

EDMOND CITY COUNCIL MINUTES

January 14, 2002

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 14, 2002, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve December 20, 2001, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

3. Approval of Minutes. Motion by Rice, seconded by Miller, to approve December 28, 2001, Special Meeting Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

4. City Council Presentations:

A. **Presentation of award to Wendi Marcy, winner of the Mayor's "Fingerprints on the Future" Contest.** Mayor Naifeh stated this item would be continued to January 28, 2002.

5. Appointments to Boards and Commissions:

A. **Appointment of Steve Knox as Council representative to the Visual Arts Commission.**

Motion by Lamb, seconded by Miller, to approve Item 5.A. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

6. GENERAL CONSENT ITEMS: (General Consent Items were voted on collectively except where noted.)

A. **Approval of Administrative Items:**

1) **Approval of the following easements:**

- a) Electrical easement from Covell Development, LLC to serve the sanitation transfer station located at Covell and I-35.
- b) Electrical easement from Lyle D. Hennessey Living Trust to serve the Alan Brann property located at 3801 Coffee Creek Lane.
- c) Electrical easement from Deaconess Health Care Corporation to serve The Retirement Center at Copper lake located at 1229 Lakeshore Drive and the surrounding areas.

2) **Approval of transfer of appropriations for furniture for the MIS Department - \$4,102.50**

3) **Approval of supplemental appropriations for Fire Public Safety Tax Fund in the amount of \$49,235 and Fleet Management Fund in the amount of \$30,910.**

4) **Approval of construction permits from the Oklahoma Department of Environmental Quality to construct water and sewer facilities to serve Heritage Green II at Coffee Creek Addition.**

5) **Acceptance of street easements from Williams, Boren & Associates for the Danforth and Santa Fe Extensions Project.**

6) **Approval of supplemental appropriations for 15th Street widening, from Santa Fe to Fretz - \$12,941.26**

7) **Approval of agreement with the Board of County Commissioners of Oklahoma County for the replacement of the bridge on Sooner Road over Coffee Creek.**

8) **Approval of application to the Federal Emergency Management Agency (FEMA) for a Letter of Map Revision for Spring Creek Tributary 1 and Spring Creek from Bryant Avenue near Kickingbird Road to 3,100 feet west of I-35.**

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

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, Lamb and Miller
NAYS: None

B. Approval of Purchases:

1) **Award of bid for protective fire clothing (bunker gear) for the YourGovShop member participants.** Purchasing Manager recommended accepting bid from Wayest Safety.

2) **Approval of bid disposition by the Purchasing Manager:**

a) Rescue response trailer for the Fire Department to Trailer Marketing in the amount of \$45,910

3) **Approval of contract for architectural services with LWPB Architects & Planners, P.C. for the fire training facility on the 2000 Capital Improvements Projects Tax List in the amount of \$154,000.**

Motion by Knox, seconded by Rice, to approve General Consent Items 6.B.(1-3). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

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

<u>CLAIM NUMBER</u>		<u>RECOMMENDATION</u>
22-0022	Animal Welfare Department	Deny - \$2,578.17
22-0019	Street Department	Pay - \$ 840.56

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, 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 Rice,
Knox, Lamb and Miller
NAYS: None

11. PLANNING CONSENT ITEMS:

A. Acceptance of Final Plat and maintenance bonds for Cheyenne Crossing 1st Addition.

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

12. Public Hearing and Consideration of Ordinance No. 2667 amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) to Restricted Commercial Planned Unit Development, located south of Danforth, west of Park Lane Addition, east of Wal-Mart Supercenter (Expressway Development Associates, Inc., applicant). The property consists of 4.7 acres and general commercial zoning has previously been denied for this tract.

Randel Shadid, attorney representing the applicant, addressed Council and stated the Edmond Plan III projects this site for "E-1" General Commercial District. He stated amending the Plan to Restricted Commercial will provide a buffer for the single family homes in Park Lane Estates from the Wal Mart Supercenter. Mr. Shadid stated all the special uses allowed in this zoning district have been eliminated. He stated that out of 81 allowable uses in the Restricted Commercial District, the PUD design statement contains only 36 of those uses. He noted that several restricted commercial uses have been allowed next to single family homes in the past. Mr. Shadid agreed to limit the height of the building to one-story.

Betty Jean Blue (President of the Edmond Neighborhood Alliance - ENA), Bob Womack (President of Park Lane Estates Homeowners Association), Ronnie Williams (ENA), Dan O'Neil (ENA) and Richard Haag (Arrowhead Valley) addressed Council in opposition. The opponents felt that restricted commercial was not an appropriate buffer next to single family homes. Mr. Womack stated he was concerned that the applicant will return in the future and request the Plan be amended again to a higher use. He stated that the Council committed to suburban office zoning when the Wal Mart Supercenter was constructed and he requested that the Council maintain their commitment.

Dan Short, Park Lane Estates, addressed Council in support of

the application.

Councilmember Knox stated he did not believe there was much difference between suburban office zoning and restricted commercial zoning. He noted the previous Council only approved an application, they did not make a commitment to retain the suburban office zoning forever. Councilmember Knox stated he had not heard any specific reasons for denying the application. He stated the application satisfies the intent of the original approval as a buffer to Wal Mart and is not a detriment to the surrounding neighborhoods.

Councilmember Lamb stated the Council has allowed physical buffers as well as zoning buffers in past applications. He noted the wall contained in the PUD will be a substantial buffer.

Councilmember Rice stated the application contains limited uses and restricted commercial usage is an appropriate buffer. He stated he felt the application meets the intent of the previous Council.

Motion by Knox, seconded by Rice, to approve Ordinance No. 2667 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: Councilmember Miller

Motion by Rice, seconded by Knox, to attach Emergency Clause to Ordinance No. 2667. **Motion carried** as follows and Ordinance No. 2667 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

13. Public Hearing and Consideration of Ordinance No. 2668 rezoning from "D-O" Suburban Office Planned Unit Development (PUD) to "D-1" Restricted Commercial Planned Unit Development, located south of Danforth, west of Park Lane Addition, east of Wal-Mart Supercenter (Expressway Development Associates, Inc., applicant). This is a companion to the above item.

Councilmember Lamb requested the design statement be amended to limit the building to one-story and that the dumpsters be installed between the building and Wal Mart on the far west side of the site.

General discussion was held regarding the additional curb cut on

Danforth.

Randel Shadid addressed Council and stated the applicant donated an easement in exchange for the curb cut. He noted the application complies with the City's access management policy. Mr. Shadid agreed to eliminate outdoor display from the design statement.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2668 as read by title by City Planner subject to the following:

- 1) Building be limited to one-story
- 2) Dumpsters be located between the building and Wal Mart on the far west side
- 3) Eliminate outdoor display from design statement

Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

14. Consideration of amended Final Plat for Creek Bend II Addition to eliminate continuation of a street and amendment to add a new street, located north of 15th Street (Bud Bartley, applicant). The amended plat will change the layout of the streets to eliminate a street with an 8% grade.

Steve Manek, City Engineer, addressed Council and stated the relocated street will be better designed and much safer because the grade will be less. He stated in order to complete the next phase of the project, the developer would need to cut out 50 feet of the existing street to bring it to an 8% grade which is the maximum allowed. He stated the existing street will remain but will be a dead end street.

Richard and Jane O'Brien, owners of the corner lot on Honey Creek Drive in Creek Bend I, addressed Council in opposition. Mr. O'Brien stated they purchased the property because it was a corner lot and all the previous plats show the street as a through street. He stated the applicant had not discussed this change with them and he addressed the following concerns:

- 1) Not aesthetically pleasing to close the street
- 2) Security - concerned that their property will become a parking lot and trash dump with easy access to the back of their house
- 3) Safety - feels there are too many bicycle riders, four wheelers, motorcycles and skate boarders who will use the property. Concerned their property will become

- the common area
- 4) Traffic - their driveway has become a turn around for all the cars who do not realize the street is a dead end.

Mr. O'Brien stated if completing the street is technically unachievable, he requested the developer remove the street, rework their lot and lengthen their driveway in order connect it to Fox Hill Terrace.

Mr. Manek stated if the street is allowed to remain as originally platted, stormwater runoff will be a problem in this area.

Lax Godhania, the project engineer representing MGR, Inc., addressed Council and stated the amended plat provides for better circulation, drainage and grade of street.

Councilmember Miller stated he agreed with the O'Briens, and felt that their proposal should be considered. Councilmember Knox stated he felt most of the O'Brien's problems are with the developers and he felt the City did not have the authority to make a judgment regarding the O'Brien's situation. He recommended Mr. and Mrs. O'Brien meet with the developer to resolve this issue.

Motion by Knox, seconded by Miller, to continue Item 14 to allow the O'Briens and the developer to work out a solution. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

15. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Open Display Commercial, located south of Covell Road, east of I-35 (Curtis Harris, applicant) (Continued to February 25, 2002, City Council meeting).

16. Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor District to "E-2" Open Display Commercial District, located south of Covell Road, east of I-35 (Curtis Harris, applicant) (Continued to February 25, 2002, City Council meeting).

17. NEW BUSINESS:

Councilmember Rice stated he heard that Edmond has more traffic lights per capita than any other city in the nation and he asked if that was true. Discussion was held on the number of lights in the City.

Mayor Naifeh announced that today was Councilmember Rice's birthday.

18. Motion by Miller, seconded by Knox, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

City Clerk

Mayor