

CITY COUNCIL MINUTES
NORMAN UTILITIES AUTHORITY MINUTES
NORMAN MUNICIPAL AUTHORITY MINUTES
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES

January 25, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 25th day of January, 2011, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

ABSENT: None

The Pledge of Allegiance was led by students from Jackson Elementary School.

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AWARDS AND PRESENTATIONS

Item 3, being:

PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM JACKSON ELEMENTARY SCHOOL.

Mayor Rosenthal and Councilmember Kovach presented Citizenship Awards to students Emma Brooks, Emily Eubanks, Hope Fleming, Megan Handke, Georgia Harris, Bre Horn, Greyson Jackson, Brittany Lima, Jack Paden, Elizabeth Rider, Dalton Robertson, Abbie Waggoner, Wilson Williams, Caitlyn Young, and Grace Yoon. Mr. Brad Talley, 5th Grade Teacher at Jackson Elementary School, said the students were selected as representatives of good citizens of Jackson Elementary School.

Items submitted for the record

1. Text File No. TMP-121 dated January 11, 2011, by Carol Coles, Administrative Assistant

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Item 4, being:

PRESENTATION OF AWARDS FROM THE OKLAHOMA MUNICIPAL LEAGUE TO THE FOLLOWING CITY OF NORMAN EMPLOYEES WHO HAVE COMPLETED 25 YEARS OF CONTINUOUS SERVICE:

BEVERLY ARMSTRONG, ADMINISTRATIVE TECHNICIAN, POLICE DEPARTMENT
JOHN BAZE, WASTEWATER TREATMENT PLANT MECHANIC
JEFF BERNHARDT, FIRE CAPTAIN
ANDREW BRUEHL, WATER TREATMENT PLANT OPERATOR
FRANK CRAWLEY, FIRE CAPTAIN
GRANT DEASON, ASSISTANT FIRE CHIEF
STEVEN DUREN, FIRE DRIVER ENGINEER
DAVID HAGER, LINE MAINTENANCE SUPERINTENDENT
RICHARD HARTLESS, FIREFIGHTER
FRED HENDERSON, JR., FIRE MARSHAL
KURT HOLLEY, FIRE CAPTAIN
GARY LOEFFELHOLZ, STORMWATER LOCATOR/INSPECTOR
RYAN LUKINBILL, FIRE CAPTAIN
BRENTON PORTER, FIREFIGHTER
DENA ROHR, POLICE DEPARTMENT DRUG INTELLIGENCE ANALYST
ERIC SPOR, FIRE CAPTAIN
DENNIS SUBLETT, FIREFIGHTER
TIMOTHY SUCHY, FIREFIGHTER
GARY TODD, WASTEWATER TREATMENT PLANT HEAVY EQUIPMENT OPERATOR
ROBERT TRAVIS, LINE MAINTENANCE DIVISION HEAVY EQUIPMENT OPERATOR
BILL ULCH, PARKS AND RECREATION SUPERINTENDENT
DEBORAH WHITAKER, MUNICIPAL ACCOUNTANT

Item 4, being:

Mayor Rosenthal presented awards and pins from the Oklahoma Municipal League to City of Norman employees who have completed 25 years of continuous service. Beverly Armstrong and Dena Rohr, Police Department; Andy Bruehl, Water Treatment Plant; Frank Crawley and Fred Henderson, Jr., Fire Department; David Hager and Robert Travis, Line Maintenance Division; Gary Loeffelholz, Stormwater Division; and Debbie Whitaker, Finance Department, were present to accept their awards.

Items submitted for the record

1. Text File No. TMP-116 dated December 16, 2010

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Item 5, being:

PROCLAMATION NO. P-1011-9: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 19, 2011, AS NATIONAL AMERICAN BUSINESS CLUBS (AMBUCS) SERVICES DAY IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as AMBUCS Service Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. P-1011-9 dated January 6, 2011
2. Proclamation No. P-1011-9

Participants in discussion

1. Ms. Adri-Anne Trammell, Sooner AMBUCS President, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as AMBUCS Service Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-1011-9 proclaiming Saturday, February 19, 2011, as AMBUCS Service Day in the City of Norman acknowledged; and the filing thereof was directed.

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Item 6, being:

PROCLAMATION NO. P-1011-10: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2011, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. P-1011-10 dated January 13, 2011
2. Proclamation No. P-1011-10

Participants in discussion

1. Mr. Michael Ridgeway, Chairman of the Human Rights Commission, accepted the proclamation and thanked the Council

Item 6, continued:

and the question being upon acknowledging receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month as in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-10 proclaiming the month of February, 2011, as Black History Month in the City of Norman acknowledged; and the filing thereof was directed.

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Item 7, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 8 through Item 26 excluding Item 13 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley and the question being upon the placement on the consent docket by unanimous vote of Item 8 through Item 26 excluding Item 13, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Item 8 through Item 26 excluding Item 13 were placed on the consent docket by unanimous vote.

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Item 8, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 4, 2011
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 11, 2011
CITY COUNCIL MINUTES OF JANUARY 11, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 11, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 11, 2011

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Dillingham moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. GID-1011-07 dated January 13, 2011, by Brenda Hall, City Clerk
2. City Council Study Session minutes of January 4, 2011
3. City Council Conference minutes of January 11, 2011
4. City Council minutes of January 11, 2011
5. Norman Utilities Authority minutes of January 11, 2011
6. Norman Municipal Authority minutes of January 11, 2011
7. Norman Tax Increment Finance Authority minutes of January 11, 2011

Item 8, continued:

and the question being upon approving the minutes and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 9, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF DECEMBER 31, 2010, AND DIRECTING THE FILING THEREOF.

