

**EDMOND CITY COUNCIL MINUTES**

April 26, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 26, 2004, in the City Council Chambers.

**2. Approval of Minutes.** Councilmember Lamb requested that the first item under New Business be amended to show that he was referring to Title 22. Motion by Lamb, seconded by Miller, to approve April 12, 2004, Minutes as amended. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. **Presentation of the 2004 Chief of the Year Award to Chief Gil Harryman, presented by Chief Steve Dow, First Vice President of the Oklahoma Fire Chiefs Association.**

B. **Recognition of Peace Officers' Memorial Day and May 9-15, 2004, as "NATIONAL POLICE WEEK" in the City of Edmond.**

**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 March 31, 2004.**

2) **Acceptance of City Treasurer's Investment Report for month ending March 31, 2004.**

3) **Acceptance of public improvements and maintenance bonds for the following:**

- a) Dillon Apartments
- b) Fairfax Estates, Block 20
- c) Village Center at Coffee Creek
- d) Cimarron Middle School
- e) Casi Court and Danforth

- 4) Acceptance of construction permits from the Oklahoma Department of Environmental Quality.
- 5) Approval of electric easement to provide service to the Dollar Tree site, Danforth Village North, Danforth and Santa Fe.
- 6) Approval of pipeline license with the Burlington Northern and Santa Fe Railway Company for Willowood Sewer Pumping Station force main.
- 7) Approval of contract with the OSU Veterinary School for spay and neutering services for the City of Edmond Animal Welfare Division.
- 8) Approval of agreement with the Oklahoma County Sheriff to provide incarceration services for the Edmond Jail for FY 2004/2005.
- 9) Consideration of approval of Ordinance No. 2837 amending Section 21.02.050, Easements/Utilities of the Edmond Municipal Code to amend Subsections 21.02.050(B)(2) and (B)(5), providing for placement of utilities in the trenches and amending Subsection 21.02.060 Public Street Rights-of-Way to amend Subsection 21.02.060(C), providing for placement of utilities in trenches; and providing for Repealer and Severability.
- 10) Consideration of approval of Resolution No's 10-04, 11-04, and 12-04, declaring the necessity for acquiring certain real property more particularly hereinafter described, within the City of Edmond, Oklahoma, for the purpose of public street easements and authorizing the institution of procedures for acquisition.
- 11) Consideration of approval of Resolution No. 13-04, declaring the necessity for acquiring certain real property more particularly hereinafter described, with the City of Edmond, Oklahoma, for the purpose of public use and authorizing institution of procedures for acquisition.
- 12) Approval of supplemental appropriations for Fleet Management Fund for rental of street sweeper - \$15,000

13) Approval of transfer of appropriations for the FY 2003/2004 School Zone Safety project - \$2,615

B. Approval of Purchases:

1) Approval of annual renewal of agreement with Genuine Parts Company d/b/a/ NAPA Auto Parts for extension of an existing, on-site vehicle maintenance parts service agreement in the estimated annual amount of \$417,500.

2) Award of bid for rehabilitation of residential structure located at 105 E. Colcord as part of the Community Development Block Grant (CDBG) program. The Citizens Participation Committee recommended accepting bid from FrenCo Construction, Inc. in the amount of \$24,099.

3) Approval of Change Order No. 1 with L.G. Construction, Inc. for rehabilitation of residential structure located at 18 E. Clegern as part of the Community Development Block Grant (CDBG) program in the amount of \$395.

4) Acceptance of sanitary sewer easement from John and Sharon Thompson for Phase II of the Coffee Creek Sanitary Sewer Interceptor project in the amount of \$3,815.

5) Acceptance of two roadway easements for the Kelly Parkway, 33<sup>rd</sup> to 15<sup>th</sup> Streets improvements in the amount of \$81,600.

6) Approval of agreement and acceptance of roadway easements from Kay-Bee Investments for the Kelly Parkway, 33<sup>rd</sup> to 15<sup>th</sup> Streets improvements in the amount of \$64,530.

7) Acceptance of sanitary sewer easement from Fred L. Krapff and M. Fran Krapff, Trustees of the M. Fran Krapff Revocable Trust Dated January 20, 2000, for Phase II of the Coffee Creek Sanitary Sewer Interceptor project in the amount of \$1,820.

8) Approval of engineering design contract with Painter Consulting Engineers for sanitary sewer

improvements projects in the amount of \$76,410.

9) Award of bid for the FY 2003/04 School Zone Safety project (33<sup>rd</sup> Street at Chisholm Elementary) and approval of Resolution No. 14-04 appointing Purchasing Agent for the Engineering Department. Purchasing Manager recommended accepting bid from Midstate Traffic Control in the amount of \$47,615.

10) Award of bid for Fire Station No's 2 and 3 renovation project and approval of Resolution No. 15-04 appointing Purchasing Agent for the Fire Department. Purchasing Manager recommended accepting bid from W.C. Doan Construction Co. in the amount of \$128,400.

11) Approval of Change Order No. 1 with M.L. Young Construction, Inc. for the Festival Marketplace project in the amount of \$7,615.

12) Approval of Change Order No. 1 with Timberlake Construction for conversion of tool room No. 148 in the Cross Timbers Fire Facility to a storm shelter in the amount of \$4,623.26.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.A.(1-13) and 4.B.(1-12). **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

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

**7. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of Site Plan approval for an addition to an existing business, located at 2101 S. Kelly (Petra Industries, applicant) Case No. SP040013.**
- B. **Public Hearing and Consideration of commercial Site Plan approval for an office building, located 200 feet west of Boulevard, south of 33<sup>rd</sup> Street in the Village of Stonebridge Development (Turner and Company, applicant) Case No. SP040009.**

- C. **Public Hearing and Consideration of Ordinance No. 2838 closing a utility easement on the west side of Lot 35, Block 3, of the Steeplechase 8<sup>th</sup> Addition (McCaleb Homes, Inc., applicant) Case No. ES040004.**

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

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

- D. **Consideration of Final Plat of Fairfax Estates V Addition, located north of Covell Road, one-half mile east of Coltrane Road (Fairfax Joint Ventures, LLC, applicant) Case No. PR030045.** Mayor Naifeh stated this item will be continued to May 10, 2004, at the request of the applicant.

- E. **Public Hearing and Consideration of commercial Site Plan approval for Steve's Rib and Sports Grill, generally located north of W. Edmond Road, one-fourth mile east of Santa Fe (Steve Seikel, applicant) Case No. SP040008.** The site contains 50,191 square feet. Four 25 foot lights are proposed near the corners of the building. The applicant does not plan to install any neon or fiber optic trim on the building.

Councilmember Page stated he preferred the light poles to be no higher than 20 feet in height.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 7.E. subject to the light poles being a maximum of 20 feet in height. **Motion carried** as follows:

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

- F. **Public Hearing and Consideration of commercial Site Plan approval for a building on the southwest corner of Danforth and Santa Fe (Le Commercial Center, applicant) Case No. SP040012.** The site contains 31,313 square feet. The applicant is proposing two light poles 24 feet tall as well as lights on the walls of the building.

Councilmember Miller stated he preferred the lights to be 20 foot tall and he also requested the lights on the back of the building be bollard lights. He noted when the previous two commercial projects were approved the Council did not allow any pole lights in the back and only bollard lights were approved.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 7.F. subject to eliminating any light poles in the back of the building and only bollard lights on the back of the building. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller

NAYS: None

- G. **Public Hearing and Consideration of commercial Site Plan approval for a restaurant on the southwest corner of Edmond Road and Kelly (Henry's Chicken Fry, applicant) Case No. SP040005.** The site contains 37,050 square feet. The applicant agreed to no lights on the west side of the property east of the detention pond or four foot tall bollard lighting. The nearest 23 foot tall pole would be located behind the restaurant and at least 70 feet from the nearest residential lot line. At the Planning Commission meeting the developer indicated that he would be willing to lower the height of the poles from 23 feet to 18 feet in height. The applicant also agreed to move the dumpster from the southwest corner of the property to the southeast corner.

Councilmember Page requested the applicant use the lower height for the lights and also that the dumpster be moved as agreed by the applicant.

Tim McLendon addressed Council on behalf of the applicant and agreed to the lower light poles or the use of bollard lights. He noted that not much light was needed in this area.

Motion by Page, seconded by Miller, to approve Planning Consent Item 7.G. subject to installing bollard lights and moving the dumpster to the southeast corner of the site. **Motion carried** as follows:

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

NAYS: None

- H. **Consideration of Final Plat approval for Autumn Ridge 2<sup>nd</sup> Addition, located north of Covell Road and one-half mile east of Bryant, (Gordon Amini, applicant) Case No. PR040014.** The applicant is requesting the lots be realigned along Fountain Creek Drive. The lots are undeveloped and are owned by the original developer. The applicant plans to reduce the number of lots by one and add another common area. Since the lots are part of Autumn Ridge 1<sup>st</sup> Addition, the applicant decided that rather than creating a number of lot splits, the solution would be to create a new plat.

Dan O'Neal, representing the Edmond Neighborhood Alliance, addressed Council and stated there are already 10 homes in the addition and those homeowners were not notified of the application to re-plat the undeveloped lots. He requested this item be continued in order to notify the homeowners of the applicant's intent to re-plat.

Glenn Smith, Smith Roberts Baldischwiler, LLC, addressed Council on behalf of the applicant. Mr. Smith stated the applicant did not want to continue the item. He stated that five of the existing homeowners were contacted and they did not oppose the re-plat.

Consensus of Council was that since the density was reduced and replatting was better than individual lot splits, no delay for notice would be required in this case.

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

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

NAYS: None

8. **Public Hearing and Consideration of Special Use Permit for a 140 foot tall monopole cellular tower located at 2111 E. 15<sup>th</sup> Street (U.S. Cellular, applicant) Case No. U040003.** Mayor Naifeh stated this item would be continued to May 24, 2004, at the request of the applicant.

9. **Public Hearing and Consideration of Ordinance No. 2839 amending Edmond Plan III from Single Family usage to Low Density Multi-Family Residential Planned Unit Development usage, located south of Coffee Creek Road, west of Boulevard.(Lexington Heights/M.L. Young Development, LLC, applicant) Case No. Z040005.** The site contains 6.55 acres and the applicant plans to construct 32 units which will all be individually owned. The attached units will be duplexes, triplexes and fourplexes. The density is approximately seven units per acre. The addition will have one main entry on Coffee Creek with additional entrance and exit drives on either Coffee Creek or Boulevard. The developer does not plan to install sidewalks along Coffee Creek or widen Coffee Creek Road. There will be acceleration/deceleration lanes along Coffee Creek Road.

Earnest Isch, engineer representing the applicant, addressed Council and stated the developer does not plan to install sidewalks because there are no sidewalks along Coffee Creek on any of the existing additions and there is no connection for sidewalks. He stated they will construct a pedestrian path between the golf course and the units. Mr. Isch stated they do not plan to widen Coffee Creek because there is no widening from Kelly to Boulevard. He noted that over 100 trees will be planted in the development.

Thomas Small also addressed Council on behalf of the applicant. Mr. Small stated they feel sidewalks along Coffee Creek Road will not be utilized because there are no connections to other sidewalks. He stated the applicant felt that a pedestrian path would be used more by the residents.

Motion by Sanford, seconded by Lamb, to approve Ordinance No. 2839 as read by title by City Planner. **Motion carried** as

follows:

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

Motion by Lamb, seconded by Sanford, to attach Emergency Clause to Ordinance No. 2839. **Motion carried** as follows and Ordinance No. 2839 is in effect immediately:

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

**10. Public Hearing and Consideration of Ordinance No. 2840 rezoning from "A" Single Family to "C-1" Low Density Multi-Family Residential Planned Unit Development, located south of Coffee Creek Road, west of Boulevard.(Lexington Heights/M.L. Young Development, LLC, applicant) Case No. Z040002.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2840 as read by title by City Planner. **Motion carried** as follows:

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

**11. Consideration of Preliminary Plat for Lexington Heights Addition, located south of Coffee Creek Road, west of Boulevard (Lexington Heights/M.L. Young Development, LLC, applicant) Case No. PR040008.** This is a companion to the above two items and was discussed at that time.

Motion by Lamb, seconded by Sanford, to approve Item No. 11. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor usage to Single Family Dwelling usage, located on the northwest corner of Covell and Air Depot.(Gary Spencer, applicant) Case No. Z040004.** Mayor Naifeh stated this item would be continued to May 24, 2004, at the request of the applicant.

13. Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor District to "A" Single Family Dwelling District, located on the northwest corner of Covell and Air Depot.(Gary Spencer, applicant) Case No. Z040004. This is a companion to the above item and was also continued to May 24, 2004, at the request of the applicant.

14. Public Hearing and Consideration of Ordinance No. 2841 amending Edmond Municipal Code to provide for new Chapter 2.96, relating to Public Works and Public Art; providing for Definitions; providing for Dedication for Art; providing for Administration, Ownership; and providing for City Council Review; and providing for Repealer and Severability. The ordinance will provide a means for major City construction projects to have a display of art integrated into the project. A major construction project is a project that involves the construction or alteration of a city building of 5,000 square feet or more or construction or alteration of a city construction project not including a building with an estimated construction cost of \$250,000 or more. One percent of the construction cost will be set aside for public art. The fund will be administered by the Visual Arts Commission.

Councilmember Page stated the ordinance is similar to a proposed state law and he felt it would enhance the City's emphasis on public art.

Krista Jones, Chairman of the Visual Arts Commission, addressed Council in support of the ordinance. She stated the Visual Arts Commission has supported an ordinance regarding public art for some time.

Randel Shadid, member of the Visual Arts Commission, also addressed Council in support and stated that art work on streets and in medians will beautify the City. Mr. Shadid distributed an amended ordinance for the Council's consideration.

Councilmember Miller stated the State Statute has a maximum of \$500,000 for any single project and he requested the ordinance contain that provision also. He also requested that road construction be eliminated as a project requiring art.

Councilmember Lamb requested that the ordinance contain language that accumulated funds can also be used for the related infrastructure and maintenance of the public art.

Councilmember Sanford noted that if problems arise the ordinance contains a provision that allows Council the opportunity to review the ordinance annually to determine if the funding is available to continue with the art displays.

General discussion was held on whether road construction should be eliminated and consensus of Council was to exclude maintenance projects such as overlaying existing roads. The Council also discussed Chapters 2.96.030 and 2.96.040. Consensus of Council was to amend Chapter 2.96.030 to add that of the 1% set aside for art, 85% should be used for acquisition, 13% should be used for maintenance, repair and installation and 2% should be used for administration. Chapter 2.96.040 was amended to specify how the funds would be used and that the Visual Arts Commission would administer the program. A new Section A was added to clarify that the Visual Arts Commission would develop methods and criteria for selection of artists, would have final approval of projects, maintenance and repair works of art, and periodic evaluation of the program.

Motion by Page, seconded by Miller, to approve Ordinance No. 2841 as read by title by City Attorney subject to changes discussed above. **Motion carried** as follows:

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

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

Barnthouse et.al. vs. City of Edmond

Motion by Miller, 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 7:14 p.m. and returned to the City Council Chambers at 7:31 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

**16. Consideration of action regarding the above pending claim of Barnthouse et.al vs. City of Edmond.**  
Mayor Naifeh stated no action would be taken on this item.

**17. NEW BUSINESS:** None

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

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

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**City Clerk**

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**Mayor**