

## EDMOND CITY COUNCIL MINUTES

May 23, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 23, 2005, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Lamb, seconded by Sanford, to approve May 9, 2005, Minutes. **Motion carried** as follows:

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

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

- A. **Presentation of the Downtown Edmond Business Association 2005 Champion Award by Danny Marx and Julie Fost.** The award was presented to Charlie Burgett, Director of Edmond Electric.
- B. **Presentation of the Outstanding Electric System Reliability to the City of Edmond by Shane Woolbright, Executive Director of the Municipal Electric Systems of Oklahoma (MESO).**
- C. **Presentation of Appreciation Awards to David Woods and Allen Thomas for their years of service to the Edmond Planning Commission.** Mayor Naifeh presented an award to David Woods and stated that Allen Thomas would be presented his award at a later date since he was unable to attend this meeting.

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

- A. **Appointment to the Edmond Convention and Tourism Advisory Board.** Councilmember Page nominated Lance W. Currie to fill the unexpired term of Robert Lewter to serve a term expiring in October, 2007.
- B. **Appointment to the Edmond Planning Commission.** Councilmember Sanford nominated Barry Moore for appointment to serve a three-year term expiring in May, 2008.
- C. **Appointment to the Edmond Planning Commission.**

Councilmember Lamb nominated Bill Moyer for appointment to serve a three-year term expiring in May, 2008.

- D. **Appointment to the KickingBird Golf Club Advisory Board.** Councilmember Lamb nominated Dyke Hoppe for appointment to serve a three-year term expiring in May, 2008.

Motion by Miller, seconded by Lamb, to approve Items 4.A. through 4.D. **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 April 30, 2005.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending April 30, 2005.**
- 3) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality.**
- 4) **Acceptance of public improvements and maintenance bonds for the following:**
  - a) Cheyenne Ridge Villas
  - b) Safe Routes to School - Phase II
- 5) **Approval of contract with the Association of Central Oklahoma Governments (ACOG) to provide traffic counts.**
- 6) **Approval of lease agreement with the University of Central Oklahoma (UCO) and Arcadia Lake for a water sports training facility.** Mayor Naifeh stated this item would be continued to a future meeting.
- 7) **Acceptance of Final Plat, public improvements and maintenance bonds for Quo Vadis II, located on the northwest corner of Coffee Creek and Westminister.**

8) **Public Hearing and Consideration of Ordinance No. 2924 amending the Edmond Municipal Code, Chapter 13.04, Subsection 13.04.050 regarding duty to request and use Solid Waste Services.**

9) **Public Hearing and Consideration of Ordinance No. 2925 amending the water capacity fees for residential and commercial new construction.**

Myron Butler, Timber Ridge Addition, addressed Council in opposition to the increase in water rates. He stated he felt it was hypocritical of the City to ask residents to conserve water when he drives around the City all the time and sees water running down the street from businesses who are required by City ordinances to install landscaping and keep it alive by extensive watering. He noted he gets fined for watering his flowers on the wrong day during the conservation period. Mr. Butler requested the City put a moratorium on building permits until they can build the infrastructure to provide an adequate water supply during peak demand times.

Mayor Naifeh stated there has not been an increase in water rates since 1990. She noted the fee increase was recommended by a consultant hired by the City to study this issue in 2001. She stated the City will be spending \$37 million in the next five years in water system expansion projects throughout the City. Mayor Naifeh stated a better water supply will mean better opportunities for economic development in the City.

Councilmember Lamb explained that builders currently pay impact fees to help pay for infrastructure for new construction projects. There has been a four year phase-in for increases in these fees and this particular ordinance is the final year of the phase-in.

Councilmember Sanford noted that the increased fees are an attempt to eliminate the need for water rationing in the future. She noted that she feels citizens as well as businesses are wasteful of water.

Jerry Smith, Assistant City Manager for Public Works, addressed Council and stated the average water usage for households is 8,000 gallons per month. Based on the average usage, Mr. Smith stated the increase will be \$5.65, or 23%, per month. He noted the more water used the higher

the percentage of increase. Mr. Smith stated the ratio of water consumption in the City is 30% commercial and 70% residential.

Motion by Miller, seconded by Page, to approve Ordinance No. 2925 as read by title by City Attorney. **Motion carried** as follows:

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

10) **Public Hearing and Consideration of Ordinance No. 2926 amending the sewer capacity fees for residential and commercial new construction.**

11) **Consideration of approval of Resolution Nos. 14-05, 15-05 and 16-05, fixing rates for water, wastewater and solid waste services.** Councilmember Miller stated average residential wastewater rates are not increasing and will actually decrease by \$1.15 per month. He noted the City has adjusted the formula of months used for determining the annual charges to insure the lowest number possible is used to calculate the base rate.

Motion by Miller, seconded by Page, to approve General Consent Item 5.A.(11). **Motion carried** as follows:

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

12) **Approval of budgeted funds for Capital and Operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$66,307.63.** Mayor Naifeh stated this is the first transfer of funds to the airport and she requested the airport sign be changed to reflect the new name of Guthrie/Edmond Regional Airport.

13) **Approval of transfer of appropriations for Pelican Bay Division of the Parks and Recreation Department - \$4,000**

14) **Approval of supplemental appropriations for the General Fund and the Convention and Visitors Bureau**

(CVB) - \$67,958.24

**15) Approval of supplemental appropriations for Pelican Bay Division of Parks and Recreation Department - \$4,640**

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-5,7-8,10,12-15). **Motion carried** as follows:

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

**16) Approval of supplemental appropriations for the General Fund and Arts in Public Places fund - \$6,625**

Keri Adams, Chairman of the Visual Arts Commission, addressed Council and stated the Committee has changed the procedure for approving the funds for art projects. She noted the Committee recently approved new artwork and have already received the matching private funding and now need additional funds from the City to meet their obligations. Ms. Adams stated the funds could be taken from the FY 2005/06 budget since the artwork was originally supposed to be paid out of next year's budget.

Motion by Page, seconded by Lamb, to approve General Consent Item 5.A.(16). **Motion carried** as follows:

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

**B. Approval of Purchases:**

**1) Approval of contract for the Central Communications assessment with Matrix Consulting Group in the amount of \$45,000.**

**2) Acceptance of roadway easements for the Boulevard Widening, Danforth to Covell improvements and the Covell Underpass project from the following:**

- a) JABO, LLC, Parcels 2, 2.1, and 8 - \$100,000
- b) Thomas Trails, LLC, Parcels 2 and 16 - \$129,400

- 3) Acceptance of roadway easements from David G. Ridgell for the Coltrane Road Bridge project over Spring Creek in the amount of \$9,500.
- 4) Award of bid (including renewal options) for ethanol and bio diesel fuel for City vehicles from Glenn Oil Company, Inc. in the annual estimated amount of \$200,000.
- 5) Approval of interlocal agreement with the Board of County Commissioners of Oklahoma County for rural roadway reconstruction improvements on Covell Road between Douglas Boulevard and Post Road in the amount of \$19,000.
- 6) Approval of interlocal agreement with the Board of County Commissioners of Oklahoma County for improvements on Douglas Boulevard between Coffee Creek Road and Sorghum Mill Road in the amount of \$179,000.
- 7) Approval of Change Order No. 2 with Cowboy Concrete for the Safe Routs to School Sidewalk Phase II project in the decreased amount of \$16,448.90.
- 8) Approval of Change Order Nos. 34 and 35 with Timberlake Construction Company for the Cross Timbers Municipal Complex project in the amount of \$37,066.43.

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.B.(1-8). **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. PLANNING CONSENT ITEMS:**

- A. Consideration of Final Plat for The Quarters at Kelley Pointe, located north of 33<sup>rd</sup> Street, west of Kelly Avenue (Kay-Bee Investment Co., LLC, applicant) Case No. PR050012.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 9.A. **Motion carried** as follows:

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

- B. **Public Hearing and Consideration of Site Plan approval for Villages at Clegern Park Multi-Family development, located on the east side of Rankin, one-eighth mile south of 2<sup>nd</sup> Street (Blair Remy Corporation, applicant) Case No. SP030032.** The project consists of seven apartments in a townhouse type unit which is the maximum amount allowed on this tract. The detention area is located to the east, north of the Clegern Park Addition.

Councilmember Page asked who will be responsible for maintenance of the detention facility.

Bob Schiermeyer, City Planner, addressed Council and stated there is no long term solution at this time. He stated currently there is no mandatory homeowners association and no one is directly responsible for maintenance of the detention area. He stated that issue can be resolved when the plat is reviewed.

Steve Blair, representing the applicant, addressed Council and stated when they purchased the property from the original owner it was with the understanding that the current detention facility was sized to accommodate the detention requirements for his property. He stated he would work with the adjacent property owner to perhaps take over ownership of the detention basin because they want it to be maintained due to the close proximity to their parcel. Mr. Blair stated they would work with the adjacent homeowners who also benefit from the detention facility to work out an agreement for maintenance. He stated he feels since the homeowners receive benefit from the facility, they should also share in the responsibility for maintenance.

Councilmember Page stated he would prefer to have a long term solution before a plat is approved because in 5 to 10 years he does not want area property owners to request the City repair the problem.

Motion by Miller, seconded by Page, to approve Planning Consent Item 9.B. **Motion carried** as follows:

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

10. **Public Hearing and Consideration of Ordinance No. 2927 rezoning from "E-1" General Commercial District to "E-2" Open Display Commercial District, located on the northeast corner of Madison and west Edmond Road (Circle Saw Shop, applicant) Case No. Z050023.** The applicant is changing the type of business from an auto parts store to lawnmower sales and maintenance. The lawnmowers will often be stored or displayed outside the building during the day but will be moved inside when the business is closed. The property to the east is zoned "E-2" and the Edmond Plan projects this parcel for "E-2" also. Planning Commission recommended approval.

Mayor Naifeh asked if the applicant was planning to make any improvements to his property and especially the sign by adding landscaping around the base.

Larry Wymer addressed Council and stated he understands that the existing sign will not comply with City requirements and that he plans to make improvements to the sign in compliance with City

regulations.

Mr. Schiermeyer stated the existing sign is temporary and landscaping will need to be added to the sign base in order to comply with the sign ordinance.

Motion by Page, seconded by Miller, to approve Ordinance No. 2927 as read by title by City Planner. **Motion carried** as follows:

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

**11. Public Hearing and Consideration of Special Use Permit for mining dirt and other select material, located north of Danforth, west of Post Road, 9225 E. Danforth (Raymond Butler, applicant) Case No. U040014.** The applicant requested this item be continued to June 27, 2005.

Motion by Miller, seconded by Sanford, to continue Item 11 to June 27, 2005, as requested by the applicant. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of Special Use Permit for mining dirt and other select material, located one-half mile north of Danforth, west of Douglas Boulevard, 1700 N. Douglas Boulevard, Mason No. 1 (M&S Sand, LLC, applicant) Case No. U040013.** The site contains 60 acres and is surrounded by homes. The applicant plans to construct an accessory building, provide a gravel parking lot for employees, portable restroom and a trash dumpster. Access to the property will be a gravel drive extending east from Douglas. The hours of operation will be from 7:30 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday during the summer months. The winter hours will be from 7:30 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday. The initial five acre mining site will be in the center of the property but as the operation expands, the setbacks would be reduced to 25 feet from the property lines. The land will be reclaimed once the mining operation ceases. The Department of Mines will require the disturbed area to be sloped and sprigged with grass in order to reclaim the property.

Les Sharp, addressed Council on behalf of the applicant and stated the property is part of a family farm that has been in the family for four generations. He stated the family is attempting to keep the farm together by requesting approval of this operation. He noted his father-in-law is too old to work and needs the income from the proposed operation to pay living expenses.

Frank Howard, Larry Resler, Larry Toombs, Don Kanaly, Henry Gresham, Christine Brown and Mike Scharrer addressed Council in opposition. Their primary concerns were devaluation of their property, inadequate infrastructure and deterioration of

existing streets. They also felt an operation of this type was not compatible with the area because of the existing high-end homes.

Councilmember Sanford stated she was concerned about a commercial project in this area because of the lack of infrastructure. She stated she felt this type of business should be located in a commercial or industrial area and not an area where it is surrounded by single family homes.

Motion by Miller, seconded by Page, to approve Item 12. **Motion was denied** as follows:

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

Items 13 through 16 were discussed at one time.

Randel Shadid, attorney representing the applicant, addressed Council and stated the proposed shopping center is modeled after Utica Square in Tulsa and will be a high-end shopping center. He stated the applicant is the largest commercial developer in Edmond and generates more sales tax and advalorem taxes than any other developer in the City. He stated the principal owners are also residents of Edmond. He stated they will provide a 25 foot buffer on Bryant and will eliminate "D-1" uses for a convenience store, gas station and fast food restaurant. Mr. Shadid stated they will provide a minimum of 14% landscaping. He noted the density is less than the existing Spring Creek. He stated the style will be identical to Spring Creek and some of the buildings will be brick on all four sides and the back of the buildings will look the same as the front. Mr. Shadid stated 13 parking spaces next to Pelican Bay originally provided for employee parking will be eliminated and berms and landscaping will be installed. He stated trees will be transplanted to the north side of the development from elsewhere on the site and additional evergreen trees will also be planted to provide tree cover in the winter. He stated they will move the large department store building 20 feet south and eliminate 65 parking spaces on the south side of the shopping center adjacent to the Chappelwood Financial Services property and only provide the minimum parking allowed. Mr. Shadid stated there will be a vehicular bridge as well as a pedestrian bridge spanning the creek that runs through the property. He stated there has been some discussion regarding covering the pedestrian bridge and the applicant will address that issue during the Site Plan review

process. He stated they will commit to exceed Title 23 drainage requirements and will provide several detention areas throughout the development which they feel will help solve existing drainage problems. Mr. Shadid stated they will agree with staff's recommendations of the placement of traffic signals and will install deceleration and acceleration lanes wherever needed for better traffic flow. He stated they will commit to a landscaping buffer on the north side of the building closest to Pelican Bay. He noted at this time they do not have a tree preservation plan but will work with the City's arborist in an attempt to plant the correct trees for the location. Mr. Shadid stated traffic will increase as the property is developed whether it is developed as residential or commercial but he felt it was not economically feasible to develop the property as residential. He noted that the Edmond Plan has not been updated since 1999 and this part of the City has not been studied since 1984. He noted this area has drastically changed since 1984 with both the north corners of the intersection containing commercial developments.

Greg Massey addressed Council on behalf of the applicant and stated they prepared a traffic study since the Planning Commission meeting and he distributed a copy to members of the Council. He outlined the report and stated based on a maximum amount of 200,000 square feet for the entire development, they determined that the shopping center would generate 10,000 cars per day with the majority of the traffic occurring after 4:00 p.m. He stated they felt the shopping center would not impede or add to the peak rush hour morning traffic due to the nature of the businesses located in the shopping center.

Tammie Toby, Chris Whipple, Clifford Henderson, Mike Scharrer, Laura Lockford, John Snyder, Debbie Powell and Dick Howard, all area residents, appeared in opposition. Kate Wooten, representing the Edmond Neighborhood Alliance, also addressed Council in opposition. Their primary concerns were increased traffic, reduced property values, increased noise levels and drainage problems. Several of the residents also felt the shopping center would affect the peaceful atmosphere of Hafer Park.

Mayor Naifeh asked about traffic flow and requested an overview from staff.

Rush Clinkscales, Assistant City Engineer, addressed Council and outlined the traffic needs and stated the area would be improved with traffic signals located at Briarwood Drive and a new street

off of 15<sup>th</sup> Street to the west of Chappelwood Financial Services. He stated traffic signals and the corresponding geometric improvements would improve the traffic flow in this area.

