

EDMOND CITY COUNCIL MINUTES

June 13, 2005

Mayor Pro Tem Charles Lamb called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 13, 2005, in the City Council Chambers. Mayor Naifeh was absent on City business.

2. Approval of Minutes. Motion by Miller, seconded by Sanford, to approve May 23, 2005, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of Appreciation Award to Allen Thomas for his years of service to the Edmond Planning Commission.**

B. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council and stated Fire Station No. 5, the fire training facility and Animal Welfare facility at Cross Timbers Municipal Complex should be substantially completed this month and should be ready for occupancy by early July. The Public Service Center should be substantially complete by September 15th and ready for occupancy by early October. Mr. Stevens stated the sale of the 6.76 acres that will house the Regional Forensics Center is set for June 17th. The demolition and cleanup of the site is substantially complete and it is anticipated that construction will begin some time this fall. He stated bid opening is scheduled for June 16th for the Kelly Parkway project, 15th to 33rd Streets. The total estimated cost is \$3.5 million with the possibility for up to 60 days in early completion incentives of \$2,000 per day. Mr. Stevens stated significant playground improvements have been completed at Gossett Park (\$35,000) and Arcadia Lake's Edmond Park (\$30,000). The cost of the playground equipment was paid for out of the Parks Tax Fund.

4. Appointments to Boards and Commissions:

A. **Nomination of Municipal Judges.** Mayor Naifeh nominated

Alan Synar as Municipal Judge and Elizabeth Kerr as Associate Municipal Judge. Action will be taken to formally approve the judges on June 27th.

- B. **Appointment to the Visual Arts Commission.** Mayor Pro Tem Lamb nominated David Woods for appointment to fulfill the unexpired term of Bonnie Smith expiring in April, 2007.

Motion by Miller, seconded by Page, to approve Item 4.B.
Motion carried as follows:

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

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

A. **Approval of Administrative Items:**

- 1) **Approval of electric easement to serve Fidelity Bank, 1127 E. 2nd Street.**
- 2) **Acceptance of public improvements and maintenance bonds for Danforth West, LeCommercial.**
- 3) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality for the 2020 Master Plan Water Improvements, Contracts 4 and 6A (Northwest Complex Water Transmission and Distribution Lines).**
- 4) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality to serve the Northridge Park Addition.**
- 5) **Acceptance of Final Plat, public improvements and maintenance bonds for Kimberly Crossing 1.**
- 6) **Approval of cooperative use agreement with the University of Central Oklahoma (UCO) contingent upon the approval of the Arcadia Lake lease agreement with UCO. Mayor Pro Tem Lamb stated this item would be continued to a future meeting.**
- 7) **Public Hearing and Consideration of Ordinance No. 2928 amending the Edmond Municipal Code, Chapter 2.94**

Art in Public Places program, Section 2.94.050(B)(1) Number of Members; amending Subsections 2.94.050(L) and 2.94.050(F) providing for number of affirmative votes required for action; providing for Repealer and Severability.

8) Acceptance of water rights from Chitwood Farms, LLC.

9) Approval of supplemental appropriations for General Fund - \$60,000

10) Approval of transfer of appropriations from the Fire Public Safety Limited Tax Fund to the Fleet Management Fund for the purchase of a Fire Service Pumper Bed for Fire Station No. 5 - \$4,075

11) Approval of transfer of appropriations for the Municipal Court Department - \$5,400

Motion by Page, seconded by Miller, to approve General Consent Items 5.A.(1-5,7-11). **Motion carried** as follows:

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

B. Approval of Purchases:

1) Acceptance of correction of roadway easements for the Coltrane Road Bridge Project over Spring Creek in the corrected amounts of \$33,950 and \$12,000.

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

3) Approval of Change Order No. 1 with W.C. Doan Construction, Inc. for the KickingBird Tennis Center Pro Shop Renovation project in the amount of \$10,656.51.

4) Approval of Change Order No. 36 with Timberlake Construction Co., Inc. for the Cross Timbers Municipal Complex project in the amount of \$12,262.72.

5) Award of bid for rehabilitation of owner-occupied residence located at 708 W. 1st Street as part of the

Community Development Block Grant (CDBG) program. The Citizen's Participation Committee recommended accepting bid from Sine Construction in the amount of \$34,737.

6) **Award of proposal for audio visual equipment for the Cross Timbers Municipal Complex.** Staff recommended accepting proposal from Ford Audio Video in the amount of \$287,074.96.

7) **Award of bid and approval of contract for the Fiber Optic Cable project, Phase II and approval of Resolution No. 18-05 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Michels Corporation in the amount of \$220,008.52.

8) **Award of bid and approval of contract for the FY 2004/05 School Zone Safety project (Bryant Avenue at Cimarron Middle School) and approval of Resolution No. 19-05 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Traffic Signals, Inc. in the amount of \$44,103.

9) **Award of bid for a Fire Service Pumper Bed Unit for the Fire Station No. 5.** Purchasing Manager recommended accepting bid from Chief Fire & Safety in the amount of \$43,417.

10) **Approval of bid disposition by the Purchasing Manager for the following:**

a) G.T. Distributors - ammunition (including renewal options), duty and training for the Edmond Police Department in the annual estimated amount of \$20,000

11) **Award of bid for a high pressure compressor for the Fire Department.** Purchasing Manager recommended accepting bid from Wayest Safety in the amount of \$36,086.

12) **Approval to reject bids received for the Streetscape Phase II (part one) project for the Management Services Department.**

Motion by Page, seconded by Sanford, to approve General Consent Items 5.B.(1-12). **Motion carried** as follows:

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0051 Street Department	Deny - \$350.35

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

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

10. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Commercial Site Plan approval for a new building, located at 2616 Railroad Drive, east of Kelly, north of 33rd Street (Contemporary Cabinets, applicant) Case No. SP050020.**
- B. **Public Hearing and Consideration of Site Plan approval for Brewer Office Building, located on the north side of Royal Way, 821 and 825 Royal Way (Frank Ketch, applicant) Case No. SP050021.**
- C. **Consideration of Final Plat of Cardinal Ridge Addition, located west of Douglas, south of Redbud Canyon, one-quarter mile north of Danforth Road (Larry Toombs, applicant) Case No. PR050007.**

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

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

11. Public Hearing and Consideration of Special Use Permit and commercial Site Plan approval for multi-family usage in a commercial zoning district, located west of Fretz, south of the Fountains Commercial Center (The Fountains, applicant) Case No. U050003. The development will contain 52 units on five acres. The

applicant is proposing 131 parking spaces which exceeds the standard of 104 or two spaces per unit.

Randel Shadid, attorney representing the applicant, addressed Council and stated this development was included in the original PUD. He stated they will lower the light poles to 18 feet as recommended by the Planning Commission. Mr. Shadid stated they will also finish the existing privacy fence along the south side of the property in the same material as the existing fence. He noted they will widen the west side of Fretz and install curb and gutters. He stated Fretz will be re-aligned at the south end of their property where the street curves to provide better traffic flow. Mr. Shadid stated the identical fountains that are in front of the commercial development will also be constructed at the entrances on both 5th and 6th Streets. They will continue the existing fence along Fretz the length of the multi-family complex.

Julie Clark, area homeowner, addressed Council and stated she was pleased that the applicant is making the changes to the west side of Fretz. She requested the City repair a pothole on the east side of the street at the corner of 6th Street and Fretz. She stated since the applicant was improving Fretz along their right-of-way, it did not make sense to not repair the pothole. She stated the applicant is planning to add approximately 100 cars a day to the area and she felt this pothole needed to be repaired prior to the apartment complex being constructed.

Dan O'Neil, representing area homeowner James Judkins, addressed Council and stated Mr. Judkins home is on the corner of 5th Street and Fretz. He stated he was concerned about drainage and the increased traffic on such a narrow street.

Steve Manek, City Engineer, addressed Council and stated the street from 10th south was recently overlaid but from 5th to 10th needs to be reconstructed with curb and gutter. Mr. Manek stated they have budgeted for the reconstruction of Fretz in the FY 2005/06 budget but the work will need to be completed when the nearby school is not in session.

Mayor Pro Tem Lamb noted the land in this area is flat and the drainage is slow because of the topography and the traffic causes significant splashing on the homes on the east side of Fretz. He did not have a solution to fix the temporary ponding problems.

Motion by Page, seconded by Miller, to approve Item 11 subject to 18 foot light poles, privacy fence on the south and

continuing the existing fence along Fretz the length of the apartment complex. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Ordinance No. 2929 amending Edmond Plan III from Single Family Dwelling Planned Unit Development (PUD) and Restricted Commercial to General Commercial Planned Unit Development (PUD) usage, located on the northwest corner of Covell Road and Sooner Road (Fairfax Joint Ventures, LLC, applicant) Case No. Z050026. The site contains 6.57 acres. The development may include a convenience/gas store with a pump island northeast of the convenience store, car wash and drive-up ATM. The second phase will include retail shops and offices. The Fairfax Golf Course is north of this site and future residential is planned north of the golf course.

Randel Shadid, attorney representing the applicant, addressed Council and stated the Edmond Plan was amended in May, 2003, to Restricted Commercial but the rezoning was denied due to what the Council felt was inadequate infrastructure. He noted the only thing that has changed from the previous request is the applicant is now requesting commercial zoning in order to negate the need for a Special Use Permit. Mr. Shadid stated Covell is being planned as the major east/west thoroughfare for north Edmond and he felt commercial zoning was appropriate for this tract. He stated when the corner of Covell and Sooner is widened this property will be elevated significantly which will make the gravity flow sewer line work correctly. He stated several residents in the Fairfax Addition have requested a portion of this property be rezoned to suburban office in order for them to relocate their offices to Edmond to be near their homes. Mr. Shadid stated the architectural design of the development will be in the same style as the entrance gate and that a standard monument sign will be constructed. He noted they do not plan to construct a sign on I-35 to capture the I-35 traffic. He stated the applicant does not have a time frame for development of the site nor do they have any potential buyers. Mr. Shadid stated the time frame to develop the property was contingent upon when the City widened Covell and Sooner Roads.

Mr. Manek addressed Council and stated when Covell Road is widened, there will be substantial cuts and fills in that area and the street will be raised 8 to 10 feet. He stated they do not have a time frame because the project is not programmed into the Association of Central Oklahoma Government's TIP program. He noted after three years, staff will evaluate different areas of Covell Road to determine which sections have the highest traffic flow and it will be at least three years before they begin this phase of the Covell widening project. Mr. Manek stated the three phases that are programmed are the Boulevard

realignment, the Covell underpass and the widening of Covell from Thomas Drive to Santa Fe. He noted they are in the property acquisition phase of the project and that the Boulevard realignment is ready to begin now, the underpass is scheduled for next year and the Thomas Drive to Santa Fe phase is scheduled for the year after.

Lee Foreman (Augusta Farms), Linda Fischel (Shiloh Valley), Steve Bridges (Steeplechase Addition) and Dan O'Neil (Edmond Neighborhood Alliance) addressed Council in opposition. Their primary concerns were increased traffic, incompatibility to the area, and the disruption of their neighborhoods by commercial businesses. They were also concerned that if one corner is rezoned to commercial then eventually all four corners would be rezoned. John Bundt (Shiloh Valley) addressed Council and stated he was not opposed to the office portion of the development but he wanted to delay the project until the City moves forward with widening Covell Road.

Ray Hibbard, Ron Hinska and Fred Stanley, residents of Fairfax Addition addressed Council in support of the application. All stated they wanted the convenience of shopping close by. Mr. Hibbard stated the property is sheltered by a buffer and he felt because of the City's decision to widen Covell Road into a parkway there will eventually be commercial developments in the area. He noted the applicant still has 300 lots to sell in the Fairfax Addition and he would prefer to have a developer who has a financial stake in how the property is developed.

Mayor Pro Tem Lamb stated in the 1990s, the City worked very diligently with the Oklahoma Department of Transportation to obtain federal money to help construct the Covell Road and I-35 Interchange. The City has other projects that are planned in order to make Covell Road a parkway with center medians. The medians will help with turning motions and keep traffic flowing. He stated these projects as well as future projects along Covell Road are because the road is designed to become a major thoroughfare for east/west traffic in Edmond. Mayor Pro Tem Lamb stated that the changes to Covell are intended to address the rapid growth in this area of Edmond and some commercial development was to be expected with this growth. He noted, however, that he did not feel that Covell would become a major commercial corridor

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2929 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Sanford, to attach Emergency Clause to Ordinance No. 2929. **Motion carried** as follows and Ordinance No. 2929 is in effect immediately:

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

13. Public Hearing and Consideration of Ordinance No. 2930 rezoning from "A" Single Family Planned Unit Development (PUD) to "E-1" General Commercial Planned Unit Development (PUD), located on the northwest corner of Covell Road and Sooner Road (Fairfax Joint Ventures, LLC, applicant) Case No. Z050024. This is a companion to the above item and was discussed at that time.

Motion by Sanford, seconded by Miller, to approve Ordinance No. 2930 as read by title by City Planner. **Motion carried** as follows:

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

14. Public Hearing and Consideration of Ordinance No. 2931 amending Edmond Plan III from Single Family Dwelling Planned Unit Development (PUD) to Suburban Office Planned Unit Development (PUD), located on the northwest corner of Covell Road and Sooner Road (Fairfax Joint Ventures, LLC, applicant) Case No. Z050027. This site contains 6.33 acres and will be used for offices. This is a companion to the above two items and was discussed at that time.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2931 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Sanford, seconded by Miller, to attach Emergency Clause to Ordinance No. 2931. **Motion carried** as follows and Ordinance No. 2931 is in effect immediately:

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

15. Public Hearing and Consideration of Ordinance No. 2932 rezoning from "A" Single Family Planned Unit Development (PUD) to "D-O" General Commercial Planned Unit Development (PUD), located on the

northwest corner of Covell Road and Sooner Road (Fairfax Joint Ventures, LLC, applicant) Case No. Z050025. This is a companion to the above three items and was discussed at that time.

Motion by Sanford, seconded by Miller, to approve Ordinance No. 2932 as read by title by City Planner. **Motion carried** as follows:

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

16. Public Hearing and Consideration of Ordinance rezoning from "G-A" General Agricultural to "R-1" Rural Estate Dwelling District, located at 6101 N. Douglas Boulevard (Paul and Cynthia Waits, applicants) Case No. Z050028. The applicants were called out of town on an emergency and could not attend the meeting.

Motion by Miller, seconded by Sanford, to continue Item 16 to July 11, 2005. **Motion carried** as follows:

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

17. NEW BUSINESS:

Councilmember Page stated Acousticadia was a great success this past weekend. He stated there were over 500 volunteers and many City departments were also responsible for the success of this event. He noted the Arts and Humanities Council plan to make this an annual event.

Marvin Laws, representing C.P. Integrated Services (CPI), addressed Council and stated his company had submitted a bid on an item that was approved at the May 23rd meeting for a 30 inch waterline project. He stated they were the low bidder but did not get the bid. He stated the next lowest bidder, BRB Contractors, was awarded the bid which was \$192,000 above their bid. Mr. Laws stated he felt the City was not following the competitive bidding act by awarding this bid to the next lowest bidder. He stated he was told by City staff that the reason they were not awarded the bid was because of bad reviews from the City's consultant. Mr. Laws stated he felt this was unfair because the consultant did not speak with the entities that he has previously done business with and with whom he has good working relationships with.

David Parker, co-owner of C.P. Integrated Services, addressed Council and stated they were never contacted by the City of Edmond's consultant regarding a rebuttal. He felt their

company's reputation has been damaged. Mr. Parker stated they were in good standing with all their clients and had never not had an option renewed with the Oklahoma Department of Transportation or any other client.

Steve Murdock, City Attorney, addressed Council and stated no contract has been executed yet. He stated the recommendation to award the bid to BRB Contractors was made by the consultant to staff. Mr. Murdock stated he has been in contact with both Mr. Parker and Mr. Laws and they indicated they may appear before Council under new business. He noted there is no action required on this item tonight, however, staff will review the comments from Mr. Laws and Mr. Parker and provide additional information to Council later in the week.

Councilmember Miller stated he wanted to be assured that in the future staff does not rely on a third party recommendation entirely but also performs their own investigation.

Councilmember Sanford stated she would like to have justification from staff as to why this decision was made. She asked if staff used the recommendation from the consultant or did they do an investigation of their own.

Steve Manek, addressed Council and stated they had no past work experience with this company. He stated they asked the consultant to review the lowest bid and make sure there were no improprieties in the bid, to check references and then to submit a letter of recommendation. He stated he had also reviewed the comments from other companies regarding CPI's past performance. Mr. Manek stated during the background check the consultant discovered that on several occasions CPI had been behind on some projects and were assessed liquid damages. He stated he had been in contact with Mr. Parker and was waiting on a letter from Mr. Brum, the Oklahoma City Public Works Director, with whom CPI had previously performed work for as to their standing with Oklahoma City.

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

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

City Clerk

Mayor