

EDMOND CITY COUNCIL MINUTES

May 14, 2001

Mayor Bob Rudkin called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 14, 2001, in the City Council Chambers.

2. Approval of Minutes. Motion by Huggins, seconded by Knox, to approve Minutes of the April 23, 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 recognizing Major Mike Wooldridge.**
- B. **Presentation of proclamation recognizing Grant Hutchins.**
- C. **Presentation of award to Edmond Electric for best safety record in Oklahoma for large municipal utilities (over 10,000 population).**

4. Appointments to Boards and Commissions:

- A. **Appointment to the Edmond Convention and Tourism Advisory Board.** Mayor Rudkin nominated Tracey Osborne to fill the unexpired term of Wanda Cantrell expiring on October 10, 2003. Councilmember Knox nominated Martha Hall for re-appointment to serve a term expiring on October 10, 2003. Councilmember Huggins nominated Scott Smelser to fill the unexpired term of David Brock expiring on October 10, 2003.

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) Acceptance of electric easement from Lazy E West, Inc., to serve water well on 4720 N. Post Road.
- 2) Approval of changes to rental fee structure for park pavilions.
- 3) Approval of fee adjustment for Aquatic Center annual passes for the 2001 swim season only.
- 4) Approval of the following agreements:
 - a) Renewal of inter-local cooperation agreements with the Board of County Commissioners of Oklahoma County
 - b) Renewal of mutual agreement with Board of County Commissioners of Oklahoma County for re-construction, improvements, repairs and maintenance of certain City streets
- 5) Approval of supplemental appropriations - Street Department - \$40,000
- 6) Approval of electric easement from Zan Situ and Mei Ling Guan to install primary electric lines and equipment to serve China Express, 351 W. 15th Street.
- 7) Approval of Memorandum of Understanding with the YMCA of Greater Oklahoma City.
- 8) Acceptance of utility easement from The Luther W. Marks, Jr. Trust for water line to serve ChappelWood Office, 1725 S.E. 15th Street.
- 9) Acceptance of street easement from Weingarten Nostat, Inc. for a new signal light at 2nd Street and Bryant.

B. Approval of Purchases:

- 1) Approval of bid disposition by the Purchasing Manager.
- 2) Approval of contract addendum with Frankfort/Short/ Bruza streetscape design for Ayers

Street between Broadway and Boulevard, with time and material not to exceed \$4,500.

3) Approval of purchase of real property located at 24 E. 1st Street from Bank One and approval of supplemental appropriations from prior year undesignated fund balance in the Capital Improvement Fund - \$303,250

4) Approval of contract with the Association of Central Oklahoma Governments (ACOG) in the amount of \$4,200 for traffic data collections.

5) Approval of Change Order No. 1 with T.J. Campbell Construction Company for the FY 2000/01 Fall Street Overlay Project.

6) Award of bid for distribution of wood poles for the YourGovShop member participants. Purchasing Manager recommended accepting bid from Weyerhaeuser.

Motion by Moore, seconded by Knox, to approve General Consent Items 5.A.(1-9) and 5.B.(1-6). **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:

- A. Public Hearing and Consideration of Final Plat of Villas II -A at Coffee Creek (formerly Villas III), located one-fourth mile north of Covell, west of Boulevard (Derek Turner, applicant).
- B. Public Hearing and Consideration of commercial Site Plan approval for an automobile sales business, located at 3801 S. Broadway (David Stanley, applicant). The building will

be 5,925 square feet and will contain E.I.F.S. on the front and side elevations. The rear elevation will be metal with three overhead doors. Metal buildings are on the north and west sides of this site, so the proposed metal wall on the rear is in compliance with City standards. The E.I.F.S. exterior material is in character with the surrounding area which is a mixture of metal, brick and E.I.F.S. The application is in compliance with landscaping requirements. Landscaping islands will be located at the ends of the rows of used cars and beside the building. Landscaping will also be along the back of the building and in the front of the site next to Broadway.

