

EDMOND CITY COUNCIL MINUTES

January 12, 2009

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 12, 2009, in the City Council Chambers.

2. Approval of December 22, 2008, Minutes. Motion by Waner, seconded by Lamb, to approve Minutes. **Motion carried** as followed:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

3. City Council Presentations:

A. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the Memorial Road/Kelly Avenue interchange (from Broadway Extension) was started on July 7, 2008, and 540 calendar days were allocated for completion. The Oklahoma Department of Transportation (ODOT) stated the contractor is tentatively targeting September, 2009, for completion which will be five months ahead of schedule. He noted early completion incentives are included in the project which is funded entirely by ODOT.

Mr. Stevens stated the Covell Underpass project is progressing. He stated the project has been allocated 385 calendar days for completion. He noted ODOT is funding 80% of the costs and the City's 20% share is estimated at \$1.37M.

Mr. Stevens stated City staff met with representatives of the Edmond Soccer Association and the project engineer on December 30th concerning the development of a scope of work for the Service/Blake Soccer Complex project. Three additional soccer fields will be added providing a total of 16 fields and the development of a parking area on the east side of the complex. Councilmember Miller asked if a championship field was included in the additional fields. Steve Commons, Assistant City Manager of Administration, addressed Council and stated one of the existing fields would be enhanced in the future to meet the needs for soccer tournaments. Mayor O'Neil commended the developer for the quality of the site preparation.

Mr. Stevens stated two phases of the three-year project to upgrade the City's outdoor warning device system have been

completed through the Central Communications/Emergency Management department. Phase I concentrated on the populated areas west of I-35. Ten new devices were installed in this phase and several existing sirens were moved to meet coverage objectives. Phase II also included 10 new devices to provide coverage for areas east of I-35. The final phase will fill in the remaining gaps in coverage and staff anticipates five new devices will be installed and possibly the siren at Arcadia Lake will be replaced. The project will be completed on time and well within the \$499,000 three-year budget. He noted a total of 35 to 38 sirens on the systems providing almost 100% coverage. Councilmember Waner asked several questions regarding placement of the warning devices.

The last item discussed was the Fretz Road extension project. Mr. Stevens stated the construction of the southern half of this project (from Centennial Business Park to 33rd Street) is progressing. The contractor has approximately 30 calendar days remaining to complete the work.

4. Appointments to Boards and Commissions:

- A. **Appointment to the Citizens Participation Committee.** Mayor O'Neil nominated Terry Severson for appointment.

Motion by Miller, seconded by Waner, to approve General Consent Item 4.A. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, 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 Federal Emergency Management Agency (FEMA) Conditional Letter of Map Revision (CLOMR) application and a Floodplain Development Permit for asphalt roads and bridge located in the FEMA Regulatory Floodplains of the Deep Fork River and Soldier Creek in the vicinity of Highway 66 and Westminster and Anderson Roads (Arcadia Farms, LLC.**
- 2) **Approval of transfer of appropriations to restore budget for Rodeo Arena lighting project in the current Park Tax Fund - \$160,000**

- 3) **Approval of transfer of appropriations to reimburse the 2000 Capital Projects Sales Tax Fund for expenses that should have been charged to the Fire Public Safety Limited Tax Fund - \$271,638.92**
- 4) **Approval of transfer of appropriations for Rodkey House improvements - \$30,000**
- 5) **Approval of supplemental appropriations to recognize the additional grant funds that will be received to fund the Centennial Grove projects at I-35 - \$34,305**
- 6) **Approval of 2009 State and Federal Legislative issues.** Councilmember Waner stated a workshop was held earlier in the day to discuss the possible development of a railway station in Edmond and she requested this issue be included on the federal list.
- 7) **Acceptance of electric easements from the following:**
 - a) Lambrecht Properties, LLC
 - b) Edmond Public Schools
- 8) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) Golden Gate at Twin Bridges Addition
 - b) 235 W. Hurd
 - c) FY 2007/08 Street Overlay project
 - d) Spring Creek - Rankin to Pine Oak
 - e) Ministries of Jesus
 - f) Esperanza Apartments
 - g) Covell Road and Covell Village Drive
 - h) Edmond Business Park
 - i) 410 & 418 Enterprise
 - j) FY 2007/08 School Zone Improvements project
 - k) BancFirst
- 9) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for Landings II at Stoneridge, Belmont Park II, Fairfax Estates VII, and Summit II at Oaktree.**

