



City of Enid
401 W. Owen K Garriott
1768 P.O. Box
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 5th day of April 2011, 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. MINUTES OF REGULAR MEETING OF MARCH 15, 2011.
5. AWARDS, PRESENTATIONS, AND ORGANIZATIONAL BUSINESS.
 - 5.1 PRESENT PET AVAILABLE FOR ADOPTION AT THE CITY ANIMAL SHELTER.
 - 5.2 PRESENTATION ABOUT SISTER CITIES INTERNATIONAL- ENID PROGRAM.

BACKGROUND: On August 1, 2010 Mayor John Criner signed a proclamation declaring a "Sister City" relationship with Kollo, Africa, to explore and expound on cultural, educational, business, governmental

and economic common values and supporting opportunities for mutually beneficial exchanges in business and economic development, history and culture, tourism, sports, education, science and technology. Enid's Sister City representatives have prepared a report of their programs and projects for the Mayor and Board of Commissioners.

PRESENTER: Andrie Winters.

ATTACHMENTS: None.

RECOMMENDATION: None.

6. HEARINGS.

6.1 CONDUCT A PUBLIC HEARING TO CONSIDER \$585,829.90 IN PROPOSED ALLOCATIONS FROM THE FY-11 CDBG FUNDING CYCLE AS RECOMMENDED BY THE CDBG FUNDING COMMITTEE AND STAFF.

BACKGROUND: The City of Enid, as an Entitlement City for the receipt of 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. However, the amount of the FY-11 CDBG allocation has not yet been released by the federal government. The proposed allocation is \$558,829.90 with an additional \$26,761.26 available from reallocated funds. The CDBG Funding Committee developed funding recommendations on March 3, 2011. Notice of availability of the proposed plan was published on March 19, 2011, commencing a 30-day comment period. The purpose of this public hearing is to receive comments from interested citizens regarding the plan. The final decision on the proposed plan is scheduled for the April 19, 2011 commission meeting.

PRESENTER: Stephanie Carr.

ATTACHMENT: FY-2011 Recommended Activities. The 2011 Action Plan is available for review in the CDBG Department and the City Clerk's office.

RECOMMENDATION: Conduct a public hearing.

6.2 CONDUCT A HEARING REZONING PROPERTY LOCATED AT LOT 4, BLOCK 1, BRADEN'S ADDITION, FROM "R-7" RESIDENTIAL MULTI-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

BACKGROUND: This is a companion to item 8.7 and concerns a property located at 1015 West Oklahoma. The applicant is requesting to rezone

the property from “R-7” Residential Multi-Family District to “C-3” General Commercial District. The applicant is proposing to demolish the residence and include the property for parking for a fast food restaurant to be located on the corner of Oklahoma and Van Buren.

The zoning pattern surrounding this request includes “R-4” across the street to the north and across the alley to the south, “R-7” to the west and “C-3” to the east. Screening will be provided along the west side of the property adjacent to the residential zoning.

According to the Enid Metropolitan Area Comprehensive Plan 2025 the land use is medium intensity commercial.

The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at their March 21, 2011 regular meeting.

PRESENTER: Chris Bauer.

ATTACHMENTS: Location map.

RECOMMENDATION: Conduct Hearing.

- 6.3 CONDUCT A HEARING TO CLOSE THAT PORTION OF WEST CHEROKEE AVENUE BETWEEN GRAND AVENUE AND INDEPENDENCE AVENUE, A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION SEVEN (7), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE SIX (6) WEST OF THE INDIAN MERIDIAN, GARFIELD COUNTY, OKLAHOMA.**

BACKGROUND: This is a companion to item 8.2. The portion of West Cherokee Avenue between Grand Avenue and Independence Avenue is currently closed to through traffic, providing access only to public parking. As part of the Downtown Renaissance Project, one or more public buildings and associated amenities will be constructed on the area occupied by this street. Pursuant to Section 7-1-4 of the Enid Municipal Code, 2003, all utility companies and property owners within three hundred (300) feet of the portion of the street to be closed have been notified of this hearing.

PRESENTER: Chris Bauer or Robert Hitt.

ATTACHMENTS: Location Map.

RECOMMENDATION: Hold Hearing.

7. COMMUNITY DEVELOPMENT.

7.1 CONSIDER APPROVAL OF A SITE DEVELOPMENT PLAN IN THE WAL-MART PLANNED UNIT DEVELOPMENT (PUD) FOR GOLDEN CHICK, LOCATED AT 5601 WEST OWEN K GARRIOTT ROAD, ENID, OKLAHOMA.

BACKGROUND: The site involves a new 5,990 square foot building for the Golden Chick Restaurant, a future restaurant and a future retail space. The property is zoned “C-2” Planned Business Center District with a Planned Unit Development (PUD) overlay. The property is surrounded by C-2 zoned property to the south, east and west.

Staff has reviewed the Site Development Plan for compliance with the requirements of Section 11-11 Site Plan Review. The Site Development Plan is in compliance with the permitted uses allowed in “C-2” zoned areas.

The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at their February 28, 2011 regular meeting.

PRESENTER: Chris Bauer.

ATTACHMENTS: Site Plan.

RECOMMENDATION: Approve.

8. ADMINISTRATION.

8.1 AMENDMENT NO. 2 TO THE AGREEMENT WITH TETRA TECH, INC., FOR ADDITIONAL SERVICES FOR THE ENID TRAIL SYSTEM, PHASES 1 & 2, PROJECT M-1001A.

BACKGROUND: As part of the effort to improve the City of Enid’s trail system, the City completed a Master Trail Plan in 2008, and was accepted by the City Commission.

The original contract with Tetra Tech was to provide engineering services on Phase 1 work, which is Parkway to Canary Lane and continuing southbound to Hays School along the US Army Corps of Engineers channel. Amendment No. 1 added design work on Phase 2, from Canary Lane to Oakwood Road and from Hays School to Rupe Ave.

The original design included bidding both phases of the work as one project, but ODOT is requiring the project be broken into separate bidding documents. This amendment addresses the additional cost of splitting the current project into two separate contracts. This additional work was not anticipated in the original contract and Tetra Tech’s claim for additional costs has been negotiated to \$17,500.00 based on the

amount of additional work supported by the final plans, as well as the additional submittal to ODOT.

Amendment No. 2 will add \$17,500.00 to the existing contact with Tetra Tech.

Funding will be from the Capital Improvement Fund.

PRESENTER: Robert Hitt.

ATTACHMENTS: None. Amendment No. 2 is on file in the office of the City Clerk.

RECOMMENDATION: Approve Amendment No. 2 with Tetra Tech, Inc. in an amount not to exceed \$17,500.00.

- 8.2 CONSIDER AN ORDINANCE CLOSING TO THE PUBLIC THE PORTION OF WEST CHEROKEE AVENUE BETWEEN GRAND AVENUE AND INDEPENDENCE AVENUE, A TRACT OF LAND LYING IN THE SOUTHEAST QUARTER (SE/4) OF SECTION SEVEN (7), TOWNSHIP TWENTY-TWO (22) NORTH, RANGE SIX (6) WEST OF THE INDIAN MERIDIAN, GARFIELD COUNTY, OKLAHOMA.**

BACKGROUND: This is a companion to item 6.3. The portion of West Cherokee Avenue between Grand Avenue and Independence Avenue is currently closed to through traffic, providing access only to public parking. As part of the Downtown Renaissance project, one or more public buildings and associated amenities will be constructed on the area occupied by this street. Pursuant to Section 7-1-4 of the Enid Municipal Code, 2003, all utility companies and property owners within three hundred (300) feet of the portion of the street to be closed have been notified of this hearing. Upon approval by the Mayor and Board of Commissioners, this ordinance will close the portion of West Cherokee Avenue between Independence Street and Grand Street.

PRESENTER: Chris Bauer or Robert Hitt.

ATTACHMENTS: Ordinance.

RECOMMENDATION: Approve ordinance.

- 8.3 APPROVE CONTRACT WITH WILLIAM C. AND TESSA L. MARTIN TO ACQUIRE WATER RIGHTS, W-1104A.**

BACKGROUND: Water supply is an important role in development of the City of Enid and the City is investing to acquire water rights to support the demand. Three test wells were drilled to determine the quality and

quantity of water in the Northwest Quarter (NW/4) of Section Two, Township 22 North, Range 12 West, a total of 160 acres, owned by William C. and Tessa L. Martin. Two of the three test wells produced acceptable quality and quantity. The proposed contract will allow the City of Enid to acquire water rights from the Martins at a cost of \$80,000.00.

Funding is provided from the Capital Improvement Fund.

PRESENTER: Robert Hitt.

ATTACHMENTS: None. Contract is on file in the office of the City Clerk.

RECOMMENDATION: Approve contract with William C. and Tessa L. Martin for water rights in the amount of \$80,000.00.

8.4 APPROVE CONTRACT WITH CARTER AND ASSOCIATES COMMERCIAL SERVICES, L.L.C. FOR PROJECT MANAGEMENT SERVICES OF NEW EVENT CENTER AND RENOVATIONS OF EXISTING CONVENTION HALL, PROJECT NO. M-1109B5.

