

EDMOND CITY COUNCIL MINUTES

November 25, 2002

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 25, 2002, in the City Council Chambers.

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

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

3. City Council Presentations:

A. **Presentation to Melissa Wasson in recognition of "THE MAYOR'S FINGERPRINTS ON THE FUTURE PROGRAM".**

B. **Presentation of "Champion of Character" awards.** Awards were presented to Larry Clemmons and Dr. Harry Kocurek for the months of October and November.

4. GENERAL CONSENT ITEMS: (General Consent Items were voted on collectively except where noted.)

A. **Approval of Administrative Items:**

1) **Acceptance City Manager's Financial Report for month ending October 31, 2002.**

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

3) **Approval of transfer of appropriations for the following:**

a) City Council - \$1,000

b) City Manager - \$2,000

4) **Approval of Resolution No. 49-02 approving the incurrence of indebtedness by the Edmond Public Works Authority (The "Authority") issuing its sales tax and utility system revenue bonds, Series 2003 (The**

"Bonds") and approving the proposal of the Authority pertaining to the sale of said Bonds; waiving competitive bidding; confirming the sales tax security agreement and other documents; and containing other provisions relating thereto.

B. Approval of Purchases:

1) Approval of purchase of software maintenance and support from TriTech Software Systems as a sole source vendor in the amount of \$35,553.75 for the Central Communications Department.

2) Award of bid and approval of contract for the soccer field irrigation project and approval of Resolution No. 50-02 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Oklahoma Irrigation in the amount of \$82,900.

3) Approval of Change Order No. 1 with Sine Construction for rehabilitation of residential structure at 1029 E. Campbell in the amount of \$650 as part of the Community Development Block Grant (CDBG) program.

4) Approval of Change Order No. 3 with L.G. Construction for rehabilitation of residential structure at 608 W. Main in the amount of \$200 as part of the Community Development Block Grant (CDBG) program.

5) Approval of Change Order No. 1 with W.C. Doan Construction for Downtown Community Center renovation project in the amount of \$5,685 for the Facility Maintenance Department.

6) Approval of Change Order No. 2 with J.L. Walker Construction, Inc. for the Municipal Court Building renovation project in the amount of \$4,978.

7) Approval to reject bids received for the First Street renovation project as recommended by the Purchasing Manager.

Motion by Rice, seconded by Lamb, to approve General Consent Items 4.A.(1-4) and 4.B.(1-7). **Motion carried** as follows:

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

Motion by Miller, seconded by Rice, 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

7. **PLANNING CONSENT ITEMS:**

- A. **Consideration of Final Plat of Redmont Trace II Addition, located south of Coffee Creek Road, west of Bryant (Bob Turner, applicant) Case No. PR020035.**
- B. **Public Hearing and Consideration of Ordinance closing a portion of an easement located at 1009 Capitol Drive, Bradford Park, south of Danforth Road, west of Fretz (Arnett Brothers Property, LLC, applicant) Case No. ES020006.** The applicant requested this item be continued to December 9, 2002.

Motion by Rice, seconded by Miller, to approve Planning Consent Item 7.A. and continue 7.B. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of Ordinance No. 2730 amending Edmond Plan III from High Density Multi-Family to Single Family Dwelling Planned Unit Development (PUD) usage, located west of Thomas, south of Covell Road (ERC Properties, applicant) Case No. Z020077.** The site contains 69.98 acres and will provide 249 single family lots.
- D. **Public Hearing and Consideration of Ordinance No. 2731 rezoning from "A" Single Family Dwelling District to "A" Single Family Dwelling Planned Unit Development (PUD), located west of Thomas, south of Covell Road (ERC Properties, applicant) Case No. Z020078.** This is a companion to the above item.

- E. Public Hearing and Consideration of Ordinance No. 2732 amending Edmond Plan III from Light Industrial to Restricted Commercial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and Thomas Drive (ERC Properties, applicant) Case No. Z020069. This site contains 4.45 acres and is a lesser use than proposed on the Edmond Plan III.
- F. Public Hearing and Consideration of Ordinance No. 2733 rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial Planned Unit Development (PUD), located on the southeast corner of Covell Road and Thomas Drive (ERC Properties, applicant) Case No. Z020070. This is a companion to the above item.
- G. Public Hearing and Consideration of Ordinance No. 2734 amending Edmond Plan III from Light Industrial to Suburban Office Planned Unit Development (PUD) usage, located south of Covell Road, west of the Burlington, Northern and Santa Fe Railroad (ERC Properties, applicant) Case No. Z020071. This site contains 7.76 acres and will be a lesser use than proposed on the Edmond Plan III.
- H. Public Hearing and Consideration of Ordinance No. 2735 rezoning from "A" Single Family Dwelling District to "D-0" Suburban Office Planned Unit Development (PUD), located south of Covell Road, west of the Burlington, Northern and Santa Fe Railroad (ERC Properties, applicant) Case No. Z020072. This is a companion to the above item.
- I. Public Hearing and Consideration of Ordinance No. 2736 amending Edmond Plan III from Light Industrial to High Density Residential Planned Unit Development (PUD) usage, located on the east side of Thomas Drive, 200 feet south of Covell Road (ERC Properties, applicant) Case No. Z020073. This site contains 10.7 acres. The multi-family usage will serve as a transition to the single family homes in the area.
- J. Public Hearing and Consideration of Ordinance No. 2737 rezoning from "A" Single Family Dwelling District to "C-3" High Density Residential Planned Unit Development (PUD), located on the east side of Thomas Drive, 200 feet south of Covell Road (ERC Properties, applicant) Case No. Z020074. This is a companion to the above item.
- K. Public Hearing and Consideration of Ordinance No. 2738

amending Edmond Plan III from Light Industrial to Restricted Light Industrial Planned Unit Development (PUD) usage, located west of the Burlington, Northern and Santa Fe Railroad, east of Thomas Drive, south of Covell Road (ERC Properties, applicant) Case No. Z020075. This site contains 20.86 acres and is a lesser usage than projected on the Edmond Plan III.

Motion by Knox, seconded by Rice, to approve Ordinance Nos. 2730, 2732, 2734, 2736, and 2738 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

Motion by Knox, seconded by Rice, to attach Emergency Clause to Ordinance Nos. 2730, 2732, 2734, 2736, and 2738. **Motion carried** as follows and Ordinance Nos. 2730, 2732, 2734, 2736, and 2738 are in effect immediately:

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

NAYS: None

- L. **Public Hearing and Consideration of Ordinance No. 2739 rezoning from "A" Single Family Dwelling District to "E-3" Restricted Light Industrial Planned Unit Development (PUD), located west of the Burlington, Northern and Santa Fe Railroad, east of Thomas Drive, south of Covell Road (ERC Properties, applicant) Case No. Z020075. This is a companion to the above item.**

Motion by Knox, seconded by Rice, to approve Ordinance Nos. 2731, 2733, 2735, 2737, and 2739 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

- M. **Public Hearing and Consideration of Ordinance No. 2740 amending Edmond Plan III from General Commercial to Restricted Commercial usage, located south of 2nd Street, west of the Ramada Inn (KMO Development, applicant) Case No. Z020066. The tract consists of five acres located west of the Ramada Inn and east of B&B Sales. The applicant has**

amended the application to eliminate the south 234 feet and leave it as Single Family Dwelling District. The applicant will still grant the easements and provide the trail system. The application is for a lesser use than projected on the Edmond Plan III which projects the property as General Commercial.

Neal Robinson, representing Cardinal Engineering, addressed Council and urged approval. He stated the applicant decided to leave the 234 feet zoned as Single Family because they felt that the entire five acre tract was not necessary for the proposed commercial projects.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2740 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

Motion by Knox, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2740. **Motion was denied** as follows:

AYES: Mayor Naifeh, Councilmembers Knox and Lamb

NAYS: Councilmembers Rice and Miller

- N. **Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial District, located south of 2nd Street, west of the Ramada Inn (KMO Development, applicant) Case No. Z020068.** This is a companion to the above item and was not considered due to failure of the Emergency Clause.

- O. **Public Hearing and Consideration of Commercial Site Plan approval for a restaurant, located 300 feet east of American Bank, on the north side of Danforth Road (Kentucky Fried Chicken and A&W Restaurant, applicants) Case No. SP020037.** The building will consist of 2,960 square feet and the exterior walls will be brick and EFIS. The site will have one shared driveway on the east side.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 7.0. **Motion carried** as follows:

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

NAYS: None

- P. **Public Hearing and Consideration of Commercial Site Plan approval for a restaurant, located on the west side of Broadway, one-eighth mile north of 33rd Street (Kentucky Fried Chicken and A&W Restaurant, applicants) Case No. SP020038.** The building will consist of 2,806 square feet with brick exterior walls and EFIS molding at the top of all the walls. A drive through window will be located on the south side of the building. The applicant has amended the application to relocate the building and eliminate two parking spaces. The applicant will add 400 square feet of landscaping in the front next to Broadway.

Pat Colter, architect representing the applicant, addressed Council and urged approval. He stated they also plan to add a four foot wide landscaping strip along the drive through lane.

Motion by Rice, seconded by Knox, to approve Planning Consent Item 7.P. **Motion carried** as follows:

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

NAYS: None

Councilmember Rice left the City Council Chambers.

- Q. **Public Hearing and Consideration of Multi-Family Site Plan approval for an addition to Summit II Apartments, located east of Blackwelder, north of the Highland Park Baptist Church (Neal McGee, applicant) Case No. SO020027.** The complex will consist of one and two story buildings containing 14 units with brick veneer on all exterior walls. One driveway is proposed on Blackwelder.

Dan O'Neal, representing the Edmond Neighborhood Alliance, addressed Council and stated he was concerned about the elevation of the buildings in relation to the Kingston Addition residents and also regarding the detention area.

Mayor Naifeh stated she was also concerned about the drainage. She requested the applicant plant additional trees on top of the berm as protection for the Kingston residents.

Steve Manek, City Engineer, addressed Council and stated the Engineering staff has reviewed the calculations and determined the storm water run-off will not be more than historical run-off from past storms.

Neal McGee addressed Council and stated the new development will improve the property since until now it has been vacant and trash has accumulated. He noted the drainage issue has been studied extensively in order to minimize any adverse effects on the neighboring homeowners. Mr. McGee stated they will attempt to save as many existing trees as possible or relocate existing trees to the east to benefit neighboring home owners.

Councilmember Lamb suggested if the applicant is able to plant trees on the east side of the property that they be given credit on their landscaping requirements.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 7.Q. **Motion carried** as follows:

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

Councilmember Rice returned to the Council Chambers.

8. Executive Session to discuss the following pending claim/litigation: Pearce vs. City of Edmond (Executive Session authorized pursuant to 25 Okla. Stat. Section 307(B)(4)).

Motion by Lamb, seconded by Miller, to meet in Executive Session to discuss the above pending claim/litigation. **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 6:15 p.m. and returned to the City Council Chambers at 6:30 p.m.

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

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

9. Consideration of action regarding the pending claim of Pearce vs. City of Edmond.

Motion by Rice, seconded by Lamb, to authorize City Attorney to continue with negotiations. **Motion carried** as follows:

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

10. NEW BUSINESS:

Mayor Naifeh wished everyone a happy Thanksgiving and also invited Council and the public to the Mayor's Tree Lighting ceremony on December 3rd.

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

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

City Clerk

Mayor