

EDMOND CITY COUNCIL MINUTES

November 8, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 8, 2004, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve October 25, 2004. **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 addressed Council and stated the process of selecting a firm to develop the Master Transportation Plan is underway. A staff review committee has recommended three firms to interview which will be reviewed by the Public Works Committee. If approved, then staff will begin the interview process. He noted that once a firm has been recommended, the recommendation will then be reviewed with both the Public Works Committee and the City Council. The Senior Center/ Multipurpose Activity Center project is ahead of schedule and staff anticipates moving into the new facility by the end of the year. Mr. Stevens stated the open house will be on Saturday, January 8, 2005, from 10:00 am to 3:00 pm. He noted the total cost of the project is \$5.6 million with funding provided from the 1996 and 2000 capital improvement tax fund. The Kickingbird Tennis Center renovation project is within the budgeted amount of \$178,000 and is anticipated for completion in January, 2005. Mr. Stevens stated the pond restoration at Hafer Park was completed last week. He noted the cost of the project was \$104,000 which is significantly higher than anticipated. Jim Bowlin, Parks and Recreation Director, stated bids will be solicited at a future date to replace the cover over the pond.

4. Appointments to Boards and Commissions:

A. **Appointment to the Urban Forestry Commission.** Mayor Naifeh nominated Gail Ederer and Tom Prince for re-appointment to

serve three-year terms expiring in November, 2007.

- B. **Appointment to the Edmond Economic Development Authority Board.** Mayor Naifeh nominated Rob Anderson to serve a three-year term expiring November, 2007.
- c. **Appointment to the Edmond Public Transportation Committee.** Mayor Naifeh nominated Patty Lane to serve a three-year term expiring November, 2007.

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 public improvements and maintenance bonds for the following:**
 - a) Signal Ridge
 - b) Signal Ridge Building "A"
 - c) Gabion wall repairs and channel improvements, tributary of Spring Creek at Hafer Park
 - d) 9th Street and Boulevard waterline improvements
- 2) **Acceptance of Final Plat, public improvements and maintenance bonds for Edgewater Addition, located on Air Depot, south of 15th Street.**
- 3) **Acceptance of Final Plat, public improvements and maintenance bonds for Hidden Lakes, Section I, Addition, located on Danforth Road, east of Air Depot.**
- 4) **Acceptance of electric easement from Aubrey K. McClendon, to serve a new pump house at 200 S. Westminister Road, #L.**
- 5) **Acceptance of easements for two existing sanitary sewer lines on the east side of Bryant, north of Spring Creek, and approval of partial release of easements for these two lines on the same property.**

6) Acceptance of sanitary easement from Oak Tree Partners, LLC, for the Oak Tree sanitary sewer lift station improvements project.

7) Public Hearing and Consideration of Ordinance No. 2878 amending the Edmond Municipal Code, Section 2.68.210 providing for bids-submission procedure; and providing for Repealer and Severability.

8) Approval of supplemental appropriations for renovation of the Kid's Pond at Hafer Park - \$6,233.60

9) Acceptance of sanitary sewer easement from Oak Tree Golf Club, LLC, for the Oak Tree sanitary sewer lift station improvements - \$96,750

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

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

B. Approval of Purchases:

1) Award of proposal for playground equipment at Gossett Park for the Parks and Recreation Department. Purchasing Manager recommended accepting proposal from Arkoma Playgrounds and Supply in the amount of \$30,000.

2) Approval of purchase of remote access software for the Fire Department from Group 1 Solutions, Inc. as a sole source provider in the amount of \$54,892.

3) Approval of a Conditional Letter of Map Revision (CLOMR) application to the Federal Emergency Management Agency (FEMA) for Spring Creek from Tributary 3 confluence upstream to Chimney Hill Drive; a Floodplain Development Permit, and the associated variance in the amount of \$4,000.

4) Approval of contract with Smith Roberts Baldischwiler for the appraisal and acquisition of right-of-way for the downtown regional detention facility in the amount of \$23,550. Councilmember Sanford asked why the City

is proceeding with appraisals and right-of-way acquisition when they have not yet purchased the property for the detention facility.

