

EDMOND CITY COUNCIL MINUTES

June 11, 2001

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 11, 2001, in the City Council Chambers. All Council members were present.

2. Approval of Minutes. Motion by Rice, seconded by Knox, to approve Minutes of the May 29, 2001, City Council meeting. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

3. City Council Presentations:

A. **Presentation of proclamation proclaiming June 18-23, 2001, as "AMATEUR RADIO WEEK" in the City of Edmond.**

4. Appointments to Boards and Commissions:

A. **Appointment of Municipal Judge and Assistant Municipal Judge.** Mayor Naifeh nominated Alan Synar as Municipal Judge and Beth Kerr as Assistant Municipal Judge. Formal approval will be considered at the next meeting.

B. **Election of Mayor Pro Tem/Vice Chairman of the Edmond Public Works Authority.**

Motion by Knox, seconded by Miller, to elect Councilmember Barry Rice as Mayor Pro Tem/Vice Chairman. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

C. **Appointment to the Stormwater Drainage Advisory Board.** Mayor Naifeh nominated Councilmembers Steve Knox and Charles Lamb.

D. **Appointment to the Finance Committee.** Mayor Naifeh nominated Councilmembers Barry Rice and Charles Lamb.

- E. **Appointment to the Public Transportation Committee.** Mayor Naifeh nominated Councilmember David Miller.
- F. **Appointment to the Public Works Committee.** Mayor Naifeh nominated Councilmembers Barry Rice and David Miller.
- G. **Appointment to the Association of Central Oklahoma Governments.** Mayor Naifeh nominated Councilmember Steve Knox.
- H. **Appointment to the Edmond Historic Preservation Trust.** Mayor Naifeh nominated Carlita Walters to replace Sharon Foshee to serve a term expiring on January 1, 2004.
- I. **Appointment to the Social Agency Review Commission.** Mayor Naifeh nominated Dr. Dan Tallerico for reappointment to serve a term expiring on May 7, 2006.
- J. **Appointment to the Citizens Participation Committee.** Mayor Naifeh nominated Kim Weathers.
- K. **Appointment to the Public Works Committee.** Mayor Naifeh nominated Walt Stammer for reappointment to serve a term expiring on May 28, 2002.

Motion by Knox, seconded by Lamb, to approve Items 4.C. through 4.K. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
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 Kohl's Department Store to serve 2201 W. Danforth Road.**
- 2) **Acceptance of subdivision improvements and maintenance bonds for Cedar Pointe III Addition, generally located on the south side of Santa Fe, one-fourth mile south of Danforth Road.**
- 3) **Acceptance of subdivision improvements and maintenance bonds for Legacy at Oak Tree, located on**

the east side of Kelly, one-fourth mile south of Waterloo Road. Councilmember Lamb stated he was opposed to accepting maintenance bonds and improvements for projects that have not been completed but that he would not contest this item.

4) Approval of Resolution No. 07-01 assuming jurisdiction of Municipal Court cases involving juveniles.

Items 5.A.(5-10) are companion items and were discussed at one time.

5) Public Hearing and Consideration of Ordinance Repealing and Amending Section 16.08.030, Permits and Fees of Chapter 16.08 Plumbing Code of Title 16 Buildings and Construction of the Edmond Municipal Code, directing such change and providing for Repealer and Severability.

6) Public Hearing and Consideration of Ordinance Repealing and Amending Section 16.06.030 Permits and Fees of Chapter 16.06 One and Two Family Dwelling Code of Title 16 Buildings and Construction of the Edmond Municipal Code, directing such change and providing for Repealer and Severability.

7) Public Hearing and Consideration of Ordinance Repealing and Amending Section 16.16.130 Permits and Fees of Chapter 16.16 Electrical Code of Title 16 Buildings and Construction of the Edmond Municipal Code, directing such change and providing for Repealer and Severability.

8) Public Hearing and Consideration of Ordinance Repealing and Amending Section 16.12.040 Permits and Fees of Chapter 16.12 Gas Piping and Appliances Code of Title 16 Buildings and Construction of the Edmond Municipal Code, directing such change and providing for Repealer and Severability.

