

**EDMOND CITY COUNCIL MINUTES**

October 23, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 23, 2006, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Lamb, seconded by Page, to approve October 9, 2006, Minutes. **Motion carried** as followed:

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

**3. City Council Presentations:**

A. **Presentation of Character Council awards by Terry Byers to the following:**

- 1) Earl London for Diligence
- 2) Becka Finley for Benevolence

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

A. **Approval of Administrative Items:**

- 1) **Acceptance of City Manager's Financial Report for month ending September 30, 2006.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending September 30, 2006.**
- 3) **Approval of transfer of appropriations and purchase agreement with J.P. Morgan Chase Bank for real property located at Littler and 2<sup>nd</sup> Street - \$330,000 plus closing costs**
- 4) **Approval of FY 2005/2006 Year-End budget amendment to balance departmental budget categories for government fund types.**
- 5) **Approval to negotiate a new agreement with Edmond All Sports, Inc. for the operation of the youth sports program, effective January 1, 2007, as recommended by**

the Parks and Recreation Advisory Board.

6) Acceptance of easement from Edmond Public Schools for on-site utilities and right-of-way to serve the Centennial Elementary School.

7) Acceptance of easement from James L. and Rosalyn Forsythe to serve the Henderson Hills Sanitary Sewer project.

8) Acceptance of sanitary sewer easement off-site extension from Hal and Lynda G. French to serve the Windsong Addition.

9) Acceptance of easement from James T. Hoke, Jr. and Shirley D. Hoke for the water distribution system project.

10) Acceptance of electric easements from the following:

- a) MBJ Legacy III, LLC - Parkway Cleaners Addition
- b) Thirty Third Street Partners - Christman Parke

11) Acceptance of Final Plat, public improvements and maintenance bonds for Glen Cove at Covell Village, located at the southwest corner of Covell and Kelly.

12) Acceptance of Final Plat, public improvements and maintenance bonds for Kimberly Crossing II and III, located on Edmond Road, one-half mile west of Kelly.

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.A.(1-12). **Motion carried** as follows:

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

B. Approval of Purchases:

1) Approval of agreement with PSA Consulting Engineers, Inc. for engineering design services for replacement of the Administration Building air conditioning and control systems in the amount of \$26,000.

2) Approval of Change Order No. 1 from Titan Home Remodel for rehabilitation of residential structure located at 321 Cedar Crest Drive in the amount of \$925.

3) Approval of annual software license and maintenance for the Utility Customer Information System from the Oklahoma Municipal Power Authority in the amount of \$41,000.

4) Approval of site license agreement (including renewal options) with ESRI for the GIS software in the amount of \$100,000.

5) Award of bid for two tanker/pumper apparatus for the Fire Department. Purchasing Manager recommended accepting bid from Southern Fire Equipment in the amount of \$463,164.

Motion by Lamb, seconded by Sanford, to approve General Consent Items 4.B.(1-5). **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

**7. PLANNING CONSENT ITEMS:**

A. Consideration of Final Plat of Village Center V at Coffee Creek, located on the south side of Village Parkway, east of Kelly (Derek Turner, applicant) Case No. PR060025.

B. Public Hearing and Consideration of Site Plan approval for Building R in the Village Center at Coffee Creek commercial development, located on the south side of Village Parkway, east of Kelly (Derek Turner, applicant) Case No. SP060040.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Items 7.A. and 7.B. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of commercial Site Plan approval for a shopping center remodel, located on the northeast corner of 33<sup>rd</sup> Street and Broadway (Tom Parker, applicant) Case No. SP060041.** The existing Wal-Mart building will be remodeled as a two-story retail and office use. Site plans for a new Carl's Jr., three additional out buildings along 33<sup>rd</sup> Street and a bank on Broadway will be considered at a later date. The applicant will grant right-of-way along 33<sup>rd</sup> Street beyond the standard right-of-way for such a project. The master plan that has been submitted indicate two buildings along 33<sup>rd</sup> Street would have zero setback once the additional right-of-way is granted which would be a variance. The landscaping plan does not quite meet the 10% landscaping requirement but in the built condition, remodeling does not require 100% compliance with the current landscaping standards. Detention has been constructed on the northeast corner of 33<sup>rd</sup> Street and Broadway and no additional detention is required. Planning Commission recommended approval.

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

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

- D. **Public Hearing and Consideration of commercial Site Plan extension for Fox Lake Plaza, located west of I-35, 1,130 feet north of 15<sup>th</sup> Street (Frank Battle, applicant) Case No. S0030028.** The original site plan was approved on October 25, 2004, and extended for one year on November 14, 2005. There are no changes to the original site plan and the 12 conditions attached to the site plan will remain in effect if the site plan extension is approved. Planning Commission recommended approval.

Bill Hake, 725 Fox Ridge Drive, addressed Council and asked if the extension could be less than one year. He stated he felt after the previous two extensions another year's extension was not necessary and that the project could be completed more quickly. Mr. Hake stated he was tired of

all the dirt and noise associated with the site and he wanted the project expedited. He also asked if citations could be issued due to the shoddy workmanship.

Steve Manek, City Engineer, addressed Council and stated a stop work order was issued because of ineffective erosion controls due to recent rains. He stated the applicant has installed several rolls of silt fence and hay to address the problems. The applicant has also installed a longer access road up the hill to keep more dirt off the frontage road. Mr. Manek stated a portion of the storm sewer has been installed but because the site is not to grade yet it makes it difficult for the property to drain effectively.

Councilmember Page stated one of the requirements of the original application was that if the project is delayed more than 60 days that the site would be seeded. He noted that time has long passed and the property is not seeded yet. He also stated a sound proof retaining wall was also required to be installed prior to any construction, which has not been done.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has not received a building permit yet. He stated the seeding has not been installed due to the time of year and because they are still moving dirt off the site. Mr. Shadid stated they can not install the retaining wall or landscaping because the property is not to grade yet but sediment barriers have been constructed. He noted the revised Title 22 will allow the site plan to be extended for 18 months rather than the 12 month period the applicant is requesting.

Councilmember Page stated he understood the dilemma the applicant is facing regarding seeding of the site but felt the sound proof retaining wall could be installed.

Mr. Shadid noted this is a large project and the applicant has encountered unforeseen issues that is making the project take longer than originally expected. He stated he felt the retaining wall could not be constructed at this time due to the grade of the property and because the applicant does not have a building permit.

Mayor Naifeh stated she understood the problems faced by the applicant regarding seeding of the site and installation of the retaining wall but she also felt a one

year extension was giving the applicant license to be slow. She noted the residents want this project to be completed and she encouraged the applicant to attempt to complete the project in a timely fashion.

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

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

**8. Public Hearing and Consideration of Ordinance No. 3048 closing several utility easements south of 6120 Stonegate Place in the Oaks Addition to Oak Tree (Willie and Jennifer Wood, applicants) Case No. ES060009.** The applicant is planning to construct a swimming pool on the additional parcel south of Lot 8 which serves as the back yard. No utilities have been constructed in this area and there is no future need for any of the easements crossing this parcel. The Homeowners Association have not expressed any opposition to the closing. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 3048 as read by title by City Planner. **Motion carried** as follows:

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

**9. Public Hearing and Consideration of Ordinance No. 3049 amending Edmond Plan III from General Commercial, Neighborhood Commercial and Single Family to General Commercial Planned Unit Development (PUD) usage, located one-fourth mile south of 2<sup>nd</sup> Street, east side of Vista Lane (The Falls/Oxford Development Company, applicant) Case No. Z060066.** The site contains 28.9 acres and 250 three-story condominium units, as well as commercial structures, are planned. An existing tree preservation area located south of Davidson's Greenhouse will be retained. A prominent entry from Vista Lane to the commercial area will be constructed to encourage traffic to utilize Vista Lane rather than 2<sup>nd</sup> Street due to the difficulty of turning left onto 2<sup>nd</sup> Street. A traffic signal will be installed at 2<sup>nd</sup> Street and Vista Lane in the near future which will allow better left turn movements onto 2<sup>nd</sup> Street. Staff recommended deceleration lanes on 2<sup>nd</sup> Street for the two entrances. The

condominiums would primarily use Vista Lane as an entrance but once the commercial portion of the development is constructed, the applicant felt the entrance between the two developments would be a major access into the multi-family development. Planning Commission recommended approval.

General discussion was held regarding traffic and future improvements to the area.

Councilmember Page stated he was concerned about the density of the project. He noted the area contains several housing additions and he asked if something could be done regarding the flow of traffic.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant does not own the property that Councilmember Page was referring to but would like to purchase the property in the future. He noted if they are able to purchase the additional property, they may be able to improve Wade Martin Road, which is a private street, to City street standards. Mr. Shadid stated the applicant will install an additional right turn deceleration lane on 2<sup>nd</sup> Street into the commercial project and extend the City's planned left turn lane on 2<sup>nd</sup> Street onto Vista Lane further east in order to be used by the commercial development. He stated the applicant will install two additional left turn lanes into the commercial development. He stated 300 condominium units were originally planned but that number has been reduced to 250 units. Mr. Shadid stated the tree preservation area will be maintained and has been increased by approximately 5,000 square feet. He noted the development will exceed 10% landscaping on both the condominium site and the commercial sites excluding the tree preservation area. He stated the applicant will continue the commitment made on June 26<sup>th</sup> that the tree preservation area will be identified as a landscape or preservation easement on the plat. Mr. Shadid stated several water features will be constructed on the site which will also be used to help comply with the detention requirements. He noted the remaining detention would be underground.

Mark Farris, Red Plains Engineering, addressed Council and stated 10.5% of the commercial development and 31.2% of the multi-family development will be landscaped.

