

EDMOND CITY COUNCIL MINUTES

September 9, 2002

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 9, 2002, in the City Council Chambers.

2. Approval of Minutes. Councilmember Rice requested the word "temporarily" be removed from the sentence between Items 12 and 13. Motion by Lamb, seconded by Miller, to approve August 26, 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 award to Bob Broyles for being selected as August's "Champion of Character".**

4. Appointments to Boards and Commissions:

A. **Appointment to the Edmond Parks and Recreation Board.** Chris Mook, representing the Edmond Chamber of Commerce, and Robert McPerson, representing the Edmond School Board, were nominated for re-appointment to serve terms expiring on July 31, 2003.

B. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Harry Kocurek, James Smith and Jan Steele for re-appointment to serve terms expiring on February, 2005.

C. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Charlie Price, Stacey Meldrum and Thomas Small to serve terms expiring on February, 2005.

Motion by Knox, seconded by Lamb, to approve Items 4.A. through 4.C. **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 supplemental appropriations - Police Public Safety Limited Tax Fund - \$17,128**
- 2) **Approval of supplemental appropriations and project agreement for railroad crossing improvements at 3rd Street, 1st Street, Main Street and Thatcher Street with the Burlington Northern Santa Fe Railway Company - \$55,000**
- 3) **Approval of supplemental appropriations for Fire Public Safety Tax Fund - \$1,200**
- 4) **Approval of transfer of appropriations - City Manager's Department - \$30,866.** Larry Stevens, City Manager, requested this item be withdrawn.
- 5) **Approval of the following electric easement:**
 - a) Burrell, Kenneth and Karen - 8000 E. Coffee Creek
 - b) Trulock, Michael and Mary - 713 Howard Court
 - c) Aubrey McClendon - 2000 S. Westminster
- 6) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) Contemporary Cabinets - 400 Western Drive
 - b) American Bank - Danforth and Santa Fe

B. **Approval of Purchases:**

- 1) **Award of bid for the Municipal Court Building renovation project and approval of Resolution No. 41-02 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from J.L. Walker Construction Company in the amount of \$222,594.
- 2) **Approval to reject bids received for the Firearms Training Facility project.**
- 3) **Approval of contract amendment with Triad Design Group for the Covell Underpass project in the amount of \$71,500.**

4) Approval of agreements with St. Paul Fire and Marine Insurance Company and Euclid for various liability coverage for FY 2002/03 in the amount of \$325,264 - premium; and \$50,000 initial deposit to deductible loss fund.

5) Award of bid and approval of contract for Coffee Creek Channel restoration near Steeplechase Addition and approval of Resolution No. 42-02 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from M.L. Young Construction Company in the amount of \$938,212.50.

6) Approval of contract with LWPB Architects and Planners, P.C. for design of Fire Station No. 5, a fire apparatus equipment storage building and Site Master Planning for the Fire Department Complex, located at I-35 and Covell Road in the amount of \$161,880.

7) Approval of contract with The Orion Group for development of an on-site and off-site topographic survey, roadway design, roadway geo-technical investigation and FEMA flood study for 135 acres near I-35 and Covell Road in the amount of \$88,913.

Motion by Knox, seconded by Rice, to approve General Consent Items 5.A.(1-3,5-6) and 5.B.(1-7). **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>
23-0053 Police Department	Pay - \$175.00

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 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

9. **PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of Ordinance No. 2718 amending Edmond Plan III from Restricted Commercial to General Commercial Planned Unit Development (PUD) usage, located on the south side of Danforth Road, east of Kelly, west of the Oak Tree Assembly of God Church (Jackson Land II, LLC, applicant) Case No. Z020056.** The applicant is planning to construct a restaurant with eight outside order speakers on the west side of the building. The trees that were originally planted on the north, east and south sides of the site cannot be removed and any dead/missing trees in this area must be replaced.

Randel Shadid, attorney representing the applicant, addressed Council and stated the landscaping far exceeds City requirements. He stated the proposed restaurant is a new prototype for the Johnnie's Charcoal Broiler. Mr. Shadid noted this application is a single use only and if the restaurant closes the site must remain as is.

Jo Helm, Westborough Addition, addressed Council regarding the high school traffic and accidents. Mike Sharrer, consulting forester, also addressed Council on this matter.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2718 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Knox, to attach Emergency Clause to Ordinance No. 2718. **Motion carried** as follows and Ordinance No. 2718 is in effect immediately:

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

NAYS: None

- B. **Public Hearing and Consideration of Ordinance No. 2719 rezoning from "D-1" Restricted Commercial to "E-1" General Commercial Planned Unit Development (PUD), located on the south side of Danforth Road, east of Kelly, west of the Oak Tree Assembly of God Church (Jackson Land II, LLC, applicant) Case No. Z020057.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 2719 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

- C. **Public Hearing and Consideration of commercial Site Plan approval for a drive-in restaurant, generally located on the south side of Danforth Road, east of Kelly, west of the Oak Tree Assembly of God Church (Johnnie's Charcoal Broiler Express, applicant) Case No. SP020028.** This is a companion to the above two items and was discussed at that time.

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

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

NAYS: None

- D. **Public Hearing and Consideration of extending commercial Site Plan approval for Building G at the Village Center at Coffee Creek, located on the northeast corner of Covell and Kelly (Patrick Myers, applicant) Case No. SP020031.** Councilmember Lamb noted that when the Site Plan was originally approved, the applicant agreed to install additional evergreen trees and he wanted assurance that they were still planning to incorporate the additional landscaping.

- E. **Consideration of Final Plat of Hunter's Creek III, located east of Saratoga Farms, approximately one-quarter mile south of Coffee Creek Road (Tim Hughes, applicant).** The construction access for the 19 lots with this phase will be from Coffee Creek through the previous phases of Hunter's

Creek. There will be no temporary construction access through Hunter's Pointe since this is a separate development not associated with the Hunter's Creek developments.

Chris Simpson, representing the Hunter's Creek Homeowners Association, addressed Council and requested a construction entrance off Kelly and he asked what process to use to get the additional access. He stated the homeowners in the previous two phases do not want the construction traffic through their additions.

General discussion was held and Councilmember Knox noted that Council has never required a developer to install a construction access and he felt it would not be appropriate to do so at this time.

Councilmember Rice stated the access entrances have always been negotiated by all concerned parties and he requested the developer and homeowners work with staff to resolve this situation.

Bryan Coon, Coon Engineering representing the developer, addressed Council and stated the developer did not feel that he could install a construction access through the Hunter's Pointe Addition for this addition. He stated with the next phase the developer will construct an access into Hunter's Pointe in order to have access from two arterial streets, Kelly and Coffee Creek.

F. Consideration of Correction of Plat Certificate for four scrivener errors, located in Asheforde Oaks 7th Addition (John Alexander, applicant).

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

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

NAYS: None

Councilmember Rice left the City Council Chambers.

10. Public Hearing and Consideration of variances for front and rear setbacks and on-street parking regarding a Site Plan application for a seven-unit townhouse project, located east of Rankin, south of the University Park Apartments (Steve Blair, applicant) Case #SP020023. Four of the apartment units will be constructed as townhouses facing Rankin and three are proposed on the interior with a center drive court. The existing apartment complex, developed approximately 40 years ago, was permitted to have on-street parking and the

applicant would like to continue the diagonal parking or a drive-through in front of the units facing Rankin. The townhouse units would be located 12 feet from the front property line and the back unit in the southeast corner of the property would have a 10 foot rear setback rather than the 20 foot required.

Steve Blair addressed Council and stated he modified the site plan to eliminate the drop off drive on Rankin. He stated two parking spaces are provided for each dwelling and three guest parking spaces are provided.

Betty Jean Blue addressed Council and stated she felt the area was too dense and there was not adequate guest parking.

Councilmember Knox stated he was pleased with the proposed development and was happy that the property was being developed.

Motion by Knox, seconded by Lamb, to approve Item 10. **Motion carried** as follows:

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

Councilmember Rice returned to the Council Chambers.

11. Discussion of Special Use Permit of Equine Medical Associates, located at 2625 S. I-35. The original Special Use Permit was approved in 1976 and according to the City Council Minutes, staff felt it was the intent of the Council not to require additional landscaping or a site-proof fence due to the density of the existing trees. Since January, 2001, City staff has been receiving complaints for removal of trees and grading of the property. An investigation has revealed that a number of trees have been removed throughout the property. City staff has requested the owner of the equine facility plant 150 trees in the area where the trees have been removed and install a masonry wall along the west property line.

Jan Fees, Community Connections Coordinator, addressed Council and outlined the changes that have taken place and presented photographs of the property.

Randel Shadid, attorney representing Equine Medical Associates, addressed Council and stated the trees that were removed were dead or dying. He stated this is a 25 year old Special Use Permit and he felt it was in compliance with the I-35 Corridor standards as it exists today. Mr. Shadid stated the equine clinic would plant 40 loblolly pine trees or construct a six-foot stockade fence along the west property line. He noted when the original special use permit was approved, the City had not developed any landscape maintenance standards.

Carla Casey, Donald Mills, Dick Haag and Charles Peters, all area residents, addressed Council and stated with the removal of the trees the site has changed and they no longer have a barrier from the equine clinic. They noted that dead horses are not removed as quickly as they should be and this created very unsanitary conditions. Mike Sharrer, consulting forester, also addressed Council regarding the trees.

General discussion was held and Councilmember Rice stated that while he was unhappy about the loss of the trees he did not think the City could do anything about it at this time. He noted that there may be nuisance issues as well. He urged the homeowners to continue to negotiate with the property owner in an attempt to resolve this issue. He stated if the issue can not be resolved then perhaps the City may need to look into legal action to revoke the permit. He noted that he was not sure what the options are at this time.

Councilmember Knox stated he did not understand why there was a problem. He noted that new trees have been planted and that the property owner should be allowed to remove trees or grade his property. He felt that Council should not be involved in this issue.

Mayor Naifeh stated this has been an ongoing problem for over a year and that the residents had attempted to work with the clinic owner and the City. She questioned whether the site would comply with the I-35 corridor

landscaping standards and stated she felt the site needed at least 75 additional trees. She also urged the residents to continue to work with the equine clinic owner.

Since this was a discussion item only, no action was taken.

12. Discussion and Consideration of Resolution No. 43-02 creating the Real Property Acquisition Fund (RPAF) for the City of Edmond.

Motion by Lamb, seconded by Miller, to approve Resolution No. 43-02. **Motion carried** as follows:

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

13. Executive Session to discuss the following:

b) Pending claim/litigation: Pearce 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 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 7:40 p.m. and returned to the City Council Chambers at 8:07 p.m.

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

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

14. Consideration of action regarding the pending claim of Pearce vs. City of Edmond. Mayor Naifeh stated no action would be taken on this item.

15. NEW BUSINESS: None

16. Motion by Rice, seconded by Knox, to adjourn meeting. **Motion carried** as follows:

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

NAYS: None

City Clerk

Mayor