

EDMOND CITY COUNCIL MINUTES

June 26, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 26, 2006, in the City Council Chambers.

2. Approval of Minutes. Councilmember Lamb requested the Minutes be amended to show the 4% Hotel/Motel Tax was originally approved in 1994. Motion by Lamb, seconded by Page, to approve June 8, 2006, Special Meeting Minutes as amended. **Motion carried** as follows:

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

3. Approval of Minutes. Motion by Miller, seconded by Page, to approve June 12, 2006, Minutes. **Motion carried** as follows:

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

4. City Council Presentations:

A. **Presentation by Terry Byers, representing the Character Council, to the following citizens:**

- 1) Dr. Verlin Richardson for Creativity
- 2) Armenta Wight for Tolerance

B. **Proclamation proclaiming July, 2006, as "Recreation and Parks Month" in the City of Edmond.**

5. Appointments to Boards and Commissions:

A. **Appointment to the Stormwater Drainage Advisory Board.** Mayor Naifeh nominated Charles Peterson for appointment to serve the un-expired term of Willard McCasland expiring in June, 2009.

B. **Appointment to the Public Works Committee.** Mayor Naifeh nominated Councilmember David Miller for re-appointment to

serve a term expiring in May, 2008.

- C. **Appointment to the Public Works Committee.** Mayor Naifeh nominated Councilmember Paula Sanford for re-appointment to serve a term expiring in May, 2008.

Motion by Lamb, seconded by Page, to approve Items 5.A. through 5.C. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,
Sanford, 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) **Acceptance of City Manager's Financial Report for month ending May 31, 2006.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending May 31, 2006.**
- 3) **Public Hearing and Consideration of Ordinance No. 3023 Amending Chapter 7 of the Edmond Municipal Code, Creating New Section 7.12.080 regarding Dog Parks on Public Property; Providing for Repealer and Severability.**
- 4) **Public Hearing and Consideration of Ordinance No. 3024 Amending Chapter 3.12 of the Edmond Municipal Code, Section 3.12.220 Use of Funds Regarding Taxes Collected to Promote Convention and Tourism; Providing for Repealer and Severability.** The proposed ordinance will remove the 5% administrative costs assessed on monthly tax collections.

Councilmember Lamb stated his feelings have not changed from the ones expressed at the June 8th Special meeting. He stated that removing the administrative fee was tacitly establishing the Convention and Visitor's Bureau (CVB) as a City department which he feels has not been decided.

Mayor Naifeh stated because the CVB is now paying their share of overhead costs, she felt it would be

double taxation to continue with the administrative fees. She noted the resolution could be amended in the future if Council decides to change the status of the CVB.

Motion by Sanford, seconded by Page, to approve General Consent Item 6.A.(4). **Motion carried** as follows:

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

5) **Approval of Resolution No. 17-06 authorizing the spending above the 90% limit as designated by the Oklahoma Municipal Budget Act of 1979, as adopted by the City of Edmond, Oklahoma.**

6) **Approval of Resolution No. 18-06 establishing the Edmond Neighborhood Initiative Program and Creating the Edmond Neighborhood Initiative Committee.** The proposed resolution establishes a program and a committee to oversee the program operations. The program is designed to partner with civic groups, volunteer groups and others to help needy residents with property maintenance issues. Staff feels the resolution will improve the public image of code enforcement and increase compliance options for residents.

Carrie Tomlinson, Interim Director of the Community Image Department, addressed Council and outlined the program. She expressed appreciation to various staff members for their assistance.

Mayor Naifeh stated she feels this is a great program and she commended Keep Edmond Beautiful as well as Terry Humphrey and Bill Fitzgerald, Code Enforcement officers, for their work to establish the program. She noted the resolution establishes two-year terms and she stated all other boards and committees have three-year term limits. She stated in order to remain consistent she felt the resolution should be amended to reflect three-year term limits. Mayor Naifeh also felt the resolution should be amended to show that members are appointed by the Mayor and approved by the City Council.

