

EDMOND CITY COUNCIL MINUTES

October 22, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, October 22, 2007, in the City Council Chambers.

2. Approval of Minutes. Motion by Miller, seconded by Page, to approve October 8, 2007, Minutes. **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 October 27, 2007, as "Make a Difference Day - Christmas for our Troops" in the City of Edmond.** The proclamation was presented to Sherry Stensrud, Vice President of the NOKC-Edmond Chapter of the Blue Star Mothers, Inc.

4. Appointments to Boards and Commissions:

A. Mayor's appointments of the following:

- 1) **Urban Forestry Commission.** Mayor O'Neil nominated Jack Atkinson for appointment to serve a term expiring in November, 2010.
- 2) **Edmond Community Oriented Policing Leadership Council.** Mayor O'Neil nominated Aaron Heeg for appointment to serve a term expiring in October, 2010.
- 3) **Arts and Humanities Council.** Mayor O'Neil nominated Pat Harris for appointment to serve a term expiring in February, 2009.

B. **Appointment to the Urban Forestry Commission.** Mayor O'Neil nominated Carolyn Munholland for re-appointment to serve a term expiring in November, 2010.

Motion by Lamb, seconded by Miller, to approve Items 4.A.(1-3) and 4.B. **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 September 30, 2007.**
- 2) **Acceptance of City Treasurer's Investment Report for month ending September 30, 2007.**
- 3) **Approval of FY 2007/2008 collective bargaining agreement with the Fraternal Order of Police, Lodge No. 136.**
- 4) **Approval of supplemental appropriations for rural roadway reconstruction for a section of Covell Road, between Western Avenue and Santa Fe - \$58,000**
- 5) **Acceptance of public improvements and maintenance bonds from the following:**
 - a) Fire Station No. 5 parking lot
 - b) Kickingbird Golf Course
- 6) **Acceptance of electric easement from the following:**
 - a) Bengal Brothers, LLC
- 7) **Acceptance of utility easements from the following:**
 - a) Henderson Hills Baptist Church
 - b) Melton Parke Addition

Motion by Waner, seconded by Page, to approve General Consent Items 5.A.(1-7). **Motion carried** as follows:

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

B. **Approval of Purchases:**

- 1) Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$7,059.73.
- 2) Approval of agreement with Bank of Oklahoma Trust to provide custody and administrative services for the City of Edmond Employee Retirement Plan.
- 3) Approval of Change Order No. 44 with Timberlake Construction for the Cross Timbers Municipal Complex project in the decreased amount of \$29,717.90.
- 4) Approval of proposed from Economy House Moving to relocate the Rodkey House to Stephenson Park in the amount of \$38,000.
- 5) Approval of transfer of surplus portable buildings to Edmond Public Schools.
- 6) Approval of interlocal agreement with the Board of Council Commissioners of Oklahoma County for rural roadway reconstruction for a section of Covell Road between Western Avenue and Santa Fe in the amount of \$58,000.
- 7) Approval of recommendation for self-funded Employee Group Health Insurance program for the 2008 calendar year.

Motion by Miller, seconded by Page, to approve General Consent Items 5.B.(1-7). **Motion carried** as follows:

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

6. Consideration of recommendation from Edmond Economic Development Authority (EEDA) to hire Acquest Realty Advisors, Inc. of Bloomfield Hills, Michigan to evaluate alternatives for ownership, management and development of a hotel conference center in Edmond.

Janet Yowell, representing the EEDA, addressed Council and stated the EEDA Board has worked on the project for the past two years. She stated previously the EEDA had contracted with KPMG to perform studies that included market analysis and very

general financial and site location studies. She noted it was always the recommendation for the City to move forward and determine what the private sector was willing to do toward this project prior to any further action being taken. Ms. Yowell stated the last recommendation from KPMG was to solicit Requests for Proposals (RFPs). She stated RFPs were mailed with the intent of contracting with a company to work as an agent of the City to help negotiate a contract and consider the financial obligations to fund this project. She noted five RFPs were received and interviews were conducted before Acquest Realty Advisors were chosen. Ms. Yowell stated Acquest provided the most comprehensive information and the experience in developing similar projects in other states.

David Ong and Joan Cleland addressed Council representing Acquest Realty Advisors. A slide show presentation was given providing information about the company as well as projects they helped develop.

Councilmember Lamb asked what the fee package would be and Ms. Yowell stated at this time all that is requested is that Acquest be hired and then the fees would be negotiated along with the contract. She stated the contract would contain an outline of the work that needed to be done and a time frame for completing the project. She stated communication with the City Council would be ongoing and a possible workshop would be scheduled prior to formal approval of a contract.

Mayor O'Neil stated he felt a conference center/convention center/hotel complex is needed and that he was excited about working with a company who has the knowledge and expertise to develop this type of project. He stated the community is struggling to meet citizen's needs for meeting space. He stated at this time the only source for conference space is the University of Central Oklahoma. He noted that although the University is a great source, at this time he felt community needs were not being met.

Councilmember Lamb stated the approval of this item is just the preliminary phase to outline the project and that a more in depth process would follow at a later date.

Councilmember Page stated he agreed with the Mayor. He noted that the slide show presented tonight gives the impression that the City's project is a much larger project than it will actually be. He stated he did not want the public to get the impression that this project will be along the scale of the Cox

Convention Center in downtown Oklahoma City.

Motion by Lamb, seconded by Page, to approve the EEDA's recommendation to hire Acquest Realty Advisors, Inc. **Motion carried** as follows:

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

Motion by Lamb, 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 Specific Use Permit for Ministries of Jesus medical office to include Site Plan approval, generally located east of I-35, one-fourth mile north of 15th Street (Henderson Hills Baptist Church, applicant) Case No. U070013. The site contains .87 acres. The existing parking lot will be used and no additional parking is proposed. No additional lights will be added and no ground sign is proposed. The clinic will match the existing buildings with the mechanical equipment being placed on the ground. No fencing is required or proposed. All access will be from the existing driveways and the drainage detention is already in place for the entire project. The building will be located in a previous tree preservation area. Any tree preserve lost from the clinic building will be made up on an area on the east side of the tract. The existing dumpster will be used and no enclosure is required. Planning Commission recommended approval.

Max Speegle, attorney representing the applicant, addressed Council and stated the application complies with all requirements. He noted the re-located tree preserve on the east side of the tract will be included in the plat as a permanent dedicated tree preserve.

Councilmember Lamb asked if the proposed tree preserve is sized adequately to accommodate future additions to the campus or will it just accommodate the new medical clinic. He noted this request is a different approach than what has been done

previously in that the tree preserve is not in the same footprint area as the proposed clinic. He noted that perhaps this method is the wave of the future to ensure reasonably valuable set asides that would help these developments comply with landscaping requirements.

Carrie Tomlinson, City of Edmond Urban Forester, addressed Council and stated the applicant included additional tree preserve when they relocated the preserve but it depended on how large the next phase is as to whether the tree preserve will be adequate. She noted there have been several smaller developments that have designated a tree preservation area but this application is the first time that a project of this scale and scope has been intentionally designated as a tree preservation area as part of the plat. Ms. Tomlinson stated she is working with the applicant's forester to ensure that the areas that are preserved are managed in a certain way and kept intact. She stated that the plat allows for natural tree regeneration that applies to all tree preservation areas on the property and not just this area.

Motion by Lamb, seconded by Miller, to approve Item 8. **Motion carried** as follows:

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

9. Public Hearing and Consideration of extension of Special Use Permit to include previous Site Plan for The Falls Residential, a "C-3" High Density Multi-Family us in "E-1" General Commercial District, located east of Vista Lane, south of 2nd Street (Brian Stinson, applicant) Case No. U050008. Max Speegle requested this item be continued to November 26, 2007.

Motion by Miller, seconded by Lamb, to continued Item 9 to November 26, 2007. **Motion carried** as follows:

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

10. Public Hearing and Consideration of Specific Use Permit for a liquor store to include Site Plan approval in the Village Center at Coffee Creek, located north of Covell Road, east of Kelly (Turner and Company, applicant) Case No. U070015. The liquor store would be located in a previously approved 14,100

square foot retail building under construction in the shopping center. There are no churches or schools within 300 feet. Planning Commission recommended approval.

Josh Moore addressed Council on behalf of the applicant and stated the site will actually be an upper end wine and spirits shop rather than a liquor store.

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

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

11. **Public Hearing and Consideration of Ordinance amending Edmond Plan IV from Urban Estate Dwelling to Planned Unit Development, located on the northwest corner of 30th Street and the west I-35 Service Road (James Davis, applicant) Case No. Z070011.** Mayor O'Neil stated this item will be continued to November 13, 2007, as requested by the applicant.

12. **Public Hearing and Consideration of Ordinance rezoning from "R-2" Urban Estate Dwelling to "D-O" Suburban Office, located on the northwest corner of 30th 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 November 13, 2007.

Motion by Miller, seconded by Waner, to continue Items 11 and 12 to November 13, 2007, as requested by the applicant. **Motion carried** as follows:

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

13. **Consideration of Resolution No. 32-07 extending the Franchise granted to CoxCom, Inc. d/b/a Cox Communications, Oklahoma City, to operate a Cable Television System within the City of Edmond, Oklahoma, for an additional period not to exceed five years.** The agreement will be similar to the agreement approved with AT&T on April 9, 2007. The current agreement with Cox will expire in April, 2008, and Cox has requested approval of the proposed resolution at this time. The agreement will be "revenue neutral" to the City and the existing 5% of gross will continue to be collected. Staff believes there will be no

change in service to citizens and recommended approval.

Leon Pfeifer, representing Cox Communications, addressed Council and stated Cox Communications has been providing service to Edmond citizens for almost 30 years. He stated he felt the proposed resolution would level the playing field between both entities.

Motion by Waner, seconded by Page, to approve Resolution No. 32-07. **Motion carried** as follows:

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

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

Pfeiffer vs. City of Edmond

15. 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 Lamb, seconded by Waner, 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 6:20 p.m. and returned to the City Council Chambers at 6:30 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

16. Consideration of action regarding the pending claim of Pfeiffer 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

17. Consideration of action regarding the purchase of real property generally located near Coltrane Road and Danforth Road

Motion by Miller, seconded by Page, to authorize staff to proceed with purchase negotiations. **Motion carried** as follows:

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

18. NEW BUSINESS:

Mayor O'Neil announced the Make A Difference Day would be held on Saturday, October 27th and he invited the public to help with packaging the collected items to send to the military.

Mayor O'Neil honored long time City employee Debbie Garner. He stated Debbie has worked for the City of Edmond for 14 years with her last position being Assistant to the City Manager. He noted she had accepted a new position in the City of Chickasha as the Assistant City Manager and this meeting would be her last meeting in Edmond. Debbie expressed her appreciation to the present Council, the previous Councils and staff that she has worked with over the years.

19. 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

City Clerk

Mayor Pro Tem