

EDMOND CITY COUNCIL MINUTES

March 26, 2007

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, March 26, 2007, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve March 12, 2007, Minutes. **Motion carried** as followed:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

3. City Council Presentations:

A. **Character Council presentations by Terry Byers to the following:**

- 1) Theresa Nelson for the Character Trait of Enthusiasm
- 2) Stacy McNeiland for the Character Trait of Flexibility

B. **Presentation to the Arbor Day Poster Contest winners.**

C. **Presentation of First Place award to the City of Edmond for the Howland Electric Systems Operations Award by Shane Woolbright, Executive Director of the Municipal Electric Systems of Oklahoma.**

D. **Presentation of FAA Award to the Guthrie/Edmond Regional Airport as outstanding Oklahoma airport for 2006 by Ron Groves, Airport Manager.**

E. **Presentation of proclamation recognizing March 26-31, 2007, as Arbor Week in the City of Edmond.**

F. **Presentation of proclamation recognizing March, 2007, as DeMolay Month in the City of Edmond.**

G. **Presentation of proclamation recognizing March, 2007, as Save Your Vision Month in the City of Edmond.**

4. Appointments to Boards and Commissions:

A. **Appointment to the Capital Projects and Financing Task**

Force. Mayor Naifeh nominated Ken Rees for appointment to serve a three-year term expiring March, 2010.

- B. **Appointment to the Capital Projects and Financing Task Force.** Mayor Naifeh nominated Ron Carte for re-appointment to serve a three-year term expiring March, 2010.
- C. **Appointment to the Edmond Historic Preservation Trust.** Mayor Naifeh nominated Julie Hovis for re-appointment to serve a three-year term expiring March, 2010.
- D. **Appointment to the Edmond Historic Preservation Trust.** Councilmember Page nominated Lucille Warrick for re-appointment to serve a three-year term expiring March, 2010.
- E. **Appointment to the Edmond Historic Preservation Trust.** Mayor Naifeh nominated Carlita Walters for re-appointment to serve a three-year term expiring March, 2010.
- F. **Appointment to the Edmond Historic Preservation Trust.** Councilmember Lamb nominated Beverly Terry for re-appointment to serve a three-year term expiring March, 2010.

Motion by Lamb, seconded by Miller, to approve Items 4.A. through 4.F. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, 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) **Acceptance of City Manager's Financial Report for month ending February 28, 2007.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending February 28, 2007.**
- 3) **Approval of non-budgeted position for Human Resources Department.**

4) **Approval of lease agreement with Summerstock Productions for office space at the Downtown Community Center.**

5) **Approval to submit the public art project "Reunion" to the Edmond Centennial Commission for consideration as an official City of Edmond Centennial project in the amount of \$61,000.** Councilmember Sanford stated it is a wonderful piece of art and she encouraged citizens to go and look at the sculpture. She stated the art piece is located at the entrance to the Cross Timbers Fire Administration and Training Complex in appreciation of the many men and women firefighters who served Edmond dating back to April 5, 1895. The sculpture consists of over 350 brick pavers inscribed with the names and service dates of all the Edmond firefighters. She noted that due to the historical significance of the sculpture **[Amended 4/9/07]** that the sculpture become an official part of the Edmond Centennial project list.

Edmond Fire Chief Gil Harryman addressed Council and stated a member his staff researched the history of the Fire Department and attempted to get all the names of past firefighters, both volunteer and career fire-fighters, for the sculpture.

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

6) **Approval of transfer of appropriations for Field Services Wastewater/Vehicle Maintenance - \$15,000**

7) **Approval of transfer of appropriations for Field Services Water/Vehicle Maintenance - \$9,000**

8) **Acceptance of public improvements and maintenance bonds for CVS Pharmacy, 1520 S. Bryant Avenue.**

9) **Acknowledge receipt of water line construction permits to serve Fisher Hall South Addition from the Oklahoma Department of Environmental Quality.**

- 10) **Consideration of Final Plat, public improvements and maintenance bonds for Fall Brook I.**
- 11) **Consideration of Final Plat, public improvements and maintenance bonds for Tuscany Villa Section III.**
- 12) **Acceptance of Final Plat for Village Center VI.**
- 13) **Approval of transfer of appropriations for the I-35 Centennial Grove/Oklahoma Department of Transportation project - \$128,289**

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-4,6-13). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

