

EDMOND CITY COUNCIL MINUTES

June 23, 2003

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 23, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve June 9, 2003, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of Character First recognition award by the Character Council of Edmond.** An award was presented to Liz Laska for the character trait of Boldness.

4. Appointments to Boards and Commissions:

A. **Appointment of Municipal Judge and Associate Municipal Judge.** Mayor Naifeh nominated Alan Synar as Municipal Judge and Elizabeth Kerr as Assistant Municipal Judge.

Motion by Lamb, seconded by Sanford, to approve Item 4.A.
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 May 31, 2003.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending May 31, 2003.**
- 3) **Acceptance of public improvements and maintenance**

bonds for The Ranch Section I, located one-third mile east of Coltrane, on the north side of Covell.

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

- a) Spring Creek - sanitary sewer line rehabilitation and aerial crossing
- b) Channel improvements on Coffee Creek at Air Depot, Covell Road and Midwest Boulevard

5) Acceptance of electric easement from 3409 LLC, to remodel the Winslow Building located at 3409 S. Broadway.

6) Acceptance of electric easement from French Hickman Trust to service the Pedestal Oil French Hickman Trust Oil Well, located east of Sooner Road on Sorghum Mill Road.

7) Approval of interlocal cooperative agreement with the Board of County Commissioners of Oklahoma County for maintenance of section line rights-of-way to include mowing and weed control in the amount of \$25,000.

8) Approval of transfer of appropriations for Vehicle Maintenance - \$45,000

9) Approval of transfer of appropriations for the Historical Society - \$3,682

10) Approval of transfer of appropriations for the Edmond Farmers Market - \$341.90

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1-10). **Motion carried** as follows:

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

B. Approval of Purchases:

1) Award of bids for polemount and padmount transformers for the YourGovShop member participants.

- 2) Approval of Change Order No. 1 with L.G. Construction Company for rehabilitation of residential structure located at 302 W. Main in the amount of \$415.
- 3) Approval of purchase from TriTech for upgrade and maintenance of current Computer-Aided Dispatch (CAD) System software as a sole source vendor in the amount of \$23,735.
- 4) Approval of engineering design contract with C.H. Guernsey for intersection improvements at 2nd Street and Vista and 2nd Street and Bradbury in the amount of \$90,405.
- 5) Award of bid and approval of contract for the Mathis Skate Part Lighting Project and approval of Resolution No. 13-03 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from K.C. Electric in the amount of \$44,555.
- 6) Approval of Change Order No. 3 with Perfect Image for additional document imaging for the Engineering Department in the amount of \$5,100.
- 7) Approval of Change Order No. 1 with Sine Construction for rehabilitation of residential structure located at 405 Lanes Turn in the amount of \$1,255 as part of the Community Development Block Grant (CDBG) program.
- 8) Approval of Change Order No. 2 with Sine Construction for rehabilitation of residential structure located at 405 Lanes Turn in the amount of \$1,250 as part of the Community Development Block Grant (CDBG) program.
- 9) Award of bid and approval of contract for the Downtown Community Center Phase 3 renovation and Resolution No. 14-03 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from W.C. Doan Construction in the amount of \$123,450.
- 10) Award of bid and approval of contract for the Administration Building First Floor renovation and Resolution No. 15-03 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from W.C.

Doan Construction in the amount of \$174,584.65.

11) **Award of bid and approval of contract for the Spring Street Overlay project and Resolution No. 16-03 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from T.J. Campbell Construction Company in the amount of \$643,524.60.

12) **Award of bid and approval of contract for the Mitch Park/Coffee Creek Trails project and Resolution No. 17-03 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Winters Contracting in the amount of \$788,784.76.

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-12). **Motion carried** as follows:

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

6. Approval of Resolution No. 18-03 approving the Operating Budgets of the various City of Edmond Funds for FY 2003/2004 to include the following:

- a) General Fund
- b) Internal Service Funds
- c) Special Revenue Funds
- d) Debt Service Fund
- e) Capital Projects Funds
- f) Trust Funds

John Bundt addressed Council and recommended they remove the \$500,000 in the budget to fund the Master Plan revisions since he felt the Council does not adhere to the current Master Plan or the wishes of the citizenry when considering rezoning requests.

Motion by Lamb, seconded by Miller, to approve Item 6.(a-f). **Motion carried** as follows:

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

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

10. Public Hearing and Consideration of Site Plan approval for Crown Ridge Apartments, located on the east side of Thomas Drive, 393 feet south of Covell Road (ERC Property, formerly Chapel Ridge Apartments, applicant) Case No. SP030006. This item was previously denied on April 14, 2003, and the applicant has since amended the Site Plan. The initial site consists of 10.71 acres with 160 units planned. The application has been amended and an additional 2.57 acres has been added to the east side of the site to be used for an open recreation area. With these changes the complex will have a reduced density of 12 units per acre. Additional trees will be added west of the fence and sidewalk along the frontage on Thomas Drive. The development will contain 14% landscaping not counting the open space. A combination stockade fence with wood and brick posts will be on the north, east and south sides and a metal and brick fence will be located on the front of the property wrapping around the side connecting to the stockade fence. There is one access on Thomas Drive and two crash gates will be installed on the north and south sides of the development. Two playgrounds will be on the interior of the complex. A trash compactor will be provided surrounded by a split face block enclosure.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has attempted to satisfy the opponents and Council by agreeing to several concessions. He noted they agreed at their cost to 393 feet of additional widening on Thomas Drive with a right turn lane at the intersection of Covell and Thomas Drive. Mr. Shadid stated the buildings will be 70% brick and with the added green space it equates to 12 units per acre rather than 16 as originally planned. He noted they changed the name of the complex to avoid any confusion for emergency personnel and also to install fencing around the entire property. He stated they will agree to a stockade fence around the entire perimeter if Council desires.

Bert Berlinger, representing the applicant, addressed Council and stated the City of Edmond is in need of this type of housing. He stated they will install security cameras at the front gate and prefer to have only one entrance. He noted that at previous meetings the opponents have addressed the school overcrowding issue due to the number of children that would come from this complex, and he stated their research shows that single family housing has three times as many children as multi-family housing. Mr. Berlinger stated they have revised the ratio of subsidized versus market rate housing from 80%-20% to 60%-40%. He stated they have met all the site plan objectives with this project.

Cindy Hollis (ERC property management department), Teresa Smith, Geri Gonzales and Carol Conway addressed Council in support.

State Representative Kevin Calvey, representing the Del City

area, addressed Council and recommended denial of the project. He stated he did not feel they were good corporate citizens due to the problems Del City has had with them.

Mark Spencer, Coffee Creek Addition, addressed Council and stated the application does not meet the number one objective of the Site Plan ordinance. He stated the objective stipulates that any new developments are required to show a positive impact on the surrounding area. Mr. Spencer urged the Council to rescind approval of the resolution approved by Council on December 19, 2002, supporting ERC's application for tax credits. He stated the residents of Coffee Creek have requested that staff place on the agenda approval to rescind the resolution but that at this time it has not appeared on any City Council agendas.

Lance Torcum, Beverly Roberts, Susan Taylor, Thomas Crow, Pam Belote, John Sylvester, Kay Wooten, Linda Fischel and Deborah Jacobsen addressed Council in opposition. Their primary concerns were increased traffic, impact to the school system, increased crime and whether ERC could be trusted to maintain the complex in an acceptable manner. Mr. Crow requested architectural shingles be on all the structures. Several petitions were presented containing signatures from area subdivisions.

Ronnie Williams, representing the Edmond Neighborhood Alliance (ENA), addressed Council in opposition. Mr. Williams stated his objection was not just about social issues. He requested more green space between the units and more and smaller playgrounds rather than just two large playgrounds. He stated ENA would support the project if the resolution approving the tax credits was rescinded.

Mr. Berlinger addressed Council and stated the clubhouse will have the architectural shingles and the remaining structures will have three-tab shingles.

Councilmember Miller stated he would rather the 2 + acres of green space be included in the complex rather than on the side of the complex.

General discussion was held regarding the two types of shingles on the complex.

Mr. Shadid addressed Council and stated the applicant would use the architectural shingles on all the buildings if requested by

Council. He stated consideration of the site plan should not be based on trust but on whether the application complies with City ordinances.

Mayor Naifeh asked staff if this area would meet the criteria for the Safe Routes to School program.

Steve Manek, City Engineer, stated because there are two schools in the area it would meet the criteria as a way of keeping children out of the street on their way to and from school.

Mr. Berlinger stated ERC will contribute \$10,000 to an escrow fund to share in the cost of improving the sidewalk system when the remaining property is developed.

Councilmember Lamb stated he lives within one-half mile of the existing Chapel Ridge project and even closer to other apartment complexes and he has not seen an increase in crime related to these apartments. He also did not believe that his property value had decreased as a result of these apartment complexes.

Motion by Miller, seconded by Lamb, to approve Item 10 as amended and subject to architectural shingles on all the buildings, concrete board plank siding on the buildings, a sight proof fence on three sides and the applicant to place \$10,000 in an escrow account to be used for sidewalks and a future crosswalk. **Motion carried** as follows:

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

11. Consideration of Final Plat of Chapel Ridge at Thomas Drive, located on the east side of Thomas Drive, 393 feet south of Covell Road (ERC Properties, applicant) Case No. PR030002. The site contains 10.4223 acres and is being platted as one large lot (Lot 1) and block (Block 1). The project is gated with one access to Thomas Drive. The applicant has granted a 50 foot right-of-way on Thomas Drive for future paving improvements.

Councilmember Lamb asked if the 2 ½ acres of open space has been incorporated into the plat.

Staff stated not at this time due to zoning definitions but will be included in the plat during the next phase.

Motion by Lamb, seconded by Miller, to approve Item 11. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Site Plan approval for a Restaurant, located on the north side of 2nd Street, immediately west of the Wal-Mart Neighborhood Market (Long John Silvers/A&W Restaurant, applicant) Case No. SP030011. The proposed building will contain 2,866 square feet and includes a drive-in window.

Pat Coulter, architect for the applicant, addressed Council and urged approval.

Motion by Lamb, seconded by Page, to approve Item 12. **Motion carried** as follows:

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

13. Reconsideration of commercial Site Plan approval for McAlister's Deli regarding the ramp required to connect to the property to the west, located on the northwest corner of Blackwelder and 2nd Street. This item was previously approved on April 28th requiring a connection to the adjacent property on the west. After reviewing the grade of the property and the disruption of the parking lot planned on the north side of the building, the applicant is requesting that a connection to the adjacent property not be required.

Dwight Butler, engineer for the applicant, addressed Council and stated the property has a very steep grade and in order to reduce the slope they would need to extend the driveway all the way to Blackwelder. He stated this would require them to move the detention area north which would eliminate the parking lot.

Councilmember Lamb stated he felt that the City would be creating an attractive nuisance if a connection were required due to the grade of the property.

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

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

14. NEW BUSINESS:

Councilmember Miller requested in the future that staff place the more mundane items on the agenda before the emotionally charged issues to eliminate the need for applicants to wait until the more intense issues are discussed.

Councilmember Lamb stated he would like to place on the next agenda a presentation from the consultant of the sensitive land study of the Crosstimbers area.

Mayor Naifeh encouraged everyone to attend the 4th of July festivities that begin this coming weekend.

**15. Motion by Miller, seconded by Page, to adjourn meeting.
Motion carried** as follows:

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

City Clerk

Mayor