

EDMOND CITY COUNCIL MINUTES

June 14, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 14, 2004, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve May 24, 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 June 21-27, 2004, as "AMATEUR RADIO WEEK" in the City of Edmond.**

B. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council regarding the potential airport project with the City of Guthrie. He stated a draft agreement will be considered by the Guthrie City Council on June 15th and if approved by them will be on the June 28th City Council agenda. Mr. Stevens updated the Council on the oil spill at Mitch Park. He stated the trail is approximately 85% complete and cannot be completed until approval is received from both the Environmental Protection Agency and the Oklahoma Corporation Commission on the remediation work. Mr. Stevens also outlined the City's efforts to bring approximately 70 to 100 ramps into compliance with A.D.A. standards. He noted the list of locations continues to grow as City staff identifies other problem areas. He stated an annual allocation of \$50,000 is included in the budget beginning with FY 2004/05 and the Five-Year Financial Plan.

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

A. **Approval of Administrative Items:**

1) **Approval to re-name the Festival Marketplace Pavilion "Odle Pavilion".** Julie Fost, member of the Downtown Edmond Urban Board, addressed Council and

urged approval. She stated this was a way to recognize the former City Architect, David Odle, for his commitment to Edmond's downtown development. Ms. Fost stated a plaque will be purchased with private funds and erected at the Festival Marketplace site.

Motion by Lamb, seconded by Page, to approve General Consent Item 4.A.(1). **Motion carried** as follows:

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

2) **Acceptance of electric easement from Thomas Trails, LLC to provide service to Thomas Trails I Addition.**

3) **Acceptance of public improvements and maintenance bonds for the following:**

- a) Henderson Hills Church
- b) 1st Street and Fretz
- c) Edmond North High School
- d) John Ross Elementary
- e) Santa Fe High School Field House

4) **Acceptance of Final Plat, public improvements and maintenance bonds for Danforth Village, located on the northeast corner of Danforth and Santa Fe; and Tech Business Park, located one-fourth mile north of the intersection of Bryant and 33rd Street.**

5) **Acceptance of Final Plat, public improvements and maintenance bonds for Ash Grove Addition, located one-fourth mile east of Kelly, north of Covell.**

6) **Acceptance of Final Plat, public improvements and maintenance bonds for Villas at Hunters Creek, located on the southwest corner of Coffee Creek and Kelly.**

7) **Public Hearing and Consideration of Ordinance No. 2854 amending the sewer capacity fees for residential and commercial new construction, providing for Repealer and Severability.**

8) **Public Hearing and Consideration of Ordinance No. 2855 amending the water capacity fees for residential**

and commercial new construction, providing for Repealer and Severability.

9) Approval of contract with the Association of Central Oklahoma Governments (AGOG) to provide traffic counts.

10) Approval of supplemental appropriations for Liability Tort Claim Fund and Fleet Management Fund - \$10,407.25

11) Approval of utility relocation agreement with Enogex, Inc. in the estimated amount of \$203,443.

12) Approval of utility relocation agreement with Oklahoma Natural Gas (ONG) and transfer of appropriations from the Kelly Parkway project to the 15th Street Improvements project, Pine Oak to Edgewood, to fund the agreement in the estimated amount of \$140,000.

13) Approval of collective bargaining agreement for FY 2004/2005 for the following:

- a) International Association of Firefighters, Local 2359
- b) Fraternal Order of Police, Lodge 136

14) Public Hearing and Consideration of Ordinance No. 2856 amending the Edmond Municipal Code, Subsection 13.08.090(b) regarding payment of fees associated with installation of automatic meter reader outside the standard meter area for electric service; providing for Repealer, Severability and Declaring an Emergency.

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.A.(2-14). **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2856. **Motion carried** as follows and Ordinance No. 2856 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller
NAYS: None

B. Approval of Purchases:

- 1) Approval of lease of Cannon Digital copiers for City Departments from BMI Systems on State Contract SW90171 in the annual estimated base fleet amount of \$88,500.
- 2) Acceptance of sanitary sewer easement from Chris Suenram and Cynthia I. Suenram, Trustees under the Suenram Living Trust dated September 15, 1999, for the Coffee Creek Sanitary Sewer Interceptor, Phase 2, project in the amount of \$6,545.
- 3) Award of bids for rehabilitation of owner-occupied residential houses as part of the Community Development Block Grant (CDBG) program for the following locations:
 - a) Titan Home Remodel at 229 Sunset - \$27,010
 - b) L.G. Construction, Inc. at 600 W. Main - \$34,517
 - c) Titan Home Remodel at 319 E. 5th Street - \$24,840
- 4) Award of bid (including renewal options) for unleaded and diesel fuel for City vehicles. Purchasing Manager recommended accepting bid from Paul Penley Oil Co., Inc. in the annual estimated amount of \$300,000.
- 5) Approval of 20 year lease agreement with First Christian Church of Edmond for parking lot property described as Lots 13-15, inclusive, Block 37, Original Town Site of Edmond in the amount of \$40,000 for public improvements.
- 6) Approval of purchase of a AMAG electronic access control security system at the Multi-purpose Activity Center (MAC) in Mitch Park from Dowley, Inc., in the amount of \$39,827.34 as a sole source vendor.
- 7) Award of bid for hazardous material containment equipment for the Edmond Fire Department. Purchasing Manager recommended accepting bids from Aramsco, Products Unlimited and Wayest Safety.

8) Approval of Change Order No. 3A with Timberlake Construction to install a two foot wide concrete ditch liner 560 feet long with one foot wing walls on the south side of the Animal Welfare Facility at the Cross Timbers Municipal Complex in the amount of \$7,273.03.

9) Approval of Change Order No. 4 with Lippert Brothers, Inc. for the Multi-purpose Activity Center (MAC) at Mitch Park in the amount of \$19,741.

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

- a) GT Distributors - ammunition (including renewal options) for the Edmond Police Department in the estimated annual amount of \$20,000
- b) John Graeber Underground - concrete repair services (including renewal options) for various City departments in the estimated annual amount of \$50,000
- c) Porter's Quick Change - oil and filter change services (including renewal options) for various City departments in the estimated annual amount of \$2,000
- d) Paving Maintenance Supply - asphalt joint sealant (including renewal options) for the Street Department in the estimated annual amount of \$25,000
- e) Pelco Products - decorative street lights on 2nd Street (including renewal options) for the Street Department in the estimated annual amount of \$20,000
- f) Geographic Technologies - ArcView licenses and ArcIMS for the MIS Department in the amount of \$43,400

Motion by Lamb, seconded by Page, to approve General Consent Items 4.B.(1-10). **Motion carried** as follows:

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

5. Discussion and Consideration of Resolution No. 20-04 approving the operating budgets of the various City of Edmond funds for FY 2004/2005 to include the following:

- A. General Fund
- B. Internal Services Fund
- C. Special Revenue Funds
- D. Capital Project Funds
- E. Trust Funds

Mayor Naifeh asked why the Edmond Economic Development Authority (EEDA) increased their budget request. She stated she felt they should be allocated the amount that was discussed during the budget hearings.

Janet Yowell, Director of EEDA, addressed Council and stated they are implementing a new marketing plan and needed the extra funding to implement the new plan.

Councilmember Sanford asked several questions of staff regarding the total employee payroll and noted that the City was requesting 34 additional employees.

Larry Stevens addressed Council and stated the additional employees reflect the growth of the city and were recommended by an internal committee and the Human Resources Director. He noted that 19 of the new employees are for public safety.

Councilmember Sanford also asked about the Juvenile Court fines and noted that even though the case load had only increased by 20%-25%, the fines collected were double the amount they were last year. She also asked if the goals and objectives included in the Strategic Operating Plan were reached. Councilmember Sanford asked why Council was only given percentages rather than numbers on some budget items. She stated she does not feel that the Council is given adequate time and input on the budget. She noted that other cities begin their budget workshops six months prior to approving the budget and she felt that the Council should be more involved. Councilmember Sanford stated she would not be able to vote for the budget because she felt that she did not have adequate information or the time to investigate the items that are in the budget.

Mr. Stevens noted that several workshops were held beginning in January and that more information was being provided to Council now than at any other time. He stated that staff would provide any additional information that was needed and requested by Council to enable them to be better informed.

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

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

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

CLAIM NUMBER

RECOMMENDATION

24-0010 Park Department

Pay - \$2,500.00

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 Page, seconded by Miller, 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

11. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of Edgewater Addition, located east of Air Depot, just under one-half mile south of 15th Street (Caleb McCaleb, applicant) Case No. PR030044.**
- B. **Public Hearing and Consideration of Ordinance No. 2857 closing a portion of a utility easement at 4116 Echohollow Trail, Lot 8, Block 2, Oaktree Park 1st Addition (Mike and Lisa Rogers, applicant) Case No. ES040005.**
- C. **Consideration of Final Plat of North Kelly Addition, located south of Swan Lake Road and west of the offices at Kelly Avenue and Swan Lake Road (Dr. Michael Forth, applicant) Case No. PR040009.**

Motion by Page, seconded by Sanford, to approve Planning Consent Items 11.A. through 11.C. **Motion carried** as follows:

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

12. Public Hearing and Consideration of commercial Site Plan approval for a super center, located north of 15th Street, west of I-35 Frontage Road (Wal-Mart, applicant) Case No. SP030043. The site consists 28.97 acres and the building will contain 204,954 square feet. No materials or goods will be stored, displayed or offered for sale outside of the building. The development also will not include tire, battery or oil change operations. The site will contain 945 parking spaces. A total

of 44 light poles with an overall height of 24 feet are proposed, but no light poles will be located on the back of the building. One drive is proposed on 15th Street with a traffic light and turn bays. The main drive is planned on the I-35 Frontage Road with turn bays and a cross access is planned with the proposed adjacent Fox Lake Plaza. The developer is proposing an eight foot masonry wall on the west side of the property next to the fire lane at the top of the tiered retaining wall system. The application is in compliance with Title 23, stormwater drainage. Two ground signs and two wall signs are proposed. The City Engineering staff recommended that four traffic lights be installed, two left turns bays on north bound west I-35 Frontage Road at 2nd Street, installation of deceleration lanes on all driveways, installation of left turn bays on all drives and additional widening required to accomplish the left turn bay at the developer's expense. The landscaping along I-35 at the northeast corner and along the west and south sides of the property will be preserved.

Dennis Box, attorney representing the applicant, addressed Council and stated they will pay for all traffic improvements as requested by staff. He stated they were not requesting any variances and that they comply with all City regulations. He noted that over four and one-half acres of land and vegetation will be left undisturbed.

Kathy Kim, architect and urban planner representing the applicant, addressed Council and outlined two options for the exterior of the building. Plan A was the "Main Street" look and Plan B was the plan similar to their normal plan and preferred by the Planning Commission.

Terry Haynes, a civil engineer with Spear and McCaleb Company, addressed council and outlined landscaping, topography of the property and location of the building on the site. He stated he would be able to move the building 10 feet closer to I-35 and still be in compliance with parking regulations with 907 parking spaces. He noted that moving the building any closer to I-35 would bring the application out of compliance with parking. Mr. Haynes stated due to the 14% difference in grade of the property it would not be feasible to share a driveway with the adjacent property.

Todd Butler, Traffic Engineering Consultants, addressed Council regarding traffic.

General discussion was held regarding the traffic problems in

this area.

Mr. Haynes stated they would extend the left turn lane on 15th Street by 40 feet which would accommodate two additional cars.

Councilmember Lamb noted that there is currently a traffic problem at 2nd Street and the frontage road and these changes will help alleviate some of those existing problems.

Mr. Haynes also outlined the storm sewer system the applicant will be using on this project. He stated maintenance will be performed semi-annually.

Scott Fairbairn addressed Council regarding landscaping and stated that 80% of the landscaping is existing and 20% will be new plants.

Barry Rice, attorney representing the applicant, addressed Council regarding the I-35 Corridor standards. He stated the application meets or exceeds all those requirements and he felt all the I-35 Corridor objectives as well. Mr. Rice stated the project will provide additional economic development to the City.

Drew Gonzalez, engineer and resident representing Fox Lake Addition, addressed Council in opposition. He stated the application does not comply with "D-2" Neighborhood zoning. He presented a slide show outlining his objections to the application. Mr. Gonzalez requested a 24 hour sampling of the noise levels for one week at 10 different locations. He stated he was concerned about the water soluble pollutants draining into Fox Lake. He noted that the drainage plan violates the easement and the storm water permit. He requested the building be moved onto the general commercial zoned area of the property past the ridge line, that the grade elevation of the building be lowered to 1070 feet and that a berm be installed at a grade up to 1095 feet.

Tom Langdon, representing Fox Lake Addition, also addressed Council in opposition. Mr. Langdon also requested the building be moved onto the general commercially zoned area of the property. He noted if the building is relocated it would eliminate the visibility of the building and the noise level would also be reduced. He was concerned about increased crime rates due to the 24 hour parking lot. Mr. Langdon requested the applicant provide 24 hour security, a no sleep over policy for recreational vehicles and semi-trucks and daily clean up of

trash be included in a deed restriction.

Jim McAvoye, Vic LaSaxon, Larry Woods, Jim Holmes and Carrie Thompson, all residents of Fox Lake Addition, addressed Council in opposition. Steve Bridges, (I-35 Corridor Coalition), Dan O'Neal (Edmond Neighborhood Alliance) and Kevin Percival (Arrowhead Valley) also addressed Council in opposition.

Cynthia Rolf, Chairman of the Edmond Area Chamber of Commerce addressed Council in support. She noted that if this application is denied it will send a negative impression that the City of Edmond is against further commercial development and it will be more difficult for her organization and the Edmond Economic Development Authority to bring new development into the City.

Mr. Box stated this application is the only development with such a large greenbelt. He stated they will increase buffers on the east and/or move the building. Mr. Box stated that he knows of no noise complaints that have been received regarding the Danforth supercenter location. He reiterated that no reductions or variances from City ordinances have been or will be requested. He stated they were willing to construct either Plan A or B and that they would move the building 10 feet closer to I-35 or increase the buffer on the east. Mr. Box noted that these same issues were raised during consideration of the Danforth supercenter and that property values have increased for surrounding homes at Danforth and Santa Fe since the supercenter was constructed.

Barry Rice addressed Council and noted that the applicant is providing 35% landscaping and are only required to provide 15%. He stated he felt they met all the objectives of the I-35 standards by being in harmony with existing commercial projects.

Councilmember Page stated he was opposed because he felt it did not comply with neighborhood zoning. He stated when this property was first zoned in the 1970s, he felt the intention was that the ridge would act as a buffer for the surrounding homes. He noted that by dividing property between two developers, it negated what the original zoning was designed for. Councilmember Page stated he did not want to wait 15 years for vegetation to grow that will hide the 30 foot wall from the neighbors view. He stated he would prefer the building be moved to the east in order to respect the topography of the land and trees. He stated he felt the applicant could also do a better job on noise abatement. Councilmember Page noted that Council

continually requests citizen input but do not necessarily listen when that input is received.

Councilmember Miller stated he understood the concerns of the neighbors since he had been in a similar situation when the Danforth Supercenter was constructed. He noted that he had received statistics from the Edmond Police Department regarding crime rates at the Danforth supercenter and there has been no increase within one-half mile of that location. He stated that home values have increased in surrounding subdivisions since the Wal-Mart was built and that traffic is not that problematic. Councilmember Miller requested that the sewer interceptor be monitored quarterly for the first 24 months and then semi-annually thereafter. He also stated he felt that the applicant should share in the maintenance costs of Fox Lake since they will be using it as a detention facility.

Mr. Box stated they would be willing join the homeowners association and pay their share of homeowners dues to assist with the cost of maintaining the lake.

Mayor Naifeh stated she was concerned about the stacking of cars in the turn lanes. She stated she felt that in the future as the area develops, the additional traffic would cause problems. She noted she also felt that the application did not meet the I-35 standards and was not harmonious with the surrounding terrain. The Mayor stated she had requested the building be moved further east away from area residences and that additional trees be preserved on the east to screen the parking lot. She stated she did not feel that the project maximizes the natural features of the land. The Mayor stated there were not adequate changes in the plan for her to support it.

Councilmember Sanford stated that she had spoken with the developer of the Fox Lake Addition and he stated that Fox Lake was intended to be a buffer between future commercial developments along I-35 and the homeowners. She stated that she sympathizes with area residents and she wanted to do whatever possible to cover the back wall of the building. She also felt it would be advantageous to move the building 10 feet to the east to help eliminate the sight of the wall. Councilmember Sanford stated that although she would like to have more landscaping on I-35, she felt that the applicant was doing everything possible to preserve the existing trees and she could not determine a way to relocate the building on the site and keep the ridge, still be in compliance with parking regulations and preserve the trees along I-35. Councilmember Sanford stated

anything built in that area will increase traffic but that the applicant was willing to install additional traffic signals and turn lanes to help alleviate some of the traffic issues. She noted that the applicant was doing more than most developers would do and more than has been done in other areas of the City.

Councilmember Lamb stated the applicant has done a lot to meet the overall objectives of the I-35 site plan ordinance. He noted the applicant is preserving four and one-half acres of existing vegetation. Councilmember Lamb stated the City's urban forester has reviewed their tree preservation plan and has determined the mechanics of the plan are valid and workable. He noted this project even exceeds the rigid requirements for development at Arcadia Lake which are the highest in the City. He stated he is intrigued by the stormwater filtering system and will be looking to incorporate this as a new requirement in Title 22 standards for large parking lots. He stated he will be interested to see how that works out. Councilmember Lamb noted the traffic improvements proposed by the applicant are a plus and that he is also in favor of moving the building 10 feet to the east. He stated he believes the project is sensitive to the area and he is impressed with the detail of the development phase on the erosion and sediment controls during development and the mechanics for the long term. He stated he felt that the applicant has made a sincere effort to comply with the objectives of the site plan and has exceeded them on almost every level.

Mr. Box addressed Council and stated they would include a condition in the Site Plan that requires them to replace the landscaping as needed.

Jim Holmes requested the building be moved 50 feet to the east and eliminate some of the landscaping behind the Braums store to enable Wal-Mart to comply with parking requirements. He also requested that the elevation of the site be decreased by at least 10 feet which would hide everything over the tree line.

Terry Haynes addressed Council and stated it was not possible to lower the elevation due to the steep grade of the property. He noted the grade of the center driveway on 15th Street is now 7% and should not be any steeper in order to have a safe ingress and egress out of the development.

