

EDMOND CITY COUNCIL MINUTES

April 27, 2009

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 27, 2009, in the City Council Chambers.

2. Approval of April 13, 2009, Minutes. Motion by Miller, 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. **Presentation of City Council recognition to Mayor Dan O'Neil by Mayor Pro-Tem Charles Lamb.**
- B. **Presentation of First Place award to the City of Edmond for the annual Electric System Safety Competition by Shane Woolbright, Executive Director of Municipal Electric Systems of Oklahoma (MESO).** Charlie Burgett, Edmond Electric Director, accepted the award on behalf of Edmond Electric. Mr. Woolbright stated because of Mr. Burgett's leadership and since he was so instrumental in instituting and maintaining the safety of the department, MESO was re-naming the award The Charles Burgett Electric Operations and Safety Award.
- C. **Presentation of proclamation recognizing April 27, 2009, as "Edmond Family Counseling Day" in the City of Edmond.**
- D. **Presentation of proclamation recognizing May 1, 2009, as "Bike-to-Work Day" in the City of Edmond.**

Councilmember Miller asked Steve Murdock, City Attorney, if Council appoints a citizen to replace a member with an unexpired term, are they only appointed to the remainder of that term and Mr. Murdock stated it depends on the wording on the agenda. Councilmember Miller stated that was not his question and Mr. Murdock stated if the term is unexpired and Mr. Miller stated he just wanted to be clear regarding appointments.

4. Appointments to Boards and Commissions:

- A. **Mayor O'Neil nominated the following citizens for appointment:**

- 1) Rick Johnson, Edmond Historic Preservation Trust to serve a term expiring March, 2010.
- 2) Edward Moore, Edmond Community Oriented Policing Leadership Council to serve a term expiring October, 2010.
- 3) Jeff Tate, Edmond Public Transportation Committee to serve a term expiring April, 2012.
- 4) Greg Fisher, Arts and Humanities Council to serve a term expiring February, 2012.
- 5) Kieran Maye, Capital Projects and Financing Task Force to serve a term expiring April, 2012.
- 6) Steve Auchter, Capital Projects and Financing Task Force to serve a term expiring April, 2012.
- 7) Marilyn Kreidler, Capital Projects and Financing Task Force to serve a term expiring April, 2012. **Mayor O'Neil stated this item was withdrawn.**
- 8) Kathleen Wooten, Capital Projects and Financing Task Force to serve a term expiring April, 2012.
- 9) Dr. John Harkess, Edmond Bicycle Committee to serve a term expiring February, 2010.
- 10) Joel Hild, Edmond Bicycle Committee to serve a term expiring February, 2010.
- 11) Bryan Heathcock, Parks and Recreation Advisory Board to serve a term expiring July, 2010.
- 12) Dorothy Skinner, Social Agency review Commission to serve a term expiring April, 2014.

Motion by Page, seconded by Waner, to approve General Consent Items 4.A.(1-6,8-12). **Motion carried** as follows:

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

B. Mayor O'Neil nominated the following citizens for re-appointment:

- 1) Richard Geib, Guthrie-Edmond Regional Airport Board to serve a term expiring March, 2012.
- 2) Dr. Karen Carter, Arts and Humanities Council to serve a term expiring February, 2012.
- 3) Mary Beth Hetrick, Social Agency Review Commission to serve a term expiring March, 2014.
- 4) Jay Buxton, Capital Projects and Financing Task Force to serve a term expiring March, 2012.
- 5) Councilmember Miller, Public Works Committee to serve a term expiring May, 2011.

C. Appointment to the Planning Commission. Councilmember Page nominated Lydia Lee to serve a term expiring May, 2012.

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

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

- D. **Appointment to the Central Edmond Urban Development Board.**
Councilmember Page nominated Russell Wantland to serve a term expiring April, 2011.
- E. **Correction of term of office for Bill Bishop, appointed to the Capital Projects and Financing Task Force on March 9, 2009; to serve a term expiring March, 2012 rather than March, 2011.**

