

EDMOND CITY COUNCIL MINUTES

September 27, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 27, 2004, in the City Council Chambers. Councilmember Miller was absent.

2. Approval of Minutes. Mayor Naifeh requested the Minutes be amended to add "and consultant" on Item 9.A. Councilmember Lamb requested the Minutes be amended on the vote approving the Minutes to show that Councilmember Miller did not vote. Motion by Page, seconded by Sanford, to approve September 13, 2004, Minutes as amended. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Recognition of proclamation declaring October 3-9, 2004, as *FIRE PREVENTION WEEK* in the City of Edmond.**

B. **Presentation of Champion of Character awards to the following:**

- 1) July character trait is **Alertness** - Linda Vaughn, LaVonda Patterson and Crystal Fleming; City of Edmond employees
- 2) August character trait is **Decisiveness** - Tara Fair, Central Middle School Principal
- 3) September character trait is **Truthfulness** - James Coburn, Lifestyle Editor of *The Edmond Sun*

4. Appointments to Boards and Commissions:

A. **Appointment to the Visual Arts Commission.** Mayor Naifeh nominated Rebecca Hinds for appointment as a youth member to serve the unexpired term of Jordan Jones expiring in January, 2005.

B. **Appointment to the Convention and Tourism Advisory Board.** Mayor Naifeh nominated Sarah Underwood for appointment as a youth member to serve the unexpired term of Beth Scales expiring in May, 2005.

- C. **Appointment to the Urban Forestry Commission.** Mayor Naifeh nominated Bruce Cobb for appointment as a youth member to serve the unexpired term of Jordan McGee expiring in October, 2007.
- D. **Appointment to the Kickingbird Tennis Center Advisory Board.** Councilmember Page nominated Cheryl Lipe for appointment to serve a three-year term expiring in October, 2007.

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford and Lamb
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 August 31, 2004.** City Manager Larry Stevens addressed Council and stated this report actually reflects two months of data rather than one month as stated in the report.
- 2) **Acceptance of City Treasurer's Investment Report for month ending August, 2004.**
- 3) **Approval of electric easement from Fred R. Brooks and Susan R. Brooks, Trustees, Susan Brooks Living Trust for service to 1901 S. Air Depot Boulevard.** Mayor Naifeh stated this item would be continued to the next meeting.
- 4) **Acceptance of public improvements and maintenance bonds for Madison Oaks Addition.**
- 5) **Consideration of approval of Modifications to Standard Construction Drawings.**
- 6) **Approval of transfer of appropriations for General Fund and Administrative Support Services Funds for telephone system upgrade, telephone systems for Park and Recreation Department, Senior Center and**

Cross Timbers Municipal Complex - \$400,000

7) **Approval of supplemental appropriations for an Integrated Audio Video system for the City Council Chambers - \$5,000**

B. Approval of Purchases:

1) **Award of bid to furnish and install an Integrated Audio Video system in the City Council Chambers.** Purchasing Manager recommended accepting bid from AVL Systems in the amount of \$64,959.

2) **Award of bid for the Kickingbird Tennis Center pro shop renovation project and approval of Resolution No. 28-04 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from W.C. Doan Construction Company in the amount of \$178,500.

3) **Approval of contract with Output Services Group for the outsourcing of utility bill print/mail and the addition of electronic bill presentment and payment services in the amount of \$27,850 for initial setup fees.**

4) **Approval of FY 2004/2005 contract with Michael J. Wolf, Housing Rehabilitation Specialist, as part of the Community Development Block Grant (CDBG) program in an amount not to exceed \$35,000.**

5) **Approval of FY 2004/2005 public service agreements with the following entities for a total amount of \$71,848.90 as part of the Community Development Block Grant (CDBG) program:**

a) **Central Oklahoma Transportation and Parking Authority (COTPA) for the Share-A-Fare program - \$1,598.90**

b) **Edmond Economic Development Authority (EEDA) for the revolving loan fund.**

c) **Edmond Mobile Meals, Inc. - \$3,950**

d) **Metropolitan Fair Housing Council of Greater OKC - \$14,500**

e) **Hope Center of Edmond - Back to School - \$7,000**

f) **Hope Center of Edmond - Bus Tickets - \$4,800**

g) **Hope Center of Edmond - Medical Services - \$10,000**

h) **U R Special Ministries, Inc. - \$30,000**

Councilmember Sanford requested that Items c and d be continued to the next meeting in order to make corrections to the documents.

6) Approval of Change Order No. 1 with M.L. Young Construction Company for the 7th Street and Kelly waterline relocation project in the reduced amount of \$8,636.80.

7) Approval of Change Order No. 1 with Brewer Construction for the 33rd Street ground storage waterline from Oklahoma City improvement project in the reduced amount of \$580.97.

8) Approval of Change Order No. 6 with Wynn Construction for multiple solutions associated with the Phase I Streetscape project in the amount of \$12,374.

9) Approval of Change Order No. 1 with Lippert Brothers for the Multipurpose Activity Center (MAC) amphitheater at Mitch Park in the amount of \$5,978.

10) Approval of Change Order No. 7 with Lippert Brothers for the Multipurpose Activity Center (MAC) at Mitch Park in the amount of \$5,703.

11) Approval of Change Order No. 2 with L.G. Construction, Inc. for rehabilitation of residential structure located at 600 S. State (aka 600 W. Main) in the amount of \$146.

12) Award of bid for two (2) high pressure compressors for the Fire Department. Purchasing Manager recommended accepting bid from Wayest Safety in the amount of \$62,265.

13) Approval to rescind award of bid for single phase and three phase padmount transformers from Pauwels Transformers and re-award the bid to Arkansas Electric Co-op, Diversified Electric, Hughes Supply and Priester Supply for the YourGovShop member participants.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-2, 4-7) and 5.B.(1-5a,b,e-h, 6-13) and

continue Items 5.A.(3) and 5.B.(5c-d) to the next meeting.
Motion carried as follows:

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
24-0061 Street Department	Deny - \$550.00
25-0010 Community Image	Deny - \$750.00

Motion by Lamb, seconded by Page, to approve Tort Claim Committee's recommendations on Tort Claims. **Motion carried** as follows:

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

10. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of Belmont Villages II, located one-fourth mile north of Coffee Creek Road, east of Kelly Avenue (Dorothy Sadeghy, applicant) Case No. PR040010.**
- B. **Public Hearing and Consideration of commercial Site Plan approval for Stonebridge Medical Building, located on west side of Boulevard, south of 33rd Street (Turner and Company, applicant) Case No. SP040034.**

Motion by Lamb, seconded by Sanford, to approve Planning Consent Items 10.A. and 10.B. **Motion carried** as follows:

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

- C. **Consideration of Final Plat of Hidden Prairie at Kelley Pointe, located west of Kelly, north of 33rd Street (Kay Bee Investment Co., applicant) Case No. PR040032.** The site consists of 14 acres and will contain 37 lots.

Councilmember Page stated the area to the south along 33rd Street was previously discussed and at that time it was left with the more intense "F-1" zoning. He stated he thought they were going to rezone this property prior to any construction of any single family homes.

Terry McGuire addressed Council representing the applicant and stated that was an issue concerning the Edmond Plan which has been previously been amended and approved. He stated they amended the Plan on west side of Kelley Pointe to meet Councilmember Miller's request.

Dan O'Neal addressed Council and stated the property to the south is too intense to remain industrial next to single family homes. He stated normally the City will require a buffer to protect single family homes from the more intense uses and he felt it should be required in this instance also. Mr. O'Neal stated he felt it was appropriate that the Council deal with this issue now rather than waiting until the area is filled with homes so that citizens who purchase homes will know how the property will be developed. Mr. O'Neal stated this strip of property was left industrial when the remainder of the property was rezoned to Single Family. He stated he felt it was appropriate for the City to require the developer, by a date certain, to show his intent of how the property will be developed which is normally expected of developers.

Councilmember Lamb asked if the applicant's Final Plat was in compliance with City requirements and staff replied that it was.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Item 10.C. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of Ordinance No. 2868 rezoning from "C-2" Medium Density Residential District to "C-3" High Density Residential and Commercial Services District, located north of Main Street, east of Smythe, west of Hortense in the Highland Park Addition (Barry Rice, applicant) Case No. Z040025.** The applicant is requesting to rezone Lots 13 through 24 for a total of 42,000 square feet. The property has been previously developed as part of the Bronco Village Mobile Home Park and is still active as a mobile home park. The application is in compliance with Edmond Plan III.

Motion by Page, seconded by Lamb, to approve Ordinance No. 2868 as read by title by City Planner. **Motion carried** as follows:

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

- 11. Consideration of Final Plat of Bluff's at Pine Creek, located on the northwest corner of Sorghum Mill Road and Sooner Road (Caleb McCaleb, applicant) Case No. PR040023.** The site consists of 80.4 acres and will contain 59 lots. When the Preliminary Plat was submitted to the Planning Commission on July 6th, they required a street be connected west to the Northwood Addition. When the Final Plat was submitted to the Planning Commission on September 7th, the Final Plat contained the connectivity as requested. On a tie vote the Planning Commission denied the Final Plat because two of the

Commissioners felt that connectivity was not needed in this case.

Barry Rice, attorney representing the applicant, addressed Council and stated the Plat shows a connection to the Northwood Addition as requested by the Planning Commission. He noted the applicant will develop the addition with or without the connectivity, whichever is preferred by Council.

Councilmember Page asked if a crash gate could be constructed at the stub-out rather than the street connection.

Janet Kem, Mark Foley, H.L. Miller and Marvin Freeman (Northwood Addition residents) addressed Council in opposition to a street connection into their addition. They noted the streets in their addition are narrow and curvy and due to the larger number of lots they felt it would create too much through traffic and endanger their residents. Mr. Miller stated he was concerned about the drainage of water from the addition since his property is on the back side of the addition and at a lower grade than the property to be developed.

Mark Farris, Red Plains Engineering, addressed Council and stated the streets in the proposed addition would be 26 feet wide and constructed with curb and gutter in compliance with City requirements.

General discussion was held regarding the drainage of water from the addition and the use of the aerobic septic systems that will be used by the residents.

Councilmember Lamb stated he was not aware of any problems with this type of septic system.

Motion by Sanford, seconded by Page, to approve Item No. 12 without a connection to the Northwood Addition. **Motion carried** as follows:

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

12. Consideration of Amendment to a Planned Unit Development (PUD) Design Statement and the approved commercial Site Plan to allow Loblolly pines rather than Austrian Pines, located at Danforth Plaza, east of the Wal-Mart Supercenter, west of Park Lane Addition, south of Danforth Road (Edmond Plaza Associates,

LLC, applicant).

Chuck Twibell, Smith Roberts Baldischwiler, addressed Council on behalf of the applicant and stated the applicant was having a difficult time trying to purchase 12 foot tall Austrian Pine trees at this time of year because they are seasonal trees. He stated that is the reason for requesting a substitution of the type of trees. He noted that Loblolly pine trees grow faster and are taller when they mature than the Austrian Pines. Mr. Twibell stated feed back from the residents of the Park Lane Addition indicated that they did not object to the different type of trees as long as 75 trees were planted along the entire east side and they were not less than 12 feet in height.

Carrie Tomlinson, the City's Urban Forester, addressed Council and outlined the differences between the two types of trees.

Councilmember Page stated he preferred the Austrian Pine trees because they are larger in circumference and will provide more coverage which is the reason why he felt they were required when this item was first approved.

Motion by Lamb, seconded by Sanford, to approve Item No. 12.
Motion carried as follows:

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

13. Executive Session to discuss the following pending claims(Executive Session authorized pursuant to 25. Okla. Stat. Section 307(B)(3):

Barnthouse et al vs. City of Edmond
Rau vs. City of Edmond

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 6:46 p.m. and returned to the City Council Chambers at 7:00 p.m.

Motion by Lamb, seconded by Sanford, to adjourn Executive Session. **Motion carried** as follows:

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

14. Consideration of action regarding the above pending claims. No action was taken on Barnthouse et al claim.

Motion by Lamb, seconded by Page, to authorize City Attorney to proceed with settlement of the Rau claim. **Motion carried** as follows:

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

15. Discussion and Consideration of authorization to proceed with regional detention facility. Councilmember Lamb stated this item is part of the five-year strategic plan for the Downtown Edmond Urban Development Board as well as identified in the City Council Strategic Plan. He stated the project as proposed would foster the urban development land use for downtown by eliminating the on-site requirements for detention by using the fee in lieu of structure and regional detention to accommodate the Title 23 requirements. Councilmember Lamb outlined the proposed project and he noted the regional detention project would reduce the flooding in the downtown area that has been ongoing for many years. He stated they need to proceed with land appraisals in order to determine the land acquisition costs. He noted they have rough estimates on design, development and railroad crossing costs. Councilmember Lamb stated he was requesting approval of the regional detention facility as a project in order for staff to proceed with the appraisals. He stated he felt this project offered tremendous potential, great solutions and an excellent template as the Council evaluates other regional opportunities. He noted there are five parcels that need to be addressed. Councilmember Lamb requested the Council endorse the project so staff can proceed with gathering the preliminary information to determine whether to go forward.

Mayor Naifeh asked if land acquisition was part of the cost estimates provided to Council. She also asked what the time frame for completion of the project was and if he or staff had spoken with the railroad company about this concept.

Councilmember Lamb stated the cost estimates do not include land acquisition costs. He stated once the project is approved in concept, the land acquisition and railroad negotiation process will begin. He felt the project could be completed in less than three years if the City can afford the land acquisition costs. He noted this is not a budgeted project.

Mayor Naifeh stated she felt it was a worthy cause and she supported the project.

Councilmember Sanford stated she felt it was important that staff work with the railroad for their input.

Motion by Lamb, seconded by Page, to authorize City staff to go forward with the project. **Motion carried** as follows:

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

16. NEW BUSINESS:

Wanda Cantrell addressed Council regarding an issue with the property located on the northwest corner of 15th Street and Bryant which was until recently owned by her and her siblings. She stated her family sold the property to Ballenger Brothers, LLC for development of a furniture store. She stated when they were negotiating the sale with Mr. Ballenger, she was contacted by Councilmember Page who requested that she and her family lower their purchase price in order to make it more affordable for Mr. Ballenger to develop the property with a smaller building that he felt he could approve. She stated her family decided to lower the purchase price by \$175,000 in order for the development to get Councilmember Page's approval. She noted that she felt she and her family were coerced into lowering their purchase price because she is an employee of the City of Edmond. Ms. Cantrell also pointed out the coincidence of a letter to the editor issued by Dan O'Neil where private information was disclosed that she felt could only have been provided by Councilmember Page. She stated she felt Councilmember Page should be held accountable for his actions and she requested Council reprimand Councilmember Page for involving himself in something that was not his concern. She also stated she felt that when this item was considered that Councilmember Page should have excused himself from voting because of his involvement.

Councilmember Sanford stated she had heard about this matter prior to the meeting and that she was appalled and shocked by his behavior. She felt that members of the Council should not be involved in this type of discussion on an item that will be considered by Council.

Curt Munson, representing the Edmond Parks Foundation, addressed Council regarding the Kentucky Daisy "Leaping into History" project. He requested that Council consider making "Leaping into History" an official Edmond Centennial project and to support the project with a grant of \$50,000. He requested this matter be placed on the next agenda for consideration.

Dr. Joe Fruend addressed Council stated he has been approached by the Engineering Department staff asking him to grant several easements on his property. He stated there are four different projects which would require easements. Dr. Fruend stated if the easements are granted it would entail removal of approximately 300 trees. He stated he objects to granting the easements and the City would need to file a lawsuit of eminent domain in order to get those easements from him.

Mayor Naifeh requested that Dr. Fruend provide a memo to the Council outlining all the information so that the Council can study this matter.

Mayor Naifeh reminded the Council of a workshop in the Downtown Community Center at 8:30 a.m. on Tuesday, September 28th.

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

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

City Clerk

Mayor