

## EDMOND CITY COUNCIL MINUTES

September 10, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, September 10, 2007, in the City Council Chambers.

Mayor O'Neil announced that beginning September 24<sup>th</sup>, City Council meetings will be held in the Downtown Community Center during the renovation of the Council Chambers.

Mayor O'Neil also encouraged citizens to fly their American flags and drive with their headlights on tomorrow in commemoration of the sixth anniversary of the September 11<sup>th</sup> terrorist attacks.

**2. Approval of Minutes.** Motion by Page, seconded by Miller, to approve August 27, 2007, Minutes. **Motion carried** as followed:

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

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

A. **City Manager's Progress Report.** Larry Stevens addressed Council and stated the Boulevard section from Danforth to Covell has been completed and was opened to traffic on August 27<sup>th</sup>. He stated work is now underway to widen the roadway to one-fourth mile north of the Boulevard/Covell intersection. This portion of the construction is estimated to be completed in one month. He stated the actual roadway under the railroad tracks is in the final design stage. Mr. Stevens stated the BSNF Railroad required some modifications to their detour and as soon as the revisions are made the plans will be submitted to the Oklahoma Department of Transportation which will bid the project early next year.

Mr. Stevens stated the eastern section of the Fink Park to Hafer Park trail is almost complete for a total cost for both phases at approximately \$2 M including a \$700,000 federal grant.

Mr. Stevens stated the dirt work for the Kickingbird Golf Course driving range improvements has been completed to modify the range facility into a single level and the tee box has been sodded. He noted the light poles have also been installed and the range is accessible from the parking lot.

He stated completion is on schedule for a late September or early October opening. The cost for this initial phase is \$216,000.

Mr. Stevens stated Phase III of the streetscape will involve Broadway, from Campbell to Hurd. He noted the contractor has completed the south side of Campbell, from Broadway to University and will now move to the north side of Campbell and back to Broadway. The cost for this phase is \$1.85 M.

Mr. Stevens stated the concrete has been poured for the two new tennis courts northeast of the current courts at the Kickingbird Tennis Center. He noted perimeter fencing and the light poles have also been installed. The court surfacing is scheduled for this week. Completion of the project is anticipated by mid to late October. The construction cost of \$275,000 is funded through the Parks Tax Fund.

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

- A. Appointment to the Convention and Tourism Advisory Board.**  
Mayor O'Neil nominated Nancy Busby for re-appointment to serve a term expiring in August, 2010.

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

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

**5. Discussion and consideration of the following items related to the proposed Public Safety Center project:**

- A. Recommendation for formal approval of proposed Public Safety Center project.** A Needs Assessment Study was prepared by The Benham Companies in November 2005. A Police Facility Needs Assessment Committee was then formed to evaluate the study and make recommendations to Council. The Committee recommended that a new police facility be constructed in one phase at the current location of the Downtown Community Center (Option 7 of the study) with a secure multi-level parking garage across Main Street in part of the existing parking lot. Currently, the Downtown Community Center is being utilized by 24 City employees and there are six rooms currently available for rent by the public. The rental rooms are being under utilized by the public at this time with an average 79% vacancy rate. If the project is approved the

employees who office in the building as well as the various community groups who use the rental spaces will be accommodated in other City buildings. The Committee recommended that Central Communications (including the Emergency Operations Center and Emergency Management) be included as part of the proposed project. The Committee discussed including Municipal Court services in the project but objections were raised by Judge Alan Synar regarding judicial independence. The Police Department conducted a survey of several cities in Oklahoma that have combined police and court services without jeopardizing the critical segregation of law enforcement and judicial functions. Mr. Stevens recommended Municipal Court be included in the project based on examples of joint public safety facilities in other communities and also to accommodate the anticipated additional space that will be needed in the future and as well as the economies of scale that will be realized by such joint construction. The Committee recommended the construction costs, including demolition of the existing Community Center be funded by a temporary one-eighth cent sales tax requiring approval by citizens. The furniture, fixtures and equipment for the Police Department will be funded from the Police Public Safety Limited Tax Fund. The total construction estimate for the combined projects is \$29,288,000. This figure includes design fees, demolition costs, new construction for all three components, a 5% contingency and a 5% escalation factor to the mid-point of construction.

