

EDMOND CITY COUNCIL MINUTES

September 13, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 13, 2004, in the City Council Chambers. Councilmember Miller was absent on City business.

2. Approval of Minutes. Motion by Page, seconded by Lamb, to approve August 23, 2004, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

- A. **Recognition of State Representative Wayne Pettigrew.** Mayor Naifeh presented Congressman Pettigrew with a plaque for his years of service in the Legislature on behalf of the City of Edmond.
- B. **Presentation of proclamation declaring September 26, 2004, as CROP WALK DAY in the City of Edmond.**
- C. **City Manager's monthly progress report.** Larry Stevens stated the streetscape is making progress with three of the 12 sections of Phase I being substantially completed. He noted the contractor is still committed to the original time frame. If the goal cannot be met, staff will not allow the contractor to begin on any new sections after October 31st in order to be assured that all sections that have been started will be completed by the holiday season. Mr. Stevens stated the completion date for Covell Road railroad underpass project is scheduled for 2007. The estimated cost of the project is \$8.2 million with the City contributing 20% of the cost. He noted due to assistance from Congressman Istook, the City received \$1.5 million in federal grant funds to acquire right-of-way and relocate utilities. Mr. Stevens stated the sidewalk partnership program had 94 residents apply for the program by providing 30% of the costs. A total of \$51,000 in City funds have been committed. He noted the budget for last fiscal year included \$100,000 and an additional \$100,000 has been included in all years of the five-year financial plan. Mr.

Stevens stated City Clerk Nancy Nichols has been coordinating a project to update the audio/visual upgrades for the City Council Chambers. He stated \$60,000 has been allocated in this year's budget which will result in major improvements for the live broadcasts of meetings. Mr. Stevens stated the dog park is moving forward with a Community Connections meeting scheduled for September 30th. The City's involvements includes leasing the land, constructing a small water line and assistance with maintenance.

4. Appointments to Boards and Commissions:

- A. **Appointment to the Central Edmond Urban Development Board.** Councilmember Lamb nominated Mike Wanzer for appointment to serve a three-year term expiring in August, 2007.

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

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

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

A. **Approval of Administrative Items:**

1) **Approval of electric easements from the following:**

- a) Henry's Chicken Fry
- b) Steve's Rib
- c) University Village
- d) Heritage Baptist Church

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

- a) Danforth Plaza Shopping Center
- b) 425 Centennial Boulevard
- c) 3125 Belmont Circle
- d) Dental Depot
- e) FY 2003/04 Section signal head upgrade project
- f) 33rd Street - School Zone Safety project

- 3) **Acceptance of public utility easement from Leroy White, Trustee of IOOF Lodge No. 12 and Patty White, Trustee of Rebekah Lodge No. 94 for the Broadway realignment waterline relocation project.**
- 4) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality.**
- 5) **Consideration of request to lease the north half of the Edmond Senior Center building located at 25 W. 3rd Street to Edmond Mobile Meals, Inc. for the sum of one dollar (\$1.00) per year.** Mayor Naifeh stated she had received requests from other organizations who are interested in sharing the rental space. She stated she realized that Edmond Mobile Meals wanted to expand and serve additional citizens but felt the growth needs could still be met while sharing the building's facilities with other organizations. Mayor Naifeh asked if Edmond Mobile Meals could still be effective with less space.

Councilmember Lamb stated dividing the building in half in a territorial arrangement would present problems with the restroom facilities being located in the other half of the building.

Gail Deaton, manager of the Edmond Senior Center, addressed Council and stated they visualized a friendly partnership to share the common space with another organization. She stated they have been approached by U R Special wanting to share the common space. She noted that Edmond Mobile Meals is wanting to expand and add another route which will serve 20 more people. Ms. Deaton noted that as additional routes are added it also means there will be more volunteers requiring more space. She noted that Mobile Meals would be willing to work with the Council to help meet other tenants needs.

Councilmember Page stated sharing the kitchen facilities might present problems and he felt that one entity should be in charge of the kitchen facilities. He stated he felt Edmond Mobile Meals should be in charge.

Teresa Horner, Director of Edmond Mobile Meals, addressed Council and stated they could add 20

additional people to the route as soon as they get the volunteers needed. She noted their vision was to use the facility as is for the first year and then work on raising funds to renovate the kitchen. Ms. Horner stated they were willing to work with Council to determine the best way to meet theirs as well as other tenants needs.

Councilmember Lamb stated he felt additional time was needed to determine the configuration of the building and identify how other tenants may be able to use the building. He stated he felt it would be better to discuss this matter at a City Council workshop.

General discussion was held on this matter.

Troy Powell, Director of Special Projects and Operations, addressed Council and stated he would contact any groups interested in sharing the building. He stated because Mobile Meals is currently using part of the building they felt it was wise to approve their contract and then determine how the remainder of the building would be used by other interested groups. Mr. Powell stated there was no rush to approve the contract at this time.

Larry Stevens, City Manager, requested direction from Council on what type of organizations should be allowed to use the space. He stated the two groups currently interested in sharing the building (U R Special and Edmond Mobile Meals) are funded by the City through the social agencies budget.

Consensus of Council was to continue this item to allow staff time to contact other organizations to determine their interest in sharing the building. Council felt it would not be a detriment to continue this item since the Senior Center will not vacate the building until the first of next year.

Motion by Lamb, seconded by Sanford, to continue General Consent Item 5.A.(5) to October 25, 2004. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Sanford and Lamb

NAYS: None

6) **Consideration of approval of Edmond Enhancements Program for Business Retention and Recruitment and approval of supplemental appropriations for the Edmond Economic Development Fund - \$110,000.** All phases of the enhancement package requires Council approval.

Councilmember Lamb requested that the stipulation requiring Council approval of all enhancement packages be removed from Phase I since this phase will not exceed 20% of the economic development fund and the Council will have annual budget oversight anyway.

Councilmember Sanford stated when this matter was previously discussed, she was assured that Council would approve all enhancement packages and she preferred that stipulation remain.

Mayor Naifeh stated she did not see a problem with requiring Council approval and also felt the stipulation should remain.

Motion by Lamb, seconded by Page, to approve General Consent Item 5.A.(6) excluding the requirement for Council approval on Level I enhancements. **Motion was denied** as follows:

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

Motion by Lamb, seconded by Page, to approve General Consent Item 5.A.(6) as submitted. **Motion carried** as follows:

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

7) **Approval of supplemental appropriations for the 2nd Street and Bryant intersection improvement project - \$150,000**

8) **Public Hearing and Consideration of Ordinance No. 2866 adding New Subsection 8.28.045 of the Edmond Municipal Code providing for Administrative Fee for abatement procedures; and providing for Repealer and**

Severability.

9) Approval of contract between Edmond Public Schools and the Edmond Police Department for the D.A.R.E. program for the 2004/2005 school year.

10) Approval of FY 2003/04 year end budget amendments to balance departmental budget categories for government fund types.

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-4,7-10). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford and Lamb

NAYS: None

B. Approval of Purchases:

1) Award of bid to furnish and install furniture for the Multipurpose Activity Center (MAC) facility for the Parks and Recreation Administrative offices and the Senior Center. Purchasing Manager recommended accepting bid from L & M Office Furniture in the amount of \$166,824.93.

2) Approval of consulting agreement with C2 Group for federal lobbying services in the amount of \$45,000 annually.

3) Approval of Change Order Nos. 1, 2 and 3 with W.C. Doan Construction Company for the remodeling of Fire Station No. 2 in the reduced amount of \$2,810.

4) Approval of Change Order Nos. 14, 16-19 with Timberlake Construction Company for the Cross Timbers Municipal Complex project in the amount of \$22,549.81.

5) Approval of Change Order No. 6 with Lippert Brothers Construction, Inc. for the Multipurpose Activity Center (MAC) at Mitch Park in the amount of \$5,650.

6) Approval of Change Order No. 5 with Wynn Construction Company for multiple solutions associated with the Phase I Streetscape project in the amount of \$27,147.

7) Approval of purchase of AMAG electronic access control security system for the Cross Timbers Fire facility from Dowley, Inc., as a sole source supplier in the amount of \$48,831.20.

8) Approval of design contract with Tetra Tech FHC for intersection improvements at 2nd Street and Bryant in the amount of \$136,694.

9) Award of proposal for actuarial services for the Employee Retirement Plan (ERP) from Dean and Company.

Motion by Lamb, seconded by Page, to approve General Consent Items 5.B.(1-9). **Motion carried** as follows:

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0002 Street Department	Deny - \$67.71

Motion by Lamb, seconded by Page, to approve Tort Claim Committee's recommendation on Tort Claim. **Motion carried** as follows:

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

Motion by Page, seconded by Sanford, 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 and Lamb
NAYS: None

9. PLANNING CONSENT ITEMS:

A. **Public Hearing and Consideration of commercial Site Plan approval for a three-story office building, located approximately one-fourth mile south of 33rd Street (Derek Turner, applicant) Case No. SP040028.** The three-story building contains 60,396 square feet. Parking will be located on three sides of the building.

Mayor Naifeh asked if the applicant is working with the developer of the new City park proposed in this area. She noted the three-story building will be looking directly into the park. She also asked about the detention facility for this area.

Derek Turner addressed Council and stated he has met with City staff but not with the consultant for the park. He stated the street is already in place allowing access to Boulevard from the park. He noted that all drainage from the development will flow into Oklahoma City but that he would be willing to join with the City of Edmond in a regional detention facility in this area.

