

EDMOND CITY COUNCIL MINUTES

June 8, 2009

Mayor Patrice Douglas called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 8, 2009, in the City Council Chambers.

2. Approval of May 26, 2009, Minutes. Motion by Miller, seconded by Waner, to approve Minutes. **Motion carried** as followed:

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

NAYS: None

3. City Council Presentations:

A. **Presentation of proclamation recognizing June 21-27, 2009, as "Amateur Radio Week" in the City of Edmond.**

B. **City Manager's Progress Report.** Larry Stevens addressed Council and stated Request for Qualifications (RFQ) for the joint partnership with the Edmond Public Schools and the YMCA regarding the potential expansion of the Multipurpose Activity Center (MAC) was released to interested firms to prepare a concept plan. Each of the two partnering entities have contributed \$15,000 toward the cost of the concept plan. The recommended firm will need to be approved by all three entities with an expected completion date in the fall.

Mr. Stevens stated the contractor of the Covell Underpass project has been able to make up time due to the nice weather with the actual railroad bridge expected to be completed by July 4th. The contractor is now estimating the completion of the project by mid-November, weather permitting.

Mr. Stevens stated the contractor for the bridge replacement at 15th Street and Coltrane remains on schedule for completion by the end of August. The project is entirely City-funded with a cost of \$4.225 million.

Mr. Stevens stated the residential building permits for the first four months of the calendar year have decreased by 55% from 2008. This decrease is in addition to a decline of 51% over the last three calendar years. He noted the commercial building permits have decreased 7.6% from 2008. Last year commercial permits declined 45.8% from the previous year.

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

- A. **Appointment of Municipal Judge and Associate Municipal Judge.**
Mayor Douglas nominated Alan Synar for Municipal Judge and Diane Slayton as Associate Municipal Judge to serve terms expiring July, 2011. They will be formally appointed at the next meeting.
- B. **Appointment to the Central Edmond Urban Development Board.**
Councilmember Waner nominated Suzy Thrash to serve a term expiring June, 2012.
- C. **Appointment to the Central Edmond Urban Development Board.**
Councilmember Lamb nominated David Forrest to serve a term expiring August, 2010.

Motion by Miller, seconded by Page, to approve General Consent Items 4.B. and 4.C. **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 designating Mayor Douglas as City representative and Councilmembers Waner and Lamb as alternates to the Association of Central Oklahoma Governments (ACOG) Board of Directors.**

Mayor Douglas temporarily left the City Council Chambers and Mayor Pro Tem Lamb presided over the meeting.

- 2) **Approval to add Spirit Bank to the list of approved banking institutions and Brokers/Dealers in accordance with the City of Edmond Pooled Investment Policy.**

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

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

Mayor Douglas returned to the City Council Chambers.

- 3) **Approval of transfer of appropriations from the Fire Public Safety Limited Tax Fund to the Fleet Management Fund - \$586,823**
- 4) **Approval of transfer of appropriations from the Urban Forestry Fund to the Fleet Management fund to acquire an additional vehicle for the Community Image Department - \$6,000**
- 5) **Acceptance of public improvements and maintenance bonds for the following:**
 - a) Integris Village Center V at Coffee Creek
 - b) Iron Horse Ranch IV
- 6) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for the following:**
 - a) Estates I at Kelly Lakes - water line
 - b) Market Square 1A at Covell Village- water line
 - c) Sweetwater Addition - water line
 - d) The Summit - sewer line

Motion by Lamb, seconded by Waner, to approve General Consent Items 5.A.(1,3-6). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) **Award of bid for a Quint Apparatus (pumper with 75 foot aerial ladder) for the Fire Department.** Purchasing Manager recommended accepting bid from Pierce Mfg. in the amount of \$611,100.
- 2) **Award of bid for a heavy rescue apparatus for the Fire Department.** Purchasing Manager recommended accepting bid from Pierce Mfg. in the amount of \$398,500.
- 3) **Award of proposal for self contained breathing apparatus training maze for the Fire Training Facility.** Purchasing Manager recommended accepting bid from Pro-Safe Fire Training Systems in the amount of \$200,500.

- 4) **Approval of amendment to the contract with FBS Engineers, Inc. for the Bryant Avenue bridge project in the amount of \$9,000.**
- 5) **Approval of additional project cost for the electrical upgrades to campsites in Central State Park at Arcadia Lake in the amount of \$10,000.**
- 6) **Approval of emergency contract with Urban Contractors, Inc. for repair of a 30 inch sanitary sewer line in the amount of \$41,000.**

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.B.(1-6). **Motion carried** as follows:

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

6. Public Hearing and Consideration of Ordinance No. 3211 amending the Edmond Municipal Code, Section 2.54.010(7) Employee; providing for Changes in Definition of Employee; and providing for Repealer and Severability. The proposed ordinance will clarify that all current and future full-time employees of the Edmond Economic Development Authority are automatic participants in the City's Employee Pension and Retirement Plan as a term of their employment.

Motion by Miller, seconded by Page, to approve Ordinance No. 3211 as read by title by the Mayor. **Motion carried** as follows:

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

7. Public Hearing and Consideration of Ordinance No. 3212 amending the Edmond Municipal Code, Chapter 2.56, amending Section 2.56.350 Court Costs; providing for Change in Court Costs; and providing for Repealer and Severability. The proposed ordinance will increase court costs from \$25 to \$30 in compliance with State Law.

Motion by Miller, seconded by Page, to approve Ordinance No. 3212 as read by title by the Mayor. **Motion carried** as follows:

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

8. Discussion and Consideration of the FY 2009/2010 Budget.

Larry Stevens addressed Council and stated all changes the Council requested at the budget workshop held on May 22nd have been incorporated into the budget.

Mayor Douglas stated the budget was extensively discussed during the workshop. She stated the Council has instituted a plan to make budget cuts if revenue is less than anticipated. She noted the proposed budget is very conservative in revenue projections with only a 3% increase in sales tax budgeted.

Motion by Waner, seconded by Page, to approve Item No. 8. **Motion carried** as follows:

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

9. Approval of Resolution No. 17-09 approving the appropriations of the various City of Edmond funds for FY2009/2010:

- a) General Funds
- b) Special Revenue Funds
- c) Debt Service Funds
- d) Capital Project Funds
- e) Internal Service Funds

Motion by Miller, seconded by Lamb, to approve Resolution No. 17-09. **Motion carried** as follows:

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

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

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
29-0017 Fire Department	Pay - \$1,500

Motion by Lamb, seconded by Miller, 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.

14. PLANNING CONSENT ITEMS:

- A. **Consideration of amended Final Plat for Village Center V at Coffee Creek, located east of Kelly Avenue, south of Prairie Village Drive (Turner and Company, applicant) Case No. PR080035.**
- B. **Public Hearing and Consideration of Preliminary Plat for the Legacy Station Addition, located south of Thatcher, north of Edwards, approximately 100 feet east of the BNSF railroad tracks (Turning Point Ministries, Inc., applicant) Case No. PR090007.**

Motion by Lamb, seconded by Miller, to approve Planning Consent Items 14.A. and 14.B. **Motion carried** as follows:

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

15. Public Hearing and Consideration of Ordinance No. 3211 Amending the Edmond Plan from Suburban Office to Limited Light Industrial, located at 235 W. Hurd (Neal McGee, applicant) Case No. Z090010. The site will contain a 3,186 square foot building which is currently under construction. The building was originally proposed with an office downstairs and a residence upstairs. The applicant is proposing to convert the downstairs to a bakery/cupcake retail establishment and the upstairs for the business office. The building is not fire sprinkled at this time. The previous "D-0" office district allowed for single family uses which is no longer allowed in the new "D-0" district. For many years the property to the west has been used commercially even though the property is zoned for single family usage. A small business to the southwest of the site has been used as a convenience/grocery store and more recently has been operated as an outdoor garden center. Six parking spaces are proposed, two on-street spaces plus two each in the garage and carport. The proposed district is the most limited retail district and was created when the new zoning ordinance was approved in 2007.

Retail use would require a minimum of eight spaces for only a limited use of the building. Planning Commission recommended denial.

Councilmembers noted when the original development was approved, it was approved as a transition use combining office and residential usage.

Neal McGee addressed Council and stated the original applicant died and he became the owner of the property. He stated family friends started Sarasara Cupcakes which they would like to locate in this building. He noted the business is a small family owned business that is mostly cash and carry and will not generate much traffic. Mr. McGee stated the upstairs would be used as an office and for storage. He noted the outside of the building will not be changed and he felt would be a good fit for the neighborhood. He stated the building will contain only one business rather than two that would be allowed in the present zoning category. He stated the parking exceeds what the downtown businesses currently provide and the convenience store a few blocks away.

Bob Healy, Lee and Clyde Parker, Bonnie Oakley and Peggy Canada, all area residents, addressed Council in opposition. Their primary concerns were increased traffic, rodents and the hours of operation. Also a concern was what would happen if the business closed and the precedent set by a retail establishment in this area.

Eric Smith, chef and partner of SaraSara Cupcakes, addressed Council and stated even though there are a multitude of locations in Edmond that would allow this type of business, the applicant wanted to lease space from Mr. McGee since he has been a family friend for many years and now has a building with no tenants. He stated they provide a quality product and are in the top five desert businesses in Oklahoma City. He noted they accept only one delivery truck a week so he did not feel that deliveries would create a problem. Mr. Smith stated if Council denies the application, then they will look for another location but he felt any business that ultimately leases the building will not be accepted by the residents either. He noted that the business owners love Edmond and wanted to locate in the City because of family ties. He stated the current zoning would allow businesses that will generate more traffic than Sarasara Cupcakes will.

Councilmember Miller stated he would welcome their business in Edmond but felt the area is not conducive to this type of business since it was originally zoned for a residence/office use.

Councilmember Page stated he too would welcome the business in Edmond but felt there was too much traffic in this area for a

retail establishment. He noted he only approved the original application because of the specific usage and he felt the proposed new use would not be appropriate for this area.

Mayor Douglas stated she wanted to echo the desire to have Sarasara Cupcakes in Edmond and hoped the business would find another location if this application is denied.

Councilmember Waner stated that this is a Plan amendment that would change the use from office to retail and she felt such a change was not appropriate for the area. She felt the business could become a destination point and would generate more traffic for an already high traffic area. She stated she also hoped SaraSara Cupcakes would find another location in Edmond.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3211 as read by title by the Mayor. **Motion was denied** as follows:

AYES: None

NAYS: Mayor Douglas, Councilmembers Page, Waner, Lamb
Miller

16. Public Hearing and Consideration of Ordinance rezoning from "D-0" Suburban Office to "D-4" Limited Light Retail Industrial, located at 235 W. Hurd (Neal McGee, applicant) Case No. Z090010. This is a companion to the above item and was not considered due to the failure of that item.

17. Consideration of Resolution No. 18-09 supporting an expansion of the Creek Side Retirement Apartments for a tax credit application to the Oklahoma Housing Finance Authority, located at 25 Creek View Drive (Conine Realty Group, LLC, applicant). The site contains 7.1 acres and 72 apartment units are proposed. The applicant is also requesting the City apply the electric efficiency rebates in order to reflect that as a further support beyond the resolution. Approval of the resolution does not include approval of access, Site Plan and drainage issues.

Kent Conine addressed Council and urged approval. He stated the proposed development is west of the existing 84 unit Creek Side Village Apartments and they are contemplating applying for tax credits for affordable senior housing. Mr. Conine stated the Housing Finance Authority requires the applicant to receive written approval from each City. He noted since the process for obtaining the tax credits is based on a point system, he requested the electric rebates also apply to this development in an attempt to receive the tax credits.

It was noted by staff that the electric rebate program is already in effect and would be available to the applicant without any action by Council.

Donna Smith addressed Council and urged approval.

Motion by Page, seconded by Miller, to approve Resolution No. 18-09. **Motion carried** as follows:

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

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

Lee vs. City of Edmond
Nipper vs. City of Edmond

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above items. **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 6:41 p.m. and returned to the City Council Chambers at 6:50 p.m.

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

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

19. Consideration of action with regard to the Lee and Nipper claims.

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

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

20. **NEW BUSINESS:** None

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

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

City Clerk

Mayor