

EDMOND CITY COUNCIL MINUTES

March 27, 2006

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

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

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

3. City Council Presentations:

A. **Presentation of Character First awards by Terry Byers to the following:**

- 1) Mike Lowery for *Punctuality*
- 2) C. Courtney Wood for *Initiative*

B. **Proclamation recognizing March, 2006, as "DeMolay Month" in the City of Edmond.**

C. **Presentation to the Arbor Day contest winners in the City of Edmond.**

4. Appointments to Boards and Commissions:

A. **Appointment to the Employee Pension and Retirement Board.** Mayor Naifeh nominated Bill Zeigler for re-appointment to serve a two-year term expiring in March, 2008.

B. **Appointment to the Guthrie/Edmond Regional Airport Board.** Mayor Naifeh nominated Richard Geib for re-appointment to serve a three-year term expiring in March, 2009.

C. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Steve Kerr for re-appointment to serve a three-year term expiring in February, 2009.

D. **Appointment to the Edmond Historic Preservation Trust.** Mayor Naifeh nominated John Osborne for re-appointment to serve a three-year term expiring in January, 2009.

- E. **Appointment to the Capital Projects and Financing Task Force.** Mayor Naifeh nominated Scott Weathers to serve a three-year term expiring in March, 2009.
- F. **Appointment to the Capital Projects and Financing Task Force.** Mayor Naifeh nominated Victoria Caldwell to serve a three-year term expiring in March, 2009.
- G. **Appointment to the Capital Projects and Financing Task Force.** Mayor Naifeh nominated Marilyn Williams to serve a three-year term expiring in March, 2009.

Motion by Miller, seconded by Page, to approve General Consent Items 4.A. through 4.G. **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, 2006.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending February 28, 2006.**
- 3) **Approval of staff recommendation for Sales Tax election to be conducted on July 25, 2006, and authorization of the formation of informal committee to support the election.**
- 4) **Approval of Resolution No. 05-06 to program a transportation project for upgrade of emergency signal pre-emption equipment at signalized intersections throughout Edmond.**
- 5) **Approval of Resolution No. 06-06 to program a transportation project for grading, drainage, surfacing and bridge project on Coffee Creek at Sooner Road in the amount of \$300,000 for the City's share.**
- 6) **Approval of supplemental appropriations from the**

2000 Sales Tax Undesignated Fund Balance for the Edmond Road Culvert Replacement project, east of Santa Fe - \$55,000

7) Acceptance of easements from Roger F. Hicks associated with the Oakview Professional Building at 3815 E. Memorial Road.

8) Acceptance of trail easements from Stanley R. and Margie A. Hankey for the Fink Park to Hafer Park trail project in the amount of \$96,000.

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-8). Motion carried as follows:

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

B. Approval of Purchases:

1) Award of bid for automatic vehicle locators (60), recurring plan and wireless fees for the Fleet Management Department. Purchasing Manager recommended accepting bid from Interfleet, Inc. in the amount of \$28,800.

2) Award of bid and approval of agreement and Resolution No. 07-06 appointing Purchasing Agent for the Edmond Road Culvert project for the Engineering Department. Purchasing Manager recommended accepting bid from Cimarron Construction in the amount of \$528,818.

3) Approval of utility relocation agreement with Oklahoma Natural Gas for relocations in previously private easement for the 2nd Street improvements at Vista Lane and Bradbury in the estimated amount of \$8,715.

4) Approval for Crawford & Associates, P.C. for preparation of the Comprehensive Annual Financial Statements (CAFR) and annual Performeter analysis for the fiscal year ending June 30, 2006.

5) Approval of bid disposition by the Purchasing Manager for printing/distribution of quarterly park

programs (including renewal options) for the Parks and Recreation Department from *The Edmond Sun* in the amount of \$8,945; and *Edmond Life & Leisure* for distribution only in the amount of \$3,250.

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

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

Motion by Miller, seconded by Page, 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. **Public Hearing and Consideration of Ordinance No. 2985 closing an alley and reserving a utility easement on property located south of 5th Street, west of Littler (Mark Neighbors, applicant) Case No. ES060002.** The alley extends east and west from Littler to the north/south alley east of and parallel to Broadway. The alley has never been opened for use and there is no need for access through this block. A 20 foot easement running the entire length of the alley has been reserved for utilities. The utility easement can be paved over but a building cannot be constructed over the easement.

Kenneth Buck, 516 S. Littler, addressed Council in opposition. He complained about the smell from the sewer line and the noise and lack of parking associated with the UCO Jazz Lab. He stated he was concerned about increased traffic and worsening parking problems if additional development is allowed in this area. Mr. Buck stated the noise levels in the parking lot are extremely loud during and after performances at the Jazz Lab. He stated he has called the police several times regarding loud music and customers in the parking lot.

Randel Shadid, attorney representing the applicant, addressed Council and stated no development plans have been made at this time. He stated the only thing on the agenda is whether to close the alley. Mr. Shadid stated he felt it was unrealistic for area homeowners to think those three vacant lots would not develop at some point in the future.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2985 as read by title by City Planner. **Motion carried**

as follows:

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

- B. **Public Hearing and Consideration of Ordinance No. 2986 closing a utility easement at 2501 Perth Drive, Lot 1, Block 3, Lake Highlands 2, Section I Addition (Steppe Construction Co. and Mr. and Mrs. O'Brien, applicants) Case No. ES060001.**
- C. **Consideration of Final Plat of The Ranch Section II, north of Coffee Creek Road, west of Coltrane (Dee Greninger, applicant) Case No. PR050026.**
- D. **Consideration of Re-Plat of Highlands @ Oaktree, located on the north side of Sorghum Mill Road, one-eighth mile east of Kelly as an extension of Aberdeen Road (First Oklahoma Mortgage, applicant) Case No. PR060003.**

Ronnie Williams, representing the Edmond Neighborhood Alliance, addressed Council regarding notification of all parties located within a plat.

Mayor Naifeh stated Mr. Williams concerns were not related to this item and she requested he address his concerns during New Business.

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

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

- 10. **Public Hearing and Consideration of Ordinance No. 2987 rezoning from "A" Single Family Dwelling to "E-1" General Commercial District, located at 508 Vista Lane (Edward and Beatrice Reid, applicants) Case No. Z060012.** The site contains two and one-half acres on the east side of Vista Lane. City water is available on Vista Lane and sanitary sewer lines can be extended south across the parcel owned by the Oklahoma Municipal Power Authority. This application is compatible with the surrounding developments and Edmond Plan III.

Motion by Sanford, seconded by Miller, to approve Ordinance No. 2987 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. 2988 rezoning from "B" Two Family Dwelling to "D-O" Suburban Office District, located at 229 W. Hurd (Chad Van Horn, applicant) Case No. Z060013. The applicant plans to construct an office building with a residence on the upper floor. Utilities are available and access will be from Hurd Street.

Larry Olsen addressed Council on behalf of his daughter who owns property adjacent to this site. He requested clarification as to how the development will affect the surrounding property.

Councilmember Page stated the building will be a professional office building and there would not be any retail at this location.

Mayor Naifeh stated a discussion regarding how the building will look and it's effect on surrounding property will be discussed during the site plan review process. She noted that Dr. Olsen's daughter would receive notification of the date the site plan would be reviewed by Council.

Motion by Miller, seconded by Page, to approve Ordinance No. 2988 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 Site Plan approval for a CVS Pharmacy, located on the southeast corner of 15th Street and Bryant (Armstrong, applicant) Case No. SP060004. The site contains 67,641 square feet and a 12,900 square foot building is proposed. A parapet wall along the roof is planned to screen the mechanical equipment. The adjacent church east of the site requested the applicant construct a six foot sight proof fence on the south side of the property. The background material on the monument ground sign will be EFIS or some other masonry material. The exterior walls will be terra cotta brick and EFIS on all four sides. Red framing around the windows typically used on other CVS Pharmacies will not be used. Detention will be underground. A driveway is planned on Bryant and a shared driveway with the adjacent church on 15th Street is also planned. The application has been substantially modified since the Planning Commission recommended denial.

