

**EDMOND CITY COUNCIL MINUTES**

July 9, 2001

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, July 9, 2001, in the City Council Chambers. All Council members were present.

**2. Approval of Minutes.** Councilmember Lamb requested Item 11 of the Minutes be amended from "rezoning the property" to "amending the Plan". Motion by Lamb, seconded by Knox, to approve Minutes of the June 25, 2001, City Council meeting as amended. **Motion carried** as follows:

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

**3. Approval of Minutes.** Motion by Knox, seconded by Lamb, to approve Minutes of the June 22, 2001, Special City Council meeting. **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 KickingBird Golf Club Advisory Board.** Mayor Naifeh nominated Jamie Beavers to serve a term expiring in May, 2003.
- B. **Appointment to the KickingBird Golf Club Advisory Board.** Councilmember Lamb nominated Janet Jaggi for re-appointment to serve a four year term expiring in May, 2005.
- C. **Appointment to the KickingBird Golf Club Advisory Board.** Councilmember Miller nominated David Pierce to serve a four year term expiring in May, 2005.
- D. **Appointment to the KickingBird Golf Club Advisory Board.** The Men's, Women's and Senior's Golf Associations nominated Dot Marotte, Tony Scott and Larry Young for re-appointment to serve terms expiring in May, 2002.
- E. **Appointment to the Edmond Economic Development Authority.**

Mayor Naifeh nominated Dana Shadid to serve a three year term expiring in July, 2004.

Motion by Knox, seconded by Miller, to approve Items 4.A. through 4.E. **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 the following agreements with Social Agencies and Community Services for FY 2001/02:**

- a) Edmond Arts and Humanities Council
- b) Hope Center of Edmond
- c) Edmond Family Services, Inc.
- d) Edmond Fourth of July Festival, Inc.
- e) Project R.E.A.D.
- f) The Kids Place
- g) The X-Change After School Program
- h) Edmond Round-Up Club
- i) Edmond Historical Society
- j) Edmond Economic Development and Redevelopment Authority (EEDA)
- k) Edmond Chamber of Commerce

Item g was withdrawn by the applicant. Councilmember Rice requested that the contract with the EEDA be amended to more adequately define their mission. Consensus of Council was to discuss this matter during a workshop with the EEDA.

2) **Approval of agreement with Metro Transit.**

3) **Approval of project D.A.R.E. agreement with the Edmond Public Schools.**

4) **Approval of agreement with the Edmond Public Schools for use of K-9 dogs.**

5) **Acceptance of electric easement from Chappelwood Investment Corp to serve 1725 E. 15<sup>th</sup> Street.**

- a) Acceptance of electric easement from Lyle D. Hennessey to serve 3800 Coffee Lane.
- b) Acceptance of easement from Mildred Fisher Hall, LLC, an Oklahoma Limited Liability Company for the FY 2000/01 Sanitary Sewer Project.
  
- 6) Approval of construction specifications for the Pelican Bay Aquatic Center to include pre-qualifying swimming pool contractors.
  
- 7) Approval of guidelines for memorials on the grounds of KickingBird Golf Club.
  
- 8) Approval of Resolution No. 10-01 establishing the 911 emergency telephone fee rate for calendar year 2002.
  
- 9) Public Hearing and Consideration of Ordinance No. 2630 Amending Section 10.28.02A(1), Section 10.28.025(b) and (c) of the Edmond Municipal Code to provide for a Blood or Breath Alcohol Concentration of Eight-Hundredths (0.08); providing for Repealer and Severability and Declaring and Emergency.

Motion by Lamb, seconded by Rice, to attach Emergency Clause to Ordinance No. 2630. **Motion carried** as follows and Ordinance No. 2630 is in effect immediately:

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

- 10) Approval of agreement with the International Association of Fire Fighters, Local No. 2359 for FY 2001/02.
  
- 11) Approval of agreement with the Fraternal Order of Police, Lodge No. 136 for FY 2001/02.
  
- 12) Approval of re-appointment of Stephen T. Murdock as city Attorney.

Motion by Knox, seconded by Lamb, to approve General Consent Items 5.A.(1(a-f,h-1),2-12). **Motion carried** as follows:

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

**B. Approval of Purchases:**

**1) Approval of Request for Proposals disposition by the Purchasing Manager.**

a) Furnish and install irrigation system at the Edmond Soccer Club to AASCO Construction in the amount of \$11,580.

**2) Award of bid (including renewal options) for unleaded and diesel fuel for City vehicles.**

Purchasing Manager recommended accepting bid from Paul Penley Oil Co., Inc. in the amount of \$300,000.

**3) Approval to purchase computers and network equipment for the MIS Department on State Contract in the amount of \$316,000.**

**4) Award of bid for single phase polemount transformers for the YourGovShop member participants.**

Purchasing Manager recommended accepting bids from AECI, Delta Y, Temple, Inc.

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

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

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

<u>CLAIM NUMBER</u>		<u>RECOMMENDATION</u>
21-0043	Fire Department 930.24	Pay - \$
21-0040	Police Department	Deny - \$ 94.57
21-0049	Animal Control Department \$2,800.00	Pay -

Motion by Rice, seconded by Miller, 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 Knox, 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

**11. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of Ordinance No. 2631 rezoning from "G-A" General Agricultural District to "R-2" Urban Estate Dwelling District, located on the northeast corner of Sorghum Mill Road and Coltrane (Argus T. and Josephine Hill, applicants).**
- B. **Public Hearing and Consideration of Site Plan approval for a medical office building, located on Coffee Creek on the east side of Kelly, north of Covell Road (Covell Road Properties, LLC, applicant).** The 8,800 square foot building will match the other buildings in Coffee Creek Office Park. Councilmember Lamb asked if the dumpster location has been determined and approved by staff.

Jerry McNabb, Turner and Company, addressed Council and stated a temporary dumpster will be located on the northeast corner of the property. He stated the permanent enclosed dumpster will be at the back of the building.

Motion by Lamb, seconded by Knox, to approve Planning Consent Item 9.B. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of Site Plan approval for a new building, located on the south side of 2<sup>nd</sup> Street, east of Bryant at 2020 E. 2<sup>nd</sup> Street (AutoClean, LLC, applicant).**

- D. **Public Hearing and Consideration of Site Plan approval for a new office building, located on the southwest corner of Medical Park Drive and South Kelly Avenue (Renaissance Law Offices, applicant).** The building will be residential in character and consistent with the Renaissance Office Park. Councilmember Lamb also asked about the dumpster location for this project. Staff recommended the dumpster be located on the north side of the property along Medical Park Drive to allow access by sanitation trucks.

Mike Forth, representing the applicant, addressed Council and stated their plan is for the dumpster to be located on the southwest corner of the property, south of the curb cut which adjoins the church property. Mr. Forth stated they are willing to donate the right-of-way and landscape along Kelly.

Councilmember Knox stated he felt there was no reason to landscape Kelly since the landscaping will be removed when Kelly is widened in a few years.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 11.D. subject to provision of right-of-way easement for access and approval of the Sanitation Department on the serviceability of the dumpster. **Motion carried** as follows:

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

- E. **Acceptance of utility easement from Olde Towne Homeowners Association and Hold Harmless Agreement from Ron and Kristin Squires, located at 1709 Boomer Trail.**

Motion by Knox, seconded by Lamb, to approve Planning Consent Items 11.A., 11.C. and 11.E. **Motion carried** as follows:

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

12. **Public Hearing and Consideration of Ordinance No. 2632 Amending Edmond Plan III from Single Family Dwelling Planned Unit Development (PUD) to Suburban Office usage, located on the northwest corner of Locust Lane and Bryant Avenue (Keas Plaza**

**Development LLC, applicant) (Continued from June 11, 2001, City Council meeting).** On January 24, 2000, Council approved a Plan Amendment to allow for a nine unit residential PUD known as Keas Plaza. The developers have decided not to develop the PUD and are requesting Suburban Office. The tract contains 1.96 acres.

Randel Shadid, attorney representing the applicant, addressed Council and stated with the reduced number of units allowed, it was not feasible to develop the property as residential. He stated office use is compatible with the Edmond Plan and will also blend into the neighborhood.

Nancy Nelson (1412 Ridgecrest Road), Carol Hughes (1409 Ridgecrest Road) and Nila Roak (Edmond Neighborhood Alliance) addressed Council in opposition. Their primary concerns were increased traffic and no information on how the property would develop. Ms. Roak stated the application represents the second time the Plan has been amended for this tract and she was concerned that the applicant would continue to request amendments until the Edmond Plan was amended to commercial.

Councilmember Rice stated he understood the residents concerns but that he supports the Plan amendment. He stated he could not support rezoning the property at this time.

Mr. Shadid stated he felt it was unfair to withhold the rezoning until the Site Plan review. He stated it would be more difficult for his client to market the property until the rezoning was approved. Mr. Shadid stated the applicant is entitled to rezone the property since it is compatible to the Edmond Plan.

Motion by Rice, seconded by Miller, to approve Ordinance No. 2632 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Knox, seconded by Miller, to attach Emergency Clause to Ordinance No. 2632. **Motion was denied** as follows:

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

13. Public Hearing and Consideration of Ordinance Rezoning from "A" Single Family Dwelling Planned Unit Development (PUD) to "D-O" Suburban Office District, located on the northwest corner of Locust Lane and Bryant Avenue (Keas Plaza Development LLC, applicant). This item was not considered due to failure of the Emergency Clause on Item 12. This item will be considered on August 13, 2001.

14. Public Hearing and Consideration of Ordinance closing a water well easement located at 208 Ainsley Court (Sean and Angie Shiplet, applicants). Mayor Naifeh stated this item was withdrawn at the request of the applicant.

15. Public Hearing and Consideration of Ordinance No. 2633 closing a public utility easement, located west of Waterwood Parkway, south of E. 2<sup>nd</sup> Street, west of Bryant Avenue (Sooner Land Company, LLC and Edmond University Plaza, LLC, applicants) (Continued from June 25, 2001, City Council meeting). The easement was a blanket easement granted in 1930. The easement has never been used and there are no improvements in the easement. The applicant is replatting most of the tract and new easements are being granted to allow installation of new improvements.

Randel Shadid, attorney representing the applicant, addressed Council and stated the site has been mowed and sediment controls are in place. He noted the City does not need the easements and denial of the application would further delay construction of the Lowe's store, landscaping improvements and sedimentation controls. Mr. Shadid stated hay bales have been placed along the property on 2<sup>nd</sup> Street and grass has been planted.

Councilmember Rice stated dirt is still in the street on the property west of the Wal Mart Neighborhood Market. He stated the site still needs to be cleaned up and additional improvements installed.

Councilmember Knox expressed appreciation to the applicant for the work that has been done and he stated the site is much improved from last year.

Motion by Lamb, seconded by Knox, to approve Ordinance No. 2633 as read by title by City Planner. **Motion carried** as follows:

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

16. Executive Session to discuss the following pending claims/litigation (Executive Session authorized pursuant to 25 Okla. Stat. 307(B)(4):

Newsom vs. City of Edmond  
Jones vs. City of Edmond

17. Executive Session to discuss the purchase of real property, located near 33<sup>rd</sup> Street and Boulevard, Edmond, Oklahoma (Executive Session authorized pursuant to 25 Okla. Stat. 307(B)(3):

18. Executive Session to discuss the resignation of the City Manager (Executive Session authorized pursuant to 25 Okla. Stat. 307(B)(1):

Motion by Rice, seconded by Knox, 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 6:39 p.m. and returned to the City Council Chambers at 7:47 p.m.

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

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

19. Consideration of action regarding the Newsom and Jones claims.

Motion by Knox, seconded by Rice, to authorize City Attorney to proceed with settlement negotiations on the Newsom claim. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,  
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, Oklahoma.**

Motion by Rice, seconded by Miller, to authorize City Attorney and City Manager to continue with negotiations to purchase the real property. **Motion carried** as follows:

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

**21. Consideration of action regarding resignation of City Manager and consideration of appointment of interim City Manager.**

Motion by Lamb, seconded by Knox, to accept the resignation of Leonard Martin and to appoint Jerry Smith as interim City Manager. **Motion carried** as follows:

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

**22. NEW BUSINESS:**

Councilmember Lamb requested that Council initiate discussion in the near future to amend the Edmond Plan III regarding the remaining single family property on 33<sup>rd</sup> Street near the Fisher Hills Addition.

Councilmember Knox stated the Arts in Public Places ordinance has been distributed to Council and he requested their comments in order to have the ordinance placed on the next agenda.

**23. 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 Mayor