

EDMOND CITY COUNCIL MINUTES

September 8, 2003

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 8, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve August 25, 2003, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

- A. Presentation of certificate to Edmond Electric from the United States Department of Energy.
- B. Presentation of proclamation to Patricia Presley, Oklahoma County Court Clerk.

4. Appointments to Boards and Commissions:

- A. **Appointment to the KickingBird Tennis Center Advisory Board.** Councilmember Miller nominated Edward Cunliff for re-appointment to serve a term expiring October 1, 2006.

Motion by Miller, seconded by Page, 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) **Approval of electric easements from the following:**

- a) Eckerd Drug, 1301 N. Santa Fe Avenue
- b) Eckerd Drug, 3200 S. Santa Fe Avenue

- c) Owen and Rita Marsh, 5951 E. Sorghum Mill Road
- 2) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) Signal lights at 2nd and Littler, Ayers and Broadway, and Edwards and Broadway
 - b) FY 01-02 sanitary sewer improvements
 - c) Road bore at 5621 Mountain View Road
- 3) **Approval of annual contract with Edmond Public Schools for the D.A.R.E. program for school year 2003/2004.**
- 4) **Approval of annual contract with Edmond Public Schools for the K-9 program for school year 2003/2004.**
- 5) **Public Hearing and Consideration of a drilling permit/ operations permit for re-entering a plugged well by B & W Operating, LLC.**
- 6) **Approval of FY 02/03 year-end budget amendments to balance departmental budget categories.**
- 7) **Approval of supplemental appropriations - Community Image - \$15,000**
- 8) **Approval of supplemental appropriations - KickingBird Golf Course - \$15,490**

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-8). **Motion carried** as follows:

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

B. **Approval of Purchases:**

- 1) **Acceptance of bid for rehabilitation of residential structure, located at 628 Willow Ridge Place as part of the Community Development Block Grant (CDBG) program.** The Citizens Participation Committee recommended accepting bid from FrenCo Construction, Inc. in the amount of \$18,795.
- 2) **Award of bids for advanced life support training**

for the Edmond Fire Department. Purchasing Manager recommended accepting bid from Metro Technology Center in the amount of \$32,700.

3) **Approval of bid disposition by the Purchasing Manager for the following:**

a) Wayest Safety - self-contained breathing apparatus equipment for the Fire Department in the amount of \$73,130.

4) **Approval of Change Order No. 2 with C.D. Kyle Construction Company for the Police firearms training facility project in the amount of \$597.**

5) **Approval of Change Order No. 1 with W.C. Doan Construction Company for the Downtown Community Center Phase 3 renovation project for no change in the cost of the project.**

6) **Approval of Change Order No. 1 with W.C. Doan Construction Company for the Administration Building first floor renovation project in the amount of \$1,042.**

7) **Award of bid for an aerial device with chassis (bucket truck) for Fleet Maintenance Department.** Purchasing Manager recommended accepting bid from ALTEC Equipment in the amount of \$88,135.

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-7). **Motion carried** as follows:

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

NAYS: None

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

8. **PLANNING CONSENT ITEMS:**

A. **Public Hearing and Consideration of Preliminary Plat for an office development located on the west**

side of Boulevard, just under one-half mile south of 33rd Street (Derek Turner/ Villages at Stonebridge Plan Area 2 Office Development, applicant) Case No. PR030032.

- B. **Public Hearing and Consideration of request for house moving approval, located on the southeast corner of Campbell and Story Streets (Scott Loper, applicant).**

Motion by Miller, seconded by Page, to approve Planning Consent Items 8.A. and 8.B. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of commercial Site Plan for Dental Depot, located south of 15th Street, west of the rail road tracks (Phil Fitzgerald, applicant) Case No. SP030023.** The one-story building will contain 4,418 square feet. A caboose will be relocated next to the railroad tracks and the dental building will be built adjacent to the caboose. Fencing is not required for this type of application. A ground sign will be considered at a later date.

Councilmember Page stated he felt a fence is needed next to the tracks because of the pedestrian traffic that is generated by a dental office. He stated he was concerned that children would be tempted to play on or around the tracks if a fence is not installed.

Phil Fitzgerald, architect, addressed Council on behalf of the applicant and stated he had no problem with installing a fence as long as it is not a site proof fence. He stated the architectural intent was to imitate an old train station and a site proof fence would ruin the effect the applicant was trying to achieve. Mr. Fitzgerald stated they would install a small fence in line with the look of the building. He stated he would meet with the Planning Department staff to develop an appropriate fence.

Motion by Page, seconded by Lamb, to approve Planning Consent Item 8.C. subject to installation of a fence along the railroad tracks. **Motion carried** as follows:

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

Mayor Naifeh stated the applicant has requested that Items 9 through 14 be continued indefinitely.

9. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling District to Suburban Office Planned Unit Development (PUD) usage, located on the northeast corner of Bryant and 33rd Street (Winchester Development LLC/Thornbrooke Plaza, applicant) Case No. Z030015.

10. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-O" Suburban Office Planned Unit Development (PUD) District, located on the northeast corner of Bryant and 33rd Street (Winchester Development LLC/Thornbrooke Plaza, applicant) Case No. Z030016.

11. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling District 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.

12. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "D-1" 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. Z030014.

13. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling District to Single Family Planned Unit Development (PUD) usage on four parcels located north of 33rd Street, east of Bryant (Winchester Development LLC/Thornbrooke Plaza, applicant) Case No. Z030017.

14. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "A" Single Family Planned Unit Development (PUD) usage on four parcels located north of 33rd Street, east of Bryant (Winchester Development LLC/Thornbrooke Plaza, applicant) Case No. Z030018.

15. Public Hearing and Consideration of Ordinance No. 2811 amending Edmond Plan III from Single Family Dwelling District to Restricted Commercial Planned Unit Development (PUD) usage located north of West Edmond Road, one-fourth mile west of Kelly (Sean Brownlee, applicant) Case No. Z030037. The site contains 2.42 acres and will be developed as light retail uses. A 20 foot building line along Edmond Road will be established for the buildings. There will be one entry street onto Edmond Road and parking will be in the back of the buildings. Off-site easements have been submitted to serve the project with water and sewer. An adjoining property owner to the north has requested that the plat provide access to his property. The Planning Commission recommended approval subject to the following:

- 1) Amend the PUD Design Statement to require a generalized architectural graphic for all buildings to prevent store front strip centers or free standing restaurants
- 2) Eliminate menu boards or drive in window lanes
- 3) Improve cross access easement with Dooley Farms to assure that the access way cannot be fenced or blocked
- 4) Prohibit the following uses: appliance store; cleaning, pressing and collection business; hardware store; catering; help yourself laundry; newspaper or magazine sales; radio and television sales and service; permitted restaurants that do not include fast food restaurants, drive through windows and only limited outside dining

Sean Brownlee addressed Council and stated the Planning Commission has requested that the cross access easement into the Dooley Farms development be modified to a fire lane access so that it cannot be built upon or blocked off. He stated that the developer of Dooley Farms is opposed to a fire lane accessing their property. He noted that the cross access easement with

Dooley Farms cannot be closed because the easement is recorded with the Oklahoma County Clerk. Mr. Brownlee also stated a sewer line is located within the easement that will be dedicated to the City and nothing could be built upon it. He noted that the Dooley Farms developer feels the cross access will be beneficial to their property and wants to keep it open. Mr. Brownlee stated the right turn lane was negotiated between himself and Dooley Farms to reduce the number of outlets onto Edmond Road.

Motion by Miller, seconded by Page, to approve Ordinance No. 2811 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. 2811. **Motion carried** as follows and Ordinance No. 2811 is in effect immediately:

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

16. Public Hearing and Consideration of Ordinance No. 2812 rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial Planned Unit Development (PUD) located north of West Edmond Road, one-fourth mile west of Kelly (Sean Brownlee, applicant) Case No. Z030038. This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2812 as read by title by City Planner. **Motion carried** as follows:

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

17. Public Hearing and Consideration of Ordinance No. 2813 amending Edmond Plan III from High Density Multi-Family and Single Family Dwelling District to Suburban Office Planned Unit Development (PUD) usage located north of West Edmond Road, one-fourth mile west of Kelly (Sean Brownlee, applicant) Case No. Z030035. This site contains seven lots and two common areas on six acres. The common areas will be used for parking for the majority of the office buildings and will also serve the retail uses along Edmond Road. This is a companion to Items 15 and 16 and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2813 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2813. **Motion carried** as follows and Ordinance No. 2813 is in effect immediately:

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

18. Public Hearing and Consideration of Ordinance No. 2814 rezoning from "C-3" High Density Multi-Family and Single Family Dwelling District to "D-O" Suburban Office Planned Unit Development (PUD) located north of West Edmond Road, one-fourth mile west of Kelly (Sean Brownlee, applicant) Case No. Z030036. This is a companion to the above items and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2814 as read by title by City Planner. **Motion carried** as follows:

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

19. Consideration of Preliminary Plat for Creekside Village located north of West Edmond Road, one-fourth mile west of Kelly (Sean Brownlee, applicant) Case No. PR030021. This is a companion to the above four items and was discussed at that time.

Motion by Miller, seconded by Page, to approve Item 19. **Motion carried** as follows:

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

20. Executive Session to discuss the purchase of real property located on East 2nd Street, east of Rocky Road, Edmond (Executive Session authorized pursuant to 25. Okla. Stat. Section 307 (B)(3)).

Motion by Lamb, seconded by Page, to meet in Executive Session to discuss the above item. **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 6:20 p.m. and returned to the City Council Chambers at 6:40 p.m.

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

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

21. Consideration of action regarding the purchase of real property located on East 2nd Street, east of Rocky Road, Edmond.

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

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

22. Consideration of approval of real estate purchase agreement for property located west of Broadway, between 2nd and 1st Streets for the Festival Marketplace project. Steve Murdock, City Attorney, requested permission from Council to authorize the Mayor to enter into a real estate purchase agreement not to exceed \$165,000 plus closing costs.

Motion by Lamb, seconded by Miller, to approve real estate purchase not to exceed \$165,000 plus closing costs. **Motion carried** as follows:

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

23. NEW BUSINESS:

Larry Stevens, City Manager, addressed Council and stated mandatory water rationing had been lifted effective immediately and the City is now under Level 1 of the program which is voluntary water rationing until October 1st and then the water rationing will be lifted altogether. He noted that the water rationing only lasted seven weeks and last year there was no water rationing.

Councilmember Lamb submitted a report on the "City Green" program which shows the unique value of trees on the environment. He noted the City received a forestry grant for this program and that only the downtown area was studied.

Councilmember Sanford announced that Bob Tway, Gil Morgan and Doug Tewell, area golfers, were very successful in their golf tournaments this past weekend. Mr. Tway won the Canadian Open on Sunday and Mr. Morgan and Mr. Tewell placed first and second in the Kroger Classic.

Mayor Naifeh thanked the Council and various staff personnel for attending the Council retreat this past weekend. The Mayor would like to schedule one additional meeting in October and requested dates from Council.

Dan O'Neil announced that the Edmond Neighborhood Alliance would be holding their annual picnic on September 18th at 6:00 p.m. at Hafer Park and invited Council and the public to attend.

Mayor Naifeh thanked City Clerk, Nancy Nichols, for her work with the Oklahoma County Court Clerk in an attempt to keep the Oklahoma County satellite office in Edmond open full time.

24. 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