

**EDMOND CITY COUNCIL MINUTES**

May 28, 2002

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Tuesday, May 28, 2002, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Lamb, seconded by Miller, to approve May 13, 2002, Minutes. **Motion carried** as follows:

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

**3. City Council Presentations:**

A. **Presentation to Carl Heinitz in recognition of "The Fingerprints on the Future" award.**

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

A. **Appointment to the Board of Adjustment/Board of Appeals.** Mayor Naifeh nominated Frank Pierce for re-appointment to serve a term expiring May 1, 2005.

B. **Appointment to the Green City Task Force.** Mayor Naifeh nominated Connie Gall to serve a term expiring March, 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) **Acceptance of City Manager's Financial Report for month ending April 30, 2002.**

2) **Acceptance of City Treasurer's Investment Report for month ending April 30, 2002.**

3) Approval of Interlocal cooperation agreement with the Board of County Commissioners of Oklahoma County for satellite office in Edmond.

4) Approval of agreement with Metropolitan Library System for lawn maintenance for the Edmond Branch Library.

5) Approval of supplemental appropriations - Electric Department - \$15,000

6) Approval of supplemental appropriations - Human Resources Department for the following:

- a) Medical Services \$5,400
- b) Advertising Costs \$3,600

7) Approval of electric easements to serve the following:

- a) Craig Brudznski - 2500 N. Douglas Boulevard
- b) Robb Luschen - 1205 Irvine Drive
- c) Douglas and Michelle Taylor - 321 Habben Way
- d) Dean A. McGee Eye Institute - 1005 Medical Park Boulevard
- e) David and Judy Tuggle - 33<sup>rd</sup> and Air Depot
- f) David and Beverly North - 33<sup>rd</sup> and Air Depot

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

- a) University Plaza East (Lowe's)
- b) University Plaza (Target)
- c) Waterwood Drive

9) Approval of completion agreement with Surety "Granite Re, Inc." for safe routes to school sidewalk project.

10) Public Hearing and Consideration of Ordinance No. 2687 amending Chapter 4.24 of the Edmond Municipal Code regarding low-point beer; Sections 4.24.005(a) and (b) Definitions; 4.24.010 Prohibition of Location of Low-point Beverage Establishments; 4.24.020 Obstruction of View from Street Prohibited; amending Chapter 4.60 providing for alcohol beverage control;

**Sections 4.60.005 Definitions; 4.60.006 Restriction on Location of Retail package Store; Mixed Beverage Establishment or Bottle Club and Beer and Wine Establishment; 4.60.010 Liquor Related Matters to be Governed by State Law; and providing for Repealer, Severability; and Declaring an Emergency.**

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

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

Motion by Lamb, seconded by Knox, to attach Emergency Clause to Ordinance No. 2687. **Motion carried** as follows and Ordinance No. 2687 is in effect immediately:

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

B. **Approval of Purchases:**

1) **Approval of Bid Disposition by Purchasing Manager:**

- a) T.D.S. for truck tire maintenance and repair for refuse vehicles for the Fleet Maintenance Department - estimated annual total \$10,000
- b) American Logo & Sign for traffic control signs (street names) for the Engineering Department - \$92,602.60
- c) Oklahoma Business Systems for typewriter maintenance for City departments - annual amount of \$2,300

2) **Approval of contract amendment with MGR, Inc. to provide engineering design services for 33<sup>rd</sup> Street widening project in the amount of \$77,852.**

Motion by Rice, seconded by Miller, to approve General Consent Item 5.B.(2). **Motion carried** as follows:

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

ABSTAIN: Councilmember Rice (Considered a NO vote)

3) **Award of bid(s) for electric meter repair services for the YourGovShop member participants.** Purchasing Manager recommended accepting bid from Midstate Meter Sales with an annual estimate of \$10,000.

4) **Approval of consultant agreement with Duncan and Associates to perform Zoning Ordinance and Site Plan Criteria Study:**

- a) Phase One \$39,000
- b) Phase Two \$83,000
- c) Optional Web Enhancements \$ 7,500

Motion by Lamb, seconded by Knox, 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

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

| <u>CLAIM NUMBER</u>       | <u>RECOMMENDATION</u> |
|---------------------------|-----------------------|
| 22-0047 Street Department | Deny - \$129.52       |

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

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

Motion by Rice, 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

**10. PLANNING CONSENT ITEMS:**

**A. Public Hearing and Consideration of Ordinance No. 2688**

rezoning from "G-A" General Agricultural District to "R-1" Rural Estate Dwelling District, located on the south side of Waterloo Road, west of Bryant (Cary Manek, applicant) Case #Z020029.

- B. Public Hearing and Consideration of Ordinance No. 2689 rezoning from "A" Single Family Dwelling District to "E-1" General Commercial District, located at 129 W. 1<sup>st</sup> Street (Pete Reeser, applicant) Case #Z020028.
- C. Public Hearing and Consideration of Special Use Permit for a day care center, generally located at 100 E. 15<sup>th</sup> Street, Suite 122 (Melinda Sendall, applicant) Case #U020003.

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

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

NAYS: None

- D. Consideration of Final Plat of Cedar Pointe IV, located east of Santa Fe, one-quarter mile south of Covell Road (John Coleman, applicant) Case #PR020006. The developer agreed to submit written notice to the contractors to use only the construction drive. The developer also agreed to improve the temporary construction access on Santa Fe and to construct a deceleration lane along Santa Fe for the entry street.

Mayor Naifeh asked if the problems with Lots 1 and 12 have been resolved. Steve Manek, City Engineer, addressed Council and stated the developer has removed those lots from the flood plain by providing ten foot setbacks.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 10.D. **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 a commercial retail center, located on the northwest corner of Danforth and Santa Fe (Danforth Development, applicant) Case #SP020017. The building will

consist of 45,600 square feet and is east of the Homestead Addition. The driveway on the north side of Danforth will align with the 7-Eleven drive. A second driveway on Santa Fe will align with the Kohl's drive and be controlled with a traffic light.

Councilmember Miller asked if the concerns of the Homestead Homeowners Association have been resolved.

Randel Shadid, attorney representing the applicant, addressed Council and stated a meeting was held on May 15<sup>th</sup> with the homeowners and they agreed to items regarding landscaping, drainage, building exterior and lighting. Mr. Shadid stated the sign will be similar in style to the Homestead signs and the lettering will be either gold or bronze in color and backlit.

Councilmember Rice stated although he liked the development and appreciated the developer working with the homeowners to resolve their issues, he felt the landscaping islands in the parking lot were too narrow and were not large enough for sustainable growth. He stated he thought that the City was attempting to encourage developers to position the landscaping closer to the street in an attempt to eliminate the small planting beds that are difficult to maintain and he feels do not add aesthetically to the location. He requested future developments provide more green space along the section line streets and shift the landscaping from the parking lots to the street right-of-ways. Councilmember Rice suggested the City Council may want to review the current landscaping ordinances.

Motion by Miller, seconded by Lamb, 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 Special Use Permit for a church campus, located on the northeast corner of I-35 and 15<sup>th</sup> Street (Henderson Hills Baptist Church, applicant) Case #U020030.** The application consists of four buildings containing 155,000 square feet on 26 acres. The sanctuary will provide a maximum of 1,800 seats. One drive will be on 15<sup>th</sup> Street and one on I-35. The parking lots will contain 631 parking spaces. Two additional parking lots will be constructed on the east side of

the church with future phases of the development. The I-35 Corridor requires 15% of the site to be landscaped, but the Planning Commission approved several credits allowing the applicant a three point reduction to 12% landscaping.

Randel Shadid, attorney representing the applicant, addressed Council and stated the existing church site has been sold to another area church. He stated Phase I of the development will consist of a worship center, preschool, multi-purpose center and youth building in the New England style. Mr. Shadid stated five areas of existing tree cover will remain with 60% of the site being open green space. He stated the applicant agreed to the following requests by residents of the Lake Highlands Addition:

- 1) Construction entrances will be off of the I-35 service road
- 2) Off site vegetation will be disturbed as little as possible during the construction phase
- 3) Installation of a westbound lane on the north side of 15<sup>th</sup> Street on the east side of the entrance continuing west until it ties into the existing westbound north side lane that connects to the I-35 service road intersection.
- 4) Installation of a westbound deceleration lane on the north side of 15<sup>th</sup> Street continuing west to the east side of the 15<sup>th</sup> Street entrance.

Councilmember Knox stated as the area is more fully developed from the inside to the outside of the property, he requested a commitment from the applicant that each time a new phase of the project is considered, additional road work will be completed. He noted if the applicant widens the street as the phases on the west and south property lines of 15<sup>th</sup> Street are developed, the street will be widened with curb and gutter when all the phases are complete.

Alvin Bates, representing the applicant, addressed Council and stated he would commit to install curb and gutter on 15<sup>th</sup> Street when the next phase for an additional building is considered.

Bill and Jane West, Lake Highlands Addition, and Dick Haag, Arrowhead Hills Addition representing the I-35 Coalition, also addressed Council on this matter. Their primary concerns were the need for a left turn lane on 15<sup>th</sup> Street.

Motion by Knox, seconded by Rice, to approve Special Use Permit subject to widening of 15<sup>th</sup> Street as discussed by Mr. Shadid.

**Motion carried** as follows:

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

NAYS: None

Mayor Naifeh stated Items 12 and 13 are companion items and would be discussed as the same time.

**12. Public Hearing and Consideration of Ordinance No. 2690 rezoning from "G-A" General Agricultural to "A" Single Family Dwelling District, located north of Coffee Creek Road, west of Coltrane (The Ranch Limited Company, applicant) Case #Z020030.** The site contains 35 acres. A five acre tract to the south of this property along Coffee Creek Road will retain the present zoning of general agricultural.

Motion by Rice, seconded by Miller, to approve Ordinance No. 2690 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

**13. Public Hearing and Consideration of Preliminary Plat, located north of Coffee Creek Road, west of Coltrane (The Ranch Limited Company, applicant) Case #PR020004..** The plat contains 75 lots approximately 14,000 square feet each. Access will be from Coffee Creek Road with only one entrance which complies with the City driveway policy. The streets are private and maintained by the owner. A pipeline currently runs through the two lots on the southeast corner of the plat.

Tim Johnson, Johnson and Associates, addressed Council and stated the five acre tract is not included in the application to allow Coffee Creek to be four-laned in the future. Mr. Johnson stated the applicant would commit to limits of no access on Coffee Creek as the five acre tract develops by connecting the driveways to the interior of the property. He stated the applicant will retain as much of the tree buffer as possible and will comply with the drainage requirements.

Councilmember Knox stated he felt the five acre tract should be included in the application and that Coffee Creek should be widened or a fee paid in lieu of widening.

John Preston, surrounding property owner and owner of the five acre tract along Coffee Creek, addressed Council and cited several similar developments that were not required to widen an adjoining street. He stated the application is in compliance with City requirements. Mr. Preston stated the pipeline will be abandoned sometime this summer and an application will be submitted on the five acre tract as soon as they receive final notice that the pipeline is abandoned.

Cynthia Huffmeyer (Windmill Estates) and Bill Lowry (Walnut Ridge Addition) addressed Council in opposition. Mr. Lowry stated he did not receive a legal notice of the rezoning request as required by state law.

Stan Blanchard, French Drain Construction representing Dana Ladimer in Windmill Estates, also addressed Council in opposition. He stated the applicant did not comply with the legal notification requirements. Mr. Blanchard stated Ms. Ladimer's property abuts the applicant's property and she did not receive legal notice of the rezoning application. He also discussed the drainage problems.

Steve Murdock, City Attorney, addressed Council and stated the City relies on the developer to provide a list of residents within 300 feet and that the City's records indicate that legal notice requirements were met.

Councilmember Rice asked if the developer would be willing to place a deed restriction stating there will be no access onto Coffee Creek Road for the five acre tract and Mr. Preston agreed.

Motion by Rice, seconded by Miller, to approve Preliminary Plat subject to limits of no access on Coffee Creek Road along the five acre tract. **Motion carried** as follows:

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

NAYS: None

**14. Public Hearing and Consideration of Preliminary Plat of Tuscany at Borgata, located east of Vista Lane, one-half mile south of 2<sup>nd</sup> Street (A&V Development Company, applicant) Case #PR020005.** The property contains 109 single family lots on 39.49 acres. Several phases of Borgata are located to the east. The addition will connect with Borgata Way between Portofino at Borgata and Capri at Borgata. There will be a controlled access

gate with private streets. When the second phase is developed, a permanent street will be constructed to connect to Vista Lane.

Bryan Coon, Coon Engineering, addressed Council representing the applicant. He stated the lots are larger than three of the previous phases. Mr. Coon stated the original preliminary plat contained one entrance on Coltrane and an emergency entrance on Vista Lane but City staff requested another entrance. He agreed to grant a walking trail easement on the southwest corner of the addition and install the second gated entrance onto Vista Lane with Phase II. Mr. Coon stated the applicant will construct a street to Vista Lane for construction traffic which will eventually be used as another entrance. He stated the entire detention facility will be installed with Phase I.

Ray Vaughn, attorney representing Borgata residents, addressed Council and stated the application does not conform to the previous phases of the development. He stated the restrictive covenants require the same standards for all phases of the development. Mr. Vaughn stated the proposed gate on Vista Lane is not secure and defeats the purpose of the original gated entrance. He requested the gate on Vista Lane be the same aesthetically as the original gate and that the fencing conform to the existing fence.

Councilmember Lamb stated the application does not conform to the original Master Plan.

Councilmember Rice stated too many issues remain unresolved for him to approve the application.

Motion by Rice, seconded by Knox, to approve Preliminary Plat.  
**Motion was denied** as follows:

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

**15. Public Hearing and Consideration of amendment to the commercial Site Plan regarding the Solid Waste Transfer Station, located one-half mile north of Covell Road between I-35 and Air Depot (Progressive Development, LLC, applicant) Case #SP020016.**

Motion by Lamb, seconded by Knox, to continue Item 15 to June 24, 2002, City Council meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb

and Miller  
NAYS: None  
ABSTAIN: Councilmember Rice

**16. Consideration of approval of consulting agreement with Duncan and Associates for the Zoning Ordinance and Site Plan Criteria Study and appointment of Steering Committee members to direct the activities required by the study.** Staff recommended a five member Steering Committee consisting of representatives from the City Council, Planning Commission, Edmond Economic Development Authority, Chamber of Commerce and the Edmond Neighborhood Alliance.

General discussion was held and consensus of Council was that the committee should consist of City Council and Planning Commission representatives and three citizen representatives.

Motion by Lamb, seconded by Miller, to approve consulting agreement with Duncan and Associates and establish a Steering Committee consisting of City Council and Planning Commission representatives and three citizen representatives. **Motion carried** as follows:

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

**17. Discussion of proposed Water Conservation Plan.** Larry Stevens, City Manager, addressed Council and outlined the proposed plan. He stated a water conservation group consisting of staff members drafted a resolution which contains four levels of water conservation which will be in effect from June 1<sup>st</sup> to October 1<sup>st</sup>. The resolution also contains an outdoor watering schedule that if followed, should assist with lowering the peak water usages during the day and the overall daily demand. Mr. Stevens stated the resolution reduces the times when watering is prohibited to allow citizens to adequately water their landscaping. He stated staff is continuing to work toward long term water improvements and discussions are still ongoing with Oklahoma City to purchase water from them in times of need.

**18. Discussion concerning proposed Medical Facility Ordinance.** Mayor Naifeh stated the proposed ordinance contains a minor change from the current ordinance. Consensus of Council was to consider the proposed ordinance on June 24, 2002.

Randel Shadid addressed Council in opposition to the proposed ordinance. He stated he felt the Council was protecting a private for-profit medical facility against competition from other for-profit medical facilities.

Stan Tatum, CEO of Edmond Medical Center, addressed Council in support.

**19. 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) **Purchase of real property located on East 2<sup>nd</sup> Street, east of Rocky Road, Edmond (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(3)).**

Councilmember Rice left the City Council meeting and did not

attend Executive Session.

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 9:05 p.m. and returned to the City Council Chambers at 9:22 p.m.

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

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

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

Motion by Lamb, seconded by Miller, to continue this item to June 24, 2002, City Council meeting. **Motion carried** as follows:

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

**21. Consideration of action regarding the purchase of real property located on East 2<sup>nd</sup> Street, east of Rocky Road, Edmond.**

Motion by Knox, seconded by Lamb, to authorize City staff to search for options in this area. **Motion carried** as follows:

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

**22. NEW BUSINESS: None**

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

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

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**City Clerk**

**Mayor**