



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 23rd day of January, 2014, 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 THE REGULAR MEETING OF JANUARY 7, 2014.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
 - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
 - 5.2 CONSIDER APPOINTMENTS TO THE VISUAL ARTS COMMISSION.

BACKGROUND: On December 3, 2013, the City Commission adopted an ordinance creating a Visual Arts Commission. This Commission will be responsible for developing guidelines and standards for the selection, display, and maintenance of art, and to acquire, by purchase or donation, works of art which shall become the City's collection.

The Visual Arts Commission shall consist of seven (7) members, up to six (6) from the public at large who shall be appointed by the Mayor and Board of Commissioners, and at least one (1) who shall be a member of the City Commission. Terms on this Commission are three (3) years.

The City Clerk has advertised for vacancies to this Commission with a deadline for applications of January 8, 2014.

2013-2014 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Ballot and Applications.

RECOMMENDATION: Appoint seven (7) members to the Visual Arts Commission.

PRESENTER: Joan Riley, Assistant City Manager.

- 6. HEARINGS.
 - 6.1 NONE.
- 7. COMMUNITY DEVELOPMENT.
 - 7.1 NONE.
- 8. ADMINISTRATION.
 - 8.1 CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, TITLE 5, ENTITLED "PUBLIC SAFETY," CHAPTER 7, ENTITLED "ANIMAL CONTROL," SECTION 5-7-5 TO EXCLUDE FROM PROSECUTION THE TAKING IN OF A FERAL ANIMAL SOLELY FOR THE PURPOSE OF SPAYING OR NEUTERING AND VACCINATING AND RELEASING THE ANIMAL IN THE LOCATION IN WHICH IT WAS FOUND. FURTHER, TO CORRECT GRAMMATICAL ERRORS AND MOVE FROM A CLASS SYSTEM OF OFFENSES TO SPECIFIC FINES AND IMPRISONMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY AND CODIFICATION.

BACKGROUND: This Ordinance was reviewed by the Commission at the December 17, 2013, Study Session.

This amendment will allow a person to take in a feral animal for the purpose of spaying or neutering and vaccinating the animal, and then releasing the animal where it was found. This amendment also corrects grammatical errors and moves from a class system of offenses to specific penalties.

2013-2014 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Ordinance.

RECOMMENDATION: Approve Ordinance.

PRESENTER: Andrea L. Chism, City Attorney.

- 8.2 **CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, TITLE 3, ENTITLED “BUSINESS AND LICENSE REGULATIONS” CHAPTER 2, ENTITLED “ALCOHOLIC BEVERAGES,” SECTIONS 3-2-9 THROUGH 3-2-10, TO PROHIBIT FURNISHING OF ALCOHOL TO MINORS AND POSSESSION OR CONSUMPTION OF ALCOHOL BY MINORS WITHIN THE CITY OF ENID CITY LIMITS AND TO ALLOW THE ENID POLICE DEPARTMENT DISCRETION AND CONTROL OVER CONSUMPTION OF ALCOHOL BY MINORS WHEN NECESSARY. FURTHER, TO UPDATE IN ACCORDANCE WITH STATE LAW, CORRECT GRAMMATICAL ERRORS AND MOVE FROM A CLASS SYSTEM OF OFFENSES TO SPECIFIC FINES AND IMPRISONMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.**

BACKGROUND: This Ordinance is being amended as part of a re-codification of the City of Enid Municipal Code.

This amendment increases the costs for violations of the City of Enid Municipal Code regarding alcohol and underage persons.

2013-2014 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Ordinance.

RECOMMENDATION: Approve Ordinance.

PRESENTER: Shandi Campbell, Assistant City Attorney.

- 8.3 **CONSIDER AN ORDINANCE AMENDING THE ENID MUNICIPAL CODE, 2003, TITLE 6, ENTITLED “MOTOR VEHICLES AND TRAFFIC” CHAPTER 2, CURRENTLY ENTITLED “ADMINISTRATION AND ENFORCEMENT,” SECTIONS 6-2-6 THROUGH 6-2-7, TO DESCRIBE AUTHORITY OF POLICE OFFICERS IN THE TRAFFIC SETTING WITHIN THE CITY OF ENID CITY LIMITS. FURTHER, TO UPDATE IN ACCORDANCE WITH STATE LAW, CORRECT GRAMMATICAL ERRORS AND MOVE FROM A CLASS SYSTEM OF OFFENSES TO SPECIFIC FINES AND IMPRISONMENT; PROVIDING FOR REPEALER, SAVINGS CLAUSE, SEVERABILITY, AND CODIFICATION.**

BACKGROUND: This Ordinance was reviewed by the Commission at the December 17, 2013, Study Session.

This amendment will update maximum fines as allowed by State law, correct grammatical errors, provide for penalties, and move from a class system of offenses to specific fines and imprisonment.

2013-2014 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Ordinance.

RECOMMENDATION: Approve Ordinance.

PRESENTER: Andrea L. Chism, City Attorney.

- 8.4 **CONSIDER A RESOLUTION TERMINATING THE CONTRACT FOR PUBLIC, EDUCATIONAL, AND GOVERNMENTAL ACCESS SERVICES BETWEEN THE CITY OF ENID, OKLAHOMA, AND PEGASYS, INC., AND THE LEASE AGREEMENT BETWEEN THE CITY OF ENID, THE ENID MUNICIPAL AUTHORITY, AND SUDDENLINK.**

BACKGROUND: During the City of Enid’s May 15, 2013 budget hearing, commissioners discussed the effectiveness and efficiency of PEGASYS, and challenged PEGASYS to generate at least one-half of its operating revenue before the next year or funding would be eliminated. Since that time, Commissioner Vanhooser has reviewed the actions taken by PEGASYS and has determined PEGASYS has failed to perform to the City of Enid standards and requests. This resolution allows discussion and/or action to terminate the following agreements for cause as of February 1, 2014:

1. The lease agreement between the City of Enid and the Enid Municipal Authority and Suddenlink entered into on June 1, 2010 for the benefit of PEGASYS, Inc.
2. The funding contract in the amount of \$185,000.00 entered into on July 19, 2013 between the City of Enid and PEGASYS, Inc.

2013-2014 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve Resolution.

PRESENTER: Andrea Chism, City Attorney.

8.5 CONSIDER A RESOLUTION SUPPORTING HB 1875 REGARDING SALES AND USE TAX RETENTION FEES CHARGED TO CITIES, TOWNS, AND COUNTIES BY THE OKLAHOMA TAX COMMISSION.

BACKGROUND: Under current law, municipalities and counties are required to contract with the Oklahoma Tax Commission to collect local sales and use taxes. The Oklahoma Tax Commission charges a retention fee from those collected taxes ranging from 1 percent to 1 ¾ percent. Over time, an imbalance has occurred, resulting in municipalities now bearing a larger fee than the cost of collection.

HB 1875 will reduce the retention fee charged to cities, towns, and counties to .5 percent of a municipality's and county's collections.

2013-2014 BUDGETED ITEM: Not applicable.

FUNDING SOURCE: Not applicable.

ATTACHMENTS: Resolution.

RECOMMENDATION: Approve Resolution.

PRESENTER: Joan Riley, Assistant City Manager.

9. CONSENT.

9.1 AWARD THE PURCHASE OF ONE (1) TANDEM AXLE TRACTOR TRUCK, 80,000 GROSS VEHICLE WEIGHT RATING (GVWR), WITH A TWO LINE

WET-KIT FOR MULTIPLE TRAILER OPERATIONS FOR THE PUBLIC WORKS DEPARTMENT.

BACKGROUND: A tandem axle tractor truck was budgeted to replace a 1986 model truck with over 14,000 hours. Two (2) bids were received, of which the most responsive bid was from Enid Mack Sales, Inc. in the amount of \$110,281.00.

2013-2014 BUDGETED ITEM: Yes.

FUNDING SOURCE: Storm Water Fund.

ATTACHMENTS: Canvass of Bids.

RECOMMENDATION: Award the purchase of a tandem axle tractor truck, 80,000 GVWR, with a two line wet-kit for multiple trailer operations to Enid Mack Sales, Inc. in the amount of \$110,281.00.

PRESENTER: Jim McClain, Director of Public Works.

9.2 ACCEPT A PUBLIC HIGHWAY EASEMENT FROM JO ELLEN VOGT, TRUSTEE OF THE BENDER FAMILY TRUST, DATED JUNE 30, 2008, FOR THE WILLOW ROAD WIDENING PROJECT, PROJECT NO. R-0303D.

BACKGROUND: This public highway easement will provide additional right-of-way on Willow Road at the northwest corner of Willow Road and Wildwood Drive and is required for the widening of Willow Road between Cleveland Street and Oakwood Road to four (4) lanes. The cost of this right-of-way is \$23,600.00.

2013-2014 BUDGETED ITEM: Yes.

FUNDING SOURCE: Capital Improvement Fund.

ATTACHMENTS: Location Map. Easement is on file in the Office of the City Clerk.

RECOMMENDATION: Accept Easement.

PRESENTER: Christopher Gdanski, Director of Engineering.

9.3 APPROVAL OF CLAIMS IN THE AMOUNT OF \$2,521,578.30.

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 AWARD THE PURCHASE OF ONE (1) FRONT END LOADING 44-YARD COMPACTION BODY TRASH TRUCK FOR THE PUBLIC WORKS DEPARTMENT.

BACKGROUND: A front end loading 44-yard compaction body trash truck was budgeted to replace a 2007 unit with over 13,000 hours. Two (2) bids were received, of which the most responsive bid was from Enid Mack Sales, Inc. in the amount of \$217,602.00.

2013-2014 BUDGETED ITEM: Yes.

FUNDING SOURCE: Enid Municipal Authority Capital Replacement Fund.

ATTACHMENTS: Canvass of Bids.

RECOMMENDATION: Award the purchase of a front end loading 44-yard compaction body trash truck to Enid Mack Sales, Inc. in the amount of \$217,602.00.

PRESENTER: Jim McClain, Director of Public Works.

- 12.2 APPROVAL OF CLAIMS IN THE AMOUNT OF \$826,102.19.

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 \$380,447.41.

ATTACHMENTS: List of claims.

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