

EDMOND CITY COUNCIL MINUTES

February, 28, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 28, 2005, in the City Council Chambers.

2. Approval of Minutes. Councilmember Lamb requested that the Minutes be amended on Item 12 replacing the word "detention" with the word "preservation". Motion by Lamb, seconded by Miller, to approve February 14, 2005, Minutes as amended. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of proclamation declaring March 7, 2005, as "STUDENT SUPPORT SERVICES DAY" in the City of Edmond.**

B. **Presentation of 25 years of service awards to the following City of Edmond employees:**

- 1) Roberta Smith, Director of Human Resources
- 2) Linda Bruce, Management Information Systems
- 3) James Davis, Electric Department
- 4) James Platt, Electric Department
- 5) Rick Rogers, Detective, Edmond Police Department
- 6) Rick Everett, Fleet Maintenance Supervisor
- 7) David Wiist, Chief of Fire Prevention
- 8) Gary Dill, Fire Prevention Specialist

C. **Presentation of City of Edmond Audit for year ending June 30, 2004, by Crawford & Associates, P.C.** Marcie Twyman addressed Council and presented a summary of the audit. She stated there were no material misstatements or reportable conditions and that the City received an unqualified opinion.

4. 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 January 31, 2005.
- 2) Acceptance of City Treasurer's Investment Report for month ending January 31, 2005.
- 3) Acceptance of public improvements and maintenance bonds for the following:
 - a) Woody Creek 2nd Addition
 - b) University Village Suites 100-400
- 4) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality.
- 5) Acceptance of electric easement from Freeman Homes, Inc. to provide service at 6400 N. Bryant Avenue.
- 6) Acceptance of electric easement with ACF, LLC to provide an alternate source of electric service for the area surrounding the Villages at Stonebridge Addition, located south of 33rd Street, west of Boulevard.
- 7) Public Hearing and Consideration of Ordinance No. 2901 amending the Edmond Municipal Code, Section 13.16.140(A) regarding the Method of Averaging Water Usage for Billing Purposes; providing for Effective Date; providing for Repealer, Severability and Declaring an Emergency.

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance 2901. **Motion carried** as follows and Ordinance No. 2901 is in effect immediately:

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

- 8) Approval of transfer of appropriations for Administrative Services - \$5,040

Motion by Miller, seconded by Page, to approve General Consent Items 4.A.(1-8). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Award of bids for miscellaneous fire equipment for Station No. 5 for Fire Department.** Purchasing Manager recommended accepting bids from CASCO (\$2,342.44), W.S. Darley (\$8,905) Ferrara (\$2,092), Water Products (\$136) and Wayest (\$20,097.50) for a total amount of \$33,572.94.

2) **Acceptance of street easement for the 33rd Street Widening Project, Coltrane to I-35 in the amount of \$50,000.**

3) **Approval of agreement with Benham Engineering to provide an Alley Master Plan, Downtown Parking Study and Phase II Festival Marketplace Parking and Plaza Design in the amount of \$71,917.** Mayor Naifeh requested the study be extended to 20 years rather than 10 as originally planned. She noted that the growth rate is very significant and she felt they would be able to provide a better forecast if the study encompassed a longer time period. Mayor Naifeh also requested that the study include the area west of the railroad tracks.

Mike Clark, Project Coordinator, addressed Council and stated the engineering firm has agreed to extend the forecast to 20 years at no additional cost.

Councilmember Lamb stated the Central Edmond Urban Board has discussed this matter a number of times over the past year and recommended approval. He stated one of the things the parking study will be looking at is what is the trigger point from an economic standpoint to justify when to begin thinking about constructing an elevated parking garage to serve downtown. Council-member Lamb also noted that the Urban Board is reviewing the need to install a chain link fence on the west side of the railroad tracks. He stated the railroad company does not have a problem with citizens parking on their property during events at the Festival Marketplace but do have concerns regarding citizens crossing the tracks and the risks

involved. He noted expanding the scope of the study to include an area west of the tracks would increase the cost and the focus of the proposed study was the "CBD" or core area.

