

EDMOND CITY COUNCIL MINUTES

January 27, 2003

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 27, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Rice, to approve January 13, 2003, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

3. City Council Presentations:

A. **Presentation of Journey Lineman Certificates to Michael Eckart and Jerrith Barnette for completion of Municipal Electric Systems of Oklahoma (MESO) Lineman Apprentice Program.**

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 December 31, 2002.**

2) **Acceptance of City Treasurer's Investment Report for month ending December 31, 2002.**

3) **Approval of electric easement for the following:**

a) To provide an alternate source of electric service for the surrounding area through the property of Ricky and Connie White, 616 Robin Hill Road.

4) **Approval of Resolution No. 02-03 and Public Right-of-Way, Utility and Encroachment Agreement with the Oklahoma Department of Transportation for the 33rd Street widening from Coltrane to I-35.**

B. Approval of Purchases:

- 1) Approval of amendment to the agreement with Hornbeek Larsson Architects, P.C., for the Edmond Senior Citizen's Center/Park and Recreation Administration design services in the amount of \$22,500.
- 2) Approval of Change Order No. 4 with W.C. Doan Construction for Downtown Community Center renovation project in the amount of \$1,664.
- 3) Approval of Change Order No. 5 with J.L. Walker Construction for the Municipal Court Building renovation project in the amount of \$1,292.
- 4) Approval of maintenance and support agreement with Motorola Corporation for the 800MHz Radio System in the amount of \$55,350 as a sole source vendor.
- 5) Award of bid for rehabilitation of residential structure, located at 414 Gayecliffe Terrace. The Citizen's Participation Committee recommended accepting bid from Sine Construction in the amount of \$29,745.
- 6) Approval of contract with Howard Site Design, Inc. to develop a Master Plan for park property located south of 33rd Street and east of Boulevard in the amount of \$38,640.
- 7) Approval of agreement with TAP Architecture for Downtown Streetscape Master Plan in the amount of \$30,690.
- 8) Approval of contract with Crawford & Associates, P.C. for FY 2002/2003 audit services in the amount of \$49,865.

Motion by Rice, seconded by Miller, to approve General Consent Items 4.A.(1-4) and 4.B.(1-8). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

5. Approval of Tort Claim Committee's recommendations on Tort Claims.

CLAIM NUMBER

RECOMMENDATION

22-0070 Street Department	Deny - \$2,632.16
22-0062 Street Department	Deny - \$1,500.00

Councilmember Knox requested the Council continue the above two items in order to review the current policy regarding street repairs. He noted the two claimants both had their lawn sprinkler systems damaged during work on the streets. Councilmember Knox stated that although both sprinkler systems were located in the right-of-way, without the City's knowledge, one of the claimants had granted a right-of-way to the City without cost. He stated the current City policy does not provide any incentive for property owners to grant rights-of-way to the City. He requested the City Attorney work with the claimants in an attempt to find a solution.

Motion by Rice, seconded by Miller, to continue Tort Claims to the next meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

Motion by Lamb, 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 Rice,
Knox, Lamb and Miller
NAYS: None

Councilmember Rice left the City Council Chambers.

9. PLANNING CONSENT ITEMS:

A. **Consideration of Final Plat of Fountain Gate Addition, Section Two, located north of 33rd Street, east of I-35 (Richard Steepe with Steppco Construction Co., LLC, applicant) Case No. PR020038.** The plat contains 34 lots on 52.36 acres with a density of 1.54 units per acre. The addition is gated with private streets built to public street standards. The Planning Commission recommended approval subject to a variance in the block length of 700 feet due to the very low density, two entrance/exits onto major streets, number of lots and ownership pattern to the east.

Motion by Knox, seconded by Lamb, to approve Planning

Consent Item 9.A. subject to the variance as recommended by the Planning Commission. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller
NAYS: None

Councilmember Rice returned to the City Council Chambers.

- B. **Public Hearing and Consideration of commercial Site Plan approval for a drug store, located on the northwest corner of Santa Fe and Danforth Road (Eckerd Drug, applicant) Case No. SP020045.** The building contains 14,308 square feet facing east with a drive-in window on the north side. Sixty-two parking spaces are proposed and 57 spaces are required. Planning Commission recommended approval subject to elimination of five parking spaces, 180 square feet be bermed with trees to partially screen the small overhead door on the southwest corner of the building and that evergreen trees be placed around the dumpster enclosure.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 9.B. subject to the recommendations of the Planning Commission. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox, Lamb and Miller
NAYS: None

- C. **Public Hearing and Consideration of commercial Site Plan approval for a drug store, located on the northeast corner of Santa Fe and 33rd Street (Eckerd Drug, applicant) Case No. SP020046.** The building contains approximately 11,000 square feet and 78 parking spaces were proposed. Approximately 52 spaces are required by City code. Planning Commission recommended approval subject to no more than 60 parking spaces, moving the landscaping from the northeast corner of the property to the intersection of 33rd Street and Santa Fe, a maximum of 25 foot tall lighting and two six foot tall, 42 square feet ground signs.

Motion by Knox, seconded by Miller, to approve Planning Consent Item 9.C. subject to the Planning Commission's recommendations. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox, Lamb and Miller
NAYS: None

Councilmember Rice left the City Council Chambers.

- D. **Public Hearing and Consideration of commercial Site Plan approval for a new building to include a restaurant and retail, generally located on the northeast corner of Baumann and 2nd Street (Joe Javadzadeh, applicant) Case No. SP020044.**

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

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller
NAYS: None

Councilmember Rice returned to the City Council Chambers.

10. **Public Hearing and Consideration of Final Plat of Spring Creek Suites, located on the southwest corner of 15th Street and Bryant (Ron Ward, applicant) Case No. PRO020042.**

Motion by Knox, seconded by Miller, to approve Item 10. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox, Lamb and Miller
NAYS: None

11. **Public Hearing and Consideration of commercial Site Plan approval for a bank building to include drive-in lanes, located on the southwest corner of 15th Street and Bryant (Bank of Oklahoma, applicant) Case No. SP020047.** The building contains 9,100 square feet with a flat roof and drive through canopy with concrete roof tiles. The mechanical equipment will be on the roof and screened from 15th Street and Bryant by a parapet wall. Forty-four parking spaces are proposed which exceeds city requirements. The Planning Commission recommended approval subject to the following conditions:

- 1) Addition of substantial tree planting on the south side of the property adjacent to Cedar Ridge Addition
- 2) Two signs six foot tall and 42 square feet, one on Bryant and one on 15th Street
- 3) Building not to exceed 30 feet in height and have no windows on the second floor
- 4) Modification of the south parking lot to eliminate at least two spaces for additional trees

- 5) Reach an agreement with the property owners on the eight foot fence on the south property line

Kevin Galliard, representing Trinity Group Architects, addressed Council on behalf of the applicant and stated they have attempted to work with the homeowners by eliminating five parking spaces. He stated four spaces near the corner of 15th Street and Bryant will be eliminated to add more trees. A fifth space will be eliminated further back on the property for additional landscaping.

Councilmember Knox stated he felt that an eight foot tall fence is too tall. He noted that after a few years, stockade fences begin to look old and he felt that height of fence is counter productive. He stated that previous agreements with developers agreed that all architectural styles would match the existing developments.

Jerry Stephens, 1504 Rockwood Drive, addressed Council and stated he was more concerned about the sight and sound problems of this development but he commended the applicant for their concessions and willingness to work with the homeowners.

Motion by Knox, seconded by Lamb, to approve Item 11 subject to the conditions recommended by the Planning Commission being resolved by all parties. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

12. Public Hearing and Consideration of commercial Site Plan approval for a new office building, located south of 15th Street, west of Bryant (Ron Ward, applicant) Case No. SP020048. The building contains 11,300 square feet with a steep pitched roof similar to an existing building. The development will match an existing shopping center on the northeast corner in architectural style. The Planning Commission recommended approval subject to the following conditions:

- 1) Addition of substantial tree planting on the south side of the property adjacent to Cedar Ridge Addition
- 2) Building height will not exceed 29.75 feet
- 3) Construct an eight foot fence on the south property line with specifications agreeable to homeowners
- 4) No ground sign
- 5) Eliminate parking spaces on the south side of the

property for additional specimen tree

Bob Schiermeyer, City Planner, stated the applicant has amended the application to provide 50 additional trees for a total of 552 plant units. He stated the applicant eliminated parking spaces and modified the dumpster enclosure. Mr. Schiermeyer stated the application complies with landscaping requirements.

Ron Ward addressed Council and stated there will be a total of 55 parking spaces, not including the existing parking spaces.

Mayor Naifeh stated she felt there was too much concrete in the plan.

Councilmember Rice stated he was hesitant to require the applicant to eliminate parking spaces not knowing what type of businesses will be in the building and their parking needs.

Jerry Stephens, 1405 Rockwood Drive, addressed Council and stated he was well pleased with the plan.

Motion by Knox, seconded by Rice, to approve Item 12 subject to the Planning Commission recommendations and the addition of not more than 55 parking spaces. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

NAYS: None

13. Public Hearing and Consideration of Ordinance No. 2769 amending Edmond Plan III from Suburban Office to Suburban Office Planned Unit Development (PUD), located on the northwest corner of Locust Lane and Bryant Avenue (Terry Kerr, applicant) Case No. Z0020064. The site contains 1.93 acres and will be divided into six building sites. Each site would be individually owned with a common parking area and detention facility. The buildings will be located along the perimeter of the property facing each other toward the middle of the site with the parking in the middle of the development. A portion of the parking maybe covered. One common six foot tall, 42 square foot sign would serve the entire development. No variances are requested with this application.

Councilmember Lamb noted that the detention storage for stormwater run-off will be at the front of the property along Bryant. The applicant will need to reshape the site to take the natural flow of run-off to the east. He noted there will not be

a holding basin immediately off the northeast corner as shown in the previous plan.

Councilmember Rice stated he felt that the applicant was attempting to put too much on this tract and it does not fit the location. He stated that the previous applicant, Bank of Oklahoma, offered large setbacks and this application does not. He noted that the back of some of the buildings would be only 15 feet from the neighbors' property lines.

Randel Shadid, attorney representing the applicant, addressed Council and stated the plan complies with City requirements. He noted the development will contain 20% landscaping which exceeds the 10% required by City ordinances. Mr. Shadid stated the applicant also reduced the size of the buildings to be more aesthetically pleasing.

Ken and Nancy Nelson, 1412 Ridgecrest Drive, addressed Council and voiced their concerns regarding the retaining wall, air conditioning units, windows and landscaping next to the Cedar Ridge Addition.

Terry Kerr addressed Council and stated a temporary grading plan, detention plan and retention study with the revised site plan have been submitted to City staff. He noted that each building will have a different elevation. Mr. Kerr stated three-fourths of the Nelson's property backs up to the greenbelt.

Dan O'Neal, representing the Edmond Neighborhood Alliance, addressed Council and stated the plan in the Council packet does not reflect the plan being proposed at this meeting. He requested this item be denied because he felt there was nothing to be gained by approving the application.

Councilmember Knox stated he felt that it would be difficult for the Council to deny an application that meets all City requirements. He noted the Council has considered several presentations in the past for this piece of property and several changes have been made since the original presentation. He stated he felt all the site plan issues are addressed in the PUD.

Councilmember Rice stated the Council has the discretion to require additional conditions even though the applicant complies with all City codes. He noted that suburban office zoning is used as a buffer for neighborhoods but that this application borders on commercial usage.

Motion by Knox, seconded by Rice, to approve Ordinance No. 2769 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox and Lamb
NAYS: Councilmembers Rice and Miller

Motion by Knox, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2769. **Motion was denied** as follows:

AYES: Mayor Naifeh, Councilmembers Knox and Lamb
NAYS: Councilmembers Rice and Miller

14. **Public Hearing and Consideration of Ordinance rezoning from "D-O" Suburban Office to "D-O" Suburban Office Planned Unit Development (PUD), located on the northwest corner of Locust Lane and Bryant Avenue (Terry Kerr, applicant) Case No. Z0020065.** This item is a companion to the above item and was not considered due to the failure of that item.

Motion by Miller, seconded by Lamb, to continue Item 14 to March 10, 2003. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox, Lamb and Miller
NAYS: None

15. **Public Hearing and Consideration of Ordinance closing a portion of an easement at 1009 Capitol Drive, Bradford Park, located south of Danforth, west of Fretz (Arnett Brothers Property, LLC, applicant) Case No. ES020006.** This item was continued indefinitely at the request of the applicant.

16. **Discussion and Consideration of request by Progressive Development for a final certificate of occupancy for the solid waste transfer station, approval of center median sign at the intersection of Progressive Drive and Covell.** The applicant requested this item be continued to February 10, 2003.

Motion by Lamb, seconded by Miller, to continue Item 16 to February 10, 2003. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox, Lamb and Miller
NAYS: None

17. Executive Session to discuss purchase of real property along 2nd Street, south of the University of Central Oklahoma campus (Executive Session authorized pursuant to 25 Okla. Stat. Section 307(B)(3)).

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 6:50 p.m. and returned to the City Council Chambers at 7:15 p.m.

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

18. Consideration of action regarding the purchase of real property located along 2nd Street, south of the University of Central Oklahoma campus. Mayor Naifeh stated no action would be taken on this item.

19. NEW BUSINESS:

Councilmember Lamb requested the questionnaire regarding the Title 22 diagnostic report be returned to him by next week. He encouraged the Council to submit their input on this project.

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

City Clerk

Mayor