

EDMOND CITY COUNCIL MINUTES

July 12, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, July 12, 2004, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Page, to approve June 28, 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 to Jim Bowlin, Parks and Recreation Director, recognizing July, 2004, as NATIONAL PARKS AND RECREATION MONTH in the City of Edmond.**

B. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council and outlined the City's A.D.A. compliance efforts. He noted that \$50,000 allocations are included in each year of the Five-Year Financial Plan. Mr. Stevens stated the bridge over the trail at Mitch Park is estimated to be completed by the end of August. He stated if significant oil seepage is discovered then further remediation may be necessary. Staff is meeting with British Petroleum next week for further discussion. Mr. Stevens stated the schedule for the 7th Street and Kelly intersection project shows the bid letting in September and award of the contract in October. He stated two left turn lanes will be added onto 7th Street from Kelly at a cost of \$600,000. He noted the funding will be provided through and 80% federal/ 20% City split. This will be the first project which includes early completion incentives for the contractor. Mr. Stevens stated the Park Board recommended the potential dog park be located in the new community park at 33rd Street and Boulevard. The dog park would encompass approximately five acres on the northwest side of the park. The Partners for Animal Welfare in Oklahoma group will be responsible for raising private funds for construction, operation and maintenance assistance of the park. The city will donate the land, construct a small water line and help with maintenance of the park. Mr. Stevens stated it is

staff's intention to coordinate construction of the dog park with construction of the first phase the community park. He stated the first phase is planned in the current fiscal year.

4. Appointments to Boards and Commissions:

- A. **Appointment to the Edmond Economic Development Authority Board.** Mayor Naifeh nominated Charles Seeney for appointment and Sheri Stickley for re-appointment to serve three-year terms expiring in July, 2007.
- B. **Appointment to the Parks and Recreation Advisory Board.** Mayor Naifeh nominated Stacey Tate and Dennis Shockley to serve three-year terms expiring in July, 2007.
- C. **Appointment to the Convention and Tourism Advisory Board.** Councilmember Sanford nominated Martha Hall to fulfill the unexpired term of Carissa Ann Trost expiring in February, 2007.
- D. **Appointment to the KickingBird Golf Club Advisory Board.** Councilmember Sanford nominated David Streb to serve a three-year term expiring in July, 2007.
- E. **Appointment to the Parks and Recreation Advisory Board.** Councilmember Lamb nominated Darrell Davis for re-appointment to serve a three-year term expiring in July, 2007.

Motion by Lamb, seconded by Miller, to approve Items 4.A. through 4.E. **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 public improvements and maintenance bonds for the following:**
 - a) Crown Ridge Phase III
 - b) Crown Ridge and Thomas Drive

- c) 301 N. Bryant
- d) Dollar Tree
- e) Danforth Plaza
- f) St. Mary's Episcopal School

2) **Acceptance of sanitary sewer easement from McKean-Bell Development, LLC, for the Cedar Point 4th Addition, located north of Danforth, east of Santa Fe.** Mayor Naifeh stated this item was withdrawn.

3) **Acceptance of Final Plat, public improvement and maintenance bonds for Cheyenne Crossing III, located one-half mile west of Kelly on Covell.**

4) **Acceptance of construction permit from the Oklahoma Department of Environmental Quality to construct water and sanitary sewer lines as part of the 15th Street Waterline and Sanitary Sewer Relocation Project, Pine Oak to Edgewood.**

5) **Acceptance of construction permit from the Oklahoma Department of Environmental Quality to construct water and sanitary sewer lines to serve Steve's Rib.**

6) **Approval of Resolution No. 27-04 to continue 3% telephone user fee collection for 9-1-1 service provision.**

7) **Approval of transfer of appropriations for the General Fund and approval of supplemental appropriations for Edmond Convention and Visitors Bureau fund - \$144,300**

8) **Approval of transfer of appropriations for Police Public Safety Limited Tax Fund - \$42,000**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1,3-8). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Award of bid for Animal Crematory/Incinerator**

System for the purchase, setup and operator training of the cremation unit for the police Department/Animal Welfare Division. Purchasing Manager recommended accepting bid from Crawford Industrial Group, LLC, in the amount of \$44,200.

2) **Approval of Change Order Nos. 3-7 with Timberlake Construction for the Cross Timbers Municipal Complex project in the reduced amount of \$12,409.96.**

3) **Approval of Change Order No. 5 with Lippert Brothers for the Multipurpose Activity Center at Mitch Park project in the amount of \$6,012.**

4) **Approval of Change Order No. 1 with Wynn Construction for multiple solutions associated with Phase I of the Streetscape project in the amount of \$53,167.97.**

5) **Approval of Change Order No. 1 with Shawnee Lighting Systems for the Service/Blake Soccer Complex Lighting Project for Fields 1-3 and 5 in Mitch Park in the amount of \$15,000.**

6) **Award of bid for single phase polemount transformers for the YourGovShop member participants.** Purchasing Manager recommended accepting bids from Priester Supply, Arkansas Electric Co-Op, Diversified and Solomon Corp.

7) **Award of bid for single phase and 3-phase padmount transformers for the YourGovShop member participants.** Purchasing Manager recommended accepting bids from Arkansas Electric Co-Op, Diversified, Hughes Supply and Pauwels Transformers.

8) **Award of bid for miscellaneous electric supplies for the YourGovShop member participants.** Purchasing Manager recommended accepting bids from Water Products of Oklahoma, Cotton Electric Services, Inc., Arkansas Co-Op, Diversified, Hughes Supply, Priester Supply and Protective Equipment Testing Lab.

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-8). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller
NAYS: None

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

<u>CLAIM NUMBER</u>		<u>RECOMMENDATION</u>
24-0049	Street Department	Pay - \$ 172.61
24-0055	Parks/Aquatic Center	Pay - \$ 783.00
24-0053	Street Department	Deny - \$1,243.80

Motion by Lamb, seconded by Miller, 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 Page, 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

10. PLANNING CONSENT ITEMS:

A. Public Hearing and Consideration of commercial Site Plan approval of a bank to include a drive-in, located on the northwest corner of Kelly Avenue and Covell Road (Citizens Bank, applicant) Case No. SP040023.

Motion by Miller, seconded by Page, to approve Planning Consent Item 10.A. **Motion carried** as follows:

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

B. Consideration of Preliminary Plat of Chitwood Farms, located on the east side of Post Road between 15th and 33rd Streets (Chitwood Farms, LLC, applicant) Case No. PR040017. The property contains 320.7 acres with 177 single family lots with private streets. There will be 4.89 acres of greenbelt and 95.45 acres of conservation easement which will be maintained by the homeowners association. The applicant plans four accesses to the addition, one each on 15th Street and Post Road and two on 33rd Street.

Bob Schiermeyer, City Planner, addressed Council and stated the Council was incorrectly informed that no street widening would be required for this project. He noted that Title 21 requirements on widening map the City into Zone 1 and Zone 2. Streets in Zone 1 require widening. Post Road south of 2nd Street is in Zone 1. Mr. Schiermeyer stated seven lots and a common area abutting Post Road will be affected by the widening requirement. He noted they are not developing the entire mile section at this time and they would

not be required to widen that entire mile.

Councilmember Lamb stated the PUD and zoning was discussed at the last meeting and staff review had not identified during that discussion that Post Road is in the Zone 1 category called out in Title 21. He stated his personal opinion is that rather than requiring a fee in lieu of, he preferred that the applicant provide 70 foot of right-of-way rather than 50 foot. He noted the future value of the land would be more valuable to the City as far as widening and relocation of utilities than the actual fee in today's dollars.

General discussion was held regarding the necessity of a 70 foot right-of-way and whether the City could request a fee in lieu of at this point in the process.