Motion by Lamb, seconded by Miller, to approve Item 12 subject to the following stipulations:

- 1) Posting of signs stating no overnight parking of recreational vehicles, semi-trucks, etc.
- 2) Move the building 10 feet to the east with 907 remaining parking spaces
- 3) Construction of Plan A - the "Main Street" plan
- 4) No open display on sidewalks or other outside display of any kind outside the building or structure
- 5) Extend the widening on 15th Street by 40 feet and also the left turn lane for east bound traffic into Wal-Mart by 40 feet
- 6) Installation of video security cameras on the perimeter of the building
- 7) No metal containers
- 8) Quarterly monitoring of the storm sewer system for the first 24 months and semi-annually thereafter
- 9) Participation in the Homeowners Association to help with maintenance of Fox Lake in order to keep the lake at historic levels. Dues to be commensurate with residential participation at an estimated amount of \$3,000 annually
- 10) 8 foot masonry wall constructed first along with the retaining wall on the west side of the property prior to any other construction
- 11) No delivery trucks from 10:00 pm to 6:00 am
- 12) Shield the parking lot lights
- 13) The Wal-Mart sign on the outside of the building use white lettering rather than red

Motion carried as follows:

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

13. Public Hearing and Consideration of commercial Site Plan approval for Fox Lake Plaza, located west of I-35, 1130 feet north of 15th Street (Frank Battle, applicant) Case No. SP030028. The site contains 24.5 acres and the shopping center consists of 192,250 square feet with an out parcel containing 17,825 for a total square footage of 210,095. The application contains 1,243 parking spaces. A total of 44 pole lights are planned at a overall height of 24 feet. Two drives are proposed along I-35 Frontage Road and a cross access is planned with Wal-Mart. No access will be provided to the main building from Fox Lake Lane. An eight foot masonry fence will be installed in the same style proposed by Wal-Mart. One ground sign is proposed for the main shopping center containing 75 square feet per side with a maximum height of 35 feet. The development will contain

six wall signs of various sizes and no side wall sign will face Fox Lake Lane. The application is in compliance with Title 23, stormwater drainage. The City Engineering staff recommended the same number of traffic lights and turn bays as required of the proposed Wal-Mart super center. The latest plans received by the Engineering staff was that Fox Lake would be used for detention and the spillway would be lowered.

Randel Shadid, attorney representing the applicant, addressed Council and stated they had reduced the parking to 948 spaces. He noted there will be 15 foot lights only on the back of the buildings and no parking in the back of the development. The dumpsters are located in the back behind a 10 foot masonry wall. Mr. Shadid stated they do not anticipate making any changes to the spillway and that it will stay at historic levels. He stated the application contains almost 30% landscaping and that there will be a 100 foot greenbelt preservation area. He stated they would share the cost of a new turn lane from 15th Street to the access road going north with Wal-Mart. Mr. Shadid stated the fence between the Wal-Mart property and their property would be increased to 10 feet tall with berming and additional evergreen trees in the back of the building. He noted the back of the building will be stained a dark brown to blend in with the trees. The building site would be lowered two feet in order to conceal a large portion of the building from the residents view. Mr. Shadid stated the site triangles from I-35 show that 75% of the parking lot is not visible from I-35. He stated they agreed to remove the north 20 feet of the 10,000 square foot section of the shopping center for additional green space. Mr. Shadid stated the trees on the north side of the building would remain and they would comply with the same methods of tree preservation as Wal-Mart.

Chuck Twibell, Smith Roberts Baldischwiler, addressed Council and explained the storm sewer system. He felt their system would fit the site better than the system that will be used by Wal-Mart.

Councilmember Page stated he preferred not to vote on this item until he has had time to review the storm sewer system.

General discussion was held and consensus of Council was to continue this item to the next meeting in order to allow adequate time for review of the storm sewer system.

Motion by Page, seconded by Miller, to continue Item 13 to the next meeting. **Motion carried** as follows:

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

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

Wise vs. City of Edmond

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 12:53 a.m. and returned to the City Council Chambers at
12:55 a.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

15. Consideration of action regarding the above pending claim.

Motion by Lamb, seconded by Miller, to authorize City Attorney
to proceed with settlement negotiations. **Motion carried** as
follows:

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

16. NEW BUSINESS: None

**17. 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