

EDMOND CITY COUNCIL MINUTES

August 14, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 14, 2006, in the City Council Chambers.

2. Approval of July 24, 2006, Minutes. Motion by Miller, seconded by Lamb, to approve the Minutes. **Motion carried** as followed:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

3. City Council Presentations:

A. **City Manager's Monthly Progress Report.** Larry Stevens addressed Council and stated the bid opening for the 33rd Street (Kelly to Santa Fe) widening project was held last week and the low bid was 24% higher than the engineer's estimate. Staff believes the higher estimate is due to the higher cost of petroleum based products and concrete costs. The City's 20% share of the project will increase to \$967,960.75 and a supplemental appropriation will be requested from the Capital Projects and Financing Task Force and will be included on the August 28th City Council agenda. Mr. Stevens stated the western section of the Fink Park to Hafer Park trail will not be completed prior to the beginning of school. He stated City staff will pursue liquidated damages of \$2,000 per day for each day the project remains unfinished. Staff feels the contractor should finish this part of the project by the end of the month. The eastern section of the project is anticipated to be bid in the next two weeks. Mr. Stevens stated the Parks and Recreation staff solicited Requests for Proposals (RFP) for the youth sports program starting next summer. The program includes baseball, softball and flag/tackle football. The deadline for the RFPs was Friday, August 11th. He noted the consultant will review all the RFPs and make a recommendation to the Parks and Recreation Advisory Board who will then make a recommendation to City Council. Mr. Stevens stated the 15th Street and Coltrane signal project are currently under design. The project will include automated signals for this location only and will

be 100% federally funded. Staff anticipates a bid letting within the next 12 months.

Mayor Naifeh noted that due to Congressman Istook's help, the City received a \$750,000 federal grant for the Fink Park to Hafer Park trail.

- B. **Report on the current status of Edmond's Emergency Management Program.** Mike Magee, Interim Director of Emergency Management, addressed Council and outlined the program.

Mayor Naifeh commended Mr. Magee for being citizen based in his responses to citizens for assistance. She noted that he was very responsive to requests for help during hurricane Katrina and he helped organize the community to assist those on the east coast during that time. Mayor Naifeh stated she is asked frequently by citizens if the City is equipped to handle evacuations and she stated she is happy to know that staff receives training for emergencies. She asked if there is another training session scheduled that would involve more of the public. Mayor Naifeh stated updating the emergency plan is included on the Council's strategic plan and Council felt this issue was a priority.

Mr. Magee stated a training session is not scheduled at this time and that he would like to wait until a new emergency operation plan is fully vetted and approved before a training session is scheduled. He noted that a training session takes time, work and money to execute. He stated the human factor also has to be considered such as outside temperature. Mr. Magee stated it is not possible to schedule an exercise during such hot weather.

Councilmember Sanford encouraged staff to consider placing outdoor warning devices east of I-35. She stated at this time the residents in that area have no warning when storms are approaching.

Mr. Magee stated a meeting was held regarding that issue and it was determined that the City needed to press forward. He stated staff anticipates soliciting Requests for Qualifications first and then Request for Proposals in the near future. He stated the challenges are integrating with the existing system and smartly expanding east to get the most for the money available.

4. Appointment to Boards and Commissions:

- A. **Appointment to the Edmond Neighborhood Initiative Program.** Mayor Naifeh nominated Micah Hobbs for appointment to serve a three-year term expiring in August, 2009.
- B. **Appointment to the Alarm Review Board.** Mayor Naifeh nominated Cynthia Beck for appointment to replace Melissa Wade to serve a term expiring in July, 2008.

Motion by Lamb, seconded by Sanford, to approve Items 4.A. and 4.B. **Motion carried** as followed:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, 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 transfer of appropriations for Central Communications for a software upgrade - \$61,728
- 2) Public Hearing and Consideration of the Community Development Block Grant program for FY 2006 Annual Action Plan to be submitted to HUD.
- 3) Approval of electric easement from Ivvy League Homes to serve 9912 Stone Gate Way.
- 4) Approval of agreement with the Oklahoma Tax Commission for the administration of Sale and Use Tax and Rider for audit augmentation services.
- 5) Approval of supplemental appropriations for Police Public Safety Limited Tax Fund - \$43,820
- 6) Consideration of submitting to the voters the approval of two ordinances related to the amendment of the "Edmond Plan III, 1999-2004" regarding approximately 30 acres of real property generally located east of Bryant Avenue, south of Hafer Park, north of 15th Street. These ordinances to be submitted

to the voters at the next general election or such other election as may be legally authorized in conjunction with the ordinances which are the subject of Referendum Petitions 01-06 and 02-06.

7) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for water line and sewer line to serve The Ranch II.

8) Approval of supplemental appropriations for the City Manager's Department for expenses associated with the hiring of the Assistant City Manager of Administration - \$12,000

9) Approval of supplemental appropriations for Emergency Management Department - \$50,000

10) Acceptance of Final Plat, public improvements and maintenance bonds for Christman Parke.

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

- a) 12 inch waterline, Broadway from 33rd Street to Comfort Drive
- b) Capitol View
- c) Sugar Hill
- d) Villages at Stonebridge
- e) Villages at Stonebridge Office Park - Block 1, Lot 4
- f) Villages at Stonebridge Office Park - Block 1, Lots 2A and 2B
- g) Villages at Stonebridge Office Park - Block 1, Lot 5
- h) Villas at Stonebridge

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-11). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

B. **Approval of Purchases:**

1) Approval of agreement with Crawford & Associates, P.C. for providing accounting and consulting services to the City and its component units.

- 2) Approval of contract with Edmond Public Schools for the D.A.R.E. Program for FY 2006/07 and K-9 program for FY 2006/07.
- 3) Approval of Change Order No. 1 with Re-Con Company for the Hafer Substation Switchgear Replacement project in the amount of \$4,693.60.
- 4) Approval of emergency engineering services agreement with C.H. Guernsey & Company for engineering support and construction management of Ketch Substation repairs in the amount of \$70,492.50.
- 5) Approval of Change Order No. 2 with Titan Home Remodel for rehabilitation of residential structure located at 515 W. 2nd Street in the amount of \$1,180.
- 6) Approval of Resolution No. 34-06 and project agreement with the Oklahoma Department of Transportation for the 2nd Street Widening and Signals, Vista Lane and Bradbury Drive, in the amount of \$1,300,000.
- 7) Approval of agreement for Emergency Operations Plan (EOP) update consultant services from TECTONIC - not to exceed \$50,000.
- 8) Approval of budgeted funds for Capital and Operating Expenditures for the Guthrie/Edmond Regional Airport in the amount of \$5,992.32.

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.B.(1-8). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Motion by Miller, seconded by Page, to recess the City Council meeting in order to convene the Edmond Public Works Authority meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

8. Discussion and Consideration of approval to accept donation of Historic Home from private developer, located at 30 E. Campbell and approval to solicit bids to relocate the home to a permanent location

within the downtown historic area and approval of utilizing the City Council contingency reserve to cover the expense of moving and relocating the home to a permanent location in the estimated amount of \$30,000.

Stuart Howard, Executive Director of the Edmond Historical Society, addressed Council and stated the Board supports this issue but have not had time to meet and discuss the issue. He requested this item be continued to the next meeting in order for the Board to discuss the details and explore the possibilities.

Councilmember Lamb stated he was concerned about the location and was in favor of continuing this matter until the details are finalized.

George Winters, Chairman of the Historical Preservation Trust, addressed Council and stated the Trust supports the donation and wants to be involved in the relocation process.

Motion by Lamb, seconded by Miller, to continue Item 8 to the next meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

9. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for a bank, located on the northeast corner of Fisher Drive and S. Boulevard, in the Fisher Hall North Addition (Tony Blatt, representing Citizen's Bank, applicant) Case No. SP060027.**
- B. **Public Hearing and Consideration of commercial Site Plan approval for a retail building, located at 415 W. 15th Street, Signal Ridge Business Park Retail B, south of 15th Street (Derek Turner, applicant) Case No. SP060029.**
- C. **Public Hearing and Consideration of commercial Site Plan approval for an office building, located on the east side of Fisher Drive, Building C-1 (Derek Turner, applicant) Case No. SP060028.**
- D. **Public Hearing and Consideration of commercial Site Plan approval for Candlewood Suites, located on the west side of Broadway, west of Applebee's Restaurant (Dollar Developers, LLC, applicant) Case No. SP060023. The site contains 77,474 square feet and a four story hotel is planned. The**

hotel will contain 51,855 square feet and 92 rooms are planned. The landscaping plan exceeds requirements. The light poles will be 30 feet in height and are consistent with lights along Broadway. A future building has been indicated to the south of the hotel. A driveway connection is currently in place with a connection to Broadway between Applebee's and Harley Davidson. The mechanical equipment will be located on the ground and no fencing or screening is required. One 20 foot tall, 75 square foot ground sign is proposed at the entry in a landscaped island. Staff noted because the hotel will not front onto a public street and since Broadway is the closest street, then Broadway sign standards are being used. The exterior walls of the building will be EFIS. Planning Commission recommended approval.

Mayor Naifeh stated she would prefer that the walls were not all EFIS. She requested some portion of the walls be brick since most of the existing construction contains mostly brick. She noted it has always been the intention of Council for new construction to match existing buildings.

Fred Quinn, architect for the applicant, addressed Council and stated he would commit to installing brick on the first floor. He noted that originally the hotel would contain only three floors but the applicant added an additional floor. He noted the current plan was approved by the Planning Commission. He stated there is no interconnection with the adjacent buildings at this time but the applicant hopes to be able to negotiate an interconnection with the adjacent businesses. He stated an additional curb cut is not requested because of the ability to connect to the Applebee's parking lot.

Mayor Naifeh stated she is pleased that a new hotel will be located in the City. She stated she could support the application since the first floor will contain brick and will blend in better with existing structures.

Motion by Lamb, seconded by Miller, to approve Item 9.D. subject to the addition of brick on the first floor elevation. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller

NAYS: None

- E. **Consideration of Final Plat of Bridgewater Office Park Section II, located east of Santa Fe, south of Christian Brothers (ERC, applicant) Case No. PR050030.**
- F. **Public Hearing and Consideration of commercial Site Plan approval for offices, located south of 18th Street, east of Kelly in the Signal Ridge Addition (Neal McGee, applicant) Case No. SP060026.**

Motion by Lamb, seconded by Miller, to approve Items 9.A.-9.C. and 9.E.-9.F. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller

NAYS: None

- G. **Public Hearing and Consideration of commercial Site Plan approval for a Popeye's Restaurant, located on the northeast corner of Burton Place and Broadway (Pop Holdings, LLC, applicant) Case No. SP060031.** The site contains 37,825 square feet and the building consists of 4,420 square feet with 27 parking spaces provided. Two driveways are proposed, one on Broadway and one on Burton Place. The drive-in windows are on the north side of the property nearest to Broadway Landing. The building will have a flat roof and the mechanical equipment will be on the roof. A parapet wall will be tall enough to screen the mechanical equipment. A 20 foot tall, 75 square foot ground sign is proposed. Two wall signs and a 128 square foot mural is also proposed. The exterior walls will be EFIS with a dark brown wainscoting. The EFIS will be a light yellow. The lights on the east are 20.5 feet tall and will be the shoebox style lights with the lights down-directed onto the site due to the nearby homes. Planning Commission recommended approval.

Brian Moore, President of DBA Architects, addressed Council and stated the colors for the building are maize, brown brick, red awnings and green shutters on the windows. He stated it is a Cajun design and the wall mural was designed by a famous Cajun artist. He stated the applicant has a corporate partnership with T-Mobile and Verizon. Mr. Moore stated most likely a real estate office for one of the partners will be located in the other portion of the building due to the limited parking spaces available. He stated a masonry fence will be installed along the east

property line and a small portion of the south property line along Burton Place east of the driveway. He noted the wall will be set back 20 feet from the east property line and will extend approximately 20 feet west on Burton place. He stated trees will be planted in front of the wall along Burton Place for additional landscaping.

Martin Pulley, area homeowner, addressed Council and stated his home is directly across the street from the proposed restaurant. He stated he is concerned about the increased traffic, noise, trash that will accumulate on his property, smell, lighting and hours of operation. He stated several months ago a representative of the applicant's spoke with him about the restaurant and stated they would be willing to install additional landscaping on his property for screening purposes. He noted that he has not heard from anyone since that time.

Councilmember Sanford stated she was not in favor of the colors for the exterior of the building.

Mayor Naifeh stated she was concerned about the height of the lights and the hours of operation also. She requested the brown brick wainscoting be extended an additional three feet up the wall.

Mr. Moore stated the restaurant would be open from 10:00 am to 10:00 pm. He agreed to extend the brick wainscoting up to six feet where the parapet wall is highest and leave the wainscoting at the standard three feet on other portions of the building. Mr. Moore stated he felt they had compromised all they could by moving the masonry wall back 20 feet and loosing several parking spaces, installing landscaping in the southeast corner, moving the dumpster location to the other side and putting the detention in the corner of the property. He stated their driveway on Burton Place lines up with the driveway on the back of the Braum's property.

Motion by Lamb, seconded by Miller, to approve Item 9.G. subject to installation of a split-face masonry wall as described above and the wainscot adjustments. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

H. **Consideration of Final Plat for Belleau Wood Addition, located south of Sorghum Mill Road, west of Air Depot (Tanner Consulting, applicant) Case No. PR060004.** The site contains 80.71 acres and 54 single family lots are proposed. The plat contains two separate common areas and public streets are proposed. The addition will be constructed in one phase with water wells and septic tanks. The surrounding additions contain lots of either two or five acres. The plat for this addition provides for 60,000 square foot lots. Planning Commission recommended approval.

Motion by Page, seconded by Miller, to approve Item 9.H.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

10. Public Hearing and Consideration of Ordinance No. 3034 amending Edmond Plan III from Single Family to Suburban Office Planned Unit Development (PUD) usage, located on the south side of W. Edmond Road, west of Hartford Drive adjacent to the Copperfield Addition (Paul Brudzinski, applicant) Case No. Z 060052. The site contains 38,332 square feet. The applicant is proposing to construct two residential style office buildings with shared parking. The property has been used as an oil well site which has been capped and is no longer in use. The oil well was drilled prior to development of the Copperfield Addition. An existing brick fence along Edmond Road will be removed but a brick column and stockade fence along Albany Drive will remain. The business would not be 24 hour operations and a 15 foot setback from the west property line is proposed. Parking lot lights will be a maximum of 14 feet tall and will be down directed. If dormers on the buildings are used, they will be constructed where the office buildings face each other. Planning Commission recommended approval.

Paul Brudzinski addressed Council and stated he purchased the property to control how the property would be developed. He stated he is working with the homeowners association in an attempt to leave the fence as is. Mr. Brudzinski noted all access will be from Edmond Road with no curb cuts on either Albany Drive or Hartford. A residential trash container will be used, if allowed by the Solid Waste Department, and will be picked up at the same time as the residential trash in the

neighborhood. He stated the two buildings will share a driveway with only one curb cut on Edmond Road.

Lisa Smith and Justin and Wendy Redwine, residents of the Copperfield Addition, addressed Council and asked questions. Their primary concerns were that the existing fence on Albany Drive remain and also the location of the dumpster.

Motion by Lamb, seconded by Page, to approve Ordinance No. 3034 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3034. **Motion carried** as follows and Ordinance No. 3034 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

11. Public Hearing and Consideration of Ordinance No. 3035 rezoning from "A" Single Family to "D-O" Suburban Office Planned Unit Development (PUD) usage, located on the south side of W. Edmond Road, west of Hartford Drive adjacent to the Copperfield Addition (Paul Brudzinski, applicant) Case No. Z060052. This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Page, to approve Ordinance No. 3035 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

12. Public Hearing and Consideration of Special Use Permit for administrative offices on property generally located north of 15th Street, east of I-35 (Henderson Hills Baptist Church, applicant) Case No. U060007. The site contains 2.3 acres. The applicant is proposing to construct a 41,800 square foot two-story office building. No new parking is planned since the office will use the existing church parking lot. The applicant will preserve 0.81 acres of cross timber forest on the north side of the site. A small patch of trees south of the building will also be retained. A significant amount of landscaping on

and off site will be installed. Due to the significant amount of tree preservation, the applicant requested a variance for the evergreen and 50% in front landscaping requirements.

Dan O'Neil, representing the Cross Timbers Tree Preservation Group, addressed Council in support of the project due to the tree preservation area and the landscaping plan, which exceeds standards.

Motion by Sanford, seconded by Miller, to approve Item 12.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

13. Public Hearing and Consideration of Ordinance No. 3036 closing a 20 foot public utility easement, located at 1600 Duxsford Court, Lot 29, Block 1, Edinborough Pointe Addition (Mike and Dawn Wood, applicants) Case No. ES060007. The applicants would like to construct a swimming pool in the easement on the south side of the lot. The land to the south is undeveloped and there are no utility lines in the easement. There is no immediate need for this easement.

Motion by Page, seconded by Miller, to approve Ordinance No. 3036 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

14. Public Hearing and Consideration of Ordinance No. 3037 amending Section 23.20.045 of the Edmond Municipal Code entitled Drainage Fee-in-Lieu of Detention, and providing for Repealer and Severability. The amendments include adjustments to the rate table used to calculate the fees, the delineation of the area to be served by the downtown regional stormwater detention facility and wording that makes the drainage fee-in-lieu of detention mandatory within this delineated area.

Councilmember Lamb stated the Stormwater Drainage Advisory Board has reviewed the ordinance numerous times. He stated the ordinance will change the formula for computing the fee because after research by staff, it was determined that the fees were under funding what the applicants were receiving back in return

in terms of land savings, engineering costs and construction costs. He stated the ordinance will **require** the fee-in-lieu of in the downtown regional detention area as part of the site plan review process.

David Hornbeek, representing a group who owns property at Campbell and Boulevard, addressed Council in support. He stated it would be difficult to develop the property in an urban type scenario and still provide detention.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3037 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

15. Consideration of recommendation to move forward in reviewing potential partnership with YMCA for a new facility.

Larry Stevens addressed Council and stated this matter was discussed during the June 15th workshop. At that workshop the YMCA presented two proposals for consideration. Mr. Stevens recommended the City formally request the Parks and Recreation Advisory Board, through it's Chairman Darrell Davis, to work with City recreational staff and the YMCA regarding possible additional features for such a facility. He stated he felt the City needed to determine if the partnership with the YMCA is appropriate and this review would be helpful in that regard. He noted that he has spoken with Mr. Davis and City staff as well as the representative of the YMCA regarding this suggested direction.

Councilmember Sanford stated she was concerned that it appears by this action there is direction from Council to move forward with the partnership. She stated she wanted it clarified there is no assumption with approval of this item that the City has decided to move forward with the partnership. She noted the direction from Council is for discussion only regarding other needs that the City has. She wanted to clarify this point so the Park Board does not feel they are getting direction from Council to move forward with the partnership.

Motion by Page, seconded by Lamb, to authorize the Parks and Recreation Advisory Board and City staff to initiate a review of a possible partnership with the YMCA. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

16. Executive Session to discuss the following pending claim/litigation (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)):

Berry vs. City of Edmond

17. Executive Session to discuss the purchase of real property located near Littler and 2nd Street in Downtown Edmond (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 items. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 7:27 p.m. and returned to the City Council Chambers at 7:40 p.m.

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

18. Consideration of action with regard to claim of Berry vs. City of Edmond.

Motion by Lamb, seconded by Miller, to authorize City Attorney to proceed with settlement negotiations on the Berry claim. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

19. Consideration of action with regard to purchase of real property located near Littler and 2nd Street in Downtown Edmond.

Motion by Lamb, seconded by Page, to authorize City Attorney to

proceed with purchase negotiations on the above property not to exceed \$330,000 plus closing costs. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

20. NEW BUSINESS:

Mayor Naifeh announced that Councilmember Lamb would be inducted into the Oklahoma Municipal League Hall of Fame on Saturday, August 19th, at the annual conference.

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

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, Lamb and Miller
NAYS: None

City Clerk

Mayor