Steve Thompson, Deputy Police Chief, addressed Council and stated when the study was done by The Benham Group; they determined that the current facility is 38% too small for the current needs. He stated if population projections continue as they have in the past, by the year 2025 the facility will be 165% short of needs. Major Thompson stated the need is going to continue to grow as Edmond's population grows. He stated that as the population grows so do the arrests. He noted the study showed that between 1994 and 2004, the arrest rate grew 13% a year. Major Thompson stated the building was constructed in 1980 and has not changed during that time. He stated the jail contains six beds and the study recommended 30 beds. He stated the building was not originally designed as a Police Department, but was remodeled in an attempt to make it work. He noted a City staff Committee was directed to search for a design firm and 12 firms responded. He stated four firms were interviewed and from those four staff chose Frankfurt-Short-Bruza Associates who partnered with the leading national police and court designing firm McClaren, Wilson & Lawrie. Major Thompson stated the Public Works Committee approved a proposal allowing the payment of \$10,000

to the design firm to produce a computer generated 3-D video of what a possible police facility would look like for use as a marketing tool if the proposal is approved by Council.

Carl Reherman, representing the Needs Assessment Committee, addressed Council and stated the Committee very seriously considered all the components of the study doing their homework and visiting other facilities. He stated from their study the Committee determined that the current facility is clearly obsolete. Mr. Reherman stated he felt the City needed to provide a facility for the Police Department that will give them a sense of being able to further provide services to the citizens of Edmond. Mr. Reherman stated the Committee based their recommendation on what they thought was best for the community. He stated he would not make a recommendation on whether to include the Municipal Court in the proposed building but that he felt Central Communications should be included in the new facility. He stated at this time the communications system is separated from the Police facility and he felt the system should be upgraded and all be in the same building. Mr. Reherman encouraged Council to look at the situation in terms of what is best for the community and for the protection of citizens.

Phillip McNayr, principal and vice president of Frankfurt-Short-Bruza Associates addressed Council to answer questions. He stated the needs assessment for Municipal Court and Central Communications operations, and an updated assessment of the Police Department would take approximately four weeks to complete.

Richard Pradzienski addressed Council and stated he agreed that a new police facility was needed but that he felt the cost was too high and the facility was just a wish list of very expensive items. He requested this item either be denied or continued until further information is available. Jay Buxton addressed Council and also agreed that more space is needed by Police but he felt the proposal is not ready at this time to bring before the voters. He felt additional information is needed. John Bunt and Jean Brewer also addressed Council on this matter. Ms. Brewer stated she felt the project should be delayed until a firm plan has been determined.

General discussion was held by Council and consensus was that a new facility is needed but that the City should proceed with caution. Councilmembers Lamb and Miller were in favor of including court services in the new facility. All of the Council members agreed that the existing Downtown Community Center should be demolished, that Central Communications be

included in the project and that the facility remain in the downtown core of the City. Also discussed was the need for a multi-story parking facility.

Municipal Judge Alan Synar addressed Council and stated his opposition to including court services in the proposed facility because of judicial independence.

Consensus of Council was to vote on each factor of the Public Safety Center individually.

