

## EDMOND CITY COUNCIL MINUTES

June 11, 2007

Mayor Dan O'Neil called the regular meeting of the Edmond City Council to order at 5:30 p.m., Monday, June 11, 2007, in the City Council Chambers.

**2. Approval of Minutes.** Motion by Miller, seconded by Page, to approve May 29, 2007, Minutes. **Motion carried** as followed:

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

**3. City Council Presentations:**

A. **Proclamation recognizing June 17-24, 2007, as Amateur Radio Week in the City of Edmond.**

B. **Presentation by Dave Osburn of the 2006 Electric Utility Safety Award to the City of Edmond by the American Public Power Association.**

C. **City Managers Progress Report.** Larry Stevens addressed Council and stated the 33<sup>rd</sup> Street, Kelly to Santa Fe, project was opened to full traffic on June 3<sup>rd</sup> approximately 30 days early. The contractor has earned early completion incentives of \$2,000 per day. Some temporary lane closures is anticipated to complete the automated signal loops and landscaping. Mr. Stevens stated the Engineering/Drainage staff is currently working with 12 projects where citations have been issued due to insufficient sedimentation control devices. Staff is attempting to move into a proactive position in addressing these concerns. Mr. Stevens stated the safe routes to schools program was accomplished in three phases with the final phase being completed over a year ago. The project provided for construction of sidewalks within a two-mile proximity of public schools. The cost of the project was \$2 million through the 1996 Capital Improvements Tax Fund and involved 51 sites throughout the City. Mr. Stevens stated renovation of the City Council Chambers will involve installation of acoustic panels on the wall, replacement of flooring and audience seating, and improvements to the lighting in the audience area. During construction all meetings that are normally held in the Council Chambers will be relocated to the Downtown Community Center. Mr. Stevens stated construction is anticipated to

take eight weeks beginning in mid August. He noted the City Council and Planning Commission meetings will continue to be televised live and replayed as is currently done.

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

- A. **Appointment of Municipal Judges.** Mayor O'Neil nominated Alan Synar for Municipal Judge and Elizabeth Kerr for Associate Municipal Judge.
- B. **Appointment to the Kickingbird Golf Club Advisory Board.** Mayor O'Neil nominated David Williams for appointment to serve a term expiring in May, 2009.
- C. **Appointment to the Kickingbird Golf Club Advisory Board.** Councilmember Page nominated Doug Singer for re-appointment to serve a term expiring in May, 2011.
- D. **Appointment to the Kickingbird Golf Club Advisory Board.** Councilmember Waner nominated David Streb for re-appointment to serve a term expiring in May, 2011.
- E. **Appointment to the Central Edmond Urban Development Board.** The Planning Commission nominated Barry Moore for appointment to serve a term expiring in June, 2008.

Motion by Waner, seconded by Lamb, to approve Items 4.A. through 4.E. **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) **Public Hearing and Consideration of Ordinance No. 3098 Repealing Chapter 4.90 of the Edmond Municipal Code providing for Licenses for Sprayer and Exterminators.**
- 2) **Approval of agreement with The Miracle League of Edmond, Inc. to provide financial assistance for sports program for special needs individuals in Edmond.**
- 3) **Approval of Resolution No. 16-07 to formalize the Hazard Mitigation Plan (HMP) for the Emergency Management Department.**

- 4) **Acceptance of electric easement from THI of Oklahoma at Edmond, LLC, to serve Edmond Specialty Hospital.**
- 5) **Acceptance of public improvements and maintenance bonds for Cottages II at Stonebridge, located south of 33<sup>rd</sup> Street, west of Boulevard.**
- 6) **Approval of transfer of appropriations for the Marketing Department - \$20,000**

