

EDMOND CITY COUNCIL MINUTES

April 25, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 25, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve April 11, 2005, Minutes. **Motion carried** as follows:

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

3. Appointments to Boards and Commissions:

A. Appointment to the Central Edmond Urban Development Board. Councilmember Miller nominated David Payne for appointment to fill the unexpired term of Jim White expiring March, 2007.

Mayor Naifeh announced that last week, April 17-23, 2005, was National Volunteer week. She stated she appreciated all the citizens who volunteer their time to be members of the various committees of the City and she encouraged everyone to volunteer.

Motion by Miller, seconded by Page, to approve Item 3.A.(1). **Motion carried** as follows:

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

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 March 31, 2005.**

2) **Acceptance of City Treasurer's Investment Report for month ending March 31, 2005.**

3) **Acceptance of public improvements and maintenance bonds for the following:**

a) Touchmark II at Coffee Creek

4) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality.**

5) **Acceptance of easements and rights-of-way associated with the Fidelity Bank at University Village shopping center.**

6) **Acceptance of easement from Oak Tree Partners, LLC, for the Oak Tree lift station and force main improvements project, Parcels 2a, 2b, 2c and 2d.**

7) **Acceptance of electric easement from Scott and Kim Verplank to provide electric services for a new residence located at 1850 W. Waterloo Road.**

8) **Approval of amendment to the Capital Projects and Financing Task Force procedural guidelines.** The amendment would allow appointments occurring between March 1st and February 28th to serve the initial term as well as two additional two-year terms. Mayor Naifeh stated this would be a good time to change the terms in order to be consistent with all the other committees which are three-year terms. She requested a resolution be brought forth at the next meeting to amend the task force's terms to three years.

9) **Approval of Resolution No. 11-05 and project agreement with the Oklahoma Department of Transportation for the Kelly Parkway, 15th to 33rd Streets, project in the amount of \$814,400.**

10) **Approval of supplemental appropriations for the Arts in Public Places fund - \$2,000**

11) **Approval of transfer of appropriations for Municipal Criminal Court - \$31,000**

12) **Approval of transfer of appropriations for the Fretz Roadway extension project - \$20,950**

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.A.(1-12). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) Approval of agreement with C2 Group for consulting and professional services for Federal issues in the amount of \$48,000.
- 2) Award of bid for a digger/derrick unit for the Fleet Management Department. Purchasing Manager recommended accepting bid from Altec Industries in the amount of \$119,764.
- 3) Award of bid for a technical response trailer for the Fire Department. Purchasing Manager recommended accepting bid from B. Foster Co. in the amount of \$104,918.
- 4) Award of bid for miscellaneous office furniture/equipment at Station No. 5/Administration/Training for the Fire Department. Purchasing Manager recommended accepting bids from Southwest Stationers (\$46,316.20), Core Office Supplies (\$9,180), Mity Lite (\$13,470), Warren Office Products (\$1,790.85) and ATD (\$593.14).
- 5) Approval of service agreement with DeBruler, Inc. for completion of the 2005-2010 Consolidated Plan and Housing Needs Assessment as part of the Community Development Block Grant (CDBG) program in the amount of \$19,750.
- 6) Approval of purchase of software maintenance and technical support (May 2005 to May 2006) from TriTech Software Systems as a sole source vendor in the amount of \$64,481.
- 7) Approval of purchase of software maintenance and support from BIO-key, International for the "message switch" communications link software used on Fire/Rescue and Police Department laptop computers, as a sole source vendor, in the amount of \$24,084.
- 8) Approval of Amendment No. 2 with FBS Engineers, Inc. for the fiber optic design and inspection

services related to construction of a fiber optic line connecting the Cross Timbers Municipal Complex to the City network in the amount of \$15,000.

9) Acceptance of warranty deed for right-of-way from Aspen Avenue Properties I, LLC, for the Oak Tree Lift Station and force main improvements project, Parcel 5, in the amount of \$11,350.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.B.(1-9). **Motion carried** as follows:

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0038 Police Department	Deny - \$2,400

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 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

9. PLANNING CONSENT ITEMS:

A. **Public Hearing and Consideration of extension of Planned Unit Development zoning and Design Statement for Henderson Hills Baptist Church property located on the northeast corner of I-35 and 15th Street (Henderson Hills Baptist Church, applicant) Case No. U020002.** The site consists of 129 acres and was originally approved on March 22, 1974, and was last updated on April 15, 1998. The original PUD has been modified to include general commercial (8 acres), retail (9.1 acres), office (9.8 acres), medical facilities (10.8 acres), multi-family (13.7 acres) and recreational areas (19.5 acres) on the bordering parcels of the property. The Site Plan contains approximately 26 acres in the center of the property which is reserved for the Henderson Hills Baptist Church facility and campus complex.

Randel Shadid, attorney representing the applicant, addressed Council and stated the site is within the I-35

Corridor and will comply with the site plan criteria for the I-35 Standards. He stated the application will also comply with Title 23 drainage and detention requirements. Mr. Shadid noted they also have a tree preservation district within the church development.

Councilmember Lamb stated the application contains approximately 19 ½ acres of dedicated open space in the outdoor recreational areas. He stated he felt the application complies with the 15% landscaping requirement due to the way the areas are allocated.

Dan O'Neil, representing the Cross Timbers Tree Preservation Committee, addressed Council and stated according to Planning Commission minutes from 1993, the property was originally required in 1974 to comply with a 30% landscaping standard. He stated in 1993 Council approved new standards for the Arcadia Lake area, in which this PUD was included. He noted the landscaping Site Plan ordinance for the I-35 Corridor states that no less than 15% of the net lot area shall apply unless a greater landscaping requirement applies based on the requirements of another zoning category. Mr. O'Neil stated the lake zoning district requires 30% landscaping and since the PUD is included in this zoning district, he felt it should comply with the 30% landscaping standards which he felt were clearly stated in the records.

Mr. Shadid disputed that the property is located in the lake zoning district but is located in the I-35 Corridor which only requires 15% landscaping standards. He stated when the master plan was approved in 1974 only 10 acres of open space was required and in 1998 only eight acres was required. He stated with all the open space included his client is providing between 20% and 25% landscaping. Mr. Shadid stated he did not want to agree on a percentage that his client may not want to agree to.

Bob Schiermeyer, City Planner, addressed Council and stated this property was actually rezoned prior to developing the lake zoning district. He noted the tract is located in a mixed use area that overlaps both the lake district and the I-35 Corridor district.

Councilmember Lamb stated in both Districts water bodies can be included as open space and with inclusion of the small lake incorporated in this PUD counted as open space, the application appears to be approximately 13 acres from meeting the full 30% open space requirement. There is still quite a bit of uncounted open space surrounding the campus that would apply to the 30% open space requirement. He stated the lake district standards only require 30% open area and does not include a plant density requirement since that has not been adopted at this time. Councilmember Lamb noted as each parcel develops and complies with the landscaping requirements for the site plan, the total development would appear to contain more than 30% landscaping.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Item 9.A. **Motion carried** as follows:

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

- B. **Consideration of Preliminary Plat of Cardinal Ridge Addition, located west of Douglas, south of Redbud Canyon, one-fourth mile north of Danforth Road (Larry Toombs, applicant) Case No. PR050007.** Mayor Naifeh stated this item was withdrawn at the request of the applicant.
- C. **Public Hearing and Consideration of Ordinance No. 2909 rezoning from "C-3" High Density Residential and Commercial Services to "E-1" General Commercial District, located on the north side of 2nd Street, one-fourth mile east of Bryant (Neal McGee Homes, applicant) Case No. Z050007.**

Council-member Lamb stated he felt all zoning issues should require a separate vote and not be part of the consent items.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2909 as read by City Planner. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of Final Plat of Manchester Professional Office Park, located on the west side of Kelly, north of the Kelly Park Addition (Lambrech Properties, applicant) Case No. PR050008.**
- E. **Consideration of Final Plat for Hunter's Creek V, located west of N. Kelly and approximately one-half mile south of Coffee Creek Road (Tim Hughes, applicant) Case No. PR050006.**

Councilmember Miller temporarily left the City Council Chambers.

- F. **Public Hearing and Consideration of commercial Site Plan approval for a light industrial building, located on the south side of Centennial Boulevard, west of JETTA Products (Scott Ferris, representing GPS Company, applicant) Case No. SP050013.** The Site plan has been amended from dryvit exterior material to brick.

Motion by Page, seconded by Lamb, to approve Planning Consent Item 9.F. **Motion carried** as follows:

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

Councilmember Miller returned to the City Council Chambers.

- G. **Consideration of Final Plat of Thomas Center, located on the southeast corner of Thomas Drive and Covell Road (Sonic Restaurant, applicant) Case No. PR040041.**

Motion by Lamb, seconded by Sanford, to approve Planning Consent Items 9.D., 9.E. and 9.G. **Motion carried** as follows:

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

- 10. **Public Hearing and Consideration of Ordinance No. 2910 amending Edmond Plan III from Single Family Residential usage to Two Family Residential usage, located at 17 E. Lincoln, Lots 32-35, Block 9, Rossmore Addition (Pete Reeser, applicant) Case No. Z050016.** The site contains 14,000 square feet and two two-story duplexes are planned. A parcel south of this property is already zoned Multi-Family so this site would not be the first non-single family zoning in the area.

Councilmember Lamb stated the application was consistent with the Edmond Urban Board direction on residential housing

expansion in the transition areas.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2910 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2910. **Motion carried** as follows and Ordinance No. 2910 is in effect immediately:

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

11. Public Hearing and Consideration of Ordinance No. 2911 rezoning from "A" Single Family Residential to "B" Two Family Residential, located at 17 E. Lincoln, Lots 32-35, Block 9, Rossmore Addition (Pete Reeser, applicant) Case No. Z050017. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2911 as read by title by City Planner. **Motion carried** as follows:

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

Items 12 through 21 were discussed together.

Derek Turner addressed Council representing the applicant and stated the entire development consists of 160 acres on what will become one of north Edmond's major intersections since both Covell and Kelly are proposed parkways. He stated 150 apartments are planned in the center of the quarter section and 209 single family homes are proposed west and south adjacent to Cheyenne Crossing, Ketch Acres and the Shore Drive rural lot area. Two office areas are planned along Kelly and Covell. The commercial tract will be on the southwest corner of Kelly and Covell. Mr. Turner stated the existing pond will be increased and used as detention for the entire development. He noted all the drainage from this development will be contained within their site. He stated there will be nine access points to the property. The office parcels will be right in/right out only. Mr. Turner stated the water and sewer lines will be looped throughout the development with several connection points. He stated all the uses allowed in the "E-2" Open Display District by right will be eliminated other than a garden center. He stated it is their intent to use the commercial tracts for "E-2" and "E-1" General Commercial but since the decision would be market driven he did not know which commercial tract would be developed as "E-2" or "E-1". Mr. Turner noted that he would limit the "E-2" zoning to only one parcel once they determine which street, either Kelly or Covell, will be made into a parkway first. He noted the Design Statement will be amended to reflect that only 50% will be used for "E-2" zoning with the remainder of the commercial property being developed as "E-1" which does not allow open display. Mr. Turner stated they plan to connect to the existing trail system in Mitch Park through their internal trail system.

Councilmember Page stated restricting the "E-2" uses to only one commercial tract representing 50% of the total commercial property was a good compromise.

Councilmember Sanford stated she could not support this portion of the development because of the uncertainty of when Covell and Kelly will be made into parkways. She noted it could be years before those streets are widened and Mr. Turner may not even own the property at that time. She stated 66 acres of "E-2" zoning is too much without knowing for certain how the property will develop in the future.

Mr. Turner noted that even if the commercial development is delayed until the streets are widened, the single family portion of the property will be developed. He stated they needed to inform the future homeowners of how the property next to them will develop at the time the homes are being built rather than several years later.

Todd McKinnis, attorney for the applicant, addressed Council and reiterated the need to inform future homeowners of the planned commercial zoning on those tracts in advance so they are not surprised and upset when the commercial tracts do develop.

Mayor Naifeh encouraged Mr. Turner to develop the multi-family portion as owned condominiums in order to make home ownership more affordable.

Mr. Turner stated because of the location he felt that would be the direction of the multi-family development.

Councilmember Lamb stated he was pleased with the plan and impressed that the plan provided good circulation and access from the collector street and interior streets. He also stated he was pleased with what he would classify as a regional detention facility that is part of the design of the project. He stated the separation of uses is good especially if only 50% of the commercially zoned property is used as "E-2". He stated he felt the project is an excellent fit for the location

Councilmember Miller stated he would like to see more of this type of large development Master Plans brought before Council as opposed to bringing each parcel as a separate application.

12. Public Hearing and Consideration of Ordinance No. 2912 amending Edmond Plan III from Restricted Commercial, Low Density Multi-Family and Single Family to Open Display Commercial Planned Unit Development (PUD) usage, located on the southwest corner of Covell and Kelly (Covell Development Company, LLC applicant) Case No. Z050008. The site contains 66 acres and is located where the Restricted Commercial and Low Density Multi-Family zoning districts are now located and extending further south and southwest.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2912 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2912. **Motion carried** as follows and Ordinance No. 2912 is in effect immediately:

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

13. Public Hearing and Consideration of Ordinance No. 2913 rezoning from "D-1" Restricted Commercial, "C-1" Low Density Multi-Family and "A" Single Family to "E-2" Open Display Commercial Planned Unit Development (PUD), located on the southwest corner of Covell and Kelly (Covell Development Company, LLC applicant) Case No. Z050009. This is a companion to the above item and was discussed at that

time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2913 as read by title by City Planner subject to amending the PUD Design Statement incorporating the language in 14.1.2 stating that "E-2" uses shall not be allowed on more than 50% of the total area of PA-1 with "E-1" uses allowed on the remainder of the area of PA-1. **Motion carried** as follows:

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

14. Public Hearing and Consideration of Ordinance No. 2914 amending Edmond Plan III from Single Family Residential to Office Commercial Planned Unit Development (PUD) usage, located approximately one-half mile south of Covell, on the west side of Kelly (Covell Development Company, LLC applicant) Case No. Z050010. The site contains 6.74 acres north of the oil field tank battery. One additional driveway is requested on Kelly and sewer will be extended to serve this parcel. This parcel will represent a transition to less intensive land use on the edges of the PUD to the west on Covell and to the south on Kelly. The oil tank battery near this location is also a factor for setting a transition use at this location.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2914 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 2914. **Motion carried** as follows and Ordinance No. 2914 is in effect immediately:

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

15. Public Hearing and Consideration of Ordinance No. 2915 rezoning from "A" Single Family Residential to "D-3" Office Commercial Planned Unit Development (PUD), located approximately one-half mile south of Covell, on the west side of Kelly (Covell Development Company, LLC applicant) Case No. Z050011. This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2915 as read by title by City Planner. **Motion carried** as follows:

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

16. Public Hearing and Consideration of Ordinance No. 2916 amending Edmond Plan III from Single

Family Residential to Office Commercial Planned Unit Development (PUD) usage, located on the south side of Covell approximately one-half mile west of Kelly (Covell Development Company, LLC applicant) Case No. Z050010. The site is a second office tract and contains 6.48 acres west of the main collector street and near a second oil field tank battery. No driveway is requested on Kelly for this tract and sewer will also be extended to serve this parcel. This parcel will also represent a transition to less intensive land use on the edges of the PUD to the west on Covell and to the south on Kelly. The oil tank battery near this location is also a factor for setting a transition use at this location as in the above two items.

Motion by Miller, seconded by Page, to approve Ordinance No. 2916 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 2916. **Motion carried** as follows and Ordinance No. 2916 is in effect immediately:

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

17. Public Hearing and Consideration of Ordinance No. 2917 rezoning from "A" Single Family Residential to "D-3" Office Commercial Planned Unit Development (PUD), located on the south side of Covell approximately one-half mile west of Kelly (Covell Development Company, LLC applicant) Case No. Z050010. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2917 as read by title by City Planner. **Motion carried** as follows:

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

18. Public Hearing and Consideration of Ordinance No. 2918 amending Edmond Plan III from Single Family Residential to High Density Residential Planned Unit Development (PUD) usage, located one-fourth mile south of Covell Road, and one-fourth mile west of Kelly (Covell Development Company, LLC applicant) Case No. Z050012. The site contains 12.65 acres which will allow 150 units which is less than allowed using the maximum density. Water and sewer will be extended to serve this parcel.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2918 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. 2918. **Motion carried** as follows and Ordinance No. 2918 is in effect immediately:

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

19. Public Hearing and Consideration of Ordinance No. 2919 rezoning from "A" Single Family Residential to "C-3" High Density Residential Planned Unit Development (PUD), located one-fourth mile south of Covell Road, and one-fourth mile west of Kelly (Covell Development Company, LLC applicant) Case No. Z050013. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2919 as read by title by City Planner. **Motion carried** as follows:

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

20. Public Hearing and Consideration of Ordinance No. 2920 amending Edmond Plan III from Single Family Residential to Single Family Residential Planned Unit Development (PUD) usage, located one-fourth mile south of Covell Road, and one-fourth mile west of Kelly (Covell Development Company, LLC applicant) Case No. Z050014. A total of 209 single family lots will be constructed at an overall density of 3.05 units per acre. Full utilities will be extended to serve the single family lots.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2920 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 2920. **Motion carried** as follows and Ordinance No. 2920 is in effect immediately:

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

21. Public Hearing and Consideration of Ordinance No. 2921 rezoning from "A" Single Family Residential to "A" Single Family Residential Planned Unit Development (PUD), located one-fourth mile south of Covell Road, and one-fourth mile west of Kelly (Covell Development Company, LLC applicant) Case No. Z050014. This is a companion of the above item and was discussed at that time.

