

EDMOND CITY COUNCIL MINUTES

August 22, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 22, 2005, in the City Council Chambers. Councilmember Miller was absent.

2. Approval of Minutes. Motion by Lamb, seconded by Page, to approve August 8, 2005, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of proclamation proclaiming September 10, 2005, as "UNIVERSITY OF CENTRAL OKLAHOMA FOOTBALL DAY" in the City of Edmond.**

4. Appointments to Boards and Commissions:

A. **Appointment to the Parks and Recreation Advisory Board.** Mayor Naifeh nominated Dr. Cynthia E. Rolfe for re-appointment to serve a three-year term expiring August, 2008.

B. **Appointment to the Visual Arts Commission.** Councilmember Sanford nominated Gloria Hulva for appointment to serve a three-year term expiring August, 2008.

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford and Lamb
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 July 31, 2005.**

- 2) **Acceptance of City Treasurer's Investment Report for month ending July 31, 2005.**
- 3) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) OSBI Forensic Science Center
 - b) First Church of the Nazarene
 - c) Doug's Automotive
 - d) Blake's Bluffs
- 4) **Acceptance of Final Plat, public improvements and maintenance bonds for Redmont Trace III, located on the south side of Coffee Creek, approximately one-half mile west of Bryant.**
- 5) **Acceptance of roadway easements from Kay Bee Investments and Danforth Development for the 33rd Street Widening, Kelly to Santa Fe.** Mayor Naifeh noted that both of these easements were donated.
- 6) **Acceptance of Final Plat, public improvements and maintenance bonds for Belmont Villages II, located northeast of Kelly and Coffee Creek intersection.**
- 7) **Public Hearing and Consideration of Ordinance No. 2941 amending Chapter 23.10 of the Edmond Municipal Code for the Stormwater Drainage Management Program, and providing for Repealer and Severability.**
- 8) **Approval of supplemental appropriations for 2000 Capital Improvements Tax Fund - \$1,873,844**
- 9) **Approval of Resolution No. 28-05 authorizing donation of a 1984 American LaFrance Fire Pumper to the Deer Creek Volunteer Fire Department.**

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

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

B. **Approval of Purchases:**

- 1) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$24,998.51.
- 2) Award of bid for automated side load unit for the Fleet Management Department. Purchasing Manager recommended accepting bid from Public Safety in the amount of \$192,705.
- 3) Award of bid for LED light bars (70) for the Police Department. Purchasing Manager recommended accepting bid from United Engines in the amount of \$91,000.
- 4) Approval of Interlocal agreement with the Board of County Commissioners of Oklahoma County for rural roadway construction improvements on 2nd Street west 5/8 of one mile; Westminster Road from Highway 66 south to 15th Street and the west half of Anderson Road from 2nd Street to 15th Street in the amount of \$366,611.
- 5) Approval of Change Order No. 39 with Timberlake Construction for the Cross Timbers Municipal Complex project in the amount of \$48,540.48.
- 6) Approval of purchase of computer servers and operating software for the new Utility Billing System on State Contracts WSCASW206, SW0116 AND SW120 in the amount of \$194,000.

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

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

6. Approval of Tort Claim Committee's recommendations on Tort Claims.

<u>CLAIM NUMBER</u>		<u>RECOMMENDATION</u>
25-0062	Animal Welfare	Pay - \$3,311.15
26-0003	Street Department	Pay - \$ 158.07

Motion by Lamb, seconded by Sanford, to approve Tort Claim Committee's recommendations on Tort Claims. **Motion carried** as

follows:

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

10. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of amended commercial Site Plan approval for Intrust Bank, located on the northeast corner of Kelly and W. 15th Street (Intrust Bank, N.A., applicant) Case No. SP040049.**
- B. **Public Hearing and Consideration of Final Plat for Fountains Residential, located west of Fretz, one-eighth mile south of W. Edmond Road (Oxford Development Corporation, applicant) Case No. PR050011.** The site contains 5.03 acres and will be developed with 52 apartments. Planning Commission recommended the plat be amended to remove the "private street" designation on the driveway since it is not a street and that the right-of-way along Fretz be corrected to indicate a 37 foot right-of-way.

Councilmember Lamb stated staff has requested the applicant pay a fee in lieu of widening Fretz.

Steve Manek, City Engineer, addressed Council and stated they plan to upgrade Fretz in this budget year with curb, guttering and an appropriate drainage structure. He noted Fretz will be damaged during the widening project and he felt it would not be worthwhile for the applicant to install curb and guttering and pave the street only for the City to remove those improvements when they upgrade the street. Mr. Manek stated it would be best if the applicant paid the fee in lieu of widening, curb and gutter which would be used by the City when the street is upgraded.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant was agreeable to staff's request.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 10.B. subject to the applicant paying a fee lieu of widening Fretz and that the plat be amended as requested by the Planning Commission. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of commercial Site Plan approval for Freddy's Frozen Custard, located on the north side of 2nd Street, one-fourth mile east of Bryant (RKS Ventures, Inc., applicant) Case No. SP050023.** The site contains 61,035 square feet and the building will be 3,723 square feet.

Councilmember Lamb stated a memo received by the Council stated the landscaping plan has been

amended to reflect a new location for the slash pines and the sycamore trees. He stated the tree preservation area on the southwest corner of the site has been expanded as requested by City staff. The applicant has also reduced the number of parking spaces from 66 to 60.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 10.C. subject to the above amendments. **Motion carried** as follows:

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

D. **Consideration of Final Plat on the Raspberry Park Addition, located on the north side of 2nd Street, one-fourth mile east of Bryant (Bob Rasberry, applicant) Case No. PR050014.**

Motion by Page, seconded by Sanford, to approve Planning Consent Items 10.A. and 10.D. **Motion carried** as follows:

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

11. Consideration of Final Plat for Fox Lake Plaza, located north of 15th Street, west of I-35 (Frank Battle, applicant) Case No. PR030020. The site contains 55 acres with six commercial lots and two common areas. The application provides for street improvements and right-of-way to create the turn around near the Fox Lake pool and entry to the addition. Common Area "A" includes Fox Lake and Common Area "B" includes open space in the floodplain near the entrance to the Fox Lake Addition. Limits of No Access should be placed along Fox Lake Lane since a driveway is not allowed through the 100 foot buffer area along the south side of the street. Access to the shopping center will be from I-35 and the interconnection to the Wal-Mart project. The underground filtration system is part of the drainage/detention plans for this project. Dirt removed from the Wal-Mart site will be stored on this property.

Motion by Lamb, seconded by Sanford, to approve Item 11. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Ordinance No.2942 partially closing a utility easement on Lot 12, Block 1, Silvercloud Estates 2nd Addition, located at 1825 Mission Road (Joe Schovanec, applicant) Case No. ES050003. The applicant's

new home has been constructed approximately seven feet into the 15 foot easement on the north side of the lot. A sanitary sewer line is in the easement and also under a portion of the house. Only the portion of the easement where the house encroaches will be closed. The applicant will relocate the sewer line and manholes at his cost and also an existing retaining wall located in the easement. Southwestern Bell Telephone also has a cable line in the easement which the applicant will also need to relocate. SBC objects to closing the easement until the cable is relocated. The adjoining property owner will also need to relocate his fence. Planning Commission recommended approval.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2942 as read by title by City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of Ordinance No. 2943 rezoning from "G-A" General Agricultural to "A" Single Family Dwelling usage, located north of Coffee Creek Road, west of Coltrane (The Ranch Property Company, LLC, applicant) Case No. Z050036). The site contains 139 acres and will be served with full City utilities. The application complies with Edmond Plan III. The first phase of this project has 23 lots on 35 acres and has previously been zoned for single family. The application has been amended to eliminate the 10 acres on the northwest corner of Coltrane and Coffee Creek. The applicant had previously requested the 10 acres for commercial zoning and the single family portion had previously been requested as a Planned Unit Development (PUD).

Mary Ann Karns, attorney representing the applicant, addressed Council and stated the 10 acres eliminated from this application will be addressed at a later date. She noted the developer of this phase inherited the private streets from the previous developer who developed Phase I but that the streets will remain private. Ms. Karns stated the outer areas of the development will have larger lots the same size as the existing development and the interior of the property will have smaller lots. She stated they will reconfigure the streets to preserve as many trees as possible on the property.

Anville Francis, Steeplechase Addition, addressed Council in opposition. He stated he was not opposed to a single family addition being developed but that he was opposed to this

application. He was concerned about drainage, the small lots, whether the addition will be gated or not and the turn lanes. Mr. Francis stated the surrounding homeowners have had very little communication with the applicant and he wanted more communication between the parties involved. Mr. Francis requested one plan for the entire property including the 10 acres eliminated from this application.

Councilmember Lamb noted the application as it is presented tonight is consistent with the original legal description for the residential zoning and he did not see the need for the applicant to begin the entire process all over and also to comply with the requirements for publishing and posting of the application. He noted he was not concerned with eliminating the 10 acres and would not be surprised if the 10 acres is rezoned to single family when the platting process begins.

Motion by Sanford, seconded by Lamb, to approve Ordinance No. 2943 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford and Lamb

NAYS: None

14. Consideration of amending the "D-1" Zoning District to allow a Bed and Breakfast as a Special Use Permit (Larry Rhoads, applicant). The applicant is the current owner of a gift shop located at 2118 W. Edmond Road. They would like to remodel a large portion of the building into a five-room Bed and Breakfast with the possibility of a deck on the back of the building. There is adequate room for a restaurant and bed and breakfast in the existing building. No multi-family would be allowed in this zoning district. Staff feels that adding this use to the "D-1" district would not be a detriment to the character of the district or set a bad precedent.

Larry Rhoads addressed Council and stated they would like to remodel approximately 5,000 square feet of space currently being used as office space. He stated they felt the bed and breakfast would be the perfect compliment to the business already established in the building. He noted by eliminating the offices, it would free up the parking spaces used by those tenants.

Mayor Naifeh stated she felt it would be great for the community and will provide another option for out of town visitors.

Motion by Lamb, seconded by Page, to authorize staff to prepare an ordinance allowing a Bed and Breakfast as a Special Use Permit in the "D-1" District. **Motion carried** as follows:

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

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

Etherton vs. City of Edmond
City of Edmond vs. Assemi Development Ltd. et al
City of Edmond vs. Gallop Family Trust, et al
City of Edmond vs. Browning, et al
City of Edmond vs. Wilson, et al

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 6:25 p.m. and returned to the City Council Chambers at 6:49 p.m.

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

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

16. Consideration of action regarding the above pending claims.

Motion by Lamb, seconded by Page, to authorize the payment of the Commissioner's Award into Court in the Assemi Development, Gallop Family Trust, Browning and Wilson cases and the settlement of the Etherton claim. **Motion carried** as follows:

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

17. NEW BUSINESS:

Mayor Naifeh reminded citizens that school is back in session and to be careful in school zones.

Mayor Naifeh stated she has been having on-going meetings with veterans to add additional services.

Mayor Naifeh submitted a video to staff from the Association of Central Oklahoma Governments to be shown on Cox Cable Channel 20 regarding substances that should not be put down resident's drains.

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

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

City Clerk

Mayor