

EDMOND CITY COUNCIL MINUTES

February 23, 2004

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 23, 2004, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve February 9, 2004, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

- A. **Presentation of proclamation recognizing March, 2004, as "PURCHASING MONTH" in the City of Edmond.**
- B. **Proclamation recognizing March 1-5, 2004, as "MUNICIPAL GOVERNMENT WEEK" in the City of Edmond.**

4. Appointments to Boards and Commissions:

- A. **Appointment to the Edmond Board of Adjustment/Board of Appeals.** Mayor Naifeh nominated Noma Chisholm to fill the unexpired term of Patricia O'Neal expiring in May, 2004.
- B. **Appointment to the Edmond Historic Preservation Trust.** Councilmember Page nominated Lucille Warwick for re-appointment to serve a three-year term expiring in February, 2007.
- C. **Appointment to the Edmond Historic Preservation Trust.** Councilmember Sanford nominated Georgia Sparks for re-appointment to serve a three-year term expiring in February, 2007.
- D. **Appointment to the Convention and Tourism Advisory Board.** Councilmember Sanford nominated Carissa Ann Trost to serve a three-year term expiring in February, 2007.
- E. **Appointment to the Edmond Historic Preservation Trust.** Councilmember Lamb nominated Beverly Terry for re-

appointment to serve a three-year term expiring in February, 2007.

- F. **Appointment to the Convention and Tourism Advisory Board.** Councilmember Miller nominated Scott Smelser for re-appointment to serve a two-year term expiring in February, 2006.

Motion by Lamb, seconded by Miller, to approve Items 4.A. through 4.F. **Motion carried** as follows:

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

5. **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 January 31, 2004.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending January 31, 2004.**
- 3) **Acceptance of electric easement from Roger D. Fite.**
- 4) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) Turtlecreek detention pond restoration
 - b) Substation on Danforth between Santa Fe and Kelly to install water meter and hydrant for irrigation
- 5) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality for water and sewer lines for the Georgetowne Addition, the Ash Grove at Coffee Creek Addition and the Creek Bend 3rd Addition.**
- 6) **Approval of Memorandum of Agreement with Summerstock Productions for use of the Amphitheatre in Mitch Park.** Summerstock is proposing to use the amphitheatre for outdoor stage productions. Troy Powell, Interim Parks and Recreation Director,

addressed Council and stated a user fee is not anticipated at this time for this group. He noted the City would provide the utilities in a similar manner as Shakespeare in the Park.

Councilmember Sanford stated she was concerned about restricting other groups for three months out of the year since the Summerstock group would not be paying any utility costs or user fee.

Mr. Powell stated Summerstock will only have approximately seven to eight performances which would only restrict the stage from usage by other groups for 14 to 16 days. He noted if approved they would begin productions in 2005 but that the schedule has not been finalized at this time. Mr. Powell stated due to the small number of performances he did not feel that other groups would be restricted from using the facility.

Mayor Naifeh requested the contract specify the number of performances each year.

Motion by Lamb, seconded by Sanford, to approve General Consent Item 5.A.(6). **Motion carried** as follows:

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

7) **Approval of supplemental appropriations - Fire Public Safety Limited Tax Fund from a donation from State Farm Mutual Automobile Insurance Company for the "Smoke Alarms for the Hearing Impaired" program - \$1,500**

8) **Approval of supplemental appropriations - Building Services Department for increased staffing costs - \$49,036.** Larry Stevens, City Manager, addressed Council and stated due to heavy demands he authorized another inspector to be hired for this budget year rather than next year as planned. He stated a new inspector is needed in order to maintain an appropriate level of services. Mr. Stevens stated he felt the additional inspection fees would pay for the new position.

Ed Steiner, Director of Building Services, addressed Council and stated the new position is needed to keep up with demands. He noted the turn around time is now two days due to the recent rainy weather. He noted that once the weather clears up, the current number of inspectors will not be able to meet the demand for inspections.

Motion by Sanford, seconded by Lamb, to approve General Consent Item 5.A.(8). **Motion carried** as follows:

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

9) **Approval of supplemental appropriations - Department of Emergency Management for utilization of grant funds for production of the Personal Emergency Plan guidebook - \$27,522.92**

10) **Approval of supplemental appropriations - Street Department for rural right-of-way maintenance, litter control and replacement of street and security lights - \$87,213**

11) **Approval of supplemental appropriations from the 2000 Sales Tax Revenue Fund for the 2nd Street and Littler, and Ayers and Edwards on Broadway signals project - \$8,900**

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-5,7,9-11). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Approval of bid disposition by the Purchasing Manager:**

a) SprayMAX, Inc. - vegetation control services (including renewal options) for the various City-owned properties, for the Parks and Recreation Department in the amount of \$18,748.90.

- 2) Approval of engineering design contract with Smith Roberts Baldischwiler, LLC, for improvements to 15th Street and Broadway in the amount of \$57,600.
- 3) Approval of engineering design contract with Utley and Associates for the gabion wall replacement project in Hafer Park in the amount of \$13,000.
- 4) Approval of engineering design contract with Tetra Tech-FHC for the trails project, Fink Park to Hafer Park, in an amount not to exceed \$149,480.
- 5) Award of bid for the Safe Routes to School - Phase II (sidewalks) project and Resolution No. 03-04 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Cowboy Concrete in the amount of \$495,251.50.
- 6) Award of bid for rehabilitation of residential structure located at 18 E. Clegern as part of the Community Development Block Grant (CDBG) program. The Citizens Participation Committee recommended accepting bid from L.G. Construction Co., Inc. in the amount of \$25,449.
- 7) Approval of amendment to the agreement with FDW Associates, Inc., for architectural services at Fire Station No. 1 renovation project in the amount of \$3,950.

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

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

Motion by Miller, seconded by Lamb, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

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

9. PLANNING CONSENT ITEMS:

- A. Consideration of Final Plat for Danforth Plaza retail space, located south of Danforth, east of the

Wal-Mart Supercenter (Renaissance Development/Edmond Plaza Associates, LLC, applicant) Case No. SP030015. The applicant requested this item be continued to March 8, 2004.

Motion by Lamb, seconded by Sanford, to continue Planning Consent Item 9.A. to March 8, 2004. **Motion carried** as follows:

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

10. Public Hearing and Consideration of Ordinance No. 2832 amending Edmond Plan III from Suburban Office to Single Family Dwelling Planned Unit Development (PUD) usage, located south of Swan Lake Road, west of the offices at Kelly Avenue (Michael Forth, applicant) Case No. Z030054. The site contains 2.09 acres and the applicant is proposing a 10 unit single family dwelling development consisting of four duplex style attached dwellings and two single family detached units. The development complies with City standards for single family density. The street will be private and will connect to the office driveway to the east. The development will contain two open spaces. Planning Commission recommended denial and felt that the project was on too small a tract and would impact traffic on Swan Lake Road.

Cheryl and John Williams, Betty Linhardt, Robbie Long and Nancy Morton, all Swan Lake residents, addressed Council in opposition. Dan O'Neal, representing the Edmond Neighborhood Alliance, also addressed Council. Their primary concerns were the increased traffic due to only one entrance and changes to the existing flood plain and retention area. The residents also felt the project was too dense and not compatible with the area.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application will down-zone the property and he felt it would create less of a traffic impact than suburban office. Mr. Shadid stated he felt the proposed zoning was appropriate because he felt a precedent has been set along Kelly for this type of development. Mr. Shadid stated City ordinances do not allow for drainage to be changed from historical runoff amounts and that the development will be in full compliance with all drainage requirements. He stated this application is for rezoning only and that the homeowners concerns will be addressed during the Plat review.

Councilmember Lamb stated the applicant can apply for a Letter of Map revision from the Federal Emergency Management Agency

(FEMA) which would reduce the flood insurance demand on property owners.

Steve Manek, City Engineer, addressed Council and stated the design engineer had the property surveyed to accurately determine where the FEMA floodplain is located. The elevation of the floodplain in this area is directly west of the proposed lot lines for the subdivision. He stated the existing FEMA map is an approximation of where the floodplain is located, but existing survey data can be used to better identify the location of the floodplain. He noted the FEMA flood plain is an elevation and the map is a graphical representation. Mr. Manek noted that FEMA overlays their elevations on a map which could be slightly different on the ground than on a map.

Councilmember Lamb stated the drainage in this area is from north to south and this property is on the downstream end of the drainage adjacent to the major floodplain which runs east and west. He stated the new development will not contribute to the current drainage problem affecting Swan Lake Road because of the site location in relation to drainage from the north. He noted the density of this project is not inconsistent with existing development on the north end of the addition.

Councilmember Miller stated the current zoning will not help with the traffic and flooding problems once the site is built upon. He felt that changing the zoning would help alleviate some of the traffic and flooding problems and will have less impact in the long run.

Lax Godhania, the project engineer, also addressed Council on this matter.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2832 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Lamb, seconded by Sanford, to attach Emergency Clause to Ordinance No. 2832. **Motion carried** as follows and Ordinance No. 2832 is in effect immediately:

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

NAYS: None

11. **Public Hearing and Consideration of Ordinance No. 2833 rezoning "D-O" Suburban Office to "A" Single Family Dwelling Planned Unit Development (PUD), located south of Swan Lake Road, west of the offices at Kelly Avenue (Michael Forth, applicant) Case No. Z030053.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2833 as read by title by City Planner. **Motion carried** as follows:

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

12. **Consideration of Preliminary Plat of North Kelly Planned Unit Development (PUD), located south of Swan Lake Road, west of the offices at Kelly Avenue (Michael Forth, applicant) Case No. PR040002.** This is a companion to the above two items and the applicant requested this item be continued to March 8, 2004.

Motion by Miller, seconded by Lamb, to continue Item 12 to March 8, 2004. **Motion carried** as follows:

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

13. **Public Hearing and Consideration of Ordinance No. 2834 amending Edmond Plan III from Single Family Dwelling to Medium Density Multi-Family usage, located at 530 N. Fretz (Loy Puffinbarger, applicant) Case No. Z030052.** The site contains .53 acres and will be used to construct a group home. The applicant is proposing a one story dwelling with a total of seven persons living in the home including the care giver. Planning Commission recommended approval.

Larry Blackledge, project architect, addressed Council and stated additional parking was added to the project at the request of area homeowners. He stated with the City's approval they will connect to the existing sidewalks.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2834 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Lamb, seconded by Sanford, to attach Emergency Clause to Ordinance No. 2834. **Motion carried** as follows and Ordinance No. 2834 is in effect immediately:

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

14. Public Hearing and Consideration of Ordinance No. 2835 rezoning "A" Single Family Dwelling to "C-2" Medium Density Multi-Family Dwelling District, located at 530 N. Fretz (Loy Puffinbarger, applicant) Case No. Z030051. This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2835 as read by title by City Planner. **Motion carried** as follows:

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

15. Public Hearing and Consideration of Special Use Permit for an Assisted Living Center, located at 530 N. Fretz (Fretz Group Home/Loy Puffinbarger, applicant) Case No. U040001. This is a companion to the above two items and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Item No. 15. **Motion carried** as follows:

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

16. Discussion and Consideration of revision to Edmond Electric logo.

Mayor Naifeh stated this was an opportunity for Council to discuss changing the logo promoting Edmond Electric and she requested comments from Councilmembers. Mayor Naifeh stated she felt the current logo could be confusing to citizens who did not know that Edmond Electric is a City utility.

Councilmember Miller asked if anyone had researched the cost of changing the logo on all the signs around the City as well as letterhead, uniforms, trucks, brochures, etc.

Nancy Nichols, Director of Administrative Services, addressed Council and stated the logo is the same one used for all City services but underneath the logo is the tag line "The Power of Edmond" that is currently being used. Ms. Nichols stated "A City of Edmond Utility" had also been suggested. She noted that a tag line is not always used. Ms. Nichols stated the suggestion was not to eliminate the current tag line entirely but to use both of them interchangeably.

Councilmember Lamb stated he remembered when the current logo was approved and that the tag line was added later as a way to reinforce the logo. He stated he liked the current tag line. He stated he did not feel it was confusing to the public in any way. Everyone he spoke with knew that Edmond Electric was part of the City.

Councilmember Miller agreed and stated it is a very clean logo and he really liked it.

Councilmember Page stated he agreed with Councilmembers Lamb and Miller and he liked the logo in it's current format.

No action was taken on this item.

17. Executive Session to discuss the purchase of real property along 2nd Street, south of the University of Central Oklahoma campus (Executive Session authorized pursuant to 25. Okla. Stat. Section 307(B)(3): Steve Murdock, City Attorney, stated there were no new developments on this item and Executive Session was not needed.

18. Consideration of action regarding the purchase of real property along 2nd Street, south of the University of Central Oklahoma campus. No action was taken on this item.

19. NEW BUSINESS:

Dan O'Neal addressed Council and extended an invitation to attend the Edmond Neighborhood Alliance summit being held on Saturday, February 28th in the Downtown Community Center.

Councilmember Lamb stated the consultant has completed the 2nd phase of the Remnant Forest study and will make a presentation at the next meeting about the results of the final study.

Councilmember Miller stated the dedication of the new trolley service will be held on Thursday, February 26th at 5:00 p.m. at the UCO Jazz Lab.

Mayor Naifeh stated land is being cleared on Coltrane between 2nd and 15th Streets and she asked if staff was aware of any project for this area. Bob Schiermeyer, City Planner, stated a project has not been submitted for that property and he would investigate to see if they are in violation of Title 23.

Councilmember Sanford thanked Steve Murdock and Jerry Smith for assisting the Mayor of Arcadia in their quest to apply for some grants to extend their water lines.

20. 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