

EDMOND CITY COUNCIL MINUTES

September 22, 2003

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 22, 2003, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve September 8, 2003, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

- A. Presentation of *Mayor's Arts Star Award* to Mayor Naifeh from the Oklahoma Alliance for Arts Education.
- B. Presentation to Mayor Pro Tem Charles Lamb of the *Ray Duffy Personal Service Award* for outstanding contributions to the public power systems from Municipal Electric Systems of Oklahoma (MESO).
- C. Mayor's recognition of the *2003 Innovations Award* to the City of Edmond from the Oklahoma Municipal League.
- D. Presentation of proclamation recognizing October, 2003 as *National Arts and Humanities Month* in the City of Edmond.
- E. Presentation of proclamation recognizing October 5-11, 2003 as *Fire Prevention Week 2003* in the City of Edmond.
- F. Presentation of proclamation recognizing October 10, 2003 as *Put the Brakes on Fatalities Day* in the City of Edmond.

4. Appointments to Boards and Commissions:

A. **Appointment to the following City Boards and Commissions.** Mayor Naifeh stated there were no appointments for this meeting.

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 August 31, 2003.
- 2) Acceptance of City Treasurer's Investment Report for month ending August 31, 2003.
- 3) Approval of electric easements from the following:
 - a) Thomas and Margaret Gilmore
 - b) Midfirst Bank
- 4) Acceptance of public improvements and maintenance bonds for the following:
 - a) McAlester's Deli
 - b) Life Church (2nd and I-35)
- 5) Dedication of street easement for the Cross Timbers Municipal Complex entrance road.
- 6) Approval of Resolution No. 25-03 requesting assistance from the Oklahoma Department of Transportation Commission's Industrial Access Road program.
- 7) Public Hearing and Consideration of Ordinance No. 2815 amending Section 10.32.050 of the Edmond Municipal Code providing for changes in conditions for making U-turns on roadways; and providing for Repealer and Severability.

Betty Jean Blue addressed Council and asked if the City will evaluate where u-turns will not be permitted. Staff stated they are evaluating this issue on a continuing basis.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2815 as read by title by City Attorney. **Motion carried** as follows:

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

8) **Public Hearing and Consideration of Ordinance No. 2816 amending Subsection 10.68.010(O) of the Edmond Municipal Code regarding the parking of motor vehicles in spaces reserved for motor vehicles operated by or transporting physically disabled persons; Section 10.68.060 amending the title of this section and providing for new penalties for physically disabled parking violations; and providing for Repealer and Severability.**

Councilmember Page stated he would prefer to make the fines larger. Mayor Naifeh stated the ordinance complies with State Law. Tom Bunt also addressed Council on this item.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2816 as read by title by City Attorney. **Motion carried** as follows:

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

9) **Approval of FY 2002/03 Budget Amendment No. 2 for governmental fund types.**

10) **Approval of transfer of appropriations from Community Connections to Community Image funds - \$20,000**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1-6, 9-10). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Approval of renewal of annual sub-recipient agreement with the Edmond Economic Development Authority (EEDA) as part of the Community Development Block Grant (CDBG) program.**

2) **Approval of renewal of annual sub-recipient agreement with Michael J. Wolf, Housing Rehabilitation**

Specialist as part of the Community Development Block Grant (CDBG) program in the amount of \$37,000.

3) Approval of renewal of annual sub-recipient agreement with the HOPE Center of Edmond's Back-to-School Public Service Grant as part of the Community Development Block Grant (CDBG) program in the amount of \$7,000.

4) Approval of renewal of annual sub-recipient agreement with the HOPE Center of Edmond's Bus Ticket Public Service Grant as part of the Community Development Block Grant (CDBG) program in the amount of \$4,800.

5) Approval of renewal of annual sub-recipient agreement with the HOPE Center of Edmond's Medical Services Public Service Grant as part of the Community Development Block Grant (CDBG) program in the amount of \$10,000.

6) Approval of renewal of annual sub-recipient agreement with the Metropolitan Fair Housing Council Public Service Grant as part of the Community Development Block Grant (CDBG) program in the amount of \$16,500.

7) Approval of renewal of annual sub-recipient agreement with the Central Oklahoma Transportation and Parking Authority (COTPA) for the Share-A-Fare Public Service Grant as part of the Community Development Block Grant (CDBG) program in the amount of \$1,600.

8) Approval of renewal of annual sub-recipient agreement with the UR Special Ministries, Inc. Public Service Grant as part of the Community Development Block Grant (CDBG) program in the amount of \$30,000.

9) Consideration of approval of the 2nd Amended Consolidated One-Year Action Plan for FY 2002 as part of the Community Development Block Grant (CDBG) program in the amount of \$76,925.

10) Award of bid for rehabilitation of residential structure located at 100 N. Blackwelder as part of the Community Development Block Grant (CDBG) program. The Citizen's Participation Committee recommended

accepting bid from L.G. Construction Co., Inc. in the amount of \$31,480.

11) **Award of bid for hazardous materials equipment for the Fire Department.** Purchasing Manager recommended accepting bids from Aramsco, Abatix and Wayest Safety in the total amount of \$28,588.07.

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-11). **Motion carried** as follows:

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

6. Approval of Tort Claim Committee's recommendations on Tort Claim.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
23-0049 Electric Department	Pay - \$2,289.18

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

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

Motion by Page, seconded by Lamb, 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. **Consideration of Final Plat for Silver Leaf Office 3, located south of Edmond Road, west of Kelly (Lambrecht Properties, LLC, applicant) Case No. PR030004.**
- B. **Consideration of Final Plat for Fairfax Estates 3, located east of Coltrane, north of Covell Road (Fairfax Joint Ventures, LLC, applicant) Case No. PR030018.**
- C. **Public Hearing and Consideration of commercial Site Plan for a bank, located on the west side of Santa Fe, west of**

the Wal-Mart Supercenter and south of Kwik Cleaners (Commercial Federal Bank, applicant) Case No. SP030026. The building contains 3,600 square feet on 1.537 acres. The applicant removed 14 parking spaces along Santa Fe as requested by the Planning Commission. The 14 spaces will be planted with grass in the event that the area is needed in the future for additional parking spaces. A pipe line also extends through the grassed area that will be retained for additional parking if needed in the future.

Councilmember Miller requested that the light poles be changed to bollard type lighting.

John Deacy, Holland Basham Architects, addressed Council representing the applicant and agreed to change to bollard lights in the back of the building.

Motion by Page, seconded by Miller, to approve Planning Consent Item 9.C. subject to the back two lights being bollard style lights. **Motion carried** as follows:

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

D. Consideration of Final Plat of Cheyenne Crossing 3rd Addition, located on the south side of Covell Road, west of Kelly (Ron Jewell, applicant) Case No. PR030026.

Motion by Miller, seconded by Page, 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. Public Hearing and Consideration of Preliminary Plat for Stone Creek Office Plaza, located on the northwest corner of Locust Lane and Bryant (Contempra Holdings, LLC, applicant) Case No. PR030022. The site contains 1.93 acres and six lots are planned. Lot 7 will be a common area which serves as a parking driveway area which will include a fire lane. Each individual building will contain some landscaping but the majority of the landscaping will be along Bryant adjacent to the detention area. Staff has requested that a landscaping plan be submitted with the

Final Plat due to the large amount of landscaping in the detention area. The detention area will also need to be improved in order to comply with landscaping requirements.

Councilmember Page stated he was concerned about the closeness of the building line to the property line on the north and west sides. He asked what type of retaining wall would be constructed to control the drainage. Councilmember Page asked if the applicant could reduce the amount of common space in order to move the buildings further from the property line.

Terry Kerr addressed Council and stated they were not planning to construct a retaining wall but a foundation wall, which will be part of the building, to serve as a retaining wall. He noted that in a few places the wall will be approximately five feet between the finished floor and the grade outside. Mr. Kerr stated the common area complies with City standards as well as the ADA requirements to meet the slope across the property.

Nancy Nelson, Betty Jean Blue and Sherri Protus (President of the Cedar Ridge Homeowners Association) addressed Council on this matter. Ms. Nelson stated her property was on the northeast corner of the site and she was concerned about her privacy when the stockade fence along Bryant is removed. She requested that a replacement fence be installed as soon as possible.

Mr. Kerr agreed to leave the stockade fence as long as possible. He stated prior to removing the fence, another fence would be installed between Ms. Nelson's property and the applicant's property to insure her privacy. He noted that when the fence on Bryant is removed, due to the slope of the property, the extreme hill on Bryant and the layout of the Nelson's house, they will still not be able to retain the amount of privacy they now have.

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

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

10. Public Hearing and Consideration of Ordinance No. 2817 rezoning from "A" Single Family Dwelling Planned Unit Development (PUD) to "D-1" Restricted Commercial Planned Unit Development (PUD), located on the northwest corner of Covell Road and Sooner Road (Fairfax Joint Ventures, LLC, applicant) Case No.

Z030021. The site contains approximately six acres adjacent to the Fairfax Addition and Golf Club. The applicant plans to construct a convenience store, gas station and car wash.

Randel Shadid, attorney representing the applicant, addressed Council and stated the current and projected growth for this area of the City shows the need for this type of project. He stated the applicant will provide 20% landscaping with a pond and water feature on the corner. He noted that the I-35 standards only require 15% landscaping. Mr. Shadid stated due to recent and future developments, Covell is becoming the outer loop of the City. He stated there are some questions regarding the sewer system and he noted that the applicant will construct a lift station if required to. Mr. Shadid stated the PUD will be amended to show that the lift station will be owned, operated, maintained and replaced at the expense of the commercial property. He noted there will be no obligation on the part of the City or the Fairfax Homeowners Association. He stated another option would be to extend east northeast with a gravity flow system across adjacent property not owned by his client. Mr. Shadid stated he did not advise his client to develop a site plan without knowing if the zoning would be approved due to the expense.

Steve Bridges (representing Northwood Estates and the I-35 Corridor Coalition), Craig Brown (attorney representing JCH Property, James Harper and Matt Hunt), Vic LaSaxon, Linda Fishel, John Mutt, Pam Belote and Keith Berry addressed Council in opposition. Ms. Fishel presented a petition with 346 signatures opposed to the application. The opponents felt the location was not appropriate for the type of business requested. Mr. Bridges stated that since the property was previously included in the PUD for single family residences and the golf course that the Council could not overlay one zoning application over another without abandoning the first one.

Bob Schiermeyer, City Planner, said it was common practice to accept new applications for property and treat it as a separate application.

Joe Friend (property owner of the northeast corner of the intersection) and Bob Blaylock, a resident of the Fairfax Addition, addressed Council in support of the application.

Councilmember Sanford stated she did not believe the corner would ever develop as residential and she supported the application.

Councilmember Miller stated he felt the location was not

appropriate for commercial development at this time.

Councilmember Page stated he was opposed due to the lack of water and sewer services. He also felt it was speculative zoning.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2817 as read by title by City Planner. **Motion was denied** as follows:

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

11. Executive Session to discuss the purchase of real property located 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 Lamb, seconded by Miller, 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 7:50 p.m. and returned to the City Council Chambers at 8:00 p.m.

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

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

12. Consideration of action regarding the purchase of real property located along 2nd Street, south of the University of Central Oklahoma campus.

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

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

13. NEW BUSINESS:

Councilmember Lamb announced the Edmond Electric open house on October 7th from 4:00 to 8:00 p.m.

Gray Graham and Dory Trent addressed Council and stated they lived in Norman and urged the Council to carefully consider the impact of allowing a large commercial development next to residential subdivisions. Tom Langdon (attorney representing the residents of Fox Lake), Vic LaSaxon and Robert Hamm also addressed Council.

The Council discussed the progress being made on revising Title 22 regarding subdivision development and the site plan review process. A committee is reviewing the ordinances and expect their review work to be completed by November. A public comment period will follow before formal consideration by the Council. Councilmember Lamb stated the committee is meeting every week and he cautioned the Council against trying the enact amendments to Title 22 in a piecemeal fashion.

14. Motion by Lamb, seconded by Page, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor