

**EDMOND CITY COUNCIL MINUTES**

April 8, 2002

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 8, 2002, in the City Council Chambers.

**2. Approval of Minutes.** Councilmember Lamb requested the Minutes be amended under New Business to read "Councilmember Lamb announced the Urban Forestry Commission recognized there would be planting of 207 new trees this week in honor of Arbor Week". Motion by Rice, seconded by Lamb, to approve March 25, 2002, Minutes as amended. **Motion carried** as follows:

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

**3. City Council Presentations:**

- A. **Presentation of proclamation declaring April, 2002, as "FAIR HOUSING MONTH" in the City of Edmond.**
- B. **Presentation to Neal Little and the Edmond Evening Lyons Club.**
- C. **Recognition of Police Officer Matt Terry and Edmond citizen William C. Patum.** Mayor Naifeh stated this item would be continued to April 22, 2002.

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

- A. **Appointment to the Edmond Green City Task Force.** The Park and Recreation Advisory Board nominated Carolyn Munholland to serve as their representative for a term expiring in March, 2005.
- B. **Appointment to the Central Edmond Urban Development Board.** Councilmember Knox nominated David Forrest for re-appointment to serve a term expiring in February, 2005.

Motion by Lamb, seconded by Miller, to approve Items 4.A. and 4.B. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, 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 transfer of appropriations for purchase of furniture for West Administrative Center offices - \$31,000
- 2) Approval of transfer of appropriations - Financial Services Department - \$68,460
- 3) Approval of Resolution No. 07-02 dissolving the Capital Improvement Planning Oversight Committee.
- 4) Acceptance of donation of small tract of land, located at Olde Depot Drive and Danforth Road.
- 5) Approval of electric easement from Shawn Smith to serve 6608 E. Coffee Creek Road.
- 6) Approval of supplemental appropriations - Local Law Enforcement Block Grant fund - \$22,650
- 7) Acceptance of public improvements and maintenance bonds for the following:
  - a) 15<sup>th</sup> Street waterline relocation
  - b) Water system improvements
  - c) Walgreen's
  - d) Arledge Building
  - e) 1033 S. Broadway
- 8) Acceptance of construction permits from the Oklahoma Department of Environmental Quality for water and sewer lines for the Steeplechase 8<sup>th</sup> Addition.
- 9) Acceptance of construction permit from the Oklahoma Department of Environmental Quality for Arcadia Lake Water Treatment Plant improvements project.

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

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

B. **Approval of Purchases:**

1) **Approval of bid disposition by the Purchasing Manager.**

a) Core Office Furniture to furnish and install furniture for the new West Administration Center in the amount of \$29,770.

2) **Approval of Amendment No. 3 with LandPlan Consultants, Inc., in the amount of \$74,766.25 to include design services for the Mitch Park/Coffee Creek Trail and the Fink Park/Hafer Park trail. Staff requested this item be continued to April 22, 2002.**

3) **Approval to cancel contract with PROCON for architectural and construction management services and approval of architectural services agreement with Davis Design Group for the Edmond Police Firearms Training Facility in the amount of \$13,500.**

4) **Approval of Change Order No. 1 with Otis Elevator Company for the Bank One Renovation Project deducting \$8,445.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.B.(1,3,4). **Motion carried** as follows:

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

Motion by Miller, seconded by Rice, 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

9. **PLANNING CONSENT ITEMS:**

A. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located on the south side**

of Thatcher Street, Block 5 Eberts Addition (Pete Reeser, applicant) (Withdrawn by applicant).

- B. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development (PUD) usage, located on the south side of Thatcher Street, Block 5 Eberts Addition (Pete Reeser, applicant) (Withdrawn by applicant).**
- C. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development (PUD) usage, located on the south side of Thatcher Street, west of the railroad tracks (Pete Reeser, applicant) (Withdrawn by applicant).**
- D. **Public Hearing and Consideration of commercial Site Plan approval for a Federal Employees Credit Union, located on the northwest corner of Kelley Avenue and Kelley Pointe Parkway (Bockus-Payne Associates, applicant).**
- E. **Public Hearing and Consideration of commercial Site Plan approval for two new commercial buildings for retail space, including a restaurant, located west of Waterwood Parkway, north of SSI, southwest of Denny's and south of the University Self Storage (Sooner Investments, applicant).**

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

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: Councilmember Rice

- F. **Public Hearing and Consideration of Site Plan extension of the University Village Site Plan, located on the north side of E. 2<sup>nd</sup> Street, east of Blackwelder and west of Wal-Mart Neighborhood Market (Sooner Investments, applicant).**

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

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: Councilmember Rice

- G. **Consideration of approval of Preliminary Plat of Bridgewater Addition, located east of Santa Fe Avenue, approximately one-half mile south of Danforth (ERC Properties, applicant). The addition contains 36.17 acres with 103 single family lots. The addition will contain two streets. The southern street, Bridgeview Boulevard, will be private with a gated access and will contain 52 lots. The northern street will be dedicated as a public street with 51 lots. The two sections will not be connected but**

the developer has identified a 20 foot alley between the two areas as an alternate emergency access or a public connection if the street is dedicated in the future. The developer agreed to pay all inspection fees and to construct all the streets to City standards. The applicant requested a variance to allow a 20 foot front building line rather than the 25 foot required by City codes.

Councilmember Lamb stated he was concerned about the wetlands being incorporated into the common area. He asked what language will be contained in the Plat regarding maintenance to insure that the wetlands are preserved and not turned into a dumping ground. Councilmember Lamb stated he was also concerned about the lack of connection to the surrounding additions. He stated he felt the four "flag" lots without direct frontage on the street would be a variance **[Amended 4/22/02** ] because the application is not a PUD.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has defined the wetlands and a statement will be included in the covenants and the Plat stating that the homeowners association will be responsible for maintenance. Mr. Shadid stated when Christian Brothers, Wal Mart and the warehouse were approved, the applicant agreed to leave this property as residential. He stated there are stub outs into the Park Lane and Oak Brook Additions and they agreed not to connect to these additions. Mr. Shadid stated since a portion of the development is a private gated addition, they do not want to connect to a public street. He noted that the application meets all City requirements.

Councilmember Lamb stated he wished to see the language addressing maintenance of the wetlands. Mr. Shadid stated he would include in the covenants that language must be approved by Council. He stated when the Final Plat is considered, he will include language to address the wetlands issue.

Councilmember Miller asked which addition will be responsible for maintenance of the wetlands. Mr. Shadid stated that issue will be resolved when the Final Plat is considered.

Ronnie Williams, representing the Edmond Neighborhood Alliance, also addressed Council on this matter.

Motion by Rice, seconded by Knox, to approve Planning Consent Item 9.G. **Motion was denied** as follows:

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

- H. **Consideration of acceptance of trails easement from Yannarell Enterprises, LLC, dba Putt-A-Round Miniature Golf, located on the west side of Bryant (Sooner Investment, applicant).**
- I. **Public Hearing and Consideration of Ordinance No. 2675 closing a portion of Comfort Drive, located west of Broadway, north of Tractor Supply Company (Greenway Enterprises, applicant).**
- J. **Public Hearing and Consideration of amendment to Site Plan for building located at 1400 S. Santa Fe, to install minimum landscaping rather than exceed the landscaping standard as previously indicated (Bank of Oklahoma, applicant).**

Motion by Rice, seconded by Miller, to approve Planning Consent Items 9.D., 9.H. through 9.J. **Motion carried** as follows:

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

Councilmember Knox temporary left the City Council Chambers due to his position on the hospital board.

**10. Public Hearing and Consideration of Ordinance No. 2676 rezoning from "D-2" Neighborhood Commercial to "D-3" Office Commercial Planned Unit Development (PUD), located on the south side of Medical Center Drive, west of the Legacy Woods Apartments (Henry J. Pearce, applicant). This item was previously presented without the PUD and was denied on February 25, 2002. The applicant is proposing to construct an ambulatory surgical center with no additional "D-3" uses permitted. The Edmond Plan III projects the property for general commercial usage. No changes to the original site plan are proposed.**

Randel Shadid, attorney representing the applicant, addressed

Council and stated the application is a land use issue only. Mr. Shadid stated the requested zoning is for a lesser use and considered down zoning. He noted the application is in compliance with Edmond Plan III. He stated their research indicates there is a market for this type of facility in Edmond.

Stan Tatum, CEO of Edmond Medical Center, addressed Council in opposition. He stated he felt this matter was more than just a land use issue and that facilities of this type should be required to show a need prior to approval. Mr. Tatum stated when the City sold the hospital to HCA the City agreed to support the hospital and he requested they continue their support. He noted that specialty hospitals of this type take money away from acute care medical facilities by specializing in the more expensive type of medical care. Mr. Tatum stated four area cities have approved ordinances to protect their local hospitals and he felt that Edmond should research the necessity of also approving an ordinance to address this type of medical facility.

Ted Foster, Dr. Craig Evans and Dr. Tim Siler also addressed Council in opposition.

Mayor Naifeh stated she also felt this application was more than a land use issue. She stated it was the responsibility of the Council to protect the health care of Edmond citizens and also to protect the assets of a full service medical facility.

Councilmember Rice stated he came to the meeting feeling that the application was a land use issue but that he realized health care is different. He stated he felt Council should consider what is best for the community and not consider the application as just a land use issue.

Councilmember Lamb stated after reviewing the information and a model ordinance approved by a metro area city regarding this type of application, he was opposed to writing a new rule that did not previously exist to address just one issue. He stated by denying the application, he felt Council would be expanding beyond their jurisdiction.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2676 as read by title by City Planner. **Motion was denied** as follows:

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

Councilmember Knox returned to the City Council Chambers.

11. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Neighborhood Commercial to General Commercial Planned Unit Development (PUD) usage, located west of Santa Fe, south of Danforth Road (John Alexander, applicant). Mayor Naifeh stated this item would be continued to April 22, 2002.

12. Public Hearing and Consideration of Ordinance rezoning from "D-2" Neighborhood Commercial District to "E-1" General Commercial Planned Unit Development (PUD) District, located west of Santa Fe, south of Danforth Road (John Alexander, applicant). This is a companion to the above item and was also continued to April 22, 2002.

13. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Open Display Commercial usage, located south of Covell Road, east of I-35 (Curtis Harris, applicant). Mayor Naifeh stated this item would be continued to May 13, 2002.

14. 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). This is a companion to the above item and was also continued to May 13, 2002.

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

Eldredge vs. City of Edmond

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 6:42 p.m. and returned to the City Council Chambers at 6:45 p.m.

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

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

**16. Consideration of action regarding the above pending claim/litigation.**

Motion by Lamb, seconded by Miller to authorize City Attorney to proceed with settlement negotiations on the above claim. **Motion carried** as follows:

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

**17. NEW BUSINESS:**

Mayor Naifeh requested that consideration of a partnership with the YMCA be on the next agenda.

Mayor Naifeh announced that Operation Clean Streets will be held on April 20.

Mayor Naifeh also expressed appreciation to Putt-A-Round for granting an easement to the City to use for the future trails system.

Councilmember Lamb requested that consideration of scheduling a meeting with the Impact Fee Committee be on the next agenda.

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

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

---

City Clerk

---

Mayor