

EDMOND CITY COUNCIL MINUTES

November 13, 2001

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Tuesday, November 13, 2001, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve October 22, 2001, Minutes. **Motion carried** as follows:

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

3. Approval of Minutes. Motion by Miller, seconded by Lamb, to approve October 29, 2001, Special Meeting Minutes. **Motion carried** as follows:

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

4. City Council Presentations:

A. **Presentation of proclamation proclaiming November as "NATIONAL HOSPICE MONTH" in the City of Edmond.**

B. **Presentation of proclamation proclaiming November 11-17, 2001, as "OKLAHOMA HERITAGE WEEK" in the City of Edmond.**

C. **Presentation by the Oklahoma Municipal League to the following 25 year service award recipients:**

- 1) David Becker - Sanitation Department
- 2) Ben White - Fire Department
- 3) David Cornforth - Fire Department
- 4) Rudy Young - Fire Department
- 5) Dean Sherrick - Electric Department
- 6) Jeffrey Dan - Electric Department
- 7) Joyce Dedek - Municipal Court
- 8) Ronnie Davenport - Park & Recreation Department

D. **Recognition of the Tony Aquilera Family for donation to the Edmond Police Department.**

5. Appointment to Boards and Commissions:

- A. **Appointment to the Central Edmond Urban Development Board.**
The University of Central Oklahoma nominated Keith Weber for re-appointment to serve a term expiring February, 2002.
- B. **Appointment to the Edmond Economic Development Authority.**
Mayor Naifeh nominated David Wantland for re-appointment to serve a three-year term expiring July, 2004.

Motion by Knox, seconded by Lamb, to approve Items 5.A. and 5.B. **Motion carried** as follows:

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

6. **GENERAL CONSENT ITEMS:** (General Consent Items were voted on collectively except where noted.)

A. Approval of Administrative Items:

- 1) Approval of supplemental appropriations for donation received from Advanced Financial Technology to the Police Public Safety Limited Tax Fund - \$2,280
- 2) Approval of supplemental appropriations for donation received from the Tony Aquilera Family Fund to the Police Public Safety Limited Tax Fund - \$1,200
- 3) Public Hearing and Consideration of Ordinance No. 2656 Amending Section 10.48.010 of the Edmond Municipal Code to provide for prohibition of dangerous objects in streets, rights-of-way, sidewalks or pedestrian pathways; and providing for Repealer and Severability.
- 4) Public Hearing and Consideration of Ordinance No. 2657 Amending Chapter 8.08 of the Edmond Municipal Code to add new Section 8.08.132 Prevention of Youth Access to Tobacco; and providing for Repealer and Severability. Councilmember Rice asked if enforcement efforts would overburden the Police Department.

Major Steve Thompson, Assistant Police Chief, addressed Council and stated the ordinance will be

used as a tool for the school resource officers to enable them enforce the existing state law regarding under age tobacco use. He stated all the schools also support the ordinance.

State Representative Ray Vaughn addressed Council and urged approval of the ordinance.

Motion by Miller, seconded by Rice, to approve Ordinance No. 2657 as read by title by City Attorney. **Motion carried** as follows:

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

5) **Public Hearing and Consideration of Ordinance No. 2658 Amending and Repealing the Edmond Municipal Code; Sections 2.68.100 Open Market Procedure-Purchases at estimated cost less than Ten Thousand Dollars; Section 2.68.110 Purchases of estimated cost exceeding Ten Thousand Dollars and less than Twenty-Five Thousand Dollars; Section 2.68.130 Competitive Price-Solicitation; Section 2.68.150 Bids-Formal Contracts - Procedure; Section 2.68.220 Bids-Opening; Section 2.68.230 Bids-Tabulation-Review and Recommendation; Section 2.68.240 Bids-Rejection; Section 2.68.280 Award of Contracts-Authority; Section 2.68.310 Emergency Purchases; and providing for Repealer, Severability and Declaring an Emergency.**

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2658. **Motion carried** as follows and Ordinance No. 2658 is in effect immediately:

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

6) **Acceptance of public and private easements for the following:**

- a) Deaconess Health Care Corporation - public roadway easement to serve Copper Lake Assisted Living Center
- b) Edmond University Plaza, LLC, - public utility easement for a sanitary sewer line to serve University Plaza Shopping Center

- c) Dooley Farms, LLC, - private utility easement for a detention pond to serve Dooley Farms Office Park Property Owners Association

Steve Murdock, City Attorney, addressed Council and stated that Item 6.A.(6c) was actually an acknowledgement of receipt of documentation showing that the property owners will be responsible for maintaining the property.

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

- a) Kohl's Department Store
- b) Intown Suites
- c) Faith Bible Church
- d) Guaranty Bank
- e) Pacific Trading Co.
- f) Edmond Church of Christ
- g) Cheyenne Middle School, Phase II

8) Approval of Resolution No. 33-01 and Resolution No. 34-01 to program 7th Street and Kelly intersection improvements and Bryant Signal Interconnect Transportation projects.

9) Approval of Transfer of Appropriations - Administrative Services - \$11,000

Motion by Lamb, seconded by Knox, to approve General Consent Items 6.A.(1-3,5-9). **Motion carried** as follows:

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

B. Approval of Purchases:

1) Approval of purchase of software, maintenance and support in the amount of \$7,500 from Citrix Systems, Inc., for Central Communications as a sole source vendor.

2) Approval of removal and disposal of safe deposit boxes from the Bank One building - \$200

Motion by Miller, seconded by Knox, to approve General Consent Items 6.B.(2). **Motion carried** as follows:

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

3) Approval of Change Order No. 1 with L.G. Construction in the amount of \$620 for rehabilitation of residential structure located at 620 Willow Ridge Place as part of the Community Development Block Grant (CDBG) program.

4) Award of Request for Proposal for playground equipment for Anderson Park for the Park and Recreation Department. Purchasing Manager recommended accepting bid from Rex Playground Equipment.

5) Award of bid for police uniforms, supplies and equipment for YourGovShop member participants. Purchasing Manager recommended accepting bid from Skaggs Public Safety.

6) Award of bid to furnish and install office workstations for the Engineering Department. Purchasing Manager recommended accepting bid from Core Systems.

7) Approval of purchase of Clear Lane Treated Salt in the amount of \$22,500 from Cargill Salt Company as a sole source vendor.

8) Approval of emergency rehabilitation of residential structure located at 601 W. Main in the amount of \$14,552 as part of the Community Development Block Grant (CDBG) program.

9) Approval of supplemental appropriations and award of contract with Painter Consulting Engineers, Inc., in the amount of \$10,720 to design improvements to the channel at Hafer Park.

Motion by Miller, seconded by Rice, to approve General Consent Items 6.B.(1,3-9). **Motion carried** as follows:

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

7. **Approval of Tort Claim Committee's recommendation on Tort Claim.**

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
22-0012 Street Department	Pay - \$142.00

Motion by Rice, seconded by Knox, to approve Tort Claim Committee's recommendation on Tort Claim. **Motion carried** as follows:

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

Motion by Rice, 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

11. **PLANNING CONSENT ITEMS:**

A. **Public Hearing and Consideration of Ordinance No. 2659 amending the Edmond Plan III from Single Family Dwelling usage to Suburban Office usage, located on the east side of Santa Fe, south of Del Simmons Drive, south of Covell Road (Waterhouse Development, LLC, applicant).** The property has previously been approved as a Planned Unit Development and is located south of the existing detention pond at the entry to Cedar Pointe Addition. Three 3,800 square foot buildings are proposed.

David Jones, applicant, addressed Council and stated the property owners will maintain **their portion of [Amended 11/26/2001**] the detention pond and also join the existing Cedar Pointe Addition Homeowners Association.

Ronnie Williams, representing the Edmond Neighborhood Alliance, also addressed Council on this matter.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2659 as read by title by City Attorney. **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 No. 2659. **Motion carried** as follows and Ordinance No. 2659 is in effect immediately:

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

- B. **Public Hearing and Consideration of Ordinance No. 2660 rezoning from "A" Single Family Dwelling District to "D-O" Suburban Office District, located on the east side of Santa Fe, south of Del Simmons Drive, south of Covell Road (Waterhouse Development, LLC, applicant). This is a companion to the above item and was discussed at that time.**

Motion by Rice, seconded by Knox, to approve Ordinance No. 2660 as read by title by City Attorney. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of Ordinance No. 2661 rezoning from "D-2" Neighborhood Commercial District to "D-2" Neighborhood Commercial Planned Unit Development, located on the southwest corner of Danforth and Santa Fe, south of 7-Eleven (John Alexander, applicant).**

- D. **Public Hearing and Consideration of commercial Site Plan approval for Lube Center and dry cleaners, located on the west side of Santa Fe, south of 7-Eleven, south of Danforth (Kwik Industries, Inc., applicant). The lube center will contain 3,652 square feet and the dry cleaners building will be 4,000 square feet. Exterior walls of both buildings will be brick veneer and EIFS will be used as trim at the top of the wall.**

Eric Smith, representing the applicant, addressed Council and urged approval.

Motion by Miller, seconded by Knox, to approve Planning Consent Item 11.D. **Motion carried** as follows:

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

- E. **Public Hearing and Consideration of commercial Site Plan approval for a new office warehouse, located east of Kelly, south of Edmond Road, south of the Kelly Plaza Shopping Center (Donald L. Smith, applicant).**

Motion by Knox, seconded by Miller, to approve Planning Consent Item 11.E. **Motion carried** as follows:

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

- F. **Public Hearing and Consideration of commercial Site Plan approval for an addition to existing business, located at 201 W. 15th Street (Swedish Imports, applicant).**

- G. **Public Hearing and Consideration of Special Use Permit for a private cemetery, generally located south of Coffee Creek Road, one-quarter mile west of Midwest Boulevard (Donald H. Amy, applicant).**

- H. **Public Hearing and Consideration of Final Plat of Steeplechase 8th Addition, located west of Coltrane and south of Coffee Creek Road (Caleb McCaleb, applicant).** The applicant requested this item be continued to the next meeting.

Motion by Lamb, seconded by Knox, to continue Planning Consent Item 11.H. to the next meeting. **Motion carried** as follows:

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

- I. **Public Hearing and Consideration of re-plat of Highlands at Oak Tree 2nd Addition, located north of Sorghum Mill Road, east of Kelly (Clowers Engineering Co., applicant).**

Motion by Miller, seconded by Knox, to approve Planning Consent Items 11.C., F., G. and I. **Motion carried** as follows:

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

12. Public Hearing and Consideration of commercial Site Plan approval for a miniature golf business, located on the west side of Bryant, west of the National Guard Armory, and one-eighth mile north of the Edmond Church of Christ (Putt-A-Round, applicant). The site will contain a single story 2,975 square foot building and in the future, two gazebos will be constructed in the pond area. The course will have a capacity of 72 players and the hours of operation will adhere to the Edmond curfew of midnight. The sign will consist of a three foot tall boxwood hedge and will be trimmed to spell out the Putt-A-Round name as the hedge grows. The landscaping far exceeds city ordinances. At the Planning Commission meeting the applicant agreed to work with City staff to provide a 16 foot wide easement on the southwest portion of the property to be used for the city trail system if needed.

Councilmember Lamb stated he preferred to approve this item contingent upon the applicant providing the 16 foot easement. He stated the easement could be vacated if the trail system is not constructed.

Bob Yannarell, applicant, addressed Council and stated he preferred to offer the easement but not formally grant the easement until the trail system was in place. He stated he would provide the City a written statement that the space was available for the trail system if needed.

Mayor Naifeh stated she is very impressed with the project and she feels it will provide a much needed activity for the youth in the City.

Councilmember Rice stated he likes the development and he feels it will enhance this very bleak commercial area and be a nice asset to the Hafer Park area.

Motion by Lamb, seconded by Miller, to approve Item 12 subject to the applicant working out an easement for the future trail system through the southwest corner of the property. **Motion carried** as follows:

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

NAYS: None

13. **Discussion of scheduling a joint workshop with the Edmond Economic Development Authority.** A workshop was scheduled for December 3, 2001, at 5:30 p.m. in the City Council Chambers.

14. **Executive Session to discuss the following pending claim/litigation (Executive Session authorized pursuant to 25 Okla. Stat. Sec. 307(B)(4):**

Jones vs. City of Edmond

Motion by Rice, seconded by Lamb, to meet in Executive Session to discuss the above pending claim. **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 6:46 p.m. and returned to the City Council Chambers at 7:20 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 with regard to the above pending claim/litigation.**

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

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

16. **NEW BUSINESS:**

Councilmember Lamb encouraged staff to provide a graph in the Council packet on the site plan information regarding landscaping rather than the narrative.

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

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

City Clerk

Mayor