

## EDMOND CITY COUNCIL MINUTES

April 9, 2007

Mayor Sandra Naifeh called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, April 9, 2007, in the City Council Chambers.

**2. Approval of Minutes.** Councilmember Sanford requested that Item 5.A.(5) be amended to eliminate "the Edmond Centennial Commission is requesting". Motion by Miller, seconded by Page, to approve March 26, 2007, Minutes as amended. **Motion carried** as followed:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller

NAYS: None

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

- A. **Presentation of proclamation recognizing April 8-14, 2007, as "National Public Safety Telecommunications Week" in the City of Edmond.**
- B. **Presentation of proclamation recognizing George Winters of the Historic Preservation Trust for the School House Restoration project.**
- C. **Presentation of report from Police Chief Bob Ricks concerning juvenile law enforcement efforts.** Chief Ricks addressed Council and stated he has received conflicting reports regarding whether the police are too lenient or too tough regarding enforcement of the underage drinking ordinances. He stated since 1995 until the end of March, 2007, there have been 4,775 cases filed in juvenile court. Chief Ricks noted January 1, 2006, through March 31, 2007, there were 408 cases that were filed against persons under 21 that were booked for alcohol related offenses. He stated since the social host ordinance became effective, there have been 16 arrests through April 4<sup>th</sup>. He stated the police are seeing a significant change in how the parties where alcohol is served are being conducted, especially those in which a profit is being made. Chief Ricks stated the social host ordinance is working extremely well and is accomplishing what it was intended to accomplish which is to help eliminate parties where alcohol

is served to underage juveniles. He noted other cities are requesting information on the social host ordinance in order to enact this type of ordinance in their communities.

- D. **City Managers Progress Report.** Larry Stevens addressed Council and stated the 33<sup>rd</sup> Street, Kelly to Santa Fe project is on target for completion during the upcoming summer. He noted the contractor will be able to earn up to 60 days of early completion incentives at \$2,000 per day. Mr. Stevens stated approximately half of the paving is in place for the western section of the Fink Park to Hafer Park Trail and should be completed in the next several weeks. He noted work on the eastern section is also progressing and is scheduled for completion by mid-summer. A notice to proceed has been issued to the contractor for Phase III of the Streetscape project. Mr. Stevens stated work will begin on the east side of Broadway first with a completion goal prior to the Downtown Arts Festival on May 4<sup>th</sup>. The west side will be next with a completion goal prior to the 4<sup>th</sup> of July Parade. The contract amount for this phase is approximately \$1.85M. The last item discussed was the Water System improvements package. Mr. Stevens stated there are only a few punch-list items remaining for completion. The following projects are either complete or substantially complete:

- 1) Northwest Complex and Booster Pump Station annex to the I-35 water tower
- 2) Sooner Road Water Distribution and transmission lines
- 3) Coffee Creek Road Water Distribution and transmission lines
- 4) Water Transmission Line from Oklahoma City to the Northwest Complex

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

- A. **Appointment to the Edmond Centennial Commission.** Mayor Naifeh nominated Luanne Stuart for appointment to serve a term expiring December 31, 2007.
- B. **Appointment to the Capital Projects and Financing Task Force.** Mayor Naifeh nominated Gordon Wynn for appointment to serve a two-year term expiring March, 2009.
- C. **Appointment to the Capital Projects and Financing Task Force.** Mayor Naifeh nominated Carol Hartzog for appointment to serve a three-year term expiring April,

2010.

- D. **Appointment to the Edmond Community Oriented Policing Leadership Council.** Mayor Naifeh nominated Zachary Gragg for appointment to serve a three-year term expiring April, 2010.
- E. **Appointment to the Kickingbird Tennis Center Advisory Board .** Mayor Naifeh nominated Eric Richardson for appointment to serve a three-year term expiring April, 2010.