Councilmember Rice stated he is concerned about the aesthetics of the building and the location of the landscaping. He also requested that the building exterior be part brick. Councilmember Rice asked if a driveway will connect with the Golden Corral Restaurant on the south. He noted it was City policy to have connecting driveways along Broadway to help with traffic congestion.

Bob Schiermeyer, City Planner, addressed Council and stated a stub-out is located on the Golden Corral site for a potential connection. He noted the applicant proposes to fence their property and did not want a connecting drive.

Earnest Isch, engineer representing the applicant, addressed Council and stated that landscaping will also be located on the north side of the Golden Corral. He noted that the front landscaping islands contain 132 plant units. Mr. Isch stated due to security reasons the applicant preferred not to connect to the Golden Corral. He stated if a driveway is necessary, the applicant would provide a connection, but he requested they be allowed to install a gate that can be closed at night to eliminate theft.

General discussion was held regarding the driveway location and Councilmember Rice requested the applicant adhere to the driveway policy of interconnecting drives.

Motion by Knox, seconded by Rice, to approve Planning Consent Item 9.B. subject to an interconnecting drive with the Golden Corral. **Motion carried** as follows:

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

- C. Public Hearing and Consideration of Ordinance No. 2613 rezoning from "A" Single Family Dwelling District to "E-1" General Commercial District, located at 127 W. 1st Street (Pete Reeser Properties, Inc., applicant).
- D. Public Hearing and Consideration of Ordinance No. 2614 to close a public utility easement, located west of 2nd Street and Bryant, at University Plaza East Addition (Sooner Investments, applicant).
- E. Public Hearing and Consideration of Ordinance No. 2615 to close a portion of Comfort Drive, located north of Tractor Supply, west of the proposed Taste of China Restaurant (Tractor Supply, applicant).
- F. Public Hearing and Consideration of Ordinance No. 2616 to close a portion of a public utility easement, located at 3516 Oak Heritage Trail (Matt Gee, applicant).
- G. Public Hearing and Consideration of commercial Site Plan approval to convert a dwelling to a business, located at 1725 E. 15th Street (ChappelWood Investment Corporation, applicant).

Motion by Knox, seconded by Moore, to approve Planning Consent Items 9.A., 9.C. through 9.G. **Motion carried** as follows:

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

- H. Consideration of Final Plat for Senior Residences of Edmond, located on the north side of Ayers, west of Redbud Square, 350 feet west of Bryant and east of the Highland Park Baptist Church, and south of the Kingston Addition (Earnest Isch, applicant). The site contains 4.353 acres and 42 one-story dwelling units are planned.

Councilmember Rice asked what assurance the neighboring residents have that all the trees and landscaping will not be removed during construction.

Bob Schiermeyer addressed Council and stated prior to any clearing or grubbing, his staff will take digital photographs of the site to assure that the applicant removes the proper amount of vegetation as agreed to with

residents of the Kingston Addition. He stated this will provide a good quality buffer for the residents.

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

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

- I. **Public Hearing and Consideration of the Multi-Family residential Site Plan approval for Senior Residences of Edmond, located on the north side of Ayers, west of Redbud Square, 350 feet west of Bryant and east of the Highland Park Baptist Church, and south of the Kingston Addition (Earnest Isch, applicant).** This is a companion to the above item.

Dan O'Neil, representing the Edmond Neighborhood Alliance, addressed Council and suggested a permanent restrictive covenant be placed on the property to document the existing vegetation as a way of protecting the area residents.

Earnest Isch, engineer representing the applicant, addressed Council and stated the area next to the Kingston Addition is a dedicated right-of-way and no clearing or construction will take place in that area.

Motion by Rice, seconded by Moore, to approve Planning Consent Item 9.I. subject to photographs being made a part of the Site Plan. **Motion carried** as follows:

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

10. **Public Hearing and Consideration of Ordinance rezoning from "D-0" Suburban Office District to "D-1" Restricted Commercial District, located at 825 S. Kelly (Pete Reeser, applicant).** Mayor Rudkin stated this item will be continued to June 11, 2001, at the request of the applicant.

11. **Public Hearing and Consideration of variance request for a side yard setback and minimum separation between signs to allow to ground signs at 3701 S. Broadway (Automax and Hyundai Dealer, applicant).** The applicant is requesting a variance from the 50 foot side yard setback requirement for two signs. One sign

would be located on the north side of the property and a second sign would be on the south side. A second variance from the 300 foot separation between signs requirement is also requested.

Frank DePrado, representing Metro Signs, addressed Council on behalf of the applicant. Mr. DePrado stated it was necessary to have two signs because the Hyundai franchise does not allow any reference to used cars on their sign. He stated the site contains 341.90 feet of frontage but that the 50 foot side yard setback does not allow for the 300 foot separation. He requested the applicant be allowed to place the signs 25 feet from the side property lines and establish a 291.9 foot separation.

Motion by Rice, seconded by Knox, to approve Item 11. **Motion was denied** as follows:

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

12. Public Hearing and Consideration of Ordinance amending Section 17.04.225 of the Edmond Municipal Code, Access Standards for Controlled Gates to add new Subsection (19) providing for standard modification for plats containing less than 15 lots; and providing for Repealer and Severability. Current code requires a 20 foot access gate because fire lanes are 20 feet wide. The proposed ordinance would reduce the gate opening to 14 feet and would also reduce the stacking distance from 80 feet to 40 feet.

Councilmember Knox stated he requested this ordinance be considered by Council. He stated the developer of Golf Club Estates in the Oak Tree Addition is proposing to install a security gate in the new addition. Councilmember Knox stated the addition contains 15 lots and 11 homes. He stated he feels there should be a way to accommodate a situation such as this.

J.W. Armstrong, developer of Golf Club Estates, addressed Council and stated the driveway width will only allow a 14 foot gate. He stated they have attempted to redesign the gate to allow the appropriate width but have not come up a solution.

Dwight Maker, Fire Chief, addressed Council in opposition. Chief Maker stated that even though the addition only has 15 lots, the Fire Department will still respond to an emergency situation with the same apparatus as they would with a larger gated community. Chief Maker stated this is one street with a turnaround at the end and congestion would be a significant problem. He stated the Fire Marshal denied the request and the developer appealed the decision to the Board of Appeals and the Board upheld the Fire Marshal's denial. The Fire Chief and Fire Marshal met with the developer and his attorney and the Fire Department agreed to allow an existing parking lot at the Oak Tree clubhouse as a turnaround. They also agreed to waive the

80 foot requirement due to the small number of homes and because it was an extension of an existing street. The Appeals Board agreed with the Fire Department's recommendations. Chief Maker stated he felt the City would be setting a dangerous precedent by amending the ordinance and that he felt each application should be considered on a case by case basis. David Wiist, Fire Marshal, also addressed Council on this matter.

General discussion was held and Councilmembers presented several suggestions to the developer to accommodate a security gate and also satisfy the Fire Department. Councilmembers Moore and Rice stated they were opposed to amending the ordinance. Consensus of Council was for the developer to meet with the Fire Chief and Fire Marshal and review the suggestions made during the meeting in order to reach a satisfactory solution. No motion was made on this matter.

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

Hutton vs. City of Edmond
Leigh vs. City of Edmond

Motion by Moore, seconded by Rice, to meet in Executive Session to discuss the above items. **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 7:10 p.m. and returned to the City Council Chambers at 7:17 p.m.

Motion by Rice, seconded by Huggins, 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 the above items. **Motion carried** as follows:

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

14. **NEW BUSINESS:** None

15. Motion by Moore, seconded by Huggins, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor