

EDMOND CITY COUNCIL MINUTES

November 14, 2005

Mayor Saundra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 14, 2005, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve October 24, 2005, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. **City Manager's Progress Report.** Larry Stevens stated the construction of the new electric substation at Mitch Park is now underway and is scheduled for completion before next summer. The cost of the new facility will be \$1.5 million. He stated a contract for the safe routes to school program, Phase III, was awarded in June for approximately \$1 million. He noted approximately 50% of the project is complete including the linkage from Edmond Road to the existing Trails addition along the west side of Santa Fe. Mr. Stevens stated progress continues on the \$37 million water improvements package. He stated construction of the ground storage tank at the northwest complex at Boulevard and Coffee Creek is complete except for the outer layer of sealant. The piping work is nearing completion and construction of the pumping station building will begin when the piping work is finished. Mr. Stevens noted that approximately 65% of the 30 inch water transmission line from Mitch Park to the northwest complex is completed. Construction of the remaining 1.5 miles from the city limits to OKC will begin soon with a completion date in March, 2006. The Kelly Parkway Project, 15th to 33rd Street, remains on target with a June, 2006, anticipated completion date. Mr. Stevens stated the streetscape project, phase II, part 1, on Littler from 2nd to 5th Streets remains on schedule for completion by April 19th in time for the Edmond Arts Festival.

Mayor Naifeh stated funds have been approved to repaint the water towers at I-35 and 2nd Street and also at Ayers and Bauman and she asked if those projects have been started yet.

Mr. Stevens stated staff attempts to coordinate painting the towers with the cycle of water usage with the optimum time being the middle of winter. He stated staff hopes to begin that process in January, 2006. Mr. Stevens stated a new logo for the Senior PGA Championship will be painted on the tower at I-35 also. He stated the tower at Bauman and Ayers is being discussed with UCO as a partnership project.

4. Appointment to Boards and Commissions:

- A. **Appointment to the Arts and Humanities Council.** Nomination of Dianne Emmons to fill the unexpired term of Smitha Srishaila expiring in February, 2007.
- B. **Appointment to the Edmond Convention and Tourism Advisory Board.** Councilmember Lamb nominated Paul Blair for re-appointment to serve a three-year term expiring in October, 2008.

Motion by Lamb, seconded by Sanford, to approve Items 4.A. and 4.B. **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 utility easement from Kensington Place Development, LLC.**
- 2) **Approval of assignment of engineering design contract, Kelly widening project (Coffee Creek to Waterloo), from Clowers Engineering Company to Triad Design Group.**
- 3) **Approval of supplemental appropriations for Administrative Support Services fund - \$67,710**
- 4) **Acceptance of donation of water rights from Chitwood Farms, LLC, and B&R Farms, Inc. .**
- 5) **Acceptance of electric easements from the following:**
 - a) Daniel & Joy Davis
 - b) Lloyd Martin
 - c) Bode Investments, LLC

- 6) Acceptance of Final Plat, public improvements and maintenance bonds for Hidden Prairie at Kelly Pointe, located on 33rd Street, one-quarter mile west of Kelly.
- 7) Approval of transfer of appropriations from the Fire Public Safety Limited Tax Fund to the Fleet Management Fund - \$52,643
- 8) Acceptance of corrected Warranty Deed and approval of release of easement for property along State Highway 66.

B. Approval of Purchases:

- 1) Approval of purchase of an explosive transport trailer from Criminalistic, Inc. as a sole source vendor for the Police Department in the amount of \$31,500.
- 2) Approval of utility removal agreement with Sunoco Logistics for Boulevard Widening, Danforth to Covell, in the amount of \$10,000.
- 3) Approval of Change Order No. 1 with Traffic Signals, Inc., for the 2004-2005 School Zone Safety Project on Bryant, south of 33rd Street, in the amount of \$655.
- 4) Approval of Change Order No. 1 with Anderson & House Construction Company for the Fire Station Number One Renovation project in the amount of \$24,346.
- 5) Award of bid and approval of contract for the 33rd Street and Boulevard Community Park project and Resolution No. 37-05 appointing Purchasing Agent for the Parks and Recreation Department. Purchasing Manager recommended accepting bid from Weaver Contracting in the amount of \$695,757.
- 6) Approval of Change Order No. 42 with Timberlake Construction Company for the Cross Timbers Municipal Complex in the amount of \$35,899.61.
- 7) Acceptance of trail easement for the Fink Park to Hafer Park trail project from TNT Enterprises in the amount of \$33,216.
- 8) Award of bid and approval of contract for Soccer Complex Lighting project, Fields 12 and 13, and

Resolution No. 38-05 appointing Purchasing Agent.
Purchasing Manager recommended accepting bid from Shawnee Lighting in the amount of \$175,450.

- 9) **Approval of mutual distribution service agreement with the Oklahoma Municipal Power Authority (OMPA) and Oklahoma Gas and Electric Company (OG&E).**

Motion by Lamb, seconded by Sanford, to approve General Consent Items 5.A.(1-8) and 5.B(1-9). **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 Site Plan approval for a building located on the north side of Enterprise Drive, 150 feet east of Dynamo Gymnastics (Fitness Equipment World, applicant) Case No. SP050052.**
- B. **Public Hearing and Consideration of Site Plan approval for a new building located south of 15th Street, east of Windrush Apartments, west of the railroad tracks (15th Street Station, applicant) Case No. SP050050.**
- C. **Public Hearing and Consideration of commercial Site Plan extension for Fox Lake Plaza, located west of I-35, 1130 feet north of 15th Street (Frank Battle, applicant) Case No. SP030028.** The applicant is requesting a one year extension with no changes from the original site plan.

Bill Haig, 925 Fox Ridge Drive, addressed Council and asked what type of stabilization of the dirt work will be provided.

Bob Schiermeyer, City Planner, addressed Council and stated erosion controls are in place in compliance with City requirements. He stated a retaining wall will be constructed during one of the earliest phases of project. Mr.

Schiermeyer stated the extension will only effect the Fox Lake site and not the Wal-Mart site. He noted the land will be graded and leveled and the extra dirt from Wal-Mart will be stored on this property.

Motion by Miller, seconded by Page, to approve Planning Consent Items 9.A. through 9.C. **Motion carried** as follows:

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

NAYS: None

10. Public Hearing and Consideration of Ordinance No. 2956 amending Edmond Plan III from Neighborhood Commercial and High Density Residential to General Commercial Planned Unit Development (PUD) usage, located south of Campbell, west of Bryant, east of Hortense (SP Realty Advisors, LLC, applicant) Case No. Z050056. The site contains 3.91 acres and a multi-story office and acute care building is planned.

Steve Hurst, representing the applicant, addressed Council and stated no curb cuts are planned on Bryant. He stated three drives will be constructed on Campbell due to the growth of Edmond Medical Center. He noted they will also have cross access and parking agreements with Edmond Medical Center. Mr. Hurst stated they will attempt to design the project for surface parking rather than constructing a parking garage. He stated they plan to begin construction in 2006 with a one-year anticipated completion.

Motion by Lamb, seconded by Page, to approve Ordinance No. 2956 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 2956. **Motion carried** as follows and Ordinance No. 2956 is in effect immediately:

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

NAYS: None

11. Public Hearing and Consideration of Ordinance No. 2957 rezoning from "D-2" Neighborhood Commercial and "C-3" High Density Residential and Commercial Services to "E-1" General Commercial Planned Unit Development (PUD) District, located south of Campbell, west of Bryant, east of Hortense (SP Realty Advisors,

LLC, applicant) Case No. Z050057. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2957 as read by title by City Planner. **Motion carried** as follows:

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

12. Public Hearing and Consideration of Ordinance No. 2958 rezoning from "R-2" Urban Estate Dwelling to "A" Single Family Dwelling District, located south of Covell Road between Air Depot and Midwest Boulevard (Patterson and Patterson Property, LLC, applicant) Case No. Z050054. The site contains 88.42 acres and is planned as an acreage development with individual water wells and septic tanks. A large floodplain is located to the east of the property and existing sewer is to the east through the floodplain. An existing 12 inch water line near the intersection of Air Depot and Covell is not able to serve the proposed addition and no new uses are appropriate without a looped water system.

Councilmember Lamb stated the Council at their workshop prior to the meeting had discussed the east side of Edmond and he noted there is a significant basin where the sanitary sewer service will gravity flow to the current wastewater treatment plant infrastructure at Midwest Boulevard. He stated he hoped the Council would encourage developers to take advantage of this physical infrastructure for future developments in East Edmond.

Barry Rice, attorney representing the applicant, addressed Council and stated this application is only for zoning purposes and not the platting process. He stated single family does not mean that it has to be five lots per acre and be served with City water and sewer. He stated the applicant does have some options available such as extending the water and sewer lines but they would like to be able to further explore those options in the future.

Chris Suenram, 6421 E. Covell, addressed Council and stated he felt the proposed addition would be too dense to allow private water wells. He noted with no City water it would be difficult for firefighters to put out fires. Mr. Suenram also stated traffic would be increased with the density as planned.

Mr. Rice stated due to the floodplain if the applicant plans to develop the addition with water wells and to connect to the City's sewer line, they will only be able to use approximately 60 acres containing 120 lots.

