

EDMOND CITY COUNCIL MINUTES

February 26, 2007

Mayor Pro Tem Charles Lamb called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 26, 2007, in the City Council Chambers. Mayor Sandra Naifeh was absent due to attending an Oklahoma Municipal League legislative reception.

2. **Approval of Minutes.** Motion by Miller, seconded by Page, to approve February 12, 2007, Minutes. **Motion carried** as follows:

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

3. **City Council Presentations:**

- A. **Presentation of City of Edmond CAFR financial audit for the year ending June 30, 2006, by Arledge and Associates, P.C.** Andy Cromer, Auditor with John Arledge and Associates, said that the City of Edmond was given a clean audit opinion.
- B. **Presentation of City of Edmond Performer for month ending June 30, 2006 by Crawford and Associates, P.C.** Mr. Crawford addressed the Council and stated that the annual audit for the 2005-2006 fiscal year went smoothly. On a scale of one to 10, the overall rating is 8.4, up from 8.2 the year before. He stated that Edmond is in great shape financially.
- C. **Consideration of proposed Memorandum of Understanding among the City of Edmond, the University of Central Oklahoma, the Edmond Chamber of Commerce, the Edmond Economic Development Authority, and the Edmond Convention and Visitors Bureau.** Mike Sanders, Office of the Vice President of UCO, said this agreement enhances the partnership for Para-Olympic training as well as Edmond's opportunity to participate. It interfaces with the Wounded Warrior, the Veterans and the Disabled Athletes programs. Edmond is one of eight cities chosen to receive this designation.

Motion by Sanford, seconded by Page, to approve Item 3.C. **Motion carried** as follows:

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

4. Appointments to Boards and Commissions:

- A. **Appointment to the Visual Arts Commission.** Councilmember Miller nominated June Cartwright for re-appointment to serve a three-year term expiring March, 2010.
- B. **Appointment to the Central Edmond Urban Development Board.** Councilmember Miller nominated David Payne for re-appointment to serve a three-year term expiring March, 2010.

Motion by Miller, seconded by Page, to approve Items 4.A. and 4.B. **Motion carried** as follows:

AYES: 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 Treasurer's Investment Report for month ending January 31, 2007.**
- 2) **Approval of transfer of appropriations and purchase agreement with Jetta Corporation for the purchase of real property located south of Centennial Boulevard, east of Kelly Avenue for the Fretz Road extension project in the amount of \$50,000 plus closing costs.**
- 3) **Approval of transfer of appropriations and supplemental appropriations for the Arts in Public Places fund - \$52,780**
- 4) **Acceptance of Memorandum of Agreement (MOA) with the State of Oklahoma Department of Emergency Management regarding the use of Emergency Management Performance Grant funds.**
- 5) **Acceptance of traffic signal easement from Christian Academy for 9th Street School Zone improvement project.**
- 6) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for water and sewer lines to serve Windsong Addition and Pembroke at Covell Village Addition.**
- 7) **Acceptance of re-plat of Lots 1 and 2, Block 5, Hunters Creek II Addition.**
- 8) **Approval of Addendum to hanger ground lease agreement for the Guthrie/Edmond Regional Airport.**

Motion by Page, seconded by Miller, to approve General Consent Items 5.A.(1,3-8). **Motion carried** as follows:

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

Motion by Page, seconded by Sanford, that Item 5.A.2 be tabled until a future meeting as Jetta Corporation has asked for more time to review the contract.
Motion carried as follows:

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

B. Approval of Purchases:

- 1) Approval of renewal of annual maintenance and support agreement with TriTech for support of Central Communications Computer Aided Dispatch System in the amount of \$67,094.02.
- 2) Approval of amendment to the design contract with Triad Design for the Covell Underpass project in the amount of \$138,373.
- 3) Approval of professional services agreement with Siemens Energy and Automation, Inc. to develop an Intelligent Transportation System plan in the amount of \$158,000.
- 4) Approval of amendment to the design contract with Smith Roberts Baldischwiler for the Downtown Regional Detention project in the amount of \$26,775.
- 5) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$4,491.67.

