

EDMOND CITY COUNCIL MINUTES

December 12, 2005

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, December 12, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve November 28, 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 Streetscape project, (Phase II, Part I), remains on schedule for completion by April 19th. The street improvements on Littler are also on schedule and Littler should be re-opened by the end of February. The Oak Tree Lift Station and force main is scheduled to be completed by January 31st. Mr. Stevens stated the Kelly Parkway (15th to 33rd) has a completion date of May 19th and remains on schedule. A meeting on the first phase of the 3rd Community Park, Bickham-Rudkin Park, was held on December 9th. Mr. Stevens stated the items discussed included parking, a detention pond, a children's playground and a walking/jogging trail from 33rd Street to the new playground area. Construction should begin in January with a four-month time frame for completion. Mr. Stevens noted the cost of this project is \$695,757. He stated utility relocation has begun for the Covell Underpass project and final plans for Phase I will be submitted to the Oklahoma Department of Transportation by the end of this year. The bid will be let in the spring and a contract awarded in the summer of 2006. Mr. Stevens stated the total project cost is estimated at \$8.2 Million with the City providing 20% or \$1.6 million. He stated the City's grant application to help fund the fishing dock at Arcadia Lake has been approved by the Oklahoma Department of Wildlife Conservation. The grant will provide 75% of the cost of the dock estimated at \$55,000.

Mayor Naifeh noted the Senior PGA Tournament will be held soon after the Kelly Parkway project is complete and she encouraged staff to make the contractor aware of that. She commended the Fish and Game Commission for their hard work in achieving the grant for the boat dock at Arcadia Lake. The Mayor stated the cost of the Covell underpass project is continuing to increase and she encouraged staff to get the project completed as soon as possible in order to remain within the amount budgeted.

4. GENERAL CONSENT ITEMS: (General Consent Items were voted on collectively except where noted.)

A. Approval of Administrative Items:

- 1) **Acceptance of City Treasurer's Investment Report for month ending October 31, 2005.**
- 2) **Approval of supplemental appropriations from the Police Public Safety Limited Tax Fund - \$14,112.45**
- 3) **Acceptance of Final Plat, public improvements and maintenance bonds for Cardinal Ridge, located on the northwest corner of Douglas Boulevard and Danforth Road.**
- 4) **Acceptance of Final Plat, public improvements and maintenance bonds for Thomas Trail II, located southwest of Covell Road and Thomas Drive.**
- 5) **Approval of supplemental appropriations from the undesignated fund balance for the Building Services Department - \$59,942. These funds will be used to hire a new Building Inspection Supervisor. The position will supervise seven code inspectors; serve as a customer service advocate reviewing rejected inspections and pursuing code-based remedies to assist the building industry to obtain occupancy permits.**

Councilmember Sanford stated she wanted a business advocate to be more comprehensive and more economically development inclined. She stated she preferred the person hired work directly with businesses and that the scope of the position be expanded to be a true advocate for businesses. She also wanted the person to answer to the City Manager and be a direct link between the City Manager and the

business community. She noted that she did not want to create another bureaucratic level for the business community to deal with.

Mr. Stevens stated the reason for the new position is that staff is attempting to respond to comments heard from the business community. He stated he felt by hiring this new person it sends a message to business owners that the City has heard and is responding. Mr. Stevens stated that staff feels the position will be kept busy due to the back log of inspections the department is experiencing and also the continued growth of the City. He stated he would review whether another position as described by Councilmember Sanford would be warranted. Mr. Stevens stated the individual hired would be able to respond to rejected inspections in a more timely manner and accelerate the permitting process.

6) Approval of transfer of appropriations from the Fire Public Safety Limited Tax Fund for the Building Services Department - \$28,730

B. Approval of Purchases:

1) Award of bid for Meadow Lake playground equipment for the Park and Recreation Department. Purchasing Manager recommended accepting bids from Arkoma Playgrounds (\$20,085), Rex Playground (\$19,734) and SW Parks and Playgrounds (\$3,956.28) for a total amount of \$33,775.28.

2) Approval of FY 2005 Community Development Block Grant Consultant (CDBG) agreement with Michael J. Wolf, Housing Rehabilitation Specialist, in an amount not to exceed \$35,000.

3) Approval of FY 2005 CDBG Public Service agreements with the following:

- a) Central Oklahoma Transportation and Parking Authority (Share-A-Fare) - \$1,520
- b) Edmond Economic Development Authority for administration of revolving loan fund - no funds budgeted
- c) Edmond Mobile Meals, Inc. - \$3,763
- d) Metropolitan Fair Housing Council of Greater OKC -

\$13,775

- e) HOPE Center of Edmond (Back-to-School, bus tickets and medical services programs) - \$20,710
- f) UR Special Ministries, Inc. - \$28,500

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.A.(1-6) and 4.B.(1-3). **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

7. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Preliminary Plat for The Ranch Addition, located west of Coltrane, north of Coffee Creek (The Ranch Property Company, LLC, applicant) Case No. PR050026.** The site consists of 139.45 acres and 320 lots. The streets will be private with a gated access on Coltrane and the existing gated access north off of Coffee Creek Road. The detention will be created in the middle of the project with a series of detention ponds and open spaces.

Councilmember Page stated the Edmond School District was planning future elementary and middle schools on the northeast corner of Coltrane and Coffee Creek and he asked what long term traffic solutions the applicant was providing for this area.

Mary Ann Karns, attorney representing the applicant, addressed Council and stated the developer sold the property to the school so she felt there had been a lot of coordination between them. She stated it was her understanding that the school district is planning to install a traffic signal at their entrance which is south of the subdivision entrance. She noted the applicant is working with City staff for additional right-of-way along both Coltrane and Coffee Creek.

Dee Greninger, representing the applicant, also addressed Council and urged approval. He stated this is a joint effort between the developer, school district and City staff.

Mayor Naifeh expressed her appreciation to both the developer and the school district for their joint effort on this project.

Motion by Miller, seconded by Page, to approve Planning Consent Item 7.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 commercial building, located on the north side of Enterprise Drive, east of Dynamo Gymnastics (Lambrecht Properties, applicant) Case No. SP050061.**
- C. **Public Hearing and Consideration of commercial Site Plan approval for a Spring Creek Village out-parcel building and ground signs for the development located on the northwest corner of Bryant and 15th Street (Ballenger Brothers, LLC, applicant) Case No. SP050057.** This project is a separate project than the Spring Creek Village under construction. An 8,000 square foot building is proposed with 17 parking spaces. The parking spaces provided are less than the 40 spaces determined by City standards for this size building. One new entrance is proposed on 15th Street. The applicant plans to modify the railing along 15th Street and also plans to remove a small segment of sidewalk and install a sidewalk to match the existing Spring Creek Village and will also tie the new sidewalk back into the City sidewalk. The exterior walls will be brick and will match Spring Creek Village. The monument sign will match the sign for Spring Creek Village in character and materials but is smaller.

Lydia Lee, representing Bryant ACCORD III, addressed Council in opposition. She stated since the property has not been developed in the time frame allowed by City ordinances, the property reverts back to the original zoning of 1998. She noted the applicant has requested a new curb cut on 15th and there are currently three entrances onto the property. She stated the applicant wants to share parking but not the entrance with the existing development. She noted the parking is inadequate for this size building and is not even half of what is required by City code. Ms. Lee stated the surrounding homeowners also feel the building is too large in conjunction with the rest of the development especially since there is not adequate parking spaces to accommodate the building.

Steve Murdock, City Attorney, addressed Council and stated the property does not automatically revert back to the original zoning without first holding a public hearing or prior notification to the property owner. He stated staff has not been directed to give notice to the property owner that the City wished to hold a hearing to revert the property back to the original zoning. Mr. Murdock stated the property remains zoned as "D-1" PUD due to the lack of any initiation by the City or the property owner to revert the property back to the original zoning.

Councilmember Miller asked if the 17 parking spaces are adequate for this building due to the shared parking with the development currently under construction. He also asked if all the parking spaces are added together for the entire development would the parking meet requirements.

Bob Schiermeyer, City Planner, addressed Council and noted for the past several years the policy has been moving in the direction of less parking and parking for each site is determined on it's own merits. He noted there is a large parking lot within walking distance that could also be used by the tenants in this building

but parking for the entire development would still be approximately 43 spaces short of meeting requirements. Mr. Schiermeyer stated there are no other opportunities for additional parking on this site. He noted with the proposed Title 22, there will be a maximum number of parking spaces allowed but not a minimum number.

George Winters, Studio Architecture, addressed Council on behalf of the applicant. He stated the applicant has put forth a lot of time and effort to clean up this property, plus added a retaining wall and re-graded the property. Mr. Winters stated City staff requested the original curb cut not be installed and at that time the applicant agreed because the curb cut was not where they preferred it to be. He stated they felt it was not in their best interests to have the contractor install the curb cut when they were not sure where they wanted it. He stated the curb cut is in compliance with all separation requirements. He noted in the overall development they felt the parking was adequate and that the ratio complies with what the market will bare. He stated they were encouraged not to over-park and they actually lost parking spaces in order to install additional landscaping.

Councilmember Page stated he felt the development needed to be downsized.

Charles Ballenger addressed Council and stated he has previously reduced the size of the development as requested by Councilmember Page. He stated he has spent a great deal of money to comply with the 100 year flood event by re-grading the property and adding the retaining wall. He stated the additional curb cut is necessary for the proposed building in order to accommodate the tenant for that building.

Councilmember Miller stated he did not have a problem with the curb cut or the size of the building but that he was concerned about the amount of parking which he felt was inadequate.

Councilmember Sanford stated she had no problems with the number of parking spaces. She stated if the building was a stand alone building then she felt there may potentially be a problem but with the surrounding parking that is available she did not see a problem.

Motion by Sanford, seconded by Lamb, to approve Planning Consent Item 7.C. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of commercial Site Plan approval for a dental office, located on the east side of Santa Fe, north of the Pebble Creek Addition, south of the Cedar Pointe Addition (Safi-Arledge Dental Clinic, applicant) Case No. SP050053.**
- E. **Public Hearing and Consideration of an extension of a commercial Site Plan approval of multiple buildings, located on the north side of W. Edmond Road, one-fourth mile west of Kelly (Sean Brownlee/Creekside Office Park, applicant) Case No. SP040026.**

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 7.B., 7.D. and 7.E. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller
NAYS: None

Mayor Naifeh stated Items 8 through 13 would be discussed together.

8. Public Hearing and Consideration of Ordinance No. 2960 rezoning from "A" Single Family Dwelling District to "E-1" General Commercial Planned Unit Development (PUD), located south of 15th Street, west side of I-35 Frontage Road (JLB Properties, LLC, applicant) Case No. Z050047. The site consists of 5.31 acres and is one of six companion items. The property contains the closed Picture Perfect Landscape business which was issued a Special Use Permit in 1991. The properties north, south and west are all zoned Single Family but are projected on the Edmond Plan for commercial or office usage. A natural buffer is provided to shield the homeowners on the north, south and west. A wall along the east side will match the material of the nearby proposed Wal Mart Supercenter. The application complies with the Edmond Plan III. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has met extensively with area homeowners. He stated the applicant will give the natural buffer portion of the property to the Edmond Land Conservancy if they are willing to accept it. If they choose not to accept it then the applicant will work with the homeowners and convey the property to them. He noted the homeowners do not want the applicant to maintain the land.

Councilmember Lamb stated the Land Conservancy may have problems with accepting the buffer due to access issues. He stated if they do not accept the buffer, then maybe the same procedure the City used at the Cross Timbers Municipal Complex would also work in this situation. He noted the City granted a landscape easement defining the buffer as undevelopable and to be used for landscape purposes only.

Mr. Shadid stated he felt access would not be a problem in the future due to further development of the area. He stated at this time they have not eliminated any of the uses allowed by right.

Deb Gardner addressed Council representing Arrowhead Hills, Arrowhead Valley, Arrowhead Trails and Henderson Estates and stated they had no objections and the homeowners associations would accept the buffer if the Land Conservancy does not.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2960 as read by title by City Planner. **Motion carried** as follows:

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

9. Public Hearing and Consideration of Ordinance No. 2961 rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial Planned Unit Development (PUD), located south of 15th Street, west side of I-35 Frontage Road (JLB

Properties, LLC, applicant) Case No. Z050048. The site consists of 5.47 acres and is one of six companion items. The property also contains the closed Picture Perfect Landscape business. The properties north, south and west are all zoned Single Family but are projected on the Edmond Plan for commercial or office usage. The application complies with the Edmond Plan III. Planning Commission recommended approval.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2961 as read by title by City Planner. **Motion carried** as follows:

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

10. Public Hearing and Consideration of Ordinance No. 2962 amending Edmond Plan III from Suburban Office District to Restricted Commercial Planned Unit Development (PUD), located south of 15th Street, west side of I-35 Frontage Road (JLB Properties, LLC, applicant) Case No. Z050049. The site consists of 2.68 acres and is one of six companion items. The applicant will leave a 100 foot buffer on the west side next to his property and east of the platted lots in the Arrowhead Additions as well as an additional 50 foot buffer on the west adjacent to the single family zoning and two tracts on the northwest and southwest corners of the PUD. The subject property is currently vacant with one existing drive that currently serves the property to the east which fronts onto the frontage road. The application is not in compliance with Edmond Plan III. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 2962 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 2962. **Motion carried** as follows and Ordinance No. 2962 is in effect immediately:

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

11. Public Hearing and Consideration of Ordinance No. 2963 rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial Planned Unit Development (PUD), located south of 15th Street, west side of I-35 Frontage Road (JLB Properties, LLC, applicant) Case No. Z050050. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2963 as read by title by City Planner. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Ordinance No. 2964 amending Edmond Plan III from Suburban Office District to Restricted Commercial Planned Unit Development (PUD), located south of 15th Street, west side of I-35 Frontage Road (JLB Properties, LLC, applicant) Case No. Z050051. The site consists of 2.69 acres and is one of six companion items. The application is not in compliance with Edmond Plan III. Planning Commission recommended approval.

Motion by Page, seconded by Miller, to approve Ordinance No. 2964 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 2964. **Motion carried** as follows and Ordinance No. 2964 is in effect immediately:

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

13. Public Hearing and Consideration of Ordinance No. 2965 rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial Planned Unit Development (PUD), located south of 15th Street, west side of I-35 Frontage Road (JLB Properties, LLC, applicant) Case No. Z050052. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No.

2965 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 No. 2966 amending Edmond Plan III from Office Commercial to Restricted Commercial Planned Unit Development (PUD), located on the east side of Bryant, south of 15th Street (Armstrong Development/CVS Pharmacy, applicant) Case No. Z050059. The site consists of 2.2 acres and a pharmacy is planned. The design statement will only allow "D-1" zoning uses and no special use permits. The property is north of Faith Church and across the street to the west is a Bank of Oklahoma. Additional right-of-way may be needed in the future on both Bryant and 15th Street for additional turning movements at that intersection. The application is not in compliance with Edmond Plan III. Planning Commission recommended approval.

Councilmember Miller stated this is a convenience location and not a destination location and he did not feel that traffic would be impacted to a large degree.

Councilmember Lamb requested an explanation regarding staff's evaluation of the loss of the drainage detention that this project site is providing for an existing development. He stated he was concerned at what point the City will capture the drainage detention requirements.

Steve Manek, City Engineer, stated at this time he does not have a drainage report but that he would need to evaluate the situation and research how large an area would be required for this project and how much is being lost from the previous site in order to be sure that the total of the two meets or exceeds that volume. Mr. Manek stated the assurance that the drainage would be adequate would be captured during the platting process.

Greg Massey, Carter and Burgess Engineering, addressed Council and stated their intention is to provide detention through a sub-surface detention facility in the parking lot of the development. He noted the property drains to the west and will eventually tie into the storm sewer system with the balance being collected in their system for detention. He stated their detention facility will be oversized in order to capture the additional storage that is being lost from the previous project.

Randel Shadid addressed Council representing the applicant and stated only one curb cut is requested on Bryant which will line up with the Bank of Oklahoma entrance across the street. He stated the applicant is aware that additional right-of-way will be required which will be addressed during the platting or site plan review process. Mr. Shadid stated the buildings will either mirror of the Baskin Robbins or Ballenger's development. He stated the applicant is also aware that they will need to extend the off-site sewer to their property. The pharmacy will not be a 24 hour operation and the hours of operation will be defined during the site plan review process. He stated they plan to install 15% landscaping but that is dependent on the amount of right-of-way that staff will request but the landscaping will still exceed 10%.

General discussion was held regarding additional right-of-way for possible intersection improvements in the future. Staff felt that 70 foot on Bryant and approximately 60 foot on 15th Street would be needed. The amount of right-of-way is dependent upon the scope of the intersection improvements.

Mayor Naifeh stated the sign that is used at other CVS Pharmacy locations will not work in this location and should

be in line with the existing signage on the other two corners.

Bob Raftery, representing Faith Church, addressed Council and stated they have no objection.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2966 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Page, seconded by Miller, to attach Emergency Clause to Ordinance No. 2966. **Motion carried** as follows and Ordinance No. 2966 is in effect immediately:

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

15. Public Hearing and Consideration of Ordinance No. 2967 rezoning from "D-3" Office Commercial to "D-1" Restricted Commercial Planned Unit Development (PUD), located on the east side of Bryant, south of 15th Street (Armstrong Development/CVS Pharmacy, applicant) Case No. Z050060. This a companion to the above item and was discussed at that time.

Motion by Sanford, seconded by Lamb, to approve Ordinance No. 2967 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. 2968 rezoning from "A" Single Family Dwelling District to "E-3" Restricted Light Industrial District, located on the east side of Thomas Drive, south of the Crown Ridge Apartments (John Birdsell, applicant) Case No. Z050065. The site consists of 4.6 acres and a self-storage facility is planned. This site will contain no open display. This application complies with Edmond Plan III. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 2968 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. 2969 rezoning from "G-A" General Agricultural District to "R-2" Urban Estate Dwelling District, located on the west side of Westminister, 731 feet south of Covell Road (Roger Fite Homes, LLC, applicant) Case No. Z050064. The site consists of 16.05 acres and 10, 1.3 acre residential lots are planned. The streets will be public since the lots are less than two acres each which are exempt by State Statute from the subdivision ordinance. Planning Commission recommended approval.

Steve Metheny, attorney representing the applicant, addressed Council and stated large scale high-end homes will be constructed. He noted the applicant is aware of the view and the existing remnant forest since he also lives in the area.

Mayor Naifeh stated she is concerned that the infrastructure is not in place to accommodate the smaller lots and she would prefer the property be developed as two acre lots.

Dan O'Neil stated the area is referred to as remnant forest and has been untouched before statehood and he requested the applicant take this fact into consideration.

Motion by Page, seconded by Miller, to approve Ordinance No. 2969 as read by title by City Planner. **Motion carried** as follows:

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

18. Public Hearing and Consideration of Ordinance No. 2970 rezoning from "D-O" Suburban Office District to "D-O" Suburban Office Planned Unit Development (PUD), located on the west side of Bryant, south of Albertson's Grocery Store (WHJ, LLC, applicant) Case No. Z050063. The site consists of 6.5 acres and is located north of the Kingston Addition and west of Kickingbird Golf Course and Tennis Center. A cross access will be shared with the Albertson's Grocery Store to the north. The application complies with Edmond Plan III. Planning Commission recommended approval.

Mary Ann Karns, attorney representing the applicant, addressed Council and stated the applicant plans to move his office to this location. She stated the drainage for this project was scheduled to be reviewed in November by the Stormwater Drainage Advisory Board (SWAB) but they were unable to meet so it will be reviewed this week by SWAB. Ms. Karns stated the applicant is proposing one curb cut off Bryant and the complex will contain a water feature. The developer will move the mature trees to the perimeter of the property wherever possible.

Mark Grubbs, Tanner Consulting, addressed Council and stated the

detention is provided by Kickingbird Golf Course at this time. He stated they will provide additional detention on site by installing a detention pond in the middle of the site which will serve as the retention/detention pond. Mr. Grubbs stated they will request a variance from SWAB to reclaim the upper portion of the un-named tributary that drains into Spring Creek for use as a parking area. He stated he felt their drainage plan will improve the drainage issues in the area as well as continue to maintain an adequate water level for the pond on the golf course.

Councilmember Lamb stated he was concerned that the water not be diverted away from the pond on the golf course and that the water level and attractiveness of the pond be maintained.

Carrie Tomlinson, Urban Forester for the City, addressed Council and stated it appeared that the sewer line connection will go through the remnant forest. She requested as many trees as possible be maintained.

Ms. Karns stated the developer is researching whether another option is available in order to preserve as much of the remnant forest as possible. She stated they will work with Ms. Tomlinson regarding which trees are savable and would have the greatest opportunity to survive being moved.

Dan O'Neil, representing the Edmond Neighborhood Alliance (ENA), addressed Council in support and expressed his appreciation to the applicant for their willingness to meet with area homeowners prior to the meeting to allay their concerns.

Motion by Miller, seconded by Page, to approve Ordinance No. 2970 as read by title by City Planner. **Motion carried** as follows:

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

19. Public Hearing and Consideration of Ordinance No. 2971 amending Edmond Plan III from Suburban Office to Restricted Commercial Planned Unit Development (PUD), located on the east side of Bryant, south of Albertson's Grocery Store (WHJ, LLC, applicant) Case No. Z050061. The site consists of 1.5 acres and the application is not in compliance with Edmond Plan III. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 2971 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Page, seconded by Miller, to attach Emergency Clause to Ordinance No. 2971. **Motion carried** as follows and Ordinance No. 2971 is in effect immediately:

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

20. Public Hearing and Consideration of Ordinance No. 2972 rezoning from "D-O" Suburban Office to "D-1" Restricted Commercial Planned Unit Development (PUD), located on the east side of Bryant, south of Albertson's Grocery Store (WHJ, LLC, applicant) Case No. Z050062. This is a companion to the above item and was discussed at that time. Planning Commission recommended approval.

Motion by Sanford, seconded by Lamb, to approve Ordinance No. 2972 as read by title by City Planner. **Motion carried** as follows:

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

Mayor Naifeh stated Items 21 through 24 would be discussed together.

21. Public Hearing and Consideration of Ordinance No. 2973 amending Edmond Plan III from Single Family Dwelling District to General Commercial Planned Unit Development (PUD), located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050042. The site consists of 5.5 acres and a convenience store gas station, car wash and other "D-1" restricted commercial uses are proposed. A larger right-of-way is anticipated on Covell Road because of the future parkway designation and to accommodate the turning movements for this intersection. Sanitary sewer will need to be extended off-site. Planning Commission recommended denial.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant amended the

application since the Planning Commission meeting and left the property on the northeast half of the "D-O" Suburban Office site as "A" Single Family. He stated traffic and development have increased in the area and will continue to increase due to the development of Covell Road into a four lane parkway which will become the outer loop of the City. He noted a similar piece of property at Sooner and Covell was rezoned in the same manner that the applicant is requesting. Mr. Shadid stated the gas station will be located on the corner with the pump island canopy behind the building. He stated a buffer can be added to the east side of the building to screen the development from the view of homeowners. He noted this property is the only parcel on the corner of the intersection that is not in the flood plain. He stated he felt the application was reasonable due to approval of other plan amendments on Covell. He stated the applicant was aware of the drainage issues in this area and the need to address those issues during the platting process.

Conrad Caldwell, Mike McGinnis, Jerry Biby, Judy Rutledge and Randal Wilson, all area residents, and Dan O'Neil, representing the ENA, addressed Council in opposition. Their primary concerns were drainage issues, the buffer being too small and a high pressure gas line running under Mr. Caldwell's property and under the applicant's proposed detention pond. Several of the residents felt another service station was not needed.

Mr. Shadid stated Covell was becoming a high traffic area and development of a subdivision on the corner would not be an option due to the increase in traffic. He stated the applicant understood the concerns of the homeowners who live on Mission Street and would withdraw the "D-O" zoning applications. Mr. Shadid stated they have discussed the gas line with ONG and have been assured they can build around the line. He noted the drawings submitted with the application are conceptual designs but that the applicant would lock in the design of the gas pump island being behind the gas station canopy. He stated this type of design has been approved previously on Highway 66.

The City Engineer distributed photographs of flooding in 2000 along Coltrane and general discussion was held on the flooding problems along Coltrane.

Councilmember Lamb stated he was concerned about drainage problems on Coltrane and he did not feel that those issues were addressed with this proposal. He stated he was not as concerned about the retail features and the zoning as he was about the physical site limitations and whether this plan accounts for that.

Mr. Shadid stated the applicant felt the proposed development would help solve the drainage issues. He stated it was unfair to punish his client for other property owner's past discretions regarding the drainage issues. He stated there are site limitations associated with this location and they would comply with all drainage and detention requirements. He stated the applicant will encounter the same drainage problems no matter what was built on the site.

Councilmember Page stated he did not feel it was necessary to commercially develop every section line intersection in the City.

Motion by Page, seconded by Lamb, to approve Ordinance No. 2973 as read by title by City Planner. **Motion was denied** as follows:

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

22. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District 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 of the above item and was not considered due to the failure of that item.

23. Public Hearing and Consideration of Ordinance amending

Edmond Plan III from Single Family Dwelling District to Suburban Office Planned Unit Development (PUD), located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050042. This item was withdrawn by the applicant.

24. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-O" Suburban Office Planned Unit Development (PUD), located on the southeast corner of Covell Road and Coltrane (David Huffman, applicant) Case No. Z050042. This is a companion to the above item and was also withdrawn by the applicant.

Motion by Miller, seconded by Page, to recess the meeting for five minutes. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to reconvene the meeting. **Motion carried** as follows:

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

25. Consideration of Preliminary Plat approval to include front and rear yard variances for Christman Parke Offices, located north of 33rd Street, west of Bryant (Thirty-Third Street Partners, LLC, applicant) Case No. PR050029. The property consists of 3.02 acres and 11 office buildings are proposed, each to be sold separately. The property will front on 33rd Street and provide a common parking and drive area known as Common Area A. Common Areas B and C will be used for drainage/detention. Limits of no access have been indicated along 33rd Street and one driveway, maximum of 35 feet wide, will serve all the buildings. The buildings will be similar in size to existing homes. The project complies with Titles 21 and 23. The applicant is requesting a variance allowing for a 90 foot setback from the centerline of 33rd Street rather than the 100 foot setback required. A variance is also requested for the rear setback to allow for a 15 foot setback rather than the 20 foot required. Planning Commission recommended approval of the preliminary plat as well as the two variances.

Jeff Jenkins, 3301 Baird Drive, addressed Council and stated he felt the left turns from Patterson and the east bound lane on 33rd

Street would conflict with each other and make it difficult to make left hand turns. He also stated he would rather have the buildings along 33rd Street than a sea of parking spaces. He noted that although the parking is in the interior of the development, the parking lot is exposed to view.

Motion by Page, seconded by Miller, to approve Item No. 25.
Motion carried as follows:

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

26. Discussion and Consideration of adoption of the Edmond City Council Strategic Plan for 2006. Cindy Mitas, the facilitator of the Strategic Plan sessions, addressed Council and outlined the changes from the previous discussions. General discussion was held with Council and Ms. Mitas stated she would incorporate the changes as discussed and provide an updated draft to each Councilmember individually.

Mayor Naifeh stated this item would be continued to the first meeting in January, 2006. She encouraged each Councilmember to contact Ms. Mitas on any changes they would like to incorporate in the Strategic Plan.

27. Presentation and Discussion of report from Edmond Centennial Commission and request for approval of Centennial Projects. Marilyn Kreidler, Chairman of the Centennial Commission, addressed Council and outlined the projects submitted by the Commission. Ms. Kreidler stated she did not have firm costs for the projects other than the "Leaping into the Future" Kentucky Daisy statue which still needed \$40,000 to fund the purchase of the statue.

General discussion was held on each project and Council requested Ms. Kreidler provide firm costs for all the projects so they would be able to determine which projects could realistically be funded.

Mayor Naifeh requested the Commission prioritize the projects and provide a detailed list of the costs of the projects in order for Council to determine what projects they could fund and support.

Motion by Lamb, seconded by Miller, to approve funding in an amount not to exceed \$40,000 for the Kentucky Daisy statue.

Motion carried as follows:

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

28. Report from the Arts and Humanities Council on 2005 Acousticadia event. Pamela Richman, current Arts and Humanities Chairman, and Kathleen Patton, Acousticadia Chairman for 2006 addressed Council. Ms. Richman outlined Arts and Humanities Council projects from the past three years. Ms. Patton addressed Council and stated the Arts Council felt the first year for Acousticadia was a success even though the festival lost \$21,165. She stated a total of \$67,000 in ticket sales was actually raised. Ms. Patton stated all the vendors have been paid and they are working on a repayment plan of the \$16,000 loaned by Council to help cover their losses from this year's festival. She stated their plan is to pay \$1,600 per year for ten years. Ms. Patton noted they are committed to holding a festival which is self-sufficient and plan to secure additional sponsorships for next year's festival, both corporate and private. She stated all the vendors have agreed to return and several performers have also requested to return. She noted the first year was a learning experience and she felt they would be more prepared for next year's festival by being more aggressive in securing additional sponsors and feel they will make a profit in future years. Ms. Patton stated they were unable to raise additional funds to help pay for the losses due to the festival already having occurred. She stated it was extremely difficult to secure donations for a past event. She noted she felt it would be easier to secure sponsorships for the upcoming festival because of last year's history. She stated the Arts Council is considering moving the festival to another site that does not impact the boat dock and hopefully their costs to Arcadia Lake will be less. She noted they are on the January, 2006, agenda of the Fish and Game Commission to determine if a solution can be worked out regarding the money still owed Arcadia Lake from the 2005 festival. Ms. Patton stated they intend to repay Arcadia Lake the \$8,000 owed from the 2005 festival and are very optimistic they will be able to accomplish that goal as well as make a profit in 2006.

Councilmember Sanford requested the Arts and Humanities Council separate the costs for the two festivals in their budget request from the Social Agency Review. She stated it was never clear in their budget request that they needed additional funds for 2005 Acousticadia.

Ms. Richman stated when they came before the Social Agency Review last year they requested more money than they ever had and were told to do what they could with what they were given. She noted their budget figures clearly delineated all the projects they were requesting funding for and it was clearly shown that a portion of the funds would be used for Acousticadia. She stated in their 2006/2007 budget they will clearly state the funds needed for Acousticadia.

Mayor Naifeh stated it would help the Council to have a clear understanding of the amount of funding needed for Acousticadia if that were clearly stated in their budget request. She stated it would be helpful to her to receive on-going reports regarding their progress in order to not be in the same position as this past year.

29. Executive Session to discuss the following pending claim/ litigation (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)):

Henry vs. City of Edmond

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 10:40 p.m. and returned to the City Council Chambers at 10:42 p.m.

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

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

30. Consideration of action regarding the above pending claim, Henry vs. City of Edmond.

Motion by Lamb, seconded by Sanford, to authorize the staff to proceed with settlement negotiations. **Motion carried** as follows:

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

NAYS: None

31. NEW BUSINESS:

Councilmember Miller urged the public to vote yes on Tuesday for the 50 cents per month charge on cellular telephones needed to fund upgrades to the 9-1-1 system.

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

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

NAYS: None

City Clerk

Mayor