B. Approval of Purchases:

- 1) **Award of bid and approval of contract for the Fire Station 4 remodel project and Resolution No. 04-07 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Downey Contracting, LLC in the amount of \$338,500.
- 2) **Award of bid and approval of contract for the Centennial Groves landscape project and Resolution No. 05-07 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Grooms Irrigation Company in the amount of \$228,289.
- 3) **Approval of Change Order No. 5 with Downey Contracting, LLC for the Fire Department Training Ground, Phase II in the amount of \$31,544.**
- 4) **Approval of repairs for 2005 Vactor sewer/flusher truck in the amount of \$150,880.**

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for an warehouse building, located north of Enterprise Drive, east of Kelly (Larry Lambrecht, applicant) Case No. SP070012.**

Motion by Miller, seconded by Page, to approve Planning Consent Item 8.A. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

- 9. Public Hearing and Consideration of Ordinance No. 3086 closing a public utility easement located at 2117 Red Prairie Drive (Scott and Kristy Britten, applicants) Case No. ES070001.** The applicant wishes to install a swimming pool on his lot. There is an existing electric line in the easement that covers the back yard area where the pool is proposed. Oak Tree Country Club has agreed to have Edmond Electric move the line onto Oak Tree Golf Course property at the applicant's expense and provide an easement. The applicant's pool contractor will be responsible for coordinating relocation of the line with Oak Tree Golf Course maintenance and Edmond Electric.

Motion by Lamb, seconded by Page, to approve Ordinance No. 3086 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

- 10. Public Hearing and Consideration of Special Use Permit/commercial Site Plan approval for a child care center, located north of Covell Road, 930 feet east of Air Depot (The Goddard School, applicant) Case No. U070003.** The applicant requested this item be continued to April 9, 2007.

Motion by Lamb, seconded by Sanford, to continue Item No. 10 as requested by the applicant. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

11. Discussion and Consideration of appointment of Charter Revision Committee. Mayor Naifeh stated this item was discussed at the last Council meeting. She noted that she has received several calls and e-mails from citizens who are interested in being appointed to the committee. She stated she felt that City Attorney Steve Murdock, and City Clerk Nancy Nichols should serve on the committee as staff representatives. Mayor Naifeh stated she had contacted several citizens about serving on the committee and she felt that past Mayors and Councilmembers should be appointed to the committee as they have experience working within the confines of the Charter. She stated she felt the committee should contain seven to nine members.

General discussion was held and consensus of Council was to continue this matter to allow adequate time for citizens to contact Council regarding serving on the committee. Mayor Naifeh requested that the names of citizens who wish to serve on the committee be provided to Council in order for them to be reviewed by all the Councilmembers prior to the next meeting.

Councilmember Sanford stated she wanted to move forward with the appointments as soon as possible.

12. Discussion and Consideration of possible action related to annexation of additional property into the City limits. Mayor Naifeh stated this item was brought forward at the last meeting under New Business and she requested a full discussion at this meeting. She stated the areas were identified as approximately halfway between Sorghum Mill Road and Waterloo Road, east of Bryant to Anderson Road; and an area south and east of Waterloo Road and Western. Mayor Naifeh stated this process is just the beginning and is just a small step toward annexation. She stated she has received several calls and e-mails both for and against annexation. Mayor Naifeh noted that annexation would only occur at the request of the citizens in the affected areas because she would not want to cause problems for the next Council. She stated the areas in question are part of Oklahoma County and no other city is involved. She noted that most of the questions from homeowners in the area of Waterloo Road and Western were whether they would be required to change from Deer Creek schools to Edmond schools. Mayor Naifeh stated the City has no jurisdiction over school district lines and they would not change with the annexation. She stated the most significant change would be that the businesses would be required to collect Edmond sales tax. She stated the additional sales taxes generated by the businesses in this area is one of the reasons for discussing the annexation. Mayor Naifeh stated another

reason for annexation is that police and fire protection would be an added benefit to those residents and business owners.

Steve Murdock, City Attorney, addressed Council and outlined the process for annexation.

Councilmember Miller stated the residents who contacted him were also concerned about changing utility services. He noted that the only change that may be required is regarding the solid waste pickup and the added benefit would be police and fire protection. He stated he felt annexation could only occur upon the agreement of the property owners.

Ray Vaughn, Oklahoma County Commissioner for District 3, addressed Council and stated he was only in the audience to hear the discussion. He stated as the provider of police protection as well as maintenance of Oklahoma County streets and roads in the area, he had an interest in making sure those needs were met. He stated the County feels a very strong responsibility to residents who live in unincorporated areas of the County.