Motion by Page, seconded by Miller, to approve Ordinance No. 2921 as read by title by City Planner. **Motion carried** as follows:

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

22. Public Hearing and Consideration of a Special Use Permit and commercial Site Plan approval for a commercial landscape business, located on the north side of Danforth, one-fourth mile west of Kelly (Mike Barcum, representing Scapes of Edmond, applicant) Case No. U050002. The site contains 10 acres and will include a newly constructed log cabin style 3,000 square foot retail building on the front of the property with permanent landscaping, paved parking and a new driveway centered on the front of the property. Two greenhouses are planned north of the log cabin retail building as well as two mulch storage buildings. An existing barn will not be used because it does not meet the standards for a commercial building. One ground sign is proposed.

Mike Barcum addressed Council and stated they have been in the high end landscape and install business in Mustang for 25 years. He stated there will be no outdoor storage or sale of plants by the flat. Mr. Barcum stated only trees and shrubs will be sold and the parking lot will not be used for landscaping storage.

Dan O'Neil addressed Council in opposition. He stated a Special Use Permit should not be allowed on property zoned for single family use. Mr. O'Neil stated he felt the applicant should request the property be rezoned to the appropriate category.

Bob Schiermeyer, City Planner, addressed Council and stated other landscape nurseries have been approved in single family zoning districts. He stated the application does not violate the City zoning ordinances and complies with the Special Use Permit allowances which allow a Special Use Permit to be approved in any zoning district.

Councilmember Lamb stated the application contains a defined use and can not be transferred to anyone else. He noted if the business should fail the property would remain zoned single family.

Motion by Lamb, seconded by Sanford, to approve Item 22.
Motion carried as follows:

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

23. Discussion and Consideration of Resolution No. 12-05 opposing the Sales Tax Holiday. Mayor Naifeh stated the resolution encompasses comments from the last meeting. She stated she received several comments from citizens regarding her comments at the last meeting. She stated the citizens felt that she implied that the number of fire or police officials would be reduced if the sales tax holiday was approved by the Legislature. Mayor Naifeh stated she did not mean to imply that emergency personnel would be reduced but only that \$90,000 could equate to the salary of a police or fire official. She stated sales taxes are a major source of revenue for cities and towns in Oklahoma to fund city government. She noted that many other states, such as Texas, are not as dependent on sales tax as Oklahoma is. Mayor Naifeh also stated the resolution will support other cities and towns that can not afford the economic impact that the sales tax holiday will impose on their budgets. She stated many of the cities and towns

have recently had to increase their water and sewer rates to comply with federal and state mandates to meet new water, wastewater and refuse regulations.

Councilmember Lamb stated his number one issue is the unfunded mandates from the State and continued erosion of local control of revenues.

Councilmember Sanford stated she felt the City should support other cities and towns who can not afford the impact the sales tax holiday will have on their budgets.

Motion by Sanford, seconded by Lamb, to approve Resolution No. 12-05. **Motion carried** as follows:

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

24. Executive Session to discuss the appointment, employment of the City Manager and the City Attorney (Executive Session authorized pursuant to 25 Okla. Stat. Section 307(B)(1)).

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above Item. **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 7:35 p.m. and returned to the City Council Chambers at 8:50 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

25. Consideration of action regarding the appointment, employment of the City Manager and the City Attorney.

Motion by Lamb, seconded by Page, to retain the City Manager and apply a 3.3% salary increase. **Motion carried** as follows:

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

Motion by Lamb, seconded by Page, to retain the City Attorney and apply a 5% salary increase. **Motion carried** as follows:

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

26. NEW BUSINESS:

Mayor Naifeh stated she received a thank you card from the Oak Cliff Fire Protection District for the donation of the 1986 pumper truck.

Councilmember Sanford complimented Laynie Harrod and everyone included in planning the Midnight Gala at the MAC last Thursday night.

27. 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