

EDMOND CITY COUNCIL MINUTES

September 10, 2001

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 10, 2001, in the City Council Chambers. Councilmember Rice was absent on City business.

2. Approval of Minutes. Motion by Miller, seconded by Lamb, to approve Minutes of the August 27, 2001, City Council meeting. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of proclamation proclaiming September 24, 2001, as "NATIONAL DAY TO EAT DINNER WITH YOUR CHILDREN" day in the City of Edmond.**

4. Appointments to Boards and Commissions:

A. **Appointment to the Central Edmond Urban Development Board.** The Downtown Edmond Business Association nominated Julie Fost for re-appointment to serve a one-year term expiring in February, 2002.

B. **Appointment to the Central Edmond Urban Development Board.** The Planning Commission nominated Dyke Hoppe for re-appointment to serve a one-year term expiring in February, 2002.

C. **Appointment to the Central Edmond Urban Development Board.** The Chamber of Commerce nominated Charles Lamb for re-appointment to serve a one-year term expiring in February, 2002.

Motion by Lamb, seconded by Miller, to approve Items 4.A. through 4.C. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers 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 Treasurer's Investment Report for month ending July 31, 2001.**
- 2) **Approval of renewal of annual sub-recipient agreements with the following as part of the Community Development Block Grant (CDBG) program:**
 - a) Edmond Economic Development Authority
 - b) Central Oklahoma Transportation and Parking Authority "Share-A-Fare" program
 - c) The HOPE Center of Edmond "Back to School" program
 - d) The HOPE Center of Edmond "Bus Token" program
 - e) U R Special Ministries, Inc.
 - f) The Metropolitan Fair Housing Council
 - g) Michael J. Wolf, Housing Rehabilitation Specialist

Motion by Knox, seconded by Lamb, to approve General Consent Items 5.A.(1-2). **Motion carried** as follows:

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

- 3) **Approval of agreement amending the December, 1995, agreement with Edmond All Sports, Inc. (EASI) to provide financial assistance for the fall 2001 sports season.** Councilmember Miller requested financial reports dating from the time that EASI resumed management of the sports programs from Monty Fariss Enterprises. Steve Murdock, City Attorney, addressed Council and stated the statements should contain information from the date they resumed management to the date of the report.

Motion by Miller, seconded by Lamb, to approve General Consent Item 5.A.(3). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

B. **Approval of Purchases:**

- 1) **Award of bid for one 47 foot digger/derrick and two aerial devices for the Fleet Management Department.** Purchasing Manager recommended accepting bid from Altec Inc.
- 2) **Award of bid (including renewal options) for station and work uniforms for the Fire Department.** Purchasing Manager recommended accepting bid from CASCO.
- 3) **Award of bid for single phase and three phase padmount transformers and single phase polemount transformers for the YourGovShop member participants.** Purchasing Manager recommended accepting bids from Pauwels Transformers, Inc., AECI, Delta-Y Electric, Solomon Corp., Priester Supply and Temple, Inc.
- 4) **Approval of purchase of 800 MHZ radios for police vehicles for the Vehicle Maintenance Department from Motorola as a sole source vendor.**

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

AYES: Mayor Naifeh, Councilmembers Knox, Lamb and Miller

NAYS: None

- 5) **Approval of agreement with the Oklahoma Department of Transportation for the 33rd Street Widening project, Bryant to Coltrane.** Councilmember Miller noted that the east side of Coltrane contains a number of older trees and he requested that as many trees as possible be saved. Steve Manek, City Engineer, addressed Council and stated an attempt will be made to save as many trees as possible but that the trees along that section of Coltrane are too close to the side of the street to save all of them.

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

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

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for a new building located at 307 W. 2nd Street (Ed Humes, applicant).**

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

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

- B. **Public Hearing and Consideration of Ordinance No. 2647 amending Title 22 Zoning Ordinance regarding setbacks and height for storm shelters allowed as accessory structures providing for Repealer and Severability.**

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 10.B. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of Final Plat of The Trails Commercial with a subdivision bond, located west of Santa Fe, south of Danforth (John Alexander, applicant).**

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

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

- D. **Public Hearing and Consideration of request to release a temporary drainage easement, located west of Santa Fe, south of Danforth (John Alexander, applicant).**

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 10.D. **Motion carried** as follows:

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

9. **Public Hearing and Consideration of Ordinance to close a portion of a public utility easement at 6005 LaQuinta Drive (Steve and Trish Gunter, applicants).** The applicants are requesting to close 10 feet of the easement in order to construct a swimming pool. The easement contains a sanitary sewer line as well as other utilities. Staff recommended denial because closing the easement would not leave adequate room to maintain the sewer line. A minimum of 10 feet of unencumbered working area is required on each side of the sewer line in order to leave adequate room for equipment and personnel.

Steve Gunter, applicant, addressed Council and stated they would amend their request to only close seven and one-half feet of the easement. Mr. Gunter stated contractors he has contacted stated the remaining easement would allow adequate room to maintain the line. He stated he would provide a Hold Harmless agreement to the City for future maintenance of the line.

General consensus of Council was to deny the application due to the policy of not closing easements for this type of construction. Mayor Naifeh suggested the applicant meet with the Planning and Zoning staff in an attempt to work out a solution.

Motion by Miller, seconded by Knox, to continue Item 9 to the next meeting. **Motion carried** as follows:

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

10. **Public Hearing and Consideration of Final Plat of the Oaktree Park III Addition, located on the west side of Kelly, north of Coffee Creek Road (Oaktree Park Development, LLC, applicant).** The plat will contain 40 lots on 22.96 acres. Limits of no access have been placed on the plat adjacent to

lots along Kelly to eliminate curb cuts along that arterial street. An unplatted L-shaped area is located south and east of the addition. Planning Commissioners suggested a street stub-out into the unplatted area. A six acre tract on the northwest corner of Kelly and Coffee Creek is zoned Restricted Commercial and is not owned by the applicant.

Jim Meyer, representing the applicant, addressed Council and urged approval. He stated preliminary plans for the unplatted area is garden homes. Mr. Meyer stated he preferred not to have a street stub-out into the unplatted area because he does not have a definite development plan since he does not know how the commercially zoned property on the corner will develop. He stated the unplatted area will be used as a buffer for Oaktree Park III until they know how the commercial property will develop. Lax Godhania, project engineer representing MGR, Inc., also addressed Council on this matter.

Councilmember Knox stated he could not support approval of the plat because the unplatted area is not dealt with. He also stated he felt that approval of the plat would be tacit approval of a curb cut on either Kelly or Coffee Creek.

Tom Accardi (President of the Oaktree Park Homeowners Association), Lori Cummings (Vice President), Mike McCarthy, Tim Cane and Ronnie Williams (Edmond Neighborhood Alliance) addressed Council on this matter.

Motion by Knox, seconded by Miller, to approve Item No. 10.
Motion was denied as follows:

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

11. Public Hearing and Consideration of request for a variance for sign height, located at 300 W. 33rd Street (Tower Crossing Center, applicant). The applicant was not present at the meeting.

Motion by Lamb, seconded by Miller, to approve Item No. 11.
Motion was denied as follows:

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

12. **Public Hearing and Consideration of Ordinance No. 2648 rezoning from "A" Single Family Dwelling District to "D-O" Suburban Office District, located at 809, 907, 1101, 1109 and 1217 S.E. 33rd Street (Donald J. Boyce, Mr. and Mrs. Everett Wright, Jerry Grant, Jim Hill and Noel W. Carey, applicants).** An amendment to the Edmond Plan III was recently approved projecting the property as Suburban Office. The applicants cited the changed character of the properties as their reason for requesting the zoning change.

Ronnie Williams, representing the Edmond Neighborhood Alliance, addressed Council and noted that even though the Edmond Plan has been amended, Suburban Office zoning may not be the correct zoning for the property at this time. Beverly Terry (Fisher Hills Homeowners Association) and Dale Birdwell (1104 Coffey Circle) also addressed Council on this matter. Their primary concerns were increased drainage from new or remodeled developments and the heights of those developments.

Councilmember Lamb noted that those issues would be addressed during the site plan review process.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2648 as read by title by City Planner. **Motion was denied** as follows:

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

Motion by Lamb, seconded by Knox, to reconsider Item No. 12 and continue to the next meeting due to the tie vote and the return of Councilmember Rice. **Motion carried** as follows:

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

13. **Executive Session to discuss the following pending claims/litigation (Executive Session authorized pursuant to 25 Okla. Stat. 307(B)(4):**

Smith vs. City of Edmond
Woodward vs. City of Edmond

Motion by Knox, seconded by Miller, 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 6:54 p.m. and returned to the City Council Chambers at 6:55 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

14. Consideration of action regarding the above claims.

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

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

15. NEW BUSINESS: None

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

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

City Clerk

Mayor