

## EDMOND CITY COUNCIL MINUTES

February, 14, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 14, 2005, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve January 24, 2005, Minutes. **Motion carried** as follows:

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

### **3. City Council Presentations:**

A. **Mayor's Presentation of the *Fingerprints on the Future* award to Lisa Sutterfield, Communications Supervisor.**

B. **Presentation of proclamation declaring the month of February, 2005, as "AMBUCS NATIONAL VISIBILITY MONTH" to June Cartwright, President of Edmond AMBUCS Club.**

C. **City Manager's monthly progress report.** Larry Stevens stated the final items for Phase I of the Streetscape should be completed within the next week to 10 days. He stated the design work for Phase II is now underway with a target date for completion of October 31<sup>st</sup>. Mr. Stevens stated demolition work for the regional Forensics Institute began last week and should be completed within 60 calendar days. He noted the Oklahoma State Bureau of Investigation will purchase the property when the demolition work is complete and will bid the construction project as soon as possible with a goal to begin construction in the fall. Mr. Stevens stated the bridge at 15<sup>th</sup> Street and Coltrane is in the final design phase with an estimated cost of \$1.3 million. He noted the City will fund the entire amount for this project. Mr. Stevens also addressed traffic concerns at 33<sup>rd</sup> Street and Broadway. He stated staff is negotiating with an engineering firm for design services to add additional left turn lanes to the westbound, eastbound and southbound corridors. The estimated construction cost is approximately \$2 million with the relocation of utilities and additional right-of-way (if needed) potentially costing

another \$1.5 million. He noted the Broadway Extension/Memorial Interchange project has been scheduled to be bid in November, 2006. The estimated cost is \$25 million and will be entirely funded by the state.

**4. Appointments to Boards and Commissions:**

**A. Appointment to the Edmond Historic Preservation Trust.** Mayor Naifeh nominated the following citizens for re-appointment:

- 1) Dr. James Crowder expiring January, 2008
- 2) Robin Roads expiring January, 2008
- 3) Nova Cox expiring January, 2008
- 4) Matthew Duncan, youth member, expiring May, 2006

**B. Appointment to the Edmond Arts and Humanities Council.** Mayor Naifeh nominated the following citizens for appointment:

- 1) Brenda Hornbeek expiring February, 2008
- 2) David John Hansen expiring February, 2008

**C. Appointment to the Kickingbird Tennis Center Advisory Board.** Mayor Naifeh nominated Darin Kent to fulfill the unexpired term of Mike Wanzer expiring in March, 2007.

**D. Appointment to the Visual Arts Commission.** Mayor Naifeh nominated Dr. Krista Jones for re-appointment to serve a term expiring in February, 2008.

**E. Appointment to the Kickingbird Golf Club Advisory Board.** Mayor Naifeh nominated Jordan Cook as a youth member to serve a term expiring in May, 2006.

Motion by Miller, seconded by Sanford, to approve Items 4.A. through 4.E. **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) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality.
- 2) Acceptance of electric easement from Kim R. and Lisa D. Eccles to serve 10480 E. Coffee Creek Road.
- 3) Acceptance of electric easement from Richard W. Adams to provide service to split up the electric load at 5401 E. 33<sup>rd</sup> Street.
- 4) Acceptance of public improvements and maintenance bonds for the following:
  - a) 15<sup>th</sup> Street waterline and sanitary sewer relocation (Pine Oak to Edgewood)
  - b) Coffee Creek sanitary sewer interceptor emergency repair of 0.5 miles west of Coltrane
  - c) Water line to serve the Multipurpose Activity Center (MAC) at Mitch Park
  - d) Prestige Plaza Office Building
  - e) Alley between 2<sup>nd</sup> and 3<sup>rd</sup> Streets, east of Fretz
- 5) Acceptance of Final Plat, public improvements and maintenance bonds for Creekside Office Park, located on Edmond Road, one-half mile west of Kelly on the north side.
- 6) Acceptance of Final Plat, public improvements and maintenance bonds for Creekside Senior Living Center, located on Edmond Road, one-half mile west of Kelly on the north side.
- 7) Approval of membership in the Oklahoma Municipal Utility Services Authority (OMUSA) for the City of Edmond.
- 8) Approval of supplemental appropriations from the General Fund for Edmond Mobile Meals and U.R. Special - \$4,550
- 9) Approval of transfer of appropriations for Legal Services - \$3,000

Motion by Miller, seconded by Page, to approve General Consent Items 5.A.(1-9). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller  
NAYS: None

**B. Approval of Purchases:**

- 1) **Award of bid for fitness equipment for Station No. 5 for Fire Department.** Purchasing Manager recommended accepting bids from Precision Fitness (\$8,893), Push-Pedal-Pull (\$14,060) and Body Works (\$3,685) for a total amount of \$26,638.
- 2) **Award of bid for two (2) vacuum sewer cleaner trucks for the Fleet Management Department.** Purchasing Manager recommended accepting bid from Vactor Mfg. In the amount of \$359,040.
- 3) **Award of bid for an articulating crane mounted on an appropriate cab/chassis for the Fleet Management Department.** Purchasing Manager recommended accepting bid from Roberts Truck in the amount of \$161,070.
- 4) **Approval of recurring annual software license agreement with Azteca Systems, Inc. for the CityWorks software work order system in the amount of \$32,200.**
- 5) **Approval of agreement with Azteca Systems, Inc. to expand the existing CityWorks work order system in the amount of \$64,665.**
- 6) **Approval to dispose of used/surplus mail processing system for the Utility Customer Service Department.**
- 7) **Approval of Change Order No. 1 with Titan Home Remodel for rehabilitation of residential structure located at 58 Shirley Lane as part of the Community Development Block Grant (CDBG) program in the amount of \$1,775.**
- 8) **Approval of Change Order Nos. 1 and 2 with Winters Contracting for the Mitch Park-Coffee Creek bicycle trail in the amount of \$64,808.**
- 9) **Approval of Change Order No. 30 with Timberlake Construction, Inc. for the Cross Timbers Municipal Complex project in the amount of \$774.68.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.B.(1-9). **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. Approval of Resolution No. 02-05 approving action taken by the Edmond Public Works Authority authorizing issuance, sale and delivery of a Promissory Note of the Authority to the Oklahoma Water Resources Board; ratifying a Lease, as amended, and approving an amendment thereto; approving a Sales Tax agreement; and containing other provisions related thereto.**

Motion by Lamb, seconded by Sanford, to approve Resolution No. 02-05. **Motion carried** as follows:

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

**10. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of commercial Site Plan approval for a bank, located on the northeast corner of Kelly Avenue and W. 15<sup>th</sup> Street (Intrust Bank, N.A., applicant) Case No. SP040049.**
- B. **Public Hearing and Consideration of Final Plat for a restaurant, located on the east side of Santa Fe, north of Kirkpatrick Bank and west of Kohl's (Taco Mayo, applicant) Case No. PR040050.**
- C. **Public Hearing and Consideration of commercial Site Plan approval for a restaurant, located on the east side of Santa Fe, north of Kirkpatrick Bank and west of Kohl's (Taco Mayo, applicant) Case No. SP040050.**

Motion by Lamb, seconded by Page, to approve Planning Consent Items 10.A. through 10.C. subject to the stipulation that approval of Item 10.A. only includes the ground signs and not the directional signs. **Motion carried** as follows:

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

**11. Consideration of Final Plat for Thornbrooke Manor 2<sup>nd</sup>**

**Addition, located north of 33<sup>rd</sup> Street, approximately 2,150 feet east of Bryant (Winchester Development, LLC, applicant).** The addition consists of 15.61 acres and contains 30 lots. An off-site easement has been submitted for the drainage detention area on the northwest corner of Thornbrooke Boulevard and 33<sup>rd</sup> Street. The applicant and homeowners have reached an agreement regarding limits of no access on the corner lots.

Dennis Box, attorney representing the applicant, addressed Council and stated the applicant has reached an agreement with the homeowners regarding access cuts, utilization of the detention area and also protection of the neighborhood group in how the development will occur. He stated the covenants will be modified to incorporate the new agreements and restrictions.

David Ketelsleger, President of the Thornbrooke Homeowners Association, addressed Council and stated they have reached an agreement on most of the issues and have no objection to the application. He stated they appreciated the willingness of the developer to work with the homeowners.

Jim Roberts, resident of Thornbrooke, addressed Council and requested that the street signs and lights be similar in appearance to those of the existing Thornbrooke addition. He stated he was told that the street signs were not reflective and did not meet City codes because of that.

Steve Manek, City Engineer, addressed Council and stated the City does require all street signs be made out of a retro reflective material so that the police and fire departments can read the signs during an emergency situation.

Mr. Box stated the street lights are not an issue and that they will comply with all City codes regarding the street signs.

Motion by Miller, seconded by Page, to approve Item No. 11 subject to using the corrected plat regarding limits of no access on the corner lots. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of Ordinance No. 2896 amending Edmond Plan III from Lake Residential usage to Lake Residential Planned Unit Development (PUD) usage, located north of E. 2<sup>nd</sup> Street, west of Post Road (Barry Rice, applicant) Case**

**No. Z040035.** The property consists of 104.6 acres and would allow a maximum of 33 single family homes and two commercial lots. The common areas will contain 19 acres. A variance in the paving standard for low water crossings is contained in the Design Statement. The streets for the gated development would be private.

Mayor Naifeh asked if the streets contain low water crossings if the city would be responsible for resolving any drainage problems that occur.

City Planner, Bob Schiermeyer, addressed Council and stated since the streets are private it would be the responsibility of the homeowners to maintain the streets and resolve any drainage problems.

Barry Rice addressed Council and stated the property is in an environmentally sensitive area and is a part of the original Cross Timbers forest. He noted the reason he is requesting variances on the streets and low water crossings is to preserve as many trees as possible and also the bluff. Mr. Rice stated he did not see any problems with the low water crossings because the street is at the top of a hill and all the drainage would be from this site. He stated there will not be any upstream runoff that will drain into the low water areas. He stated he is doing his best to preserve the bluff so the view from 2<sup>nd</sup> Street should not change drastically because of this development. Mr. Rice stated the application is different than the original concept for this property because he has purchased 20 more acres and reduced the amount of lots from 44 to 33. He stated the design statement does not show the stub outs but he is reserving land in that area for possible future acquisition of additional property.

Councilmember Lamb stated the applicant has made a significant effort regarding preservation but he is requesting a variance from ordinary detention requirements. He noted the property does not drain into the lake and is very low density. He stated the question is what is the tradeoff of preservation versus the standard applications of City requirements? Councilmember Lamb stated that is one of the challenges in the development of Title 22 that is not completed yet.

Steve Manek stated prior to approval of the Final Plat, the application will need to be reviewed by the Stormwater Drainage Advisory Board.

Motion by Page, seconded by Miller, to approve Ordinance No. 2896 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. 2896. **Motion carried** as follows and Ordinance No. 2896 is in effect immediately:

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

**13. Public Hearing and Consideration of Ordinance No. 2897 rezoning from "G-A" General Agricultural and "L-2" Lake Residential Planned Unit Development (PUD) to "L-2" Lake Residential Planned Unit Development (PUD), located north of E. 2<sup>nd</sup> Street, west of Post Road (Barry Rice, applicant) Case No. Z040036.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2897 as read by title by City Planner. **Motion carried** as follows:

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

**14. Public Hearing and Consideration of Ordinance No. 2898 amending Edmond Plan III from Lake Residential Planned Unit Development (PUD) usage to Restricted Lake Commercial Planned Unit Development (PUD) usage, located north of E. 2<sup>nd</sup> Street, west of Post Road (Barry Rice, applicant) Case No. Z040037.** The applicant is proposing to construct an upscale restaurant and/or office building on lots shown as Lots A and B on the Master Plan. Lot B contains 3.24 acres and Lot A contains 2.35 acres. These will be the only uses.

Motion by Miller, seconded by Page, to approve Ordinance No. 2898 as read by title by City Planner. **Motion carried** as follows:

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

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

to Ordinance No. 2898. **Motion carried** as follows and Ordinance No. 2898 is in effect immediately:

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

**15. Public Hearing and Consideration of Ordinance No. 2899 rezoning from "L-2" Lake Residential Planned Unit Development (PUD) to "L-5" Restricted Lake Commercial Planned Unit Development (PUD), located north of E. 2<sup>nd</sup> Street, west of Post Road (Barry Rice, applicant) Case No. Z040038. This is a companion to the above item and was discussed at that time.**

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2899 as read by title by City Planner. **Motion carried** as follows:

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

**16. Public Hearing and Consideration of Ordinance No. 2900 amending Title 15 of the Edmond Municipal Code regarding ground sign height and size along E. 2<sup>nd</sup> Street from Broadway to University Drive adjacent to the "CBD" Zoning District (Central Edmond Urban Development Board, applicant). The proposed ordinance would provide a compatibility of sign size for this area which contains sidewalks along with building setbacks being near the front property line. Existing ground signs are the lower profile monument type signs. The Urban Board recommended the monument signs for this section of 2<sup>nd</sup> Street from the railroad underpass to University Drive. The recommended standard for this area is a maximum of 6 feet in height and 60 square feet.**

Motion by Page, seconded by Lamb, to approve Ordinance No. 2900 as read by title by City Planner. **Motion carried** as follows:

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

**17. Executive Session to discuss the following pending claims (Executive Session authorized pursuant to 25. Okla. Stat. Section 307(B)(4):**

- a) Fairfax Joint Ventures, LLC vs. City of Edmond
- b) Cobble vs. City of Edmond
- c) Shaw vs. City of Edmond
- d) Starr vs. City of Edmond
- e) Caston vs. City of Edmond
- f) McCleery vs. City of Edmond

Motion by Miller, seconded by Sanford, to meet in Executive

Session to discuss the above pending claims. **Motion carried** as follows:

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

Mayor and Councilmembers recessed to the City Council Conference Room at 7:09 p.m. and returned to the City Council Chambers at 7:39 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

**18. Consideration of Action with regard to the above pending claims.**

Motion by Lamb, seconded by Miller, to authorize City Attorney to proceed with settlement negotiations for Items 17.B. through 17.F.. **Motion carried** as follows:

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

**19. NEW BUSINESS:**

Kate Wooten, President of the Edmond Neighborhood Alliance, addressed Council and invited all to attend the 11<sup>th</sup> Annual Neighborhood Summit to be held on February 26<sup>th</sup> from 8:00 a.m. to noon in the Multipurpose Activity Center at Mitch Park.

Councilmember Page asked the status of the Convention and Visitors Bureau and requested this matter be discussed at the next meeting.

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

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

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**City Clerk**

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**Mayor**