

EDMOND CITY COUNCIL MINUTES

February 11, 2002

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 11, 2002, in the City Council Chambers. Councilmember Rice was absent.

2. Approval of Minutes. Motion by Knox, seconded by Miller, to approve January 28, 2002, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, 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 construction permits from the Oklahoma Department of Environmental Quality to construct municipal water wells No. 60 and 61.
- 2) Approval of grant agreement with the Association of Central Oklahoma Governments to provide \$5,000 to the City of Edmond for rebuilding of Shakespeare in the Park stage.

Motion by Knox, seconded by Lamb, to approve General Consent Item 3.A.(2). **Motion carried** as follows:

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

- 3) Approval of agreement with the Natural Resource Conservation Service (NRCS) for the channel stabilization of three bridges over Coffee Creek on Midwest Boulevard, Covell Road and Air Depot.
- 4) Acceptance of public drainage easement from James R. and Marsha M. Leigh for the Faircloud Hills/North Creek storm sewer project.

5) Acceptance of maintenance bonds for State Street sanitary sewer replacement project, 33rd Street waterline relocation project and FY 2000/01 fall street overlay project.

6) Approval of public improvements and maintenance bonds for Heritage Green II at Coffee Creek.

7) Acceptance of construction permits from the Oklahoma Department of Environmental Quality to construct sanitary sewer and water lines to serve Mill Creek Addition.

8) Approval of supplemental appropriations for the General Fund and Park Maintenance Tax Fund - \$88,112

9) Approval of supplemental appropriations for the 2000 Capital Improvement Fund - \$500,000

Motion by Lamb, seconded by Miller, to approve General Consent Items 3.A.(1,3-9). **Motion carried** as follows:

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

10) Approval of an emergency agreement with Waste Connection of Oklahoma, Inc. for collection, transportation and disposal of ice storm debris and approval of supplemental appropriations from undesignated fund balance - Street Department - \$420,000. Oklahoma County has been declared a federal disaster area and qualifies for assistance from the Federal Emergency Management Agency (FEMA). The City will be reimbursed for 75% of the costs by FEMA and 12.5% from the state for removal and disposal expenses of all storm related debris. Staff estimated the debris volume as 30,000 cubic yards.

Tipton Rowland, representing Phillips and Jordan, addressed Council in opposition. Mr. Rowland stated their bid is 50% lower than the bid from Waste Connections. He stated his company is qualified to perform the debris removal and they did not feel they were treated fairly during the bidding process. Mr. Rowland stated they were not notified that they were low bidder but only that the bid was being awarded to

another contractor. He stated their bid was \$9.50 per cubic yard and Waste Connections bid was \$14 per cubic yard. Mr. Rowland stated he also believes that staff underestimated the amount of debris and he estimated the debris to be a minimum of 75,000 cubic yards. He noted that if his estimate of the amount of debris is correct, this could increase the cost from \$420,000 to \$1 million if Waste Connections is awarded the bid.

Clay Coldiron, Public Works Director, addressed Council and stated he feels staff administered the bid process correctly and is consistent with federal procedures and guidelines. Mr. Coldiron stated the City began soliciting bids on Monday, February 4 and did not receive a bid from Phillips and Jordan until Thursday, February 7. He stated staff felt the bid from Phillips and Jordan was non-responsive and they also did not identify where the material would be disposed of. Mr. Coldiron stated staff felt that they were accepting the lowest and best bid.

Jerry Smith, Interim City Manager, addressed Council and stated since this was an emergency situation the time constraint was short to solicit the bids. He stated staff prefers to meet with contractors in order to outline the methods they will use to do the job and because Phillips and Jordan were not responsive they did not get a chance to talk with the representatives. Mr. Smith stated they felt comfortable with awarding the bid to Waste Connections even though they were the second lowest bid.

Councilmember Miller stated he was concerned with the discrepancy in the amount of cubic yards of debris.

Mr. Coldiron addressed Council and stated staff has worked several wind storms in the past 18 months and their estimates have been correct regarding the cubic yards picked up. He stated staff felt their estimate of 30,000 cubic yards was correct. Mr. Coldiron stated the bid from Phillips and Jordan does not have a FEMA approved plan for a disposal site and all the other bids do contain that information. He stated FEMA will not reimburse their share of the cost if they do not approve of the debris disposal plan.

John Hafner, Waste Connections, addressed Council and stated their bid was responsive and they are ready to mobilize and begin picking up the debris in the morning.

Councilmember Knox stated he felt that staff should meet with Phillips and Jordan to discuss their bid since they were the low bidder and because of the discrepancies in the amount of debris disposal.

Motion by Lamb to approve General Consent Item 3.A.(10) as recommended by staff. **Motion was denied due to lack of second.**

Motion by Knox, seconded by Miller, to continue General Consent Item 3.A.(10) in order for staff to meet with Phillips and Jordan to discuss their bid. **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) Award of bid for bronze artworks to Dodson Gallery in the amount of \$56,230 as a sole source vendor.

2) Approval of Change Order No. 1 with L.G. Construction in the amount of \$1,004 for rehabilitation of residential structure located at 739 S. Littler as part of the Community Development Block Grant (CDBG) program.

3) Award of bid for a cab/chassis tow vehicle and approval of supplemental appropriations for the Fire Public Safety Tax Fund (\$26,231) and Fleet Management Fund (\$26,231). Purchasing Manager recommended accepting bid from Hudiberg Auto Group.

4) Approval of amendment to the agreement with Procon, LLC for additional services relative to the Bank One Renovation project in the amount of \$62,000.

5) Approval of engineering services contract with Cobb Engineering in the amount of \$84,836 for the

design of channel stabilization and bridge protection measures for three bridges over Coffee Creek on Midwest Boulevard, Covell Road and Air Depot.

6) Award of bid to L.G. Construction for rehabilitation of residential structure in the amount of \$25,887 located at 220 W. 8th Street as part of the Community Development Block Grant (CDBG) program.

Motion by Miller, seconded by Lamb, to approve General Consent Items 3.B.(1-6). **Motion carried** as follows:

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

Motion by Lamb, seconded by Knox, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

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

7. **PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of extension of commercial Site Plan for a portion of University Plaza, located south of McDonald's and Bennigan's Restaurants and north of Target and Lowe's (Sooner Investments, applicant).**
- B. **Public Hearing and Consideration of Ordinance No. 2670 to close a 15 foot utility easement, located on the west side of 1525 Olde Waterfront or a portion of Lot 8, Block 13, Olde Towne Addition (Joel Hall, applicant).**
- C. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling District to General Commercial usage, located on the south side of Thatcher Street, west of the railroad tracks (Pete Reeser, applicant).** The applicant requested this item be continued to February 25, 2002.
- D. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "E-1" General Commercial District, located on the south side of Thatcher Street, west of the railroad tracks (Pete Reeser, applicant).** This is a companion to the above item and was

also requested to be continued to February 25, 2002.

Motion by Miller, seconded by Knox, to approve Planning Consent Items 7.A. and 7.B. and continue Items 7.C. and 7.D. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

- E. **Public Hearing and Consideration of Ordinance No. 2671 rezoning from "G-A" General Agricultural District to "R-2" Urban Estate Dwelling District, located on the east side of Sooner Road, south of Sorghum Mill Road (Jeff VanHoose and Caleb McCaleb, applicants).** The site contains 55.158 acres. The Edmond Plan projects single family use for the western portion of the property and limited light industrial use on the eastern portion of the property. The application is in compliance with the Edmond Plan.

Dan O'Neil, representing the Edmond Neighborhood Alliance, addressed Council and stated he was concerned about potential uses adjacent to two single family lots on the limited light industrial zoned portion of the property. He requested the applicant submit a plan showing how they plan to buffer the property next to the two single family lots.

Mark Farris, Red Plains Professional, Inc., addressed Council representing the applicant. Mr. Farris stated a flood plain provides a natural buffer of 200 to 300 feet. He noted the property is heavily timbered and will also provide a buffer.

Motion by Knox, seconded by Miller, to approve Ordinance No. 2671 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

- F. **Public Hearing and Consideration of Special Use Permit for a church, located at 801 Centennial Boulevard, 200 feet east of Kelley, on the north side of Centennial Boulevard (Judah Christian Assembly Church, applicant).** The church plans to move into an existing building and will install new parking north of the building to accommodate 243

people. The applicant is attempting to negotiate a lease agreement with the property owner to the west, which shares driveways and the common parking area, to use additional parking spaces if the seating capacity of the church is expanded.

Steve McGrarraugh addressed Council representing the applicant and stated the building will primarily be used on Sunday morning and night and Wednesday night. He stated the church is currently leasing a room in the Downtown Community Center from the City of Edmond and the City has requested they vacate the premises to allow the City to remodel the room for additional office space. Mr. McGrarraugh stated they have been unsuccessful in securing another location for their church.

Councilmember Knox stated the traffic is already very heavy in this area and that he felt the intersection would not be able to accommodate the additional traffic that the church will generate. He also stated that he feels this type of usage is not appropriate in an industrial park.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 7.F. **Motion was denied** as follows:

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

G. **Public Hearing and Consideration of request to amend Site Plan improvements for the Holiday Inn Express, located at Edmond Road and Meline Drive (Foster Hospitality Group, applicant).** The applicant is requesting the following amendments:

- 1) Increase the height of the light poles to 23 feet and reduce the number of poles from 26 to 8
- 2) Change the stone/E.F.I.S. trim to buff colored split face block at base of building and between floors
- 3) Provide guttering on outside of building rather than inside the wall

Motion by Miller, seconded by Knox, to approve Planning Consent Item 7.G. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

H. **Public Hearing and Consideration of Ordinance No. 2672 amending Section 22.29.091 and repealing and amending Section 22.29.093(b) and adding new Section 22.29.093(c) of Title 22 of the Edmond Municipal Code to provide for additional landscaping definitions and landscape.** Councilmember Lamb addressed Council and stated both the Planning Commission and Urban Forestry Commission have reviewed and approved the ordinance.

Councilmember Knox stated he feels the ordinance is unnecessary and that the tree topping in the Market Place Shopping Center was a once in a life time occurrence.

Councilmember Lamb stated the ordinance is only adding definitions to the existing ordinance. He noted that the proposed ordinance would only pertain to commercial property where a Site Plan has been approved.

Mark Bays, Department of Agriculture Forestry Services, addressed Council and congratulated the Council on their proactive approach to this issue. He noted that Edmond has achieved the designation as a Tree City and he urged approval of the ordinance.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2672 as read by title by City Planner. **Motion carried** as follows:

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

8. Schedule a City Council workshop to discuss proposed plans for the City of Edmond/YMCA joint venture project. Councilmember Knox recommended that this workshop be continued until the new City Manager begins.

9. Executive Session to discuss purchase of real properties located near 33rd Street and Boulevard (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 6:30 p.m. and returned to the City Council Chambers at 7:00 p.m.

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

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

10. Consideration of action with regard to the purchase of real properties located near 33rd Street and Boulevard.

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

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

11. NEW BUSINESS:

Dan O'Neil invited the Mayor and Councilmembers to attend the Edmond City Summit scheduled for February 23, 2002, in the Downtown Community Center.

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

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

City Clerk

Mayor