

**EDMOND CITY COUNCIL MINUTES**

August 25, 2003

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 25, 2003, in the City Council Chambers. Councilmember Sanford was absent.

**2. Approval of Minutes.** Motion by Page, seconded by Miller, to approve August 11, 2003, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. **Presentation of Character First awards to David Barnes for Security and Boyd Barclay for Determination.**

**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 July 31, 2003.**

2) **Acceptance of City Treasurer's Investment Report for month ending July 31, 2003.**

3) **Approval of electric easement from Henderson Hills Baptist Church to provide service to 1200 East I -35 Frontage Road.**

4) **Acceptance of Final Plat, public improvements and maintenance bonds for the following:**

- a) Gourley-Masters Medical Park
- b) Eckerd Store - 33<sup>rd</sup> and Santa Fe
- c) Village Center at Coffee Creek

5) **Acceptance of public improvements and maintenance bonds for Water System Improvements for Wells 57, 58 and 59, Section 1.**

6) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality for water and sewer lines to serve the Cheval Pointe Addition.**

7) **Approval of assignment of medical plan administration to Group Administrators, Ltd.** Managed Health Resources, the previous third party administrator (TPA), is being sold to Group Administrators. Managed Health Resources is requesting approval to assign administration of the City's medical plan to Group Administrators effective September 1, 2003. Group Administrators has agreed to honor all terms and conditions, including rates, for the duration of the original contract. This assignment would be at no additional cost to the City.

Mayor Naifeh stated just two months ago the City approved the contract with Managed Health Resources partly because they were a local company. She stated now they are selling to an out-of-state company that the City has no knowledge of. Mayor Naifeh stated she felt the City was being placed in an awkward situation due to the short time frame.

Cliff Peden, insurance consultant to the City, addressed Council and stated the change over should have no impact on the employees and getting the claims adjudicated. He felt due to the short time frame the City did not have a lot of options. He noted that if the assignment was not approved, then the insurance claims would probably not be adjudicated until a new TPA was in place which could be several months.

Bill Webb, President of Group Administrators, addressed Council and stated they are the third party administrator for another city in Oklahoma and are attempting to get more business in Oklahoma. He stated they are recognized as one of the top TPAs in the country. Mr. Webb noted that they intend to bring new technology to the City employees that will enable them to check their interactive website regarding claims information. He stated they will maintain the local office and service center here in Oklahoma City.

Connie Vann, President of Managed Health Resources, addressed Council and stated she will continue to maintain the local office and the

employees should not notice a difference in service with the new TPA.

Mayor Naifeh stated she wanted to be assured that employees insurance needs would be taken care of since that is such an important benefit.

Motion by Miller, seconded by Page, to approve General Consent Item 4.A.(7). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Lamb and Miller

NAYS: None

8) **Approval of supplemental appropriations from art auction revenues received in the Senior Citizens Fund - \$3,764**

9) **Approval of supplemental appropriations for the Senior Center for a grant donation from the Edmond Women's Club - \$2,065**

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.A.(1-6,8-9). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Lamb and Miller

NAYS: None

B. **Approval of Purchases:**

1) **Approval of purchase of software, maintenance and support from Aether Mobile Government as a sole source supplier in the amount of \$27,460.**

Motion by Lamb, seconded by Page, to approve General Consent Item 4.B.(1). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, Lamb and Miller

NAYS: None

2) **Award of bids for advanced life support training for the Edmond Fire Department.** Mayor Naifeh stated staff recommended this item would be continued to September 8, 2003.

Motion by Miller, seconded by Lamb, to continue General Consent Item 4.B.(2) to September 8, 2003. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page, 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	Waterline Maintenance Department	Deny - \$2,228.41
23-0047	Street Department	Pay - \$ 208.85

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

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

**9. PLANNING CONSENT ITEMS:**

A. **Public Hearing and Consideration of a five-year extension of the Planned Unit Development (PUD) zoning and Design Statement, located on the northeast Corner of I-35 and 15<sup>th</sup> Street (Henderson Hills Baptist Church, applicant) Case No. U020002.** Mayor Naifeh stated the applicant requested this item be continued to October 27, 2003.

Motion by Miller, seconded by Lamb, to continue Planning Consent Item 9.A. to October 27, 2003. **Motion carried** as follows:

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

B. **Public Hearing and Consideration of amendment to commercial**

**Site Plan approval for University Village, located on the north side of East 2<sup>nd</sup> Street, west of Wal-Mart Neighborhood Market (Sooner Investments, applicant) Case No. SP030019.** The site contains 5.5 acres and the applicant is proposing a shopping center and an additional pad site for a future restaurant. The buildings total 47,775 square feet and 270 parking spaces are planned. A 20 foot tall 75 square feet ground sign is allowed for the shopping center and a separate 15 foot tall, 54 square feet sign is allowed for the additional pad site.

Councilmember Page stated for future projects he would prefer to see less parking spaces and more landscaping.

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

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

C. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling Planned Unit Development (PUD) to "D-1" Restricted Commercial PUD, located on the northwest corner of Covell and Sooner Roads (Fairfax Joint Venture, LLC, applicant) Case No. Z030021 (Continued until September 22, 2003, at the request of the applicant).**

**10. Public Hearing and Consideration of Special Use Permit and Site Plan approval for crematorium to be part of the Animal Welfare Facility in the Cross Timbers Municipal Complex, located south of Covell Road, west of Air Depot (City of Edmond, applicant) Case No. U030005.** The crematorium will be located on the south side of the new facility and will have a stack 15 feet tall from ground level. All the lights will be pole lights 20 feet tall.

Motion by Page, seconded by Miller, to approve Item 10. **Motion carried** as follows:

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

**11. Public Hearing and Consideration of commercial Site Plan approval for the Cross Timbers Municipal Complex, located south of Covell Road, west of Air Depot (City of Edmond, applicant) Case No. SP030021.** The complex contains Fire Station No. 5 Administration/Training Facility, Public Service Center and the Animal Welfare Facility on 135 acres. The City's goal was to retain as much of the existing natural landscaping as possible.

David Jones, President of the Orion Group, addressed Council and outlined the Public Service Center which will house the Sanitation, Electric, Street, Water Resources, Facility Maintenance, Park Maintenance and Vehicle Maintenance departments. He stated the buildings will contain 67,486 square feet of enclosed space on 50 acres with 329 parking spaces. He stated the architecture will have a rural character with stone and brick veneer with reinforced concrete siding on the administration and operations buildings. The central warehouse and vehicle maintenance will have tilt-up concrete panels. Mr. Jones stated an ornamental iron fence and gate with masonry accent columns will be at the western boundary of the Vehicle Maintenance paving area. An epoxy coated chain link fence will be on the north, east and south boundaries of the development. He stated both Covell Road and Air Depot would be widened and the property will contain two detention areas.

Carrie Tomlinson, City of Edmond Urban Forester, addressed Council and explained how the stands of trees are counted to determine the number of trees and also how the point value for each stand is determined. She stated signs would be posted on the property during construction to protect existing trees.

Brian Thomas, Selser Schaefer Architects, addressed Council and outlined the Animal Welfare facility. The building will have 6,966 square feet of enclosed space on seven acres. The exterior walls will be brick veneer to match the Public Service Center around the kennel areas with painted board and batten on the remaining facade. He stated they attempted to meet all the requirements as well as create an environment which will encourage adoptions of the animals.

Bob Wright, LWPB Architects, addressed Council and outlined the Fire facilities. The buildings will contain 43,194 square feet on approximately 40 acres and will have a more urban look than the Public Service Center and Animal Welfare facility. He stated the site will be fenced around the perimeter. A high pressure gas line runs the length of one side. There is a 100 foot right-of-way along the gas line and the City has to keep any building 50 feet off the gas line. Mr. Wright stated a retaining wall will be constructed along the gas line as part of the apparatus storage building.

Mayor Naifeh asked why part of the parking lots are concrete and part asphalt.

Mr. Jones stated the parking lot surface is dependent upon the size and weight of the vehicles that will be parked there and also due to the cost. He stated the sub-base will be more enhanced in areas that will house the larger vehicles such as the fire pumper trucks.

