

**EDMOND CITY COUNCIL MINUTES**

June 24, 2002

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 24, 2002, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Rice, to approve June 10, 2002, Minutes. **Motion carried** as follows:

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

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

**A. Appointment to the Convention and Tourism Advisory Board.** Mayor Naifeh nominated Lynda Earls to serve a two-year term expiring October 10, 2004.

Motion by Rice, seconded by Miller, to approve Item 3.A. **Motion carried** as follows:

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

**4. 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 May 31, 2002.**

2) **Acceptance of City Treasurer's Investment Report for month ending May 31, 2002.**

3) **Approval of Resolution No. 26-02 approving the operating budget of the various City of Edmond funds for FY 2002/2003.**

Randel Shadid addressed Council on behalf of the Visual Arts Commission and stated \$250,000 originally appropriated to fund the purchase of public art was removed from the

budget. He stated without those funds the Visual Arts Commission would have no funds in this budget year. Mr. Shadid stated the requested funding is a small amount of the total city budget. He suggested funding be provided from the Hospital Trust Fund interest. Mr. Shadid requested at least \$150,000 be provided to the Visual Arts Commission for the next fiscal year's budget.

When the Visual Arts Commission was created in October, 2001, the ordinance stipulated that funding to purchase public art be through a utility check-off program. The ordinance also contained a provision that would allow the City to contribute up to 50% of the cost of public art through public/private partnerships. The ordinance allows the Visual Arts Commission to offer matching grants to businesses who want to purchase public art to display on their property, with the ownership of the art being retained by the City.

Councilmember Rice stated he felt that \$250,000 was an excessive amount and he could not support appropriating that amount of money.

Councilmember Lamb stated the Visual Arts Commission requested \$150,000 of unrestricted funding and \$100,000 in matching funding. He stated he supported approving the \$100,000 for matching funds only.

Councilmember Knox stated when the Arts in Public Places ordinance was approved there was no funding mechanism in place because Council wanted to assess the public interest. He stated if the City immediately begins funding art purchases, he felt it would discourage the public from contributing and becoming involved in fund raising efforts. He stated he also supports the \$100,000 in matching funds.

Krista Jones, Visual Arts Commission Chairman, addressed Council in support of the \$100,000 in matching funds.

General consensus of Council was to approve a budget amendment for the \$100,000 in matching funds at the next meeting.

Motion by Miller, seconded by Rice, to approve Resolution No. 26-02. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, Lamb and Miller  
NAYS: None

- 4) **Acceptance of the following electric easements:**
  - a) Stephen C. and Jo A. McGuffin
  - b) David H. and Angela M. French
- 5) **Approval of transfer of appropriations - Vehicle Maintenance - \$6,000**
- 6) **Approval of supplemental appropriations - Art in Public Places fund - \$5,000**

Councilmember Rice stated he felt this item did not meet the criteria for funding by the Hotel/Motel Tax and he could not support it.

Motion by Lamb, seconded by Knox, to approve General Consent Item 4.A.(6). **Motion carried** as follows:

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

- 7) **Public Hearing and Consideration of declaring 424 N. Boulevard a public nuisance and request for authorization to abate.** The property has been a repeated problem for many years and was last declared a nuisance on November 27, 2000. Staff is requesting authority to have the property abated with the possibility of filing an action in District Court to have the structure demolished.

Pete Graves addressed Council and stated he has the authority to clean the property and he requested an additional 30 days.

Steve Murdock, City Attorney, requested Council declare the property a public nuisance and if work progresses on the property within the 30 day period no action would be taken by the City.

Motion by Rice, seconded by Knox, to approve General Consent Item 4.A.(7). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, Lamb and Miller  
NAYS: None

8) **Public Hearing and Consideration of Ordinance No. 2694 repealing and amending Chapter 2.54 of the Edmond Municipal Code, Employee's Retirement Plan; amending Chapter to comply with applicable Federal Code and Regulations; providing for Repealer, Severability and Declaring an Emergency.**

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

- a) 1<sup>st</sup> Street waterline improvements
- b) Emergency 18 inch sanitary sewer creek crossing replacement (north of 33<sup>rd</sup> Street, east of Coltrane at Kingwood Estates)

10) **Renewal of agreement with the Board of County Commissioners of Oklahoma County for use of the water rescue boat.**

11) **Public Hearing and Consideration of Ordinance No. 2695 amending Section 23.40.060(B)(1) of the Edmond Municipal Code concerning stormwater drainage providing for identification of areas of special flood hazard; and providing for Repealer, Severability and Declaring an Emergency.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.A.(1-2,4-5,8-11). **Motion carried** as follows:

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

Motion by Rice, seconded by Lamb, to attach Emergency Clause to Ordinance Nos. 2694 and 2695. **Motion carried** as follows and Ordinance Nos. 2694 and 2695 are in effect immediately:

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

B. **Approval of Purchases:**

1) **Award of bid for a fire service pumper bed for the Fire Department.** Purchasing Manager recommended accepting bid from ATC-American LaFrance aka Oklahoma City Freightliner.

2) **Award of the following bids for the YourGovShop member participants:**

- a) Ammunition - duty/training/less lethal - annual estimate - \$25,000
- b) Ductile iron pipe - annual estimate - \$25,000
- c) Meter boxes - annual estimate - \$75,000

3) **Approval of provider contract renewals for the City of Edmond employee group health insurance plans with Managed Health Resources, Saint Anthony's Physicians and AmCare HMO of Oklahoma in the estimated annual amount of \$2.5 million.**

4) **Award of bids for temporary labor services for the Human Resources Department.** Human Resources Director recommended accepting bids from A&M Temporaries, Inc., Keystaff Staffing and Westaff in the annual estimated amount of \$75,000.

5) **Award of bid and approval of contract for the following signalization projects and approval of Resolution No. 27-02 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Traffic Signals, Inc. in the amount of \$214,252.08 for the following locations:

- a) 2<sup>nd</sup> and Littler
- b) Ayers and Broadway
- c) Edwards and Broadway

Mayor Naifeh noted that a signal light is also needed at Kelly and Centennial Park.

6) **Award of bid and approval of contract for the Bank One Renovation project (City First Building) and approval of Resolution No. 28-02 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from H&W Plastering, Inc. in the amount of \$7,343.

Mayor Naifeh stated she was not in favor of using

EIFS on the outside of City buildings. She stated she felt the City should be held to the same standards as other businesses in the City.

Councilmember Rice stated he felt it was too late to change the outside of the building at this point but that he would like to see all City buildings be renovated to back to the historical look.

Motion by Lamb, seconded by Miller, to approve General Consent Item 4.B.(6). **Motion carried** as follows:

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

7) **Award of bid (including renewal options) for coffee supplies and repair/maintenance services for various City departments.** Purchasing Manager recommended accepting bid from Executive Coffee in the amount of \$15,000.

8) **Award of bid and approval of contract for the FY 2001/02 Spring Street Overlay project and approval of Resolution No. 29-02 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from McConnell Construction in the amount of \$851,831.12.

9) **Approval of Resolution No. 30-02 appointing S.E.A. Construction as Purchasing Agent for the Safe Routes to School Sidewalk project.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.B.(1-5,7-9). **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, 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

7. **PLANNING CONSENT ITEMS:**

- A. **Consideration of drilling permit for Shields Energy for the Oil and Gas Division of the Building Services Department.** The applicant has agreed to all the requirements of the Board of Adjustments. A closed drilling fluid system and the tertiary spill containment barrier will be in place prior to drilling. A 50 foot tree line buffer will surround the site for the life of the well.

Dick Haag addressed Council and stated his house is 700 feet west of the proposed well and he requested clarifications on several Board of Adjustment requirements. He stated he wanted it understood that all subsequent operators of the well would be held to these requirements throughout the life of the well.

Richard Grimes, attorney representing the applicant, addressed Council and stated at the Board of Adjustment meeting they agreed to the restrictions set out by the Board. Mr. Grimes stated they also agreed that if in the future, they assign their rights in this lease, they would make the assignments subject to the restrictions of the Board of Adjustment. He stated they understood that these restrictions run with the land and the drilling permit.

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

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: Councilmember Miller

- B. **Public Hearing and Consideration of commercial Site Plan approval for two buildings in the Chapel Ridge Business Park, located north of 15<sup>th</sup> Street, west of the railroad tracks (ERC Properties, applicant) Case #SP020020.**
- C. **Consideration of Resolution No. 31-02 supporting the Creekside Village Apartment application for tax credits to the Oklahoma Housing Finance Agency, located on property 500 feet north of Edmond Road, one-fourth mile west of Kelly (Barry Davidson and Meg Conine, applicants).**

Motion by Rice, seconded by Lamb, to approve Planning Consent Items 7.B. and 7.C. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, Lamb and Miller  
NAYS: None

- D. **Consideration of expanding the number of members to the Steering Committee to direct the Zoning Ordinance and Site Plan Study and appointment of members.** Mayor Naifeh nominated the following citizens to the Committee:

David Woods  
Janet Yowell  
Ronnie Williams  
Terry McGuire  
Sherry Siler  
Councilmembers Charles Lamb & Barry Rice

Councilmember Knox stated at the last Council meeting he made a point of not wanting to appoint citizens to the Committee that have any particular ties to this issue. He also stated the Council, at that time, agreed to limit the number of members to five. He was not happy with the nominees and he felt it was important that all Councilmembers agree on the appointees since the results from this Committee could affect the City for years to come. He stated he preferred only five members be on the committee since he felt a larger number is not as workable.

Mayor Naifeh stated she attempted to nominate members who incorporated all the philosophical ideals of the Council. She stated she felt that a seven member committee would be workable and not too large. Councilmember Miller agreed.

Councilmember Lamb stated a consultant contract has been approved and the process is waiting on the Steering Committee for direction.

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

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

8. **Public Hearing and Consideration of amendment to the Site Plan for 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.** The applicant requested this item be continued to the next meeting.

Items No. 9 through 15 were discussed at one time.

9. **Public Hearing and Consideration of Ordinance No. 2696 repealing Title 21, Subdivisions, of the Edmond Municipal Code and adding new Title 21, Subdivisions, providing for Chapter 21.01 General Procedures; Chapter 21.02 Design Requirements; Chapter 21.03 Improvements, Chapter 21.04 Plat Review Team (PRT) Review Process; Chapter 21.05 Preliminary Plat; Chapter 21.06 Final Plat; Chapter 21.07 Final Record Plat; Chapter 21.08 Administration and Enforcement; Chapter 21.09 Definitions; Chapter 21-10-Appendix C-Property Owners Association, Providing for Repealer and Severability.** Title 21 contains regulations regarding the development of land and has been studied for several years. The current Title 21 was written in 1955 and several changes have been implemented in the past. Platting will now be required for all development, language is cleaned up and the document reads easier. As part of a study prepared by Tischler and Associates, the sewer and water capacity fees were re-evaluated. Tischler and Associates suggested a restructuring of how the fees are collected and fee increases based on the impact of new development. A Development Standards and Impact Fees Committee was established and the Committee has recommended a four-year implementation schedule with 45% of the recommended fees to be implemented the first year for water and sewer connections, to be paid at the time the building permit is issued. Next year an additional 25% will be added to the water meter/sewer connections fee and the third and fourth years an additional 15% will be added each year. The ordinances will be re-evaluated each year during the next four years.

Councilmember Rice stated he was opposed to including Appendix C as part of the ordinance unless it is clear that the forms are not legally required. He stated he was in favor of using Appendix C as a check list rather than an attachment to the ordinance.

