

EDMOND CITY COUNCIL MINUTES

February 10, 2003

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 10, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Rice, to approve January 27, 2003, Minutes. **Motion carried** as follows:

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

3. Appointments to Boards and Commissions:

A. Appointment to the Edmond Planning Commission. Councilmember Knox nominated Allen Thomas for appointment to fill the unexpired term of Dyke Hoppe expiring May, 2005.

Motion by Knox, seconded by Lamb, to approve Item 3.A. **Motion carried** as follows:

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

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

A. Approval of Administrative Items:

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

a) Jerry J. Salyer

2) **Approval of utility easements for the following:**

a) Oak Tree Park 3rd Addition
b) Johnnie's Express Restaurant

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

- a) 1004 Medical Park Boulevard
 - b) On the Border Restaurant - 33rd Street and Broadway
 - c) Citizen's Bank - 32 N. Broadway
 - d) Adfitech - 3200 Technical Drive
 - e) First Christian Church - 201 E. 2nd Street
- 4) **Acceptance of public improvements and maintenance bonds for Cedar Point IV Addition, located on the east side of Santa Fe, 1/3 mile south of Covell Road.**
- 5) **Acceptance of public improvements and maintenance bonds for Hunters Creek III Addition, located on the south side of Coffee Creek Road, ½ mile west of Kelly Avenue.**
- 6) **Acceptance of public improvements and maintenance bonds for Redmont Trace II Addition, located on the south side of Coffee Creek Road, ½ mile west of Bryant Avenue.**
- 7) **Approval of easement from Redmont Trace, LLC, for construction of a municipal water well in Redmont Trace Subdivision.**
- 8) **Approval of amended construction permit from the Oklahoma Department of Environmental Quality to construct a municipal water well in Redmont Trace Subdivision.**
- 9) **Approval of revised General/Operating and Public Works Authority investment policies for the City Treasurer's Office.**
- 10) **Acceptance of proposal from the City of Edmond for provision of water and electric meter reading services.**

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

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

B. **Approval of Purchases:**

- 1) **Approval of maintenance and support agreement with TRW for the CAD, RMS, and AVL systems as a sole source vendor in the amount of \$30,000.**
- 2) **Approval of bid disposition by the Purchasing Manager for the Fink Park playground equipment from GameTime in the amount of \$30,000.**

Motion by Rice, seconded by Miller, to approve General Consent Items 4.B.(1-2). **Motion carried** as follows:

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

3) **Approval of contract with Ernst Design Group, Inc. for design of four football/soccer fields in northwest Mitch Park in the amount of \$247,857.16.** Matt Meyer, Director of Parks and Recreation, addressed Council and stated construction of the fields was part of the 1999 Mitch Park master plan and will be phases four and five. He noted that the trail system has already been designed. Mr. Meyer stated the Edmond Soccer Club needs four additional fields in order to qualify to host the Snickers Southern Regional Tournament in 2005. The cost of constructing the fields and related infrastructure is \$2.6 million. The Parks and Recreation Advisory Board recommended financing \$1.3 million from the 1/8 cent parks tax fund.

Councilmembers Miller and Rice stated they felt that the fee is excessive. Councilmember Miller stated the cost represents 9 ½% of the total construction cost of the project.

Tom Ernst, addressed Council and stated the contract is a turnkey project and he outlined what the contract entails.

Mayor Naifeh stated she feels there are other good projects for the park that may not be constructed due to the high cost of this project. She stated she would like to see the trails system and amphitheater receive some funding and other groups to be able to have high quality developments also.

Mr. Meyer stated other phases of the park development would not be as affected because funding for those phases will come from the 1/8 cent park sales tax and not other City funds.

Councilmember Knox noted that due to the low interest rates, bonds could be issued at no cost to the City in order to complete some of the projects. He stated several years ago during a Council retreat, Council determined that one of their goals was to become proactive regarding the construction and development of the sports fields and this project is part of the overall strategy for the park adopted five years ago by Council.

Joe Bays, President of Edmond All Sports, Inc., addressed Council and stated the facilities are needed now and he urged approval. He noted that the football program increased by 25% this past year and they anticipate at least a 12% increase annually in the next few years based on the area's population growth.

Councilmember Rice stated he reviewed the proposed contract and the services that will be performed and is now satisfied with the design fees.

Motion by Rice, seconded by Miller, to approve General Consent Item 4.B.(3). **Motion carried** as follows:

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

Motion by Rice, seconded by Lamb, 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

8. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of Bristol Park Commercial, Block 1, generally located on the northeast corner of Santa Fe Avenue and 33rd Street (Danforth Development, LLC, applicant) Case No. PR020023.**

- B. Public Hearing and Consideration of Ordinance No. 2770 rezoning from "G-A" General Agricultural to "R-2" Urban Estate Dwelling District, located on the southwest corner of Westminster and Coffee Creek Road (Neal McGee, applicant) Case No. Z020110.
- C. Public Hearing and Consideration of Ordinance No. 2771 amending Edmond Plan III from General Commercial to Planned Light Industrial usage, located on the west side of Broadway Court, 2709 Broadway Court (Roy Meinke, applicant) Case No. Z020107.

Motion by Rice, seconded by Miller, to approve Ordinance No. 2771 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Rice, to attach Emergency Clause to Ordinance No. 2771. **Motion carried** as follows and Ordinance No. 2771 is in effect immediately:

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

- D. Public Hearing and Consideration of Ordinance No. 2772 rezoning from "E-1" General Commercial District to "F-1-A" Planned Light Industrial District, located on the west side of Broadway Court, 2709 Broadway Court (Roy Meinke, applicant) Case No. Z020106.

Motion by Knox, seconded by Miller, to approve Ordinance No. 2772 as read by title by City Planner. **Motion carried** as follows:

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

- E. Acceptance of street and utility easement from Village Parkway, located north of Covell, east of Kelly (Derek Turner/Touchmark Assisted Living Center, applicant).
- F. Acceptance of street easement from Limited Liability

Company, LLDF, LLC, for right-of-way along Kelly, Renaissance Law Office (Dr. Forth, applicant).

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 8.A., B., E. and F. **Motion carried** as follows:

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

NAYS: None

- G. **Consideration of Final Plat of TECH Business Park, located at 2909 S. Bryant (RPP Investments, LLC, applicant) Case No. PR020040.** The tract contains 2.5 acres and will be divided into four lots. The existing house is on Lot 3. The common detention area will be located in the southeast corner of the property shown as Common Area A. A new access will be on Lots 1 and 4 with cross access to Lots 2 and 3.

Mayor Naifeh questioned the access to the parking area and the landscaping along Bryant. She felt landscaping along Bryant was not adequate.

Mark Farris, Red Plains Professional, addressed Council and stated they do not customarily develop a landscaping plan with the Final Plat. Mr. Farris stated two common lots 10 feet wide along the right-of-way on Bryant will be used for landscaping. He noted the existing sidewalk abutting the curb will be removed and the area will be reconstructed in a curvilinear fashion with berms and additional landscaping. Mr. Farris stated if you reviewed the landscaping on each individual lot as shown on the preliminary plat, each lot would exceed the landscaping requirements. He noted that the development plan is not final at this stage and can be amended in the future.

Councilmember Knox stated several months ago when Council required Final Plat approval of commercial sites he was concerned the discussion would shift to site plan issues. He stated it was unfair to the developers to discuss site plan issues at this stage because they have not developed landscaping plans for the unplanned portion of the plat. Councilmember Knox stated he did not want to get into discussions about issues that do not pertain to the application being considered.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 8.G. **Motion carried** as follows:

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

NAYS: None

- H. **Public Hearing and Consideration of commercial Site Plan approval for TECH Business Park, located at 2909 S. Bryant (RPP Investments, LLC, applicant) Case No. SP020040.** This application involves the existing house on Lot 3. The house will be remodeled and 1000 square feet will be added to the front and the back of the house. The existing car port will be remodeled into an enclosed detached garage. Fifteen parking spaces are proposed in compliance with City standards.

Mayor Naifeh stated the Planning Commission requested additional trees in the detention area.

Mark Farris, Red Plains Professional, addressed Council and stated the landscaping plan shows additional landscaping at the entrance as well as around the detention pond. Mr. Farris agreed to the Planning Commission request of additional trees.

Motion by Knox, seconded by Miller, to approve Planning Consent Item 8.H. **Motion carried** as follows:

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

NAYS: None

- I. **Consideration of Final Plat of Thomas Trails 1st Addition, located south of Covell Road, west of Thomas Drive (Ken Rees, applicant) Case No. PR020029.** The tract contains 99 lots on 30.56 acres. A trail is planned along the west side of the addition shown as Common Area B and a public easement will be granted over the common area to allow public access. Limits of no access are established along Covell Road and Thomas Drive. A variance is requested along Thomas Trail to provide for a six foot wide sidewalk only on one side of the street. In lieu of sidewalks along Covell and Thomas, a ten foot trail on the west side of the addition will be provided. A 70 foot right-of-way is provided on Covell Road for a future parkway and construction of an underpass.

Councilmember Lamb noted that the requested variance was not included in the PUD design statement, therefore it required separate action to approve. Also there is a list of Engineering comments that need to be clarified for this application.

Steve Manek, City Engineer, addressed Council and outlined the comments made by the Engineering staff.

Ken Rees addressed Council and stated the sidewalk would be wider than normal and there would be no driveways on Thomas Trail Boulevard. He stated they will grant a 20 foot trail easement from Covell to the property boundary, which adjoins the John Ross Elementary School property, under the assumption that the trail is adopted as part of the Edmond Trail system. Mr. Rees requested that he be allowed to pay \$15 a lineal foot along the public easement in lieu of constructing the trail when City funds are approved. This fee amount is the equivalent cost of a packed gravel type surface which the City can use to offset the cost to pave when the trail system is constructed.

Motion by Knox, seconded by Rice, to approve Planning Consent Item 8.I. **Motion carried** as follows:

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

NAYS: None

9. Discussion of proposed ordinance amending Chapters 16.04 International Building Code; 16.06 International Residential Code; 16.08 International Plumbing Code and 16.12 International Fuel and Gas Code of the Edmond Municipal Code. Proposed changes include changes to the following:

- a) Bathroom ventilation
- b) Stairway guardrail dimensions
- c) Installation of water service lines
- d) Vent pipes extension lengths
- e) Electrical receptacle installation
- f) Clarification of definition of dwelling
- g) Clarification of re-roofing
- h) Handicapped accessibility at public swimming pools
- i) Testing methods for plumbing systems

Councilmember Knox stated he received complaints in the past

four or five months about the changes that have been adopted in the past year. He stated he was concerned that the changes not make it more difficult for the developers and contractors who do business in the City. He stated he was nervous about changing anything.

Ed Steiner, Director of Building Services, addressed Council and stated he has worked on updating the ordinance for the past eight months. He stated the ordinance will be more customer friendly without sacrificing safety and be more cost effective for customers. Mr. Steiner stated in the past the building and fire codes were at odds with each other and staff would require the strictest code of the two which has led to some complaints that the Council has received. He stated area contractors and subcontractors have requested the changes and the ordinance would allow the City to be more in line with area metro cities. Mr. Steiner noted most of the changes will affect residential construction.

10. Discussion of proposed ordinance amending Chapter 17.04 Fire Prevention Code.

Mr. Steiner addressed Council and stated the proposed ordinance will provide the common link between the building construction codes and the Fire Code by using the 2000 Edition of the ICC International Fire Code. He noted the fire code will be more in line with the building code by bringing the City under one set of codes rather than several codes as in the past.

Gil Harryman, Fire Chief, addressed Council and stated adoption of the ordinance will provide more continuity in the overall process. He stated the last several months the fire marshals have been more involved in the building site plan review process and code enforcement through the Building Department. He noted this process has given the City greater consistency with interpreting and enforcing the codes.

Councilmember Knox stated he wanted to guard against imposing any more burdens on the business community. He stated he was not capable of assessing whether the changes are good for the community and he requested that those who are affected make an effort to review the ordinances and submit their comments prior to the next meeting.

11. Consideration and recommendation from the Fish and Game Commission for the Arcadia Lake Access Policy at 33rd Street and Air Depot Boulevard and the equestrian trail parking area, south of 33rd Street and Air Depot Boulevard. The Fish and Game

Commission recommended the following guidelines:

- a) **33rd Street east of Air Depot Boulevard** - Allow pedestrian access to lake on 33rd Street for fishing only from sunrise to sunset. No vehicle parking allowed; fishing will be by drop off only. All fishermen must pay appropriate lake use fee.
- b) **Equestrian trail parking lot** - Allow pedestrian access to lake at the equestrian trail parking area for fishing only from sunrise to sunset. No vehicle parking allowed; fishing will be by drop off only. All fishermen must pay appropriate lake use fee. The gate will be closed and locked at sunset and opened at sunrise.

Larry Stevens, City Manager, addressed Council and stated this item was considered on October 14, 2002. At that time Randel Shadid requested the item be continued for 60 days in order to allow him and his client to meet with the U.S. Army Corps of Engineers. Mr. Shadid requested the item be considered at this meeting. Mr. Stevens stated the recommendations have not changed since then. He noted several discussions have been held with the Corps of Engineers.

Councilmember Knox asked if the recommendations are in compliance with Corps of Engineers policy and Mr. Stevens stated they were based on a letter received from the Corps of Engineers.

Randall Robinson, attorney and past member of the Fish and Game Commission, addressed Council and stated he was on the Commission when these policies were approved. He noted that Title 9 of the Edmond Municipal Code allows fishing at the lake except where specifically prohibited and those are the swimming beaches and areas that are posted. Mr. Robinson stated the recommendations are a compromise between fishermen and area home owners. He stated the Fish and Game Commission attempted to balance the public vs. private concerns regarding safety issues and limit access to the daytime hours. Mr. Robinson stated the recommendations do adhere to the Corps of Engineers policies.

Dayna Duke, area resident, opposed the new policies and stated that she understood several years ago that there would be no pedestrian access near her home and that the equestrian trail program was a pilot program only. Ms. Duke requested that the City either commit more manpower to enforce the current rules and leave the equestrian trail as a pilot program or to close

the equestrian trail and move it to 15th Street where it could be better monitored. She noted that the City can impose regulations on the lake property other than the Army Corps of Engineers policy.

Louis Renfro of Oklahoma City addressed Council and stated he fishes at the lake numerous times during the year and it would be a hardship on him and other retired fishermen to eliminate parking at 33rd Street and Air Depot Boulevard.

Lisa Forester, an equestrian trail rider, addressed Council and requested that fishing and pedestrian access be prohibited to the equestrian trail.

Shannon Edwards, area resident, addressed Council and requested that the Council commit better resources to patrolling the area and keeping it clean.

Earl Groves, area General Manager of the U.S. Army Corps of Engineers, addressed Council and stated he is pleased with the new policies. He stated the complaints are the same at every lake in the state and that these things are part of living next to a public place. Mr. Groves stated the lake is a federally owned facility and must be open to the public. He noted the policy should help improve the situation by restricting access to the lake during the daylight hours.

Councilmember Miller stated he felt the City should leave the lake policy as is and provide better enforcement of the current regulations.

Councilmember Rice stated the policy only affects about 2% of the 27 miles of shoreline and he felt it was not too restrictive and a great compromise. He stated he felt the proposed Fish and Game Commission recommendations were the best solution.

Councilmember Lamb stated he suggested at the October 14th meeting that the City should study moving the equestrian trail parking lot to the head of the trail at Spring Creek. He noted if the trail is moved there would be no need for vehicles to go beyond the gate at 33rd Street. Councilmember Lamb stated the current parking lot appears to be an attractive nuisance and a relocated parking lot could be out in the open where it could be seen from the gate.

Mr. Stevens commended Mr. Groves for his assistance and also the Fish and Game Commission for their work on this issue.

Motion by Rice, seconded by Knox, to accept recommendations of the Fish and Game Commission. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox

and Lamb
NAYS: Councilmember Miller

12. 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 7:35 p.m. and returned to the City Council Chambers at 8:00 p.m.

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

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

13. 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.

14. NEW BUSINESS:

Councilmember Lamb stated he appreciated the Council's response to the Title 22 survey.

Dan O'Neil announced that the Edmond Summit would be held on February 22nd at the Downtown Community Center and invited everyone to attend.

15. Motion by Knox, seconded by Lamb, to adjourn meeting. **Motion carried** as follows:

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

City Clerk

Mayor