Councilmember Page stated he also was concerned about the density of the project if individual water wells are used and he requested when the plat is considered that the density be reduced if water wells are still planned.

Motion by Miller, seconded by Page, to approve Ordinance No. 2958 as read by title by City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of Special Use Permit for a telecommunication 150 foot monopole tower, located at 1200 block on North Bryant, southwest of the KickingBird Tennis Center (Cingular Wireless, applicant) Case No. U050009. The site contains 1,225 square feet and the tower would be 64 feet southwest of the existing tennis center. An eight foot wrought iron fence will be installed around the site and any trees that are removed from the existing drive on Bryant will be replaced at a two to one ratio. The tower will allow two additional co-locations. The site complies with previous cellular towers regarding height and the tower also complies with setback requirements.

Jim Bolin, Director of Parks and Recreation, addressed Council and stated if the tennis facility is expanded it would be to the south. He noted the Parks and Recreation Advisory Board and the KickingBird Golf Club Advisory Board reviewed the request and had no objections. The KickingBird Tennis Center Advisory Board also reviewed the application and has no objection as long as the location of the tower does not impede any future construction of other covered tennis courts.

Dennis Box, attorney representing the applicant, addressed Council and stated the cellular tower will be far enough west so as not to impede development of further tennis courts.

Councilmember Lamb stated he understood that some of the existing trees will be removed during construction of the service road. He noted the service road will be very close to some trees to be retained and he requested the applicant and the Parks and Recreation staff work with the City's urban forester to apply preservation techniques around the remaining trees along the service road to ensure that the trees remaining will be healthy and provide tree coverage for the service road.

Mayor Naifeh stated towers that are painted blue are less noticeable and blend into the sky better than a traditionally painted pole and she requested the tower be painted blue.

Motion by Miller, seconded by Sanford, to approve Item 13 subject to the tower being painted sky blue. **Motion carried** as follows:

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

14. Public Hearing and Consideration of Ordinance No. 2959 rezoning from "G-A" General Agricultural District to "R-1" Rural Estate Dwelling District, located north of Sorghum Mill Road, west of Midwest Boulevard (Forest Creek Estates, LLC, applicant) Case No. Z050053. The site contains 160 acres and will be developed with 60 lots. The proposed addition will be gated with private streets. There will be no connection to water and sewer services. Lots 1 through 17 can be reduced to 45,000 square feet and include the common area as part of the lot. The detention pond will be located on lots 1,2,3,16 and 17 and a 100 year water surface elevation on the remaining lots in the common area. There is another common area in the northwest corner of Sorghum Mill Road and Midwest Boulevard for gas lines. An existing oil well is located on the property and staff suggested that the oil pipeline not be located in the street easement since other utilities will need to be located in that easement. Planning Commission recommended approval.

Motion by Lamb, seconded by Sanford, to approve Ordinance No. 2959 as read by title by City Planner. **Motion carried** as follows:

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

15. Consideration of Preliminary Plat approval, located north of Sorghum Mill Road, west of Midwest Boulevard (Forest Creek Estates, LLC, applicant) Case No. PR050024. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Item No. 15. **Motion carried** as follows:

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

16. Public Hearing and Consideration of extension of Special use Permit, located at 801 Centennial Boulevard, north of 33rd Street, east of Kelly (Judah Christian Assembly, Inc., applicant) Case No. U020001. The Special Use Permit was approved on March 25, 2002,

and the applicant is requesting it be extended until January 31, 2006.

Motion by Page, seconded by Miller, to approve Item No. 16.
Motion carried as follows:

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

17. Public Hearing and Consideration of commercial Site Plan approval of Oakview Professional Office Pointe building, located at 3815 E. Memorial Road (Roger Hicks, applicant) Case No. SP050035. The site contains 21,427 square feet. There is an existing 1,646 square foot building and a 3,659 square foot one-story building is proposed. The front setback is eight feet from the property line and 58 feet from the center line of Memorial Road. City ordinances require a 100 foot setback from the center line. The existing driveway on Memorial Road is being closed and one common drive will serve the office park. All of the right-of-way on Memorial Road is in the City of Oklahoma City. The applicant will plat the property and grant the additional right-of-way in compliance with City of Edmond standards. The side yard setback on the west next to Edmond Oaks is 12 feet but due to the high pitch of the roof the building appears to be two-story. If it is determined as a sensitive border area, then a greater setback would be required. The applicant has agreed to install an eight foot stockade fence on the west side of the property as a buffer for the adjacent property owners. A sewer line and utility easement is located on the west side of the property which would require a 17 foot right-of-way to access the sewer line for repairs. Planning Commission recommended denial. The item was incorrectly identified as Neighborhood Commercial during the Planning Commission meeting. This item was continued from October 10th because not all of the surrounding property owners had received legal notice of the application.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has owned the property since 1990. He stated the property has always been in separate tracts and was always intended as a building site. Two existing buildings are currently in use as office buildings. Mr. Shadid stated the only variance requested is the setback from Memorial Road. He stated the applicant will agree to close the existing drive on Memorial Road and use the existing cul de sac. He noted they would further agree not to request in the future an additional curb cut on Memorial Road. He stated the application is in compliance with landscaping standards. Mr. Shadid noted the applicant will donate the 17 foot easement to access the sewer

