

**EDMOND CITY COUNCIL MINUTES**

March 28, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, March 28, 2005, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve March 14, 2005, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. **Presentation of proclamation declaring March 28-April 3, 2005, as "NATIONAL COMMUNITY DEVELOPMENT WEEK" in the City of Edmond.**

B. **Presentation of the 4<sup>th</sup> Annual E-TREE awards by Larry Ratliff, Chairman of the Edmond Urban Forestry Commission.** Awards were presented to St. John the Baptist Catholic Church, University of Central Oklahoma, Asheforde Oaks Homeowners Association and the Edmond Parks and Recreation Department.

C. **Presentation of the Arbor Day poster contest winners in the City of Edmond.** Carrie Tomlinson, City of Edmond Urban Forester, presented the awards to the following 5<sup>th</sup> grade students:

- 1) James Duncan - Washington Irving Elementary
- 2) Lombe Mundende - Washington Irving Elementary
- 3) Sara Patterson - Angie Debo Elementary
- 4) Jacob Junker - Ida Freeman Elementary

D. **StormReady presentation by Rick Smith, Warning Coordination Meteorologist for the National Weather Service.**

E. **Presentation of update on emergency management activities by David Barnes, Director of Emergency Management.**

**4. 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 February 28, 2005.
- 2) Acceptance of City Treasurer's Investment Report for month ending February 28, 2005.
- 3) Acceptance of construction permits from the Oklahoma Department of Environmental Quality for the following:
  - a) Golden Gate at Twin Bridges Addition
  - b) Hidden Prairie at Kelly Point Addition
- 4) Acceptance of electric easement to provide electric facilities to re-route the service at 900 S. Littler for St. John the Baptist Catholic Church.
- 5) Acceptance of easements to build a sanitary sewer to serve the Northwest complex for the 2020 Master Plan Water Improvements project from the following:
  - a) Coffee Creek Association, Inc. - donated
  - b) M.L. Young Development, LLC - donated
  - c) Millennium Golf Properties, LLC - donated
- 6) Acceptance of easement from James T. and Shirley D. Hoke for the 30 inch water transmission line from Oklahoma City to the Northwest Complex at Coffee Creek Road and Boulevard for the 2020 Master Plan Water Improvements project, Contract 6B (donated).
- 7) Public Hearing and Consideration of a drilling/operations permit for one (1) oil and gas well, Shannon 3; 2,307 feet from the west line and 2,303 feet from the south line of the SW/4 of Section 9, T14N, R2W.
- 8) Approval of project agreement with the Oklahoma Department of Transportation and Resolution No. 04-05 to provide maintenance for the signal lights at the new Wal-Mart store located at 15<sup>th</sup> Street and E. I-35 Frontage Road, 15<sup>th</sup> Street and W. I-35 Frontage Road and 2<sup>nd</sup> Street and W. I-35 Frontage Road.

9) Approval of jurisdictional agreement with the University of Central Oklahoma (UCO) Department of Public Safety for enforcement efforts on and around the UCO campus.

10) Approval of supplemental appropriations for the Asset Forfeiture Fund and Fleet Management Fund in the amount of \$15,000.

11) Approval of Transfer of appropriations from the 2000 Capital Improvement Tax Fund to the Fleet Management Fund for the purchase of a tanker pumper apparatus for Fire Station No. 5 in the amount of \$195,691.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.A.(1-11). **Motion carried** as follows:

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

NAYS: None

B. **Approval of Purchases:**

1) Award of bid for a tanker pumper apparatus for the Fire Department, Fire Station No. 5. Purchasing Manager recommended accepting bid from Southwestern Fire Equipment in the amount of \$195,691.

2) Award of bid for two (2) washer/extractors for the Fire Department, Fire Station No. 5. Purchasing Manager recommended accepting bid from Advantage Laundry Systems in the amount of \$15,612.

