

EDMOND CITY COUNCIL MINUTES

March 26, 2001

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

2. Approval of Minutes. Motion by Rice, seconded by Knox, to approve Minutes of the March 12, 2001, City Council meeting. **Motion carried** as follows:

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

3. City Council Presentations:

- A. **Presentation of proclamation proclaiming March 26, 2001, as "DALLAS D. GRAHAM DAY" in the City of Edmond.**
- B. **Presentation of proclamation observing March 26, 2001, as "ARBOR DAY" in the City of Edmond.**
- C. **Presentation by the National Arbor Day Foundation to the City of Edmond for achievement of TREE CITY USA and to Edmond Electric for achievement of TREE LINE USA Growth Award.**

4. Appointments to Boards and Commissions:

- A. **Appointment to the Urban Forestry Commission.** Mayor Rudkin nominated Gail Ederer to fill the unexpired term of Sally Morgan.
- B. **Appointment to the Edmond Employee Pension & Retirement Board.** The Board nominated Johnny Carter to replace Terri McKay to serve a two-year term expiring on March 23, 2003. The Board also nominated Joyce Dedek, Sylvia Valuikas and James Harrod for re-appointment to serve two-year terms expiring on March 23, 2003.

Motion by Huggins, seconded by Knox, to approve Items 4.A. and 4.B. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox

and Huggins
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 February 28, 2001.
- 2) Acceptance of City Treasurer's Investment Report for month ending February 28, 2001.
- 3) Approval of supplemental appropriations and agreement with Public Sector Personnel Consultants for professional services for the City Manager's Department.
- 4) Approval of extension of service agreement with Sedgwick Claims Management Services, Inc. for general liability, automobile liability and workers compensation risks.
- 5) Public Hearing and Consideration of Ordinance No. 2607 amending Edmond Municipal Code Section 2.76.020 to provide for the reduction of number of Commissioners of the Edmond Arts and Humanities Council to fifteen; and providing for Repealer and Severability.
- 6) Approval to declare 1209 Bluff Creek Drive a public nuisance and approval of abatement plan. Steve Murdock, City Attorney, addressed Council and stated on November 11, 2000, a fire damaged the house. Mr. Murdock noted that complaints have been received from residents about the smell of rotting foodstuffs in the garage, burnt freezer and refrigerator. He stated staff has mailed several notices to the property owner to clean and secure the property and as of this date nothing has been done.

David Howard, property owner, addressed Council and stated he has had some problems with the insurance company but he is planning to clean the property as soon as he can get these problems settled. Mr. Howard stated he has three parties interested in buying the

property and he requested additional time to clean the property.

Mr. Murdock recommended this item be continued in order for the property owner and the City's Code Enforcement Officer to meet in an attempt to agree on a solution for cleaning up the property.

Motion by Huggins, seconded by Knox, to continue General Consent Item 5.A.(6) to the next meeting. **Motion carried** as follows:

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

7) **Approval of supplemental appropriations - Vehicle Maintenance - \$93,863**

8) **Acceptance of electric easement from The Edmond Church of Christ to serve 801 S. Bryant Avenue.**

9) **Acceptance of the following easements for Phase I of Sidewalk Project:**

- a) Independent School District No. 12
- b) Richard Whitman and Clevetta Sloan

10) **Acceptance of street right-of-way easement from Kay Bee Investments Co., Inc.**

11) **Approval of supplemental appropriations - Planning Department - \$200**

B. **Approval of Purchases:**

1) **Approval of Request For Proposals disposition by the Purchasing Manager.**

2) **Approval of disposal of surplus and/or obsolete items.**

3) **Award of bid for upgrade and maintenance of voice mail system.** The Director of Central Communications/Emergency Management recommended accepting bid from Avaya c/o Exp@nets as a sole source vendor.

- 4) **Award of bid for a fire service pumper for the Fire Department.** Purchasing Manager recommended accepting bid from Chief Fire and Safety.

Motion by Huggins, seconded by Knox, to approve General Consent Items 5.A.(1-5,7-11) and 5.B.(1-4). **Motion carried** as follows:

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

- 5) **Approval of contract with Smith-Roberts and Associates for the Downtown Detention Study.** Randel Shadid addressed Council on behalf of the Central Edmond Urban Development Board, and requested the study be funded using funds from undesignated fund balance rather than the Capital Improvement Fund established for downtown projects. Leonard Martin, City Manager, addressed Council and stated there is sufficient funds in the Capital Improvement Fund to fund this study. He noted the General Fund has been contributing funds each year to this fund for a purpose such as this and he recommended the study be funded from the Capital Improvement Fund.

Motion by Huggins, seconded by Knox, to approve General Consent Item 5.B.(5) using funds from the Capital Improvement Fund. **Motion carried** as follows:

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

Motion by Huggins, seconded by Rice, 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 and Huggins
NAYS: None

9. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of commercial Site Plan approval for an office building, located at 1501 Renaissance Boulevard, located south of 15th Street and west**

of Kelly (Chris Harper, applicant).

- B. Public Hearing and Consideration of Ordinance No. 2608 closing a portion of a utility easement at 1508 Echohollow Trail, Oak Tree Park 1st Addition (Thomas and Deborah Accardi, applicants).

Motion by Knox, seconded by Huggins, to approve Planning Consent Items 9.A. and 9.B. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox and Huggins

NAYS: None

10. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) to General Commercial Planned Unit Development usage, located south of Danforth, east of Wal-Mart Supercenter and west of Park Lane Addition (Frank Battle, applicant). Randel Shadid addressed Council on behalf of the applicant and requested this item be continued to the next meeting in order to conduct a Community Connections meeting on April 4th.

11. Public Hearing and Consideration of Ordinance rezoning from "D-O" Suburban Office Planned Unit Development (PUD) to "E-1" General Commercial Planned Unit Development, located south of Danforth, east of Wal-Mart Supercenter and west of Park Lane Addition (Frank Battle, applicant). This is a companion to the above item and Mr. Shadid also requested this item be continued to the next meeting.

Motion by Knox, seconded by Huggins, to continue Items 10 and 11 to the next meeting. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox and Huggins

NAYS: None

12. Public Hearing and Consideration of request to amend the current "A" Single Family Planned Unit Development (PUD) Design Statement for property located on the northwest corner of Jordan and Memorial to allow 32 units rather than 25 units and to amend the PUD Master Plan for this property (Alan Spencer, applicant). The site contains four and one-half acres. In September, 1995, The Lyford was approved as a single family PUD containing 25 dwelling units. Mr. Spencer has since acquired the property and The Lyford project is no longer planned. The proposed addition

will be known as Olde North Village and will contain private streets with a controlled access gate. Leavitt's North Park Addition is located east of the proposed development and most of the lots are one acre in size although the Addition contains a variety of lot sizes. Planning Commission recommended denial and felt that the application lacked sufficient detail to determine if the density is appropriate for this rural setting. The Commission also felt that 25 units was the maximum number suitable for this property.

Elisabeth Whitlock, engineer with Red Plains Professional, Inc., addressed Council on behalf of the applicant. Ms. Whitlock stated the application is in compliance with City requirements and she urged approval.

Ray Vaughn, attorney representing residents of Leavitt's North Park Addition, addressed Council in opposition. Approximately 35 people were in attendance in opposition. Max Carter, Sandra McNabb, Karen Coleman, Shawn Meadows, Irene Meadows, Becky Raines and Patsy Burke also addressed Council in opposition. Mr. Vaughn stated the primary concerns of the residents is the density of the project. He requested his clients receive the same consideration that were given to the neighbors when Keas Plaza was approved.

Councilmember Knox asked if the developer had met with residents to discuss amending the PUD. Alan Spencer addressed Council and stated a Community Connections meeting was held on March 1, 2001, and they were unable to reach an agreement at that time.

Councilmember Knox noted that a precedent was set when The Lyford development was approved in 1995. He stated he felt it was unrealistic for area residents to expect that this property would develop with only one or two homes since it is surrounded by higher density developments in Oklahoma City.

Councilmember Rice stated he felt density and access issues need to be addressed before approving this project.

Councilmember Knox requested Mr. Spencer meet with Mr. Vaughn to discuss the issues and attempt to reach a compromise on the development.

Motion by Huggins, seconded by Rice, to continue Item 12 to the next meeting. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox

and Huggins
NAYS: None

13. Public Hearing and Consideration of Ordinance No. 2609 amending Edmond Plan III from Single Family Residential to Restricted Commercial usage, located at 14 E. 11th Street (Kenneth and Shirley Phillips, applicants). The parcel is located in the Reynolds Neighborhood which was primarily developed in the 1940s and 1950s. A single family stone house is currently located on the property and faces another home on the north side of 11th Street. The applicant owns both the house and office building and plans to make this parcel into a parking lot to be used by the existing office park. The Planning Commission recommended denial and felt this was an inappropriate extension of commercial into a residential development and that 11th Street has not changed in character to justify non-residential uses.

Kenneth Phillips addressed Council and stated his intent is to improve the property and traffic visibility problems at this location. He stated he plans to provide parking in the back of the business and reduce a portion of the existing parking lot in the front of the building. Mr. Phillips stated by reducing the parking in front, visibility will be improved for vehicles turning onto Broadway from 11th Street. Mr. Phillips stated the surrounding area has cars parking on both sides of the street and the parking lot will help to eliminate most of the on-street parking. He noted that they plan to add low landscaping along Broadway which will eliminate parking in that area and increase visibility onto Broadway. Mr. Phillips also plans to improve the appearance of the office building.

Councilmember Rice stated he is always cautious about extending commercial into a residential area but due to the visibility problems and the surrounding area he would support the application. He noted the proposed changes would improve a dangerous situation for traffic turning onto Broadway.

Ronnie Williams, representing the Edmond Neighborhood Alliance, addressed Council on this matter.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2609 as read by title by City Planner due to extenuating circumstances regarding the traffic site triangle, the location of the existing office building and the surrounding area.
Motion carried as follows:

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

Motion by Knox, seconded by Huggins, to attach Emergency Clause to Ordinance No. 2609. **Motion carried** as follows and Ordinance No. 2609 is in effect immediately:

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

14. Public Hearing and Consideration of Ordinance No. 2610 rezoning from "A" Single Family Residential District to "D-1" Restricted Commercial District, located at 14 E. 11th Street (Kenneth and Shirley Phillips, applicants). This is a companion to the above item and was discussed at that time.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2610 as read by title by City Planner. **Motion carried** as follows:

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

15. Public Hearing and Consideration of Special Use Permit in an "E-1" General Commercial District for a 44 unit apartment complex, located on the south side of 2nd Street, east of the Best Western Motel on east 2nd Street and west of Smithcot Square Shopping Center (Satyam Enterprises, LLC, applicant). The site contains 4.5 acres and the four buildings and cabana will have a total of 51,484 square feet of floor space. A 22 foot wide drive is proposed at the northeast corner of the site. Cross access will be provided with the Best Western Motel on the north and south ends of the project. A decorative pond will be constructed in front of the apartments along 2nd Street that was proposed when the Best Western was constructed. The drainage plan, which will tie in with the improvements at 2nd and Coltrane, has been approved by City staff. Planning Commission recommended denial and felt the project was not compatible with the surrounding area which is primarily commercial developments. Commissioners were also concerned about the need for a second access.

Randel Shadid, attorney representing the applicant, addressed Council and stated if the property was developed commercially there would be more traffic than the proposed development would

generate. He stated the drainage plan would eliminate surface run-off from the property and would take care of the existing drainage problems at the Smithcot Square Shopping Center. He noted the application substantially exceeds the landscaping requirements. Mr. Shadid stated the apartments would be two and one-half stories high and is similar to the Legacy Apartments complex which is also surrounded by commercial property. He noted one driveway would be shared with the Best Western Motel and another driveway would be to the east. He stated both driveways would be right turn only. Mr. Shadid stated the application is a good use for a piece of property that is hard to develop. David Todd, civil engineer representing Todd Engineering, addressed Council and stated the drainage plan will benefit Smithcot Square Shopping Center more than a normal detention plan.

Ronnie Williams, representing the Edmond Neighborhood Alliance, addressed Council and requested the buildings be brick all the way to the roof line and he noted that the traffic would increase in this already congested area of the city. Dan O'Neal addressed Council and stated the Council would be setting a precedent by allowing a high density apartment complex to be located between two intensely commercial projects.

Pat Smith, owner of the Smithcot Square Shopping Center, addressed Council about her concerns regarding the drainage from the proposed project. She requested some assurance that the drainage plan will take care of the drainage problems.

Councilmember Knox stated the property owner to the south had contacted him and stated he was not opposed to the project but that he was concerned about the grade of the property abutting his property. He was concerned that over the years the property would erode and take part of his property also. Councilmember Knox requested the applicant work with the abutting property owner to develop an acceptable solution. Councilmember Rice stated he was opposed to the project and agreed with the concerns of the Planning Commission.

Motion by Knox, seconded by Huggins, to approve Item 15 subject to special consideration being provided for stormwater run-off to the east and that the applicant work with the property owner to the south regarding the grade differences of the southern portion of the property. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox and Huggins

NAYS: Councilmember Rice

16. **Public Hearing and Consideration of Ordinance No. 2611 rezoning from "G-A" General Agricultural District to "F-O" Limited Light Industrial and General Office Corridor District, located on the southwest corner of I-35 and Sorghum Mill Road (Dr. French Hickman, applicant)(Continued from February 12, 2001).** At the February 12th meeting the Council continued this item in order for staff to research the Oklahoma Department of Transportation's (ODOT) authority regarding billboards along I-35 and to investigate the existing billboards. Bob Schiermeyer, City Planner, stated one illegal billboard has been erected on property north of Covell, east of I-35 and is not owned by the applicant. Mr. Schiermeyer stated the property owner has been notified that the billboard is illegal and will need to be removed. The applicant has several billboards on his property and had indicated that he wanted the rezoning in order to establish the appropriate classification to obtain a billboard permit from ODOT. City of Edmond ordinances prohibit additional billboards on this property.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application was a land use issue and is in compliance with the Edmond Plan. He noted at the February 12th City Council meeting the discussion became sidetracked regarding the billboard issue. Mr. Shadid stated the applicant has no plans to apply for further billboard permits from ODOT.

John Preston, attorney representing property owners to the west of the subject property, addressed Council and stated his clients are not opposed to the application but if the application is approved, he encouraged the Council to add a stipulation that no new billboards would be placed on the property or that no new permits from ODOT would be applied for with the intent to place billboards on the property at a later date.

Tommy Sitzbaugh, Richard Klein and Melinda Norton addressed Council in opposition.

Councilmember Rice stated since a development plan has not been determined, he felt there was no reason to approve the application.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2611 as read by title by City Planner. **Motion was denied** as follows:

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

17. Executive Session to discuss the following pending claims/ litigations (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)):

Azarnoush vs. City of Edmond
Thurman vs. City of Edmond

Motion by Rice, seconded by Knox, to meet in Executive Session to discuss the above pending claims. **Motion carried** as follows:

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

Mayor and Councilmembers recessed to the City Council Conference Room at 8:30 p.m. and returned to the City Council Chambers at 8:32 p.m.

Motion by Knox, seconded by Huggins, to adjourn Executive Session. **Motion carried** as follows:

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

Motion by Huggins, seconded by Knox, to authorize City Attorney to proceed with settlement negotiations on the above claims. **Motion carried** as follows:

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

18. NEW BUSINESS:

Jerry Smith introduced the new City Engineer, Steve Manek.

Councilmember Huggins commended the Police Department regarding their actions during the recent hostage situation that occurred this past weekend.

19. Motion by Knox, seconded by Huggins, to adjourn meeting. Motion carried as follows:

AYES: Mayor Rudkin, Councilmembers Rice, Knox

and Huggins
NAYS: None

City Clerk

Mayor