

**EDMOND CITY COUNCIL MINUTES**

October 25, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 25, 2004, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Lamb, seconded by Miller, to approve October 11, 2004. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. **Presentation of proclamation declaring October, 2004, as NATIONAL ARTS AND HUMANITIES MONTH in the City of Edmond.**

**4. Appointments to Boards and Commissions:**

A. **Appointment to the KickingBird Tennis Center Advisory Board.** Mayor Naifeh nominated Christian Sharpe for appointment as a youth member to serve a one-year term expiring in October, 2005.

B. **Appointment to the Central Edmond Urban Development Board.** Mayor Naifeh nominated Charlie Johnson as the University of Central Oklahoma representative to serve a three-year term expiring October, 2007.

c. **Appointment to the Guthrie-Edmond Regional Airport Board.** Mayor Naifeh nominated Bill Sterns, Bill Horn and Richard Geib for appointment.

Motion by Miller, seconded by Page, to approve Items 4.A. through 4.C. **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 City Manager's Financial Report for month ending September 30, 2004.
- 2) Acceptance of City Treasurer's Investment Report for month ending September 30, 2004.
- 3) Acceptance of electric easement from Fred R. Brooks and Susan R. Brooks, Trustees, Susan Brooks Living Trust.
- 4) Acceptance of public improvements and maintenance bonds for the 7<sup>th</sup> Street and Kelly waterline relocation project.
- 5) Approval of Resolution No. 29-04 adopting the Downtown Design Guidelines for use in the Central Edmond Urban District. These guidelines have been created to educate developers on the desired practices in the Central Urban District area with a focus on pedestrian-friendly design objectives. Councilmember Lamb stated passage of the resolution will allow the guidelines to become part of the usual Site Plan review process. He noted that the guidelines are policy and not an ordinance. He stated the guidelines clarify that the CBD/DRD represents the Core area identified in the 1998 Downtown Plan. The City's streetscape project design has also been incorporated in the exhibits. Council-member Lamb stated the process started in 2001 and many public meetings have been held to discuss and develop the guidelines but that no Community Connections meetings have been held.

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

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

- 6) Approval of lease agreement with Mobile Meals, Inc., to lease the northern most portion of the Edmond Senior Center building located at 25 W. 3<sup>rd</sup> Street for the sum of one dollar (\$1.00) per year.
- 7) Approval of lease agreement with U R Special

**Ministries, Inc., to lease the southern most portion of the Edmond Senior Center building located at 25 W. 3<sup>rd</sup> Street for the sum of one dollar (\$1.00) per year.**

Troy Powell, Director of Special Projects and Operations, addressed Council and stated Mobile Meals and U R Special will pay all of the gas and electric bills and the City will pay the water, sewer and garbage.

**8) Approval of supplemental appropriations for the Police Safety Limited Tax Fund - \$23,664**

**9) Approval of supplemental appropriations from the 2000 Sales Tax Undesignated Fund Balance to three (3) of the Cross Timbers Municipal Complex projects, including the Public Service Center, Fire Station No. 5/Training/ Administration and Animal Welfare Center, for the fiber optic installation project - \$200,000**

**10) Approval of transfer of appropriations for Police Public Safety Tax Fund - \$801**

**11) Approval of Change Order No. 1 with Davenport Construction for the 9<sup>th</sup> Street and Boulevard Waterline Improvement project in the amount of \$16,045.**

**12) Approval of Change Order No. 1 with Matthews Trenching for the Edwards Street Waterline Improvement project in the amount of \$25,296.**

**13) Approval of Change Order No. 4 with W.C. Doan Construction Co., Inc. for the remodeling of Fire Station No. 2 in the amount of \$3,992 and approval of supplemental appropriations in the amount of \$1,182.**

**B. Approval of Purchases:**

**1) Award of bid for two (2) compact excavators for the Fleet Management Department. Purchasing Manager recommended accepting bid from G & R Equipment in the amount of \$58,827.**

**2) Award of proposal for playground equipment at Arcadia Lake for the Parks and Recreation Department. Purchasing Manager recommended accepting proposal from Game Time Co. in the amount of \$25,000.**

3) **Award of bid for the fiber optic cable project for the Public Works Department and Resolution No. 30-04 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Utility Services Associates Construction in the amount of \$555,888.50.

4) **Approval of Resolution No. 31-04 and project agreement with the Oklahoma Department of Transportation for the 15<sup>th</sup> Street widening, Pine Oak to Edgewood in the amount of \$421,800.** City Manager Larry Stevens addressed Council and stated this project contains an early incentive package in an attempt to finish the project within 90 days rather than the 140 days stated in the contract. He stated a bonus of \$2,000 per day will be awarded in an attempt to complete the project prior to the beginning of school next year.

5) **Approval of design contract with FBS Engineers, Inc. for the bridge replacement on Bryant Avenue over Spring Creek 0.1 miles north of 15<sup>th</sup> Street in an amount not to exceed \$98,500.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1-4,6-13) and 5.B.(1-5). **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

**8. PLANNING CONSENT ITEMS:**

- A. **Consideration of Final Plat of Redmont Trace III Addition, located south of Coffee Creek Road, west of Bryant (Derek Turner, applicant) Case No. PR040037.**
- B. **Consideration of Final Plat of Redmont Trace IV Addition, located south of Coffee Creek Road, west of Bryant (Derek Turner, applicant) Case No. PR040038.**
- C. **Public Hearing and Consideration of Ordinance No. 2875 rezoning from "G-A" General Agricultural**

**District to "R-1" Rural Estate Dwelling District, located east of Coltrane, south side of 40<sup>th</sup> Street (Bryan Timberlake, applicant) Case No. Z040026.**

- D. **Consideration of Preliminary Plat for Hampden Hollow Addition, located on the northeast corner of Covell Road and Air Depot Boulevard (J.W. Armstrong, applicant) Case No. PR040034.** Councilmember Lamb stated that although Air Depot has not yet been changed from Zone 2 to Zone 1, which requires widening, he felt that it would eventually be changed and in keeping with recent policy to allow developers to provide 70 foot of right-of-way in lieu of widening, he requested the additional right-of-way on Air Depot to accommodate future four-laning of this street.

The applicant agreed to provide the additional right-of-way.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 10.D. subject to 70 foot of right-of-way along Air Depot. **Motion carried** as follows:

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

- E. **Consideration of Final Plat of 28 acres, located on the northwest corner of 15<sup>th</sup> Street and I-35 Frontage Road for the Fox Lake Wal-Mart Store (Wal-Mart Stores East, L.P., applicant) Case No. PR040021.**
- F. **Consideration of correction of Plat Certificate for Bridgewater, Section 1 Addition, located east of Santa Fe, one-half mile south of Danforth Road (ERC Properties, applicant).**

Motion by Lamb, seconded by Page, to approve Planning Consent Items 8.A.-10.C. and 8.E.-10.F. **Motion carried** as follows:

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

9. **Public Hearing and Consideration of commercial Site Plan approval for Fox Lake Plaza, located west of I-35, 1,130 feet north of 15<sup>th</sup> Street (Frank Battle, applicant) Case No. SP030028.** The applicant amended the Site Plan to provide a turn-around lane just outside the entry to Fox Lake Addition by constructing additional paving and right-of-way along Fox Lake Lane. The applicant felt the turn-around lane would discourage traffic into Fox Lake and redirect lost customers to the shopping center entrance. The drainage plan has also been amended to eliminate the underground detention and direct drainage to Fox Lake after the water has been filtered through a Baysaver filtration system.

Randel Shadid, attorney representing the applicant, addressed Council and stated their closest building is 535 feet from the nearest home. He stated they are requesting less parking than required and will provide 22.5% landscaping. A 20 foot wide trail easement will run along the back of the property connecting to the trail easement previously donated by Wal-Mart. Mr. Shadid noted the applicant will pay the homeowners association \$2,500 a year to assist with maintenance costs. He stated if construction is delayed 60 days or more the applicant

will seed the property after the grading is completed to provide vegetation coverage until a building permit is applied for. Mr. Shadid stated an all evergreen buffer will be provided on the back side of the building.

Tom Langdon, spokesman for the Fox Lake Addition, addressed Council in opposition. He stated the homeowners still felt the zoning was inappropriate for a development of this size and that the increase in traffic will overwhelm the existing streets. Mr. Langdon stated the noise levels will increase with removal of the 40 foot high ridge which will be replaced with a much shorter wall. He noted the building elevations are too high and are not harmonious with the area. Mr. Langdon stated the landscaping buffer on the back of the building can not be met due to lack of space. He noted the ordinance regarding sensitive borders requires landscaping to be at least 172 feet from the nearest single family zoning. Mr. Langdon was also concerned about the amount of water run-off into the lake during heavy rains. He requested that the amount of run-off not increase the current level of run-off. He stated increasing the water run-off violates the water permit issued by the Water Resources Board. He requested the building be moved further east on the property.

Judy Langdon, Carrie Thompson and Mike Sharrer addressed Council in opposition regarding several areas of concern. Dan O'Neil, representing the Edmond Neighborhood Alliance, also addressed Council in opposition. Mr. O'Neil requested the same standard for the back of the building as for the front. He also requested the mechanical equipment on the back of the building be hidden from view of the homeowners.

Mr. Shadid stated the wall along the back of the property will be one continuous wall constructed at one time to alleviate the noise. He stated Fox Lake was planned as a detention area at the time it was developed by the original developer. He noted a spillway and flume will be provided to contain the drainage from the property. Mr. Shadid stated the mechanical equipment will be installed on the roof with parapet walls of sufficient height to block visibility from the residential properties. He stated the retaining wall and the noise barrier wall will be constructed at the same time. Landscaping will also be installed on the west side of the building at the same time the walls are constructed. Mr. Shadid agreed to quarterly monitoring of the filtration system for the first 24 months and semi-annually thereafter.

General discussion was held regarding the traffic from I-35 and the entrances at 2<sup>nd</sup> and 15<sup>th</sup> Streets. A traffic study conducted by a traffic engineering firm hired by the applicant determined no stacking problems will result due to the improvements that are being made by the recently approved Wal-Mart Supercenter.

Motion by Lamb, seconded by Miller, to approve Item No. 9 as amended and subject to the following conditions:

- 1) Posting of signs stating no overnight parking of recreational vehicles, semi-trucks, etc.
- 2) No open display on sidewalks or other outside display of any kind outside the building or structure
- 3) No metal containers front or back
- 4) Quarterly monitoring of the storm sewer system for the first 24 months and semi-annually thereafter
- 5) 8 foot masonry wall constructed first along with the retaining wall on the west side of the property prior to any other construction
- 6) No delivery trucks from 10:00 pm to 6:00 am
- 7) The 20 foot trail easement to connect to the easement granted by Wal-Mart
- 8) Payment of \$2,500 per year to the homeowners association
- 9) Seeding of property if construction is delayed 60 days or more
- 10) Screening of mechanical equipment with E.F.I.S.
- 11) Installation of un-manned video cameras on perimeters of property
- 12) Landscaping on the west side of the building to be installed at the same time that the retaining wall and noise barrier wall is constructed

**Motion carried** as follows:

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

**10. 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 will be continued to November 8, 2004, at the request of the applicant.

**11. 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 also continued to November 8, 2004, at the request of the applicant.

**12. Approval of Resolution No. 32-04 in support of State Question 707.** The State Question will allow cities to create a Tax Increment Financing (TIF) District in an area that is not likely to be redeveloped by private entities. The City can then loan money for public improvements and construction within the TIF District. The property value will be increased after the improvements are completed and the tax increase can be used to pay for the costs of the improvements, either directly or through the passage of bonds. With the new monies, the City will be able to pledge the money to entice new business.

Motion by Lamb, seconded by Miller, to approve Resolution No. 32-04. **Motion carried** as follows:

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

**13. Public Hearing and Consideration of Ordinance No. 2876 amending Section 22.56.030(A) of the Edmond Municipal Code providing for changes in requirements for notice of rezoning amendments applications and Special Use Permits.** The ordinance changes the current ordinance which requires a 32 square foot sign be placed on each property for rezoning applications and Special Use Permits. The proposed ordinance will still require posting of a sign but when the City is the applicant and the application involves multiple contiguous properties, a separate sign would not be required on each property. The City would authorize the number of signs, locations and duration of posting.

Councilmember Miller stated he felt the ordinance should not just apply to City projects.

Councilmember Lamb stated that normally private individuals did not submit applications for a large number of properties in the same manner that the City might do. It was noted that the current ordinance provides for contiguous properties within 300 feet of frontage only require one sign.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2876 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. 2876. **Motion carried** as follows and Ordinance No. 2876 is in effect immediately:

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

**14. Public Hearing and Consideration of Ordinance No. 2877 amending Edmond Municipal Code to add new Section 8.08.360 Offense of Obscene, Threatening or Harassing Telephone Calls; providing for Repealer and Severability.** The ordinance is identical to State Law and will allow the City to prosecute violations in Municipal Court rather than as a misdemeanor in District Court.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2877 as read by title by City Attorney. **Motion carried** as follows:

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

**15. NEW BUSINESS:**

Mayor Naifeh noted that celebration of Halloween will be Saturday, October 30<sup>th</sup> at the Festival Marketplace from 4:00-6:00 p.m.

Mayor Naifeh also stated the City of Edmond annual employee chili cook-off will be on Friday, October 29<sup>th</sup>. She stated that she and Councilmember Sanford will be providing chili but will not participate in the contest.

**16. 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**