

EDMOND CITY COUNCIL MINUTES

June 25, 2001

Mayor Sandra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 25, 2001, in the City Council Chambers. All Council members were present.

2. Approval of Minutes. Motion by Lamb, seconded by Knox, to approve Minutes of the June 11, 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 Journey Lineman Certificate to William Longnecker.**
- B. **Presentation of Oklahoma City National Memorial Survivor Tree sapling to City Council by Deb Ferrell-Lynn.**

4. Appointments to Boards and Commissions:

- A. **Appointment of Municipal Judge and Assistant Municipal Judge.** Mayor Naifeh nominated Alan Synar as Municipal Judge and Elizabeth Kerr as Assistant Municipal Judge.
- B. **Appointment to the Citizen Participation Committee.** Mayor Naifeh nominated Denise Cunningham

Motion by Rice, seconded by Knox, to approve Items 4.A. and 4.B. **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) **Acceptance of City Manager's Financial Report for**

month ending May 31, 2001.

2) **Acceptance of City Treasurer's Investment Report for month ending May 31, 2001.**

3) **Approval of request by the Edmond Parks Foundation to name the KickingBird Golf Club pavilion the "Dallas Graham" Pavilion.**

Motion by Knox, seconded by Lamb, to approve Item 5.A.(3).
Motion carried as follows:

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

4) **Public Hearing and Consideration of Ordinance No. 2619 repealing Section 10.16.070 Official Inspection Stickers, of the Edmond Municipal Code; and providing for Repealer, Severability and Declaring an Emergency.**

Motion by Lamb, seconded by Knox, to attach Emergency Clause to Ordinance No. 2619. **Motion carried** as follows and Ordinance No. 2619 is in effect immediately:

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

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

5) **Public Hearing and Consideration of Ordinance No. 2620 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.**

6) **Public Hearing and Consideration of Ordinance No. 2621 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 No.**

2622 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.

8) Public Hearing and Consideration of Ordinance No. 2623 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 No. 2624 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.

10) Public Hearing and Consideration of Ordinance No. 2625 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.

These items were continued from the last meeting in order to allow staff time to prepare a benchmarking report of fees from metro area cities. The report compared rates from Oklahoma City, Norman and Midwest City.

Ron Nutt, 3201 Adobe Drive, addressed Council and stated the fees will be increased by 50 percent or more and they are already the highest in the metro area. Mr. Nutt requested that the fee increases be used to hire another inspector.

Ed Steiner, Director of Building Services, addressed Council regarding the fee study and noted that since each city charges their fees in different ways, it was difficult to compare each fee separately.

Councilmember Lamb stated the rates are comparable to other cities Edmond's size. Councilmember Miller asked why the fees for commercial buildings were the same as for a

residence. He noted that the City of Norman has a sliding scale depending upon the size of the commercial building. Councilmember Lamb stated when the Impact Fee Committee discussed the fee structure they decided to retain the same type of fee structure that has been used in the past. He noted the increase is an incremental increase that was recommended by an outside consultant several years ago.

Councilmember Knox stated he supports the idea of the fees covering the direct costs of the department and that although he supports the concept, he was concerned about the amount of the increases.

Motion by Lamb, seconded by Miller, to approve Ordinance Nos. 2620 through 2625 as read by title by City Attorney. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice and Lamb
NAYS: Councilmembers Knox and Miller

- 11) **Approval of Resolution No. 09-01 authorizing spending above the 90% limit.**
- 12) **Approval of supplemental appropriations - Senior Center - \$2,942.99**
- 13) **Approval of supplemental appropriations - Public Safety Improvement Fund - \$68,731.61**
- 14) **Acceptance of permanent drainage and temporary construction easements from Michael R. McKee located in Fisher Hills Addition.**
- 15) **Acceptance of utility easement from Billy J. Blundell for the FY 2000/01 Sanitary Sewer Project.**
- 16) **Approval of Cooperative Agreement with the Oklahoma Department of Transportation for Bridge Inspection Program.**

Motion by Rice, seconded by Knox, to approve General Consent Items 5.A.(1-2,4,11-16). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice, Knox, Lamb and Miller

NAYS: None

B. **Approval of Purchases:**

- 1) **Approval of renewal of agreement for professional services with Marvin York in the amount of \$12,000 for Administrative Services.** Staff requested this item be continued.
- 2) **Award of bid for traffic control signs for the Engineering Department.** Purchasing Manager recommended accepting bid from Vulcan Signs.
- 3) **Award of bid (including renewal options) for hot mix and cold lay asphalt for City Departments.** Purchasing Manager recommended accepting bids from T.J. Campbell and Paving Maintenance Supply.
- 4) **Approval of bid disposition by the Purchasing Manager.**
 - a) Training and duty ammunition for the Police firing range to G.T. Distributors and Ultramax for an estimated annual amount of \$30,000.
 - b) MUTCD traffic signs for the Street/Traffic Control Department to Custom Products Corp. and American Logo and Signs for an estimated annual amount of \$10,000.
- 5) **Award of bid for 14 laptop computers and accessories for Police vehicles for the MIS Department.** Purchasing Manager recommended accepting bid from Portable Computer Systems.
- 6) **Approval to utilize Oklahoma County Construction Contract No. 101057 with T.J. Campbell Construction for major road damage repairs in the amount of \$480,000.**
- 7) **Approval of Change Order No. 1 in the amount of \$1,735 for rehabilitation of residential structure located at 425 E. 8th Street as part of the Community Development Block Grant (CDBG) program.**

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.B.(2-7) and to continue Item 5.B.(1).
Motion carried as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

Knox, Lamb and Miller
NAYS: None

Motion by Rice, 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

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Ordinance No. 2626 rezoning from "A" Single Family Dwelling District to "E-1" General Commercial District, located at 101 W. 5th Street (Jesse Alarez, applicant).**

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

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

- B. **Public Hearing and Consideration of Final Plat for Santa Fe Plaza Addition, located on the northeast corner of 15th Street and Santa Fe (Irish Realty Corporation, applicant).** The property consists of 8.59 acres. The plat requires a water line on Santa Fe be extended east of Santa Fe where the common driveway is located and a sanitary sewer line will also be constructed along the north property line and then south to the Bank of Oklahoma site. This was required by the bank for approval of the deed. A main drive is proposed on 15th Street east of the McDonalds/Conoco and another drive north of the Bank of Oklahoma site. This will allow the interconnection of all the commercial lots. An additional driveway is planned for the pad site on 15th Street. The Bank of Oklahoma is also proposing a driveway on Santa Fe. Detention will be provided for each individual building site. Staff recommended limits of no access be placed on Lot 3 along Santa Fe. Staff stated a variance from the Access Management Policy would be required to approve a drive on this property.

Bryan Coon, Coon Engineering, addressed Council

representing the applicant. He stated the reason they were requesting plat approval at this time was that city staff requested the plat in order to see how the property would be developed. He stated they are opposed to a limit of no access restriction on the property, but they are willing to accept the restriction if required by Council.

Motion by Knox, seconded by Rice, to approve Planning Consent Item 9.B. subject to the limitation of no access on Lot 3 with cross access to Bank of Oklahoma permitted. **Motion carried** as follows:

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

- C. **Public Hearing and Consideration of Site Plan approval for a new bank, located north of 15th Street, north of the Conoco/ McDonald's on the east side of Santa Fe (Bank of Oklahoma, applicant).** The building will contain 4,746 square feet. A driveway on Santa Fe is proposed which will require a variance from the driveway separation policy. The adjacent plat will construct a main entry drive immediately north of this site. Staff recommended the driveway be denied in order to comply with the Access Management Policy for drive locations since the bank will be able to use the main subdivision drive rather than their own separate drive.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant meets or exceeds all City requirements. He stated they will amend the site plan to show the ATM will match the exterior of the bank building and will contain the same type of signage that it now has. Mr. Shadid stated the application meets the driveway policy because their lot was deed certified prior to the previous subdivision plat application. He noted this site is autonomous and not part of any other plat.

Motion by Lamb, seconded by Rice, to approve Planning Consent Item 9.C. subject to the ATM matching the bank building and the driveway connections matching up to the cross access easement. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of Ordinance closing a public utility easement, located west of Waterwood Parkway, south of E. 2nd Street, west of Bryant Avenue (Sooner Land Company, LLC, and Edmond University Plaza, LLC, applicants).** The applicant is requesting that a blanket easement granted in 1930 be closed. A portion of the original easement was not filed of record and the location of the easement is not documented. Since there are no improvements in these easements, staff recommended approval.

Councilmember Rice stated he feels the property is an eyesore and the applicant has not complied with requests to deal with erosion and other problems on the site. He stated he felt there was no reason to grant approval of additional requests to the developer. General discussion was held and consensus of Council was to continue this item to the next meeting in order to allow the applicant sufficient time to improve the property by providing erosion control and planting grass, etc. to make the property more aesthetically pleasing.

John Combs, representing the applicant, addressed Council and stated closing the easement will speed up the construction and help eliminate the problem.

Diana Losche, 920 Paddock Lane, also addressed Council on this matter.

Motion by Knox, seconded by Rice, to continue Planning Consent Item 9.D. to the next meeting. **Motion carried** as follows:

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

9. **Public Hearing and Consideration of Ordinance No. 2627 amending Edmond Plan III from Single Family Dwelling to General Commercial Planned Unit Development (PUD) usage, located in the 300 Block of W. 1st Street, on the south side of 1st, west of Fretz Avenue (Pete Reeser, applicant).** The property contains 10,500 square feet and is currently vacant. The application was amended to a PUD in order to eliminate several uses that were not compatible with the surrounding residential developments. The applicant plans to use the property for warehouse/office

use. A recent rezoning was approved southwest of this property.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2627 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 2628. **Motion carried** as follows and Ordinance No. 2628 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Knox, Lamb
and Miller
NAYS: Councilmember Rice

10. Public Hearing and Consideration of Ordinance No. 2628 rezoning from "A" Single Family Dwelling District to "E-1" General Commercial Planned Unit Development (PUD), located in the 300 Block of W. 1st Street, on the south side of 1st, west of Fretz Avenue (Pete Reeser, applicant). This is a companion to the above item and was discussed at that time.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2628 as read by title by City Planner. **Motion carried** as follows:

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

11. Public Hearing and Consideration of Ordinance No. 2629 Amending Edmond Plan III from Single Family Dwelling usage to Suburban Office usage, located at 809 S.E. 33rd Street, 907 S.E. 33rd Street, 1101 S.E. 33rd Street, 1109 S.E. 33rd Street and 1217 S.E. 33rd Street (Donald J. Boyce, Mr. And Mrs. Everett Wright, Jerry Grant, Jim Hill and Noel W. Carey, applicants). The Edmond Plan projects suburban office only at three corners of the intersection of 33rd Street and Bryant in order to be compatible with the First Baptist Church, Fisher Hills office and residential, Cheyenne Ridge Addition and Thornbrooke Addition. Staff noted that if approved, a new pattern of office usage would be set along this mile away from section line corners.

Jim Hill addressed Council and stated since 33rd Street was widened, traffic speed has become excessive and it is not safe

to back out of the driveways. He stated that his mailbox has been hit by motorists and knocked down numerous times. Mr. Hill stated they are not allowed to park on the street and when they have guests, they are restricted to how many can park in their driveways.

Jerry Grant addressed Council and stated the neighborhood has changed and it is not suitable for single family homes. He stated due to the excessive speed on 33rd Street, the residents would be unable to sell their homes in the future when it becomes necessary due to age and health requirements.

Donald Boyce also addressed Council and stated the only recourse available to the applicants would be to turn their homes into rental property, which will cause deterioration of the neighborhood.

Diana Losche (920 Paddock Lane), Harry Garrett (3120 Prairie), Betty Warren (1100 Coffey Circle), Beverly Terry (Fisher Hills), Betty Jean Blue (3104 Sherrywood Road) and Nila Roak (Edmond Neighborhood Alliance) addressed Council in opposition. Their primary concerns were increase in crime and reduction in property values.

Councilmember Knox stated there are not many places like these properties left in Edmond that front a four lane street that have not already been rezoned. He stated he felt the application is consistent with past policy.

Councilmember Lamb stated the character of the property has changed with the four laning of 33rd Street and he felt there was no alternative to amending the Plan without being detrimental to the surrounding area. He noted that something will have to be done eventually due to the continued changes in the area.

Councilmember Rice agreed that the area has changed but he was concerned with the "hodge podge" of requests. He noted that not all of the property owners along this area of 33rd Street were part of the application. He stated that office use is compatible with single family developments and will provide a good buffer. He noted that approval of the rezoning does not assure that additional curb cuts will be allowed or that any site plan will be approved. All site plans for this area would still need to be reviewed and approved by the City Council. Homeowners were cautioned about conversion of existing homes to offices.

Motion by Knox, seconded by Lamb, to approve Ordinance No. 2629 as read by title by City Planner. **Motion carried** as follows:

AYES: Councilmembers Rice, Knox and Lamb
NAYS: Mayor Naifeh and Councilmember Miller

Motion by Lamb, seconded by Knox, to attach Emergency Clause to Ordinance No. 2630. **Motion was denied** as follows:

AYES: Councilmembers Rice, Knox and Lamb
NAYS: Mayor Naifeh and Councilmember Miller

12. **Public Hearing and Consideration of Ordinance Rezoning from "A" Single Family Dwelling District to "D-O" Suburban Office District, located at 809 S.E. 33rd Street, 907 S.E. 33rd Street, 1101 S.E. 33rd Street, 1109 S.E. 33rd Street and 1217 S.E. 33rd Street (Donald J. Boyce, Mr. And Mrs. Everett Wright, Jerry Grant, Jim Hill and Noel W. Carey, applicants).** This item was not considered due to failure of the Emergency Clause on Item 11.

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

Hickman vs. City of Edmond

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 8:00 p.m. and returned to the City Council Chambers at 8:12 p.m.

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

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

Mayor Naifeh stated no action would be taken on the above item.

14. Discussion and consideration of scheduling a City Council retreat for August 2-3, 2001. Consensus of Council was to schedule the retreat as requested.

15. NEW BUSINESS:

Councilmember Knox stated the Arts in Public Places ordinance is ready for distribution to the Council and he requested their input. He noted the ordinance outlines the voluntary funding for public art and it will be placed on a future agenda.

Councilmember Lamb stated he felt that Title 21 of the Edmond Municipal Code should be revisited in the near future.

Mayor Naifeh commended the Police Department for their actions regarding the shooting over the weekend.

16. Motion by Miller, seconded by Lamb, to adjourn meeting. Motion carried as follows:

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

City Clerk

Mayor