

EDMOND CITY COUNCIL MINUTES

October 11, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 11, 2004, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Sanford, to approve September 27, 2004. **Motion carried** as follows:

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

3. City Council Presentations:

- A. **Recognition of proclamation declaring October, 2004, as CITY IN THE PINK MONTH in the City of Edmond.**
- B. **Presentation of Journey Lineman certificate to Clint Seaman for completion of Municipal Electric Systems of Oklahoma (MESO) Lineman Apprentice program.**
- C. **Presentation of Certificate of Appreciation to the Edmond Fire Prevention Office by Matthew Schue, Oklahoma State Department of Health, Consumer Protection Alarm program.**
- D. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council and stated the streetscape project is approximately one week behind schedule. He stated the contractor has completed three of the six sections of Phase I and is committed to completing all sections prior to the start of the holiday season. Mr. Stevens stated bids for improvements to 15th Street, Edgewood to Pine Oak, will be let in November but construction will be delayed until at least May 15th in order to finish the current school year. He noted the construction time frame is five months but could possibly be less if early completion incentives are part of the contract. The required State and Federal approvals have been received regarding the oil spill at Mitch Park. Mr. Stevens stated the remaining 500 feet of the trail section and the bridge should be completed around the end of November. He stated the second parcel of property on 2nd Street has been acquired for the regional forensics institute. He noted that The Orion Group has

been working with the City to prepare specifications for the demolition of the existing structures and the grading plan. Mr. Stevens stated they are working with the Oklahoma State Bureau of Investigation on an agreement to sell them a portion of this property.

4. Appointments to Boards and Commissions:

- A. **Appointment to the Convention and Tourism Advisory Board.** Councilmember Page nominated Robert Lewter for appointment to serve a three-year term expiring in October, 2007.

Motion by Page, seconded by Miller, 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) **Consideration of acceptance of Final Plat, public improvements and maintenance bonds for Villages of Stonebridge, located south of 33rd Street on Boulevard.**
- 2) **Acceptance of street right-of-way easement from James and Pamela Mullin, on behalf of Hi-Tech Plumbing, located on the northeast corner of Edmond Road and State Street.**
- 3) **Approval of transfer of appropriations for the Police Public Safety Tax fund - \$2,500**

B. **Approval of Purchases:**

- 1) **Approval of FY 2004 Community Development Block Grant (CDBG) public service agreements from the following:**
 - a) **Edmond Mobile Meals, Inc. - \$3,950**
 - b) **Metropolitan Fair Housing Council of Greater OKC - \$14,500**
- 2) **Award of proposal for Park and Recreation**

management software. The MIS Director recommended accepting proposal from Class Software Solutions Ltd. in the amount of \$136,354.50.

3) **Acceptance of public right-of-way easement from Fairview Baptist Church for the 2020 Water Master Plan in the amount of \$7,500.**

4) **Approval of Change Order Nos. 20 through 24 with Timberlake Construction Company for the Cross Timbers Municipal Complex in the amount of \$480,864.01.** Mayor Naifeh asked if the Capital Improvements Financing Task Force reviewed these change orders. Clay Coldiron, Public Works Director, addressed Council and stated the Task Force approved the total budget for the project and because the budget has not changed, it was not necessary for them to approve the change orders.

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1-3) and 5.B.(1-4). **Motion carried** as follows:

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

6. Discussion and Consideration of City's participation in the Oklahoma Centennial Celebration.

Mayor Naifeh stated this item was discussed during the Council's strategic planning sessions and she asked the Council how they wanted to proceed. She asked if Council was ready to appoint a commission and if so what type of membership they wanted, the number of members and how the celebration would be funded.

Councilmember Sanford asked if this item was included in the five year budget. Larry Stevens stated it was not budgeted but that the Council has discretionary funds that could be used for this purpose.

Mayor Naifeh noted that the old school house would be funded through the State as part of the state celebration. She stated she would prefer to have some citizens on the commission.

Councilmember Miller suggested that current committees submit appointments to the Commission rather than the Council appointing the members. He noted the Council could decide on the parameters for the membership to follow prior to the first meeting. He stated he felt there was no need to form another long term committee. Councilmember Miller stated he would prefer that Carrie Tomlinson be appointed to the Committee.

Consensus of Council was to approve a resolution setting the parameters for the commission after the members have been appointed. The Council also felt it would be appropriate to partner with the State organization when planning Edmond's celebration.

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
24-0057 Police Department \$18,981.71	Pay -

Motion by Miller, seconded by Page, 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 Sanford, 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

10. PLANNING CONSENT ITEMS:

A. **Public Hearing and Consideration of commercial Site Plan approval for Edmond Insurance Agency, located one-fourth mile north of 33rd Street, west of Bryant (Beverly Stout, applicant) Case No. SP040035.** The building will be one-story and is the second building in this office park. There is a potential for four buildings to be located on this site with the parking lots all interconnecting. Ten parking spaces are required and 18 parking spaces are requested. Allowing more spaces than required has been approved in previous applications where shared parking is proposed. The applicant has agreed to install a six foot stockade fence along the west property line in order to satisfy the homeowner to the west.

