

## EDMOND CITY COUNCIL MINUTES

April 24, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 24, 2006, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve April 10, 2006, Minutes. **Motion carried** as follows:

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

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

A. **Character Council presentations by Terry Byers to the following:**

- 1) Gary Bridwell for *Resourcefulness*
- 2) Police Captain Tim Dorsey for *Self Control*

B. **Recognition of the graduates of the Edmond Youth Council program.**

C. **Presentation of proclamation recognizing May 15, 2006, as "Peace Officers' Memorial Day" and May 15<sup>th</sup> through May 19<sup>th</sup> as "National Police Week" in the City of Edmond.**

### **4. Presentation by Edmond Youth Council on Public Use Bicycle Program and authorization to commence pilot program in City parks.**

Ryan Brasses, Margaret Courtney and Michael Allen addressed Council and requested authorization to begin a three-month pilot program in Mitch Park. The bicycles would be painted a bright orange and would be available for anyone to ride within the park. Al's Bicycles would donate three test bicycles, a man, woman and child bicycle. The students stated Al's Bicycles would be responsible for maintaining the bicycles and the Park Department would monitor usage. They stated a device would be placed on each bicycle to show the mileage each is ridden in order to determine if the program would be a worthwhile program to continue. If the program is continued then bicycles would be available in all City parks eventually. The students stated the program will need \$500 for start-up costs. Jim Bolin, Director of Parks and Recreation, agreed to fund the project out of the Park Department budget.

Motion by Lamb, seconded by Page, to authorize the Youth Council to proceed with the pilot program and approved \$500 in start-up funding. **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 City Manager's Financial Report for month ending March 31, 2006.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending March 31, 2006.**
- 3) **Acceptance of public improvements and maintenance bonds for the following:**
  - a) Touchmark I at Coffee Creek
  - b) Villas at Stonebridge
  - c) Cimarron Middle School
  - d) Santa Fe one-half mile north of Danforth
  - e) Service-Blake Soccer Complex
  - f) 611 Sisken Court
  - g) Cheyenne Crossing
  - h) Bryant Square Self Storage
  - i) 33<sup>rd</sup> Street and Broadway
  - j) 2400 Naples Pool House
- 4) **Acceptance of deeds for the properties for the Downtown Regional Detention Facility.**
- 5) **Approval of real estate purchase agreement with Mike Forth for the purchase of the Westborough detention pond located east of Kelly, between Danforth and Covell Roads.**
- 6) **Approval of supplemental appropriations for the Fleet Management Fund - \$120,000**
- 7) **Approval of supplemental appropriations from the 2000 Sales Tax Undesignated Fund Balance for design of the Kelly Avenue, Danforth to Coffee Creek project - \$350,000. Councilmember Sanford stated the amount needed for the design of the project is \$328,000 and**

she asked about the difference in the design amount and the amount of the supplemental appropriation.

Clay Coldiron, Public Works Director, addressed Council and stated when staff requested approval of the funding from the Capital Projects and Financing Task Force (CPFTF) the amount requested was an estimation of the amount needed for the design contract. He stated the final amount negotiated by the City Engineer is lower but because the CPFTF approved a larger amount, they felt they should request the supplemental appropriation for the amount that was approved by the Task Force. He noted staff will only encumber the amount negotiated by staff and any funds not used would remain with this project.

- 8) Receipt of construction permits from the Oklahoma Department of Environmental Quality for water and sewer lines to serve Christman Park @ 33<sup>rd</sup> and sewer line to serve the Villages of Stonebridge.
- 9) Acceptance of public improvements and maintenance bonds for the 2020 Water System Master Plan Improvements, Contract 6A.
- 10) Approval of Resolution No. 10-06 with the Oklahoma Department of Transportation to maintain a proposed traffic signal on State Highway 66, east of I-35, for the proposed Summit Development Corporation.
- 11) Acceptance of Memorandum of Understanding (MOU) with the State of Oklahoma Office of Homeland Security regarding the use of Homeland Security grant funding on behalf of the City of Edmond.
- 12) Approval of transfer of appropriations for Utility Customer Services/Meter Services - \$3,000
- 13) Public Hearing and Consideration of Ordinance No. 2994 amending Section 9.32.030 of the Edmond Municipal Code pertaining to camping at Arcadia Lake to establish limits on camping in "preferred" and "non-preferred" areas; providing for Repealer, Severability and Declaring an Emergency.

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2994. **Motion carried** as follows and Ordinance No. 2994 is in effect immediately:

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

- 14) **Approval to proceed with issuing of a Request for Proposals for Legal Counsel to assist the City with regard to the Local Development Act.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1-14). **Motion carried** as follows:

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

**B. Approval of Purchases:**

- 1) **Award of bid for a material transport system mounted on an appropriate cab/chassis for the Fleet Management Department.** Purchasing Manager recommended accepting bid from United Engines in the amount of \$151,405.77.
- 2) **Approval of disposition by the Purchasing Manager for vending machine product provider services for City owned vending machines to Blair Vending Co.**
- 3) **Award of bid and approval of agreement and Resolution No. 11-06 appointing Purchasing Agent for the Coltrane Bridge at Spring Creek Waterline Relocation project for the Engineering Department.** Purchasing Manager recommended accepting bid from Luckinbill, Inc. in the amount of \$277,737.
- 4) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$11,791.80.** Mayor Naifeh stated she noted in the billing received from the City of Guthrie that payment was being made to the City Manager and the Administrative Assistant. She asked if Edmond staff were also being paid.

Larry Stevens, City Manager, addressed Council and stated half of the salary for the Administrative Assistant was being paid for administration of leases and grants that the Airport applies for and receives. He noted the amount paid to the City Manager is prorated on a monthly basis and is for grant administration and also working with the Airport

Administrator. He stated the payments are for actual hours worked on administration of those grants and leases.

- 5) **Approval of engineering services contract with Poe & Associates for the Kelly widening, Danforth to Coffee Creek project in the amount of \$328,910.**
- 6) **Award of bid for rehabilitation of structure located at 515 W. 2<sup>nd</sup> Street as part of the Community Development Block Grant (CDBG) program. CDBG staff recommended accepting bid from Titan Home Remodel in the amount of \$28,305.**

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-6). **Motion carried** as follows:

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

NAYS: None

Motion by Page, seconded by Miller, 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. **Consideration of Final Plat of Cottages II of the Villages at Stonebridge, located west of Boulevard, one-fourth mile south of 33<sup>rd</sup> Street (Derek Turner, applicant) Case No. PR060008.**
- B. **Public Hearing and Consideration of Site Plan approval for a new building, located on the east side of Vista Lane, approximately one-eighth mile south of 2<sup>nd</sup> Street (Oklahoma Municipal Power Authority, applicant) Case No. SP060003.**
- C. **Public Hearing and Consideration of commercial Site Plan extension approval for Parkway Cleaners addition and office building, located on the south side of 5<sup>th</sup> Street, east of the Hideaway Pizza (Mark Neighbors, applicant) Case No. SP040037. The applicant is planning to construct a two-story building addition west of the existing Parkway Cleaners. The building will be constructed over an existing stormwater drainage pipe extending south of 5<sup>th</sup> Street. An existing**

sanitary sewer line will be redesigned and relocated to a utility easement next to the UCO Jazz Lab/Hideaway Pizza.

Kenneth Buck, 516 S. Littler, addressed Council in opposition. He stated the area is overbuilt. He stated the existing sanitary sewer line is not adequate for the area and additional buildings will only add to the problems. He noted that a few weeks previous to the meeting he called the Utility Line Maintenance Department to service the sanitary sewer line because it was backed up. Mr. Buck stated traffic in this area is already very heavy during performances and there is no traffic control in the area. He noted there are numerous problems with renters of the American Legion Hut. He requested 5<sup>th</sup> Street be widened if the application is approved.

Mayor Naifeh noted this area is an older section of the City and she asked staff if any of the infrastructure has been replaced in this area due to age.

Steve Manek, City Engineer, addressed Council and stated prior to his employment with the City the sanitary sewer line has been replaced at least once. He noted his department works with the Utility Line Maintenance (ULM) Department to identify the sanitary sewer lines that needs to be replaced every year. Mr. Manek stated he was not aware of this area being on the five year plan for replacement. He noted the time frame for replacing this sanitary sewer line will depend on the ULM Department's budget.

Councilmember Lamb stated the window of opportunity to repair any problems with the sanitary sewer line will occur when the manhole is replaced during realignment of the new sewer line.

Councilmember Page stated there have been several problems in this area and he encouraged staff to research the number of service calls in recent months for the sanitary sewer line.

Mayor Naifeh stated she researched the traffic in this area and feels most of the traffic results from rental of the American Legion Building and not from the UCO Jazz Lab/Hideaway Pizza facilities. She stated she felt the area has been improved in the past several years by the new development and the streetscape project and that the area will continue to improve with additional projects in the future.

Motion by Miller, seconded by Lamb, to approve Planning Consent Item 9.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 a new building, located on the southeast corner of 2<sup>nd</sup> Street and Rankin (Advanced Printing/University Pointe Center, applicant) Case No. SP060006.**

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

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

**10. Public Hearing and Consideration of Special Use Permit in "D-1" Restricted Commercial at 2118 W. Edmond Road for a bed and breakfast to be operated with the Inspirations Tearoom (Larry Rhoads, applicant) Case No. U060002.** The applicant is requesting approval of a five room bed and breakfast. The only addition to the existing building is construction of a deck on the south and southwest sides of the building which will include stairs leading to the back yard. The landscaping, parking and site improvements will remain as originally constructed.

Motion by Miller, seconded by Lamb, to approve Special Use Permit. **Motion carried** as follows:

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

Councilmember Lamb temporarily left the City Council Chambers.

**11. Public Hearing and Consideration of Ordinance No. 2995 rezoning from "A" Single Family to "D-3" Office Commercial, located at 2791 S. I-35 Frontage Road, west side of I-35, south of Equine Medical Associates (Oxford Development Corp., applicant) Case No. Z060018.** The site contains 7.689 acres and is projected for office commercial on Edmond Plan III. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicant, addressed Council and stated the Oklahoma Municipal Power Authority will move their corporate office to the site. He stated the application is in compliance with Edmond Plan III and is compatible with the area. He noted a Site Plan will be submitted to Council for approval prior to any construction.

Dan O'Neil, representing the Edmond Neighborhood Alliance, addressed Council in support of the application.

Motion by Miller, seconded by Page, to approve Ordinance No. 2995 as read by title by City Planner. **Motion carried** as follows:

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

Councilmember Lamb returned to the City Council Chambers.

**12. Public Hearing and Consideration of Ordinance No. 2996 amending Edmond Plan III from Single Family Dwelling to Two Family Planned Unit Development (PUD) usage, located at 605 and 607 W. Main Street (Build One Development, applicant) Case No. Z060026.** The site contains 14,000 square feet and four single family detached homes are planned. One driveway is planned on Main Street and an unpaved alley is to the north. Each house would allow parking for two cars. The rear setback will be 15 feet rather than the 20 foot standard.

Councilmember Page stated he felt approving the application would open the door for other property owners to request multi-family zoning.

General discussion was held regarding paving of the alleys. Bob Schiermeyer, City Planner, addressed Council and stated City standards do not require alleys to be paved in this zoning category.

Motion by Page, seconded by Miller, to approve Ordinance No. 2996 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2996. **Motion carried** as follows and Ordinance No. 2996 is in effect immediately:

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

**13. Public Hearing and Consideration of Ordinance No. 2997 rezoning from "A" Single Family to "B" Two Family Planned Unit**

**Development (PUD) District, located at 605 and 607 W. Main Street (Build One Development, applicant) Case No. Z060027.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 2997 as read by title by City Planner. **Motion carried** as follows:

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

**14. Public Hearing and Consideration of commercial Site Plan approval for a convenience store/service station, located on the northwest corner of E. 15<sup>th</sup> Street and I-35 Frontage Road (Star Fuel, Inc., applicant) Case No. SP060007.** The site contains 40,000 square feet. The building will consist of 4,541 square feet and 23 parking spaces are provided. The building will also contain a fast food restaurant and a car wash will be constructed on site adjacent to the Braum's store and in front of the Wal-Mart Supercenter under construction. Two driveways are proposed, one on the I-35 frontage road and one on 15<sup>th</sup> Street. A traffic signal will be installed on the frontage road due to the Wal-Mart development located nearby. The ground sign is in compliance with the I-35 standards. An area containing 1,440 square feet is designated as a tree preservation area on the south side of the lot between the car wash and 15<sup>th</sup> Street. The exterior walls will be brick veneer on all four sides with portions of the base being EFIS. Blue awnings will be installed over the windows.

Troy Downing, architect for the applicant, addressed Council and stated the location of the building has been revised several times in an attempt to preserve as many trees in the tree preservation area as possible and he felt the present location would enable them to do that. He noted the dumpster will be located near existing trees and also newly planted trees to obstruct it from view.

Mayor Naifeh requested the lighting be similar to the lighting of the developments in the area. She noted this site will be important by setting standards for future development.

Councilmember Sanford stated she was concerned about ingress/egress since this was such a contentious item during the Wal-Mart and Fox Lake Plaza discussions. She asked if the applicant could use the curb cut on the Braum's site rather than adding an additional curb cut on the I-35 frontage road. She noted if they use the Braum's access, the dumpster could then be located in the northwest corner.

Alan Wilkerson, Operating Officer for the applicant, addressed Council and stated he felt Braum's would not be agreeable to allowing them to use their access because traffic would be crossing their property to access the applicant's facilities.

Steve Manek, City Engineer, addressed Council and stated the company has received permits from the Oklahoma Department of Transportation for their access plan and the driveway separation exceeds City standards.

Dan O'Neil addressed Council and stated he was concerned that the facility did not offer adequate restroom facilities. He stated he also was opposed to the number of beer and cigarette signs that are displayed in the windows of most businesses of this type. Mr. O'Neil also noted that the applicant has a habit of painting the brick white after the building is constructed and he requested the brick not be painted. He requested the applicant follow the standards set by the Fountain Oaks development.

Mr. Wilkerson stated the development will contain the same number of restroom facilities as their location in Bricktown and that store is sufficiently able to accommodate the public's needs. He stated they will not paint the brick but it would remain in the natural color. Mr. Wilkerson also stated they will attempt to have only a minimal amount of signs in the windows for employee's safety and for aesthetic purposes.

Motion by Lamb, seconded by Miller, to approve Site Plan subject to the applicant maintaining the brick in it's natural state.  
**Motion carried** as follows:

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

**15. Public Hearing and Consideration of Special Use Permit for a 120 foot cellular tower located east of Coltrane, just under one-half mile south of Covell Road (U.S. Cellular, applicant) Case No. U060001.** Mayor Naifeh stated this item would be continued to May 8, 2006, at the request of the applicant.

**16. Executive Session to discuss the purchase of real property located near Post Road and Highway 66 (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)).**

Motion by Lamb, seconded by Miller, 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 7:30 p.m. and returned to the City Council Chambers at 7:55 p.m.

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

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

**17. Consideration of action with regard to the purchase of real property located near Post Road and Highway 66.**

Motion by Page, seconded by Miller, to authorize staff to proceed with negotiations to purchase the property. **Motion carried** as follows:

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

**18. NEW BUSINESS:**

Mayor Naifeh stated she appreciated the article in *The Edmond Sun* regarding the recycling process.

Mayor Naifeh commended the Keep Edmond Beautiful organization for their efforts to keep Edmond looking great.

Councilmember Sanford thanked the City Planner for his update of upcoming projects.

**19. 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