

**EDMOND CITY COUNCIL MINUTES**

May 9, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 9, 2005, in the City Council Chambers. Councilmember Miller arrived after the meeting was convened.

**2. Approval of Minutes.** Motion by Page, seconded by Lamb, to approve April 25, 2005, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

- A. **Proclamation recognizing May 15-21, 2005 as "NATIONAL PUBLIC WORKS WEEK" in the City of Edmond.** Clay Coldiron, Public Works Director, announced that Johnny Carter has been selected as Public Works Professional Manager of the Year in Emergency Management by the American Public Works Association.
- B. **Proclamation recognizing May, 2005, as "EDMOND BIKE MONTH" in the City of Edmond.**
- C. **Proclamation recognizing May, 2005, as "NATIONAL HISTORIC PRESERVATION MONTH" in the City of Edmond.**
- D. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council and stated the Fink Park to Hafer Park trail project was recommended for final approval by the Capital Projects and Financing Task Force at their last meeting. Staff is attempting to acquire the necessary right-of-way for the project. He noted this the second trail of the Trail Master Plan and the total estimated cost is \$2 million. Mr. Stevens stated the Hafer Park pond pavilion has now been reconstructed and will be open to the public within the near future. The cost of the new pavilion was \$20,000.

**4. Appointments to Boards and Commissions:**

- A. **Election of Mayor Pro Tem/Vice Chairman of the Edmond**

**Public Works Authority.**

Motion by Page, seconded by Sanford, to nominate Councilmember Charles Lamb. **Motion carried** as follows:

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

- B. **Appointment to the KickingBird Golf Club Advisory Board.** Councilmember Miller nominated David Pierce for reappointment to serve a three-year term expiring in May, 2008.

Motion by Sanford, seconded by Lamb, to approve Item 4.B. **Motion carried** as follows:

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

- C. **Appointment to the Edmond Centennial Commission of the following citizens for terms expiring December 31, 2007:**

- 1) Dennis Shockley - Parks and Recreation Advisory Board
- 2) Donna Mercer - Arts and Humanities Council
- 3) Larry Westmoreland - Visual Arts Commission
- 4) Jennifer Hibbard - Edmond Historical Society
- 5) Lucille Warrick -Edmond Historic Preservation Trust
- 6) Dr. Brenda Lyons - Edmond Public Schools
- 7) Wayne Pettigrew - Edmond Chamber of Commerce
- 8) Ed Cunliff - Edmond Land Conservancy
- 9) Nancy Busby - Convention and Tourism Advisory Board
- 10) Dr. Mary Brodnax - University of Central Oklahoma
- 11) KayDell Story - Edmond Women's Club
- 12) Mayor Sandra Naifeh - Edmond City Council
- 13) Marilyn Kreidler - Citizen at Large
- 14) Carol Rudkin - Citizen at Large
- 15) Dan O'Neil - Citizen at Large

Motion by Page, seconded by Lamb, to approve Items 4.C.(1-15). **Motion carried** as follows:

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

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

A. Approval of Administrative Items:

- 1) **Acceptance of public improvements and maintenance bonds for the following:**
  - a) The Multipurpose Activity Center (MAC)
  - b) The MAC Amphitheater
  - c) Streetscape Pedestrian Linkages Phase I project
  - d) Festival Marketplace
- 2) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality.**
- 3) **Acceptance of Final Plat for Silverleaf III, located at 7<sup>th</sup> Street and Kelly.**
- 4) **Approval to begin process of hiring an Airport Manager for the Guthrie/Edmond Regional Airport in the amount of \$17,500-\$22,500 annually plus benefits.**
- 5) **Approval of Resolution No. 13-05 amending the terms of the members of the Capital Project and Financing Task Force.**
- 6) **Acceptance of easements from various companies for the 30-inch water transmission line from Oklahoma City to the Northwest Complex, located at Coffee Creek Road and Boulevard, for the 2020 Master Plan Water Improvements project, Contract 6A.**
- 7) **Acceptance of Quit Claim Deeds for property from the Board of County Commissions of Oklahoma County for the 2020 Master Plan Water Improvements project, Contract 3.**
- 8) **Approval of application to the Federal Emergency Management Agency for a Letter of Map Revision for Mander Creek, located north of Edmond Road and east of Santa Fe Avenue.**
- 9) **Public Hearing and Consideration of Ordinance No. 2922 amending the Edmond Municipal Code, Title 16, Section 16.06.092 and adding a new Section 16.06.095 providing for garage floor surfaces; and providing for**

**Repealer and Severability.**

10) Approval of supplemental appropriations for the 2000 Capital Improvement Tax fund and agreement with the Oklahoma Department of Transportation (ODOT) for the 7<sup>th</sup> Street and Kelly intersection improvement project - \$98,024.50

11) Approval of supplemental appropriations for the Fleet Management fund - \$100,000

12) Approval of supplemental appropriations for Vehicle Maintenance - \$60,000

13) Approval of supplemental appropriations for the Arts in Public Places fund - \$48,000

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-13). **Motion carried** as follows:

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

**B. Approval of Purchases:**

1) Approval of disposition of used vehicles and equipment for the Fleet Management Department.

2) Acceptance of street easements for the Coltrane Road bridge project over Spring Creek from the following:

- a) William and Georgie McPherson - \$22,000
- b) Shirley (Ward) and Walter Rowe - \$58,250

3) Approval of General Permit OKR04 Phase II, Small Municipal separate Storm Sewer System Discharges within the State of Oklahoma application in the amount of \$550.

4) Award of proposals and approval of contracts (including renewal options) for Employee Group Insurance related services with the following vendors:

- a) United Healthcare
- b) RxAmerica

- c) Delta Dental Plan of Oklahoma
- d) Vision Service Plan
- e) SunLife Financial
- f) Principal Financial Group

5) **Award of bid for technical rescue equipment for the Edmond Fire Department.** Purchasing Manager recommended accepting bids from Wayest (\$53,127) and Stanley Hydraulics (\$48,990.95) for a total cost of \$102,117.95.

6) **Approval of engineering contract with C.H. Guernsey and Company for development of the Master Transportation Plan in the amount of \$281,110.**

7) **Approval of Amendment No. 2 to the professional services agreement with Cobb Engineering Company for construction management and inspection services related to construction of facilities located at the Cross Timbers Municipal Complex in the amount of \$79,437.**

8) **Approval of annual renewal agreement with Genuine Parts Company dba NAPA Auto Parts for extension of the existing on-site vehicle maintenance parts service agreement in the amount of \$472,925.**

9) **Approval of purchase of the "Reunion" public art piece at the Cross Timbers Fire Administration/Training Center from Dodson Gallery as a sole source vendor in the amount of \$61,000.**

Motion by Page, seconded by Lamb, to approve General Consent Items 5.B.(1-9). **Motion carried** as follows:

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

**6. Approval of Tort Claim Committee's recommendations on Tort Claims.**

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0047 Police Department \$3,357.41	Pay -
25-0051 Street Department Amount	Deny - No

25-0040 Street Department Deny - \$  
794.87

Motion by Lamb, seconded by Page, to approve Tort Claim Committee's recommendations on Tort Claims. **Motion carried** as follows:

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

Motion by Lamb, 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 and Lamb  
NAYS: None

Liberty Bell, claimant on Claim No. 25-0051, addressed Council and requested that denial of her claim be reconsidered.

Motion by Lamb, seconded by Page, to reconsider denial of Tort Claim No. 25-0051. **Motion carried** as follows:

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

Ms. Bell stated that she drove over a hump on Smiling Hills Road by Oklahoma Christian School and damaged her vehicle's oil pan. She stated she obtained a repair estimate of \$300. Ms. Bell stated this incident happened on April 3<sup>rd</sup> and she has been without a car since then.

Steve Murdock, City Attorney, stated the City's insurance company recommended denial because there had not been any prior problems with this street. He stated the street was repaired as soon as the City was aware of the problem.

Mayor Naifeh stated the Council usually takes the recommendation from the insurance company on the Tort Claims unless they feel there is concrete evidence that the problem has occurred due to City negligence.

Motion by Page, seconded by Sanford, to continue Tort Claim No. 25-0051 to the next meeting for further investigation. **Motion**

**carried** as follows:

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

**10. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of commercial Site Plan approval of Manchester Office Park, located at 820 S. Kelly, west of Kelly, north of Kelly Park (Lambrech Properties, LLC, applicant) Case No. SP050016.**
- B. **Consideration of Preliminary Plat of Clos du Val Addition, located just over one-fourth mile south of Coffee Creek, on the east side of Westminster Road (John Colman, Jr., applicant) Case No. PR050009.**
- C. **Consideration of Final Plat of Clos du Val Addition, located just over one-fourth mile south of Coffee Creek, on the east side of Westminster Road (John Colman, Jr., applicant) Case No. PR050009.**

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

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

- D. **Public Hearing and Consideration of commercial Site Plan approval for retail shops at Waterwood Plaza, located west of Target, south of 2<sup>nd</sup> Street (Sooner Land Company, LLC, applicant) Case No. SP050014.** The Planning Commission recommended a maximum height of 25 feet for the light poles, a variance to allow painted block on the back wall due to the adjoining self storage use and elevation difference in the properties. They also recommended approval of all five of the driveways and that the east portion of Waterwood Street should be renamed Blackwelder to avoid any confusion.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Item 10.D. with the variance as recommended by the Planning Commission. **Motion carried** as follows:

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

- 11. **Public Hearing and Consideration of Ordinance No. 2923 rezoning from "G-A" General Agricultural District to "R-1" Rural Estates Dwelling District, located one-half mile north of Sorghum Mill Road, on the east side of Air Depot (Brett and Roxcee Weber, applicants) Case No. Z050022.** The site already contains one house and the applicants plan to divide the property into two 2 ½ acre tracts. The property is located on the northern edge of the City limits and all access would be from Air Depot. The original application was to rezone the property to "R-2" Urban Estate District but the Planning Commission recommended denial and since that time the applicants have amended their application. The application is in compliance with the surrounding area.

Brett Weber addressed Council and stated they decided to amend the application in order to better suit the area.

Vince Pfeiffer, 6011 N. Air Depot (across the street from the subject property), addressed Council in opposition due to the change in density of the property. He stated he did not want to set a precedent for sub-dividing properties from Sorghum Mill to the City limits because at this time all the properties are ten acre tracts. Mr. Pfeiffer stated he would like to see the City remain diverse with both subdivisions and acreage properties.

Councilmember Miller arrived at the meeting.

Carolyn Childers, 5920 N. Air Depot, also addressed Council in opposition in agreement with Mr. Pfeiffer's comments.

Mr. Weber stated the density of the property was changed after concerns from neighbors were heard at the Planning Commission meeting. He stated he sent personal letters to all the surrounding neighbors asking for comments and he was not contacted by anyone. He stated he was only making the space available for one more house and not an entire addition.

Councilmember Sanford stated part of the density is occurring outside the City limits. She noted it troubles her somewhat that property in this area is being divided into the smaller tracts and that she will not be able to vote for this application.

Councilmember Lamb stated the property is a five acre parcel adjacent to 10 acre parcels on the west and south and is already smaller, but is consistent with the development patterns in the area especially north of the City limits. He noted because the property is on the boundary of the smaller tracts, he viewed it as a buffer zone and he felt it was a reasonable request.

Motion by Page, seconded by Lamb, to approve Ordinance No. 2923 as read by title by City Planner. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Residential usage to General Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050020.** Mayor Naifeh stated this item was continued at the request of the applicant.

**13. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Residential to "E-1" General Commercial Planned Unit Development (PUD), located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050021.** This is a companion to the above item and was also continued.

14. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Residential and Suburban Office usage to Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050018.** This is a companion to the above two items and was also continued.

15. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Residential and to "D-1" Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050019.** This is a companion to the above three items and was also continued.

Motion by Lamb, seconded by Miller, to continue Items 12 through 15 to May 23<sup>rd</sup> as requested by the applicant. **Motion carried** as follows:

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

16. **Executive Session to discuss the purchase of real property generally located in Downtown Edmond (Executive Session authorized pursuant to 25 Okla. Stat. Section 307(B)(3)).**

Motion by Page, seconded by Miller, 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 6:30 p.m. and returned to the City Council Chambers at 6:40 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

17. **Consideration of action regarding the purchase of real property generally located in Downtown Edmond.** Mayor Naifeh stated no action would be taken on this item.

**18. NEW BUSINESS:**

Mayor Naifeh stated the 9<sup>th</sup> Street calming devices are an issue with citizens and she requested this item be discussed. She noted Council has attempted to analyze the situation and this matter has also been discussed by the Public Works Committee in an attempt to cut down on speeding in this area. Mayor Naifeh

noted she was receiving calls from both area residents and citizens who do not live in the area about drivers who were attempting to see how fast they could drive through the devices. She requested the police patrol and monitor the area in an attempt to cut down on speeding.

Councilmember Miller stated since the calming devices have been installed the average speed through the area has been reduced from 47 or more to an average of 24. He stated he felt the devices were working.

Mayor Naifeh stated there is a problem in Edmond with citizens running red lights. She stated running red lights is a dangerous practice and she encouraged citizens to discontinue this practice for everyone's safety. She requested staff look into this matter to see if there is a way to address this issue.

Councilmember Page stated the Arts and Humanities Council is sponsoring an event at Arcadia Lake's Spring Creek Park called Acousticadia on June 10<sup>th</sup> and 11<sup>th</sup>. He noted the event headliner is nine time Grammy award winner Ricky Skaggs as well as other well known performers. He stated the Arts and Humanities Council is requesting volunteers for the event and he encouraged citizens to contact the Arts and Humanities Council and volunteer.

Mayor Naifeh stated she would like to see if there is a better process for Tort Claims which is a fair system for both the citizens and the City of Edmond. She requested that Mr. Murdock research how other cities handle their Tort Claims.

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

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

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**City Clerk**

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**Mayor**