Randel Shadid, attorney representing the applicant, addressed Council and stated they have modified the building to look more like the Ballinger's and Baskin Robbins buildings. He stated there are more windows on the north side and all the signs on the building have been removed except for the pharmacy signs. Mr. Shadid stated the applicant is providing 15% landscaping with most of the landscaping on the visible portion of the site. He stated they have an agreement with the church to install a wrought-iron fence with brick columns along the south and east boundaries of

the site. He stated they will install single light 12 foot tall light poles with a cap on the top to direct the light down. Mr. Shadid stated the applicant will donate an approximate 10 foot easement from the edge of the existing right-of-way on Bryant to where the parking lot and retaining wall begins with the understanding that the applicant will be allowed to use this area for drainage and detention and that the area will be landscaped to meet the landscaping requirements for this site. He stated they will also donate an approximate five foot easement on 15th Street between the existing right-of-way and the retaining wall and will also use the easement for drainage, detention and landscaping. He noted these easements will be included on the plat.

Mayor Naifeh noted the large number of directional signs on the building for the pharmacy. She stated she did not feel all those signs are necessary and she requested some of the signs be removed. She stated she was not opposed to the signs being red since red is part of their national logo.

General discussion was held regarding the number and location of the directional signs and Mr. Shadid stated when the plat is considered, the number and location of signs will be determined and submitted with the plat. He noted those signs will not be constructed without Council approval.

Mayor Naifeh requested cedar trees be planted on the back side of the building similar to the trees on the Ballenger site. She also requested a public sculpture be installed in the front of the development.

Lydia Lee, representing Bryant Accord III, Ronnie Williams and Dan O'Neil addressed Council in opposition. The opponents felt the building was not consistent with the surrounding buildings and does not meet the standards set by the existing developments.

Councilmember Page stated he felt due to the number of changes since the Planning Commission meeting, the application should be returned to the Planning Commission for their review. He was opposed to the number of signs proposed and the architectural features of the building. He stated he felt it was just a "big box" store and not compatible with the surrounding developments.

Mr. Shadid stated he did not feel it was necessary for the application to be reviewed again by the Planning Commission because he felt all the items the Commission members were opposed to had been revised.

David Williams, engineer representing the applicant, addressed Council and stated he felt it was unfair to compare their building with the surrounding developments because they are all multi-tenant buildings which would allow for different store fronts but that the applicant's building is for a single tenant only. He stated they can modify the building somewhat but he did not feel they could exactly match the existing developments. He stated they would be willing to place pack lights on the back of the building similar to those on the Ballenger development. Mr. Williams stated he could not agree to place a sculpture on the site since they had made several concessions and spent considerably more money on this project than on other projects.

Mr. Shadid stated they would construct brick-out windows on the south and east elevations to break up the large expanse of brick. He stated the monument sign would be white sandstone with red lettering. He noted for clarification the only signs being approved with this application will be the signs on the building and the monument sign. He noted the mechanical equipment on the roof would be screened from view on all four sides and the dumpster will be enclosed.

Motion by Lamb, seconded by Miller, to approve Item No. 12 subject to the following conditions:

- 1) Donate 10 foot easement on Bryant to be shown on plat
- 2) Donate 5 foot easement on 15th Street to be shown on plat
- 3) Wrought-iron fence with red brick columns on the south and east boundaries
- 4) Brick-out windows on the south and east elevations like those used on Spring Creek Plaza buildings
- 5) 12 foot tall single light pole lights and matching

wall lights similar to the lights used at the Ballenger's development with caps on top for down lighting

- 6) Light fixtures on south and east walls of building will be wall pack lights for security
- 7) White sandstone monument sign with red lettering
- 8) Parapet wall to screen mechanical equipment all the way around the building

Motion carried as follows:

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

13. Public Hearing and Consideration of Ordinance No. 2989 amending Title 7 of the Edmond Municipal Code, relating to Animals and amending Sections related to Vicious Animals; potentially Vicious Animals; at Large; Defecating on Sidewalks; Providing for Animal Shelters; Cats at Large; Dogs Running at Large; Impoundment; Quarantine of Animals/Procedures; Regulation of Non-Human Primates; Providing for Penalties; Repealer and Severability.

Councilmember Lamb stated he visited with the City Attorney about the draft and some possible enforcement issues related to the ordinance.

Steve Murdock, City Attorney, addressed Council and stated he worked with Police Captain Nicki Smith and Rick Spence, Director of the Animal Welfare Division of the Police Department, on the wording for the ordinance to address areas where complaints have been registered as well as to clarify certain sections of the ordinance.

Motion by Page, seconded by Miller, to approve Ordinance No. 2989 as read by title by City Planner. **Motion carried** as follows:

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

Mayor Naifeh stated the Council meeting would be recessed for a five minute break.

14. Discussion and Consideration of adoption of the Edmond City Council Strategic Plan for 2006. Cindy Mitas, the facilitator of the Strategic Plan sessions, addressed Council and outlined the changes from the previous discussions. Several amendments and deletions were made to the document in concurrence of all Councilmembers.

Motion by Lamb, seconded by Sanford, to adopt the City Council Strategic Plan for 2006 as amended. **Motion carried** as follows:

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

15. Discussion and Consideration of initiating a Tax Increment Financing (TIF) District for public improvements. Larry Stevens, City Manager, addressed Council and stated he felt the City should retain a bond counsel to assist with establishing a TIF policy since no one on City staff or the Council have experience with TIF Districts. He stated there are two options, either solicit RFPs or retain the services of a bond counsel. He recommended retaining the City's current bond counsel Gary Bush with Fagin, Brown, Bush, Tinney and Kiser. He stated Mr. Bush is very experienced and he requested authorization allowing himself and the City Attorney to work with Mr. Bush to negotiate an agreement. Mr. Stevens stated it would be in the City's best interests to also retain the City's Financial Advisor, John Waldo of Oppenheim Company or another Financial Advisor.

Councilmember Sanford stated she was in favor of soliciting RFPs. She noted she felt it was critical that legal counsel with experience be retained but she also wanted the process to be open to public scrutiny. She stated she felt a review committee should be established to assist with choosing experienced legal counsel to help establish a TIF District and/or policy.

Councilmember Lamb stated he also felt the review committee is a critical component in the process. He noted the committee must include certain city, county and school officials and at least three residents. The committee will then make recommendations to Council regarding the TIF projects.

Carl Reheman, Executive Director of Citizens for Edmond, addressed Council and stated he was not opposed to soliciting RFPs. He noted the only item that was being discussed at this meeting is the process for establishing a TIF policy and not establishment of a TIF District.

Stephen Schaus, City Treasurer, addressed Council and stated the City will need a Financial Advisor, Underwriter and Bond Counsel. He stated he felt a Financial Advisor should be retained to determine if a TIF District is financially feasible. He encouraged Council to hire a financial advisor prior to moving forward with this process. Mr. Schaus stated he feels a feasibility study is needed prior to any further action.

Mr. Reheman stated setting up the review committee and a TIF District must be the first step. He noted a feasibility study would be submitted by the applicant at the time of the request. He stated this process should not be so complicated that the average citizen does not understand what is going on.

Consensus of Council was to submit names of potential candidates for the review committee to Councilmember Sanford by the next meeting in order to discuss and/or appoint them to the committee.

16. Executive Session to discuss the following pending claims/

litigation (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)):

Fees vs. City of Edmond
Caplinger et.al vs. City of Edmond

Motion by Lamb, seconded by Sanford, to meet in Executive Session to discuss the above items. **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 8:50 p.m. and returned to the City Council Chambers at 9:03 p.m.

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

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

17. Consideration of action regarding the above pending claims/ litigation.

Motion by Lamb, seconded by Sanford, to authorize City Attorney to proceed with settlement negotiations. **Motion carried** as follows:

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

18. NEW BUSINESS:

Ronnie Williams addressed Council and requested that when a change is made to a plat that a notice be sent to all involved parties and he requested Council consider amending the ordinance at the next meeting to reflect that change.

Councilmember Sanford encouraged everyone to purchase Girl Scout cookies.

Mayor Naifeh encouraged all citizens to plant gold, green and purple plants in their front yard landscaping this Spring in honor of the Senior PGA Tournament coming to Oak Tree Golf

Course in May.

Councilmembers Page and Lamb commended all who were involved in the Arbor Day celebration held at the Festival Marketplace this past Saturday.

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

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

City Clerk

Mayor