

## EDMOND CITY COUNCIL MINUTES

November 13, 2007

Mayor Pro Tem Charles Lamb called the regular meeting of the Edmond City Council to order at 5:30 p.m., Tuesday, November 13, 2007, in the City Council Chambers. Mayor Dan O'Neil was out of town on City business.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve October 22, 2007, Minutes. **Motion carried** as followed:

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

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

A. **City Manager's Progress Report.** Larry Stevens addressed Council and stated completion of the second phase of the **Fretz Road Improvements, 4<sup>th</sup> to 10<sup>th</sup> Streets**, is anticipated by mid-December. The cost of the project is \$896,000. He stated the northern half of the **Fretz Road Extension project** is expected to be completed by mid-December at a cost of \$440,000. Mr. Stevens stated the intersection improvements at **Vista Lane and Bradbury Lane on Edmond Road** are under construction. Final completion of both intersections is not anticipated until spring, 2008 with a cost of approximately \$1.3M. He stated staff is currently obtaining the last easement needed for the intersection improvements at **Danforth and Coltrane Roads**. He noted this project will cost \$1.5M and be funded through the 2000 sales tax. Mr. Stevens stated the **15<sup>th</sup> Street and Coltrane Signal project** is being funded through federal funds at a cost of \$130,000. He noted the poles should be installed in the next three to four months with the remaining work completed after installation of the poles. The last project Mr. Stevens discussed was the **Streetscape, Phase III project** from Hurd and Broadway north to Campbell, then east to University. He stated this phase should be completed around the first week of December. The cost for this phase is approximately \$1.85M.

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

A. **Appointment to the Edmond Economic Development Authority Board.** Mayor O'Neil nominated Mark Nash for appointment to serve a term expiring in November, 2010.

- B. **Appointment to the Edmond Public Transportation Committee.**  
Mayor O'Neil nominated Ray Harshman for re-appointment to serve a term expiring in November, 2010.
- C. **Appointment to the Kickingbird Tennis Center Advisory Board.**  
Mayor O'Neil nominated Amy Cabato for appointment to serve a term expiring in August, 2008.
- D. **Appointment to the Convention and Tourism Advisory Board.**  
Councilmember Page nominated Lance Currie for re-appointment to serve a term expiring in October, 2010.
- E. **Appointment to the Convention and Tourism Advisory Board.**  
Councilmember Waner nominated Martha Hall for re-appointment to serve a term expiring in February, 2010.
- F. **Appointment to the Convention and Tourism Advisory Board.**  
The Edmond Fish and Game Commission nominated Jim Roberts for re-appointment to serve a term expiring in October, 2010.

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

AYES: Mayor Pro Tem Lamb, Councilmembers Page, Waner 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 the Regional Snow Routes Memorandum of Understanding between agencies in the Oklahoma City Area Transportation Study (OCARTS) area.**
- 2) **Approval of lease/purchase agreement with Edmond Public Schools for property located east of Kelly, north of Edmond Road.**
- 3) **Approval of naming the arboretum on the south end of Bickham/Rudkin Park as The Margaret Annis Boys Centennial Arboretum.**
- 4) **Approval of supplemental appropriations of donated funds to move the Rodkey House - \$25,000**

- 5) **Acknowledge receipt of construction permits from the Oklahoma Department of Environmental Quality for water and sewer lines to serve Enterprise Commercial.**
- 6) **Acceptance of utility easement from the following:**
  - a) Melton Parke Addition
- 7) **Acceptance of public improvements and maintenance bonds from the following:**
  - a) Kingston Office Park
  - b) Gracelawn Cemetery
  - c) Northwest Complex landscaping
- 8) **Acceptance of electric easements from the following:**
  - a) Acts II Church
  - b) David and Tamera Prater
  - c) Ian and Angela Suhrstedt
  - d) Timothy and Susan Grode

Motion by Miller, seconded by Page, to approve General Consent Items 5.A.(1-8). **Motion carried** as follows:

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

**B. Approval of Purchases:**

- 1) **Approval of purchase agreement for real property located near Danforth Road and Coltrane Road in the amount of \$90,694 plus closing costs.**
- 2) **Approval of transfer of appropriations from Council Contingency fund to pay a portion of the expenses to relocate the Rodkey House to Stephenson Park - \$57,000**
- 3) **Award of bid for flashover training system for the Fire Training facility.** Purchasing Manager recommended accepting bid from Draeger Safety Systems in the amount of \$44,245.
- 4) **Award of bid for Chitwood Park playground equipment for the Park and Recreation Department.** Purchasing Manager recommended accepting bid from Miracle Recreation in the amount of \$99,914.

- 5) **Approval of contract fees with Tatum, LLC and expenses on their current contract for services not to exceed \$11,000.**
- 6) **Award of bid and approval of contract for the Class A Burn Building and Resolution No. 33-07 appointing Purchasing Agent for the Fire Department Training Facility.** Purchasing Manager recommended accepting bid from Anderson & House in the amount of \$772,500.
- 7) **Approval to reject bids received for the Children's Safety Village and consideration of approval for the Fire Department to proceed as the project general contractor.** Gil Harryman, Fire Chief, addressed Council and stated the four bids received were all over the budget amount. He stated the project is extremely unique and that is one of the reasons he felt the bids were over budget. Chief Harryman stated commercial and permit costs have increased over the past 18 months when this project was first designed. He noted costs for residential development have decreased 20% and because of the reduced costs staff would be taking a more residential approach rather than commercial in order to hold costs down. Chief Harryman stated the City of Edmond was the general contractor when the City First Building was remodeled and the Fire Department staff believes they can provide direct over-sight and bring the project in within or below budget. He noted each aspect of the construction would be bid in compliance with state statutes. He stated a project manager with residential construction experience would be hired to oversee the day to day construction aspect of the project.

Motion by Waner, seconded by Page, to approve General Consent Item 5.B.(7). **Motion carried** as follows:

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

- 8) **Approval of Change No. 1 to Fireblast 451, Inc. for additional thermal lining protection in the burn rooms at the Fire Training Facility in the amount of \$24,220.**
- 9) **Award of proposal for a mobile fire training system for the Fire Training Facility.** Purchasing Manager recommended accepting proposal from Kiddie Fire Trainers in the amount of \$214,900.

- 10) Approval of agreement with Smith Roberts Baldischwiler, LLC, for engineering design services for Streetscape, Phase IV in the amount of \$66,500.
- 11) Approval of agreement with thesmallgroup to produce exterior renderings of the buildings in the original downtown core between 2<sup>nd</sup> Street and Campbell in the amount of \$10,000.
- 12) Approval of Change Order No. 1 to the construction contract with Traffic Signals, Inc., for the 9<sup>th</sup> Street traffic improvements project in the amount of \$7,327.50.

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-6,8-12). **Motion carried** as follows:

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

Motion by Waner, 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 Pro Tem Lamb, Councilmembers Page, Waner and Miller  
NAYS: None

**Mayor Pro Tem Lamb reconvened the City Council meeting.**

**8. Public Hearing and Consideration of extension of commercial Site Plan approval for Fox Lake Plaza, located west of I-35, 1,130 feet north of 15<sup>th</sup> Street (Frank Battle, applicant) Case No. SP030028.** The project was previously approved on October 25, 2004 and there are no changes to the original design or standards from the original approval. This project has previously been extended in 2005 and 2006. Planning Commission recommended approval.

Barry Rice, attorney representing the applicant, addressed Council and stated construction on the turn-around lane outside the entry to the Fox Lake Addition has begun. He noted the problem with the drainage pipe has been repaired. Mr. Rice stated the applicant is moving forward in good faith to finish the project. He stated the applicant is moving forward with grading and lowering the water line at this time and will comply with all aspects of the Site Plan.

Councilmember Page stated he was concerned about the lack of landscaping along the masonry wall on the west side of the property which was proposed to act as a visual barrier for the Fox Lake homeowners. He noted the applicant agreed to landscape along the masonry wall at the time that wall and a retaining wall was constructed and this has not been done.

General discussion was held regarding the current landscaping along the wall. Carrie Tomlinson, Urban Forrester, stated there is landscaping along the wall but most of the landscaping is actually preservation of existing vegetation. Ms. Tomlinson stated no additional landscaping has been placed along the wall that she is aware of.

Councilmember Page stated the homeowners association fee has also not been paid and the applicant has just now begun construction of the turn-around lane that should have been completed four years ago. He stated in his opinion the applicant does not have a good record regarding finishing items that he had agreed to when the site plan was originally approved. He stated he would prefer to continue this item for 90 to 120 days in order for the applicant to complete the items that were originally agreed upon.

Mr. Rice stated the applicant has an agreement with the homeowners association to begin paying the association fees on January 1, 2008. General discussion was held regarding when these payments should have commenced. Mr. Rice reiterated that the applicant was attempting to get the project moving and was not intentionally delaying the project. He noted throughout the years conditions have occurred that were not under the applicant's control. He stated the amount of rain received this past spring was unprecedented and the applicant was not able to seed the property as he planned to do. Mr. Rice stated the applicant has not been able to seed the property because the site is not to grade yet and there is still grading that needs to be completed prior to any seeding of the property. He asked if the application is continued will his client be allowed to continue working on the project.

Lydia Lee, representing the Edmond Neighborhood Alliance, addressed Council and stated numerous residents of the Fox Lake Addition are opposed to extending the site plan. She stated even though the retaining wall and noise barrier wall have been installed, the landscaping has not. She stated the applicant has not paid the homeowners association any fees yet which she felt should have begun in 2004. Ms. Lee stated the applicant has ignored the conditions placed upon the site plan approval and the two additional extensions. She stated she felt the applicant has had adequate time in which to meet the conditions and in her opinion the applicant is not entitled to extensions year after year without significant progress being made.

Bill Hake, President of the Fox Lake Homeowners Association, addressed Council, and stated the residents just want the project to be finished. He stated the applicant has worked the past six months on the property hauling off dirt and grading but, as already noted, the site is not to grade yet. Mr. Hake stated the applicant has assured the homeowners association that the property will be at grade and mulched and seeded by late spring of 2008. He noted the homeowners are concerned that if the extension is denied then that just delays the project even further. Mr. Hake stated the documentation he read noted that payment of \$2,500 per year to the homeowners association would begin 12 months after commencement of development. He stated the applicant felt commencement of development began when the first building was constructed. Because of the uncertainty, he stated an agreement has been reached with the applicant to begin paying the homeowners association \$2,500 per year beginning January 1, 2008.

Councilmember Page stated when this application was originally approved, several members of the Council were concerned that due to the construction, the lake would have to be dredged in the next few years and that is the reason for requiring the payment of the fees to the homeowners association. He stated the Council at that time wanted the fees to begin immediately to help pay for the dredging of the lake.

Councilmember Waner stated she understood that several citations have been issued to the applicant. It was noted by City Attorney, Steve Murdock, that the citations were regarding violation of the stormwater drainage ordinances and the issue is set for trial in December. Councilmember Waner stated she felt the Council would be setting a precedent by allowing the applicant to continue to disregard the conditions required by the previous Council when this project was originally approved. She stated she felt the applicant should have begun paying the \$2,500 fee to the homeowners at the time the site plan was approved in 2004. She also stated the applicant knew what the site would require regarding grading and hauling off the dirt when they began the project and they did not take appropriate precautions and are now in court. Councilmember Waner stated even though the homeowners association has reached an agreement with the applicant, she felt the applicant has not complied with agreements made with the previous Council when the project was approved.

Mr. Rice addressed Council and stated the seeding of the site has been delayed due to the grading of the site. He stated the citations for lack of erosion control is due to the amount of rain received this past year. He noted the applicant was not the only developer who has been cited for violation of stormwater drainage ordinances this past year. He stated the applicant has not

purposely done anything with the intent to defraud the City and is working diligently and in good faith to get the site developed. Mr. Rice stated the applicant has spent millions of dollars so far and continues to spend money on this project.

Councilmember Page stated he could not in good faith agree to extend the site plan. He stated he preferred the project be continued for six months to allow the applicant to remedy the problems that have been created from this project.

Councilmember Miller asked if the application is continued would the applicant be allowed to continue with the project. Steve Murdock stated a continuance does not revoke the site plan and the applicant would be allowed to continue working on the project for the next six months.

Mayor Pro Tem Lamb stated new standards have required the City to be more diligent in their enforcement efforts regarding erosion control. He stated this project is not unique because the rains caused many projects' erosion controls to fail. He noted the rains also impeded the applicant from moving dirt from the property. He stated he felt it would not be to the advantage of the homeowners to deny the extension and not allow the applicant to complete the conditions agreed to in 2004. Mayor Pro Tem Lamb stated if the application is denied, there would be no encouragement for the applicant to complete the development in a timely manner. He noted if that happens the homeowners will be the ones to suffer. He stated the applicant's financial investment in the project is extremely high and he is as interested as anyone else to get the project completed. He stated for those reasons he supported extending the site plan.

Councilmember Miller stated if the site plan extension is denied the project will come to a halt for at least the next 12 to 18 months. He stated he is in favor of whatever it takes to get the project moving and finished.

Motion by Page, seconded by Waner, to continue Item 8 to May 12, 2008, subject to compliance with the following conditions:

- 1) Completion of the turn-around lane just outside the entry to the Fox Lake Addition
- 2) Landscaping along masonry wall on the west side of the property
- 3) Payment of \$2,500 per year to the homeowners association beginning on January 1, 2008
- 4) Reseeding of property

**Motion carried** as follows:

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

The applicant's attorney requested that Item 10 regarding approval of the Site Plan be considered first but that both companion items be discussed together.

Randel Shadid, attorney representing the applicant, addressed Council and stated the site plan was submitted prior to approval of the transportation plan. He stated the right-of-way complies with standards in effect at the time the site plan was approved. He noted the applicant designed their project for 70 feet of right-of-way which was 20 feet more than required at the time. He stated in his opinion the 100 feet required with the new standards is unreasonable and will make the site unusable. Mr. Shadid stated the additional parking is needed to accommodate customers on holidays and weekends and the landscaping is in compliance. He stated during the Planning Commission meeting the applicant agreed to eliminate one driveway and install landscaping. He stated an adjoining neighbor requested the existing cedar trees along the boundaries of the two properties be retained and the applicant agreed to that request. He noted the applicant is not designating a tree preservation area nor are they requesting the trees be considered as a part of the landscaping point values.

Clifford Keriker, 1311 Paddock, adjacent property owner, addressed Council and asked how far Paddock would be widened. Steve Manek, City Engineer, addressed Council and stated the street would be widened only on the south side.

Lydia Lee addressed Council and asked if the sensitive border requirements have been applied to this application. She stated in one section of the code it says sensitive border requirements apply to "D-0" suburban office usage and in another section the code does not list "D-0" as an area requiring sensitive border standards. Mayor Pro Tem Lamb stated at the beginning of the discussions when the Title 22 Site Plan standards were revised, the Committee eliminated "D-0" specifically from the Residential Protection Yard requirement. He stated other standards of the sensitive border still apply but since the purpose of "D-0" zoning is to act as a buffer between commercial and residential developments, the need for additional yard separation was eliminated.

Councilmember Miller stated he could support the application as submitted because it met the code regarding right-of-way when it was submitted. He stated although he was not happy that the applicant is not providing the 100 feet of right-of-way that is

requested for this location, the City Engineer has indicated that 70 feet of right-of-way is adequate.

**9. Consideration of Final Plat for a Credit Union, located on the northwest corner of Bryant Avenue and 33<sup>rd</sup> Street (Tinker Federal Credit Union, applicant) Case No. PR070038.** The site contains two lots covering five acres and a new credit union is planned on the northern portion of the property on Lot 2 and no use is identified on Lot 1. There is a 26 foot wide access easement which will allow shared use of the driveway on Bryant in compliance with access management standards. A drainage detention facility has been provided on Lot 1 to serve both parcels. It was noted that the detention facility location will not preclude any additional drive cuts along Bryant south of the proposed entrance all the way to the intersection. The applicant is requesting 70 feet of right-of-way on both 33<sup>rd</sup> Street and Bryant rather than the 100 feet required within a 500 foot distance of the intersection. Planning Commission recommended approval as submitted including the 70 foot right-of-way.

Motion by Miller, seconded by Page, to approve Item 9 as submitted including the right-of-way variance. **Motion carried** as follows:

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

**10. Public Hearing and Consideration of Site Plan approval for a credit union, located on the northwest corner of Bryant Avenue and 33<sup>rd</sup> Street (Tinker Federal Credit Union, applicant) Case No. SP070038.** The building will contain 6,833 square feet requiring 34 parking spaces. The applicant has provided 59 parking spaces. Due to the over parking of 25 spaces, the applicant has increased the landscaping. The project includes 12 pole lights and wall lights. The height of the light poles will be a maximum of 15 feet on the west side of the property due to the sensitive border. The exterior of the building consists of brick veneer with EIFS trim. The building contains a pitched roof with a drive-in canopy. The mechanical equipment will be located on the ground. No fencing is proposed or required other than the dumpster enclosure. Planning Commission recommended approval.

Motion by Miller, seconded by Waner, to approve Item 10. **Motion carried** as follows:

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

11. **Public Hearing and Consideration of Ordinance No. 3114 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.** The property contains 1.72 acres and most of the lots are single family acreage lots with private water walls and septic tanks. The property was platted as part of the Henderson Estates North Addition. The Oklahoma Municipal Power Authority (OMPA) is constructing a headquarters office to the north. City water is available and sanitary sewer will likely be extended into the area because of the natural drainage basin. The amended application eliminates the drive and parking lot off 30<sup>th</sup> Street. Additional setback will be provided to the west next to the existing home. Planning Commission recommended that the covenants be modified and agreed to by the residents prior to the City Council meeting.

Max Speegle, attorney representing the applicant, addressed Council and stated the applicant plans to preserve the site in it's natural state and will retain the trees on the west side of the property. He stated since there will not be an entrance on 30<sup>th</sup> Street, the Fire Department may require a drive around the back of the building through the landscaping buffer to comply with the fire codes. Mr. Speegle stated some of the trees may need to be removed for that access so the tree area will be labeled in the application as a 35 foot landscaping buffer. He noted if the driveway is required by the Fire Department, the trees along the west side of the buffer will be preserved and as many other trees in the buffer as possible in order to comply with fire codes and still get their building constructed. Mr. Speegle stated the applicant considered the west side of the property as a sensitive border and that is the reason for retaining the trees. He commended the homeowners association for their willingness to work with the applicant on this issue.

General discussion was held regarding whether a possible new owner, if the property is purchased in the future, would be held to the same standards and conditions agreed to by the applicant regarding the existing trees. Staff stated they felt a precedent has been set because the property to the north has designated a tree preservation area.

Councilmember Miller stated if the applicant would install a sprinkler system in the building, the need for a separate access for the Fire Department would be negated.

Deb Harwood, President of the Henderson Estates North Homeowners Association, addressed Council and stated the homeowners requested a 35 foot natural landscape buffer on the west and a 25 foot buffer on the south along 30<sup>th</sup> Street. She noted that along 30<sup>th</sup>

Street the trees seemed to be located in the easement and if a water line should be installed in the future she felt some of those trees would be removed. She noted when the design statement was amended prior to the Planning Commission meeting, the applicant identified the buffers as setbacks. She requested these areas be identified in the design statement as natural landscape buffers. Ms. Harwood stated when the site plan is considered the trees on the west can be discussed at that time.

Staff noted any future water lines would not be installed along 30<sup>th</sup> Street. The City Planner stated the proposed project would be served with a waterline connection along the north side of the site to the water line along the frontage road. Extending the water line along 30<sup>th</sup> Street was not required since the area was already platted and filed of record as part of the Henderson Estates North Addition.

Mr. Speegle stated the applicant would agree to a 35 foot landscape buffer on the west but he did not want to design the area as a tree preservation area. He stated he will submit an amended design statement to the Planning Department identifying the 35 foot building setback on the west and the 25 foot building setback on the south along 30<sup>th</sup> Street as landscape buffers.

Motion by Miller, seconded by Page, to approve Ordinance No. 3114 as read by title by City Planner subject to the amendment to the design statement as noted above. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3114. **Motion carried** as follows and Ordinance No. 3114 is in effect immediately:

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

**12. Public Hearing and Consideration of Ordinance No. 3115 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 discussed at that time.

Motion by Miller, seconded by Page, to approve Ordinance No. 3115 as read by title by City Planner as amended above. **Motion carried** as follows:

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

**Councilmember Page temporarily left the City Council Chambers.**

**13. Public Hearing and Consideration of extension of Special Use Permit, including Site Plan, for the Abel Convenience Store, located on the northeast corner of Air Depot and Covell Road (Mark Abel, applicant) Case No. U060008.** Planning Commission recommended denial on August 22, 2006, and Council recommended approval on September 11, 2006, of the original application. The site contains 1.64 acres and 38 parking spaces are provided, not including 13 spaces that could be affected by the right-of-way along Air Depot. The applicant amended the application at the September 11<sup>th</sup> meeting to relocate the building further back on the site in order to include the 13 parking spaces for a total of 51 parking spaces. These 51 spaces will provide all the parking for the entire project when an additional building is added in the future. One driveway is planned on Covell and two on Air Depot. A six foot sight proof fence is required along the north property line. Building signs would face Covell and Air Depot for the convenience store. The application is in compliance with the 10% landscaping requirements. There will be no light poles but lighting would be located under the pump island along with wall packs on the building including shields to reduce the ambient lighting. Mechanical equipment will be located on the roof with a parapet wall for screening. Planning Commission recommended denial of the extension. Council agreed to the following conditions when the Site Plan was originally approved:

- 1) The sight-proof fence being constructed of brick columns and wood panels
- 2) The columns on the canopy being all brick
- 3) No painting of the building with the company logo
- 4) No additional parking spaces other than those cited above
- 5) A 10 foot landscaping planting bed along and outside the Air Depot right-of-way.

Randel Shadid, attorney representing the applicant, addressed Council and stated nothing has changed from the original plan. He stated the applicant is willing to retain the trees next to the Hampton Hollow Addition and the site will be heavily landscaped along the front of the property. Mr. Shadid stated the applicant

is providing 70 feet of right-of-way along both Covell and Air Depot. He noted the building permit was ready to be picked up but they needed to be sure the Special Use permit and site plan are extended. He stated the applicant will place the dumpster in the best location determined by City staff.

General discussion was held regarding location of the dumpster. If the northeast corner of the site is determined to be the best location for the dumpster that it should be at least 70 feet from the north property line.

Lydia Lee, attorney representing several Hampton Hollow residents, addressed Council in opposition. She stated the application is not compatible with the area and will have an adverse impact on the surrounding property owners. She stated a convenience store and car wash is not a quality project for the east Edmond area. Ms. Lee stated the special use permit expired on September 11<sup>th</sup> and she felt the applicant should have to reapply under the new standards that were approved earlier this year. She stated since the project is in the beginning stages the City has the opportunity to make the project better and something the surrounding property owners can be proud of.

Mr. Shadid stated the applicant has already expended \$750,000 on this project and the building permit has already been issued by the City so he urged the Council to approve the extension in order for the applicant to move forward with his project.

Councilmember Waner stated she felt the project was not appropriate for the area but she was willing to grant the applicant a first time extension. She stated she also wanted to honor the previous Council's commitment and offer some consistency and she would support the extension.

Motion by Waner, seconded by Miller, to approve Item 13 subject to the dumpster being located 70 feet from the north property line if that location is determined by staff to be the best location.

**Motion carried** as follows:

AYES: Mayor Pro Tem Lamb, Councilmembers Waner and  
Miller  
NAYS: None

**Councilmember Page returned to the City Council Chambers.**

**14. Public Hearing and Consideration of Ordinance No. 3116 amending Edmond Plan IV to allow for amendments of the Plan Map without a Planned Unit Development (PUD) designation for the amendment or rezoning request.** The proposed ordinance would no

longer require a PUD as a minimum requirement with every application. Mayor Pro Tem Lamb stated a PUD can still be required by Council but will not be necessary with each application. If a large development is submitted without a PUD, the applicant would be required to provide a reason why a PUD was not submitted.

Randel Shadid addressed Council and stated the Council still has the authority to require PUDs. He stated the proposed ordinance will be better for small tracts that do not need a PUD but were required to submit a PUD. He noted PUDs are not always needed due to the City's stringent site plan requirements especially on small tracts.

Motion by Miller, seconded by Page, to approve Ordinance No. 3116 as read by title by City Planner. **Motion carried** as follows:

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

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3116. **Motion carried** as follows and Ordinance No. 3116 is in effect immediately:

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

**15. NEW BUSINESS:**

Councilmember Miller stated President's Bush's veto of the Water Resources Development Act was recently overridden by Congress which will free up \$12.2M for water improvements that the City has been holding in escrow and paying interest on regarding the Arcadia Lake future water use interest debt. Nancy Nichols, Director of Governmental Relations and the City of Edmond liaison, has worked tirelessly for the past 10 years on this matter. He stated the two previous mayors, Bob Rudkin and Saundra Naifeh, as well as himself have also worked on getting this debt forgiven. He noted that Congresswoman Mary Fallin introduced the bill and the other members of Oklahoma's congressional delegation also backed the bill. Councilmember Miller highly commended Ms. Nichols for her many years of work to get this bill passed.

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

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

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**City Clerk**

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**Mayor**