

**EDMOND CITY COUNCIL MINUTES**

February 27, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 27, 2006, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Page, seconded by Miller, to approve February 13, 2006, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. **Recognition of Terry Humphrey as recipient of the Code Enforcement Officer of the Year award from the Oklahoma Code Enforcement Association.**

**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 January 31, 2006.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending January 31, 2006.**
- 3) **Approval of transfer of appropriations for the Police Animal Welfare Department - \$5,000**
- 4) **Approval of transfer of appropriations for the Police Animal Welfare Department - \$7,000**
- 5) **Approval of supplemental appropriations for the Police Public Safety Grants Fund - \$69,795**
- 6) **Approval of supplemental appropriations for the Building Service Department - \$5,000**
- 7) **Approval of rental agreement with the**

**Acousticadia Group.**

8) **Approval of supplemental appropriations for Human Resources advertising of all posted positions for all departments - \$12,000**

9) **Acceptance of electrical easement from SP Fisher Hall, L.P. at 3540 S. Boulevard.**

10) **Authorization to conduct public auction for sale of City-owned Westborough Detention Pond, located east of Kelly between Danforth Road and Covell Road.** On October 24, 2005, Council authorized the sale of the detention pond subject to the successful bidder meeting all drainage requirements. Staff recommended a minimum bid of \$25,000 be established to cover the cost of the sale and related expenses.

Councilmember Miller asked if the successful bidder will be required to provide a trail easement. He also asked if a drainage easement has already been established.

Steve Murdock, City Attorney, stated as a condition of the sale the successful bidder will be required to provide a trail easement at a location determined by the City and will also be responsible for maintenance of the detention pond. He stated in order to protect the detention pond, the successful bidder will be required to provide a deed restriction or easement in order to retain the current characteristics of the drainage facility.

Mayor Naifeh noted the trail easement is currently part of the trail system for that area and is only formalizing the trail easement. She stated the trail system has already been adopted and runs through this property.

Councilmember Lamb noted an additional condition of the sale will require the buyer to provide 70 foot of right-of-way on Kelly.

Motion by Miller, seconded by Lamb, to approve General Consent Item 4.A.(10) subject to the successful bidder providing a trail easement and 70 foot of right-of-way on Kelly and maintaining the detention pond. **Motion carried**

as follows:

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

**11) Approval of transfer of appropriations for  
Management Services - \$4,120**

Motion by Miller, seconded by Page, to approve General  
Consent Items 4.A.(1-9,11). **Motion carried** as follows:

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

**12) Approval of supplemental appropriations from the  
2000 Sales Tax Undesignated Fund balance for the  
Edmond Road Culvert Replacement project - \$500,000.**  
One of the two existing 96 inch pipe culverts under  
Edmond Road has failed and started to collapse. The  
outside westbound lane has begun to settle and that  
section of the street has been closed for several  
months. The Capital Projects and Financing Task Force  
recommended approval.

Councilmember Sanford asked why the funding for  
this project is being taken from the 2000 Sales Tax  
fund. She stated it was not on the list of approved  
projects and that \$1.5 million is provide for street  
repairs each year in the budget. She stated there has  
been a lot of concern regarding the sales tax fund and  
she felt taking money from this fund for other  
projects is neglecting the original projects on the  
list. Councilmember Sanford stated she felt such a  
large amount of money should be taken from the  
undesignated fund balance.

Clay Coldiron, Public Works Director, addressed  
Council and stated the bulk of the \$1.5 million is  
used for residential neighborhood street rehab  
projects and rural arterial streets. He stated since  
funds were available from the 2000 Sales Tax fund,  
staff brought it before the Task Force for their  
consideration and approval. He noted that all the  
original projects on the list are funded and will not  
be jeopardized by funding this project. Mr. Coldiron

stated many new projects have been added to the original list which have not jeopardized any projects. He noted that staff anticipates additional projects being added through the years as the funding becomes available.

Mayor Naifeh stated she has received many comments from citizens regarding this project who feel the City should be moving faster and she wanted to assure citizens that the City is moving forward as quickly as possible.

Larry Stevens, City Manager, addressed Council and stated the City was having difficulty obtaining the needed easements to replace the culvert which was the reason the project has been delayed.

Motion by Lamb, seconded by Miller, to approve General Consent Item 4.A.(12). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Lamb  
and Miller  
NAYS: Councilmember Sanford

B. **Approval of Purchases:**

- 1) **Award of bid for distribution of wood poles for the YourGovShop member participants.** Purchasing Manager recommended accepting bid from McFarland Cascade.
- 2) **Award of bid for side load unit for the Fleet Management Department.** Purchasing Manager recommended accepting bid from United Engines in the amount of \$101,980.
- 3) **Approval of budgeted funds for Capital and Operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$20,100.65.**
- 4) **Acceptance of roadway easement from Lilac, LLC, for the 2<sup>nd</sup> Street and Vista/Bradbury intersection improvements in the amount of \$25,000.**
- 5) **Approval of an agreement with Studio Architecture for architectural design services for the City Council renovation project in the estimated amount of \$16,940.**

6) **Acceptance of easement from Ahmad Bahreini and Shakiba Nasser to repair a culvert on Edmond Road in the amount of \$5,000.** Mayor Naifeh noted this is a temporary easement only.

7) **Approval of Change Order No. 43 with Timberlake Construction for the Cross Timbers Municipal Complex project in the amount of \$98,013.26.**

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

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
26-0023 Police Department	Pay - \$615.25

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

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

Motion by Lamb, seconded by Sanford, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

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

**9. PLANNING CONSENT ITEMS:**

A. **Consideration of Final Plat for The Orchards at Turtle Creek (formerly Edmond Financial District, Phase One), located on the south side of 15<sup>th</sup> Street, 1320 feet east of Bryant (Rodney Babb, applicant) Case No. PR050033.**

B. **Public Hearing and Consideration of Site Plan approval of Villas at Stonebridge Apartments Phase II, located one-fourth mile south of 33<sup>rd</sup> Street, east of Wynn Drive and one-eighth mile west of Boulevard (Case and Associates, applicant) Case No. SP060002.** The site consists of 12 acres and the apartment complex for this phase contains 248 units. Access will be from a collector street which extends through the addition from Boulevard. There is a driveway connection on the north end of both phases

leading to Edmond Crossing Boulevard which provides another access. This phase will also connect to Wynn Drive where a gate is planned. Wynn Drive should be considered a secondary access since it is very difficult to do a left turn onto 33<sup>rd</sup> Street. The exterior walls will continue with the pattern established in the first phase with a combination of brick and siding or stone and siding.

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

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

- C. **Consideration of Final Plat of Hidden Lake Section II Addition, located north of Danforth, over one-fourth mile west of Midwest Boulevard (David Yost, applicant) Case No. PR060001.**
- D. **Consideration of Final Plat of Christman Parke, located north of 33<sup>rd</sup> Street, west of Bryant (Thirty-Third Street Partners, LLC, applicant) Case No. PR050029.**
- E. **Public Hearing and Consideration of commercial Site Plan approval for multiple office buildings, located north of 33<sup>rd</sup> Street, west of Bryant (Christman Parke/Thirty-Third Street Partners, LLC, applicant) Case No. SP050062.**

Motion by Page, seconded by Sanford, to approve Planning Consent Items 9.A., 9.C. through 9.E. **Motion carried** as follows:

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

**10. Public Hearing and Consideration of Ordinance No. 2979 rezoning from "A" Single Family to "E-1" General Commercial, located on the east side of Vista Lane, approximately one-eighth mile south of 2<sup>nd</sup> Street (Oklahoma Municipal Power Authority (OMPA), applicant) Case No. Z060001. The site contains 2.45 acres and is consistent with the zoning for the surrounding area as it is being developed. The site will be the future site for the OMPA offices.**

Mayor Naifeh stated this is an area that she receives many comments from citizens due to the many traffic accidents at this intersection and she asked if a time frame for installation the signal light has been determined.

Steve Manek, City Engineer, addressed Council and stated the waterline relocation project is already advertised for bid and after that project is started then the electric, ONG, OG&E and Southwestern Bell utility lines can be moved and the road project will follow shortly thereafter.

Motion by Miller, seconded by Page, to approve Ordinance No. 2979 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller

NAYS: None

**11. Public Hearing and Consideration of Ordinance No. 2980 rezoning from "A" Single Family to "E-2" Open Display, located at 210 W. Edmond Road (Gale Garvin, applicant) Case No. Z060003 .** The property contains an existing home and the lot size is 7,000 square feet. Three other properties in this block between Fretz and Santa Fe Street are already zoned for open display so this rezoning is consistent with Edmond Plan III.

Councilmember Lamb stated the Central Edmond Urban Development Board recommended approval. He noted the applicant also owns the adjacent building and will party wall the two buildings so the new building will tie in with the existing building. The applicant understands the difficulty with the parking lot so the two lots will be tied together to create a better flow for traffic off of Edmond Road. He noted there is also a landscaping plan.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2980 as read by title by City Planner. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of Ordinance No. 2981 rezoning from "G-A" General Agricultural to "R-2" Urban Estate Dwelling District, located on the southwest corner of Sorghum Mill Road and Air Depot (Spinning Spur, LLC, applicant) Case No. Z060002.** The site consists of 80.711 acres and an addition containing 54 lots is planned for this site. A floodplain extends through the northeast corner of the property and will affect building sites near that corner. Utilities are not available to the site and none are planned. A Community Connections meeting was held and there were no objections to the proposal.

Motion by Miller, seconded by Page, to approve Ordinance No. 2981 as read by title by City Planner. **Motion carried** as follows:

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

**13. Consideration of Preliminary Plat for Bridgewater Office Section III, located south of Christian Brothers Automotive, east of Santa Fe Avenue (ERC Properties, applicant) Case No. PR050030.** Mayor Naifeh stated the applicant requested this item be continued indefinitely.

**14. Public Hearing and Consideration of Ordinance No. 2982**

**amending the Edmond Municipal Code, adding New Section 4.16.085; soliciting during Special Events; providing for Repealer and Severability.** The ordinance would require any solicitor, exhibitor or canvasser who wants to solicit adjacent to a City sponsored special event to also obtain the permission of the person or organization holding the event in addition to obtaining a City license for solicitation.

Councilmember Lamb stated he did not feel it would be prudent to attempt to set a boundary of how close a solicitor can be to a special event because if the solicitor wanted to set up some distance away it would not be an issue. He recommended a definition of boundary be left out of the ordinance.

Motion by Miller, seconded by Page, to approve Ordinance No. 2982 as read by title by City Attorney. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford, Lamb and Miller

NAYS: None

**15. Discussion of Memorandum of Understanding (MOU) with the YMCA for joint project for the multipurpose recreation facilities at Mitch Park.** The memorandum was adopted on May 14, 2001. Since that time, the City has constructed a Senior Center/Parks and Recreation Administrative offices complex (MAC) with parking and landscaping. Originally the plan was to construct these items in conjunction with construction of a second YMCA facility including proportional costs of landscaping, parking and other site improvements. A letter from the YMCA President/CEO stated they would like to set a target date of September 1<sup>st</sup> for development of a model that will clarify and define the timeline for their project.

Mayor Naifeh stated she felt the Council needed to review the existing MOU and be updated on where the YMCA project stands.

Larry Stevens, City Manager, addressed Council and stated he met with the Capital Projects and Financing Task Force last week and they requested a target date of June 1<sup>st</sup> for receiving information from the YMCA regarding their future plans. He stated he has a meeting with the YMCA scheduled for next week to discuss these issues.

Councilmember Sanford stated she brought the issue forward for discussion because she and members of the Capital Projects and Financing Task Force did not know how binding the MOU is. She stated since none of the existing Council members were on the Council when the MOU was originally signed, she felt it needed further discussion. Councilmember Sanford stated she felt that perhaps the Financing Task Force needed direction on this matter. She asked if there is a time line associated with the MOU and how committed the Council was to the MOU. She noted this was a long on-going project and she felt the Council should take a leadership role and try to move forward with this



project.

Steve Murdock , City Attorney, addressed Council and stated there is no time frame for construction of the YMCA facility and that the MOU was not a final and binding contract but was only an expression of intent and interest by both parties to pursue the project by the guidelines established. He presented a short history of the project to this point. Mr. Murdock stated he felt further dialogue was needed and perhaps a meeting or workshop should be scheduled with all parties to further discuss this project.

Councilmember Lamb stated part of the City's frustration from the last meeting with the YMCA in July, 2002, was delayed construction of the Senior Center. He stated that frustration caused the Council to move forward with construction of the MAC facilities. He noted since that time no additional meetings have been held with the YMCA regarding their plans.

Mayor Naifeh noted that many of the items in which the costs were to be shared proportionately have already been completed by the City such as parking, sidewalks and landscaping. She noted when funding for the facilities in Mitch Park was approved by voters, the items receiving a large number of votes was for a facility containing a swimming pool and the Senior Center and she felt it was important to move forward.

Councilmember Miller stated he felt the issue was getting a commitment from the YMCA to build their facility. He stated when the original fund raising effort was held to construct the facility, substantial funds were received from Edmond citizens and at this time those donors have not seen anything built using their donations. He stated he has an issue with the entire process and he pressed for Council to proceed with construction of the MAC rather than waiting for the YMCA. Councilmember Miller noted that he has suggested the City even partner with the School District or University of Central Oklahoma to get something done. He stated the YMCA needs to decide if they want to partner on this project and if not, then the City needs to find someone who will.

Marilyn Williams, former Senior Center Director, addressed Council and stated she was concerned about the delays but was pleased the City decided to review the MOU. She suggested there might be other parties who would be willing to partner with the City to get this project moving forward.

Darrell Davis, Chairman of the Parks and Recreation Advisory Board, addressed Council and stated this project was one of the longest running programs he has worked on that is still not completed. He stated he felt they needed a facility for Edmond citizens and programs.

Kelly Kay, representing the YMCA, addressed Council and stated the Earlywine facility is now complete and they can focus on the MAC facility. He noted they did not realize how difficult it would be to complete two projects simultaneously but they are committed to providing a new west-side facility. He noted there are numerous issues to be worked out before a partnership agreement could be reached. Mr. Kay stated he has met with staff and the Financing Task Force and updated them on their progress several times. He stated the YMCA was working on a model and time frame for completing the project. He noted that a new fund raising campaign for the new facility must begin all over again. Mr. Kay stated when the YMCA's Board of Directors decided to focus on the Earlywine project first, they contacted Edmond donors and they were given a choice of having their money used on upgrades to the existing facility or getting their money returned to them.

General discussion was held and consensus of Council was to schedule a workshop with the YMCA and other groups who are involved in this project in order to revisit the entire process.

**16. Presentation of information and discussion for renewal of second penny sales tax.** The second penny of general fund sales tax was last renewed in December, 1996, for 10 years. Without the extension, it will expire on March 31, 2007. A special election will need to be held to renew the sales tax for another 10 years or permanently.

Larry Stevens, City Manager, presented a PowerPoint presentation regarding budgetary and statistical information on the impact of the 2<sup>nd</sup> penny sales tax to the general fund. He noted the City has two options, approving the tax for another ten years or permanently. Mr. Stevens recommended forming a citizens committee to help get the word out regarding renewal of the second penny sales tax and he recommended appointing Nancy Nichols as chairman of the committee. He recommended scheduling a special election on July 26, 2006, to piggy back onto a state wide primary election for renewal of the 2<sup>nd</sup> penny sales tax. He stated this method will save the City several thousand dollars in election costs.

Councilmember Lamb stated he felt the City should retain the sunset provision and ask voters to renew the sales tax for a 10 year period. The idea of coming back to the citizens every ten years with this request was a healthy one in his opinion.

Mayor Naifeh encouraged the public to volunteer for this committee.

**17. NEW BUSINESS:**

Mayor Naifeh thanked the Edmond Youth Council and the Edmond Leadership group for attending the meeting.

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

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

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City Clerk

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Mayor