

EDMOND CITY COUNCIL MINUTES

September 26, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 26, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve September 12, 2005, Minutes. **Motion carried** as follows:

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

3. Appointments to Boards and Commissions:

A. **Appointment to the Citizens Participation Committee (CDBG).** Mayor Naifeh nominated Joy Sharpe to replace Kim Weathers.

Motion by Miller, seconded by Page, to approve Item 3.A. **Motion carried** as follows:

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

B. **Appointment to the Visual Arts Commission.** Mayor Naifeh stated this item would be continued to the next meeting.

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 August 31, 2005.**

2) **Acceptance of City Treasurer's Investment Report for month ending August 31, 2005.**

3) **Approval of FY 2004/05 year-end budget amendments to balance departmental budget categories for governmental fund types.**

4) Approval of collective bargaining agreement for FY 2005/06 for the Fraternal Order of Police, Lodge 136.

B. Approval of Purchases:

1) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$1,717.91.

2) Approval to reject proposals received for the CIS Project Manager for the Utility Customer Services Department.

3) Approval of emergency design contract with MKEC Engineering Consultants, Inc. for design of drainage structures under Edmond Road, east of Santa Fe in the amount of \$38,400.

4) Approval of utility relocation agreement with ONG for Boulevard Widening, Danforth to Covell, Improvements project in the amount of \$80,932.

5) Approval of renewal agreement with Gallagher Bassett Services, Inc. to provide third party administrative services for worker's compensation claims in the amount of \$25,000.

6) Approval to reject bids received for the Community Park located at 33rd Street and Boulevard for the Park Department.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.A.(1-4) and 4.B.(1-6). **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

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for Fairfield Inn Suites, located west of Hampton Inn, south of the Holiday Inn Express and the Conoco station (Kajal Inn, Inc., applicant) Case No. SP050038.**

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 8.A. **Motion carried** as follows:

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

NAYS: None

- B. **Public Hearing and Consideration of commercial Site Plan approval for a medical clinic, located on the southwest corner of Homestead Boulevard and Santa Fe (Mercy Health Clinic/Homestead, applicant) Case No. SP050037.** The building contains 12,400 square feet and 100 parking spaces will be provided. Planning Commission recommended approval.

Councilmember Miller stated he was concerned about the rear of the building since it is just a long wall with no aesthetic improvements. He noted 141 feet of exposed roof line will be visible to neighboring homeowners and he asked if it would be possible to improve this area to provide a better view for homeowners.

Russ Roberts, representing Danforth Development Company, addressed Council on behalf of the applicant. He stated after questions were raised during the Planning Commission meeting the applicant lowered the roof line by approximately four feet. Mr. Roberts stated there are medical offices on the west side of the building and there was no way to add an off set to the building because of the parking. He noted they are utilizing all of the lot for the building and parking lot. Mr. Roberts stated the Homestead Center has 600 feet of exposed roof and they have not had any objections.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Item 8.B. **Motion carried** as follows:

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

NAYS: None

9. **Public Hearing and Consideration of Ordinance No. 2945 amending Edmond Plan III from Single Family Dwelling to Medium Density Residential usage, located on the north side of Clegern, east of Broadway, 11 E. Clegern (Alan Wishon, applicant) Case No. Z050039.** The site contains 14,000 square feet and is more specifically shown as Lots 32-35, Block 10, Rossmore Addition. The property falls within the Downtown Study boundaries and is in a transition area north of the core Central Business District. The applicant plans to remove the existing 50-year old home and construct two duplex dwellings containing four units. The land located to the north has been developed as multi-family for many years and more recently the Edmond Plan was amended for property on Lincoln to allow two duplex units.

Councilmember Page stated he would like to see the transition area improved and existing standards maintained. He asked if requesting the applicant to develop the property as a Planned Unit Development (PUD) could be requested by Council as the appropriate path to take.

Alan Wishon addressed Council and stated the property was part of a family trust and the old house belonged to the family. He noted removing the old and dilapidated home will improve the area and provide more affordable housing which Edmond is in need of.

Councilmember Lamb stated the Central Edmond Urban Board is encouraging residential re-development in the transition area to support the core activities. He noted this application has not been reviewed by the Urban Board but that it meets the objectives of the residential expansion in the transition zone north of the core area.

Motion by Page, seconded by Miller, to approve Ordinance No. 2945 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. 2945. **Motion carried** as follows and Ordinance No. 2945 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller
NAYS: None

10. Public Hearing and Consideration of Ordinance No. 2946 rezoning from "A" Single Family Dwelling to "C-2" Medium Density Residential District, located on the north side of Clegern, east of Broadway, 11 E. Clegern (Alan Wishon, applicant) Case No. Z050040. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2946 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 commercial Site Plan approval for Suds Carwash, located on the west side of Broadway, north of 15th Street, 1401 S. Broadway (Suds USA, LLC, applicant) Case No. SP050039. The site contains 18,600 square feet. The 3,408 square foot building will replace the existing car wash which will be removed. Two variances are requested regarding the exterior walls and the wall signs. The applicant is proposing to use blue pre-finished metal walls of composite aluminum for the majority of the exterior walls. The applicant is also requesting larger wall signs than allowed and that are not located on an enclosed wall. The plan proposes pink signs with a blue background. The sign copy complies with City regulations but the use of bubbles on the wall material makes the entire wall a sign and is therefore too large. The only enclosed wall on which a sign can be placed is in the center part of the car wash. Planning Commission recommended denial.

Stanley Rogers, CEO of Suds USA, addressed Council and stated no other city in which they have constructed the car wash has objected to the metal exterior walls. He noted the metal is not a corrugated metal but a composite metal that was chosen because of its longevity and it also holds its color and does not fade over time. Mr. Rogers stated the metal is more expensive than tile but will not be as long lasting. He noted the car wash bays will be all tile. He stated the bubbles on the exterior walls were designed to break up the metal wall and are part of the architecture and do not constitute a sign. He stated as a compromise they will agree to remove the bubbles from the end caps.

Mayor Naifeh stated she almost never approves sign variances because she feels the standards are imposed for a reason. She stated it would not be difficult to see that the building was a car wash without the bubbles. Mayor Naifeh noted that other recent car washes look like quality buildings and she felt this building should also. She stated while construction of the car wash would be an improvement to the area, she felt the design of the car wash could also be better.

Councilmember Sanford stated she is also opposed to the variances. She stated although Broadway is not that aesthetically pleasing now, she stated Council has been discussing improving Broadway and she did not feel this design would be an improvement. She stated she was also opposed to the bays opening onto Broadway. Councilmember Sanford stated if the end caps faced Broadway she would not find it that objectionable. She stated any variances regarding signs and even exterior wall materials would make it more difficult to resolve an ongoing problem with an existing car wash's non-conforming sign. She noted appearance of Broadway was extremely important to her.

Councilmember Page agreed with Councilmember Sanford and stated Broadway is the primary entrance into the City and he felt by approving the variances it would be setting a precedent for other developers to request variances in the future.

The applicant distributed several alternate designs to Council and general discussion was held on which design would comply with the City's site plan standards.

Mr. Rogers stated he would agree to remove the bubbles from all the exterior walls except for the 195 foot wall sign on the front, and to tile the end caps rather than using the composite metal. He stated they would not agree to face the car wash bays away from Broadway due to safety and security, especially for their female customers.

Motion by Lamb, seconded by Miller, to approve Item No. 11 using the modified design with respect to the elevations between the composite metal and the tile and subject to compliance of the sign copy with City codes **Motion carried** as follows:

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

12. **Public Hearing and Consideration of Preliminary Plat for Autumn Ridge Addition, located north of Covell Road, one-half mile east of Bryant, and west of the Asheforde Oaks Addition (Gordon Amini, applicant) Case No. PR050020.** The site contains 71.5 acres and will add 130 additional lots to the existing two phases of the development for a total of 175 lots. A majority of the streets are public, however, there is a section of the development that contains private gated streets north of the site owned by the Edmond School District. A variance is requested to allow 20 foot front setbacks on this 51 lot private street phase. Only one entrance has been provided which will connect to Covell Road. A construction access runs west of the school property and is for utility construction purposes only. Woodcrest Lane will be a stub out to the school district property for a possible future second connection. No attempt has been made to connect to Steeplechase Addition in compliance with those residents desires. Other additions with a similar number of lots and one entrance have been approved recently. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated when the original preliminary plat was submitted it contained five acres less than the current application and more platted lots. He stated at this point he did not know if the school district would allow Woodcrest to be connected as a second entry. He noted as a worst case scenario there would be a crash gate on Woodcrest. Mr. Shadid stated although optimally a second entrance is needed for the amount of lots in the development, there is no other place for a second entrance other than Woodcrest. He noted there are several other subdivisions that contain a mixed use with both public and private gated street additions in the same development.

Phil Elstrom who is building a home in the first phase of Autumn Ridge Addition, addressed Council and requested the existing construction entrance continue to be used until the current phase is complete and that no lots in the second phase be sold until all the homes in the first phase are built.