9) Public Hearing and Consideration of Ordinance Repealing and Amending Section 16.36.040 Permits and Fees of Chapter 16.36 Mechanical Heating and Air Conditioning Code of Title 16 Buildings and Construction of the Edmond Municipal Code, directing such change and providing for Repealer and

Severability.

10) Public Hearing and Consideration of Ordinance Repealing and Amending Section 16.04.030 Permits and Fees of Chapter 16.04 Building Code of Title 16 Buildings and Construction of the Edmond Municipal Code, directing such change and providing for Repealer and Severability.

Leonard Martin addressed Council and stated a study was prepared by an outside consultant three years ago that recommended fees be increased in increments. He stated last year the fees were due to be increased but because the existing fees covered the cost of service the increase was not implemented. The fee increases will remain in line with the consultant's recommendation and will allow for the building review and inspection process to operate as an enterprise fund. He noted that the Impact Fee Committee recommended approval of the increase.

Ron Nutt, 3201 Adobe Drive, addressed Council in opposition to the proposed fee increase. He noted the City's fees are already the highest in the metro area. Mr. Nutt stated the last time fees were increased he was under the impression that the inspection staff would be increased but that did not occur.

Ed Steiner, Director of Building Services, addressed Council and stated the staff consists of four inspectors due to the recent hiring of an additional inspector. He stated that a new position of Plan Review Technician will be added in FY 2001/02. Mr. Steiner stated the proposed increases will fund 87% of operating costs.

General discussion was held and Councilmember Knox requested a comparison of other city's fees. Councilmember Rice noted it was the previous Council's desire that the fees support the department rather than the City subsidizing construction costs for new projects. Mr. Steiner stated he will present a benchmarking report and analysis at the next meeting.

Motion by Knox, seconded by Miller, to continue Items 5.A.(5-10) in order for staff to prepare a benchmarking report on fee structures of metro area cities. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

11) **Approval of supplemental appropriations - Vehicle Maintenance - \$10,800**

12) **Approval to purchase easement from Danforth Development, LLC for the Santa Fe Widening Project, 15th Street south to the Kirkpatrick Turnpike.**

13) **Acceptance of water line construction permits from the Oklahoma Department of Environmental Quality for the Thomas Drive Water Line Extension Project.**

14) **Acceptance of sanitary sewer easement from Gilbert Tuepker for the 24 inch Sanitary Sewer Creek Crossing Project.**

15) **Acceptance of maintenance bonds for Fire Station No. 3 Roof replacement.**

Motion by Lamb, seconded by Miller, to approve General Consent Items 5.A.(1-4,11-15). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

B. **Approval of Purchases:**

1) **Approval to reject bids for the 2001 Safe Routes to School Project for the Engineering Department.**

2) **Approval of bid disposition by the Purchasing Manager.**

3) **Award of bid for rehabilitation of residential structure located at 425 Meadow Lake Drive as part of the Community Development Block Grant (CDBG) program. The Citizens Participation Committee recommended accepting bid from L.G. Construction Company.**

4) **Approval to renew Excess Worker's Compensation Insurance Coverage with Midwest Employers Casualty Company.**

5) **Approval of recommendation for Third Party Administrator for Worker's Compensation, Liability, and Broker Services.**

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

9. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Site Plan and Special Use Permit approval for the Pelican Bay Aquatic Center, located at 1030 S. Bryant (City of Edmond Parks and Recreation Department, applicant).**
- B. **Public Hearing and Consideration of Final Plat for Stonebrook II of Coffee Creek, located west of Boulevard, one-fourth mile north of Coffee Creek Road (Bob Turner, applicant).**

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

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

- C. **Public Hearing and Consideration of Ordinance No. 2617 to close a portion of a public utility easement, located at 1709 Boomer Trail (Ron and Kristen Squires, applicants).** The applicant is requesting three foot of an existing utility easement be closed in order to construct a swimming pool. The pool will have a significant concrete pool apron that extends into existing easements. The Olde Town Homeowners Association will provide three feet of additional easement in a common area southwest of the

applicant's lot. The applicant submitted a hold harmless letter for any damage done to the concrete apron if the City or any other utility needs to excavate the easement for repairs.

Councilmember Rice stated he preferred not to close an easement for the purpose of constructing a swimming pool and that closing the easement does not meet the criteria used in the past for closing easements. Councilmember Rice stated he would vote to approve the ordinance only because the applicant is giving a three foot easement in return.

Kristen Squires addressed Council and stated the sewer line is on the side of the easement. She noted that they have agreed not to hold the City responsible for damages.

Councilmember Knox noted that if the property is sold at a later date, the new owners will not be agreeable to the City damaging their property. General discussion was held and Steve Murdock, City Attorney, addressed Council and stated he would meet with the applicant and draft an indemnity agreement to be recorded with the Oklahoma County Clerk. Consensus of Council was to accept the easement from the Homeowners Association and formally approve the indemnity agreement at a future meeting.

Motion by Rice, seconded by Knox, to approve Ordinance No. 2617 as read by title by City Planner contingent upon the City Attorney drafting a recordable indemnity agreement.

Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

10. Consideration of request to release temporary drainage easement, located west of Santa Fe, south of Danforth Road (John Alexander, applicant). The drainage easement is approximately 20 feet wide and is needed to allow water runoff to be directed to a drainage structure in the Orchards at the Trails.

David Pierce, President of the Orchards at the Trails Homeowners Association, addressed Council and stated the drainage ditch is continuing to widen with each rain and property is being washed away. He requested this item be denied until a new drainage study is presented.

The applicant was not present at the meeting.

Motion by Knox, seconded by Lamb, to continue Item 10 until the Site Plan Review process and drainage reports are submitted.

Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

11. Public Hearing and Consideration of Ordinance Amending Edmond Plan III from Single Family Dwelling Planned Unit Development (PUD) to Suburban Office usage, located on the northwest corner of Locust Lane and Bryant Avenue (Keas Plaza, applicant). Mayor Naifeh stated the applicant has requested this item be continued to the next meeting. Nancy Nelson, 1412 Ridgcrest Road, addressed Council and requested this item be continued to July 9, 2001.

12. Public Hearing and Consideration of Ordinance Rezoning from "A" Single Family Dwelling Planned Unit Development (PUD) to "D-O" Suburban Office District, located on the northwest corner of Locust Lane and Bryant Avenue (Keas Plaza, applicant). This is a companion to the item and Ms. Nelson also requested this item be continued to July 9, 2001.

Motion by Knox, seconded by Lamb, to continue Items 11 and 12 to July 9, 2001. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

13. Public Hearing and Consideration of Ordinance No. 2618 Rezoning from "D-O" Suburban Office District to "D-1" Restricted Commercial District, located at 825 S. Kelly (Pete Reeser, applicant)(Continued from May 14, 2001, City Council meeting). The applicant has amended the application to exclude the south 100 feet next to the Kelly Park Addition and the west 100 feet next to the Copperfield Addition and leave those parcels as Suburban Office. Planning Commission recommended denial prior to the amendments being made to the rezoning request. The Edmond Plan proposes Restricted Commercial for this site due to the long-term presence of commercial zoning along Kelly.

Wallace Mitchell, Copperfield Addition, addressed Council and submitted a petition in opposition to construction of a

restaurant on this site. He stated area homeowners are concerned about what type of businesses would be brought into their neighborhoods and are opposed to any business operating after hours. Karen Horner, Kelly Park Addition, also addressed Council in opposition, and stated a restaurant will decrease the property values of residents.

Pete Reeser addressed Council and stated he does not have a contract for a restaurant to be located on the property at this time. He stated there is too much available office space in the City and because of the existing zoning on Kelly he felt restricted commercial would be the best use of the property. Mr. Reeser stated he would plant a row of trees on the south and west sides of the property and he agreed to eliminate restaurant as a usage for this site.

Councilmember Rice stated he was concerned with the possibility of restaurant usage so close to residential developments. He stated he could see no justification to approve the rezoning request. He noted that 100 foot buffers next to single family developments does not comply with City policy.

Councilmember Miller cautioned against restricting the hours of operation for a business.

Motion by Lamb, seconded by Knox, to approve Ordinance No. 2618 as read by title by City Planner. **Motion was denied** as follows:

AYES: None
NAYS: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller

14. NEW BUSINESS: None

15. Motion by Rice, seconded by Lamb, to adjourn meeting.
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,
Knox, Lamb and Miller
NAYS: None

City Clerk

Mayor