Steve Manek, City Engineer, addressed Council and stated Mr. Turner has designed a detention facility on site but if the applicant appears before the Stormwater Drainage Advisory Board (SWAB) and through appropriate engineering modeling determines there is a better way to construct the detention facility then the applicant can meet with the Parks and Recreation Advisory Board to determine an appropriate location. He noted they wanted to wait until they met with the SWAB before determining a location that may not be acceptable to them.

Mayor Naifeh requested the applicant and City staff work with the Parks and Recreation Advisory Board and the consultant on this matter. She noted that the developer and Park Board should consider sharing the parking.

Mr. Turner noted that the proposed building will be used primarily in the daytime and the park would be used more at night so there could be sharing of the parking lot. He stated he would be willing to meet with the Park Board after a decision has been made on the final plan of the park.

- B. **Consideration of Final Plat for Fisher Hall North, located east of Boulevard, approximately one-fourth mile south of 33rd Street (Derek Turner, applicant) Case No. PR040024.** The site consists of 8.17 acres and will contain five buildings.
- C. **Public Hearing and Consideration of commercial Site Plan approval for a new building, located north of Covell Road, east of Kelly, Building B (Derek Turner, applicant) Case No. SP040030.** The one-story building contains 13,600 square feet.
- D. **Public Hearing and Consideration of commercial Site Plan approval for a new building, located north of Covell Road, east of Kelly, Edmond Bank and Trust (Derek Turner, applicant) Case No. SP040029.** The one-story building contains 10,900 square feet.
- E. **Public Hearing and Consideration of commercial Site Plan approval for a new building, located north of Covell Road, east of Kelly, Building P (Derek Turner, applicant) Case No. SP040031.** The two-story building will contain 13,400 square feet.
- F. **Consideration of Final Plat of Village Center III at Coffee Creek, located on the northeast corner of Covell Road and Kelly (Derek Turner, applicant) Case No. PR040027.** The site consists of 8.70 acres and contains three buildings.

Motion by Page, seconded by Sanford, to approve Planning Consent Items 9.A. through 9.F. **Motion carried** as follows:

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

- G. **Consideration of Final Plat of Blakes' Bluff Addition Section I, located north of Thunderhead Hills Addition on the east side of Coltrane, north and east of Faith Bible Church (SKM, LLC, applicant) Case No. PR040011.** The addition contains 37 single family lots and will have a gated access.

Mayor Naifeh asked what the street stub-out will be used for.

David Jones, The Orion Group representing the applicant, addressed Council and stated the stub-out will be used to install a water line. He noted there is another street stub-out into property owned by the applicant which could be used to connect to a future phase once the sanitary sewer lines are installed. Mr. Jones stated the proposed addition will not connect to any of the surrounding subdivisions since it is a private gated addition.

Motion by Sanford, seconded by Page, to approve Planning Consent Item 9.G. **Motion carried** as follows:

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

- H. **Public Hearing and Consideration of amendment to commercial Site Plan for the Dental Depot, located at 15th Street, west of Fretz.** The applicant is requesting to eliminate the right turn deceleration lane into the site and replace it with an additional drive near the west property line.

City Engineer Steve Manek addressed Council and stated the original intent was to provide a deceleration lane but after investigating the site they found that the deceleration lane would be located over an Enogex gas line. He stated it would be very expensive to move the gas line so the applicant has opted to provide another source of internal circulation and ingress and egress from their site. Mr. Manek noted the west drive will be used for internal circulation within the site as well as another point of ingress and the east drive will provide both ingress and egress.

Motion by Page, seconded by Lamb, to approve Planning Consent Item 9.H. **Motion carried** as follows:

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

10. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling District to Restricted Commercial usage, located on the northeast corner of Air Depot and Covell Road (Markland and Bridal Trust, applicant) Case No. Z040020.** Mayor Naifeh stated this item would be continued to October 11, 2004, at the request of the applicant.

11. **Public Hearing and Consideration of Ordinance rezoning from "G-A" General Agricultural to "D-1" Restricted Commercial District located on the northeast corner of Air Depot and Covell Road (Markland and Bridal Trust, applicant) Case No. Z040021.** This is a companion to the above item and was also continued to October 11, 2004, at the request of the applicant.

12. **Public Hearing and Consideration of Ordinance No. 2867 rezoning from "G-A" General Agricultural District to "A" Single Family Dwelling District, located east of Air Depot, north of Covell Road (Markland and Bridal Trust, applicant) Case No. Z040023.** The site contains 72.2 acres and the Edmond Plan III suggested single family usage as appropriate for this parcel. A

floodplain is located in the northeastern portion of the property.

Councilmember Page asked if the right-of-way is adequate for the street to be four-laned in the future.

Barry Rice, attorney representing the applicant, addressed Council and stated that matter will be considered during the Final Plat review.

Councilmember Lamb stated Air Depot in this area is designated Zone 2 and is shown on the Edmond Plan as not planned for four lanes. He noted that due to development in the area perhaps Council should review whether that mile section of Air Depot should be changed to a Zone I designation requiring additional widening and possible additional right-of-way as this plat and others come forward.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2867 as read by title by City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Restricted Commercial Planned Unit Development (PUD) to General Commercial PUD, located on the southeast corner of Thomas Drive and Covell Road (Thomas Trails, LLC, applicant) Case No. Z040015. Mayor Naifeh stated this item would be continued to October 11, 2004, at the request of the applicant.

14. Public Hearing and Consideration of Ordinance rezoning from "D-1" Restricted Commercial Planned Unit Development (PUD) to "E-1" General Commercial PUD, located on the southeast corner of Thomas Drive and Covell Road (Thomas Trails, LLC, applicant) Case No. Z040014. This is a companion to the above item and was also continued to October 11, 2004, at the request of the applicant.

15. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) to Restricted Commercial PUD, located 300 feet east of Thomas Drive, south of Covell Road (Pat Garrett, applicant) Case No. Z040015. Mayor Naifeh stated this item would be continued

to October 11, 2004, at the request of the applicant.

16. Public Hearing and Consideration of Ordinance rezoning from "D-O" Suburban Office Planned Unit Development (PUD) to "D-1" Restricted Commercial PUD, located 300 feet east of Thomas Drive, south of Covell Road (Pat Garrett, applicant) Case No. Z040014. This is a companion to the above item and was continued to October 11, 2004, at the request of the applicant.

17. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Residential to Suburban Office Planned Unit Development (PUD), generally located on the east side of Santa Fe, west of Cedar Pointe Addition, south of Covell Road (John Coleman, applicant) Case No. Z040016. Mayor Naifeh stated this item would be continued to October 11, 2004, at the request of the applicant.

18. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Residential to "D-O" Suburban Office Planned Unit Development (PUD), generally located on the east side of Santa Fe, west of Cedar Pointe Addition, south of Covell Road (John Coleman, applicant) Case No. Z040017. This is a companion to the above item and was continued to October 11, 2004, at the request of the applicant.

Motion by Lamb, seconded by Page, to continue Items 13 through 18 to October 11, 2004, as requested. **Motion carried** as follows:

AYES: Mayor Naifeh and Councilmembers Page,
Sanford and Lamb

NAYS: None

19. Consideration of an extension of the Planned Unit Development (PUD) for Belmont Farms, located north of Coffee Creek Road, east of Kelly (Dorothy Sadeghy, applicant). This PUD was originally approved on February 23, 1998. The original Preliminary Plat showed 454 lots on 154.90 acres. The updated PUD decreases the number of lots to 404. There will be no patio homes, zero lot homes or other attached units of any kind.

Councilmember Lamb stated the Council packet shows 404 lots are proposed but new additional information just received today shows a total 365 lots and he asked which number is correct.

Keith Beatty, representing the applicant, addressed Council and stated 404 lots are correct which is the maximum allowed. He

noted the 365 lots is based on Belmont Ridge I Addition and the revised Belmont Farms Addition revised Preliminary Plat. Mr. Beatty stated the larger number will provide flexibility to change the lot sizes to meet market demands.

Motion by Lamb, seconded by Sanford, to approve Item No. 19.
Motion carried as follows:

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

20. Consideration of an extension of the Planned Unit Development Design Statement for Belmont Farms, located north of Coffee Creek Road, east of Kelly (Dorothy Sadeghy, applicant). This is a companion to the above item and was discussed at that time.

Motion by Page, seconded by Lamb, to approve Item No. 20.
Motion carried as follows:

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

21. Discussion and Consideration of authorization to proceed with regional detention facility. Councilmember Lamb requested this item be continued to the next meeting in order to receive the official report from the consulting engineer. He stated they should receive the report prior to the next meeting.

Motion by Lamb, seconded by Sanford, to continue Item No. 21 to September 27, 2004. **Motion carried** as follows:

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

22. NEW BUSINESS:

Dan O'Neal addressed Council and invited the public to the 10th annual citywide neighborhood picnic sponsored by the Edmond Neighborhood Alliance and the *Edmond Sun* on September 23rd in the Festival Marketplace.

Mayor Naifeh stated there are several new sculptures in place around the City. She stated a formal dedication for the two

sculptures on Boulevard will be held on September 23rd from 2:00-6:00 pm at the Oklahoma Christian Homes Retirement Center.

Mayor Naifeh also invited the public to make an effort to shop in downtown stores since the sidewalks are open even though construction is ongoing.

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford and Lamb

NAYS: None

City Clerk

Mayor