Mayor Naifeh stated the application contains more parking spaces than required. She stated she understood the parking lots were to be shared but was concerned that there was not a tracking mechanism in place to make sure that as each application for a new building was considered that more parking spaces were not requested.

Bob Schiermeyer, City Planner, stated the staff could begin tracking those and adding them to the memo provided to Council.

Mark Farris, Red Plains Engineering, addressed Council on behalf of the applicant and stated it was their understanding that a minimum of 14 parking spaces were required rather than 10 as stated in the staff memo to Council. He noted the building contains 4,400 square feet rather than 2,917 as noted.

Councilmember Sanford asked about the drainage and detention.

Mr. Farris stated the existing detention facility was designed to accommodate all four lots. He noted the area where the water has accumulated was due to the construction and was not a planned detention area. Mr. Farris stated that area has been filled in and a building will be constructed on that site.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 10.A. subject to requiring the fence as noted above. **Motion carried** as follows:

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

- B. **Public Hearing and Consideration of Special Use Permit and Site Plan approval for expansion of the church and school, located at 900 S. Littler, west of Boulevard (St. John the Baptist Catholic Church, applicant) Case No. U040011.**
- C. **Public Hearing and Consideration of multi-family Site Plan approval for a 236 unit apartment complex, located south of Jason's Deli, west of Boulevard Bowl, one-fourth mile south of 33rd Street, west of Boulevard (Case and Associates, applicant) Case No. SP040027.**
- D. **Consideration of Final Plat for Hunters Creek IV, located west of Kelly, approximately one-half mile south of Coffee Creek Road (Tim Hughes, applicant) Case No. PR040029.**
- E. **Consideration of Final Plat of Lexington Heights Addition, located south of Coffee Creek Road, west of Boulevard (M.L. Young Development, LLC, applicant) Case No. PR040008.**
- F. **Consideration of Final Plat of Belmont Ridge 1st Addition, located east of Kelly, south of Cross Timbers Elementary School, north of Coffee Creek Road (Gary Spencer, applicant) Case No. PR040004.** The site contains 10.30 acres and 31 single family lots are planned. The addition is part of the Belmont Farms Planned Unit Development. The detention facility is the existing detention pond located to the south along Kelly. Staff requested the developer provide a document establishing a mandatory homeowners association which will be responsible for maintaining the detention area.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Item 10.F. subject to the staff's request regarding the detention facility as noted above. **Motion carried** as follows:

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

- G. **Public Hearing and Consideration of Site Plan approval for Continental Office Building addition, located in the Central Edmond District east of the Burlington, Northern and Santa Fe Railroad tracks, on the north side of Main Street (Continental Land Company, applicant).**
- H. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling District to Suburban Office Planned Unit Development (PUD) usage, generally located on the east side of Santa Fe, west of Cedar Pointe Addition, south of Covell Road (John Coleman, applicant) Case No. Z040016 (Continued at the request of the applicant to October 25, 2004).**
- I. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-O" Suburban Office Planned Unit Development (PUD) District, generally located on the east side of Santa Fe, west of Cedar Pointe Addition, south of Covell Road (John Coleman, applicant) Case No. Z040016 (Continued at the request of the applicant to October 25, 2004).**

Motion by Miller, seconded by Page, to approve Planning Consent Items 10.B. through 10.E. and 10.G. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller
NAYS: None

Items 11 through 14 were discussed together.

11. Public Hearing and Consideration of Ordinance No. 2869 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 (Sonic Drive-In, applicant) Case No. Z040015. This site is identified as Track 1 and will contain only a Sonic Drive-In. No other uses will be allowed on this tract. The Planning Commission recommended denial. Since the Planning Commission meeting the applicant has amended the application to allow only a Sonic or similar drive-in restaurant rather than a series of uses allowed in the General Commercial District. There will be only right turn in and right turn out since future plans call for Covell Road to become a parkway with a center median.

Randel Shadid, attorney representing the applicant, addressed Council and stated his client will commit to 15% landscaping and brick or masonry on the building's exterior walls. Brick columns will be constructed on the canopies that are visible from Covell Road and Thomas Drive. Mr. Shadid stated not all of the support columns will be brick due to the possibility of the columns being struck by vehicles. He noted that times of operation are contained in the PUD Design Statement. He stated the drive-in stalls that are stand alone will be on the east side of the site and will not face Thomas Drive. No median cuts are requested which Mr. Shadid stated will impact Tracts 2, 3 and 4 by denying left turns. He stated his client will donate additional right-of-way to equal the 80 foot needed for the median. Mr. Shadid stated there will be no loud noise from the speakers as they will be kept at a low volume. He stated that 90% of the landscaping will be on Thomas Drive and Covell Road. Mr. Shadid stated the applicant would provide a large piece of public art that will be visible from Covell Road.

Steve Manek, City Engineer, addressed Council and stated the modification of the intersection of Covell Road and Thomas Drive will be in Phase III of the Covell underpass project. He noted that the intersection has not been designed at this time but that a traffic signal will probably be warranted at this intersection when the underpass is completed.

Mayor Naifeh stated she felt that a berm along Covell Road is a critical element to maintaining the continuity of appearance with the existing neighborhood.

Councilmember Miller stated he felt that in the long term a berm would not help with sound problems because once Covell is widened into a parkway the traffic noise will be more intrusive than the noise from the commercial businesses. He noted that since widening of Covell is still a number of years from completion, he agreed that a berm at this time would help with noise problems.

Mr. Shadid stated they would commit at the time of the Site Plan review to construct a berm along Covell Road if there is room and it does not interfere with the sight triangle at that intersection. He noted that when Covell is widened and the building is constructed, there may not be adequate room to construct a berm.

Richard Franzen, representing the Villages of Coffee Creek Homeowners Association, addressed Council in opposition and presented a petition signed by 240 homeowners. He stated their primary concerns were noise from the drive-in stalls, increased traffic and hours of operation. Richard Hasse (301 Carriage Bluff Court in the Coffee Creek Addition), Christi Bradley and Barbara Peterson (Villages of Stonebridge Addition) also addressed Council in opposition.

Councilmember Sanford requested that the four commercial developments share driveways to eliminate curb cuts on Covell. She noted in the past a Sonic Drive-In was behind her office and she did not have any problems with noise or odors.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2869 as read by title by City Planner subject to the additional 10 feet of right-of-way and 15% landscaping. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2869. **Motion carried** as follows and Ordinance No. 2869 is in effect immediately:

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

12. Public Hearing and Consideration of Ordinance No. 2870 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 (Sonic Drive-In, applicant) Case No. Z040014. This is a companion to the above item.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2870 as read by title by City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of Ordinance No. 2871 amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) to Restricted Commercial PUD, located 300 feet east of Thomas Drive and Covell Road (Pat Garrett/Thomas Center, applicant) Case No. Z040015. This property is shown to be Tracts 3 and 4 on the Thomas Center Master Plan. Access to this property is right-in and right-out only. The Planning Commission recommended denial. The application was amended after the Planning Commission meeting from General Commercial.

Motion by Sanford, seconded by Miller, to approve Ordinance No. 2871 as read by title by City Planner subject to the additional 10 feet of right-of-way. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2871. **Motion carried** as follows and Ordinance No. 2871 is in effect immediately:

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

14. Public Hearing and Consideration of Ordinance No. 2872 rezoning from "D-0" Suburban Office Planned Unit Development (PUD) to "D-1" Restricted Commercial PUD, located 300 feet east of Thomas Drive and Covell Road (Pat Garrett/Thomas Center, applicant) Case No. Z040014. This is a companion to the above item.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2872 as read by title by City Planner. **Motion carried** as follows:

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

15. Public Hearing and Consideration of Ordinance No. 2873 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. The site contains 7.8 acres. The western portion of the property contains a large floodplain but it will not affect the commercial portion of the property.

Councilmember Lamb stated as previously discussed he felt Air Depot should be redesignated as a Zone 1 street. He encouraged Council in the future to request additional right-of-way in lieu of widening rather than a fee in lieu of widening because it is much more valuable to have the right-of-way up front rather than the funds and then have to purchase the land for widening after development. He requested the applicant provide 70 feet of right-of-way to run parallel to Air Depot to accommodate future widening of the street.

Barry Rice, attorney representing the applicant, addressed Council and stated this area is changing due to development in east Edmond. He noted the application is premature because at this time there is not an immediate need for restricted commercial zoning, but the application is part of his client's long term plans for development. Mr. Rice stated the applicant has not determined how the property will be developed at this time and that a plat will not be submitted in the near future. He stated the property is an ideal location for this type of zoning.

Mayor Naifeh asked if the applicant would be willing to grant the additional 70 foot of easement at this time in accordance with his long range planning.

Mr. Rice stated the applicant will consider the additional right-of-way during the platting process but that they are not ready to make that kind of commitment at this time.

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

2873 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2873. **Motion carried** as follows and Ordinance No. 2873 is in effect immediately:

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

16. Public Hearing and Consideration of Ordinance No. 2874 rezoning from "G-A" General Agricultural District 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 discussed at that time.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2874 as read by title by City Planner. **Motion carried** as follows:

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

17. Discussion and Consideration of appointments to the Guthrie-Edmond Regional Airport Advisory Board. Mayor Naifeh stated she has received 10 to 12 resumes from interested citizens, all of which she felt were very good. She stated she was interested in appointing people from varied backgrounds. She requested Council review the resumes and email her their three choices to be appointed to the Board.

18. NEW BUSINESS:

Mayor Naifeh stated State Question 707 will provide a great benefit to the City and she encouraged the Council to study this question and perhaps at the next meeting approve a resolution in support of the Question.

Mayor Naifeh announced that October 23rd was "Make a Difference Day" and she encouraged everyone to donate a book for this

cause.

Mayor Naifeh stated Bill Stearns has received an award for Volunteer of the Year for Economic Development for the State of Oklahoma and she offered her congratulations.

19. Motion by Miller, seconded by Sanford, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor