

EDMOND CITY COUNCIL MINUTES

September 12, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 12, 2005, in the City Council Chambers.

3. Approval of Minutes. Motion by Lamb, seconded by Sanford, to approve August 22, 2005, Minutes. **Motion carried** as follows:

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

4. City Council Presentations:

- A. **Presentation of proclamation proclaiming September 25, 2005, as "EDMOND CROP WALK DAY" in the City of Edmond.**
- B. **Presentation of proclamation proclaiming September 14, 2005, as "NATIONAL ANTHEM PROJECT DAY" in the City of Edmond.** In commemoration of this day, the National Anthem was performed by Emily Fees prior to convening the City Council meeting.
- C. **Presentation of proclamation proclaiming September, 2005, as "NATIONAL PREPAREDNESS MONTH" in the City of Edmond, co-sponsored by the U.S. Department of Homeland Security and the American Red Cross and presentation of report from Mike Magee, Emergency Management Coordinator, on Hurricane Katrina relief efforts; discussion and consideration of future action on the part of the City of Edmond.** Mr. Magee outlined the hurricane relief efforts on the state, county and City level. He stated Matt Mueller, a member of the City Manager's staff, has volunteered to coordinate the City's relief agencies. He noted information will be posted on the City's website and also on Cox Cable Channel 20.

Mayor Naifeh noted that councilmember Sanford has been appointed as the City's representative to the Oklahoma Municipal League (OML) task force which is a state organization for cities and towns.

Councilmember Sanford outlined several areas in which the

OML could offer assistance to the affected municipalities and their citizens. She stated she was overwhelmed by the generosity of Edmond citizens and organizations to the areas that have been affected by the hurricane. She noted there is a shortage of affordable housing in Edmond and that it was difficult to find decent homes for the evacuees that are now living here. She urged anyone who has information on permanent housing as well as available jobs to call Matt Mueller.

Mayor Naifeh commended Mr. Magee for his efforts to help in this emergency and for his involvement on the state and local levels as well as the efforts of other City staff and several area churches and organizations. She requested that Council members and the public contact Mr. Mueller with any suggestions or offers of assistance they may have. She stated she would like the City to be a sustainer community for long term assistance.

- D. **City Manager's Monthly Progress Report.** Mr. Stevens stated a public meeting was held on August 25th to discuss the results of the traffic calming project on 9th Street. Staff is reviewing the comments and the Public Works Committee will be meeting in the near future to finalize a recommendation to Council. Mr. Stevens stated the contractor is back on schedule to complete the 15th Street Improvements, Edgewood to Pine Oak, project by early October. He noted this has always been the time frame for completion of this project although there has been some confusion on when the project would be completed. He stated the 7th Street and Kelly intersection project is ahead of schedule and will be completed by early October. Mr. Stevens stated the Fire Department officially moved into Fire Station No. 5 on August 31st. The new Animal Welfare facility will be operational this coming Saturday. He stated they anticipate the Public Service Center will be ready for occupancy in November. Construction bids for Phase I of the 3rd Community Park at 33rd Street and Boulevard will be opened on September 8th with construction to begin in October and be completed in 80 days. Mr. Stevens stated the OSBI has selected a project manager for the regional forensics center with construction set to begin in October. He stated the project will take approximately two years to construct. The sidewalk partnership program continues to increase each year and the City has now had 184 residential property owners provide the partial funding for participation in the program. He

noted the five-year financial plan includes \$100,000 each year for this program.

5. Appointments to Boards and Commissions:

- A. **Appointment to the Finance/Audit Committee.** Nomination of Mayor Naifeh to replace Councilmember Paula Sanford.
- B. **Appointment to the Citizens Participation Committee (CDBG).** Councilmember Lamb nominated Ed Scheihing to replace Bill Sterns on this committee.
- C. **Appointment to the Employee Pension and Retirement Board.** The Employee Pension and Retirement Board nominated Travis Sallee for appointment and Johnny Carter for re-appointment to serve two-year terms expiring in September, 2007.
- D. **Appointment to the Guthrie-Edmond Regional Airport Board.** Mayor Naifeh nominated Dana Batey for appointment to serve a term expiring in July, 2008.
- E. **Appointments of the following citizens to various City Committees.**
 - 1) Mayor Naifeh nominated Dr. David Goin to the Edmond Economic Development Authority Board for re-appointment to serve a term expiring in July, 2008.
 - 2) Mayor Naifeh nominated Kenny Thomas to the Public Works Committee for re-appointment to serve a term expiring in May, 2007.

Motion by Miller, seconded by Page, to approve Items 5.A. through 5.E. **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 electric easement from Ponderosa Oaks to provide service for the residence of Larry and Patsy Thompson, 8315 E. Covell Road.**

- 2) Acceptance of account number change for Utility Billing System purchased through Oklahoma Municipal Power Authority (OMPA) in the amount of \$335,000.
- 3) Approval of supplemental appropriations for the Police Public Safety Tax Fund and Fleet Management Fund - \$2,152
- 4) Acceptance of Quit Claim Deed to ASF of Edmond, LLC, for Oklahoma Christian Homes property. Mayor Naifeh stated this item has been withdrawn from the agenda.
- 5) Acceptance of roadway easement from Kickernick, LLC, for Phase II of the Streetscape Pedestrian Linkage project. Mayor Naifeh noted this easement was donated.
- 6) Approval of Resolution No. 29-05 and project agreement with the Oklahoma Department of Transportation (ODOT) for Federal Enhancement Funds for Fink Park to Hafer Park trail. Mayor Naifeh expressed her thanks to Congressman Earnest Istook for his help in securing the federal funding for this project.
- 7) Acceptance of trail easements from Edmond Church of Christ for the Fink Park to Hafer Park trail project.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 6.A.(1-3,5-7). **Motion carried** as follows:

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

- 8) Approval of Resolution No. 30-05 approving the incurrence of indebtedness by the Edmond Public Works Authority (the "Authority") issuing its Utility System Revenue Refunding Bonds, Series 2005 (the "Bonds") and approving the proposal of the Authority to incur said indebtedness; approving the proceedings of the Authority pertaining to the sale of said Bonds; waiving competitive bidding; and containing other provisions relating thereto.

Motion by Miller, seconded by Page, to approve General Consent Item 6.A.(8). **Motion carried** as follows:

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

B. **Approval of Purchases:**

- 1) **Approval of disposal disposition of used/obsolete compressor for the Fire Department.**
- 2) **Approval to reject bids received for the mini digger/ derrick with trailer for the Fleet Management Department.**
- 3) **Approval to rescind award of bid for workstation for the Public Works Department.** Project Manager recommended rescinding bid from Documation and accepting bid from Workplace Resource in the amount of \$1,876.66.
- 4) **Acceptance of roadway easements from various citizens for the 33rd Street Widening, Kelly to Santa Fe, Improvements project in the amount of \$67,000.**
- 5) **Approval of amendment to the GIS Data Services contract with CEDRA Corporation to maintain GIS data layers consisting of parcels, water, wastewater and storm infrastructure and ongoing maintenance through FY 2006 in the amount of \$160,000.**
- 6) **Acceptance of roadway easements from First American Title and Trust Company for the Coltrane Road Bridge project over Spring Creek in the amount of \$15,000.**
- 7) **Approval of Change Order No. 40 with Timberlake Construction Company for the Cross Timbers Municipal Complex project in the amount of \$80,852.04.**

Motion by Lamb, seconded by Sanford, to approve General Consent Items 6.B.(1-7). **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>
26-0002 Police Department	Deny - No Amount
26-0006 Street Department	Pay - \$ 287.99

Motion by Miller, seconded by Page, 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

Mayor Naifeh stated the applicant requested the following four items be continued to October 10, 2005. She stated the applicant's attorney submitted a letter to the City Planner requesting the continuance in order to finalize all traffic and drainage improvement items in the PUD document and all traffic improvements incorporated into the Design Statement as requested by the Engineering Department and Council. Mayor Naifeh stated it has been the policy of Council to grant a continuance when requested and she did not recall when a request to continue was not granted.

Councilmember Page stated these items have been continued for too long and he requested the items be withdrawn until the applicant is prepared to present the application to the Council. He stated the constant continuances involve staff's time as well as the residents time to continually appear at City Council meetings. He stated he felt the residents deserve to be heard and a decision rendered on this application.

Lydia Lee, attorney representing the Bryant ACCORD III, addressed Council in opposition to the continuance. She stated this matter has been continued seven times over the past several months and the residents deserve a decision on this application. Ms. Lee stated the applicants were instructed to include certain items in their application several times and they have not done so. She stated the applicant has not shown good cause for a continuance and she requested Council deny the continuance and hold a public hearing on this application tonight.

Al Wheeler, Chimney Hill resident, also addressed Council in opposition to the continuance and stated it was unfair to the residents to repeatedly continue this item.

Randel Shadid, attorney representing the applicant, addressed Council and stated one of the continuances was requested by Ms. Lee and another continuance was granted after the Community Connections meeting in order for the applicant to gather further information regarding the traffic study. He agreed this item has been continued a number of times but not all the continuances were at the request of the applicant. He noted this is a high profile project in which the Council needs all the facts before making a decision. Mr. Shadid stated after meeting with City staff today he feels everyone is on the same page and he does not foresee any further continuances.

Mayor Naifeh stated she appreciated the involvement of the citizens and she was aware that many of the residents have been following this matter faithfully. She stated she did not have an objection to continuing this item to October 10th because she wanted the facts in front of her in order to make a good decision.

Councilmember Miller stated he would agree to a continuance to October 10th although he did not like the idea because of all the reasons put forth tonight. He stated he felt it would be unfair to the applicant if they were forced to present their application tonight and it would also place the City in an undefendable position, however, he would not support any further continuances.

Motion by Lamb, seconded by Miller, to continue Items 11 through 14 to October 10, 2005. **Motion carried** as follows:

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

11. 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 (The Bridges at Spring Creek/ Sooner Land Company, LLC, applicant) Case No. Z050020. Mayor Naifeh stated this item would be continued to October 10, 2005, at the request of the applicant.

12. 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 (The Bridges at Spring Creek/

Sooner Land Company, LLC, applicant) Case No. Z050021. This is a companion to the above item and was also continued to October 10, 2005.

13. 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 (The Bridges at Spring Creek/Sooner Land Company, LLC, applicant) Case No. Z050018. Mayor Naifeh stated this item would be continued to October 10, 2005, at the request of the applicant.

14. 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 (The Bridges at Spring Creek/ Sooner Land Company, LLC, applicant) Case No. Z050019 . This is a companion to the above item and was also continued to October 10, 2005.

15. Public Hearing and Consideration of Ordinance No. 2944 closing a portion of an easement across Lot 18, Block 1, Cheyenne Crossing 2nd Addition, located at 2333 Flint Ridge Road (Kim Coleman, representing Kensington Place Development, LLC, applicant) Case No. ES050004. The applicant is requesting that at least six feet of the utility easement on the south side of Lot 18 be closed. The builder constructed the house over an existing sewer line and is in the process of relocating the sewer line and will provide an additional easement on Lot 19. The builder did not accurately locate the easement prior to construction and built over the sewer line. The applicant will bear the full cost of relocating the sewer line. Planning Commission recommended approval subject to a new easement and completion of the sewer line in compliance with the Engineering Department's standards.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2944 as read by title by City Planner subject to completion of the recommendations of the Planning Commission. **Motion carried** as follows:

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

16. Public Hearing and Consideration of Preliminary Plat for Autumn Ridge Addition, located north of Covell Road, one-half mile east of Bryant, west of the Asheforde Oaks Addition (Gordon Amini, applicant) Case No. PR050020 (Continued to September 26, 2005, at the request of the applicant).

Motion by Lamb, seconded by Miller, to continue Item 16 to September 26, 2005, as requested by the applicant. **Motion carried** as follows:

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

17. Discussion and Consideration of naming of the third community park, located east of the southeast corner of 33rd Street and Boulevard.

Mayor Naifeh stated this item has been discussed over the past several months. She noted the Council approved a policy for naming public parks in December, 2004. Mayor Naifeh stated the Parks and Recreation Advisory Board recommended the new park be

named after former mayor Bob Rudkin. A sub-committee of the Parks Board disagreed and recommended the park be named after the late David Bickham. She stated one of the major projects of the Centennial Committee, of which she is a member, is to have a Centennial Park. She noted because the recommendation of the Parks Board was not unanimous she was suggesting the park be named Centennial Park due to the timing of the park with the state's centennial celebration next year and in commemoration of the citizens of Edmond.

Councilmember Miller stated he requested this item be placed on the agenda because in December the Council approved the procedure for naming parks and he felt that because the Parks Board had followed the policy that the Council owed them the respect of voting on their recommendation. He stated he felt this item should be referred back to the Parks Board for further review and a final recommendation.

Councilmember Sanford stated since the recommendation was not unanimous and differed from the Sub-Committee's recommendation, she felt it was not a solid enough recommendation for her to feel comfortable with due to the competition between the parties. She noted whatever the decision of the Council one family will be happy and the other not.

Councilmember Lamb noted the policy requires a written explanation of the recommendation and the packet for this meeting does not include anything regarding this matter. Councilmember Lamb stated the Council will not have another opportunity as far as the centennial is concerned and that he was aware of the difference in the recommendations from the Parks Board and the sub-committee but that he did not have any written explanation for the recommendation submitted by the Parks Board.

Mayor Naifeh stated the reason a written explanation was not included in the packet is because Council requested this item be on the agenda for discussion and additional information was not requested.

Neal McCaleb (former State Transportation Secretary), Don Harris (Oklahoma Silver-Haired Legislature member) and Wanda Cantrell (former Chamber of Commerce executive director) appeared in support of naming the park in honor of Bob Rudkin. Mr. Harris suggested the park be named Rudkin Centennial Park.

Curt Munson (Parks Foundation President) and Elizabeth Waner

(Planning Commission member) addressed Council in favor of naming the park in honor of David Bickham.

Gaylon Stacy (former school board member) addressed Council and suggested the park be named Centennial Park with a street, pavilion or another special feature of the park named in honor of each man. He also offered another suggestion that the park be named after both men using their last names.

Jim Bolin, Director of Parks and Recreation Department, addressed Council and stated the City already has a park named Centennial Park that is located in the Whispering Creek Addition.

General discussion was held on this matter and consensus of Council was to name the park after both men using a hyphenated version of both last names. Discussion followed on which name should be first whether it should be alphabetically or decided by the toss of a coin.

Motion by Lamb, seconded by Page, to name the new community park the Bickham-Rudkin Park. **Motion carried** as follows:

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

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

19. Executive Session to discuss the following pending claim (Executive Session authorized pursuant to 25 Okla. Stat. Section 307(B)(4):

Brown vs. City of Edmond

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above items. **Motion carried** as follows:

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

Mayor and Councilmembers recessed to the City Council Conference Room at 7:23 p.m. and returned to the City Council Chambers at 7:35 p.m.

Motion by Page, seconded by Miller, to adjourn Executive Session. **Motion carried** as follows:

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

20. Consideration of action regarding purchase of real property generally located at Covell and Sooner Roads.

Motion by Lamb, seconded by Page, to proceed with acquisition of the property located at Covell and Sooner Roads. **Motion carried** as follows:

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

21. Consideration of action regarding the above pending claims.

Motion by Lamb, seconded by Page, to authorize staff to proceed with settlement negotiations of the Brown claim. **Motion carried** as follows:

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

22. NEW BUSINESS:

Kate Wooten addressed Council and invited the Council and citizens of Edmond to attend the 11th annual Community picnic on September 22nd from 6:00 to 8:00 pm at the duck pond at Hafer Park. She noted it was a free event.

Bud Fisher addressed Council and requested a special proclamation from the Mayor also naming the new park Edmond Centennial Park.

Dr. Joe Freund addressed Council and expressed disappointment with the Council's decision during Executive Session regarding Item 20. He noted the City's offer was close but was still not adequate. He requested that the land requested be only 20 feet along his west boundary rather than the 60 feet requested.

Mayor Naifeh encouraged everyone wanting to assist the Hurricane Katrina evacuees to gather items and give them to the National Guard unit.

23. Motion by Lamb, seconded by Page, to adjourn meeting. Motion carried as follows:

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

NAYS: None

City Clerk

Mayor