Councilmember Lamb stated Appendix C was meant to be used as guidance and not required standards and he agreed to eliminate it from the ordinance. He stated Appendix C will be modified to identify some items needed for standards for property owner associations.

Councilmember Knox stated he was opposed to requiring public notice of Preliminary Plats. He stated he was concerned that requiring public notice would cause citizens to appear in opposition and turn the discussion into a zoning issue rather than a plat discussion.

Councilmembers Rice and Miller stated they did not have a

problem with requiring public notices of Preliminary Plats.

Betty Jean Blue, representing the Edmond Neighborhood Alliance, addressed Council in support of public notices for Preliminary Plats.

John Preston addressed Council in support of the ordinance. He stated he was also opposed to including Appendix C as part of the ordinance. Mr. Preston stated he supports public notice for Preliminary Plats but he requested that they be approved only after the zoning is in place.

Steve Murdock, City Attorney, addressed Council and stated that matter will be discussed when changes to Title 22 are discussed.

Councilmember Knox also requested that a sentence be included that the City Council or Planning Commission may disallow the plat if the appropriate zoning is not in place. He also requested that the zoning and plat match.

Motion by Rice, seconded by Miller, to approve Ordinance No. 2696 as read by title by City Planner subject to the elimination of Appendix C and amending the last sentence of Section 21.08.020 to replace the word "will" with "may". **Motion carried** as follows:

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

NAYS: None

**10. Public Hearing and Consideration of Ordinance No. 2697 repealing and amending Section 16.04.030 Permits and Fees of Chapter 16.04 International Building Code 2000 Edition and Section 16.06.030 Permits and Fees of Chapter 16.06 International Residential Code for One and Two Family Dwellings 2000 Edition of Title 16 Buildings and Construction Ordinance of the Edmond Municipal Code; and providing for Repealer and Severability.** The ordinance repeals the 16 cents per square foot capital improvement fee and the \$100 per fixture sewer impact fee. These fees are collected with the building permit and are reflected as one fee.

**11. Public Hearing and Consideration of Ordinance No. 2698 repealing and amending A.4 of Section 13.16.160 City of Edmond Sewer Facilities Impact Fee ordinance and repealing Subsections F, G and H of Section 13.16.160 City of Edmond Sewer Facilities Impact Fee ordinance of Chapter 13.16 Sewage Service of Title 13**

**Public Utilities and Services of the Edmond Municipal Code; and providing for Repealer and Severability.** This ordinance repeals the sanitary sewer connection fee.

12. **Public Hearing and Consideration of Ordinance No. 2699 repealing and amending Section 13.12.066 Cost for Connection of Chapter 13.12 Water Service of Title 13 Public Utilities and Services of the Edmond Municipal Code; and providing for Repealer and Severability.** This ordinance provides for the first year water capacity fee based on the water meter size. Council will consider increases in the next several fiscal years as recommended by Tischler and Associates.

13. **Public Hearing and Consideration of Ordinance No. 2700 repealing and amending Section 13.16.020 Regulation of Sewer Use, Subsection (f)(1) and (2) and repealing Subsection (2)(d) of Chapter 13.16 Sewage Service of Title 13 Public Utilities and Services of the Edmond Municipal Code; and providing for Repealer and Severability.** This ordinance provides for the first year sewer capacity fee based on the water meter size. Council will consider increases in the next several fiscal years as recommended by Tischler and Associates.

14. **Public Hearing and Consideration of Ordinance No. 2701 repealing and amending Subsection 3.3 Requirements for submittal of Section 22.29(B).030 Applications and notices of Chapter 22.29(B) Commercial, Multi-Family and Industrial Site Plans of Title 22 Zoning Ordinance of the Edmond Municipal Code; and providing for Repealer and Severability to add application fee and digital file.** This ordinance is an amendment to Title 22 and provides for a review fee and digital file for Multi-Family, Commercial, Industrial and Special Use Permit site plans.