Motion by Lamb, seconded by Miller, to approve General Consent Item 6.A.(6) subject to amending the term limits to three-year terms and amending the wording regarding appointments and approvals as requested by Mayor Naifeh. **Motion carried** as follows:

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

7) **Approval of collective bargaining agreement for FY 2006/2007 for the Fraternal Order of Police Lodge 136.**

8) **Acceptance of Final Plat, public improvements and maintenance bonds for Thornbrooke Manor, Section 2, located at the northeast corner of Bryant and 33rd Street.**

9) **Approval of transfer of appropriations for the Human Resources Department - \$8,000**

10) **Approval of transfer of appropriations for the Vehicle Maintenance fund - \$20,000**

11) **Approval of transfer of appropriations for the Building Department - \$12,000**

Motion by Lamb, seconded by Miller, to approve General Consent Items 6.A.(1-3,5,7-11). **Motion carried** as follows:

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

B. **Approval of Purchases:**

1) **Approval of Resolution No. 19-06 and project agreement with the Oklahoma Department of Transportation for the 33rd Street widening, Kelly to Santa Fe in the amount of \$868,993.45.**

2) **Acceptance of trail easements from Edmond University Plaza for the Fink Park to Hafer Park Trail project in the amount of \$132,900.**

3) **Award of bid (including renewal options) for**

unleaded and diesel fuel for City vehicles. Purchasing Manager recommended accepting bid from Paul Penley Oil Co., Inc. in the annual estimated amount of \$750,000.

4) **Award of bid and approval of contract for the Arcadia Lake Project Office Roof Renovation project and approval of Resolution No. 20-06 appointing Purchasing Agent for the Facility Maintenance and Parks and Recreation Departments.** Purchasing Manager recommended accepting proposal from Standard Roofing in the amount of \$51,500.

5) **Award of bid for fitness equipment for the Police Department.** Purchasing Manager recommended accepting bid from Push Pedal Pull in the amount of \$51,671.60.

6) **Award of bid for an air conditioning system for the computer room for the MIS Department.** Purchasing Manager recommended accepting bid from Hunter Mechanical in the amount of \$64,195.

7) **Award of bid for a generator system for the computer room for the MIS Department.** Purchasing Manager recommended accepting bid from Clifford Power Systems in the amount of \$51,204.

8) **Award of bid for a hydraulic gooseneck trailer for the Fleet Management Department.** Purchasing Manager recommended accepting bid from Kirby Smith Machinery in the amount of \$36,498.

9) **Award of bid for miscellaneous electrical materials for the YourGovShop member participants.**

10) **Award of bid (including renewal options) for uniform rental services for City employees.** Purchasing Manager recommended accepting bid from ARAMARK Uniform Services in the annual estimated amount of \$70,000.

11) **Approval of contract amendment with Oklahoma Municipal Power Authority for customer information software project in the amount of \$120,000.**

12) **Approval of Change Order No. 2 with Michaels Corporation for the fiber optic cable project (Phase**

II) in the amount of \$7,143.98.

13) Approval of Change Order No. 2 with Downey Contracting, LLC, for the Fire Department training grounds, Phase II, in the amount of \$2,886.40.

14) Award of bid for printing of the monthly newsletters for the Marketing Department. Purchasing Manager recommended accepting bid from Cherokee Printing in the annual estimated amount of \$26,000.

15) Approval of recommendation of insurance policies for General Liability, Public Officials, Excess Workers' Compensation, Property, Boiler and Machinery, Tower equipment and Public Official bonds in the amount of \$643,222.

16) Approval of renewal of Third Party Administrator for Workers' Compensation in the amount of \$27,340 based upon 75 claims.

17) Approval of bid disposition by the Purchasing Manager for the following:

- a) **Water Products** - MJ solid sleeve couplings (including renewal options) for Field Services Waterline Maintenance Division in the annual estimated amount of \$25,000
- b) **Ferguson Waterworks** - meter setter (including renewal options) for Field Services Waterline Maintenance Division in the annual estimated amount of \$50,000
- c) **Water Products and OKC Winwater** - full circle clamps (including renewal options) for Water Resources Utility Line Maintenance (ULM) Division in the annual estimated amount of \$25,000
- d) **East Jordan Iron Works** - RS gate valves (including renewal options) for Water Resources ULM Division in the annual estimated amount of \$25,000
- e) **National Waterworks and OKC Winwater** - ductile iron pipe (including renewal options) for Water Resources ULM Division in the estimated amount of \$50,000
- f) **Custom Products, Inc.** - MUTCD sign manufacturing (including renewal options) for the Field Services Street Sign Division in the annual estimated amount of \$15,000
- g) **Phipps Phast Oil Change** - Oil and Filter Change

- Service (including renewal options) for various City Departments in the annual estimated amount of \$2,000
- h) **Wayest Safety** - Station/Work uniforms (including renewal options) for the Fire Department in the annual estimated amount of \$50,000
 - i) **Wayest Safety** - Protective fire clothing (bunker gear) (including renewal options) for the Fire Department in the annual estimated amount of \$30,000

Motion by Page, seconded by Miller, to approve General Consent Items 6.B.(1-17). **Motion carried** as follows:

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

7. **Discussion and Consideration of selection of Legal Counsel to assist the City with regard to the Local Development Act.** Councilmember Sanford stated Council felt that prior to establishing any Tax Increment Financing (TIF) Districts they should have legal representation to avoid the problems that other cities have encountered. She stated Request for Proposals (RFP) were solicited and two proposals were received. She noted that she, Councilmember Lamb and City Manager Larry Stevens interviewed both firms extensively last week and she recommended accepting the RFP from the Center for Economic Development Law. She stated she felt they had more experience in developing projects for cities in economic development entities as well as more resources. Councilmember Sanford stated they work as a team and have five attorneys that share the work and provide their services based on their expertise for each phase of a project.

Councilmember Lamb stated he agreed with the recommendation and felt that either firm would do a good job.

Motion by Page, seconded by Miller, to accept RFP from the Center for Economic Development Law. **Motion carried** as follows:

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

Motion by Lamb, 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

11. **PLANNING CONSENT ITEMS:**

- A. **Consideration of Final Plat of Tuscan Villas III, located east of Vista Lane approximately one-half mile south of 2nd Street (Vorderlandwehr, applicant) Case No. PR060015.**
- B. **Consideration of Final Plat of Reserve at Autumn Ridge**

Addition, located north of Covell Road, west of the Asheforde Oaks Addition (Gordon Amini, applicant) Case No. PR050020.

- C. **Consideration of Preliminary Plat of Windsong Addition, located west of Oakridge Drive, 600 feet north of 2nd Street (Daniel and Darla Nesom, applicants) Case No. PR060012.** The site contains five acres and will be developed with 24 single family lots. An existing house on Lot 23 will be removed. The addition will connect to City water on Oakridge Drive and an appropriate eight inch or larger water line will be installed along the cul-de-sac. There is a mixture of line sizes in this area and to maintain water pressure, water lines will need to be stubbed within the development to the south property line for a future loop line. Sanitary sewer will need to be extended off-site and the applicants will be responsible for obtaining the off-site utility easements. A detention facility will be constructed in the southwest corner of the property.

Von Spears, Mason Oaks Addition, addressed Council and stated he was concerned about the small water lines. He stated the existing six inch line will not be adequate for fire protection. He requested an eight inch line be extended to 2nd Street when the sewer line is extended.

General discussion was held regarding the adequacy of the water lines. Rush Clinkscapes, Assistant City Engineer, addressed Council and stated the flow test showed the water flowing at a rate of 1,330 gallons per minute. He stated because the applicant intends to loop the water line in the future, staff felt the line would be adequate for fire protection. He noted the applicant has agreed to extend an eight inch water line.

Doug Klassen, engineer with MKEC Engineering Consultants, addressed Council and stated typically an addition is developed with a flow test of 1,000 gallons per minute so he felt that 1,330 gallons per minute would be adequate. He stated they will extend the eight inch water line when the Hansen Family Trust property is developed. He noted they have secured the off-site easement needed for the sanitary sewer extension.

Councilmember Page stated he preferred the applicant loop the water line at this time rather than waiting until the Hansen Family Trust property is developed.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Item 11.C. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of commercial Site plan approval for two buildings, located on the east side of Kelly, one-half mile south of 15th Street, 633 Enterprise Drive (Nantucket Enterprises, applicant) Case No. SP060018.**
- E. **Public Hearing and Consideration of Site Plan approval for an office building, located on the west side of Kelly, south of Kelley Pointe Drive, 2601 Kelley Pointe Drive (Maschino Huddleston and Associates, applicant) Case No. SP060021.**

Motion by Lamb, seconded by Page, to approve Planning Consent Items 11.A.,B.,D., and 11.E. **Motion carried** as follows:

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

- F. **Public Hearing and Consideration of a Special Use Permit for a church, located at 1718 S. Kelly (Daybreak Community Church, applicant) Case No. U060004.** The applicant is requesting to use space in a shopping center as a temporary church location with a congregation of 75 people. There is no new construction with this application and adequate parking is available for this use.

Councilmember Lamb requested a two-year time limit in order to be consistent with other special use permits for this type of usage.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 11.F. subject to a two-year time limit. **Motion carried** as follows:

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

- G. **Public Hearing and Consideration of Preliminary Plat for the Summit Addition, located north of 2nd Street to Danforth and west of Mountain View Park and Kanaly's Collegewood Acres (Mike Galiga, applicant) Case No. PR050014.** The site contains 113 acres and 140 single family homes are proposed. The development will also contain commercial and multi-family lots. The streets are private and will be accessed by two gates off the main collector street. Access will be through the main collector street from 2nd Street to Danforth through the development. Staff recommended a traffic light be installed with the first phase of the project due to the difficulty of making left turns across 2nd Street. An off-site sanitary sewer line easement will be needed with this project. Staff also recommended that the water line be looped to the water line extending north to Danforth with the first phase final plat. Staff also recommended that for any tree preservation areas in the residential addition to be counted toward landscaping requirements on the other portions of the development, a tree study must be conducted by an arborist or urban forester along with staff approval prior to platting the area; otherwise, all commercial or multi-family sites will be required to meet the I-35 Corridor landscaping standards.

Mayor Naifeh stated the Planned Unit Development (PUD) statement contains a sentence noting that the east border of the commercial and/or multi-family development will not be considered a sensitive border and she asked for an explanation.

Todd McKinnis, attorney representing the applicant, addressed Council and stated when this project was originally approved as a PUD statement and later amended, the applicant was allowed to waive the sensitive border requirement in compliance with the proposed Title 22 requirements. He stated they will adhere to the above staff requests.

Councilmember Page stated he was concerned about ingress/egress onto Danforth and he requested the applicant address that issue when the adjacent property to the north is developed.

A citizen addressed Council and stated it was not clear to her if the applicant was planning to establish a tree preservation area or not. She asked if they are required to provide a tree preservation area.

Mr. McKinnis stated at this time they are not sure if a tree preservation area will be established. He noted the area where they are considering designating a tree preserve is less valuable and it will be to their advantage to do their best to designate the area as a tree preserve.

Motion by Miller, seconded by Page, to approve Planning Consent Item 11.G. **Motion carried** as follows:

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

Mayor Naifeh stated the Council would take a five minute break.

Mayor Naifeh stated Items 12 through 15 would be discussed at one time.

Randel Shadid, attorney representing the applicant, addressed Council and stated the project has been reduced by 40,000 square feet and the traffic will be reduced by 12% to 13%. He stated the development will be a maximum of 168,000 square feet. The department store building has been reduced from a two-story to one-story and will be 35 feet in height. He stated the 2.89 acre tract will be restricted to the department store use only. He stated if the department store is closed at some point in the future, the property would revert back to "D-1" zoning. Mr. Shadid stated the applicant will provide 25% landscaping not including the detention areas and 33% including the detention. He stated the applicant has eliminated one of the proposed drives on Bryant leaving only one entrance at which there will be a traffic light installed at the applicant's expense. He stated all detention will be on site and will exceed drainage and detention requirements. He stated the back of the department store building and the building next to Pelican Bay Aquatic Center will have the same architectural treatment as the front of the buildings. He noted that parking along Bryant will be eliminated and parking will only be allowed on the east side of the development. Mr. Shadid stated the tract at the northwest corner of the total tract abutting Pelican Bay north of the access road and west of the creek will not be sold, built upon or requested for site plan approval for a period of 12 months from approval of the PUD application. He stated during that time, the developer and City will negotiate for all or part of that property to become a part of Pelican Bay and be owned by the City. He noted if negotiations are not successful for purchase of the property by the City of Edmond during the 12 months, then the developer is free to pursue other development options under the "D-1" zoning. Mr. Shadid stated the applicant would commit to using the same architectural style of the existing Spring Creek Plaza. He noted the development will add to the sales tax base as well as the ad valorem tax base which is used by the Edmond school system. Mr. Shadid stated this property will not remain as undeveloped green space. He noted if homes are constructed, the bridge across Spring Creek linking the two tracts will not be built because it is not economically feasible to spend that amount of money for residential development. He stated the owners of the Spring Creek Plaza are in favor of this application.

Lydia Lee, attorney representing Bryant Accord III, addressed Council in opposition. She stated the development is still too large and the application has not substantially changed since it was denied in October, 2005. She stated increased traffic remains a problem and there is not adequate room to expand the intersection to accommodate the increase in traffic at the intersection of 15th Street and Bryant without destroying what has been required of other developers on all four corners. She stated a development of this size and scope will greatly impact that intersection. Drainage and erosion continues to be a problem along Spring Creek which she felt would be exacerbated by the increased development. She expressed thanks to Brad Goodwin with Sooner Investments who contacted the residents to open a dialogue today prior to the meeting even though a compromise could not be reached between the parties. Ms. Lee stated she felt the highest and best use of the property is residential development because of nearby Hafer Park. She noted that the opposition is not just from residents of Chimney Hill but residents from all over the City who are opposed to this development.

Patty Taylor, Albert Wheeler, Wendy Joseph, Beverly Pierce, Lorene Arkeketa, Greg Kirsketer, Gary Sparks, Debbie Powell, Pamela Richman, Matt Welch, David Price, Dorothy Young and Richard Stubbs, all area residents, addressed Council in opposition. Their primary concerns were increased traffic and drainage/erosion problems. Other concerns were the size of the development and the number of traffic lights on Bryant that will result from this project. Several residents wanted to maintain the existing green space and were concerned about the elevation levels.

Steve Hofener, Traffic Engineering Consultants, addressed Council and explained the traffic report. He stated the traffic on 15th Street will be reduced by 14% less than the previous plan. He stated the level of traffic service is in the upper "C" category to the lower "D" category which is acceptable for residential areas. He stated the improvements provided by the applicant is more than what is usually required.

Greg Massey, engineer with Carter and Burgess, addressed Council and outlined the elevation changes on the project. He stated a retaining wall will be installed and there will be a 10 to 12 foot drop adjacent to Spring Creek on the north property line and a 10 foot drop on the south side of the development next to Turtle Creek Commons. He stated the applicant will maintain a 20 foot buffer on the south next to the Commons. He stated the

department store will not be constructed in the floodplain and the base flood elevations will be retained within the creek banks.

Randel Shadid stated the applicant was aware of the drainage problems in the area but their project will retain more drainage than is required by City codes. He stated the applicant did not cause the problems and should not be punished because of them. He noted that even if homes are built on the property, drainage problems will continue to increase. Mr. Shadid stated whatever is constructed on this property will increase traffic problems whether it is homes or commercial developments. He stated the plan presented tonight is better than the previous plan because of the concessions that have been made by the applicant.

Ms. Lee stated the applicant purchased the property knowing the history of the site and that commercial development had repeatedly been denied on this tract. She noted the High School traffic was not included in the traffic study submitted by the applicant nor was the new Wal-Mart and the adjacent shopping center on 15th Street and I-35 next to the Fox Lake Addition included in the study. She stated when the applicant purchased the property they knew the existing zoning designation and property owners in the State of Oklahoma do not have a legal entitlement to have their property rezoned.

Brad Goodwin, representing the applicant, addressed Council and stated he would work with the City to negotiate in good faith a price to purchase the property next to Pelican Bay at a fair market price.

Mayor Naifeh encouraged Mr. Goodwin to work hard on negotiating a fair price because she felt it was important as a good corporate citizen to do so.

Councilmember Page stated he is opposed to the development and felt that this application should have been reviewed again by the Planning Commission because of the changes submitted since it was last reviewed. He stated he was appalled that the applicant did not update Council or the residents regarding the changes to the plan. He stated the drainage, traffic and floodplain changes will be drastic and not in character with what the earlier City Councils had intended.

12. Public Hearing and Consideration of Ordinance No. 3025 amending Edmond Plan III from Single Family Planned Unit Development (PUD) to General Commercial PUD usage, located east

of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/Sooner Land Company, LLC, applicant) Case No. Z050049. The site contains 2.89 acres and is in the center of the project. A one-story 75,000 square foot department store is planned. Access would be from a new driveway connecting to Bryant across from Briarwood Drive with a second access on 15th Street west of Chappelwood Financial Services. A traffic signal will be installed at both entrances at the expense of the applicant. Hafer Park and Pelican Bay Aquatic Center are located to the north and Spring Creek Plaza shopping center is southwest of this location. A significant floodplain runs along Spring Creek which would require substantial grading, clearing and leveling as well as the use of retaining walls before any buildings could be constructed due to their close proximity to the floodplain and the parking lot. This project was denied previously by both the City Council and Planning Commission in 2005.

Motion by Page, seconded by Lamb, to approve Ordinance No. 3025 as read by title by City Planner subject to the above amendments. **Motion carried** as follows:

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

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 3025. **Motion carried** as follows and Ordinance No. 3025 is in effect immediately:

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

13. Public Hearing and Consideration of Ordinance No. 3026 rezoning from "A" Single Family Dwelling to "E-1" General Commercial Planned Unit Development (PUD) usage, located east of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/Sooner Land Company, LLC, applicant) Case No. Z060050. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3026 as read by title by City Planner subject to the above amendments. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Sanford

and Lamb

NAYS: Councilmembers Page and Miller

14. **Public Hearing and Consideration of Ordinance No. 3027 amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) and Single Family Dwelling PUD to Restricted Commercial PUD usage, located east of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/Sooner Land Company, LLC, applicant) Case No. Z050047.** The site contains 28.35 acres. The applicant plans to develop a shopping center with additional building pad sites along Bryant. Development of the shopping center would require one major bridge across the tributary of Spring Creek that extends from Bryant. An existing home previously owned by the Whit Marks family is located north of the Spring Creek Plaza shopping center and the current driveway connects to that home site. This project was denied previously by both the City Council and Planning Commission in 2005.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3027 as read by title by City Planner also subject to the above amendments. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Sanford and Lamb

NAYS: Councilmembers Page and Miller

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 3027. **Motion carried** as follows and Ordinance No. 3027 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Sanford and Miller

NAYS: Councilmember Page

15. **Public Hearing and Consideration of Ordinance No. 3028 rezoning from "A" Single Family Dwelling to "D-1" Restricted Commercial Planned Unit Development (PUD), located east of Bryant, south of Hafer Park, north of 15th Street (The Bridges at Spring Creek/Sooner Land Company, LLC, applicant) Case No. Z050048.** This is a companion to the above items and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3028 as read by title by City Planner subject to the above amendments. **Motion carried** as follows:

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

Mayor Naifeh stated the Council would take a five minute break.

16. Public Hearing and Consideration of Ordinance No. 3029 amending Edmond Plan III from Single Family Dwelling to Restricted Commercial Planned Unit Development (PUD) usage, located on the south side of 15th Street, 800 feet west of I-35 adjacent to the Arrowhead Valley Addition (Joe Javadzede, applicant) Case No. Z060038. The site contain four acres. The applicant has eliminated the following uses - **convenience store, indoor theater, car wash, self serve laundry, service station, industrial dry cleaners, grocery/super market (except a specialty food store such as Whole Oats) and sexually oriented adult specialty shops.** The property contains a sensitive border condition on two sides. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant will comply with all I-35 Corridor standards. He stated the application has been amended to include installation of a fence on the south and west sides of the property that will be a stamped concrete material at least six feet in height. He stated the application was also amended to include the provision that there will be no more than two driveway curb cuts for the development. Mr. Shadid stated at this time the applicant has not determined how the property will develop.

Mayor Naifeh stated I-35 Corridor standards require that applicants attempt to harmonize their developments with the existing terrain and she requested the applicant comply with the I-35 Corridor standards regarding terrain as well as all other standards.

Dan O'Neil, representing the Edmond Neighborhood Alliance and the Arrowhead Valley Homeowners Association President, addressed Council and stated they were not opposed to the application. He expressed appreciation to the applicant regarding the modifications to the application and also for meeting with the homeowners association. He also thanked the applicant for their willingness to comply with the I-35 Corridor standards. Mr. O'Neil stated the homeowners appreciated the elimination of the special uses, the rear and side yard setbacks and 22.5% landscaping.

Motion by Miller, seconded by Page, to approve Ordinance No. 3029 as read by title by City Planner subject to the above amendments. **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. 3029. **Motion carried** as follows and Ordinance No. 3029 is in effect immediately:

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

17. Public Hearing and Consideration of Ordinance No. 3030 rezoning from "A" Single Family Dwelling to "D-1" Restricted Commercial Planned Unit Development (PUD) usage, located on the south side of 15th Street, 745 feet west of I-35 adjacent to the Arrowhead Valley Addition (Joe Javadzede, applicant) Case No. Z060039. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3030 as read by title by City Planner subject to the above amendments. **Motion carried** as follows:

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

18. Public Hearing and Consideration of Ordinance No. 3031 rezoning from "G-A" General Agricultural to "A" Single Family Dwelling District, located on the east side of Midwest Boulevard, south of Covell Road (Covell Development, LLC/Gary Spencer, applicant) Case No. Z050030. The site contains 136 acres. Access to the property will be from Midwest Boulevard. Water is not available to serve this area for this density. City codes require developers to extend utilities at their cost to the standard necessary to serve the addition. Urban density lots are not feasible at this time until a looped water line is constructed at one or more locations east of I-35. The City plans to expand the Coffee Creek Wastewater Treatment Plant at some time in the future which is located immediately south of this property. Also located nearby is the Police firearms

training course and a central communications tower which will also be expanded in the future. Planning Commission recommended denial.

Councilmember Miller pointed out that the City does not have any plans to provide utility services to this area and that all required services would be at the expense of the developer. He requested a disclosure be given to future homeowners regarding expansion of the wastewater treatment plant and also that a police firing range is located nearby.

Todd McKinnis, attorney representing the applicant, addressed Council and stated there will be a maximum of 275 single family homes in the proposed development because of the floodplain and other issues related to future utility lines. He stated the development will contain a large sanitary sewer line which will be able to accommodate an adjacent development also. Mr. McKinnis stated the applicant did understand that the utility services would be at their expense. He stated he would add language in homeowners documents disclosing the above noted expansion and the location of the police firing range.

Dan O'Neil addressed Council and stated he felt it would not be in the City's best interest to approve single family zoning in this area due to expansion of the wastewater treatment plant. He noted this development will be north of the treatment plant.

Councilmember Lamb noted that some of the concerns related to how the land ultimately develops will be addressed at the platting stage and that the applicant has heard and should be sensitive to the infrastructure and the odors from the wastewater treatment plant and may wish to take advantage of some preservation along their south line along the floodplain.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3031 as read by title by City Planner. **Motion carried** as follows:

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

19. Consideration of Re-Plat of Lots 1 and 2, Block 5, Hunter's Creek II, located between Hunter's Creek Road and Creek Bend Road (Tim Hughes, applicant). The owner of the property is proposing to construct a two-story accessory building to include a three car garage. Originally the application included living

quarters on the second story but the applicant withdrew that request after the Planning Commission meeting at which residents of Hunter's Creek IV Addition objected because it would not comply with restrictions in that development. Planning Commission recommended approval.

