

EDMOND CITY COUNCIL MINUTES

November 23, 2009

Mayor Patrice Douglas called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, November 23, 2009, in the City Council Chambers.

Mayor Douglas welcomed several students who were attending the meeting for school projects.

Mayor Douglas invited the public to Edmond Electric's Parade of Lights on December 3rd. She noted the parade will originate at the University of Central Oklahoma and continue through the downtown area following the Tree Lighting Ceremony. She stated the Tree Lighting Ceremony will be held at the Festival Market Place as well as presentation of the awards for the Mayor's Essay Contest winners beginning at 6:00pm.

Mayor Douglas stated the Cheyenne Middle School was awarded the designation of being a Blue Ribbon School. She noted Edmond has nine schools that have earned this designation.

Mayor Douglas also announced that work was still continuing on finding private donations in order to continue the Senior Nutrition Program which has been closed due to lack of state funding.

2. Approval of November 9, 2009, Minutes. Motion by Waner, seconded by Miller, to approve Minutes. **Motion carried** as followed:

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

NAYS: None

3. City Council Presentations:

A. **Presentation by Emoly West of Character Council awards to the following:**

1. Cheryl Segrest - Responsibility
2. Karen Stillwell - Patience

4. 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, 2009.**
- 2) **Acceptance of City Treasurer's Investments Report for month ending October 31, 2009.**
- 3) **Consideration of proposed FY 2009/2010 Budget reductions as recommended by the City Manager.** Larry Stevens, City Manager, addressed Council and stated he recommended the following budget reductions totaling \$745,000:

• Centennial Celebration Project	\$ 75,000
• Update of Citizen Satisfaction Survey	\$ 25,000
• Replace carpet in Administration Bldg.	\$ 25,000
• Bridge replacement on E. 2 nd St. design	\$ 50,000
• Reduction of Council contingency fund	\$150,000
• Allocating EMSA charges to utility bills	\$420,000

Mr. Stevens noted even though the budget was 4.4% lower than projections, decreasing the budget as requested will not directly impact City services, public safety budgets nor plans for the public safety center. Mr. Stevens stated the Capitol Projects and Financing Task Force met and reviewed potential modifications to their projects. He noted they will be reviewing their budget again next month and that no decision has been made at this time. He stated the City is not in a budget crises and if further budget reductions are necessary in the future it will be addressed at that time.

- 4) **Acceptance of public improvements and maintenance bonds for the following:**
 - Enterprise Drive Commercial Building
 - Randow Building
 - Astoria Ridge Office Park
- 5) **Approval of supplemental/transfer of appropriations for the Community Development Block Grant (CDBG) program - \$361,366.85**

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

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

B. Approval of Purchases:

- 1) **Award of bid and approval of contract for the Legacy Station paving and grading project and Resolution No. 31-09 appointing Purchasing Agent.** Purchasing Agent recommended accepting bid from CGC, Inc. in the amount of \$196,098.85.
- 2) **Award of bid and approval of contract for the Legacy Station sanitary sewer and waterline project and Resolution No. 32-09 appointing Purchasing Agent.** Purchasing Manager recommended accepting bid from Holland Backhoe in the amount of \$102,423.00.
- 3) **Award of bid for rehabilitation of residential house at 1320 Lapwing Road as part of the Community Development Block Grant (CDBG) program from L.G. Construction Co. in the amount of \$28,252.**

Motion by Miller, seconded by Page, to approve General Consent Items 4.B.(1-3). **Motion carried** as follows:

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

- 4) **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 staff requested this item be continued to December 14, 2009.
- 5) **Approval of agreement with the Central Oklahoma Transportation and Parking Authority (COTPA) for the use of transit vehicles and equipment purchased.** Mayor Douglas stated staff requested this item be continued to December 14, 2009.

Motion by Miller, seconded by Page, to continue General Consent Items 4.B.(4-5) to December 14, 2009, as requested by staff. **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.

7. PLANNING CONSENT ITEMS:

- A. **Consideration of Final Plat of Arbor Creek at the Summit Addition, Section II, located one-half mile north of E. 2nd Street, east of N. Saints Boulevard, east of I-35 (Caleb McCaleb, applicant) Case No. PR090018.** Councilmember Waner asked if there have been any changes since approval of the Preliminary Plat and staff stated no changes have occurred.
- B. **Consideration of Final Plat for Olde Towne Lofts, located west of Fretz, 662 feet south of W. Edmond Road (S.D.F. Construction, LLC, applicant) Case No. PR090015.** Councilmember Page asked if the applicant was aware of the drainage issues for this property and staff stated yes. Councilmember Page requested the Minutes reflect the applicant was aware of the drainage issues.
- C. **Consideration of Final Plat for a pet medical facility, located on the north side of 15th Street, approximately one-eighth mile west of Kelly Avenue, 1001 S.W. 15th Street (Pet Medical Center, LLC, applicant) Case No. PR090016.**

Motion by Waner, seconded by Lamb, to approve Planning Consent Items 7.A. through 7.C. **Motion carried** as follows:

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

8. Public Hearing and Consideration of Site Plan approval for multi-family residential known as the Arbor Place Apartments, located on the south side of Kickingbird Road, one-half mile east

of Bryant, west of the Huntwick Addition and south of the Woodcreek Townhomes Addition (BVP Arbor Place, LLC, applicant) Case No. SP080021. This item was continued from November 9th. The owner, Place Properties, agreed to consider improvements along the north property line adjacent to the Woodcreek Townhomes. The Plans have been modified to add an eight foot tall brick fence along the north property line except for the area needed to continue the driveway north into the Woodcreek area at some point in the future at the homeowners' discretion. An eight foot tall brick fence will also be installed on the east side of the property west of the OG&E line. The applicant also agreed to pave an extension north toward Woodcreek for a future driveway connection. The Kickingbird Road right-of-way will be retained to allow the Woodcreek homeowners an easement for future access. The east half of Kickingbird Road will be closed and the west half will be retained as a public street. The site contains 17.68 acres and 168 apartments with 560 beds and 570 parking spaces are proposed. One 54 square foot, eight feet tall ground sign is permitted for this site. A maximum of 24 foot tall light poles, including the base, are allowed. The lights on the east side must be sensitive border standard. The exterior walls are a combination of brick and EFIS and the mechanical equipment will be located on the ground. One driveway is proposed on Kickingbird Road. The applicant agreed to provide a trails easement on the southern portion of the property, to install public art in the median and to meet the 30% plant unit count. Staff felt that all the previously discussed issues are included in the Site Plan. Planning Commission recommended approval.

Mayor Douglas stated Mary Ann Karns, attorney for the homeowner's association and resident of Woodcreek Townhomes, requested this item be continued due to her illness.

Randel Shadid, attorney representing the applicant, addressed Council and stated all the issues with Ms. Karns and the homeowner's association have been resolved. He stated he has been in contact with Ms. Karns this afternoon and the applicant agreed to all her requests. He noted his clients flew in from other states and he requested the application be considered at this meeting. Mr. Shadid discussed the crossover in the median for east bound traffic and the type of fencing and landscaping along the northern boundary where it abuts the property of the Woodcreek Townhomes and along the south side of Kickingbird Road. He noted the fencing and landscaping would be the same as for the Huntwick Addition.

General discussion was held on whether to continue this item and consensus of Council was to proceed with consideration of the application due to resolution of the items requested by Ms. Karns.

Lee Jackson, Woodcreek Townhomes resident, addressed Council and also requested a continuance due to his concerns regarding the density of the project and having only having one outlet. He presented a slide show of a recent traffic accident on Kickingbird Road that blocked ingress/egress from the Woodcreek Townhomes Addition and surrounding area for several hours in support of his concerns.

Councilmember Lamb stated of the six items requested by Ms. Karns, the first four items refer to Site Plan issues and could be incorporated into the Site Plan but the remaining two items are not applicable to this issue and could not be monitored by City staff. He noted the amended Site Plan as proposed is very close to compliance with the new parking standards in Title 22 which he felt was a significant improvement over the previous application.

Councilmember Waner asked several questions regarding whether a trail easement has been granted, if there is adequate room for the Citylink buses to turn around, height of the fence, dumpster location, height and number of lights and the size of parking spaces. Staff stated a lighting plan has not been received but that the lights on the east side next to the Huntwick Addition must meet the sensitive border standard which allows a maximum height of 15 feet and wall packs. Staff stated dumpster pickups are not scheduled before 7:00am. Councilmember Waner also asked if the flood plain is included in the landscaping and density calculations and staff stated it was. Staff noted size of the parking spaces must be 18 feet and the driveway width 24 feet to comply with City requirements.

Mr. Shadid stated there was adequate room for the smaller buses to drive through their property as his clients felt it was necessary to have the bus service since the residents will be UCO students. He stated the applicant has agreed to install an eight-foot stockade fence on the west side of the property even though City codes do not require a fence.

Nathan Box addressed Council representing the University of Central Oklahoma (UCO) and asked if the parking ratio is in compliance. He noted parking is the number one complaint that UCO receives from students. Councilmember Lamb stated the

proposed standard will require the parking ratio of one space for one bedroom plus 5%. He stated the applicant is providing the one to one ratio plus 10 spaces for guests which is less than the proposed changes to Title 22 will require but is an improvement from the original application.

Councilmember Page stated he could not support the application due to the density of the project and inadequate parking. Councilmember Waner stated she also could not support the project due to health, safety and welfare considerations as reflected in the density, lack of connectivity to other major streets and only one entrance. She felt that while historically the project was projected multi-family, the failure to connect Kickingbird Road to Coltrane impacted that use, and that one entrance was not sufficient for approximately 2,200 residents.

Mayor Douglas asked if staff was confident that the area can accommodate the traffic flow from this project and staff stated a traffic study has been completed with the higher density than is being requested with this application and the level of service would still be a Level "B".

Motion by Lamb, seconded by Miller, to approve Item 8 as amended and subject to inclusion of the following items:

- 1) The fence and landscaping previously agreed to for the Huntwick Addition will extend south to the flood plain to provide protection for the property generally known as the "Johnson property" to the east;
- 2) The western property border between Arbor Place and Kickingbird Hills Addition will have an eight foot fence sufficient to prevent light pollution from vehicles in the parking lot from going onto Kickingbird Hills property and prevent trash from blowing onto Kickingbird Hills;
- 3) Kickingbird Road will remain open up to the point now shown on the Site Plan. Arbor Place will provide a crossover in the median for east bound traffic at that point. The applicant will also pave an extension north toward Woodcreek Townhomes for the construction of a future street or driveway;
- 4) Arbor Place will provide the same fence and landscaping previously agreed to for the Huntwick Addition along the north property line where it abuts the property of Woodcreek Townhomes and along the south side of Kickingbird Road to ensure that no part of the development below the fence level is visible to Woodcreek homeowners;

- 5) Granting of a trail easement on the southern portion of the property to be shown on the Plat;
- 6) The light poles on the north and east property lines will be a maximum of 15 feet tall with the light poles on the remainder of the property a maximum of 24 feet tall, with staff to review the appropriateness of the 24 foot signs;

Motion carried as follows:

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

9. Public Hearing and Consideration of Ordinance No. 3243 amending the Edmond Plan from General Commercial-Limited Use to Planned Unit Development (PUD), located at 1472 N. Kelly, Heartland Outdoors (Shawn and Mike Forth, applicants) Case No. Z090031. The application is for the sole purpose of allowing for low-speed vehicle and all-terrain vehicle indoor sales at the existing Heartland Outdoors retail establishment. The PUD also contains the provision of displaying one vehicle outdoors during business hours. Planning Commission recommended approval.

Randel Shadid, attorney representing the applicants, stated the application has been amended since the Planning Commission meeting to eliminate any outdoor displays on this site.

Councilmember Page asked how the self-storage facility was allowed next to single family homes and staff stated it was allowed by approval of the PUD. He requested the following statement be included in the Minutes - "A PUD allows the applicant to do anything on the property that is approved by Council".

Councilmember Waner stated she was concerned that a precedent would be set for future "E-2" zoning uses in what she felt was an inappropriate area for this type of zoning. Mr. Shadid stated for the only reason for the rezoning request was due to the sale of the low-speed vehicles. Staff stated if the existing business closes in the future and new owners want a different type of business, the property would revert back to "D-1" Neighborhood Commercial zoning uses as identified in the PUD. It was noted the PUD limits the project to indoor low-speed vehicle sales, archery/gun range and sporting good sales.

Councilmember Lamb stated the PUD incorporates "D-1" zoning with a retail use with special features and procedurally a Plan amendment is not always necessary when a PUD is amended.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3243 as read by title by the Mayor. **Motion carried** as follows:

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

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 3243. **Motion carried** as follows and Ordinance No. 3243 is in effect immediately:

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

10. Public Hearing and Consideration of Ordinance No. 3244 rezoning from "E-LU" General Commercial-Limited Use to Planned Unit Development (PUD), located at 1472 N. Kelly, Heartland Outdoors (Shawn and Mike Forth, applicants) Case No. Z090032. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Waner, to approve Ordinance No. 3244 as read by title by the Mayor. **Motion carried** as follows:

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

11. Discussion and Consideration of rescheduling the December 28, 2009 City Council meeting. General consensus of Council was to reschedule the meeting to December 22nd, at noon.

Motion by Lamb, seconded by Miller, to reschedule the December 28th meeting to December 22nd at noon. **Motion carried** as follows:

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

12. 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 Lamb, 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 6:53 p.m. and returned to the City Council Chambers at 7:06 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

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 there would be no action taken on this item.

14. CITIZEN COMMENTS: None

15. NEW BUSINESS:

Councilmember Miller wished Councilmember Lamb a happy birthday.

Mayor Douglas showed the new poster for the "Shop Edmond First" program.

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

City Clerk

Mayor