

EDMOND CITY COUNCIL MINUTES

January 22, 2007

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 22, 2007, in the City Council Chambers. Councilmember David Miller was absent.

2. Approval of Minutes. Councilmember Sanford requested several amendments to the Minutes regarding Item 4. She requested "her" be replaced with "working group" in the next to last sentence of the first paragraph; that "Local" be added denoting the act's name as "Oklahoma Local Development Act" and "not" be replaced with "only" in the second paragraph, sixth line from the bottom. Motion by Lamb, seconded by Page, to approve January 8, 2007, Minutes as amended. **Motion carried** as followed:

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

3. City Council Presentations:

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

1) **Beth Allen-Eden for the character trait of Hospitality**

4. GENERAL CONSENT ITEMS: (General Consent Items were voted on collectively except where noted.)

A. **Approval of Administrative Items:**

1) **Acceptance of City Treasurer's Investment Report for month ending December 31, 2006.**

2) **Approval of 2007 State and Federal legislative agendas.** Councilmember Sanford asked about the impact to the City regarding the Council for Law Enforcement and Education Training (CLEET) regulations and the increase in training requirements for new police officers.

Nancy Nichols, Director of Governmental Relations/City Clerk, addressed Council and stated the proposed CLEET requirements will increase the number of hours of training that new police officers must complete for their basic training, as well as an increase in the number of hours for annual continuing education for

full-time police officers. She noted that Oklahoma has one of the lowest number of required training hours in the nation. Ms. Nichols stated the Oklahoma Municipal League supports allowing municipalities with at least 100 full-time officers to conduct their own basic law enforcement academy which will eliminate the need to pay for CLEET certification at their training facility in Ada, Oklahoma. The same curriculum would be used state-wide. The Edmond Police Chief supports the increased training requirements.

Councilmember Sanford also requested an explanation of legislation requiring commercial and residential contractors to be licensed by the State.

Ms. Nichols stated the City of Edmond is supporting this legislation in order to ensure that commercial and residential builders are actually qualified builders. She noted the licensing requirements will also ensure that contractors are insured and bonded in order for homeowners to have some recourse if projects are not completed or done to their satisfaction. Ms. Nichols stated at this time, since there are no licensing requirements, anyone can claim to be a contractor. She stated the City also supports legislation that adopts a minimum state-wide building code for unincorporated areas of the state that have not adopted building codes in order to protect homeowners in those areas. She noted this legislation would still allow individual cities to adopt their own building codes.

Councilmember Sanford also asked about the legislation supporting increased funding for the Oklahoma Tax Commission for additional staffing and technology to generate sales tax reports.

Ms. Nichols stated the Tax Commission generates reports for cities and towns showing the amount of sales tax received from individual businesses each month. She stated the reports are in a format that is almost impossible to use. She stated the increased funding would enable the Tax Commission to update their software to provide better reporting and auditing for cities and towns in a user friendly format.

Mayor Naifeh stated the City of Edmond is opposing legislation allowing expansion of investor owned utilities into city limits without a franchise agreement. She stated since beautification of the City is important to residents, she felt it is also

important to regulate how the City's right-of-ways are used.

Councilmember Lamb stated this issue is consistent with previous discussions related to right-of-way management. He noted that damage to roadways sometimes result from placing items in the right-of-ways and he felt management would be better served if the City could have complete control over the right-of-ways.

Motion by Lamb, seconded by Sanford, to approve General Consent Item 4.A.(2). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford and Lamb

NAYS: None

- 3) **Approval of request to terminate agreement with John Montgomery for Federal Legislative Services.** Councilmember Sanford stated since the Arcadia Lake debt issue has not been resolved, she questioned why the City would want to discontinue their contract with Mr. Montgomery. She felt it was important to have a person in Washington D.C. to continue with efforts to have the debt forgiven.