Motion by Sanford, seconded by Lamb, to approve Items 4.A. through 4.E. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, 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) **Approval of agreement with Pete and Betty Reeser to provide for extension of time for the City to remove the donated house located at 30 E. Campbell.**
- 2) **Discussion and consideration of Edmond Economic Development Authority's (EEDA) interview evaluation and recommendations concerning potential Hotel/Convention Center project.** Janet Yowell, Director of the EEDA, addressed Council and stated the EEDA Board of Directors recommended hiring Garfield Traub Development to act as a representative for the City of Edmond to investigate the further possibility of a public/private partnership on a convention center project. She stated the EEDA also recommended the City option 15 acres at two sites on I-35 that have been identified for commercial development and that are in the process of establishing large retail and mixed use developments. She stated the EEDA received three proposals from three different companies for developments of a hotel/ convention center. One proposal was for a site located on the northwest corner of I-35 and Covell Road, another site proposal is located on the southeast corner of I-35 and 15<sup>th</sup> Street and the last proposal was from Garfield Traub.

She noted Garfield Traub is an independent company who travels around the country and establishes these types of developments either as private developments or public partnerships. Ms. Yowell stated EEDA funds would be used first on the option to purchase the 15 acres. She noted the optioning of the property would be for the benefit of the City of Edmond in order to give the City more negotiating power to investigate whether any future development should be a public/private partnership.

Councilmember Miller stated approval of this recommendation does not mean that a contract has been approved with Garfield Traub. He stated the City would still be able to go forward with the process and also interview other firms.

Steve Murdock, City Attorney, addressed Council and stated the City has not solicited Request for Proposals at this time. He stated that would be the next process in order to see if there are other firms who are interested in this project.

Mayor Naifeh noted that Council had requested the EEDA review the entire scenario, interview the firms and submit a recommendation on this matter.

General discussion was held regarding Garfield Traub's neutrality. It was noted that Garfield Traub would act as an independent agent for the City and would not be able to take part in any development in this area.

John Buntt and Richard Prawdzienski addressed Council in opposition. Mr. Buntt stated he felt the City should not use public money for a convention center that is needed for other City projects. He stated he was opposed to public funds being spent for a consultant to consider how more public funds should be spent on a convention center that he felt would lose money. Mr. Prawdzienski urged Council to proceed with extreme caution on this project because he felt it was not needed.

Mayor Naifeh stated the Committee studied this issue very extensively and several studies show that many citizens do feel that a convention center is

needed. She noted a large arena type structure such as the Ford Center in Oklahoma City is not the type of facility that has been discussed but a facility more the size of a conference center as a place to hold public meetings.

Councilmember Miller noted that the proposed convention center would be approximately 40,000 square feet and not a large arena such as the Cox Center in Oklahoma City. He stated at this time Edmond does not have a facility to hold smaller events nor an adequate number of hotel rooms. He stated a 300 room hotel would also be constructed as part of the convention center project which will increase ad valorem taxes for the school system. Councilmember Miller stated a facility of this type would also bring additional exposure to the City and also increase tourism.

Councilmember Sanford stated at this time Edmond does not have any meeting places for local clubs, businesses and organizations to hold their own meetings. She stated she felt this type of facility would benefit citizens who are forced to go outside of the City to hold their meetings because meeting space is not available.

Councilmember Lamb stated even though a Request For Interest has been solicited from interested parties, he felt that Request for Qualifications (RFQ) should also be solicited prior to moving forward with selection of a consultant. Councilmember Lamb stated he felt the RFQ would let everyone know what the City is seeking regarding a consultant and perhaps generate additional interest from other interested parties. He stated that due to new facilities that have recently been constructed or are in the process of being constructed, the synergy in the City has changed and a conference level facility rather than a convention center type facility is needed and should be pursued. He stated he felt the City should take an additional step if the EEDA recommendation is approved and solicit RFQs to determine that the City is hiring the best consultant possible prior to proceeding further.

Councilmember Miller stated he agreed that an RFQ should be solicited prior to hiring a consultant in compliance with the policy that has been utilized in

the past.

Motion by Miller, seconded by Sanford, to proceed with EEDA's recommendation and move toward the next step in the process of hiring a consultant to evaluate the best scenario for the City as well as option the 15 acres.

**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller

NAYS: None

3) **Approval of transfer of appropriations for the Human Resources Training Division - \$10,400**

4) **Approval of transfer of appropriations from the Park Tax Fund to Aquatic Center fund to purchase chairs and tables - \$9,132**

5) **Approval transfer of appropriations for the 2<sup>nd</sup> Street and Bradbury and 2<sup>nd</sup> Street and Vista Lane street improvement projects - \$9,132**

6) **Approval of transfer of appropriations from 2000 Capital Improvements Tax Fund and design contract with Triad Design Group for the design of the Covell Parkway in the amount of \$2,219,000.**

7) **Approval of electric easements from the following:**

- a) Oak Tree Partners, LLC
- b) Hopefully Yours
- c) Glen Ashmore

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

- a) 620 W. 18<sup>th</sup> Street
- b) 3809 S. Boulevard
- c) Sooner Answering Service
- d) Fairfield Inn & Suites
- e) 1324 S. Fretz
- f) 1475 S. I-35 Frontage Road
- g) 1435 S. I-35

Motion by Lamb, seconded by Miller, to approve General

Consent Items 5.A.(1,3-8). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

B. **Approval of Purchases:**

- 1) Approval of agreement with Crawford & Associates, P.C. to provide temporary assistance in the Finance Department for the preparation of the FY 2007/08 budget and Five Year Financial Plan in the estimated amount of \$23,000.
- 2) Approval of purchase of GISLink software and support services from TriTech as a sole source provider for map data updates for Central Communications Computer Aided Dispatch System in the amount of \$24,500.
- 3) Approval of Change Order No. 1 with Rudy Construction for the Festival Marketplace parking project in the amount of \$9,918.60.
- 4) Approval of amendment to agreement with Studio Architecture for design of the City Council Chambers renovation project in the amount of \$4,240.
- 5) Approval of bid disposition of carbon cylinders (30) from Wayest Safety for the Fire Department in the amount of \$24,930.
- 6) Award of proposal for resurfacing of floor areas at Pelican Bay Aquatic Center. Purchasing Manager recommended accepting proposal from Luckinbill, Inc. in the amount of \$36,549.
- 7) Award of bid for ride-on drum roller for the Fleet Management Department. Purchasing Manager recommended accepting bid from Kirby-Smith Machinery in the amount of \$42,847.
- 8) Award of bid and approval of agreement and Resolution No. 06-07 appointing Purchasing Agent for street improvements on 2<sup>nd</sup> Street at Bradbury and Vista Lane for the Engineering Department. Purchasing Manager recommended accepting bid from Shell

Construction in the amount of \$1,674,583.52 base bid.

9) **Approval of amendment to agreement with Oklahoma Natural Gas for the Boulevard widening, Danforth to Covell, project in the amount of \$1,222.67.**

Motion by Page, seconded by Lamb, to approve General Consent Items 5.B.(1-9). **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, 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 Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**8. PLANNING CONSENT ITEMS:**

- A. **Public Hearing and Consideration of amended Site Plan for additional parking for an existing building, located north of 15<sup>th</sup> Street, east side of Fretz, north of Silver Star Imports (Core Physical Therapy, applicant) Case No. SP070019.**
- B. **Public Hearing and Consideration of Site Plan approval for a retail commercial building, located south of Danforth, west of Chowning, east of the Auto Zone (Harrison Levy, applicant) Case No. SP070003.**

Motion by Lamb, seconded by Sanford, to approve Planning Consent Items 8.A. and 8.B. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

9. **Public Hearing and Consideration of Ordinance No. 3087 amending Edmond Plan III from General Agricultural to Lake Residential usage, located on the west side of Post Road, one-half mile south of 15<sup>th</sup> Street (Derek Turner, applicant) Case No. Z070009.** The site contains 89.26 acres and a single family residential development for 36 two-acre lots is proposed. Water

lines will be extended into the proposed addition. The lots will be developed with septic tanks or aerobic systems. One entry on Post Road is provided. The Fire Department has tentatively approved the plans subject to realignment of the fire hydrants, the addition of at least two fire hydrants on the main street through the addition and a detailed plan regarding the gate standards if the project develops as a gated private street addition. The applicant is providing 70 feet of right-of-way along Post Road. Planning Commission recommended approval.

Councilmember Lamb noted that Post Road is identified as a future major arterial street in the long term transportation plan and that when Edmond Plan IV is adopted, 90 feet will be required along all major arterial streets.

Derek Turner addressed Council and stated the lots in the proposed addition are larger than the adjacent addition and will average 97,000 square feet which is larger than the minimum required. He stated at this time a time frame for widening and improving Post Road has not been determined. Mr. Turner stated he would be willing to adjust the entrance features and gates to enable the additional right-of-way to be acquired, if necessary, in the future. Mr. Turner noted that in the past they have given large amounts of rights-of-way under the premise that the streets would be widened and nothing has been done for many years and he hesitated to give 90 feet because of that.

Councilmember Lamb stated by requiring the 90 feet of right-of-way up front, it precluded the City from having to purchase rights-of-way in the future. He noted the applicant is providing more right-of-way than is now required.

Motion by Miller, seconded by Page, to approve Ordinance No. 3087 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3087. **Motion carried** as follows and Ordinance No. 3087 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller

NAYS: None

10. **Public Hearing and Consideration of Ordinance No. 3088 rezoning from "G-A" General Agricultural District to "L-2" Lake Residential District, located on the west side of Post Road, one-half mile south of 15<sup>th</sup> Street (Derek Turner, applicant) Case No. Z070010.** This is a companion to the above item and was discussed at that time.

Motion by Lamb, seconded by Miller, to approve Ordinance No. 3088 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

11. **Public Hearing and Consideration of Preliminary Plat for Sweetwater Addition, located on the west side of Post Road, one-half mile south of 15<sup>th</sup> Street (Derek Turner, applicant) Case No. PR070008.** This is a companion to the above two items and was discussed at that time.

Motion by Lamb, seconded by Page, to approve Item No. 11. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

12. **Public Hearing and Consideration of Special Use Permit for a church located in "E-3" Restricted Light Industrial zoning, located north of 15<sup>th</sup> Street, west side of Fretz, north of the China Express Restaurant, 1419 Fretz Drive (New Day Christian Life Deliverance Center, applicant) Case No. U070004.** The applicant is requesting approval to establish a church in an existing office/ warehouse building containing 1700 square feet. The existing parking will be used since the church hours will be different than the operational hours of the existing tenants. Parking will not be allowed on Fretz Street due to the adverse impact at the traffic signal at the intersection of Fretz Drive and 15<sup>th</sup> Street and congest the commercial collector street. A two-year lease is planned. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Item No. 12 for a term of two years. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**13. Public Hearing and Consideration of Special Use Permit for a storage building, located on the southwest corner of 9<sup>th</sup> Street, 1100 E. 9<sup>th</sup> Street (Mike Neal, representing Edmond Specialty Hospital, applicant) Case No. U070005.** The applicant is requesting approval to construct a storage building next to an assisted living/extended care facility. The building will contain 1600 square feet. The building will be a metal frame structure and the exterior walls will have siding on all four sides which will match the existing assisted living facility. The roof will be metal and color coded to match the hospital facility. The building will contain an overhead door facing the northeast. No other changes are planned. Planning Commission recommended approval.