Motion by Miller, seconded by Page, to approve General Consent Items 5.A.(1-9). **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

B. Approval of Purchases:

- 1) Award of bid and approval of contract for the Centennial Groves Landscape Phase II project and approval of Resolution No. 01-09 appointing Purchasing Agent for the Community Image Department. Purchasing Manager recommended accepting bid from Oakleys in the amount of \$128,356.20.
- 2) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$7,148.91.
- 3) Award of bid and approval of contract for the Children's Safety Village Concrete work project and approval of Resolution No. 02-09 appointing Purchasing Agent for the Fire Department. Purchasing Manager recommended accepting bid from Rudy Construction in the amount of \$61,475.
- 4) Award of bid for a pumper bed for the Fire Department. Purchasing Manager recommended accepting bid from Crow Construction, Inc., in the amount of \$42,400.
- 5) Award of bid disposition by the Purchasing Manager for miscellaneous emergency medical services, supplies and equipment (including renewal options) for the Fire Department in the estimated amount of \$35,000.

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

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

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

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

Mayor O'Neil reconvened the City Council meeting.

8. **Public Hearing and Consideration of extension of the Special Use Permit, including Site Plan, for The Falls Condominiums, located east of Vista Lane, south of 2nd Street (The Falls, LLC, applicant) Case No. SP050043.** Randel Shadid, attorney representing the applicant, requested this item be continued to February 9, 2009.

Motion by Lamb, seconded by Miller, to continue Item 8 as requested by the applicant. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

9. **Public Hearing and Consideration of Ordinance No. 3189 rezoning from "A" Single Family Dwelling District to "D-O" Suburban Office District, located on the north side of 33rd Street, one-half mile west of Bryant (Thirty Third Street Partners, LLC, applicant) Case No. Z080060.** The site consists of five acres and contains a house on the property. The applicant developed the Christman Parke Office complex and plans to construct an office park similar to that complex. One drive approach into the common area and parking is planned. The buildings will be constructed with a limitation of windows on the second floor and will be brick and stone with pitched roofs in a compatible architectural style. The Edmond Plan projects the area for suburban office uses. Planning Commission recommended approval.

Councilmember Page asked the amount of buffer on the north and west sides of the project. Staff stated Suburban Office zoning only requires a 20 foot setback along the sensitive borders.

Ron Harmon addressed Council representing the applicant. He stated the existing complex blends with the surrounding area and he intends to develop the proposed complex in the same manner. He noted it will take approximately six to nine months to install the infrastructure for the project before he can finish the remainder of the development. He stated the detention is on site. Mr. Harmon stated he felt the proposed development would be a dramatic improvement to the area.

Susan Mogelka, 3005 Hidden Valley Road, addressed Council and stated she was concerned about the drainage and removal of existing trees on the north. She requested the existing buffer on the north remain in place. It was noted by Council that the existing buffer is a utility easement that can not be built upon. Councilmember Page encouraged the applicant to meet with the developer to discuss her concerns. He noted that her concerns

will also be discussed during the site plan review process by the Planning Commission.

Mayor O'Neil also encouraged Ms. Mogelka to meet with the developer prior to the site plan review.

Jim Case, local home builder and President of the Georgetowne Homeowners Association, addressed Council and voiced his concerns about the alignment of the driveway onto 33rd Street. He requested the driveway line up with Old Georgetowne Road. He noted the AT&T box will need to be relocated in order for the new driveway to be installed and he wanted to be assured that the driveways will align in order to minimize traffic problems for both developments when attempting to enter onto 33rd Street. Mr. Case noted five acres will allow the construction of a large number of offices which will generate an increase in traffic and he requested Council consider seriously requesting the applicant install a traffic signal in the future to help alleviate traffic congestion.

Councilmember Lamb stated he was involved in actively pursuing changing the Plan projection to suburban office in this location. He noted he felt suburban office was an appropriate transition use and in his opinion it was the best option regarding traffic concerns.

