

EDMOND CITY COUNCIL MINUTES

June 27, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 27, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve June 13, 2005, Minutes. **Motion carried** as follows:

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

3. Approval of Minutes. Motion by Miller, seconded by Lamb, to approve June 16, 2005, Special meeting Minutes. **Motion carried** as follows:

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

4. City Council Presentations:

A. Presentations by the Character Council of Edmond.

- 1) Pat Nichols, Parents Helping Parents
- 2) Marsha Gieschman

5. Appointments to Boards and Commissions:

A. Appointment of Municipal Judges. Mayor Naifeh nominated Alan Synar as Municipal Judge and Elizabeth Kerr as Associate Municipal Judge.

Motion by Miller, seconded by Lamb, to approve Item 5.A. **Motion carried** as follows:

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

6. 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 May 31, 2005.
- 2) Acceptance of City Treasurer's Investment Report for month ending May 31, 2005.
- 3) Acceptance of Final Plat, public improvements and maintenance bonds for North Kelly PUD, located at Swan Lake and Kelly.
- 4) Acceptance of street and utility easement from the Edmond Independent School District No. 12 for the 30 inch water transmission line from Oklahoma City to the Northwest Complex at Coffee Creek Road and Boulevard (2020 Master Plan Water Improvements, Contract 6A).
- 5) Approval of agreement with the Oklahoma City/County Health Department for Food Service License inspections.
- 6) Approval of budgeted funds for Capital and Operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$19,100.27.
- 7) Approval of supplemental appropriations for the Convention and Visitors Bureau (CVB) fund - \$44,705
- 8) Approval of transfer of appropriations for City Council - \$1,000
- 9) Approval of agreements with the following social agencies and community services organizations for FY 2005-2006:
 - a) Edmond Family Services
 - b) Edmond 4th of July Festival, Inc.
 - c) HOPE Center of Edmond
 - d) Edmond Arts and Humanities Council
 - e) Edmond Land Conservancy, Inc.
 - f) Project R.E.A.D.
 - g) Edmond Mobile Meals
 - h) Edmond Round Up Club
 - i) Parents Helping Parents, Inc.
 - j) Fine Arts Institute of Edmond, Inc.

- k) Character Council of Edmond, Inc.
- l) UCO Disabled Sports and Events
- m) Edmond Historical Society
- n) Edmond Historic Preservation Trust
- o) Emergency Medical Service Authority
- p) Central Oklahoma Transportation and Parking Authority

10) **Public Hearing and Consideration of Ordinance No. 2933 amending the Edmond Municipal Code, Chapter 2.80 the Edmond Public Transportation Committee, Section 2.80.020 Membership to provide for additional member, and providing for Repealer and Severability.**

11) **Approval of supplemental appropriations for the General Fund for Edmond Arts and Humanities Council - \$34,715.47.** Expenses for the Acousticadia event held on June 10-11 exceeded revenues by the amount requested.

Councilmember Sanford stated she felt the City would be setting a precedent if they approved the additional funding. She stated in the future, other groups would request the City provide additional funding for their events also if this appropriation is approved. Councilmember Sanford stated she felt the Arts and Humanities Council should not have put on the event without an adequate amount of money already raised to pay expenses. She stated she felt they should have attempted to raise the money on their own or had another plan to fall back on if they did not raise the money to pay all the expenses for the event. She stated it was unfair to other groups who raise their own money for the events they produce for the City to now bail out the Arts and Humanities Council.

Nellie Green, Chairman of the Arts and Humanities Council, addressed Council and stated this was the first year for the event and as in any new business venture it was a struggle the first year. Ms. Green stated even though it was a huge undertaking, the Committee felt that they would be able to sell enough tickets and get adequate sponsorships to cover the cost of the event. She stated there were a lot of unknowns and that they learned a lot from this first year and plan to make changes for next year's event. She noted if the additional funding is not approved it

would hamper their efforts for next year. Ms. Green stated she felt the rainy weather had an effect on the number of ticket sales and that a substantial number of tickets were given out to volunteers and also to their sponsors. Ms. Green stated the Arts and Humanities Council felt they would not have any trouble selling the 2,000 tickets they needed to sell to break even in a city with a population of over 70,000 citizens. She stated she felt the event was a huge benefit for Edmond since 40% of the tickets were issued to patrons outside the metro area and 70% were outside of Edmond. She noted they were a non-profit organization and all the money they raise from different events will go back into the school system for their arts programs.

Councilmember Page stated the goal of the Arts and Humanities Council is to provide money to the school system for their arts programs and he stated he felt with Nellie Green's leadership they have been able to accomplish their goal. He noted that although Acousticadia was not a financial success, the Committee answered the challenge to do something bigger and better than had been done previously. Councilmember Page stated the City of Edmond spends a tremendous amount of money to fund the social services activities and he felt that the Acousticadia event is in this category.

Ms. Green stated if the Council was hesitant about giving them the funding then perhaps they would consider an advance from next year's budget. She noted \$8,000 will pay the bills that are critical.

Dennis Garton, Treasurer of the Arts and Humanities Council, addressed Council and stated they really need at least \$15,000 to pay their sponsors. He noted if the sponsors are not paid in a timely manner, they would probably not be willing to sponsor next year's event. He noted if they have to repay the funds, several of the programs they have supported in the past will not be held next fiscal year.

Councilmember Miller requested this item be continued to the next meeting in order to determine if other options are available.

General discussion was held regarding whether to loan the Arts and Humanities Council money to repay the sponsors. Mayor Naifeh noted that loans have been approved in the past for other groups and she felt any additional funding should be in the form of a loan. She noted she would like to schedule a workshop with the Arts and Humanities Council to discuss this issue. Councilmember Miller stated he would like to see information from the Edmond Economic Development Authority on any economic benefits realized from the concert.

Motion by Page, seconded by Lamb, to approve a \$16,000 appropriation in the form of a loan. **Motion carried** as follows:

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

12) **Approval of Resolution No. 21-05 and public Right-of-Way, Utility and Encroachment agreement with the Oklahoma Department of Transportation.**

13) **Approval of supplemental appropriations for 2000 Capital Improvement Tax Fund for the Kelly Parkway, 15th to 33rd Streets, with the Oklahoma Department of Transportation in the amount of \$151,155.57.**

Motion by Miller, seconded by Lamb, to approve General Consent Items 6.A.(1-10, 12-13). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Approval of Change Order No. 37 with Timberlake Construction, Inc. for the Cross Timbers Municipal Complex in the amount of \$11,915.26.**

2) **Approval of Change Order No. 1 with Advanced Warning, Inc. for the traffic calming project on 9th Street, Boulevard to Bryant, in the amount of \$4,036.**

3) Approval of Change Order No. 1 with Titan Home Remodel for rehabilitation of residential structure located at 1313 Lapwing Road as part of the Community Development Block Grant (CDBG) program in the amount of \$250.

4) Acceptance of roadway easements from the Chimney Hills Homeowners Association, Inc. for the Coltrane Road Bridge project over Spring Creek in the amount of \$89,059.16.

5) Acceptance of roadway easements from Vicki Lee Hulett for the Coltrane Road Bridge project over Spring Creek in the amount of \$23,000.

6) Approval of agreement with Cox Business Services for extending aerial fiber from Covell and Coltrane to the east side of I-35 and Covell establishing Cox cable services for the Cross Timbers Municipal Complex in the amount of \$39,801.65.

7) Approval of bid dispositions by the Purchasing Manager for the following:

a) Dolese Brothers and Minick Materials - concrete, sand and topsoil (including renewal options) for various City departments in the annual estimated amount of \$60,000.

b) Rocal, Inc. - MUTCD sign manufacturing (including renewal options) for the Street Department in the annual estimated amount of \$15,000

c) Mileage Masters, Inc. - truck tire maintenance service (including renewal options) for Vehicle Maintenance in the annual estimated amount of \$50,000

8) Award of bid for a technical rescue decontamination system for the Fire Department. Purchasing Manager recommended accepting bid from ARAMSCO in the amount of \$39,508.39.

9) Award of bid and approval of contract for the Concrete Street Rehabilitation project and approval of Resolution No. 22-05 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Rudy Construction in the amount of \$879,828.

10) **Award of bid and approval of contract for the Safe Routes to School project, Phase III, and approval of Resolution No. 23-05 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from CGC, LLC, in the amount of \$1,070,831.

11) **Award of bid for miscellaneous office furniture/equipment for the Public Service Center at Cross Timbers Municipal Complex.** Purchasing Manager recommended accepting bids from Core Office Furniture, Workplace Resources, Spaces, Inc., Documentation and Bill Warren Office Products in the total amount of \$347,310.52.

12) **Approval of interlocal agreement with the Board of County Commissioners of Oklahoma County for improvements on Waterloo from Bryant east one-half mile, east bound lane in the amount of \$50,000.**

13) **Approval of the lease and installation of two primary rate interface or SmartTrunk Circuits from SBC from the State of Oklahoma contract SW50450 in the amount of \$68,280.**

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

Motion by Lamb, seconded by Sanford, to approve General Consent Items 6.B.(1-14). **Motion carried** as follows:

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

7. Approval of Tort Claim Committee's recommendations on Tort Claims.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0057 Police Department	Deny - \$ 300.00
24-0064 Police Department	Pay - \$ 428.89
25-0056 Street Department	Pay - \$1,362.51
25-0058 Street Department	Pay - \$2,315.54
25-0060 Street Department	Pay - \$2,043.23
25-0054 Meter Department	Pay - \$6,100.13

Motion by Lamb, seconded by Sanford, to approve Tort Claim Committee's recommendations on Tort Claims. **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

12. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of Kimberly Crossing II, located north of West Edmond Road, one-half mile east of Santa Fe (Kimberly Crossing, LLC, applicant) Case No. PR040043.** The addition contains 18.15 acres and 57 single family lots.
- B. **Consideration of Final Plat of Kimberly Crossing III, located north of West Edmond Road, one-half mile east of Santa Fe (Kimberly Crossing, LLC, applicant) Case No. PR040045.** This addition contains 18 acres and 66 single family lots. An electronic gate located at Castle Rock is to be used only by emergency personnel and the oil well company who owns existing oil wells on the property.

Councilmember Lamb questioned the access to Service Blake Park.

Bob Schiermeyer, City Planner, addressed Council and stated the area where the detention facility is located was recently purchased by an out of state resident for tax purposes. He noted the City currently has an easement up to the property line of Park Lane Estates but has not received an easement to cross the property where the detention area is for access into Service Blake Park. Mr. Schiermeyer stated it is not anticipated that a cross access will be needed because the developer of Dooley Farms is installing a traffic signal

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 12.A. and 12.B. **Motion carried** as follows:

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

- C. **Consideration of Preliminary Plat of Canyonwood Addition, located south of Sorghum Mill Road, east of Douglas Boulevard (Caliber Development Co., applicant) Case No. PR050013.** The site contains 160 acres and 100 single family lots. The addition will have private streets and two access points on Douglas. An abandoned tank battery and well site is located on the property.

Councilmember Lamb stated approximately half of the site falls within a significant remnant forest and he understood that the applicant was not planning any preservation of the remnant forest area.

Brian Coon, Coon Engineering, addressed Council and stated they will save as much of the remnant forest as possible by weaving the streets around the existing trees. He stated the developer understands that a couple of lots may be lost due to attempts to save the trees. Mr. Coon noted they would be happy to meet with the Urban Foresters and discuss this matter.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 12.C. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of commercial Site Plan approval of two medical office buildings, located on 18th Street, east of Kelly, east of Ballinger Dental Office and west of Kids Inc. (Kenneth Sickman, applicant) Case No. SP050022.**
- E. **Public Hearing and Consideration of commercial Site Plan approval of Sooner Answering Services, located on the northwest corner of Madison and W. Edmond Road (Matt Lamb, applicant) Case No. SP050017.**

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 12.D. and 12.E. **Motion carried** as follows:

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

- 13. **Public Hearing and Consideration of Special Use Permit for an expansion of the church parking lot, located north of 15th Street, east of I-35 (Henderson Hills Baptist Church, applicant) Case No. SP50019.** The applicant is requesting to add 278 parking spaces and no new driveways are planned. An area will be graded, trees removed, landscaping installed or preservation tree areas retained and parking lot lights installed. The application is in compliance with the 15% landscaping requirement. The landscaping plan includes a tree preservation area at the end of the street stub-out which cannot be extended in the future due to the tree preservation area. At this time there are no plans to extend the street into another development.

Councilmember Lamb stated as the church campus is completed it may be beneficial for the church to keep the circulation inside the campus for traffic purposes. He stated that preservation is a term in the landscaping ordinances that provides points for the process of maintaining and keeping existing trees. Points for existing trees are higher than new landscaping trees because they are larger and usually in groups. He stated in future phases there may come a time when they trade this preservation site for another area within the campus since this preservation site is not a permanent situation. He stated the total project is zoned PUD and has large areas of future phases designated to be left in preservation with trees to be retained.

Randel Shadid, attorney representing the applicant, addressed Council and stated the church has grown and now has 4,500 regular church attendees each Sunday. He stated there are times when they have as many as 6,000 attendees and need additional room for parking. Mr. Shadid stated the applicant does not intend to open the street stub-out in the future and if they determined that was needed, they would be required to get

approval from Council prior to any action being taken.

Councilmember Page asked if the applicant decides to extend the street stub-out in the future and remove the existing trees would they be required to provide another tree preservation area on the campus.

Carrie Tomlinson, the City's Urban Forester, addressed Council and stated that the applicant has not designated another area if a trade off was warranted in the future. She stated that typically once an area is designated as a preservation area it is not traded for another site. She noted at this time there is no provision in the ordinances to allow a trade of the preservation areas.

Councilmember Miller stated he felt the tree preservation area should not be next to a street stub-out.

Ms. Tomlinson stated even without the tree preservation area they would be very close to complying with the landscaping requirements. She noted the applicant has many options and many trees on the site. She stated she would be willing to work with the applicant to look for alternate sites for tree preservation.

Motion by Lamb, seconded by Miller, to approve Item 13. **Motion carried** as follows:

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

14. Public Hearing and Consideration of Special Use Permit for a crematorium on an "E-1" General Commercial Planned Unit Development (PUD) property and an amendment to the PUD Design Statement for Matthews Funeral Home, located at 601 S. Kelly (Randy Matthews, applicant) Case No. U050006. The proposed crematorium will contain 1,258 square feet and be located on the west side of the property, just west of the parking lot. Existing trees will be replanted or replaced adjacent to the crematorium. The exterior walls will be brick to match the existing funeral home.

Randel Shadid, representing the applicant, addressed Council and stated several residents of the Copperfield Addition have signed a petition in support of the crematorium. He submitted letters from a Lawton City Councilman and a resident in another city who live next to crematoriums who say they do not have any problems. He stated there will be no environmental effects from the operation which is quiet, odorless and smokeless. He noted the door to the crematorium faces the parking lot and not the residential homes. He stated if necessary the applicant would plant evergreen trees along the west next to residential homes

in order to shield the crematorium from sight. Mr. Shadid stated the funeral home was originally approved in 1999 without the crematorium but the funeral business has changed since that time. He stated the percentage of cremations has risen each year and continues to rise. The applicant estimated that in five years cremations would be 40% of his business. Mr. Shadid stated at this time he must outsource the cremations to other crematoriums outside the City. He stated the applicant would commit to hours of operation being from 8:00 am to 5:00 pm Monday through Friday.

Paul Vowell, Alex Long, Tim Sterling, Collin and Mark Cruze, all residents of Copperfield Addition, addressed Council in opposition. John Bundt (Shiloh Valley) and Kate Wooten representing the Edmond Neighborhood Alliance, also addressed Council in opposition. Mr. Vowell pointed out that when the funeral home was approved six years ago, a crematorium was expressly omitted from the site because the residents were opposed. He stated there is no City code enforcement of a crematorium or state regulations that he was aware of. Mr. Sterling stated he researched crematoriums and he stated there were health and safety concerns from this type of operation. He also stated City ordinances do not allow for a crematorium in single family zoned areas. All the residents felt the crematorium would lower their property values. Ms. Wooten stated it was very important for residents that when a compromise with a business owner is reached that they feel comfortable that the compromise will remain in effect and not be changed years later. She noted the difficulty of reaching future compromises if residents felt they would not be kept.

Randy Matthews addressed Council and stated he had no plans to let other funeral homes use their facilities unless it would be a funeral home from a small town who did not have access to cremation facilities. He stated if the rate of cremations do not increase, there will be well over 300 days a year that the crematorium will not be in use. He noted when it is used it only takes about three hours to do a cremation.

Mayor Naifeh stated she was aware that new regulations were being issued in the near future regarding crematoriums. She stated she wanted the citizens of Edmond to know that Council does do their own research on matters of importance and that she had researched this matter as had the other members of the Council. She noted the Oklahoma Board of Funeral Examiners does regulate the operation of crematoriums. She stated she was concerned about the closeness of the business to homeowners but

she felt with the proper oversight, a crematorium could be regulated. Mayor Naifeh noted the City of Edmond does not currently have an ordinance to regulate this type of business and she requested the City Attorney to begin research on what regulations the City might enact for crematoriums in the future.

Councilmember Lamb stated in the current Title 22 ordinance a Special Use Permit is always required for a crematorium because it is not a permitted use in any zoning category. He stated since this use was specifically eliminated from the original PUD he could not support the application. Councilmember Lamb stated the number one issue he is struggling with is that Council frequently approves PUD applications eliminating specific uses for a site and he felt approving this change to the PUD would set a precedent for other businesses to change their operations from the original approval years later.

Councilmember Miller stated he did not have an issue with the crematorium or it's location, but agreed with Councilmember Lamb that since it was specifically omitted from the original design statement he could not support it.

Motion by Sanford, seconded by Miller, to approve Item 14.
Motion was denied as follows:

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

15. **Public Hearing and Consideration of Special Use Permit for mining dirt and other select material, located north of Danforth, west of Post Road, 9225 E. Danforth (Raymond Butler, applicant) Case No. U040014.** The applicant requested this item be withdrawn.

16. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Light Industrial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and I-35 (Dr. Curtis Harris, applicant) Case No. Z050029 (Continued to July 11, 2005, at the request of the applicant).**

17. **Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor to "F-1" Light Industrial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and I-35 (Dr. Curtis Harris, applicant) Case No. Z050030 (Continued to July 11, 2005, at the request of the applicant).**

18. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (Spring Creek Village, LLC/Sooner Land Company, applicant) Case No. Z050020 (Continued to July 11, 2005, at the request of the applicant).**

19. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (Spring Creek Village, LLC/Sooner Land Company, applicant) Case No. Z050021 (Continued to July 11, 2005, at the request of the applicant).

20. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling and Suburban Office to Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (Spring Creek Village, LLC/Sooner Land Company, applicant) Case No. Z050018 (Continued to July 11, 2005, at the request of the applicant).

21. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "D-1" Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (Spring Creek Village, LLC/Sooner Land Company, applicant) Case No. Z050019 (Continued to July 11, 2005, at the request of the applicant).

22. Discussion of adoption of ordinance related to the local regulation of political organizations described in Section 527 of the Internal Revenue Code. Councilmember Sanford stated she requested this item be placed on the agenda for discussion to determine if there is adequate interest from the Council to pursue an ordinance regulating these groups. She stated she was concerned about the onslaught of the 527 groups that were such a large part of the last Presidential election. Councilmember Sanford stated the groups are unregulated and can raise funds without disclosing who the contributors are or how much they contributed. She noted a 527 group was also formed in the last City election. She stated there are no ordinances regarding these groups at any local level. She would like the City of Edmond to take the lead in regulating the groups and to eliminate any problems with the 527 groups before the next City election cycle.

Mayor Naifeh stated she would be interested in receiving information in order to be ready to discuss this issue at the next strategic planning session in October. Councilmember Lamb stated he would be interested in receiving the information in order to do his own research.

23. NEW BUSINESS:

Councilmember Lamb stated the final public comment period for

Title 22 is now open and will continue until August 1st. He stated the draft is in red line form identifying the edits from the previous draft. The Title 22 comment draft can be downloaded from the City of Edmond website and CDs, at no cost, are also available from the Planning and Zoning Department. He noted if paper copies are desired, they can be purchased for \$55, which is the City's cost to produce the copies.

Mayor Naifeh stated she attended a conference on youth leadership and master planning and she would bring the information that she received to the next strategic planning session.

Mayor Naifeh stated she also traveled to Washington D.C. and spoke with Senator Inhofe's and Congressman Istook's offices and they stated they are still committed to trying to get the Arcadia Lake debt forgiven. She noted they were very encouraged that it would get approved this year.

Mayor Naifeh encouraged everyone to attend the upcoming 4th of July celebrations. She also noted there is a blood drive being conducted this weekend by the Oklahoma Blood Institute.

24. 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