Bob Schiermeyer, City Planner, addressed Council and stated there is no policy requiring that home builders and their crews use only the construction access. He stated it is encouraged but difficult to enforce due to the number of builders who may be working in the area. He noted that each application is reviewed on its own merits and that it would be cost prohibitive to require developers to provide more than one access for

additions with a certain number of lots due to the existing additions that have additional phases.

Mr. Shadid stated the developer will certainly take into consideration using the construction access when constructing improvements such as water and sewer lines, etc. since it is in their best interest to do so.

Bill Burge, Asheforde Oaks Addition, addressed Council and stated he owns two lots that backup to the applicant's property. He stated he was told by the developer that he was contemplating leaving a 50 foot barrier on the east next to Asheforde Oaks which is not shown on the current plat.

Mr. Shadid stated he was not aware of any agreements to leave a 50 foot barrier next to Asheforde Oaks and that it was not part of the preliminary plat being considered. He noted the homes in this area are somewhat similar as far as size as those in Asheforde Oaks. Mr. Shadid stated most homeowners prefer additions with only one access for safety reasons.

Kate Wooten, Edmond Neighborhood Alliance, addressed Council and stated because of the difficulty that rescuers have had reaching hurricane victims she felt tonight would be a good time for Council to determine the maximum number of homes that will be allowed in an addition with only one entrance in order to alleviate any problems the City may have during a tornado or other acts of nature in reaching affected citizens. She asked if the access road could be used as a second entrance after the construction phase is complete. Ms. Wooten stated the crash gate into the school property will help with access but if the school district denies access to their property it would be difficult to get fire trucks and other heavy equipment into the addition.

Councilmember Lamb stated he also advocates multiple entrances in an addition of this size but the subject property has a major drainage basin that feeds through the addition. He noted the existing entry contains a split median which provides two lanes of traffic and in the event that one of the lanes is closed then there would at least still be another access lane in and out of the addition. He noted most of the surrounding area has previously been developed and does not have any stub outs to allow more than one entrance.

Motion by Lamb, seconded by Miller, to approve Item No. 12.
Motion carried as follows:

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

13. Public Hearing and Consideration of Ordinance No. 2947 adding Bed and Breakfast as a Special Use Permit in "D-1" Restricted Commercial District. Each application will be reviewed individually as to size and characteristics in order to document the conditions prior to any approval. A property owner is anticipating submitting an application as soon as the ordinance, if approved, is effective.

Motion by Page, seconded by Miller, to approve Ordinance No. 2947 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 amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050042 (Continued to October 24, 2005, at request of applicant).

15. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "E-1" General Commercial District Planned Unit Development (PUD), located on the southeast corner of Covell Road and Coltrane Avenue (David Huffman, applicant) Case No. Z050041 (Continued to October 24, 2005, at request of applicant).

16. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to Suburban Office District Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050042 (Continued to October 24, 2005, at request of applicant).

17. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "D-O" Suburban Office District Planned Unit Development (PUD), located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050042 (Continued to October 24, 2005, at request of applicant).

18. Consideration of Resolution No. 31-05 declaring the necessity of acquiring certain real property within the City of Edmond, Oklahoma, for public use and authorizing acquisition by Eminent Domain (Covell and Sooner Roads). Approval of the proposed resolution will authorize staff to proceed with condemnation of tracts of land near the northeast corner of Covell and Sooner Roads. This property will be used for water line, bridge and road improvements. This process is necessary due to the inability of staff to negotiate with the property owner to acquire the property. This action is necessary in order for the project to move forward.

Dr. Joe Freund, owner of the above property, addressed Council and stated approximately 2½ months ago he requested information through the Open Records Act and has not received the information that he requested. He stated he did not want to ask an attorney to intervene in order to get the information.

Steve Murdock, City Attorney, stated he was unaware that the information had not been received and he requested that Dr. Freund fax him the request and he would make sure the information was provided to him.

Motion by Lamb, seconded by Miller, to approve Resolution No. 31-05. **Motion carried** as follows:

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

19. NEW BUSINESS:

Councilmember Lamb announced that a regional OMPA meeting regarding the contract extension will be held at the University Center at UCO on October 13th at 6:00 p.m. and he invited all the Councilmembers to attend.

Mayor Naifeh stated September has been National Preparedness Month and the committee formed for this purpose has already held two meetings. She stated she has had a request to discuss this information at a Council meeting or workshop. Consensus of Council was to discuss this item during a strategic planning workshop.

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

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

City Clerk

Mayor