

EDMOND CITY COUNCIL MINUTES

January 12, 2004

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 12, 2004, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve December 22, 2003, 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 outlined the Kelly Parkway project from 15th to 33rd Streets which consists of constructing medians and converting Kelly to a parkway for a total cost of \$3.5 million. Construction is estimated to begin by the end of September and should be completed in 10-12 months. Mr. Stevens also outlined a potential airport project with the City of Guthrie. Another meeting should be scheduled within the next few weeks. The Site Plan review for the potential Wal Mart and Fox Lake Plaza shopping center located on I-35 was scheduled for review by the Planning Commission on January 20th and Council on February 9th but since that time the Fox Lake homeowners have filed an appeal with the Board of Adjustment. A Community Connections meeting had been scheduled for January 13th but has been cancelled at the request of the homeowners. Mr. Stevens also outlined the trails system in several City parks, the Chimney Hills Addition and Arcadia Lake. He noted this year's budget includes \$2.8 million with \$1 million included in each of the next two budget years. Mr. Stevens also stated he had met with the StateSource Development Group regarding potential commercial development at Arcadia Lake. The pond restoration at Hafer Park was also outlined. Mr. Stevens stated a Grant Coordination Team has been established in order to pool resources and expertise from all departments rather than depending on one grant writer which will allow the City to apply for more grants. He noted that in year 2003, over \$5 million in grants were awarded to the City.

4. Appointments to Boards and Commissions:

- A. **Appointments of youth members to the Central Edmond Urban Development Board and Visual Arts Commission.** Mayor Naifeh nominated Robert Alexander Hefner V, to the Central Edmond Urban Development Board to fulfill the unexpired term of Tiffany Hill for a term expiring January, 2005. Mayor Naifeh nominated Jordan Jones to the Visual Arts Commission to fulfill the unexpired term of Joshua Harrold for a term expiring January, 2005.

Motion by Lamb, seconded by Page, to approve Item 4.A.
Motion carried as follows:

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

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

A. Approval of Administrative Items:

- 1) Acceptance of electric easement from Madison Oaks Professional Office Park, 2020 E. 15th Street.
- 2) Acceptance of Final Plat, public improvements and maintenance bonds for Cheval Pointe Addition, located on the south side of Covell Road, one-half mile east of Bryant.
- 3) Acceptance of utility easements from Dennis and Valerie Gleason for the Creek Bend 3rd Addition sanitary sewer collection system.
- 4) Acceptance of sanitary sewer and street right-of-way easements from Arthur Scott Bridal Trust and Loy Donna Markland Trust for the Cross Timbers Municipal Complex project in the amount of \$5,000.
- 5) Approval of supplemental appropriations for the Edmond Fine Arts Institute infrastructure project - \$63,000

B. Approval of Purchases:

- 1) **Approval of Change Order No. 1 with FrenCo Construction for rehabilitation of residential structure located at 214 E. 8th Street as part of the Community Development Block Grant (CDBG) program in the amount of \$1,300.**
- 2) **Approval of bid disposition by the Purchasing Manager for the following:**
 - a) 3M Company for traffic sign materials (including renewal options) for the Street Department in the estimated annual amount of \$25,000
 - b) Allied Tube and Conduit for traffic sign posts (including renewal options) for the Street Department in the estimated annual amount of \$25,000
- 3) **Award of proposal for MIS assessment.** Purchasing Manager recommended accepting proposal from Matrix Consultant Group Services in the amount of \$70,000.

Councilmember Sanford asked if this item was in the budget. Mr. Stevens stated it was a budgeted item. He noted the Matrix Group will assess the current operations in an attempt to identify areas that need improvement prior to initiating any management competition in the next fiscal year.

Motion by Sanford, seconded by Lamb, to approve General Consent Item 5.B.(3). **Motion carried** as follows:

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

- 4) **Approval of Change Order No. 4 with W.C. Doan Construction Company for the Administration Building first floor renovation project in the amount of \$10,629.05.**
- 5) **Award of proposal to update digital ortho photography and planimetric mapping for the GIS Department.** MIS staff recommended accepting proposal from Pinnacle Mapping Technologies, Inc. in the amount of \$62,000.

Motion by Lamb, seconded by Page, to approve General

Consent Items 5.A.(1-5) and 5.B.(1-2,4-5). **Motion carried** as follows:

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
24-0021 Street Department	Deny - \$327.62

Motion by Lamb, seconded by Miller, 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 Miller, seconded by Lamb, 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

10. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of Danforth Village North, located north of Danforth, east of Kohl's (Mike Boyd, applicant) Case No. PR030039.**
- B. **Public Hearing and Consideration of commercial Site Plan approval for office warehouse, located on the northwest corner of Fretz Drive and Fretz Avenue (Rod Coleman/ERC, applicant) Case No. SP030041.**
- C. **Consideration of Final Plat of Tuscan Park, located on the west side of Sooner Road, one-half mile north of E. 2nd Street (Chet Leonhardt, applicant) Case No. PR030036.**
- D. **Consideration of Final Plat of Willowbend 1st Addition, located south of Sorghum Mill Road, east of Kelly (Westpoint Group, applicant) Case No. PR020041.**
- E. **Consideration of Final Plat of Cheyenne Ridge Villas,**

located on the southeast corner of Bryant and 33rd Street (Neal McGee, applicant) Case No. PR030025. The site contains 6.686 acres and 23 single family lots are planned. A detention/ common area located on the west side of the addition will be maintained by the homeowners association and should be given a lot and block number for future identification.

Councilmember Lamb stated he had a problem with the addition providing only one access. He noted the proximity to the striping and the intersection could cause traffic congestion for future homeowners attempting to make a left turn out of the addition.

Neal McGee addressed Council and stated the site is zoned for office use but by developing the property as residential it eliminated any commercial development behind the existing homes. He stated he would attempt to save as many trees as possible on the site. Mr. McGee noted that he had already given up a large portion of property in the floodplain for a detention area and it was not financially feasible to build a bridge on the back of the property for another access. .

Lax Godhania, MGR Engineering, addressed Council and stated that since the addition would only contain 23 lots he did not see a problem with only having one access. He noted the site has been studied for quite some time and this was the best solution for developing the site.

General discussion was held and a consensus of most of those present was that the proposed development was the best solution due to the opposition of area residents for a commercial development behind their homes.

Motion by Sanford, seconded by Lamb, to approve Planning Consent Item 10.E. **Motion carried** as follows:

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

- F. **Public Hearing and Consideration of commercial Site Plan approval for Wilson Water Sports, LLC, located on the east side of the I-35 Frontage Road at the north Edmond City limit (Todd and Laura Wilson, applicants) Case No. SP030045.** The applicant plans to use the property for a

boat sales business encompassing four warehouse type buildings. A landscaping variance is requested in the number of plant units required. Landscaping would be installed in front of the building and along the north and south sides of the property. When the existing metal buildings were constructed, landscaping was not required. An additional variance is requested from the masonry requirement for exterior walls for buildings along I-35. The I-35 corridor allows metal buildings if there are at least five existing metal buildings. It was noted that the buildings were constructed prior to the development of site plan standards. No open display or ground sign is requested with this application. The location of the buildings will be on a private drive that is maintained by the existing property owners.

Bruce Mumsford, Sunflower Venture, stated his company is located north of the applicant's property along the private street. He noted that they have been maintaining the street for the past five years. He asked how much traffic would be generated from the boat sales business and he requested the applicants assist with maintenance of the street. He stated he was concerned that the width of the street remain wide enough to allow his trucks access to his property. Mr. Mumsford stated he supported the landscaping variance.

Laura Wilson addressed Council and stated the reason for the landscape variance was because the land is almost all rock and she feared that the landscaping would not survive. She stated they will be trucking in a large amount of fill dirt prior to landscaping in the hope that the fill dirt will help keep the landscaping alive. Ms. Wilson stated at this time there is little or no landscaping on the existing property and she felt they were greatly increasing the standards in the area. She stated they would be willing to discuss maintenance of the street with the existing property owners. She noted they were installing additional paving and curbing and that the street would be kept as wide as possible. Ms. Wilson stated they would brick the front of the building and also brick the sides of the building in a stepdown tier to the back of the building.

Councilmember Miller stated he was not opposed to approving the application with brick on the front only. He requested a stipulation be added to the application stating there would be no open display of vehicles or equipment. He

stated the applicant would set a precedent for other businesses to live up to.

Mayor Naifeh stated she could not approve a landscaping variance.

Councilmember Lamb stated he felt a precedent has already been set by the existing buildings and he did not feel that the applicant could be held to the full I-35 standards.

Mike Young, M.L. Young Construction Company, addressed Council in support of the application.

Motion by Page, seconded by Lamb, to approve Planning Consent Item 10.F. subject to installation of brick to the building as described by the applicant and no open display on the property. **Motion carried** as follows:

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

- G. **Consideration of Preliminary Plat for Westminster Oaks Addition, located east of Westminster Road, one-fourth mile south of Coffee Creek Road (John Coleman, applicant) Case No. PR030034.**
- H. **Public Hearing and Consideration of commercial Site Plan approval for a parking lot addition and drainage improvements for a law office, located north of Ayers, south of Thatcher between Broadway and Boulevard, 27 E. Ayers (Barry Zlotogura, applicant) Case No. SP030039.**

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

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

- 11. **Public Hearing and Consideration of Ordinance No. 2827 amending Edmond Plan III from Lake Residential District to Lake Preservation District usage, located east of Air Depot, one-quarter mile south of 15th Street (Caleb McCaleb, applicant) Case No. Z030049.** The site contains 45 acres and the amendment will allow for development of the property with streets that follow

the natural terrain of the property allowing the developer to retain more of the natural topographic features. The change may also reduce the density of the development.

Councilmember Lamb stated that the plan projections for the L-1 and L-2 uses were initially identified in the Arcadia Lake area plan in 1984.

Jane and Bill West, area property owners, addressed Council in opposition. Their primary concerns were lack of a buffer along the back by the horse trails, increased traffic and problems for the large number of wildlife due to the gate and fencing surrounding the property. Ms. West stated the proposed development is out of character with the surrounding property which is divided into at least five acre tracts. She stated she also had a problem with the private water wells and septic tank systems that will be used by the future homeowners. Ms. West requested additional police protection during construction if the application is approved and that construction work be prohibited during the weekends and after 6:00 p.m. in the evenings.

Mark Farris, Red Plains Professional, Inc., engineer representing the applicant, addressed Council and stated the reconfiguration of the development is to allow the applicant to utilize the existing topography of the land and to install curvilinear streets following the natural terrain of the property. He stated the development will reduce the density of the property and allow for a larger area of the two and one-half acre lots. Mr. Farris stated the two acre lots would abut existing residential development of similar use and lot size. He stated the barbed wire fence along Arcadia Lake, owned by the U.S. Army Corps of Engineers, must not be interfered with. He stated the gated entry and fence would only be along the front and sides of the property.

Mike Scharrer addressed Council about run off into Arcadia Lake.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2827 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 Lamb, to attach Emergency Clause

to Ordinance No. 2827. **Motion carried** as follows and Ordinance No 2827 is in effect immediately:

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

12. Public Hearing and Consideration of Ordinance No. 2828 rezoning from "G-A" General Agricultural District to "L-1" Lake Preservation District, located east of Air Depot, one-quarter mile south of 15th Street (Caleb McCaleb, applicant) Case No. Z030047. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2828 as read by title by City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of Ordinance No. 2829 amending Edmond Plan III from Lake Preservation District to Lake Residential District usage, located east of Air Depot, one-quarter mile south of 15th Street (Caleb McCaleb, applicant) Case No. Z030050. This site contains 40.86 acres and will be developed with 33 lots of two or two and one-half acres. The lots will be served with individual water wells and septic tanks.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2829 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 Sanford, to attach Emergency Clause to Ordinance No. 2829. **Motion carried** as follows and Ordinance No 2829 is in effect immediately:

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

14. **Public Hearing and Consideration of Ordinance No. 2830 rezoning from "G-A" General Agricultural District to "L-2" Lake Residential District, located east of Air Depot, one-quarter mile south of 15th Street (Caleb McCaleb, applicant) Case No. Z030048.** This is a companion to the above items and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2830 as read by title by City Planner. **Motion carried** as follows:

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

15. **Consideration of Preliminary Plat of Edgewater Addition, located east of Air Depot, one-eighth mile south of 15th Street (Caleb McCaleb, applicant) Case No. PR030044.** The addition will contain 32 new lots and will be gated with private streets. Each individual lot will be developed with a private water well and septic tank. The original owner's home will be retained on Lot 31.

Mark Farris addressed Council and stated the next step in the development is to begin the engineering and finalize the street layout. He noted that although City code does allow streets with bar ditches in this zoning district, they will install streets with full curb and gutter, at a substantial cost to the developer, to reduce the amount of clearing. Mr. Farris stated it would be a great economic impact to limit the hours the developer could work on this addition. He stated they would be willing to work with the neighbors on this matter.

Motion by Miller, seconded by Lamb, to approve Item 15. **Motion carried** as follows:

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

16. **Consideration of approval of the Transportation Committee's recommendation for new Trolley System routes (City of Edmond, applicant).**

Councilmember Miller stated a survey was conducted to get input from citizens to determine where the routes should go. He noted the routes incorporate 90% of student housing at the University

of Central Oklahoma and the Committee felt that large numbers of students would use the new trolley system.

Randy Hume, Director of Metro Transit and an Edmond citizen, addressed Council and outlined the trolley routes. He stated there will be two new trolleys which will actually provide three routes. Mr. Hume stated the new trolley routes will replace the current Local Route 39 but will not effect the Express Route into Oklahoma City known as Route 37. He stated the routes will run weekdays and Saturdays and will include night time routes. He noted that numerous community meetings were held to allow for citizen input as to the routes. The major businesses included on the route are: Wal-Mart Supercenter, Albertsons, Wal-Mart Neighborhood Market, Target/Lowes, Kickingbird Plaza, Ramada Hotel, UCO, the UCO Jazz Lab/Hideaway Pizza and the Post Office as well as the entire downtown area. Mr. Hume stated the amount budgeted for this fiscal year is \$170,000 and according to his best estimates \$198,000 will be needed for next year. He stated because the trolleys will have a late start this year, they will have approximately \$15,000 that can roll over into next year's budget. Mr. Hume stated they will also attempt to get partnerships for the additional funding that will be needed for next fiscal year. He noted the Committee will be monitoring the ridership in order to restructure the routes as needed.

Councilmember Miller stated the Committee felt that the trolley system should be in place this fiscal year and next in order to adequately determine if any changes to the system are needed based on usage.

Mayor Naifeh stated she supported the concept but that she was concerned about the total ridership for the extra routes as well as the evening routes. She asked what the operating costs would be. Mayor Naifeh stated she was concerned with committing funding for a year and half. She stated she would vote for approval with the understanding that if ridership is not adequate changes can be made.

Mr. Hume noted that public transportation is not a money making business but a subsidized service. He stated if the routes are not adequately utilized they could be reduced accordingly. Mr. Hume stated the Committee was not asking for approval of funding for next year at this time but he wanted the Council to be aware that the current funding of \$170,000 would not be adequate to continue with the current trolley routes in the next fiscal year.

Councilmember Miller stated the Committee is planning to request additional funding from the University since their students would benefit the most from the trolley system.

Motion by Miller, seconded by Page, to approve Item 16. **Motion carried** as follows:

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

17. Discussion and consideration of approval of a residential sidewalk partnership program in the amount of \$100,000. The program was funded in the FY 2003/04 budget and will promote a 70/30 partnership between the City and residential property owners. The program is designed to promote sidewalk repairs and will assist with resolving sidewalk maintenance and ADA access and compliance.

Larry Stevens addressed Council and stated this item is a direct result of Council discussions during the budget process. He noted that \$100,000 has been budgeted as the initial allocation.

Motion by Miller, seconded by Page, to approve Item 17. **Motion carried** as follows:

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

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

Goranson vs. City of Edmond
Harris vs. City of Edmond
Blankenship vs. City of Edmond
Sievert vs. City of Edmond

Motion by Lamb, seconded by Miller, to meet in Executive Session to discuss the above items. **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 8:27 p.m. and returned to the City Council Chambers at 8:38 p.m.

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

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

19. Consideration of action regarding the above pending claims.

Motion by Sanford, seconded by Page, to authorize City Attorney to proceed with settlement negotiations on the above claims. **Motion carried** as follows:

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

20. NEW BUSINESS: None

21. 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