

EDMOND CITY COUNCIL MINUTES

May 24, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 24, 2004, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Page, to approve May 10, 2004, Minutes. **Motion carried** as follows:

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

3. 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 April 30, 2004.
- 2) Acceptance of City Treasurer's Investment Report for month ending April 30, 2004.
- 3) Acceptance of Final Plat, public improvements and maintenance bonds for Carriage Park II, located at Shortgrass and Covell Road.
- 4) Acceptance of construction permits from the Oklahoma Department of Environmental Quality.
- 5) Acceptance of maintenance bonds for the Administration Building First Floor Renovation Project.
- 6) Acceptance of maintenance bonds for the Downtown Community Center Phase III Project.
- 7) Approval of interlocal agreement with Oklahoma County Court Clerk for the Edmond Court Clerk's Office for FY 2004-2005.
- 8) Consideration of Resolution No. 17-04 approving the Incurrence of Indebtedness by the Edmond Public

Works Authority (The "Authority") Issuing Its Utility System Revenue Bonds, Series 2004 (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; \$33,000,000. Stephen Schaus, City Treasurer, addressed Council and stated the Finance/Audit Committee recommended that bonds be sold to partially fund this project with the remainder being funded by a low interest loan from the Oklahoma Water Resources Board (OWRB). Mr. Schaus stated the OWRB loan will save the Edmond Public Works Authority (EPWA) approximately \$3.3 million in interest. He stated the OWRB loan will be more time consuming but the Finance Committee felt it was worth the extra effort to provide the environmental impact studies required for the loan in order to save several million dollars. Mr. Schaus stated if the EPWA cannot meet those requirements, then bonds could be sold for the entire cost of the project. He stated if the bonds are issued before June 30th, the EPWA can use the City's current audited financial statements and not have to pay to have another financial statement prepared. He noted local investors will have the opportunity to purchase the bonds from either Edward Jones or Capital West Securities who are co-managers for the bond sale. Mr. Schaus stated a cushion has been added to allow for price increases since the bids will not be let until a future date. He noted staff wanted to be assured that there was adequate money to get the project completed by the summer of 2006 to eliminate any need for water rationing.

Motion by Lamb, seconded by Sanford, to approve General Consent Item 3.A.(8). **Motion carried** as follows:

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

9) **Consideration of Resolution No. 18-04 approving the Incurrence of Indebtedness by the Edmond Public Works Authority (The "Authority") issuing its Sales Tax and Utility System Revenue Bonds, Series 2004 (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; confirming the Sales Tax Security Agreement and other Documents; and containing other provisions relating thereto; \$20,000,000. This is a companion to the above item and was discussed at that time. Mr. Schaus stated this was the third in a series of four, \$20 million issues and that if this bond issue is not approved the projected construction expenditures would deplete all remaining capital improvement funds within a few months into the new fiscal year. He stated the bond issue would allow the EPWA to have funds available and hopefully avoid some of the rate increases in the market.

Motion by Miller, seconded by Lamb, to approve General Consent Item 3.A.(9). **Motion carried** as follows:

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

10) **Approval of supplemental appropriations for Vehicle Maintenance - \$40,000**

11) **Approval of transfer of appropriations for audio-visual recording equipment for the City Council Chambers - \$1,000**

12) **Approval of supplemental appropriations for the Senior Center - \$3,150**

13) **Approval of supplemental appropriations for the Fire Public Safety Limited Tax Fund - \$90,415.50**

Motion by Lamb, seconded by Miller, to approve General Consent Items 3.A.(1-7, 10-13). **Motion carried** as follows:

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

14) **Approval of supplemental appropriations from the 2000 Sales Tax Undesignated Fund Balance to the Streetscape Pedestrian Linkages Project - \$795,000.** Clay Coldiron, Public Works Director, addressed Council and stated this is Phase I of a four phase project. He noted this item has been approved by both

the 2000 Sales Tax Task Force and the Downtown Urban Development Board. He stated due to certain necessary accommodations for downtown businesses, the contract amount exceeded the budget amount. He stated the construction days have been limited to 151 days beginning July 5th and ending on November 12th. This will allow the project to be completed prior to the start of the holiday shopping season. He stated the contractor will be fined \$500 per day for each day past November 12th that the project remains unfinished. Mr. Coldiron stated the project will be broken into small areas of 12 different phases with each phase being completed prior to beginning another phase, in order to disrupt the downtown area as little as possible. The bid specs stipulate that the front doors of retail businesses will be open at all times. He noted that nine parking spaces will be eliminated on Broadway but more spaces will be added on First and Main Streets. Trees will be planted in previous parking spaces to avoid conflicting with the water line and allow the tree roots more room for growth and a canopy on all four sides.

Councilmember Lamb stated as part of the streetscape plan the storm hoods and inlet pipes will be upgraded to reduce standing water in the downtown area during heavy rains.

Charlotte Worsham (Around the Corner Restaurant) and the owner of Eclectix Antiques and Gifts addressed Council in opposition. Ms. Worsham felt the construction and loss of parking spaces would be detrimental to her business.

Barry Rice (17 E. 1st Street), Cynthia Hendershot (Citizens Bank) and Julie Fost (Circle of Friends and President of the Downtown Edmond Business Association) addressed Council in support.

Mayor Naifeh requested signs be installed to direct citizens to the various parking lots in the downtown area prior to the beginning of construction.

Motion by Lamb, seconded by Page, to approve General Consent Item 3.A.(14). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford and Lamb
NAYS: Councilmember Miller

B. Approval of Purchases:

1) **Award of bid for the Streetscape Pedestrian Linkages project and approval of Resolution No. 19-04 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Wynn Construction in the amount of \$1,918,976.

Motion by Lamb, seconded by Page, to approve General Consent Item 3.B.(1). **Motion carried** as follows:

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

2) **Approval of contract with Crawford and Associates, P.C. for FY 2003/04 audit services in the amount of \$45,000.**

3) **Acceptance of three roadway easements for the Kelly Parkway, 33rd to 15th Streets improvement project in the amount of \$108,470.**

4) **Approval of Change Order No. 3 with Lippert Brothers for the Multipurpose Activity Center at Mitch Park project in the amount of \$3,033.**

5) **Approval to reject bids for printing of City business cards, letterhead, envelopes, mailing labels and note cards for various City departments.**

Motion by Miller, seconded by Page, to approve General Consent Items 3.B.(2-5). **Motion carried** as follows:

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

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

CLAIM NUMBER

RECOMMENDATION

24-0047 Street Department

Deny - \$1,874.57

Gina Ressler, claimant, addressed Council and stated she was traveling northbound on Post Road when she hit a large pothole in the road. She stated her car was damaged to such an extent that she had to have it towed. Ms. Ressler stated she felt the City was liable for the repairs to her vehicle.

Steve Murdock, City Attorney, stated the City was not liable because they had no prior knowledge of the pothole. He noted that if prior notice was received and the pothole was not repaired, then the City would be liable for the damages to Ms. Ressler's vehicle. He stated the street was repaired temporarily that night and the next day the Street Department repaired the pothole permanently.

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

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

Motion by Lamb, 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 Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Special Use Permit to include Site Plan for an Auto Spa Car Wash, located on the northwest corner of Danforth and Kelly (Brent Niles, applicant) Case No. U020006.** The original Special Use Permit and Site Plan was approved on December 9, 2002. The time has elapsed and the project is not complete. The applicant has amended the project to eliminate the open self-serve car wash bays with overhead doors facing Danforth. The project now consists of a wash tunnel and four detail bays with overhead doors. A drive-up window on the west side of the building would be available for purchase of convenience food items. A pad site is available for another use immediately east of the driveway on Danforth. The original project contained a meandering sidewalk off of the right-of-way included with the landscaping. Planning Commission approved the application subject to maintaining the berms along Danforth and Kelly which were originally required due to the open bays which have now been eliminated. The Planning staff felt there was not adequate room for the originally designed sidewalk and the berms. If Council requests the berms be retained then a traditional sidewalk design will be necessary.

Sherman Reed and Brent Niles both addressed Council urging approval of the amended project with the berms eliminated.

Councilmember Page stated this was a last minute change and he needed more time to study the site.

Councilmember Lamb stated the application exceeds the landscaping and he felt the berms are not

necessary. Mayor Naifeh agreed.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 8.A. as amended with the meandering sidewalk and elimination of the berms. **Motion carried** as follows:

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

- B. **Public Hearing and Consideration of a five-year extension of the Planned Unit Development zoning and Design Statement for Henderson Hills Baptist Church property located on the northeast corner of I-35 and 15th Street (Henderson Hills Baptist Church, applicant) (Continued to June 28, 2004, at the request of the applicant).**

9. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor usage to Single Family usage, located on the northwest corner of Covell Road and Air Depot (Gary Spencer, applicant) Case No. Z040004. Mayor Naifeh stated this item will be continued to July 12, 2004, at the request of the applicant.

10. Public Hearing and Consideration of Ordinance rezoning from "F-0" Limited Light Industrial and General Office Corridor to "A" Single Family Dwelling District, located on the northwest corner of Covell Road and Air Depot (Gary Spencer, applicant) Case No. Z040003. This is a companion to the above item and will also be continued to July 12, 2004, at the request of the applicant.

11. Public Hearing and Consideration of Special Use Permit and commercial Site Plan approval for Rapido Rabbit Car Wash, located east of Santa Fe, north of 15th Street (ACS Development, applicant) Case No. SP040014. The site contains 43,724 square feet. An attendant will be on duty while the car wash is in operation during the day. The driveway will be shared with the Bank of Oklahoma. The landscaping exceeds requirements on the north side of the building.

Randel Shadid, attorney representing the applicant, addressed Council and stated nine additional eight-foot pine trees and two holly trees have been added on the north side of the building. The application meets all City codes and is in character with the surrounding area where other Special Use Permits have been approved.

Mayor Naifeh requested that additional tall evergreen trees be planted between the Bank of Oklahoma and this application.

General discussion was held regarding the type of tree suitable for this area and Mr. Shadid agreed to work with the City's Urban Forester to determine the appropriate trees to plant between the parking lot and the bank.

Motion by Miller, seconded by Sanford, to approve Item 11 subject to taller evergreen trees on the south boundary. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Special Use Permit for a 140 foot tall monopole cellular tower, located on the north side of Heritage Baptist Church at 1921 E. 15th Street (U.S. Cellular, applicant) Case No. U040008. The cellular tower will be located in the northeast portion of the Church's property, east of the Turtlecreek Commons and west and south of land owned by Sooner Investments. Access would be through the Church's parking lot from 15th Street.

Dennis Box, attorney representing the applicant, addressed Council and stated the height of the pole will enable the developer to install two co-locators.

Dan O'Neal, representing the Edmond Neighborhood Alliance, addressed Council and requested the pole be limited to 100 feet. He stated the site does not contain any other poles and he felt it would be too noticeable at the requested height.

Councilmember Miller stated he was opposed to a 100 foot pole and felt that more poles would be needed since a pole at that height would not allow for co-locations.

Motion by Lamb, seconded by Miller, to approve Item 12. **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 a 140 foot tall monopole cellular tower, located at 2111 E. 15th Street, Edmond Electric substation site (U.S. Cellular, applicant) Case No. U040003. This item was withdrawn due to

approval of the above item.

14. Public Hearing and Consideration of Ordinance No. 2852 amending Subsection 2.94.080(C) of the Edmond Municipal Code to provide for Display of Art in Public Places; and providing for Repealer and Severability. The proposed ordinance includes a fund raising provision for art pieces for more than one year to allow the Visual Arts Commission to consider a maximum annual contribution of \$20,000, not to exceed one-half of the cost of the art, to be voted on each year.

Motion by Page, seconded by Lamb, to approve Ordinance No. 2852 as read by title by City Attorney. **Motion carried** as follows:

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

15. Public Hearing and Consideration of Ordinance No. 2853 amending Title 23 Stormwater Drainage and Standard Drainage Policy STD-400 of the Edmond Municipal Code; and providing for Repealer and Severability. The Engineering staff and the Stormwater Drainage Advisory Board recommended the addition of land disturbance permit language in Title 23 and engineering criteria dealing with required minimum finished floor elevations adjacent to street sump positions in STD-400. Several other changes dealing with updating engineering criteria of commonly accepted practices or current operating policy, clarifying confusing codes and eliminating conflicting codes are included. Councilmember Lamb outlined the changes to the ordinance.

Motion by Page, seconded by Lamb, to approve Ordinance No. 2853 as read by title by City Attorney. **Motion carried** as follows:

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

16. 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)).

Motion by Miller, seconded by Lamb, to meet in Executive Session to discuss the above item. **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 8:08 p.m. and returned to the City Council Chambers at 8:20 p.m.

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

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

17. Consideration of action regarding the purchase of real property along 2nd Street, south of the University of Central Oklahoma campus.

Motion by Lamb, seconded by Miller, to authorize the acquisition of the property through Court procedures and any necessary agreements in an amount not to exceed \$950,000. **Motion carried** as follows:

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

18. NEW BUSINESS:

Mayor Naifeh distributed copies of the essay contest "*If I was Mayor I would*" for Third and Fourth grade students in Edmond schools. She stated the first place award went to Megan Sylvester of Ida Freeman Elementary Third grade and read her essay aloud. The second place award went to Hannah Burton, St. Elizabeth Ann Seaton, and the third place award went to Jordan Robinson, Washington Irving Elementary School.

Councilmembers Page and Miller both thanked the Fire Department for the refreshments served at their 100 year celebration on Saturday and also the Police Department for the cookies provided during the opening of the Festival Marketplace.

19. 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