

EDMOND CITY COUNCIL MINUTES

August 26, 2002

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 26, 2002, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Miller, to approve August 12, 2002, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of award to Cameron and Jasmine Golshani for notification of house fire.**

4. Appointments to Boards and Commissions:

A. **Appointment to the Edmond Economic Development Authority.** Mayor Naifeh nominated Mae Williams to serve a term expiring on July 1, 2005.

Motion by Rice, seconded by Knox, to approve Item 4.A.(1). **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 July 31, 2002.**

2) **Acceptance of City Treasurer's Investment Report for month ending July 31, 2002.**

3) **Approval of contract with Edmond Public Schools and the Edmond Police Department for the DARE program**

for school year 2002/2003.

4) Approval of supplemental appropriations for purchase of right-of-way on the southeast corner of 15th Street and Broadway - \$48,000

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

a) Village Center, Building "C"

6) Approval of the following electric easement:

a) Fred and Carol Ebert - 717 Howard Court

7) Approval of routine budget amendments for the following departments and funds in order to balance accounts for FY 2001/02:

- a) Park and Recreation
- b) Street Department
- c) Downtown Community Center
- d) Community Development Block Grant (CDBG) Fund
- e) Parks Tax Fund
- f) A.D.A. Fund
- g) Capital Improvements Fund
- h) 2000 Capital Improvements Fund
- i) Art in Public Places Fund
- j) Hospital Sale Trust Fund

8) Approval of supplemental appropriations allocating funding for a police firearms training facility from FY 2002/03 - \$212,415

9) Approval of supplemental appropriations allocating funding for purchase of approximately 135 acres located near I-35 and Covell - \$1,251,515

10) Approval of amendments to the Capital Projects and Financing Task Force's Procedural Guidelines.

11) Approval of supplemental appropriations - Group Health coverage increase in premiums - \$300,980. Larry Stevens, City Manager, addressed Council and stated the AmCare HMO plan was an option for medical coverage for employees and they have announced they would be closing their operations in Oklahoma. He

stated due to these circumstances, the employees who were enrolled in this plan will be transferred to the PPO plan for the remainder of the plan year. Mr. Stevens stated premiums for the PPO plan are higher and the supplemental appropriation of \$139,780 is needed for the additional cost to convert approximately 298 employees to the PPO plan. The City is also waiving the \$200 per person deductible for a total of \$161,200. Mr. Stevens stated the additional funding will come from the Health Insurance reserve fund.

Motion by Lamb, seconded by Knox, to approve General Consent Item 5.A.(11). **Motion carried** as follows:

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

12) **Approval of supplemental appropriations from unanticipated art auction revenues - Senior Citizens fund - \$2,487.50**

13) **Approval of supplemental appropriations for Natural Resource Conservation Service channel bank stabilization project at Covell, Air Depot and Midwest Boulevard bridges over Coffee Creek - \$860,000**

Motion by Lamb, seconded by Knox, to approve General Consent Items 5.A.(1-10,12-13). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Approval of agreement with Hornbeek Larsson Architects, P.C. for architectural services related to Edmond Senior Citizen's Center and Parks Administration project in the amount of \$226,060.** Councilmember Rice noted this was the first step in constructing the Senior Center regardless of whether the YMCA partnership goes forward and he stated he was happy that staff is moving forward with the project.

Motion by Rice, seconded by Miller, to approve General

Consent Item 5.B.(1). **Motion carried** as follows:

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

2) **Approval of Change Order No. 1 with Gershman, Brickner & Batton, Inc. for modification of sanitation route optimization software in the amount of \$18,000.**

3) **Award of bid and approval of contract for channel improvements at Coffee Creek at Air Depot, Covell Road and Midwest Boulevard and Resolution No. 40-02 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Allen Contracting in the amount of \$829,258.06.

4) **Award of bids for fault indicators and miscellaneous electrical materials for the YourGovShop member participates.** Purchasing Manager recommended accepting bids from AECI and Utiliserve in an annual estimated amount of \$25,000.

5) **Approval of Change Order No. 1 with McConnell Construction for the FY 2001/02 spring street overlay project in the amount of \$7,036.02.**

6) **Approval of contract with The Orion Group for development of an I-35 and Covell municipal campus in the amount of \$24,720.** Councilmember Miller requested the wording be changed on the contract. He stated he felt The Orion Group should be telling the City what type of plan unit development was needed rather than City staff stipulating what is needed.

Motion by Miller, seconded by Knox, to approve General Consent Item 5.B.(6) based on The Orion Group providing a development plan and recommendations on the type of planned unit development zoning that is needed. **Motion carried** as follows:

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

7) **Approval of contract with The Orion Group to perform geotechnical and survey services for the**

Animal Welfare Facility in the amount of \$7,840.

8) Approval of Interlocal agreement with the Board of County Commissioners of Oklahoma County to construct improvements to N. Westminster Road from Covell Road to the north corporate City limits in the amount of \$480,000.

9) Award of bid to L.G. Construction Co. for rehabilitation of residential structure located at 608 W. Main Street in the amount of \$38,957 as part of the Community Development Block Grant (CDBG) program.

10) Approval to reject bid for rehabilitation of residential structure located at 1029 E. Campbell as part of the Community Development Block Grant (CDBG) program.

11) Approval of Change Order No. 2 with L.G. Construction Co. for rehabilitation of residential structure located at 313 Meadowlake Drive in the amount of \$110 as part of the Community Development Block Grant (CDBG) program.

Motion by Miller, seconded by Rice, to approve General Consent Items 5.B.(2-5,7-11). **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> |
|---------------------------|-----------------------|
| 23-0002 Street Department | Deny - \$650.00 |

Motion by Rice, seconded by Knox, 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 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

10. PLANNING CONSENT ITEMS:

- A. Public Hearing and Consideration of commercial Site Plan approval for a new office building, located at 2020 S.E. 15th Street (Jana Ratliff, representing Madison Oaks Office Park, applicant) Case No. SP020054.
- B. Consideration of Final Plat of Carriage Park I at Coffee Creek, formerly Redrock at Coffee Creek, located one-quarter mile north of Covell Road, north of Shortgrass Road in the Coffee Creek Addition (Bob Turner, applicant) Case No. PR020012.
- C. Public Hearing and Consideration of commercial Site Plan approval for retail shops, located north of On The Border Restaurant, on the west side of Broadway, north of 33rd Street (John A. Henry & Company, applicant) Case No. SP020030.
- D. Public Hearing and Consideration of extending commercial Site Plan approval of the Edmond Exchange retail and office building, located on the west side of Broadway, north of 33rd Street (John A. Henry & Company, applicant) Case No. SP020026.

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

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

- 11. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Single Family Dwelling to Restricted Commercial usage, located at 1912 S. Boulevard (Somsong Cortese, applicant) Case #Z020052.** The property contains a 1,750 square foot single family home. The applicant is planning to remodel the home into a beauty salon and add a garage.

Councilmember Rice stated he is opposed to Restricted Commercial and that a dangerous precedent would be set. He stated the application is not compatible with the surrounding area and he suggested Suburban Office as the appropriate zoning.

Leon Ray, addressed Council representing the applicant, and stated they were not opposed to sharing a driveway with a neighbor. He stated they plan to remodel the building which he felt would improve the area. Mr. Ray stated they would relocate the driveway from Reynolds to Boulevard.

Mike Scharrer, area neighbor and professional arborist, addressed Council in support.

Councilmember Lamb noted the application is for straight "D-1" zoning with no restrictions and he felt that would be opening the area to a large number of potentially inappropriate uses.

Councilmember Knox asked the applicant if he would consider modifying the application to a PUD with only one use allowed.

General discussion was held and the applicant agreed to continue this item to allow him to amend his application to "D-1" PUD.

Motion by Rice, seconded by Knox, to continue Item 11 to October 14, 2002. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial District, located at 1912 S. Boulevard (Somsong Cortese, applicant) Case #Z020053. This is a companion to the above item and was not considered due to the continuation of that item.

Councilmember Rice left the City Council Chambers.

13. Public Hearing and Consideration of Ordinance No. 2715 amending Edmond Plan III from Limited Light Industrial and General Office to Light Industrial Planned Unit Development (PUD), located approximately one-fourth mile east of I-35 and just less than one-half mile north of Covell Road (Progressive Development, LLC, applicant) Case #Z020054. This application pertains to 12 acres which surrounds a solid waste transfer station.

Randel Shadid, attorney representing the applicant, addressed Council and stated the primary purpose of the application is to qualify for 15% landscaping rather than the 30% required in the Limited Light Industrial District. Mr. Shadid stated he felt this was reasonable zoning for this area and the applicant wanted to be entitled to the I-35 landscaping credits that are allowed. He also requested the chain link fence originally required surrounding the solid waste transfer station be eliminated. Mr. Shadid stated a variance was previously approved for the four acres containing the transfer station to allow for 15% landscaping. He noted this site is for a single use only.

Councilmember Knox stated he supported the 15% landscaping request in order to be consistent with the I-35 Corridor standards and elimination of the fence. He noted if blowing trash becomes a problem then the fence issue can be revisited at a later date.

General discussion was held with several Councilmembers stating their opposition to amending the Plan to "F-1" Light Industrial usage.

John Preston, attorney representing the Harper Family who owns a large portion of property in this area, addressed Council in opposition. Dick Haag and Mike Scharrer also addressed Council in opposition.

Mr. Shadid addressed Council and stated he would amend the application to "F-O" PUD with elimination of the chain link fence around the four acre parcel that contains the solid waste transfer station and a variance allowing 15% landscaping on the entire 12 acres.

Mr. Preston stated when the original application was approved, the applicant agreed to remove an illegal billboard located on the applicant's property along I-35 prior to the transfer station opening. He stated the billboard has not been removed and he requested Council remind the applicant of their agreement regarding removal of the billboard.

Staff stated that agreement is contained in the September 4, 2001, Minutes but no provision was listed as to when the billboard must be removed.

Motion by Knox, seconded by Miller, to approve Ordinance No. 2715 as read by title by City Planner subject to amending the application to "F-O" PUD to include a variance allowing 15% landscaping on the remainder of the 12 acres, waiving the chain link fence on the four acres surrounding the solid waste transfer station and amending the Design Statement to include a provision that if blowing trash becomes a problem, the fence issue will be revisited. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

Motion by Lamb, seconded by Knox, to attach Emergency Clause to Ordinance No. 2715. **Motion carried** as follows and Ordinance No. 2709 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

14. Public Hearing and Consideration of Ordinance No. 2716 rezoning from "F-O" Limited Light Industrial and General Office Corridor District to "F-1" Light Industrial Planned Unit Development (PUD), located approximately one-fourth mile east of I-35 and just less than one-half mile north of Covell Road (Progressive Development, LLC, applicant) Case #Z020055. This is a companion to the above item and was discussed at that time.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2716 as read by title by City Planner with the same conditions as Item No. 13. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

Councilmember Rice returned to the City Council Chambers.

15. Public Hearing and Consideration of Ordinance No. 2717 amending Edmond Plan III to adopt the Trails and Sidewalk Master Plan Map to be used in the review of new subdivision plats. The Edmond Trails and Sidewalk Master Plan was developed in October, 1999. In order to complete the implementation of the Trails

Master Plan, staff recommended the Edmond Plan III be amended to include the Trails Plan Map.

Councilmember Knox stated he was concerned that the proposed ordinance does not constitute a taking of land from developers. He stated he likes the concept but was not sure that making the Plan a part of City ordinances was a wise thing to do.

Councilmember Lamb noted that the ordinance will not affect existing additions, but will only be used to evaluate new plats.

Carl Hancuff, Chairman of the Trust for Public Land Committee, John Preston and J.W. Armstrong addressed Council in support.

Bill Buell addressed Council in opposition and stated he felt the Trails Master Plan should remain a plan and not an ordinance.

Councilmember Knox agreed with Mr. Buell and felt the Trails Master Plan should be a conceptual plan only.

Councilmember Rice stated if the Trails Master Plan is not included in the Edmond Plan the trails system will never happen. He stated this Plan will allow the City to ensure connectivity of the trail system from one development to another.

General discussion was held and a consensus of Council was to amend the ordinance to show the Trails Master Plan as a conceptual plan.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2717 as read by title by City Planner and amended to include the Edmond Trails and Sidewalk Master Plan in the Edmond Plan III as a conceptual plan only. **Motion carried** as follows:

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

NAYS: None

16. Discussion of Special Use Permit of Equine Medical Associates, located at 2625 S. I-35. Randel Shadid addressed Council on behalf of the applicant and requested this item be continued to the next meeting.

17. Discussion and Consideration of Resolution creating the Real Property Acquisition Fund (RPAF) for the City of Edmond. This item was discussed at the last budget hearings and staff was requested to create a real property acquisition fund to allow Council to purchase property as needed. The RPAF will initially be funded with \$663,230. Larry Stevens, City Manager, addressed Council and stated \$200,000 will be added to the fund each year from the Hospital Sale Trust Fund and the General Fund.

Councilmember Knox requested the resolution be amended to broaden the powers of the Council to include leasing or trading

of property as well as all the other things related to buying and selling of property.

Consensus of Council was to continue this item to the next meeting to allow City Attorney to amend the resolution to broaden the scope of the fund.

18. Discussion of ward redistricting process. Mayor Naifeh stated Max Speegle and Jim Roberts will work with Kay Bickham to re-draw the wards to comply with new Oklahoma County voting precincts.

19. Executive Session to discuss the following:

a) **Purchase of real property located west of Broadway, between 2nd Street and 1st Street for the Festival Marketplace project (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(3))**

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

Motion by Lamb, seconded by Knox, to meet in Executive Session to 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 7:31 p.m. and returned to the City Council Chambers at 7:45 p.m.

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

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

20. Consideration of action regarding purchase of real properties located west of Broadway, between 2nd Street and 1st Street for the Festival Marketplace project.

Motion by Lamb, seconded by Knox, to authorize City Attorney to negotiate purchase of the above properties. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, Lamb and Miller
NAYS: None

21. Consideration of action regarding the pending claims of Lee and Gabbert vs. City of Edmond.

Motion by Lamb, seconded by Rice, to authorize City Attorney to proceed with settlement negotiations on both claims. **Motion carried** as follows:

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

22. NEW BUSINESS:

Councilmember Rice stated a large sign has been erected south of the Pelican Bay Aquatic Center announcing a retail development for property that has not been considered for rezoning by Council.

Councilmember Rice also stated the beginning rehabilitation of the Sanders Camera Shop discovered old black boards which is further proof that this was the old school house.

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

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

City Clerk

Mayor