Councilmember Sanford asked Commissioner Vaughn when the County would consider adoption of the Master Plan. Mr. Vaughn stated the Master Plan should be submitted for consideration sometime this summer. He noted there has not been a master plan since the 1940s.

Several Councilmembers noted they receive many calls from residents in unincorporated areas believing they are in the City limits of Edmond because they have an Edmond address and their children attend Edmond Schools. Councilmember Sanford stated she felt that having clear City limit boundaries is very important for the City to be able to define itself.

Bill Sutton (Sutton Tractor, Inc.), Marybeth Smith (Edmond Rock), Bob Matthews, Kathy Brunken (Restek, Inc), David Hennessey (OK Restaurant Supply), Richard Spurling (resident), Sherrill and Lyle Hennessey (OK Self Storage), Dan Meadors (Traffic Signals, Inc.), James Peters (Bar JP QH), Steve Garland (I-35 business owner), Anna Mae Perry (resident), Elsie Harner (resident), Larry Edmeyer (business and property owner) and Mark Ward (Ward Storage) addressed Council in opposition to the annexation. The businesses are located along or close to I-35. Mr. Sutton stated the business owners have retained Counsel to fight the annexation. The business owners were concerned about having to charge their customers Edmond sales taxes because they felt it gave them an advantage over their competitors by being

able to only charge the Oklahoma County sales tax. Their other concerns were with the City's landscaping and other code requirements. Several of the residents stated they had horses or other animals that they felt would not be allowed in the City limits and they were happy being in the County. Several opponents stated they were pleased with the service they received from the Oklahoma County Sheriff's office regarding police protection and they were also pleased with the maintenance of Waterloo Road by Oklahoma County.

Mayor Naifeh stated the residents and business owners have sent a very strong message and that she was not willing to cause problems for the future Council. She stated she understood the reasons for constructing their businesses outside the City limits to eliminate the need to collect City sales taxes. Mayor Naifeh stated the existing businesses would be grandfathered in and could remain in their current status. She noted that if there is any redevelopment they of course would be required to follow the current codes. She noted it would require a large amount of staff time to research the names of all the affected property owners and mail legal notices to each one. Mayor Naifeh requested that the Fire Chief address Council and explain what, if any, charges occur when the Fire Department is called to a fire or emergency outside the City limits.

Gil Harryman addressed Council and stated the City of Edmond has a mutual aid agreement to respond to emergencies and fires outside the City limits in Oklahoma County with the Association of Central Oklahoma Governments (ACOG) since the 1980s. He stated charges are billed to the individual property owners who received the services. Chief Harryman stated when the Fire Department is dispatched to an area outside the City limits the charges are \$250 for the first hour per vehicle that responds and \$200 per vehicle for each hour thereafter. He noted that costs have increased since the fees were determined and that staff is reviewing the ordinance that originally set the fees as well as updating the City's agreement with AGOG. He stated the new agreement and ordinance will be submitted for formal approval by the Council when they are completed.

Mayor Naifeh stated no action would be taken on this item and she requested residents contact Councilmembers regarding their thoughts on the annexation.

13. Executive Session to discuss the purchase of real property located at Post Road and Highway 66(Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):

Motion by Miller, seconded by Lamb, to meet in Executive Session

to discuss the above item. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 7:10 p.m. and returned to the City Council Chambers at 7:32 p.m.

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

14. Consideration of action regarding the purchase of real property at Post Road and Highway 66. Mayor Naifeh stated no action would be taken on this item.

15. NEW BUSINESS:

Richard Prawdzienski addressed Council regarding the "Social Host" ordinance that was approved by Council several months previously. He noted that he read an article in the *Edmond Sun* regarding an incident at Arcadia Lake in which he felt the Edmond Police officer did not enforce the ordinance. Here requested Police officers be directed to enforce the underage drinking laws uniformly.

Mayor Naifeh requested the Edmond Police Chief present a report at the next meeting regarding this matter.

Mayor Naifeh encouraged women in the community who are interested in being a leader in the City to join a group that she and Councilmember Sanford were establishing to help mentor the Girl Scouts.

Mayor Naifeh also reminded the public that the City would be holding an Arbor Day celebration on Saturday at the Festival Marketplace.

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

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller
NAYS: None

City Clerk

Mayor