

EDMOND CITY COUNCIL MINUTES

March 11, 2002

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

2. Approval of February 21, 2002, Special Meeting Minutes. Motion by Rice, seconded by Lamb, to approve February 21, 2002, Special Meeting Minutes. **Motion carried** as follows:

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

3. Approval of February 25, 2002, Minutes. Motion by Lamb, seconded by Rice, to approve February 25, 2002, Minutes. **Motion carried** as follows:

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

4. Appointments to Boards and Commissions:

- A. **Appointment to the Fish and Game Commission.** Councilmember Lamb nominated Bill Horn to serve a four-year term expiring on January 8, 2006.
- B. **Appointment to the KickingBird Golf Club Advisory Board.** The Senior Men's Golf Association nominated Jay Perry to serve a term expiring in May, 2002. The Ladies Golf Association nominated Joyce Foss to serve a term expiring in May, 2002.

Motion by Knox, seconded by Lamb, to approve Items 4.A. and 4.B. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, 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) Approval of employment agreement with Larry Stevens as City Manager.
- 2) Consideration of Resolution No. 03-02 creating the Edmond GreenCITY Task Force and providing for its appointment and qualification of members, terms of office, powers and duties, and meetings and procedural rules.
- 3) Approval of the following appointments to the Edmond GreenCITY Task Force:
 - a) Carl Hancuff
 - b) Lori Wood
 - c) John Tucker
 - d) MaryJo Mitts
 - e) Steve Ancik
 - f) Chris Palmer
 - g) Ed Cunliff
 - h) Linda Baker
 - i) Hadley Hintergardt
 - j) Lesta Hood
 - k) Richard Klinge - representing Cross Timbers Preservation Association
 - l) Larry Ratliff - representing Edmond Urban Forestry Commission

Mayor Naifeh stated the above citizens are volunteers and Council recommendations. She noted that the Park and Recreation Advisory Board will also nominate a person to serve as their representative. Mayor Naifeh stated the Chamber of Commerce also requested a liaison be appointed as their representative.

Councilmember Knox stated he received a request from Jay Yowell to be appointed to the Committee after all the nominations had been submitted. He suggested that he attend the meetings as an alternate and in the event that a vacancy occurred, he perhaps could be appointed. Councilmember Knox stated the meetings are open to the public and he encouraged all interested citizens to attend the meetings and become involved.

Motion by Knox, seconded by Rice, to approve General Consent Item 5.A.(3). **Motion carried** as follows:

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

4) Approval of asphalt driveway design standard to be added to the approved standard drawings as recommended by the Public Works Committee.

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

- a) 700 S.W. 18th Street
- b) 757 Enterprise Drive
- c) 725 Enterprise Drive
- d) Orvis Risner Elementary School
- e) David Stanley Super Center
- f) Chapel Wood
- g) Chaumont Plaza
- h) Trails Commercial Center
- i) Edmond Security Self Storage

6) Consideration of request from Legacy Woods Apartments for variance for Drainage Design Standards and approval of acceptance of \$20,000 check to guarantee completion of improvements, and approval of Certificate of Occupancy.

7) Approval of transfer of appropriations for public safety education equipment and supplies - \$7,500

8) Consideration of approval of street right-of-way easement from Kay-Bee Investments, Inc., LLC to serve Kelley Pointe Office Park development.

9) Approval of transfer of appropriations - Fleet Management Fund - \$35,000

10) Approval of transfer of appropriations - Vehicle Maintenance Fund - \$40,000

11) Approval of agreement with the Natural Resources Conservation Service (NRCS) for a channel bank stabilization project along Coffee Creek Road near the Steeplechase Addition and supplemental appropriations in the amount of \$1,130,242. During the October, 2000, storm the banks of Coffee Creek near the

Steeplechase Addition experienced severe erosion. If left untreated, further erosion could damage lots, homes, a sanitary sewer line crossing and an electric transmission tower. The NRCS will provide 75% of construction costs up to \$750,000 and will also reimburse the City for engineering services up to 18% of construction costs.

Jerry Smith, Interim City Manager, addressed Council and stated federal funding is available only if the City provides the remaining 25% of construction costs. He stated the City does not have the funds to contribute to the project and the affected Steeplechase homeowners have not been able to raise the appropriate matching funds. Mr. Smith stated the City has over \$2 million worth of projects in which homes are actually flooded that have asked for assistance and have been denied due to lack of funding. He stated the City has until March 15th to commit the needed funds.

Ray Vaughn, attorney representing ten Steeplechase homeowners, addressed Council and stated the homeowners have lost yard improvements and also have sink holes in their back yards. He stated if this problem is not resolved, eventually the home's foundations will be at risk. He noted the homeowners have contributed \$112,500, OG&E has contributed \$25,000 and the developer has contributed \$75,000. Mr. Vaughn stated if the approximately \$20,000 of in-kind services from the City is allowed to be counted, they will be short of the needed funds by \$17,500, if not, then they will be short \$37,500. He noted the Homeowners Association refused to contribute even though a substantial portion of the common area borders the creek. Mr. Vaughn stated when the project is complete it will benefit the homeowners association as well as the ten affected homeowners.

Councilmember Knox stated the Stormwater Drainage Advisory Board (SWAB) has discussed this matter at length with the homeowners and have denied their request for funding due to lack of money. He stated the first priority of the SWAB is to provide assistance to homeowners that actually have flooding in their homes. Councilmember Knox stated the SWAB has denied funding to other homeowners that have a

higher qualifying matrix than the Steeplechase homeowners do. He noted this project only affects eight homes. Councilmember Knox stated he was reluctant to approve funding when people who will benefit from the project are unwilling to contribute towards the construction costs.

Councilmember Rice stated this is a problem that will not go away and he hated to lose federal money when private funding for the project was so close to the amount needed. He stated the City has never had the opportunity to receive this much federal and outside funding for a project. Councilmember Rice stated he was also reluctant due to the homeowners association's refusal to contribute.

Mayor Naifeh stated she was concerned that by approving this item, a precedent would be set.

Councilmember Rice stated he did not feel that a precedent would be set because of the federal money and all the money contributed by the affected homeowners and other outside entities.

Stephan (Skip) Boruchin, 2516 Steeplechase Road, addressed Council and urged approval. He stated he felt the homeowners association was not given adequate information to make an informed decision regarding their decision not to contribute to the project. Mr. Boruchin stated at the time of the homeowners association meeting, they did not know the extent of the project. He stated he will continue to meet with the homeowners association to encourage them to contribute to this project.

Motion by Rice, seconded by Miller, to approve General Consent Item 5.A.(11) up to a maximum of \$37,500 provided that if the project comes in under budget, the City's portion would not be used and contingent upon receiving outside funding as discussed at this meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller

NAYS: Councilmember Knox

12) **Approval of engineering services contract with**

Bucher, Willis & Ratliff Corporation for the design of the channel bank stabilization project along Coffee Creek Road near the Steeplechase Addition.

Motion by Lamb, seconded by Miller, to approve General Consent Item 5.A.(12). **Motion carried** as follows:

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

13) **Public Hearing and Consideration of Ordinance No. 2674 amending Title 9 of the Edmond Municipal Code to add new Section 9.10.042 providing for annual pass; new Section 9.35.025 providing for use of seines, cast nets, trawls and dip netting bait for personal use; and providing for Repealer and Severability.**

14) **Acceptance of roadway easement from Covell Properties, LLC, for an industrial access road near the transfer station site.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1-2,4-10,13-14). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Approval of emergency rehabilitation of residential structure at 521 Cinnamon Drive as part of the Community Development Block Grant (CDBG) program.**

2) **Approval of Change Order No. 1 for rehabilitation of residential structure at 100 W. 6th Street as part of the Community Development Block Grant (CDBG) program.**

3) **Approval to reject bids received for the Danforth/Santa Fe Road Extension project for the Engineering Department.**

4) **Award of bid and contract to Glascon, Inc. in the amount of \$8,970 for Downtown Community Center**

renovation project for entry system that features an ADA compliant electronic door system and approval of Resolution No. 04-02 appointing Purchasing Agent. Approval to reject bids received on all other portions of the project.

5) Approval of Interlocal agreement with Oklahoma County Commissioners, District No. 3, in the amount of \$180,000 to improve Sorghum Mill Road from Broadway to Bryant.

6) Approval of Change Order No. 2 to the FY 2000/01 Fall Street Overlay project reducing the contract amount by \$38,979.15.

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.B.(1-6). **Motion carried** as follows:

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

Motion by Miller, 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. Consideration of approval of Resolution No. 05-02 approving the incurrence of indebtedness by the Edmond Public Works Authority (The "Authority") issuing its Promissory Note to the Oklahoma Water Resources Board (The "Note") ratifying and confirming the Lease, as amended (The "Lease") and approving the Proposal of the Authority to incur said indebtedness; approving the proceedings of the Authority pertaining to the delivery of said Note; waiving competitive bidding; approving a Lease, as amended, and other documents, and containing other provisions relating thereto.

Motion by Miller, seconded by Lamb, to approve Resolution No. 05-02. **Motion carried** as follows:

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

10. **PLANNING CONSENT ITEMS:**

A. **Public Hearing and Consideration of commercial Site Plan approval for a dental clinic, located at 515 S. Santa Fe (Dr. Mark Allen, applicant).**

- B. **Public Hearing and Consideration of commercial Site Plan for a new building, located north of 33rd Street, west of Technology Drive (Adfitech, applicant).** On January 11, 1998, Council approved a variance allowing 70% of the number of plant units required, a total of 7% landscaping, for the first building with the understanding that all other development in this area would comply with the ten percent landscaping requirements.

Mayor Naifeh requested verification that the 10% landscaping requirement will be complied with.

Jim Hagan, representing the applicant, addressed Council and stated he did not recall additional landscaping being part of the approval in 1998. He stated the building is over landscaped compared with surrounding area. Mr. Hagan stated the application is in compliance with the 10% landscaping requirement but does not comply with the number of plant units.

Motion by Rice, seconded by Miller, to approve the Site Plan subject to installation of 75% of the required plant units with the understanding that when the building closest to 33rd Street is constructed, it will comply with the 10% landscaping requirement. **Motion carried** as follows:

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

NAYS: None

- C. **Public Hearing and Consideration of commercial Site Plan approval for an office warehouse, located on the east side of North Boulevard, approximately 600 feet north of Coffee Creek Road (Riverbend Corp., applicant).** The Planning Commission recommended that no less than eight to ten trees be moved to the front of the building rather than along the sides of the property. The applicant requested a variance to the widening section for the 220 foot of frontage on Boulevard.

Motion by Lamb, seconded by Rice, to approve Site Plan subject to Planning Commission's recommendations and to approve the variance to the street widening requirements. **Motion carried** as follows:

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

NAYS: None

- D. Request to initiate rezoning the southeast corner of Campbell and Boulevard (Classens Second Addition) for the purpose of correcting an error in the legal description in the Downtown Residential District (DRD) zoning of the property in 1984 (City of Edmond, applicant).

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

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

NAYS: None

11. NEW BUSINESS:

Councilmember Lamb state Title 21 has been distributed and he requested comments from Councilmembers.

Councilmember Knox reminded the audience to vote Tuesday on the bond issue regarding Tinker Air Force Base.

Mayor Naifeh announced the first Edmond Youth Council meetings will be held and also televised on Channel 20 on March 14.

- 12.** Motion by Miller, seconded by Rice, to adjourn meeting. **Motion carried** as follows:

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

NAYS: None

City Clerk

Mayor