Motion by Page, seconded by Waner, to approve General Consent Items 4.B.(1-5), 4.D. and 4.E. **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 March, 30, 2009.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending March, 30, 2009.**
- 3) **Approval of Letter of Intent with Francis Tuttle Technology Center.**
- 4) **Approval of interlocal agreement with the Board of County Commissioners of Oklahoma County to reconstruct, improve, repair and maintain certain City streets in the City of Edmond.**
- 5) **Acknowledge receipt of construction permits for Tuscan Villa, Section Iv, from the Oklahoma Department of Environmental Quality.**
- 6) **Acceptance of the following electric easement:**
 - a) Henri Chansane

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

- a) 2nd Street improvements, Vista and Bradbury
- b) Fairfax Estates VII
- c) Streetscape Phase III
- d) Edmond North Self Storage
- e) MFJ Legacy III Parkway Cleaners expansion
- f) Market Square 1A at Covell Village
- g) Henderson Hills Church administrative offices
- h) Comphealth II
- i) SAC Services, Inc. - Lakes of the Woods Addition

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.A.(1-7). **Motion carried** as follows:

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

NAYS: None

B. **Approval of Purchases:**

- 1) **Award of bid for rehabilitation of owner-occupied house located at 616 Sunset Drive from L.G. Construction Co. as part of the Community Development Block Grant (CDBG) program in the amount of \$2,832.**
- 2) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$11,445.91.**
- 3) **Award of bid and approval of contract for the Public Service training grounds project and Resolution No. 14-09 appointing Purchasing Agent for the Engineering Department.** Purchasing Manager recommended accepting bid from Silvercliffe Construction in the amount of \$252,250.

Motion by Waner, seconded by Miller, to approve General Consent Items 5.B.(1-3). **Motion carried** as follows:

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

NAYS: None

6. **Consideration of approval of Tort Claim Committee's recommendation on Tort Claim.**

CLAIM NUMBER

RECOMMENDATION

28-0044 Police Department

Pay - \$3,297.92

Motion by Lamb, seconded by Waner, to approve Tort Claim Committee's recommendation. **Motion carried** as follows:

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

7. Discussion and Consideration of direction to staff to proceed with Solicitation of Bids for the Festival Marketplace parking expansion and pedestrian bridge project. Mayor O'Neil stated on February 24th the Central Edmond Urban Development Board met and recommended Council move the parking/bridge project "forward expeditiously". They cited the following as their reasoning:

- Resolution No. 14-08 which the City Council adopted in support of the Northern Flyer - expansion of passenger rail service Kansas City and a study approved by Kansas State Legislature.
- The Central Urban Board also cited CEUBD history of past efforts of support for the additional parking and a bridge to move large numbers safely north of 2nd Street.
- The Central Urban Board also expressed a willingness to change priorities of approved project to move this project forward.

Mayor O'Neil stated the pedestrian bridge is a long term project that has been discussed for many years. He outlined the history of Edmond regarding rail service, the Festival Marketplace and the existing underpass on 2nd Street. He noted that over 70 events were held in downtown Edmond last year.

Karen Morton and Bryanne Wallace, both members of the Downtown Edmond Business Association (DEBA) addressed Council in support of the pedestrian bridge and the light rail system. They stated parking is a problem in the downtown area and the additional parking south of 2nd Street is very vital to the downtown businesses as well as the various downtown events.

David Forrest, Chairman of the Central Edmond Urban Development Board, also addressed Council. He stated the pedestrian bridge project is a vital link between the Festival Marketplace and areas south of 2nd Street. He noted it is the desire of the Urban Board to appoint a Task Force to review the 1998 Master Plan and part of the duties of the Task Force would be to focus on areas between 2nd and 9th Streets along Broadway and make recommendations for

future development. Mr. Forrest urged Council to move forward in order to allow the Urban Board plans to move forward.

Clare Woodside, architect and city planner with The Benham Companies, addressed Council and stated several years ago he was part of a visioning committee which was working towards a more walkable City and the pedestrian bridge would further that vision. Mr. Woodside also noted that he felt a light rail system would eventually come through Edmond and creating a location for the light rail system would be a positive benefit. He outlined the design of the bridge which he felt would be a great asset and could become a City landmark. He noted the bridge could be constructed for a lower cost than most capital projects in the City.

Mayor O'Neil stated this project would add approximately 160 parking spaces and a pedestrian bridge for less than \$7,000 a parking space, which is a significant savings for the City. He stated staff is in the process of defining a time line and reviewing a grant for federal funding. He noted the pedestrian bridge has already been funded in the FY 2005/06 budget. He stated in FY 2008/09 another \$260,000 was approved for safety upgrades. Mayor O'Neil stated taxes would not be increased to fund the project.

Steve Commons, Assistant City Manager for Administration, addressed Council and stated funding that staff has applied for may be awarded in July as part of the transportation enhancement program. He noted that according to ACOG, there were no rules that prohibited the City from soliciting bids for the project. Mr. Commons stated staff has informed him that the plans are 90% complete. Steve Manek, City Engineer, stated the bid documents could be completed in approximately 30 days with a nine month construction time frame.

Councilmember Page stated he supported the pedestrian bridge and light rail platform and felt the City needed to move forward. He stated the vision for making Edmond a more pedestrian friendly city has been discussed for many years. He noted in the past several years Councils have approved several projects linking different areas to the downtown and he felt the pedestrian bridge was another part of the downtown infrastructure.

Councilmember Miller stated he was not opposed to the pedestrian bridge but at this point neither the design plans or the bid documents are not complete. He noted that although the grant money has been applied for, staff has not received notice that the City was successful in obtaining the grant funding. He stated he felt the project should be delayed until the project is ready to bid and the grants have been received before more funding is

committed to the project. He noted in the near future the City will present to citizens the opportunity to vote for a tax increase in order to fund several important projects and that now is not the appropriate time to expend money for this project.

Councilmember Waner stated improving the area south of 2nd Street has been discussed for at least 10 years. She felt the City could not move forward with renovations in that area until the Council demonstrated their commitment to the area. She noted at this time nothing can be done until the infrastructure is in place. Councilmember Waner stated she felt that because the project is already funded the Council should move forward since the future is uncertain regarding whether the design plans will remain feasible and whether the costs of the project will increase. She requested when the bid documents are complete that they be submitted to Council for their review and perhaps at that time staff will know whether the City was successful in obtaining grant funding.

Councilmember Lamb stated originally this project was to be funded with ICE-T funds but it did not qualify for those grant funds. He stated he supported the bridge project but there was nothing for the Council to act on in front of them tonight and no bids or contract to commit funds to. He stated if grant money was available, the City should try for those funds to pay for the bridge.

Motion by Page to direct staff to move forward with plans for the pedestrian bridge and also a light rail platform south of 2nd Street and that it be modeled to provide access to the current transit system. Councilmember Lamb noted the rail platform is not a component of the current plans and further funding for architectural work would need to be approved. **Councilmember Page withdrew his motion.**

Further discussion was held and consensus of Council was for staff to continue to move forward with preparation of the plans and specifications for the project as well as to continue to position the City to receive federal funding. Councilmember Waner requested City staff submit a report in 30 days and City Manager Larry Stevens stated as soon as the plans are complete staff will submit those plans for discussion. Council determined that no further action was required on this issue.

Mayor O'Neil stated he felt the downtown business owners deserved a decision on this issue. He stated the project has many economic benefits for the community and invites economic development as well as cleans up a blighted area. He noted the area already owned by the City becomes more useful and valuable and is a bargain investment. He stated when the original railroad depot was removed in order to construct the underpass it divided the

north side from the south side and he felt those two areas of the City should be reconnected and the bridge would accomplish that connection.

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

Mayor O'Neil reconvened the City Council meeting.

11. **Public Hearing and Consideration of Ordinance closing approximately 591 feet of the east side of Kickingbird Road, extending east from Bryant, west of Huntwick II Addition (BVP Arbor Place, LLC, applicant) Case No. ES080004.** Mayor O'Neil stated this item would be continued to May 26, 2009, at the request of the applicant.

12. **Public Hearing and Consideration of Site Plan approval for multi-family residential known as the Arbor Place Apartments, located on the south side of Kickingbird Road, one-half mile east of Bryant, west of Huntwick II Addition, south of the Woodcreek Townhomes Addition (BVP Arbor Place, LLC, applicant) Case No. SP080021.** Mayor O'Neil stated this item is a companion to the above item and would also be continued to May 26, 2009, at the request of the applicant.

Motion by Miller, seconded by Waner, to continue the above two items to May 26, 2009, as requested by the applicant. **Motion carried** as follows:

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

13. **Public Hearing and Consideration of Ordinance No. 3202 rezoning from "G-A" General Agricultural to "R-2-A" Suburban Estate Dwelling District, located on the west side of Midwest Boulevard, south of Coffee Creek Road (Bryan Amy, applicant) Case No. Z090006.** The site contains 31 acres and the applicant is planning to sell one lot containing 60,002 square feet on Midwest Boulevard and retain the remaining lots for his use. There are no water or sewer services for this property so the lot would be developed with a water well and septic tank in compliance with City ordinances. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 2302 as read by title by the Mayor. **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. 3203 rezoning from "C-2" Medium Density Multi-Family Residential Planned Unit Development (PUD) to "A" Single Family Dwelling District, generally located in the Chisholm Lake Townhomes Addition, on the south side of W. Edmond Road, east of Foxfire Drive (City of Edmond, applicant) Case No. Z090001.

Motion by Page, seconded by Miller, to approve Ordinance No. 3203 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. 3204 rezoning from "D-O" Suburban Office District to "A" Single Family Dwelling District, generally located in the Chateau Addition, west of Kelly, south of Pruett Drive (City of Edmond, applicant) Case No. Z090003.

Motion by Miller, seconded by Page, to approve Ordinance No. 3204 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. 3205 rezoning from "B" Two Family Residential Planned Unit Development (PUD) to "A" Single Family Dwelling District, generally located in the Kimberly Crossing Addition, north of W. Edmond Road, west of Dooley Farms Lane (City of Edmond, applicant) Case No. Z090002.

Motion by Miller, seconded by Page, to approve Ordinance No. 3205 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. 3206 rezoning from "C-2" Medium Density Multi-Family Residential Planned Unit Development (PUD) to "A" Single Family Dwelling District, generally located in the Meadow Lakes 7th Addition, south of Danforth, east of Kelly (City of Edmond, applicant) Case No. Z090004.

Motion by Miller, seconded by Page, to approve Ordinance No. 3206 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. 3207 rezoning from "B" Two Family Dwelling District to "A" Single Family Dwelling District, generally located in the Pines at the Trails Addition (also known as the Trails 11th Amended Addition, south of Danforth, west of Santa Fe (City of Edmond, applicant) Case No. Z090005.

Motion by Waner, seconded by Page, to approve Ordinance No. 3207 as read by title by the Mayor. **Motion carried** as follows:

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

19. Public Hearing and Consideration of Ordinance No. 3208 amending the Edmond Municipal Code, Section 9.28.010, providing for swimming restrictions at Arcadia Lake; and providing for Repealer and Severability and Declaring an Emergency. The proposed ordinance was requested by the Police Department and would allow swimming within 50 feet of the shoreline in addition to the designated swimming areas. Swimming within 150 feet of any ramp, courtesy dock or marina, and any place that would interfere with other vessels and/or create a dangerous situation is prohibited. Also permitted is swimming at a distance no greater than 50 feet from a boat in a no-ski area. All swimming continues to be at the swimmers own risk and personal floatation devices are still required for children under 12. Staff has requested the ordinance be approved with the emergency clause in order for the

ordinance to take effect prior to the Memorial Day holiday. It was noted by staff that Arcadia Lake was one of the few lakes that prohibited swimming from the shoreline except in designated areas. Standards are not being lessened but the amendments will make it easier to police the Lake. The Fish and Game Commission recommended approval.

Councilmember Page stated his understanding was that the Police requested this ordinance change in order to better monitor the area because of the clause pertaining to swimming around boats. He stated he felt the amendments will eliminate the confusion associated with the current ordinance.

Motion by Page, seconded by Miller, to approve Ordinance No. 3208 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 Lamb, to attach Emergency Clause to Ordinance No. 3208. **Motion carried** as follows and Ordinance No. 3208 is in effect immediately:

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

19. NEW BUSINESS:

Councilmember Page reminded the public that the Edmond Arts Festival begins this Friday, May 1st, and continues through Sunday, May 3rd.

Mayor O'Neil reminded the public that the Bike to Work Day will be this Friday, May 1st.

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

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

City Clerk

Mayor