

EDMOND CITY COUNCIL MINUTES

November 26, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 26, 2007, in the City Council Chambers.

Mayor O'Neil expressed his appreciation to Mayor Pro Tem Charles Lamb for conducting the last meeting in his absence. He stated he was able to return from his trip in time to join in the statehood festivities in Guthrie on November 16th which were enjoyed by all.

2. Approval of Minutes. Councilmember Waner stated she felt the motion on Item No. 8 should be amended to reflect that the homeowners association fees of \$2,500 per year should be retroactive back to 2005 and Councilmember Page agreed. Councilmembers Lamb and Miller stated they did not believe the motion was made to require the fees be retroactive and Councilmember Miller stated he would not have voted to approve the motion if that were the case. Councilmember Miller stated he contacted the president of the homeowners association and asked if January 1, 2008 was supported by the association and Bill Hake, President of the Fox Lake Homeowners Association, stated the homeowners association agreed with that date. Councilmember Lamb stated he felt that if the motion were made to require the fees to be paid retroactive to 2005, the applicant's representative would have had further comments regarding the fees. He stated the motion as he remembered it was to continue the application for six months which the Council felt by the time the application is re-considered, the applicant should have made the first payment to the homeowners association. Councilmember Waner pointed out the minutes recorded her comments regarding the start date of the agreement, including payment to the homeowners association, to be October, 2004, which was the context of the discussion. Since Mayor O'Neil was absent from the meeting, a consensus was not reached regarding this item and no motion was made to amend the Minutes. Councilmembers Waner and Page disagreed with the Minutes and requested their objections be noted since they felt the homeowners association dues should be retroactive to 2005.

Councilmember Waner requested that Item No. 13 be amended to reflect that she asked the applicant if the convenience store would be operated 24 hours a day and the applicant answered that

it would not be a 24 hour operation.

Motion by Miller, seconded by Lamb, to approve November 13, 2007, Minutes as amended regarding the amendment to Item No. 13.

Motion carried as followed:

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

3. City Council Presentations:

A. Character Council presentations by Gerald Coury:

- 1) Nikki Spence - Determination
- 2) Michael Jaramillo - Dependability

B. Presentation by the Edmond Centennial Commission regarding Centennial activities. Marilyn Kreidler, Chairperson of the Edmond Centennial Commission, addressed Council and outlined the centennial projects and the progress made. She expressed her appreciation to all the volunteers on the Commission as well as the Council for their support of the projects. Ms. Kreidler stated there was \$4,020 remaining in the fund and she stated the Commission requested the City use the funds to provide an Edmond Centennial Commission plaque on the Festival Market Place pedestrian bridge and any other remaining money to purchase Centennial benches to be located on both sides of the bridge. Ms. Kreidler stated 10 historical Route 66/Oklahoma Centennial signs have been placed throughout the City. She stated historical markers and street stamps were also requested at the main exits off of I-35 but she did not think those items had been completed yet. City Manager Larry Stevens addressed Council and stated only 10 historical signs were budgeted by the City in the first year of the projects and there is not any money in the budget to install additional historical markers on the I-35 exits. He noted the Oklahoma Department of Transportation encouraged the City not to pursue the street stamps on I-35 due to safety concerns and wear and tear on the highway but that he would check on the additional historical markers on I-35.

Mayor O'Neil recognized the committee members who were present at the meeting and expressed his thanks to all the

committee members.

Motion by Lamb, seconded by Waner, to discharge the Centennial Commission members from their duties and thank them for their service on the committee. **Motion carried** as follows:

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

4. Appointments to Boards and Commissions:

- A. **Appointments to the 50 year Water Supply Stakeholder Steering Committee.** Mayor O'Neil stated this matter was discussed earlier in the day at a workshop held prior to the City Council meeting and a consensus of the Council was to retain the money that has been reserved for the Arcadia Lake future water use debt dispute with the U.S. Army Corps of Engineers for water projects. He noted the Committee will be established to study the 50-year future water needs for the City. Mayor O'Neil stated the issue at this meeting is to establish the stakeholders and determine the number of members needed for the Committee.

Councilmember Waner stated the consensus of Council was that the following groups be established as stakeholder groups and should appoint a representative to serve on the Steering Committee:

Homebuilders Association
Chamber of Commerce
University of Central Oklahoma
Edmond Public Schools
Edmond Economic Development Authority

Councilmember Waner stated it was determined that a smaller committee would be best and consensus of Council was to limit the committee to 10 to 15 members.

Motion by Lamb, seconded by Waner, to establish a 50-year Water Supply Stakeholder Steering Committee comprised of a maximum of 15 members with each Councilmember having two appointments and also including a representative from the above listed stakeholder groups. **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 October 31, 2007.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending October 31, 2007.**
- 3) **Approval of agreement between Edmond Economic Development Authority (EEDA) and Acquest Realty Advisors, Inc. for consulting scope of services for a conference center and headquarters hotel.** The proposed agreement would allow the EEDA to hire Acquest to evaluate alternatives for ownership, management and development of a hotel conference center in Edmond. The contract would be for a six-month period at a fee of \$5,000 per month. The EEDA will work directly with Acquest and provide monthly updates to the Council. At the end of the six-month period, Acquest would provide an extensive report with conclusions and next step recommendations.

Mayor O'Neil stated the letter from Acquest mentioned a possible Tax Increment Financing (TIF) District as the funding mechanism to build this project. He noted a TIF District does not necessarily mean that a TIF District would be used because establishment of a TIF District may require a vote of the citizens.

Mary Ann Karns, Vice-Chairman of the EEDA Board of Directors, addressed Council and stated the consultants will review every area of public financing available in order to develop a package to meet the City's needs. She stated the EEDA Board advised the consultants that they did not support a TIF District using property taxes as the funding mechanism for any retail purposes. Ms. Karns stated there are other methods of funding a TIF District either through sales taxes or visitor's taxes, etc. She stated the EEDA

Board does not plan to request the convention center be funded through a TIF District using property taxes.

Motion by Miller, seconded by Page, to approve General Consent Item 5.A.(3). **Motion carried** as follows:

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

- 4) **Approval of transfer of appropriations for the Police Public Safety Limited Tax Fund - \$101,000**
- 5) **Approval of supplemental appropriations for the Police Public Safety Limited Tax Fund - \$7,468**
- 6) **Approval to issue a Request for Proposals for a door-to-door transportation service provider.**
- 7) **Approval to issue a Request for Proposals for a transit needs and operations feasibility study.**
- 8) **Acceptance of street right-of-way easement from Covell Property Development, LLC, for the Kelly Avenue widening project.**

Motion by Miller, seconded by Page, to approve General Consent Items 5.A.(1-2,4-8). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$10,210.51.**
- 2) **Approval of purchase of 16 digital in-car video systems from L3 Communications-Mobile-Vision, Inc. as a sole source supplier for the Police Department in the amount of \$84,720.**
- 3) **Approval of Change Order Nos. 1 and 2 to the construction contract with CGC for the Fink Park to Hafer Park pedestrian trail in the amount of**

\$52,559.60.

4) Approval of Change Order No. 2 to the construction contract with Traffic Signals, Inc. for the 9th Street traffic improvement project in the amount of \$3,000.

5) Approval of design contract with The Benham Company for the Festival Marketplace parking expansion and pedestrian bridge project in the amount of \$66,171.

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

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

Mayor O'Neil convened the City Council meeting.

8. Public Hearing and Consideration of amendment to the previously accepted plat of the Boulevard Place Addition regarding deed approval to establish three new single family lots on the south side of Steve Douglas Drive, west of Rankin on Lot 7 of the Boulevard Place Addition (Gary Randolph, applicant). Each lot will be served with water and sewer lines. The western lot has a flood plain extending across the lot and has been reviewed by the Engineering Department. The flood plain does not prohibit the construction of a house on the lot. The lot on the southwest corner of Steve Douglas Drive and Rankin will need a sewer line extension for service or a bore under Rankin for connection to the east side of Rankin. The sewer line easement on the western lot can be built over with a residential driveway. Each of the lots are buildable with access to a public street. There will be no curb cuts on Rankin as all the lots will be accessed off Steve Douglas Drive. Planning Commission recommended approval.

Gary Randolph addressed Council and stated he would like to use the largest lot to construct a home for his family and construct spec homes on the remaining two lots. He noted all three of the homes would be off Steve Douglas Drive.

Motion by Miller, seconded by Lamb, to approve Item 8 subject to all the addresses being on Steve Douglas Drive. **Motion carried** as follows:

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

9. Public Hearing and Consideration of commercial Site Plan approval for an extension to an existing church, located on the southeast corner of I-35 and 2nd Street (Life Church, applicant) Case No. SP070045. The entire Life Church site contains 31 acres and the current application contains just over five acres. The proposed building extension contains 29,145 square feet. A 4,788 square foot office, a 9,752 square foot lobby expansion, and a 14,605 square foot children's wing and hall addition are proposed. An existing gymnasium and parking lot will be demolished and replaced with the children's wing and new parking lot. This site has never been required to submit a site plan under the previous Title 22 since only multi-family and commercial zoning categories were affected. Because the expansion is in excess of 20% and a non-residential use, a commercial Site Plan approval under the new Title 22 is required. The new parking lot will contain 45 parking spaces and no additional lighting is proposed. No ground sign is proposed but four new wall signs will be used. No fencing is required or proposed. The application is in compliance with the I-35 landscaping requirements. Planning Commission recommended approval.

Bob Schiermeyer, City Planner, addressed Council and stated that approval of the Site Plan would be a variance to the new Title 22 regarding the wall signs. He stated since a church was permitted by right in the previous Title 22, General Agricultural zoning does not establish standards for wall signs.

Steve Manek, City Engineer, addressed Council and stated a future access will line up with the Summit Development to the north when the school expands. At that time a traffic signal will be installed.

Councilmember Waner asked if an easement has been obtained for

the electric facilities.

Thomas Small, architect for the applicant, addressed Council and stated they plan to obtain the easement as part of the future development of the project. Mr. Schiermeyer stated the necessity for the easement will be reviewed when the building permit is requested.

Councilmember Lamb stated the project is grandfathered in because it does not comply with all the requirements of the new Title 22. He stated the Stormwater Drainage Advisory Board approved a fee in lieu of detention for this project.

Motion by Lamb, seconded by Miller, to approve Item 9 including the variance for wall signs. **Motion carried** as follows:

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

10. Public Hearing and Consideration of extension of Special Use Permit to include previous site Plan for The Falls Residential, a "C-3" High Density Multi-Family use in "E-1" General Commercial District, located east of Vista Lane, south of 2nd Street (Brian Stinson, applicant) Case No. U050008. The Special Use Permit was originally approved on October 24, 2005, and on October 23, 2006, the project received approval for additional units. No construction has started on any portion of the project. No building permit has been requested or issued and Preliminary and Final Plats will also be required. The site contains 18.83 acres and 300 units are proposed. Each of the buildings is three-stories high and a fire sprinkler system is required. A tree preservation area will be maintained in the northwest corner of the development. The remaining landscaping is spread throughout the project. Located to the south is a single family development and if the new Title 22 standards are applied, the sensitive border standards would apply to this project requiring a fence along the south property line. Light poles could only be a maximum of 15 feet in height on the south property line. Utilities will need to be extended to the project. Access to Wade Martin Drive to the east is an emergency access only since the street is private and is not accessible by emergency vehicles due to the condition of the street which is not paved. Utilities will need to be extended to this project. Planning Commission did not have a sufficient majority to recommend approval.

Councilmember Page asked about the stormwater problems associated with this site.

Steve Manek addressed Council and stated the site has been referred to the Code Enforcement Department due to non-compliance with stormwater drainage requirements. Larry Stevens stated the site has also been referred to the Department of Environmental Quality (DEQ) for non-response to citations from the City.

Randel Shadid, attorney representing the applicant, addressed Council and stated the DEQ drafted a consent order that requires several issues be resolved. He stated the applicant has signed off on the documents and returned them to the DEQ and is in the process of complying with the consent order. Mr. Shadid stated sediment controls have been placed on site. He noted the applicant moved and all his correspondence, including the citations from the City, were being delivered to his previous address. Mr. Shadid stated once that problem was corrected the applicant paid four fines resulting from the same day. He noted Mr. Stinson also had surgery during this time and was out of circulation for approximately a month. Mr. Shadid stated his engineer believes the site is in compliance with DEQ requirements but he noted Mr. Manek felt there were still some issues that were not resolved. He stated the consent order contained four requirements and the applicant has complied with three of those items. He noted the last item which is a sediment pond is due in January, 2008, with construction required to begin in December. He noted construction of the sediment pond has already begun and will be completed by January, 2008.

Mr. Shadid stated the applicant is attempting to purchase the property to the east along Wade Martin Drive and if successful the applicant will pave Wade Martin Drive to City standards. He stated a sight-proof fence along the south property line is included in the existing Site Plan. Mr. Shadid stated a tree preservation area will be maintained south of Davidson's Greenhouse as part of the overall site and will not be counted toward the landscaping point requirements. He noted the application is in compliance with all City codes on both the commercial and condominium sites. He stated the applicant agrees to limit the height of the lights poles on the south property line to 15 feet. Mr. Shadid noted that if a building permit has not been issued by February 26, 2008, he will be requesting an extension on the commercial site plan.

Councilmember Page stated he was very frustrated with the site relating to the stormwater drainage problems. He stated he will not support an extension of the commercial site plan if the existing problems have not been corrected by next February. He stated he felt the applicant had side stepped some issues and forced the City to take additional steps to get the stormwater problems resolved which resulted in a waste of staff's time. Councilmember Miller stated he agreed with Councilmember Page that he would not be able to support an extension to the commercial site plan if the problems are not resolved by next February.

Councilmember Waner stated she also agreed with the other two Councilmembers. She noted that although she did not vote to approve the Special Use Permit when it was reviewed by the Planning Commission she felt she had the obligation to respect the previous Council's approval of the project. She stated this is the first extension on this project and she appreciated the good faith effort the applicant has made to correct the problems. She noted she would not look forward to reviewing the application again in February, 2008, if the problems are not resolved.

Mayor O'Neil stated he has never supported the project and was opposed to the two condominium units closest to the residential homes on the south. He stated he felt a street could have been constructed from Vista Lane to Coltrane which would have provided better traffic flow and been better for the City as a whole.

Motion by Lamb, seconded by Miller, to approve Item 10 subject to a maximum of 15 foot lights on the south property line.
Motion carried as follows:

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

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

Hooper vs. City of Edmond
Hazzard vs. City of Edmond

12. Executive Session to discuss the purchase of real property generally located near Danforth Road and Kelly Avenue (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(3)):

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 6:48 p.m. and returned to the City Council Chambers at 7:16 p.m.

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

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

13. Consideration of action regarding the pending claims of Hooper and Hazzard vs. City of Edmond.

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

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

14. Consideration of action regarding the purchase of real property generally located near Danforth Road and Kelly Avenue. Mayor O'Neil stated no action would be taken on this item.

15. NEW BUSINESS:

Samuel Bassett, Turtle Creek Commons, addressed Council regarding the Bridges of Spring Creek commercial development. He stated when the property was rezoned on June 26, 2006, the original agreement required a 20 foot buffer between the development and Turtle Creek Commons. He stated on April 23, 2007, an additional 20 foot buffer zone was approved resulting in what he felt should be a 40 foot buffer. Mr. Bassett stated in October of this year he noticed that the trees on the northeast corner of the site had been removed to within nine feet of the property line. He stated he complained to staff and the developer, Sooner Investment, about the removal of the trees but to his knowledge nothing has been done. He stated Sooner

Investment has not kept their promises to Council or the citizens who voted to approve the project. He requested the Council repeal the Preliminary and Final Plats for this development.

Mayor O'Neil stated he would ask the City Manager to investigate Mr. Bassett's allegations. Larry Stevens addressed Council and stated he has met with Mr. Bassett on several occasions in his office and staff was not in agreement with Mr. Bassett's assertions that a 40 foot buffer was approved. He stated he has made Mr. Bassett aware of their opinions.

Councilmember Page stated under City ordinances the developer has the right to clear an area of the property up to 10% of the buffer to be able to survey the property and also to get their equipment onto the property. He stated he felt staff had not provided a clear answer to Mr. Bassett's concerns. Councilmember Page stated this matter would be further investigated. He noted a clear distinction needed to be made as to where the detention facility begins to the east from the Turtle Creek Commons development.

Mayor O'Neil expressed his thanks to Mayor Pro Tem Lamb for taking his place at the annual Mayor's Tree Lighting ceremony this coming Thursday beginning at 5:30. He stated UCO's Winterglow activities will also be this Thursday as well as other downtown festivities.

Mayor O'Neil again expressed his thanks to the Centennial Commission for their hard work. He noted that he and Councilmember Waner attended the events in Guthrie which featured several statehood events.

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

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

City Clerk

Mayor