

EDMOND CITY COUNCIL MINUTES

April 22, 2002

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 22, 2002, in the City Council Chambers.

2. Approval of Minutes. Councilmember Lamb requested the Minutes be amended on Item 9.G. read "He stated he felt the four "flag" lots without direct frontage on the street would be a variance because the application is not a PUD." Motion by Lamb, seconded by Miller, to approve April 8, 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 to Walt Stammer recognizing his dedicated years of service to the City of Edmond.**
- B. **Recognition of Police Officer Matt Terry and Edmond citizen William C. Tatum.**
- C. **Presentation of certificate to Edmond Electric from the United States Department of Energy.**
- D. **Presentation of certificate to Edmond Electric by the Municipal Electric Systems of Oklahoma (MESO) for electric system reliability.**
- E. **Presentation of proclamation proclaiming April, 2002, as "CHILD ABUSE PREVENTION MONTH" in the City of Edmond.**

4. Appointments to Boards and Commissions:

- A. **Appointment to the Edmond Public Works Committee.** Mayor Naifeh nominated Carl Reheman to serve the remainder of Walt Stammer's term expiring on May 28, 2002.

Motion by Rice, seconded by Miller, to approve Item 4.A.
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) **Acceptance of City Manager's Financial Report for month ending March 31, 2002.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending March 31, 2002.**
- 3) **Approval of the following electric easements:**
 - a) Fairfax Joint Ventures, LLC to serve Fairfax Golf Club, 32119 Beacon Hill Street
 - b) Edmond Hotels, LLC to serve Holiday Inn Express, 3840 E. 2nd Street
- 4) **Public Hearing and Consideration of the following ordinances providing for a youth member to City Boards and Commissions:**
 - a) Consideration of Ordinance No. 2677 Amending the Edmond Municipal Code, Chapter 2.94, Art in Public Places Program, Section 2.94.050(B)(1) Number of Members.
 - b) Consideration of Ordinance No. 2678 Amending the Edmond Municipal Code, Chapter 2.82, Convention and Tourism Advisory Board, Section 2.82.010, Established, Composition, Appointment, Terms, Organization, and providing for Addition of Youth Member.
 - c) Consideration of Ordinance No. 2679 Amending the Edmond Municipal Code, Chapter 2.80, Edmond Public Transportation Committee, Section 2.80.020 Membership to Provide for Appointment of Youth Member, Section 2.80.070 Providing for Quorum.
 - d) Consideration of Ordinance No. 2680 Amending the Edmond Municipal Code, Chapter 2.76, Arts and Humanities Council, Section 2.76.020 Membership, Providing for Addition of Youth Member.
 - e) Consideration of Ordinance No. 2681 Amending the Edmond Municipal Code, Chapter 2.74, Social

Agency Review Commission, Section 2.74.020 Membership, Providing for Youth Member, Section 2.74.080 Providing for Quorum.

- f) Consideration of Ordinance No. 2682 Amending the Edmond Municipal Code, Chapter 2.64, Park and Recreation Advisory Board, Section 2.64.020, Established, Composition, Providing for Ten Members, Adding New Section 2.64.030(1) Providing for Addition of Youth Member.
- g) Consideration of Ordinance No. 2683 Amending the Edmond Municipal Code, Chapter 22.26A, Central Edmond Urban Development Board, Section 22.26A.020, Established, Composition to Increase to Ten Voting Members; Adding New Section 22.26A.030(f) Providing for an Edmond Youth Member; and Section 22.26A.050 Compensation and Quorum.
- h) Consideration of Ordinance No. 2684 Amending the Edmond Municipal Code, Chapter 2.92, Urban Forestry Commission, Section 2.92.030, Creation and Establishment of the Urban Forestry Commission and to Provide for Addition of Youth Member.

5) Consideration of the following Resolutions providing for a Youth Member to City Boards and Commissions:

- a) Consideration of Resolution No. 09-02 Amending the Indenture of the Edmond Historic Preservation Trust, Providing for an Additional Trustee Member.
- b) Consideration of Resolution No. 10-02 Amending Number of Members and Setting a Quorum of the Edmond Green City Task Force.

General discussion was held regarding problems which could occur due to some of the boards having an even number of members with the appointment of a youth member. Also discussed was the legality of a youth under 18 being appointed as a voting member. Steve Murdock, City Attorney, stated there was no legal reason a youth member could not be appointed as a voting member.

Motion by Rice, seconded by Lamb, to approve Ordinance Nos. 2677-2684 as read by title by City Attorney and Resolution Nos. 09-02-10-02. **Motion carried** as follows:

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

6) Approval of Execution of Deed to transfer ownership of Park Lane Estates Detention Pond to Park Lane Estates Homeowners Association.

7) Approval of agreement with the Oklahoma Department of Agriculture for a \$5,000 grant to promote Edmond Farmers Market.

8) Approval of agreement with the Oklahoma Department of Transportation for the construction of an industrial access road for the Waste Transfer Station.

9) Approval of supplemental appropriations - Senior Citizens - \$1,712.49

10) Acceptance of public improvements and maintenance bonds for the following:

- a) Timber Ridge III Addition pond renovation
- b) Skate Park parking lot and road
- c) 33rd Street sanitary sewer relocation
- d) Santa Fe waterline relocation
- e) Faircloud Hills/North Creek storm sewer
- f) Police Station roof
- g) Olde North Village

11) Approval of Resolution No. 08-02 granting CoxCom, Inc., dba Cox Communications a Revocable Permit to Operate a Cable Television System within the City of Edmond, Oklahoma for a period not to exceed one year. Councilmember Knox requested Cox Communications consider extending cable service to residents located east of I-35.

12) Approval of supplemental appropriations in the amount of \$15,800 and approval of transfer of appropriations in the amount of \$10,000 for Arcadia Lake.

13) Approval of supplemental appropriations from the 2000 Sales Tax CIP undesignated fund balance for the

15th Street project, Edgewood to Pine Oak - \$17,340

14) Approval of supplemental appropriations from the 2000 Sales Tax CIP undesignated fund balance for the Danforth and Santa Fe Extension project - \$272,265

Motion by Lamb, seconded by Knox, to approve General Consent Items 5.A.(1-3,6-14). **Motion carried** as follows:

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

B. Approval of Purchases:

1) Award of bids, approval of contracts and approval of Resolution Nos. 11-02 and 12-02 appointing Purchasing Agents for the Bank One Renovation project. Purchasing Manager recommended accepting bids from Glascon and Al Slattery Masonry.

2) Approval of agreement with the University of Central Oklahoma (UCO) and Blandings Corporation to share the cost of patterned concrete at the UCO Jazz Lab in the amount of \$13,927.50.

3) 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 (\$57,526.25) and the Fink Park/Hafer Park trail (\$17,240).

4) Award of bid and approval of contract with Krapff-Reynolds in the amount of \$1,130,246.95 for the Danforth and Santa Fe Road extension project and approval of Resolution No. 13-02 appointing Purchasing Agent.

5) Approval of engineering services contract with Poe and Associates, Inc. in the amount of \$140,505 for left turn lanes and signal modifications on 15th Street from Edgewood to Pine Oak.

6) Approval of Resolution No. 14-02 and project agreement with the Oklahoma Department of Transportation in the amount of \$100,000 for Phase II of the traffic sign replacement project.

7) Award of bid to Gershman, Brickner & Bratton, Inc. working in association with CIVIX, LLC, in the amount of \$21,900 for sanitation route optimization software.

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

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

8) Consideration of Real Estate Purchase Agreement with Mildred Fisher Hall, LLC, for property located near 33rd Street and Boulevard - \$950,000 plus cost of closing

Motion by Lamb, seconded by Rice, to approve General Consent Items 5.B.(8). **Motion carried** as follows:

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
22-0042 Street Department	Deny - \$165.71

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

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

Motion by Miller, 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 Rice, Knox, Lamb and Miller
NAYS: None

9. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for a restaurant, located on the northwest corner of 33rd Street and Broadway (On the Border Restaurant, applicant).** The proposed building will contain 5,731 square feet. The exterior walls will be painted stucco with cast stone, tile and painted stripe accents. The painted stripes will have Argon tube lights of various colors. The exterior walls are consistent with the variety of existing buildings on Broadway.

Jeff Norman, architect representing the applicant, and Andrea Baxter, representing Brinker International, addressed Council and urged approval. Mr. Norman stated the application exceeds City requirements. Ms. Baxter stated the proposed design is the same style used for most of the other restaurants that have recently been constructed.

Councilmember Knox stated he did not feel the application met the intent of the site plan ordinances.

General discussion was held regarding landscaping of the site. Bob Schiermeyer, City Planner, stated the application is in compliance with the landscaping requirements. He stated the landscaping being added by the applicant will be around the building and that they did not plan any additional landscaping in the front along Broadway. Mr. Schiermeyer noted that the developer of the overall site will install a landscaping area on the corner along with an identification sign for the entire development.

Councilmember Miller stated he felt the applicant could submit a more aesthetically pleasing site plan since this restaurant will be located on a primary corridor into the City.

Dan O'Neal also addressed Council on this matter.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 10.A. **Motion was denied** as follows:

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

- B. **Public Hearing and Consideration of Ordinance No. 2685 rezoning from "A" Single Family Dwelling District and "D-2" Commercial District to "DRD" Downtown Residential District, located east of Boulevard, west of University Drive on the south side of Campbell (City of Edmond, applicant).**
- C. **Public Hearing and Consideration of commercial Site Plan approval of a warehouse, located on the east side of Kelly, south of 15th Street (Edmond Door & Plywood Warehouse, applicant).**

- D. **Public Hearing and Consideration of commercial Site Plan approval for an office warehouse, located on the northwest corner of 18th Street and Fretz (Jade Properties, applicant).**

Motion by Lamb, seconded by Rice, to approve Planning Consent Items 10.B., C. and D. subject to staff's recommendations **Motion carried** as follows:

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

NAYS: None

- E. **Public Hearing and Consideration of commercial Site Plan approval for an office warehouse, located on the east side of Kelly, south of the Kelly West Shopping Center (Don Smith, applicant).**

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

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

NAYS: None

11. Public Hearing and Consideration of commercial Site Plan approval for an addition to an existing building and a mini storage building, located at 3130 S. Boulevard (Signs to Go, applicant). The existing single story building contains 6,213.4 square feet and the applicant is proposing to add a 3,841.6 square foot addition on the east side of the building. Due to the existing driveway and the proposed building addition, there is no room for additional landscaping. The applicant has agreed to maintain the existing cedar trees on the east side of the site. The existing sign on Boulevard is non-conforming and additions to the sign are not allowed due to the non-conforming status.

Mark Farris, engineer representing the applicant, addressed Council and stated a T-turn around has been provided for the fire lane which is standard policy for other areas of the City. He stated there is shared parking with the other existing buildings which complies with parking requirements due to the limited public area in the buildings. Mr. Farris stated a retaining wall will be constructed along the trees in order to protect them during the construction phase of the project.

Mayor Naifeh requested the existing sign be altered to comply with City ordinances.

J.C. Wilson, applicant, addressed Council and agreed to install a landscaping planter between the sign and the retaining wall on the south. He stated if they replaced the sign with a conforming sign, he felt it may reduce visibility of customers entering and exiting the businesses located there. Mr. Wilson also agreed to add a pole cover to the sign.

Councilmember Rice stated this is a unique site and both parties are giving special considerations. He stated normally he would prefer a non-conforming sign to be replaced, but in this situation he felt it would create a hardship on the applicant.

Dan O'Neal also addressed Council on this matter.

Motion by Rice, seconded by Knox, to approve Item 11 subject to installation of a landscaping planter between the existing sign and the retaining wall on the south, adding a pole cover on the existing sign, maintaining the existing cedar trees on the east side of the property and replacing any trees that die. **Motion carried** as follows:

AYES: Councilmembers Rice, Knox, Lamb and
Miller

NAYS: Mayor Naifeh

12. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Neighborhood Commercial usage 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 was withdrawn by the applicant.

13. **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 withdrawn by the applicant.

14. **Consideration of a workshop with the Impact and Development Fee Committee to discuss water and sewer capacity fees.** A workshop was scheduled for May 2, 2002, at 5:30 p.m.

15. **Consideration of selection of a consultant for the zoning ordinance and site plan study to negotiate an agreement.** Staff

recommended Duncan and Associates as the consultant to perform the study based on their experience with a broad range of zoning and site plan issues in both smaller and larger cities.

Motion by Lamb, seconded by Rice, to approve staff's recommendation of Duncan and Associates. **Motion carried** as follows:

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

16. Discussion of proposed ordinance(s) concerning medical facilities in Edmond. Steve Murdock, City Attorney, distributed a proposed ordinance for Council consideration.

Councilmember Rice suggested inviting the health care facilities to be involved in the discussions. He stated he felt additional review is needed and he requested this item be continued to the next meeting.

Mayor Naifeh stated this is a critical issue and she wanted to begin the discussions as soon as possible.

17. Executive Session to discuss the following:

a) **Purchase of real property located on the east side of I-35 near Covell Road, Edmond (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(3)).**

b) **The following pending claim/litigation (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(4):**

Quigley vs. City of Edmond

Motion by Knox, seconded by Rice, to meet in Executive Session to discuss the above items. **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 7:10 p.m. and returned to the City Council Chambers at 8:00 p.m.

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

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

18. Consideration of action regarding the purchase of real property located on the east side of I-35 near Covell Road, Edmond.

Motion by Miller, seconded by Lamb, to authorize City staff to pursue acquisition of the above property. **Motion carried** as follows:

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

19. Consideration of action regarding the above pending claim/litigation.

Motion by Lamb, seconded by Knox, 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

20. NEW BUSINESS: None

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

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

City Clerk

Mayor