

## EDMOND CITY COUNCIL MINUTES

February 13, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 13, 2006, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Lamb, seconded by Page, to approve January 23, 2006, 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 Streetscape, Phase II, Part I, is still on schedule for completion by April 19<sup>th</sup> and Littler Avenue is scheduled to be re-opened from 5<sup>th</sup> to 2<sup>nd</sup> Streets by the end of this month. The contractor for the Kelly Parkway, 15<sup>th</sup> to 33<sup>rd</sup> Streets, will switch traffic to the east side and paving will then begin on the west side. Mr. Stevens noted this project is slightly ahead of schedule for the anticipated completion date of May 19<sup>th</sup>. Staff is continuing to work to acquire the three remaining easements needed for the Fink to Hafer Park project in order to construct the trail section behind Will Rogers Elementary school between May and August of this year. Staff is also working with ODOT regarding the construction plans for the eastern section of the trail that will extend to Hafer Park, including a pedestrian bridge across the creek just east of Bryant. Mr. Stevens stated relocation of the Oak Tree Lift Station is basically complete, except for testing of the generator. If the tests are satisfactory the lift station will begin operations in the next few weeks and the old lift station will be abandoned. The Safe Routes to School Program, Phase III, is approximately 95% complete at a cost of \$2 million.

B. **Presentations of proclamation recognizing the month of February, 2006, as "AMBUCS National Visibility Month" in the City of Edmond.**

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

- A. **Appointment to the Fish and Game Commission.** Councilmember Lamb nominated Jim Hicks for re-appointment to serve a four-year term expiring in January, 2010.
- B. **Appointment to the Central Edmond Urban Development Board.** Councilmember Page nominated Lydia Lee to fill the un-expired term of Marjorie Callahan expiring in April, 2008.
- C. **Appointment to the Employee Pension and Retirement Board.** The Board nominated Brad Jolliff for re-appointment to serve a two-year term expiring in February, 2008.

Motion by Lamb, seconded by Page, to approve General Consent Items 4.A. through 4.C. **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) **Approval of naming Field 4 at Service Blake Soccer complex "Edmond Medical Center Stadium Field".**
- 2) **Approval of termination of lease with the Oklahoma National Guard effective February 1, 2006.**
- 3) **Adoption of revised 2006 State Legislative Issues agendas.** A memo from Nancy Nichols, Director of Governmental Relations, stated that support for the additional funding of \$5 million to complete the OSBI Forensic Science Lab under construction on east 2<sup>nd</sup> Street has been added to the legislative issues agenda.
- 4) **Approval of supplemental appropriations for the Police Public Safety Tax Fund to purchase telephone equipment for the Crisis Negotiation Team - \$2,500**
- 5) **Approval of supplemental appropriations for the Police Public safety Tax Fund to purchase ballistic shield to increase officer safety during high-risk incidents - \$2,000**
- 6) **Acceptance of construction permits from the Oklahoma Department of Environmental Quality for an eight-inch sewer line to serve the Hunter's Creek IV Addition.**

- 7) **Acceptance of public improvements and maintenance bonds for Spring Creek West, water line.**
- 8) **Approval of supplemental appropriations for Convention and Visitor's Bureau - \$15,855**
- 9) **Acceptance of Final Plat, public improvements and maintenance bonds for the following:**
  - a) Belmont Ridge
  - b) Fairfax VI and Gardens III Additions
  - c) Kingsbury Ridge 1<sup>st</sup> Addition

Motion by Lamb, seconded by Page, to approve General Consent Items 5.A.(1-9). **Motion carried** as follows:

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

NAYS: None

**B. Approval of Purchases:**

- 1) **Approval of agreement with Howard-Fairbairn Site Design for architectural design services for the Festival Marketplace project in the amount of \$44,950.**
- 2) **Approval of agreement with lwpb Architects for architectural design services for the Fire Department's Class A Burn Building project in the amount of \$76,506.** This is a continuation of the phased development of the Fire Department training grounds. The design fees are 11.3% of the construction fees.

