

MINUTES OF REGULAR MEETING OF
MAYOR AND BOARD OF COMMISSIONERS OF THE CITY OF ENID, OKLAHOMA,
TRUSTEES OF THE ENID MUNICIPAL AUTHORITY, A PUBLIC TRUST, AND
TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY, A PUBLIC TRUST
HELD ON THE 7TH DAY OF AUGUST 2012

The Mayor and Board of Commissioners of the City of Enid, County of Garfield, State of Oklahoma, the Trustees of the Enid Municipal Authority, a Public Trust, and the Trustees of the Enid Economic Development Authority, a Public Trust, met in regular meeting in the Council Chambers of the Administration Building of the City of Enid, located at 401 West Owen K. Garriott Road in said city, at 6:30 P.M. on the 7th day of August 2012, pursuant to notice given by December 15, 2011, to the Clerk of the City of Enid, and pursuant to notice thereof displayed at the entrance to the Administration Building of said city, in prominent view and which notice was posted prior to 5:00 P.M. on the 6th day of August 2012.

-MAYOR AND BOARD OF COMMISSIONERS-

Mayor Shewey called the meeting to order with the following members present and absent:

PRESENT: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

ABSENT: Commissioners Blackburn and Ritchie.

Staff present were City Manager Eric Benson, Assistant City Manager Joan Riley, City Attorney Andrea Springer, City Clerk Linda Parks, Finance Director Jerald Gilbert, Engineering Director Robert Hitt, Planning Administrator Chris Bauer, Human Resource Director Sonya Key, Safety Director Billy McBride, Police Chief Brian O'Rourke, Fire Chief Joe Jackson, and Director of Aviation Dan Ohnesorge.

Mayor Shewey gave the Invocation, and Mr. Rob Camp led the Flag Salute.

Motion was made by Commissioner Stuber and seconded by Commissioner Janzen to approve the minutes of the regular Commission meeting of July 17, 2012, and special meeting of July 31, 2012, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Mr. Stan Locke presented “Pepper”, a three-month old female Yorki mix, available for adoption at the Enid Animal Shelter.

Mr. Carl Streitberger, Survey Party Chief for the Engineering Department, was recognized by Director of Engineering Robert Hitt.

Police Officer Mike Evans was recognized by Lt. Scott Miller of the Enid Police Department.

Justyn Reese, Alaina Ward, Brittany Binion, Sean McCloud, Michael Walker, III, Roxene Karben, Zarin Bell, Julian Johnson and Kimberly Shuman were recognized by City Manager Eric Benson for their participation in the 2012 Youth Corp Jobs Program sponsored by the City of Enid.

A Hearing was conducted regarding a request 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, for a proposed CVS Pharmacy.

No comments were received.

A Hearing was held regarding a request to close a portion of a twenty (20) foot wide alley adjacent to Lots 4-14, Block 12, Weatherly’s Sixth Addition, and a storm sewer utility easement in Lots 5, 9, 10 and 11, Block 12, Weatherly’s Sixth Addition, located at the corner of South Van Buren Street and West Owen K. Garriott Road, for a proposed CVS Pharmacy. It was noted that the Metropolitan

Area Planning Commission, at its meeting of July 16, 2012, recommended approval of said closing contingent upon the approval of utility relocation plans.

Commissioner Stuber asked if the proposed development would impact the Subway restaurant located north of the site.

Engineering Director Robert Hitt responded, stating that there was no opposition regarding the proposed closing.

No further comments were received.

A Hearing was conducted regarding the submission of the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2011 Community Development Block Grant program year.

No comments were received.

A Hearing was conducted regarding an ordinance amending Chapter 2 in Title 2 of the Enid Municipal Code 2003, entitled "Finance And Taxation"; amending Section 2-6E-5 in Chapter 6, Title 2, entitled "Water Rates And Charges," to provide for emergency water conservation rates; and amending Section 8-2-15 in Title 8, entitled "Conservation And Waste Of Water," to revise emergency water conservation measures to include an emergency water conservation rate schedule.

A presentation on water conservation efforts was provided by Utility Services Manager Scott Morris. He stated that to stabilize water demand, Phase 1 of the City's water conservation ordinance, which provided an odd/even schedule for watering, had been implemented, but with no success. Phase 2 of the ordinance was then implemented, which restricted outside watering to hand held watering only for no more than one (1) hour per day, which was also unsuccessful. As a result, staff was recommending a third phase that would utilize a new rate structure for all residential accounts. The rate structure would lower rates per 1,000 gallons and reward those customers who complied with restrictions implemented in

Phases 1 and 2. The rate structure would also penalize those who did not comply by imposing higher rates on usage over 16,000 gallons. He added that commercial and industrial users would realize a rate increase for usage over average amounts used, and individuals who qualified for disability trash carry out would be allowed to use sprinkler systems for up to one hour per day.

City Manager Eric Benson stated that effective Wednesday, August 8, 2012, daily hand watering would be permitted for one hour per day. He added that he felt confident restrictions could be eased within the next two (2) weeks, and that all restrictions could be lifted within thirty (30) days.

There being no further comments, the hearing concluded.

Motion was made by Commissioner Janzen and seconded by Commissioner Ging to approve a resolution approving a land use amendment for property described as Lots 4-8, Block 12, Weatherly's Sixth Addition, located on the west side of Jackson Street, north of West Owen K. Garriott Road, from Medium Intensity Residential Designation to Medium Intensity Commercial Designation, for a proposed CVS Pharmacy, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Stuber and seconded by Commissioner Ging to adopt an ordinance rezoning 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, from Class "R-7" Residential Multi-Family District, to Class "C-3" General Commercial District, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2012-17

AN ORDINANCE AMENDING TITLE 11 CHAPTER 2, SECTION 11-2-1 OF THE ENID MUNICIPAL CODE, 2003, BY CHANGING THE ZONING ON A CERTAIN PROPERTY AND DESCRIBING THE SAME, AMENDING THE ZONING MAP ACCORDINGLY.

Discussion was held regarding a Final Plat for the Sharp Addition, located in the 3600 Block of East Market Street.

Planning Administrator Chris Bauer spoke regarding the final plat. He advised commissioners that the property was currently divided into three (3) lots, and that the applicant/developer was proposing to sell two (2) of the lots. He stated that all provisions of the review process for the preliminary plat had been met, noting that required infrastructure (road, water and sewer) were existing, and that the applicant was seeking relief from stormwater impact fees required by the Stormwater Management Plan.

Engineering Director Robert Hitt addressed the issue, stating that because of existing improvements on the property, the applicant was eligible for reduced stormwater development fees in the amount of \$30,583.53. However, he went on to say that waiving all fees would require Commission action.

Mr. David Henneke, attorney for the applicant, addressed the Commission. He asked that the stormwater development fees be waived in that no new development was being proposed on the property at this time. He added that he, his client, and a prospective buyer were aware that if permits were issued at a later date, stormwater impact fees could apply at that time to the new owners.

Following brief discussion, motion was made by Commissioner Ging to approve the Final Plat for the Sharp Addition, and to waive reduced stormwater development fees in the amount of \$30,583.53.

Motion was seconded by Commissioner Janzen, and the vote was taken as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Janzen and seconded by Commissioner Stuber to approve 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, located at the corner of South Van Buren Street and West Owen K. Garriott Road, in conjunction with a proposed CVS pharmacy, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Stuber and seconded by Commissioner Wilson to approve a resolution authorizing submittal of the Consolidated Annual Performance and Evaluation Report (CAPER) for the 2011 Community Development Block Grant program year, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Discussion was held regarding an ordinance amending Chapter 2 in Title 2 of the Enid Municipal Code 2003, entitled "Finance And Taxation"; amending Section 2-6E-5 in Chapter 6, Title 2, entitled "Water Rates And Charges," to provide for emergency water conservation rates; and amending Section 8-2-15 in Title 8, entitled "Conservation And Waste Of Water," to revise emergency water conservation measures to include an emergency water conservation rate schedule.

Mr. Isaac Meyers, 4206 West Rupe Avenue, addressed the Commission, citing concerns regarding the proposed ordinance, current water restrictions, and whether or not plans to increase pumping capacity were being considered.

Following further discussion, motion was made by Commissioner Stuber and seconded by Commissioner Ging to adopt said ordinance as presented, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Thereupon, motion was made by Commissioner Stuber to approve the Emergency Section of said ordinance, which motion was seconded by Commissioner Wilson, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

ORDINANCE NO. 2012 - 16

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 CHANGE RATE TABLE TO REFLECT CURRENT RATES, TO PROVIDE FOR IRRIGATION METER RATES AND 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 AN EMERGENCY.

Motion was made by Commissioner Stuber and seconded by Commissioner Ging to approve a resolution amending the 2012-2013 Fiscal Year Budget by appropriating additional funds in the amount of \$34,896,274.59 to increase 2012-2013 appropriated amounts for prior year encumbrances outstanding as of June 30, 2012, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Brief discussion was held regarding a resolution amending the 2012-2013 Capital Improvement Fund Budget by appropriating additional funds in the amount of \$140,640.00 to fund professional photography services with Mike Klemme Photography for Convention Hall.

Commissioner Janzen asked that Mr. Klemme make a presentation at a future Commission meeting regarding the scope of the project for Convention Hall.

Motion was made by Commissioner Ging and seconded by Commissioner Wilson to approve said resolution as presented, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Stuber and seconded by Commissioner Wilson to award a contract to Mike Klemme Photography, Inc. for professional photography services for Convention Hall in the amount of \$140,640.00, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

A presentation on the July 2012 Special Sales Tax Oversight Committee Annual Report was made by Fire Chief Joe Jackson. Chief Jackson reported that the Committee had reviewed and determined that proceeds of the one-quarter (1/4) cent Public Safety Tax were accounted for and expended for its intended purpose, in accordance with the ordinance governing the use of such funds.

Motion was made by Commissioner Ging and seconded by Commissioner Stuber to accept said report as presented, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Brief discussion was held regarding Amendment No. 4 with Jacobs Engineering Group, Inc., for Construction Management and Inspection Services for Project S-0703A, Water Reclamation Facility. It was noted that said amendment would extend the Resident Project Representative Services to September

21, 2012, to include start-up of the plant, overtime inspection, and added design efforts to reuse treated water for irrigation, at an additional cost of \$52,523.00, for a total revised contract amount of \$2,732,823.00.

Motion was made by Commissioner Ging and seconded by Commissioner Janzen to approve said amendment as presented, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Motion was made by Commissioner Stuber and seconded by Commissioner Ging to accept work by Henson Construction Company for Project A-1101A, Construct Hangars and Aprons at Enid Woodring Regional Airport, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

Discussion was held regarding Item 9.6, Reject The Bid To Lease Cotton Production At Woodring Regional Airport.

Commissioner Stuber voiced concerns that there were no responsive bidders, and asked if other crop alternatives had been considered.

Airport Manager Dan Ohnesorge responded, stating that upon the recommendation of the U.S. Department of Agriculture Wildlife Services, staff had solicited proposals for cotton cultivation, rather than wheat, to discourage wildlife and waterfowl in and around the Airport. He went on to say that the U.S. Department of Agriculture Wildlife Services was unable to recommend a suitable alternative to cotton, and for that reason, staff proposed continuing the current lease to produce wheat for one (1) additional year. He advised commissioners that wildlife specialists would perform a yearlong wildlife

hazard assessment at the Airport, as part of an environmental assessment for the proposed runway extension, to determine if wheat cultivation on Airport grounds was in fact a hazard.

Motion was made by Commissioner Ging and seconded by Commissioner Janzen to approve staff recommendations on the following Consent Items as listed, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

- (1) Approval of contract with AT&T to upgrade the Enid/Garfield County 911 System to a New Micro Data System. It was noted that a prior agreement, approved by commissioners on July 3, 2012, was reviewed by AT&T attorneys who determined that an additional clause regarding "Payment of Charges" must be added before the contract was finalized. The contract was revised with the additional clause, and was now ready for approval;
- (2) Approval of purchase of forty-eight (48) upgrade kits from Wayest Safety, LLC, Oklahoma City, Oklahoma, in the amount of \$71,856.00, to maintain the Enid Fire Department's existing Scott Self-Contained Breathing Apparatus';
- (3) Acceptance of the following drainage easements from JHG Properties, LLC, in Block 28, Rock Island Addition, in conjunction with Project F-1005A, Rock Island Boulevard Drainage Improvements:
- (4) Approval of closeout of Community Development Block Grant Recovery Act (CDBG-R) Grant Number B09MY400006, from the Department of Housing and Urban Development;
- (5) Approval of contract award for A.I.P. 3-40-0028-25-2012, Construct Drainage Improvements at Enid Woodring Regional Airport, to the lowest responsive bidder, C-P Integrated Services, Inc., Oklahoma City, Oklahoma, in the amount of \$169,984.39, and authorize the Mayor to execute all contact and grant documents after review by the City Attorney;
- (6) Rejection of the only bid received to lease cotton production at Enid Woodring Regional Airport, from the current leaseholder, Tom Denker, Enid, Oklahoma, which was submitted for wheat production only;

and

- (7) Allowance of the following claims for payment as listed:

Mayor Shewey recessed the meeting to convene as the Enid Municipal Authority.