Councilmember Lamb stated the issue is that during the previous discussion the applicant was told that widening was not required and now it has been discovered that widening is required. He stated he did not want to place an additional burden on the developer that he was not aware of but that the Council also needed to look at what is best for the community as a whole. He noted that as Arcadia Lake continues to be developed, the widening of Post Road will become an issue.

Patrick Myers, Turner and Company, addressed Council on behalf of the applicant and stated the PUD was approved some time ago and they were not aware until the last two weeks of the need to widen Post Road. He stated he was not authorized to commit to paying a fee in lieu of paving. He noted that the additional 20 foot easement may be possible by shifting the project to the east. Mr. Myers stated he would prefer to grant the additional 20 foot when it is needed rather than along the entire mile section since they only have one access along Post Road.

Councilmember Miller stated he felt it was not appropriate to request a fee in lieu of paving because the applicant has proceeded in good faith with the information they were given but he felt that the additional easement should be requested.

Mayor Naifeh stated since she was not aware of this issue she felt she did not have the expertise to discuss it and requested in the future that she be notified when these types of issues are first discovered.

Mr. Myers stated they would agree to grant the additional 20 foot utility easement on the platted lots and not involve the land in the conservation easement since it may be in conflict to remove land from that easement. Mr. Myers stated the transfer of the easement to the Edmond Land Conservancy is one of the final stages of the organizational requirements for the platting and would be transferred near the time the Final Plat is accepted.

Councilmember Sanford asked if providing the additional 20 foot easement would impact the value of the lots and Mr. Myers stated he did not think it would significantly impact the value of the lots to grant the additional 20 foot easement.

Councilmember Lamb stated it was his understanding that the conservation easement contains some latitude since it is for public purposes. He stated he felt it was possible to have the conservation easement and the right-of-way easement interface.

- C. **Consideration of Final Plat of Chitwood Farms I, located on the east side of Post Road between 15th and 33rd Streets (Chitwood Farms, LLC, applicant) Case No. PR040017.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 10.B. and 10.C. subject to the additional 20 foot utility easement along the platted lots right-of-way and researching a proper method of interfacing the utility easement with the conservation easement. **Motion carried** as follows:

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

11. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor usage to Single Family Dwelling usage, located on the northwest corner of Covell Road and Air Depot (Gary Spencer, applicant) Case No. Z040004 (Continued to August 23, 2004, at the request of the applicant).

12. Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor District to "A" Single Family Dwelling District, located on the northwest corner of Covell Road and Air Depot (Gary Spencer, applicant) Case No. Z040004 (Continued to August 23, 2004, at the request of the applicant).

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 (Continued to July 26, 2004, at the request of the applicant).

Motion by Lamb, seconded by Miller, to continue Items 11 through 13 as requested. **Motion carried** as follows:

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

14. Executive Session to discuss the purchase of real property along 2nd Street, south of the University of Central Oklahoma (UCO) campus (Executive Session authorized pursuant to 25. Okla. Stat. Section 307(B)(3)).

Motion by Miller, seconded by Page, 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 6:23 p.m. and returned to the City Council Chambers at 6:48 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

15. Consideration of action regarding the purchase of real property along 2nd Street, south of the University of Central Oklahoma (UCO) campus.

16. Consideration of approval of supplemental appropriations for the purchase of real property along 2nd Street, south of the University of Central Oklahoma (UCO) campus in the amount of \$950,000. The City will be reimbursed \$250,000 by UCO and \$500,000 by the Oklahoma State Bureau of Investigation (OSBI).

Motion by Lamb, seconded by Miller, to authorize supplemental appropriations from the real property acquisition fund in the amount of \$950,000 to allow purchase of property on 2nd Street, south of the UCO campus, of which \$750,000 will be reimbursed to the City of Edmond by UCO and the OSBI. **Motion carried** as follows:

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

17. NEW BUSINESS:

Councilmember Lamb stated a Community Connections meeting regarding extending the zoning for the Central Business District will be held in the Downtown Community Center at 6:00 pm on Thursday, July 15th.

Mayor Naifeh thanked the Liberty Fest Committee for the 4th of July events.

18. 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