

EDMOND CITY COUNCIL MINUTES

April 9, 2001

Mayor Bob Rudkin called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 9, 2001, in the City Council Chambers.

2. Approval of Minutes. Motion by Huggins, seconded by Knox, to approve Minutes of the March 26, 2001, City Council meeting. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of proclamation proclaiming April as "CHILD ABUSE PREVENTION MONTH" in the City of Edmond.**

4. Appointments to Boards and Commissions:

A. **Appointment to the Parks and Recreation Advisory Board.** Mayor Rudkin nominated Jamie Hooyman to fill the unexpired term of Jerry McNabb expiring on July 31, 2001.

Motion by Moore, seconded by Rice, to approve Item 4.A. **Motion carried** as follows:

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

5. GENERAL CONSENT ITEMS: (General Consent Items were voted on collectively except where noted.)

A. **Approval of Administrative Items:**

- 1) **Approval of electric easement from Fairfax Golf Club to serve 2905 N. Sooner Road.**
- 2) **Approval of budget increase for FEMA Safe Room Grant Program - \$50,000**
- 3) **Acceptance of easement donation from Kelly Second**

Investment, LLC for Phase I of Sidewalk Project.

4) Acceptance of electric easement from Kelly Pointe Technology Park to serve S. Kelly Avenue and S.W. 33rd Street.

B. Approval of Purchases:

1) Approval of bid disposition by the Purchasing Manager.

2) Approval of disposal of used vehicles for the Fleet Management Department.

3) Approval of Change Order No. 2 in the amount of \$2,892 with Standard Roofing for Fire Station No. 3 roof replacement.

4) Award of bid for a fire suppression system for the Emergency Operations Center and approval of Resolution No. 05-01 appointing Purchasing Agent Purchasing Manager recommended accepting bid from MGM Fire Systems.

5) Award of Request for Proposal (RFP) for document imaging services for the MIS Department. Staff recommended accepting FRP from Perfect Image, Inc.

6) Approval of Change Order No. 1 in the amount of \$53,116.25 with LandPlan Consultants, Inc. for professional services for the Trails and Sidewalks Master Plan.

Motion by Knox, seconded by Huggins, to approve General Consent Items 5.A.(1-4) and 5.B.(1-6). **Motion carried** as follows:

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

Motion by Moore, 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, Huggins and Moore
NAYS: None

9. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Final Plat of Bridgewater Office, Section 2, located on the east side of Santa Fe, east of Jeannes Trail (ERC Properties, applicant).**

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

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

10. Public Hearing and Consideration of Ordinance No. 2612 amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) to Restricted Commercial Planned Unit Development usage, located south of Danforth, east of Wal-Mart Supercenter and west of Park Lane Addition (Frank Battle, applicant). This item was continued from the last meeting in order to conduct a Community Connections meeting on April 5th with area residents and the developer. The developer has amended the application from General Commercial PUD to Restricted Commercial PUD since the last meeting. The property was rezoned to Suburban Office PUD on July 14, 1997, with the intent that the property would be used as a buffer between Park Lane Estates and the Wal-Mart Supercenter.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application is in compliance with the intent of the ordinance regarding plan amendments. He stated the ten adjacent property owners have no objection to amending the Plan and that the property owners have a negotiated agreement with the applicant for future damages to their properties. Mr. Shadid stated the building would be a maximum of 40,000 square feet and would share a drive with the existing Wal-Mart Supercenter. He stated the exterior walls would be brick or quick brick and the color will match the existing eight foot brick wall that buffers the development from the ten adjacent property owners. The developer has agreed to eliminate eight uses for the property and to restrict the placement of dumpsters. Mr. Shadid stated 15% of the site will be landscaped with 5% in front of the building. A sprinkler system will be installed to maintain the landscaping. He noted the pole lights

will be the same type that is currently being used by the Wal-Mart Supercenter. Mr. Shadid urged approval and stated he felt there was no legal reason to deny the application.

Ray Vaughn, attorney representing the Park Lane Estates Homeowners Association, addressed Council in opposition. He stated the project effects the entire neighborhood and not just the adjacent ten residents. Mr. Vaughn questioned the developer's motive in paying the ten homeowners for future damages. He stated the application is not compatible with the surrounding area and that there is still adequate need of office space in the City. Mr. Vaughn stated that Council would be setting a precedent if the application is approved. Gloria Westerham and Joel Kahn also addressed Council in opposition.

Dan Short, one of the ten abutting homeowners, addressed Council and stated the applicant did not approach the residents and offer a settlement. He noted that one of the residents requested a financial settlement from the applicant which resulted in the negotiated agreement. Mr. Short stated the ten homeowners approached the Park Lane Homeowners Association and received no assistance. He noted that it was only after news of the financial settlement appeared in the newspapers that the Homeowners Association began to protest the Plan amendment and rezoning request.

Councilmember Huggins stated he did not feel the increased traffic would be an issue due to the new traffic lights that have been installed. He stated he gave his word to several residents that the property would remain zoned Suburban Office and he felt he would be breaking his word if he voted to approve the application.

Councilmember Rice stated City policy does not allow restricted commercial developments next to single family homes and he felt the application was not compatible with the established City policy. He stated he also felt that a dangerous precedent has been set by the applicant negotiating a financial settlement with the abutting homeowners.

Councilmember Moore stated he felt the application would have no affect on the neighborhood other than the abutting property owners but could not support the application due to the financial settlement.

