

EDMOND CITY COUNCIL MINUTES

January 24, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 24, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve January 10, 2005, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

3. City Council Presentations:

A. **Recognition of February 4, 2005, as "WEAR RED FOR WOMEN DAY" in the City of Edmond.** Mayor Naifeh encouraged all citizens to wear red on this day to help raise awareness of the dangers of cardiovascular disease among women.

4. Appointments to Boards and Commissions:

A. **Appointment to the Central Edmond Urban Development Board.** Councilmember Sanford nominated David Forrest for re-appointment to serve a three-year term expiring in February, 2008.

Motion by Sanford, seconded by Miller, to approve Item 4.A.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

5. GENERAL CONSENT ITEMS: (General Consent Items were voted on collectively except where noted.)

A. **Approval of Administrative Items:**

- 1) **Acceptance of City Manager's Financial Report for month ending December 31, 2004.**
- 2) **Acceptance of City Treasurer's Investment Report**

for month ending December 31, 2004.

3) Acceptance of utility easement from Fairfax Joint Ventures, LLC associated with the Fairfax Estates V development.

4) Approval of Resolution No. 01-05 to provide maintenance for the signal lights at the new Wal-Mart at 15th Street and East I-35 Frontage Road, 15th Street and West I-35 Frontage Road, and 2nd Street and West I-35 Frontage Road.

5) Acceptance of Public Right-of-Way from Pedestal Oil Company, Parcel 19, for the 2020 Master Plan Water Improvements. Mayor Naifeh noted this right-of-way was donated to the City at no cost.

6) Approval of purchase and sale agreement with the State of Oklahoma for property located on 2nd Street, south of the University of Central Oklahoma.

7) Approval of agreement with the University of Central Oklahoma for reimbursement to the City for site preparation work for the Oklahoma State Bureau of Investigation site.

8) Approval of supplemental appropriations from the 2000 Sales Tax Fund restoring funding for construction of the 7th Street and Kelly intersection improvements project - \$250,000.

9) Approval of supplemental appropriations from the 2000 Sales Tax Fund restoring funding for construction of the Kelly Parkway median and access control, 33rd Street to 15th Street - \$450,000

10) Approval of supplemental appropriations for the Fire Public Safety Limited Tax Fund - \$224,905

11) Approval of transfer of appropriations for Community Development Block Grant (CDBG) Fund - \$786,281.11

B. Approval of Purchases:

1) Award of bid (including renewal options) for Police motorcycle replacement program. Purchasing

Manager recommended accepting bid from Harley Davidson World in the amount of \$84,818.88.

2) Approval of Resolution No. 02-05 and project agreement with the Oklahoma Department of Transportation for the 7th Street and Kelly intersection improvements in the amount of \$245,816.20.

3) Award of bid for rehabilitation of residential structure located at 1313 Lapwing Road as part of the Community Development Block Grant (CDBG) program. The Citizens Participation Committee recommended accepting bid from Titan Home Remodel in the amount of \$23,900.

4) Approval of design contract with Howard-Fairbairn Site Design, Inc. for Phase I Development and Design of third community park in the amount of \$73,000.

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-11) and 5.B.(1-4). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller
NAYS: None

6. Approval of Tort Claim Committee's recommendation on Tort Claim.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0029 Police Department	Deny - \$145.00

Motion by Lamb, seconded by Miller, to approve Tort Claim Committee's recommendation on Tort Claim. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller
NAYS: None

Motion by Miller, seconded by Sanford, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller

NAYS: None

10. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat for Quo Vadis II Addition, located north of Coffee Creek Road, west of Westminister Road (J.W. Armstrong, applicant) Case No. PR040040.**
- B. **Consideration of Final Plat of Kingsbury Ridge I, located one-fourth mile west of Western on the south side of Covell Road (Caleb McCaleb, applicant) Case No. PR040019.**

Motion by Lamb, seconded by Page, to approve Planning Consent Items 10.A. through 10.B. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

11. Public Hearing and Consideration of Ordinance No. 2894 amending Edmond Plan III from multiple zonings to "CBD" Edmond Downtown Redevelopment District, generally located south of E. 2nd Street, west of Boulevard, north of the 600 Block of South Boulevard, and east of the alley east of Broadway (Central Edmond Urban Development Board, applicant). This item was previously discussed on May 10, 2004, when Council agreed to allow the rezoning request for this area to formally proceed. Notices have been mailed to property owners as well as business owners within 300 feet of the boundaries of the area. Four signs have been posted for 30 days in advance of the public hearings. In 1998, the Downtown Master Plan recommended this area become a mixed-use area in conformance with the "CBD" district objectives which allows residential and commercial uses together. This is the only district which allows these multiple uses.

Councilmember Lamb presented a Power Point presentation describing the Central Edmond Urban Development Board's justification for the Plan Amendments and Rezoning. He noted that the rezoning would not result in a use loss for property owners since they would grandfathered in. He noted that a major value in the proposed change was that the area would be considered part of the Core area under the Downtown Design Guidelines recently adopted for the Urban Board review of site plans. The Core area has a focus on pedestrian friendly design.

Councilmember Miller asked why the plan amendment and rezoning applications did not include the property all the way west to the railroad tracks.

Councilmember Lamb stated those properties were not in the original plan when it was studied by the Urban Board nor was it recommended in the original master plan study conducted in 1998 by outside consultants. He stated in order to extend the "CBD" district to other areas, property must abut the "CDB" district. Councilmember Lamb noted approval of the Plan Amendment and rezoning does create the opportunity for all the properties along Broadway to be rezoned to "CBD" since they now abut the "CBD" district. He stated the Urban Board's proposal was based upon the 1998 study and the Board viewed the urban intensity component to be realistic for this area.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2894 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Motion by Lamb, seconded by Page, to attach Emergency Clause to Ordinance No. 2894. **Motion carried** as follows and Ordinance No. 2894 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

12. Public Hearing and Consideration of Ordinance No. 2895 rezoning multiple zoning districts to "CBD" Edmond Downtown Redevelopment District, generally located south of 2nd Street, west of Boulevard, north of the 600 Block of South Boulevard, and east of the alley east of Broadway (Central Edmond Urban Development Board, applicant). This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2895 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

13. Public Hearing and Consideration of Commercial Site Plan approval for Parkway Cleaners building addition to include discussion of building over existing storm sewer on the south side of 5th Street, east of Hideaway Pizza (Mark Neighbors, applicant) Case No. SP040037. The applicant is proposing a two-story building addition containing 11,815 square feet. There is an existing underground stormwater drainage pipe where the building addition is proposed. The applicant has not found a recorded easement dedicating the improvement to the City nor has he been able to formally determine if the storm sewer is public or private. The applicant will provide 27 parking spaces, 12 spaces in front for right angle parking on 5th Street and the remaining spaces in back of the building.

Randel Shadid, attorney representing the applicant, addressed Council and stated the design of the building addition will be

in the same style and height as the Jazz Lab/Hideaway Pizza building. He stated the main concern for this project was the storm sewer which has been in this location for a number of years and is still functioning well. He stated the building has been designed to accommodate a 1000 year flood by directing the surface water into the greenbelt. He noted the finished floor elevation would be constructed to keep the water out of the building. Mr. Shadid stated all indications are that the storm sewer line is private and they intend to keep it private. He noted the building will be designed and constructed so that the storm sewer does not collapse. He stated an existing sanitary sewer line will be closed and relocated at the applicant's cost. He stated his client would prefer not to pay an engineer to design a sanitary sewer line and drainage/detention improvements until the existing storm sewer line issue is resolved.

Councilmember Miller stated he spoke with Mr. Shadid and the Engineering staff regarding the capacity of the storm sewer. He noted as long as the Engineering staff was satisfied with the storm sewer, he is not opposed to the application.

Councilmember Sanford stated when the Urban Board reviewed this application they did not have the expertise of an engineer and she hoped there would be no unforeseen problems such as was the case with the water line when the Jazz Lab was constructed.

Steve Manek, City Engineer, addressed Council and stated he was waiting on the engineer's report regarding the capacity of the storm sewer.

Motion by Sanford, seconded by Miller, to approve Item No. 13.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

14. Discussion and Consideration of policy on alcohol sales at Arcadia Lake to allow package sales and/or sales at a restaurant or lodge. Current City ordinances do not prohibit the sale of alcoholic products at Arcadia Lake but it has been the policy not to allow the sale of alcohol to take place on lake property. The Park and Recreation Advisory Board recommended approval of liquor by the drink sales at a restaurant/lodge but did not vote on whether to allow package sales of beer products at a marina. The Fish and Game Commission recommended approval of both types of alcohol sales.

Troy Powell, Director of Operations, addressed Council and stated last year the City solicited Request for Proposals (RFP) and only received one response. He noted a committee was formed to try to answer some questions and be more specific because some felt that the RFP was vague and did not address all the issues. He stated the committee developing the second RFP feels this issue needs to be addressed prior to sending out another RFP. Mr. Powell requested direction from Council regarding the sale of alcohol at Arcadia Lake to be used during preparation of the 2nd RFP.

Councilmember Miller stated he felt there would be less of a competitive edge for restaurants, lodges or inns who want to locate at the Lake if they were not allowed to sell liquor by the drink. He suggested package sales be decided on a case by case basis.

Councilmember Lamb noted that liquor by the drink is already available if the appropriate licensing is in place. He stated he is conflicted regarding the sale of beer at a marina and that he was concerned about public perception of the City's intentions if they lease land to a privately owned marina and then allow the marina to sell alcoholic products. In his opinion this is a conflict with the City's need to enforce a safe environment at Arcadia Lake. Councilmember Lamb stated he would prefer to see how liquor by the drink works prior to approving package sales.

Mayor Naifeh noted that most state lakes do allow the sale of 3.2 beer and wine coolers. She noted that she felt more comfortable if alcohol was consumed in a sit-down restaurant rather than as package sales.

Councilmember Page stated he feels that if the City is going to attract an upscale marina, package sales of 3.2 beer and beer products should be allowed. He stated he felt the Council should decide whether to allow alcohol sales or not so that City staff and private developers know what is expected of them. Councilmember Page noted that the Council could reverse the policy if alcohol sales become a problem.

Councilmember Sanford stated she felt Council should decide this issue prior to preparation of a 2nd RFP. She stated it was unfair to expect developers to submit an RFP based on a maybe.

General discussion was held regarding whether not allowing package sales would prevent the City from getting a quality marina development at Arcadia Lake.

Motion by Sanford, seconded by Lamb, to allow the RFP to include the sale of alcoholic beverages at a restaurant/lodge with the appropriate permitting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Motion by Sanford, seconded by Page, to allow the RFP to include a provision allowing a privately developed marina to sell 3.2 beer products and wine coolers with the appropriate permitting. **Motion carried** as follows:

AYES: Councilmembers Page, Sanford and Miller
NAYS: Mayor Naifeh and Councilmember Lamb

15. Executive Session to discuss pending claim (Executive Session authorized pursuant to 25. Okla. Stat. Section 307(B)(4):

Eischeid vs. City of Edmond

Motion by Page, seconded by Miller, to meet in Executive Session to discuss the above claim. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 6:47 p.m. and returned to the City Council Chambers at 6:50 p.m.

Motion by Miller, seconded by Page, to adjourn Executive Session. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

16. Consideration of Action with regard to the above claim.

Motion by Lamb, seconded by Miller, to authorize City Attorney to proceed with settlement negotiations. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

17. NEW BUSINESS:

Larry Stevens stated that this year is the first time that the City has passed the \$1 billion level in taxable sales. He noted this news was shared at the Edmond Economic preview last Friday

which indicates that Edmond has a very strong and healthy local economy.

18. Motion by Lamb, seconded by Miller, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

City Clerk

Mayor