BACKGROUND: The Renaissance Program consists of construction of a new event center, renovation of Convention Hall and improvements in the two-block area of the downtown development. The work includes, but is not limited to, management of architects, structural engineers, civil engineers, utility relocations, utility companies and construction management at risk contract up to \$20 million dollars in new construction and renovations. This item is presented to execute a contract with Carter and Associates Commercial Services, L.L.C. to provide program management services.

The program manager will fill in the management gaps between the Architect and Construction Manager at Risk Services. The scope includes coordinating all activities of the program including conducting design reviews, construction progress meetings, construction quality assurance, managing cost controls, monthly status reports, assurance of competitive bidding compliance, assistance with bid evaluation, submittal review, management of progress payments, management of change orders, management of the correction of non-compliant work, management of safety and accident prevention program and management of work required under warranty. The Program Manager will also coordinate the start-up and move-in operations of the facilities.

The Program Manager will act as the owner representative and will provide review and recommendations on all phases of the development, design and construction of the Renaissance Program.

Cost of service has been negotiated at \$362,376.00, less than 2% of the listed project budget.

PRESENTER: Robert Hitt.

ATTACHMENTS: None. Contract is on file in the office of the City Clerk.

RECOMMENDATION: Approve a contract with Carter and Associates Commercial Services, L.L.C. in the amount of \$362,376.00.

- 8.5 CONSIDER AN ORDINANCE DETACHING CERTAIN TERRITORY WITHIN THE EXISTING CITY LIMITS OF THE CITY OF ENID IN THE NORTHWEST QUARTER AND SOUTHWEST QUARTER OF SECTION TWENTY, TOWNSHIP TWENTY-THREE NORTH, RANGE SIX WEST OF THE INDIAN MERIDIAN, GARFIELD COUNTY, OKLAHOMA; PROVIDING FOR NEW CORPORATE LIMITS, RECORDING OF DETACHMENT, REPEALER, SAVINGS CLAUSE, AND SEVERABILITY.**

BACKGROUND: The City of North Enid has requested the Mayor and Board of Commissioners of the City of Enid voluntarily agree to detach from its corporate boundaries certain property as shown on the attached map. The only property to be detached by this ordinance is the road and right-of-way. The road and right-of-way to be detached are surrounded on three sides by North Enid.

PRESENTER: Andrea Springer.

ATTACHMENT: Ordinance and map.

RECOMMENDATION: Approve Ordinance.

- 8.6 HEAR A PRESENTATION AND APPROVE THE DESIGN DEVELOPMENT DRAWINGS FOR THE ENID RENAISSANCE PROGRAM, M-1109.**

BACKGROUND: This presentation is to review the Enid Renaissance vision and approve the design development drawings for the new event center and renovation of Convention Hall by Convergence Design and Flintco Constructive Services, Inc.

The design team requested that the date of April 19, 2011 for the Event Center and Convention Hall renovation Guaranteed Maximum Price (GMP) be revised to April 29, to allow the project GMP to be based on a 100% design development that will be completed on April 8 by Convergence Design. As provided in the contract, Flintco Constructive Services, Inc. will produce a project GMP 20 days after the completion of design development.

GMP project timeline:

- April 5: 90% Design Development (drawings, budget and schedule) presentation to the City Commission for approval
- April 8: 100% Design Development available to Flintco Constructive Services, Inc. to prepare the project GMP
- April 25: Project GMP provided to the City Commission for review and comment by Flintco Constructive Services, Inc.
- Special City Council meeting for review and approval of GMP presentation to be determined

PRESENTER: Chris Bauer.

ATTACHMENT: None.

RECOMMENDATION: Approve

8.7 CONSIDER AN ORDINANCE REZONING PROPERTY LOCATED AT LOT 4, BLOCK 1, BRADEN'S ADDITION, FROM "R-7" RESIDENTIAL MULTI-FAMILY DISTRICT TO "C-3" GENERAL COMMERCIAL DISTRICT.

BACKGROUND: This is a companion item to 6.2 which concerns the property located at 1015 West Oklahoma.

The Enid Metropolitan Area Planning Commission voted unanimously to recommend approval at their March 21, 2011 regular meeting.

PRESENTER: Chris Bauer.

ATTACHMENTS: Ordinance.

RECOMMENDATION: Approve.

9. CONSENT.

9.1 REJECT ALL BIDS AND AUTHORIZE STAFF TO RE-ADVERTISE FOR MOWING AND CLEANING SERVICES FOR LOTS EQUAL TO OR LESS THAN ¼ ACRE AND LOTS BETWEEN ¼ OF AN ACRE TO ½ OF AN ACRE IN SIZE FOR CALENDER YEAR 2011.

BACKGROUND: The City's abatement programs rely on private mowing contractors to provide the labor necessary to eliminate accumulation of high grass and weeds throughout the community. Annually, the City awards a contract to the successful bidder or bidders for such work.

The bid package was mailed to twenty-two (22) contractors generating two responses with only one bid being a complete and qualified bid.

City of Enid staff recommends rejecting all bids in an effort to generate more bids.

PRESENTER: Toby Pritchett.

ATTACHMENTS: None. Bids are on file in the office of the City Clerk.

RECOMMENDATIONS: Reject all bids and authorize staff to re-advertise.

9.2 CONSIDERATION AND DENIAL OF TORT CLAIM OF MICHAEL THERRIEN AND THOMAS BAKER, JR.

BACKGROUND: On March 8, 2011, Mr. Michael Therrien submitted a tort claim in the amount of \$135.00 for damage to his home. He claimed the damage occurred as a result of a backup in the main city sewer line. The City Attorney has reviewed and investigated the claim and determined that there was no negligence on the part of the City. The City Attorney has recommended denial the tort claim.

On January 31, 2011, Mr. Thomas Baker, Jr. submitted a tort claim in the amount of \$3,634.94 for damage to his home. He claimed the damage occurred as a result of a backup in the city sewer line. The City forwarded that claim to its insurer, Oklahoma Municipal Assurance Group (OMAG), which opened an investigation into the claim. After investigating, OMAG found no negligence on the part of the City. OMAG recommended denial of the tort claim.

PRESENTER: Andrea Springer.

ATTACHMENT: None. Letters are on file in the office of the City Clerk.

RECOMMENDATION: Deny payment of the tort claims.

9.3 AWARD AND EXECUTE A CONTRACT TO NORTH CENTRAL CONSTRUCTION CO, INC. OF STILLWATER, OKLAHOMA FOR 4TH STREET DRAINAGE PIPE REPAIR, F-1103A, AND AUTHORIZE THE MAYOR TO EXECUTE ALL CONTRACT DOCUMENTS AFTER REVIEW BY THE CITY ATTORNEY.

BACKGROUND: This project involves the replacement of 382 feet of 18-inch storm drain pipe located on 4th Street between Industrial Drive and Hickory Avenue. The existing pipe is deteriorated, plugged with debris, and causes runoff to backup into the intersection at Industrial Drive.

Four (4) bids were received, with the lowest responsible bid submitted by North Central Construction, of Stillwater, Oklahoma in the amount of \$49,347.00. The contract time is 30 calendar days.

This item was removed from the March 15, 2011 city council agenda due to concerns that the contractor could not acquire sufficient coverage from the owner's protective liability insurance provider with the City as the named insured. This has been resolved by waiving the requirement for a separate policy and instead requiring the contractor to add owner's protective liability coverage identifying the City of Enid as an additional insured, to their current insurance policy. This change will not decrease the insurance protection of the City of Enid and will result in an \$800.00 reduction in contract cost that will be provided by a change order.

The project will be funded from the Stormwater Fund.

PRESENTER: Robert Hitt.

ATTACHMENTS: Canvass of Bids.

RECOMMENDATION: Award a contract to North Central Construction Co, Inc. in the amount of \$49,347.00, and authorize the Mayor to execute all contract documents, after review by the City Attorney.

9.4 GRANT AN EASEMENT TO OG&E FOR UNDERGROUND POWER SUPPLY LINES AND TRANSFORMER PADS IN THE WATER RECLAMATION FACILITY (WRF).

BACKGROUND: Oklahoma Gas and Electric power supply is a key element in the construction of the Water Reclamation Facility. A 10-foot wide easement, along the supply line which covers a total of 1.03 acres, is requested by OG&E. Granting the easement to OG&E will provide access for necessary maintenance and construction.

PRESENTER: Robert Hitt.

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

RECOMMENDATION: Approve.

9.5 APPROVAL OF CLAIMS IN THE AMOUNT OF \$1,304,668.34.

ATTACHMENT: List of claims.

RECOMMENDATION: Approve.

10. RECESS TO CONVENE AS THE ENID MUNICIPAL AUTHORITY.

-AGENDA-

11. TRUSTEES OF THE ENID MUNICIPAL AUTHORITY REGULAR MEETING.

12. ENID MUNICIPAL AUTHORITY REGULAR MEETING.

- 12.1 APPROVAL OF CLAIMS IN THE AMOUNT OF \$70,519.75.

ATTACHMENT: List of claims.

RECOMMENDATION: Approve.

13. ADJOURN TO CONVENE AS THE ENID ECONOMIC DEVELOPMENT AUTHORITY.

-AGENDA-

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 \$7,650.97.

ATTACHMENT: List of Claims.

RECOMMENDATION: Approve.

16. ADJOURN TO RECONVENE AS THE ENID CITY COMMISSION.

17. PUBLIC DISCUSSION.

18. ADJOURN.