

EDMOND CITY COUNCIL MINUTES

May 27, 2008

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Tuesday, May 27, 2008, in the City Council Chambers.

2. Approval of Minutes of May 12, 2008. Motion by Miller, seconded by Page, to approve Minutes. **Motion carried** as followed:

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

3. 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 April 30, 2008.
- 2) Acceptance of City Treasurer's Investment Report for month of April 30, 2008.
- 3) Approval of lease agreement with the Oklahoma Department of Public Safety for leasing 1,637 square feet of office space in the Downtown Community Center.
- 4) Acknowledgement of donation of median improvements and approval of agreement for the City of Edmond to maintain these improvements on a public median, located on the east side of Boulevard, south of 33rd Street, north of Smiling Hills Boulevard. Mayor O'Neil thanked Turner & Company and Citizens Bank for this donation.
- 5) Approval of recommendation from the Guthrie/Edmond Regional Airport Board to utilize budgeted funds to accomplish an erosion control project at the Airport in the amount of \$55,993. Larry Stevens, City Manager, introduced the new airport manager, Terry Jessup.
- 6) Approval of supplemental appropriations for the Fleet Management fund for FY 2007/2008 budget - \$250,000

- 7) **Approval of supplemental appropriations from the Police Asset Forfeiture fund - \$9,050**
- 8) **Approval of transfer of appropriations for Field Services-Signals Division traffic supplies to Vehicle Maintenance - \$2,500**
- 9) **Approval of supplemental appropriations for Field Services Street Department for street repairs - \$100,000**
- 10) **Approval of transfer of appropriations for Field Services Water fund to Vehicle Maintenance - \$20,000**
- 11) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for Timberland Crossing.**
- 12) **Approval of electric easements from the following:**
 - a) **Acacia Alumni Corporation - 912 Chowning Avenue**
 - b) **Waterwood Condo Association - 2nd Street and Waterwood Parkway**
 - c) **Covell Village Residential Association, Inc. - 2400 Covell Village Drive**
 - d) **Covell Property Development, LLC - Covell Village Drive and Glen Cove Drive**

Motion by Waner, seconded by Page, to approve General Consent Items 3.A.(1-12). **Motion carried** as follows:

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

B. Approval of Purchases:

- 1) **Approval of purchase of two digital in-car video systems from L3 Communications Mobile Vision, Inc. as a sole source supplier in the amount of \$10,590.**
- 2) **Approval of purchase of Oracle licenses from Mythics, Inc. on the Oklahoma State Contract in the amount of \$26,840. Steve Murdock, City Attorney, requested this item be withdrawn from the agenda.**

- 3) **Approval of purchase of Cityworks server software and support services from Azteca Systems in the amount of \$25,000.**

Motion by Lamb, seconded by Waner, to approve General Consent Items 3.B.(1,3). **Motion carried** as follows:

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

4. Consideration of Tort Claim Committee's recommendation on Tort Claim.

<u>CLAIM NUMBER</u>	<u>RECOMMENDATION</u>
28-0015 Police Department	Pay - \$5,906.16

Motion by Lamb, seconded by Miller, to approve Tort Claim Committee's recommendation. **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.

8. Public Hearing and Consideration of Preliminary Plat of Monarch Addition, located on the east side of Midwest Boulevard, south of Covell Road (Covell Development, LLC, applicant) Case No. SP070040. This item was continued from April 28, 2008, to allow the developer and City staff to determine any safety concerns regarding the type of access onto Covell. The project has not changed since it was discussed at the April 28th meeting.

Mayor O'Neil summarized the discussion of the April 28th meeting. He stated part of the discussion was whether to require the access onto Covell Road contain a crash gate for emergencies or a permanent gate. He stated there was also confusion as to whether the 40 foot strip of property along the east side of the development was valid. He stated he was able to resolve this

matter to his satisfaction by looking at the Oklahoma County Clerk's records. He noted the applicant's assertions are consistent with the County records.

Todd McKinnis, attorney representing the applicant, addressed Council and stated Council had requested the safety and traffic flow issues regarding the access onto Covell be discussed with staff. He noted he has spoken with the City Engineer and he would ask him to address that issue later in the meeting. He stated another request from Council was for his client to meet with the adjacent property owners. Mr. McKinnis stated he met with John and Shannon Merritt, who own Lot 25 in the Creekview Addition, and have built into a 30 foot roadway easement by six feet. Mr. McKinnis stated after meeting with Mr. and Mrs. Merritt they no longer have any opposition to the access onto Covell Road as it is shown on the applicant's preliminary plat. He stated his client has agreed to move the road outside of Mr. Merritt's property onto property owned by the applicant. He noted they will install berms on the outside of their driveway to eliminate vehicle headlights shining into the home of the property owner to the east. Mr. McKinnis stated his client is willing to install whatever type of access to Covell Road is requested by City staff, either a crash gate or permanent gate. He noted the driveway will be 26 feet wide, which is City standard, and will be located solely on his client's property. He stated he will work with Mr. Merritt to get the 30 foot easement on his property vacated since it will not be used as a roadway easement.

Councilmember Waner stated she was still concerned that some of the lots were too close to the flood plain.

Ernie Isch, Isch & Associates, addressed Council and stated a flood study will be required prior to any construction in the flood plain. He noted the study will also be completed prior to submittal of the Final Plat. He stated his firm will make sure there are no lots within the flood plain. Mr. Isch stated they will use the updated Federal Emergency Management Agency (FEMA) maps even though they have not been officially adopted.

Mayor O'Neil stated he felt a perimeter street next to the flood plain between the two additions would be an asset both to the homeowners and the City. He noted that type of street would allow the homeowners access to common areas and allow the City access for maintenance of utilities. He asked if the plat could be reconfigured to make it possible to install a road of the type he mentioned.

Mr. Isch stated the development will have a large greenbelt off of Midwest Boulevard that loops around and comes through the development. He noted there is also a 100 foot ONG easement that

will also be accessible. Mr. Isch stated he would take the Mayor's comments under consideration and look at the possibility of making that type of change.

Councilmember Page stated he was still opposed to the development because he felt the plat was too close to the flood plain. He noted there are too many neighborhoods with homes that are built too close to the flood plain in which taxpayers will be responsible for paying to resolve the problems associated with those homes. He felt the development is improper planning.

Scott Johnson, David Wright, Bob Praskac, Robert Drum and Rex Webster, all residents of Red Bud Canyon, addressed Council in opposition. Their primary concerns were that the addition will be more dense than the surrounding property resulting in increased traffic and lower property values. Mr. Webster stated he felt there were too many deals being made under the table and he wanted to be sure that all property owners were given the same opportunities.

Clayton Hammond stated he met with Mr. McKinnis today and the developer expressed a willingness to compromise regarding the access onto Covell Road and he requested the discussion between himself and Mr. McKinnis be in writing. He requested the applicant explore other access points onto Covell Road but if it is determined that the proposed access is best he stated he would be less opposed to the access if it is a limited access road. He requested the applicant make the access aesthetically pleasing and minimize the impact regarding sight lines.

Mr. McKinnis stated Mr. and Mrs. Merritt realized they had a problem with their property because it contains a 30 foot easement. He stated his client agreed to assist the Merritts by attempting to vacate the 30 foot easement and also by providing additional fencing and landscaping. He noted the safety issues have been addressed by City staff and they have given his client direction on that issue. He agreed to include Mr. Hammond's comments in the Minutes that will be part of the Final Plat.

Councilmember Page reiterated his position that the development will cause problems in the future for which the taxpayers of the City will be required to pay to fix those problems.

Mr. Isch addressed Council and addressed the lots that are close to the flood plain. He noted he moved the driveway 50 feet to the west in order to have building room adjacent to the street. He noted the backyards of those homes closest to the flood plain would slope downwards which he felt would be an ideal site for walk-out homes to be constructed. Mr. Isch stated there will be no flood plain on any of the lots according to the FEMA maps that

have been used to design the development. He noted if an alternate site on Lots 13 and 14 is used for the access onto Covell, the lots east of the flood plain would not have an exit from their portion of the development in emergencies. Mr. Isch stated he felt it was imperative to keep the access onto Covell as they have designed it.

Councilmember Waner stated her opinion has not changed from the previous discussion and she could only support the project if there are two permanent access points. She stated she felt that some of the lots could be reduced in size in order to accommodate the Mayor's suggestions of a loop around roadway or trail system. She noted that she was willing to wait until a flood study has been completed to make a final decision.

Councilmember Lamb stated the most problematic lots are the lots with direct access onto Covell Road which were approved prior to the City having control of that area. He noted that number of access points would not be approved now due to future problems when Covell Road is widened. He stated he could approve either a limited access or full access although the limited access would not provide flow through the addition. He noted he felt staff and the applicant were using the most current data available regarding the flood plain issues and that Council would see the development in more detail as the plat process proceeds. He stated walkout homes have been constructed in the past and were very well received.

Mayor O'Neil stated years ago this same type of development with urban densities was placed next his rural acreage neighborhood. He stated there have not been any negative effects the development from that development. The Mayor stated he appreciated the concessions made by the applicant regarding the 40 foot strip of land and he preferred a permanent access onto Covell. He noted that Council will have another opportunity to review this development when the Final Plat is submitted. He requested that when the Final Plat is submitted, the developer design an access that meets the aesthetic concerns of the homeowners that will be impacted. He noted he would insist on the bridge connecting the two portions of the development and he would prefer a perimeter road next to the flood plain be included in the final plat.

Councilmember Miller stated he made most of his comments the previous time this item was discussed but he felt the property values would not be reduced for the residents in Red Bud Canyon because that scenario has not happened in the past when this type of situation occurred. He stated the access onto Covell was a very important issue to him and he would vote to require that the access be a permanent full-time access.

Motion by Waner, seconded by Miller, to approve Item 8 subject to a permanent access onto Covell Road and the agreements Mr. McKinnis entered into with the adjoining property owners regarding berms and landscaping. **Motion carried** as follows:

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

9. Public Hearing and Consideration of Ordinance No. 3146 amending Edmond Plan from General Agricultural to Restricted Lake Commercial, located east of I-35, south of Lil Lane (Jade Properties of Edmond, LLC, applicant) Case No. Z080018. The site contains 4+ acres immediately south of a 1.7 acre tract also owned by the applicant. A Site Plan for a 19,477.5 square foot commercial building was previously approved on June 25, 2007, to be constructed on the 1.7 acre tract. The applicant is now planning a water line extension under I-35 to serve the commercial building, rather than the water well and pumps originally planned and he is wanting to add the additional four acres to this development. Sanitary sewer service will not be available for either commercial project. The Restricted Lake Commercial District is a special commercial district to provide services that relate to Arcadia Lake. A restaurant is a use permitted as well as certain retail and service uses. Access would be from the I-35 frontage road. Planning Commission recommended approval.

John Thomas, representing the applicant, addressed Council and outlined the aerobic sewer system that will be used for both buildings. He stated the Oklahoma Department of Environmental Quality approved the aerobic system on a per person square footage basis occupancy rate.

Councilmember Page requested the minutes reflect that even though the previously approved building has not been constructed, any future buildings will be required to reflect similar architecture as the previously approved building. He noted that the developer acknowledged that high density retail developments were not allowed due to the unavailability of sewer service.

General discussion was held on whether the property is in a flood plain and also regarding access onto I-35. It was noted that the Oklahoma Department of Transportation has previously approved the access onto I-35 and also that the site was not in a flood plain.

Mark Farris, Red Plains Engineering, addressed Council and stated the FEMA flood plain maps are a good design tool but that City ordinances regarding development are very stringent.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3146 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. 3146. **Motion carried** as follows and Ordinance No. 3146 is in effect immediately:

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

10. Public Hearing and Consideration of Ordinance No. 3147 rezoning from "G-A" General Agricultural to "L-5" Restricted Lake Commercial, located east of I-35, south of Lil Lane (Jade Properties of Edmond, LLC, applicant) Case No. Z080019. This is a companion to the above item and was discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 3147 as read by title by City Planner. **Motion carried** as follows:

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

11. Consideration of Final Plat for Timberland Crossing, located east of I-35, south of Lil Lane (Jade Properties of Edmond, LLC, applicant) Case No. PR080015. The site contains 1.78 acres. The developer will extend a waterline under I-35 and along the frontage of I-35 at 100% his cost. The property will still develop with septic tank or aerobic systems. Planning Commission recommended approval.

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

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

12. Discussion and Consideration of Request for Proposals (RFP) for a Downtown Municipal Campus. Councilmember Lamb stated a workshop has previously been held with the Central Edmond Urban Development Board. He stated the Urban Board's desire was to engage in a slightly different project which will follow in some sequence after the City's project is underway. He noted he felt

the RFP would address the changed dynamics of the downtown City campus. He stated it focuses on property the City has control over and the opportunity for development.

It was noted by staff that there is no funding mechanism nor any cost estimates in place at this time.

Motion by Lamb, seconded by Miller, to authorize staff to solicit RFPs for this project. **Motion carried** as follows:

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

NAYS: None

13. Executive Session to discuss the purchase of real property generally located in the vicinity of the Central Edmond Urban District (Executive Session authorized pursuant to 25 Okla. State. Sec. 307(B)(3)).

Motion by Miller, seconded by Waner, to meet in Executive Session to discuss the above item. **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 6:52 p.m. and returned to the City Council Chambers at 7:28 p.m.

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

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

NAYS: None

14. Consideration of action with regard to the purchase of real property generally located in the vicinity of the Central Edmond Urban District. Mayor O'Neil stated no action would be taken on this item.

15. NEW BUSINESS:

Councilmember Lamb stated the Title 22 edits have been distributed to Council and he stated staff requested a workshop be scheduled to discuss the proposed changes. A workshop was scheduled for July 28th prior to the City Council meeting. Also discussed would be the Council's strategic plan and the Good to Great program.

16. Motion by Miller, seconded by Waner, to adjourn meeting.
Motion carried as follows:

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

City Clerk

Mayor