

## EDMOND CITY COUNCIL MINUTES

December 13, 2004

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, December 13, 2004, in the City Council Chambers.

**2. Approval of Minutes.** Councilmember Sanford requested the spelling of Scott Smeltzer be corrected. Mayor Naifeh requested that the following sentence be added to her comments on General Consent Item 4.B.(4), "She requested that signs be erected showing where the city limits are located on Pennsylvania after completion of the road project". Motion by Miller, seconded by Lamb, to approve November 22, 2004, as amended. **Motion carried** as follows:

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

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

- A. **Presentation of the 18<sup>th</sup> consecutive Certificate of Achievement for Excellence in Financial Reporting by Kathy Keller, a representative of the Government Finance Officer's Association.**
- B. **Presentation of the DuPont Spotlight on Excellence Lead Safe Award by the Oklahoma Institute for Child Advocacy.**
- C. **City Manager's Monthly Progress Report.** Larry Stevens stated the Streetscape project met the deadline for substantial completion on Broadway. He stated the contractor still had some items remaining with an optimistic completion date of December 29<sup>th</sup>. Mr. Stevens stated the contract for the 2<sup>nd</sup> Street Booster Pump Station has been awarded to Luckinbill, Inc. for \$2.45 million and is scheduled for completion by May 31, 2005. The pump station will be located on the north side of 2<sup>nd</sup> Street, between Coltrane and Vista Lane. He stated the Cross Timbers Municipal Complex is slightly behind schedule due to recent rain delays. The date for completion has been extended to September 15, 2005. He noted that the City web site continues to provide construction updates to help keep citizens informed of the progress.

Mayor Naifeh stated merchants are very pleased with the downtown streetscape project. She noted all the businesses are open for business and adequate parking is available. She encouraged the public to shop Edmond first.

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

- A. **Appointment to the Arts and Humanities Council.** Mayor Naifeh nominated Donna Mercer to serve a term expiring in February, 2007.

Motion by Miller, seconded by Page, to approve Item 4.A.  
**Motion carried** as follows:

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) **Acceptance of public improvements and maintenance bonds for Ross Dress for Less.**
- 2) **Acceptance of sanitary sewer easement from Kay-BEE Investment, Co., LLC to serve Hidden Prairie in Kelley Pointe Addition.**
- 3) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality.**
- 4) **Acceptance of electric easement to provide service for the Department of Wildlife's project at Arcadia Lake located near Southlake Addition.**
- 5) **Approval of the 2005 schedule of regular meetings for the Edmond City Council.**
- 6) **Approval of supplemental appropriations for Asset Forfeiture Fund - \$47,566**
- 7) **Approval of supplemental appropriations for Community Image Department - \$10,000.** Mayor Naifeh stated she felt the intern was very valuable and she

asked the Council if they would be interested in funding an additional intern for next year. She noted a grant for the intern is refunded through the Oklahoma Department of Agriculture Food and Forestry. Councilmember Lamb stated the City must compete each year for those grants since there is only so much money available annually. He noted that last year Edmond received \$20,000 which was split between two separate grant activities, but this year only \$10,000 was received. Edmond continues to apply for these funds every year.

8) **Approval of transfer of appropriations for replacement of fencing at Gracelawn Cemetery - \$8,375.** Mayor Naifeh stated she was happy to see that the fence will be upgraded but wanted to be sure that the new fence would still retain the historic look of the existing stone fence. Jim Bowlin, Director of Parks and Recreation, addressed Council and stated the existing wood slat fence does not blend well with the stone fence and other white metal materials used throughout the cemetery. He stated the white baked on finish of the new metal fence will be similar to the existing white wrought iron fencing used in the cemetery's perimeter wall.

9) **Approval of transfer of appropriations for the General Fund and approval of supplemental appropriations for Convention and Visitors Bureau - \$113,000**

10) **Approval of Park and Recreation Facilities Naming Policy.**

11) **Approval of use agreement with Summerstock Productions to use the Amphitheatre in Mitch Park.** Councilmember Sanford asked if it was true that while Summerstock is rehearsing no one else will be allowed to use the amphitheatre. She asked if they have their performance dates determined yet and also if a problem is discovered, does the City have the option of re-negotiating the agreement.

Troy Powell, Director of Operations and Special Projects, addressed Council and stated other entities will not be allowed to use the stage during rehearsals due to the possibility of damage to the sets. He

stated at this time the performance dates have not been determined but they should have a schedule of performances by early next year. He stated he would coordinate with others who also want to use the stage. Mr. Powell stated that if problems are discovered at any time during the term of the agreement, the City would need to notify Summerstock in writing prior to September 1<sup>st</sup> of that year.

Motion by Page, seconded by Lamb, to approve General Consent Item 5.A.(11). **Motion carried** as follows:

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

- 12) **Approval of fees for public use of the Amphitheatre in Mitch Park.**
- 13) **Consideration of Resolution No. 35-04 creating the Edmond Centennial Commission.**
- 14) **Consideration of Resolution No. 36-04 to program a Transportation Project at 15<sup>th</sup> and Broadway for a preliminary cost estimate of \$861,885.58.**
- 15) **Public Hearing and Consideration of Ordinance No. 2885 amending Chapter 2.92 Urban Forestry Commission of the Edmond Municipal Code, Section 2.92.030 Creation and Establishment of the Urban Forestry Commission to provide for Ex-Officio Non-Voting Members; providing for Repealer and Severability.**
- 16) **Public Hearing and Consideration of Ordinance No. 2886 amending Section 4.36.010 of the Edmond Municipal Code for an increase of the Bond Activity Fee.**
- 17) **Public Hearing and Consideration of Ordinance No. 2887 amending Section 7.10.010 of the Edmond Municipal Code providing for frequency of rabies vaccination for cats and amending Subsection 7.12.010(B) providing for frequency of rabies vaccination for dogs; providing for Repealer and Severability.**
- 18) **Approval of Election Proclamation and Resolution No. 37-04 calling for Municipal Elections to be held in the City of Edmond on March 1, 2005, and April 5,**

**2005, to elect Mayor, Councilmembers for Ward 3 and Ward 4 and the City Treasurer.**

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-10,12-18). **Motion carried** as follows:

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

**B. Approval of Purchases:**

- 1) Approval of agreement with the University of Central Oklahoma (UCO) for Broadcast Services for Cox Cable Channel 20.
- 2) Approval of Change Order Nos. 28 and 29 with Timberlake Construction Co., Inc. for the Cross Timbers Municipal Complex project in the amount of \$47,965.26.
- 3) Acceptance of proposal for professional services of a cost allocation assessment and evaluation from Public Resource Management Group (PRM) in the amount of \$9,680.
- 4) Award of Bid for miscellaneous Fire equipment for Station 5 for the Edmond Fire Department in the amount of \$71,876.56.

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

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

**6. Approval of Tort Claim Committee's recommendations on Tort Claims.**

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
25-0015 Unknown	Deny Claim

Motion by Miller, seconded by Page, to approve Tort Claim Committee's recommendation on Tort Claim. **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

**9. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of commercial Site Plan approval for an office building, located on the west side of Boulevard, just over one-fourth mile south of 33<sup>rd</sup> Street at Villages of Stonebridge (Fellow of Christian Athletes, applicant) Case No. SP040044.**
- B. **Public Hearing and Consideration of Preliminary Plat of Olde Edmond III, located north of Danforth, east of Coltrane (Paul Iser, applicant) Case No. PR040030.**
- C. **Public Hearing and Consideration of Ordinance No. 2888 rezoning from "A" Single Family Dwelling District to "E-1" General Commercial District, located on the south side of E. 2<sup>nd</sup> Street, east of Oklahoma Municipal Power Authority (OMPA) (Javier B. Lopez, applicant) Case No. Z040032.** The site consists of 10 acres and is projected on the Edmond Plan as "E-2" Open Display. The requested rezoning would be considered down zoning for this property. The land to the west is zoned "E-1" and the properties to the east and south are zoned Single Family. All the frontage along the south side of 2<sup>nd</sup> Street is projected on the Edmond Plan as commercial.

Steve Manek stated there are plans to widen the intersection of Vista Lane and 2<sup>nd</sup> Street and install turn signals in the near future.

Councilmember Lamb stated that OMPA has no objection to the rezoning request since it is consistent with the zoning that OMPA has in place.

Barry Rice, attorney representing the applicant, addressed Council and stated the original owner of the property has recently died and there are 10 beneficiaries of this property. He stated they plan to sell the property and do not have any development plans. Mr. Rice stated the property is consistent with the surrounding property and the application is a lesser zoning than projected on the Edmond Plan.

Motion by Page, seconded by Miller, to approve Ordinance No. 2888 as read by title by City Planner. **Motion carried** as follows:

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

- D. **Consideration of Preliminary Plat for Fairfax Estates VI Addition, located north of Covell Road, east of Coltrane (J.W. Armstrong, applicant) Case No. PR040035.**
- E. **Consideration of Preliminary Plat for Fairfax Gardens III Addition, located north of Covell Road, east of Coltrane (J.W. Armstrong, applicant) Case No. PR040035.**

- F. **Public Hearing and Consideration of Site Plan approval for a new convenience store/car wash and strip shopping center, located on the southwest corner of Vista Lane and 2<sup>nd</sup> Street (Vista Point, Inc., applicant) Case No. SP040041.** The building will contain 10,642 square feet and 34 parking spaces will be provided. Four dumpsters will be located on the south side of the building. The convenience store will be located in the northeast corner of the building and the drive-through car wash will be located on the south side of the convenience store. Six retail spaces will be located to the west of the convenience store facing 2<sup>nd</sup> Street. No pole lights are requested.

Mayor Naifeh stated that past policy has been to disallow car washes located on major arterial streets. She noted that several have been grandfathered but they usually have berms or landscaping to screen the doors from view. She requested additional evergreen trees be installed to block the view of the car wash doors. Mayor Naifeh also requested berms be added to the project to make it more aesthetically pleasing.

Councilmembers Page and Miller requested that a fence be installed to enclose all the dumpsters rather than each individual dumpster being enclosed.

Sam Moore, architect for the applicant, addressed Council and stated additional trees could be included to screen the car wash doors. He agreed to add berms where possible behind the right-of-way. Mr. Moore stated the Sanitation Department did not want individual dumpster enclosures and he agreed to install a fence around all the dumpsters to screen them from view.

Also discussed was the location of the sidewalk along 2<sup>nd</sup> Street.

Bob Schiermeyer, City Planner, addressed Council and stated the sidewalk will be set back from the curb and will not connect to adjacent sidewalks.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 9.F. subject to additional landscaping of evergreens in a planting island in front of the car wash doors and installation of a fence along the south side to screen all the dumpsters. **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 the Flat Tire Restaurant, located at 318 E. Ayers (MTM Management Group, LLC, applicant) Case No. SP040048.**

- H. **Public Hearing and Consideration of Site Plan approval for an industrial building addition, to be located on the northeast corner of Sorghum Mill Road and I-35 Industrial Boulevard, 5600 I-35 Industrial Boulevard (Stephen W. Davis, applicant) Case No. SP040040.** The site contains 2.75 acres. The applicant plans to add a 12,000 square foot building on the east side of the property. The Planning Commission recommended a variance to the street widening and sidewalk along Sorghum Mill Road due to the steep slope of the embankment. They also approved a variance requiring brick on the exterior walls of the building since there is a large number of existing metal buildings in the area. A variance to allow a total of 2% landscaping was also recommended.

Mayor Naifeh stated she preferred more evergreen trees be planted.

Buddy Inman, representing the applicant, addressed Council and stated the building will not be visible from the I-35 frontage road due to the steep grade of the embankment and the building's location. He stated it would be possible to plant evergreens along the frontage road.

Councilmember Page stated he was concerned about the Council being inconsistent regarding the policy of requiring brick on the exterior walls of buildings but he felt in this instance he could support the application due to the existing metal buildings and the location of the proposed building.

Motion by Page, seconded by Sanford, to approve Planning Consent Item 9.H. subject to planting evergreen trees along the frontage road. **Motion carried** as follows:

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

**I. Consideration of Preliminary Plat for Thomas Center Addition, located south of Covell Road, east of Thomas Drive (Thomas Trails, LLC, applicant) Case No. PR040039.**

Motion by Lamb, seconded by Sanford, to approve Planning Consent Items 9.A., B., D., E., G. and I. **Motion carried** as follows:

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

Councilmember Miller temporarily left the Council Chambers.

**10. Public Hearing and Consideration of Ordinance No. 2889 rezoning from "G-A" General Agricultural District to "L-2" Lake Residential District, located west of Mountain View Road, north of 2<sup>nd</sup> Street, west of Air Depot (Douglas E. Hensley, applicant) Case No. Z0400310.** The site consists of five acres. Mountain View Park Addition was originally subdivided into 2 ½ acre tracts in 1931 prior to City regulations regarding subdivisions. The Edmond Plan projects the addition for "L-2" zoning as part of the Arcadia Lake plan which allows a minimum of two acre lots. This plan has been in effect since 1984 and has been reflected on the Edmond Plan since that time. This addition was annexed into the City in 1962.

Frank Pierce addressed Council representing himself, Shaun Thompson and Doug Hensley. Mr. Pierce stated the applicant is proposing to divide the five acres into two 2 ½ acre lots on which he and Mr. Thompson will construct a personal residence on each of the two lots. The rezoning is not speculative and he felt a precedent was established in 1931 when the property was



originally platted. Mr. Pierce stated property of existing homeowners will not be automatically rezoned just because this property is. He noted in 1931 the entire addition was platted into 64 2 ½ acre lots and filed with the County. Mr. Pierce stated the City Planning staff researched the records on this addition and found that there are only eight lots that are five acres or more. He stated three lots are 4.9 acres or less and 20 lots are less than four acres. He stated two lots are considerably less than an acre and several more are illegal non-conforming lots because they were sold after 1972 when the agriculture zoning was put in place. Mr. Pierce stated they would provide an irrevocable easement along the north for a driveway that will access both properties. He stated their intention is to leave as many trees as possible between their properties and the Mountain View Park Addition.

Patricia Durfey, Julie Wilson, Troy Mize, Don Faircloth, Greg Darby, Linda Burdick and John McLish, all Mountain View Park Addition residents, addressed Council in opposition. Their primary concerns were increased traffic on what is now just dirt roads that are maintained by the residents, loss of trees and historical value to the neighborhood and loss of the rural environment they currently enjoy.

Councilmember Lamb stated the area has a checkered history and not all areas of the addition comply current zoning or meet Title 21 requirements. He noted the applicant has gone through the proper process to rezone his property in conformance with Edmond Plan III and he did not see a reasonable planning justification to deny the applicants the right to develop the property.

Councilmember Sanford stated she felt a precedent for smaller lots had been established several times and felt the applicant has the right to develop the property. She noted the applicant's intentions are true since they plan to build personal residences on the lots.

Mayor Naifeh stated that although she sympathized with the homeowners she did not feel that approval of the rezoning request would severely impact the residents. She noted these arguments are similar to those heard throughout the years and that everyone feels that their neighborhoods are special and beautiful. She stated the area is beautiful and will remain so even with this rezoning.

Motion by Sanford, seconded by Lamb, to approve Ordinance No.

2889 as read by title by City Planner. **Motion carried** as follows:

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

Councilmember Miller returned to the Council Chambers.

**11. Discussion and Consideration of adoption of the Edmond City Council Strategic Plan for 2005.** Mayor Naifeh stated she had worked with Cindy Mitas with the Business and Industry Division of Francis Tuttle to make the changes that were submitted to her. She stated her goal is to have the Strategic Plan ready for implementation in January, 2005.

Councilmember Lamb stated he needed additional time to look over the revisions and compare them with his notes since the plan was last discussed in October. He stated he would be willing to discuss the revisions that are included in the current plan with the understanding that he will not be able to support adoption of the plan tonight.

Discussion was held with Cindy Mitas regarding the changes and Councilmembers suggested other changes as well.

Mayor Naifeh requested Councilmembers send her or Ms. Mitas any further changes in order for the Strategic Plan to be adopted at the next meeting. She noted she had been working with the City Attorney on continuation of the core values to include the City Council standards in relation to the Strategic Plan.

**12. Executive Session to discuss the purchase of real property located at I-35 and Covell Road (Executive Session authorized pursuant to 25. Okla. Stat. Section 307(B)(3)).**

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 9:08 p.m. and returned to the City Council Chambers at 9:34 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

**16. Consideration of action regarding the purchase of real property generally located in downtown Edmond.** Mayor Naifeh stated no action will be taken on this item.

**18. NEW BUSINESS:**

Mayor Naifeh congratulated Edmond resident Billy Etbauer on winning his 5<sup>th</sup> World Saddle Bronc Riding Championship over the weekend.

**19.** Motion by Miller, seconded by Lamb, 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