Steve Manek, City Engineer, addressed Council and stated this item is actually for title reports and appraisals to determine if the City could afford to purchase the right-of-ways. He noted the contract will allow Smith Roberts Baldischwiler to define the amount of property needed from the six parcels in the downtown area and to also determine ownership. Mr. Manek stated he felt this process should be completed prior to attempting to acquire the properties. He stated once the properties are appraised, a report will be submitted to Council outlining the preliminary land costs associated with the project. He noted that staff will begin discussions with the railroad during this process also.

Motion by Lamb, seconded by Page, to approve General Consent Item 5.B.(4). **Motion carried** as follows:

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

5) **Award of bid for rehabilitation of residential structure located at 58 Shirley Lane as part of the Community Development Block Grant (CDBG) program.** The Citizens Participation Committee recommended accepting bid from Titan Home Remodel in the amount of \$27,264.

6) **Approval of Change Order No. 1 with Resource Builders for the Kid's Pond at Hafer Park in the amount of \$6,233.60.**

7) **Approval of Change Order No. 2 with Lippert Brothers, Inc. for the Multipurpose Activity Center (MAC) amphitheater at Mitch Park in the reduced amount of \$28,250.**

8) **Approval of Change Order No. 8 with Lippert Brothers, Inc. for the MAC at Mitch Park in the amount of \$9,089.**

9) **Approval of Change Order Nos. 25 and 26 with Timberlake Construction for the Cross Timbers**

Municipal Complex in the amount of \$10,558.28.

Motion by Lamb, seconded by Page, to approve General Consent Items 5.B.(1-3,5-9). **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

9. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of Thomas Trails 2nd Addition, located south of Covell Road, west of Thomas Drive (Ken Rees, applicant) Case No. PR040039.**
- B. **Public Hearing and Consideration of Ordinance No. 2879 rezoning from "G-A" General Agricultural District to "R-2" Urban Estate Dwelling District, located south of Covell Road, west of Midwest Boulevard (Jim Clayton, applicant) Case No. Z040028.**

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

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

- C. **Consideration of Final Plat of Golden Gate at Twin Bridges Addition, located on the northwest corner of Coffee Creek Road and Bryant Avenue (Alvin Bates and Bud Bartley, applicant) Case No. PR040007.** The site consists of 59.13 acres and will contain 121 single family lots. A variance requesting approval for 20 foot front yard setbacks is requested.

Councilmember Lamb questioned the variance request since the application is not a Planned Unit Development (PUD). He stated he felt a precedent would be set by allowing a front setback variance in a non-PUD development. Councilmember Lamb stated he was not aware that a variance has been granted in the past in the Plat and not as part of a PUD.

Bob Schiermeyer, City Planner, addressed Council and stated the setback variance would be reflected on the Plat. He noted this type of variance has been approved in the past and that he would provide a list of those developments if Council wished. Mr. Schiermeyer stated he was not aware of any particular justifications the applicant has for requesting a variance other than to allow more room for swimming pools, decks, accessory buildings or utility easements in the back yards.

Councilmember Lamb also asked if the applicant plans to widen Coffee Creek Road since it is in Zone 1.

Steve Manek, City Engineer, stated the applicant is required to widen or provide a fee in lieu of widening.

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

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

- D. **Public Hearing and Consideration of Site Plan approval for a residential Planned Unit Development (PUD), located on the southwest corner of Coffee Creek Road and Boulevard (M.L. Young Development, LLC, applicant) Case No. SP040039.** The site contains 31 multi-family dwelling units which can be sold individually. Landscaping in the right-of-way along Coffee Creek Road is not encouraged because it would be subject to removal for installation of future water lines and other utilities in this area and for widening of Coffee Creek Road. Masonry columns will be installed along Coffee Creek Road with PVC rail fencing between the columns.

Mayor Naifeh asked if landscaping could be installed after Coffee Creek is widened or install additional landscaping at the entrance.

Keith Beatty, Isch and Associates, addressed Council and stated the applicant was aware that the landscaping will need to be removed during utility installations and when Coffee Creek Road is widened. He noted that since it will be some time before Coffee Creek Road is widened, the applicant preferred to install some landscaping along the right-of-way to increase the aesthetics of the addition.

Councilmember Page stated he felt it would be more aesthetically pleasing if the fence was all masonry.

Mr. Beatty stated a masonry wall was originally designed but because the wall will be adjacent to the driveway, they felt it would give a closed in feeling to the homeowners. The proposed fence would provide a view and eliminate the closed in feeling.

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

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

- E. **Public Hearing and Consideration of Site Plan approval for the new Tau Kappa Epsilon fraternity house, located on the northeast corner of Jackson Street and Ayers (Terry Kerr, applicant) Case No. SP040036.** The existing building will be removed and a new house constructed to the east. The area where the existing building is located will be grass when the new building is constructed. There will be 21 parking spaces on site and three additional on-street parallel parking spaces. The Central Edmond Urban Board has approved this application.

Councilmember Lamb noted that when the Central Edmond Urban Board held their hearing, they considered that although the parking does not meet the parking requirements of two spaces per resident, when compared with Norman and Stillwater regarding their fraternities which are allowed a one to one ratio, the parking is reasonable. He noted the Urban Board considered that there is other available parking to accommodate any activities held at the fraternity. He stated that by using a one to one ratio, they would exceed the parking requirements. The Urban Board felt the new building will be an improvement over the existing facility and they felt it would be a step up.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 9.E. **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 new building, located on the northeast corner of 2nd Street and Blackwelder (Fidelity Bank, applicant) Case No. SP040038.** The building contains 3,840 square feet and 17 parking spaces will be provided. The exterior walls will be EIFS with red and black on some of the trim materials.

Mayor Naifeh encouraged the applicant to beautify the building.

Pascal Autry, Blackledge and Associates Architects, addressed Council representing the applicant and stated the design is a prototypical design used on their buildings. He noted that the applicant will be providing 25% landscaping including the net area of unpaved space between the ATM drive-through lane and the parking lot which will be grass.

Councilmember Page requested that evergreen trees be installed on the front of the property.

Mr. Autry stated there is approximately a 20 foot change in elevation from Bauman to the east on 2nd Street and visibility was somewhat restricted there at this time. He stated he did not feel that the applicant would be receptive to installing trees which would further restrict visibility on 2nd Street since they meet or exceed all the landscaping requirements.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 9.F. subject to 25% landscaping as described above. **Motion carried** as follows:

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

- 10. Public Hearing and Consideration of Ordinance No. 2880 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.** The site contains 3.25 acres. An existing house will be remodeled into a 5,000 square foot office and additional similar size office buildings will be constructed. A six foot privacy fence will be installed on the north, east and south property lines. The landscaping will exceed the 10% requirement and the applicant will attempt to save as many existing trees as possible.

Gavin Marshall, President of the Cedar Pointe Homeowners Association, addressed Council and stated due to the changes made by the applicant they did not have any objections.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2880 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2880. **Motion carried** as follows and Ordinance No. 2880 is in effect immediately:

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

11. Public Hearing and Consideration of Ordinance No. 2881 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 discussed at that time.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2881 as read by title by City Planner. **Motion carried** as follows:

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

12. Discussion and Consideration of establishing a Code of Conduct for the Mayor and City Council. Councilmember Sanford stated she wanted to present the idea of a Code of Ethics on the Conduct of the Council as an extension of the Code of Conduct for citizens that was developed during the Strategic Planning session. She requested that Council look at the material that has been provided and submit their comments to the Mayor to be discussed at the next Strategic Planning session with Francis Tuttle.

Councilmember Miller commented that he understood that the list of Core Values developed during the retreat was not limited to citizens but was developed for the Council and it's interaction with citizens.

Councilmember Lamb agreed with that understanding and asked when the framed list of Core Values would be placed in the Council Chambers.

Mayor Naifeh noted that staff was working on getting the Core Values framed and they would be in the Chambers around Thanksgiving when the Council Chambers will be updated with new lighting as well as audio and visual updates.

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

Cook et al vs. City of Edmond
Young vs. City of Edmond

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above items. **Motion carried** as follows:

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

Mayor and Councilmembers recessed to the City Council Conference Room at 7:00 p.m. and returned to the City Council Chambers at 7:27 p.m.

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

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

14. Consideration of action regarding the above pending claims. No action was taken on the Cook claim.

Motion by Miller, seconded by Lamb, to authorize City Attorney to proceed with settlement negotiations of the Young claim. **Motion carried** as follows:

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

15. NEW BUSINESS:

Mayor Naifeh stated she had one session with Cindy Midas at Francis Tuttle this year. She noted they would be receiving information on that meeting and she would like to discuss those items at the December 13th Council meeting.

16. Motion by Miller, seconded by Page, to adjourn meeting. Motion carried as follows:

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

NAYS: None

City Clerk

Mayor