

## EDMOND CITY COUNCIL MINUTES

September 24, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 24, 2007, in the City Council Chambers.

**2. Approval of Minutes.** Mayor O'Neil requested prior to the meeting that two items be added to the Minutes. Councilmember Lamb requested that a spelling error regarding Item 9.B. be corrected from "fort" to "for". Motion by Page, seconded by Waner, to approve September 10, 2007, Minutes as amended. **Motion carried** as followed:

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

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

A. **Presentation of proclamation recognizing September 30, 2007, as "CROP Hunger Walk Day" in the City of Edmond.**

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

A. **Appointment to the Edmond Historic Preservation Trust.** Mayor O'Neil nominated George Winters for re-appointment to serve a term expiring in February, 2010.

Motion by Lamb, seconded by Miller, to approve Item 4.A.  
**Motion carried** as follows:

AYES: Mayor O'Neil, 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 August 31, 2007.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending August 31, 2007.**

- 3) **Approval of FY 2006/07 Year-End Budget Amendments to balance departmental budget categories for governmental fund types.**
- 4) **Approval of supplemental appropriations for the Police Public Safety Limited Tax Fund - \$9,050**
- 5) **Approval of transfer of appropriations for Police-Animal Welfare - \$4,050**
- 6) **Approval of transfer of appropriations for Capital Improvement Fund for installation of pedestrian signals at Edmond Road and Santa Fe - \$10,448**
- 7) **Approval of Memorandum of Understanding with the 9-1-1 Association of Central Oklahoma Governments for assignment of emergency fire response.**
- 8) **Approval of supplemental appropriations for Emergency Management Department - \$9,791.91**
- 9) **Approval of FY 2007-2010 collective bargaining agreement with International Association of Fire Fighters, Local 2359 (IAFF).** Larry Stevens, City Manager, addressed Council and stated this is a significant agreement because it is for a three year period. He stated both parties negotiated in good faith and he expressed his appreciation to the president of the local IAFF, Mike Fitzgerald, as well as the Human Resources Director Anita Breen for their work on this agreement.

Motion by Lamb, seconded by Page, to approve General Consent Item 5.A.(9). **Motion carried** as follows:

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

NAYS: None

10) **Acceptance of utility easements from the following:**

- a) Oklahoma Christian School
- b) Roger F. Hicks

11) **Acceptance of electric easements from the following:**

- a) James V. Barwick
- b) ARFI Properties, LLC

Motion by Lamb, seconded by Waner, to approve General Consent Items 5.A.(1-8,10-11). **Motion carried** as follows:

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

**B. Approval of Purchases:**

- 1) **Approval of recurring annual software update license and technical support services with Oracle USA, Inc. in the estimated amount of \$31,000.**
- 2) **Approval of Change Order No. 1 with L.G. Construction for rehabilitation or residential structure located at 212 W. 7<sup>th</sup> Street in the amount of \$310.**
- 3) **Award of proposal and approval of agreement for upgrade and expansion of the outdoor warning device system. Staff recommended accepting proposal from Federal Signal Corporation in the amount of \$505,000 for a three-year agreement.**
- 4) **Approval of real estate sale agreement with Arcadia Farm, LLC, for purchase of approximately 118 acres of land located along Post Road and Highway 66 in Edmond in the amount of \$1,500,000 plus closing costs of approximately \$10,000. Councilmember Miller stated originally Council had set aside \$2.4M for the renovation and expansion of the Bickham Softball Complex. He stated due to the close proximity of the wastewater treatment plant, Council decided to look for a better location for the softball complex. He noted Council and staff have been attempting to purchase the site for approximately three years. He stated his goal was to develop a world class facility that will attract regional and national tournaments to Edmond. Councilmember Miller stated he felt it would be a great addition to the park system and with the relocation of the softball complex, it will allow for the possibility of expanding the wastewater treatment plant in the future.**

Councilmember Page expressed his appreciation to staff members Steve Commons and Jim Bowlin for their hard work on this project as well as the men's softball association for their patience.

Motion by Miller, seconded by Page, to approve General Consent Item 5.B.(4). **Motion carried** as follows:

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

5) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$11,419.88.**

Motion by Miller, seconded by Page, to approve General Consent Items 5.B. (1-3,5). **Motion carried** as follows:

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

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

**Mayor O'Neil reconvened the City Council meeting.**

**8. Public Hearing and Consideration of Site Plan approval for new office buildings, located east of Kelly, north of 18<sup>th</sup> Street, west of State Street (Max McCollom/Courtyards of Edmond, applicant) Case No. SP070040.** The site contains 58,222 square feet and will contain two buildings. Building No. 1 will contain 6,624 square feet and Building No. 2 will contain 6,288 square feet. Each building will actually consist of three individual one-story office buildings under one roof surrounding a courtyard. No pole lights are proposed and 54 parking spaces are planned. An 8'X5'10" ground sign matching the project is proposed. The buildings will be all brick and the mechanical equipment will be located on the ground. No fencing is required. Two drives are proposed, one off Signal Ridge Drive and one off 18<sup>th</sup> Street. A variance from the ten foot buffer requirement along 18<sup>th</sup> Street is requested. Planning Commission recommended approval.

Earnest Isch, engineer representing the applicant, addressed Council and stated the existing businesses along 18<sup>th</sup> Street have provided landscaping but it is primarily in the right-of-way. He stated the applicant has agreed to provide landscaping along the right-of-way on 18<sup>th</sup> Street and plant five smaller decorative

trees in order to not impact the existing water line. Mr. Isch stated the applicant will not request to count the trees as points against their total landscaping point count. He stated the additional landscaping is justification for requesting the variance.

Councilmember Lamb stated he felt the justification for granting this variance is due to the site being over-landscaped as well as the quality of the project. He also noted that 18<sup>th</sup> Street is not a section line road and a pattern exists from previous development in the area.

Motion by Page, seconded by Lamb, to approve Item No. 8 as submitted. **Motion carried** as follows:

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

**9. Public Hearing and Consideration of Ordinance No. 3108 rezoning from "G-A" General Agricultural to "A" Single Family Dwelling District, located north of Coffee Creek Road, west of Coltrane (Dee Greninger/The Ranch Property Company, LLC, applicant) Case No. Z070023.** The site contains 0.834 acres. This tract was inadvertently left out of the legal description when the land to the west on the east side of Iron Horse Ranch III Addition was rezoned. This application complies with the Edmond Plan which shows the area is projected for single family residential. Planning Commission recommended approval.

Motion by Lamb, seconded by Page, to approve Ordinance No. 3108 as read by title by City Planner. **Motion carried** as follows:

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

**Mayor O'Neil stated Items 10 through 14 would be discussed together.**

Jay Knowles, Todd McKinnis and Derek Turner addressed Council on behalf of the applicant. Mr. Knowles stated he felt it was a quality project and that the applicant has taken a significant amount of time to develop a project of this size. He noted the applicant is a young company and that they have teamed with an experienced developer, Turner and Company, as a consultant on this project. He stated the application has been amended several times and they have been working with staff for many months to determine the best development project.

Derek Turner, Turner and Company, addressed Council and stated the applicant has attempted to comply with Edmond Plan IV even though the application was submitted when Edmond Plan III was still in effect. He stated their concept was to develop a community within a community. Mr. Turner stated the concept for the project is to provide different priced, sized and designed homes in the same neighborhood as well as convenient neighborhood commercial/office services for homeowners within a radius of five to 10 miles. He stated they hoped to be able to use some of the undeveloped property for a future elementary school, post office or fire station. He stated the applicant has provided 297 acres of greenbelt areas throughout the development and a landscape buffer will be provided around the perimeter of the development. Mr. Turner stated the applicant attempted to eliminate all the entrances into the neighborhood by providing for one collector street that has six entrances into the residential areas. He noted the collector street will not have any driveways or houses that back onto it. A 40 foot common area off the collector street will be created along with a sidewalk/jogging trail. Mr. Turner stated biking/walking trails, parks and open space as well as saving remnant forest are also planned. He noted the trails system will be connected to the collector street. He stated the smallest lot frontage will be 60 feet due to the fluctuating terrain. He noted the applicant plans to extend water and sewer lines to serve the development at a cost of approximately \$5M. He stated these lines will allow future developers in this area to tie onto them. He noted because of a recent ordinance approved by Council it will allow the applicant to be partially reimbursed when other developers tie onto the water or sewer lines. He stated a master drainage study will be conducted for the entire project and the applicant plans to establish regional drainage facilities throughout the development. He stated the applicant plans to plat the development as one large project in order to be assured that all the amenities remain in place. Mr. Turner stated the applicant wants this project to set a high development standard for the eastern portion of the City.

Todd McKinnis addressed Council and stated the applicant will preliminary plat the entire development as a residential plat and as each area is platted the preliminary plat will be used as a guide for the entire process. He noted the applicant is working with the City's urban foresters, as well as their own forester, regarding the landscaping plan.

Councilmember Miller expressed his appreciation to the applicant for extending the water lines in this area. He stated it will be an asset for anyone wanting to develop in the area. He also thanked the applicant for donating land for a future fire station.

Councilmember Page stated because of the extension of the water lines, fire hydrants will also be installed which will lower the cost of home fire insurance rates for this area. He also stated he felt this type of development is considered smart growth which he favors rather than the continuation of urban/suburban sprawl which he is opposed to. He noted the development contains a neighborhood environment with neighborhood shopping conveniences.

Jonathan Jeffrey (10351 Stonegate Drive), Bill Waldo (4500 Westminster), Sharon Newman (3617 N. Coffee Creek Lane), Terri Sparks (5201 Post Road), Jason Hatcher (421 Brighton) and Pete Tate (7701 Sandy Lane) all addressed Council in opposition. Their primary concerns were the density and the condition of the existing streets in the area. Mike Scharrer also addressed Council on this matter.

General discussion was held regarding the right-of-ways. Mr. Turner stated the major arterial streets (Covell Road and Douglas Boulevard) will have 90 feet of right-of-way and the minor arterials streets (Post Road, Sorghum Mill Road and Coffee Creek Road) will have 70 feet of right-of-way to conform to the Transportation Plan.

**10. Public Hearing and Consideration of Ordinance No. 3109 amending Edmond Plan III from Residential Usage to Restricted Commercial Planned Unit Development (PUD) usage, located south of Coffee Creek Road between Douglas and Post Road (57 acres) (Woodland Park PUD/Caliber Development, applicant) Case No. Z070027.** The site contains 57 acres rather than the 62 acres originally planned and is an interior parcel surrounded by the proposed Woodland Park Addition. A 10 acre greenbelt is also proposed. This application was submitted when Edmond Plan III was in effect. Edmond Plan IV projects the land for commercial because utilities were possible for fire protection and sanitary sewer requirements. With the PUD for this project, the following standards would apply:

- 1) Connection to public water and sewer lines - no septic tanks or wells
- 2) Meet current site plan standards - buildings should be residential in character
- 3) Meet drainage detention standards
- 4) Meet landscaping requirements and/or tree preservation
- 5) Provide pedestrian access through trails and/or sidewalks
- 6) Meet all street right-of-way requirements as per Title 21 and Edmond Transportation Study

Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 3109 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 Page, to attach Emergency Clause to Ordinance No. 3109. **Motion carried** as follows and Ordinance No. 3109 is in effect immediately:

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

NAYS: None

**11. Public Hearing and Consideration of Ordinance No. 3110 rezoning from "R-2" Urban Estate Dwelling District to "D-1" Restricted Commercial Planned Unit Development (PUD), located south of Coffee Creek Road between Douglas and Post Road (57 acres) (Woodland Park PUD/Caliber Development, applicant) Case No. Z070027.** This is a companion to the above item and was discussed at that time.

Motion by Page, seconded by Waner, to approve Ordinance No. 3110 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 Ordinance No. 3111 amending Edmond Plan III from Residential Usage to Suburban Office Planned Unit Development (PUD) usage, located north of Coffee Creek Road, one-half mile east of Douglas (31 acres) (Woodland Park PUD/Caliber Development, applicant) Case No. Z070027.** The site contains 31 acres and is proposed for office development. The project is also an interior parcel surrounded by the proposed Woodland Park Addition. This project added to the commercial project would total 88 acres and be a centrally accessed neighborhood shopping center for Woodland Park as well as surrounding housing developments. City utilities will be extended for fire protection, water and sanitary sewer services. The street design would collect traffic from within the proposed housing addition connecting to the commercial development. Neither of the commercial developments are adjacent to existing homes. The same conditions applicable to the commercial PUD tract would also apply to this commercial parcel. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 3111 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 Page, to attach Emergency Clause to Ordinance No. 3111. **Motion carried** as follows and Ordinance No. 3111 is in effect immediately:

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

NAYS: None

**13. Public Hearing and Consideration of Ordinance No. 3112 rezoning from "R-2" Urban Estate Dwelling District to "D-O" Suburban Office Planned Unit Development (PUD) usage, located north of Coffee Creek Road, one-half mile east of Douglas (31 acres) (Woodland Park PUD/Caliber Development, applicant) Case No. Z070028.** This is a companion to the above item and was discussed at that time. Planning Commission recommended approval.

Motion by Lamb, seconded by Page, to approve Ordinance No. 3112 as read by title by City Planner. **Motion carried** as follows:

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

NAYS: None

**14. Public Hearing and Consideration of Ordinance No. 3113 rezoning from "R-2" Urban Estate Dwelling Planned Unit Development (PUD) and "R-2" Urban Estate Dwelling District to "A" Single Family PUD extending from Sorghum Mill Road south to Covell Road between Post Road and Douglas including a tract of land west of Douglas, north of Covell Road (1,152 acres) (Woodland Park PUD/Caliber Development, applicant) Case No. Z070028.** This site contains 1,152 acres and will be developed as Woodland Park Addition. A maximum of 1,950 units will be constructed which represents a gross density of 1.77 units per acre including all open space. Aerobics systems will be used on the half acre lots east of the ridge line through the development. The remainder of the residential lots west of the ridge line would also be developed as single family. A collector street extends from Sorghum Mill Road to Coffee Creek Road and south of Covell Road to Douglas generally on the ridge line between the two density residential areas south of Coffee Creek to Covell. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 3113 as read by title by City Planner. **Motion carried** as follows:

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

15. **Public Hearing and Consideration of Ordinance amending Edmond Plan IV from Urban Estate Dwelling to Planned Unit Development, located on the northwest corner of 30<sup>th</sup> Street and the west I-35 Service Road (James Davis, applicant) Case No. Z070011.** Mayor O'Neil stated this item will be continued to October 8, 2007, as requested by the applicant.

16. **Public Hearing and Consideration of Ordinance rezoning from "R-2" Urban Estate Dwelling to "D-O" Suburban Office, located on the northwest corner of 30<sup>th</sup> Street and the west I-35 Service Road (James Davis, applicant) Case No. Z070020.** This is a companion to the above item and was also requested by the applicant to be continued to October 8, 2007.

Motion by Miller, seconded by Page, to continue Items 15 and 16 to October 8, 2007, as requested by the applicant. **Motion carried** as follows:

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

17. **Public Hearing and Consideration of amendment to the Planned Unit Development Design Statement for Kingston Office Park, located south of Danforth, west of Bryant (Tanner Consulting/WHJ, LLC, applicant) Case No. Z070024.** Mayor O'Neil stated this item was withdrawn by the applicant.

18. **Public Hearing and Consideration of commercial Site Plan approval for two new buildings, located on the south side of Campbell, west of Littler (Pete Reeser, applicant) Case No. SP070034.** This item was previously denied on July 23<sup>rd</sup> and Council approved to reconsider the application on August 13<sup>th</sup>. On September 10<sup>th</sup> the application was continued to this meeting. The site contains 28,000 square feet and 55 parking spaces will be provided along Campbell, Littler and in the rear parking lot off the alley. No ground signs are proposed and only wall signs will be used. The exterior walls of the buildings will be brick veneer and cast stone elements. Mechanical equipment will be located on the flat roof which will contain a parapet wall for screening purposes. No fencing is proposed or required. The applicant will

install additional landscaping between the two buildings and trees along Littler. The existing sidewalk will be extended to the alley. Wall pack lighting will be part of the buildings and the City streetscape project will be completed along Campbell in front of the building which will include the downtown lighting. The dumpster is located in the alley to the south and will be used by tenants in both buildings. No detention is proposed since the project falls within the downtown regional detention area. The applicant will pay a fee-in-lieu of on-site detention. Access to the buildings will be from Littler and the alley.

Mary Ann Karns, attorney representing the applicant, addressed Council and stated the application has been amended to reduce the size of the building to the east which will be constructed during the 2<sup>nd</sup> phase of the project. She stated there will be 13 feet of landscaping between the buildings and a five foot sidewalk is proposed. Angle parking will be provided along Littler with four spaces, one of which is a handicap space. Ms. Karns stated the applicant has obtained a written agreement with Joyce's Catering regarding joint use of the dumpster. She stated because the dumpster will be shared with another business who will be discarding food products, the Solid Waste Department will empty the dumpster more often than normal. Ms. Karns stated the Central Edmond Urban Development Board approved the original application but has not reviewed the current application. She stated the applicant was apposed to going before the Urban Board for another review due to added attorney fees for another appearance. She requested a formal dedication of the additional five feet the applicant is donating for the sidewalk. She noted the buildings will no longer be exactly alike because the phase two building is smaller in scale.

Councilmember Waner stated she appreciated the changes made to the site plan and will be a great contribution to continue with the streetscape in that area. She stated she was concerned about the sanitation issue but felt she could agree to the four day a week pickup of the dumpster.

Councilmember Lamb stated he was disappointed in how the process was distorted. He stated he felt Council did not set a good precedent because he felt the original application was in compliance with City standards. He noted the purpose of Title 22 was to create consistency and reliability in the process so a developer would know what was expected. Councilmember Lamb stated the original application was approved by the Central Edmond Urban Development Board and the Council has forced the applicant to go above and beyond what the code requires.

Councilmember Miller stated this process is not a win or lose situation. He stated he also felt the process has been lost.

Mayor O'Neil stated he felt it was important to support the previous Council's requirements regarding streetscape standards on this corner. He stated the prior applicant was required to dedicate land and provide diagonal parking as part of Streetscape IV and he felt this area should remain consistent. He stated he also appreciated the applicant's willingness to work with the City to change his plan which was more than expected and reflects the high quality standards of the streetscape. Mayor O'Neil stated the changes are consistent with the area.

Ms. Karns requested the City remove the Rodkey House by the end of October so her client can begin his development.

Larry Stevens addressed Council and stated the City was having difficulty in locating a mover who can meet the short time frame. He stated they will continue to work on getting the home relocated.

Motion by Waner, seconded by Page, to approve Item 18 as submitted. **Motion carried** as follows:

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

**19. Executive Session to discuss the purchase of real property generally located near Kelly and 15<sup>th</sup> Street; Kelly and Sorghum Mill; 33<sup>rd</sup> Street, west of Bryant; Coltrane Road and Danforth Road (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B) (3)):**

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above items. **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 7:19 p.m. and returned to the City Council Chambers at 7:44 p.m.

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

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

**20. Consideration of action regarding the purchase of real property generally located near Kelly and 15<sup>th</sup> Street; Kelly and Sorghum Mill Road; 33<sup>rd</sup> Street, west of Bryant; Coltrane Road and Danforth Road.**

Motion by Miller, seconded by Lamb, to authorize staff to negotiate purchase agreements for property located at Kelly and Sorghum Mill Road in the amount of \$397,980 plus closing costs and the property at Kelly and 15<sup>th</sup> Street in the amount of \$600,000 plus half of the closing costs. **Motion carried** as follows:

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

**21. NEW BUSINESS:**

Councilmember Miller stated he just returned from the annual trip to Washington D.C. to meet with Oklahoma congressional representatives and senators to talk about City issues. He stated Senator Inhofe told the group the WRDA bill would become law in six weeks. He stated this will allow the City to use the money that has been set aside for the Arcadia Lake debt to be used for water projects. He stated he felt it was a very productive trip.

Mayor O'Neil expressed his thanks to staff for the recent fish fry honoring boards and commission members. He stated it was held at Fire Station No. 5 and a good time was had by all attendees.

Mayor O'Neil stated he was concerned about the public notices on property advising of rezoning that are not being removed in a timely manner. He noted sometimes the signs are removed but the landscaping timbers remain and he wanted everything to be taken down. Councilmember Lamb requested a copy of the notice that the Planning Department mails to the applicant be provided to the Code Enforcement Department after the hearing is completed in order for the Code officers to be aware of when the signs should be removed.

Councilmember Waner congratulated the City Manager and City Attorney for winning the Gerald Wilkins and Don Rider awards, respectively, they were nominated for during the Oklahoma Municipal League annual conference.

Councilmember Miller requested if non-controversial items, such as approval of the Minutes, General Consent Items and Planning Consent Items, could be approved on a unanimous voice vote rather than taking the additional time to call the roll for each item. Steve Murdock, City Attorney, stated he would research the matter.

**22.** 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**