Damon Wingfield, Sleepy Hollow Addition, which borders the land for the complex, addressed Council and commended the City and their architects on the design of the buildings and the preservation of the existing trees. Judy Langdon addressed Council and spoke about the buffers.

Councilmember Lamb commended Phil Jones of the Management Information Services Department for the massive amount of work it took to integrate all the GIS data into the presentation. He stated six stands of forest totaling 23.85 acres will be preserved in addition to the 19.4 acres dedicated as buffer easements which will also be forested. The total plant units provided exceed 280,000. He noted each of the components in the development will have their own landscaping which equates to approximately 43% open space. He noted that the development exceeds the language of the current PUD and will meet the new codes that are being developed. Councilmember Lamb stated the development is setting a template that will be difficult for other developers to match. He stated he felt the City had exceeded their promises. He noted during his work with the architects, they discovered a gap in the current codes that do not provide an incentive to encourage developers to preserve the existing trees. Councilmember Lamb stated that matter will be covered during review of an item later in the meeting.

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

AYES: Mayor Naifeh, Councilmembers Page, Lamb  
and Miller

NAYS: None

**12. Public Hearing and Consideration of commercial Site Plan approval for retail shops located on the north side of Danforth Road, west of the Pebble Creek Addition (Walter Morris and Son/ Danforth Village, applicant) Case No. SP030018.** The building contains 7,040 square feet and 35 parking spaces are provided. An eight foot brick wall matching the brick on the building will be installed on the east side of the property and it will be equal to the existing six foot stockade fence along the Pebble Creek Addition due to the change in grade. A portion of the

property will not be fenced as requested by the abutting property owner to allow access to the shopping center. A deceleration lane has been completed and will be shared with the KFC/Long John Silvers restaurant. One ground sign and a wall sign on the east elevation is requested. The applicant has agreed to the wall sign being non-lighted. The dumpster will be located at the northeast corner with a six foot brick enclosure.

Councilmembers Page and Miller stated they were opposed to the dumpster location due to the odor, noise and pollution.

Clint Evans, H C Klover Architects, addressed Council and stated the lights on the east side are fully shielded and the brick wall will be constructed of real brick.

Bob Schiermeyer, City Planner, addressed Council and stated the dumpster could be relocated to the northwest corner of the property which would allow room for the sanitation trucks to access the dumpster. Consensus of Council was that a six foot fence enclosure would be adequate for the dumpster. Mr. Schiermeyer stated both lights on the east side of the site will be the height of monument type lights.

Councilmember Page also requested monument type lights no higher than six foot in the parking lot. General discussion was held regarding the lighting.

Dan O'Neil, Edmond Neighborhood Alliance, addressed Council and stated the proposed development does not comply with standards set by the surrounding commercial developments. He stated the Pebble Creek residents deserve the same standards regarding the wall as the Park Lane residents received. Mr. O'Neil stated this application sets a precedent for the remainder of the development.

Motion by Miller, seconded by Lamb, to approve Item 12 subject to moving the dumpster to the northwest corner of the site and bollard type lighting be installed on the northeast corner and the west side of the detention area next to the parking lot.

**Motion carried** as follows:

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

**13. 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, located south of 33<sup>rd</sup> Street, west of Boulevard, 198 E. 33<sup>rd</sup> Street (Hobby Lobby, applicant) Case No. SP030002.** Mayor Naifeh stated the applicant requested this item be continued to October 13, 2003.

Motion by Miller, seconded by Lamb, to continue Item 13 to October 13, 2003. **Motion carried** as follows:

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

**14. Public Hearing and Consideration of Ordinance No. 2810 repealing and amending Chapter 22.29D, I-35 Corridor Commercial, Multi-Family, Site Plan Review of Title 22 Zoning Code regarding tree preservation and landscaping standards.** The proposed ordinance addresses methods for developers to get plant unit value towards their landscaping requirements if they retain existing old trees rather than clear cutting and re-landscaping. The following amendments are proposed:

- a) Encourages developers to design developments that harmonize with forested areas
- b) Adding the Urban Forester to the Site Plan Review Committee
- c) Provides an option for an applicant to submit a tree preservation plan when requesting Site Plan approval and further defining plant unit multipliers to encourage tree preservation in stands
- d) Outlining what the tree preservation plan must include
- e) Definitions of forest areas, tree stands, tree protection zone, remnant cross timbers forest and DBH.
- f) Changing from 30 to 40 plant units for every 250 square feet of landscaped area
- g) Defining that cottonwood trees will not be given any plant unit points and also eastern red cedar trees less than 12 inches DBH

Councilmember Miller stated he was concerned that developers would use the preservation as landscaping and not install any landscaping around the buildings and parking lots. He asked what safe guard did the City have to prohibit that type of landscaping.

Councilmember Lamb stated that it is technically possible to meet the plant unit requirements using preservation. There are many elements to consider during the Site Plan review process

and Council could still require more landscaping in those areas. He stated the ordinance will give developers flexibility to design landscaping for aesthetics rather than getting them their plant count just like the City is with the Cross Timbers project.

Eric Groves, attorney representing the Fox Lake Homeowners Association, addressed Council in support of the ordinance. He noted that passage of the ordinance will not necessarily save their forest but will protect the entire city. Mr. Groves thanked Council for their quick action on this matter and requested Council investigate the cutting of a large swath of trees on neighboring property from the top of the ridge overlooking the Fox Lake Addition almost down to the lake.

Randel Shadid, attorney who represents several developers, addressed Council in opposition to requiring 40% landscaping. He stated this matter should be discussed with area developers for their input due to the increased costs when constructing large developments. Mr. Shadid also objected to cottonwood trees being eliminated from the landscaping point system. He noted that cottonwood trees are beautiful and he felt they should be preserved.

Councilmember Lamb stated cottonwood trees are considered nuisance trees and the City does not encourage planting cottonwood trees anywhere in the City.

Dan O'Neil (President of the I-35 Tree Preservation Committee) and Steve Bridges (President of the I-35 Corridor Coalition) addressed Council in support. Mike Scharrer, forester, addressed Council and suggested Council replace words in the ordinance such as "should" and "would" to "shall" and "require" to ensure compliance by developers.

Councilmember Miller suggested that the Committee working on Title 22 revisions consider Mr. Scharrer's wording changes at that time.

Councilmember Lamb stated much work has gone into the revised ordinance. He stated that although there is an increase in the requirements, he feels the ordinance requirements are fair and gives developers more opportunity to take advantage of materials on site.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2810 as read by title by City Planner. **Motion carried** as

follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2810. **Motion carried** as follows and Ordinance No. 2810 is in effect immediately:

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

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

Weaver vs City of Edmond

**16. Executive Session to discuss the purchase of real property at the following locations (Executive Session authorized pursuant to 25. Okla. Stat. Section 307 (B)(3).**

- A. Property located west of Broadway, between 2<sup>nd</sup> and 1<sup>st</sup> Streets for the Festival Marketplace Project;
- B. Property located on E. 2<sup>nd</sup> Street, east of Rocky Road;
- C. Property located on 2<sup>nd</sup> Street, south of the University of Central Oklahoma campus

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 8:01 p.m. and returned to the City Council Chambers at 8:25 p.m.

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

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

**17. Consideration of action regarding pending claim of Weaver vs. City of Edmond.**

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

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

**18. Consideration of action regarding the purchase of real property at the following locations:**

- A. Property located west of Broadway, between 2<sup>nd</sup> and 1<sup>st</sup> Streets for the Festival Marketplace Project;
- B. Property located on E. 2<sup>nd</sup> Street, east of Rocky Road;
- C. Property located on 2<sup>nd</sup> Street, south of the University of Central Oklahoma campus

**19. Consideration of approval of real estate purchase agreement for property located west of Broadway, between 2<sup>nd</sup> and 1<sup>st</sup> Streets for the Festival Marketplace Project.**

Mayor Naifeh stated no action would be taken on Items 18 and 19.

**20. NEW BUSINESS:**

Councilmember Lamb stated he has another report on the economic value of trees that he will distribute at the next meeting.

Mayor Naifeh stated her speech to the Edmond Chamber of Commerce will be on the City's website in it's entirety for anyone who is interested in reading it. She stated her intention was to let the citizens know that everyone has the opportunity to be a part of the City.

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

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

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City Clerk

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Mayor