

## EDMOND CITY COUNCIL MINUTES

July 27, 2009

Mayor Patrice Douglas called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, July 27, 2009, in the City Council Chambers.

**2. Approval of July 13, 2009, Minutes.** Motion by Miller, seconded by Lamb, to approve Minutes. **Motion carried** as followed:

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

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

A. **Presentation from the Downtown Edmond Business Association.** Ray Hibbard presented the Champion Award to Cathy Williams-White with the Edmond Visitors and Convention Bureau.

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

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

- 1) Ronnie Nutt, Board of Adjustment/Board of Appeals to serve a term expiring July, 2012.
- 2) Josh Moore, Board of Adjustment/Board of Appeals to serve a term expiring July, 2012
- 3) David Williams, Kickingbird Golf Club Advisory Board to serve a term expiring May, 2011.

B. **Appointment to the Edmond Neighborhood Initiative Board.** Mayor Douglas nominated Tom Davies to serve a term expiring August, 2012.

C. **Appointment to the Parks and Recreation Advisory Board.** The Edmond School Board nominated Mike Nunley for re-appointment to serve a term expiring July, 2010.

Motion by Waner, seconded by Page, to approve General Consent Items 4.A.(1-3), 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) Acceptance of City Manager's Financial Report for month ending June 30, 2009.
- 2) Acceptance of City Treasurer's Investment Report for month ending June 30, 2009.
- 3) Approval of transfer of appropriations for professional services agreement with Kimley-Horn and Associates, Inc. for Transportation Investment Generating Economic Recovery (TIGER) grant applications - \$25,000
- 4) Approval of transfer of appropriations for the Art in Public Places fund - \$5,800
- 5) Approval of a Federal Emergency Management Agency (FEMA) Conditional Letter of Map Revision (CLOMR) application and a Floodplain Development Permit for construction of a commercial tree farm in the FEMA Regulatory Floodplains of the Deep Fork River and Coffee Creek in the SE/4 of Section 30, T14N, R1W, in the vicinity of Highway 66 and west of Westminster Road (Arcadia Farm, LLC, applicant)
- 6) Acceptance of public improvements and Maintenance Bonds for the following:
  - a) Edmond Public Schools livestock barns
  - b) UCO Wellness Center
  - c) Spring Creek 24 inch sanitary sewer creek crossing
  - d) OnCue Express
  - e) Louis Morgan Building
  - f) Fretz Avenue extension between Centennial Boulevard and Technology Drive
  - g) Paving of alley behind 209 W. 2<sup>nd</sup> Street
  - h) Windsor Park
  - i) Danforth Road between Coltrane and Bryant
  - j) Paving of alley located at 5 E. 9<sup>th</sup> Street
  - k) Covell and Bryant signalization
  - l) Davis Pipe & Supply

Motion by Lamb, seconded by Waner, to approve General Consent Items 5.A.(1-6). **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 No. 3217 amending the Edmond Municipal Code, Sections 23.20.050(d) requirements relating to developments and 23.20.090 Penalty of Chapter 23.20 Control of surface water; Providing for Repealer and Severability.** This matter was discussed at the May 26, 2009, meeting and was continued to allow staff to amend the ordinances as requested by Council. Consensus of Council was for staff to determine an equitable method of resolving the issue of whether the cash bond should remain with the property, be returned to the original developer or be transferred to the current developer to use for remediation of the property, as well as an option to wait until the occupancy permit is issued, in order to return the applicants funds more quickly.

The proposed amendments pertain to erosion and sediment control at construction sites. The first amendment affects sites that have been issued a Stop Work Order due to erosion/sediment control issues. Currently, in order to get a Stop Work Order lifted, the developer/owner is required to bring the site into compliance with City codes and pay a \$500 re-inspection fee. The proposed amendment would add an additional requirement to lift a Stop Work Order by requiring the developer to provide a cash deposit in an amount sufficient to cover the costs to insure proper installation and maintenance of the required controls and for any costs for future abatements. The ordinance would also allow for the partial release of the amount deposited using the percentage of the project that is complete and in consideration of the total project compliance with this Chapter of Title 23. Any of the remaining cash deposit would be returned to the owner/developer when the occupancy permit is issued. The ordinance also contains penalties for violating, failing or refusing to comply with City codes, including the violation of a Stop Work Order.

**C. Approval of Purchases:**

- 1) **Approval of purchase of MobileCop and InfoServer Enterprise upgrade and InfoExchange adapter from BIO-**

**key International for the Police Department as a sole source purchase in the amount of \$41,300.** Larry Stevens, City Manager, addressed Council and stated the system is an upgrade to the existing computer aided dispatch system used by police officers. The upgrade will allow unlimited concurrent users and will lower the overall annual maintenance cost per user.

- 2) **Approval of professional services agreement with Kimley-Horn and Associates, Inc. for Transportation Investment Generating Economic Recovery (TIGER) grant applications in the amount of \$25,000.**

Motion by Waner, seconded by Page, to approve General Consent Items 5.B.(1) and 5.C.(1-2). **Motion carried** as follows:

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

NAYS: None

**6. Consideration of approval of Resolution No. 21-09 creating the Edmond Small Business Task Force and providing for its Appointment and Qualification of Members, Powers and Duties; and Meetings and Procedural Rules.** This item was continued from the June 22, 2009, meeting. At that time Council requested several revisions be incorporated into the resolution. The proposed Task Force will advise the City Council and staff on methods to improve working relationships and interactions with small businesses. The Task Force will be comprised of nine (9) members appointed by the Mayor and Council all of whom shall be owners or executives for businesses residing inside the Edmond City Limits. The business shall employ 50 or fewer employees. The Executive Director of the Edmond Economic Development Authority (EEDA) and President of the Edmond Area Chamber of Commerce will serve as non-voting advisory members. The Task Force shall be in effect for one year from the date of its first meeting and shall report back to Council during that period with recommendations.

Michelle Schaeffer (Farmer's Insurance), Tad Kennedy (Kennedy Tire and Auto Service) and Ken Moore (President and CEO of Edmond Area Chamber of Commerce) all addressed Council and urged approval. They felt that by approving the resolution, Council presents a positive image and demonstrates to small business owners that they are valued.

Councilmember Lamb stated when this resolution was previously discussed, Council requested a member of the Council be appointed to the Task Force as an Ex-Officio non-voting member. Consensus

of Council was to amend the resolution to include a Council representative.

Motion by Lamb, seconded by Page, to approve Resolution No. 21-09 subject to amending Section 4 to include appointment of a Council representative as an Ex-Officio non-voting member. **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 Preliminary Plat for a single family addition known as Fairfax Estates IX on 13.73 acres, located north of Covell Road, approximately 746 feet west of Sooner Road (J.W. Armstrong, applicant) Case No. PR090012.**

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 Ordinance No. 3218 amending Edmond Plan from Restricted Commercial to General Commercial-Limited Use for a live theater to be known as the Lighthouse Theater, located at 844 W. Danforth Road (Peter Gianos, applicant) Case No. Z090016.** The applicant is proposing to rent 3,357 square feet of an existing building that already contains commercial tenants. The theater will contain 80 seats with a small concession facility in the building. The theater would operate on Fridays, Saturdays and Sundays and maybe Thursdays in the future. If the theater closes, the property would revert back to the original rezoning category. Planning Commission recommended approval.

Darren Park, owner of the theater, addressed Council and stated the other tenants currently occupying the building are very excited about the proposed theater. He stated there is shared parking with the existing businesses and they plan to do cross promotions with the restaurants and a gift store in the building. Mr. Park stated there will not be any outside noise from the theater because it will be located in the middle of the building with only one exterior wall facing the Hobby Lobby store. He noted there will not be any musicals, only plays, that will be performed in the theater so noise levels should not be a concern.

Councilmember Lamb asked if the Plan would need to be amended if the theater closes in the future and staff stated yes. Even though the zoning would revert back to the previous zoning category, the Edmond Plan would not. Councilmember Lamb stated when Title 22 was amended to allow this new category, some provision should have been made to include this use in the Restricted Commercial District part of the Plan. He felt Council should revisit this issue and decide how to apply the provision in the future.

Motion by Page, seconded by Miller, to approve Ordinance No. 3218 as read by title by the Mayor. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3218. **Motion carried** as follows and Ordinance No. 3218 is in effect immediately:

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

**11. Public Hearing and Consideration of Ordinance No. 3219 rezoning from "D-1" Restricted Commercial to "E-LU" General Commercial-Limited Use for a live theater to be known as the Lighthouse Theater, located at 844 W. Danforth Road (Peter Gianos, applicant) Case No. Z090016.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 3219 as read by title by the Mayor. **Motion carried** as follows:

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

NAYS: None

**12. Consideration of ground sign variance for Mid-America Self Storage and Iron Gate Business Park, located at 3900 S. Broadway (Merrick Family Real Estate, applicant) Case No. VA090006.** The applicant is requesting to re-install a ground sign on private property that was removed as part of the Broadway Extension improvements at Comfort Drive. The sign was 25.75 feet tall and 128 square feet and was located in the right-of-way needed for the frontage road and other improvements in this area. The new location has been approved by the Oklahoma Department of Transportation (ODOT). The new sign will be 20 feet tall but retain the 128 square feet. The sign is in compliance with City codes regarding the height of the sign but City code only allows a 75 square foot sign. The one ground sign will be the only sign permitted and will meet setbacks from the side property line. Landscaping will be added to the base of the sign as required by code. Planning Commission recommended approval.

Ward Merrick, representing the applicant, addressed Council and stated that his family was not in favor of selling their building or removing their sign but that ODOT prevailed in condemnation action regarding the easement for the new traffic signal and road improvements. He noted ODOT paid for storage of the sign but not a new sign. Mr. Merrick stated there will be approximately 10 to 12 businesses represented by the one sign. He noted they will reinstall landscaping beneath the sign.

Councilmember Lamb stated he was not opposed to the sign but that he wanted it continued to be classified as a non-conforming sign.

Motion by Miller, seconded by Lamb, to approve Item No. 12 subject the sign continuing to be classified as a non-conforming sign. **Motion carried** as follows:

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

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

Cook et.al. vs. City of Edmond

Motion by Waner, seconded by Page, to meet in Executive Session to discuss the above pending claim. **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 6:05 p.m. and returned to the City Council Chambers at 6:30 p.m.

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

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

**14. Consideration of action with regard to the above claim/litigation.** Mayor Douglas stated no action would be taken on this item.

**15. CITIZEN COMMENTS:** None

**16. NEW BUSINESS:**

Councilmember Lamb requested Council consider revisiting the Impact Fee Committee and perhaps re-titling the Committee and new membership. He requested staff submit names of citizens for consideration of appointment to the Committee. He stated the Committee will have an additional role regarding some new issues that will be addressed in near the future.

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

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

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**City Clerk**

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**Mayor**