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

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

**B. Approval of Purchases:**

- 1) **Award of proposal (including renewal options) and approval of agreement for third party administrative services of workers compensation claims based on 70 claims for the Risk Management Department.** Purchasing Manager recommended accepting bid from Gallagher Bassett Services, Inc. in the amount of \$25,981.
- 2) **Award of proposal to update handheld meter reading system for Meter Services Department.** Purchasing Manager recommended accepting proposal from Itron, Inc. in the amount of \$45,390.
- 3) **Approval of budgeted funds for capital and operating expenditures for the Guthrie/Edmond Regional Airport in the amount of \$5,263.80.**
- 4) **Award of bid and approval of contract for the Fire Station No. 5 lighting arrestor system project and Resolution No. 17-07 appointing Purchasing Agent for the Fire Department.** Purchasing Manager recommended accepting bid from Miller-Tippins Construction, Inc. in the amount of \$82,546.
- 5) **Award of bid and approval of contract for the Carl Benne Rodeo Grounds restroom project and Resolution No. 18-07 appointing Purchasing Agent for the Parks and Recreation Department.** Purchasing Manager recommended

accepting bid from R.Q.C., Inc. in the amount of \$85,500.

- 6) **Award of bid and approval of contract for the Fire Station No. 5 parking lot project and Resolution No. 19-07 appointing Purchasing Agent for the Fire Department.** Purchasing Manager recommended accepting bid from Connelly Paving Company in the amount of \$92,880.
- 7) **Award of bid for owner occupied housing rehabilitation at 212 W. 7<sup>th</sup> Street from L.G. Construction as part of the Community Development Block Grant (CDBG) program in the amount of \$19,384.**
- 8) **Award of bid for laptop computers (106) for Police, Fire and the MIS Departments.** Purchasing Manager recommended accepting bid from Turn Key Mobile, Inc. in the amount of \$531,382.
- 9) **Award of proposal and approval of agreement for consulting/contract services for exercise program support.** Purchasing Manager recommended accepting proposal from the Memorial Institute for the Prevention of Terrorism in an amount not to exceed \$62,585.

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

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

NAYS: None

**6. Approval of Resolution No. 20-07 approving the appropriations of the various City of Edmond funds for FY 2007/2008:**

- |                          |                           |
|--------------------------|---------------------------|
| a) General Funds         | d) Capital Project Funds  |
| b) Special Revenue Funds | e) Internal Service Funds |
| c) Debt Service Funds    |                           |

Motion by Lamb, seconded by Miller, to approve Item 6.(a-e). **Motion carried** as follows:

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

NAYS: None

Motion by Page, 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

**10. PLANNING CONSENT ITEMS:**

- A. **Consideration of re-plat of The Summit at Oak Tree adding two lots, one to existing Lot 8 and one to Lot 4, located on Oak Summit Road, generally located south of Waterloo Road, east of Kelly (Oak Tree Partners, LLC, applicant).**

Motion by Miller, seconded by Page, to approve Planning Consent Item 10.A. **Motion carried** as follows:

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

NAYS: None

**11. Public Hearing and Consideration of commercial Site Plan approval for a pad site building at Spring Creek Village, located north of 15<sup>th</sup> Street, west of Bryant (Charles Ballenger, applicant) Case No. SP050057.** The site contains 26,662 square feet and an 8,000 square foot building is proposed. The project was originally known as Alpine Retail and was not owned by the applicant. The applicant has since purchased the tract and it will now be part of the existing shopping center complex. A variance was originally approved allowing 17 parking spaces rather than the 40 required spaces. No additional fencing or ground sign is proposed. A black iron decorative fence installed on top of the retaining wall will remain. The building will be brick and match the existing shopping center. One drive is proposed that will connect to the Spring Creek Village shopping center. The Planning Commission recommended approval of a variance allowing only 17 parking spaces since the entire property is now under one ownership and because parking is available on the adjacent first phase of Spring Creek Village Center. The Planning Commission also recommended approval of the original landscape plan which does not include the requirement for a 10 foot landscaped area along 15<sup>th</sup> Street. Staff noted that subdivision improvements have been installed and there is not adequate space for an additional landscape area along 15<sup>th</sup> Street but the overall landscape plan complies with all requirements.

Randel Shadid, attorney representing the applicant, addressed Council and stated the application is in compliance with the

original project approved on December 12, 2005. He stated 75 watt lights would be used rather than the 150 watt lights that are presently being used on the as built portion of the project. He stated he would amend the Planned Unit Development (PUD) of the previous Alpine Retail to mirror the site plan for this project. He stated he will submit the amended PUD to the Planning Department staff within 72 hours of this meeting. Mr. Shadid stated this building finishes the project.

Motion by Lamb, seconded by Page, to approve Item 11 as presented by the applicant and to amend the Alpine Retail PUD to conform to the site plan. **Motion carried** as follows:

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

**Councilmember Lamb left the Council Chambers during discussion of the following item.**

**12. Public Hearing and Consideration of Special Use Permit for a 135 foot tall cellular communications tower, generally located west of the house at 1501 Edgewood Drive on the south side of 15<sup>th</sup> Street (T Mobile, applicant) Case No. U070002.** The applicant has amended the location to move the tower closer to 15<sup>th</sup> Street and further away from the homes to the southwest and southeast. The structure will be a 135 foot tall monopole tower and has the potential for four co-locators. Access to the tower will be from 15<sup>th</sup> Street. Due to existing homes in the area, staff felt the flush mount antennas or T arm antennas would be preferred. Planning Commission recommended denial.

Dennis Box, attorney representing the applicant, addressed Council and stated the tower was moved as far away from the existing homes as possible. He stated cellular telephone companies are bound by Federal law to provide coverage to all their customers. Mr. Box stated if Council denied this application they would be required to provide in writing the reasons for denial to the Federal Communications Commission. He stated they have contacted the Edmond School District about locating the tower on Edmond Memorial High School or Central Middle School property but the school district would not allow cellular towers on their property. He stated they also contacted the YMCA and they also denied approval to place the tower on their property. Mr. Box stated they reviewed other sites on the apartment complex property but this is the only site that will provide the service they need. He noted the property has a large amount of tree cover to screen the tower.

Norman Olmstead, radio frequency engineer, addressed Council representing the applicant. He stated coverage is not adequate because of the low terrain and this location is the most reasonable option. A real estate appraiser also addressed Council on behalf of the applicant and stated because the property is below grade for the remainder of the area the tower would appear to be lower than the actual height. He stated as a general rule, cellular towers do not impact property values to a great extent. He stated due to screening from the tree coverage and the frontage along 15<sup>th</sup> Street, he felt this was the most suitable site for the tower.

David Franks, Verizon Wireless - Vista PCS, LLC, addressed Council and stated his company would like to co-locate if this tower location is approved in order to avoid constructing an additional tower in this area.

Mayor O'Neil asked if the applicant had the site evaluated by a civil engineer due to a sink hole that developed several years ago. The applicant's civil engineer stated the site has been evaluated and they felt a tower would be suitable for this site.

James Forsythe, 1600 S. Rankin, addressed Council in opposition. He stated the tower would be visible from his front door and would be 138 feet from his property. Mr. Forsythe stated he felt the tower would devalue his property. He noted at his age he would be selling his home in the next few years and the tower would preclude him from getting the best value of his home that was constructed in 1999. Mr. Forsythe stated if this tower is allowed there would be eight cellular towers within 1.6 miles of his home. Jennifer Gilliland whose home is on Edgewood south of the proposed location also addressed Council in opposition. Rosie Forsythe addressed Council and requested the tower be located on the City's property on the electric sub-station site on Boulevard.

Dana Holden, a retail manager with T Mobile, addressed Council and stated many people will benefit from this tower. She stated this area is the most requested area for improved service.

Mike Scharrer, 2001 S. Rankin, addressed Council and stated if the cellular tower is approved he requested a wood fence around the perimeter with landscaping.

George Wyrick, real estate manager for T Mobile, addressed Council and stated they investigated several sites in the area and no one would agree to the tower being located on their site. He stated the applicant has approximately eight towers in the city limits.