Mayor Naifeh stated she was concerned that the fees were more than 10%.

Gil Harryman, Fire Chief, addressed Council and stated the fees were higher because of the site visits required for this project. He stated because there is not a local design firm that is experienced in designing a Class A burn building, lwpb will use a consultant from the eastern United States to help with this project. He noted this will also necessitate two site visits to look at existing facilities. Chief Harryman stated the building is unique in that it will be specially designed to allow the building to be burned over and over with a life expectancy of 15 years. Chief Harryman also stated that as the project

progresses, the construction budget will be modified once the schematic design is finished and the end cost of the project may be increased based upon the architect's estimate. He noted that removing the cost of the site visits from the design work would result in the design fees being below 10%.

Councilmember Sanford stated when this item was discussed at the Public Works Committee meeting she voted no because she felt there was not adequate information provided on how the fees were negotiated. She stated because the City does not solicit bids for architectural fees, she questioned how the percentages were arrived at for these types of agreements. She noted there was additional information provided tonight in the Council packet which she appreciated.

- 3) **Approval of agreement with Davis Design Group, LLC, for architectural design services for the Park and Recreation Department's cemetery maintenance equipment/office building project in the amount of \$13,500.**
- 4) **Approval to exercise the option agreements for the purchase of properties for the Downtown Regional Detention Facility in the amount of \$302,850 plus closing costs.**
- 5) **Approval to purchase network licenses and equipment maintenance on State Contracts SW40120 and C200013 for the MIS Department in the estimated amount of \$137,000.**
- 6) **Award of bid and approval of contract for the Hafer Substation Repair project for the Electric Department. Purchasing Manager recommended accepting bid from Re-Con Company in the amount of \$166,918.**
- 7) **Award of bid and approval of maintenance and support agreement for the City telephone system for the Central Communications Department. Purchasing Manager recommended accepting bid from Continuant in the amount of \$1,341.50 per month, \$16,902.85 per year for a total of \$84,514.23 for five years.**
- 8) **Approval of Change Order No. 1 with Rudy Construction for the FY 2004/05 concrete street rehabilitation project in the decreased amount of \$20,341.**
- 9) **Award of bid (including renewal options) for miscellaneous tree services (trimming, removal, etc.)**

**for Community Image Department.** Purchasing Manager recommended accepting bid from Professional Tree Care in the annual estimated amount of \$30,000.

- 10) **Approval of purchase of used Skytrack telehandler from United Rental for the fire training facility in the amount of \$53,450.**

Motion by Page, seconded by Lamb, to approve General Consent Items 5.B.(1-10). **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

**8. PLANNING CONSENT ITEMS:**

- A. **Consideration of Final Plat for Newbrook Addition at Covell Village, located west of Kelly, just under one-half mile south of Covell Road (Derek Turner, applicant) Case No. PR050034.**
- B. **Public Hearing and Consideration of commercial Site Plan approval of a new building, located north of 8<sup>th</sup> Street, east side of Broadway, 714 S. Broadway (Advance Auto Parts, applicant) Case No. SP060001.** The building will be located at the site of a McDonalds restaurant that is no longer in use and will be demolished for construction of this building. The site consists of 1.13 acres and the building will contain 6,899 square feet. Landscaping exceeds the 10% requirement and a six-foot sight proof fence will be installed along the alley on the east property line. The dumpster will still be accessed from the alley. The exterior walls will contain some metal panels on the fascia of the building and a portion of the fascia does include red metal panels where the sign is placed.

Councilmember Lamb questioned the elevation drawings which showed the rear elevation not to have the mansard screening of mechanical equipment. He questioned which direction the rear elevation faced and then the lack of screening.

Bob Schiermeyer, City Planner, addressed Council and noted the ordinance states that the mechanical equipment should not be visible standing at ground level from anywhere along the property line. He stated the rear elevation faced east to the existing alley and staff review took into account the enhanced landscaping and screening on the ground as meeting the screening requirement.

John Holcomb, Kimley-Horn and Associates, civil engineers representing the applicant, addressed Council and stated that issue was discussed during staff review and they felt the fence and the additional landscaping would provide adequate screening for the neighbors.

Councilmember Lamb stated the site will contain almost 10,000 square feet more of landscaping than is required by City code which will be a significant improvement to the overall property. He stated he felt a positive precedent would be established due to these improvements and he could support the staff recommendation.

Councilmember Page stated he preferred additional screening on the roof. He noted that Council should establish a precedent with this project since other buildings in this area will be renovated in the future.

Dan O'Neil, representing the Edmond Neighborhood Alliance, addressed Council in support of the application. He stated they felt a precedent was established by the additional trees along the east property line.

Motion by Lamb, seconded by Sanford, to approve Planning Consent Item 8.B. **Motion carried** as follows:

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

NAYS: None

**C. Consideration of Final Plat of the Hundred Oaks Village Phase I Addition, located east of Kelly, north of Enterprise Business Park (Dale Jackson, applicant) Case No. PR040044.**

Motion by Miller, seconded by Lamb, to approve Planning Consent Items 8.A. and 8.C. **Motion carried** as follows:

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

NAYS: None

9. **Public Hearing and Consideration of Ordinance No. 2977 amending Edmond Plan III from Limited Light Industrial and General Office Corridor to Light Industrial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and I-35 (Covell Development, LLC, applicant) Case No. Z050029.** The overall project consists of 17.37 acres and proposed initial uses are a service station, office buildings and hotel/motel. The applicant has excluded **oil field equipment storage yard, sale barn, concrete batch plant, transit mix plant, truck stop and adult novelty uses** from the PUD. The tract will fall within the I-35 Corridor standards as to landscaping, masonry finish on exterior walls and setbacks. Access to the property will be from Old Timbers Drive since the Oklahoma Department of Transportation will not allow a new curb cut onto Covell Road. Staff recommends that outdoor display or storage uses be prohibited along the I-35 Frontage Road. Planning Commission reviewed this application on June 7, 2005, and recommended denial. Staff noted that the design statement has been amended several times since it was originally reviewed by the Planning Commission.

David Jones, engineer representing the applicant, addressed Council and stated the property has changed ownership since the Planning Commission reviewed the application. The property is adjacent to the City's Cross Timbers Municipal Complex and will continue with the standards set by that development. Mr. Jones stated the applicant will also exclude foundry as a use allowed on the site. He stated they would not request any variances from the I-35 Corridor standards for building materials and no metal would be used on the exterior walls. Mr. Jones expounded on his definition of truck stop and stated the topography of the property would not allow room for large trucks to fuel up or park their trucks for long periods of time due to the limited parking space available and the ingress/egress is not conducive to truck traffic due to the small turning radius. He stated their intent is to construct a convenience store/gas station for vehicles as one of the developments on the site. Mr. Jones stated they plan to preserve a large portion of the remnant forest and that subsequent site plans will allow for more protection once they know how the property will develop. He noted there will be no clear cutting of trees and vegetation. He stated Tract 1, containing 8.17 acres, is on the west side and Tract 2, containing 9.20 acres, is on the east side of the property. Mr. Jones stated Tract 1 will probably be the first tract to develop since it is closest to I-35.

Veronica Keithley, Cross Timbers Forestry, addressed Council and stated the applicant contracted with her company to prepare a tree preservation plan. She stated the property is divided into two areas that may possibly be part of the remnant forest. She stated

the developer has set aside approximately three acres on Tract 2 for a tree preservation area. Ms. Keithley stated approximately one and one-half acres of the tree preservation area is not considered remnant forest. She noted because the tree preservation area is considered one continuous stand, it should not be difficult to ensure the health and longevity of the area during construction phases of the development.

Mr. Jones stated Tract 1 will also contain a tree preservation area. He stated the developer will seek the guidance of Ms. Keithley during the construction process in order to preserve the existing tree cover. Mr. Jones noted the tree preservation plan submitted by Ms. Keithley will become part of the PUD as an addendum. He stated the developer has committed to 23.7% landscaping which includes the tree preservation area, the greenbelt and open spaces with the understanding that the remaining 7% of required landscaping will be provided as each project is submitted during the Site Plan review process.

Councilmember Lamb noted that approving the PUD ordinance does not grant any Site Plan variances at this time. He stated the developer would be required to apply for and justify any variances during the Site Plan review process without any assurances those variances would be approved. He stated the development requires a large number of plant units which the open space does not provide and he asked what the opportunity is for full compliance of the 40 plant units required to comply with the landscaping standards of the I-35 Corridor.

Carrie Tomlinson, City of Edmond Urban Forester, addressed Council and stated according to the preliminary drawings she felt there would be adequate space to comply with the I-35 Corridor requirements.

General discussion was held regarding the open display provisions allowed by the proposed zoning category. Mayor Naifeh stated she was very concerned about the open display aspect and did not want the area to be used as a truck stop or car lot.

Mr. Jones stated the applicant has not projected any open display usage for this property. He noted the topography of the land does not lend itself to a car lot. He stated the reason for requesting open display zoning is to allow potential third-party suppliers that support the City's Cross Timbers Municipal complex to locate on a portion of Tract 2 in close proximity to the public service center. Mr. Jones stated the applicant is providing a 25 foot buffer along the west side of Tract 1 (which can be seen from I-35) and they would increase the buffer another 25 feet which will prohibit open display from this portion of Tract 1 and also commit to the same along Covell Road on the north. He stated they will

redefine the buffer on the PUD design statement showing where open display is prohibited.

Dan O'Neil, representing the Cross Timbers Tree Preservation Committee, addressed Council in opposition and stated his committee has not had adequate time to review the amended application. He stated the PUD was not provided with the information included in the council packet nor was it on the City's website. Mr. O'Neil stated they may be able to support portions of the application but have not had the opportunity to review it. He requested the application be reviewed again by the Planning Commission and that an amended drawing showing the tree preservation area as discussed above also be submitted for review by the public. He expressed appreciation to the applicant for their efforts at tree preservation.

Councilmember Sanford stated since the surrounding property is zoned "F-1", including property owned by the City, she could see no reason to deny this application. She stated she felt it would be hypocritical to approve a City project but not a private developer's project.

Motion by Miller, seconded by Sanford, to approve Ordinance No. 2977 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Sanford, to attach Emergency Clause to Ordinance No. 2977. **Motion carried** as follows and Ordinance No. 2977 is in effect immediately:

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

**10. Public Hearing and Consideration of Ordinance No. 2978 rezoning from "F-O" Limited Light Industrial and General Office Corridor to "F-1" Light Industrial Planned Unit Development (PUD) usage, located on the southeast corner of Covell Road and I-35 (Covell Development, LLC, applicant) Case No. Z050030. This is a companion to the above item and was discussed at that time.**

Motion by Lamb, seconded by Miller, to approve Ordinance No. 2978 as read by title by City Planner subject to the following conditions:

- 1) Create a line 50 feet east of the west property line of Tract 1 running parallel along the property line to the

north and then east along Covell Road to prohibit open display storage uses and essentially be a landscaped tree preservation area

- 2) No Site Plan variances granted with this PUD
- 3) Prohibit foundry as use allowed
- 4) A minimum of 23.7% open space for the overall project area including preservation that will become an addendum to the PUD design statement
- 5) Remainder of the 30% landscaping requirements will be attained during the site plan review process as each new tract is submitted for development

**Motion carried** as follows:

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

Mayor Naifeh stated she voted no because she did not have the information to study prior to the meeting to enable her to make a good judgment on the project. She stated she was also concerned about allowing open display zoning in an area that had previously been designated otherwise.