Councilmember Dillingham moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. RPT-1011-27 dated December 28, 2010, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report of December 31, 2010

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance
2. Mr. Steve Lewis, City Manager

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 10, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF DECEMBER, 2010, AND DIRECTING THE FILING THEREOF.

Councilmember Dillingham moved that receipt of the reports be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. RPT-1011-28 dated December 28, 2010, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of December, 2010

Participants in discussion

1. Mr. Phil Cotten, Police Chief

and the question being upon acknowledging receipt of the reports and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and receipt of the reports acknowledged; and the filing thereof was directed.

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Item 11, being:

SUBMISSION OF THE 2010 ANNUAL REPORT FROM THE BOARD OF PARKS COMMISSIONERS.

Councilmember Dillingham moved that receipt of the report be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. RPT-1011-29 dated January 5, 2011, by Jud Foster, Director of Parks and Recreation
2. 2010 Annual Report from the Board of Parks Commissioners
3. Statement on Sustainability before the Norman City Council dated January 25, 2011, by Edwin Kessler

Participants in discussion

1. Mr. Ed Kessler, 1510 Rosemont, made comments

and the question being upon acknowledging receipt of the report and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 12, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-41 AND APPROVAL OF CONTRACT NO. K-1011-86 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF \$550,410.50, CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY \$103,742.50, AND RESOLUTION NO. R-1011-50 FOR THE 2010 URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS.

Councilmember Dillingham moved that all bids meeting specifications be accepted; the bid in the amount of \$550,410.50 be awarded to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; Contract No. K-1011-86 and Change Order No. One increasing the contract amount by \$103,742.50 be approved; the execution of the contract and change order and the Mayor to sign Performance Bond No. B-1011-51, Statutory Bond No. B-1011-52, and Maintenance Bond No. MB-1011-55 contingent upon the City Attorney's approval be authorized; and Resolution No. R-1011-50 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-86 dated January 11, 2011, by Greg Hall, Street Superintendent
2. Tabulation of bids dated December 30, 2010, for Urban Concrete Pavement Rehabilitation 2010 Bond Projects and 2011 Project Bond Locations
3. Location map
4. Contract No. K-1011-86
5. Change Order No. One to Contract No. K-1011-86
6. Resolution No. R-1011-50
7. Purchase Requisition No. 0000181364 dated January 10, 2011, in the amount of \$654,153 to RDNJ, Inc.

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorizations, and adoption, a vote was taken with the following result:

YEAS:

Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES:

None

Item 12, continued:

The Chairman declared the motion carried and all bids meeting specifications accepted; all bids meeting specifications were accepted; the bid in the amount of \$550,410.50 was awarded to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; Contract No. K-1011-86 and Change Order No. One increasing the contract amount by \$103,742.50 were approved; the execution of the contract and change order and the Mayor to sign Performance Bond No. B-1011-51, Statutory Bond No. B-1011-52, and Maintenance Bond No. MB-1011-55 contingent upon the City Attorney's approval were authorized; and Resolution No. R-1011-50 was adopted.

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Item 13, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-50; APPROVAL OF CONTRACT NO. K-1011-126 WITH TRAFFIC SIGNALS, INC., IN THE AMOUNT OF \$40,972.50; CHANGE ORDER NO. ONE DECREASING THE CONTRACT BY \$900; PERFORMANCE BOND NO. B-1011-61; STATUTORY BOND NO. B-1011-62; MAINTENANCE BOND NO. MB-1011-68; AND RESOLUTION NO. R-1011-79 FOR FYE 2011 SOLAR POWERED RADAR SPEED FEEDBACK UNITS TO BE PLACED ON WALNUT ROAD, CHERRY CREEK DRIVE, WESTERN VIEW DRIVE, AND NORTHCLIFF AVENUE.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$40,972.50 be awarded to Traffic Signals, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-126, Change Order No. One to Contract No. K-1011-126 decreasing the contract by \$900, and the performance, statutory, and maintenance bonds be approved; execution of the contract and change order be authorized; the filing of the bonds be directed; and Resolution No. R-1011-79 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. K-1011-126 dated January 11, 2011, by Mike Rayburn, Traffic Engineer
2. Bid Record dated December 30, 2010, for Solar Powered Radar Speed Feedback Units – Various Locations
3. Location maps
4. Contract No. K-1011-126
5. Change Order No. One to Contract No. K-1011-126
6. Performance Bond No. B-1011-61
7. Statutory Bond No. B-1011-62
8. Maintenance Bond MB-1011-68
9. Resolution No. R-1011-79
10. Purchase Requisition No. 0000181166 dated January 7, 2011, in the amount of \$40,072.50 to Traffic Signals, Inc.

Participants in discussion

1. Mr. Angelo Lombardo, Traffic Engineer
2. Mr. Jim Stanley, 3922 Pine Tree Circle, made comments
3. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorization, and adoption, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$40,972.50 was awarded to Traffic Signals, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-126, Change Order No. One to Contract No. K-1011-126 decreasing the contract by \$900, and the performance, statutory, and maintenance bonds were approved; execution of the contract and change order was authorized; the filing of the bonds was directed; and Resolution No. R-1011-79 was adopted.

