

**EDMOND CITY COUNCIL MINUTES**

May 13, 2002

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 13, 2002, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Lamb, seconded by Miller, to approve April 22, 2002, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

- A. **Presentation of proclamation proclaiming May 13-17, 2002, as "NATIONAL POLICE WEEK" in the City of Edmond.**
- B. **Presentation of proclamation proclaiming May 19-25, 2002, as "NATIONAL PUBLIC WORKS WEEK" in the City of Edmond.**

**4. Appointments to Boards and Commissions:**

- A. **Appointment to the Central Urban Development Board.** Councilmember Rice nominated David Payne to serve the remainder of Randel Shadid's term expiring February, 2003.
- B. **Appointment to the Development Impact Fee Study Committee.** The Committee nominated Tom French to serve the remainder of Bryan Turner's term.
- C. **Appointment to the Stormwater Drainage Advisory Board.** Mayor Naifeh nominated Chuck Sughru to serve the remainder of Walt Stammer's term.
- D. **Appointment to the Planning Commission.** Councilmember Knox nominated Dyke Hoppe for re-appointment to serve a three-year term expiring in May, 2005. Councilmember Lamb nominated David Woods for re-appointment to serve a three-year term expiring in May, 2005.
- E. **Re-appointment of Frank Pierce to the Board of Adjustments/Appeals.** Mayor Naifeh requested this item be continued to the next meeting.

Motion by Rice, seconded by Lamb, to approve Items 4.A. through 4.D. **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) Consideration of approval of Resolution No. 15-02 amending the number of members and setting a quorum of the Green City Task Force and appointing new member Jay Yowell.

2) Public Hearing and Consideration of Ordinance No. 2686 amending Chapter 2.54 of the Edmond Municipal Code regarding payment of benefits under the Employee Pension System, specifically amending Section 2.54.080 (2)(a) and (b), and providing for Repealer, Severability and Declaring an Emergency.

Motion by Rice, seconded by Miller, to attach Emergency Clause to Ordinance No. 2686. **Motion carried** as follows and Ordinance No. 2686 is in effect immediately:

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

3) Approval of supplemental appropriations for 2000 Capital Improvement Tax Fund and related debt service funds - \$6,052,444

4) Approval of transfer of appropriations - Pelican Bay Aquatic Center - \$5,000

5) Consideration of approval of rules and regulations for the Mathis Skate Park. Steve McNutt, owner of an alternative sports equipment store in Edmond, addressed Council regarding BMX bikers using the skate park. He stated there have been several confrontations between the bikers who have "pegs" on their bikes and skateboarders. Mr. Mains stated the

pegs damage the skate park surfaces and are included in the rules of equipment not allowed in the park. He noted the skateboarders were the ones who first approached the City regarding construction of a skate park. Mr. Mains stated since the sports are not really compatible, he requested additional rules for bikers.

Matt Meyer, Director of the Parks and Recreation Department, addressed Council and stated although the park was designed primarily for skateboarders, parts of the park were also built for sport bicycles.

Councilmember Miller stated since the park was originally requested by and designed for skateboarders he was in favor of banning bicycles. Councilmember Rice requested the Park and Recreation Advisory Board review the situation and submit a recommendation to Council. Consensus of Council was to monitor the park and amend the rules as needed for the safety of all users.

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

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

6) **Approval of contract with the Association of Central Oklahoma Governments (ACOG) to provide traffic counts.**

7) **Approval of Resolution No. 16-02 and project agreement with the Oklahoma Department of Transportation for pavement markings.**

8) **Acceptance of public improvements and maintenance bonds for Creek Bend II Addition, located at 15<sup>th</sup> Street and Kerry Lane.**

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

- a) Copper Lake Assisted Living Center
- b) Village Center at Coffee Creek, Bldg. C
- c) Russell Dougherty Elementary School

d) 43 Sherry Lane

10) Acceptance of public improvements and maintenance bonds for Oak Tree Park III, located north of Coffee Creek, west of Kelly Avenue.

11) Acceptance of public improvements and maintenance bonds for Mill Valley II Addition, located on the east side of Santa Fe, ½ mile south of Edmond Road.

12) Approval of mutual agreement with the Board of County Commissioners of Oklahoma County to reconstruct, improve, repair and maintain certain City streets in the City of Edmond.

13) Approval of Interlocal cooperative agreement with Board of County Commissioners of Oklahoma County for maintenance of section line rights-of-way to include mowing and weed control.

14) Approval of the exchange of Quit Claim Deeds with Life Covenant Church, Inc., to correct legal description error.

15) Approval to hold auction for the disposal of obsolete and/or surplus City property.

16) Approval of transfer of appropriations - Street Department - \$39,000

17) Approval of supplemental appropriations - Festival Marketplace - \$8,240

18) Approval of supplemental appropriations - Parks & Recreation Department - \$18,000

Motion by Rice, seconded by Lamb, to approve General Consent Items 5.A.(1-4,6-18). **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 located at 27 Burton Place as

part of the Community Development Block Grant (CDBG) program.

2) Award of Request for Proposals for an exclusive beverage provider with Great Plains Coca-Cola for Pelican Bay Aquatic Center in the amount of \$20,000.

3) Award of bids and approval of contracts for the Downtown Community Center renovation project and approval of Resolution Nos. 17-02 through 21-02 appointing Purchasing Agents for the following contractors:

a)	American Builders Supply	\$15,695
b)	Taylor Brothers Construction	\$ 9,324
c)	Carpet World	\$ 9,714
d)	GLM Industrial Fire	\$ 5,300
e)	Allstate Electric	\$ 7,430

4) Award of bids for purchase of software, maintenance and support for the Central Communications Department from the following sole source vendors:

a)	Aether Mobile Government	\$27,460.00
b)	TRW	\$18,500.00
c)	Oracle	\$11,245.50

5) Approval of Change Order No. 5 with CEDRA Corporation for the water/sewer conversion project for the GIS Department in the estimated maximum amount of \$40,000.

6) Approval of the following bid dispositions by the Purchasing Agent.

- a) Aqua Chlor Commercial for swimming pool chemicals and repairs - estimated total of \$10,000
- b) Custom Products Corp. for MUTCD traffic signs - estimated annual amount of \$10,000
- c) Coy's Wrecker Service and USA Towing for towing services for City owned vehicles for the Fleet Maintenance Department - estimated annual amount of \$8,000

7) Approval to reject bids for KickingBird Tennis Center indoor heating system.

8) **Approval of lease agreement with Sarah Spencer for land east of the Senior Center for additional parking in the estimated amount of \$7,900.** Councilmember Knox stated once the property is leased, can the City be assured that the senior citizens will get the benefit of the extra parking spaces after the fence is removed and not customers of the local businesses.

Marilyn Williams, Senior Center Director, addressed Council and stated signs will be installed identifying the parking lot as Senior Center parking only, parking permits will be issued by the Senior Center and concrete blocks will be used to signify the parking spaces. Ms. Williams stated she will visit with local businesses to advise them that the Senior Center is leasing the property for additional parking. She noted that parking in this area has been and continues to be a problem and the additional parking should help alleviate the situation.

Motion by Knox, seconded by Lamb, to approve General Consent Item 5.B.(8). **Motion carried** as follows:

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

9) **Approval of amendment to the agreement with Frankfurt Short Bruza for architectural/engineering services for the First Street improvement project in the amount of \$3,000.**

10) **Award of bid for paint/plastic/stripping and removal for the Street Department.** Purchasing Manager recommended accepting bid from Action Safety for an annual estimated amount of \$40,000.

11) **Award of bid for concrete/sand/topsoil for City departments.** Purchasing Manager recommended accepting bids from Dolese Brothers and Minick Materials for an annual estimate of \$50,000.

12) **Approval of Change Order No. 3 and 4 with Pinnacle Electric, Inc. in the amount of \$3,324 and J.D.'s Painting and Wallcoverings in the amount of \$275.**

13) **Approval of contract with Crawford & Associates for FY 2001/2002 Audit Services in the amount of \$38,450.**

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

<u>CLAIM NUMBER</u>		<u>RECOMMENDATION</u>
22-0040	Police Department	Pay - \$2,356.98
22-0044	Street Department	Deny - \$ 253.77

Motion by Knox, seconded by Lamb, to approve General Consent Items 5.B.(1-7,9-13) and 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 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 Rice,  
Knox, Lamb and Miller  
NAYS: None

**9. Public Hearing and Consideration of amendment to the commercial Site Plan regarding the Solid Waste Transfer Station, located one-half mile north of Covell Road between I-35 and Air Depot (Progressive Development, LLC, applicant) Case #SP020016. Mayor Naifeh stated this item would be continued to May 28, 2002.**

**10. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Open Display Commercial usage, located south of Covell Road, east of I-35 (Curtis Harris, applicant)(Continued indefinitely by the applicant) Case #Z020026.**

**11. Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor District to "E-2" Open Display Commercial District, located south of Covell Road, east of I-35 (Curtis Harris, applicant)(Continued indefinitely by the applicant) Case #Z020027..**

12. Consideration of approval of Preliminary Plat of Bridgewater Addition, located east of Santa Fe Avenue, approximately one-half mile south of Danforth (ERC Properties, applicant) Case #PR020003. This item was previously denied on April 8, 2002. At that meeting, Councilmember Lamb was concerned about the wetlands being incorporated into the common area. He requested that language be contained in the Plat and association documents regarding maintenance to insure that the wetlands are preserved. The Council was also concerned about the absence of street connections into the adjoining additions.

Randel Shadid, attorney representing the applicant, addressed Council and stated that he met with Councilmember Miller regarding street connections into Parklane Estates and Oak Brook Additions. He noted the homeowners in those two additions do not want a street connection to the proposed addition. Mr. Shadid stated he also met with Councilmember Lamb regarding the wetlands issue. He stated the homeowners association for the public development will be responsible for maintenance of the wetlands and the homeowners association for the private development will maintain the ponds.

Councilmember Lamb requested that the following language be incorporated into the homeowners association documents:

- 1) Common Area B has been determined to be a wetland subject to Section 404 of the Clean Water Act (33U.S.C. 1344).

Councilmember Lamb also requested the following erosion control requirements be incorporated in the Plat as the additions are being developed:

- 1) Stake and flag Common Area B wetland boundaries before development work begins to identify and protect area from erosion and siltation
- 2) Erosion silt fencing placed along boundaries of rear lots adjacent to Common Area B wetlands in order to keep the silt out of the wetlands during initial development and subsequent house construction

Mr. Shadid agreed to incorporate Councilmember Lamb's comments into the homeowner's association restrictive covenants and also to adhere to the erosion control requests.

Councilmember Knox stated he was not satisfied with the street layout. He stated the plat does not comply with City ordinances

which require connection of stub outs.

Mr. Shadid stated it would defeat the purpose of a private gated development to connect into a public street development. He noted this quarter section of property has a history of not connecting into adjacent additions.

Motion by Rice, seconded by Miller, to approve Preliminary Plat subject to the applicant incorporating the above request by Councilmember Lamb into the homeowner's association restrictive covenants and compliance with the erosion control requests by Councilmember Lamb. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb  
and Miller

NAYS: Councilmember Knox

**13. Public Hearing and Consideration of amended Commercial Site Plan for On the Border restaurant, located on the northwest corner of 33<sup>rd</sup> Street and Broadway (Brinker International, applicant) Case #SP020014.** The applicant has amended the exterior wall materials. The brick will match the two story building to the west adjacent to the railroad tracks planned by another developer. The brick base on the sign will also match the building. The landscaping plan has been modified to add additional plants in the planting bed around the building. The building will be set back further on the lot to allow for the additional landscaping on Broadway.

Andrea Baxter, Brinker International, addressed Council and stated they will also reduce the height of the sign from 14 feet to 10 feet.

Councilmember Knox stated he appreciated the modifications and he felt the new building will improve the aesthetics of that area.

Motion by Lamb, seconded by Rice, to approve Site Plan subject to sign modification as submitted by the applicant. **Motion carried** as follows:

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

NAYS: None

**14. Executive Session to discuss the following:**

a) Purchase of real property located on the east side of I-35 near Covell Road, Edmond (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(3)).

b) The following pending claim/litigation (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(4):

Meeks vs. City of Edmond  
Pearce vs. City of Edmond  
Sanders vs. City of Edmond

Motion by Rice, seconded by Lamb, to meet in Executive Session to discuss the above items. **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 6:15 p.m. and returned to the City Council Chambers at 7:00 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

**15. Consideration of action regarding the purchase of real property located on the east side of I-35 near Covell Road, Edmond.**

Motion by Rice, seconded by Miller, to authorize City staff to continue negotiations on the above property. **Motion carried** as follows:

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

**16. Consideration of action regarding the above pending claims/litigation.**

Motion by Lamb, seconded by Knox, to authorize City Attorney to proceed with settlement negotiations on the Meeks and Sanders claims with no action on the Pearce claim. **Motion carried** as follows:

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

NAYS: None

**17. NEW BUSINESS:** None

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

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

NAYS: None

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**City Clerk**

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**Mayor**