Mayor Naifeh stated she would prefer additional commercial development rather than additional multi-family if the applicant is able to purchase the adjacent property in the future due to

the density of the area.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3049 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 Lamb, to attach Emergency Clause to Ordinance No. 3049. **Motion carried** as follows and Ordinance No. 3049 is in effect immediately:

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

**10. Public Hearing and Consideration of Ordinance No. 3050 rezoning from "E-1" General Commercial, "D-2" Neighborhood Commercial and "A" Single Family to "E-1" General Commercial Planned Unit Development (PUD) usage, located one-fourth mile south of 2<sup>nd</sup> Street, east side of Vista Lane (The Falls/Oxford Development Company, applicant) Case No. Z060067. This is a companion to the above item and was discussed at that time.**

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3050 as read by title by City Planner subject to a maximum of 250 condominiums and the tree preservation area identified as a landscape or preservation easement on the plat. **Motion carried** as follows:

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

**11. Public Hearing and Consideration of Special Use Permit for "C-3" High Density Multi-family use in an "E-1" General Commercial Planned Unit Development (PUD) zoning district, located one-fourth mile south of 2<sup>nd</sup> Street on the east side of Vista Lane (The Falls/Oxford Development Company, applicant) Case No. U060011. This is a companion to the above two items and was discussed at that time.**

Motion by Sanford, seconded by Lamb, to approve Item No. 11. **Motion carried** as follows:



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

**12. Consideration of Special Use Permit to include Site Plan approval for a car wash in "D-1" Restricted Commercial District, located on the northwest corner of Danforth and Kelly, 905 W. Danforth (Auto Spa Car Wash/Brent Niles, applicant) Case No. U060007.** A car wash was previously approved at this location in December, 2002 and the project was extended for an additional year in 2003. This application was denied on August 28, 2006. There is a shared driveway on Danforth that can be used by both the applicant and Carl's Jr. restaurant customers that was approved on August 28<sup>th</sup>. This site does not have direct access to the existing driveway shared between Carl's Jr., Tinker Federal Credit Union and Edmond Public Schools. A 70 foot street easement is provided along Kelly Avenue. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application is in compliance with all City requirements. He noted there are no changes to the building from the last time it was reviewed. Mr. Shadid stated a public art piece will be placed at the corner of the site. He stated the applicant has offered to contribute 25% of the maintenance costs for the access shared with Tinker Federal Credit Union, Edmond Public Schools and the future Carl's Jr. restaurant as well as the detention facility. He stated the Credit Union and School Board requested the applicant pay 40% of the costs which his client refused.

Robert Sheets, representing Tinker Federal Credit Union, addressed Council in opposition. Mr. Sheets stated this application was previously denied because the original application was for a car wash only on this site. He noted now the site will contain a Carl's Jr. as well as the car wash. He stated this site was not part of the mutual access agreement between the other three parties for access to the existing drive . He noted that legally the applicant does not have access rights and that nothing has changed from the previous time this item was considered. Mr. Sheets stated the car wash is situated on the site in such a manner that the most convenient way to access/exit the property will be through the mutual access. He stated the applicant is entitled to use the detention facility but cannot change it in any way without approval of the School Board who actually owns the property. He stated if the applicant plans to utilize the mutual access easement, he

requested they install a turn lane on the drive to alleviate the potential stacking problem of traffic using the car wash.

Mr. Shadid addressed Council and stated the detention facility was originally constructed to provide retention for all four sites but it only retains run-off for the Credit Union and School Board facilities. He stated their intention is to remedy that situation by enlarging the detention facility to adhere to current standards. Mr. Shadid stated the applicant will make the improvements to the detention facility at their cost.

David Frazier, representing the School Board, addressed Council in opposition. He stated when the original Auto Spa application was approved, the School Board was not notified. He stated had they known at that time they would have had the same concerns that they now have. He noted there are still major unresolved issues regarding this development which could impact the applicant's ability to obtain a building permit. He stated approving this application could have a negative impact on the relationship between the applicant and the existing property owners.

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

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

**13. Consideration of Final Plat for the Auto Spa Car Wash, located on the northwest corner of Danforth and Kelly, 905 W. Danforth (Auto Spa Car Wash/Brent Niles, applicant) Case No. PR060018.** This is a companion to the above item and was discussed at that time.

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

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

**14. NEW BUSINESS:**

Councilmember Lamb announced that he and City staff are ready to present Title 22 to the Planning Commission on November 7<sup>th</sup> and City Council on November 27<sup>th</sup>.

Mayor Naifeh announced that this Saturday, October 28<sup>th</sup>, is National Make a Difference Day. She stated participants will distribute flyers at 33<sup>rd</sup> Street and Broadway highlighting underage drinking and she invited the public to participate.

Councilmember Miller reminded the public that November 7<sup>th</sup> is election day and he encouraged everyone to vote.

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

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

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City Clerk

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Mayor