

EDMOND CITY COUNCIL MINUTES

January 24, 2000

Mayor Bob Rudkin called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 24, 2000, in the City Council Chambers. Councilmember Rice was absent due to illness.

2. Approval of Minutes. Motion by Knox, seconded by Huggins, to approve Minutes of the January 10, 2000, City Council meeting. **Motion carried** as follows:

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

3. City Council Presentations:

A. **Presentation of Mayor's proclamation proclaiming the priority of Census 2000.**

B. **Oklahoma Municipal League's presentation to the following twenty-five (25) year Service Award Recipients:**

- 1) Earl London - Leisure Services
- 2) John Buzzard - Animal Control
- 3) Rex Cooley - Electric Department
- 4) Johnnie Gibbon - Fire Department

4. Appointments to Boards and Commissions:

A. **Appointment to the Fish and Game Commission.** Councilmember Rice nominated George Moore for re-appointment to serve a four-year term expiring on January 8, 2004.

B. **Appointment to the Historic Preservation Trust.** Mayor Rudkin nominated Dan Provo to serve on the Trust.

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

AYES: Mayor Rudkin, Councilmembers 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 City Manager's Financial Report for month ending December 31, 1999.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending December 31, 1999.**
- 3) **Approval of Resolution No. 02-00 authorizing the Mayor to sign application for a permit to use groundwater.**
- 4) **Public Hearing and Consideration of the following items related to the calling and holding of a Special Election on April 4, 2000:** Staff requested this item and all related items be withdrawn.
 - 1) Consideration of Ordinance Amending Existing Sales Tax Ordinance No. 2007, Codified as Section 3.04.045(4) of the Edmond Municipal Code to Provide that the existing one-eighth (1/8) of one percent (1%) Sales Tax shall be expended only for the following purposes: construction, operation, rehabilitation, repair and maintenance of any parks, recreation and leisure services facilities within the City of Edmond; and Providing for Repealer and Severability.
 - 2) Consideration of Resolution Authorizing the Calling and Holding of a Special Election in the City of Edmond, State of Oklahoma, on the 4th day of April, 2000, for the Purpose of Submitting to the Registered Voters of the City of Edmond Ordinance No. _____ to provide that the existing one-eighth (1/8) of one Percent (1%) Sales Tax shall be expended only for the following purposes; construction, operation, rehabilitation, repair and maintenance of any parks, recreation and leisure services facilities; requiring approval of said ordinance by a majority of the registered voters, all as provided by law.
 - 3) Consideration of Proclamation and Notice of Election to authorize the calling of an election on the 4th day of April 2000 for the purpose of submitting to the qualified voters of said City the following proposition, to-wit:
Shall Ordinance No. _____, of the City of Edmond, State of Oklahoma, Be approved, Which Ordinance Amends Existing Sales Tax Ordinance No. 2007 by Providing that the One-eighth (1/8) of One Percent (1%) Sales Tax Be Earmarked for the

construction, operation, rehabilitation, repair and maintenance of any parks, recreation and leisure services facilities within the City of Edmond, Oklahoma."

- 5) **Approval of Ordinance No. 2538 Amending The Edmond Municipal Code to Add New Chapter 22.26A Providing for the Formation of the Central Edmond Urban Development Board, Providing for Establishment and Composition of the Board; Appointment and Qualification of Members, Terms of Office and Filing of Vacancies, Compensation and Quorum, Providing for Procedural Rules and Meetings, Removal of Member and Function of Board; Repealing Section 22.26.070 and 22.27.070 of the Edmond Municipal Code, and Providing for Repealer, Severability and Declaring an Emergency.** At a recent City Council Workshop, a consensus of Council was to change the boundary of the Downtown Study area and absolve the CBD/DRD Committee. The Central Edmond Urban Development Board would evaluate site plans from Danforth to 9th Street, and Fretz to University. The new Board would also recommend capital improvements and development standards for this designated area.

Councilmember Knox stated he felt the Council should discuss whether to establish a time limitation for the board since he felt the proposed board is essentially another Planning Commission. He suggested the Board be reviewed in two years. Also discussed was the number of board members to be appointed. Councilmember Knox noted the board would consist of nine voting members. He stated when the item was discussed during the workshop, he thought Council agreed there would be five voting members with the remainder being non-voting members. Councilmember Moore noted only the three staff members would be non-voting members.

Motion by Knox, seconded by Moore, to approve Ordinance No. 2538 as read by title by City Planner with a review of the Board in two years. **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore

NAYS: None

Motion by Moore, seconded by Knox, to attach Emergency Clause to Ordinance No. 2538. **Motion carried** as follows and Ordinance No. 2538 is in effect immediately:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore

NAYS: None

- 6) **Consideration of appointments to the Central Edmond Urban Development Board.** The following citizens were nominated:

Dallas Graham - Mayor
David Forrest - Councilmember Knox
Bob Turner - Councilmember Huggins
Jim White - Councilmember Moore

Motion by Huggins, seconded by Knox, to approve General Consent Item 5.A.(6). **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore

NAYS: None

- 7) **Approval of engineering services contract with CDM for Waster Master Plan.**

- 8) **Approval of professional services contract with Bucher, Willis & Ratliff Corporation for engineering design of Arcadia Lake fishing dock parking lot and pedestrian path.** Leonard Martin stated the City meets the criteria to apply for a grant from the Oklahoma Department of Wildlife to construct the parking lot and walkway abutment connecting the fishing dock. He noted this was a small project lasting approximately three weeks. Mr. Martin stated the City needed to submit the entire package in order to receive approval from the Corps of Engineers and the Department of Wildlife. Matt Meyer, Leisure Services Director, addressed Council and stated the City would initially fund the entire amount of the project and the Department of Wildlife could reimburse the City up to 75% of the total cost. He estimated the project would cost \$200,000. Mr. Meyer stated staff would not enter into a contract until the grant is approved by the Wildlife Department.

Motion by Moore, seconded by Huggins, to approve General Consent Item 5.A.(8). **Motion carried** as follows:

AYES: Mayor Rudkin, Councilmembers Knox, Huggins and Moore

NAYS: None

- 9) **Approval of Letter of Map Revision application to FEMA for tributary 2 of Spring Creek, located at 15th Street, east of Coltrane Road.**

- 10) **Approval of Change Order No. 2 with Cimarron Construction Co. for the Danforth widening waterline relocation project.**
- 11) **Acceptance of public improvements and maintenance bonds for the following commercial projects:**
 - a) Advitech - new street
 - b) Central Middle School - fire line
 - c) Dr. Ballinger's Dental Office
 - d) Edmond Retail Development
 - e) Legacy Woods Apartments
 - f) Oklahoma Christian Academy - fire line
 - g) Oklahoma Christian Apartments - fire line
 - h) Oklahoma Christian Home Assisted Living Center
 - i) Team Tires - fire line
 - j) Swedish Imports Salvage - tap and bore
- 12) **Approval of Resolution No. 03-00 adopting preliminary plan, estimate of cost and assessment plat for construction and improvement of Sewer District No. 4, Windmill Estates Addition.**
- 13) **Acceptance of subdivision improvements, maintenance bonds and cashier's check for Bristol Park II Addition.**
- 14) **Approval of contract with Duke Energy for the relocation of a gas line.**

B. Approval of Purchases:

- 1) **Approval to reject bids received for fire suppression system for the Emergency Operations Center for the Purchasing Department.**
- 2) **Approval of emergency purchase of two packer cylinders for a sanitation truck for Fleet Maintenance**

Motion by Knox, seconded by Huggins, to approve General Consent Items 5.A.(1-3,7,9-14) and 5.B.(1-2). **Motion carried** as follows:

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

6. Approval of Claims.

General Fund

\$127,950.28

Supplemental Fund	824,895.46
Senior Center	254.62
Liability Tort Claim Fund	167,509.08
CDBG Entitlement Fund	9,898.37
Mitch Park Tax Fund	3,551.23
A.D.A. Compliance Fund	43,985.90
Capital Improvement Fund	101,352.38
1996 Capital Improvement Tax Fund	172,127.93
Employee Retirement Fund	2,685.65
Employee Group Insurance Fund	52,215.82
Vehicle Maintenance Fund	17,817.25
Administrative Support Services Fund	86,948.92
Payroll Ending Jan. 7, 2000	502,333.16
Admin. Support Serv. Ending Jan.7, 2000	154,397.48
CDBG Payroll Ending Jan. 7, 2000	1,523.46
Mitch Park Tax Fund Ending Jan. 7, 2000	2,962.16
Vehicle Maint. Fund Ending Jan. 7, 2000	11,767.52
Liability/Tort Fund Ending Jan. 7, 2000	1,130.33
Est. Payroll Ending Jan. 21, 2000	500,000.00
Est. Admin. Support Serv. Ending Jan. 21, 2000	150,000.00
Est. CDBG Payroll Ending Jan. 21, 2000	1,525.00
Est. Mitch Park Tax Fund Ending Jan. 21, 2000	3,000.00
Est. Vehicle Maint. Fund Ending Jan. 21, 2000	11,500.00
Est. Liability/Tort Fund Ending Jan. 21, 2000	1,150.00

Motion by Huggins, seconded by Knox, to approve Claims.
Motion carried as follows:

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

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

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

8. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Commercial Site Plan approval for a commercial building, located on the south side of Enterprise Drive, 1540 feet east of Kelly (Baxter Electric, applicant).** Jim Gendill, City Engineer, stated the outlet structure allows for an increase of .2 CFS above the historic flow. He stated the site does not have an emergency spillway. Staff recommended approval subject to the outlet structure complying with Title 23 to meet historic flow requirements and to provide for an emergency spillway and any

adjustment to the detention pond to account for changes to the outlet structure. Lax Godhania, MGR, Inc., addressed Council and stated the design statement would be corrected to adhere to the concerns of the Engineering staff. Councilmember Moore questioned the materials used on the exterior walls. The exterior walls will be masonry veneer fronting Enterprise Drive and brick will be wrapped around the east and west elevations for 20 feet. The remainder of the wall and back walls will be exposed metal. Councilmember Knox stated it will be too expensive if the City requires industrial developments to construct their buildings with all brick exteriors, and studies have shown a need for additional industrial businesses in Edmond.

Motion by Moore, seconded by Knox, to approve Planning Consent Items 10.A. **Motion carried** as follows:

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

- B. **Public Hearing and Consideration of Commercial Site Plan approval for an office and retail center, located on five acres on the southwest corner of E. Edmond Road and Fretz Street (Caboco LLC/The Fountains, applicant)**
- C. **Public Hearing and Consideration of Final Plat of Mill Valley 2nd Addition, located east of Santa Fe just over one-quarter mile south of W. Edmond Road (MGR, Inc., applicant).**
- D. **Public Hearing and Consideration of Final Plat of Hunter's Pointe II and replat of Lot 6, Block 5, Hunter's Pointe, located approximately one-quarter mile west of Kelly, immediately north of John L. Mitch Park (Coon Engineering, applicant).**

Motion by Huggins, seconded by Moore, to approve Planning Consent Items 10.B. through 10.D. **Motion carried** as follows:

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

- 11. **Public Hearing and Consideration of Ordinance No. 2539 Amending Edmond Plan III from Single Family Usage to Single Family Planned Unit Development (PUD) Usage, located on the northwest corner of Locust Lane and Bryant Avenue and Declaring an Emergency. (Keas Plaza Development LLC, applicant) (Continued from December 13, 1999).** The applicant has amended their original application from 18 dwelling units to 9 two-story condominiums on

1.96 acres. The exterior walls will now be brick veneer rather than E.F.I.S. as originally planned. The width of the entry streets where the gate and equipment will be located are only 16 feet and City ordinances require 20 feet width. Staff noted the islands can be reduced in width in order to comply with the requirement.

Randel Shadid addressed Council on behalf of the applicant. Mr. Shadid stated the development will be gated with private streets and the detention pond will be maintained by the homeowners association. Mr. Shadid stated the proposed development will be less dense than allowed by right and the application is in compliance with all City codes. He noted that the present zoning would allow the construction of 11 single family homes on the site. He stated the condominiums will be 1800 to 2600 square feet and cost \$175,000 to \$275,000 each.

Ray Vaughn, attorney representing residents of the Fisher Hills Addition, addressed Council in opposition. Mr. Vaughn stated the residents are still opposed due to the density of the project and feel the development is not compatible with the surrounding areas. He noted that since the application is a Planned Unit Development, Council still retains the right to deny the application with regards to density, design, layout, etc.

Ken Nelson, Peter Whipple, Esther Grubbs, Kenneth Sarkey and Nancy Nelson addressed Council in opposition. Dan O'Neil, representing the Edmond Neighborhood Alliance, also addressed Council in opposition.

Councilmember Knox stated he supports the amended application and felt the development would be less dense than if all single family homes were built. He urged the residents of Fisher Hills to research whether to adopt restrictive covenants or apply for rezoning in order to keep this type of project from happening again on another vacant property in the area. He noted that the options are limited due to the zoning and he felt that nine units would be preferable to the 11 single family homes which could be constructed by right. Councilmember Knox stated he felt this development would be better protection than single family homes. Mayor Rudkin also urged the residents to research adopting restrictive covenants. Councilmember Moore stated he was opposed to the project due to the density. He noted that he felt the project would enhance the property values but that it was still not compatible with the surrounding area.

Motion by Knox, seconded by Huggins, to approve Ordinance No. 2539 as read by title by City Planner subject to the addition of curb and guttering up to the west property line on Locust Lane. **Motion carried** as follows:

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

Motion by Knox, seconded by Huggins, to attach Emergency Clause to Ordinance No. 2539. **Motion carried** as follows and Ordinance No. 2539 is in effect immediately:

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

12. Public Hearing and Consideration of Ordinance No. 2540 Rezoning from "A" Single Family Dwelling District to "A" Single Family Planned Unit Development (PUD), located on the northwest corner of Locust Lane and Bryant Avenue. (Keas Plaza Development LLC, applicant) (Continued from December 13, 1999). This is a companion to the above item and was discussed at that time.

Motion by Knox, seconded by Huggins, to approve Ordinance No. 2540 as read by title by City Planner. **Motion carried** as follows:

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

13. Public Hearing and Consideration of a Special Use Permit for a cellular communication tower, located north of 15th Street, east of Fretz (Sprint PCS, applicant). Mayor Rudkin stated this item will be continued to February 14, 2000, at the request of the applicant.

14. Public Hearing and Consideration of Ordinance Rezoning five acres from "R-1" Rural Estate Dwelling District to "R-2" Urban Estate Dwelling District, located at 3301 E. Memorial Road (Jerry Byers, applicant). Mayor Rudkin stated this item was withdrawn by the applicant.

Mayor Rudkin left the City Council meeting and Mayor Pro Tem Moore presided over the meeting.

15. Public Hearing and Consideration of a Request for Commercial Site Plan Approval for a car wash and office building, located west of Jamil's Restaurant and east of the Oxford Oaks entry on the south side of 2nd Street (Mike Henderson, applicant). An existing drive on 2nd Street will be shared with Jamil's Restaurant, the adjacent property, and there are two drive openings on the driveway into Oxford Oaks Apartments.

Ray Vaughn, attorney representing Jamil's, addressed Council on this matter. Mr. Vaughn stated he was concerned that traffic from the car wash would use his client's restaurant drive as an exit.

He requested that exit signs with right turn only arrows be placed along the south property line to alleviate congestion in this area. General discussion was held regarding this matter and Councilmember Huggins recommended that barricades be placed on the driveway on the southwest corner next to Jamil's to direct the car wash traffic to the driveway on 2nd Street rather than the drive behind Jamil's. Lax Godhania, representing MGR, Inc., addressed Council and agreed to place right turn only signs and barricades as requested.

Motion by Huggins, seconded by Knox, to approve Site Plan subject to placing right turn only signs and barricades on the property as discussed above. **Motion carried** as follows:

AYES: Mayor Pro Tem Moore, Councilmembers Knox and Huggins
NAYS: None

16. NEW BUSINESS: None

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

AYES: Mayor Pro Tem Moore, Councilmembers Knox and Huggins
NAYS: None

City Clerk

Mayor