Mike Neal addressed Council and stated the three dumpsters would be removed and they would install a compactor. He stated the dumpsters need to be emptied four times a week and the compactor only needs to be emptied once every two to three weeks. He noted the compactor is a self-contained unit and would take up less space than the three dumpsters. Mr. Neal stated they considered moving the dumpsters to another location on the site but due to the design of the buildings they felt the dumpster or compactor should remain in the location proposed. He stated the portable metal buildings will be removed with the construction of the proposed building.

Motion by Page, seconded by Lamb, to approve Item No. 13.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**14. Public Hearing and Consideration of Ordinance No. 3089 amending Edmond Plan III from Medium Density Residential and Single Family to Suburban Office Planned Unit Development (PUD) usage, located on the southwest corner of Danforth Road and Broadway (Garrett and Co., LLC, applicant) Case No. Z070005.** The site contains .41 acres and is undeveloped. The application includes the unopened portion of Reno Street, north of the Hope Center on the west side of Broadway, immediately south of Danforth. The proposed building would be one-story and one

driveway is planned on Broadway near the south end of the applicant's property. The applicant does not plan a driveway on Danforth due to the traffic pattern and the railroad tracks being close by. The Hope Center does not wish to share their existing driveway with the applicant and the two drives will be relatively close together and will not meet the driveway separation policy. The setback from Danforth will be minimal depending on how the building is placed on the property. Planning Commission recommended approval.

Tony Martin, addressed Council representing the applicant, and stated they will be requesting variances regarding setbacks, parking and landscaping when the site plan is reviewed.

Jackie Shaw, Director of Edmond Family Counseling, addressed Council and stated an organization called Hope for Families owns the facility which the Hope Center and her organization share. She stated the Board is comprised of board members from both of the organizations that share the facility. Ms. Shaw stated she was also opposed to sharing the driveway with the applicant but felt the Hope for Families Board should make the decision on sharing the driveway since they are the owners of the property.

Mr. Martin stated he met with the President of the Hope for Families Board and they are not interested in sharing the driveway or the south half of Reno Street. He noted he is still open to the shared drive approach.

Lydia Lee, Central Edmond Urban Development Board member, addressed Council and stated staff's report provided to Council for this meeting did not contain any reference to the Urban Board's consideration or recommendation regarding this item. She asked if this application needed to be reviewed again by the Board.

Bob Schiermeyer, City Planner, addressed Council and stated because of the right-of-way issues, the application may need to be reviewed again by the Urban Board. He stated when the Urban Board reviewed this item, the plan contained a 15 foot setback from Danforth and a 10 foot setback from the railroad tracks which the current plan does not. He noted the applicant may have to amend the location of the building on the site in order to provide some right-of-way.

Councilmember Lamb is also an Urban Board member and he stated this application is being reviewed under the old Title 22 and a hearing with the Urban Board was not required, but at the time

the Urban Board reviewed this application they had no objections to the Plan amendment and rezoning. He stated the setback and building issues will be reviewed and clarified in detail during the site plan review process and he did not feel that the applicant should be required to return to the Urban Board until the site plan is submitted.

Motion by Sanford, seconded by Page, to approve Ordinance No. 3089 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3089. **Motion carried** as follows and Ordinance No. 3089 is in effect immediately:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**15. Public Hearing and Consideration of Ordinance No. 3090 rezoning from "C-2" Medium Density Residential and "A" Single Family to "D-O" Suburban Office Planned Unit Development (PUD) usage, located on the southwest corner of Danforth Road and Broadway (Garrett and Co., LLC, applicant) Case No. Z070006.** This is a companion to the above item and was discussed at that time.

Motion by Page, seconded by Miller, to approve Ordinance No. 3090 as read by title by City Planner. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**16. Public Hearing and Consideration of Special Use Permit/Site Plan approval for a child care center, located north of Covell Road, 930 feet east of Air Depot (The Goddard School, applicant) Case No. U070003.** The site contains 2.09 acres and 30 parking spaces are proposed. The applicant proposed two drives on Covell Road for drop-off and pick-up of children. Wall pack lights and a maximum of three 25 foot tall light poles in the parking lot are planned. No sight proof fencing is planned but

the play areas will be fenced for safety and in compliance with state law. The building will be brick veneer on all four sides and will be residential in character. Planning Commission recommended approval.

Motion by Miller, seconded by Sanford, to approve Item No. 16.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**17. Public Hearing and Consideration of Ordinance No. 3091 amending Sections 23.30010 Definitions and 23.30030 Rate Schedule of Chapter 23.30 Stormwater Drainage System Service Charge of the Edmond Municipal Code, and providing for Repealer and Severability.** This is the first rate increase since the Storm- water Drainage System Service charge was first established in 1994. The drainage charge funds the Drainage Utility Department. The proposed ordinance would increase the base monthly service charge for residential customers from \$2.00 to \$3.00 and adjust the equivalent service unit for non-residential customers from 10,000 to 4,860 square feet of impervious surface area. This number was determined using a GIS -based random sampling of residential sites to determine the average impervious surface area of a residential lot. The amendments also remove the \$100 cap on the monthly service charge for some non-residential sites that have been extended through policy approvals.

Steve Manek, City Engineer, addressed Council and stated staff has been evaluating the revenue from these fees since October, 2004. He stated the City has also had to comply with unfunded mandates established by the Environmental Protection Agency (EPA) mandating that sites be inspected and monitored and in the near future conduct water quality testing of creeks during dry weather periods. Mr. Manek stated due to the unfunded mandates from the EPA, the Engineering Department has had to increase personnel by two individuals. He noted since 1995 construction costs have more than doubled. He stated there is a project in the Smiling Hills/Persimmon Creek area that is approximately 30 days from bid letting. He noted the Stormwater Drainage fund still has some remaining funds after that project is completed but there is not adequate funding for another major project. He stated staff conducted a rate study of other cities in the state who charge a drainage fee and Edmond has the lowest rates. Mr. Manek stated the other cities surveyed do not have a cap for non

-residential customers. He stated the increased fees would amount to approximately \$623,000 per year more than is currently being collected. He noted the Stormwater Drainage Advisory Board (SWAB) recommended moving forward with the new fees.

Councilmember Lamb, a member of the SWAB, stated SWAB has had significant debate on this issue and this discussion has been on their agenda for the past six to seven months. He stated in other cities in Oklahoma that were surveyed, their equivalent service unit (ESU) is approximately half of what staff is proposing with the new rate structure. He stated since the ESU is a random sampling measurement of home sites in Edmond, he felt this measurement was more accurate in terms of coverage with what is being constructed in the City. He noted many needs remain unfunded with the current fee structure.

Councilmember Page, a member of the SWAB, stated this issue has as much to do with drinking water quality as stormwater drainage. He noted the Council has basically been discussing this issue for the past three years. He stated since there are so many needs that are under funded, he felt that in order to make improvements that truly affect businesses as well as residential customers, the fee increases were necessary.

General discussion was held regarding the amount of increases the larger users would be charged and the impact on them because among the larger users are the three area high schools as well as the University of Central Oklahoma. Mayor Naifeh felt that the businesses and schools who would be most impacted should have been notified that their fees would be significantly increased. She felt the fees should be increased but the amount of the increases in some cases are very large amounts. Councilmember Lamb noted that SWAB may have to be prepared to hear requests for appeals. Also discussed was whether to extend the effective date of the ordinance and/or phase-in the new fees

Steve Murdock, City Attorney, stated the Council could change the effective date at this meeting but if they wished to phase-in the new fees or change the capping feature, the ordinance would need to be continued in order for staff to rewrite the ordinance.

Randel Shadid addressed Council and stated he was an advocate for increasing the fees and felt they should have been more when the original fees were implemented. He stated he was opposed to eliminating the caps altogether due to other items that are

imposed upon businesses when they open for business. He felt the cap could be increased but by eliminating the cap Edmond businesses could be less competitive. He noted that some businesses would be significantly impacted without prior notice or an opportunity to have input.

Richard Prawdzienski addressed Council in opposition. He noted that most retirees do not have additional funds for such an increase nor do most businesses in Edmond. He noted that the residents will pay for the increases each time they shop in the City. He asked if the additional funds for the stormwater drainage projects could be taken from the capital improvements tax fund.

Larry Stevens, City Manager, addressed Council and stated when the capital improvements tax fund was established it was not intended to fund stormwater drainage improvements. He noted the intent has always been that the stormwater utility would be able to get to the point of paying it's own way and at this time the funding is woefully inadequate.

Mayor Naifeh stated she felt the fees should be increased but that she was concerned that some of the larger customers would be significantly impacted and that the fees should be phased-in for those larger customers. She stated she wanted to be assured that the appeals process to SWAB were fair to everyone.

It was noted that with the smaller ESU, the fees for additional businesses could be significantly increased also due to the amended calculations for impervious surface area.

Nancy Kennedy, Stormwater Manager, addressed Council and stated the cap was officially removed from the ordinance in 1997 but due to policy by the SWAB, the cap has remained in effect. General discussion was held regarding the appeals process.

Motion by Page, seconded by Sanford, to approve Ordinance No. 3091 as read by title by City Attorney with an effective date of July 1, 2007. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**18. Discussion and Consideration of appointment of Charter Revision Committee.** Mayor Naifeh nominated the following citizens for appointment to the Committee. She noted the list

of citizens were submitted by the other members of the Council as well as herself and felt they were a good representative of citizens to appoint to the Committee.

<b>Kay Bickham,</b>	<b>Aaron Knight</b>
<b>Shari Carney,</b>	<b>Ron Mercer</b>
<b>Shannon Davies,</b>	<b>Jim Roberts</b>
<b>Roland Denman,</b>	<b>Bob Rudkin</b>
<b>Mary Ann Karns</b>	<b>Paula Sanford</b>
<b>Max Speegle</b>	<b>G.K. Powers</b>
<b>Nancy Nichols (staff)</b>	<b>Steve Murdock (staff)</b>

**Samuel Bassett** was nominated by Councilmember Page for consideration.

Councilmember Miller stated he did not want the Committee to begin this process by thinking they were going to rewrite the Charter. He stated he wanted the Committee to review what is right and working and make sure it remains.

Councilmember Lamb stated he agreed with Councilmember Miller and that an occasional review of the Charter is good idea. He stated he felt the election process is sound and he would not want the Committee to change that process. He noted that he felt the changes would need to be framed in a menu type ballot format since the public must vote to change the Charter.

Motion by Lamb, seconded by Miller, to appoint the citizens listed above to the Charter Review Committee. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**19. Discussion and Consideration of approval of agreement with Southwestern Bell Telephone, doing business as AT&T Oklahoma, for provision of Internet Protocol (IP) enabled video service to the public using public rights-of-way.** This item was formally presented to Council on September 25, 2006, by AT&T representatives. The agreement will provide a new digital television service to the citizens. AT&T will pay a 5% gross revenue fee in addition to the 2% fee the City currently receives for general telephone service. The primary hardware for this service is metal cabinets that are mounted on concrete pad and located in the right-of-way. The cost to the City will not exceed \$3,000.

Larry Brown, representing AT&T, addressed Council and answered questions.

Councilmember Lamb stated he wanted to be assured that the contract being approved gives the City the oversight authority to manage the way the rights-of-way are being utilized. City Attorney, Steve Murdock, stated the contract does contain that language.

Motion by Miller, seconded by Page, to approve Item No. 19.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**20. Discussion and Consideration of agreement with Carl Edwards, Price Edwards & Company to provide non-budgeted professional consulting services related to analysis of potential commercial development along Interstate 35, in an amount not to exceed \$22,500.** Stephen Schaus, City Treasurer, included in the Council packet a memo in which he recommended Carl Edwards due to the extensive amount of experience in retail commercial development from both the developer's perspective as well as the retail tenant side. Mr. Edwards will provide a broad range of consulting services but would focus on three general areas:

1. Assist the City review development proposals that seek financial or infrastructure assistance
2. Review and advise the City on development agreements with prospective developers
3. Advise and provide insight on various aspects of potential retail developments

During the past several weeks Mr. Schaus has spoken with a number of commercial real estate professionals and most were eliminated because their focus was on commercial not retail and two were eliminated due to a conflict of interest. In addition to Mr. Edwards, Mr. Schaus and Mr. Stevens interviewed Harrison Levy and Louis Almaraz with Grubb & Ellis and both indicated that Mr. Edwards was probably the best person for the job. The estimated cost for Mr. Edward's services is \$22,500.

Stephen Schaus, City Treasurer, addressed Council and answered questions.

Councilmember Sanford questioned the use of "uncharted waters" referred to in the memo and stated she wanted to clarify that the City is not making unusual promises by approving this item, but just investigating the possibility of what the next step would be toward development in this area.

Derek Turner, area developer, addressed Council and asked if the document addressed conflict of interest to prohibit Mr. Edwards and his company from participating in a project that he reviewed. Mayor Naifeh stated the memo alluded to the fact that some companies were eliminated due to conflict of interest but she felt when a contract is formally approved, the document should contain information relating to conflict of interest.

Mr. Schaus stated Mr. Edwards was very cognizant of the City's desire for impartiality. He stated if in the future Mr. Edwards does become involved in a project involving a conflict of interest, then the contract would be dissolved. He noted the scope of the engagement is not tied to a particular development but to the area as a whole.

Motion by Miller, seconded by Lamb, to approve Item No. 20.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**21. Discussion and Consideration of Conflicts of Interest Policy for elected officials.** The policy is patterned after the policy for Boards and Commissions approved in 2002.

Mayor Naifeh stated this issue has been discussed in the past and has been recommended by the Finance/Audit Committee. She noted it is very common for appointees to boards or commissions to sign a Conflict of Interest Policy as she has done with many of the boards and commissions that she currently serves on. Mayor Naifeh stated the City's auditor also recommended a formal Conflict of Interest Policy for the Council.

Motion by Lamb, seconded by Sanford, to approve Item No. 21.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**22. Executive Session to discuss the appointment, employment of the City Manager and the City Attorney (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B)(1)):**

Motion by Miller, seconded by Page, to meet in Executive Session to discuss the above item. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 8:34 p.m. and returned to the City Council Chambers at 8:52 p.m.

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

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**23. Consideration of action regarding the appointment, employment of the City Manager and the City Attorney.**

Motion by Miller, seconded by Lamb, to retain the services of the City Manager and City Attorney and increase their salary by 3.25% annually. **Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

**24. NEW BUSINESS:**

Richard Prawdzienski addressed Council regarding a teenage party held on March 2<sup>nd</sup> which he understood caused major damage. He asked if the teens were made to pay restitution or if any further action was taken. He stated he did not feel that the City is taking fair action against all the juveniles.

Mr. Stevens recommended that Mr. Prawdzienski contact Chief Ricks regarding this matter or any other case that he has concerns about.

Councilmember Miller noted that when a case involves juveniles those files are closed to the public and not much information can be released regarding those cases.

Mayor Naifeh stated the City is attempting to make a difference by taking extra steps and the Police will continue to work in this area.

Mayor Naifeh announced the dedication of the Territorial School House on Sunday, April 15<sup>th</sup> at 2:00 pm.

Mayor Naifeh also announced Operation Clean Streets on Saturday, April 14<sup>th</sup> which includes the opportunity to drop off hazardous waste and she invited citizens to participate.

**25.** Motion by Miller, seconded by Lamb, to adjourn meeting.  
**Motion carried** as follows:

AYES: Mayor Naifeh, Councilmembers Page,  
Sanford, Lamb and Miller  
NAYS: None

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City Clerk

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Mayor