Councilmember Waner stated her concern when she was on the Planning Commission has always been for the residents and she did not want to deviate from her past policy.

General discussion was held regarding alternate sites and whether the applicant could co-locate on another tower. Mayor O'Neil asked if the applicant was willing to work with City staff in an attempt to find another location for the tower. The applicant agreed to continue the matter until July 23, 2007.

Motion by Miller, seconded by Waner, to continue Item No. 12 to July 23, 2007, to allow the applicant to work with city staff in an attempt to find another location. **Motion carried** as follows:

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

**Councilmember Lamb returned to the Council Chambers.**

**13. Public Hearing and Consideration of commercial Site Plan approval for a new Braum's Restaurant, located north of 2<sup>nd</sup> Street, east of Bryant, and east of Freddy's Frozen Custard (Braum's, Inc., applicant) Case No. SP070008.** Mayor O'Neil stated this item would be continued at the request of the applicant.

Motion by Miller, seconded by Waner, to continue Item 13 to June 25, 2007, as requested by the applicant. **Motion carried** as follows:

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

**14. Public Hearing and Consideration of Ordinance amending Edmond Plan III from Urban Estate Dwelling to Suburban Office usage, 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 would be continued at the request of the applicant.

Motion by Miller, seconded by Waner, to continue Item 14 to July 23, 2007, as requested by the applicant. **Motion carried** as follows:

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

**15. Public Hearing and Consideration of Ordinance rezoning from "R-2" Urban Estate Dwelling to "D-0" Suburban Office District, located on the northwest corner of 30<sup>th</sup> Street and the west I-35 Service Road (James Davis, applicant) Case No. Z070012.** This is a companion to the above item and was also continued.

Motion by Miller, seconded by Waner, to continue Item 15 to July 23, 2007, as requested by the applicant. **Motion carried** as follows:

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

**16. Consideration of approval for the relocation of the Rodkey House to Stephenson Park.** On August 28, 2006, Council accepted donation of the historical home known as the Rodkey House and also approved \$30,000 for relocation expenses. Three locations in Stephenson Park have been studied and it was determined that the best location for the home would be the open space north of the American Legion Hut along Littler.

Jim Bowlin, Parks and Recreation Department Director, addressed Council and stated the proposed location is very visible from Littler. He stated \$25,000 has been committed from private donors to use for moving expenses. He noted a total of \$55,000 is available for this project. Mr. Bowlin stated \$35,000 to \$38,000 is the amount that will be needed to move the house from its present location to Stephenson Park and he estimated \$15,000 would be needed for foundation and footing. He stated an additional \$6,000 would be needed to connect water and sewer to the house. Mr. Bowlin stated Mitch Park has also been mentioned as a site to relocate the home. He noted if Mitch Park is chosen the moving expenses would exceed the amount to move the house to Stephenson Park. He noted the house could be used as additional office space for the Park Department staff if it is located in Mitch Park. He stated if the house is located in Stephenson Park it will be used as a museum.

Jennifer Hibbard, President of the Edmond Historical Society, addressed Council and stated the Historical Society preferred the house be relocated to Stephenson Park to be used as a living museum in conjunction with the existing Historical Museum and the territorial schoolhouse. Ms. Hibbard stated there would be three historical venues within walking distance of each other. She noted the rooms would be decorated in period furnishings and roped off which would alleviate having to comply with ADA requirements. Ms. Hibbard stated because the Historical Museum is within 500 feet, it would not be necessary to provide restroom facilities in

compliance with ADA codes. She stated the Historical Society would operate the Rodkey house in the same manner that the Historical Museum is operated with the City responsible for maintenance of the home. She noted the Historical Society does not have funding in their budget to maintain the home and install landscaping. She stated the Historical Society will not request additional money in the FY 2007/2008 budget to educate and program the home.

George Winters, Chairman of the Edmond Historical Preservation Trust, addressed Council and stated the Trust was not involved in the process of evaluating the re-location of the home but supported preserving the home. He stated he like would to be part of any further process of moving or evaluating the re-location of the house.

It was noted the Rodkey house is the only home in Edmond with a historical designation.

Ken Rees addressed Council and stated he was the great-grandson of Isaac and Catherine Rodkey, the original owners of the home. He stated the home has been beautifully restored by the last family to own the home and he felt it should be preserved. Mr. Rees stated the Historical Society looked at several sites that were found to be unavailable. He stated although the Stephenson Park site does not offer the aesthetic qualities of the Mitch Park site, he felt Stephenson Park would be the best location for the home. He noted the real purpose of preserving the home is to interpret what Edmond was like in it's pioneer days. Mr. Rees stated this would also present an opportunity for volunteerism in the same manner as the historical schoolhouse restoration. He stated he was not in favor of moving the house to Mitch Park

Mayor O'Neil stated an additional \$6,000 would be needed to fund the move. He noted the current funding will not be adequate to fully fund the re-location.

Councilmember Waner stated she was concerned about locating the home in Stephenson Park. She noted the park is heavily utilized and that a portion of the park's green space will be lost which will negatively impact the park. She stated the character of the park will also change. She stated she preferred the Mitch Park location due to the amount of space that is available but that she was not in favor of using the home as additional office space.

Councilmember Lamb stated he understood the concerns regarding Stephenson Park but all other avenues have been exhausted. He stated he does not want to loose the historical asset of this home since it is one of the very few that the community has. He noted the synergy derived from having the home in the same area as the

territorial schoolhouse and the Historical Museum is the logical and supportable option. He agreed that Stephenson Park is heavily utilized but he stated he could not support letting the house go. He noted another site was researched south of the American Legion Hut but it was determined that would necessitate removal of the memorial trees which were planted in honor of those who served during World War II which they felt was not a preferable option. Councilmember Lamb stated the core of the park was toward the center so this site within the park is the most logical location for the home without having to destroy something else within the park.

Mr. Rees stated his opposition to placing the home in Mitch Park is the uncertainty of what the re-location costs would be. He stated he would be responsible, along with the Historical Society, to do some additional private fund raising for the additional \$6,000 to re-locate the house in Stephenson Park.

Councilmember Page stated all other avenues have been explored and he felt Stephenson Park would be the best location. He stated he also was concerned about taking space from the park but he felt this was the best option.

Councilmember Miller stated some things require trade-offs and he felt in this case the trade-off was worth it.

Pete Reeser, the current owner of the Rodkey House, addressed Council and stated he will extend the re-location date to allow additional time but he would like to begin his new project in August.

Motion by Page, seconded by Lamb, to approve Item 16. **Motion carried** as follows:

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

**17. Executive Session to discuss the purchase of real property generally located near Coltrane Road and Danforth Road; Kelly and 15<sup>th</sup> Street; Kelly and Sorghum Mill Road; 33<sup>rd</sup> Street, west of Bryant; and I-35 and Covell 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 7:55 p.m. and returned to the City Council Chambers at 8:30 p.m.

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

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

NAYS: None

**18. Consideration of action regarding the purchase of real property generally located near Coltrane Road and Danforth Road; Kelly and 15<sup>th</sup> Street; Kelly and Sorghum Mill Road; 33<sup>rd</sup> Street, west of Bryant; and I-35 and Covell Road.** No action was taken on these items.

**19. NEW BUSINESS:**

Lydia Lee invited the public to the town hall meeting on June 14<sup>th</sup> in the Downtown Community Center beginning at 6:30 p.m.

Mayor O'Neil reminded the public of the upcoming Liberty Fest events that will be held in the next few weeks.

Kenneth Buck, 516 S. Littler, expressed his appreciation to the City Manager for the no parking signs along Littler. He also thanked Council for their favorable vote to keep Stephenson Park historical.

Mr. Buck also stated it appears that fees for planning items are not being collected in compliance with City codes. He noted the information he received from an Open Records request showed that fees were not collected in a timely manner. Mayor O'Neil stated he would review this matter with staff.

**20. Motion by Lamb, seconded by Waner, 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