

EDMOND CITY COUNCIL MINUTES

February 26, 2001

Mayor Bob Rudkin called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, February 26, 2001, in the City Council Chambers.

2. Approval of Minutes. Councilmember Moore stated on Item 4.A.(1) Jim Harrod's name was misspelled. He also requested that New Business show that the check received from the Oklahoma Municipal Power Authority was a **dividend** check and would be used to help pay for increased tree trimming costs but was not specifically received for that purpose. Motion by Moore, seconded by Rice, to approve Minutes of the February 12, 2001, City Council meeting as amended. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

3. Appointments to Boards and Commissions:

A. **Appointment to the Citizens Participation Committee.** The Citizens Participation Committee nominated Ed Cunliff for appointment to replace James Griffin.

Motion by Moore, seconded by Rice, to approve Item 3.A.
Motion carried as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
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 January 31, 2001.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending January 31, 2001.**
- 3) **Approval of supplemental appropriations - Edmond**

Convention & Visitors Bureau - \$23,500

4) Acceptance of public utility easement from Edmond University Plaza, LLC for sanitary sewer to serve Lot 10, also known as Common Area A.

5) Acceptance of temporary construction easement from Fairway Estates Homeowners Association.

6) Acceptance of public improvements and maintenance bonds for the following commercial projects:

- a) 3325 French Park Drive
- b) St. Monica Catholic Church
- c) St. Mark's Church
- d) Wal Mart Supercenter
- e) Wal Mart Neighborhood Market
- f) 1021 E. 2nd - University Village
- g) Signal Ridge West

7) Public Hearing and Consideration of the following Ordinances, Resolutions and Election Proclamation regarding the calling of a Special Election on the 8th of May, 2001;

a) Public Hearing and Consideration of Resolution No. 03-01 Authorizing the Calling and Holding of a Special Election in the City of Edmond, State of Oklahoma, on the 8th day of May, 2001, for the Purpose of Submitting to the Registered Voters of the City of Edmond, Ordinance No. 2602 to Provide that the Existing One-Eighth (1/8) of One Percent (1%) Sales Tax Shall be Expended Only for the Following Purposes; Construction, Operation, Rehabilitation, Repair, Park Land and Trails Acquisition, and Maintenance of Any Parks, Recreation and Leisure Services Facilities; Requiring approval of Said Ordinance by a Majority of the Registered Voters, All as Provided by Law;

b) Public Hearing and Consideration of Ordinance No. 2602 Amending Existing Sales Tax Ordinance No. 2001, Codified as Section 2.04.045(4) of the Edmond Municipal Code to Provide That the Existing One-Eighth (1/8) of One Percent (1%) Sales Tax Shall be Expended Only for the Following Purposes; Construction, Operation, Rehabilitation, Repair, Park Land and Trails Acquisition, and Maintenance of any

Parks, Recreation and Leisure Services Facilities for the city of Edmond; and Providing for Repealer and Severability;

c) Public Hearing and Consideration of Resolution No. 04-01 authorizing the Calling and Holding of a Special Election in the City of Edmond, State of Oklahoma, on the 8th Day of May, 2001, for the Purpose of Submitting to the Registered Voters of the City of Edmond, the Questions of Amending the Existing Charter of the City of Edmond to Provide for Special Duties and Powers of the City Manager, Purchasing Procedures, and Election Procedures; Requiring Approval of Said Amendments by a Majority of the Registered Voters, all as Provided by Law; and

d) Consideration of Election Proclamation and Notice for Special Election of May 8, 2001.

Ronnie Williams, representing the Edmond Neighborhood Alliance (ENA), addressed Council and requested an explanation regarding the election items. Mr. Williams stated he was opposed to changing the general election date.

Steve Murdock, City Attorney, outlined each item and stated that the general election date was being moved from May to April. Leonard Martin, City Manager, stated four years ago the City changed the election date from the first Tuesday in April to the May election date after the Oklahoma County Election Board requested that all cities change their general election dates to May. Nancy Nichols, City Clerk, stated that Edmond was one of the few cities to actually change their election date. Mr. Martin stated Councilmembers felt it would be better for the incoming Council to have the earlier election date in order for them to be involved in the budget process for the upcoming fiscal year.

Betty Jean Blue, ENA President, also addressed Council in opposition to changing the date of the general election. Ms. Blue stated she felt the longer period between the primary and general elections was needed in order to allow a longer campaign period and more time to better inform the public about the candidates. Nancy Warren also addressed Council regarding this matter.

Councilmember Rice stated he felt the extended period between the elections leads to a loss of momentum for interest in City elections. Councilmember Knox noted that the last election had one of the lowest voter turnouts in recent history and he felt the extended period between the primary and general elections did not help in trying to get more citizens to vote.

Motion by Moore, seconded by Huggins, to approve General Consent Items 4.A.(7a-d). **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

8) **Discussion and Consideration of budget amendment to fund Bank of Oklahoma bank charges in the amount of \$14,945.**

Motion by Moore, seconded by Huggins, to approve General Consent Items 4.A.(1-6,8). **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

B. **Approval of Purchases:**

- 1) **Approval of FY 2000/2001 Internal and Financial Audit Service contracts with Crawford & Associates, P.C.**
- 2) **Approval of Change Order No. 1 for rehabilitation of residential structure located at 310 E. 8th Street.**
- 3) **Approval of contract with Tom Hennessey in the amount of \$10,000 for the development of a Strategic Forest Master Plan.**

Motion by Huggins, seconded by Moore, to approve General Consent Items 4.B.(1-3). **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

5. **Approval of Tort Claim Committee's recommendation on Tort**

Claim.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
21-0024 Central Communications	Pay - \$75.00

Motion by Rice, seconded by Moore, to approve Tort Claim Committee's recommendation on Tort Claim. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

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

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

9. PLANNING CONSENT ITEMS:

Mayor Rudkin temporarily left the City Council Chambers and Mayor Pro Tem Moore presided over the meeting.

- A. **Public Hearing and Consideration of Ordinance No. 2603 rezoning from "D-2" Neighborhood Commercial District to "E-2" Open Display Commercial District, located on the immediate southwest corner of Vista Lane and E. 2nd Street (J. Michael Henderson, applicant).** The applicant plans to construct a self storage facility at this location. Councilmember Rice stated he was opposed to "E-2" zoning since the property is located on a main artery into the City and he requested the site be developed as a Planned Unit Development (PUD). He stated that the area has not developed as it was projected years ago and that he did not want to set a precedent of approving blanket "E-2" zoning along east 2nd Street. Councilmember Knox concurred.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application is in compliance with the Edmond Plan. He requested the application be amended to a PUD with the following uses eliminated: sale of new and used cars, boats, campers, mobile homes and farm implements. Mr. Shadid stated he

would place a permanent deed restriction against the property to eliminate the above uses. He stated no outdoor storage would be visible from Vista Lane or 2nd Street.

Motion by Rice, seconded by Huggins, to approve Ordinance No. 2603 as read by title by City Planner and amended to a Planned Unit Development subject to elimination of the sale of new and used cars and trucks, boats, campers, mobile homes and farm implements and no outdoor storage will be visible from Vista Lane or 2nd Street. **Motion carried** as follows:

AYES: Mayor Pro Tem Moore, Councilmembers
Rice, Knox and Huggins
NAYS: None

Mayor Rudkin returned to the City Council Chambers.

- B. **Public Hearing and Consideration of commercial Site Plan approval for an addition to the west side of a commercial building, located at 3433 S. Broadway (Harley Davidson Motorcycle World, applicant).**

- C. **Public Hearing and Consideration of commercial Site Plan approval for a new restaurant, located on the south side of E. 2nd Street at University Plaza, 500 feet west of Bryant, south of the Wal-Mart Neighborhood Market (McDonald's Corporation, applicant).** Councilmember Rice asked about the variance for landscaping. Bob Schiermeyer, City Planner, addressed Council and stated the applicant has 9,600 square feet of landscaping which is in compliance with City requirements. Councilmember Rice stated he has voted against all the developments in this area because it lacks consistency and he feels it will not have a positive impact on this area of the City.

Motion by Rice, seconded by Moore, to approve Planning Consent Item 9.C. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox,
Huggins and Moore
NAYS: Councilmember Rice

- D. **Public Hearing and Consideration of Ordinance No. 2604 closing a portion of a public utility easement, located on the west side of Boulevard, between Marilyn Avenue and Myra Court (Edmond First Church of the Nazarene, applicant).**

- E. **Consideration of Final Plat of Creek Bend 2nd Addition, located north of 15th Street, west of the Fox Lake Addition, north of Kerry Layne (Bud Bartley, applicant).**

Motion by Moore, seconded by Huggins, to approve Planning Consent Items 9.B., D. and E. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

10. **Consideration to vacate the east portion of University Plaza, a portion of Hospital Heights, and a portion of Professional Plaza Addition, all located west of Bryant, south of E. 2nd Street (Sooner Investments, applicant).** The application contains 17 acres and will vacate portions of three subdivisions for the future development of a Lowe's Home Improvement Center.

Motion by Moore, seconded by Knox, to approve Item 10. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox,
Huggins and Moore
NAYS: Councilmember Rice

Mayor Rudkin stated Items 11 through 14 would be discussed at one time. That discussion is shown on the Minutes at the end of Item 14.

11. **Consideration of amended Final Plat of University Plaza East Addition, located west of Bryant, west of Ashling Square Shopping Center, south of E. 2nd Street (Sooner Investments, applicant).** The plat contains 20.57 acres and is a re-plat of portions of three additions. A regional detention pond will be constructed for the additional land and a new dyke will be installed east of the existing detention area. Fill dirt will be brought in to change the northeast corner of the detention area as it currently exists. A new retaining wall will be installed and fencing and landscaping will be removed.

Motion by Knox, seconded by Huggins, to approve Item 11. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox,
Huggins and Moore

NAYS: Councilmember Rice

12. **Public Hearing and Consideration of Ordinance No. 2605 amending the Edmond Plan III from General Commercial usage to Open Display Commercial Planned Unit Development (PUD) usage, located at University Plaza, south of E. 2nd Street, west of Bryant (Sooner Investments, applicant).** The proposed use for this site is a Lowe's Home Improvement Center. The PUD design statement eliminates the following uses - sale of boats, farm implements, new and used cars and trucks, mobile homes, campers and prefabricated houses. The applicant will be allowed to maintain the outdoor storage and display of garden products and backyard storage buildings. A building materials storage area will be located on the southwest corner of the building. The detention area will be partially rebuilt and the retaining wall will be 14 feet high at Bryant.

Motion by Knox, seconded by Huggins, to approve Ordinance No. 2605 as read by title by City Planner subject to the fence on the outdoor storage area being installed only to the east side of the detention pond and the following conditions recommended by the Planning Commission.

- 1) Not more than 40 spaces will be taken for live plant display in rows 2 and 3 of the parking lot in front of Lowe's Garden Center (March through October only);
- 2) Other open display items are restricted to locations directly in front of the building or on the east side next to the Garden Center only on the sidewalk, not the parking lot (storage buildings are limited to the east side only subject to compliance with the Fire Code);
- 3) Decorative fencing is to surround the live plant display in the parking lot and a hose bib will be extended from the primary structure for the purpose of watering the live plants;
- 4) Overseas containers or items serving the same function are strictly prohibited on the site.

Motion carried as follows:

AYES: Mayor Rudkin, Councilmembers Knox,
Huggins and Moore
NAYS: Councilmember Rice

Motion by Huggins, seconded by Knox, to attach Emergency Clause to Ordinance No. 2605. **Motion carried** as follows and Ordinance No. 2605 is in effect immediately:

AYES: Mayor Rudkin, Councilmembers Knox,
Huggins and Moore
NAYS: Councilmember Rice

13. Public Hearing and Consideration of Ordinance No. 2606 rezoning from "E-1" General Commercial District to "E-2" Open Display Commercial Planned Unit Development (PUD) District at University Plaza Addition, located south of E. 2nd Street, west of Bryant (Sooner Investments, applicant). This is a companion to the above item.

Motion by Knox, seconded by Huggins, to approve Ordinance No. 2606 as read by title by City Planner subject to the conditions listed above. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox,
Huggins and Moore
NAYS: Councilmember Rice

14. Public Hearing and Consideration of commercial Site Plan approval for a Lowe's Home Improvement Center, located south of E. 2nd Street, west of Bryant (Sooner Investments, applicant). The building will be located 60 feet east of the future Target store. The main building will contain 115,000 square feet and a Garden Center will be located on the east end of the building. A 14,815 square foot storage area will be located on the south side of the building near the west corner. A 20 foot high tube steel fence with black vinyl coated chain link fencing fabric and 100% opaque screening fabric will be installed around the storage area. The application exceeds the landscaping and parking requirements.

Motion by Knox, seconded by Huggins, to approve Item 14 subject to the conditions outlined on Item 12. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox,
Huggins and Moore
NAYS: Councilmember Rice

Councilmember Rice stated he was concerned about visual effects of the 14 foot brick retaining wall and the back of the 30 foot building that will be seen from Bryant. He stated he still has major concerns about the traffic generated from this development. Councilmember Rice stated the project contains a lot of concrete and very little green space and he urged the

Council to think about what the project will look like before approving the application. He stated he preferred less parking spaces and more green space.

Randel Shadid addressed Council and stated that the amended plat would contain approximately 10,000 square feet less than the original plat and the traffic study shows that there will be approximately 200 cars less at peak times. He stated no additional signs will be requested with the amended plan.

Nancy Warren addressed Council in opposition and requested the plat be combined into one plat to reduce the number of signs that will be allowed. Ms. Warren was also concerned about the traffic. Ronnie Williams, representing the Edmond Neighborhood Alliance, also addressed Council and stated he feels the Lowe's site is ugly and he requested the outdoor storage area receive the same treatment as the Wal Mart Supercenter and be aesthetically improved. Mr. Williams stated the proposed building will look like the one on Memorial. Dan O'Neal also addressed Council regarding safety in the outdoor display area in the parking lot.

DeWayne Blackman, representing Lowe's addressed Council and stated the proposed development will be different from the location on Memorial and has received significant upgrades from their normal store design.

Councilmember Knox stated the amended plan was a substantial improvement over the previous proposal. He noted the new plan consolidates all the buildings into one building resulting in approximately 10% less square footage in the total project. Councilmember Knox stated he feels there is improved traffic flow due to the different peak times, the out parcels along Bryant will be eliminated and the landscaping will be doubled. He requested the fence around the storage area stop on the east side of the detention pond.

15. Public Hearing and Consideration of commercial Site Plan approval for an office/warehouse building, located at 208 W. Edmond Road (Gary Sadeghy, applicant). The roofline has been amended to be more compatible with the historic area. The building will be built to the east and west property line and concrete block will be used on the sides of the building to comply with the building code. A variance is requested along the west property line where the building abuts a residential lot facing Edmond Road. Keith Beatty, representing the applicant, addressed Council and asked about the formula for calculating the cost of paving the alley.

Motion by Huggins, seconded by Moore, to approve Item 15 subject to the following conditions recommended by the Central Edmond Urban Development Board:

- 1) 300 feet of new alley to be constructed behind the proposed building will be paid for using funds budgeted by the City of Edmond for downtown improvements;
- 2) Grant the 10 foot variance as a buffer on the west side of residentially zoned property;
- 3) In lieu of paying the alley, the applicant will pay the city for paving one-half of the alley.

Motion carried as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

16. NEW BUSINESS: None

17. Motion by Huggins, seconded by Moore, to adjourn meeting.

Motion carried as follows:

AYES: Mayor Rudkin, Councilmembers Rice,
Knox, Huggins and Moore
NAYS: None

City Clerk

Mayor