

EDMOND CITY COUNCIL MINUTES

July 28, 2003

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

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve July 14, 2003, Minutes. **Motion carried** as follows:

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

3. Appointments to Boards and Commissions:

- A. **Appointment to the Parks and Recreation Advisory Board.** Councilmember Page nominated Steve Ancik for appointment to serve a term expiring July, 2007.
- B. **Appointment to the Visual Arts Commission.** Councilmember Page nominated Larry Westmoreland for appointment to serve a term expiring January, 2004.
- C. **Appointment to the Parks and Recreation Advisory Board.** Councilmember Sanford nominated Jack Hayes for re-appointment to serve a term expiring July, 2007.
- D. **Appointment to the Parks and Recreation Advisory Board.** Councilmember Miller nominated Jamie Hooyman for re-appointment to serve a term expiring July, 2007.
- E. **Appointment to the Metropolitan Library Commission.** Mayor Naifeh nominated Greg Womack for re-appointment to serve a term expiring July, 2006.
- F. **Appointment to the Board of Adjustment/Board of Appeals.** Mayor Naifeh nominated Ronnie Nutt for appointment to serve a term expiring July, 2006.
- G. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Dr. Narasinga Rao for appointment to serve a term expiring July, 2006.
- H. **Appointment to the Employee Pension and Retirement Board.**

The Board nominated Johnny Carter, Joyce Dedek and James Harrod for re-appointment to the Administrative Committee.

Motion by Miller, seconded by Lamb, to approve Items 3.A. through 3.H. **Motion carried** as follows:

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

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 June 30, 2003.**

2) **Acceptance of City Treasurer's Investment Report for month ending June 30, 2003.**

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

- a) Evergreen waterline improvements
- b) FY 02/03 School Zone Safety Project
- c) KFC/Long John Silver
- d) First Presbyterian Church
- e) 300 S. Bryant

4) **Acceptance of right-of-way easement, sanitary sewer line utility easement and water line utility easement from St. Mary's School at Covell, east of Broadway.**

5) **Approval of agreement with Edmond Family Services for FY 2003/2004 in the amount of \$100,000.**

6) **Approval of collective bargaining agreements with the following:**

- a) International Association of Firefighters Local 2359
- b) Fraternal Order of Police Lodge 136

7) **Approval of Resolution No. 22-03 to continue the on-going collection of 3% user fee for 9-1-1 service provision, as collected through individual telephone**

billing.

8) Approval of transfer of appropriations from two Police Department's CIP projects and approval of supplemental appropriations to the Animal Welfare Facility project - \$297,000 total

9) Public Hearing and Consideration of approval of the Consolidated One-Year Action Plan describing Community Development Block Grant (CDBG) funds for FY 2003 beginning October 1, 2003, and ending September 30, 2004, in the amount of \$490,000.

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.A.(1-9). **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. 1 with C.D. Kyle Construction Company for the Police Firearms Training Facility project for no net changes in the dollar amount.

2) Approval of Amendment No. 2 with Hornbeek Larsson Architects, P.C. for Edmond Senior Citizen's Center/ Park and Recreation Administration design services in the amount of \$5,000.

3) Approval of contract with University of Central Oklahoma (UCO) for broadcast services for Cox Cable Channel 20 in the amount of \$29,315.

4) Approval of purchase from the Cisco state contract SW154 of a 6513 Network Router from SBC for the MIS Department in the amount of \$106,306.20.

5) Approval of paramedic training services from Metro Technology Center for Fire Department personnel in the amount of \$31,200. Mayor Naifeh stated this item would be continued to the next meeting.

6) Approval of amendment to the agreement with Selser Schaefer Architects for design of the Animal

Welfare Facility in the amount of \$8,190.

7) **Approval of amendments to agreements for various design, value engineering, construction management and design issues associated with the Public Service Center, Fire Station No. 5 and fire apparatus equipment storage facilities with the following:**

- a) The Orion Group - geothermal design and preservation survey services in the amount of \$26,500
- b) LWPB Architects and Planners - geothermal, greenbelt landscape and apparatus storage interior design services in the amount of \$62,812
- c) Cobb Engineering Company - geothermal value engineering and construction management services in the amount of \$5,513

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.B.(1-4,6-7). **Motion carried** as follows:

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

5. Approval of Tort Claim Committee's recommendations on Tort Claims.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
23-0046 Street Department	Deny - \$2,336.67
24-0001 Fire Department	Pay -
\$3,957.25	

Motion by Miller, seconded by Page, to approve Tort Claim Committee's recommendations on Tort Claims. **Motion carried** as follows:

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

Motion by Page, 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

9. PLANNING CONSENT ITEMS:

- A. Public Hearing and Consideration of commercial Site Plan approval for a commercial building located on the southwest corner of 1st Street and Fretz (Pete Reeser, applicant) Case No. SP030017.
- B. Public Hearing and Consideration of commercial Site Plan approval for a commercial building located on the northeast corner of 1st Street and Santa Fe Drive (Pete Reeser, applicant).
- C. Consideration of Preliminary Plat for Fairfax Addition, located east of Coltrane, north of Covell Road (J.W. Armstrong/Fairfax Joint Ventures, LLC, applicant) Case No. PR030018.

Motion by Page, seconded by Lamb, to approve Planning Consent Item 9.C. **Motion carried** as follows:

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

- D. Consideration of amended Final Plat of Oak Tree Park III Addition, located on the west side of Kelly, 1040 feet north of Coffee Creek Road (Oak Tree Park Development, LLC, applicant).

Motion by Miller, seconded by Sanford, to approve Planning Consent Items 9.A., 9.B. and 9.D. **Motion carried** as follows:

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

- E. Acceptance of utility easement for a sanitary sewer line located south of Danforth Road (JABO, LLC, applicant). Mayor Naifeh stated this item would be continued to the next meeting.
- F. Public Hearing and Consideration of commercial Site Plan approval for Under the Sun garden center, located on the north side of 33rd Street, between Broadway and the railroad tracks (John Henry and Company, applicant) (Continued to August 11, 2003, at request of applicant) Case No. SP030015.
- G. Public Hearing and Consideration of building addition on

the east side of the current Hobby Lobby store using a 19 foot building setback along Boulevard, south of 33rd Street, west of Boulevard, 198 E. 33rd Street (Hobby Lobby, applicant) (Continued to August 25, 2003, at request of applicant) Case No. SP030002.

10. Consideration of sign variance for Station at UCO/Starbucks, located on the northeast corner of Bauman and 2nd Street (Joe Javadzadeh, applicant) Case No. SP020044. The applicant is requesting a variance to allow the existing non-conforming sign to be used for the new Starbucks and retail space that is under construction. The existing sign is 30 feet tall and 93 square feet. City code allows a 20 foot tall sign, 75 square feet per side.

Barry Rice, attorney representing the applicant, addressed Council and stated the applicant will reduce the height of the sign to 20 foot. He stated with 93 feet of copy, the sign will be 18 square feet larger than allowed and will be able to accommodate text for two other businesses that will be built on the site later. Mr. Rice noted the sign logo would be the same size as the sign logo for the Starbucks on Broadway.

Councilmember Miller stated he was willing to approve the variance if the sign is not larger than the Starbucks sign on Broadway.

Mayor Naifeh stated she could not support the variance since she felt that this Council, as well as previous Councils, have attempted to beautify the city by limiting the sizes of signs. She stated the sign variance will not enhance that corner and since that area is a main entrance into that section of the City she preferred the sign to conform to City requirements.

Councilmember Lamb stated his position is that it does not conform with Title 15 regarding continuation of a non-conforming sign. He noted the new building requiring a new site plan is the opportunity for the City to get a new sign that complies with the sign ordinance.

Motion by Miller, seconded by Lamb, to approve Item 10. **Motion was denied** as follows:

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

11. Public Hearing and Consideration of Ordinance No. 2805 amending Edmond Plan III from Single Family Dwelling to Single Family Planned Unit Development (PUD) usage, located on the south side of 33rd Street between Whispering Heights Addition and

Smiling Hills Addition, 800 E. 33rd Street (Jim Case Homes, Inc., applicant) Case No. Z030029. The site contains 10 acres and 42 homes are proposed for a density of 4.99 units per acre. One gated access off 33rd Street is planned and there will not be a connection to Owens Avenue. Minimum lot size is 5500 square feet with an average size of 7000 square feet. Seven lots that side next to Whispering Heights or Smiling Hills Additions will be 5500 square feet with a 10 foot side yard setback. A six foot privacy fence will be installed on the east, south and west of the addition.

Randel Shadid, attorney representing the applicant, addressed Council and stated the design choice was made to allow the developer to design the only street into the addition with a curve to make it more aesthetically pleasing than just a straight street ending in a cul-de-sac. He stated the applicant met with approximately eight residents who attended a homeowners association meeting. Mr. Shadid stated all the medians will be landscaped and the detention area will be used as a park.

Guy Taylor, Whispering Heights Addition, addressed Council and stated he did not object to the property being developed but he objected to the 10 foot side yard setback. He stated most of the homes in the surrounding additions have a 60-70 foot back yard setback to provide a buffer from neighboring homes. Mr. Taylor stated the application is not compatible to the area due to the density of the development. He noted that drainage is an issue in this area also.

Mayor Naifeh stated she wanted to be assured that the gated entrance would not cause a traffic backup on 33rd Street.

Mr. Shadid stated the gate would be operated with a garage door type opener and that the gate was set back 80 feet from 33rd Street.

Steve Manek, City Engineer, addressed Council and stated the gate setback is approximately four car lengths and historically there have not been any problems with that length.

Mayor Naifeh also asked if the drainage from the proposed development would worsen the drainage problems in this area.

General discussion was held regarding drainage and Mr. Manek stated the detention area will increase the amount of runoff retained from approximately 14,000 cubic feet to 27,000 cubic feet. He noted that the development will not increase the rate

of runoff past historic levels and their detention pond will retain almost double what is required.

Councilmember Miller stated his concern with the application was that the developer has designed seven lots showing the setbacks as side yard setbacks but in reality for the homeowners behind the seven lots, they are back yard setbacks.

Councilmember Lamb stated the design statement specified that there could be no roof overhang into the 10 foot utility easements. He also noted that several things have been done in the past to attempt to remedy the drainage problems in the area due to the flat conditions of the property.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2805 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. 2805. **Motion carried** as follows and Ordinance No. 2805 is in effect immediately:

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

12. Public Hearing and Consideration of Ordinance No. 2806 rezoning from "A" Single Family Dwelling District to "A" Single Family Planned Unit Development (PUD), located on the south side of 33rd Street between Whispering Heights Addition and Smiling Hills Addition, 800 E. 33rd Street (Jim Case Homes, Inc., applicant) Case No. Z030025. This is a companion to the above item and was discussed at that time.

Councilmember Miller stated he was opposed to homes being built right next to the property lines. He noted that to the existing homeowners, the proposed seven homes will be in their backyards.

Councilmember Lamb stated that lots with side yards adjacent to back yards is a common condition all over Edmond. He noted that an amendment to the PUD design statement and the plat to provide 11 foot building line setbacks on the seven lots in question should help avoid the potential to encroach in the utility

easements.

Randel Shadid addressed Council and stated the roofs will be 7/12 pitch which allows about one foot of overhang from the building. He noted the developer wanted to design the addition so that it would not be an ordinary one street addition. He stated the applicant will amend the PUD to designate 11 foot side yard setbacks so that the building roofs will not overhang into the utility easements.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2806 as read by title by City Planner subject to amending the PUD to reflect a minimum of 11 foot side yard setbacks. **Motion carried** as follows:

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

13. Consideration of Preliminary Plat for Georgetowne Addition, located on the south side of 33rd Street between Whispering Heights Addition and Smiling Hills Addition, 800 E. 33rd Street (Jim Case Homes, Inc., applicant) Case No. PR030009. This is a companion to the above two items and was discussed at that time.

Motion by Lamb, seconded by Sanford, to approve Item 13 with the same amendment as Item 12. **Motion carried** as follows:

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

14. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling and Suburban Office to Restricted Commercial Planned Unit Development (PUD) usage, located on the northeast corner of Bryant and 33rd Street (Winchester Development, LLC/Thornbrooke Plaza, applicant) Case No. Z030011. Mayor Naifeh stated this item was continued to September 8, 2003, at the request of the applicant.

15. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial Planned Unit Development (PUD), located on the northeast corner of Bryant and 33rd Street (Winchester Development, LLC/Thornbrooke Plaza, applicant) Case No. Z030014. This is a companion to the above item and was also continued to September 8, 2003, at the request of the applicant.

16. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to Suburban Office Planned Unit Development (PUD) usage, located north of 33rd Street, east of Bryant (Winchester Development, LLC/Thornbrooke Plaza, applicant) Case No. Z030015. Mayor Naifeh stated this item was continued to September 8, 2003, at the request of the applicant.

17. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "D-O" Suburban Office Planned Unit Development (PUD) usage, located north of 33rd Street, east of Bryant (Winchester Development, LLC/Thornbrooke Plaza, applicant) Case No. Z0300165. This is a companion to the above item and was also continued to September 8, 2003, at the request of the applicant.

18. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to Suburban Office Planned Unit Development (PUD) usage, located north of 33rd Street, east of Bryant (Winchester Development, LLC/Thornbrooke Plaza, applicant) Case No. Z030017. Mayor Naifeh stated this item was continued to September 8, 2003, at the request of the applicant.

19. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "D-O" Suburban Office Planned Unit Development (PUD) usage, located north of 33rd Street, east of Bryant (Winchester Development, LLC/Thornbrooke Plaza, applicant) Case No. Z030018. This is a companion to the above item and was also continued to September 8, 2003, at the request of the applicant.

20. Consideration of Final Plat of Thornbrooke Manor Addition, located one-eighth mile east of Bryant, just over one-quarter mile north of 33rd Street (Winchester Development, LLC/Thornbrooke Plaza, applicant) Case No. Z030020. The proposed addition contains 23.64 acres and 39 single family lots. The lots on Stratton Drive will have 25 foot front yard setbacks to match the existing homes on the street. The remainder of the streets will have 20 foot front yard setbacks. A detention area will be maintained by the homeowners association.

Carlos Davilla, Red Plains Engineering, addressed Council on behalf of the applicant. Mr. Davilla stated the developer is the same developer who developed the first addition. He stated

the applicant has never committed to all streets in the addition being concrete. Mr. Davilla noted they will solicit bids for both asphalt and concrete streets to see which method is the most cost effective. He stated in his opinion that asphalt is equal to concrete for street paving materials.

Nila Rauk (Forest Oaks Addition) and Richard Goodwin (Thornbrooke I Addition) addressed Council on this application. Ms. Rauk was concerned about drainage. Mr. Goodwin stated he wanted to maintain the look of the existing homes in the proposed addition. He also requested that all the streets be paved with concrete to match the existing streets. Mr. Goodwin noted that a new street will connect to an existing concrete street in Thornbrooke and he felt it would not be aesthetically pleasing to have an asphalt street connecting to a concrete street. Van Jones, Thornbrooke Addition, also addressed Council requesting concrete streets.

Mayor Naifeh and Councilmember Sanford both stated they preferred the streets be consistent with the existing streets and requested concrete paving.

Councilmember Lamb stated as long as the streets meet City codes, he felt that the City could not designate the type of paving product to use.

Motion by Miller, seconded by Lamb, to approve Item 20. **Motion carried** as follows:

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

21. NEW BUSINESS:

Tom Langdon, Fox Lake Addition, addressed Council regarding clearing of land northwest of 15th Street and I-35. He noted that bulldozers were working in that area this morning. Mr. Langdon stated he understood, after speaking with City staff, that the developer had been denied permission to clear the land prior to a drainage/grading plan being approved by the City Engineer. He requested action from the City to prohibit any further clearing or grading of the property. He suggested the City apply to District Court for injunctive relieve until such time as the appropriate studies have been submitted to the Engineering staff.

Steve Murdock, City Attorney, stated he had recently mailed a

letter to the developer advising them of City requirements. He stated that he would check into the land clearing action and call Mr. Langdon with more information.

Councilmember Lamb announced the Oklahoma Municipal Power Authority meeting on August 14th at 6 p.m. and invited Council to attend.

Mayor Naifeh stated that transportation issues continue to be an item of contention with many residents and that she is planning to establish a transportation task force in the near future.

Mayor Naifeh also noted that steps have been taken regarding the City's water problems and encouraged residents to comply with the watering schedules. She noted that the City will continue to research solutions to these problems.

22. 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