

EDMOND CITY COUNCIL MINUTES

September 25, 2006

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 25, 2006, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Lamb, to approve August 28, and September 11, 2006, Minutes. **Motion carried** as followed:

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

3. Appointment to Boards and Commissions:

A. **Appointment to the KickingBird Tennis Center Advisory Board.** Councilmember Miller nominated Angie Smith to serve a three-year term expiring in October, 2009.

Motion by Miller, seconded by Page, to approve Item 3.A. **Motion carried** as followed:

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

4. 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 August 31, 2006.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending August 31, 2006.**
- 3) **Approval of FY 2005/2006 year-end budget amendments to balance departmental budget categories for government fund types.**
- 4) **Approval of Resolution No. 27-06 creating the Edmond Bicycle Committee.**

- 5) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport - \$5,960.43**
- 6) **Approval of the following items related to airport hanger ground leases:**
 - a) Release of John Richardson from hanger lease no. 15 and approval of lease to John Hilterman
 - b) Amendment to lease term for hanger lease no. 13 for Gale Braden
- 7) **Approval of transfer of appropriations for Liability/Tort Claim Fund for reconstruction of the Ketch Electric substation - \$1,250,000**
- 8) **Acceptance of sanitary sewer easement from Hansen Family Trust to serve the Windsong Addition.**
- 9) **Acceptance of Final Plat, public improvements and maintenance bonds for Covell Village, located at the southwest corner of Covell Road and Kelly Avenue.**
- 10) **Acceptance of easement from Oak Tree Partners, LLC, for the Oak Tree lift station and force main improvements project.**
- 11) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) Edmond Road culvert at Mander Creek
 - b) Fairfax V
 - c) 785 W. Covell
 - d) Fisher Hall
 - 1) 3560 S. Boulevard
 - 2) 3520 S. Boulevard
 - 3) 3540 S. Boulevard
 - e) Manchester Office Park
 - f) Tuscan Park Addition

Motion by Page, seconded by Lamb, to approve General Consent Items 4.A.(1-11). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) **Award of bid for rehabilitation of residential structure at 530 W. 2nd Street as part of the Community Development Block Grant (CDBG) program.** CDBG Coordinator recommended accepting bid from Titan Home Remodel in the amount of \$33,795.
- 2) **Award of bid for automated front load unit for the Fleet Management Department.** Purchasing Manager recommended accepting bid from United Engines in the amount of \$164,891.
- 3) **Approval of final Change Order No. 3 with Michels Corporation for the fiber optic cable project in the amount of \$240.**
- 4) **Award of bid for a Ketch Substation power transformer for the Electric Department.** C.H. Guernsey & Company recommended accepting bid from Voltran, Ltd. in the amount of \$716,790.
- 5) **Approval of bid disposition by the Purchasing Manager for the following:**
 - a) **Eastern Oklahoma County Technology Center** - advanced life support training for the Edmond Fire Department in the amount of \$3,350 per student for a total of \$33,500.

Motion by Lamb, seconded by Page, to approve General Consent Items 4.B.(1-5). **Motion carried** as follows:

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

5. Discussion of draft of a public benefits agreement with AT&T for a proposed new AT&T U-Verse TV digital television service in the City of Edmond. Larry Stevens, City Manager, addressed Council and stated he and the City Attorney have been meeting with representatives of AT&T for several months regarding a proposed new television service. He stated AT&T is currently marketing this service in approximately 13 states.

Jan Moran, Larry Brown and Mary Coulson-James, representing AT&T, gave a presentation on the proposed service. Mr. Brown stated the service will be distributed over telephone lines using internet-protocol-base broadband technology. He noted Edmond will be the first city in the state to have this new technology. He stated existing telephone lines will be used and approximately 50

additional equipment boxes will be located through-out the City to work with existing equipment. Mr. Brown also stated the fees will be above and beyond the annual fee already in place. General discussion was held regarding these issues.

Councilmember Lamb stated he had reviewed the description of the fees in the public benefits agreement under City obligations which are referred to as inspection fees. He requested the fees be referred to as right-of-way fees. He stated he was interested in confirming and establishing the City's right-of-way responsibility managing a public asset as a long term benefit for Edmond citizens.

Ms. Coulson-James addressed Council and stated since they will be using existing telephone lines they did not have a problem with changing the terminology but they felt it needed to be clear that the payment was not in the form of a rental fee.

Mr. Stevens stated a five-year term is proposed. He stated he felt it was in the best interests of the City to keep the term relatively short due to the rapidly changing nature of technology.

No motion was made on this item since it was for discussion purposes only.

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

7. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of the Windsong Addition, located west of Oakridge Drive, 600 feet north of 2nd Street (Daniel and Darla Nesom, applicants) Case No. PR060012.** Mayor Naifeh stated the applicant requested this item be continued to October 9, 2006.

Motion by Lamb, seconded by Miller, to continue Item No. 8 to October 9, 2006, as requested by the applicant. **Motion carried** as follows:

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

8. **Public Hearing and Consideration of request to amend the current "D-1" Planned Unit Development (PUD) Design Statement for the Danforth Plaza project, located south of Danforth Road, west of Park Lane Addition, east of Wal-Mart Supercenter on the southeast corner of Danforth and Santa Fe (Patsy Ruble, applicant) Case No. Z060065.** The applicant is requesting the design statement be amended to allow a liquor store as one of the uses for the shopping center. When the PUD was originally approved, a liquor store was one of the eight uses that were prohibited. The strip center faces west towards the Wal-Mart Supercenter. Planning Commission recommended denial.

Randel Shadid, attorney representing the applicant, addressed Council and stated the property has changed ownership since the original PUD was approved. He stated the applicant's request is not out of character for the area since several existing stores in this area already sell alcohol. Mr. Shadid stated the existing brick wall is an adequate buffer for this type of business.

Ed Moore, representing the Park Lane Estates Homeowners Association, addressed Council in opposition. He stated the original agreement signed five years ago with the previous owner specifically prohibited a liquor store and other uses. He noted the agreement also states that the applicant or his successors would not request any changes to the PUD for 10 years. He felt that agreement should be upheld.

Motion by Miller, seconded by Lamb, to approve Item No. 8. **Motion was denied** as follows:

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

9. **Public Hearing and Consideration of Special Use Permit for a 190 foot tall monopole cellular communications tower, located west of Post Road, south of Sorghum Mill Road (U.S. Cellular Corporation, applicant) Case No. U060009.** The area is 20 feet by 40 feet and would be surrounded by an eight foot tall stockade fence which would also include a shelter for the electrical equipment. A Special Use Permit for a private air strip was approved in 1979 and is located to the northwest of this site in the Wood Leaf Aero Estates Addition. The Federal Aviation Administration has ruled that the structure does not exceed obstruction standards and would not be a hazard to air navigation. Planning Commission recommended approval.

Dennis Box, attorney representing the applicant, addressed Council and stated the applicant would agree to a maximum height of 180

feet. He stated 180 feet would allow co-location and would also be adequate for their operations. Mr. Box stated the site is approximately 120 feet off Post Road.

Gordon Kent also addressed Council on behalf of the applicant. He stated the property is relatively level with the highest point being the airport property which is approximately 50 feet higher.

Motion by Miller, seconded by Lamb, to approve Item No. 9 subject to the tower being a maximum of 180 feet tall. **Motion carried** as follows:

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

10. Public Hearing and Consideration of Ordinance No. 3046 amending Edmond Plan III from Suburban Office and Restricted Commercial Planned Unit Development (PUD) to Restricted Commercial PUD usage, located north of W. Edmond Road, one-half mile west of Kelly (Dooley Farms, LLC, applicant) Case No. Z060060. The site contains 14,34 acres. The Master Plan identifies 10 building sites accessed off W. Edmond Road or Dooley Farms Lane and all the buildings are interconnected with driveways. The applicant has eliminated the following uses:

- 1) Self-serve laundry
- 2) Franchise restaurants requiring specific architectural styles that would not match buildings as specified in the PUD application
- 3) Car wash
- 4) Convenience store
- 5) Fuel service station
- 6) Indoor theaters
- 7) Grocery store, supermarket
- 8) Any business that includes a drive-in window
- 9) Appliance store
- 10) Newspaper and magazine sales
- 11) Radio and television sales and service
- 12) Restaurants shall have the following exclusions: no drive-in window, no pickup service, no exterior menu board
- 13) Drive-in restaurants

Planning Commission recommended approval.

Brian Coon, Coon Engineering, addressed Council representing the applicant. He stated the building heights will not exceed 35 feet. He stated he felt it was very generous of the developer to

eliminate the above uses. Mr. Coon stated the signage is limited to monument signs only. He stated there will be two additional curb cuts onto Edmond Road and three onto Dooley Farms Lane. He noted the driveway accessing Steve's Rib is actually on their property and will be counted as one of their driveways.

Dan O'Neil, representing the Edmond Neighborhood Alliance, addressed Council and expressed appreciation to the developer for his willingness to work with the homeowners and making certain accommodations which were important to the residents.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3046 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. 3046. **Motion carried** as follows and Ordinance No. 3046 is in effect immediately:

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

11. Public Hearing and Consideration of Ordinance No. 3047 rezoning from "D-1" Restricted Commercial and "D-O" Suburban Office Planned Unit Development (PUD) to "D-1" Restricted Commercial PUD District, located north of W. Edmond Road, one-half mile west of Kelly (Dooley Farms, LLC, applicant) Case No. Z060061. This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3047 as read by title by City Planner subject to the curb cuts on Edmond Road as shown on the Master Development Plan. **Motion carried** as follows:

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

12. Discussion and Consideration of Fretz Road extension from 15th Street to 33rd Street. Larry Stevens, City Manager, addressed Council and stated meetings have been on-going for the past two years regarding this project. He stated an initial meeting with affected property owners was held and at that time he indicated to the property owners that the City would be requesting that the

needed easements be donated since the road improvements would benefit their properties. He noted of those attending the meeting, all were in favor of pursuing the project. The consensus of the attendees was to donate the necessary easements to the City in order to move forward with the project. Mr. Stevens stated several subsequent discussions have been held and the decision to donate the needed easements have not been unanimous among the affected property owners. In April, 2005, the Council approved a contract with MGR, Inc. to proceed with a feasibility and right-of-way study for the project. He noted two of the affected property owners on the northern portion of the route have requested the City move forward on the northern portion of the project while continuing to work on acquiring the easements on the southern portion. He stated City staff directed MGR to begin working on this section and the Engineering Department has since received the initial drawing from MGR identifying the proposed route for the northern section. Mr. Stevens stated on September 6th, City Engineer Steve Manek, Janet Yowell of the Edmond Economic Development Authority and himself met with the one property owner who does not want to donate an easement and they concluded that the City may need to purchase the needed easement in order to move forward to construct the entire street extension as one project. He noted at this time no offer has been made to purchase the easement. Mr. Stevens stated the primary funding for this construction could come from the sale of the City's old Edmond Electric and Vehicle Maintenance facilities at 315 W. 33rd Street, which are now vacated. He stated the City has not marketed the City property but are ready to move forward. He noted staff still needs to formally acquire all the easements for the entire project. He stated if they are not successful in acquiring the easement for the one remaining parcel in the near future, staff will proceed with the design of the northern portion.

Councilmember Sanford stated when Council began discussing this project discussions centered on a traffic light at 33rd Street and Technology Drive and she asked if that project was being delayed due to the discussions regarding the extension of Fretz.

Steve Manek, City Engineer, addressed Council and stated these are two separate projects but they tie together at the same point. He stated the traffic light project is fully funded but the extension of Fretz Road will need to be fully funded by City.

Councilmember Sanford asked why the City property has not been marketed yet knowing that the City will need that money to fund this project.

Mr. Stevens stated staff felt that waiting until the money is needed would enhance the value of the property. He stated bids will probably be solicited when the time comes to sell the site.

Mr. Manek noted MGR is preparing easement documents for the northern portion of the project as well as providing easement descriptions of the properties that will be donated. He stated the easements would be 60 feet wide. He stated additional time will be needed to finalize the design, do the calculations and put the bid packets together. Mr. Manek stated the last step is the final design and he felt they should be able to request bids 30 to 60 days after the final design is received.

General discussion was held regarding the route of the street extension. Staff stated due to the large drainage basin that runs through a portion of the property as well as the railroad track, they felt the proposed route was the only logical choice.

Jim Harrod, property owner on the northern portion of the route, addressed Council and urged Council to move forward on that portion of the project. He noted Adfitech and Midcon have stated they will also donate easements for the northern portion of the route.

No motion was made on this item since it was for discussion purposes only.

13. NEW BUSINESS:

Councilmember Lamb announced the Oklahoma Municipal Power Authority's ground breaking ceremony would be held on October 12th at 1:30 p.m.

Dan O'Neil invited the public and Council to a City wide picnic co-sponsored by the *Edmond Sun* and the Edmond Neighborhood Alliance on October 5th from 6:00-8:00 p.m. at the duck pond at Hafer Park.

Mayor Naifeh announced that Edmond Citizen Scott Verplank made a hole-in-one in the Ryder Cup golf tournament this past weekend.

Mayor Naifeh stated the Make a Difference Day is scheduled for October 28th.

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

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

City Clerk

Mayor