

EDMOND CITY COUNCIL MINUTES

January 23, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 23, 2006, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve January 9, 2006, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

- A. **Presentation of City of Edmond Financial Audit for year ending June 30, 2005, by Crawford & Associates, P.C.**
- B. **Presentations of proclamation recognizing February 3, 2006, as "Wear Rd for Women's Heart Health Day" in the City of Edmond.**

4. Appointments to Boards and Commissions:

- A. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Kathleen Wilson to serve a three-year term expiring in February, 2009.
- B. **Appointment to the Urban Forestry Commission.** The Urban Forestry Commission nominated Jack Warner to serve a three-year term expiring in January, 2009.

Motion by Page, seconded by Lamb, to approve General Consent Items 4.A. and 4.B. **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 December 31, 2005.**

- 2) **Acceptance of City Treasurer's Investment Report for month ending December 31, 2005.**
- 3) **Approval of 2006 State and Federal legislative agendas.** Councilmember Sanford requested an explanation of several items on the state issues list.

Nancy Nichols, Director of Governmental Relations, addressed Council and outlined the changes on the items requested. She noted on the federal level that the City continues to work with lobbyists in Washington D.C. as well as Congressman Istook in an attempt to resolve Arcadia Lake issues and have the debt forgiven. She stated a version of the bill was approved by the U.S. House of Representatives last year and they are continuing to work with Oklahoma's two senators to get the U.S. Senate to also approve the bill.

Motion by Sanford, seconded by Miller, to approve General Consent Item 5.A.(3). **Motion carried** as follows:

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

- 4) **Acceptance of public improvements and maintenance bonds for Hunters Creek V.**
- 5) **Approval of Letter of Map Revision application to the Federal Emergency Management Agency for Trail Creek, located east of Santa Fe Avenue, south of Danforth Road.**
- 6) **Acceptance of Final Plat, public improvements and maintenance bonds for Summit at Oaktree, located at Kelly and Waterloo.**
- 7) **Approval of transfer of appropriations for Police-Criminal Investigation Division - \$20,000**
- 8) **Approval of supplemental appropriations for Liability/Tort Claim fund - \$600,000**

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-2,4-8). **Motion carried** as follows:

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

NAYS: None

- 9) **Approval of agreement with Crawford & Associates, P.C. for accounting and consulting services.** Mike Crawford addressed Council and stated due to changes to the professional standards that govern the accounting and auditing profession regarding independence issues, his firm has re-evaluated the scope of services that they currently provide or may provide in the future. Mr. Crawford requested that their professional services agreement be restructured to allow them to provide accounting and consulting services, including preparation of the annual financial statements. He noted this would necessitate hiring another CPA firm to audit the financial statements at a significantly lower fee than Crawford & Associates have charged in the past since their previous fees not only included the cost of assisting management in preparing the financial statements but also the cost of auditing those statements. Mr. Crawford stated he felt they could better serve the needs of the City as accountants and consultants due to the significant turnover this past year in the City's Financial Services Department. He stated if the new agreement is approved, his firm would work on an as needed basis and would not perform any work without a purchase order in hand. He noted they anticipated this arrangement would be a one-time only expense as he felt sure when a new Financial Services Director is hired the City would be able to prepare the financial statements without their assistance. Mr. Crawford stated he felt the costs to hire a new CPA firm would be offset by the absence of salaries of the unfilled positions in the Financial Services Department.

Councilmember Sanford stated she was very pleased with the new scope of services.

City Manager Larry Stevens addressed Council and stated Mr. Crawford has submitted a list of their scope of services and that each expenditure would be reviewed by the Finance/Audit Committee and then submitted to Council for approval prior to any work being done by Crawford & Associates. Mr. Stevens stated they anticipated that the cost to hire a new CPA firm would be expenditure neutral due to the unfilled positions.

Motion by Sanford, seconded by Lamb, to approve General Consent Item 5.A.(9). **Motion carried** as follows:

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

- 10) **Approval of transfer of appropriations for Accounting Department and request to engage Crawford & Associates, P.C. to provide temporary assistance in the Financial Services Department during preparation of the FY 2006/2007 Budget and Five-Year Financial Plan in the estimated amount of \$12,000 to \$18,000.**

Motion by Sanford, seconded by Lamb, to approve General Consent Item 5.A.(10). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) **Approval of bid disposition by the Purchasing Manager for the following:**
 - a) Wayest Safety - carbon cylinders (24) for the Fire Department in the amount of \$19,494
 - b) Wayest Safety - CBRN regulators (35) for the Fire Department in the amount of \$18,830
- 2) **Award of bid and approval of contract for the Fire Training facility, Phase II project and approval of Resolution No. 02-06 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Downey Contracting in the amount of \$2,772,095.12.**
- 3) **Acceptance of proposal and approval of agreement with National Research Center to conduct a City wide Customer Satisfaction Survey in the amount of \$10,493.**
- 4) **Acceptance of proposal and approval of contract with Ingenux, Inc. for City of Edmond Website design services in the amount of \$52,200.**
- 5) **Approval of agreement with Studio Architecture to provide a renovation assessment of Fire Station Nos. 2 and 4 for the Fire Department in the amount of \$6,839.50.**

Motion by Miller, seconded by Page, 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

8. PLANNING CONSENT ITEMS:

- A. Consideration of Final Plat for Fall Brook I, located north of Covell Road, 807 feet east of Western Avenue (Bill Roberts, applicant) Case No. PR050025.
- B. Consideration of Final Plat of Pembroke at Covell Village, located one-quarter mile west of Kelly, one-half mile south of Covell Road (Covell Village, LLC, applicant) Case No. PR050032.
- C. Public Hearing and Consideration of commercial Site Plan approval for Don's Floor Gallery, located at 2320 S. Kelly, east side of Kelly, south of Enterprise Drive (Don's Floor Gallery, applicant) Case No. SP050063.
- D. Public Hearing and Consideration of house moving permit from 11 E. Blanch to 101 W. Wayne (Richard Carlsen, applicant).
- E. Public Hearing and Consideration of Site Plan approval for exterior restrooms at the Edmond Historic Schoolhouse, located at 124 E. 2nd Street (Edmond Historic Preservation Trust, applicant).

Motion by Lamb, seconded by Page, to approve Planning Consent Items 8.A. through 8.E. **Motion carried** as follows:

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

9. Public Hearing and Consideration of Ordinance No. 2976 from "A" Single Family Dwelling to "F-1" Light Industrial District,

located at 133 W. Hurd (Marcial Mitchell, applicant) Case No. Z050068. The property, located on the north side of Hurd and east of Fretz, contains two acres and is vacant. The City of Edmond is proposing a regional detention area north of Hurd, south of Thatcher, and east of Fretz. The site is projected for light industrial use on the Edmond Plan III. Planning Commission recommended approval.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2976 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 for a church, located at 302 W. Edmond Road in the Fountains Shopping Center (Mike Courter/South Edmond Church of Christ, applicant) Case No. U050010. The property contains 1800 square feet and is located west of the Full Cup Coffee Shop and east of the Vault Clothing Store. No new construction is involved and the parking and other improvements are in place. The property was previously used as an assembly for weddings and other events. The applicant is currently occupying the building because they thought they fit the assembly character and did not need to seek further approval. The Planning Commission recommended approval subject to a two-year limit with no extension.

Councilmember Miller asked if there was any other retail commercial location where this type of Special Use Permit has been approved.

Bob Schiermeyer, City Planner, addressed Council and stated there has previously been one other Special Use Permit of this type approved in the Trails Shopping Center but there were no others at this time.

Motion by Lamb, seconded by Page, to approve Item No. 10 subject to a two-year time limit. **Motion carried** as follows:

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

11. Public Hearing and Consideration of amendment to the Special Use Permit Site Plan in "E-1" General Commercial District for the Fountains Apartments project, located on the west side of Fretz, south of West Edmond Road (Brian Stinson, applicant) Case No. U050003. All of the apartments will contain a fire sprinkler

system and the landscaping plan will remain as originally proposed. The footprint of the buildings will remain the same as to access and open space. Fretz will be widened and curb and gutter will be added.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has reduced the number of units from 52 to 46 but the number of buildings will remain at 11. The height of the buildings have been increased from 28 to 35 feet and will be three-story with the lower floor being garages. He stated originally no garages were proposed but the applicant feels the garages will help alleviate on-street parking in the area. He noted the garages will also provide additional guest parking for the residents. Mr. Shadid stated the buildings will have a flat roof and brick or other masonry materials will be on all four sides. He noted the mechanical equipment will be on the roof and screening will be provided. Mr. Shadid stated the back of the buildings will mirror the front in appearance.

Dan O'Neal, representing the Edmond Neighborhood Alliance (ENA), addressed Council and stated there is no clear plan as to what the buildings will look like on the back. He stated the ENA feels the amended plan has not been given the full public scrutiny as is the normal procedure when approving a Site Plan because the Planning Commission has not reviewed the amended plan.

Councilmember Lamb noted the only amendments to the Site Plan are related to the buildings such as the type and height of the roof, reducing the number of units, the addition of garages on the bottom level and the material used on the exterior walls, all of the other features like drives and lanes, open space and landscaping remain the same.

Councilmember Sanford stating adding the garages is a tremendous improvement since it will eliminate a large amount of on-street parking.

Motion by Lamb, seconded by Miller, to approve Item No. 11 subject to all four sides of the buildings being brick/masonry, the rear elevation of the buildings will mirror the front elevation in appearance and the mechanical equipment will be screened from view on the roof. **Motion carried** as follows:

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

12. Consideration of request from Oklahoma Shakespeare in the Park (OSP) for insurance proceeds as a result of the April 30, 2005, fire and destruction of the stage in Hafer Park. Edward

Schaul, Treasurer of the OSP Board of Directors, addressed Council and stated OSP has been located in the City of Edmond since 1985 and has had a strong relationship for all those years and they wish to continue that relationship. He stated the stage was constructed with privately raised funds and in-kind donations at a cost of approximately \$62,000 and that the Board of Directors was requesting the City release to OSP the proceeds of the insurance settlement in the amount of \$37,250.59. Mr. Schaul noted the City actually received \$41,150.59 but OSP subtracted \$3,900 which is the estimated amount the City spent on clean-up of the charred remains of the stage. He noted that he worked with the insurance company to increase the amount of settlement received but since the City carried the insurance policy the money was paid to the City of Edmond and not OSP. He stated OSP feels that the money is rightfully theirs and should be released to them. He stated OSP plans to re-construct a new stage in Edmond and remain here but that he could not promise to stay if a lucrative offer is made by an individual or group in another city.

Mayor Naifeh stated she has long been a supporter of OSP and would continue to support them with fund raising efforts and contributions. She noted she found it difficult to support releasing the money to OSP without a commitment from them that they intend to rebuild the stage in Edmond. She stated she wanted to be sure that releasing the funds was a proper use of City funds.

Councilmember Page stated he felt the City should openly embrace OSP by releasing the insurance funds and encouraging OSP to remain in Edmond. He noted he felt that OSP needed to offer a commitment at some point in the future but that they should be supported at this time.

Councilmember Miller stated he did not have a problem with the City putting the insurance funds into a separate account for use as seed money for OSP to re-build the stage in Edmond but that he could not support issuing a check with no assurance the stage would be re-built in Edmond.

Mr. Schaul stated the OSP Board could not agree to that arrangement since they did not want their hands tied regarding any future opportunities. He noted a rumor was being circulated that OSP planned to move out of Edmond but it is not true. He stated the Board has not made any decisions to move elsewhere.

Councilmember Sanford stated she also fully supports OSP but she noted the City Attorney recommended not releasing the funds without a commitment from OSP to remain in Edmond and she also could not support releasing the funds without a commitment.

David Holt, President of the Board of Directors of OSP, addressed Council and stated he understood the need by the Council to have a commitment from OSP but that he felt they could not use their own privately raised funds as an incentive for them to remain in Edmond. He stated there were several members of the Board who did not want to remain in Edmond and this was not the way to get the dissenting members to change their minds. He stated he would take this issue back before the Board but that he felt their decision for a commitment would not be forthcoming.

A motion was not made on this item.

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

Parkhurst vs. City of Edmond

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above pending claim. **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 6:45 p.m. and returned to the City Council Chambers at 6:52 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

14. Consideration of action regarding the above pending claim/litigation.

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

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

15. NEW BUSINESS:

Mayor Naifeh stated she felt a workshop should be scheduled to discuss whether to investigate forming a Tax Increment Financing (TIF) District. She stated a TIF District will allow the acceleration of capital projects including such infrastructure as water, sewer, streets, and traffic control systems. She requested Council submit dates that would work in their schedule to hold a workshop.

Councilmember Lamb stated he felt this subject needed to be addressed in an open forum due to the amount of misinformation he has been hearing. He stated he felt all the interested parties should be invited to the workshop to address any issues they have.

Councilmember Sanford announced a fixed guideway steering committee public hearing will be held at 5:30 p.m. at the Edmond Public Library followed by a transportation study meeting at 6:30 p.m. in the Downtown Community Center on Tuesday, January 24th.

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

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

City Clerk

Mayor