3) Acceptance of roadway easements from Fruendt, Inc. for the Boulevard Widening project, Danforth to Covell improvements, and the Covell Underpass project, in the amount of \$47,356.

4) Acceptance of roadway easements from Lamar H. and Velma R. Wilson for the Coltrane Road Bridge project over Spring Creek in the amount of \$13,500.

5) Approval of FY 2004/05 audit services contract with Crawford and Associates, P.C. in the amount of \$47,000.

6) **Award of bid for the temporary traffic calming project at 9<sup>th</sup> Street and Rankin and approval of Resolution No. 05-05 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from NES Traffic Safety dba Advanced Warnings in the amount of \$14,937.

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

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

**5. Approval of Tort Claim Committee's recommendation on Tort Claim.**

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0031 Police Department \$16,528.36	Pay -

Motion by Lamb, seconded by Sanford, to approve Tort Claim Committee's recommendation on Tort Claim. **Motion carried** as follows:

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

**10. PLANNING CONSENT ITEMS:**

A. **Public Hearing and Consideration of commercial Site Plan approval for a medical building, located on the west side of Boulevard, one-fourth mile south of 33<sup>rd</sup> Street, 3801 S. Boulevard (Turner and Company, applicant) Case No. SP050005.**

B. **Public Hearing and Consideration of Special Use Permit to add a classroom building to an existing church, located at 600 N. Coltrane (Faith Bible Church, applicant) Case No. U050001.** The building will contain 1,536 square feet and be located on the south side of the church between the two wings of the existing building. The building is a portable type commercial building with vertical wood siding for the exterior finish but is not meant to be temporary and could be in that location indefinitely. The building will comply with fire codes, building codes and ADA standards and will be tied down to meet all the foundation requirements.

Councilmember Page requested that a buffer be provided since this is a temporary building. He stated whenever the building is made permanent then a buffer will already be in place.

Mayor Naifeh noted that the packet information shows the building will not be temporary and could be there indefinitely.

Councilmember Sanford stated the proposed building is a commercial structure in a residential area and is not required to comply with the all brick exterior walls requirement as other commercial buildings must do. She felt there should be a time limit for the building to be located at this site and she stated she would prefer a three-year limit.

Bruce DeFreese, Bockus Payne Architects, addressed Council on behalf of the applicant and stated the setback of the building is approximately 300 feet and only one end of the building would be visible. He stated the church is in the process of developing a master plan for the property and the proposed building will address an immediate need.

Councilmember Miller stated he had no objections to the church using the building but he felt there should be a time limit or a requirement that the trees could not be removed until a permanent building is constructed. He stated at some point in the future, if there is no time limit or conditions regarding the trees, the church could remove the existing buildings and trees and expose the temporary building to the abutting residential neighborhood.

General discussion was held on this matter and consensus of Council was to approve the application with a three-year time limit. It was noted that the applicant will be able to request an extension at the end of the three-year period if a permanent building has not been constructed yet.

Motion by Sanford, seconded by Page, to approve Planning Consent Item 10.B. subject to a three-year limit on the Special Use Permit with the understanding that an extension may be requested at the end of the three-year period.

**Motion carried** as follows:

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

- C. **Consideration of Final Plat of Stone Creek Office Park, located on the northwest corner of Locust Lane and Bryant (Larry Owsley, applicant) Case No. PR030022.**
- D. **Public Hearing and Consideration of Site Plan approval for Line-X truck bed liner sales/service center, located on the northeast corner of Enterprise Drive and Kelly (Great Plains Holding Co., LLC., applicant) Case No. SP050006.**
- E. **Public Hearing and Consideration of commercial Site Plan approval for Doug's Automotive, located on the east side of Kelly, south of Whinery Mortgage (Gary Cook, representing TEC-AN, Inc., applicant) Case No. SP050001.** The site will contain two buildings with the front building containing 11,098 square feet and the rear building 5,972 square feet.

Councilmember Lamb stated the landscaping is in compliance with requirements but they are being allowed to use the existing plant material to meet the requirements. He noted when Kelly is widened into a parkway, which requires 70 foot of right-of-way, the trees will need to be removed and the application will no longer be in compliance with landscaping requirements.

Bob Schiermeyer, City Planner, addressed Council and stated the applicant will not be able to meet the requirements when Kelly is widened. The applicant was unaware of the additional right-of-way

requirements for a parkway when he began designing his project. He noted other recent developments along Kelly have provided the additional right-of-way. Mr. Schiermeyer stated the applicant was given credit for the existing trees even though when Kelly is widened they will probably need to be removed. He stated the only way the applicant will be able to comply with landscaping requirements when Kelly is widened is by making the front building smaller or eliminating some parking in the front. He noted staff and the applicant have compromised on the landscaping issues. Mr. Schiermeyer stated the applicant will be required to maintain the trees until such time as they are removed, if needed, by the City to widen Kelly.

Mark Farris, Red Plains Professional, addressed Council and stated the existing trees are approximately 24 feet behind the existing curb. He stated at this time it is not known whether the trees will need to be removed when Kelly is widened. Mr. Farris noted that plans for widening Kelly have not been finalized and at this time, no one knows how much right-of-way will be needed from the east side of Kelly. He stated the applicant does not plan to remove the trees.

- F. **Consideration of Final Plat for Doug's Automotive, located on the east side of Kelly, south of Whinery Mortgage (Gary Cook, representing TEC-AN, Inc., applicant) Case No. PR050004.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Page, to approve Planning Consent Items 10.E. and 10.F. subject to the applicant being given landscaping credit for the existing trees in the right-of-way which will be maintained by the applicant until Kelly is widened. **Motion carried** as follows:

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

- G. **Public Hearing and Consideration of commercial Site Plan approval for a warehouse type building, located north of 15<sup>th</sup> Street, east of Fretz Avenue (Clearwater Plumbing, applicant) Case No. SP050003.**
- H. **Public Hearing and Consideration of Ordinance No. 2906 rezoning from "G-A" General Agricultural to "R-2" Urban Estate Planned Unit Development (PUD), located south of Sorghum Mill Road, east of Douglas (East Edmond, LLC, applicant) Case No. Z050002.**
- I. **Public Hearing and Consideration of Final Plat for Intrust Bank, located on the northeast corner of W. 15<sup>th</sup> Street and Kelly Avenue (Intrust Bank, N.A., applicant) Case No. PR040048.**

Motion by Miller, seconded by Page, to approve Planning Consent Items 10.A., 10.C.-10.D., 10.G.-10.I. **Motion carried** as follows:

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

- 11. **Public Hearing and Consideration of Ordinance No. 2907 amending Edmond Plan III from Light Industrial to General Commercial usage, located on the north side of 33<sup>rd</sup> Street, one-fourth mile west of Kelly Avenue (Terry McGuire, representing Kay-Bee Investment, applicant) Case No. Z050005.** The site contains 12.92 acres and abuts property that is proposed as a

residential addition.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2907 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. 2907. **Motion carried** as follows and Ordinance No. 2907 is in effect immediately:

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

**12. Public Hearing and Consideration of Ordinance No. 2908 rezoning from "F-1" Light Industrial to "E-1" General Commercial District, located on the north side of 33<sup>rd</sup> Street, one-fourth mile west of Kelly Avenue (Terry McGuire, applicant) Case No. Z050006.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2908 as read by title by City Planner. **Motion carried** as follows:

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

**13. NEW BUSINESS:**

Councilmember Sanford stated the Council has been given information about having a sales tax holiday. She asked Council if they wanted to discuss this matter at the next Council meeting or give direction to Nancy Nichols, City liaison to the Legislature, on whether to support the sales tax holiday or not. Consensus of Council was to place this item on the agenda for the next meeting.

**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

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**City Clerk**

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**Mayor**