

## EDMOND CITY COUNCIL MINUTES

January 14, 2008

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, January 14, 2008, in the City Council Chambers.

**2. Approval of Minutes of December 20, 2007.**

**3. Approval of Minutes of January 7, 2008.** Motion by Miller, seconded by Page, to approve December 20, 2007, meeting Minutes and January 7, 2008, Special Meeting Minutes. **Motion carried** as followed:

AYES: Mayor O'Neil, Councilmembers Page, Lamb and Miller  
NAYS: None  
ABSTAIN: Councilmember Waner (she was absent from both meetings)

**4. City Council Presentations:**

A. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the Oklahoma Department Of Transportation (ODOT) is projecting a February or early March bid letting for the Memorial Road/Kelly Avenue Interchange, from Broadway Extension, and at-grade railroad crossing on Kelly. He stated he and staff have met with several local state legislators and with Corporation Commissioner Jim Roth on this issue. He noted ODOT funded a study of this location which included two underpass and two overpass options with the costs estimated to be between \$15 million and \$24 million. An underpass option was recommended as the most feasible and least expensive of the options presented. The base cost is projected at \$15 million. Mr. Stevens stated when all the ancillary costs are included, the total cost is projected to be above \$20 million. Mr. Stevens stated ODOT has worked closely with the City from the beginning of this project. He noted ODOT were not obligated to include the at-grade railroad crossing in the study but did anyway. He stated ODOT advised the City that ODOT did have funds allocated in their budget for the railroad crossing underpass to be included in the interchange project. He noted currently there are no state or local funds identified for this project but staff will continue to pursue a mix of local, state and federal funding as well as railroad funds to allow the project to move forward. Mr. Stevens noted the

relationship with ODOT has been very strong for a number of years and will continue with those efforts.

David Streb, Director of Engineering for ODOT, addressed Council and stated ODOT will continue to work closely with the City on this important issue. He stated the construction plans for the interchange have been completed with a total cost projected at \$31.5 million. He noted this is the largest construction project let by ODOT in Oklahoma and it has taken three years for the construction plans to be designed and to obtain funding for the project. He stated once the project is complete it will be of great value to Edmond commuters traveling into and from Oklahoma City on a daily basis. Mr. Streb stated ODOT will continue to support and offer assistance to the City in their efforts to construct the underpass because they felt the underpass would also enhance traffic flow in this area. He noted that is the reason behind their desire to include the underpass in their study even though a significant amount of money was involved. He stated he wanted the Council and citizens of Edmond to know that ODOT will assist any way they can as the City pursues this effort.

Mayor O'Neil expressed his appreciation to ODOT for their help and support with the current project as well as the other projects that ODOT has assisted with in the past. He noted the City has a substantial investment in the infrastructure and streets and ODOT has been very helpful in getting most of these projects completed. He stated he felt a significant issue for completing this project is the safety of citizens exiting off the Broadway Extension onto Kelly. He also noted that traffic can come to a complete stop for significant periods of time when a train is stopped on the tracks for loading and unloading.

Mr. Stevens stated the renovation of the previous bank drive-through facility on the northwest corner of 2<sup>nd</sup> Street and Littler was purchased for the purpose of moving the Utility Customer Service Department to this facility. The Thomas Small architectural firm has submitted an initial design plan which has been reviewed by the Utility Customer Service, Building and Facility Maintenance departments. After staff's review, they hope to be ready to bid by the end of this month with an anticipated start date around the first of April. This year's budget has allocated \$490,000 for design, construction and furniture, fixtures and equipment.

Mr. Stevens stated plans for the acceleration of the Kelly Avenue widening project to accommodate a second Lowe's store has been approved by staff. He noted as part of the

agreement, the City agreed to allow Lowe's/Jemsite to hire a contractor without going through the formal bidding process. At this time staff is waiting for Lowe's/Jemsite to propose a general contractor for the project.

Mr. Stevens stated the 15<sup>th</sup> Street and Coltrane signal project is federally funded because of safety considerations and will involve automated signals because the left lane turn signals have already been installed. ODOT has awarded a contract for \$130,000 and work is scheduled to begin around the middle of February.

Mr. Stevens stated the intersection improvements at Danforth and Coltrane will be funded entirely by the City through the 2000 sales tax fund and is estimated to cost \$1.5 million. The project includes turn lanes in all directions and also the possibility of automated signals if funding is adequate.