Motion by Lamb, seconded by Page, to approve General Consent Item 4.B.(3) subject to amending the contract to extend the scope of the study to 20 years. **Motion carried** as follows:

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

4) **Acceptance of seven (7) roadway easements for the Boulevard Widening, Danforth to Covell improvements, and the Covell Underpass in the amount of \$233,600.**

5) **Approval of amendment to design contract with Tetra Tech FHC for additional engineering services for Fink Park to Hafer Park Trail project in the amount of \$64,190.**

6) **Approval of Change Order No. 32 with Timberlake Construction, Inc. for the Cross Timbers Municipal Complex project in the amount of \$19,727.85.**

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.B.(1-2,4-6). **Motion carried** as follows:

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

Motion by Miller, seconded by Page, 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

7. PLANNING CONSENT ITEMS:

A. **Consideration of Final Plat for Sugar Hill, located north of E. 2nd Street, west of Post Road (Barry Rice, applicant) Case No. PR050001.**

B. **Consideration of amended Final Plat for Spring Creek Village, located on the northwest corner of 15th Street and Bryant (Ballenger Brothers, LLC, applicant) Case No. PR030025.**

- C. **Public Hearing and Consideration of amendment to commercial Site Plan approval for Spring Creek Village, located on the northwest corner of 15th Street and Bryant (Ballenger Brothers, LLC, applicant) Case No. SP040025.**
- D. **Consideration of Final Plat of Tuscan Villa Section II, located east of Vista Lane, north of Chimney Hill and west of Borgata Addition (Tom Vorderlandwehr, applicant) Case No. PR050003.** The plat contains 8.28 acres and this phase will contain 33 lots. There will be no access to Chimney Hill Addition or to Borgata from this addition.

Mayor Naifeh stated she had received some calls from citizens regarding the drainage and she requested a further explanation from staff regarding this issue.

Steve Manek, City Engineer, addressed Council and stated the developer has installed additional erosion control and that the appropriate erosion controls are in place for Phase I of the addition. He noted all the stormwater drainage from the development flows into the existing detention pond.

Mayor Naifeh asked if there was an agreement for fencing along the south side of the development.

Tom Vorderlandwehr addressed Council and stated there was no agreement regarding a fence of any type along the property. He noted there had been a problem with erosion into the Chimney Hill Addition but that he installed a concrete retaining wall at his own expense to eliminate any future problems.

Motion by Page, seconded by Miller, to approve Planning Consent Item 7.D. **Motion carried** as follows:

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

- E. **Consideration of Final Plat of Northridge Park Addition, located on the west side of Fretz Avenue, 120 feet south of Brad Street (ERC Land Development Group, applicant) Case No. PR050002.**

Motion by Lamb, seconded by Page, to approve Planning Consent Items 7.A.-7.C and 7.E. **Motion carried** as follows:

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

- 8. **Public Hearing and Consideration of Special Use Permit for mining dirt and other select material, located one-half mile north of Danforth, east of Douglas Boulevard, 1700 N. Douglas Boulevard, Mason No. 1 (M & S Sand, LLC, applicant) Case No. U040013.** The applicant requested this item be continued to a future undetermined date.

Motion by Lamb, seconded by Sanford, to continue Item No. 8 to a date uncertain. **Motion carried** as follows:

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

NAYS: None

9. **Public Hearing and Consideration of Ordinance No. 2902 amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) usage to Restricted Commercial Planned Unit Development (PUD) usage, located on the northeast corner of Dooley Farms Lane and W. Edmond Road (Dooley Farms, LLC, applicant) Case No. Z050001.** The property contains 2.44 acres. The PUD will match the use restrictions approved with Creekside Village immediately east of the proposed development. A left turn lane has already been provided in anticipation of a traffic light previously agreed to by the applicant. There will be no curb cuts on Edmond Road. A monument type sign, six foot tall and 42 square feet in area, will be installed.

Councilmember Lamb noted the two northern buildings do not have the same use limitations as listed in the PUD, but will be required to apply for a Special Use Permit as necessary for certain uses listed in the "D-1" zoning.

Brian Coon, Coon Engineering, addressed Council and stated the parking lot will be located on the east side with approximately a 20 foot setback from the property line.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2902 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 Miller, to attach Emergency Clause to Ordinance No. 2902. **Motion carried** as follows and Ordinance No. 2902 is in effect immediately:

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

10. **Public Hearing and Consideration of Ordinance No. 2903 rezoning from "D-O" Suburban Office Planned Unit Development (PUD) to "D-1" Restricted Commercial Planned Unit Development (PUD), located on the northeast corner of Dooley Farms Lane and W. Edmond Road (Dooley Farms, LLC, applicant) Case No. Z040034.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2903 as read by title by City Planner. **Motion carried** as follows:

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

11. **Public Hearing and Consideration of Ordinance No. 2904 partially closing a utility drainage easement, located east of 3840 Tambos Trail in the Mason Oaks Addition (Mitch Massey, applicant) Case No. U050001.** The applicant is proposing to purchase additional land from the homeowners association west of the existing common area used for drainage and detention. The applicant would purchase 15 feet of the existing detention area east of his lot to allow for better access to the garage because the driveway is very narrow. The Planning Commission did not make a recommendation on this item.

Larry Dumas, attorney representing the applicant, addressed Council and stated the applicant consulted a civil engineer to make sure that purchasing the 15 feet of the detention area would not negatively impact the surrounding homeowners. Mr. Dumas stated the additional property will enhance the functionality of the driveway for the applicant.

Elizabeth Whitlock, Red Plains Professional, addressed Council and stated the west side of the detention pond is 15 to 20 feet from the property line. Ms. Whitlock noted the volume of the original detention pond will not be affected by this purchase. She stated the utility easements will remain in place as originally platted.

Councilmember Lamb stated this item was considered by the Stormwater Drainage Advisory Board (SWAB) and approved the request unanimously because they felt there would be no adverse impact to the detention area. He stated their concerns were that the retaining wall be a minimum of one foot from the property line on the applicant's property to keep it from becoming a maintenance issue for the homeowners association. Councilmember Lamb noted the volume of the detention area is larger than is required and outlets into the street in Clayton Pond. He stated the pond is grassed in and is not sediment filled.

Motion by Miller, seconded by Page, to approve Ordinance No. 2904 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller
NAYS: None

12. Discussion and Consideration of creation of the Edmond Convention and Tourism Authority. Councilmember Page, the liaison to the Board, stated he felt it was time to make a decision since this matter has been discussed for the past several months. He stated the Convention and Visitors Bureau (CVB) needs some direction from Council regarding their operation. He requested the draft document making the CVB a trust authority be amended regarding the manner in how the Board is appointed. He stated he would prefer that each Councilmember have an appointment and for more leeway in making appointments.

Mayor Naifeh stated she has not seen a final document yet that she feels is the best for the CVB. She stated she preferred to give staff more direction in an attempt to get a final document that everyone is pleased with. She stated she felt she needed more time to review everything before a vote is called for. Mayor Naifeh noted that the CVB is in place and doing a great job. She stated she did not want to stymie what the CVB can do in the current situation. She stated the City has a responsibility to insure that the CVB has a location in which to work that will enable them to accomplish the goals of the Council.

Councilmember Lamb suggested the Council consider creating a cultural trust which would combine the CVB with the Historic Preservation Trust. He stated this organization would oversee the old schoolhouse and museum. He stated he has not spoken with either of those organizations regarding this idea and is not at the point of voting to create a cultural trust but he felt that it should be explored by the Council, the CVB and Historic Trust.

Councilmember Sanford stated was strongly opposed to making the CVB a trust which would allow them to issue bonds for capital projects and also own property. She stated she spoke with the City's auditor and he was very negative due to the fiscal responsibility of the Council as well as the lack of financial oversight. Councilmember Sanford stated she was not opposed to establishing an entity that would own property such as the old school house and museum, but only if the members of the Council serve on the Board of Trustees.

Councilmember Miller stated he had no reservations about establishing a trust authority but felt that the Council needed

to reach a consensus of what they want the CVB to be. He stated he felt the Council needed to send a message to the CVB board that they are serious about reaching a decision and moving forward. Councilmember Miller stated he felt the Council should have an in-depth discussion, either in a workshop or Council meeting, and create a draft document that both the CVB and the Council could all have input on.

Larry Travis, Secretary of the CVB Board, addressed Council and stated the Board members were very frustrated and did not know what direction the Council wanted them to take. He stated they have been operating for months without any direction from Council.

Bob Lewter, CVB Board member, addressed Council and stated he wanted a commitment regarding the use of the building they are currently occupying. He noted they have funds in their budget for improvements to the building but were hesitant to use them without knowing if they would be permanently occupying the building.

General discussion was held regarding leasing the building to the CVB but no consensus was reached.

Mayor Naifeh stated the e-mail she received would be best served as an official letter from the CVB Board to the City Manager outlining their specific needs while the Council continues to consider it's options.

13. Executive Session to discuss the purchase of real property generally located at Covell and Broadway and Covell and Sooner Road (Executive Session authorized pursuant to 25. Okla. Stat. Section 307(B)(3). TO BE CONTINUED

14. Consideration of Action with regard to purchase of real property generally located at Covell and Broadway and Covell and Sooner Road. TO BE CONTINUED

15. Consideration of Resolution Nos. _____, _____, _____, _____, _____, Declaring the necessity for acquiring certain Real Property within the City of Edmond, Oklahoma, for public use, and authorizing Acquisition by eminent domain. TO BE CONTINUED

16. NEW BUSINESS:

Mayor Naifeh stated she has received several requests from citizens that the Council explore the need to establish a standard sign for rezoning. She requested this item be included on a future agenda for further discussion.

17. Motion by Miller, seconded by Page, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor