

EDMOND CITY COUNCIL MINUTES

July 14, 2003

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, July 14, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve June 23, 2003, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

- A. **Presentation award recognizing *The Mayor's Fingerprints on the Future* program to Harry S. Fenton, project engineer.**
- B. **Presentation of Life Saving Award to Officer Jeff Morefield from the Edmond Police Department.**

4. Appointments to Boards and Commissions:

- A. **Appointment to the KickingBird Golf Club Advisory Board.** Councilmember Page nominated Doug Singer for appointment to serve a term expiring in July, 2005.
- B. **Appointment to the Edmond Economic Development Authority Advisory Board.** Mayor Naifeh nominated Ed Gray for appointment to serve a term expiring in July, 2006.

Motion by Lamb, seconded by Sanford, to approve Items 4.A. and 4.B. **Motion carried** as follows:

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

5. Presentations to City Council:

- A. **Report on Edmond Sensitive Areas Project Phase I by Tim Cannon and Veronica Keithley of Cross Timbers Forestry, Tecumseh, Oklahoma.** This study was funded through an Urban and Community Forestry Grant from the Oklahoma Forestry

Services and the United States Forest Service. The data including tree cover, current land use and soil types were compiled and analyzed for unique attributes and common factors. The sensitive areas identified in the report will provide an opportunity for public education on the value of these areas and the need for conservation. The forested areas identified in surveys from 1871, 1930 and 2001 were named remnant forests and have a high probability to have old presettlement trees.

- B. **Presentation of *Edmond Green Print* by Carl Hancuff, Chairman of the Green City Task Force; Rand Phipps, Chairman of Edmond Land Trust, a subcommittee of the Green City Task Force; and consideration of acceptance of report and recommendation for action.** The report outlines a plan for new parks and trails, natural resource conservation, watershed protection and conservation-friendly building techniques. The report recommended details on creating outdoor recreation opportunities, preserving cross-timbers forest lands, establishing a greenbelt along the City's northern and eastern boundaries and protection of water quality through land conservation.

Carl Hancuff addressed Council and stated 15 citizens worked on the Task Force for approximately 16 months. Steve Ancik, Ed Cunliff, Jay Yowell and Rand Phipps also addressed Council. Mr. Phipps stated the Task Force wanted to create an "Edmond Land Trust" as a non-profit organization to ensure implementation of the *Edmond Green Print*. He thanked the Council for approving \$10,000 in the current fiscal year budget for start-up funding.

Motion by Page, seconded by Sanford, to accept the report.
Motion carried as follows:

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

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

A. **Approval of Administrative Items:**

- 1) **Acceptance of electric easements to provide electric service to the following:**

- a) Kelly Centre LLC
 - b) Clear Creek Partners, LP
 - c) Aubrey K. McClendon
- 2) **Acceptance of public improvements and maintenance bonds for the following:**
- a) Santa Fe High School
 - b) Trails South
 - c) Woodbridge Addition
- 3) **Approval of supplemental appropriations for Fire Public Safety limited Tax fund - \$2,500**
- 4) **Approval of increase in Code Enforcement Administrative fees on abatements (weeds, grass, etc.).** Staff is requesting an increase from \$100 to \$150 for all abatements. The current fees are not covering the City's costs for abating properties. A study also revealed that the fees are below the average charged by other municipalities and are below the amount of the fine when a citation is issued rather than abatement of the property.

Councilmember Lamb requested that a fee of \$75 for repeat offenders with progressive amounts each time the property is abated also be approved. This fee is charged in Oklahoma City and Tulsa for repeat offenses. He noted that some homeowners do not maintain their property preferring to let the City abate their property since some homeowners feel it is cheaper than hiring a lawn care person.

General discussion was held on assessing progressive amounts for repeat offenders and consensus of Council was to only assess a \$75 fee each time for repeat offenders.

Motion by Lamb, seconded by Miller, to approve General Consent Item 6.A.(4) and to assess a \$75 fee each time for repeat offenders. **Motion carried** as follows:

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

- 5) **Approval of Resolution No. 19-03 to program a**

transportation project to widen 33rd Street from Kelley to Santa Fe in the estimated amount of \$500,000 for the City's 20% share.

6) Approval of Resolution No. 20-03 to program a transportation project to widen Covell Road from Thomas Drive to Broadway including a railroad underpass, bicycle paths and sidewalks in the estimated amount of \$721,544 for the City's 20% share.

Motion by Miller, seconded by Lamb, to approve General Consent Item 6.A.(6). **Motion carried** as follows:

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

7) Approval of agreements with the following social agencies and community services for FY 2003/2004:

- a) Edmond 4th of July Festival, Inc. - \$48,500
- b) Hope Center of Edmond - \$80,000
- c) Edmond Arts and Humanities Council - \$10,250
- d) The Kid's Place - \$40,000
- e) Project R.E.A.D. - \$7,000
- f) Edmond Mobile Meals - \$9,000
- g) Edmond Round Up Club - \$4,000
- h) Parents Helping Parents, Inc. - \$10,000
- i) Fine Arts Institute of Edmond, Inc. - \$15,000
- j) Character Council of Edmond, Inc. - \$3,000
- k) Edmond Historical Society - \$100,000
- m) Edmond Historic Preservation Trust - \$25,000
- n) Emergency Medical Service Authority - \$400,000
- o) Central Oklahoma Transportation and Parking Authority - \$92,942

Motion by Lamb, seconded by Miller, to approve General Consent Items 6.A.(1-3,5,7a-k,m-o). **Motion carried** as follows:

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

Councilmember Sanford left the City Council Chambers.

7) Approval of agreements with the following social

agency for FY 2003/2004:

- 1) Edmond Chamber of Commerce - \$272,300

Motion by Miller, seconded by Page, to approve General Consent Item 6.A.(71). **Motion carried** as follows:

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

Councilmember Sanford returned to the City Council Chambers

B. **Approval of Purchases:**

- 1) Approval of construction management contract with Cobb Engineering for the Mitch Park/Coffee Creek Trail project in the amount of \$38,284.61.
- 2) Approval of design contract with FBS Engineers for bridge replacement on Coltrane Road over Spring Creek 0.2 miles north of 15th Street in the amount of \$103,500.
- 3) Approval of Change Order No. 2 with L.G. Construction Co., Inc. for rehabilitation of residential structure at 302 W. Main in the amount of \$540 as part of the Community Development Block Grant (CDBG) program.
- 4) Award of bid and approval of contract for the Boulevard Park access road and approval of Resolution No. 21-03 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from T.J. Campbell Construction in the amount of \$68,642.62.
- 5) Approval of purchase from IBM of annual maintenance for computer mainframe equipment as a sole source vendor in the amount of \$16,000.
- 6) Approval of agreement with January Investments, LLC for necessary land improvements on the construction site of Fire Station No. 5 in the amount of \$55,000.
- 7) Approval of Bid Disposition by the Purchasing

Manager for the following:

- a) NACR - telephone system switch upgrade for Central Communications in the amount of \$31,524.
- b) Personalized Vending Company - vending machine services for City departments - City to receive 10% of sales

Motion by Lamb, seconded by Page, to approve General Consent Items 6.B.(1-7). **Motion carried** as follows:

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

Motion by Lamb, seconded by Page, 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. PLANNING CONSENT ITEMS:

- A. **Consideration of approval of correction of plat of Asheforde Oaks 10th Addition, located west of Coltrane and one quarter mile north of Covell (MGR Engineers, applicant).**

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 10.A. **Motion carried** as follows:

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

- 11. Public Hearing and Consideration of commercial Site Plan approval for an office park, located on the northwest corner of Kelley and 7th Street (Lambrecht Construction Co. representing Silver Leaf Office Park, applicant) Case No. SP030014.** The applicant is requesting a variance to the requirement for preliminary and final plats. The applicant will grant 20 feet of right-of-way on Kelley for this phase. An additional 17 feet of right-of-way for the first phase of Silver Leaf Office Park is also requested in order to install a traffic light and turn lane. Staff stated this easement has not been received as of this date.

Councilmember Lamb stated he was opposed to the variance for submittal of a Final Plat and stated he did not want to approve the site plan without the property being platted. He noted that Title 21 requires a Final Plat for all commercial projects. Councilmember Lamb stated the City's GIS department needed the property platted for their mapping purposes.

Larry Lambrecht addressed Council and stated he felt that platting the property would not accomplish anything other than adding to their paper work. He stated he felt it was a continuance of the existing project.

Motion by Lamb, seconded by Sanford, to approve Item 11 subject to submittal of Final Plat. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Ordinance No. 2804 rezoning from "A" Single Family Dwelling District and "C-3" High Density Multi-Family Planned Unit Development (PUD) and "D-O" Suburban Office Planned Unit Development to "A" Single Family Planned Unit Development, located south of Sorghum Mill Road, east of Kelley (Ace Investments, Inc., applicant) Case No. Z020109. An amendment to the Edmond Plan III was approved on May 27, 2003, without the Emergency Clause needed to consider the rezoning. Council also addressed inconsistencies between the PUD Design Statement and the master plan/plat at that time. The applicant has amended the Design Statement as follows:

- 1) A lift station will be installed at the northwest corner of the PUD area and a force main along Sorghum Mill will serve the Cross Timbers Development only. The applicant will provide maintenance per City requirements.
- 2) The Master Plan and Design Statement both provide 20 foot front building lines.
- 3) The minimum lot size will be 60,000 square feet or greater
- 4) An agreement or intent to provide an easement extending from Kelley to the stub-out street planned to the west boundary (Jane Drive) is being provided.

Bryan Coon, Coon Engineering, addressed Council and stated all the issues discussed at the last meeting have been resolved with the above amendments to the Design Statement.

Councilmember Miller requested that rather than construct the stub-outs for Wildfire and Ellen Drive that are stubbing into Belmont Farms, that the applicant dedicate easements and also place money into an escrow account to be used later if the street stub-outs become necessary. He stated if the stub-outs are not needed when Belmont Farms develops further, then the

applicant would not have wasted the money to construct the stub-outs and he would be able to recover the money in escrow. Councilmember Miller stated not constructing the stub-outs will save the applicant money and will eliminate stub-out streets backing up to resident's fences. He noted that when Belmont Farms submits a Final Plat for their next phase that Council will urge them to connect to Wildfire and Ellen Drive.

Mr. Coon stated the stub-outs could remain on the preliminary plat until the Final Plat for that phase is prepared. He stated he would work that issue out when Belmont Farms begins their next development phase.

Councilmember Lamb stated if Jane Drive is connected to Kelley and two streets are connected onto Sorghum Mill Road, then he would not be opposed to eliminating the stub-outs of Wildfire and Ellen Drive entirely. He stated that would allow the residents options for exiting from the addition.

Mr. Coon stated that the street connection of Jane Drive to Kelley will be addressed in the Final Plat for that phase of the development. The developer needs to determine the best placement for that road as it will impact the future development of the unplatted area.

Dan O'Neil, Chairman of Cross Timbers Tree Preservation Committee, addressed Council and stated he felt the name chosen for the subdivision is inappropriate and he requested the applicant consider changing the name of the addition. He noted the City's municipal complex is also named Cross Timbers.

Mr. Coon stated when the applicant presents the Final Plat for the first phase, they will have a new name to avoid any confusion.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2804 as read by title by City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of Preliminary Plat of the Cross Timbers Addition, located south of Sorghum Mill Road, east of Kelley (Ace Investments, Inc., applicant) Case No. PR020041. This is a companion to the above item and was discussed at that

time. The addition contains 404 lots on 116.745 acres. Mr. Coon stated during the Final Plat for the next phase, the street stub-out onto Kelley will be resolved.

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

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

NAYS: None

14. Public Hearing and Consideration of commercial Site Plan approval for a retail center, located south of Danforth Road, east of the Wal-Mart Super Center (Frank Battle/Expressway Development, LLC, applicant) Case No. SP030012. The site consists of 4.24 acres and the building will contain 30,000 square feet with a possible 16 tenants. There will be a drive approach on Danforth that will be a shared driveway with a pad site owned by Wal-Mart. A new detention area will be installed in the southwest portion of the site as an extension of the original Wal-Mart detention. The applicant would like the option to install the deceleration lane on Danforth.

Randel Shadid, attorney representing the applicant, addressed Council and stated when this item was considered several years ago, the Council discussed the deceleration lane and a parapet wall on the back of the lot. He stated the neighboring homeowners agreed that those things were not needed at that time. He requested Council approve the PUD as submitted and agreed upon by abutting homeowners. Mr. Shadid stated the pine trees were agreed upon by the abutting land owners and he felt they should not change that commitment. He noted that when Danforth was widened several trees were removed from the right-of-way in front of Park Lane Estates and his client has replaced five of those trees. He noted that the applicant has repaired the fence and brick wall in the area also. Mr. Shadid stated he felt they have gone the extra mile to satisfy the homeowners and complied with all agreements.

Dan O'Neil addressed Council regarding the height of the light poles and felt they should not be any higher than 25 feet tall. It was noted by Mr. Shadid that the lights would be 26 feet tall and 17.5 feet tall on the south side of the property nearest to the Park Lane Addition.

Councilmember Page was concerned about deliveries to the shopping center blocking the fire lane since it is not very

wide. He also stated that he felt there would be many violations of parking in the fire lane.

Mr. Shadid stated if the fire lane was widened they would have to remove trees and greenbelt.

Mayor Naifeh stated she felt the deceleration lane should be mandatory since this is a very busy street.

Jack Neal, President of Homestead Homeowners Association, addressed Council and requested a deceleration lane be installed.

General discussion was held and consensus of Council was to require a deceleration lane.

Motion by Miller, seconded by Sanford, to approve Item 14 subject to a limit of 26 foot tall light poles with 17.5 foot tall poles on the south and the addition of a deceleration lane.

Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Sanford,
Lamb and Miller

NAYS: Councilmember Page

15. Consideration of Preliminary Plat approval for a retail center, located south of Danforth Road, east of the Wal-Mart Super Center (Frank Battle/Expressway Development, LLC, applicant) Case No. PR030015. This is a companion to the above item and was discussed at that time.

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

AYES: Mayor Naifeh, Councilmembers Sanford,
Lamb and Miller

NAYS: Councilmember Page

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

17. Executive Session to discuss the 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 Miller, seconded by Lamb, 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 7:28 p.m. and returned to the City Council Chambers at 7:52 p.m.

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

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

18. Consideration of action regarding the purchase of real property located west of Broadway between 2nd Street and 1st Street for the Festival Marketplace project.

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

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

19. Consideration of action regarding the purchase of real property along 2nd Street, south of the University of Central Oklahoma Campus. Mayor Naifeh stated no action would be taken on this item.

20. NEW BUSINESS:

Mayor Naifeh announced the Oklahoma County Commissioners meeting will be held in the Edmond City Council Chambers on Wednesday, July 16th at 6:00 p.m. She thanked the Oklahoma County Court Clerk Priscilla Presley and Nancy Nichols for attempting to find a solution to keeping the County satellite office open full time.

21. Motion by Lamb, seconded by Miller, to adjourn meeting. **Motion carried** as follows:

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

NAYS: None

City Clerk

Mayor