

## EDMOND CITY COUNCIL MINUTES

March 23, 2009

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, March 23, 2009, in the City Council Chambers.

**2. Approval of March 9, 2009, Minutes.** Motion by Page, seconded by Waner, to approve Minutes. **Motion carried** as followed:

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

**3. City Council Presentations:**

- A. Recognition of Edmond Youth Council participants.
- B. Presentation of Mayor's Neighborhood Challenge winners.
- C. Presentation of Tree City USA and Tree Line USA awards to the City of Edmond by Mark Bays, State Urban Forester with the Oklahoma Department of Agriculture, Food and Forestry.
- D. Presentation of Arbor Day Poster Contest winners.
- E. Presentation of proclamation recognizing March 23-28, 2009, as "Arbor Week" in the City of Edmond.

Councilmember Miller recognized Police Lieutenant Cleo Land, Commander of Shift II. He noted this is the last meeting that Lieutenant Land would attend as the police representative as he is retiring on March 31<sup>st</sup>.

**4. Appointments to Boards and Commissions:**

- A. **Appointment to the Urban Forestry Commission.** Mayor O'Neil nominated JoAnn Logan for appointment to serve a term expiring March, 2012.
- B. **Appointment to the Convention and Tourism Advisory Board.** Councilmember Miller nominated J.W. Armstrong to serve a term expiring February, 2012.

Motion by Lamb, seconded by Miller, to approve General Consent Items 4.A. and 4.B. **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) Acceptance of City Manager's Financial Report for month ending February 28, 2009.
- 2) Acceptance of City Treasurer's Investment Report for month ending February 28, 2009.
- 3) Approval for the City of Edmond to participate in the State of Oklahoma contract to accept American Express as an additional choice of payment in all departments that accept credit cards.
- 4) Approval of Resolution No. 08-09 requesting permission from the Oklahoma County Excise Board to authorize the transfer of excess funds in the City of Edmond's Debt Service Sinking Fund to the General Fund - \$7,069
- 5) Approval of transfer of appropriations in the Police Asset Forfeiture Fund - \$22,811
- 6) Acceptance of memorandum of Agreement (MOA) between the State of Oklahoma Department of Emergency Management Preparedness Grant program funds in the amount of \$10,000.
- 7) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for Spring Creek Sanitary Sewer Interceptor, Phase II.
- 8) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for Village Center V.
- 9) Acceptance of Final Plat, public improvements and maintenance bonds for Summit II at Oak Tree.

Motion by Lamb, seconded by Miller, 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

- 10) **Consideration of approval to authorize staff to begin contract negotiations with McDonald Transit and Associates for transit services.** In December, 2008, the City solicited Request for Proposals (RFP) for a transit operations service provider. Two proposals were received and staff recommended accepting the RFP from McDonald Transit and Associates. The current provider, the Central Oklahoma Transportation and Parking Authority (COTPA) did not submit a bid on time and was not considered.

Larry Stevens, City Manager, addressed Council and stated at this time staff does not have the dollar amount that would be needed for the transit system. He stated staff is pursuing all avenues for federal assistance and are applying for three different grants through the city's previous provider the Central Oklahoma Transportation and Parking Authority (COTPA). Mr. Stevens stated staff feels that they will be able to work with McDonald Transit to develop a public transit system that will be a better program in the future than the current program is now.

Shannon Entz, Planning Department and CDBG Coordinator, addressed Council and stated staff is working vigorously to obtain federal grants. She stated the City's portion of the federal stimulus funds is approximately \$787,000 which they will attempt to seek through negotiations with COTPA. Ms. Entz stated McDonald Transit has 37 years of experience and they currently manage and/or operate transit service in 30 cities across the United States. She noted staff contacted several cities who contract with McDonald Transit and received favorable responses. She stated the most important issue for City staff was their flexibility regarding the budget. Ms. Entz stated McDonald Transit will customize their service based on whatever budget they are provided. She noted they specialize in cities who have a university and they also contract with the National Park Service.

Councilmember Miller stated Ms. Entz has been working on this issue for approximately two years. He stated the Edmond Public Transportation Committee is attempting to improve the current services and they felt it could not be accomplished with the current

vendor. Councilmember Miller stated he was impressed with McDonald Transit's many years of experience and the amount of planning they do. He noted they will also provide a marketing plan. He stated they also operate light rail in Fort Worth, Texas. He stated the University of Central Oklahoma has also stated that they will continue to participate and pay their share of the operation expenses.

- 11) **Approval of Resolution No. 09-09 authorizing the submission of applications to the Association of Central Oklahoma Governments (ACOG) for the Job Access and Reverse Commute (JARC) and New Freedom Grant programs to be used to help fund public transportation services.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve General Consent Items 5.A.(10-11). **Motion carried** as follows:

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

NAYS: None

**B. Approval of Purchases:**

- 1) **Approval of legal professional service providers for as needed miscellaneous legal services for the Legal Services Department in the amount of \$25,000.**
- 2) **Approval of Change Order No. 1 with Shell Construction Company, Inc. for the Edmond Streetscape, Phase III project in the decreased amount of \$28,095.38.**
- 3) **Approval of contract to partner with the Association of Central Oklahoma Governments (ACOG) to purchase regional traffic count database software in the amount of \$800.**
- 4) **Award of bid and approval of contract for the fire training ground concrete components project and Resolution No. 10-09 appointing Purchasing Agent for the Fire Department.** Purchasing Manager recommended accepting bid from Lopp Construction, LLC in the amount of \$60,654.75.

Motion by Lamb, seconded by Waner, to approve General Consent Items 5.B.(1-4). **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 Ordinance No. 3199 closing a utility easement, located north of 15<sup>th</sup> Street, west of Spring Creek Village Shopping Center to allow for a pad site building (Charles Ballenger, applicant).** The applicant is requesting the easement be closed in order to construct an 8,000 square foot building on the far west side of the Spring Creek Village Shopping Center. The Council recently approved a site plan amendment relocating the building further north to allow for two rows of parking rather than one as was originally planned. A storm sewer pipe has been relocated to accommodate the building's relocation. The easement was granted for an electric line but improvements were not installed since no building was constructed. Part of the easement is situated in an east to west alignment on the north side of the lot and part of the easement runs north and south adjacent to the east side of the building. Staff felt there would still be adequate access to serve the building with electric service. The building relocation still leaves adequate room for a dumpster enclosure at the northeast corner of the pad site. Planning Commission recommended approval.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3199 as read by title by the Mayor. **Motion carried** as follows:

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

**9. Public Hearing and Consideration of Site Plan amendment for IBC Bank, located at 1812 E. 15<sup>th</sup> Street, to provide for a dumpster enclosure on the site (IBC Bank, applicant).** The site plan was originally approved in April, 2007. The applicant indicated at that time that a dumpster enclosure was not needed since all of the documentation was shredded and removed from the property by a janitorial service. The bank has now requested a

dumpster enclosure at the south end of the property, west of the drive-through bank tellers. The dumpster would face northwest to fit the angle for access by the Sanitation Department trucks to the dumpster from the western drive. The applicant stated any trees removed to accommodate the dumpster will be replaced. Planning Commission recommended approval.

Councilmember Lamb stated this location lends itself well to the rest of the development. He noted the driveway will be shared with The Orchards in the future as that project develops and will allow the sanitation trucks to run the remainder of the route without needing to back out of the development.

Jana Walls, representing IBC Bank, addressed Council and presented pictures of their finished products at other locations.

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

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

**10. Public Hearing and Consideration of Special Use Permit to leave a classroom building in place at the Faith Bible Church, located at 600 N. Coltrane (Faith Bible Church, applicant) Case No. U050001.** In 2005, Council approved a 1,536 square foot portable classroom building located on the south side of the church between two of the early portions of the main church building with a three-year limit with the understanding that an extension may be requested at the end of the three-year period. The building was constructed to commercial standards and is in compliance with all fire and building codes and ADA standards as it is currently situated. The applicant is requesting the building be approved as a permanent classroom building. After the classroom building was approved, an additional 19,000 square foot, two-story building was approved but a building permit is still pending and construction has not started. Planning Commission recommended approval.

Todd McKinnis, attorney representing the applicant, addressed Council and stated the previous issue was the line-of-sight of the building for the homeowners to the south in the Thunderhead Hills Addition. He noted the proposed 19,000 square foot building will block the classroom building and the line-of-sight issue will be resolved when the new building is constructed. Mr. McKinnis suggested that approval of this application be contingent upon construction of the proposed new building.

Councilmember Lamb stated he understood the applicant's position that by constructing the new building the line-of-sight issue would be resolved but his concern is the precedent being set by approving what had been a temporary building as a permanent building and then the proposed building to the south not being constructed. He stated he would agree to a permanent permit for a temporary building subject to the proposed building being constructed.

Steve Murdock, City Attorney, addressed Council and stated the application could be approved for a specific time period requiring the applicant to apply for an extension unless the proposed building is completed.

Councilmember Waner stated conceptually there could be a permanent building that begins to deteriorate and she questioned what would happen with the building. Mr. McKinnis stated the building is structurally sound and is currently being used as classrooms. He stated the applicant would determine when the building needed to be replaced for safety or aesthetic reasons as would any other property owner in the City. He noted the building is the same type of building that the Edmond School system uses for their classrooms.

Councilmember Miller stated he was not opposed to the application because the building is in compliance with all building and fire codes and the line-of-sight issue will be resolved with construction of the proposed building.

Motion by Miller, seconded by Lamb, to approve Item 10 subject to a two-year review or unless the proposed 19,000 square foot multi-purpose building to the south is under construction. **Motion carried** as follows:

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

**11. Executive Session to discuss the following pending claim (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(4)):**

Srbjan vs. City of Edmond

Motion by Waner, seconded by Page, to meet in Executive Session to discuss the above claim. **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 6:24 p.m. and returned to the City Council Chambers at 6:27 p.m.

Motion by Lamb, seconded by Waner, to adjourn Executive Session.

**Motion carried** as follows:

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

NAYS: None

**12. Consideration of action with regard to the above claim.**

Motion by Miller, seconded by Lamb, to authorize the City Attorney to proceed with settlement negotiations on the Srbljan claim.

**Motion carried** as follows:

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

NAYS: None

**13. NEW BUSINESS:**

Tom Kite, city resident, addressed Council and stated two firefighters with cancer were recently highlighted in the newspaper and on a local television station. He noted one of the firefighters stated the fire department was not adequately equipped to handle fires containing ethanol. Mr. Kite stated he was concerned that the City has not provided the fire department with the proper equipment to fight these types of fires when he knows there are green products available to battle ethanol fires. He requested Council consider purchasing a product on the market in order to help save the lives of firefighters. He stated he would be happy to inform City staff of the product that he is referring to. Mr. Kite stated the fire chief has been sent a letter inviting him to a demonstration of the product. Mr. Stevens stated he was not aware that the City firefighters did not have the proper equipment to battle all fires. He noted that the City's fire department is the best equipped department in the entire country, not just the state of Oklahoma. He stated he would have the fire chief contact Mr. Kite regarding this issue.

Councilmember Waner stated she recently attended the National League of Cities conference in Washington D.C. She stated six of President Obama's staff members spoke to the attendees regarding the stimulus bill and how the cities and towns should spend the money. She stated their emphasis was on green products and methods of completing projects. She outlined the amount of money that was available for various projects and other issues that were



discussed. Councilmember Lamb stated there will be a Green Infrastructure workshop this coming weekend to work on developing a strategy and plan of action for developing the "green infrastructure" along with the "gray infrastructure" as part of the federal grant.

Councilmember Page noted he would be attending the Green Conference in Portland Oregon in April to discuss and learn about the clean air problem in Oklahoma.

Councilmember Page announced the open house of Edmond Electric's e4home in the Stonebridge Addition on Wednesday, March 25<sup>th</sup> from 4:00 to 6:30 pm and he noted the home would also be open each weekend from 11:00 am to 6:00 pm through the end of May. He stated information is also available on the City's website.

Mayor O'Neil stated he would be presenting a presentation before ACOG this week to attempt to receive the JARC and new freedom grant funds that are available for the transportation system and he requested Council submit any information to him they felt would be useful for the presentation.

Jerry Smith, Assistant City Manager for Public Works, addressed Council and introduced Herb Blomquist as the new Public Works Director.

Mayor O'Neil announced the Arbor Day celebration would be held this coming Saturday, March 28<sup>th</sup> from 1:00 to 4:00 pm at the Festival Market Place and he invited the public to attend.

**14.** Motion by Miller, seconded by Page, to adjourn meeting.  
**Motion carried** as follows:

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

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**City Clerk**

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**Mayor**