

EDMOND CITY COUNCIL MINUTES

December 10, 2001

Mayor Saundra G. Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, December 10, 2001, in the City Council Chambers.

2. Approval of Minutes. Motion by Lamb, seconded by Knox, to approve November 26, 2001, Minutes. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of National Floodplain Certification to Mike Moore by Ken Morris with the Oklahoma Water Resources Board.**

B. **Recognition of Oklahoma Water and Pollution Control Association 2001 awards to the following recipients:**

- 1) Johnny Weaver - Outstanding Supervisor of the Year
- 2) Duane Calhoun - Newcomer of the Year

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

A. **Approval of Administrative Items:**

1) **Public Hearing and Consideration of Ordinance No. 2663 amending the Edmond Municipal Code to add new Section 8.16.015, defrauding an innkeeper; and providing for Repealer and Severability.**

2) **Public Hearing and Consideration of Ordinance No. 2664 amending the Edmond Municipal Code, Section 2.54.030(3)(c) to provide for absence due to military service; providing for Repealer and Severability and Declaring an Emergency.**

Motion by Rice, seconded by Miller, to attach Emergency Clause to Ordinance No. 2664. **Motion carried** as follows and Ordinance No. 2664 is in effect immediately:

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

3) **Approval of Mutual Assistance Agreement between the Edmond Fire Department and the following:**

- a) Deer Creek Fire Protection District
- b) Oak Cliff Fire Protection District

4) **Approval of recommendation by the Capital Projects Financing Task Force to move funding for 2nd Street and Littler turn lane improvements from FY 2005/06 to FY 2001/02.**

5) **Acceptance of public improvements and release of subdivision bond for Concorde Addition.**

6) **Acceptance of public improvements and maintenance bonds for the following:**

- a) KickingBird Tennis Center
- b) Chaumont Plaza
- c) Covell Road
- d) Bank of Oklahoma

B. **Approval of Purchases:**

1) **Approval of Change Order No. 16 with TRW in the amount of \$3,971.96 for Tritech/Sunpro closed record download changes for the Fire Department.**

2) **Approval of agreement with Orion Group in the amount of \$30,417 for development of a Master Plan for the property located on the northeast corner of I-35 and Covell Road.**

3) **Approval of engineering services contract with Bass & Associates, Inc. in the amount of \$40,000 for sports lighting, scoreboard, and sound system improvements for A.C. Caplinger Sports Complex at Hafer Park.**

Motion by Knox, seconded by Lamb, to approve General Consent Items 4.A.(1-6) and 4.B.(1-3). **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

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of an extension to Site Plan approval to replace a building that burned, located on the west side of Broadway, south of Waterloo Road (Bob Brentlinger, applicant).** Bob Schiermeyer, City Planner, stated the applicant will meet the ten percent minimum landscaping requirements.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 8.A. **Motion carried** as follows:

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

- B. **Public Hearing and Consideration of commercial Site Plan approval for an addition to Cheers and More Gym, located at 507 S. Coltrane (Ron Carte, applicant).**
- C. **Public Hearing and Consideration of Ordinance No. 2665 closing the south five feet of an easement on an unplatted tract, located north of Lot 14, Block 3, Belmont Farms Estates 1st Addition, 4200 Ruffin Court (RGD Building Company, applicant).**

Motion by Rice, seconded by Miller, to approve Planning Consent Items 8.B. and 8.C. **Motion carried** as follows:

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

Councilmember Rice temporarily left the City Council Chambers.

- D. **Public Hearing and Consideration of Final Plat of Steeplechase 8th Addition, located west of Coltrane, south of Coffee Creek Road (Caleb McCaleb, applicant).** Councilmember Miller asked if the easement situation has been resolved. Steve Murdock stated all the parties have entered into a letter of agreement whereby all the easements have been identified and the agreement also stipulates who will build what item and where it will be built.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 8.D. **Motion carried** as follows:

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

Councilmember Rice returned to the City Council Chambers.

- E. **Consideration of request for variance from the ground sign height for the Windrush Apartments, located at 200 W. 15th Street (Oakwood Graphics representing Windrush Apartments, applicant).** The proposed sign will include a waterfall and will be approximately 8.83 feet in height which exceeds the six foot height standard for signage along 15th Street. The size of the sign is 30 square feet which is below the maximum allowed of 42 square feet.

Councilmember Lamb stated the waterfall is not part of the signage but is actually a water feature. He stated he wanted to emphasize that he felt that approval of the variance would not set a precedent for future sign variances.

Councilmember Rice stated he felt the request was reasonable due to the uniqueness of the sign and he also felt that it would not set a precedent.

Councilmember Knox stated he felt the proposed sign variance does not conform to the sign ordinance. He stated he was concerned that the fountain will not be adequately maintained and the sign will become nothing more than a tall sign.

Ed Johnson, representing Oakwood Graphics the designer of the sign, addressed Council and stated the applicants are

spending a large amount of money on the water feature and will continually maintain it. The proposed sign will replace the existing sign. He noted that the letters on the sign face would be 18 inches high and the base that will hold the letters is four feet high. Mr. Johnson stated he preferred not to reduce the size of the base for safety reasons.

General discussion was held regarding the sign height. Mayor Naifeh requested that the sign height be reduced by one foot and Mr. Johnson agreed to reduce the height of the waterfall.

Motion by Lamb, seconded by Rice, to approve Planning Consent Item 8.E. subject to reducing the height of the waterfall by one foot. **Motion carried** as follows:

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

- F. **Public Hearing and Consideration of commercial Site Plan approval for properties located at 45 and 49 E. 9th Street (Tom Pinkston, applicant).** Councilmember Lamb addressed Council and stated an alley along the back of the buildings is not platted but has been used as an alley for a number of years. He stated that several businesses access their property from this unofficial alley. He noted that the Central Edmond Urban Development Board will be reviewing this site in an effort to make the unplatted alley official as the area transitions to more retail uses in the next five to ten years.

Motion by Knox, seconded by Lamb, to approve Planning Consent Item 8.F. **Motion carried** as follows:

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

9. **Consideration of request for variance from gated street standards for Golf Club Estates, located one-half mile west of Kelly, one-half mile north of Sorghum Mill Road (J.W. Armstrong, applicant).** The applicant is requesting that the entrance gate into Golf Club Estates be reduced to 14 feet. City ordinances require 20 foot wide gate entrances.

Fire Chief Gil Harryman addressed Council and recommended denial. Chief Harryman stated the National Fire Protection Association established a minimum width of 20 feet. He stated the fire truck operators felt 14 feet was too narrow to get their apparatus through safely and quickly in an emergency. Chief Harryman stated the previous Fire Chief had met with the applicant a number of times and it was agreed by all parties at that time that the exit gate would be reduced to 14 feet but that the entrance would remain at 20 feet. He stated he felt this was a workable solution since the site contains 38 feet from inside curb to inside curb.

Randel Shadid, attorney representing the applicant, addressed Council and stated there will be approximately 15 homes in the addition and they all agreed to the narrower entrance gate.

Councilmember Knox stated he could see no reason to deny the request since the homeowners will assume all the risk.

Motion by Knox, seconded by Miller, to approve Item 9. **Motion carried** as follows:

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

10. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Suburban Office Planned Unit Development (PUD) to Restrict Commercial Planned Unit Development, located south of Danforth Road, west of Park Lane Addition, east of Wal Mart Supercenter (Expressway Development Associates, Inc., applicant). Mayor Naifeh stated this item would be continued to January 14, 2002, at the request of the applicant.

11. Public Hearing and Consideration of Ordinance rezoning from "D-O" Suburban Office Planned Unit Development (PUD) to "D-1" Restricted Commercial Planned Unit Development, located south of Danforth Road, west of Park Lane Addition, east of Wal Mart Supercenter (Expressway Development Associates, Inc., applicant). This is a companion to the above item and was also continued to January 14, 2002.

12. Consideration of request from B&B Tennis, Inc. to fund the cost of operating the heating equipment proposed for the enclosed tennis courts. When the budget was approved, the City agreed to purchase heaters for the tennis courts with the understanding that B&B Tennis would pay for the operating costs.

The estimated operating costs are \$18,000 per year.

Jerry Smith, Interim City Manager, addressed Council and stated funds have not been budgeted to pay for operation costs and the expense can not be absorbed by the Park and Recreation Department budget. Mr. Smith stated staff recommended denial.

Winnie Bushey, representing B&B Tennis, addressed Council and stated at the time the tennis courts were covered, in order to stay within the budget, it was decided not to put any heaters or insulation in the building. Ms. Bushey stated the heaters are essential for operations as the building temperature gets very cold. She estimated operation costs would be approximately \$6,000 which is significantly lower than the City estimated amount. Ms. Bushey stated the City pays for the utilities for other sports entities and her agreement with the City stipulates that the City will pay all utility costs associated with operations.

Councilmember Knox stated the Tennis Center is a for profit operation and the other sports entities that are supplemented by the City are non-profit businesses. He stated at this time he is not in favor of committing to pay the utility costs. Councilmember Knox noted that Ms. Bushey has done an excellent job of managing the facility and that he wanted her to remain as the manager of the tennis facility. He stated that he preferred to work out an arrangement for paying the utility costs which will enable her to continue as manager without having to worry if she will be paid each month.

Mr. Smith stated the bids for the heaters are approximately 80 percent complete but work stopped when this issue came up. He stated the earliest the bids could be awarded is late January to early February, 2002.

Councilmember Lamb suggested that staff move forward with soliciting bids and getting the heaters installed. He stated this would give staff the necessary time to determine more accurate costs to operate the heaters. He noted the method of structuring the utilities could be decided at a later date.

Motion by Miller, seconded by Rice, to continue Item 12 with the understanding that staff will proceed with soliciting and awarding the bids in order to get the heaters installed. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Rice,

