

EDMOND CITY COUNCIL MINUTES

August 12, 2002

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, August 12, 2002, in the City Council Chambers. Councilmember Miller was absent.

2. Approval of Minutes. Motion by Lamb, seconded by Knox, to approve July 22, 2002, Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

3. Approval of Minutes. Motion by Lamb, seconded by Knox, to approve July 29, 2002, Special Meeting Minutes. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

4. City Council Presentations:

- A. **Recognition of City Planner Bob Schiermeyer for 30 years of service to the City of Edmond.**
- B. **Presentation of proclamation recognizing Shannon Miller for being inducted into the Oklahoma Sports Hall of Fame.**
- C. **Presentation of award to Oren Lee Peters for being selected as July's "Champion of Character" representing the trait of Justice.**

5. Appointments to Boards and Commissions:

- A. **Appointment to the Capital Improvements and Financing Task Force.** Mayor Naifeh nominated Ray Hibbard to serve a term expiring in March, 2004.

Motion by Lamb, seconded by Rice, to approve Item 5.A.(1). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb

NAYS: None

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

A. Approval of Administrative Items:

- 1) Adoption of City of Edmond fee schedule for miscellaneous copies and maps.
- 2) Consideration of Resolution No. 35-02 to continue 9-1-1 telephone user fee collection of 3%.
- 3) Consideration of Resolution No. 36-02 adopting amendment to the City of Edmond 457 Plan Document to reflect the technical corrections as stated in the Economic Growth and Tax Relief Reconciliation Act (EGTRRA) of 2001.
- 4) Approval of the following agreements and supplemental appropriations with the City of Edmond for FY 2002/2003:
 - a) International Association of Firefighters Local 2359 - \$198,186
 - b) Fraternal order of Police Lodge No. 136 - \$4,692
- 5) Acceptance of construction permits from the Oklahoma Department of Environmental Quality for construction of sanitary sewer and water lines to serve the City of Edmond.
- 6) Approval of Resolution No. 37-02 and project agreement with the Oklahoma Department of Transportation for the signalization of 2nd Street and Littler.
- 7) Approval of contract with Edmond Chamber of Commerce for FY 2002/03. Councilmember Knox requested the contract be amended to include a provision that part of the Chamber's duties will be to begin to develop plans to promote public art in Edmond. He recommended an amendment to the contract be considered at a future meeting in order to allow the Chamber to begin receiving their funding from the City.

Motion by Knox, seconded by Lamb, to approve General

Consent Item 6.A.(7) subject to amending the contract as stated above. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb
NAYS: None

8) **Acceptance of public improvements and maintenance bonds to serve the following:**

- a) Office Depot
- b) Arvest Bank
- c) Dean A. McGee Eye Institute
- d) TPG Family Clinic

9) **Approval of the following electric easements:**

- a) Kenneth J. and Karen D. Burrell
- b) Gary Lashley

10) **Approval of Title 23 variance and Floodplain Development Permits to construct homes in the CH2MHill Spring Creek floodplain on Lots 5 and 6 of Block 4, Willowood Addition.** Councilmember Lamb noted that although the two homes will be located in the CH2MHill study area, it is over 10 years old and they are not in the newly adopted FEMA floodplain. He noted the developer has agreed to build the homes at least two feet above the CH2MHill floodplain level.

Motion by Lamb, seconded by Rice, to approve General Consent Items 6.A.(10). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb
NAYS: None

11) **Approval of supplemental appropriations - Local Law Enforcement Block Grant fund - \$18,000**

Motion by Knox, seconded by Rice, to approve General Consent Items 6.A.(1-6,8-9,11). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb
NAYS: None

B. Approval of Purchases:

- 1) Approval of Change Order No. 3 with W.L. McNatt Construction Company for Pelican Bay Aquatic Center Construction Project and supplemental appropriations in the amount of \$52,214.23.
- 2) Approval of Resolution No. 38-02 to program a transportation project on 15th Street, from Edgewood to Pine Oak.
- 3) Approval of Change Order No. 1 with L.G. Construction for rehabilitation of residential structure located at 313 Meadowlake Drive in the amount of \$785.
- 4) Award of bid for automated side load unit for the Fleet Maintenance Department. Purchasing Manager recommended accepting bid from United Engines in the amount of \$166,957.
- 5) Award of bid and approval of contract for the Fire Station No. 2 and 3 fitness room additions project and Resolution No. 39-02 appointing Purchasing Agent. Purchasing Manager recommended accepting bid from Anderson and House, Inc. in the amount of \$117,500.
- 6) Approval of contract with Hornbeek Larsson Architects for architectural services for the City of Edmond Administration Building in the amount of \$26,000.
- 7) Approval of purchase of a heil multi-pack high compaction automated side loader/rear loader combination body from United Environmental in the amount of \$114,033.33 for the Sanitation Department as a sole source vendor.

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

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

7. Approval of Tort Claim Committee's recommendation on Tort Claims.

CLAIM NUMBER

RECOMMENDATION

22-0053	Police Department	Deny - \$ 238.96
22-0061	Street Department	Deny - \$3,880.93
22-0063	Street Department	Deny - \$ 151.48

Mark Ellis addressed Council regarding Tort Claim No. 22-0053. He stated that a police officer damaged his vehicle when it was stalled on the corner of 33rd Street and Broadway Extension. Mr. Ellis stated the officer attempted to unlock the shift lock in order to push the vehicle out of the street and broke the retaining pins on the gearshift cover.

Assistant Police Chief Steve Thompson addressed Council and stated the officer at the scene stated the gearshift boot cover was halfway off the shift lever when he entered the vehicle and he did not damage the vehicle in any way.

Steve Murdock, City Attorney, recommended this claim be continued to allow him to investigate this incident further.

Motion by Rice, seconded by Lamb, to continue Tort Claim No. 22-0053 and approve Tort Claim Committee's recommendations on the remaining two Tort Claims. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb
 NAYS: None

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

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb
 NAYS: None

10. PLANNING CONSENT ITEMS:

A. **Consideration of Final Plat of Cheyenne Crossing 2nd Addition, located 500 feet south of Covell, one-half mile west of Kelly (Ron Jewel, applicant) Case No. PR020007.** The plat contains 57 lots on 17.06 acres. There is no common area in this phase although there is common area for the entire project. A trail system has not been planned in this phase of the addition but a public easement has been provided in the detention area of Phase One.

Mayor Naifeh requested the developer consider adding trails to this phase.

Lax Godhania, MGR, Inc., addressed Council and stated he felt it would be a mistake to place a trail in this phase. He stated a deep sewer line is located in this area which will cause future problems. Mr. Godhania stated there is room for a trail in the Cedar Pointe Addition to the south which he felt would be a more workable solution.

Bob Schiermeyer, City Planner, addressed Council and stated the proposed phase does not have adequate room for a trail system.

Randel Shadid addressed Council and stated Cedar Pointe residents were opposed to a trail system that would connect to another addition since Cedar Pointe is a gated development.

General discussion was held and Mr. Godhania stated he would be agreeable to granting a trails easement on the west property line. He stated he would work with staff on an appropriate easement.

Motion by Lamb, seconded by Rice, to approve Planning Consent Item 10.A. subject to attempting to work out an easement that is functional for a trail system. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: None

- B. **Consideration of Final Plat of Bridgewater Section 1 Addition, located east of Santa Fe, south of the Security Self Storage and the Wal-Mart Super Center (ERC Properties, applicant) Case No. PR020003.** The plat contains 52 lots on 16.22 acres with one entrance off Santa Fe.

Councilmember Knox stated he was opposed due to lack of connections to the north and west.

Motion by Rice, seconded by Lamb, to approve Planning Consent Item 10.B. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice and Lamb

NAYS: Councilmember Knox

- C. Consideration of Final Plat of Asheforde Oaks 10, located west of Coltrane, north of Covell Road (John Alexander, applicant) Case No. PR020010.
- D. Consideration of Final Plat of Carmel Valley at Oak Tree, located east of Kelly, one-half mile south of Waterloo Road (Signature Properties, applicant).
- E. Consideration of Final Plat of The Summit at Oak Tree, located south of Waterloo Road, one-half mile east of Kelly (Signature Properties, applicant).
- F. Public Hearing and Consideration of commercial Site Plan approval of a new office building, located on the south side of 9th Street, south of the Edmond Church of Christ Search Building (Ed Lee, applicant) Case No. SP020024.

Motion by Rice, seconded by Lamb, to approve Planning Consent Items 10.C. through 10.F. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: None

11. Public Hearing and Consideration of Ordinance No. 2708 amending Edmond Plan III from Single Family to Restricted Commercial usage, located on the northeast corner of 6th Street and Boulevard (Mesuda Acimovic, applicant) Case #Z020037. The applicant is proposing to renovate the existing single family home into a tee shirt printing and embroidery business. The house fronts onto Boulevard and is surrounded on the south, north and east by single family homes. A parking lot to the north, now used by Café 501, would be utilized and no additional parking would be installed.

Councilmember Rice stated a previous District Court decision upheld the restrictive covenants of the Capitol View Addition prohibiting any retail or storefront use. He stated approving a commercial use would be a breach of the covenants. Councilmember Rice stated he felt commercial usage was not appropriate or compatible with this area and approval would set a precedent.

Debbie Dobbs, representing the applicant, addressed Council and stated the business would have minimal traffic and that improvements would be made to the structure to meet City codes. She noted that safety features would also be added. Ms. Acimovic also addressed Council and urged approval.

Motion by Lamb, seconded by Rice, to approve Ordinance No. 2708 as read by title by City Planner. **Motion was denied** as follows:

AYES: None
NAYS: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

12. Public Hearing and Consideration of Ordinance rezoning from "A" Single Family Dwelling District to "D-1" Restricted Commercial District, located on the northeast corner of 6th Street and Boulevard (Mesuda Acimovic, applicant) Case #Z020036. This is a companion to Item 11 and was not considered due to the failure of that item.

13. Public Hearing and Consideration of Ordinance No. 2709 amending Edmond Plan III from High Density Multi-Family to Single Family Dwelling usage, located east of Vista Lane, north of Chimney Hills (Tom Vorderlanderwehr, applicant) Case #Z020042. The applicant plans to develop a 134 lot addition with single family homes which is compatible with the surrounding area. The proposed development will be separate from the adjacent Borgata additions and have no street connections. The applicant will grant a walking trail easement to Hafer Park and there will be two connections onto Vista Lane. A traffic signal will be constructed at Vista Lane and 2nd street at a later date.

Brian Coon, Coon Engineering, addressed Council and stated the applicant revised the development plan. Mr. Coon stated a detention facility will be provided in Phase I of the project. He noted since the majority of the lots have the utilities along the front the applicant will attempt to save as many existing trees as possible.

John Gilbert, Chimney Hills Addition, addressed Council and stated he lives on the east side of the existing storm sewer line and he requested an adequate detention pond be provided.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2709 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb
NAYS: None

Motion by Rice, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2709. **Motion carried** as follows and Ordinance No. 2709 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb
NAYS: None

14. Public Hearing and Consideration of Ordinance No. 2710 rezoning from "A" Single Family Dwelling District Planned Unit Development (PUD) to "A" Single Family Dwelling usage, located east of Vista Lane, north of Chimney Hills (Tom Vorderlanderwehr, applicant) Case #Z020041. This is a companion to the above item and was discussed at that time.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2710 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox

and Lamb
NAYS: None

15. **Consideration appealing denial of Preliminary Plat for Tuscany Addition, located east of Vista Lane, north of Chimney Hills (Tom Vorderlanderwehr, applicant) Case #PR020011.** This is a companion to the above two items and has been revised since the previous denial and now meets the standard single family requirements. The plat contains 39.49 acres with 134 single family lots and all streets will be public. Two access points will be provided to Vista Lane and the access to the existing Borgata Addition will be eliminated.