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

- A. **Appointment to the Edmond Historic Preservation Trust.** Mayor O'Neil nominated Dr. James Crowder and Robin Roads to serve terms expiring in January, 2011.

Motion by Miller, seconded by Page, to approve Item 5.A.  
**Motion carried** as follows:

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

**6. GENERAL CONSENT ITEMS:** (General Consent Items were voted on collectively except where noted.)

A. **Approval of Administrative Items:**

- 1) **Adoption of 2008 State Legislative Issues.**
- 2) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for Bridgewater Office Park.**
- 3) **Approval of transfer of appropriations from the Police Asset Forfeiture Fund - \$6,435.05**
- 4) **Approval of transfer of appropriations for the Transit Needs and Operations Feasibility Study - \$73,475**
- 5) **Acceptance of electric easements from the following:**

- a) Roger and Michelle Fite
  - b) Mark Neighbors
- 6) **Acceptance of maintenance bonds from the following:**
- a) IBC Bank - 1812 S.E. 15<sup>th</sup> Street
  - b) The Orchards at Turtle Creek - 1812 S.E. 15<sup>th</sup> Street
  - c) 12" waterline - south of Covell, Western Avenue to Santa Fe Avenue
  - d) St. John the Baptist Catholic Church
  - e) FY 2005 Sanitary Improvements
  - f) Storm sewer connection - 9<sup>th</sup> and Boulevard
  - g) All Star Motors - 2610 S. Kelly

Motion by Lamb, seconded by Page, to approve General Consent Items 6.A.(1-6). **Motion carried** as follows:

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

B. **Approval of Purchases:**

- 1) **Acceptance of Proposal and approval of agreement to conduct a City wide customer satisfaction survey.** Staff recommended accepting proposal from National Research Center in the amount of \$22,099.
- 2) **Acceptance of Proposal for the Transit Needs and Operations Feasibility Study.** The Edmond Public Transportation Committee recommended accepting proposal from LSC Transportation Consultants, Inc. in the amount of \$73,475. Councilmember Miller stated for the last several years the City has contracted with Metro Transit for the express bus service as well as the trolley service. He stated the costs have been escalating each year for this service. He stated the Committee studied the issue and determined the best method would be to solicit Request for Proposals for preparation of a study to determine what the actual transportation needs are in the City as well as the costs to provide this service. He stated this is not the lowest proposal but the Committee felt LSC offered the most experience and also because they have prepared studies for other cities that are in the same position as the City of Edmond. He stated in order to get

citizens the most for their money, the Committee recommended the City proceed with the study.

Mr. Stevens stated even though the study will not be completed until July, the firm will be able to provide the Council with enough data and cost estimates in April to include those numbers in the new budget if Council desires.

Motion by Page, seconded by Miller, to approve General Consent Item 6.B.(2). **Motion carried** as follows:

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

- 3) **Award of bid for a cement mixer with cab/chassis for the Fleet Management Department** - Purchasing Manager recommended accepting bid from Tulsa Sterling Truck in the amount of \$137,590.
- 4) **Approval of Change Order No. 1 with Shell Construction Company, Inc. for the 2<sup>nd</sup> Street Intersection Improvements at Vista Lane and Bradbury Lane in the amount of \$43,310.**
- 5) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$11,883.18.**

Motion by Waner, seconded by Page, to approve General Consent Items 6.B.(1,3-5). **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 reconvened the City Council meeting.**

**9. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of commercial Site Plan approval for fire sprinkled commercial buildings for Shoppes on Broadway, located east of Burger King, north of 33<sup>rd</sup> Street, east of Broadway, south of 30<sup>th</sup> Street (Tom Parker, applicant) Case No. SP070047.** Two previous applications for this site showed the remodeling of the existing Wal-Mart store into retail shops with Hobby Lobby as the anchor tenant. A new Carl's Jr. restaurant was also included in the previous applications and will remain in place until the new restaurant is constructed and ready for occupancy. A landscape plan has been submitted and approved by City staff. The applicant has granted an additional right-of-way easement along 33<sup>rd</sup> Street to allow additional traffic lanes. A Starbucks and several retail shops are planned for the northeast corner of 33<sup>rd</sup> Street and Broadway when the existing Carl's Jr. restaurant is removed. The current application contains a new 14,850 square foot building as well as an additional building on the southeast corner of the original Wal-Mart building. A potential bank site previously planned south of the Burger King restaurant is not included in this application. A 25 foot tall ground sign is proposed on Broadway as well as a 14 foot tall sign on 33<sup>rd</sup> Street. The Carl's Jr. will also have a 15 foot tall sign. A water feature is planned on the northeast corner of 33<sup>rd</sup> Street and Broadway adjacent to the detention area. The copy portion of the water feature sign is approximately 70 square feet. The exterior walls include both brick and IFAS and the roof will be flat with a red tile mansard treatment on the front walls. The back and side walls will be masonry panels. The mechanical equipment will be located on the roof with the front wall blocking the majority of the view. A parapet wall will block the view to the south. No fencing or screening is required. The driveways have previously been approved. Planning Commission recommended approval.

Teresa Green, property owner to the north, addressed Council and stated blowing trash onto her property has been an issue with the previous tenants and she requested the dumpster be relocated in order to address this problem. Ms. Green distributed photographs to Council of past problems with trash. She stated the location of the dumpsters will be directly across from their parking lot. She noted there will be nothing to stop the blowing trash from ending up in her parking lot.

Randel Shadid, attorney representing the applicant, addressed Council and stated his client always place the dumpsters as directed by the Solid Waste Department. He stated they are willing to relocate the dumpster with the approval of the

Solid Waste Department but he felt the existing location was satisfactory.

Councilmember Lamb encouraged staff to work with the Solid Waste Department and determine a better location for the dumpster, probably west on the pad site and as far away from Ms. Green's property as possible. He stated if a new dumpster location is found, that would be classified as a minor change and would not need to be reviewed again by Council.

Councilmember Waner stated she felt there were other locations suitable for the dumpster which would not require Ms. Green to look at the back side of the dumpster.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 9.A. subject to a solution of the dumpster location that would separate it from the property to the north and consider the dumpster relocation a minor change to the site plan which would not need another public hearing.

**Motion carried** as follows:

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

NAYS: None

- B. **Public Hearing and Consideration of commercial Site Plan approval for a fire sprinkled office building at Waterwood Plaza, located southwest of Waterwood Parkway, one-eighth mile south of E. 2<sup>nd</sup> Street (Blake Franklin, applicant) Case No. SP070049.** The previous site plan identified three office buildings. The applicant now has a tenant who would like one large building rather than the three previously approved. The building would contain 6,394 square feet. No other variances are requested from the original site plan. Staff felt since this is a change from the original site plan, Council should re-review the application. Planning Commission recommended approval.

Blake Franklin addressed Council and stated the building would contain stacked stone rather than split face block on the bottom portion of the building.

Councilmember Lamb stated if Council had approved the building shown in the packet, he felt the window enhancements could be approved by staff rather than being re-reviewed by Council since they would be classified as a minor variance from the approved site plan.

- C. **Consideration of Final Plat of Waterwood Plaza, located southwest of Waterwood Parkway, one-eighth mile south of E. 2<sup>nd</sup> Street (Blake Franklin, applicant) Case No. PR070044.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Planning Consent Items 9.B. and 9.C. **Motion carried** as follows:

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

- D. **Public Hearing and Consideration of Commercial Site Plan approval for a fire sprinkled building for Damon R. Johnson, DDS, located south of Covell Road, east of Covell Village Drive (Damon Johnson, applicant) Case No. SP070046.**

- E. **Consideration of Final Plat of Golden Gate at Twin Bridges Second Addition, located north of Coffee Creek Road, west of Bryant (Bud Bartley, applicant) Case No. PR070031.**

Motion by Lamb, seconded by Waner, to approve Planning Consent Items 9.D. and 9.E. **Motion carried** as follows:

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

10. **Public Hearing and Consideration of Ordinance No. 3118 amending Edmond Plan from Medium Density Residential to Restricted Retail Commercial, located on the north side of Edmond Road, approximately one-eighth mile west of Kelly Avenue (Aduddell, applicant) Case No. Z070032.** The site contains 2.5 acres. The applicant owns the adjacent 10 acre tract and will submit a site plan on the entire 12.5 acres at a future date. Due to the existing zoning pattern, the expansion of 2.5 acres of restricted retail commercial zoning is reasonable and consistent with adjacent zoning districts. Planning Commission recommended approval.

Motion by Lamb, seconded by Waner, to approve Ordinance No. 3118 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Lamb, to attach Emergency Clause to Ordinance No. 3118. **Motion carried** as follows and Ordinance No. 3118 is in effect immediately:

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

**11. Public Hearing and Consideration of Ordinance No. 3119 rezoning from "C-2" Medium Density Residential to "D-1" Restricted Retail Commercial, located on the north side of Edmond Road, approximately one-eighth mile west of Kelly Avenue (Aduddell, applicant) Case No. Z070033.** This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Lamb, to approve Ordinance No. 3119 as read by title by City Planner. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of amended commercial Site Plan for two fire sprinkled office buildings, located south of Campbell Street, west of Littler (Pete Reeser, applicant) Case No. SP070051.** The site plan was approved on September 24, 2007. Since that time the applicant has submitted plans to move the building seven feet south of the original location due to drainage issues and handicap accessibility. The original building was designed to be placed on the building line but with the new streetscape and drainage inlets, the applicant is proposing to move the building in order to keep the floor elevation above the 100 year flood elevation. By moving the building back seven feet, three steps into the building will need to be added. In order to comply with ADA requirements for accessibility, the building must be moved. Additional landscaping will be installed in front of the building. The Central Edmond Urban Development Board recommended approval.

Motion by Lamb, seconded by Miller, to approve Item 12. **Motion carried** as follows:

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

**13. Public Hearing and Consideration of modification of Site Plan for fire sprinkled building for Contemporary Cabinets, located east of Kelly on Railroad Drive in the Centennial Industrial**

**Addition (Kirk Morrison, applicant) Case No. SP070024.** The original site plan approved two warehouse type buildings on the east side of Railroad Drive, adjacent to the railroad tracks. The building shown as Building 4 originally fronted on Railroad Drive. This required the building to be constructed with at least 50% of the front wall being masonry since the wall faced a public right-of-way. At a later date a second building, Building 5, was constructed near Railroad Drive, west and in front of Building 4. Since Building 4 no longer faces a public street and is blocked completely from view of Building 5, the applicant requested the site plan be amended to no longer require the exterior walls of Building 4 to be masonry on the west side. Planning Commission recommended approval.

Councilmember Lamb stated this change should be classified as a minor variance under Title 22 since it is just a façade issue and no structural changes are requested. He noted Title 22, Section 22.3.5(F)(3) was written to give staff some professional latitude to approve minor site plan changes.

Councilmember Waner stated she disagreed and appreciated staff bringing the variance in the site plan back for re-review by Council. She stated she did not see a need for masonry on the building that will not be seen from the street.

Councilmember Page stated he felt future problems could arise if staff is allowed to approve a variance of this magnitude.

Motion by Lamb, seconded by Miller, to approve Item 13. **Motion carried** as follows:

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

**14. Public Hearing and Consideration of modification of Site Plan for Bright Smile Dentistry, located on the northwest corner of Teakwood Drive and 33<sup>rd</sup> Street (Dr. Eli Jarjoura, applicant) Case No. SP050054.** The site plan was approved in 2005 with brick exterior walls. Based on architectural features of the building and colors used, the applicant added a stucco type coating over the brick. Planning Commission recommended approval.

Councilmember Lamb stated he felt this application met the same criteria that could have been used on the above item allowing staff to approve this minor variance.

Councilmember Waner asked staff if the new material met with City staff approval and they indicated it did. She again disagreed

with Councilmember Lamb's consideration of the change as minor, and stated she appreciated staff bringing the item back for re-consideration by Council in order for Council to know of applicants not following approved site plans, for future reference if nothing else.

Motion by Lamb, seconded by Miller, to approve Item 14. **Motion carried** as follows:

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

**15. Public Hearing and Consideration of Ordinance No. 3120 amending Edmond Plan from Medium Density Multi-Family to Planned Unit Development ("D-O" Level Offices), located on the north side of Danforth Road, east of North Place Convenience Store, west of Hi-Pointe Addition, south of Timber Ridge Addition (Martin Teuscher, applicant) Case No. Z070030.** The site contains 1.59 acres and was platted as part of the Timber Ridge Addition. One driveway on Danforth is proposed. Three buildings, none exceeding 10,000 square feet are planned. There will be no service drive, fire lane, parking or any vehicular access along the north and east property lines adjacent to existing single family homes. Light poles along the north or east sides of the building will not be allowed which complies with the sensitive border lighting standards. Pole lights will be a maximum of 15 feet in height. The applicant has requested a 17 foot building setback along the north property line rather than the 20 feet required by the zoning code. The setback on the east side of the property is 13 feet which exceeds city code. Mechanical equipment will be located at ground level. The dumpster will be located on the west side of the property nearest to the car wash and convenience store. A sight proof fence will be installed along the north side of the property. An existing fence is installed along the east boundary next to the Hi-Pointe Addition. Staff noted that although the applicant is requesting a plan amendment and rezoning, the Planning Commission also discussed site plan issues. Planning Commission recommended approval.

Lissa Wohltmann, President of the Hi-Pointe Homeowners Association, addressed Council and asked when the existing fence next to their neighborhood needs to be replaced who will be responsible.

It was determined that maintenance of the fence is a site plan issue and will be addressed during the site plan review process. Councilmember Miller encouraged Ms. Wohltmann to address that

issue during the Planning Commission meeting when the site plan is discussed.

Councilmember Waner stated since the PUD addressed specific items of the site plan, will the Council be required to consider the site plan after the Planning Commission meeting or will approval of these items at this meeting include the site plan. She requested the applicant grant a 20 foot setback rather than the 17 foot in order to eliminate the need for the site plan to be considered by Council after the Planning Commission hearing. Councilmember Lamb noted if the applicant provides a 20 foot setback, the building will be allowed to have windows along the north side. It was noted by staff that the building at this time does not contain windows. General discussion was held and consensus of Council was that approval of the PUD zoning would amend the site plan standards and if the site plan meets the PUD requirements, it could be considered and approved at the Planning Commission meeting.

Motion by Miller, seconded by Waner, to approve Ordinance No. 3120 as read by title by City Planner as submitted. **Motion carried** as follows:

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

Motion by Lamb, seconded by Miller, to attach Emergency Clause to Ordinance No. 3120. **Motion carried** as follows and Ordinance No. 3120 is in effect immediately:

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

**16. Public Hearing and Consideration of Ordinance No. 3121 rezoning from "C-2" Medium Density Multi-Family to Planned Unit Development ("D-O" Level Offices), located on the north side of Danforth Road, east of North Place Convenience Store, west of Hi-Pointe Addition, south of Timber Ridge Addition (Martin Teuscher, applicant) Case No. Z070031. This is a companion to the above item and was discussed at that time.**

Motion by Miller, seconded by Waner, to approve Ordinance No. 3121 as read by title by City Planner. **Motion carried** as follows:

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

**17. NEW BUSINESS:**

Ray Rice, Oklahoma Gas & Electric Community Affairs Manager, addressed Council and offered his appreciation to City staff for volunteering to help with storm restoration during the recent ice storm.

Councilmember Miller stated regarding the public transportation issue previously discussed at this meeting, he requested recommendations from Council of citizens to serve on a stakeholder committee. He encouraged all citizens who are interested in the transportation issue to volunteer to serve on the committee.

Councilmember Page distributed pictures of unsightly dumpsters. He stated he wanted to research the feasibility of establishing an ordinance requiring regulations for location of dumpsters. He noted two instances of office or apartments not having a dumpster but using the residential trash containers. He stated he felt an ordinance should be considered requiring all businesses, offices and apartment complexes to have a pad site for dumpsters hidden from view. Councilmember Waner noted the code does not have consistency regarding dumpster locations and she felt it was an issue that needs to be reviewed. Councilmember Lamb stated the examples were approved under the previous site plan criteria and he felt it would be difficult to add new requirements to previously approved site plans. Councilmember Page stated site plans are still being approved that are not requiring dumpster pad sites and he felt this issue needed to be addressed.

Mayor O'Neil stated the number one issue for the near future is construction of a new public safety center. He stated last Friday the Council had a workshop with the architect who was hired to draft plans and make a recommendation to the Police Facility Needs Assessment Committee. He noted another workshop is scheduled for January 28<sup>th</sup> from 3:00 to 5:00 p.m. in the Planning and Public Works Center, Room 104, to discuss options regarding the size of the building and also financing options. He stated this project has been discussed for the past several years and he felt the Committee was progressing and would hopefully submit a recommendation for the public to vote on in the near future.

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

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

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**City Clerk**

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**Mayor**