

EDMOND CITY COUNCIL MINUTES

May 11, 2009

Mayor Patrice Douglas called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, May 11, 2009, in the City Council Chambers.

2. Approval of April 27, 2009, Minutes. Motion by Miller, seconded by Page, to approve Minutes. **Motion carried** as followed:

AYES: Councilmembers Page, Waner, Lamb and Miller
NAYS: None
ABSTAIN: Mayor Douglas

3. City Council Presentations:

- A. **Presentation of proclamation recognizing May 11-15, 2009, as "National Tourism Week" in the City of Edmond.**
- B. **Presentation of proclamation recognizing May 17-21, 2009, as "National Public Works Week" in the City of Edmond.**
- C. **Presentation of proclamation recognizing May 17, 2009, as "Edmond Peace Officer's Memorial Day" and May 10-15, 2009, as "National Police Week" in the City of Edmond.**
- D. **Presentation of proclamation recognizing Summer Stolz as Miss Jr. Teen Oklahoma International 2009.**
- E. **City Manager's Progress Report.** Larry Stevens stated the intersection was closed and work began on the improvements at Danforth and Coltrane on April 14th. He stated due to recent rains the project has been significantly impacted and will remain closed for approximately 60 days from this point. During that time the street will be demolished and the water line will be relocated. Once this work is completed traffic will be intermittently closed during the remaining construction period of approximately four months. The contract amount is approximately \$1 million and is entirely funded from the 2000 Capital Improvements Sales Tax fund. Councilmember Waner asked for clarification regarding the intersection. She stated it was her understanding that the City saved money by completely closing the intersection during construction. Steve Manek, City Engineer, stated money was saved because the contractor did not have to do lane switches and move traffic in and out of lanes. He noted

he did not have the exact amount of savings but normally the savings can be significant.

Mr. Stevens stated the Memorial Road/Kelly Avenue interchange from Broadway Extension has also been delayed due to the rains. The contract still expects to finish ahead of schedule. The projected completion date now varies from mid-August to mid-November. The Oklahoma Department of Transportation is funding the entire cost of this project which is approximately \$30 million and includes early completion incentives.

Mr. Stevens stated planning work continues on the 4th Community Park and adult softball complex project. Final park master plan proposals should be presented in the next two months. Once the master plan is approved the design of the softball complex will move forward.

Mr. Stevens stated the public/private sidewalk partnership program has involved 413 property owners. Over \$235,000 in City funds have been expended and a balance of approximately \$250,000 remains for additional projects. Councilmember Waner asked who residents would contact regarding this issue. Mr. Stevens stated residents could contact either Keith Stewart or Herb Blomquist for further information.

4. Appointments to Boards and Commissions:

A. Election of Mayor Pro Tem/Vice Chairman of the Edmond Public Works Authority.

Motion by Miller, seconded by Waner, to re-elect Councilmember Charles Lamb. **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Page, Waner, Lamb
and Miller

NAYS: None

B. Mayor Douglas nominated the following for appointment:

- 1) Patrice Douglas, Finance/Audit Committee to serve a term expiring May, 2011.

C. Mayor Douglas nominated the following citizens for re-appointment:

- 1) Phyllis Gorman, Capital Projects and Financing Task Force to serve a term expiring April, 2012.
- 2) Councilmember Miller, Edmond Economic Development Authority Board to serve a term expiring May, 2012.
- 3) Councilmember Lamb, Finance/Audit Committee to serve a term expiring May, 2011.

- 4) Councilmember Lamb, Edmond Historic Preservation Trust to serve a term expiring May, 2011.
- 5) Councilmember Miller, Edmond Public Transportation Committee to serve a term expiring May, 2011.

Motion by Page, seconded by Waner, to approve General Consent Items 4.B.(1) and 4.C.(1-5). **Motion carried** as follows:

AYES: Mayor Douglas, 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 lease agreement with Francis Tuttle Technology Center for 2,400 square feet of meeting room and office space in the Downtown Community Center.**
- 2) **Approval of contract with the Edmond Public School System to purchase City property on W. Campbell in the amount of \$271,195.** Councilmember Page requested staff provide further information on this item. Jerry Smith, Assistant City Manager for Operations, addressed Council and stated the school system currently leases the property on Kelly and Campbell with an option to purchase. He stated the School Board has stated their desire to purchase the properties on Campbell that were formerly occupied by the Meter Department and the Oklahoma National Guard, and also to purchase the east 1.4 acres of the former Street Department yard to construct a transportation facility. Mr. Smith stated the School Board agreed upon a value of \$215,000 for the properties on Campbell. He noted the street department yard contains 6.92 acres and the prorated price to purchase the 1.4 acres is \$56,195. Mr. Smith stated the lots in question are shown as Tracts "D" and "E" on the map.

Brad Towne, Associate Superintendent, addressed Council and stated future access to the site would probably connect to Campbell because of a future project that may be constructed on Tract "A".

Motion by Miller, seconded by Page, to approve General Consent Item 5.A.(2). **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Page, Waner, Lamb
and Miller
NAYS: None

- 3) Approval of lease agreement with the Oklahoma Department of Public Safety for 1,637 square feet of office space in the Downtown Community Center.
- 4) Approval of supplemental appropriations for the Fire Public Safety Limited Tax Fund from the 2008 Fire Act Grant - \$180,000
- 5) Approval of transfer of appropriations to the General Fund, Park Maintenance Department, for the exterior renovation of the Rodkey House - \$8,000
- 6) Approval of transfer of appropriations for Central Communications - \$7,500
- 7) Approval of contract with the Association of Central Oklahoma Governments (ACOG) to provide traffic counts.
- 8) Acceptance of donation of stainless steel cat cage unit from Paws for Life.
- 9) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for the following:
 - a) Woodland Park - offsite waterline
 - b) Gardens of Fairfax IV - water and sewer lines
 - c) The Summit - water line
- 10) Acceptance of water line utility easement from Woodcreek Townhomes Association.
- 11) Approval of Resolution No. 15-09 amending the Rates, Rules and Regulations for collection of solid waste to provide for rates for certain on-call roll-off transport services, commercial cart services and average monthly fees for the Edmond Public Schools and the University of Central Oklahoma (UCO).

Motion by Waner, seconded by Page, to approve General Consent Items 5.A.(1,3-11). **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Page, Waner, Lamb
and Miller

NAYS: None

B. Approval of Purchases:

- 1) **Approval of Change Order No. 1 with Lopp Construction, LLC, for concrete work at the Fire Training grounds in the amount of \$1,320.**
- 2) **Award of bid and approval of contract for the FY 2008/09 School Zone Safety projects and Resolution No. 16-09 Appointing Purchasing Agent for the Engineering Department. Purchasing Manager recommended accepting bid from Traffic Signals, Inc. in the amount of \$59,367.80.**
- 3) **Approval of contract amendment with Poe and Associates for the Kelly Parkway project from Danforth to Coffee Creek in the amount of \$30,500.**
- 4) **Acceptance of roadway easements from the following property owners for the Kelly widening project, Danforth to Covell in the total amount of \$354,770:**
 - a) Tinker Federal Credit Union - \$38,600
 - b) Edmond Public Schools - donated
 - c) Mason Amir, LLC - \$70,300
 - d) The Piazza Shops, LLC - donated
 - e) Allied Storage, LLC - donated
 - f) Spirit Bank - donated
 - g) David Lee and Terry Mauldin - \$63,670
 - h) Salyer Family Trust - \$182,200

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-4). **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Page, Waner, Lamb and Miller

NAYS: None

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

| <u>CLAIM NUMBER</u> | <u>RECOMMENDATION</u> |
|------------------------|-----------------------|
| 29-0026 Animal Welfare | Pay - \$3,052.25 |

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

AYES: Mayor Douglas, 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 Douglas, Councilmembers Page, Waner, Lamb
and Miller
NAYS: None

Mayor Douglas reconvened the City Council meeting.

9. PLANNING CONSENT ITEMS:

- A. **Public Hearing and Consideration of Special Use Permit for a church use, located at 400 E. 9th Street (First Presbyterian Church, applicant) Case No. U090001.**

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

AYES: Mayor Douglas, Councilmembers Page, Waner, Lamb
and Miller
NAYS: None

10. Public Hearing and Consideration of extension of Commercial Site Plan approval for Fox Lake Plaza, located west of I-35, 1130 feet north of 15th Street (Expressway Development, applicant) Case No. SP030028. The Site Plan was originally approved on October 25, 2004, and there are no changes to the original design or standards. This project was previously extended in 2005 and 2006. The application was considered on November 13, 2007, and was continued to May 12, 2008, subject to several items being completed. On May 12th the application was continued for six months to November 10, 2008, to allow the applicant to continue to make improvements to the site. The project followed the previous Title 22 standards which were in effect at the time the application was submitted. The site contains 24.5 acres not including the lake. The two buildings contain 210,075 square feet and 1,243 parking spaces are provided. Mr. Battle is working on the Final Plat improvements.

Bob Schiermeyer, City Planner, addressed Council and stated the final plat is pending and there is a work order on the plat. He noted the developer is in the process of completing several improvements including paving, installation of utilities and drainage facilities which have been partially installed. Mr.

Schiermeyer stated the developer is working on paving the turn around on Fox Lake Lane. He stated the wall next to the lake has been installed as discussed at a previous meeting. He noted that even though the developer is working on the Plat, at this time the development is not ready for a building permit.

Randel Shadid, attorney representing the applicant, addressed Council and stated the applicant has spent a great deal of money on this site and requested an extension of their previously approved Site Plan. He noted the applicant hopes to landscape and place landscape boulders that were saved when the site was leveled along the frontage. Mr. Shadid stated he could not assure Council that the middle of the site will be seeded or sodded but the natural vegetation would begin growing once the equipment is removed from the site. He assured Council that the site would be mowed and kept at a minimum of 15 inches. He noted the national trend with retailers is not good but they are attempting to lure tenants to this area. Mr. Shadid stated the applicant is still under the jurisdiction of the Department of Environmental Quality (DEQ) and they will comply with the DEQ regulations.

Councilmember Page stated he was still disappointed that the applicant has not seeded or sodded the site and that there are still run-off and erosion control problems on the site.

Mark Reisweber, Fox Lake Addition, addressed Council in opposition and stated the property has languished for the past several years and also has run-off problems. He noted that he is a Lacrosse coach and he urged Council to purchase a portion of the property to construct a Lacrosse facility. He questioned why the City would continue to reward a developer for failure to complete a task by extending his project. Mr. Reisweber stated the residents have heard the same promises year after year with no results.

Joe VanLendingham, representing the Fox Lake Homeowners Association, addressed Council in opposition and stated the homeowners association agreed not to comment on matters of public concern and he felt they have lived up to their agreement. He noted the association has supported the developer in obtaining permits in order to complete the project. He stated the dirt that blows off the site and then flows through the street after a rain is a problem. He stated he was told that the developer had agreed to seed or sod the property which at this time has not been done. He stated he was still concerned with the run-off from the neighboring development. Mr. VanLendingham asked if the City had a plan to deal with the run-off and if not how will the problem be resolved. He noted the developer has failed to provide a turn around as promised, the columns at the entrance to the Fox Lake Addition, the lighting, sprinkler system and water connection. He stated these items are not matters of public concern and therefore

the association is not commenting on but they are part of a long list of unfulfilled promises.

Mayor Douglas asked staff for an explanation of the erosion problems. Steve Manek, City Engineer, addressed Council and stated his department is aware of the silt in the drainage pipes. He noted when the Final Plat is approved the developer will be required to clean out the drainage pipes to be sure they are functioning properly. Mr. Manek stated once the paving is completed and the property is sodded/seeded, it will help alleviate the problems with the silt. He stated since the development is under the jurisdiction of the DEQ, the City engineering staff only monitors the situation.

Councilmember Page stated he visited the site last week and the erosion control problem still exists and that he will vote no on the extension request because of continuing erosion problems. He noted that he felt the applicant could comply with City and DEQ requirements for erosion control in terms of sodding or seeding the site.

Councilmember Waner stated that while she agreed with the residents as well as Councilmember Page she felt if the extension is denied, then all further improvements to the site will cease. She stated this issue has placed the City in an awkward and embarrassing situation and she felt it was incumbent upon Council to resolve the situation. She stated she would agree to a six-month extension.

Councilmember Lamb stated the City codes do not address a six-month extension but are generally for the full site plan term which is for one year. He stated for at least two years the Council has only granted temporary extensions which are really only continuances of the discussion. He noted when Title 22 was re-written, a site plan approval is now good for 18 months rather than the previous one-year time frame. Councilmember Lamb stated he felt it was unfair to the applicant to extend the project for such a short time due to the time and effort it took just to get the site ready to build on. He felt the Council was not taking into consideration the amount of time it takes to complete a large acreage project, including the infrastructure investments a developer is required to make. Councilmember Lamb stated the Code treats a two-acre office project the same as a much larger site plan. He stated he would be in favor of extending the project for one-year since the applicant has continued to improve the site.

Motion by Waner, seconded by Page, to extend the Site Plan for six months. **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Waner, Lamb and Miller
NAYS: Councilmember Page

11. Public Hearing and Consideration of Ordinance No. 3209 amending the Edmond Municipal Code, Section 15.45.010 Appeals from the Sign Code, providing for Appeals procedure for Central Edmond Urban District locations; and providing for Repealer and Severability. The proposed ordinance would allow the Central Edmond Urban Development Board to review sign variance requests in the Urban District rather than the Planning Commission, in the same manner that they review Commercial Site Plans in the Urban District. The Central Edmond Urban Development Board and Planning Commission recommended approval.

Councilmember Page stated statutorily the Urban Board is only an advisory board and Council has yet to take the action to establish the Urban Board as a planning board with similar or identical authority as the Planning Commission in the downtown Urban District.

Councilmember Lamb stated statutorily the City would have problems with establishing two planning commissions. He noted the Planning Commission still reviews planning amendments and rezoning within the Urban District. He stated the area of latitude, because the requirement is a locally derived ordinance, is Site Plan reviews which Council has designated the Urban Board as the panel to review site plans in the Urban District. He noted signs are also a locally derived code as well as a parallel piece of the Site Plan process. Councilmember Lamb stated he felt it was logical that the Urban Board review the sign requests in the Urban District due to the increased requests for blade signs which are more common in urban areas.

Councilmember Waner stated she felt Council had not finished discussing the Central Edmond Urban Development Board responsibilities in this regard when Title 22 was being re-written. She stated she was not opposed to approving the proposed ordinance but felt Council should address the bigger issue regarding the authority of the Urban Board.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3209 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Page, Waner, Lamb and Miller
NAYS: None

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

Dill vs. City of Edmond

Motion by Waner, seconded by Miller, to meet in Executive Session to discuss the above item. **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Page, Waner, Lamb
and Miller
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 6:31 p.m. and returned to the City Council Chambers at 6:35 p.m.

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

AYES: Mayor Douglas, Councilmembers Waner, Lamb and
Miller
NAYS: None

13. Consideration of action with regard to the Dill claim.

Motion by Miller, seconded by Page, to authorize the City Attorney to proceed with settlement negotiations on the Dill claim. **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Waner, Lamb and
Miller
NAYS: None

14. NEW BUSINESS:

Councilmember Page stated the Stormwater Drainage Advisory Board will present to Council a recommendation to amend the stormwater ordinance. He requested the ordinance be placed on the next agenda for discussion only. He stated after the ordinance has been discussed then it could be placed on a future agenda for formal consideration.

Councilmember Page requested Council consider purchasing property for Lacrosse and Rugby fields in the future. Councilmember Miller stated that the current softball fields in the 4th Community Park will be eliminated and the area used for Lacrosse and Rugby. He noted that a Rugby field was built in Mitch Park which could also be used by the Lacrosse teams.

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

AYES: Mayor Douglas, Councilmembers Waner, Lamb and
Miller
NAYS: None

City Clerk

Mayor