Motion by Miller, seconded by Page, to approve the Public Safety Center at the site of the current Downtown Community Center. **Motion was withdrawn.**

Motion by Page, seconded by Waner, to approve the Public Safety Center at the site of the current Downtown Community Center and demolish the DCC. **Motion carried** as follows:

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

Motion by Page, seconded by Miller, to approve including Central Communications in the Public Safety Center. **Motion carried** as follows:

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

Motion by Page, seconded by Lamb, to approve including Municipal Court operations in the Public Safety Center. **Motion was denied** as follows:

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

Motion by Page to approve including Central Communications, the Downtown Community Center, the Oklahoma Department of Public Safety and the Oklahoma County Clerk in the Public Safety Center. **Motion died for lack of second.**

Motion by Page, seconded by Miller, to approve construction of a parking garage across Main Street as a secure multi-story parking facility. **Motion was denied** as follows:

AYES: None

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

Motion by Miller, seconded by Page, to approve construction of a parking garage across Main Street as a part secure/part public multi-story parking facility. **Motion was denied** as follows:

AYES: Councilmembers Lamb and Miller

NAYS: Mayor O'Neil and Councilmember Page

ABSTAIN: Councilmember Waner

**B. Consideration of recommendation to approve agreements with Frankfurt-Short-Bruza Associates (FSB) and McClaren, Wilson & Lawrie (MWL) as follows:**

- 1) Approve FSB to proceed with Phase II of the Public Safety Center conceptual development project in the amount of \$10,000 for production of a 3-D marketing video
- 2) Approve FSB to proceed with needs assessments for the Municipal Court (\$45,000), Central Communications operations (\$31,000), and an updated assessment of the Police Department facility (\$31,000)
- 3) Approval to negotiate a design contract with FSB/MWL for the Public Safety Center project

Motion by Miller, seconded by Lamb, to continue Item 5.B.(1) to a future date. **Motion carried** as follows:

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

NAYS: None

Motion by Miller, seconded by Lamb, to approve Item 5.B.(2) as submitted. **Motion carried** as follows:

AYES: Councilmembers Page, Lamb and Miller

NAYS: Mayor O'Neil and Councilmember Waner

Motion by Lamb, seconded by Miller, to continue Item 5.B.(3) for further information. **Motion carried** as follows:

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

NAYS: None

**C. Discussion and consideration of recommendation of potential Special Election dates for additional one-eighth cent temporary sales tax for the Public Safety Center.**

Motion by Waner, seconded by Miller, to continue Item 5.C. to October 8, 2007. **Motion carried** as follows:

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

NAYS: None

Police Chief Bob Ricks addressed Council and stated he had previously extended an invitation to the Oklahoma Department of Public Safety (DPS) to office in the proposed facility and asked if he could continue with this concept. Council agreed that Chief Ricks could continue his discussions with the DPS on this matter.

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

A. **Approval of Administrative Items:**

- 1) **Approval of Resolution No. 30-07 providing notice of publication of penal and other ordinances.**
- 2) **Approval of donated equipment to the Edmond Police Department.**
- 3) **Public Hearing and Consideration of Ordinance No. 3105 amending Section 10.16.100 of the Edmond Municipal Code amending provisions of the Child Passenger System, and providing for Repealer, Severability and Declaring an Emergency.**

Motion by Miller, seconded by Page, to attach Emergency Clause to Ordinance No. 3105. **Motion carried** as follows and Ordinance No. 3105 is in effect immediately:

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

NAYS: None

- 4) **Acknowledge receipt of construction permit from the Oklahoma Department of Environmental Quality for breakpoint chlorination facility project.**

Motion by Miller, seconded by Page, to approve General Consent Items 6.A.(1-4). **Motion carried** as follows:

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

NAYS: None

B. Approval of Purchases:

- 1) Acceptance of roadway easement from David and Maria Villareal for the Coltrane Road bridge project over Spring Creek - \$7,000
- 2) Approval of contract amendment with FBS Engineers for the Coltrane Road bridge project north of 15<sup>th</sup> Street in the amount of \$8,000.
- 3) Approval of Change Order No. 1 with Luckinbill, Inc. for the 33<sup>rd</sup> Street waterline improvements, Coltrane to I-35 in the amount of \$35,492.
- 4) Approval of purchase of upgrade to the diesel exhaust system at Fire Station No. 3 from Air Cleaning Technologies as a sole source supplier in the amount of \$28,845.
- 5) Approval of Change Order No. 1 with Downing Contracting, LLC for the Fire Station No. 4 remodel project in the amount of \$8,391.70.

