCY.

BACKGROUND: This is a companion to Item 6.4.

OPTIONS:

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

OPTION A:

- **ADVANTAGES:** Provides a built in mechanism encouraging water conservation by increasing rates to those violating the ordinance.
- **DISADVANTAGES:** Minor labor and postage increase.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Places additional burden on the Code and Police departments to enforce the ordinance.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: None.

PRESENTER: Scott Morris, Utility Services.

- 8.4 CONSIDER A RESOLUTION AMENDING THE 2012-2013 BUDGET BY APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$34,896,274.59 TO INCREASE THE 2012-2013 APPROPRIATED AMOUNTS FOR PRIOR YEAR ENCUMBRANCES OUTSTANDING AS OF JUNE 30, 2012, FOR THE CITY OF ENID, OKLAHOMA.**

BACKGROUND: This is a companion to Items 12.1 and 15.1. The City of Enid had \$34,896,274.59 encumbered as of June 30, 2012. These encumbrances were included in the Fiscal Year (FY) 2011-2012 budget, but were not completed. As a result, the money reserved is still in the fund balances of the respective funds and available for appropriation.

The new budget for FY 2012-2013 does not include these encumbrances from the prior fiscal year, but only the budgeted expenditures for the new year. These prior year encumbrances will be paid from current FY 2012-2013 funds. Therefore, the rollover encumbrances as of June 30, 2012, must be appropriated according to the attached Resolution.

The majority of the prior year encumbrances are for capital items in the Street and Alley Program, Renaissance improvements, new Water Reclamation Facility, and two (2) new water storage tanks that were encumbered and approved in FY 2011-2012 but not completed. The attached listing of the prior year encumbrances is summarized by fund and exhibits detail.

OPTIONS:

- OPTION A: Approve the FY 2012-2013 Encumbrance Rollover.
- OPTION B: Do not approve the FY 2012-2013 Encumbrance Rollover.

OPTION A:

- ADVANTAGES: Increases the FY 2012-2013 budget to allow for purchases encumbered but not completed and paid for in the previous budget year.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: Prior year encumbrances will be paid with current year budgeted funds. Consequentially, funds will not be available to pay for current year budgeted items.

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

FUNDING SOURCE: Various funds.

ATTACHMENTS: Resolution and Encumbrance Rollover List.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

8.5 CONSIDER A RESOLUTION AMENDING THE 2012-2013 CAPITAL IMPROVEMENT FUND BUDGET BY APPROPRIATING ADDITIONAL FUNDS IN THE AMOUNT OF \$140,640.00 TO INCREASE THE 2012-2013 APPROPRIATED AMOUNTS FOR THE CAPITAL IMPROVEMENT DEPARTMENT.

BACKGROUND: This is a companion to Items 8.6 and 12.2. Funds will be transferred from the Enid Municipal Authority Operations Department to the Capital Improvement Fund Capital Improvement Department to fund professional photography services with Mike Klemme Photography for Convention Hall.

OPTIONS:

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

OPTION A:

- **ADVANTAGES:** Provides artwork for the interior of the newly renovated Convention Hall.
- **DISADVANTAGES:** None.

OPTION B:

- **ADVANTAGES:** None.
- **DISADVANTAGES:** Alternate options are likely more expensive and fail to garner local flair.

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

FUNDING SOURCE: Capital Improvement Fund.

ATTACHMENTS: Resolution.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

8.6 CONSIDER AWARDING A CONTRACT TO MIKE KLEMME PHOTOGRAPHY IN THE AMOUNT OF \$140,640.00 TO DECORATE CONVENTION HALL.

BACKGROUND: This is a companion to Items 8.5 and 12.2.

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

FUNDING SOURCE: Capital Improvement Fund.

ATTACHMENTS: Contract.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

8.7 CONSIDER ACCEPTING THE 2012 SPECIAL SALES TAX OVERSIGHT COMMITTEE REPORT.

BACKGROUND: On November 3, 1998, the City Commission created the Streets Sales Tax Oversight Committee to ensure that proceeds of the sales tax for streets were spent in accordance with the ordinances governing the use of these funds, and to report to the Commission annually. On July 17, 2001, the committee was renamed the Special Sales Tax Oversight Committee, and its role was expanded to include oversight of all special sales tax revenues including the Public Safety Sales Tax for police and fire services.

This item will file the 2012 Annual Report with the Commission, and include the one-quarter (1/4) cent Public Safety Tax. The Special Sales Tax Oversight Committee has reviewed the expenditures from the special sales tax fund, and found all expenditures have been made in accordance with the ordinances governing the use of such funds.

OPTIONS:

- OPTION A: Accept the Special Sales Tax 2012 Annual Report.
- OPTION B: Do not accept the Special Sales Tax 2012 Annual Report.

OPTION A:

- ADVANTAGES: The submission is on time.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: The report will be delayed.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: 2012 Annual Report from the City of Enid Special Sales Tax Oversight Committee.

RECOMMENDATION: Accept the 2012 Annual Report from the Special Sales Tax Oversight Committee.

PRESENTER: Joe Jackson, Fire Chief.

8.8 CONSIDER ACCEPTING AMENDMENT NO. 4 WITH JACOBS ENGINEERING GROUP, INC., ST. LOUIS, MISSOURI, FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES OF THE WATER RECLAMATION FACILITY, S-0703A.

BACKGROUND: Construction of the Water Reclamation Facility (WRF) requires construction management and inspection services including onsite construction inspections, as-built drawing preparations, submittals and invoice evaluations, operations and management manual measures, and progress meetings for the length of the project.

The original contract amount with Jacobs Engineering Group, Inc. included design services in the amount of \$1,900,000.00. Amendment No. 1 added construction management and inspections services for 23 months in the amount of \$700,000.00. Amendment No. 2 added design modifications at no cost, and Amendment No. 3 extended construction management and inspection services for two (2) additional months, which expired July 31, 2012, in the amount of \$80,300.00. The current contract amount is \$2,680,300.00.

Amendment No. 4 in the amount of \$52,523.00 will extend the Resident Project Representative (RPR) services to September 21, 2012, to include the commencement of the plant, overtime inspection, and added design efforts to reuse treated water for irrigation.

The estimated value of these services is \$79,624.00. However Jacobs Engineering Group, Inc. agreed to relinquish the \$27,371.00 difference as this amount will be due to Wynn Construction for efforts associated with the finish of architectural walls at the pump facility at the head of the plant (headworks), administration building, sludge pump service building, and service water building. Engineering's design of the finish composition was not obtainable, thereby requiring the re-finish production.

The revised total contract amount is \$2,732,823.00.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Sanitary Sewer Capital Improvement Fund.

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

RECOMMENDATION: Accept Amendment No. 4 in the amount of \$52,523.00.

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

8.9 CONSIDER ACCEPTING THE CONSTRUCTION OF HANGARS AND APRONS AT WOODRING REGIONAL AIRPORT, PROJECT NO. A-1101A, WITH HENSON CONSTRUCTION COMPANY, ENID, OKLAHOMA.

BACKGROUND: This project constructed two (2) hangars at Woodring Regional Airport. The first hangar shelters several aircraft and will be used regularly for military traffic. The second hangar shelters two (2) medium size aircraft and will fill the demand for hangar space. The original contract amount was \$756,000.00, and the Oklahoma Strategic Military Planning Commission (OSMPC) provided a total of \$333,000.00 in grant assistance to fund the larger hangar.

Three (3) change orders were added to the contract. Change Order No. 1 increased the contract amount by \$6,361.00 to raise the larger hangar's eave height. Change Order No. 2 added \$2,800.00 for an additional junction box, and Change Order No. 3 added \$4,302.00 for three (3) phase power and receptacles. The revised total contract amount is \$769,463.00.

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

OPTIONS:

- OPTION A: Accept the project.
- OPTION B: Do not accept the project.

OPTION A:

- **ADVANTAGES:** Project has been completed on time, and change orders did not exceed 1.78% of the original contract amount.
- **DISADVANTAGES:** None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: The hangars will not be utilized.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Airport Fund.

ATTACHMENTS: None.

PRESENTER: Dan Ohnesorge, Woodring Regional Airport Director.

9. CONSENT.

9.1 APPROVE AND EXECUTE A CONTRACT WITH AT&T TO UPGRADE THE ENID/GARFIELD COUNTY 911 SYSTEM TO THE NEW MICRO DATA SYSTEM.

BACKGROUND: The City Commission approved a contract with AT&T on July 3, 2012, to upgrade the current 911 system to a Hosted 911 system. The new system will update computer software, technical support, and maintenance related to 911 databases, network services, and T-1 lines. It will provide portability in emergency situations and emergency 911 services to the Enid/Garfield County taxpayers.

AT&T attorneys reviewed the approved contract, and determined that one (1) clause must be added before the contract will be finalized. The added clause is as follows:

“D. Payment of charges is due on the date specified on the bill. Customer will reimburse AT&T for all costs associated with collecting delinquent or dishonored payments, including reasonable attorney's fees. AT&T may charge late payment fees if payment is more than thirty (30) days past due (a) for Services contained in a Tariff or Guidebook, at the rate specified therein, or (b) for all other services, at the lower of 1.5% per month (18% per annum) or the maximum rate allowed by law for overdue payments.”

The revised contract was submitted to the City of Enid, and the Police Chief and City Attorney reviewed the added language and found it acceptable.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Enid/Garfield County 911 fees approved by the taxpayers of Garfield County.

ATTACHMENTS: Master Service Agreement and Addendums 1 through 4 are on file in the Office of the City Clerk.

RECOMMENDATION: Approve and execute the contract.

PRESENTER: Brian O'Rourke, Chief of Police.

9.2 APPROVE THE PURCHASE OF 48 UPGRADE KITS FROM WAYEST SAFETY, LLC, OKLAHOMA CITY, OKLAHOMA, TO MAINTAIN THE ENID FIRE DEPARTMENT'S EXISTING SCOTT SELF-CONTAINED BREATHING APPARATUS.

BACKGROUND: The purchase of these upgrade kits will allow the Enid Fire Department (EFD) to extend the use of its existing Scott Self-Contained Breathing Apparatus (SCBA) for five (5) to seven (7) years, and ensure that the SCBA are compliant with the 2007 NFPA standards. Wayest Safety, LLC, the state distributor for Scott SCBA, will provide the upgrade kits at a cost of \$71,856.00.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Fire Department Fund.

ATTACHMENTS: None.

RECOMMENDATION: Approve the purchase of 48 upgrade kits in the amount of \$71,856.00.

PRESENTER: Joe Jackson, Fire Chief.

9.3 ACCEPT TWO (2) TWENTY (20) FOOT WIDE DRAINAGE EASEMENTS FROM JHG PROPERTIES, LLC, ENID, OKLAHOMA, PROJECT NO. F-1005A.

BACKGROUND: Two (2) adjacent drainage easements are necessary to utilize the proposed extension of a storm sewer line from Rock Island Boulevard to Willow Road along the west side of Chisholm Trail Broadcasting. Acceptance allows for budgeted improvements in the drainage system and mitigation of structural flooding. Based upon the appraised value and owner acceptance, the total cost of the two (2) easements is \$14,331.00.

2011-2012 BUDGETED ITEM: Yes.

FUNDING SOURCE: Stormwater Fund.

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

RECOMMENDATION: Accept Drainage Easement.

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

9.4 APPROVE THE CLOSEOUT OF THE COMMUNITY DEVELOPMENT BLOCK GRANT RECOVERY ACT (CDBG-R) GRANT, B09MY400006, FOR THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD).

BACKGROUND: The City of Enid, as an entitlement city, received additional funding from the American Recovery & Reinvestment Act of 2009 (ARRA) Grant in the amount of \$154,660.00 in FY 2009-2010. 100% of the funding has been expended on local street repairs exclusively in the low and moderate income census tracts of the east quadrants of the city. This project created five (5) new jobs and met all Recovery Act objectives. All activities are complete, and final reports were submitted to HUD on April 13, 2011.

ATTACHMENTS: HUD Forms 40154, Request Letter from CPD Director, 40156 Closeout Certification, 40157 Check list, 40158 Closeout Agreement, and 40162 Closeout Certification are on file in the Office of the City Clerk.

RECOMMENDATION: Approve the closeout of the CDBG-R Grant for HUD.

PRESENTER: Stephanie Carr, CDBG Coordinator.

9.5 AWARD A CONTRACT TO C-P INTEGRATED SERVICES, INC., OKLAHOMA CITY, OKLAHOMA, TO CONSTRUCT DRAINAGE IMPROVEMENTS, AIP 3-40-0028-25-2012, AT WOODRING REGIONAL AIRPORT, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT AND GRANT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This project will repair and improve drainage of the southeast parking apron by removing and replacing the storm sewer pipes.

Three (3) bids were received. C-P Integrated Services, Inc. submitted the lowest, responsible bid in the amount of \$169,984.39. Alternate No. 1 added a cost saving option to provide less expensive sewer pipes.

However, the better pipe is prudent, and the original base bid was significantly lower than the Engineer's estimate of \$220,490.00.

Three (3) base bids were received (shown low to high):

1. C-P Integrated Services, Inc.	\$169,984.39
2. Austin Paving, LLC	\$174,236.70
3. Contech, Inc.	\$195,623.25

The Federal Aviation Administration (FAA) Grant will fund 90% or \$152,985.95 of the project. The City of Enid must fund \$16,998.44 from the Airport Fund.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: FAA Grant/Airport Fund.

ATTACHMENTS: Canvass of Bids.

RECOMMENDATION: Award a contract to C-P Integrated Services, Inc. in the amount of \$169,984.39, subject to the receipt of the FAA grant, and authorize the Mayor to execute all contract and grant documents after review by the City Attorney.

PRESENTER: Dan Ohnesorge, Woodring Regional Airport Director.

9.6 REJECT THE BID TO LEASE COTTON PRODUCTION AT WOODRING REGIONAL AIRPORT.

BACKGROUND: This is a companion to Item 12.3. The current agricultural lease to produce wheat at Woodring Regional Airport is expiring on August 1, 2012. A field representative of the U.S. Department of Agriculture Wildlife Services (USDA Wildlife Services) recommended cultivating cotton instead of wheat to discourage wildlife and waterfowl. The City of Enid solicited bids to lease cotton production, and one (1) bid was received from the current leaseholder, Tom Denker, to produce wheat. Therefore, the bid is considered non-responsive and should be rejected.

USDA Wildlife Services was unable to recommend a suitable alternative to cotton. For that reason, the City of Enid proposed continuing the current lease to produce wheat for one (1) additional year. In doing so, wildlife specialists will perform a yearlong wildlife hazard assessment at the airport as a part of the environmental assessment for the runway extension. This will determine if wheat cultivation on airport grounds is in fact a hazard. USDA Wildlife Services accepted the agreement. At the

end of the one (1) year period, the City of Enid will confer with the wildlife specialists as to the future course of action.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Bid.

RECOMMENDATION: Reject the bid as non-responsive since it did not address growing cotton as the RFP solicited.

PRESENTER: Dan Ohnesorge, Woodring Regional Airport Director.

9.7 APPROVAL OF CLAIMS IN THE AMOUNT OF \$1,231,396.22.

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 \$286,793.10 FOR PRIOR YEAR ENCUMBRANCES OUTSTANDING AS OF JUNE 30, 2012.

BACKGROUND: This is a companion to Items 8.4 and 15.1.

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

FUNDING SOURCE: Enid Municipal Authority.

ATTACHMENTS: Resolution and Encumbrance Rollover List.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

12.2 CONSIDER A RESOLUTION INCREASING THE 2012-2013 FISCAL FINANCIAL PLAN FOR THE ENID MUNICIPAL AUTHORITY IN THE AMOUNT OF \$140,640.00.

BACKGROUND: This is a companion to Items 8.5 and 8.6.

2012-2013 BUDGETED ITEM: No. This item increases the Enid Municipal Authority financial plan.

FUNDING SOURCE: Enid Municipal Authority.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve the Resolution.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

12.3 EXTEND THE AGRICULTURAL LEASE AT WOODRING REGIONAL AIRPORT TO THE CURRENT LEASE HOLDER, TOM DENKER, ENID, OKLAHOMA, FOR ONE (1) ADDITIONAL YEAR.

BACKGROUND: This is a companion to Item 9.8.

2012-2013 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: None.

RECOMMENDATION: Extend the current agricultural lease for one (1) year.

PRESENTER: Dan Ohnesorge, Woodring Regional Airport Director.

12.4 AWARD A BLANKET PURCHASE ORDER TO PURCHASE CHLORINE GAS TO TREAT DRINKING WATER FOR THE PERIOD OF JULY 1, 2012, TO JUNE 30, 2013.

BACKGROUND: The Water Production Department requires approximately 38 one (1) ton chlorine gas cylinders annually for water treatment. Brenntag Southwest, Inc. of Longview, Texas, is the only vendor that provides chlorine gas in one (1) ton cylinders at a cost of \$1,500.00 per cylinder. Approximately \$60,000.00 is necessary to fund this requirement.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Enid Municipal Authority Water Production Department.

ATTACHMENTS: None.

RECOMMENDATION: Award a blanket purchase order to Brenntag Southwest, Inc. in the amount of \$60,000.00.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

12.5 APPROVAL OF CLAIMS IN THE AMOUNT OF \$113,604.31.

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 2012-2013 FISCAL FINANCIAL PLAN FOR THE ENID ECONOMIC DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$8,604.50 FOR PRIOR YEAR ENCUMBRANCES OUTSTANDING AS OF JUNE 30, 2012.

BACKGROUND: This is a companion to Items 8.4 and 12.1.

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

FUNDING SOURCE: Enid Economic Development Authority.

ATTACHMENTS: Resolution and Encumbrance Rollover List.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

15.2 CONSIDER A RESOLUTION INCREASING THE 2012-2013 FISCAL FINANCIAL PLAN FOR THE ENID ECONOMIC DEVELOPMENT AUTHORITY IN THE AMOUNT OF \$293,704.00.

BACKGROUND: The City of Enid is bound to an Economic Services Agreement with Startek, Inc. in which the City must compensate a 3% incentive on payroll providing payroll exceeds \$8,000,000.00 annually, even if Startek, Inc. has ceased operations.

Startek, Inc. recently requested the incentive for 2010, and submitted a Report of Independent Accountants from Ernst and Young, LLP, to apply previously established procedures. Total payroll verified in 2010 was \$9,790,130.00 per Startek, Inc.'s auditors, with a 3% incentive of \$293,703.90.

The funds are available in a separate account with Bank of Oklahoma to increase the financial plan. The 2012-2013 financial plan did not include the Startek incentive item, as the company terminated operations in Enid at the beginning of the year. However, the timing of closure allows this receipt of incentive. The remaining balance of the Startek incentive fund is \$407,945.31.

OPTIONS:

- OPTION A: Approve the 2010 Startek incentive payment.
- OPTION B: Do not approve the 2010 Startek incentive payment.

OPTION A:

- ADVANTAGES: Complies with the Economic Services Agreement between the Enid Economic Development Authority and Startek, Inc.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: It is a failure to comply with the Economic Services Agreement.

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

FUNDING SOURCE: Enid Economic Development Authority.

ATTACHMENTS: Resolution.

PRESENTER: Jerald Gilbert, Chief Financial Officer.

15.3 CONSIDER APPROVAL OF THE ECONOMIC DEVELOPMENT AGREEMENT WITH JUMBO FOODS IV, LLC, ENID, OKLAHOMA.

BACKGROUND: The City of Enid experiences a revenue leakage in the approximate amount of \$29,000,000.00 per year in grocery sales purchased elsewhere. To decrease this leakage, locating a grocery store on the south side of Enid would be most beneficial.

Jumbo Foods IV, LLC, intends to invest over \$2,000,000.00 in the property formerly known as Boys Market, and create at least 25 jobs by opening a new Save-A-Lot grocery store. This investment is expected to generate new sales tax revenues for the City, as well as enhance the overall aesthetics of the property. To assist Jumbo Foods IV, an economic development agreement has been reached. If approved, the City of Enid will refund sales tax to Jumbo Foods IV in the total of \$250,000.00 over a seven (7) year period.

OPTIONS:

- OPTION A: Approve and execute the Agreement.
- OPTION B: Do not approve and execute the Agreement.
- OPTION C: Authorize a different refund amount.

OPTION A:

- ADVANTAGES: Provides economic development in an economically depressed area of the City of Enid and will create 25 new jobs.
- DISADVANTAGES: None.

OPTION B:

- ADVANTAGES: None.
- DISADVANTAGES: Discourages critical retail development.

OPTION C:

- ADVANTAGES: Encourages retail grocery expansion.
- DISADVANTAGES: Reduced amount may hamper development efforts.

2012-2013 BUDGETED ITEM: Yes.

FUNDING SOURCE: Enid Economic Development Authority.

ATTACHMENTS: Economic Development Agreement.

PRESENTER: Andrea Springer, City Attorney.

15.4 APPROVAL OF CLAIMS IN THE AMOUNT OF \$322,106.82.

ATTACHMENTS: List of Claims.

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