

EDMOND CITY COUNCIL MINUTES

April 14, 2003

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 14, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Lamb, to approve March 24, 2003, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

3. City Council Presentations:

- A. Presentation of appreciation award to Merrill Likes for donation to the Edmond Police Department.
- B. Presentation of \$20,000 award to Edmond electric by Oklahoma Municipal Power Authority (OMPA) for achievement of Certification as a Competitive Utility.
- C. Presentation of Pedestrian Safety Award to the City of Edmond from the Oklahoma Highway Users Federation.
- D. Presentation of proclamation declaring April as "FAIR HOUSING MONTH" in the City of Edmond.
- E. Presentation of proclamation observing the International Days of Remembrance in the City of Edmond.

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

A. **Approval of Administrative Items:**

- 1) Acceptance of electric easement from Robert D. Gourley to provide service to the Gourley-Masters Medical Park, 920 S. Bryant Avenue.
- 2) Acceptance of easements from Turner and Company for public trails in the Coffee Creek Addition. Mayor Naifeh thanked Turner and Company officials for working with the City and granting these easements.

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

- a) Creek Bend
- b) Crosstimbers Elementary School

4) **Public Hearing and Consideration of Ordinance No. 2781 amending the Edmond Municipal Code to add New Section 8.16.025 Embezzlement; providing for Repealer and Severability.**

5) **Approval of supplemental appropriations for Community Development Block Grant (CDBG) fund - \$200,000**

6) **Approval of supplemental appropriations of a FEMA grant of \$11,393 and matching funds of \$4,897 for the purchase of computer software and hazardous materials emergency response equipment - \$16,290**

7) **Approval of supplemental appropriations of segregated juvenile reserve funds for Municipal Court Services - \$72,913**

8) **Approval of supplemental appropriations from the 038 Undesignated Fund Balance for the City Hall/Administrative buildings renovation project - \$238,000**

B. **Approval of Purchases:**

1) **Award of bid for rehabilitation of residential structure located at 302 W. Main. The Citizens Participation Committee recommended accepting bid from L.G. Construction in the amount of \$23,540.**

2) **Award of bid for rehabilitation of residential structure located at 403 Lanes Turn. The Citizens Participation Committee recommended accepting bid from Sine Construction in the amount of \$26,784.**

3) **Approval of Change Order No. 2 with Perfect Image for additional document imaging for the Engineering Department in an amount not to exceed \$9,900.**

4) **Approval to reject bids received for a 19 foot**

Police boat with trailer for the Edmond Police Department.

Motion by Lamb, seconded by Rice, to approve General Consent Items 4.A.(1-8) and 4.B.(1-4). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

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

<u>CLAIM NUMBER</u>		<u>RECOMMENDATION</u>
23-0037	Sanitation Department	Pay - \$3,228.40
23-0030	Sanitation Department	Pay - \$ 121.22

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

Motion by Rice, 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 Rice,
Knox, Lamb and Miller
NAYS: None

9. Public Hearing and Consideration of a building addition on the east side of the current Hobby Lobby store using a 19 foot building setback along Boulevard south of 33rd Street, west of Boulevard, located at 198 E. 33rd Street (Hobby Lobby, applicant) (Continued to May 12, 2003, City Council meeting at the request of the applicant)

10. Public Hearing and Consideration of Site Plan approval for Chapel Ridge Apartments, located on the east side of Thomas Drive, 400 feet south of Covell Road (ERC Properties, applicant) Case No. SP030006. (Continued from March 10, City Council meeting). This item was discussed at length at the March 10th meeting and was continued to allow the homeowners and developers to schedule a Community Connections meeting.

Randel Shadid, attorney representing the applicant, addressed Council and stated the total area owned by ERC encompasses 111 acres. He noted in November, 2002, 70 acres was down zoned from multi-family dwelling to single family dwelling. Mr. Shadid stated the previous zoning would have allowed 1,120 apartment units rather than the 160 units being requested. He stated the landscaping exceeds City requirements and that the exterior walls

would be a combination of brick, split face block and cement fiberboard siding. He stated the applicant would be willing to install a stockade fence on the north, east and south side of the development and a wrought iron fence would be installed on the west along Thomas Drive. Mr. Shadid stated they were not planning to install a gate but would if requested by Council and the homeowners. He urged approval and stated the development meets all City codes and requirements.

Richard Fransen, President of the Villages at Coffee Creek Homeowners Association, on the south side of the Coffee Creek Addition, addressed Council and presented a Power Point presentation. He stated traffic studies show that traffic would be increased 32.4% along Thomas Drive. He noted there are no current plans to widen Thomas Drive and that Covell is not planned for widening until 2006. Mr. Fransen stated that the additional children from the complex would greatly impact John Ross Elementary School. He stated he felt that the application was not based on need but only because of tax credits. He noted that although the applicant has stated the project will not be a Section 8 complex, under the Oklahoma Housing Finance Agency rules, the apartment complex will not be able to deny an apartment to renters who present a Section 8 voucher when they are receiving federal funding such as tax credits. Mr. Fransen presented crime statistics from the existing Chapel Ridge Apartment complex on 15th Street. He noted that the lighting plan will actually cover less area than shown on the plan. He requested that Resolution No. 54-02 supporting the application for tax credit financing be rescinded.

Deborah Jacobson, attorney representing 292 homeowners on the north side of Coffee Creek Addition, addressed Council and stated the notice to surrounding property owners was legal but not effective and she also requested that Resolution No. 54-02 be rescinded. She noted that the applicant will not be harmed by denial of the application because they do not own the property. The sale of the property to ERC is contingent upon approval of the Site Plan. Ms. Jacobson noted that the applicant has a history of a lack of forthrightness. She noted Council has the right to deny the application due to omissions made by the applicant when the rezoning application was reviewed. Ms. Jacobson stated no need has been shown for this type of project through any market study and that there are other locations in the City better suited to this type of project.

Representative Wayne Pettigrew addressed Council and stated the House Finance Authority rules require that he be notified of this type of application at least 30 days prior to the application being considered by Council. He stated he received a certified letter from the applicant and that he answered and requested further information. Representative Pettigrew stated he never received any response and that he normally opposes this type of tax credit application until much more information is received regarding location of the project, the need for such a project and input from area residents.

Susan Taylor, Paul Istandan, Dave Sparks and Kris Fullerton, Coffee Creek Addition, addressed Council in opposition. Ms. Fullerton stated the lighting patterns on the plan submitted to Council are misleading and that most of the parking spaces would not be illuminated.

Randel Shadid addressed Council and agreed that traffic would increase with this project. He noted that the apartment complex will pay more in ad valorem taxes than single family homeowners will. Mr. Shadid agreed that Section 8 vouchers must be allowed due to the Fair Housing Act. He noted that Council earlier in the meeting presented a proclamation declaring April as Fair Housing Month in the City of Edmond which shows that they support fair housing. Mr. Shadid stated the lighting will comply with the lighting plan submitted with the application. He stated the applicant did not plan to use pole lighting to keep from infiltrating upon the neighboring properties. He stated the notice to Representative Pettigrew was legal.

Councilmember Miller stated when the application for rezoning was considered and approved by Council in November, 2002, ERC was not the applicant. He stated he feels that the application cannot be approved due to the unresolved legal issue and omissions by the applicant.

Councilmember Knox stated he attempted to find a reason to deny the project but felt that most of the issues were due to the neighbors being opposed to the type of project and to the lower income families that would live there. He stated he is not a fan of multi-family housing but he felt that since the applicant complied with all the City requirements that he could see no reason to deny the application. He noted the area has been projected on the Master Plan as multi-family for a number of years and has been discussed for the past 8 or 10 years. He stated the City is not allowed to consider who will live in a certain area but to only consider if the application complies with City requirements. Councilmember Knox noted that all the decisions made by Council are subject to review by the District Court and if a decision is overturned, the applicant can conceivably recover damages.

Councilmember Rice addressed Council and stated this item has generated the most disrespectful citizens that at any other time during the 8 years he has been a Councilmember. He disagreed with Councilmember Knox and stated he felt the proposed development was not a quality project and was not compatible with the surrounding area. He stated that approval of the project would set a precedent for nearly 400 acres of undeveloped land in this area and he felt it did not comply with the objectives of the site plan.

Motion by Rice, seconded by Knox, to approve Item 10 subject to 80% of the exterior walls being brick, the concrete fiber board in lieu of vinyl and installation of a fence as described above. **Motion was denied** as follows:

AYES: Councilmembers Knox and Lamb
NAYS: Mayor Naifeh, Councilmembers Rice and Miller

11. Discussion and Consideration of revisions to the ordinances and resolutions creating City boards and commissions to include, but not limited to, the terms of office and procedures for appointments.

Councilmember Knox requested this item be on the agenda in order to discuss changes he would like to see implemented regarding City appointed boards and commissions. He stated he would like to see consistency in the method of appointments and also to institute term limits. He stated by revising the ordinances and resolutions governing the boards and commissions, perhaps the changes would enable more citizens to serve. Councilmember Knox also stated he felt the Chairmanship of the boards and commissions need to be rotated and that the Council should review consolidating some of the boards. Councilmember Knox also suggested that a list of all the citizens willing to serve be kept in the City Manager's office as a reference for Councilmembers when it comes time to appoint a new member.

Councilmember Lamb stated he felt the term limits for the youth members should be amended to one year terms in order to allow more graduates of the Youth Council to serve on a board or commission.

Mayor Naifeh stated she would like to see a standard set for all boards and commissions. She requested the City Attorney work on revising the ordinances and resolutions and that Council submit their input to her or the City Attorney.

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

Hazzard vs. City of Edmond

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 7:45 p.m. and returned to the City Council Chambers at 7:48 p.m.

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

13. Consideration of action with regard to pending claim of Hazzard vs. City of Edmond.

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

14. NEW BUSINESS:

Councilmember Rice stated he was happy that the buffalo mural was again hanging in the Council Chambers. Historically he felt the Council Chambers was a good place to hang the mural because the building was originally the post office where the mural hung for many years. He noted where the mural is hanging does not enable citizens to view it very often and he requested that an effort be made to restore the mural and display it in a more prominent location where it could be more easily viewed by the citizenry. Councilmember Rice stated since the mural was completed by the WPA, it is probably one of only a few pieces of art from that era that is remaining and he wanted to see it taken care of and preserved.

Councilmember Lamb noted that in the not too distant future, the Council Chambers will need to be remodeled and perhaps moved to a new location and the placement of the mural as well as the stained glass art will need to be addressed at that time.

Councilmember Knox noted that perhaps the Visual Arts Commission can review what action to take in order to preserve and display the mural because it is one of the first pieces of public art.

15. Motion by Lamb, seconded by Knox, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

City Clerk

Mayor