Councilmember Page stated developers are slowly taking green space away from water areas. He stated this project is surrounded by single family homes and he felt it was not compatible and offered no merit to the City. He stated he did not feel that another shopping center is needed in this area and that he could not vote to approve this project.

Councilmember Sanford stated this is the same argument that was used when Spring Creek and Ballengers were approved. She stated she does not feel that the proposed shopping center will damage the tranquility of Hafer Park. She noted there is already a lot of commercial in this area and that the development will not affect the quality of life for area residents.

Councilmember Lamb stated he wanted to have the changes discussed by Mr. Shadid incorporated into the Design Statement before he will be comfortable with voting on this issue. He noted that Edmond is continuing to change in this part of the City as more property is commercially developed. He stated he was concerned about drainage and that the justification to change the Edmond Plan was not met at this time.

Mr. Shadid addressed Council and requested these items be continued to June 27<sup>th</sup> in order for the applicant to amend the Design Statement and incorporate the changes as discussed and agreed to by the applicant tonight.

**13. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Residential to General Commercial Planned Unit Development (PUD), located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050020.** The parcel contains 2.84 acres and is in the center of the project. A two-story 75,000 square foot department store is planned. Access would be from a new driveway connecting to Bryant across from Briarwood Drive with a second access on 15<sup>th</sup> Street west of Chappelwood Financial Services. A significant floodplain runs along Spring Creek which would require substantial grading, clearing and leveling of the property before any buildings could be constructed due to their close proximity to the floodplain and the parking lot. This application is not compatible with Edmond Plan III and the Planning Commission recommended denial.

**14. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Residential to "E-1" General Commercial Planned Unit Development (PUD), located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050021.** This is a companion to the above item and was discussed at that time.

**15. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Residential and Suburban Office usage to Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050018.** The site contains 28.35 acres. The applicant plans to develop a shopping center with additional building pad sites. Development of the shopping center would require one major

bridge across the tributary of Spring Creek that extends from Bryant. An existing home previously owned by the Whit Marks family is located north of the Spring Creek Shopping Center. This application is also not compatible with Edmond Plan III and the Planning Commission recommended denial.

**16. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Residential and to "D-1" Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15<sup>th</sup> Street (Spring Creek Village, LLC/Sooner Land Company, LLC, applicant) Case No. Z050019.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to continued Items 13 through 16 to June 27, 2005, to allow the applicant to add the amendments addressed above to the Design Statement. **Motion carried** as follows:

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

**17. Consideration and Approval of Resolution No. 17-05 approving action taken by the Edmond Public Works Authority to the Oklahoma Water Resources Board; Ratifying a lease, as amended; Approving a Sales Tax Agreement; and containing other provisions related thereto.**

Motion by Miller, seconded by Lamb, to approve Resolution No. 17-05. **Motion carried** as follows:

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

**18. Discussion and Consideration of selection process for Internal Audit Services.** Larry Stevens, City Manager, addressed Council and stated due to the staff shortage in the Financial Services Department, he will move the process for internal audit services to his department. He stated he has not determined yet the method he will use to solicit bids but that it should speed the process up by moving it out of the Financial Services Department. Mr. Stevens stated \$25,000 has been budgeted in each of the five years of the five-year budget plan and that more funds could be transferred from the Council's contingency fund through a supplemental appropriation. He noted his goal is to have a firm to consider at the June 27<sup>th</sup> meeting.

Mayor Naifeh requested the Finance/Audit Committee interview the firms selected by staff and make a recommendation to Council. The Council can then formally consider the recommended firm. She noted it may be necessary to schedule one or two Special Finance/Audit Committee meetings in order to make a recommendation to Council.

**19. NEW BUSINESS:**

Mayor Naifeh noted that the Blue Star Mothers organization had an observance for veterans this past weekend.

Mayor Naifeh stated she has requested that the Centennial Committee begin their meetings to determine what type of celebration Edmond will participate in for the state centennial celebration.

20. 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