

## EDMOND CITY COUNCIL MINUTES

December 14, 2009

Mayor Patrice Douglas called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, December 14, 2009, in the City Council Chambers.

Mayor Douglas stated the Edmond Electric Parade of Lights was a great success as well as the other activities held that night. She stated the Edmond Senior Nutrition program began operating three days a week on December 8<sup>th</sup> and she thanked the public and area businesses for their contributions to re-start this program. She also expressed her thanks to Representative Marian Cooksey for her efforts to help with the private fundraising for this program.

**2. Approval of November 23, 2009, Minutes.** Motion by Miller, seconded by Lamb, to approve Minutes. **Motion carried** as followed:

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

NAYS: None

### **3. City Council Presentations:**

A. **Presentation of Journey Lineman Certificate to Sean Simmons for completion of the Municipal Electric Systems of Oklahoma (MESO) Lineman Apprentice program.** Caroline Pierce, Training and Staff Development, and Charlie Burgett, retired Edmond Electric Director, presented the certificate to Mr. Simmons.

B. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the Covell Underpass project is facing another delay. The contractor has requested an additional 140 calendar days to complete the project due to the railroad delay in constructing the temporary tracks last summer and rain delays. The new completion date is March, 2010.

Mr. Stevens stated City staff received a draft report of the study for a potential Chimney Hills trail through the addition. This issue has been reviewed for over three years and the project would follow the Trails Master Plan by

extending the trail from Hafer Park east through the Spring Creek corridor to Coltrane. The Master Plan identified a continuous trail from Fink Park all the way to Arcadia Lake.

Mr. Stevens stated the property appraisal process has been completed for the Covell Widening project, Marilyn Williams Drive to Thomas Drive, and offers have been made to the property owners for the right-of-way needed for this project. After acquisitions have been made, staff will begin to coordinate relocation activities.

Mr. Stevens stated the last project to discuss was the relocation of the recycling center from the current location on West 3<sup>rd</sup> Street to the transfer station location at I-35 and Covell. This is a public-private partnership with Turner and Company who will provide the dirt work and City Field Services employees will install the concrete pad and approach. The concrete work is anticipated to be completed before Christmas.

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

- A. **Appointment to the Board of Adjustment/Board of Appeals.**  
Mayor Douglas nominated Bud Fisher for re-appointment to serve a term expiring in May, 2012.
- B. **Appointment to the Kickingbird Golf Club Advisory Board.**  
Councilmember Lamb nominated Derek England for re-appointment to serve a term expiring in May, 2013.

Motion by Lamb, seconded by Miller, to approve Items 4.A. and 4.B. **Motion carried** as followed:

AYES: Mayor Douglas, Councilmembers Waner, Page, 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 transfer of appropriations for Central Communications - \$14,496**
- 2) **Approval of Federal and State Legislative Agendas for calendar year 2010.**

- 3) Approval to add Stillwater National Bank and MidFirst Bank to the list of approved banking institutions and brokers/dealers, as contained in the City of Edmond Pooled Investment Policy.
- 4) Acceptance of electric easement from Johnnie R. and Cynthia Gibbon, 200 W. Waterloo Road.
- 5) Approval of transfer of appropriations from the Fleet Management fund to the Police Public Safety Tax Fund for a mobile command post vehicle that was not purchased in FY 2008 but the funds were transferred for the purchase - \$400,000
- 6) Approval of contract with Edmond Public Schools, District No. 12 for sale of city property on North Kelly Avenue in the amount of \$218,805.
- 7) Approval of transfer of appropriations for the Asset Forfeiture Fund - \$7,000
- 8) Approval of transfer of appropriations from the Council Contingency Fund to assist in the funding of re-establishing the meals program in the Edmond Senior Center - \$10,000. Councilmember Waner emphasized this is only a temporary solution and that the City should actively seek a long-term solution. She thanked all the citizens for contributions for this program.

Mayor Douglas stated approximately \$11,000 in private donations have been received. She noted the City is still in discussions with the state agency which funds this program and Edmond's state legislators are also working to get this program re-funded at the state level.

Motion by Waner, seconded by Miller, to approve General Consent Item 5.A.(8). **Motion carried** as follows:

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

- 9) Approval of supplemental appropriations to provide additional funds necessary to provide an interim meals program at the Edmond Senior Center - \$28,000

- 10) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality.**
- 11) **Acceptance of public improvements and maintenance bonds for the following:**
  - Old Towne Lofts

Motion by Waner, seconded by Miller, to approve General Consent Items 5.A.(1-7,9-11). **Motion carried** as follows:

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

- 12) **Approval of supplemental appropriations for receipt of New Freedom grant for para-transit services - \$110,105.** Mayor Douglas stated this item would be continued to December 22, 2009.

Motion by Lamb, seconded by Miller, to continue General Consent Item 5.A.12 to December 22, 2009. **Motion carried** as follows:

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

B. **Approval of Ordinances and Resolutions:**

- 1) **Public Hearing and Consideration of Ordinance amending Title 16 of the Edmond Municipal Code, Buildings and Construction; providing for changes in the International Building Code, 2006 Edition; deleting certain sections and amending Section 16.04.090 Ambulatory Health Care Facility; Section 16.06.014 Duties and Powers of the Building Official; Section 16.06.060 Electrical Contractor's Registration; Section 16.12.020 License Registrations Required; Section 16.16.060 Electrical Contractor's Registration; Section 16.16.150 Exceptions to National Electrical Code; Section 16.16.180 Protection of Public Property and Welfare; Section 16.16.210 Violations; Section 16.20.030 House Mover's Insurance and Bond; Section 16.36.022 Mechanical Contractor's Registration; Section 16.36.090 Violation Penalties; Adding new Sections 16.04.100 Address Numbers; Section 16.04.105 Marking**

and Identification; Section 16.04.106 Materials; Section 16.04.107 Horizontal and Vertical Continuity; Section 16.04.110 Ambulatory Health Care Facility; Section 16.04.130 Doors, Gates, Turnstiles; Section 16.04.100 Retaining Walls; Section 16.04.160 Public Swimming Pools; Section 16.06.082 Bathrooms; Section 16.06.010 International Residential Code for One and Two Family Dwellings, 2006 Edition; Section 16.06.165 Application; Section 16.06.167 General; Section 16.06.205 Make Up Air Required; Section 16.06.320 Where Permitted; Section 16.08.145 Prohibited Locations; Section 16.12.042 Appliance Location; Section 16.36.115 Prohibited Locations; Section 16.36.117 Make Up Air Required; Section 16.36.118 Type II Hoods; and providing Repealer and Severability. Mayor Douglas stated this item would be continued to January 11, 2010.

- 2) Public Hearing and Consideration of Ordinance amending Chapter 17.04 of the Edmond Municipal Code Fire Prevention Code; providing for changes in the International Fire Code, 2006 Edition; Deleting certain sections; amending sections relating to Stop Work Order; Ambulatory Health Care Facility; Open Flame Cooling Devices; Fire Apparatus Access Roads; Access Standards for Controlled Access Gates; Fire Protection Water Supplies; Automatic Sprinkler Systems; Providing for on Effective Date of January 15, 2010; and Providing for Repealer and Severability. Mayor Douglas stated this item would be continued to January 11, 2010.

Motion by Lamb, seconded by Page, to continue Items 5.B.(1-2) to January 11, 2010. **Motion carried** as follows:

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

NAYS: None

- 3) Public Hearing and Consideration of Ordinance No. 3245 amending Title 8 of the Edmond Municipal Code by adding New Section 8.08.346 Prohibiting Smoking within 50 feet of City Park Playgrounds or within fenced portion of Athletic Complexes; and Providing for Penalty; and Providing for Repealer and Severability. The Parks and Recreation Department and the Parks and Recreation Advisory Board recommended the proposed ordinance be

approved. The ordinance would prohibit smoking within 50 feet of a City park playground or within the fenced portions of City athletic complexes only. Jim Bowlin, Parks and Recreation Department Director, addressed Council and stated signs would be placed throughout these areas. He noted the Oklahoma City-County Health Department has received a grant from the Federal Government to fund the signs so the City will not be required to pay for the signs. Mr. Bowlin stated it is the hope that this ordinance will be self-policing and not require anything further on the City's part. Lana Hale, representing the Tobacco Use Prevention Coalition, addressed Council and urged approval.

Motion by Page, seconded by Miller, to approve Ordinance No. 3245 as read by title by the Mayor. **Motion carried** as follows:

AYES: Mayor Douglas, Councilmembers Page, Waner and Miller

NAYS: Councilmember Lamb

- 4) **Public Hearing and Consideration of Ordinance No. 3246 amending the Edmond Municipal Code Chapter 2.90 Edmond Community Oriented Policing Leadership Council, Section 2.90.020 Membership; Section 2.90.030 Terms of Office; Providing for Changes in Required Number of Members and Member Term Limits; and Providing for Repealer and Severability.** The proposed ordinance will provide for 11 members and that each member will serve a three-year term with possible re-appointment for an additional three years.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3246 as read by title by the Mayor. **Motion carried** as follows:

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

NAYS: None

C. **Approval of Purchases:**

- 1) **Approval of agreement with the Central Oklahoma Transportation and Parking Authority (COTPA) for the New Freedom Sub-Recipient funds for the operation of the City-wide para-transit service.** Mayor Douglas

stated this item would be continued to December 22, 2009.

- 2) **Approval of agreement with the Central Oklahoma Transportation and Parking Authority (COTPA) for the use of the transit vehicles and equipment purchased.** Mayor Douglas stated this item would be continued to December 22, 2009.

Mr. Stevens addressed Council and stated the final agreement is still being negotiated. He noted COTPA has allowed the City to use the new buses and which he felt should be in use sometime this week.

- 3) **Approval of lease extension with Coach Crafters, Inc. in an amount not to exceed \$42,000.** Mayor Douglas stated this item would be continued to December 22, 2009.
- 4) **Approval for temporary lease extension with the Central Oklahoma Transportation and Parking Authority (COTPA) in an amount not to exceed \$4,800.** Mayor Douglas stated this item would be continued to December 22, 2009.
- 5) **Approval of Change Order No. 3 with L.G. Construction Company for rehabilitation of residential structure located at 1112 N. Washington as part of the Community Development Block Grant (CDBG) program in the amount of \$972.**
- 6) **Approval of Change Order No. 2 with All Roads Paving, Inc. for the FY 2009 3R Program Contract No. 1 and Capitol View Traffic Circle project in the amount of \$32,083.98.**
- 7) **Approval of bid award correction and Change Order No. 2 with Titan Home Remodel for rehabilitation of residential structure located at 1709 Kings Road as part of the Community Development Block Grant (CDBG) program in the amount of \$4,985.**
- 8) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$11,606.20.**

- 9) **Approval of agreement with Francis Tuttle Technology Center, District No. 21 for joint establishment of the Center for Municipal Excellence and provide training services in an amount not to exceed \$100,000.** Mayor Douglas stated this item would be continued to December 22, 2009.

Motion by Miller, seconded by Page, to continue General Consent Items 5.C.(1-4, 9) to December 22, 2009. **Motion carried** as follows:

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

NAYS: None

- 10) **Approval of FY 2009 Community Development Block Grant (CDBG) Public Service Agreements in the total amount of \$60,489 for the following:**

- a) Edmond Mobile Meals, Inc. - \$3,489
- b) Metropolitan Fair Housing Council of Greater OKC - \$12,000
- c) HOPE Center of Edmond (combined agreement for Back-To-School, Transportation and Medical Services programs - \$20,000
- d) U.R. Special Ministries, Inc. - \$25,000
- e) Edmond Economic Development Authority for administration of the revolving loan fund - no funds budgeted

Mayor Douglas stated she is a member of the U.R. Special Ministries, Inc. Board of Directors and requested a separate vote on this item.

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.C.(5-8, 10(a-c,e)-12). **Motion carried** as follows:

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

NAYS: None

Motion by Miller, seconded by Page, to approve General Consent Item 5.C.(10(d)). **Motion carried** as follows:

AYES: Councilmembers Page, Waner, Lamb and Miller

NAYS: None

ABSTAIN: Mayor Douglas



- 11) **Approval of FY 2009 Community Development Block Grant (CDBG) Consultant Agreement with Michael J. Wolf, Housing Rehabilitation Specialist, in an amount not to exceed \$35,000.**
- 12) **Approval of contract amendment with Benham Companies for design services for the Festival Market Pedestrian Bridge and parking lot development.**

Motion by Miller, seconded by Lamb, to approve General Consent Items 5.C.(5-8, 10(a-c,e)-12). **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>
10-0020 Police Department	Pay- \$3,163.27

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.**

**8. Public Hearing and Consideration of Specific Use Permit for a monopole cell tower, located 940 feet west of Kelly, 910 feet south of Danforth Road on future City of Edmond soccer fields (AT&T, applicant) Case No. U090003. The City purchased approximately 11 acres of this property for a future soccer**

complex. A restroom and concession facility is planned south of the proposed cell tower location. The applicant is requesting approval of a 150 foot tall tower rather than the 130 foot tower in order to accommodate additional carriers. At least three carriers are planned for this tower. The Service/Blake soccer complex is located to the west and contains light poles 75 feet high. An existing water tower is located over 400 feet from the north edge of the Swan Lake Addition, which is over 2 ½ times the height of the proposed cell tower. Planning Commission recommended approval.

Motion by Lamb, seconded by Miller, to approve Item No. 8.  
**Motion carried** as follows:

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

**9. Public Hearing and Consideration of Ordinance No. 3247 amending Edmond Municipal Code Section 22.4.37(B), Residential Accessory Structures Dimensional Standards; providing for Additional Standards for Residential Accessory Structures; and providing for Repealer and Severability.** A draft ordinance was submitted with the other Title 22 edits at the October 12, 2009, joint Planning Commission/City Council workshop. Since that time additional discussions have been held and the revised ordinance includes suggested amendments as discussed at the November 17, 2009, Planning Commission meeting. Planning Commission recommended approval.

Councilmember Page stated he has worked with staff for the past several months on this ordinance and felt the changes were definitely needed in order to add restrictions for urban and suburban lots. He noted the current ordinance allows approximately a 4,000 square foot accessory building to be constructed in neighborhood backyards. He stated the proposed ordinance would allow accessory buildings on urban lots (Section 4.A.) less than 10,000 square feet, to be 20% of the square footage of the residence or 600 square feet, whichever is larger. He stated for suburban lots (Section 4.B.) between 10,000 square feet and one acre, to be 30% of the square footage or 800 square feet, whichever is larger. He stated the ordinance would also prohibit accessory structures unless there is a residential structure on the property. Councilmember Page stated Section 8 provides that the ordinance would not apply to properties in excess of one acre. He stated the purpose of the ordinance was to maintain standards in the urban core of the City.

Pete Reeser and Ralph Armstrong, area developers, and Steve Meek, Morton Building, addressed Council and felt the ordinance was too restrictive.

General discussion was held and it was determined that Section 8 would trump the remainder of the ordinance and that homeowners association covenants would also trump the ordinance. Consensus of Council was to remove Section 4.B. since the primary purpose of the ordinance was to maintain standards in the urban core.

Motion by Page, seconded by Miller, to approve Ordinance No. 3247 as read by title by the Mayor subject to removal of Section 4.B. **Motion carried** as follows:

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

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

Lighty vs. City of Edmond

**11. Executive Session to discuss the purchase of real property, generally located in the vicinity of the Central Urban District (Executive Session authorized pursuant to 25 Okla. State. Sec. 307(B)(3)):**

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 6:40 p.m. and returned to the City Council Chambers at 7:05 p.m.

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

AYES: Mayor Douglas, 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 of the above claim. **Motion carried** as follows:

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

**13. Consideration of action with regard to the purchase of real property generally located in the vicinity of the Central Urban District.** Mayor Douglas stated no action would be taken on this item.

**14. CITIZEN COMMENTS:** None

**15. NEW BUSINESS:**

Mayor Douglas reminded the public that the December 28<sup>th</sup> meeting has been rescheduled to December 22<sup>nd</sup> at noon.

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

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

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City Clerk

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Mayor