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

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

Motion by Miller, 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.

9. PLANNING CONSENT ITEMS:

- A. Approval of Final Plat for Arbor Creek at the Summit, located 1,317 feet north of 2<sup>nd</sup> Street, one-fourth mile east of I-35 (Caleb McCaleb, applicant) Case No. PR070022. The site

contains 8.99 acres and 33 single family lots are proposed. Planning Commission recommended approval.

Motion by Lamb, seconded by Page, to approve Planning Consent Item 9.A. **Motion carried** as follows:

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

- B. **Public Hearing and Consideration of Site Plan approval for Bryant Place Apartments, located on the southeast corner of Kickingbird Road and Bryant (BVP, Bryant Place, LLC, applicant) Case No. SP070025.** The site contains 7.09 acres and 108 apartment units are proposed. Access will be from Kickingbird Road and 216 parking spaces are proposed to accommodate the mostly college students who will reside in the apartments. The application exceeds the landscaping requirement due to the additional parking spaces. At the time of the public notice it was anticipated that variances would be requested but the site plan has since been modified and the 25% landscaping requirement has been met. Because of the length of time the project was under review and the anticipated variances, staff felt it should be reviewed by Council. Planning Commission recommended approval.

Councilmember Lamb stated for the record since the applicant had conformed to the additional parking requirements under the new Title 22, this item did not need to be approved by Council.

Motion by Lamb, seconded by Miller, to approve Planning Consent Item 9.B. **Motion carried** as follows:

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

10. **Public Hearing and Consideration of Ordinance No. 3106 rezoning from "G-A" General Agriculture to "R-1" Rural Estate District, located on the north side of 33<sup>rd</sup> Street, west of Westminster (Russell Palmer, applicant) Case No. Z070018.** The site contains 137.65 acres and two acre residential lots are planned. Water and sewer lines are not available at the time and the owner wants to develop with water wells and septic tanks. The application is consistent with Edmond Plan IV. Planning Commission recommended approval.

Motion by Miller, seconded by Page, to approve Ordinance No. 3106 as read by title by City Planner. **Motion carried** as follows:

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

**11. Consideration of Final Plat for Landings II at Stonebridge, located south of 33<sup>rd</sup> Street, west of Boulevard (ACF, LLC, applicant) Case No. PR070030.** The site contains 88 lots on 20.26 acres and each lot will be 7,200 square feet or larger. Access will be through the first phase of Stonebridge Addition to Boulevard. Wynn Drive is adjacent to the property but is not planned to be connected to the proposed phase. The lots will have a 20 foot setback on the front and all other setbacks will be standard. This will be the last phase for this development. Planning Commission recommended approval.

Motion by Lamb, seconded by Miller, to approve Item 11. **Motion carried** as follows:

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

**12. Public Hearing and Consideration of Specific Use Permit, located at 745 Enterprise Drive, south of 15<sup>th</sup> Street, east of Kelly (South Edmond Church of Christ, applicant) Case No. U070014.** The applicant is planning to occupy Suite 150 of the existing building. The suite contains 3,400 square feet and 48 parking spaces are provided which will be shared with the other tenants. Improvements have been completed for this location. Planning Commission recommended approval of the application.

Motion by Lamb, seconded by Miller, to approve Item 12 for a period of two years. **Motion carried** as follows:

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

**13. 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 September 24<sup>th</sup> at the request of the applicant.

14. **Public Hearing and Consideration of Ordinance rezoning from "R-2" 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. Z070020.** Mayor O'Neil stated this is a companion to the above item will also be continued to September 24<sup>th</sup> at the request of the applicant.

