

## EDMOND CITY COUNCIL MINUTES

October 8, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 8, 2007, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve September 24, 2007, Minutes. **Motion carried** as followed:

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

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

A. **Appointment to the Stormwater Drainage Advisory Board.** Mayor O'Neil nominated Damon Wingfield for appointment to serve a term expiring in October, 2010.

B. **Appointment to the Kickingbird Golf Club Advisory Board.** Mayor O'Neil nominated Jacob Arnold for appointment to serve a term expiring in August, 2008.

Motion by Miller, seconded by Page, to approve Items 3.A. and 3.B. **Motion carried** as follows:

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

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

**A. Approval of Administrative Items:**

1) **Approval to relocate the Edmond Convention and Visitors Bureau (CVB) to a division of the Edmond Area Chamber of Commerce as recommended by the Edmond Convention and Tourism Advisory Board.** This item was discussed during a workshop held on September 10<sup>th</sup> and was also discussed by the previous City Council although no formal action was taken by the former Councilmembers. Since 2004, the CVB has been a

department of the City operating under a Memorandum of Understanding.

Ken Moore, representing the Edmond Area Chamber of Commerce, addressed Council and stated this action was recommended by the Convention and Tourism Advisory Board. He noted the Chamber has been involved for many years in support of CVB activities. Mr. Moore stated the Chamber was involved in getting the hotel/motel room tax approved by voters. He noted initially the CVB was located in the Chamber of Commerce building under the jurisdiction of the Chamber until it became a City of Edmond department. Mr. Moore stated this is a formal request to re-locate the CVB to the Chamber building. He outlined several reasons for re-locating the CVB. He stated economies of scale would reduce the need to have the same people do different things in several locations which will result in saving money. He noted the savings can then be directed into doing what the CVB was established to do. He stated another reason is that all the economic development agencies would be located under one roof for the ease of customer service.

Scott Smelser, Chairman of the Convention and Tourism Advisory Board, addressed Council and the Board did recommend the CVB re-locate to the Chamber of Commerce building. Mr. Smelser stated the CVB felt that a decision needed to be reached in order for the CVB to have a designated location for their operations.

Martha Hall, member of the Convention and Tourism Advisory Board, addressed Council and stated the CVB would have more visibility, accessibility and a significant savings which could be used for grants and promotions if the CVB were located in the Chamber building. Ms. Hall stated additional staff would be available if the CVB were short staffed. She noted the CVB and Chamber have discussed the space needed for the CVB staff in the Chamber building.

Mayor O'Neil stated this issue has been studied in depth and he requested comments from the Council.

Councilmember Page stated although he is a member of the Convention and Tourism Advisory Board, he

opposed the relocation of the CVB at this time. He noted the location of the CVB is not ideal but that the Council and Chamber have not been able to come to an agreement regarding the CVB operations. He stated he felt a better location would be on I-35 in conjunction with a conference center if that concept is approved in the future. He stated he would prefer to consider other options such as a rent or lease agreement with the Chamber for a portion of the building. Councilmember Page stated this would allow for the separation of powers between the two entities and also allow the CVB to remain a department of the City. He stated at this point the City does not have a contract with the Chamber and he would prefer the Council research other options until a determination regarding whether a conference center will be constructed has been reached.

Councilmember Miller stated he was part of the Council when the original decision to separate the two entities was made. He stated he also feels that the current location of the CVB is not the optimal location but it is better than the previous location in the Downtown Community Center. Councilmember Miller stated he has studied this matter in depth and does not disagree with the comments from Mr. Moore and Councilmember Page. He stated he would prefer to move forward and not wait until a decision is reached regarding the location of a future conference center. He feels the CVB and Chamber together in one building has good synergy.

Councilmember Waner her two major concerns were safeguarding the hotel/motel tax for the purpose for which it was designed and providing the CVB with the atmosphere and controls with which to do their job. She stated she agreed with the synergism of having all three entities in one location and she also agreed that the long-term solution would be to locate the CVB in a future conference center. She also agreed there would be a cost savings to the City for the operation of the CVB. Councilmember Waner felt the bigger issue was that the CVB would not have the autonomy to decide how the hotel/motel taxes are spent if they are located in the Chamber of Commerce building even though the Chamber has noted the CVB would track the hotel/motel tax separately. She stated she is not

comfortable with asking staff to move again to a new location. She noted she agrees that a lease/rental agreement is probably the best solution but that she felt the CVB should remain in the current location and be given the tools to do their job rather than returning them to a place where they have previously been.

Councilmember Lamb stated even before the hotel/motel tax was approved in 1994, the Chamber was the birth place for the entire visitor effort as a means to promote both Arcadia Lake and Edmond. He noted over the years the agreement evolved and the City continued to provide funds for the program. In 1994 when the hotel/motel tax came before the voters the Chamber supported the tax and that tax is the revenue stream used to support convention and visitor activity. He noted due to problems between the entities, the Chamber asked to be released from the agreement and the CVB was placed under the supervision of the City and into a holding pattern with the intent to look for a long-term solution. He stated after the CVB became a City department, they discovered the overhead costs associated with being a City department. Councilmember Lamb stated when the CVB was part of the Chamber they had access to many more volunteers through the Chamber to assist with and support the CVB programs. He stated he supported re-locating the CVB in the Chamber building and when/if a conference center is constructed, then a decision of where to locate the Chamber and CVB can be discussed. He noted the contract would be renewed on an annual basis. Council-member Lamb stated since the Convention and Tourism Advisory Board recommended the CVB be re-located, he felt the Council should adhere to their recommendation.

Mr. Moore addressed Council and stated the money from the hotel/motel tax would not be co-mingled with money from the Chamber. He stated funds can be easily tracked and that there are checks and balances in place showing how the money is proposed to be spent and then tracking how each entity spends the funds allocated to them. Mr. Moore stated it will be the decision of the CVB as to how their funds will be spent. He stated the Chamber feels that past concerns have been addressed and will be included in any

agreement between the two entities. He stated having a lease agreement will not in the long run save the CVB much money in overhead costs. Mr. Moore urged Council to review the information provided by the Chamber regarding the checks and balances to address some of the Council's concerns.

Mayor O'Neil stated he agreed that all three development groups should be in one building and that the visibility provided by the Chamber would be worthwhile. He stated the current location is not ideal especially in the summer when Pelican Bay is open makes it difficult for the public to access the CVB. Mayor O'Neil stated he would prefer the CVB have the same type of arrangement that the Edmond Economic Development Authority (EEDA) and the Chamber have established. He stated he also preferred the lease/rent arrangement suggested by Councilmember Page. He noted there is definitely a problem and he felt a solution has not yet been reached. He stated the issue of public trust regarding tax dollars used by the CVB is a concern to him.

Ray Hibbard, Chairman of the Chamber of Commerce, addressed Council and stated the previous Council had discussed establishing the CVB as a trust in the same manner as the EEDA. He stated because that idea never came to fruition, the Chamber and Convention and Tourism Board decided to submit this proposal. He reminded Council that the agreement would only be for one year. He stated he felt the Chamber and CVB had resolved their past problems. Mr. Hibbard stated he fully supported housing the CVB in a future convention center when/if it is ever constructed. He stated in his memory, the Chamber has never attempted to make decisions relating to the CVB in the past and would not in the future. He noted it was common practice in other cities for the CVB and Chamber operations to be housed in the same building.

Nancy Busby, member of the Convention and Tourism Advisory Board representing the University of Central Oklahoma (UCO), addressed Council and stated she contacted UCO President Roger Webb and Steve Kreidler regarding this proposal and they both expressed support. She stated she felt the Chamber location was the better site at this time.

Councilmember Page stated if a contract was approved, it would be basically the same as giving the Chamber approximately \$350,000 a year which is the amount of hotel/motel taxes currently collected each year. He stated he felt the two entities had totally separate goals and he did not feel that the proposal would help the CVB achieve their goals of putting "heads in beds". Councilmember Page stated if the intent is to pursue the synergies of both entities being in the same building, then he felt it should be pursued with a lease agreement with the Chamber. He stated he felt within the next few years the funds received from the hotel/motel tax would reach \$500,000. He felt this matter should be seriously considered prior to any action taken.

Councilmember Miller stated he felt the issue is that by re-locating the CVB, they would have an additional \$30,000 to spend on tourism activities and promotion of Edmond that is now being spent on overhead allocations. He stated as the funds from the hotel/motel tax increase, the funds paid to the Chamber would not necessarily increase. He stated he felt the proposal was good and would be re-negotiated each year. He stated the City would still retain oversight of the CVB funding.

Mr. Moore addressed Council and stated the Chamber will charge the CVB rent in the same manner that the EEDA is charged. He stated salaries of employees who assist the CVB would also be charged. He noted the allocation charges are outlined item by item in the proposal that has been presented to Council.

Motion by Lamb, seconded by Miller, to approve General Consent Item 4.A.(1). **Motion was denied** as follows:

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

2) **Approval of transfer of appropriations from the Fire Public Safety Limited Tax fund to the Fleet Management fund - \$21,087**

3) **Approval of supplemental appropriations for the Fire Public Safety Limited Tax fund - \$1,057,879.** Council-member Miller noted this transfer will be used to purchase two properties for future fire station sites. He noted the sites are located near 15<sup>th</sup> Street and Kelly Avenue and near Kelly Avenue and Sorghum Mill Road.

4) **Approval of Resolution No. 31-07 and project agreement with the Oklahoma Department of Transportation for feasibility and implementation plan for Intelligent Transportation Systems (ITS) in Edmond.**

5) **Approval of Letter of Map Revision application to the Federal Emergency Management Agency for Spring Creek, west of I-35 and south of 2<sup>nd</sup> Street.**

6) **Acceptance of Final Plat and public improvements for MHA Business Park, Kelly Pointe Parkway and Kelly Avenue.**

7) **Acceptance of electric easement from the following:**

a) The Ranch Property Co.; Iron Horse Section II

8) **Acceptance of public improvements and maintenance bonds from the following:**

- a) 2611 Kelly Pointe Parkway
- b) Hampton Village
- c) Oklahoma Christian School
- d) Oklahoma Municipal Power Authority
- e) 605 and 607 W. Main Street
- f) Melton Parke Addition
- g) The Fountains
- h) Cheyenne Springs
- i) Centennial Elementary School
- j) AutoSpa Car Wash
- k) 2020 Water Master Plan Improvements - I-35 Complex, Northwest Complex and College Complex
- l) 2020 Water Master Plan Improvements - Sooner Road and I-35 Complex
- m) 2020 Water Master Plan Improvements - Western Avenue to Santa Fe and Covell

Motion by Miller, seconded by Lamb, to approve General Consent Items 4.A.(2-8). **Motion carried** as follows:

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

B. **Approval of Purchases:**

- 1) **Approval with BKD, LLP, for preparation of internal audit services for FY 2007/2008 in the amount of \$49,794.**
- 2) **Approval of contract amendment with Poe and Associates for the Kelly Parkway project, Danforth to Coffee Creek, in the amount of \$136,500.**
- 3) **Approval of contract amendment with Howard Fairbairn Site Design for design of the Bickham-Rudkin Community Park, Phase II project in the amount of \$1,380.**
- 4) **Approval of Change Order No. 2 with Weaver Contracting, Inc. for the Bickham-Rudkin Community Park, Phase II project in the amount of \$37,933.**
- 5) **Award of bid for salt/sand spreaders. Purchasing Manager recommended accepting bid from Southwest Trailers & Equipment in the amount of \$13,900.**
- 6) **Approval of engineering contract with Black and Veatch Corporation for the wastewater system master plan and dynamic model in the amount of \$203,620.**

Motion by Miller, seconded by Page, to approve General Consent Items 4.B. (1-6). **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.**

**7. PLANNING CONSENT ITEMS:**

- A. **Approval of Final Plat for the Grace Living Center, generally located east of Rankin, south of Ridgecrest Road (Tim West, LLC, applicant) Case No. PR070036. Councilmember Waner**
- B. **Approval of Final Plat of The Gardens I at Kelly Lakes, located south of Sorghum Mill Road, south of The Highlands at Oak Tree, 1200 feet east of Kelly (Dale Terrell, applicant) Case No. PR070034.**

Motion by Miller, seconded by Page, to approve Planning Consent Items 7.A. and 7.B. **Motion carried** as follows:

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

**8. 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 22, 2007, as requested by the applicant.**

**9. 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 22, 2007.**

Motion by Waner, seconded by Miller, to continue Items 8 and 9 to October 22, 2007, as requested by the applicant. **Motion carried** as follows:

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

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

Elam vs. City of Edmond

**11. Executive Session to discuss the purchase of real property generally located near 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 6:21 p.m. and returned to the City Council Chambers at 6:24 p.m.

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

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

**12. Consideration of action regarding the pending claim of Elam vs. City of Edmond.**

Motion by Miller, seconded by Lamb, to authorize City Attorney to proceed with settlement of claim. **Motion carried** as follows:

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

**13. Consideration of action regarding the purchase of real property generally located near Coltrane Road and Danforth Road . No action was taken on this item.**

**14. NEW BUSINESS:**

Mayor O'Neil stated a workshop to discuss the soccer field issue has been scheduled prior to the October 22<sup>nd</sup> meeting. Councilmember Lamb stated he spoke with staff to find out if the soccer field issue was ready to be discussed and was notified that staff still needed additional time.

Councilmember Page stated a workshop was also needed to discuss stormwater issues regarding the possibility of a second regional detention facility and also a possible storm bond or amending the current stormwater ordinance regarding land disturbance specifically erosion control. He stated the Stormwater Drainage Advisory Board (SWAB) is not ready to discuss these issues at this time but he felt they should be discussed in the near future. Council-member Lamb stated he would not be available to attend a workshop on October 22<sup>nd</sup>. He stated he felt that work was still needed regarding stormwater issues and that he would prefer that staff and SWAB submit the items for action on the agenda.

Councilmember Miller stated the public transportation issues are not ready to be discussed and he recommended a workshop be scheduled for November.

Mayor O'Neil stated he was in favor of scheduling a workshop regarding sales tax revenues, financial issues and the status of the capital improvements projects.

Councilmember Lamb encouraged Council come early to dinner prior to the next meeting to meet with the Leadership Edmond class to interact with the group.

**15.** Motion by Waner, 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