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Item 14, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-51, CONTRACT NO. K-1011-125 WITH SILVER STAR CONSTRUCTION, INC., IN THE AMOUNT OF \$680,960; PERFORMANCE BOND NO. B-1011-59; STATUTORY BOND NO. B-1011-60; MAINTENANCE BOND NO. MB-1011-67; AND RESOLUTION NO. R-1011-72 FOR THE 2010 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROGRAM.

Councilmember Dillingham moved that all bids meeting specifications be accepted; the bid in the amount of \$680,960 be awarded to Silver Star Construction, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-125 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1011-72 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-125 dated January 11, 2011, by Greg Hall, Street Superintendent
2. Tabulation of bids dated December 30, 2010, for the Urban Asphalt Pavement Rehabilitation 2010 Bond Projects and 2011 Project Bond Locations
3. Location maps
4. Contract No. K-1011-125
5. Performance Bond No. B-1011-59
6. Statutory Bond No. B-1011-60
7. Maintenance Bond MB-1011-67
8. Resolution No. R-1011-72
9. Purchase Requisition No. 0000181327 dated January 10, 2011, in the amount of \$680,960 to Silver Star Construction Company

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorization, and adoption, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$680,960 was awarded to Silver Star Construction, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-125 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; and Resolution No. R-1011-72 was adopted.

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Item 15, being:

SUBMISSION OF PERMIT NO. WW-000014100161 ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE CONSTRUCTION OF WATER WELLS IN CONNECTION WITH THE PHASE 2B WATER LINE CONSTRUCTION PROJECT.

Councilmember Dillingham moved that the permit be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. WW000014100161 dated January 10, 2011, by Jim Speck, Capital Projects Engineer
2. Letter of transmittal dated July 19, 2010, from Robert B. Walker, Construction Permit Section, Water Quality Division, State of Oklahoma Department of Environmental Quality, to Mark Daniels, P.E., Utility Engineer
3. State of Oklahoma Department of Environmental Quality Permit No. WW000014100161 dated July 19, 2010, Water Well

Item 15, continued:

and the question being upon acknowledging receipt of the permit and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of the permit acknowledged; and the filing thereof was directed.

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Item 16, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$297,466.52 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010.

Councilmember Dillingham moved that reimbursement of funds in the amount of \$297,466.52 from FEMA for tornado related damage during May 2010 be accepted and FEMA Reimbursements (010-0000-334.13-28) be increased by \$297,466.52, which motion was duly seconded by Councilmember Cubberley;

- Items submitted for the record
1. Text File No. OK-DR-19127 #5 dated December 28, 2010, by James Fullingim, Fire Chief

- Participants in discussion
1. Mr. Anthony Francisco, Director of Finance
 2. Mr. Steve Lucas, 804 Fairway Drive, asked questions

and the question being upon accepting reimbursement of funds in the amount of \$297,466.52 from FEMA for tornado related damage during May 2010 and upon the subsequent increase, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and reimbursement of funds in the amount of \$297,466.52 from FEMA for tornado related damage during May 2010 accepted; and FEMA Reimbursements (010-0000-334.13-28) was increased by \$297,466.52.

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Item 17, being:

LIMITED LICENSE NO. LL-1011-9: A LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FROM THE FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE.

Councilmember Dillingham moved that Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

- Items submitted for the record
1. Text File No. LL-1011-9 dated January 11, 2011, by Wayne Stenis, Planner II
 2. Letter of request dated January 11, 2011, from Simon H. Rudnick, 2011 Romance Book Sale Co-Chair, to Brenda Hall, City Clerk
 3. Application for Limited License dated January 11, 2011, for four signs from Friends of the Norman Library
 4. Location map
 5. Limited License No. LL-1011-9

Item 17, continued:

and the question being upon approving Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library and upon the subsequent authorization, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Limited License No. LL-1011-9 to place four (4) signs within the public rights-of-way pursuant to a request from Friends of the Norman Library approved; and the issuance thereof was authorized.

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Item 18, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-27: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RED CLIFF, INC., INCREASING THE CONTRACT AMOUNT BY \$175,000 AND EXTENDING THE CONTRACT BY 240 CALENDAR DAYS FOR THE LITTLE RIVER INTERCEPTOR, PHASE III, AND THE NORTHWEST INTERCEPTORS PROJECT.

Acting as the Norman Utilities Authority, Trustee Dillingham moved that Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$175,000 and extending the contract by 240 calendar days be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-0910-27, Amendment No. One, dated January 19, 2011, by Mark Daniels, Utilities Engineer
2. Amendment No. One to Contract No. K-0910-27
3. Purchase Order No. 178503 dated September 29, 2009, in the amount of \$1,637,392 to Red Cliff, Inc., adding Change Order No. One in the amount of \$57,273.68 and Amendment No. One in the amount of \$175,000 for a revised contract amount of \$1,869,665.68

and the question being upon approving Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$175,000 and extending the contract by 240 calendar days and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS: Trustees Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach,
Quinn, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$175,000 and extending the contract by 240 calendar days approved; and the execution thereof was authorized.

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Councilmember Kovach asked that he be allowed to abstain from voting on Item 19 due to a conflict of interest. Thereupon, Councilmember Atkins moved that Councilmember Kovach be allowed to abstain from voting on Item 19 due to a conflict of interest, which motion was duly seconded by Councilmember Cubberley; and the question being upon allowing Councilmember Kovach to abstain from voting on Item 19 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Quinn, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Kovach

The Mayor declared the motion carried and Councilmember Kovach was allowed to abstain from voting on Item 19 due to a conflict of interest.