Motion by Waner, seconded by Lamb, to continue Items 13 and 14 to September 24, 2007. **Motion carried** as follows:

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

**The following item was discussed at the beginning of the meeting.**

15. **Public Hearing and Consideration of commercial Site Plan approval for two new buildings, located on the south side of Campbell, west of Littler (Pete Reeser, applicant) Case No. SP070034.** Councilmember Page stated he had not received any further information on this item and he requested this item be continued to the next meeting.

Mary Ann Karns, attorney representing the applicant, addressed Council and stated the applicant was opposed to a continuance. She noted that Councilmember Page had received an email from her stating that the applicant had not amended his application.

Mayor O'Neil stated he felt there is material evidence that will impact the application and he also requested this item be continued. He stated the application was approved for re-consideration at the August 13<sup>th</sup> meeting due to statements by the applicant that he was willing to amend the application.

Councilmembers Lamb and Miller stated the minutes from the August 13<sup>th</sup> meeting stated that the applicant only agreed to consider making the changes requested by members of Council, and that the prior decision had been set aside by the Council and the applicant deserved a hearing.

Councilmember Page stated he felt there was no new material to discuss and that was the reason for requesting a continuance.

Motion by Page, seconded by Waner, to continue Item 15 to the next meeting. **Motion carried** as follows:

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

16. **Public Hearing and Consideration of Ordinance No. 3107 amending Chapter 21.07 of the Edmond Municipal Code by adding new Section 21.07.050 Notice and approval of Plat Changes; providing for Notice and Hearing approval requirement; and providing for Repealer and Severability.** Mayor O'Neil requested the ordinance be considered by Council which would require notice to surrounding property owners when a residential subdivision Final Record Plat is changed, when changes create a new lot or building site or change the zoning. The ordinance would not apply for correction of errors and defects to the previously approved Plat. This section will not apply to the property in the Central Edmond Urban District (CEUD). Planning Commission recommended approval.

Councilmember Lamb stated even by excluding the CEUD, plats that were filed prior to 1955 would still be affected by the ordinance. Staff stated the edges of the CEUD could perhaps be affected by the ordinance. Councilmember Lamb noted if the ordinance becomes burdensome then Council can revisit the issue at that time.

Councilmember Miller agreed and stated he was concerned that if a new house were constructed in one of the older additions, it would be necessary to purchase additional space because the lots are so small. Staff noted that the ordinance would only apply to creation of new lots and not expansion of existing lots.

Motion by Page, seconded by Miller, to approve Ordinance No. 3107 as read by title by City Attorney. **Motion carried** as follows:

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

17. **Executive Session to discuss the purchase of real property located near Coltrane Road and Danforth Road (Executive Session authorized pursuant to 25 Okla. State. Sec. 307 (B) (3)):**

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

Payne vs. City of Edmond  
Perez vs. City of Edmond  
Eng, et al vs. City of Edmond

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

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

NAYS: None

Mayor and Councilmembers recessed to the City Council Conference Room at 7:41 p.m. and returned to the City Council Chambers at 8:07 p.m.

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

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

NAYS: None

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

Motion by Waner, seconded by Page, to authorize staff to negotiate a purchase agreement for the above property. **Motion carried** as follows:

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

NAYS: None

**20. Consideration of action regarding the above pending claims of Payne, Perez and Eng.**

Motion by Waner, seconded by Miller, to authorize staff to proceed with settlement negotiations on the above claims. **Motion carried** as follows:

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

NAYS: None

**21. NEW BUSINESS:**

Councilmember Lamb stated the Larry Stevens, City Manager, was nominated for the Gerald Wilkins award and Steve Murdock, City Attorney, was nominated for the Don Rider award. The winners of the awards will be presented at the Oklahoma Municipal League Conference in Tulsa later this week.

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

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

NAYS: None

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**City Clerk**

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**Mayor**