

EDMOND CITY COUNCIL MINUTES

August 8, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 8, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve July 25, 2005, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. **City Manager's Monthly Progress Report.** Larry Stevens stated the contractor for the 15th Street, Edgewood to Pine Oak, improvements is now back on schedule and all the work on Memorial High School property should be completed before school starts on August 22nd. Construction on the entire project should be completed by early October. He stated the contractor for the 7th Street and Kelly intersection project should have the west half completed by early next week and then traffic will be switched to the other lane and work will begin on the east half of the roadway. He noted early October is the anticipated time frame for completion. Mr. Stevens stated employees of the Fire Department and Animal Welfare facility have begun moving into their new offices at the Cross Timbers Municipal Complex. He noted the Public Service Center opening will be delayed to November due to some construction delays. An open house for the full complex is tentatively planned for January. Mr. Stevens stated the Oklahoma Department of Transportation has awarded a contract to TTK Construction for the Kelly Parkway, 15th to 33rd Streets, project for a total cost of \$4.2 million. The time frame for completion is nine months and includes 60 days of early completion incentives. Mr. Stevens stated work is moving forward on the water system improvements with construction of the Northwest complex scheduled for completion by next spring.

Mayor Naifeh stated she had received comments from residents regarding the Pine Oak to Edgewood project. She stated 9th Street has one lane open for traffic and she

asked for an explanation.

Steve Manek, City Engineer, addressed Council and stated they are attempting to get that section of Pine Oak completed prior to the contractor finishing work on 15th Street and opening up the area to through traffic. He noted the reason for closing the lane on 9th Street was to keep traffic off of Pine Oak as much as possible in order to repair certain sections of the street.

B. Presentation of Journey Lineman Certificates for completion of Municipal Electric Systems of Oklahoma (MESO) Lineman Apprentice Program to the following employees:

- 1) Scott Callaway
- 2) Travis Sallee
- 3) Josh White

4. Appointments to Boards and Commissions:

A. Appointments of the following youths to various City committees:

- 1) Mayor Naifeh nominated Jessica Ortman to the Central Edmond Urban Development Board for a one-year term expiring August, 2006.
- 2) Mayor Naifeh nominated Clayton Dude to the KickingBird Tennis Center Advisory Board for a one-year term expiring August, 2006.

B. Appointments of the following citizens to various City committees:

- 1) Mayor Naifeh nominated Representative Ken Miller to the Edmond Economic Development Authority Board for a three-year term expiring July, 2008.

Motion by Sanford, seconded by Lamb, to approve Items 4.A. and 4.B. **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 Warranty Deed from Stonebriar Development, LLC, for a 30-inch water transmission line, Oklahoma City to the Northwest Complex at Coffee Creek Road and Boulevard, as part of the 2020 Master Plan Water Improvements project, Contract 6B CD04-0012.**
- 2) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) 109 N. Littler
 - b) Petra Products
 - c) Oklahoma Christian Schools
 - d) Tuscany Villa, Section II
 - e) Sterling Heights
- 3) **Acceptance of easement and street right-of-way from Matthew Lamb representing Sooner Answering Service for waterlines and sight distance.**
- 4) **Acceptance of trail easements from the following:**
 - a) Will Rogers Elementary School, Fink to Hafer Park
 - b) John Ross Elementary School, Thomas Trails to Westborough Park
- 5) **Discussion and consideration for the Board of County Commissioners of Oklahoma County to remove N.E. 150th Street (33rd Street), from Air Depot east 0.5 miles, from the reserved section line status.**

Terry Spencer, David North, Ann Johnson and Robert Lamb, area residents, addressed Council in opposition. The residents were concerned that removing the street from reserve status would necessitate removing the existing gate. The residents felt there was no need to take this action since there are no immediate development plans. They also requested Council consider safety and traffic issues before taking this action. Ms. Johnson stated at this time there is a limit of 150 boats on the Lake and if another boat ramp is added the number of boaters will be over the limit that has been set by the City. She asked why the City would want to construct another boat ramp if they are at capacity at this time.

Mayor Naifeh stated the Fish and Game Commission recommended approval and they will also discuss this item at their next meeting. She noted that removing the street from reserve status does not necessarily mean that the existing gate would be removed. She stated the Council and Fish and Game Commission will carefully consider all the issues prior to any further developments in this area. She noted this action was not the final step but that additional discussions will be held. Mayor Naifeh stated the philosophy of the City is to utilize the Lake in a manner that is best for all the citizens of Edmond.

Larry Stevens, City Manager, addressed Council and stated he had been in contact with Mr. Spencer and he stated the City would give the homeowners 60 days notice before removing the gate.

Troy Powell, Assistant City Manager for Administration, addressed Council and stated the City has been discussing how best to develop Arcadia Lake and this action is only the first step in the process. He stated removing the street from reserve status does not necessarily require future development or any commitment by the City for future development. Mr. Powell stated the 150 boat limit is only because of the lack of parking for additional boats and cars, not because of any safety concerns. He stated if more parking is available, then more boats would be allowed on the lake.

Councilmember Page stated this action is the first step to get the Oklahoma County Commissioners to place 33rd Street on their status list for improvements. He noted that the Corps of Engineers originally developed this area of the Lake as a park and that future plans by the City are to add a boat ramp, picnic tables and bathroom facilities which means that bids will need to be solicited as well as other processes required by law.

Councilmember Sanford stated the City Council did not request that 33rd Street be placed on reserve status and it should not have been done by the County without a request from the City Council. She noted a representative of the Corps of Engineers who attends the Fish and Game Commission meetings is very disgruntled because they do not have access through the gate and have requested the gate be removed. She stated the Corps wants to install their own gate on their property in order to have access to the Lake.

Councilmember Sanford stated in order for the Corps to install their own gate, the street has to be removed from reserve status. She noted that by the Corps installing their own gate, the City would be assured that the public would not be able to access the Lake without paying when the improvements are made to that area of the Lake.

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

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

6) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality to construct Oak Tree Lift Station and Force Main.**

7) **Consideration of approval of FY 2005/2006 Collective Bargaining agreement with the International Association of Firefighters, Local 2359.**

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-4,6-7). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Acceptance of two roadway easements for the Danforth Widening project at Coltrane Road in the amount of \$10,000.**

2) **Award of bid for distribution of wood poles for the YourGovShop member participants.** Purchasing Manager recommended accepting bids from North Pacific.

3) **Approval of bid disposition by the Purchasing Manager for the following:**

a) Gall's - police uniforms and supplies (including renewal options) in the annual estimated amount of \$41,000

b) Oklahoma Police Supply - police issue pistols (including renewal options) in the annual estimated

amount of \$25,000

4) Approval of contract with the University of Central Oklahoma for Academic Broadcasting Services in the amount of \$9,000.

5) Award of bid and approval of contract for the south portion of the Phase II Streetscape Pedestrian Linkages project and approval of Resolution No. 27-05 appointing Purchasing Agent for the Engineering and Public Works Departments. Purchasing Manager recommended accepting bid from Shell Construction in the amount of \$1,623,104.80.

6) Acceptance of roadway easements from Mark and April Ketelsleger for the Coltrane Road Bridge over Spring Creek project.

7) Approval of pipeline license with the Burlington Northern and Santa Fe Railway Company and participation in the Railroad Protective Liability Umbrella policy for the Broadway Realignment Waterline improvements project in the amount of \$3,500.

Motion by Lamb, seconded by Page, to approve General Consent Items 5.B.(1-7). **Motion carried** as follows:

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

6. Approval of Tort Claim Committee's recommendation on Tort Claim.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0067 Street Department Amount	Deny - Undetermined

Motion by Lamb, seconded by Page, 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 Sanford, 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. **Public Hearing and Consideration of commercial Site Plan approval for three buildings, generally located east of Kelly, north of Covell Road in the Coffee Creek Village Commercial Center (Turner and Company, applicant) Case No. SP050031.**
- B. **Public Hearing and Consideration of commercial Site Plan approval for Chapel Ridge Business Park, located at 1400 S. Fretz Drive (ERC Construction Group, LLC, applicant) Case No. SP050028.**
- C. **Consideration of Final Plat for Fairfax Estates IV, located one-half mile north of Covell Road and one-half mile east of Coltrane Road (J.W. Armstrong, applicant) Case No. PR040013.**

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

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

NAYS: None

10. **Public Hearing and Consideration of Ordinance No. amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/ Sooner Land Company, LLC, applicant) Case No. Z050020 (Continued to August 22, 2005, at request of the applicant).**

11. **Public Hearing and Consideration of Ordinance No. rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/ Sooner Land Company, LLC, applicant) Case No. Z050021 (Continued to August 22, 2005, at request of the applicant).**

12. **Public Hearing and Consideration of Ordinance No. amending Edmond Plan III from Single Family Dwelling and Suburban Office to Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/Sooner Land Company, LLC, applicant) Case No. Z050018 (Continued to August 22, 2005, at request of the applicant).**

13. **Public Hearing and Consideration of Ordinance No. rezoning**

from "A" Single Family Dwelling to "D-1" Restricted Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/ Sooner Land Company, LLC, applicant) Case No. Z050019 (Continued to August 22, 2005, at request of the applicant).

Randel Shadid, attorney representing The Bridges at Spring Creek requested Items 10 through 13 be continued to September 12, 2005, due to Councilmember Miller's absence from the August 22, 2005, meeting.

Motion by Sanford, seconded by Lamb, to continue Items 10 through 13 to September 12, 2005, as requested by the applicant. **Motion carried** as follows:

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

14. Public Hearing and Consideration of Ordinance No. 2939 amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located on the northeast corner of Blanch and N. Broadway (JVC Development, LLC, applicant) Case No. Z050033. The property contains 22,400 square feet with six lots. The buildings will include commercial and office uses on the bottom floor and apartments on the second floor and has been identified as a transition area between downtown Edmond and Danforth. The project will be developed similar to the downtown area using the Downtown Design Standards. No parking will be allowed diagonally on Broadway and alley improvements will be made as needed adjacent to the north side of the site. The Central Edmond Urban Development Board (CEUB) and Planning Commission recommended approval.

Randel Shadid addressed Council on behalf of the applicant and stated the only difference in this application and the application previously considered by Council is that some uses will be eliminated. He stated the applicant will eliminate all the special uses in "D-1" allowed under this zoning category including restaurants. He stated if the project is constructed in phases rather than all at once, the developer will sod the disturbed land area and brick the north side of the completed building until the next building phase can be completed. He noted the reason for requesting general commercial zoning is to allow for residential on the top floor and that all other "E-1" uses are eliminated.

Councilmember Lamb stated the plan is consistent with the downtown plan adopted in 1998 even though this area is not zoned Central Business District. Under the current ordinances technically the Central Edmond Urban Development Board does not have a recommendation responsibility for this transition area and they appreciated the applicant's willingness to provide the CEUB an opportunity to comment. The new Title 22 draft proposes changing that. He stated the Board feels that residential is an important part of the transition area surrounding downtown and this project includes both commercial and residential.

Councilmember Page stated he was concerned about the five foot set back from residential property and allowing a Laundromat. He stated he would also like to see all the buildings constructed in one phase.

Mr. Shadid stated the set back issue would be discussed during the Site Plan review process and he agreed to eliminate Laundromats as a potential usage. He stated whether all buildings are constructed in one phase is an economic decision to be determined by the developer.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2939 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 Page, to attach Emergency Clause to Ordinance No. 2939. **Motion carried** as follows and Ordinance No. 2939 is in effect immediately:

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

15. Public Hearing and Consideration of Ordinance No. 2940 rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development (PUD), located on the northeast corner of Blanch and N. Broadway (JVC Development, LLC, applicant) Case No. Z050034. This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2940 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 amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Light Industrial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and I-35 (Dr. Curtis Harris, applicant) Case No. Z050029 (Continued to November 14, 2005, at the request of the applicant).**

17. **Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor to "F-1" Light Industrial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and I-35 (Dr. Curtis Harris, applicant) Case No. Z050030 (Continued to November 14, 2005, at the request of the applicant).**

18. **Public Hearing and Consideration of Ordinance rezoning from "G-A" General Agricultural to "A" Single Family Dwelling Planned Unit Development (PUD) usage, located north of Coffee Creek Road, west of Coltrane (The Ranch Property Company, LLC, applicant) Case No. Z050036 (Continued to August 22, 2005, at the request of the applicant).**

19. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located north of Coffee Creek Road, west of Coltrane (The Ranch Property Company, LLC, applicant) Case No. Z050038 (Withdrawn by the applicant).**

20. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located north of Coffee Creek Road, west of Coltrane (The Ranch Property Company, LLC, applicant) Case No. Z050037 (Withdrawn by the applicant).**

21. NEW BUSINESS:

Mayor Naifeh reminded citizens that school will be starting in the next few weeks and to be aware of school zones.

Mayor Naifeh stated the U.S. Congress is not in session during the month of August and she encouraged citizens to talk with the congressmen while they are home in Oklahoma about issues important to them and the City.

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

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

City Clerk

Mayor