**11. Public Hearing and Consideration of Ordinance amending the Edmond Municipal Code, adding New Section 4.16.085; soliciting during Special Events; providing for Repealer and Severability.** The ordinance would require any solicitor, exhibitor or canvasser who wants to solicit adjacent to a City sponsored special event to also obtain the permission of the person or organization holding the event in addition to obtaining a City license for solicitation.

Councilmember Sanford stated she was concerned about the ordinance infringing on the public's right to offer their merchandise for sale.

Mayor Naifeh stated she was concerned that the ordinance would result in such a burden that it would be too difficult for citizens to obtain a license to sell their merchandise. She stated she supported the ordinance but wanted to be sure there were no problems in the future regarding the wording of the ordinance.

Steve Murdock, City Attorney, stated groups who sponsor special events spend money advertising and promoting the event. He stated the current ordinance allows a solicitor or exhibitor to take advantage of the advertising without having to contribute or promote their exhibit on their own. Mr. Murdock stated the proposed ordinance is not intended to add an additional burden to anyone who is attempting to obtain a special events permit or to

remove any regulations that a person who is attempting to obtain a solicitor's permit already has.

Consensus of Council was to request the City Attorney amend the ordinance to provide additional clarification regarding how the process would work.

Motion by Miller, seconded by Lamb, to continue Item No. 11 to the next meeting. **Motion carried** as follows:

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

NAYS: None

**12. Discussion of request to de-annex from the City limits approximately five acres of land located in Leavitt's North Park Addition.** Garland Bell plans a large townhouse/patio home project on five acres which is located in the Leavitt's North Park Addition. Since part of the project will be located in Oklahoma City, the applicant is requesting that the portion that is located in Edmond, west of the future Lion's Fun Park, west of Boulevard and north of Memorial, be de-annexed in order that the entire project be located in Oklahoma City.

Randel Shadid, attorney representing the applicant, addressed Council and stated his client would like all the property to be located in one city's limits to eliminate confusion regarding street names, utility services and 911 emergency calls. He noted that de-annexing the property for this development would remove commercially zoned property from the neighborhood. He stated there would be no stub-out onto Rhode Island but there would be an access for emergency vehicles only.

Orvil Dean Barton (4601 S. Rhode Island), Max Carter (area property owner), Elmer Barton (4610 Rhode Island) and Dan O'Neil (representing the Edmond Neighborhood Alliance) addressed Council in opposition. Orvil Barton stated approximately 40 years ago the residents petitioned the City of Edmond to be annexed into the city limits because they preferred to be located in Edmond. The opponents stated de-annexation would disrupt the integrity of the neighborhood.

General discussion was held and consensus of Council was to not take any further action on the de-annexation proposal.

**13. Executive Session to discuss the purchase of real property located at Post Road and Highway 66 and appraisal of property located east of Kelly between Danforth Road and Covell Road**

**(Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):**

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above item. **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 7:55 p.m. and returned to the City Council Chambers at 8:55 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

**14. Consideration of action regarding purchase of real property located at Post Road and Highway 66 and appraisal of property located east of Kelly between Danforth Road and Covell Road.** Mayor Naifeh stated no action would be taken on this item.

**15. NEW BUSINESS:**

Tim Reese, Chairman of the Edmond Neighborhood Alliance, announced the Edmond Neighborhood Summit on February 25<sup>th</sup> from 8:00 am to noon at the MAC in Mitch Park and invited the Council and public to attend.

Mayor Naifeh stated the Edmond Women's Club is holding a fund raiser on February 18<sup>th</sup> and she encouraged citizens to participate.

**16. Motion by Lamb, seconded by Miller, to adjourn meeting.** **Motion carried** as follows:

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

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City Clerk

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Mayor