Councilmember Knox stated he would vote on the application from a purely planning perspective.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2612 as read by title by City Planner. **Motion was denied** as follows:

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

11. **Public Hearing and Consideration of Ordinance rezoning from "D-O" Suburban Office Planned Unit Development (PUD) to "R-1" Restricted 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 was not considered due to the failure of that item.

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 existing PUD Master Plan for this property (Alan Spencer, applicant)(Continued from March 26, 2001).** The application has been amended to decrease the units from 32 to 25 detached single family structures. Staff stated the application is in compliance with City ordinances.

Elizabeth Whitlock, engineer with Red Plains Professional, Inc., addressed Council on behalf of the applicant. Ms. Whitlock stated the entrance has been moved south and the applicant agreed to increase the detention. She stated a privacy fence would be installed on the west and an ornamental fence with landscaping would be on the north.

Ray Vaughn, representing several residents of the Leavitt's North Park Addition, addressed Council and stated the applicant has agreed to construct single-family detached structures as requested by the area homeowners. He noted that several issues remain unresolved. Mr. Vaughn stated the neighborhood felt the appropriate density for this property is 15 to 20 dwellings and they requested the entry be moved south of the southern most house on Jordan in order to cause as little interference with existing residents as possible. He requested a site proof fence on the north and west sides of the development and a marker identifying the addition be installed at the entrance.

Max and Bobbie Carter, Karen Coleman, Chuck Foley, Bob Gazing,

Mike and Julie Schneider, Thomas Parkhurst and Dan O'Neal addressed Council in opposition.

General discussion was held and Councilmember Knox stated he felt the application still needed additional details. He stated tonight's meeting is a repeat from the last meeting and he has not learned anything new. He noted there are still too many issues unresolved. Councilmember Knox stated he was not comfortable with redesigning the addition at this meeting. Councilmember Rice stated he was concerned about the density and he also felt the application should be more detailed. General consensus of Council was to continue this matter to the next meeting. Councilmember Rice stated the items he will be looking at during the next meeting is compatibility with the existing neighborhood, moving the driveway, site proof fencing, turn lanes and landscaping. He stated he would prefer a density of 20 units but certainly not more than 25. Councilmember Rice stated he felt the entrance should be off of Jordan Avenue since it is a public street. The Mayor and other Councilmembers concurred.

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

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

13. Public Hearing and Consideration of commercial Site Plan approval for a Holiday Inn Express and Suites, located on the south side of E. 2nd Street, west of the Conoco Service Station, east of the Animal Medical Clinic (Foster Hospitality Group, applicant). The property is located in the I-35 Corridor and is the first site plan reviewed under those standards. The three story all brick building will contain 41,846 square feet and will have 80 rooms. The applicant is requesting a reduction in the number of plant units required but they do meet the 15% landscaping requirement. City ordinances require 30 plant units for every 250 square feet of landscaping and the applicant does not have room to meet this requirement. The applicant only has room for 12% of the plant units required within the private property and are requesting they be allowed to place the remaining plant units in the highway right-of-way. The applicant is requesting approval from the Oklahoma Department of Transportation (ODOT) to place plant material or other improvements in the right-of-way. City ordinances require 75% of the plant material be selected from the I-35 vegetation

palette and the applicant's landscaping plan has 60% of plant units from the palette. The Planning commission recommended approval.

Earnest Isch, engineer representing the applicant, addressed Council and stated the intent of the ordinance is to give credit for existing trees and this property has been clear cut and does not have any trees on the property. He stated ODOT has endorsed the landscaping plan and the applicant is waiting on the official permit from ODOT. Mr. Isch stated the motel is not located next to any residential developments and he requested the four foot stockade fence be eliminated.

Dick Hague, member of the I-35 Corridor Coalition, addressed Council and requested the berm on the north side be taller than two and one-half feet as proposed for noise protection in order to get landscaping reduction points. Mr. Hague also requested that Council require adequate noise barriers for future projects in this corridor.

Motion by Moore, seconded by Knox, to approve Item 13 subject to removal of the four foot stockade fence. **Motion carried** as follows:

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

14. Executive Session to discuss the following pending claim/ litigation (Executive Session authorized pursuant to 25 Okla. State. Sec. 307(B)(4)):

Anderson vs. City of Edmond

15. Executive Session to discuss the purchase of real property, located at First Street and Littler, Edmond, Oklahoma (Executive Session authorized pursuant to 25 Okla. State. Sec. 307(B)(3)):

Motion by Moore, seconded by Rice, to meet in Executive Session to discuss Items 14 and 15. **Motion carried** as follows:

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

Mayor and Councilmembers recessed to the City Council Conference Room at 8:45 p.m. and returned to the City Council Chambers at 9:00 p.m.

Motion by Moore, seconded by Rice, to adjourn Executive Session.

Motion carried as follows:

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

Motion by Knox, seconded by Moore, to authorize City Attorney to proceed with settlement negotiations on Item 14. **Motion carried** as follows:

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

Motion by Knox, seconded by Huggins, to authorize City Attorney and City Manager to proceed with negotiations for the purchase of the real property located at First Street and Littler. **Motion carried** as follows:

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

16. Discussion of roadside litter reduction methods within the city limits. Troy Powell, Management Analyst, addressed Council and stated the Community Image Group has been formed to research this matter. He stated they will meet on Wednesday, April 11th and he will provide a report to Council after the meeting.

17. NEW BUSINESS:

Councilmember Rice stated due to the blowing dirt from the proposed Target location he requested the property be declared a public nuisance in order to get some grass planted to reduce the blowing dirt. He requested this matter be placed on the next agenda for consideration.

Leonard Martin stated EMSA will demonstrate their communications system on April 11th at 4:30.

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

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

City Clerk

Mayor