

EDMOND CITY COUNCIL MINUTES

October 12, 2009

Mayor Patrice Douglas called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 12, 2009, in the City Council Chambers.

2. Approval of September 28, 2009, Minutes. Motion by Waner, seconded by Miller, 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 Certificate of Achievement for Excellence in Financial Reporting award for FY 2007/08 by the Government Finance Officers Association.** Finance Director Ross VanderHamm made the presentation to Mayor Douglas. .
- B. **Presentation of National Association of Government Defined Contribution Administrators Award to the City Treasurer's Office.** Mayor Douglas presented this award to staff members in the City Treasurer's office, Lisa Murray and Holly Wescott. This award was earned for the first annual Nest Egg Expo which was held in 2008.
- C. **Presentation of proclamation recognizing October 18-24, 2009, as "SAVE FOR RETIREMENT" Week in the City of Edmond.**
- D. **Presentation of proclamation recognizing October, 2009 as "NATIONAL ARTS AND HUMANITIES MONTH" in the City of Edmond.**
- E. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the BSNF Railroad is now using the new Covell underpass bridge and the "shoo-fly" has been removed. Drainage structures, retaining walls and cutting the dirt to grade are now being installed by the contractor. Staff feels that December is the most likely time frame for completion of the project. The City's 20% share will be approximately \$1.37M and funded from the 2000 capital improvements sales tax.

Mr. Stevens stated the design plans for the Covell widening project from the MAC to Thomas Drive is now 60% complete. An

independent property appraisal process will begin within 30 days.

Mr. Stevens stated representatives from the Service/Blake Soccer Complex and the design engineers from CH Guernsey will be reviewing the final draft for this expansion next week. He noted in a related development, staff is working with a cell phone provider to develop a new cell site within the soccer expansion area. The cell phone site would incorporate into a concession/restroom facility with the provider helping finance the facility.

Mr. Stevens stated the last item to discuss was the restoration of the Rodkey House. He stated a new wood shingled roof and new siding where needed on the back of the house has been installed, and the entire exterior of the house has been repainted. The City has now completed the work that was committed to in sealing and protecting the exterior of the home.

4. Appointments to Boards and Commissions:

- A. **Appointment to the Kickingbird Tennis Advisory Board.** Councilmember Miller nominated Angie Smith to serve a term expiring October, 2012.

Motion by Miller, seconded by Page, to approve General Consent Items 4.A. **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) **Acceptance of electric easement from Faith Bible Church.**
- 2) **Approval of transfer of appropriations for the renovation and improvement of the fabric tennis structure from the Park Tax Fund - \$45,000**

Motion by Waner, seconded by Page, to approve General Consent Item 5.A.(1-2). **Motion carried** as follows:

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

B. Approval of Ordinances and Resolutions:

- 1) **Approval of Resolution No. 26-09 creating the Ambulatory Services Fund.**
- 2) **Public Hearing and Consideration of Ordinance No. 3233 amending Title 23, Stormwater Drainage, of the Edmond Municipal Code, adding Section 23.20.050(E) requirements relating to developments to provide for low impact developments; and providing for Repealer and Severability.**
- 3) **Public Hearing and Consideration of Ordinance No. 3234 amending and renaming the Edmond Municipal Code, Section 10.32.020 Unsafe Turns; and providing for Repealer and Severability.**

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

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

C. Approval of Purchases:

- 1) **Award of bid for 35 foot aerial device for the Fleet Maintenance Company.** Purchasing Manager recommended accepting bid from Equipment Technologies, Inc. in the amount of \$92,598.30.
- 2) **Award of bid for advanced medical life support training for the Fire Department.** Purchasing Manager recommended accepting bid from EOC Technology Center in the amount of \$52,000.
- 3) **Award of bid and approval of Change Order No. 1 with L.G. Construction for rehabilitation of residential structure located at 1112 N. Washington as part of the Community Development Block Grant (CDBG) program in the amount of \$33,213.**

- 4) **Acceptance of proposal for repairs and improvements to the fabric tennis structure at the Kickingbird Tennis Center.** Staff recommended accepting proposal from Signature Structures, LLC, in the amount of \$42,850.

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

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

NAYS: None

Motion by Miller, seconded by Lamb, 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.

8. Public Hearing and Consideration of Ordinance No. 3235 amending the Edmond Plan from Suburban Office Planned Unit Development (PUD) to Planned Unit Development (PUD), located north of Locust Lane, west of Bryant Avenue (Turner and Company, applicant) Case No. Z090025. The applicant has recently purchased the property and is planning to construct a one-story 13,400 square foot building on the north side of the parking lot. The building would include a dance studio encompassing 8,900 square feet of the building with the remainder of the building being used for offices. The site will be accessed by an existing driveway on Bryant. The previous developer installed an interior parking lot with 73 parking spaces. The existing landscaping will remain and additional landscaping will be added adjacent to the building. A retaining wall will be constructed on the north side of the property. An OG&E 60 foot wide easement is located to the north on the Cedar Ridge Addition property. Planning Commission recommended denial.

Clay Coldiron, representing Turner and Company, addressed the Council and said that a Community Connections meeting had been held after the Planning Commission meeting, and several of the residents concerns had been addressed. He stated there will be no retail usage and presented a document reflecting that retail had been permanently restricted through the covenants attached to the property. Those addressing the Council in opposition to the rezoning were Roger Williams (Thornbrook Village HOA), Richard VanHorn (Thornbrooke Manor HOA), Kenneth Sarkey (property owner to

the west), Nila Rouk (Forest Oaks Addition); and Sheri Protus (Cedar Ridge Addition).

Councilmember Waner acknowledged that this had been a contentious issue when the current PUD was developed, which reflects input from the local homeowners. She had concerns regarding the increase in traffic that the proposed PUD would generate. She felt this was an opportunity to provide consistency from Council to Council by acknowledging previous commitments. Councilmember Page stated he could not support the application because the façade of the building looks like a shopping center, and he does not believe it is appropriate to add a new useage and call it a PUD. He noted the old PUD had underlying zoning and the new PUD does not which allows the applicant to increase the usage. He stated the utility easement referred to the adjacent property and should not be considered as the required 70 foot sensitive border. He felt the concessions that were accepted by the neighbors several years ago were that of a "D-0" office complex, similar in magnitude to the Chrisman office complex on 33rd Street and he felt that commitment should be held true. Councilmember Lamb stated that when the original PUD was approved, concessions were made not to connect to Locust Lane and that the drainage problem to the north was a significant concern. He believes the current drainage solution is much better than having three footprints with runoff between the buildings and that the proposed building with limited height and no windows will be more effective than a screen fence. Councilmember Miller stated the new PUD will be smaller than the original three buildings proposed. He stated he thought it was an improvement to the original plan. Mayor Douglas stated that the possibility of retail usage is completely gone, and also there is a reduction in size from the original PUD. She stated she has been contacted by some of the area homeowners who are in support of the rezoning.

Councilmember Waner asked if the size of the PUD would be limited to the size of the original PUD, and Mr. Schiermeyer stated that with adoption of the new PUD, the old one would no longer be in effect. Derek Turner stated that the applicant would be willing to limit the size of the PUD to 22,517 feet as was in the original PUD, and he asked Council to consider this an amendment to the design statement for the Planned Unit Development under consideration this evening.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3235 as presented, with the amendment to the design statement that new PUD does not exceed the total square footage allowed under the current PUD of 22,517 square feet. **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Lamb and Miller

NAYS: Councilmembers Page and Waner

Motion by Waner, seconded by Miller, to attach Emergency Clause to Ordinance No. 3235. **Motion carried** as follows and Ordinance No. 3235 is in effect immediately:

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

9. Public Hearing and Consideration of Ordinance No. 3236 rezoning from "D-O" Suburban Office Planned Unit Development (PUD) to Planned Unit Development, located north of Locust lane, west of Bryant Avenue (Turner and Company, applicant) Case No. Z090024. This is a companion to the above item and was discussed at that time. Councilmember Waner asked if there would be a handrail on the top of the retaining wall. Applicant stated there would be a rail.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3236 as amended under Item 8 that the total square footage not exceed that in the original Planned Unit Development. **Motion carried** as follows:

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

10. Public comments and input on the proposed Public Safety Center. Mayor Douglas asked for continued discussion of this issue and additional input from the public. David Forrest, Chairman of the Urban Board, addressed Council and stated its members are unanimously in support of keeping the PSC downtown. He also stated that preservation of downtown requires the City to be the anchor tenant of the downtown. Finally, he stated that the Urban Board would like to see the PCS be done in the realm of a larger vision and economic redevelopment for the downtown area.

Carol Morales, 319 W. Main, addressed Council and stated the neighborhood of the Chitwood Neighborhood Coalition remains opposed to locating the PCS at Main and Kelly at Barnett Field due to loss of park space, impact on those who live there, and safety of their children. Ed Moore stated that he had taken a tour of the current police facility and the public should know that it is extremely crowded. Councilmember Lamb noted that the 911 operation and emergency management would also be located in the new facility. Mayor Douglas stated that this issue has been discussed recently at a workshop and that Council seeks the opinion of citizens before a decision is made on the size and scope of the facility.

11. Discussion and consideration of scheduling workshops and public input meetings regarding the proposed Public Safety Center. The Council agreed to hold a workshop at 3:00 p.m. on October 26.

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

Vaden vs. City of Edmond

Motion by Waner, seconded by Miller, to meet in Executive Session based upon the advice of the City Attorney who has determined that disclosure will seriously impair the ability of the City Council to process the claim or conduct a pending investigation, litigation or proceeding in the public interest. **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 7:04 p.m. and returned to the City Council Chambers at 7:11 p.m.

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

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

13. Consideration of action with regard to the above claim/litigation.

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

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

14. CITIZEN COMMENTS: None

15. NEW BUSINESS:

Mr. Stevens introduced Tim Berringer, the new manager of Edmond Electric.

Mayor Douglas announced the city will be promoting a "Shop Edmond" campaign. Councilmember Waner reported Claudia Deakins is developing a marketing campaign starting with the holidays and continuing beyond into the new year.

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

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

City Clerk

Mayor