

**EDMOND CITY COUNCIL MINUTES**

May 27, 2003

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

**2. Approval of Minutes.** Motion by Miller, seconded by Lamb, to approve May 12, 2003, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

- A. Recognition of 2003 Quill Award presented to Nancy Nichols, City Clerk of Edmond, by the International Institute of Municipal Clerks.
- B. Recognition of citizen volunteers from the Edmond Amateur Radio Society and the City of Edmond Emergency Management Team. Mayor Naifeh stated this item would be continued to the next meeting.

**4. Appointments to Boards and Commissions:**

- A. Election of Mayor Pro Tem/Vice Chairman of the Edmond Public Works Authority.

Motion by Miller, seconded by Sanford, to elect Councilmember Lamb. **Motion carried** as follows:

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

- B. Mayor's appointment of Councilmember Page to the Arts and Humanities Council.
- C. Mayor's appointment of Councilmember Page to the Convention and Tourism Advisory Board.
- D. Mayor's appointment of Councilmember Sanford and re-appointment of Councilmember Lamb to the Finance/Audit

**Committee.**

- E. Mayor's appointment of Councilmember Sanford and re-appointment of Councilmember Miller to the Public Works Committee.
- F. Mayor's appointment of Councilmember Page and reappointment of Councilmember Lamb to the Stormwater Drainage Advisory Board.
- G. Mayor's appointment of Councilmember Sanford to the Edmond Historic Preservation Trust.
- H. Mayor's appointment of Councilmember Page to the Visual Arts Commission.
- I. Mayor's appointment of Councilmember Sanford to the Steering Committee for Zoning Ordinance and Site Plan Study.
- J. Appointment to the KickingBird Golf Club Advisory Board. Mayor Naifeh recommended Jami Jarnigan Beavers for re-appointment to serve a term expiring May, 2005.

Motion by Lamb, seconded by Sanford, to approve Items 4.B. through 4.J. **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 City Manager's Financial Report for month ending April 30, 2003.
- 2) Acceptance of City Treasurer's Investment Report for month ending April 30, 2003.
- 3) Acceptance of public improvements and maintenance bonds for the following:
  - a) Trails South entrance
  - b) Bristol Park Commercial

- c) Johnnie's Charcoal Broiler Express
- d) Dental Clinic - 519 S. Santa Fe
- e) Don Chesser Homes
  
- 4) **Acceptance of public improvements and maintenance bonds for the Gardens of Fairfax II, located one-half mile north of Covell, on the east side of Coltrane.**
  
- 5) **Approval of renewal of agreement with the Board of County Commissioners of Oklahoma County for use of the water rescue boat.**
  
- 6) **Approval of amended agreement with B&B Tennis, Inc.**

B. **Approval of Purchases:**

- 1) **Award of bids for miscellaneous electric supplies and miscellaneous office supplies for the YourGovShop member participants.**
  
- 2) **Approval of bid disposition by the Purchasing Manager:**
  - a) Wayest Safety, Inc. - station and work uniforms (including renewal options) for the Fire Department - \$20,000
  - b) Midwest Maintenance, Inc. - janitorial services (including renewal options) for various City buildings - \$42,000

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-6) and 5.B.(1-2). **Motion carried** as follows:

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

Motion by Lamb, seconded by Sanford, 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. **Public Hearing and Consideration of Ordinance No. 2795 rezoning from "A" Single Family Dwelling District to "D-3" Office Commercial District, located at 1135 E. 9<sup>th</sup> Street (The Kid's Place, Inc., applicant) Case No. Z030032.**
- B. **Public Hearing and Consideration of Ordinance No. 2796 partially closing an easement, located at 1609 Breckenridge, Woodlands Addition (Scott Loeffler, applicant) Case No. ES030003.**
- C. **Public Hearing and Consideration of Final Plat of Cheval Pointe, located on the south side of Covell Road, one-half mile east of Bryant (Jack Skaggs, applicant) Case No. PR030010.**

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

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

- 10. **Public Hearing and Consideration of Ordinance No. 2797 amending Edmond Plan III from Neighborhood Commercial to Office Commercial usage, located at 1409 E. Danforth (Aspen Athletic Clubs, applicant) Case No. Z030030.** The applicant is planning a fitness center at this location and the current Edmond Plan does not allow this type of facility.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2797 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. 2797. **Motion carried** as follows and Ordinance No. 2797 is in effect immediately:

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

- 11. **Public Hearing and Consideration of Ordinance No. 2798 rezoning from "D-2" Neighborhood Commercial to "D-3" Office Commercial District, located at 1409 E. Danforth (Aspen Athletic Clubs, applicant) Case No. Z030031.** This item is a companion to the above item.

Motion by Miller, seconded by Page, to approve Ordinance No. 2798 as read by title by City Planner. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of Special Use Permit to remodel the Pratt's Supermarket into the Aspen Athletic Club, located at 1409 E. Danforth (Aspen Athletic Clubs, applicant) Case No. U030004.** The existing building contains 17,192 square feet and an addition to the building is not planned. The applicant is planning to remodel the existing building into a new fitness center with a swimming pool and exercise facilities.

Motion by Lamb, seconded by Miller, to approve Item No. 12.  
**Motion carried** as follows:

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

**13. Public Hearing and Consideration of Ordinance No. 2799 amending Edmond Plan III from Single Family Dwelling Planned Unit Development (PUD) to Restricted Commercial Planned Unit Development (PUD) usage, located on the northwest corner of Covell Road and Sooner Road (Fairfax Joint Venture LLC, applicant) Case No. Z030022.** The site contains approximately six acres and the applicant is planning to construct a convenience store and service station. The area is surrounded by several housing additions and the Cross Timbers Municipal Complex and the Waste Transfer Station is also nearby. Services are not available at this location.

Randel Shadid, attorney representing the applicant, addressed Council and stated the proposed development will abut the Fairfax Golf Course rather than private homes. He presented a petition containing 89 signatures from residents in the Fairfax Addition in favor of the application. Mr. Shadid stated in the future the applicant is planning to construct a new golf course club house and swimming pool. He stated the proposed commercial development will need a lift station which will be paid for and maintained by the commercial project. Mr. Shadid stated they will meet or exceed landscaping requirements for the I-35 corridor. He noted the project will not negatively impact the area because the applicant still has approximately 400 more lots to plat and develop in the Fairfax Addition.

John Bundt (Shiloh Valley Addition), Craig Brown (representing the Harper Family who owns property in the area), Linda Fischel (Shiloh Valley), David Rittersbocker (Steeplechase Addition), Jim Hager (Shiloh Valley), Keith Berry (Augusta Farms), Sparkie Belote (Shiloh Valley) and Ronnie Williams (Edmond Neighborhood Alliance) addressed Council in opposition. Their primary concerns were the increased traffic and they felt the commercial project was not appropriate to the surrounding developments. Mr. Williams stated he felt since there are no utilities in the area that it was not the appropriate time for such a development.

Randel Shadid addressed Council and stated the Edmond Plan has not been reviewed quadrant by quadrant since 1984, although five year updates have been reviewed and approved. He noted that the City has drastically changed since that time and he felt this type of development is needed in this part of the City. Mr. Shadid stated the commercial project is not intended to attract customers from I-35 but is meant for area residents. He stated it was not practical to request a Special Use Permit at this time because that would require the applicant to develop a site plan which is only good for one year. He felt the zoning needed to be in place prior to spending the great amount of money it takes to develop a site plan. Mr. Shadid stated the applicant plans to develop the property himself and has no plans to sell the property. He noted that these types of services are needed at this time due to the number of developments in this area.

Mayor Naifeh stated she is not opposed to amending the Edmond Plan but did not think that now is the time to change the zoning.

General discussion was held regarding updating the Edmond Plan. Staff noted that the process would need to begin in the near future because the updated plan needed to be in effect in February, 2004. Councilmember Lamb stated with the new GIS data files, Council and staff will be able to conduct the plan review in a totally new and very effective way. He noted it will be a very comprehensive way to address some needed areas such as transportation issues and other infrastructure matters.

Councilmember Miller stated he did not feel there was a reason to approve the application at this time due to lack of utility services. He felt this application could be delayed until the Edmond Plan has been updated later this year and that more study is warranted on this corner. Councilmember Miller stated he felt if this corner is rezoned then the other three corners will follow in a domino effect.

Councilmember Sanford stated the area has been floundering for years without any interest in development and now the City has a developer who has spent millions of dollars to develop this corner. She noted the development will be on a future parkway connected to I-35. She stated the applicant has his entire development at stake in this project and that she felt it was a good project.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2799 as read by title by City Planner. **Motion carried** as

follows:

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

Motion by Lamb, seconded by Sanford, to attach Emergency Clause to Ordinance No. 2799. **Motion was denied** as follows:

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

**14. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District Planned Unit Development (PUD) to "D-1" Restricted Commercial Planned Unit Development (PUD), located on the northwest corner of Covell Road and Sooner Road (Fairfax Joint Venture, LLC, applicant) Case No. Z03002112.** This is a companion to the above item and was not considered due to the failure of the Emergency Clause on that item.

**15. Public Hearing and Consideration of Ordinance No. 2800 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 Kelly (Ace Investments, Inc., applicant) Case No. Z020108.** The site contains 116.745 acres and will be developed with 404 single family lots. The Preliminary Plat designates that up to 25% of the lots will be 4800 square feet and the remaining 75% of the lots will be 6000 square feet. A sanitary sewer line extends along the west side of this development serving the Cross Timbers Elementary School which is served by the lift station in Oak Tree. Due to the current problems with that lift station, additional hook-ups are not allowed.

Bryan Coon, Coon Engineering, addressed Council and stated the applicant will participate in whatever solution the City requires to remedy the sewer line issue. He noted that he hesitated to commit to a lift station in case the sewer line issue with Oak Tree is resolved, but he would construct a lift station if the City requires it. He stated when the final plat is submitted it will specify exactly what the applicant intends to do to rectify the sewer line situation. Mr. Coon stated a street will go all the way through the entire addition and a walking trail will also be provided for children attending the elementary school. He noted the proposed project is less dense than what was previously requested.

Councilmember Lamb stated there were several inconsistencies between the Design Statement and the plat. He stated the map does not correspond with retaining 25% of the lots at 4800 square feet. He noted the narrative identifies 15 foot building lines and the plat shows 20 foot building lines. Councilmember Lamb stated the utility easements are shown as 15 foot and City requirements are 20 foot. He also stated he was some concerns about the drainage on the east side pond outfall.

Mr. Coon stated the PUD reflects the maximum allowed and has not

changed since it was submitted. He stated he has continued to refine the plat according to staff's requests and that he would amend the design statement to reflect 20 foot easements. Mr. Coon stated he would commit to construction of a lift station unless the City determined a different mechanism was needed.

Tom Accardi, President of the Oak Tree Homeowners Association, addressed Council in opposition. Mr. Accardi noted increased traffic problems and the existing sewer problems in this area.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2800 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2800. **Motion was denied** as follows:

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

**16. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling and "C-3" High Density Multi-Family Planned Unit Development (PUD) and "D-O" Suburban Office Planned Unit Development (PUD) usage to "A" Single Family Planned Unit Development (PUD) usage, located south of Sorghum Mill Road, east of Kelly (Ace Investments, Inc., applicant) Case No. Z020109.** This is a companion to the above item and was not considered due to the failure of the Emergency Clause. The item will be considered on July 14, 2003. Councilmember Lamb encouraged the applicant to reconcile the PUD Design Statement and master plan/plat to be consistent before any future hearing.

**17. Public Hearing and Consideration of Preliminary Plat of the Cross Timbers Addition, located south of Sorghum Mill Road, east of Kelly (Ace Investments, Inc., applicant).** This is a companion to the above two items and was not considered.

**18. Public Hearing and Consideration of commercial Site Plan approval for the Festival Marketplace (City of Edmond, applicant).** The project is an open-air pavilion 63 by 142 square feet. The pavilion will be located south of the east-west alley parallel to West Edmond Road. The parking lot will contain 111 spaces outside of the pavilion and 23 spaces under the pavilion.

Mike Clark, Administrative Assistant to the City Architect, addressed Council and stated the Festival Marketplace was identified in the 1998 Downtown Master Plan study and is proposed by the Central Edmond Urban Board. Mr. Clark stated

the City owns the parking lot where the pavilion is planned and they are attempting to purchase the remaining property in the block. He stated the primary tenant will be the Farmer's Market. He noted the Park Department will manage this project and attempt to fill the space with other events the remainder of the year.

Councilmember Lamb noted the cost of the project is less than the architect's estimate.

Bill Buell also addressed Council and asked questions regarding this application.

Motion by Lamb, seconded by Miller, to approve Site Plan. **Motion carried** as follows:

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

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

Ryan vs. City of Edmond  
Young vs. City of Edmond

Motion by Sanford, seconded by Miller, to meet in Executive Session to discuss the above items. **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 7:40 p.m. and returned to the City Council Chambers at 7:45 p.m.

Motion by Sanford, seconded by Lamb, 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 pending claims of Ryan and Young.**

Motion by Miller, seconded by Sanford, to authorize City

Attorney to proceed with settlement negotiations. **Motion carried** as follows:

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

**21. NEW BUSINESS:**

Randel Shadid addressed Council and urged the Council to think about approving Emergency Clauses regarding Plan amendments. He stated by not approving an Emergency Clause, it delays the applicant by approximately another month or two.

Mayor Naifeh stated she met with the U.S. Secretary of Transportation regarding Edmond's transportation projects.

**22. Motion by Miller, seconded by Page, 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