

EDMOND CITY COUNCIL MINUTES

October 24, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 24, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Page, seconded by Lamb, to approve October 10, 2005, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. Presentation by Terry Byers of Character First traits to the following:

- 1) Catlin Novotny - Responsibility
- 2) Grant Goley - Gentleness

B. Presentation by the University of Central Oklahoma for their proposed water sports training facility by Steve Kreidler, Vice President of Administration.

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 September 30, 2005.**

2) **Acceptance of City Treasurer's Investment Report for month ending September 30, 2005.**

3) **Approval of the University of Central Oklahoma's (UCO) water sports training facility at Arcadia Lake.** A long term lease was approved at the October 10th City Council meeting to allow UCO to use lake property to construct a water sports training facility. The facility would be used by UCO students, faculty and staff. Although UCO is not required to go through the site plan review process, it is necessary for Council

to approve the building design. Approval of this item will allow UCO to move forward with the process of constructing the facility.

Mayor Naifeh noted that the building will be constructed to City standards which are outlined in the contract.

Councilmember Sanford stated the representative of the U.S. Army Corps of Engineers is very excited about this project.

Motion by Miller, seconded by Page, to approve General Consent Item 4.A.(3). **Motion carried** as follows:

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

4) **Approval of Resolution No. 35-05 calling for citizens support of upcoming countywide enhanced wireless 9-1-1 election on December 13, 2005.** Zach Taylor, Executive Director of the Association of Central Oklahoma Governments (ACOG), addressed Council and stated the proposal, if approved by voters, would add 50 cents per month to cellular telephone bills to pay for the costs to upgrade technology at 911 call centers. The upgrade would allow the 911 centers to obtain the location of callers using cell phones during an emergency. Mr. Taylor stated at this time the 911 centers are funded through a 3% service fee on land-line phones. Since 2002 there has been a 13% loss of land-line phones and projections indicate a 50% loss in the near future. He noted as more citizens change to wireless phones, technology must be updated also. Mr. Taylor stated the current technology does not provide the location of the caller which can result in delays in emergency response times. If the proposal is approved the system could be ready in central Oklahoma within 12 to 18 months.

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

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

- 5) Approval of contract amendment with VoiceStream PCS, LLC for the I-35 water tower lease.
- 6) Approval of agreement with Edmond Family Counseling, Inc. for FY 2005/2006 in the amount of \$115,000.
- 7) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality.
- 8) Acceptance of Final Plat, public improvements and maintenance bonds for Hunters Creek IV, located on the southwest corner of Coffee Creek and Kelly.
- 9) Acceptance of public improvements and maintenance bonds for the following:
 - a) Tunnelwash
 - b) Shell Station - Vista and 2nd Street
 - c) Line-X
 - d) 700 Centennial Boulevard
 - e) Coffee Creek Addition
 - f) 2140 E. 2nd Street
- 10) Approval of Resolution No. 33-05 authorizing the Edmond Public Works Authority to enter into Amendment No. 1 with the Oklahoma Municipal Power Authority for the power sales contract.
- 11) Approval of Resolution No. 34-05 authorizing Amendment to the Lease Agreement dated November 18, 1970, between the City of Edmond and the Edmond Public Works Authority to extend the term to such date as the Oklahoma Municipal Power Authority Power Sales Contract is to expire.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.A.(1-2, 5-11). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) Approval to reject bids for the streetscape Phase

11B (part one) project for the Management Services Department.

2) Award of bid for mini digger/derrick with trailer for the Fleet Management Department. Purchasing Manager recommended accepting bid from Theirmann Industries in the amount of \$102,182.

3) Award of bid for hydraulic excavator for the Fleet Management Department. Purchasing Manager recommended accepting bid from Kirby-Smith Machinery in the amount of \$251,164.

4) Approval of budgeted funds for capital and operating expenses for the Guthrie/Edmond Regional Airport in the amount of \$4,012.74.

5) Acceptance of trail easements from Walter Hirsekorn, Sr. and Ingrid Hirsekorn for the Fink Park to Hafer Park trail system in the amount of \$725.

6) Acceptance of trail easements from Yannarell Enterprises, LLC, for the Fink Park to Hafer Park Trail project in the amount of \$18,600. Mayor Naifeh noted originally the property owner had planned to donate this easement.

Steve Manek, City Engineer, addressed Council and stated when the trail was realigned it did not go across the small portion in the southwest corner that they had originally agreed to donate. He stated the easement now runs along the north side and also the entire frontage of their property resulting in a much larger piece of property.

7) Approval of Change Order No. 41 with Timberlake Construction Company for the Cross Timbers Municipal Complex in the amount of \$17,419.41.

8) Approval of Change Order No. 1 with Michels Corporation for the fiber optic cable project (phase II) in the amount of \$240.

9) Approval of Amendment No. 3 with Cobb Engineering Company for construction management and inspection services related to construction facilities at the Cross Timbers Municipal complex in the amount of

\$45,112.

10) Approval of supplemental appropriations for the Fire Public Safety Limited Tax fund - \$3,000

11) Approval of final Change Order No. 2 with Utility Services Associates Construction Company for the Fiber Optic Cable project (Phase I) in the amount of \$6,854.

12) Award of bid and approval of agreement for the waterline improvements (Broadway and Covell) project and Resolution No. 36-05 appointing Luckinbill as Purchasing Agent. Purchasing Manager recommended accepting bid from Luckinbill in the amount of \$1,159,301.

Motion by Miller, seconded by Page, to approve General Consent Items 4.B(1-12). **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>
26-0009 Street Department	Deny - \$257.94

Motion by Miller, seconded by Lamb, 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 Miller, 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. Consideration of Final Plat of Village Center IV at Coffee Creek, located east of Kelly, north of

Covell Road (Turner and Company, applicant) Case No. PR050022.

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

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

9. 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. Mayor Naifeh stated this item would be continued to December 12, 2005, at the request of the applicant.

10. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development (PUD), located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050041. This is a companion to the above item and was also continued to December 12, 2005.

11. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to Suburban Office Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050042. Mayor Naifeh stated this item would be continued to December 12, 2005, at the request of the applicant.

12. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "D-O" Suburban Office Planned Unit Development (PUD), located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050041. This is a companion to the above item and was also continued to December 12, 2005.

Motion by Lamb, seconded by Sanford, to continue Items 9 through 12 to December 12, 2005, as requested by the applicant. **Motion carried** as follows:

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

13. Public Hearing and Consideration of commercial Site Plan approval for a retail building, located east of the Oklahoma

Municipal Power Authority (OMPA) offices, 300 feet south of east 2nd Street (The Falls Galleria, applicant) Case No. SP050043. The site contains 3.49 acres and a shopping center is proposed. Access will be off 2nd Street and two drives are provided. The east drive has been revised to provide separate turn bays for both left and right turns and take advantage of a planned traffic light at Vista Lane. The exterior walls will be a combination of stone and EFIS and 163 parking spaces will be provided. One ground sign along 2nd Street is planned.

Randel Shadid, attorney representing the applicant, addressed Council and outlined the project. He stated they are in the process of purchasing adjacent property for future use.

Maurice Kutt, architect for the developer, also addressed Council and answered questions regarding the project.

Motion by Miller, seconded by Lamb, to approve Item 13. **Motion carried** as follows:

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

14. Public Hearing and Consideration of Special Use Permit and Site Plan approval for multi-family residential in "E-1" General Commercial zoning, located east of the Oklahoma Municipal Power Authority (OMPA) offices, 300 feet south of East 2nd Street (The Falls Condominium, LLC, applicant) Case No. U050008. The site contains six acres and 96 residential units are planned. The 16 three-story buildings are planned along with a clubhouse and swimming pool. Access will be from an interconnecting driveway with the Falls Galleria shopping center and 192 parking spaces will be provided. The exterior walls will be stone wainscot, siding and EFIS.

Mayor Naifeh stated since Edmond has so little commercial property that she hated to see commercially zoned property used for something other than a commercial development. She asked if a fence was required.

Randel Shadid, addressed Council and stated a fence is not required because the property is surrounded by commercially zoned property.

Dan O'Neil addressed Council and stated in the past the Council has requested connectivity to adjacent property. He asked if

the applicant planned to connect to Vista Lane.

Mark Farris, Red Plains Engineering, addressed Council and stated their desire is to connect to Vista Lane to provide an access for the apartments. He stated he has been working with OMPA in an attempt to gain the connectivity but placement of the drive will be driven by how OMPA develops their property.

Ed Martin, representing the applicant, addressed Council and further outlined the driveway situation. He stated it was their intention to provide parking along the south side of the commercial building, west of the future restaurant.