15. **Public Hearing and Consideration of Ordinance No. 2702 repealing and amending Section 13.08.090 Service Line Installation; Section 13.08.100 Connection to Electric Supply required and Section 13.08.102(1) exception to connection requirement of Chapter 13.08 Electric Service Title 13 Public Utilities and Services of the Edmond Municipal Code; and providing for Repealer and Severability.** This ordinance repeals the cost required for connection to electrical services and provides for a standard across properties to establish the meter base location.

Motion by Lamb, seconded by Miller, to approve Ordinance Nos. 2697 through 2702 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

**16. Public Hearing and Consideration of Ordinance repealing and amending Section 13.12.065 Connection to Water supply requiring a separate meter and capacity fee for irrigation systems of Chapter 13.12 Water Service of Title 13 Public Utilities and Services of the Edmond Municipal Code; and providing for Repealer and Severability.** This ordinance recommends a separate connection for irrigation systems including the payment of a separate meter and capacity fee.

Councilmember Lamb stated the ordinance will require a separate water meter and fee when a new sprinkler system is installed.

Carter Foree, member of the Impact Fee Committee, addressed Council and urged approval. Mr. Foree stated he preferred the ordinance only affect new construction.

General discussion was held and consensus of Council was to continue this item indefinitely for further study.

Motion by Rice, seconded by Knox, to continue Ordinance as ready by title by City Planner indefinitely. **Motion carried** as follows:

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

NAYS: None

**17. Public Hearing and Consideration of Ordinance amending Chapter 22.01 of the Edmond Municipal Code to add New Section 22.01.045, providing for regulation of Medical Services related to consideration of Zoning, Site Plan or Planned Unit Development applications; and providing for Repealer, Severability and Declaring an Emergency.** This ordinance adds a new section allowing Council to consider additional criteria when new medical facilities are requested.

Mayor Naifeh stated the proposed ordinance is not about competition between medical facilities but rather gives authority to Council to determine the needs for the City.

Councilmember Rice stated he is opposed and he stated he felt the Council was not qualified to determine how a new medical

facility will affect existing facilities.

John Preston, Carl Reherman and Stan Tatum, CEO of Edmond Medical Center, addressed Council in support.

Dr. Kent Webb, Randel Shadid, Patrick Gaines, Dr. Henry Pierce and Mike Schuster addressed Council in opposition. Mr. Schuster requested the ordinance be continued in order to establish a task force to study this issue.

Councilmember Rice stated he felt this issue was too complicated to make a decision at this time and he also supported forming a task force to study long term health care for the City.

General discussion was held on this issue and consensus of Council was to table this issue until a task force could be formed to study this issue further.

Motion by Knox, seconded by Rice, to table the Ordinance as read by title by City Planner. **Motion carried** as follows:

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

Councilmember Rice left the City Council meeting.

**18. 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) **Purchase of real property located near 33<sup>rd</sup> Street and Boulevard, Edmond (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(3)).**

Motion by Lamb, seconded by Knox, to meet in Executive Session to discuss the above items. **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 8:25 p.m. and returned to the City Council Chambers at 8:50 p.m.

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

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

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

Motion by Miller, seconded by Lamb, to authorize the City Attorney to proceed with acquisition of the property. **Motion carried** as follows:

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

**20. Consideration of action regarding the purchase of real property located near 33<sup>rd</sup> Street and Boulevard, Edmond.**

Motion by Lamb, seconded by Miller, to authorize City Attorney to proceed with closing on the property. **Motion carried** as follows:

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

**21. NEW BUSINESS:**

Mayor Naifeh wished everyone a happy and safe July 4<sup>th</sup> holiday and reminded everyone to attend the parade and other festivities.

**22. Motion by Miller, seconded by Lamb, to adjourn meeting. Motion carried** as follows:

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

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**City Clerk**

**Mayor**