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Item 19, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-70 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TOM'S QUALITY CONSTRUCTION FOR THE MOORE-LINDSEY EXTERIOR PAINTING PROJECT (HISTORICAL HOUSE LOCATED AT 508 NORTH PETERS AVENUE).

Councilmember Dillingham moved that the project be accepted and final payment in the amount of \$2,152.75 to Tom's Quality Construction be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-70, Final, dated January 12, 2011, by James Briggs, Park Planner
2. Purchase Order No. 191504 dated September 8, 2010, in the amount of \$43,055 to Tom's Quality Construction less partial payments totaling \$40,902.25 leaving a balance of \$2,152.75

and the question being upon accepting the project and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Quinn, Mayor Rosenthal
NAYES:	None
ABSTAIN:	Councilmember Kovach

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$2,152.75 to Tom's Quality Construction was directed.

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Item 20, being:

CONTRACT NO. K-1011-128: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA GAS & ELECTRIC COMPANY IN THE AMOUNT OF \$65,964 FOR UTILITY RELOCATION ASSOCIATED WITH THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION PROJECT.

Councilmember Dillingham moved that Contract No. K-1011-128 with Oklahoma Gas & Electric Company in the amount of \$65,964 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-128 dated January 10, 2011, by Lonnie Ferguson, Capital Projects Engineer
2. Contract No. K-1011-128
3. Location map
4. Purchase Requisition No. 0000181379 dated January 11, 2011, in the amount of \$65,964 to Oklahoma Gas & Electric Company

and the question being upon approving Contract No. K-1011-128 with Oklahoma Gas & Electric Company in the amount of \$65,964 and upon the subsequent authorization, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Contract No. K-1011-128 with Oklahoma Gas & Electric Company in the amount of \$65,964 approved; and the execution thereof was authorized.

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Item 21, being

CONTRACT NO. K-1011-130: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND LASHAR HOME COMFORT SYSTEMS, L.L.C., IN THE AMOUNT OF \$25,392 FOR THE SENIOR CITIZENS CENTER HVAC IMPROVEMENTS PROJECT, MAINTENANCE BOND NO. MB-1011-73, RESOLUTION NO. R-1011-78, AND BUDGET TRANSFER.

Councilmember Dillingham moved that Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of \$25,392 and Maintenance Bond No. MB-1011-78 be approved; the execution of the contract be authorized; the filing of the maintenance bond be directed; Resolution No. R-1011-78 be adopted; and \$1,392 be transferred from Project No. EF0139, Three Recreation Center Ventilation, Construction (050-9677-419.61-01) to Project No. EF0137, Senior Center Lower HVAC, Construction (050-9677-419.61-01), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-130 dated January 10, 2011, by James Briggs, Park Planner
2. Proposal dated January 14, 2011, from Lashar Home Comfort Systems in the amount of \$25,392
3. Contract No. K-1011-130
4. Maintenance Bond No. MB-1011-73
5. Resolution No. R-1011-78
6. Purchase Requisition No. 0000181708 dated January 20, 2011, in the amount of \$25,392 to Lashar Home Comfort Systems, L.L.C.

Item 21, continued:

and the question being upon approving Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of \$25,392 and Maintenance Bond No. MB-1011-78 and upon the subsequent authorization, directive, adoption, and transfer, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Contract No. K-1011-130 with Lashar Home Comfort Systems, L.L.C., in the amount of \$25,392 and Maintenance Bond No. MB-1011-78 approved; the execution of the contract was authorized; the filing of the maintenance bond was directed; Resolution No. R-1011-78 was adopted; and \$1,392 was transferred from Project No. EF0139, Three Recreation Center Ventilation, Construction (050-9677-419.61-01) to Project No. EF0137, Senior Center Lower HVAC, Construction (050-9677-419.61-01).

* * * * *

Item 22, being:

CONTRACT NO. K-1011-132: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND SIMPBELL, INC., D/B/A WESTWOOD GRILL FOR THE OPERATION OF WESTWOOD GOLF COURSE RESTAURANT AND TERMINATION OF CONTRACT NO. K-0405-134 AND ASSIGNMENT OF CONTRACT NO. K-0405-134.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Contract No. K-1011-132 with Simpbell, Inc., d/b/a Westwood Grill be approved, the execution thereof be authorized, and Contract No. K-0405-134 and its assignment be terminated, which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. K-1011-132 dated January 5, 2011, by Jud Foster, Director of Parks and Recreation
2. Contract No. K-1011-132
3. Contract No. K-0405-134
4. Assignment of Contract No. K-0405-134

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Contract No. K-1011-132 and upon the subsequent authorization and termination, a vote was taken with the following result:

YEAS: Trustees Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach,
Quinn, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and Contract No. K-1011-132 with Simpbell, Inc., d/b/a Westwood Grill approved; the execution thereof was authorized and Contract No. K-0405-134 and its assignment were terminated.

* * * * *

Item 23, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$62,260.63 REGARDING WILLIAM SCOTT KENT VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2007-07273L.

Councilmember Dillingham moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of \$62,260.63 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. 2007-07273L dated January 13, 2011, by Blaine Nice, Assistant City Attorney with Attachment 2, Table One and Table 2, Total Award, Costs and Fees
2. Workers' Compensation Court Order No. WCC 2007-07273L filed January 5, 2011
3. Purchase Requisition No. 0000181462 dated January 12, 2011, in the amount of \$37,211.64 to William S. Kent and Richard Bell
4. Purchase Requisition No. 0000181463 dated January 12, 2011, in the amount of \$1,206.86 to Workers' Compensation Administrative Tax Fund
5. Purchase Requisition No. 0000181464 dated January 12, 2011, in the amount of \$452.57 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000181465 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court
7. Purchase Requisition No. 0000181466 dated January 12, 2011, in the amount of \$118 to Cleveland County Court Clerk

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$62,260.63 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 24, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$16,590.11 REGARDING ALLEN SHELTON VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2008-13818L CONSOLIDATED WITH WORKERS' COMPENSATION COURT CASE NO. WCC-2010-09832A.

Councilmember Dillingham moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of \$16,590.11 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. 2010-09832A dated January 12, 2011, by Blaine Nice, Assistant City Attorney with Attachment 2, Table One and Table 2, Total Award, Costs and Fees
2. Workers' Compensation Court Order Nos. WCC-2008-13818L and WCC 2010-09832A filed January 5, 2011
3. Purchase Requisition No. 0000181467 dated January 12, 2011, in the amount of \$8,670 to Allen W. Shelton and John R. Colbert
4. Purchase Requisition No. 0000181469 dated January 12, 2011, in the amount of \$317.90 to Workers' Compensation Administrative Tax Fund

Item 24, continued:

Items submitted for the record, continued

5. Purchase Requisition No. 0000181470 dated January 12, 2011, in the amount of \$119.21 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000181471 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court
7. Purchase Requisition No. 0000181472 dated January 12, 2011, in the amount of \$118 to Cleveland County Court Clerk

and the question being upon approving the City Attorney's recommendation and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$16,590.11 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 25, being:

RESOLUTION NO. R-1011-85: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF CLAIMS BY JIMMY O'NEAL UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASES OF JIMMY O'NEAL V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NOS. WCC-2008-6751 K; WCC 2009-14997 H; AND WCC 201-059271 L; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Dillingham moved that Resolution No. R-1011-85 be adopted and payment of claims in the amount of \$145,000 which will constitute judgment against the City of Norman along with applicable taxes and fees in the additional amount of \$4,525.50 be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-85 dated January 12, 2011, by Rebecca Frazier, Assistant City Attorney, with Attachment 1, award and additional costs and fees
2. Resolution No. R-1011-85
3. Purchase Requisition No. 0000181443 dated January 12, 2011, in the amount of \$145,000 to William Woodson and Jimmy O'Neal
4. Purchase Requisition No. 0000181452 dated January 12, 2011, in the amount of \$2,900 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000181453 dated January 12, 2011, in the amount of \$1,087.50 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000181456 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000181457 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court Clerk
8. Purchase Requisition No. 0000181458 dated January 12, 2011, in the amount of \$140 to Workers' Compensation Court Clerk
9. Purchase Requisition No. 0000181459 dated January 12, 2011, in the amount of \$118 to Cleveland County District Court Clerk

Participants in discussion

1. Mr. Jeff Bryant, City Attorney

Item 25, continued:

and the question being upon adopting Resolution No. R-1011-85 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1011-85 adopted; and payment of claims in the amount of \$145,000 which will constitute judgment against the City of Norman along with applicable taxes and fees in the additional amount of \$4,525.50 were directed.

* * * * *

Item 26, being:

RESOLUTION NO. R-1011-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$2,156.40 FROM A RISK MANAGEMENT REVENUE ACCOUNT IN ORDER TO REPLACE A DAMAGED BRUSH HOG FOR THE PARK MAINTENANCE DIVISION.

Councilmember Dillingham moved that Resolution No. R-1011-86 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-86 dated January 12, 2011, by Jud Foster, Director of Parks and Recreation
2. Resolution No. R-1011-86

and the question being upon adopting Resolution No. R-1011-86, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1011-86 was adopted.

* * * * *

Item 27, being:

UPDATE ON THE PROGRESS MADE AT 304 SOUTH STEWART AVENUE AS REQUESTED BY CITY COUNCIL IN CONNECTION WITH CONDEMNATION OF SAID PROPERTY PER RESOLUTION NO. R-0910-60.

Councilmember Dillingham moved to allow the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. RPT-1011-3 dated July 13, 2010, by Linda Price, Revitalization Manager
2. Pertinent excerpts from City Council minutes of October 27, 2009, and January 26 and July 27, 2010
3. Photographs of progress made at 304 South Stewart

Participants in discussion

1. Ms. Linda Price, Revitalization Manager

Item 27, continued:

and the question being upon allowing the Revitalization Manager to update City Council regarding the progress made at 304 South Stewart Avenue, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach,
Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the Revitalization Manager was allowed to update City Council regarding the progress made at 304 South Stewart Avenue.

Item 28, being:

RESOLUTION NO. R-1011-74: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH THE POST OAK LIFT STATION PROJECT, A PAYBACK PROJECT OUTLINED IN RESOLUTION NO. R-0809-133 ADOPTED BY THE COUNCIL ON APRIL 14, 2009; AND AUTHORIZING THE UTILITIES DIRECTOR, OR HIS DESIGNEE, TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID.

Councilmember Kovach moved that Resolution No. R-1011-74 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. R-1011-74 dated December 14, 2010, by Mark Daniels, Utilities Engineer
2. Resolution No. R-1011-74 with Exhibit A, location map of Post Oak Lift Station Sewer Service Area, and Exhibit B, Post Oak Lift Station Final Payback Costs
3. Letter certifying final costs dated October 26, 2010, from Jerry Kelso, P.E., Vice President, Crafton Tull Sparks, to Mr. Mark Daniels, P.E., City of Norman Utilities Department
4. Contract No. K-0809-128 with Exhibit A, costs estimate for Post Oak Lift Station Project

Participants in discussion

1. Mr. Mark Daniels, Utilities Engineer

and the question being upon adopting Resolution No. R-1011-74, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-74 was adopted.

* * * * *

Item 29, being:

RESOLUTION NO. R-1011-65: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, LAND USE PLAN AMENDMENT NO. LUP-1011-3, SO AS TO PLACE MOST OF LOT 1, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (231 EAST ROBINSON STREET)

Councilmember Dillingham moved that Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. R-1011-65 dated November 16, 2010, by Doug Koscinski, Current Planning Manager
2. Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3
3. Location map
4. Staff Report dated December 9, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of December 9, 2010

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant

and the question being upon adopting Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3, and upon the subsequent amendment, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-65, Land Use Plan Amendment No. LUP-1011-3, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 30, being:

ORDINANCE NO. O-1011-29: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, LESS THE SOUTH 22 FEET, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE O-1, OFFICE INSTITUTIONAL DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (231 EAST ROBINSON STREET).

Ordinance No. O-1011-29 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 11, 2011, Councilmember Dillingham moved that Ordinance No. O-1011-29 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-29 dated November 16, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-29 with Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval with conditions
5. Conceptual Drawing
6. Letter of request dated November 8, 2010, from Sean Paul Rieger, Attorney at Law and Architect, to City of Norman Planning Department
7. Norman Predevelopment Summary Case No. PD 10-20 dated October 28, 2010, for TGV Investments II, L.L.C., for property located at 231 East Robinson
8. Pertinent excerpts from Planning Commission minutes of December 9, 2010

Item 30, continued:

and the question being upon adopting Ordinance No. O-1011-29 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-29 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-29 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Butler; and the question being upon adopting Ordinance No. O-1011-29 upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-29 was adopted upon Final Reading as a whole.

* * * * *

Item 31, being:

ORDINANCE NO. O-1011-30: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, AND GRANT SPECIAL USE FOR FRATERNITY HOUSES; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1300 SOUTH COLLEGE AVENUE)

Ordinance No. O-1011-30 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 11, 2011, Councilmember Quinn moved that Ordinance No. O-1011-30 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-30 dated November 16, 2010, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1011-30 with Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval
5. Norman Predevelopment Summary Case No. PD 10-19 dated October 28, 2010, for Sigma Norman, L.L.C., for property located at 1300 South College Avenue
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010
7. Aerial map of curb cuts and circular drives commonplace on south Greek Campus

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant
2. Mr. Michael Grant, 114 East Sheridan, Suite 102, Oklahoma City, Housing Corporation President, Sigma Nu Corporation of Oklahoma

and the question being upon adopting Ordinance No. O-1011-30 upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-30 was adopted upon Second Reading section by section.

Item 31, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-30 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-30 upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-30 was adopted upon Final Reading as a whole.

* * * * *

Item 32, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR SIGMA NU ADDITION.

Councilmember Kovach moved that the preliminary plat for Sigma Nu Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. PP-1011-9 dated November 16, 2010, by Ken Danner, Development Manager with Traffic Impact Analysis Table
2. Location map
3. Staff Report dated December 9, 2010
4. Preliminary plat
5. Preliminary site plan
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010

and the question being upon approving the preliminary plat for Sigma Nu Addition, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Butler,
Cubberley, Dillingham, Ezzell, Griffith,
Kovach, Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the preliminary plat for Sigma Nu Addition was approved.

* * * * *

Item 33, being:

ORDINANCE NO. O-1011-5: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE II, SECTION 8-205(F) OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR PREFERENCE TO LOCAL VENDORS IN THE CASE OF A TIE BID; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-5 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 11, 2011, Councilmember Quinn moved that Ordinance No. O-1011-5 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. O-1011-5 dated December 28, 2010, by Blaine Nice, Assistant City Attorney
2. Ordinance No. O-1011-5
3. Legislatively notated copy of Ordinance No. O-1011-5
4. Pertinent excerpts from City Council Finance Committee minutes of June 16 and July 21, 2010
5. City Council Finance Committee minutes of October 20, 2010

Item 33, continued:

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance

and the question being upon adopting Ordinance No. O-1011-5 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1011-5 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-5 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-5 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1011-5 was adopted upon Final Reading as a whole.

* * * * *

Item 34, being:

RESOLUTION NO. R-1011-80: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING AN OBJECTIVE TO EXERCISE BEST EFFORTS TO OBTAIN GOODS AND SERVICES LOCALLY WHEN POSSIBLE.

Councilmember Dillingham moved that Resolution No. R-1011-80 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-80 dated January 11, 2011, by Blaine Nice, Assistant City Attorney
2. Resolution No. R-1011-80
3. Resolution No. R-0910-114
4. Pertinent excerpts from City Council Finance Committee minutes of June 16 and July 21, 2010
5. City Council Finance Committee minutes of October 20, 2010
6. Statement on Sustainability before the Norman City Council dated January 25, 2011, by Edwin Kessler

Participants in discussion

1. Mr. Ed Kessler, 1510 Rosemont, made comments

and the question being upon adopting Resolution No. R-1011-80, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1011-80 was adopted.

* * * * *

MISCELLANEOUS DISCUSSION

Chromium Six Water Issue. Ms. J.C. Crosbee, 204 Mountain Oaks Drive, said she spoke on December 28, 2010, to City Council about Chromium Six in Norman's tap water and on January 12, 2011, she spoke with the Environmental Working Group (EWG) and received answers to her questions. She said she was told there was only one water sample taken; therefore, there was certainly a chance for error. She said the Environmental Protection Agency was quoted saying Chromium Six was normally created by industrial processes and it was hard for her to believe Norman tested higher than San Jose, California, which is in the heart of Silicon Valley. She said it is possible there are only a few wells containing excessive Chromium Six but citizens needed to know. According to EWG, the sample was not taken from any well or Lake Thunderbird but was taken from Norman water. She asked EWG who gave them the water sample and was told it was confidential information. She said EWG does not go back and retest and that it was up to Norman to retest. She said there are no EPA certified laboratories in Oklahoma to test specifically for Chromium Six and listed the requirements from EPA for testing of water. She said EPA provided a list of laboratories, an approximate cost, and she described the process. She said the time to retest is now and requested updates be provided at upcoming City Council meetings.

Mayor Rosenthal said two different groups have been appointed to monitor and oversee this issue. The Chromium Six Working Group is comprised of Councilmembers Kovach, Dillingham, Griffith, and herself working with Steve Lewis, City Manager; Ken Komiske, Director of Utilities; and Shawn O'Leary, Director of Public Works. The group's purpose is to continuously monitor and ensure our response is appropriate to the issue of Chromium Six as it develops and to assure it is based on the science appropriate to the issue. She said the City is following EPA monitoring guidelines which were released subsequent to this report. She said she was pleased to announce that a technical advisory committee from the University of Oklahoma comprised of Dr. Andrew S. Madden, Assistant Professor for the School of Geology and Geophysics; Dr. Robert Nairn, Associate Professor for the Center for Restoration of Ecosystems and Watersheds; Dr. David Sabatini, Professor for the School of Civil Engineering and Environmental Science; Dr. Dan Boatright, Associate Dean of the College of Public Health; and Dr. Roger Frech, Professor of Chemistry, will provide technical expertise and monitoring of the issue. She said EPA is in the process of reviewing its regulations for total chromium and has indicated that they would be issuing a report sometime this year.

Mr. Ken Komiske, Director of Utilities, said he had ongoing communications with the Oklahoma Department of Environmental Quality (ODEQ), EPA, and the United States Geological Survey (USGS). He said total chromium occurs naturally in our water and the City of Norman has always met EPA requirements. He said EPA provided guidelines for testing and tests for Chromium Six specifically have been conducted from the well supply, Lake Thunderbird, and throughout the distribution system and the results for the testing would take some time. He said the samples were sent to the lab within the required 24-hour period because if it is not done, the sample is invalidated. He said the website will be updated regularly as information is received.

Mr. Roger Gallagher, 1522 East Boyd Street, said he attended a luncheon where John Harrington, a hydro geologist and one of the most knowledgeable people about water in the State of Oklahoma, discussed chromium in water and how the body's digestive enzymes break down Chromium Six to Chromium Three. Mr. Gallagher questioned some of the environmentalists that were funding the Environmental Working Group.

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Arbitration and Furloughs. Mr. Steve Lucas, 804 Fairway Drive, asked if City Council held a meeting to decide to appeal the IAFF's second arbitration on the ballot language.

Mr. Jeff Bryant, City Attorney, said the arbitration panel made a selection between ballot language presented by the IAFF and ballot language presented by the City. He said Staff felt that the decision made was not consistent with State Statute and upon advice of Labor Counsel, the City filed that action in District Court last week to reserve our right to have that issue determined to make sure the ballot language submitted to the voters in May is legal ballot language.

Mr. Lucas questioned the amount of money spent on the arbitrations and outside attorneys. He said he did not think any City employees should get a pay cut. He read newspaper articles stating how much the City would have saved if union employees took furloughs. He did not believe non-union employees were participating in the furlough program willingly. He said non-contract employees could be forced to take furloughs while contract employees could not. He said the furloughs should stop and no more public money should be spent on fighting the issue.

Miscellaneous Discussion, continued:

Arbitration and Furloughs, continued:

Mr. Joel Formby, President of the Fraternal Order of Police (FOP) Local #122, 201 West Gray Street, said there had been a continual media blitz about the problems faced by the unions and that the unions are being blamed for the City's financial problems. He said negotiations had been going on for some time before anyone was made aware there was a financial shortfall. He said City employees acknowledged there was a financial problem and it has created an atmosphere of fear and worry. He said now that a tentative agreement has been reached by the FOP and the City, an additional \$4 million has been discovered and he felt this was a deceptive negotiation tactic. He said the FOP was not the reason for the shortage of funds and encouraged citizens to call their City Councilmembers and hold the Councilmembers accountable for how money is spent within the City. He said copies of the audit and the budget could be obtained in the City Manager's office and encouraged people to vote on the person who will make a difference at the upcoming City Council election. He also encouraged Council candidates to contact him to address the FOP.

Mr. Jim Stanley, 3922 Pine Tree Circle, said he agreed and asked the City Manager how much had been spent to date on arbitration and stressed the need to resolve the issues.

Mr. Steve Lewis, City Manager, said he had previously reported that including arbitration with IAFF, approximately \$44,000 had been spent.

Councilmember Kovach said it was good news there was an increase of \$4 million in this year's budget and he felt communication seemed to be problem. He said there are two newspapers that cover City Council's activities but no articles had been printed about the increase until after the December 28, 2010, City Council meeting. He said he searched agendas and minutes of all the Budget Retreats and Finance Committee meetings to find this information and did not find it. He said a handout from union employees was mentioned at the September 28, 2010, meeting, that had been given to Council that morning and Staff had refuted the assertions of the union that there was several million dollars more in the budget than reported and the answer was that these were Public Safety Sales Tax funds. He said on October 15, 2010, there was arbitration where staff testified to the budget numbers but the following week during the financial series with the public, the numbers given to the public were the old numbers. He said Council was given information to help them make decisions on how to deal with union negotiations and they were the old budget numbers. He said the union attorney had discussed this at a City Council meeting and had been dismissed as being one sided. He said it was upsetting because Council was trying to make decisions based on information given to them and that was not the only time there was a failure of communication. He said a financing package had failed for the TIF and Council's presentation for that was given six months later in Executive Session. He said last February, Council was told there was no financial crisis and furloughs and layoffs were off the table but a few weeks later, that is not what happened. He said on January 19, 2011, Council met to discuss budget numbers and expressed concern about budget numbers that are handed to you when you sit down at the meeting and those numbers have an \$800,000 difference from those given to Council a week prior. He said he is not ascribing motive but asking for better communication because without it there is a lack of trust. He said he believes Council intends to have communication with the public and hopes the policy is reinforced. He said everyone keeps talking about losing money during this budget year but the audit shows the General Fund actually grew. It is still lower than we want but a lot more than anticipated. He said furloughs create an extra cost of overtime, a lean staff, accidents, injuries, and mistakes and the human cost is stress. He asked his colleagues to consider ending the furloughs for all the non-union staff. He said there is extra sales tax revenue, good management in the resources of the expenditures, and good oversight by Councilmember Cubberley and the Finance Committee. He said the City needs to move forward on important issues such as the Sanitation Fund and Stormwater and cannot do that unless Council works together.

Councilmember Cubberley said the Finance Committee would be discussing furloughs in their meeting on Wednesday, January 26, 2011, and Councilmember Kovach was invited to attend.

Mayor Rosenthal commended Staff for their excellent service to the City. She said at last week's discussion of the mid-year budget review, the question of furloughs came up and after conferring with Finance Committee Chair Cubberley, it was agreed to discuss the issue further at the Finance Committee meeting tomorrow night. She said she appreciated Councilmember Kovach's opinion on the issue and invited him to attend the meeting. She said it was human nature to try to find someone to blame in tough economic times but budgets evolve over a period of time. Estimates and projections are made, new information is discovered, and adjustments are made. She said it is Council's intent to continue to treat our employees fairly and compensate them fairly and it will continue to be our goal and objective.

Miscellaneous Discussion, continued:

Local Preference and Shopping Norman. Mr. Roger Gallagher, 1522 East Boyd Street, said he applauded the City for making serious efforts to allow preference to local vendors and companies to supply goods and services to the City.

Councilmember Dillingham said this item stressed the importance of "Shopping Norman". She said public comment had encouraged Council to look into the possibility of formalizing the purchase of local goods and services as often as possible. She said on tonight's agenda there had been approval of a local business to run Westwood Restaurant and a local painter was hired to paint the historical house. She said this was a positive thing for our community by creating opportunities for more employment and more money from Norman to stay in Norman. She said she was very proud of the progress made and citizens who come forward with important ideas.

Councilmember Quinn reminded citizens to "Shop Norman".

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Speeding in School Zones. Councilmember Cubberley said school zones are being ignored by drivers. He said he slowed down in front of Lincoln School this morning and drivers sped by him oblivious to the school zone. He asked the Chief of Police to look at the problem at all of our schools because the safety of our children needs to be addressed.

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Police Chief Retirement. Mr. Steve Lewis, City Manager, congratulated Chief Cotten for 41 years of public service with 37 at the Norman Police Department and 15 as Police Chief. He said the City is grateful and appreciative of his contributions. He had been asked what was next and stressed the importance of the role of the Police Chief and how important this appointment was because policing is one of the most visible and important services in local government. He said the quality of police services directly affects the quality of life Norman citizens enjoy. He said it is important to select a Police Chief who is fully capable of managing the police organization and more importantly, this person must interact with the entire community in a positive way. He said some important characteristics for a police chief were that the person should have a broad perspective and experience in law enforcement; be sensitive to the community's needs; be an integral part of the City's management team working with the other public safety departments within the City as well as all departments; have a firm commitment to the equal protection of the individual rights of all citizens; and be responsive to local practices and needs and a leader of the major unit within our government. Whoever is selected to fill Chief Cotten's shoes is going to have to understand and strongly support Norman's vision of community oriented policing because our vision may be different than other communities. He looked forward to working with others in the community moving forward in this process.

Mayor Rosenthal added her congratulations and acknowledgement of Chief Cotten's service.

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ADJOURNMENT

There being no further business, Councilmember Griffith moved that the meeting be adjourned, which motion was duly seconded by Councilmember Dillingham; and the question being upon adjournment of the meeting, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 8:50 p.m.

ATTEST:

City Clerk

Mayor