Motion by Lamb, seconded by Miller, to approve Item 14. **Motion carried** as follows:

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

15. Public Hearing and Consideration of Ordinance No. 2952 rezoning from "F-1" Light Industrial District to "F-1-B" Special Industrial District including Outdoor Storage District for a wrecker service, located at 600 Centennial Boulevard (LeRoy Cartwright, applicant) Case No. Z050046. The proposed ordinance would allow for a second location for Julian's Wrecker Service. The parcel is shown as Lot 38 and is 36,000 square feet. The lot is currently undeveloped. A six foot tall site proof fence will be installed to screen all outdoor storage from view. The property meets the criteria of being within 300 feet of the railroad tracks and is adjacent to industrial zoning on all four sides.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2952 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 No. 2953 rezoning from "F-1" Light Industrial District to "F-1-B" Special Industrial District including Outdoor Storage District for a wrecker service, located at 521 Centennial Boulevard (LeRoy Cartwright, applicant) Case No. Z050045. This property contains 29,600 square feet and will also be used for Julian's Wrecker

Service. The property is already developed as an open storage yard which is permitted by right in this zoning category. The property currently contains a six foot sight proof fence, concrete driveway and sidewalks. This property also meets the criteria of being within 300 feet of the railroad tracks and is adjacent to industrial zoning on all four sides.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2953 as read by title by City Planner. **Motion carried** as follows:

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

17. Public Hearing and Consideration of Ordinance No. 2954 amending Edmond Plan III from Single Family to Suburban Office usage, located on the north side of 33rd Street, west of Bryant (Ron Harmon, applicant) Case No. Z050055. The site contains three acres and will have a series of office buildings built around a single driveway used in common by the offices. Detention will be provided for all of the buildings and a new water line will be installed north of 33rd Street. The reason for the plan amendment is because the tract extends 89 feet further north than originally projected on the Edmond Plan.

Ron Harmon addressed Council and stated their legal description followed a historical fence line and property boundary between an existing home and the undeveloped back three acres of their property that is adjacent to 33rd Street.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2954 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. 2954. **Motion carried** as follows and Ordinance No. 2954 is in effect immediately:

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

18. **Public Hearing and Consideration of Ordinance No. 2955 rezoning from "A" Single Family to "D-O" Suburban Office District, located on the north side of 33rd Street, west of Bryant (Ron Harmon, applicant) Case No. Z050044.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2955 as read by title by City Planner. **Motion carried** as follows:

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

19. **Consideration of Final Plat of Oaktree Park V, located west of Kelly, just under one-half mile north of Coffee Creek Road (Oaktree Park Development, LLC, applicant) Case No. PR050023.** The applicant is requesting a variance to the 70 foot of right-of-way along Kelly in lieu of a 50 foot right-of-way due to the existing brick wall constructed prior to the subdivision code requiring additional right-of-way for parkway standard streets. A 4.3 acre portion of the site consists of nine lots and backs up to Kelly where additional right-of-way could not be provided due to the existing brick wall. Another portion on the far west side of the site containing 24.8 acres consisting of 48 lots plus Common Area A for detention is also being added to the plat.

Steve Manek, City Engineer, addressed Council and stated staff is currently working with Oklahoma County to design the project. He noted a retaining wall will need to be constructed on the west side of the street to help with erosion when Kelly is widened. Mr. Manek stated the full 70 feet has been obtained for the east side of Kelly and they will need to install all the utilities in the 50 foot easement on the west. He stated at this time he felt they would be able to get all the right-of-way needed by realigning the street.

Motion by Miller, seconded by Lamb, to approve Item 19 including the variance for reduced right-of-way. **Motion carried** as follows:

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

20. **Consideration of variance from the sign regulations**

pertaining to a sign over the open canopy, located at 1800 E. 2nd Street at the Mobile Lube Express Wash Me Car Wash (C.E. Martin, applicant). The applicant has been requested by the City to remove the existing sign over the canopy of the car wash or document the legal non-conforming status of the sign. Current sign regulations prohibit signs on walls that are not part of an enclosed building. At this time City records do not indicate that a sign permit was ever issued for this location. The applicant will need to provide proof that the sign was in place prior to the prohibition of this type of sign and at this time nothing has been submitted to staff.

The applicant was not present at the meeting.

Councilmember Lamb stated the copy exceeds the current sign standards even if canopy signs were allowed.

Councilmember Sanford stated the applicant has never proved that this type of canopy sign existed previously for this location. She noted the applicant told her the existing sign is a computerized sign that is attached to the fascia. She stated if the applicant was not able to prove he had a legal non-conforming sign, she felt Council would be setting a precedent if the variance is approved.

LeRoy Cartwright addressed Council and asked if it would be appropriate to consider this item if the applicant is not present.

Mayor Naifeh stated it is not necessary for the applicant to appear before Council since he had proper notice and was aware that his item was on the agenda for consideration.

Motion by Miller, seconded by Lamb, to approve Item 20. **Motion was denied** as follows:

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

21. Discussion and Consideration of possible sale/transfer of City-owned Westborough detention pond, located east of Kelly between Danforth Road and Covell Road. Dr. Mike Forth has been in contact with City staff regarding his interest in obtaining the detention pond. The pond was constructed in 1982 and is in need of repair. The Ogden study shows the capacity of the pond also needs to be increased. At this time the City is

responsible for maintenance of the pond at a cost of approximately \$1,000 per year. Staff noted that to completely remediate the detention facility would cost between \$70,000 and \$100,000. No commercial development is allowed on this tract and it would need to be remodeled prior to any further development. A preliminary report by Dr. Forth's engineer showed the pond could be expanded to allow for further development in this area. The Stormwater Drainage Advisory Board (SWAB) considered this request on September 15th and recommended approval of the sale of the property subject to the design meeting or exceeding all drainage requirements. Staff recommended if Council approves the request that the property be offered for public sale with the stipulation that the successful bidder must meet all drainage requirements.

Randel Shadid, attorney representing Dr. Forth, addressed Council and stated his client would assume the remediation costs and the long term maintenance of the detention pond. He noted when Dr. Forth develops the area he would be adding one-half acre to the size of the detention facility as well as providing 20 feet of right-of-way along Kelly. Mr. Shadid stated by approving this request the City would be relieved of the maintenance and remediation costs and it would also allow Dr. Forth to develop a much nicer project.

General discussion was held regarding the choke point and Dr. Forth stated that area would be remediated when the property is graded.

Councilmember Lamb stated SWAB has reviewed this proposal twice, once as a conceptual proposal and once as a project program stipulating that Dr. Forth would be responsible for remediation and maintenance of the pond. He noted Dr. Forth has already paid an engineer to look at this property without any assurances that the transfer of the property would occur. Councilmember Lamb stated the property collects debris and although it is green, it is not necessarily an asset to the streetscape. He noted if Dr. Forth does the restoration and reclamation, he would have a responsibility to his own investment to develop a high quality project with safe routing for storm water that might exceed design and produce a much better viewscape than is there currently. He noted the number one priority of SWAB at this time is recognizing that this project is a significant precedent event and the mechanics of the project must be carefully thought through. He stated the existing detention pond can not change from it's current detention responsibility. Councilmember Lamb stated the goal is to increase it's capacity

as a detention pond and reduce the burden of maintenance on the public.

Councilmember Page stated even though the current condition of the property is not aesthetically pleasing, the philosophical question for him is does the Council want to remove green space from the city roles.

Dan O'Neil, representing the Edmond Neighborhood Alliance, addressed Council and stated he felt since the detention pond was part of the Westborough Addition that those residents should be consulted prior to approval of the sale/transfer of this property. He noted the residents have a vital interest and should be a partner in any decisions regarding this detention facility.

Mr. Shadid stated since the Westborough residents did not actually give the City the property that is used for the existing detention pond and have not established a homeowners association to maintain the detention area, he did not feel it was necessary to consult with those property owners. Mr. Shadid stated the view for the homeowners will improve with his client's project.

Mayor Naifeh asked if Dr. Forth could incorporate the trail system into his development. She noted the sidewalks along Kelly link to the existing trail system and she felt it would make the area more pleasing if the sidewalks were landscaped to provide additional green space. She also asked if there was a method of connecting into the Westborough neighborhood if residents are interested. She felt this would be a good exchange.

General discussion was held on ways to retain some green space for recreational purposes.

Mr. Shadid stated if staff can design a method of tying the trail system into the development, Dr. Forth is receptive to that idea as well as any ideas for recreational purposes.

Dr. Forth addressed Council and stated they will reduce the green space in the short term by one-half acre when they add that property to the detention pond but his goal is to develop the property as useful and aesthetically pleasing as possible. He stated it is possible that they will plant some type of evergreens in the future and are willing to allow the City to install bicycle or walking trails.

Motion by Lamb, seconded by Sanford, to offer the property for sale subject to a drainage plan that meets or exceeds the drainage requirements. **Motion carried** as follows:

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

22. NEW BUSINESS:

Mayor Naifeh thanked Courtney Woods for the information he continues to provide regarding the dangers of stroke.

Mayor Naifeh also thanked Mr. Watkins and all the participants and donors who helped with the "Make a Difference Day" held on October 22nd.

23. Motion by Miller, seconded by Lamb, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor