

DMOND CITY COUNCIL MINUTES

July 9, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, July 9, 2007, in the City Council Chambers. Councilmember Page was absent.

2. Approval of Minutes. Motion by Miller, seconded by Waner, to approve June 25, 2007, Minutes. **Motion carried** as followed:

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

3. City Council Presentations:

A. **Presentation of the Young Hero Award by the Edmond Fire Department to Victoria Ferrer in recognition of her heroic actions on June 4th.**

B. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the contractor began installing the concrete pavement on Boulevard for Phase I of the Covell Underpass project. The goal is to open at least one lane in each direction for through traffic by the first week of August. The timeframe for this project will depend upon the weather. Mr. Stevens stated Phase II, the roadway under the railroad tracks, should be bid by ODOT in late fall or early winter. Mr. Stevens stated the western section of the Fink Park to Hafer Park trail project was completed in May. Work on the eastern section is moving forward and delivery of the pedestrian bridge for the east side of Bryant is scheduled within the next 10 days. He noted, depending on the weather, this section should be completed by mid August. Mr. Stevens stated Phase III of the streetscape project has been delayed by approximately 8-10 weeks due to the weather. The contractor will attempt to have the area ready for the parade and other LibertyFest activities downtown. The cost for this phase is \$1.85 million. The construction of two new courts for the Kickingbird Tennis Center is approximately one month behind due to the weather. The projected completion date has been revised to late September. Mr. Stevens stated the cost of this project is \$275,000. Phase II of the Bickham/Rudkin Community Park is moving forward. Renovation of the former

residence should be completed by the end of August and the building will be used as a reservable pavilion. The Centennial Arboretum has also been delayed by the rainy weather but the goal for completion is the end of October. Mr. Stevens stated the utilities have all been disconnected from the historic Rodkey House and the house should be moved to Stephenson Park by the end of July.

4. Appointments to Boards and Commissions:

- A. **Appointment to the Arts and Humanities Council.** Mayor O'Neil nominated Dr. Karen Carter to serve a term expiring in February, 2009.
- B. **Appointment to the Parks and Recreation Advisory Board.** Councilmember Waner nominated Mike Shannon to serve a term expiring in July, 2011.
- C. **Appointment to the Parks and Recreation Advisory Board.** Councilmember Miller nominated Ed Cunliff to serve a term expiring in July, 2011.

Motion by Waner, seconded by Lamb, to approve Items 4.A. through 4.C. **Motion carried** as follows:

AYES: Mayor O'Neil, Councilmembers 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) **Approval of transfer of appropriations for Utility Customer Services for FY 2006/2007 - \$5,000**
- 2) **Approval of transfer of appropriations for Meter Services for FY 2006/2007 - \$2,000**
- 3) **Approval of agreement with Edmond Arts and Humanities Council for FY 2007/2008 in the amount of \$14,000.**
- 4) **Approval of Resolution No. 26-07 and project agreement with the Oklahoma Department of Transportation for the signalization of 15th Street and**

Coltrane.

- 5) Approval of Resolution No. 27-07 and project agreement with the Oklahoma Department of Transportation for the emergency signal pre-emption at various locations.
- 6) Acceptance of street right-of-way easement for the 9th Street calming project from Executive Leasing, Inc.
- 7) Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for water line for Santa Fe to Western.
- 8) Acceptance of Final Plat, public improvements and maintenance bonds for Belleau Wood.
- 9) Public Hearing and Consideration of Ordinance No. 3101 amending the Edmond Municipal Code, Chapter 20.04, Section 20.04.010 to adopt the International Property Maintenance Code/2006 Edition; providing for updates, Repealer and Severability.

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

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

B. Approval of Purchases:

- 1) Award of bid for underground primary cable for the YourGovShop member participants.
- 2) Approval of agreement with thesmallgroup for architectural and engineering design services for the Utility Customer Services drive-through project in the amount of \$40,000.
- 3) Approval of contract amendment with Poe and Associates for the design of the Kelly Parkway from Danforth to Coffee Creek in an amount not to exceed \$62,500.
- 4) Approval of bid dispositions by the Purchasing Manager

for the following:

- a) **MAC Systems, Inc.** - fire extinguisher maintenance/ inspection (including renewal options) for various City Buildings in the estimated annual amount of \$5 ,000
- b) **Water Products** - copper meter setters (including renewal options) for Field Services ULM Division in the estimated annual amount of \$25,000
- c) **Water Products** - water meters (including renewal options) for Field Services ULM Division in the estimated annual amount of \$50,000
- d) **Water Products** - MJ solid sleeve couplings (including renewal options) for Field Services ULM Division in the estimated annual amount of \$25,000

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

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

Motion by Miller, seconded by Waner, 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 Waner,
Lamb and Miller
NAYS: None

8. Public Hearing and Consideration of Specific Use Permit for an addition to a church, located at 1515 N. Kelly (The Edge Church, applicant) Case No. U070009. The site contains 7.57 acres and this phase consists of 2.4 acres. A new parking lot will be constructed with 92 spaces. No new signs are proposed. A variance is requested allowing the west wall only to be metal. Planning Commission recommended approval.

Motion by Lamb, seconded by Miller, to approve Item 8 including variance as noted above. **Motion carried** as follows:

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

9. Public Hearing and Consideration of Site Plan approval for

two commercial buildings on property located on the south side of 15th Street, east and north of Arrowhead Valley Addition, west of I-35 (Joe Javadzadeh, applicant) Case No. SP070017. Two buildings are proposed on two lots. Building No. 2 on the west side of the property contains 16,100 square feet and Building No. 1 contains 28,200 square feet. Building No. 2 provides 75 parking spaces and Building No. 1 contains 137 parking spaces for a total of 212. Standards require 222 parking spaces which would be a variance of 10 parking spaces. The lots will be platted separately and may also be sold separately. The light poles in front will be nine feet in height and wall packs would be installed on the back of the buildings. The light poles at the property line will be a maximum height of 19.5 feet. No ground sign is proposed at this time and only wall signs will be used. A stamped masonry retaining wall and/or fence will be installed along the south and west property lines. The buildings will be in the Mediterranean style with the exterior walls being brick, cast stone, limestone and split face block. The roof of the buildings are flat and standards require the mechanical equipment be screened from the surrounding property. The roof will contain a parapet wall for screening purposes but an additional wall may be required. The applicant is proposing two drives on 15th Street which do not meet the separation requirements with the existing Wal-Mart store. Another drive on the east lot aligns with the traffic light into Wal-Mart. The developer is required to pay 100% of the cost of modifying the traffic light to work in all four directions. Based on the trip generation, square footage and uses allowed, staff determined that a right turn lane is justified for this project. The dumpster will be located on the south side of the property nearest the adjacent homes which could present odor and noise problems for the neighbors. Landscaping is in compliance with the 22½% required for the I-35 Corridor and the sensitive border condition. Planning Commission recommended approval subject to the addition of a right turn lane on 15th Street.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application is in compliance with all site plan requirements. He stated most of the landscaping will be along the west and south property lines next to the homes in the Arrowhead Valley Addition. Mr. Shadid stated the applicant agreed to install a right turn lane on 15th Street and eliminate one curb cut. He noted the curb cut will have two exit lanes (right and left) and one entrance lane. He stated a retaining wall will be installed along the west property line and the applicant agreed to move the retaining wall 15 feet east of the property line. Mr. Shadid stated the existing chain link fence

would remain and a masonry fence will be installed on top of the new retaining wall. He stated an existing fence is located 10 feet off the south property line and the applicant has agreed to install a masonry fence either on top of the retaining wall or on the property line. He stated the applicant would locate the fence where the Council and/or area homeowners deem best. He stated not locating the fence on the property line would be inviting a future boundary line law suit because the State of Oklahoma allows property owners to claim property by adverse possession. Mr. Shadid stated the applicant would prefer to leave the dumpsters as shown on the site plan but were willing to move the dumpsters along the southeast further north away from area homeowners. Mr. Shadid stated if additional landscaping or berms are needed to screen the parking lot after the project is completed, the applicant agreed to install additional landscaping, berms, etc. that are needed for screening purposes. He noted the concessions made by the applicant are not required by code.

Mark Farris, Red Plains Engineering, addressed Council on behalf of the applicant and stated the site has a significant grade change on the southern portion of the site. He stated the amount of excavation would depend upon the location of the fence. Mr. Farris stated after the excavation is finished and the property is restored, it will be restored to the approximate elevation that it is now. He noted that a significant amount of landscaping would be planted on top of the retaining walls on both the south and west and between the walls and the existing fences.

Mike Rusnack, representing the Arrowhead Valley Homeowners Association, addressed Council and stated much of the information presented by the applicant is new information and was not presented at the time of the Planning Commission meeting on June 19th. He presented a slide show outlining several areas of concern to the homeowners. He noted because the area is close to I-35, the homeowners were concerned about safety and security since they felt the development would increase transient traffic. He noted the development will significantly alter the quality of life for the surrounding homeowners. Mr. Rusnack requested the western retaining wall be constructed prior to excavation and that the City forester look at the site to see if the existing landscaping could be retained. He noted the homeowners association has agreed to maintain the landscaping even though it would remain as part of the applicant's property. He requested both the fences on the west and south be consistent. Mr. Rusnack requested a solution be

determined to prevent erosion during construction and also protect the existing French drain. He also requested the retaining wall on the south be placed 20 feet from the property line. He noted a concern for homeowners on the south was the adjacent "E-2" zoned property to the east, which is also owned by the applicant, and the buffer that will be installed when that site is developed. Mr. Rusnack requested all the exterior walls be the same for the entire length and height of the building. He also requested the mechanical equipment contain a barrier to muffle or absorb the sound. He requested the dumpsters be relocated from the southeast corner of the site and that any future signs be consistent with the existing businesses' signs. He requested this item be continued to allow the homeowners to review the changes made by the applicant at this meeting.

Mr. Shadid stated the changes to the site plan were just made today based on requests from Council and he did not have the opportunity to present them to the residents. He agreed to locate the south retaining wall 15 feet from the property line. He noted the PUD states all exterior walls will be of the same material. Mr. Shadid stated the applicant agreed during the Planning Commission meeting to pay additional fees to have the dumpsters emptied more often and to deodorize the dumpsters. He noted placement of the electric transformers are under the discretion of the City's electric department.

Mr. Farris stated there will not be any dirt removed from the site but it would be redistributed on the property, both on the western site and the "E-2" site to the east. He stated the applicant is required to control blowing dirt and erosion. He noted that any area disturbed by construction on the "E-2" site will be required to be regrassed as soon as possible. Mr. Farris stated the south retaining wall and the fence will extend into the "E-2" tract and will need to taper down to a logical ending point.

John Luton, Gayle McKay and Cindy West, all area homeowners, also addressed Council on this matter.

Lydia Lee, representing the Edmond Neighborhood Alliance, also addressed Council on this matter. She expressed her appreciation to the developer for meeting with her and the major concessions they have agreed to make which she felt would improve the quality of life for the surrounding property owners since the development will have a significant impact on the homeowners. Ms. Lee stated there are still significant issues

regarding where the curb cuts will be and the location of the dumpsters on the southeast portion of the site. She also noted since the site plan extends into the adjacent "E-2" zoned property, the site plan does not reflect any additional sensitive border on that parcel. She requested this item be continued to the next meeting due to the significant changes made at this meeting as well as other issues not fully addressed or reflected on the site plan.

Motion by Lamb, seconded by Waner, to approve Item 9 as submitted with the following additional conditions:

- 1) The retaining walls on the south and west will be 15 feet from the property lines. Masonry fences will be installed on top of the retaining walls and not on the property line. The masonry fence will be staggered on the west.
- 2) A right turn lane will be installed on 15th Street at the existing traffic signal
- 3) Elimination of one curb cut on 15th Street
- 4) The dumpsters located on the southeast portion of the site will be relocated further north away from homeowners. The applicant agreed to pay for additional pickups by the City and will deodorize the dumpsters.
- 5) If additional landscaping or berming is needed to screen the parking lot after the development is complete the applicant will install additional landscaping or berming.
- 6) Materials will be consistent on all retaining walls and fences along the west and south property lines.
- 7) Building facades will be the same masonry on all four sides as stated in the PUD

Motion carried as follows:

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

10. Public Hearing and Consideration of commercial Site Plan approval for a new Braum's restaurant, located north of 2nd Street, east of Bryant, east of Freddy's Frozen Custard (Braum's Ice Cream and Dairy Stores, applicant) Case No. SP070008. The applicant requested this item be continued indefinitely.

11. Public Hearing and Consideration of Site Plan approval for a Children's Safety Village, located east of Fire Station No. 5 at 5300 E. Covell Road, south of Covell Road, west of Air Depot

(City of Edmond Fire Department, applicant) Case No. SP070030.
The site contains 1.6 acres. The maintenance building/city hall will contain the restrooms and maintenance equipment and will be the only full size building. This building will be 1,600 square feet and eight unoccupied "prop" buildings that are part of the Village will also be located on the site. The prop buildings are approximately 8-10 feet in height and the maintenance building/ city hall will be 20 feet in height. An entrance sign will be located at the walkway gate into the Village. The main building will be brick veneer and stone matching the existing fire station. The prop buildings will be siding. There is an existing decorative fence around some of the project and fencing around the overall site. Landscaping and drainage detention were completed when the Cross Timbers Municipal Complex was constructed. No trees will be removed for this project. Planning Commission recommended approval.

Gil Harryman, Fire Chief, addressed Council and stated the Village will be used as a teaching tool to teach fire safety to elementary school children. He noted the only building accessible by the children will be the city hall building which will contain restroom facilities. Chief Harryman stated the remaining buildings will be built on a one/three scale. The Chief presented a slide show of the plan and stated a video will be available on the City's website for viewing by the public.

Mayor O'Neil stated funding is available for this project from the dedicated public safety sales tax.

Motion by Miller, seconded by Waner, to approve Item 11.
Motion carried as follows:

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

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

Brown vs. City of Edmond

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

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

Mayor and Councilmembers recessed to the City Council Conference Room at 7:19 p.m. and returned to the City Council Chambers at 7:25 p.m.

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

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

13. Consideration of action regarding the above pending claim.

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

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

14. NEW BUSINESS: None

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

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

City Clerk

Mayor