

**EDMOND CITY COUNCIL MINUTES**

May 12, 2003

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 12, 2003, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Lamb, to approve April 28, 2003, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. Presentation of proclamation declaring May 14, 2003, as "PEACE OFFICERS MEMORIAL DAY", and May 12-16, 2003, as "NATIONAL POLICE WEEK" in the City of Edmond.

B. Presentation of proclamation declaring May 18-24, 2003, as "NATIONAL PUBLIC WORKS WEEK" in the City of Edmond.

C. Recognition of the following proclamations:

- 1) May 11-17, 2003, as "NATIONAL WOMEN'S HEALTH WEEK"
- 2) May 18-24, 2003, as "SAVE A LIFE WEEK"

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

A. Approval of Administrative Items:

1) Approval of Mayor Sandra Naifeh as City representative and Councilmembers Paula Sanford and David Miller as alternates to the Association of Central Oklahoma Governments.

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

- a) Cheyenne Crossing 2<sup>nd</sup> Addition
- b) Starbucks
- c) Holiday Inn Express
- d) Edmond Door and Plywood

- 3) Acceptance of utility easement from The HUB Properties Trust for a sanitary sewer line to serve the Oklahoma City Clinic.
- 4) Acceptance of electric easement from KFC U.S. Properties to service KFC at 2107 W. Danforth Road.
- 5) Acceptance of electric easement from Pete Lehmann to provide service to 6412 E. Danforth Road.
- 6) Acceptance of electric easement from Millennium Golf Properties for a new facility in the Coffee Creek Golf Course, 4000 N. Kelly Road.
- 7) Acceptance of electric easement from Henderson Hills Baptist Church to serve the new sanctuary at I-35 and 15<sup>th</sup> Street.
- 8) Acceptance of utility easement from Henderson Hills Baptist Church for a water line to serve the new sanctuary at I-35 and 15<sup>th</sup> Street.
- 9) Acceptance of construction permits from the Oklahoma Department of Environmental Quality for the following:
  - a) Tuscany Villas Addition
  - b) Hunter's Creek III Addition
  - c) Johnnie's Charbroil Express
- 10) Approval of contract with the Association of Central Oklahoma Governments to provide traffic counts.
- 11) Approval of Interlocal agreement with the Board of County Commissioners of Oklahoma County for assistance with repairs and maintenance on streets within the City.
- 12) Approval of Resolution No. 9-03 and Public Right-of-Way, Utility and Encroachment agreement with the Oklahoma Department of Transportation for the Boulevard widening project, Danforth to 0.25 miles north of Covell.
- 13) Approval of Resolution No. 10-03 approving

amendments to the City of Edmond Employees' Retirement Plan relating to the Economic Growth and Tax Relief Reconciliation Act of 2001 and Qualified Domestic Relations Orders.

14) Public Hearing and Consideration of Ordinance No. 2790 amending Sections 2.54.070(1)(a)(ii) and 2.54.100(2)(B) of the Edmond Municipal Code to provide for changes in the City's contributions to the Retirement Plan; and amending Section 2.54.111(1)(a)(vi); and deleting Section 2.54.111(1)(a)(vii); and renumbering Section 2.54.111(1)(a)(viii, ix and x) respectively; and amending Section 2.54.010(17) to add New Subsection (c), relating to Non-Alienation of Benefits and Actuarial Assumptions; providing for Repealer, Severability and Declaring an Emergency.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2790 as read by title by City Attorney. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2790. **Motion carried** as follows and Ordinance No. 2790 is in effect immediately:

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

15) Approval of transfer of appropriations to cover 201 (office supplies) and 203 (postage) accounts through June, 2003, for the Legal Department - \$2,000

Motion by Lamb, seconded by Page, to approve General Consent Items 4.A.(1-13,15). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) Approval of Change Order No. 2 with L.G. Construction Company, Inc. for rehabilitation of residential structure located at 741 W. 1<sup>st</sup> Street in the amount of \$400.

2) Approval of Change Order No. 2 with Sine Construction Company for rehabilitation of residential structure located at 414 Gaycliffe Terrace in the amount of \$375.

3) Approval of bid disposition by the Purchasing Manager:

a) Pelco Products - bronze plaques (16) for the Parks and Recreation Department - \$10,730

4) Award of bid and approval of contract for the Multi-Purpose Activity Center project (Senior Center and Parks Administration offices) and approval of Resolution No. 11-03 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Lippert Brothers in the amount of \$4,687,500.

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

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

NAYS: None

5) Award of bid for boat, motor and trailer for the Police Department. Purchasing Manager recommended accepting bids from Boston Whaler (\$29,314) and Mercury Marine (\$8,418) for a total cost of \$37,732 plus freight.

6) Approval of agreement with the C2 Group for consulting and professional services for Federal Issues in the amount of \$48,000.

7) 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.

- 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

Motion by Lamb, seconded by Page, to approve General Consent Items 4.B.(1-3,5-7). **Motion carried** as follows:

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

**8. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of Special Use Permit for a childcare center, located at 401 S. Fretz in the Fountains Business Park (Rose Dockins, representing Childcare of the New Millennium, applicant) Case No. U030002.** The Planning Commission recommended approval subject to modifying the wrought-iron fence by adding the concrete curb.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 8.A. subject to Planning Commission's recommendation. **Motion carried** as follows:

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

- 9. Public Hearing and Consideration of Ordinance No. 2791 amending Edmond Plan III from Neighborhood Commercial to General Commercial Planned Unit Development (PUD) usage, located at 421 N. Bryant (Dr. David Parks, applicant) Case No. Z030028.**

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2791 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 Lamb, to attach Emergency Clause to Ordinance No. 2791. **Motion carried** as follows and Ordinance No. 2791 is in effect immediately:

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

NAYS: None

**10. Public Hearing and Consideration of Ordinance No. 2792 rezoning from "D-2" Neighborhood Commercial to "E-1" General Commercial Planned Unit Development (PUD), located at 421 N. Bryant (Dr. David Parks, applicant) Case No. Z030026.** This item is a companion to the above item.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2792 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

**11. Public Hearing and Consideration of Ordinance No. 2793 amending Edmond Plan III from General Agricultural to Lake Residential Planned Unit Development (PUD) usage, located on the north side of E. 2<sup>nd</sup> Street, west of Post Road (Sugar Hill Ranch, LLC, applicant) Case No. Z030013.**

Motion by Miller, seconded by Page, to approve Ordinance No. 2793 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2793. **Motion carried** as follows and Ordinance No. 2793 is in effect immediately:

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

NAYS: None

**12. Public Hearing and Consideration of Ordinance No. 2794 rezoning from "G-A" General Agricultural District to "L-2" Lake Residential Planned Unit Development (PUD), located on the north side of E. 2<sup>nd</sup> Street, one-half mile east of Douglas (Sugar Hill Ranch, LLC, applicant) Case No. Z030012.** This site contains 90 acres and would be developed into 44 acreage lots. An open space is provided containing 14.96 acres and will be left in its natural state.

Councilmember Lamb stated with the PUD zoning the paving is a

variance request because the streets will only contain four inches of asphalt. He noted that even though the streets are private, Title 21 still requires that they comply with City requirements.

Barry Rice addressed Council and stated the homes will be clustered which allows him to leave the 14 acres open. He noted that under the Oklahoma statutes the property could be developed with no road standards and that he was requesting a variance from City requirements.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2794 as read by title by City Planner. **Motion carried** as follows:

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

**13. Consideration of Preliminary Plat of Sugar Hill Ranch, located on the north side of E. 2<sup>nd</sup> Street, one-half mile east of Douglas (Sugar Hill Ranch, LLC, applicant) Case No. PR030003.**

Motion by Miller, seconded by Lamb, to approve Item 13. **Motion carried** as follows:

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

**14. Consideration of Preliminary Plat of Villages of Stonebridge Planned Unit Development (PUD), located west of Boulevard, south of Edmond Crossing Shopping Center on 33<sup>rd</sup> Street (Derek Turner, applicant) Case No. PR020032.** The development will contain 672 units and is located north of Leavitt's North Park Addition and Lion's Fun Park. The applicant is planning to connect to the Oklahoma City sewer system and a letter of agreement from Oklahoma City has been received by the developer. A collector street will be looped one-eighth mile west of Boulevard generally aligning with Smiling Hills Boulevard and the cross-over in the median on Boulevard where the new City park access will be located. The Planning Commission recommended denial because they felt that the costs for a future traffic light in this area should be shared by the developer.

Derek Turner addressed Council and stated they will probably not

develop the total 672 units. He noted that street design attempted to divert their development's future traffic away from 33<sup>rd</sup> Street and Broadway even though part of the development will route traffic to 33<sup>rd</sup> Street. He stated most of the traffic will access Boulevard close to the new City park access. Mr. Turner stated they are not able to align the southern driveway with the Smiling Hills intersection because of a five acre tract owned by someone else. Their northern access point however, aligns perfectly with the future park access. He noted the other minor driveways will only allow right turns in and out and that they do not plan to ask for additional cross-over access in the Boulevard median. Mr. Turner stated he had met with area property owners and reached agreements.

Councilmember Page stated he was concerned with a stub-out in the southwest corner of the site that may lead to a future connection to Broadway.

Mr. Turner stated that stub-out was originally a full access but that was eliminated early in the discussion due to traffic congestion on Broadway. He noted the stub-out was discussed as a possible site for a crash gate but has since been eliminated also.

Councilmember Miller noted that there are several street stub-outs throughout the City that are not being used. He requested that if a stub-out is approved in the future, that a contingency clause be attached stating that if a street connection is not completed that the stub-out will revert back to green space.

Paul Preston, area property owner, addressed Council and stated the applicant is agreeable to their concerns. He stated they do not want a traffic light at the southern point of the applicant's access due to the traffic congestion that would cause.

Mr. Turner stated a traffic light is not planned at this time. He noted that if a future traffic signal is needed, it will be aligned with access to the new City park and that they will participate in the costs to prepare the intersection for the time the traffic light is needed.

Steve Manek, City Engineer, addressed Council and stated by the time the development is completed, a traffic signal will quite possibly be needed. He also noted there is no funding for a traffic signal in the five-year budget plan.

Councilmember Lamb stated connectivity is an issue in this area of the City which was very apparent by the problems from last week's storms. The proposed development is a limited access addition and that in an emergency, access could be difficult. He stated he felt the crash gate and the gates through the multi-family development as proposed are quite minimum, but at least would be available in an emergency to provide access for homeowners as well as emergency vehicles.

Motion by Miller, seconded by Lamb, to approve Item 14. **Motion carried** as follows:

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

**15. Consideration of Final Plat of Villages of Stonebridge Planned Unit Development (PUD), located west of Boulevard, south of Edmond Crossing Shopping Center on 33<sup>rd</sup> Street (Derek Turner, applicant) Case No. PR020032.**

Motion by Miller, seconded by Sanford, to approve Item 15. **Motion carried** as follows:

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

**16. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family and High Density Multi-Family Planned Unit Development (PUD) and Suburban Office Planned Unit Development (PUD) usage to Single Family Planned Unit Development (PUD) usage, located south of Sorghum Mill Road, east of Kelley (Ace Investments, Inc., applicant) Case No. Z020108.** The applicant requested this item be continued to May 27, 2003.

**17. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family and "C-3" High Density Multi-Family Planned Unit Development (PUD) and "D-O" Suburban Office Planned Unit Development (PUD) to "A" Single Family Planned Unit Development (PUD), located south of Sorghum Mill Road, east of Kelley (Ace Investments, Inc., applicant) Case No. Z020109.** This is a companion to the above item and was also requested to be continued.

Motion by Miller, seconded by Sanford, to continue Items 16 and 17 to May 27, 2003. **Motion carried** as follows:

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

**18. Public Hearing and Consideration of a building addition on the east side of the current Hobby Lobby store using a 19 foot**

**building setback along Boulevard, south of 33<sup>rd</sup> Street, west of Boulevard, 198 E. 33<sup>rd</sup> Street (Hobby Lobby, applicant) Case No. SP030002 (Continued to June 9, 2003, City Council meeting at request of applicant).**

Motion by Page, seconded by Lamb, to continue Item 18 to June 9, 2003. **Motion carried** as follows:

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

**19. Executive Session to discuss the purchase of real property located west of Broadway between 2<sup>nd</sup> Street and 1<sup>st</sup> Street for the Festival Marketplace project (Executive Session authorized pursuant to 25. Okla. Stat. Section 307 (B)(3)).**

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 6:34 p.m. and returned to the City Council Chambers at 6:47 p.m.

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

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

**20. Consideration of action regarding the purchase of real property located west of Broadway between 2<sup>nd</sup> Street and 1<sup>st</sup> Street for the Festival Marketplace project.**

Motion by Miller, seconded by Lamb, to authorize City Attorney to proceed with negotiations. **Motion carried** as follows:

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

**21. NEW BUSINESS:**

Councilmember Lamb announced on May 15<sup>th</sup> the consultant for Title

22 would be holding a workshop beginning at noon in the Downtown Community Center.

Mayor Naifeh stated a workshop is scheduled with the Green City Task Force on May 14<sup>th</sup> at 6:00 pm in the City Council Chambers.

Mayor Naifeh noted that some City residents were still without electricity and power would probably not be restored for at least another week. She wanted to let them know that the City would restore power as soon as possible.

Councilmember Lamb requested that the Mayor make appointments to the various committees at the next meeting. He stated there were two committees that only had one Council representative at this time and were unable to hold meetings.

Councilmember Miller commended the Emergency Management Response team for their actions during the tornado on May 9<sup>th</sup>.

**22.** Motion by Lamb, seconded by Sanford, 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