

EDMOND CITY COUNCIL MINUTES

November 13, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 13, 2006, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve October 23, 2006, Minutes. **Motion carried** as followed:

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

3. City Council Presentations:

A. **Recognition of Brian Soerensen as recipient of the South Central US Junior Golf Leader award.**

B. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council and stated the possibility of adding additional turn lanes in the east/west directions at the intersection of 33rd Street and Broadway is in the design phase. He noted this is the busiest intersection in Edmond. Mr. Stevens stated the Oklahoma Department of Transportation (ODOT) will provide 80% of the funding and the City will be responsible for 20% of the costs but the costs for additional right-of-way and relocation of utilities will be completely funded by the City. A \$1 million allocation is included in the 2000 capital improvements sales tax fund. Mr. Stevens stated the second busiest intersection in Edmond is 15th Street and Broadway. He stated additional turn lanes in the east/west direction is also in the design stage with the same funding percentages and other costs noted for the 33rd Street and Broadway intersection. He noted a \$500,000 allocation from the 2000 capital improvements sales tax fund will fund those costs. Mr. Stevens stated the intersection improvements for both Vista Lane and Bradbury Lane on Edmond Road is in the final planning stage and bids will be solicited next week with a mid-December opening. The Parks and Recreation Department staff has been reviewing proposals for Phase II of the Bickham-Rudkin Park with a formal recommendation anticipated in the near future.

Funding for this phase will be from the Parks Tax Fund. Mr. Stevens stated the water system improvements are nearing completion for a cost of \$38 million.

Mayor Naifeh stated several studies have been conducted regarding the economical feasibility of burying electric lines underground. She stated she has received several questions from Edmond Medical Center regarding the feasibility of burying the electric lines in the vicinity of 2nd Street and Bryant. She requested the City Manager address this issue in a future report.

Mr. Stevens stated the City had given a formal proposal to Edmond Medical Center in terms of costs approximately three weeks ago but that he would provide an update on that issue in the near future.

4. Appointments to Boards and Commissions:

A. **Appointment to the Urban Forestry Commission.** Mayor Naifeh nominated Suzanne Rennix for appointment to serve a three-year term expiring in October, 2009.

B. **Appointment to the Edmond Public Transportation Committee.** Mayor Naifeh nominated Taylor Munholland for appointment as a youth member to serve a one-year term expiring in November, 2007.

C. **Appointment to the Board of Adjustment/Board of Appeals.** Mayor Naifeh nominated Ronnie Nutt for re-appointment to serve a three-year term expiring in July, 2009.

D. **Appointment of the following citizens to the Edmond Community Oriented Policing Leadership Council:**

- 1) Charlotte Nutt
- 2) Gene Woods
- 3) Aubrey King
- 4) Pat Woods

Motion by Miller, seconded by Page, to approve Items 4.A. through 4.D.(1-4). **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) Public Hearing and Consideration of Ordinance No. 3051 amending Title 16 Buildings and Construction, of the Edmond Municipal Code to include amendments to Chapter 16.04 Building Code; Chapter 16.06 International Residential Code for One and Two Family Dwellings; Chapter 16.08 Plumbing Code; Chapter 16.12 Gas Piping and Appliances; Chapter 16.16 Electrical Code; Chapter 16.36 Mechanical Heating and Air Conditioning; adding new Chapter 16.38 existing Building Code; providing for Effective Date, Repealer and Severability.

2) Public Hearing and Consideration of Ordinance No. 3052 amending Title 17 Fire Prevention Code to provide for adoption of the International Fire Code 2006 Edition and related Amendments; providing for Effective Date, Repealer and Severability.

3) Public Hearing and Consideration of the following Stormwater Drainage Ordinances:

a) Public Hearing and Consideration of Ordinance No. 3053 amending Title 23 of the Edmond Municipal Code to include amendments to various sections of Chapter 23.10, Chapter 23.20 and Chapter 23.40 and adding New Chapter 23.60 Stormwater Quality; providing for Repealer and Severability. The proposed ordinance is necessary to address and prohibit pollution from entering the storm drainage system and waterbodies in Edmond.

b) Public Hearing and Consideration of Ordinance No. 3054 amending Section 13.16.030 Private Sewage Disposal of the Edmond Municipal Code; providing for Repealer and Severability. The proposed ordinance regulates how private sewage disposal systems are permitted, maintained and abandoned.

c) Public Hearing and Consideration of Ordinance No. 3055 amending Section 8.28.020 of the Edmond Municipal Code providing for definitions regarding Weed and Trash Abatement procedures; and providing for Repealer and Severability. The proposed ordinance corrects a typographical error in the

code.

- d) **Public Hearing and Consideration of Ordinance No. 3056 amending Chapter 8.32 of the Edmond Municipal Code regarding Littering, amending various sections of Chapter 8.32 regarding definitions of Litter and sweeping and pouring litter into Stormwater Drainage System; and providing for Repealer and Severability.** The proposed ordinance regulates pollutants, dumping, illicit discharges and the disposal of materials other than stormwater that could detrimentally affect these sites.

Councilmember Sanford requested information on how the new language in the code was arrived at. She asked if the ordinance is a repetition of state or federal law or if it is the City's interpretation. She asked staff if meetings had been held with the public or parties who would be impacted by these ordinance changes. She noted attendees at a meeting held earlier in the day did not know anything about the proposed changes.

Nancy Kennedy, Stormwater Manager, addressed Council and stated the language was taken from the codes used by Oklahoma City and Midwest City and reflect Edmond's hierarchy regarding staff titles. She stated staff chose to utilize Oklahoma City's standards because they have been approved by the Environmental Protection Agency (EPA) and the Department of Environmental Quality (DEQ) and also tested in court. Ms. Kennedy stated City staff has been performing inspections since approximately May of this year and began official inspections in September. She stated they have offered on-site training for developers, engineers and anyone else who was interested. She noted staff mailed informational letters and brochures regarding the erosion sediment control at construction sites when the initial inspections began and then again when the enforcement inspections began. She stated staff also mailed the information to everyone who had an OKR10 permit and they distribute the new regulations when a building permit is issued. Ms. Kennedy stated public meetings have not been held but the ordinances have been discussed at the last two Stormwater Drainage Advisory Board (SWAB) meetings that are open to the public.

Councilmember Lamb stated SWAB has discussed and approved the proposed ordinance changes. He stated they did not conduct any special solicitations from the industry but the meeting held earlier in the day noted the ordinances would be presented for formal approval at this meeting. He noted the City of Edmond is required to comply with the EPA's water quality requirements which the last chapter of Title 23 addresses. He stated Oklahoma City's standards have been in place approximately 10 years.

Councilmember Page noted the ordinances deal primarily with pollution and disposal of various items. He stated only a small portion of the ordinances address commercial development and he did not feel they would negatively impact commercial development. He stated the ordinances conform with EPA mandates. Council-member Page stated Oklahoma City was the first city in the state to come under the EPA's jurisdiction due to it's size. He noted the EPA is just now getting to the smaller cities to ensure they comply with the new mandates.

Ms. Kennedy stated all cities will be required to adopt this type of ordinance. She stated anyone who is affected by an OKR10 permit should already be aware of the requirements. She noted when the City was issued their stormwater permit, it became the City's responsibility to make sure all sites are compliant and remain compliant with DEQ standards.

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.A.(3a-d). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Lamb and Miller

NAYS: Councilmember Sanford

4) **Approval of transfer of appropriations and Change Order No. 1 with Midwest Wrecking Company and acceptance of completion of demolition contract for the Oklahoma State Bureau of Investigation site clearing project in the amount of \$53,712.20.** Councilmember Sanford asked if this amount is in addition to the original \$227,386.23 that was budgeted. She also asked why the additional funding was needed for this project.

Larry Stevens addressed Council and stated the work has been completed and the final quantities of removed items have been determined and agreed upon by all the parties involved. He stated the Change Order will reconcile the final quantities and make the final payment. Mr. Stevens noted staff has been negotiating with Midwest Wrecking for quite some time to resolve the amount of cost overruns. He stated the amount originally budgeted for this project was approximately \$300,000.

Steve Manek, City Engineer, addressed Council and stated more rubble needed to be removed than originally thought and existing petroleum lines that went from the old fuel tanks to the buildings also needed to be removed.

5) **Approval of transfer of appropriations to rebuild the Burlington Northern Santa Fe Railway Company crossing at 15th Street - \$46,000**

6) **Approval of transfer of appropriations for Centennial Bricks and Centennial New Years Eve Gala - \$13,840**

7) **Approval of Request for Interest and Qualification (RFI) to develop a convention center/hotel.**

8) **Approval of transfer of appropriations from the Fire Public Safety Limited Tax Fund to the Fleet Management fund - \$267,164.**

9) **Acceptance of Final Plat, public improvements and maintenance bonds for Hidden Lake, Section II.**

10) **Acceptance of easements from Don's Floor Gallery, Inc. to serve Don's Floor Gallery, 2320 S. Kelly.**

11) **Acceptance of electric easement from CVS EGL South Bryant OK, Inc. to serve CVS Pharmacy, 1520 S. Bryant.**

12) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality.**

13) Approval of revised General Operating and Public Works Authority Investment Policy.

Motion by Miller, seconded by Page, to approve General Consent Items 5.A.(1-2,4-13). **Motion carried** as follows:

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

B. Approval of Purchases:

1) **Approval to engage consulting services from Crawford & Associates for the assistance to the Edmond Capital Improvements and Financing Sub-Committee in the amount of \$5,000.** The Sub-Committee was established to consider long-term financing options and Crawford & Associates' services are requested to assist on an as needed basis.

Councilmember Sanford stated she has been attending the Capital Projects and Financing Task Force meetings and those members have been told there is/is not adequate money in the Capital Improvements Sales Tax Fund to fund projects already approved by the Task Force. She stated she was concerned that due to cost overruns, there is not adequate money in the 2000 CIP fund to fund the capital improvements that the Task Force has been told can be funded. She questioned why this sub-committee was formed through the Finance Committee and not the Capital Improvements Financing Task Force.

Larry Stevens addressed Council and stated there are adequate funds in terms of the additional money to fund cost overruns. He stated the intent is to use unencumbered money to fund cost overruns. Mr. Stevens stated he felt there was adequate money to fund those projects and that additional sales tax will continue to be received. He noted the Sub-Committee will be charged with determining how much money is remaining in the fund and how the City will proceed with long-term financing. He felt the Sub-Committee was under the purview of the Finance Committee and that is the reason he recommended it be established in that manner. Mr. Stevens stated he recommended the Sub-committee include Chairman/City Treasurer Stephen

Schaus, Finance Director Kelly Neal, bond advisor John Waldo and two citizens identified by the Finance/Audit Committee. He also recommended financial consultant Mike Crawford be used on an as needed basis.

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

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

2) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport for July and August, 2006 in the amount of \$16,408.03.**

Motion by Miller, seconded by Page, to approve General Consent Item 5.B.(2). **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

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for Edmond North Self-Storage, located at 2116 N. Thomas Drive (John Birdsell, applicant) Case No. SP060009.** The site is approximately 206 feet south of the Crown Ridge Apartments. A variance is required since there is not adequate room for 50% of the landscaping in the front yard area as required by City codes. The dumpster will be located on the northwest corner adjacent to Thomas Trail based on access through the site. A fire-lane will be required along the north side of the site. A sight-proof fence will be installed along Thomas Trail next to existing residential homes. Planning Commission recommended approval.

Mark Utley, Utley and Associates, addressed Council and stated the application exceeds the over all landscaping requirements. He stated the Council has typically approved these types of variances for this type of facility.

General discussion was held regarding the self-storage type facilities and whether the landscaping variances are typically approved.

Dan O'Neil, representing the Edmond Neighborhood Alliance, addressed Council and stated because single family homes are located across the street as well as the apartments to the north, he felt Council should attempt to minimize the high usage of this type of facility by requiring the applicant to meet the landscaping requirements. He noted there are two large trees on site that are included in the landscaping plan. He felt they should not be used to meet the landscaping requirements because there was no guarantee that the trees would remain once construction begins on the development. Mr. O'Neil also stated he felt one dumpster was inadequate to meet the needs of the leasers of the units. He stated the dumpster should be located on the interior of the development because of the unsightly nature of a dumpster and in order to be readily accessible to citizens using the storage facility.

David Allgrad, 47 Shirley Lane, addressed Council and stated he also felt the dumpster should be located in the interior of the development.

Leroy Cartwright, Chairman of the Planning Commission, addressed Council and stated as the friend of the person who owns the largest self-storage facility in Edmond, he knows that owners of those type of facilities do not allow their leasers to place large furniture items in the dumpster. He stated most of the storage facilities only have one dumpster.

Councilmember Lamb stated if the two large trees on site die during construction, the applicant is required to replace them with other landscaping of the same point value.

Mayor Naifeh asked the applicant's representative if they would be willing to move the dumpster and add additional landscaping.

Mr. Utley stated one of the trees on site would be next to the storage facility and would be retained alive or replaced. He noted it was his client's desire to place the dumpster in the front because it would be closer to the office which would help eliminate illegal dumping. He noted the dumpster would be surrounded by a sight-proof fence.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 8.A. **Motion was denied** as follows:

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

- B. **Public Hearing and Consideration of Final Plat for Peavine Ridge Addition, located west of Douglas Boulevard, one-half mile north of Sorghum Mill Road (Paul and Cynthia Waits, applicants) Case No. PR060022.**

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

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

9. **Public Hearing and Consideration of Ordinance No. 3057 amending Edmond Plan III from Single Family to Suburban Office usage, located on the northwest corner of Coffee Creek and Coltrane (The Ranch/Iron Horse Development, applicant) Case No. Z060068.** The site contains 10 acres and is a reasonable land use due to the location of the future elementary and middle schools. City water and sanitary sewer is available. The application will comply with the proposed Edmond Plan IV. The development will create compatible traffic characteristics with the adjacent residential and will not create the peak traffic demands as will the schools. There will be no curb cuts along Coffee Creek. Planning Commission recommended approval.

Dee Greninger, representing the applicant, addressed Council and stated the applicant would agree to grant 70 foot of right-of-way on both Coffee Creek and Coltrane. He stated they will pave along Coffee Creek from their south entrance to the corner and also north on Coltrane to the secondary entrance of the subdivision immediately and not pay a fee in lieu of paving fee

as originally requested. He stated approximately one year ago the applicant requested general commercial zoning on this property but he stated they have since met with area residents who requested the property be rezoned to office usage. He stated the one and two story office buildings will be held to the same covenants and restrictions as The Ranch subdivision. Mr. Greninger stated a park will be located in the center of the development with a fountain and statue. He stated they decided to request office usage due to numerous calls for a support style office park that relates directly to the public school plans. He stated an office park would also be an effective buffer for the residential development at Iron Horse Ranch. He noted they wanted to receive approval for this development prior to any lot sales in order to inform those citizens who would be purchasing lots in the Iron Horse Ranch development. Mr. Greninger stated he would continue to work with area residents to attempt to resolve any other issues.

Tom Counihan, 3601 Winners Circle and President of the Steeple Chase Homeowners Association, addressed Council in opposition. He stated the application is not compatible with the area which has no commercial of any kind in the entire Covell, Broadway, Sooner Road and Waterloo Road quadrant. He stated there is ample opportunity on the periphery of the quadrant to develop commercial. Mr. Counihan also stated he felt that the property should not be rezoned one piece at a time but as a whole. John Prem, 4001 N. Coltrane, and Ernesto Marroquin, 3851 N. Coltrane, also addressed Council in opposition. Their primary concerns were that the development is not in character with the existing single family additions. Mr. Marroquin was also concerned about drainage across his property from the office use.

Steve Manek, City Engineer, addressed Council and stated when the applicant submits the site plan and final plat they will be required to submit drainage reports showing the water flow will not increase over what has historically been released.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3057 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause

to Ordinance No. 3057. **Motion carried** as follows and Ordinance No. 3057 is in effect immediately:

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

10. **Public Hearing and Consideration of Ordinance No. 3058 rezoning from "G-A" General Agricultural to "D-O" Suburban Office, located on the northwest corner of Coffee Creek and Coltrane (The Ranch/Iron Horse Development, applicant) Case No. Z060069.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3058 as read by title by City Planner. **Motion carried** as follows:

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

11. **Executive Session to discuss the following pending claims/ litigations (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)):**

Cook et.al vs. City of Edmond
Neal vs. City of Edmond
Wilson vs. City of Edmond

Motion by Lamb, seconded by Page, to meet in Executive Session to discuss the above pending claims. **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 7:00 p.m. and returned to the City Council Chambers at 7:15 p.m.

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

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

12. **Consideration of action with regard to the above claims/**

litigation.

Motion by Lamb, seconded by Miller, to authorize City Attorney to proceed with settlement negotiations on the Neal and Wilson claims. **Motion carried** as follows:

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

13. NEW BUSINESS:

Mayor Naifeh stated the University of Central Oklahoma has a new program called UCO for USO Project. They are requesting donations of books in order for service personnel to be able to read the books on a tape for their children. She stated she felt it was a very worthy project.

14. 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