Dennis Box, attorney representing Frank and Sarah Codispoti and John and Gayla Miller, addressed Council and submitted a list of conditions that would be included in the application. He stated the accessory building would be constructed of the same materials as the existing home and also have the same architectural style and appearance. He stated there would be a 25 foot setback from the property line along Creek Bend Road and the utilities would tie from the existing home. The garage attic will include a finished bonus room/study and storage area with access from inside the garage. Mr. Box stated the living quarters above the garage will not be used commercially and will be used only for relatives of the principle owners. He stated the landscaping will be comparable to the existing property.

Councilmember Lamb stated the lots are not compatible building sites to the remainder of the properties and he felt this was an excellent compromise and allowed the applicants to incorporate the accessory building into their lots.

Motion by Lamb, seconded by Miller, to approve Item 19 subject to the amendments outlined above. **Motion carried** as follows:

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

20. Public Hearing and Consideration of Special Use Permit including Site Plan approval for "C-3" High Density Multi-Family in an "E-1" General Commercial District for the Falls Condominiums, located east of Vista Lane, one-fourth mile south of 2nd Street (Brian Stinson/Oxford Development, applicant) Case No. U060005. The site contains six acres next to the Oklahoma Municipal Power Authority's proposed new site. The application proposes 96 units to be added to Phase II of the proposed condominium development. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated although the property is adjacent to a single family home parcel, a sight proof fence was not required with Phase I and is not needed with this phase. He stated the

applicant is considering purchasing the adjacent property.

Councilmember Lamb stated he understands the applicant meets the landscaping requirements without taking into account the preservation area identified in the panhandle area of the site abutting the Davidson's property. However, he requested that area be identified as a landscape or preservation easement on the plat in order to safeguard those trees for the long term.

Motion by Lamb, seconded by Miller, to approve Item 20 subject to a landscaping or preservation easement to protect the existing trees. **Motion carried** as follows:

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

21. Executive Session to discuss the appointment of the Municipal Judge and Alternate Municipal Judge (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):

22. Executive Session to discuss the purchase of real property generally located near Littler and Main in downtown Edmond (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):

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

Dill vs. City of Edmond
Andrade vs. City of Edmond

Motion by Lamb, seconded by Miller, to meet in Executive Session to discuss the above three 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 10:08 p.m. and returned to the City Council Chambers at 10:34 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

24. Consideration of action regarding the appointment of the Municipal Judge and Alternate Municipal Judge.

Motion by Lamb, seconded by Miller, to appoint Alan Synar as Municipal Judge at a salary of \$46,800 per year and to appoint Elizabeth Kerr as Alternate Municipal Judge at a salary of \$23,400 per year. **Motion carried** as follows:

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

25. Consideration of action regarding the purchase of real property generally located near Littler and Main in downtown Edmond.

Motion by Miller, seconded by Lamb, to authorize City Attorney to negotiate a real estate purchase agreement at a price not to exceed \$70,000 plus closing costs. **Motion carried** as follows:

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

26. Consideration of action regarding the above pending claims/litigation.

Motion by Miller, seconded by Page, to authorize City Attorney to proceed with settlement negotiations on the Dill and Andrade claims. **Motion carried** as follows:

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

27. NEW BUSINESS:

Councilmember Lamb stated the public hearing draft of Title 22 has been provided to Council and he requested their input. He recommended a workshop be held in late July or early August to discuss this item.

Councilmember Lamb requested that Council begin looking at

forming a sub-committee to discuss funding options for the police building project.

Mayor Naifeh announced that Summerstock opens this weekend and Oklahoma Shakespeare in the Park are also still performing.

Mayor Naifeh also noted the Liberty Fest activities begin this weekend.

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

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

City Clerk

Mayor