line. A manhole is located on an adjacent property and the applicant will install a gate for access to the manhole. Mr. Shadid stated evergreen trees will be planted along the west to shield the view of the adjacent property owner's swimming pool and yard. He stated the building will have windows only on the lower portion of the west wall.

Dorothea Emamian and Leon Jarred, both area property owners, addressed Council in opposition. Their primary concerns were the height of the building, increased noise, safety issues and reduced property values. Mr. Jarred requested the windows on the west side of the building be opaque. He also requested an eight foot brick or concrete wall on the west side of the property. The residents stated they attempted to meet with the applicant's representatives but the applicant would not agree to a meeting. Kate Wooten, representing the Edmond Neighborhood Alliance, also addressed Council and stated the neighbors have made a good faith effort to meet with the applicant and were not successful in doing so. She stated the neighbors have requested that specific items be addressed by the applicant and she urged Council to consider the rights of the adjacent property owners as well as the applicant.

Mr. Shadid stated he met with Dan O'Neil on Friday morning in an attempt to resolve some of the issues from the neighbors. He stated the applicant would not agree to most of the proposals from the homeowners and he felt it would not be worthwhile to schedule a meeting. He stated the applicant did agree to install the gate in the fence for access to the manhole.

General discussion was held regarding accessing the sanitary sewer line and the manhole on Mr. Jarred's property.

Councilmember Page stated he could better understand the property if a development plan of the entire property were available rather than one piece at a time. He also stated he felt the building was too dominate for the space since it appears as a two-story building. He felt such a dominate building should be located on the back of the property.

Councilmember Lamb noted that years ago the current Title 22, "D-O" Suburban Office zoning was created to act as a buffer for residential property from more intense commercial uses and generally utilizes residential setback standards.

Motion by Lamb, seconded by Miller, to approve Item No. 17 subject to the following:

- 1) 8 foot stockade fence along the west with a gate to access the manholes and sewer line on the adjacent property
- 2) evergreen trees along the property line to shield the home with the swimming pool from view
- 3) close the existing drive on Memorial Road and agree to non-utilization of future access on east side of property and use of existing cul de sac as primary access
- 4) provide 17 foot easement across the front of the property as well as easement to access sewer access easement across the cul de sac

Motion carried as follows:

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

18. **Public Hearing and Consideration of Ordinance amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Light Industrial Planned Unit Development (PUD) usage, located on the southwest corner of Covell Road and I-35 (Dr. Curtis Harris, applicant) Case No. Z050029 (Continued indefinitely at the request of the applicant).**

19. **Public Hearing and Consideration of Ordinance rezoning from "F-O" Limited Light Industrial and General Office Corridor to "F-1" Light Industrial Planned Unit Development (PUD) usage, located on the southwest corner of Covell Road and I-35 (Dr. Curtis Harris, applicant) Case No. Z050029 (Continued indefinitely at the request of the applicant).**

20. **Executive Session to discuss the purchase of real property generally located in downtown Edmond and real property generally located at Covell and Sooner Roads (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)).**

21. **Executive Session to discuss the following pending claim/litigations (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)).**

Brandt vs. City of Edmond

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above two items. **Motion carried** as follows:

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

NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 7:30 p.m. and returned to the City Council Chambers at 7:47 p.m.

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

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

NAYS: None

22. Consideration of action regarding the purchase of real property generally located in downtown Edmond and real property generally located at Covell and Sooner Roads.

Motion by Lamb, seconded by Miller, to authorize the approval of option agreements for three parcels of land and authorize a real estate purchase agreement with one parcel of land, subject to the appropriation of funds. **Motion carried** as follows:

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

NAYS: None

Motion by Sanford, seconded by Miller, to authorize the acceptance of a warranty deed at a cost of \$226,500 for the purchase of property to be utilized for water, street and bridge improvements.
Motion carried as follows:

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

NAYS: None

23. Consideration of action regarding the pending claim of Brandt vs. City of Edmond.

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

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

NAYS: None

24. NEW BUSINESS:

Mayor Naifeh commended City employees and other volunteers who participated in the Arcadia Lake Halloween Storybook Forest.

25. Motion by Miller, seconded by Sanford, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor