

**EDMOND CITY COUNCIL MINUTES**

April 28, 2003

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 28, 2003, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Rice, seconded by Lamb, to approve April 14, 2003, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

- A. Presentation of First Place award for Reliability of Electric System Operations by Shane Woolbright, Executive Director of the Municipal Electric Systems of Oklahoma (MESO).
- B. Presentation of Certificate of Recognition to Oklahoma Christian Academy student Matthew Howitt.
- C. Presentation of proclamation declaring April as "CHILD ABUSE PREVENTION MONTH" in the City of Edmond on behalf of the Edmond Noon Exchange Club and the Edmond Exchange Club.
- D. Recognition of 2003 Award of Excellence to the City of Edmond from the Worker Safety Policy Council and the Oklahoma Department of Labor.
- E. Presentation of proclamation observing May 2-4, 2003, as "HELP THE DEVELOPMENTALLY DISABLED DAYS" in the City of Edmond on behalf of the Oklahoma Knights of Columbus.
- F. Presentation of proclamations to Councilman Steve Knox and Councilman/Mayor Pro Tem Barry Rice.

**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 March 31, 2003.

2) Acceptance of City Treasurer's Investment Report for month ending March 31, 2003.

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

- a) Pelican Bay Aquatic Center
- b) KickingBird Indoor Tennis Court
- c) Steeplechase VIII Addition
- d) Bridgewater Section One

4) Acceptance of public improvements and maintenance bonds for Asheforde Oaks 10<sup>th</sup> Addition, located on the west side of Coltrane, north of Covell.

5) Acceptance of electric easement from Henderson Hills Baptist Church.

6) Acceptance of electric easement from the Federal Employees Credit Union.

7) Consideration of Resolution No. 07-03 of the Mayor and City Council expressing their opposition to the proposed 2/5 of one-cent permanent Oklahoma County sales tax earmarked solely for the operation of the Oklahoma County Sheriff's office. On May 13<sup>th</sup> Oklahoma County voters will decide whether to approve a permanent sales tax.

Sheriff John Whetsel addressed Council and stated the tax is a public safety issue and that the tax is needed in order to increase salaries of deputies and jailers and add additional personnel. Sheriff Whetsel noted that County deputies and jailers are lower paid than most rookie police officers in the metro area. He stated if the tax is approved by voters the city would receive free jail space. At this time the City pays for each person that is housed in the County Jail. Sheriff Whetsel stated he has the support of many county officials and requested the support of the City Council.

Councilmember Knox stated he was concerned that if the tax is approved it will make it more difficult in the future to increase local sales taxes. He noted

the City of Edmond relies heavily on sales taxes for funding public services and sales tax is the only tax available to cities. Councilmember Knox suggested that Sheriff Whetsel use a different vehicle for funding the needed services and salary increases.

Councilmember Rice stated he was not necessarily supportive of the resolution but that he supported the intent of the resolution. He stated he did not see a reason to actually vote on the resolution since he felt that the Council had made their feelings known to the citizens. Councilmember Rice stated he did not feel that it was the right of the Council to tell citizens how to vote on an issue.

Councilmember Miller stated while he supported Sheriff Whetsel he felt that he needed to find a different funding mechanism to get the funds that he needed to operate the Sheriff's office.

Motion by Knox, seconded by Lamb, to approve Resolution No. 07-03. **Motion carried** as follows:

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

8) **Consideration of Resolution No. 08-03 extending the franchise granted to Coxcom, Inc. dba Cox Communications, Oklahoma City, to operate a cable television system within the City of Edmond, Oklahoma for an additional period not to exceed five years.**

9) **Public Hearing and Consideration of Ordinance No. 2782 amending Section 4.68.050 (Section 36 of Ordinance No. 841) of the Edmond Municipal Code, amending Franchise/ License fee for the Cable Television System by increasing the fee from three percent to five percent to be paid on a monthly basis; providing for Repealer and Severability; and Declaring an emergency.**

10) **Public Hearing and Consideration of Ordinance No. 2783 amending Section 14.28.030 of the Edmond Municipal Code providing for an increase in fees for closing easements and public ways, providing for Repealer, Severability and Declaring an Emergency.**

11) **Public Hearing and Consideration of Ordinance No. 2784 amending Chapter 9.35 of the Edmond Municipal Code to add new Section 9.35.026 limiting the number of fishing poles to be used at Arcadia Lake and providing for Repealer, Severability and Declaring an Emergency.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.A.(1-6,8-11). **Motion carried** as follows:

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

Motion by Rice, seconded by Lamb, to attach Emergency Clause to Ordinance Nos. 2782, 2783 and 2784. **Motion carried** as follows and Ordinance Nos. 2782, 2783 and 2784 are in effect immediately:

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

B. **Approval of Purchases:**

1) **Award of proposals and approval of contracts for Employee Group Health Insurance Related Services for Medical Administration (TPA), Dental Administration, Vision Administration, Utilization Review, Pharmacy Benefit Management, Life, AD&D and LTD, Section 125 Administration and Reinsurance for the City of Edmond from the following.** Staff requested this item be continued in order for the City Council and staff to schedule a workshop to discuss the employee group health plan.

- a) Managed Health Resources
- b) Delta Dental
- c) Vision Service Plan
- d) National Health Services
- e) RESTAT
- f) UNUM Provident
- g) CompLink
- h) Gerber Life

2) **Approval of purchase of software maintenance and**

support from TriTech Software Systems in the amount of \$58,710 as a sole source provider.

3) Award of proposal and approval of contract with The Mercer Group, Inc., for a "Limited Scope of Services" to assist in recruitment process for the position of Chief of Police in the amount of \$8,500.

4) Approval of purchase of software maintenance and support from Northup Grumman (previously TRW) for the E\*Justice software program in the amount of \$18,750.

5) Approval of annual contract renewal with Genuine Parts Company dba NAPA Auto Parts for on-site vehicle maintenance parts service in the amount of \$344,851.

6) Approval of professional services agreement with FBS Engineers, Inc. for fiber optic design and inspection services related to construction of a fiber optic line connecting the Cross Timbers Municipal Complex to the City of Edmond network in the amount of \$19,000.

7) Award of proposal and approval of contract for services from the CEDRA Corporation to update GIS data layers consisting of parcels, water, wastewater and storm infrastructure in the amount of \$130,000.

8) Approval of agreement with the Board of County Commissioners of Oklahoma County to construct roadway improvements on N. Westminster Road from Covell Road south to Highway 66, through use of an inter-local agreement in the amount of \$227,000.

9) Approval of Change Order No. 1 with Sine Construction for rehabilitation of residential structure located at 414 Gaycliffee Terrace in the amount of \$868.

10) Approval of Change Order No. 1 with L.G. Construction Company, Inc. for rehabilitation of residential structure located at 741 W. 1<sup>st</sup> Street in the amount of \$225.

Motion by Rice, seconded by Miller, to approve General Consent Items 4.B.(2-10) and to continue Item 4.B.(1) to the next meeting. **Motion carried** as follows:

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

Motion by Rice, 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

7. **PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of house remodeling located on the southeast corner of 2<sup>nd</sup> Street and Boulevard to be used for a law office (Thomas E. Prince, applicant) Case No. SP030008.**
- B. **Public Hearing and Consideration of Ordinance No. 2785 closing a portion of an alley located at 101 E. Hurd (Doug Brenner, applicant) Case No. ES030002.**
- C. **Public Hearing and Consideration of Site Plan approval for an addition and remodeling at 1021 E. 2<sup>nd</sup> Street, the former Dairy Queen (McAlister's Deli, applicant) Case No. SP030009.** The building contains 2,669 square feet and a 703 square foot addition is proposed on the south end of the building.

Mayor Naifeh requested the drive connect to the existing properties.

Bob Schiermeyer, City Planner, addressed Council and stated the drive could connect on either the north or south side of the building.

John Duke, representing the applicant, addressed Council and stated they would prefer to connect on the north side of the building due to the location of 2<sup>nd</sup> Street and the traffic problems that would entail. He stated the detention area would be located on the north side of the building also.

Motion by Knox, seconded by Miller, to approve Planning Consent Item 7.C. subject to a driveway connection on the north side of the building, and that the building meets aesthetic and drainage requirements. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of Sign Variance for the mounting of a sign at the Edmond Sun,**

**123 S. Broadway, as recommended by the Central Edmond Urban Development Board.** A 4 foot by 17 foot sign will be mounted above the existing message board. The sign will contain brackets on each side of the board making them appear as one unit. The sign will not be lighted.

Mayor Naifeh stated she felt the sign will be out of character to the building and does not meet the requirements and standards for the downtown area.

Bob Schiermeyer, City Planner, addressed Council and stated the reader board is non-conforming and was when it was originally approved years ago.

Councilmember Lamb stated the Urban Board reviewed this application and felt the improvements integrated the reader board and as part of the major remodel was an improvement to the downtown area. With the other visual improvements this was going to be a significant element in downtown.

John Tucker, publisher of *The Edmond Sun*, addressed Council and urged approval.

John Small, designer and architect, addressed Council and stated the sign is part of the overall project to improve the corner.

Motion by Rice, seconded by Miller, to approve Planning Consent Item 7.D.. **Motion carried** as follows:

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

- E. **Public Hearing and Consideration of Site Plan approval for a new building at Village Center at Coffee Creek, located on the north side of Covell Road, east of Kelley (Derek Turner, applicant) Case No. PR030010.**
- F. **Consideration of Final Plat for a new building at Village Center at Coffee Creek located on the north side of Covell Road, east of Kelley (Derek Turner, applicant) Case No. PR03006.**
- G. **Consideration of Final Plat of Stonebrook III at Coffee Creek, located on the north side of Covell Road, northeast of Thomas Drive.**
- H. **Public Hearing and Consideration of Ordinance No. 2786 rezoning from "G-A" General Agricultural District to "A" Single Family Dwelling District, located at 2100 E. Covell, located on the south side of Covell Road, approximately one-half mile east of Bryant (JSH, LLC/Cheval Pointe, applicant) Case No. Z030024.**
- I. **Consideration of subdivision name change from Tuscany 1<sup>st</sup> Addition to Tuscany Villas (Tom Vorderlanderwehr, applicant).**
- J. **Consideration of Final Plat of Westminister Addition, located on the southwest corner of Westminister Road and Coffee Creek Road (McGee Properties, applicant) Case No. PR030004.**

Motion by Knox, seconded by Lamb, to approve Planning Consent Items 7.A., 7.B., and 7.E. through 7.J. **Motion carried** as follows:

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

- K. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Suburban Office to Single Family Dwelling Planned Unit Development usage, located on the southeast corner of Bryant Avenue and 33<sup>rd</sup> Street (Neal McGee/Cheyenne Ridge Villas, applicant) Case No. Z030004 (Withdrawn by applicant).**
- L. **Public Hearing and Consideration of Ordinance rezoning from "D-O" Suburban Office District to "A" Single Family Dwelling Planned Unit Development, located on the southeast corner of Bryant Avenue and 33<sup>rd</sup> Street (Neal McGee/Cheyenne Ridge Villas, applicant) Case No. Z030005 (Withdrawn by applicant).**
- M. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Suburban Office to Restricted Commercial Planned Unit Development usage, located on the southeast corner of Bryant Avenue and 33<sup>rd</sup> Street (Neal McGee/Cheyenne Ridge Villas, applicant) Case No. Z030007 (Withdrawn by applicant).**
- N. **Public Hearing and Consideration of Ordinance rezoning from "D-O" Suburban Office District to "D-1" Restricted Commercial Planned Unit Development, located on the southeast corner of Bryant Avenue and 33<sup>rd</sup> Street (Neal McGee/Cheyenne Ridge Villas, applicant) Case No. Z030006 (Withdrawn by applicant).**
- 8. **Public Hearing and Consideration of Ordinance No. 2787 amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Single Family Dwelling usage, located on the northwest corner of Air Depot and Covell Road (Covell Development, LLC, applicant) Case No. Z030020.** The site contains 49.5334 acres and there are no City facilities. A possible water connection is a short distance to the west and would have to be extended to serve lots since they would be located within the quarter section. The City is planning to extend a sewer line southeast of this location for the off-site sewer line for the Cross Timbers Municipal Complex. An electric substation is proposed to the northeast and the solid waste transfer station is located to the northwest. The fire training facility would be located immediately south of this site.

Randel Shadid, attorney representing the applicant, addressed Council and stated he felt the present zoning designation is useless because of the stringent requirements, such as 30% landscaping. He noted that no property with this zoning has ever been developed privately. Mr. Shadid stated his client has a buyer who is aware of the surrounding area uses. He stated the applicant will build in needed buffers to protect future homeowners.

Councilmember Lamb stated he has continued to argue for more industrial use zoning and is concerned with the property developing as residential. He stated he could not see a reason to develop the property as residential due to the surrounding uses and proposed uses. He noted that the utilities are already in place for industrial uses. Councilmember Lamb stated the

area is transitioning into viable development especially with the City's investments in the area. He noted the property is along the I-35 corridor and has high value.

Councilmember Miller stated he could foresee future problems for a residential development in the center of an industrial area. He stated the proposed use is not compatible with the surrounding area. He agreed with Councilmember Lamb that the property is a prime area for industrial use.

Ronnie Williams, 301 St. James, addressed Council in opposition. Mr. Williams stated he felt residential development is not appropriate for this area.

Mr. Shadid stated there was no difference in this property than newly acquired City owned property that abuts a residential neighborhood.

Councilmember Rice stated he did not see a problem with approving the application and that he could envision the area developing as residential due to similar development next to the City's property.

Motion by Lamb, seconded by Knox, to approve Ordinance No. 2787 as read by title by City Planner. **Motion was denied** as follows:

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

**9. Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor to "A" Single Family Dwelling usage, located on the northwest corner of Air Depot and Covell Road (Covell Development, LLC, applicant) Case No. Z030019.** This item is a companion to the above item and was not considered due to the failure of that item.

**10. Public Hearing and Consideration of Ordinance No. 2788 amending Edmond Plan III from Suburban Office to Office Commercial Planned Unit Development usage, located one block south of 9<sup>th</sup> Street, approximately 535 feet west of Bryant (Larry Owsley, applicant) Case No. Z020039.** The property contains 2.65 acres and is an interior tract of land on the parcel owned by the applicant. An assisted living center is proposed for this property. A waterline will need to loop to the Bryant Nursing Center from Bryant. A sewer line located to the south is at capacity and the applicant has indicated he will extend the line east to Bryant to comply with City staff's recommendation. A single drive will extend to Bryant in the center of the applicant's property to provide additional driveway separation from the new traffic light and existing traffic light at 9<sup>th</sup> Street and Bryant.

Randel Shadid, attorney representing the applicant, addressed Council and urged approval.

Charlie Dolezal, President of the Hafer Park Neighborhood Association, addressed Council in opposition. Mr. Dolezal

presented a petition to Council containing more than 160 signatures opposing the application. Justus Chipman and Kaye Emory also addressed Council in opposition.

Councilmember Miller stated the property abuts vacant property and an office park. He noted the assisted living center will generate less traffic than an office development and be less intrusive.

Mayor Naifeh stated she was concerned about drainage in this area. She requested the applicant research the possibility of correcting the existing problems.

Terry Kerr, representing the applicant, addressed Council and stated an existing retaining wall that is falling down due to insufficient drainage is not on their property but on property owned by the Bryant Nursing Center. The property will drain to the east which will leave plenty of room to construct a drainage facility. Mr. Kerr noted that a storm sewer is located at Bryant.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2788 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Rice, seconded by Knox, to attach Emergency Clause to Ordinance No. 2788. **Motion carried** as follows and Ordinance No. 2788 is in effect immediately:

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

**11. Public Hearing and Consideration of Ordinance No. 2789 rezoning from "D-O" Suburban Office and "D-3" Office Commercial to "D-3" Office Commercial Planned Unit Development, located one block south of 9<sup>th</sup> Street, approximately 535 feet west of Bryant (Larry Owsley, applicant) Case No. Z020005.** This is a companion to the above item and was discussed at that time.

Councilmember Lamb encouraged the developer to install the driveway on the north side of the property, but he noted that issue would be discussed during the Site Plan review process.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2789 as read by title by City Planner. **Motion carried** as follows:

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

**12. NEW BUSINESS:**

Randel Shadid addressed Council and stated an article appeared in the *Art of the West* magazine regarding Edmond's public art.

Mayor Naifeh thanked both outgoing Councilmembers for their years on the Council. She stated the swearing in ceremony for the new Councilmembers will be held on May 5<sup>th</sup>.

**13.** Motion by Knox, seconded by Rice, to adjourn meeting.  
**Motion carried** as follows:

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

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City Clerk

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Mayor