Councilmember Lamb requested an emergency access into the Borgata Addition and he noted that there was a working policy for single point access developments restricting the number of lots to 90. He stated according to that policy, this application contains too many lots served by only one access. He suggested the plat be emended to include a street stub out onto Borgata for a future emergency access.

Councilmember Rice noted that a traffic signal will be installed on Vista Lane at 2nd Street and that the property owner was locked in to constructing single family homes on the property.

Councilmember Knox noted the City has poorly written and enforced policies regarding street access and needs to be re-written. He stated he felt that nothing could be done with this application because it meets all requirements. Councilmember Knox urged Council to work on updating these policies.

General discussion was held regarding street connections for the proposed addition and Brian Coon addressed Council and agreed to install a gate at the back of Borgata for emergency access only or include a common area in Phase III or IV for a future connection onto Wade Martin Drive.

Mayor Naifeh requested assurance of an adequate detention pond to prevent increased run off into the Chimney Hill Addition.

Mr. Coon stated he would present calculations showing that no additional run off would be released by the new development.

Dan O'Neil also addressed Council on this matter.

Motion by Knox, seconded by Rice, to approve Final Plat subject to the possibility of the installation of a street stub out on the northeast corner of the development. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice and Knox

NAYS: Councilmember Lamb

Mayor Naifeh stated Items 16 through 21 were companion items and would be discussed at one time.

16. Public Hearing and Consideration of Ordinance No. 1711 amending Edmond Plan III from Medium Density Residential and Suburban Office Planned Unit Development (PUD) to Single Family Planned Unit Development (PUD) usage, generally located north of Covell Road between Sooner and Coltrane (J.W. Armstrong, applicant) Case No. Z020050. The application contains 403 acres and is compatible with Edmond Plan III. The proposed development contains less density than the original PUD and all the streets will interconnect between the projects. The amended plan includes the Fairfax Golf Course. The previous Multi-Family and Suburban Office zonings are being rezoned to Single Family usage.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant will construct his office on the Suburban Office tract. He stated the golf course clubhouse and the office complex will have the same architectural designs and standards.

John Preston addressed Council on behalf of an adjacent property owner and himself as developer of a nearby development. He stated he was opposed to any office use in this area but he supported the remainder of the application.

Ray George, President of Asheforde Oaks Addition Homeowners Association, addressed Council and stated he polled his neighbors and they were equally opposed or in favor of the application. Of those opposed, their primary concern was the office complex off Coltrane.

Dewayne Chambers, President of the Steeplechase Homeowners Association, addressed Council and stated his association members also opposed the office complex due to the additional traffic that will be generated. Mr. Chambers requested that if the office zoning is approved, that adequate detention be provided.

Melvin Gragg, area property owner, addressed Council in support of the project.

Councilmember Knox stated that suburban office is a lesser use than single family. He felt that the office complex will not be extensively used and will not create that much additional traffic. He commended the developer and stated he was pleased with the proposed development.

Motion by Knox, seconded by Rice, to approve Ordinance No. 2711 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: None

Motion by Lamb, seconded by Knox, to attach Emergency Clause to Ordinance No. 2711. **Motion carried** as follows and Ordinance No. 2711 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: None

17. Public Hearing and Consideration of Ordinance No. 2712 amending Edmond Plan III from Medium Density Residential and Suburban Office Planned Unit Development (PUD) to Single Family Planned Unit Development (PUD) usage, generally located north of Covell Road between Sooner and Coltrane (J.W. Armstrong, applicant) Case No. Z020050. This is a companion to the above item and was discussed at that time.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2712 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: None

18. Public Hearing and Consideration of Ordinance No. 2713 amending Edmond Plan III from General Agricultural to Suburban Office Planned Unit Development (PUD) usage on a 4.02 acre parcel located on the east side of Coltrane, approximately one-half mile north of Covell Road (J.W. Armstrong, applicant) Case No. Z020048. The applicant plans to construct his office on this site which is located south of the golf course clubhouse and driving range.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2713 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: None