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

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

6. Public Hearing and Consideration of Ordinance No. 3079 amending Section 2.94.080C of the Edmond Municipal Code providing for Change in Provisions for the display of Art in Public Places to provide for a maximum Visual Art Commission contribution of \$30,000; providing for Repealer, Severability and Declaring an Emergency. It was noted that the funding for public art is not being increased, but unspent funds from prior years are just being made available.

Motion by Miller, seconded by Page, to approve Ordinance No. 3079 as read by title by City Attorney. **Motion carried** as follows:

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

Motion by Page, seconded by Miller, to attach Emergency Clause to Ordinance No. 3079. **Motion carried** as follows and Ordinance No. 3079 is in effect immediately:

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

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

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

9. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for The Falls Commercial, located east of Vista Lane, south of 2nd Street (Brian Stinson representing Oxford Development, applicant) Case No. SP060038.**
- B. **Consideration of Final Plat for Star Fuels, generally located on the northwest corner of 15th Street and I-35 (Lincoln Fuel Holdings, LLC, applicant) Case No. PR070001.**
- C. **Public Hearing and Consideration of commercial Site Plan approval for Contemporary Cabinets Phase II, located east of Kelly on Railroad Drive in the Centennial Industrial Addition (Contemporary Building, LLC, applicant) Case No. SP060072.**

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

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

10. Public Hearing and Consideration of Ordinance No. 3080 for a partial easement closing at 3516 Sawgrass, Lot 8, Block 8, Fairfax Estates II (Charter Homes, applicant) Case No. ES060004. The applicant constructed a 3.4 feet of a new home in a 10 foot utility easement. A water line serving the Fairfax Estates Addition located in the easement has been relocated at the applicant's expense. Planning Commission recommended approval in April 2006, but the project was delayed due to the need to relocate the water line.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 3080. **Motion carried** as follows:

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

11. Public Hearing and Consideration of Ordinance No 3081 amending Edmond Plan III from Restricted Commercial to General Commercial Planned Unit Development (PUD), located on the northwest corner of Sorghum Mill Road and Broadway (4M Industries, LLC, applicant) Case No. Z070001. The site contains 5.7 acres and will be used as the North Broadway Self Storage. Neither water nor sewer is available to this site. The water line will need to be connected to the waterline on Sorghum Mill Road. The best solution for wastewater will be a septic tank or aerobic system. This application is consistent with an existing self storage facility south of Danforth, west of the railroad tracks. Planning Commission recommended approval.

Motion by Page, seconded by Sanford, to approve Ordinance No. 3081 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach an Emergency Clause to Ordinance No. 3081. **Motion carried** as follows and Ordinance No. 3081 is in effect immediately:

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

12. Public Hearing and Consideration of Ordinance No 3082 rezoning from "D-1" Restricted Commercial to "E-1" General Commercial Planned Unit Development (PUD), located on the northwest corner of Sorghum Mill Road and Broadway (4M Industries, LLC, applicant) Case No. Z070002. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 3082 as read by title by the City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of Special Use Permit for a church, located at 701-C S. Kelly (United Charismatic Healing Ministries, Inc., applicant) Case No. U070001. The church plans to lease 1,265 square feet in a strip shopping center. Church membership will be approximately 15 members and there will be no additional construction. Only the parking available at the

shopping center will be needed. Planning Commission recommended approval. A representative from the church indicated they were agreeable to a one year period for the special use permit.

Motion by Miller, seconded by Page, to approve Item No. 13 with the stipulation that the Special Use Permit will be issued for only one year. **Motion carried** as follows:

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

14. Public Hearing and Consideration of commercial Site Plan approval for a four-story building, located on the southwest corner of 5th Street and Littler (Mark Neighbors, applicant) Case No. SP070013. The proposed building contains 21,500 square feet and 54 parking spaces are proposed. The building will be used for offices and a restaurant is planned on the first floor. The applicant held a Community Connections meeting but area residents are still concerned about parking issues as well as noise and loitering. There have been ongoing parking and noise issues with the UCO Jazz Lab that have not been resolved. A six-foot tall fence is proposed along the south property line and a row of trees will also be added across the south property line. The building will be brick veneer with EFIS and/or cast stone trim. Awnings will be used on the windows adjacent to the public sidewalk. The Central Edmond Urban Board reviewed the original application for a five-story building, but has not reviewed the amended site plan.

Randel Shadid, attorney for the applicant, stated that 57 parking places will be added and the applicant has committed to placing a piece of public art at the building.

Several people addressed the Council in opposition, including Steven LaBrue, Kay Steele, Jesse Boyd, Vella McDowell, Don Westbrook, and Kenneth Buck. Their concerns included the height of the four-story building, the possibility of reduced property values, additional litter, and the character of the residential neighborhood. Lydia Lee, member of the Urban Board, stated the site plan should have been sent back to them for review prior to being placed on the City Council agenda. Leroy Cartwright, Chair of the Edmond Planning Commission, stated that the revised site plan did not come before the Planning Commission. Councilman Page stated he was concerned about the lack of parking in the area and that he thinks the revised site plan should have been brought before the Urban Board for their review. A discussion was held regarding whether on street parking should be prohibited on the entire street (Littler).

Motion by Page, to send the amended site plan back to the Urban Board for their review and recommendation. **Motion died for lack of a second.**

Motion by Miller, seconded by Sanford, to approve Item No. 14 as presented. **Motion failed** as follows:

AYES: Councilmembers Lamb and Miller
NAYS: Councilmembers Sanford and Page

Councilmember Page temporarily left the Council Chamber during discussion of the following item.

15. Consideration of Final Plat of The Abel Addition, located on the northeast corner of Air Depot and Covell Road (Mark Abel, applicant) Case No. PR060031. A convenience store/car wash is planned for this site and has previously been approved by Council. The City is planning to construct an electric substation northwest of this site and the Cross Timbers Municipal Complex is on the southwest corner. A new 12-inch water line is planned on the far east side of the property and also connection to sanitary sewer. The applicant will provide 70 feet of right-of-way along Covell and at least 72 feet along Air Depot. A shared access drive will be located on the east side of the site, 30 feet in width. The applicant plans two drive approaches along Air Depot. Planning Commission recommended denial by a vote of 2-2. **Mayor Pro Tem Lamb reminded the Council that approval of this item will require a unanimous vote.**

Motion by Miller, seconded by Sanford, to approve Item No. 15. **Motion failed** as follows:

AYES: Councilmembers Lamb and Miller
NAYS: Councilmember Sanford

Randel Shadid, representative for the applicant, asked that this item be placed on the March 12, 2007 City Council agenda for consideration.

Motion by Sanford, seconded by Miller, to reconsider this item. **Motion carried** as follows:

AYES: Councilmembers Sanford, Lamb and Miller
NAYS: None

Motion by Sanford, seconded by Miller, to continue this item to the March 12, 2007 City Council agenda for reconsideration. **Motion carried** as follows:

AYES: Councilmembers Sanford, Lamb and Miller
NAYS: None

Councilmember Page returned to the City Council Chambers.

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

- a) Trip vs. City of Edmond
- b) Hoehn vs. City of Edmond

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above items. **Motion carried** as follows:

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

Councilmembers recessed to the City Council Conference Room at 7:50 p.m. and returned to the City Council Chambers at 8:00 p.m.

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

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

17. Consideration of action regarding the above pending claims.

Motion by Miller, seconded by Page, to direct the City Attorney to settle both claims. **Motion carried** as follows:

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

18. NEW BUSINESS: Aaron Knight, candidate for City Council, asked the City Council to amend the City Charter to remove the requirement of being a "freeholder" from the requirements to hold public office stating he believed that it was unconstitutional. Councilmember Sanford stated she is in favor of taking the issue to public vote. Councilmember Miller stated that there may be other items that a charter review committee could consider.

Tim Reese invited the Council and listening audience to attend the annual Edmond Neighborhood Summit on Saturday, March 3, 2007.

An unidentified citizen stated that it is still hard to hear when sitting in the Council Chamber. She asked the Council for attention to this issue. Councilmember Lamb stated that the City Council Chambers renovation project was moving forward and is set for May 2007.

Councilmember Sanford stated she was concerned about blowing trash from the transfer station and asked the City Manager to take action on eliminating this problem.

19. Motion by Sanford, seconded by Miller, to adjourn the meeting. **Motion carried** as follows:

AYES: Councilmembers Page, Sanford, Lamb and Miller

NAYS: None

City Clerk

Mayor