-TRUSTEES OF THE ENID MUNICIPAL AUTHORITY-

PRESENT: Trustees Janzen, Stuber, Wilson, Ging, Chairman Shewey, Trust Manager Eric Benson, Trust Attorney Andrea Springer and Secretary Linda Parks.

ABSENT: Trustees Blackburn and Ritchie.

Motion was made by Trustee Janzen and seconded by Trustee Stuber to approve 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, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Motion was made by Trustee Stuber and seconded by Trustee Janzen to approve a resolution increasing the 2012-2013 Fiscal Financial Plan for the Enid Municipal Authority in the amount of \$140,640.00, to fund professional photography services with Mike Klemme Photography for Convention Hall, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Motion was made by Trustee Wilson and seconded by Trustee Stuber to extend the Agricultural Lease at Enid Woodring Regional Airport with the current lease holder, Tom Denker, Enid, Oklahoma, for one (1) additional year, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Motion was made by Trustee Stuber and seconded by Trustee Janzen to award a blanket purchase order in the amount of \$60,000.00 with Brenntag Southwest, Inc., Longview, Texas, for the purchase of chlorine gas to treat drinking water for the period of July 1, 2012, to June 30, 2013, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Motion was made by Trustee Janzen and seconded by Trustee Wilson to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Chairman Shewey adjourned the meeting to convene as the Enid Economic Development Authority.

-TRUSTEES OF THE ENID ECONOMIC DEVELOPMENT AUTHORITY-

PRESENT: Trustees Janzen, Stuber, Wilson, Ging, Chairman Shewey, Trust Manager Eric Benson, Trust Attorney Andrea Springer and Secretary Linda Parks.

ABSENT: Trustees Blackburn and Ritchie.

Motion was made by Trustee Ging and seconded by Trustee Stuber to approve 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, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Brief discussion was held regarding a resolution increasing the 2012-2013 Fiscal Financial Plan for the Enid Economic Development Authority in the amount of \$293,704.00, to fund Startek, Inc.'s 2010 payroll incentive per its Economic Development Services Agreement with the Enid Economic Development Authority.

Motion was made by Trustee Stuber and seconded by Trustee Ging to approve said resolution as presented, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Discussion was held regarding an Economic Development Agreement with Jumbo Foods IV, LLC.

Comments were received from Mr. Brent Kisling, Executive Director of the Enid Regional Development Alliance, who stated that if approved, the Agreement would assist Jumbo Foods in opening a new Sav-A-Lot grocery store in property formerly known as the former Boy's Market on South Van Buren. He stated that the City of Enid has experienced a revenue leakage of approximately \$29 million per year in grocery sales, and noted that the investment would not only create new jobs in Enid, but would also help decrease the leakage by expanding the trade area to the south.

Mr. Gerald Blevins from Jumbo Foods thanked trustees for their consideration, and spoke regarding his company's plans to open the new business by Thanksgiving 2012.

Motion was made by Trustee Stuber and seconded by Trustee Wilson to approve said Agreement as presented, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Motion was made by Trustee Stuber and seconded by Trustee Wilson to allow the following claims for payment as listed, and the vote was as follows:

AYE: Trustees Janzen, Stuber, Wilson, Ging and Chairman Shewey.

NAY: None.

Chairman Shewey adjourned the meeting to re convene as the Enid City Commission.

-MAYOR AND BOARD OF COMMISSIONERS-

There being no further business to come before the Board at this time, motion was made by Commissioner Stuber and seconded by Commissioner Janzen that the meeting adjourn, and the vote was as follows:

AYE: Commissioners Janzen, Stuber, Wilson, Ging and Mayor Shewey.

NAY: None.

The meeting adjourned at 8:13 P.M.