

EDMOND CITY COUNCIL MINUTES

July 22, 2002

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, July 22, 2002, in the City Council Chambers. Councilmember Knox was absent.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve July 8, 2002, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. Presentation of Journey Lineman Certificate to Robert Austin for completion of Municipal Electric System of Oklahoma (MESO) Lineman Apprentice Program.

4. Appointments to Boards and Commissions:

A. Mayor's re-appointments to the following:

- 1) Councilmembers Barry Rice and David Miller were nominated for re-appointment to the Public Works Committee to serve terms expiring in May, 2003.
- 2) Joe Downs, Kay Bickham and Jalal Daneshfar were nominated for re-appointment to the Public Transportation Committee.

Motion by Lamb, seconded by Miller, to approve Items 4.A.(1-2). **Motion carried** as follows:

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

B. Mayor's appointments to the following:

- 1) Vionette Torres-Miles was nominated for appointment to the Arts and Humanities Council to serve a term expiring in February, 2005.
- 2) Patrice Dill-Douglas, David Harris and David Goin were nominated for appointment to the Edmond Economic

Development Authority Board to serve terms expiring in July, 2005.

- C. **Appointment to the Convention and Visitors Bureau.** Councilmember Lamb nominated Paul Blair to serve a term expiring in October, 2002.

Motion by Rice, seconded by Lamb, to approve Items 4.B.(1-2) and 4.C. **Motion carried** as follows:

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

Mayor Naifeh stated the applicants for Items 5.A.(3a), 10.D., 10.E., 10.H., 11, 12 and 13 have requested these items be continued to the August 12th meeting.

Motion by Rice, seconded by Lamb, to continue the above items as requested. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, 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 June 30, 2002.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending June 30, 2002.**
- 3) **Approval of agreements between the City of Edmond and the following Social Agencies and Community Services for FY 2002/2003:**
 - a) **Edmond Chamber of Commerce (Continued to August 12th)**
 - b) **EMSA**
 - c) **Edmond Historical Preservation Trust**
- 4) **Approval of supplemental appropriations - Fire Public Safety Tax Fund - \$1,200 from the Wal-Mart**

Foundation Grant Program.

5) **Approval of supplemental appropriations from 2000 Sales Tax Undesignated Fund balance for signalization projects at Ayers and Edwards on Broadway and 2nd Street and Littler - Engineering Department - \$10,652.08**

6) **Acceptance of the following electric easements:**

- a) Roger W. Cole to serve 433 E. Sorghum Mill Road
- b) Michael R. Todd to serve 6432 E. Coffee Creek Road

7) **Acceptance of (3) public utility easements from John A. Henry III, for the Edmond Retail Center project.**

8) **Acceptance of drainage easements from OakTree Park 3rd Addition.**

9) **Approval of lease agreement with Southwestern Bell Wireless, LLC, located on the south side of Edwards, just east of the railroad right-of-way for a cellular tower site.** A 100 foot tall monopole cellular tower is proposed for this site. The initial term is five years with nine additional five-year terms. The lease rate for the initial term is \$18,000 per year.

Mayor Naifeh asked if the Central Edmond Urban Development Board will review this item again.

Jerry Smith, Assistant City Manager for Public Works, addressed Council and stated yes, the Urban Board would review this item again. He noted the agreement pertains to the terms of the lease and not the site plan. He stated the agreement is subject to approval of a Special Use Permit required for the cellular tower. Mr. Smith noted the Special Use Permit will be considered at a later date.

Motion by Lamb, seconded by Rice, to approve Item 5.A.(9).
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice and Lamb

NAYS: Councilmember Miller

10) Acceptance of construction permit from the Oklahoma Department of Environmental Quality for construction of a water line for the Edmond Solid Waste Transfer Station.

11) Public Hearing and consideration of Consolidated One Year Action Plan describing Community Development Block Grant (CDBG) funds for FY 2002 beginning October 1, 2002, and ending September 30, 2003, in the amount of \$461,000.

12) Approval of agreement with Triad Claims Management for worker's compensation claims administration for FY 2002/2003.

13) Approval of contract with Oklahoma City-County Health Department to perform health inspections of City of Edmond food service establishments.

Motion by Rice, seconded by Miller, to approve General Consent Items 5.A.(1-8,10-13). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller

NAYS: None

B. Approval of Purchases:

1) Approval of agreement with the University of Central Oklahoma for broadcast services in the amount of \$29,315.

2) Award of bid and approval of contract for the Downtown Community Center renovation project and approval of Resolution No. 34-02 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Premier Painting in the amount of \$11,700.

3) Approval of the following Change Orders totaling \$7,410 for the Bank One renovation project:

Change Order No. 4 - Pinnacle Electric, Inc.

\$ 700

Change Order No. 5 - J.D.'s Painting & Wallcoverings

\$1,910

Change Order No. 2,3,4 - Hansen Millwork
 \$2,330
 Change Order No. 1 - GLM Industrial Fire Safety \$
 428
 Change Order No. 1 - Glascon \$
 265
 Change Order No. 2 - Allens' Floor System
 \$1,107
 Change Order No. 1 - Oklahoma Roofing & Sheetmetal
 \$1,000
 Change Order No. 2 - Otis Elevator (\$
 400)

4) **Approval of contract amendment with Procon LLC for other conditions or services relative to the Downtown Community Center renovation in the amount of \$3,400.**

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

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

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

<u>CLAIM NUMBER</u>		<u>RECOMMENDATION</u>
22-0056	Street Department	Deny - Amount Undetermined
22-0059	Street Department	Deny - Amount Undetermined

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, 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, Lamb and Miller
 NAYS: None

10. PLANNING CONSENT ITEMS:

- A. Public Hearing and Consideration of Ordinance No. 2704 rezoning from "A" Single Family Dwelling District to "D-0" Suburban Office District, located on the south side of 15th Street, east of Turtlecreek Offices, northwest of the Turtlecreek Addition (James Roberts, applicant). Case No. Z020040
- B. Public Hearing and Consideration of Ordinance No. 2705 rezoning from "A" Single Family Dwelling District to "D-3" Office Commercial District, located at 1801 S.E. 15th Street, on the north side of 15th Street, west of Bryant (Preston Gillmore and Julie Evans, applicants). Case No. Z020038 The property contains 1.3 acres and located to the west is Chappelwood Financial, to the north and east is the Turtlecreek Commons condominiums and south is the Turtlecreek Office Park.

Victoria Woods, representing Chappelwood Financial, addressed Council and stated she felt the zoning was not appropriate for the area. She requested the property be rezoned Suburban Office in order to remain harmonious with the surrounding area. Larry Perdue also addressed Council in opposition in support of Suburban Office zoning.

David Webb, representing the applicant, addressed Council and urged support. Mary Houser, perspective purchaser of the property, also addressed Council in support.

Councilmember Lamb noted that the Edmond Plan III projects the property as "D-3" Office Commercial and it is surrounded by similar zoning except for the "C-2" PUD property. He stated Council will review how the property is developed during the Site Plan review process.

Motion by Lamb, seconded by Rice, to approve Ordinance No 2705 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller

NAYS: None

- C. Public Hearing and Consideration of Special Use Permit for a church, located south of E. 2nd Street, west of Coltrane, at 255 and 257 S. Coltrane (Donald Hans, applicant) Case No. U020004

- D. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from High Density Multi Family to Single Family Dwelling usage, located east of Vista Lane, north of Chimney Hills (Tom Vorderlanderwehr, applicant). Case No. Z020042** This item was continued to the next meeting at the request of the applicant.
- E. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District Planned Unit Development (PUD) to "A" Single Family Dwelling District, located east of Vista Lane, north of Chimney Hills (Tom Vorderlanderwehr, applicants). Case No. Z020041** This is a companion to the above item and was also continued to the next meeting.
- F. **Public Hearing and Consideration of Ordinance No. 2706 amending Edmond Plan III from General Agricultural District to General Commercial usage, located south of Danforth, west of Hiwassee Road, 14030 E. Danforth Road (Cassie Jo Hamon, applicant). Case No. Z020044** The property contains five acres on the far east edge of the city limits at the intersection of Highway 66 and Hiwassee Road. An existing farmhouse will be remodeled into Cassie's Indian Trading Post which will reflect the early architectural character of the area. The applicant has agreed to remove as "L-5" uses a veterinarian clinic, service station and convenience store.

John Keeley addressed Council regarding the traffic. He stated the property is located at a dangerous intersection and he was concerned about traffic accidents. Mr. Keeley requested that the trees be removed from the front of the property to improve the site problems.

Cassie Jo Hamon addressed Council and stated the entrance will be off Hiwassee Road and she would remove the trees to improve the intersection. She stated she felt the business should help slow the traffic.

Motion by Lamb, seconded by Rice, to approve Ordinance No. 2706 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller

NAYS: None

Motion by Lamb, seconded by Rice, to attach Emergency Clause to Ordinance No. 2706. **Motion carried** as follows and Ordinance No 2706 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller

NAYS: None

- G. **Public Hearing and Consideration of Ordinance No. 2707 rezoning from "G-A" General Agricultural District to "L-5" Restricted Lake Commercial District, located south of Danforth, west of Hiwassee Road, 14030 E. Danforth Road (Cassie Jo Hamon, applicant). Case No. Z020045** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2707 as read by title by City Planner with the understanding that 15% landscaping applies, but that the 50% requirement along the frontage would not necessarily be required on the front of the property. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller

NAYS: None

- H. **Public Hearing and Consideration of commercial Site Plan approval of a new office building, located on the south side of 9th Street, south of Edmond Church of Christ (Ed Lee, applicant). Case No. SP020024** This item was continued to the next meeting at the request of the applicant.

- I. **Consideration of amended Final Plat for Belmont Landing (formerly Belmont Gardens No. 1), located north of Coffee Creek, east of Kelly (Dorothy Sadeghy, applicant). Case No. PR020013** The number of lots has been reduced from 38 to 30 and the streets will be dedicated public streets rather than private streets as originally proposed. The applicant will grant an additional 20 feet of right-of-way along the east side of Kelly in lieu of widening the street or paying the fee in lieu of widening. The additional right-of-way would be for approximately 635 feet.

Councilmember Lamb stated he felt a precedent would be set by approving this item and he asked why this application is unique enough to deviate from past policy.

General discussion was held on the merits of accepting the right-of-way now or at the time that Kelly is widened into a parkway.

Councilmember Rice stated the property is unique in that it is less dense and the streets are now public rather than private. He noted when the original plat was submitted, the applicant had voluntarily set the development back in anticipation of the 70 foot right-of-way required for the parkway.

Councilmember Lamb stated the application is a re-plat and the plat has previously been reviewed and approved with a 50 foot right-of-way, so the additional voluntary commitment of a 70 foot right-of-way is an acceptable alternative to the widening or fee in lieu of widening on this application.

Motion by Lamb, seconded by Rice, to approve Planning Consent Item 10.I. and accept the additional 20 feet of right-of-way in lieu of widening. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Lamb and Miller

NAYS: None

11. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family to Restricted Commercial usage, located on the northeast corner of 6th Street and Boulevard (Mesuda Acimovic, applicant) Case #Z020037. This item was continued to the next meeting at the request of the applicant.

12. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial District, located on the northeast corner of 6th Street and Boulevard (Mesuda Acimovic, applicant) Case #Z020036. This is a companion to the above item and was also continued to the next meeting.

13. Consideration appealing denial of Preliminary Plat for Tuscany Addition, located east of Vista Lane, north of Chimney Hills (Tom Vorderlanderwehr, applicant) Case #PR020011. This item was continued to the next meeting at the request of the applicant.

Councilmember Rice left the City Council meeting.

It was requested that due to the absence of two of the Councilmembers, Items 14.a., 15 and 17 be continued until the return of Councilmember Knox. General discussion was held and a Special Meeting was scheduled for July 29th.

Motion by Lamb, seconded by Miller, to continue Items 14.a., 15

and 17 to the July 29th Special Meeting. **Motion carried** as follows:

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

14. Executive Session to discuss the following:

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

b) **Pending claim/litigation: Edward vs. City of Edmond (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(4)).**

Motion by Miller, seconded by Lamb, to meet in Executive Session to discuss Item 14.b. **Motion carried** as follows:

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

Mayor and Councilmembers recessed to the City Council Conference Room at 6:30 p.m. and returned to the City Council Chambers at 6:33 p.m.

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

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

15. Consideration of action regarding the purchase of real property located on the east side of I-35, north of Covell Road, Edmond. This item was continued to the July 29th Special Meeting.

16. Consideration of action regarding the pending claim of Edward vs. City of Edmond.

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

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

17. Consideration of approval of Real Estate Purchase Agreement for real property located east of I-35, south of Covell Road in the amount of \$1,250,000 plus closing costs. This item was continued to the July 29th Special Meeting.

18. NEW BUSINESS:

Councilmember Lamb stated the ordinances to amend the Edmond Plan III regarding street widening requirements and the trails system will be on the August 12th agenda.

Mayor Naifeh stated several events would be held in the next few weeks at the Edmond Senior Center and encouraged everyone to attend.

Brody Tucker addressed Council regarding the Public Works Authority Tort Claim No. 22-0054 and was informed by Council that the item had been denied.

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

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

City Clerk

Mayor