

**EDMOND CITY COUNCIL MINUTES**

October 27, 2003

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 27, 2003, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve October 13, 2003, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. **Presentation of awards to the City of Edmond by the Oklahoma Water Pollution Control Association.**

**4. Appointments to Boards and Commissions:**

A. **Appointment to the KickingBird Tennis Center Advisory Board.** Councilmember Lamb nominated Valerie Fielding for re-appointment to serve a term expiring in October, 2006.

B. **Appointment to the Urban Forestry Commission.** Mayor Naifeh nominated Mayor Pro Tem Charles Lamb for re-appointment to serve a term expiring in October, 2005; and Larry Ratliff for re-appointment to serve a term expiring in October, 2006.

C. **Appointment to the KickingBird Golf Club Advisory Board.** Mayor Naifeh nominated Brett Pribble as a youth member to serve a term expiring in October, 2004.

Motion by Miller, seconded by Page, to approve Items 4.A. through 4.C. **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) Acceptance of City Manager's Financial Report for month ending September 30, 2003.
- 2) Acceptance of City Treasurer's Investment Report for month ending September 30, 2003.
- 3) Acceptance of public improvements and maintenance bonds for the following:
  - a) Village Center II Commercial
  - b) Eckerd Store, 1301 N. Santa Fe
  - c) Bridgewater Office Park
- 4) Approval of Resolution No. 28-03 and Public Right-of-Way, Utility and Encroachment Agreement with the Oklahoma Department of Transportation for the 15<sup>th</sup> Street Widening Project, Pine Oak to Edgewood improvements.
- 5) Approval of Resolution No. 29-03 approving the incurrence of indebtedness by The Edmond Public Works Authority (The "Authority") issuing its Utility System Revenue Refunding Bonds, Series 2003A and Utility System Revenue Refunding Bonds, Series 2003B (The "Bonds") and approving the proposal of The Authority to incur said indebtedness; approving the proceedings of The Authority pertaining to the sale of said Bonds; waiving competitive bidding; and containing other provisions relating thereto.
- 6) Acceptance of Final Plat, public improvements and maintenance bonds for Fountain Gate Addition Phase II, located on 33<sup>rd</sup> Street, one-quarter mile east of I-35.
- 7) Acceptance of Final Plat, public improvements and maintenance bonds for Lakes at Bridgewater, located on N. Santa Fe at Bridgewater Boulevard.
- 8) Approval of renewal of cellular tower lease with Sprint Spectrum, L.P. at Bauman and Ayers.
- 9) Approval of supplemental appropriations - Police Safety Limited Tax Fund - \$150,000

10) Approval of supplemental appropriations - acquisition of real property for the Festival Marketplace project as approved by the City Council on September 8, 2003 - \$42,513.

11) Approval of supplemental appropriations - Local Law Enforcement Block Grant fund - \$11,969

12) Approval of supplemental appropriations - Capital Improvement Tax Fund projects - \$1,327,411

B. Approval of Purchases:

1) Award of bid for a mini digger/derrick for the Fleet Management Department. Purchasing Manager recommended accepting bid from Thiermann Industries in the amount of \$97,528.

2) Award of bid and approval of contract for the Broadway Landscape project (corporate limits to 33<sup>rd</sup> Street) and Resolution No. 30-03 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Grooms Irrigation in the amount of \$40,984.20.

3) Approval of contract amendment with Poe and Associates for 15<sup>th</sup> Street improvements from Pine Oak to Edgewood in the amount of \$27,462.

4) Approval of Change Order No. 2 with W.C. Doan Construction Company for the Administration Building First Floor renovation project in the amount of \$1,195.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-12) and 5.B.(1-4). **Motion carried** as follows:

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

6. **Approval of Tort Claim Committee's recommendation on Tort Claim.**

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
24-0002 Police Department	Pay - \$164.28

Motion by Miller, seconded by Sanford, 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 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

**10. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of Ordinance No. 2818 rezoning from "G-A" General Agricultural District to "R-1" Rural Estate Dwelling District, located south of Sorghum Mill Road between Post Road and Westminister (Westminister Development, LLC, applicant) Case No. ZP030039.**
- B. **Public Hearing and Consideration of Preliminary Plat of Quo Vadis Addition, located south of Sorghum Mill Road between Post Road and Westminister (Westminister Development, LLC, applicant) Case No. PR030032.**
- C. **Consideration of Final Plat of Fairfax Addition, Block 20, located one-half mile north of Covell Road, east side of Coltrane (J.W. Armstrong, applicant) Case No. PR030031.**
- D. **Public Hearing and Consideration of Special Use Permit and Site Plan approval for addition to existing church, located at 3001 S. Boulevard (Edmond First Church of the Nazarene, applicant) Case No. U030009.** The Mayor stated this item would be continued to November 10, 2003, at the request of the applicant.
- E. **Consideration of Resolution No. 31-03 changing the street name of Brass Lantern Lane to Old Timbers Drive, located south of Covell Road, east of I-35 (City of Edmond, applicant).**

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 10.A. through 10.C., 10.E. and continue 10.D. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,

Sanford, Lamb and Miller  
NAYS: None

- F. **Public Hearing and Consideration of request for approval of a ground sign and variance for placement of sign in the center median of Old Timbers Drive for the Cross Timbers Municipal Complex (City of Edmond, applicant).** The City is proposing to install a ground sign at the entry street south of Covell Road to the Cross Timbers Municipal Complex. The sign will contain 47.93 square feet which is smaller than allowed by City ordinances.

Bob Schiermeyer stated the sign will direct the public to the animal welfare facility, Fire Station and maintenance buildings. He noted that since these facilities are almost one-quarter mile off of Covell Road, a sign is needed to direct the public to their locations. Mr. Schiermeyer stated the private street leading into the Cross Timbers Complex will be improved to public street standards. He noted the sign is consistent with what has been done in other parts of the City under similar circumstances.

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

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

- G. **Public Hearing and Consideration of Commercial Site Plan approval for Dollar Tree Store, located east of Kohl's, north of Danforth (Walter Morris and Sons, applicant) Case No. SP030030.** The site contains 1.89 acres and the building will be 14,960 square feet. The applicant will provide 79 parking spaces. No ground sign is proposed.

Councilmember Miller asked who would be responsible for maintaining the detention pond.

Will Markeson, civil engineer with Spear McCaleb, addressed Council and stated a tenants association will be established to maintain the detention pond. He noted this detention pond is separate from the Kohl's detention facility and it will not be disturbed. Mr. Markeson stated each commercial business will be responsible for their portion of the detention.

Mike Boyd addressed Council and stated his company owns all the area including the Kohl's and the proposed Danforth Village commercial development that was previously approved. He stated as the owner of the property, his company would be responsible for maintaining the detention pond.

Motion by Miller, seconded by Page, to approve Planning Consent Item 10.G. subject to the property owner being responsible for maintaining the detention pond. **Motion carried** as follows:

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

**11. Public Hearing and Consideration of Special Use Permit for a church parking lot, located north of 15<sup>th</sup> Street, east of I-35 (Henderson Hills Baptist Church, applicant) Case No. U030008.** The applicant is requesting 600 additional parking spaces for a total of 1,201 spaces. The additional spaces will provide parking for future developments and to more adequately provide for existing church members. A portion of trees will be retained in the center of the property and as the property is further developed, additional trees will also be planted.

Randel Shadid, attorney representing the applicant, addressed Council and stated Phase II, which will include a new sanctuary, will use a large portion of the parking area. He stated it may be necessary to remove some trees but that they will attempt to preserve as many of the existing trees as possible. He noted that with the new parking lot, 33 of the total 129 acres will be developed. Mr. Shadid stated it is the applicant's intent to preserve the area even as future phases of the project develop. He noted that prior to removing any of the trees, the applicant would need approval from Council.

Councilmember Lamb stated he appreciated the applicant's efforts to comply with the new code regarding preservation of existing trees.

Motion by Lamb, seconded by Miller, to approve Item No. 11. **Motion carried** as follows:

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

**12. Consideration of Final Plat of Creekside, located one-quarter mile west of Kelly, north side of W. Edmond Road (Sean Brownlee, applicant) Case No.PR030021.** The site contains 17.18 acres and will be developed as office on the front, retail behind the office development and senior housing on the back portion of the property. Lots A and C are common areas that will be used for parking lots at the back of the office and retail buildings. Common area B will be a fire lane easement connecting to Dooley Farms. It will be shown on the plans as a private driveway but will be essential for circulation between Dooley Farms and Creekside. Limits of no access have been placed on Edmond Road since the only drive approach will be off Creekside Drive. Mr. Cassidy, the property owner to the north, has 30 acres and is requesting access through the proposed development as a second access to his property. There is an existing access to Kelly through the Chateau Addition but no access to Edmond Road. Another possible access onto Kelly would be through the old circus grounds.

Sean Brownlee addressed Council and stated the historic access is a dirt road on the Dooley Farms property. He stated he has obtained easements and access rights on his own and felt that he should not have to provide access across his property to Mr. Cassidy's property. Mr. Brownlee stated Mr. Cassidy could obtain access rights from the Dooley Farms owner just as he did. He stated his application should not be held up over Mr. Cassidy's access issue since the dirt road is not on his property. He noted he has an agreement with the Senior Housing development for maintenance of the shared detention facility as well as the parking lots. Mr. Brownlee stated that although the fire lane is private, he will pave it to City standards to provide access for his tenants to the future traffic light on Edmond Road.

Randel Shadid, attorney representing Mr. Cassidy, addressed Council and stated his client would prefer to have access to Edmond Road and not just to Kelly since he plans to develop the 30 acres as single family housing in the future. He stated if access is not granted through Mr. Brownlee's property then his client's only recourse would be through District Court.

Bob Schiermeyer, City Planner, addressed Council and stated part of the problem is a large floodplain on the north and west sides of Mr. Cassidy's property. It would be very expensive to construct bridges across the floodplain for other access points. He stated the optimum solution would be for Mr. Cassidy to

purchase property from the owners of Dooley Farms for a road to connect to Dooley Farms Lane where a traffic light is planned on Edmond Road. Mr. Schiermeyer stated if access is granted across Mr. Brownlee's property, it will create an unprotected left turn onto Edmond Road for much more traffic than would be generated by the office and retail developments.

Steve Murdock, City Attorney, stated that Mr. Cassidy does have access through the Chateau Addition and has the opportunity to obtain access rights from Dooley Farms. He noted the City is not required to guarantee access through the Brownlee property to Mr. Cassidy.

Councilmember Lamb stated the application complies with all City requirements. He stated in conformance with Title 21, the Council is allowed to require documentation of a property owners association maintenance agreement for the detention facilities.

Motion by Lamb, seconded by Sanford, to approve Item No. 12 subject to receiving documentation of a property owners association agreement for long term maintenance of the detention facility. **Motion carried** as follows:

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

**13. Public Hearing and Consideration of multi-family Site Plan approval for Creekside Senior Living, located one-quarter mile west of Kelly, north side of W. Edmond Road (Meg Conine, applicant) Case No. SP030033.** The site contains 8.8 acres and 84 units will be constructed in 21 fourplex structures. The detention facilities will be shared with the Creekside development to the south.

Motion by Lamb, seconded by Miller, to approve Item No. 13. **Motion carried** as follows:

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

**14. Public Hearing and Consideration of a five-year extension of the Planned Unit Development (PUD) zoning and Design Statement for Henderson Hill Baptist Church property, located on the northeast corner of I-35 and 15<sup>th</sup> Street (Continued to November 24, 2003, at the request of the applicant).**

**15. Discussion and Consideration of creation of the Mayor's Transportation Task Force and consideration of appointments.**

Mayor Naifeh stated she would like to create a task force to provide information and make recommendations on developing a 20 year traffic master plan. She stated she had asked Senator Mark Snyder to be chairman of the task force. Mayor Naifeh stated the task force will focus on connectivity, traffic flow and other development issues. She stated she expects the task force to submit it's recommendations by January 1, 2004, to enable the City to take advantage of legislative and federal opportunities for funding. Mayor Naifeh stated she had personally spoken with all of her nominees and that the nominees have expertise in transportation and other issues such as funding raising. She nominated the following citizens:

John Kyle  
Pam Harkey  
Jim Hagan  
Mitch Surrectt  
Cynthia Rolfe  
Vince Orza  
Pat Patterson  
Steve Knox  
Stan Inman

Councilmember Page asked if additional nominees could be submitted and he nominated Damon Wingfield for consideration.

Councilmember Miller requested Randy Hume, General Manager of the Central Oklahoma Transportation and Parking Authority, be nominated.

Senator Snyder addressed Council and stated the task force would be discussing potential funding sources, relieving traffic congestion and mass transit issues as well as railroad and light rail solutions. He requested that the City provide staff support for the task force.

Motion by Lamb, seconded by Sanford, to create the Transportation Task Force as outlined by Mayor Naifeh and approve all nominees as named above. **Motion carried** as follows:

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

16. **Executive Session to discuss the purchase of real property located along E. 2<sup>nd</sup> 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 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 7:00 p.m. and returned to the City Council Chambers at 7:05 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

17. **Consideration of action regarding the purchase of real property located along 2<sup>nd</sup> Street, south of the University of Central Oklahoma campus.** Mayor Naifeh stated no action would be taken on this item.

**18. NEW BUSINESS:**

Mayor Naifeh stated Quo Vadis was very successful this past weekend and she commended all who were involved.

Mayor Naifeh also noted that U R Special had been involved in a remote broadcast with the television show *The View* this morning. She stated if U R Special is chosen as the winner of a contest sponsored by *The View* they would win \$25,000 and *The View* would come to Edmond and broadcast their show. She wished U R Special good luck.

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

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

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**City Clerk**

**Mayor**