

## EDMOND CITY COUNCIL MINUTES

May 14, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 14, 2007, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve April 23, 2007, Minutes. **Motion carried** as followed:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

### **3. City Council Presentations:**

- A. **Presentation of proclamation recognizing May 20-26, 2007, as "National Public Works Week" in the City of Edmond.**
- B. **Presentation of proclamation recognizing May 12-20, 2007, as "National Tourism Week" in the City of Edmond.**
- C. **Presentation of proclamation recognizing May 18, 2007, as "Bike-to-Work Day" in the City of Edmond.**
- D. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the Covell Underpass project has been slowed by the recent rains. The initial time frame for completion was the end of June but may be delayed due to the weather. Mr. Stevens stated Phase II will be bid around October and construction is expected to begin next January. The bid letting for the 15<sup>th</sup> Street and Coltrane signal project is scheduled for July and is 100% financed by federal funds. Mr. Stevens stated the intersection improvements on 2<sup>nd</sup> Street at Vista Lane and Bradbury Lane will begin in June and the estimated cost of the project is \$1.3M funded by the 2000 Capital Improvements Sale Tax. He stated substantial progress was made on the 33<sup>rd</sup> Street, Kelly to Santa Fe, project before the recent rainy weather. The contractor is currently working on medians, sidewalks and lighting and can earn up to 60 days of early completion incentives at \$2,000 per day. Mr. Stevens stated the sidewalk partnership program is now in its fourth year and a total of 252 property owners have participated. An annual allocation of approximately \$75,000 is included in

the proposed five-year financial plan.

**4. Appointments to Boards and Commissions:**

- A. **Appointment to the Public Works Committee.** Mayor O'Neil nominated Elizabeth Waner for appointment to serve a term expiring May, 2009.
- B. **Appointment to the Public Works Committee.** Mayor O'Neil nominated Roland Dawson for appointment to serve a term expiring May, 2009.
- C. **Appointment to the Visual Arts Commission.** Mayor O'Neil nominated Elizabeth Waner for appointment to serve a term expiring May, 2010.
- D. **Appointment to the Finance/Audit Committee.** Mayor O'Neil nominated himself for appointment to serve a term expiring May, 2009, and nominated Charles Lamb for re-appointment to serve a term expiring May, 2009.
- E. **Appointment to the Arts and Humanities Council.** Mayor O'Neil nominated Dick Howard for appointment to serve a term expiring May, 2010.
- F. **Appointment to the Capital Projects and Financing Task Force.** Mayor O'Neil nominated Jim Joseph as Ex-officio member to serve a term expiring May, 2009.
- G. **Appointment to the Edmond Historic Preservation Trust.** Mayor O'Neil nominated Charles Lamb as official Trustee.
- H. **Appointment to the Stormwater Drainage Advisory Board.** Mayor O'Neil nominated Charles Lamb and Wayne Page for re-appointment.
- I. **Appointment to the Convention and Tourism Advisory Board.** Mayor O'Neil nominated Wayne Page for re-appointment as City Council representative.
- J. **Appointment to the Edmond Public Transportation Committee.** Mayor O'Neil nominated David Miller for re-appointment as City Council representative.
- K. **Appointment to the Board of Adjustment/Board of Appeals.** Mayor O'Neil nominated Bud Fisher for re-appointment to serve a term expiring May, 2009.

- L. **Appointment to the Edmond Centennial Commission.** Mayor O'Neil nominated Sandra Naifeh as an At Large member to serve a term expiring December 31, 2007, and nominated himself as City Council representative.
- M. **Appointment to the Central Edmond Urban Development Board.** Edmond Chamber of Commerce nominated Ralph Armstrong to serve a term expiring May, 2008.

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

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

- N. **Election of Mayor Pro Tem/Vice Chairman of the Edmond Public Works Authority.**

Motion by Miller, seconded by Page, to nominate Councilmember Charles Lamb. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

- 5. **Discussion and Consideration of decommissioning Steering Committee for Zoning Ordinance.** Mayor O'Neil stated the committee was originally established to last one year and actually was in existence for four and one-half years. Councilmember Lamb encouraged the Council to send letters signed by the Mayor to each member of the Committee thanking them for their efforts to complete the project.

Motion by Lamb, seconded by Page, to approve Item 5. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

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

- A. **Approval of Administrative Items:**

- 1) **Approval of Interlocal Agreement with the Board of County Commissioners of Oklahoma County to reconstruct, improve, repair and maintain certain City streets in the City of Edmond.**
- 2) **Approval of transfer of appropriations for City Treasurer's Office - \$3,040**
- 3) **Approval of contract with the Association of Central Oklahoma Governments (ACOG) to provide traffic counts.**
- 4) **Acceptance of street right-of-way easements from the following:**
  - a) Adfitech, Inc.
  - b) Thirty-Six-O-One, LLC
  - c) Shoppes on Broadway
- 5) **Acceptance of three public utility easements from The Ranch Property Company, LLC.**
- 6) **Acceptance of public improvements and maintenance bonds from the following:**
  - a) Arcadia Park
  - b) Fire Department training facility
  - c) Fisher Hall South
  - d) The Ranch Section II
  - e) Fairfax IV
  - f) 1111 E. Main
  - g) 425 Enterprise
  - h) 416 W. 15<sup>th</sup> Street
  - i) 210 W. Edmond Road
  - j) 1210 Roosevelt Street
  - k) N. Coltrane Road and Huntwick Drive

Motion by Page, seconded by Lamb, to approve General Consent Items 6.A.(1-6). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

B. **Approval of Purchases:**

- 1) **Award of bid and approval of agreement and**

**Resolution No. 11-07 appointing Purchasing Agent for street improvements at Fretz Avenue (4<sup>th</sup>-10<sup>th</sup> Streets) for the Engineering Department.** Purchasing Manager recommended accepting bid from Young General Constructors in the amount of \$896,102.38.

2) **Approval of interlocal agreement with the Board of County Commissioners of Oklahoma County for rural mowing and weed control maintenance of section line rights-of-way in the amount of \$25,000.**

3) **Approval of disposal disposition of used vehicles and equipment for the Fleet Management Department.**

4) **Approval of renewal of maintenance and support agreement with BIO-key International for support of packet cluster patrol software in the amount of \$24,084.**

5) **Acceptance of proposal for a fire training burn prop system for the Fire Training Facility.** Purchasing Manager recommended accepting bid from FireBlast in the amount of \$251,346.

6) **Approval of amendment to GIS Data Update Services contract with CEDRA Corporation to maintain GIS data layers consisting of parcels, water, wastewater and storm infrastructure and ongoing maintenance in the estimated amount of \$200,000.**

7) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$4,747.76.**

Motion by Miller, seconded by Page, to approve General Consent Items 6.B.(1-7). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, 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 O'Neil, Councilmembers Page,  
Waner, Lamb and Miller

NAYS: None

**9. PLANNING CONSENT ITEMS:**

- A. **Consideration of Final Plat for Hidden Prairie at Kelly Pointe II, located north of 33<sup>rd</sup> Street on Hidden Prairie Way (Kelly Pointe Development Co., Inc., applicant) Case No. PR070006.**
- B. **Consideration of Final Plat for Cardinal Ridge, generally located west of Douglas, north of Danforth Road (Larry Toombs, applicant) Case No. PR050007.**

Motion by Lamb, seconded by Waner, to approve Planning Consent Items 9.A. and 9.B. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

**10. Public Hearing and Consideration of Special Use Permit for a church and related ministry uses, on property located at 119 S. Walnut (Pure Heart Fellowship, Inc., applicant) Case No. U070007.** The church will occupy spaces on the south side of the building, Suites A, B and C. In the next 24 months the church is proposing to also occupy Suites D, E and F as a multi-purpose room and a learning center. No new construction is proposed with this application other than a six foot tall, 42 square foot ground sign. The east side of the building contains a parking lot with 12 spaces. The adjoining property owner has agreed to allow the church to use a parking lot west of the building containing 16 spaces. Planning Commission recommended approval.

Aaron Heeg, pastor of the church, addressed Council and stated the church has a two-year lease. He stated the church is highly committed to serving this area of the community for the long term.

Councilmember Miller stated past policy has been to tie the approval of the Special Use Permit to the term of the lease and he asked the applicant if they were opposed to continuing with this policy. He noted at the end of two years the applicant could request an extension if necessary. Pastor Heeg stated he had no objection to the two year term.

Motion by Lamb, seconded by Miller, to approve Item No. 10 subject to a two-year term limit. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

**11. Public Hearing and Consideration of Special Use Permit for a preschool/child care center on property located at 1501 N. Bryant (St. Mark's Lutheran Church, applicant) Case No. U070008**. The application is for an interior expansion only to allow for an additional pre-school program of 25 hours per week. A Special Use Permit was issued for the church in 1997 but did not include a day care or private school classes. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Item No. 11.  
**Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

**12. Public Hearing and Consideration of Ordinance No. 3095 closing of a drainage and utility easement located at 24 Kimberwick Circle (Todd Lisle, applicant) Case No. ES070004.** An accessory building/storage shed is proposed northeast of the applicant's home. The applicant also owns an unplatted tract north of his property. The easement runs through the middle of the entire tract owned by the applicant. There are no utilities in this easement. Homeowners in the addition had no objection to closing the easement. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Item No. 12.  
**Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

**13. Public Hearing and Consideration of commercial Site Plan for a new building, located north of Danforth, east of Ketch Acres (Kan Kang/Cheyenne Springs Business Park, applicant) Case No. SP070021.** The site contains 2.45 acres and an 18,900 square foot building is proposed. The building will be a combination of red brick and stone with EFIS trim. The applicant provided 48 parking spaces. The Ketch Acres Addition is located west of the site and the 10 acre tract to the east is a horse farm/Pony

Land. A driveway that has been shared with the owners of the 10 acre tract may be reduced as the applicant's property is developed. The detention will be along the front of the property. A six-foot tall 42 square foot ground sign is proposed near the east side of the property along Danforth. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated a lift station will not be required since the applicant has purchased an easement from the property owner to the north for an off-site extension of the sanitary sewer line. He stated the landscaping exceeds requirements and the applicant will install a six-foot tall brick fence along the west side of the property as a buffer for the Ketch Acres homeowners. Mr. Shadid stated the applicant will construct a driveway on the west side of the property for access to the shopping center. He noted a gravel driveway has historically been shared with the property owners to the east, Mr. Novotny and Mr. Catlett. He stated the applicant has canceled the agreement for the shared drive as was his right. Mr. Shadid stated a joint driveway is not impossible in the future when the adjacent property is ready to be developed. He noted the applicant is not willing to pay for construction of the driveway as well as maintenance costs for the benefit of the adjoining property owners.

Michael Novotny, representing the property owners to the east, addressed Council and stated his clients wanted continued access to their property. He stated they also want it known that future access to their property with another curb cut along their eastern property line may be requested at some point in the future. He noted that when they decide to develop their property they would like to share the existing drive with the applicant. Mr. Novotny stated that even if the existing drive is reduced in width he felt the drive would still be wide enough to accommodate the vehicles necessary for his client's operation. He noted his clients are willing to grant an access easement to the applicant at no cost in order to keep the existing shared drive.

Councilmember Page stated he felt the answer to some of the overall traffic problems in the City is to limit the number of curb cuts City wide as well as traffic flow and continuity between housing developments. He stated his preference is for both properties to share a drive in order to have access to both properties.

Mayor O'Neil asked if Mr. Novotny's clients were willing to pay



their share of paving the existing drive.

Mr. Novotny stated he does not have the authority to speak on his client's behalf regarding that issue but they would not object to the applicant paving the driveway including their half of the drive. He stated they wanted to be sure that they will have access to the northern five acres owned by Mr. Novotny as well as the 10 acres owned by Mr. Catlett for any future uses.

Councilmember Page he preferred a shared drive with one major access for both properties. He noted it would eliminate the need for citizens to install a traffic signal when the Catlett property is developed in the future.

Mayor O'Neil stated under the new rules of the Transportation Plan the City is going to get very serious regarding access management and the property owners to the east are missing an opportunity that may not be available in the future. He noted for half the cost of paving the drive his client's could benefit as well as the community.

Mr. Novotny stated he was not authorized to agree to pay for paving the drive but it could be negotiated.

Councilmember Miller stated the issue is that the applicant is not willing to pay to maintain a drive that the adjoining property owners will be driving heavy vehicles with horse trailers on causing more wear on the drive than would a regular vehicle. He stated he felt the maintenance was more of an issue than the actual payment for installing the pavement. Councilmember Miller stated he was also in favor of both property owners using the same drive but the economics do not work out at this time.

Mr. Shadid stated Mr. Catlett was not interested in contributing any money to pave the drive. He stated there would still be sufficient room to access the adjoining property via the existing gravel drive.

Councilmember Lamb noted there is not a mutual cooperative agreement in place for a future opportunity to share the drive since the applicant has terminated the previous agreement. He noted if the two parties wish to share the drive in the future, a new agreement would be necessary.

Councilmember Page stated the corner would be developed as commercial at some point in the future and he felt the property

owners to the east were missing an opportunity to increase the value of their property for a small amount of money. He stated he was opposed to a service drive being next to single family homes.

Betty Jean Blue addressed Council and requested an explanation of the right-of-way requirements along Danforth. General discussion was held on this issue. Staff noted that the applicant is providing 50 feet of right-of-way and any additional right-of-way would be located in the detention area

Councilmember Page stated he was in favor of requiring 70 feet of right-of-way on Danforth and a larger buffer next to the Ketch Acres Addition. Councilmember Lamb noted there were no ordinances, other than the designated parkways, to require 70 feet of right-of-way on Danforth and the new Transportation Plan has not been implemented yet with the required ordinance amendments. He stated when the applicant submitted the application it was submitted under the rules in effect at the time.

Motion by Lamb, seconded by Miller, to approve Item No. 13 as submitted. **Motion carried** as follows:

AYES: Councilmembers Waner, Lamb and Miller  
NAYS: Mayor O'Neil and Councilmember Page

**14. Public Hearing and Consideration of commercial Site Plan approval for a new Braum's restaurant, located north of 2<sup>nd</sup> Street, east of Bryant, east of Freddy's Frozen Custard (Braum's , applicant) Case No. SP070008.** Randel Shadid, attorney representing Freddy's Frozen Custard, addressed Council and stated there has been no resolution to the driveway issue and he requested this item be continued. Neal McGee, owner of the property north of the proposed Braum's restaurant, also requested a continuance.

Motion by Miller, seconded by Waner, to continue Item No. 14 to June 11, 2007. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

**15. General Discussion and Consideration of land use projections on Edmond Plan IV.** Councilmember Waner stated she was concerned about the large portion of property projected for

retail commercial development along Coffee Creek between Douglas and Post Road. She also requested that the Sensitive Area Conservation Assessment be used as an overlay wherever there is remnant forest in order to preserve the topography and nature of the area especially east of I-35. These were also recommended by the Planning Commission.

Councilmember Miller stated all the property was under the same ownership and he did not see a reason to change the Plan until a final decision was made by the property owner as to how the property will develop. General discussion was held regarding the development plans of the property owner and staff noted the property owner is only requesting commercial zoning on 62 acres south of Coffee Creek. Staff also noted the property owner has changed the plans several times and are still changing them at this time. Councilmember Miller noted the reason the previous Council projected the 200 acres as commercial is they did not know what portion of the property the owners wanted to develop commercial. He stated the Council also wanted developers to know that this is the area where they wanted commercial development to occur. Councilmember Lamb stated another reason for the projection of commercial is it was assumed the utility issue would be resolved as part of the proposal. He pointed out that the projection allowed for many service like uses beyond just the retail that would provide for various office uses to include medical to serve the future residents.

General discussion was also held regarding the remnant forest assessment process. Councilmember Waner requested that any property containing remnant forest be required to perform the conservation assessment and that requirement be included in the procedures rather than as a part of the guidelines. She stated she felt it was not clearly stated in the ordinance. It was noted that it was staff's intent to review all applications with that requirement included. Councilmember Lamb stated he felt the issues regarding the remnant forest are addressed in the April 23<sup>rd</sup> City Council Minutes and also in Edmond Plan IV Appendix C.

Randel Shadid addressed Council regarding the 200 acres of retail commercial shown on the Plan Map. He stated it was his opinion that the Plan Map should be amended to remove the northern 100 acres of commercially projected zoning since that portion of the property was not proposed by the property owner for commercial development. Mr. Shadid stated once a sewer line is installed the area will be opened up to more dense development. He stated he was opposed to Council requiring a

conservation assessment being performed on any property that contains remnant forest. He felt since the trees were owned by the property owner, this process would force the owner to preserve the trees thus taking valuable property from the developer.

Vinton Howell, Edmond resident, addressed Council and requested an explanation of the conservation assessment. Councilmember Lamb explained the process in general terms. Mr. Howell stated he felt it was important for the environment to maintain the trees and he was in favor of requiring developers to perform the conservation assessment.

Councilmember Miller asked if it was necessary to change the ordinance to include the conservation assessment. Steve Murdock, City Attorney, addressed Council and stated the previous Council adopted an ordinance that made reference to a Plan Map and established guidelines for implementation and procedures, etc. He stated the words "conservation easement/conservation assessment" does not specifically appear in the ordinance that was adopted. Mr. Murdock stated the ordinance can not be amended at this meeting but the Plan Map can be amended because it has not gone into effect yet. If Council so directs, staff will prepare an ordinance to add that specific wording for consideration at the next meeting. Councilmember Lamb stated he felt the wording requiring a conservation assessment was contained in the adopted ordinance under the "sensitive lands" wording in Appendix C which is how the conservation assessment requirement is titled. Councilmembers Page and Waner stated they were in favor of specific language being incorporated in the ordinance that addresses this issue in order to eliminate any confusion in the future.

Motion by Page, seconded by Waner, to amend the Edmond Plan IV Map deleting 100 acres north of Coffee Creek from commercial to single family usage. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner and Miller  
NAYS: Councilmember Lamb

**16. Executive Session to discuss the purchase of real property generally located at Coltrane and Chimney Hill Road (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):**

Motion by Page, seconded by Miller, to meet in Executive Session to discuss the above item. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,

Waner, Lamb and Miller  
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 7:30 p.m. and returned to the City Council Chambers at 7:40 p.m.

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

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

**17. Consideration of action regarding the purchase of real property located at Coltrane and Chimney Hill Road, and/or consideration of Resolution No. 12-07 declaring the necessity for acquiring certain real property within the City of Edmond, Oklahoma for public use, and authorizing acquisition by Eminent Domain.**

Motion by Lamb, seconded by Page, to approve Resolution No. 12-07. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

**18. NEW BUSINESS:** None

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

AYES: Mayor O'Neil, Councilmembers Page,  
Waner, Lamb and Miller  
NAYS: None

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City Clerk

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Mayor