Councilmember Waner asked about the driveway alignment as she felt it would cause complications if the entry is not aligned with the entry across 33rd Street. Staff stated the alignment will be discussed during the Preliminary and Final Plat reviews. Councilmember Waner stated her approval of the plat will be conditional on an aligned entry.

Mr. Harmon stated his intention is to align the driveway into the proposed development with Old Georgetowne Road south across 33rd Street.

Motion by Lamb, seconded by Waner, to approve Ordinance No. 3189 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

10. Public Hearing and Consideration of Ordinance No. 3190 amending Edmond Plan from Single Family Planned Unit Development (PUD) to Planned Unit Development, located west of Kelly, north of Coffee Creed Road (Oak Tree Park Development, LLC, applicant) Case No. Z080016. The site contains 8.8 acres and will be developed as a neighborhood office park with a maximum of 79,000 square feet.

The applicant is proposing 13 buildings. The six even numbered buildings will contain 5,000 square feet and the remaining seven buildings will contain 7,000 square feet. The six even numbered buildings will not have any windows facing the residential neighborhood. All the structures will be similar in architectural style to the buildings in Exhibit "B" and "C" with a minimum of 80% rock or brick with any remaining material being wood, EFIS or similar type material. No metal buildings, including accessory or storage buildings, will be constructed on the property. All light will be directed away from the residential areas with no commercial pole lighting, only residential street lighting will be allowed. The lots that back up to the residential area will be limited to wall pack lighting in the rear of their buildings but landscape lighting is permissible. An 80 foot buffer will be provided on the west and north sides adjacent to the single family homes in Oak Tree Park which leaves all existing trees and/or relocating trees of a similar density and type of trees in the currently dense buffer behind the homes on Wild Plum Lane in Oak Tree Park 2nd Addition, Lots 1-10, or where the treed area ends. A monument sign will be used and the signage on the front of the buildings will be no more than two signs per building, no larger than 1.5 feet by 3 feet. Dumpsters will be fully enclosed in a material to match the buildings and will not be located on any lot adjacent to a residential lot. No additional outbuildings or structures will be allowed that are not listed in Exhibit "A" with the exception of the dumpster enclosures. Hours of operation will not exceed 7AM to 9PM and loading/unloading hours will be limited to the same business hours. No antennas, radio antennas, cellular telephone towers or towers of any kind will be allowed under this PUD. The plats will be consistent with the layout of Exhibit "A". One drive is proposed on Coffee Creek and will loop through the development and connect to a drive off Kelly. The project will be completed in phases within five years from the date construction begins. Planning Commission recommended approval.

Jan Ramseyer-Fees, City Planner, addressed Council and stated the applicant amended the design statement regarding the drainage detention area. The drainage for the site shall not be located in the 80 foot buffer on the west side of the development unless the detention facility is made into a lake with a fountain. If the detention is located in the buffer area, the lake shall not be constructed in any location which would disturb the existing tree growth and will be designed and constructed to preserve the undisturbed buffer area. Additional landscaping will be utilized to provide a buffer between the lake and the adjacent residential areas.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has worked closely with the homeowners association to reach an agreement that all parties

could agree on. He noted there will be no windows on the back side of the complex next to the residential development and no street stub-out on the north.

Lydia Lee, attorney representing the Oak Tree Park Homeowners Association, addressed Council and stated a tremendous amount of time was spent negotiating the details of the PUD. The homeowners association agrees to support the application if all the negotiated items are included. Ms. Lee stated the residents were pleased with the end result and felt the development would work well for both the homeowners and the developer. She expressed her appreciation to the developer for agreeing to work with the homeowners.

Mike McCarthy, Oak Tree Park Addition, addressed Council in opposition. He noted none of his neighbors were pleased with commercial zoning abutting their properties. He stated when the addition was developed, he was assured that the surrounding property was residential with a 50 foot buffer. The applicant disagreed that a 50 foot buffer was in place and stated if the site is developed as residential, all the trees would be removed and smaller homes would be constructed. Mr. McCarthy stated the number and size of the buildings was too intrusive to the surrounding area. He noted a significant amount of leveling of the property will be needed to accommodate that number of buildings plus the required parking. He was also concerned about the location and smell from the dumpsters. He stated the portion of the design statement regarding the detention area he found vague and open to interpretation and was not included in the PUD. Mr. McCarthy stated he was opposed to the project from the beginning and did not feel there was any indication that a majority of the residents were in favor of the project, especially those residents who live on Wild Plum Lane. He commended the other residents and Ms. Lee for working with the developer to negotiate the protections for the neighborhood.

Karen Linsteadt, Oak Tree Park Addition, addressed Council in support of the application. She stated she was a member of the committee formed to negotiate with the developer and she felt the development was a quality project. Ms. Linsteadt was pleased with the 80 foot buffer and the architectural style of the buildings and felt they would increase the value of the homes in the area. She felt that prospective buyers are concerned about the unknown regarding this property and will now have a clear idea of how the property will be developed.

Britt Reese, President of the Homeowners Association, addressed Council in support of the application. She stated the committee made every attempt to notify the residents and only two residents have contacted her in opposition. She stated she felt the

proposed development would be the best thing for the neighborhood and that residents had ample opportunity to voice their opposition.

Councilmember Waner stated she felt the development was a quality project but asked if the applicant had considered connecting to the adjacent property on the corner.

Mr. Shadid stated the property on the corner is a separate ownership and he felt connectivity of an office complex to a "D-1" zoned site may not be the intention of Council. He noted there will be an opportunity to discuss connectivity when the adjacent property is developed.

Councilmember Miller stated although he first opposed the project, he has changed his position due to the proposed zoning. When development of this property was considered the first time, it was thought that the zoning had to be the same as the property on the corner which is zoned "D-1" Neighborhood Commercial. He noted the proposed development is a separate application and that is the reason for changing his position. He stated he was pleased with the 80 foot buffer and felt the project was a reasonable transition for the area and a prime example of the intent of the Council.

Motion by Miller, seconded by Page, to approve Ordinance No. 3190 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3190. **Motion carried** as follows and Ordinance No. 3190 is in effect immediately:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

11. Public Hearing and Consideration of Ordinance No. 3191 rezoning from "A" Single Family Planned Unit Development (PUD) to Planned Unit Development, located west of Kelly, north of Coffee Creed Road (Oak Tree Park Development, LLC, applicant) Case No. Z080043. This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3191 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

12. Public Hearing and Consideration of request for a variance from the Transportation Study Ordinance No. 3097 regarding right-of-way requirements along Covell Road, west of Sooner Road for the proposed Fairfax Business Park (J.W. Armstrong, applicant). A Pedestal Oil four inch gas line is located on the north side of Covell. Currently Pedestal Oil has an easement from the existing 50 foot right-of-way line to 70 feet on the north side of Covell. The gas line has not been used in over 12 months and is considered abandoned and would not need to be relocated. Pedestal is willing to allow additional utilities to be located in their easement. The applicant is willing to grant right-of-way to 70 feet and an additional 20 foot utility easement from the 70 foot to 90 foot line on the north side of Covell and also allow grading in this 20 feet to ensure retaining walls are minimized or not needed with the re-construction of Covell. Staff stated the proposed right-of-way and additional easement will accommodate future improvements and utility relocations and they did not object to the variance.

Motion by Lamb, seconded by Miller, to approve Item No. 12.
Motion carried as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

13. Public Hearing and Consideration of modification to the original Site Plan for the Bryant Place Apartments, located on the southeast corner of Kickingbird Road and Bryant Avenue (Place Properties, applicant). Staff stated they have received complaints from students, their parents, area residents and businesses because of inadequate parking at the apartment complex leased by University of Central Oklahoma (UCO) students. The applicant is requesting 43 additional parking spaces for the Bryant Place Apartments. The apartment contains 108 units and 432 beds and 320 parking spaces. The units are rented on an individual basis with the four bedrooms having their own locks and the living area and kitchen being common areas. In most cases, each resident has their own vehicle. The original parking was based on two spaces for two or more bedrooms. For student housing, only allowing two parking spaces for a four bedroom apartment does not provide adequate parking for all the occupants of the apartment. The applicant is also requesting the parking stalls be reduced to 8½ feet wide rather than the nine feet

required. The additional landscaping above the 10% minimum will be removed to allow for the additional parking spaces. The applicant has contacted area businesses to inquire about leasing some parking spaces but have not been successful. Residents and their friends and relatives have been cited for parking in the fire lanes due to the lack of adequate parking spaces. The applicant is hopeful that by adding the parking spaces, the parking conditions will improve for the occupants of the apartment complex.

Councilmember Lamb stated he and the Mayor had met with the applicant regarding the reduced landscaping and it was his understanding that the density of the remaining landscaping would meet or exceed the 10% landscaping required for commercial developments. Staff agreed with that assessment.

Mayor O'Neil stated the corner next to Bryant is littered with old broken trees and a wooden entry and he asked the applicant if that area was included in the landscaping plan.

Randel Shadid, attorney representing the applicant, addressed Council and stated that area is in the City right-of-way and was not included. He stated the applicant will work with staff to clean up the right-of-way although it has never been discussed as part of their project. He stated the applicant will plant 24 3 inch caliper trees and 29 2 inch caliper trees at various locations and will agree to whatever type of trees staff feels is best suited. Councilmember Lamb stated he would prefer the additional landscaping to be evergreen trees.

Mayor O'Neil stated since the previous discussion regarding amending the parking requirements for student housing it has come to his attention that there have been problems at this location. He stated UCO was very unhappy that since the apartment complex was marketed as student housing that residents could submit complaints to UCO. He stated since UCO has not specifically designated the complex as student housing they were unable to assist with any problems. He requested the applicant meet with UCO to resolve that issue. Mayor O'Neil stated in talking with residents, he understood that the complex over leased the parking by allowing only one space per apartment and then required students who were unable to find parking to comply with their lease agreement. He stated he felt the apartment management should be more flexible since this situation is a new issue. He stated he was concerned about the lack of supervision and he requested the applicant provide 24 hour authority/security to help resolve any future issues.

Ryan Griffis addressed Council and stated his company provided people known as CAs who have the authority to address any problems

and act as a liaison to the students. He noted there is one CA per building plus a courtesy officer on site who patrols the area. He stated a telephone number is provided to residents to register complaints. Mr. Griffis stated for each available parking space a student has been assigned to use it to park. In the case of additional parking spaces, the leasing manager has spoken with students and parents but he did not know what the final resolution was. He apologized to students who were not released from their lease when they were not able to find adequate parking. He noted the management of the complex has a good relationship with UCO and he was not aware of any problems. Mr. Griffis stated he felt the complex has been an asset to UCO in terms of growing the university and that they do not market themselves as being part of the university.

Councilmember Page stated he felt this type of complex is a new concept to the community and there have been misunderstandings between both parties as to what is expected. He stated he felt this situation has been a learning experience for the Council but there were still issues that needed to be resolved.

Councilmember Waner asked if the light poles would be relocated and the applicant stated the poles will be relocated and he agreed to work with City staff to ensure the proper amount of light coverage for the site. Mr. Griffis stated the parking around the pool cabana could only accommodate 39 to 40 spaces because of the location of the cabana. Councilmember Waner asked if the smaller parking spaces would be designated for compact parking only and Mr. Griffis stated they will be so designated. Councilmember Waner also asked if the applicant has considered purchasing bike racks and Mr. Griffis stated that was being considered. Councilmember Waner asked if the applicant was aware that UCO would be eliminating their bus service and the applicant answered he had received a letter this week. She urged Mr. Griffis to make the residents aware that this service being discontinued.

Nathan Box, representing UCO commuter services, addressed Council and stated the number one complaint from residents of the apartment complex is the parking situation. He noted this type of student housing is also new for UCO and he encouraged Council to utilize his office when another apartment complex of this type is considered. He stated a meeting of UCO staff has been scheduled to discuss the bus service and they will also be discussing a similar proposed apartment complex.

Councilmember Waner she feels the situation is difficult in that the students need a place to park and parents need to know the students are secure but the City has minimum landscaping requirements to lessen the effect of such a large development. She requested if this item is approved that it be noted that the

landscaping is a variance from the requirements to avoid setting a precedent for lower landscaping for future projects.

Councilmember Lamb noted while the application is not ideal, the 10% landscaping minimum will still be maintained by approval of this parking variance. He stated in the future a separate category may be needed to address this type of multi-family residential development. He noted at this time, the applicant has made a good attempt to resolve the parking issues under difficult circumstances.

Mayor O'Neil expressed his appreciation to the applicant for working with the City and UCO to resolve these issues.

Motion by Lamb, seconded by Miller, to approve Item No. 13.
Motion carried as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

On February 11, 2008, the City Council authorized the consideration of rezoning to "A" Single Family a number of residential additions zoned higher than their actual use. The Edmond Plan projected the subject developments for "A" Single Family Dwelling District and the following five ordinances were submitted for approval to formally amend the zoning.

14. Public Hearing and Consideration of Ordinance No. 3192 rezoning from "D-2" Neighborhood Commercial to "A" Single Family Dwelling District, located in The Orchards at the Trails Addition, south of Danforth Road, west of Santa Fe (City of Edmond, applicant) Case No. Z080059.

Motion by Miller, seconded by Page, to approve Ordinance No. 3192 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

15. Public Hearing and Consideration of Ordinance No. 3193 rezoning from "E-1" General Commercial District to "A" Single Family Dwelling District, generally located in the Northridge Park Addition, north of 15th Street, west of Fretz (City of Edmond, applicant) Case No. Z080056.

Motion by Miller, seconded by Page, to approve Ordinance No. 3193 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

16. Public Hearing and Consideration of Ordinance No. 3194 rezoning from "D-O" Suburban Office District to "A" Single Family Dwelling District, generally located in the Mill Creek Addition, east of Santa Fe, north of Mill Valley Boulevard (City of Edmond, applicant) Case No. Z080055.

Motion by Miller, seconded by Page, to approve Ordinance No. 3194 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

17. Public Hearing and Consideration of Ordinance No. 3195 rezoning from "C-2" Medium Density Multi-Family Residential District and "D-2" Neighborhood Commercial District to "A" Single Family Dwelling District, generally located in the Clegern Park Addition, south of E. 2nd Street, east of Rankin (City of Edmond, applicant) Case No. Z080058.

Motion by Miller, seconded by Page, to approve Ordinance No. 3195 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

18. Public Hearing and Consideration of Ordinance No. 3196 rezoning from "D-3" Office Commercial District and "E-2" Open Display Commercial District to "A" Single Family Dwelling District, generally located in the Faircloud Hills IV Addition, west of Coltrane, one-eighth mile south of Covell Road (City of Edmond, applicant) Case No. Z080057.

Motion by Miller, seconded by Waner, to approve Ordinance No. 3196 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

19. Discussion and Consideration of recommendations of the Charter Review Committee and direction to staff regarding possible

charter amendment election. A report was submitted by the Charter Review Committee on December 8, 2008. The following are their recommendations:

- 1) **Section 9. Removal of Freeholder Language.** Removing the requirement that candidates for office must be a property owner in the City of Edmond. The Charter requires that candidates must live in the City for at least one year prior to running for election.
- 2) **Section 9. Age Requirement of Candidates.** Reduced the age to be eligible for office from 25 to 21 years of age
- 3) **Sections 9, 11, 17 and 19. City Treasurer.** Recommended the City Treasurer be an appointed position rather than an elected position. The Committee recommended that at the conclusion of the current term, the position be appointed by the City Manager with the consent of the Council. This item was discussed and Council determined that if current City Treasurer, Stephen Schaus, elects to run for re-election, the change in the Charter would not be in effect until after the upcoming term has expired because if re-elected, Mr. Schaus's election would be in effect prior to amending the Charter. Steve Murdock, City Attorney, stated the objective of the Committee was not to remove an existing office holder from office. It was noted by Councilmember Lamb that currently there are no requirements for running for City Treasurer and an appointed position would ensure a qualified person was serving in that position. He also noted Mr. Schaus has an extensive financial background but in the future a person could be elected without an adequate background in financial issues.
- 4) **Section 18. Purchases Subject to Competitive Bidding.** Recommended the threshold for competitive bidding for purchases be determined by Council by ordinance subject to the amount stated in State law. Mr. Murdock stated the threshold amount for public trusts is set by State law at \$25,000 so this Charter change would not affect public works projects.
- 5) **Section 38. Publication Language.** Amended the publication requirements for a newly adopted ordinance to allow publication in a newspaper of general circulation in the City rather than the requirement that the newspaper be published in the City of Edmond. The reason for the proposed amendment was to eliminate problems if in the future the local newspaper ceased to be published in the City. General discussion was held regarding the definition of "general circulation". Nancy Nichols, City Clerk, addressed Council and stated

a newspaper would be required to have a permit from the Post Office ensuring the newspaper meets all the statutory requirements to be considered a paper of general circulation. She noted the newspaper can not be a free paper that is mailed to the general population or placed in a public location for free. Mr. Murdock stated State law requires ordinances to be published in a newspaper but that law does not preclude the City from publishing them on their website. Ray Hibbard, publisher of *Edmond Life and Leisure*, addressed Council and stated legal requirements mandate that a newspaper be published for 102 weeks prior to receiving a permit from the Post Office. He noted the definition of "legal newspaper" as well as the legal requirements, are subject to change in the future at the state level. Councilmember Page stated he wanted to add language to require that ordinances must also be published on the City's website due to the amount of free flowing information that is found on the internet. He noted the world is changing and more citizens than ever before get their information from the internet. Ms. Nichols stated the Charter Review Committee discussed whether to require all ordinances be published on the City's website but the Committee felt amending the Charter as recommended was sufficient. She noted the Committee thought it was a good idea but did not want to mandate that requirement in the Charter. Mr. Hibbard stated he agreed the language should probably be included due to the possibility that State law could change. Councilmember Waner stated she did not feel that Council could mandate that ordinances be published on the website. It was noted by Mr. Murdock that an ordinance could be adopted requiring ordinances to be published on the website rather than including that language in the Charter.

- 6) **Section 85. Campaign Finance Disclosures.** Authorized City Council to consider campaign finance disclosure rules and regulations by ordinance. At this time, there are no provisions in the Charter which address finance disclosure requirements for candidates/PACs. The State Ethics Commission has disclosure requirements but will not intervene on behalf of cities when a violation occurs. All violations must be submitted to the Oklahoma County District Attorney first and then the complaint is filed with the Ethics Commission. Councilmember Lamb asked if an ordinance is approved, would it be appropriate to require a super majority of at least four members of the Council to approve. Lydia Lee addressed Council in support of this Charter amendment and strongly encouraged this issue be placed

on the ballot and that any ordinances be adopted by a simple majority. She stated it is critical to citizens to know who is contributing to candidates. Ms. Lee encouraged Council to establish a committee to study this issue in order to be able to approve an ordinance regulating campaign contributions as soon as possible after the election. Samuel Bassett also addressed Council in support of this issue being on the ballot. He noted at this time, there is no local accountability regarding this issue. Councilmember Page stated he felt the public should be allowed to vote on what type of requirements should be established. After discussion, consensus of Council was to place an item on the ballot giving Council the authority to approve ordinances regarding campaign financial disclosures for municipal elections.

Consensus of Council was to approve the recommendations as submitted.

It was noted by Mr. Murdock that if the Council wished to submit the recommended changes to citizens at the April 7, 2009 election, an election proclamation needed to be approved and submitted to the Oklahoma County Election Board by February 6, 2009.

Council also discussed the following items on which the Charter Committee were unable to reach a majority consensus:

- 1) Size of City Council
- 2) Eminent domain for economic development
- 3) Tax Increment Financing
- 4) Ward boundaries

Consensus of Council was not to include the above items on the ballot. Also discussed was whether to change the Mayor's term of office from the current two year term. Consensus of Council was to leave the Mayor's term at two years.

Mr. Murdock stated the documents would be placed on the next agenda for formal approval by Council.

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

Little vs. City of Edmond
Scarberry vs. City of Edmond

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

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 8:19 p.m. and returned to the City Council Chambers at 8:31 p.m.

Motion by Miller, seconded by Page, to adjourn Executive Session.
Motion carried as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

21. Consideration of action with regard to the above claims/litigation.

Motion by Lamb, seconded by Miller, to authorize the City Attorney to proceed with settlement negotiations on the above claims.
Motion carried as follows:

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

22. NEW BUSINESS: None

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

AYES: Mayor O'Neil, Councilmembers Page, Waner, Lamb and
Miller
NAYS: None

City Clerk

Mayor