Larry Stevens, City Manager, addressed Council and stated Mr. Montgomery has been employed by the City since 2003 primarily to lobby the Federal Congress regarding the dispute with the U.S. Army Corps of Engineers concerning interest for future use water storage at Arcadia Lake. He stated although this dispute remains the single most important Federal legislative issue for the City, he felt that future efforts to resolve the issue could be handled by staff in-house. Mr. Stevens felt the City could utilize the congressional offices that staff has access to without the services of an outside lobbyist. He noted this has been an issue with the City for twelve years and he felt the congressional delegation was aware of the City's position and will continue to work to resolve the debt issue. Mr. Stevens stated he notified Mr. Montgomery about his recommendation and he was very understanding.

Nancy Nichols addressed Council and said Mr. Montgomery was very helpful in getting this matter included in the Water Resources Development Act (WRDA) approved by the U.S. House of Representatives. She noted the bill did not receive a hearing in the U.S. Senate and it remains

in a Senate committee awaiting a hearing. Ms. Nichols stated with the change in leadership in Congress from Republican to Democrat, Senator Inhofe is no longer the chairman of the committee and it is not known if the language forgiving the debt will remain in the 2007 WRDA bill. She stated staff felt there was not any more that a lobbyist could do. She noted that the new chairman is planning to bring the WRDA bill out of committee for markup. Ms. Nichols stated she has visited with Congresswoman Fallin and her staff about the importance of this issue and she felt the City was in a good position to have the debt resolved if the bill does make it out of committee.

Motion by Lamb, seconded by Page, to approve General Consent Item 4.A.(3). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page and Lamb

NAYS: Councilmember Sanford

- 4) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for a sewer line to serve The Ranch Section III Addition.**
- 5) **Approval of transfer of appropriations for the Marketing Department - \$5,530**
- 6) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) Pembroke at Covell Village
 - b) Newbrook at Covell Village
- 7) **Acceptance of electric easements from the following:**
 - a) Star Fuel Marts, LLC, to serve 1475 W. I-35 Frontage Road
 - b) Paul Buckley to serve 6010 N. Air Depot
 - c) Lambrecht Properties, LLC to serve Manchester Office project at 825, 833 and 841 S. Kelly Avenue
 - d) Cash Trust to serve new residence at 3780 E. Covell Road

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

AYES: Mayor Naifeh, Councilmembers Page, Sanford and Lamb

NAYS: None

B. Approval of Purchases:

- 1) **Award of bid for surveillance camera system for the Police Department.** Purchasing Manager recommended accepting bid from Muskogee Nation Business Enterprise in the amount of \$33,258.10
- 2) **Approval of agreement with Velocitie Integration, Inc. to aid in the development and deployment of an ArcGIS server system in the amount of \$20,000.**
- 3) **Approval of agreement with Pinnacle Mapping Technologies, Inc. to update digital ortho photography, contour and planimetric mapping for the GIS Department in the amount of \$175,000.**
- 4) **Approval of Change Order No. 1 with Urban Contractors for the Henderson Hills Sanitary Sewer improvements, CD03-0046 in the amount of \$13,673.26.**
- 5) **Approval of agreement with Mark Hayes Golf Course Design for architectural and engineering design services for the driving range expansion project at Kickingbird Golf Course in the amount of \$17,825.** The new design will create a contiguous tee level and add lighting and a cart path from the parking lot.

Mayor Naifeh asked what effect the new lighting will have on area homeowners. She stated she wanted to be assured that the lights will be pointed down and will not shine into the neighbors' homes or yards. Mayor Naifeh asked if there would be a remediation program in place to resolve any problems. She noted that she felt there should be a game plan prior to any problems arising.

Jim Bowlin, Director of Parks and Recreation Department, addressed Council and stated he has discussed the lighting with the light manufacturer and he wanted to assure Council that they are very cognizant of the lighting issue. He noted great strides have been made in recent years to insure that there is very little light spillover into adjacent neighborhoods. Mr. Bowlin stated a Community Connections meeting is scheduled in February to discuss the project with area homeowners. He stated this project will increase revenue and allow additional recreational opportunities to people who work full-

time. He stated at this time the plan is to stop selling balls of buckets at 10:30 p.m. but the time has not been definitely determined. Mr. Bowlin noted that a meeting has not been held with the homeowners to the east of the golf course in Fairway Estates but he felt due to the topography of the land that the lights would not be a problem for those homeowners. He stated the Fairway Estates residents will be included in the Community Connections meeting and will be notified by mail of the meeting date.

Larry Stevens addressed Council and stated staff is sensitive to the light issue and that the golf professional has met with homeowners north of Danforth regarding this matter.

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

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

- 6) Approval of agreement with Allen Brown Architects for architectural and engineering design services for the Children's Safety Village project in the amount of \$103,660.
- 7) Approval of agreement with The Benham Companies for master plan services for utilities at Arcadia Lake campsites in the amount of \$24,996.
- 8) Approval of agreement with CLS & Associates for landscape design services for the Gracelawn Cemetery project in the amount of \$3,127.50.
- 9) Approval of agreement with Davis Design Group for architectural design services for the restroom addition at the Edmond Rodeo Grounds and roof screen at Edmond Convention and Visitor's Bureau in the amount of \$14,500.
- 10) Approval of agreement with Design Architects Plus for architectural and engineering design services for a paved parking lot at the Fire Facility at Cross Timbers Municipal Complex in the amount of \$10,000.
- 11) Approval of agreement with Design Architects Plus for architectural and engineering design services for the

Lightning Protection System for Fire Station No. 5 and the Fire Administration Building project in the amount of \$6,200.

- 12) Approval of agreement with Howard Fairbairn Site Design for architectural and engineering services to renovate the house and create an arboretum at Bickham-Rudkin Park in the amount of \$44,260.
- 13) Approval of agreement with HSE Architects for programming and schematic design for the training grounds at the Cross Timbers Public Service Center in the amount of \$20,090.
- 14) Approval of Change Order No. 1 for Titan Home Remodel for rehabilitation of residential structure located at 530 W. 2nd Street in the amount of \$1,125.
- 15) Award of Request for Proposal and approval of agreement with Paymentech for credit card acceptance services for the YourGovShop member participants.

Motion by Page, seconded by Lamb, to approve General Consent Items 4.B.(1-4,6-15). **Motion carried** as follows:

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

Motion by Page, seconded by Lamb, 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 and Lamb
NAYS: None

7. Public Hearing and Consideration of Special Use Permit to include Site Plan approval for a car wash, located on the northwest corner of Danforth and Kelly, 905 W. Danforth (Auto Spa Car Wash/Brent Niles, applicant) Case No. U060007. Mayor Naifeh stated the applicant requested this item be withdrawn.

8. Public Hearing and Consideration of commercial Site Plan approval for a new restaurant, located north of Danforth, west of Kelly, south of Tinker Federal Credit Union (Carl's Jr., applicant) Case No. SP060035. This item has been continued several times. The applicant has amended the application to add

an extra lane width for the drive-in window on the west side of the lot. The landscaping plant unit locations have also been modified. The detention area located on the Edmond School District property will be used and the applicant will participate in the previous maintenance agreement for the detention area and the driveway.

Randel Shadid, attorney representing the applicant, addressed Council and stated the parking along the west side of the building has been eliminated and will be replaced with landscaping. Mr. Shadid stated the public art piece originally planned will still be part of the project. He stated the development is contingent upon resolving details of the maintenance agreement with the Edmond School Board and Tinker Federal Credit Union.

Robert Sheets, representing both Tinker Federal Credit Union and the Edmond School Board, addressed Council and stated Mr. Shadid submitted documents to him regarding the maintenance agreement but he has not had time to review them. He stated they have agreed in principal but are attempting to get the documents legally accepted by all parties involved.

Motion by Lamb, seconded by Sanford, to approve Item No. 8 as amended above. **Motion carried** as follows:

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

9. Public Hearing and Consideration of commercial Site Plan approval for a five-story building, located on the southwest corner of 5th Street and Littler (Mark Neighbors, applicant) Case No. SP060035. The applicant requested this item be continued to February 26, 2007.

Motion by Lamb, seconded by Page, to continue Item No. 9 to February 26, 2007. **Motion carried** as follows:

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

10. Public Hearing and Consideration of Ordinance No. 3078 amending Ordinance No. 3068 by amending the effective date of Ordinance No. 3068 to the 1st day of April, 2007, and providing for Repealer, Severability and Declaring an Emergency. Mayor Naifeh stated she requested the effective date of Title 22 be changed to allow developers the time they need to study the ordinance and incorporate the changes into their future projects.

She noted that usually when a new law is passed, it takes effect in 90 days and she felt since the ordinance was only approved in December that additional time was needed.

Randel Shadid addressed Council in support of the proposed ordinance. He requested that developers who would like to develop their projects under the new code be allowed to do so even though the new requirements are not in effect at the time.

Carl Reherman, Citizens for Edmond, and Joe Javazadeh, area developer, also addressed Council in support of the proposed ordinance.

Kenneth Buck, 516 S. Littler, addressed Council and requested clarification of the changes in Title 22.

Councilmember Lamb summarized the changes and stated most of the changes were procedural in nature.

Nancy Nichols addressed Council and stated normally an ordinance is published within a week of being approved, but the Title 22 ordinance has not been published in the *Edmond Sun* at this time due to the length of the ordinance and also difficulties with all the graphs and charts included in the ordinance. She stated she is not certain that the ordinance can be published by February 1st and state law requires that all ordinances be published prior to their effective date. She noted to publish the ordinance in legal format would be 16 pages at a cost of approximately \$10,000. Ms. Nichols stated she was working with the newspaper staff to get the new title published in a tabloid format that would be easy to remove and study.

Mayor Naifeh stated she would support a 30 day extension of the effective date but felt that 60 days was more appropriate.

Councilmember Lamb stated he would support a 30 day extension due to the difficulty of getting the ordinance published.

Councilmember Sanford stated when the ordinance was originally discussed in November she was in favor of a 90 day effective date due to the complexity of the new Title 22.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 3078 as read by title by City Attorney subject to the effective date being March 1, 2007. **Motion carried** as follows:

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

Motion by Lamb, seconded by Page, to attach Emergency Clause to Ordinance No. 3078. **Motion carried** as follows and Ordinance No. 3078 is in effect immediately:

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

11. NEW BUSINESS:

Councilmember Lamb asked if the Council wanted to complete Edmond Plan IV prior to the next election. He stated there are still several areas that are unfinished and he felt it will require four or five workshops or more to complete the work. He suggested scheduling the workshops on the Mondays that a council meeting is not scheduled. Consensus of Council was to schedule workshops to complete Edmond Plan IV but Councilmember Sanford wanted to discuss the meeting dates rather than having them all on Mondays as she could not always attend on those days.

Kenneth Buck addressed Council regarding problems in his neighborhood relating to noise and drug use from the patrons attending the UCO Jazz Lab. He stated parking in unauthorized areas is also a problem. Mr. Buck stated there was a fire at 617 S. Littler in which the house was mostly destroyed because he felt the fire trucks could not get through to fight the fire. He requested the City of Edmond and the University of Central Oklahoma work with the Townsend Addition residents to help alleviate these problems.

Mayor Naifeh requested Councilmember Page gather additional information and take a leadership role in helping to get this matter resolved.

Councilmember Page stated he has been in contact with Mr. Buck for several years and he is in agreement that something needs to be done in this area regarding problems with the Jazz Lab. He noted that he did not know if there is a solution other than not allowing any parking in that area. He stated in his opinion that if Council allowed the density of the population to continue to grow in this area then something will need to be done other than accepting the area as it is.

Mayor Naifeh expressed her thanks to the City of Edmond employees who worked many hours to clear the streets after the latest winter storm.

Mayor Naifeh encouraged residents to purchase the Centennial Cook Book and stated she made the potato soup recipe this past weekend.

12. Motion by Lamb, seconded by Page, to adjourn meeting. **Motion carried** as follows:

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

City Clerk

Mayor