Motion by Knox, seconded by Lamb, to attach Emergency Clause to Ordinance No. 2713. **Motion carried** as follows and Ordinance No. 2713 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Rice, Knox and Lamb

NAYS: None

19. Public Hearing and Consideration of Ordinance No. 2714 rezoning from "G-A" General Agricultural to "D-O" Suburban Office Planned Unit Development (PUD) usage on a 4.02 acre parcel located on the east side of Coltrane, approximately one-half mile north of Covell Road (J.W. Armstrong, applicant) Case No. Z020049. This is a companion to the above item and was discussed at that time.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2714 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

20. Consideration of Preliminary Plat of Fairfax Golf Community, located north of Covell Road between Sooner and Coltrane (J.W. Armstrong, applicant) Case No. PR020014. The proposed development will have gated access entries onto Covell and Coltrane. A temporary construction access to Covell is planned for the next phase but will not be a permanent access.

Motion by Knox, seconded by Rice, to approve Preliminary Plat.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

21. Consideration of Final Plat of Fairfax Estates II, located north of Covell Road between Sooner and Coltrane (J.W. Armstrong, applicant) Case No. PR020014. The proposed development will contain a private gate access on 22.09 acres with 42 lots. Property along Covell is excluded from this phase of the development but the applicant will provide 70 foot of right-of-way along this area when it is platted and also limits of no access. The full right-of-way may not be achievable without further engineering efforts along the existing golf course.

Motion by Rice, seconded by Knox, to approve Final Plat.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

22. Discussion and Consideration of Fish and Game Commission recommendation on shoreline fishing policy at Arcadia Lake. City Manager, Larry Stevens, requested this item be continued indefinitely. He stated the Chairman of the Fish and Game Commission received a letter from the U.S. Army Corps of Engineers Tulsa office addressing concerns that the revised policy could contradict federal law and requested this item be continued for further study.

23. Executive Session to discuss the following pending claim/ litigation (Executive Session authorized pursuant to 25 Okla. Stat. Section 307 (B)(4).:

a) **Little vs. City of Edmond; Messer vs. City of Edmond**

Motion by Rice, seconded by Lamb, to meet in Executive Session to the above pending claims/litigations. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 7:30 p.m. and returned to the City Council Chambers at 7:32 p.m.

Motion by Knox, seconded by Rice, to adjourn Executive Session. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

24. Consideration of action regarding the pending claims of Edward and Messer vs. City of Edmond.

Motion by Knox, seconded by Lamb, to authorize City Attorney to proceed with settlement negotiations on both claims. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

25. NEW BUSINESS:

Mayor Naifeh requested suggestions from Council regarding Ward re-districting. Councilmember Lamb suggested re-working Wards One and Two because both Councilmembers were not considering running for re-election. Councilmember Knox stated he wished to retain the option of running for re-election and was opposed to being moved from Ward Two. He suggested former Councilmember Kay Bickham be asked to study this issue.

Councilmember Lamb asked if Council was interested in developing an option for developers to grant a 70 foot easement along Covell in lieu of paying a fee in lieu of paving the street.

Councilmember Knox requested Council amend the current policy on street connections and the number of houses that can be served

with only one access.

Larry Stevens, City Manager, updated the Council on the West Nile virus.

Mayor Naifeh announced the Historical Society auction on August 15th in the Downtown Community Center.

Councilmember Lamb announced the Edmond Forestry Commission received another forestry grant and reactivated the ODOT grant for planting on Broadway. Councilmember Rice noted Williams Company is proposing to place a pipeline through the middle of east Edmond and he was concerned about preserving 200 and 300 year old trees in the Cross Timbers forest that are in the right-of-way. He requested the Forestry Commission attempt to work with Williams Company to preserve the old growth trees.

26. Motion by Knox, seconded by Lamb, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox
and Lamb
NAYS: None

City Clerk

Mayor