

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

February 22, 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 22nd day of February, 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 Kennedy Elementary School.

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Item 3, being:

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

Mayor Rosenthal and Councilmember Atkins presented Citizenship Awards to students Richard Cuevas, Jariah Eyachabbe, Aleya Irons, Jaylen Long, Sydnee Lyons, Mariana Mena, Hallie Nelson, Crystalyn Newton, River Paizis, Walter Penate-Herrera, Gabryell Odetayo, Riley Rea, Baylee Samonte, and Erin Williams. Ms. Kim Russell, Counselor at Kennedy Elementary School, said the students were selected as representatives of good citizens of Kennedy Elementary School.

Items submitted for the record

1. Text File No. TMP-123 dated February 7, 2011, by Carol Coles, Administrative Assistant

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Item 4, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 5 through Item 23 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 5 through Item 23, 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 5 through Item 23 were placed on the consent docket by unanimous vote.

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Item 5, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 26, 2011  
 CITY COUNCIL CONFERENCE MINUTES OF FEBRUARY 8, 2011  
 CITY COUNCIL MINUTES OF FEBRUARY 8, 2011  
 NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 8, 2011  
 NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 8, 2011  
 NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 8, 2011

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach 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-1011-17 dated February 7, 2011, by Brenda Hall, City Clerk
2. City Council Finance Committee minutes of January 26, 2011
3. City Council Conference minutes of February 8, 2011
4. City Council minutes of February 8, 2011
5. Norman Utilities Authority minutes of February 8, 2011
6. Norman Municipal Authority minutes of February 8, 2011
7. Norman Tax Increment Finance Authority minutes of February 8, 2011

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 6, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

PUBLIC SAFETY OVERSIGHT COMMITTEE

TERM: 02-10-11 TO 02-10-14: GEORGE HENDERSON, 2616 OSBORNE DRIVE  
 TERM: 02-10-11 TO 02-10-14: DON ALLEN, 304 60TH AVENUE S.E.  
 TERM: 02-10-11 TO 02-10-14: W.E. DUFF, 400 ROSEWOOD DRIVE

DEVELOPMENT OVERSIGHT COMMITTEE FOR TIF DISTRICT NO. 2

TERM: 02-08-11 TO 04-10-13: TED SMITH, 613 RIVERWALK COURT

Councilmember Kovach moved that the appointments be confirmed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. AP-1011-19 dated January 31, 2011

and the question being upon confirming the appointments, 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 7, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JANUARY 31, 2011, AND DIRECTING THE FILING THEREOF.

Councilmember Kovach 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-1011-30 dated January 24, 2011, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report of January 31, 2011

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 8, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JANUARY, 2011, AND DIRECTING THE FILING THEREOF.

Councilmember Kovach 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-1011-31 dated January 24, 2011, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of January, 2011

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 9, being:

SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

Councilmember Kovach 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-1011-32 dated January 24, 2011, by Carol Coles, Administrative Assistant
2. City of Norman Citizen's Public Safety Oversight Committee Report for 2010
3. Citizens Public Safety Oversight Committee Minutes of February 10, 2011

Participants in discussion

1. Ms. Mary Sue Schnell, Vice-Chair, Public Safety Oversight Committee
2. Mr. Phil Cotten, Police Chief
3. Mr. Anthony Francisco, Director of Finance
4. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions
5. Mr. Jim Bailey, Deputy Fire Chief

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 OF THE DEVELOPMENT OVERSIGHT COMMITTEE FOR DISTRICT NO. TWO ANNUAL REPORT FOR THE PERIOD JULY 1, 2009, THROUGH DECEMBER 31, 2010.

Councilmember Kovach 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-1011-35 dated February 15, 2011, by Anthony Francisco, Finance Director
2. The City of Norman TIF No. Two Oversight Committee (University North Park TIF) Annual Report for the period July 1, 2009, to December 31, 2010
3. TIF No. Two Oversight Committee minutes (University North Park TIF) of February 15, 2011

Participants in discussion

1. Mr. Robert Castleberry, 4701 Windrush Circle, Chairman of the Development Oversight Committee for TIF District No. Two
2. Mr. Anthony Francisco, Director of Finance

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 11, being:

CONSIDERATION OF GRANTING EASEMENT NO. E-1011-47 TO OKLAHOMA NATURAL GAS COMPANY LOCATED IN REAVES PARK AT 2501 JENKINS AVENUE FOR THE PURPOSE OF INSTALLING A GAS LINE TO SERVE THE UNIVERSITY OF OKLAHOMA.

Councilmember Kovach moved that Easement No. E-1011-47 be granted to Oklahoma Natural Gas Company and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

1. Text File No. E-1011-47 dated February 9, 2011, by Mitch Miles, Park Planner
2. Easement No. E-1011-47 with legal description and location map
3. Letter of agreement dated February 15, 2011, to Lee James, Manager, Transmission Western Region, Oklahoma Natural Gas, from Kari Madden, Network Manager, and Mitch Miles, Park Planner I
4. Location map

and the question being upon granting Easement No. E-1011-47 to Oklahoma Natural Gas Company 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 Easement No. E-1011-47 to Oklahoma Gas and Electric Company granted; and the execution thereof was authorized.

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Item 12, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1011-4 FOR LOT 8A, BLOCK 8, VINEYARD ADDITION, PHASE III, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA. (3324 WAUWINET WAY)

Councilmember Kovach moved that Consent to Encroachment No. EN-1011-4 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. EN-1011-4 dated February 7, 2011, by Leah Messner, Assistant City Attorney
2. Consent to Encroachment
3. Memorandum dated January 4, 2011, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
4. Letter of request dated January 4, 2011, from Doug and Stacy Shelton, Buyers, and Curtis McCarty, Applewood Development, to Whom it May Concern
5. Site plan
6. Memorandum amending request dated January 12, 2011, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities.
7. Map depicting lots as platted
8. Map depicting lots as adjusted
9. Memorandum dated January 13, 2011, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
10. Memorandum dated January 25, 2011, from Ken Danner, Development Coordinator, to Blaine Nice, Assistant City Attorney
11. E-Mail dated January 12, 2011, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner
12. Letter dated January 13, 2011, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator, and Norman Planning Commission
13. Letter dated January 18, 2011, from Randy Harrell, Team Leader, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Development Coordinator
14. Letter dated January 24, 2011, from Terri Hayes, Manager, OSP Planning and Engineering Design, Norman/Noble/Moore West Wire Centers, AT&T, to Whom It May Concern

Item 12, continued:

Items submitted for the record, continued

- 15. Email dated January 25, 2011, from Greg Hall to Drew Norlin
- 16. Letter dated January 25, 2011, from Jodie Finney, Right-of-Way Agent, Cox Communications, to Whom It May Concern

and the question being upon approving Consent to Encroachment No. EN-1011-4 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 Consent to Encroachment No. EN-1011-4 approved; and the filing thereof with the Cleveland County Clerk was directed.

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Item 13, being:

LIMITED LICENSE NO. LL-1011-10: LIMITED LICENSE TO PLACE FIVE (5) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE JAZZ IN JUNE COMMITTEE FOR THE JAZZ IN JUNE "MEET ME ON BOURBON STREET" EVENT TO BE HELD MARCH 5, 2011.

Councilmember Kovach moved that Limited License No. LL-1011-10 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee 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-1011-10 dated February 4, 2011, by Wayne Stenis, Planner II
- 2. Application for Limited License dated February 3, 2011, for five signs from Jazz in June by Debra Levy Martinelli
- 3. Conceptual drawing of sign
- 4. Limited License No. LL-1011-10

and the question being upon approving Limited License No. LL-1011-10 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee 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-1011-10 to place five (5) ground banners within the public rights-of-way pursuant to a request from the Jazz in June Committee approved; and the issuance thereof was authorized.

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Item 14, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0910-34: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-MORGAN CONSTRUCTION, INC., INCREASING THE CONTRACT AMOUNT BY \$65,185.28 AND EXTENDING THE CONTRACT 54 CALENDAR DAYS FOR THE LIFT STATION D REHABILITATION PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved Change Order No. One to Contract No. K-0910-34 with Walters-Morgan Construction, Inc., increasing the contract amount by \$65,185.28 and extending the contract 54 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-0910-34 dated February 8, 2011, by Mark Daniels, Utilities Engineer
2. Letter dated February 9, 2011, from Joel R. Cantwell, P.E., Project Manager, HDR Engineering, Inc., to Mr. Mark Daniels, P.E., Utilities Engineer
3. Change Order No. One to Contract No. K-0910-34
4. Purchase Order No. 178415 dated September 25, 2009, to Walters-Morgan Construction, Inc., in the amount of \$5,840,000 adding Change Order No. One in the amount of \$65,185.28 for a revised contract total of \$5,905,185.28

and the question being upon approving Change Order No. One to Contract No. K-0910-34 with Walters-Morgan Construction, Inc., increasing the contract amount by \$65,185.28 and extending the contract 54 calendar days and upon the subsequent authorization, 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 Change Order No. One to Contract No. K-0910-34 with Walters-Morgan Construction, Inc., increasing the contract amount by \$65,185.28 and extending the contract 54 calendar days approved; and the execution thereof was authorized.

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Item 15, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-164: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND HDR ENGINEERING, INC., INCREASING THE CONTRACT AMOUNT BY \$10,395 AND EXTENDING THE CONTRACT BY 45 CALENDAR DAYS TO PROVIDE WASTEWATER FLOW MONITORING AND MODELING SERVICES AND BUDGET APPROPRIATION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0910-164 with HDR Engineering, Inc., increasing the contract amount by \$10,395 and extending the contract by 45 calendar days be approved, the execution thereof be authorized, and \$10,395 be appropriated from the Wastewater Fund Balance (032-0000-253.20-00) to Project WW0042, Wastewater Flow Monitoring, Design (032-9337-432.62-01), which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-0910-164, Amendment No. One, dated February 8, 2011, by Mark Daniels, Utilities Engineer
2. Amendment No. One to Contract No. K-0910-164
3. Letter dated November 15, 2010, from Joel R. Cantwell, P.E., Project Manager, HDR Engineering, Inc., to Mr. Mark Daniels, P.E., Utilities Engineer
4. Letter dated November 12, 2010, from P. Jeffrey Plymale, Principal, RJN Group, Inc., to Mr. Joel Cantwell, P.E., HDR, Inc.
5. Purchase Order No. 186058 dated May 3, 2010, to HDR Engineering, Inc., in the amount of \$566,304 adding Amendment No. One in the amount of \$10,395 for a revised contract total of \$576,699

Item 15, continued:

and the question being upon approving Amendment No. One to Contract No. K-0910-164 with HDR Engineering, Inc., increasing the contract amount by \$10,395 and extending the contract by 45 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-0910-164 with HDR Engineering, Inc., increasing the contract amount by \$10,395 and extending the contract by 45 calendar days approved; the execution thereof was authorized and \$10,395 was appropriated from the Wastewater Fund Balance (032-0000-253.20-00) to Project WW0042, Wastewater Flow Monitoring, Design (032-9337-432.62-01).

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Item 16, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-03: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL CONTRACTING SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY \$17,682 FOR THE LINDSEY STREET WIDENING FROM JENKINS AVENUE TO THE BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF) AND WATER AND SEWER LINE RELOCATION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Councilmember Kovach moved Change Order No. One to Contract No. K-1011-03 with Central Contracting Services, Inc., decreasing the contract amount by \$17,682 be approved, the execution thereof be authorized, the project be accepted, and final payment in the amount of \$67,667.10 be directed to Central Contracting Services, Inc., which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-03, Change Order No. One, dated February 15, 2011, by Shawn O'Leary, Director of Public Works
2. Change Order No. One to Contract No. K-1011-03
3. Location map

and the question being upon approving Change Order No. One to Contract No. K-1011-03 with Central Contracting Services, Inc., decreasing the contract amount by \$17,682 and upon the subsequent authorization, acceptance, 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 Change Order No. One to Contract No. K-1011-03 with Central Contracting Services, Inc., decreasing the contract amount by \$17,682 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$67,667.10 was directed to Central Contracting Services, Inc.

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Item 17, being:

CONTRACT NO. K-1011-133: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND RCC CONSULTANTS, INC., IN THE AMOUNT OF \$105,000 TO PERFORM A NEEDS ASSESSMENT AND DEVELOPMENT OF A STRATEGY TO ACQUIRE A COMPUTER AIDED DISPATCH (CAD), POLICE RECORDS MANAGEMENT SYSTEM (PRMS), FIRE RECORDS MANAGEMENT SYSTEM (FRMS), AND MOBILE DATA SOFTWARE AND IN-FIELD REPORTING SOFTWARE REPLACEMENT.

Councilmember Kovach moved that Contract No. K-1011-133 with RCC Consultants, Inc., in the amount of \$105,000 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-1011-133 dated February 7, 2011, by Lance Terry, Communications Center Supervisor
2. Contract No. K-1011-133 with Appendix A, Statement of Work, Request for Proposal No. RFP-1011-43, Proposal for a Consultant for Public Safety Software Solution dated November 18, 2010, submitted by RCC Consultants, Inc.
3. Purchase Requisition No. 0000182474 dated February 10, 2011, in the amount of \$105,000 to RCC Consultants, Inc.

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Bobby Stevens, 3801 108th Avenue S.E., asked questions

and the question being upon approving Contract No. K-1011-133 with RCC Consultants, Inc., in the amount of \$105,000 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-1011-133 with RCC Consultants, Inc., in the amount of \$105,000 approved; and the execution thereof was authorized.

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Item 18, being:

CONTRACT NO. K-1011-134: AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO MAINTAIN THE RIGHT-OF-WAY ALONG STATE HIGHWAY NO. NINE FROM INTERSTATE 35 TO EASTERN CITY LIMITS.

Councilmember Kovach moved that Contract No. K-1011-134, an Intergovernmental Agreement with the Oklahoma Department of Transportation, 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-1011-134 dated January 11, 2011, by Shawn O'Leary, Director of Public Works
2. Contract No. K-1011-134
3. Oklahoma Statutes, Title 69, Section 901, Construction, improvements or maintenance of municipal streets, signs, lights, etc.
4. Oklahoma Administrative Code, Section 730:35-1-11, Department maintenance within municipalities
5. Oklahoma Administrative Code, Section 730:35-1-4, Maintenance Responsibilities
6. Location maps

Item 18, continued:

and the question being upon approving Contract No. K-1011-134, an Intergovernmental Agreement with the Oklahoma Department of Transportation, 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-1011-134, an Intergovernmental Agreement with the Oklahoma Department of Transportation, approved; and the execution thereof was authorized.

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Item 19, being:

CONTRACT NO. K-1011-138: A PROJECT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL AID PROJECT NO. STPG-114A (290)AG, STATE JOB NO. 28080(04), FOR THE STATE HIGHWAY NO. NINE TRAFFIC SIGNAL UPGRADE PROJECT FOR BIKE AND PEDESTRIAN ACCESS, PHASE 1 (INSTALLATION OF VIDEO DETECTORS BETWEEN MCGEE DRIVE AND 24TH AVENUE S.E.) ADOPTION OF RESOLUTION NO. R-1011-88.

Councilmember Kovach moved that Contract No. K-1011-138 with the Oklahoma Department of Transportation be approved, Resolution No. R-1011-88 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-138 dated February 7, 2011, by Angelo Lombardo, Traffic Engineer
2. Contract No. K-1011-138
3. Resolution No. R-1011-88
4. Location map

and the question being upon approving Contract No. K-1011-138 with the Oklahoma Department of Transportation and upon the subsequent adoption and 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-1011-138 with the Oklahoma Department of Transportation be approved, Resolution No. R-1011-88 was adopted and the execution of the contract and resolution was authorized.

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Item 20, being:

CONSIDERATION OF ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$72,000 FROM THE STATE OF OKLAHOMA OFFICE OF HOMELAND SECURITY FOR THE POLICE DEPARTMENT, APPROVAL OF CONTRACT NO. K-1011-139, AND ADOPTION OF RESOLUTION NO. R-1011-90 APPROPRIATING FUNDS.

Councilmember Kovach moved that a grant in the amount of \$72,000 from the State of Oklahoma Office of Homeland Security for the Police Department be accepted; Contract No. K-1011-139 be approved; the execution thereof be authorized; and Resolution No. R-1011-90 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-139 dated January 28, 2011, by Jim Spearman, Grants Coordinator
2. Memorandum of Award dated January 20, 2011, from Kerry L. Pettingill, Director, State of Oklahoma Office of Homeland Security, to Steve Lewis, City Manager
3. Contract No. K-1011-139, Sub-Grantee Award
4. Resolution No. R-1011-90

Item 20, continued:

and the question being upon accepting a grant in the amount of \$72,000 from the State of Oklahoma Office of Homeland Security for the Police Department and upon the subsequent 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 a grant in the amount of \$72,000 from the State of Oklahoma Office of Homeland Security for the Police Department accepted; Contract No. K-1011-139 was approved, the execution of the contract was authorized, and Resolution No. R-1011-90 was adopted.

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Item 21, being:

CONTRACT NO. K-1011-140: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE 89ER DAY PARADE COMMITTEE IN THE AMOUNT OF \$4,500 FOR COSTS ASSOCIATED WITH THE 89'ER DAY PARADE TO BE HELD APRIL 30, 2011.

Councilmember Kovach moved that Contract No. K-1011-140 with the 89er Day Parade Committee in the amount of \$4,500 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-1011-140 dated February 2, 2011, by Suzanne Krohmer, Budget Manager
2. Contract No. K-1011-140 with Exhibit "A", letter dated January 31, 2011, from Charles R. Hollingsworth for the 89'er Day Committee to Brenda Hall, City Clerk
3. Finance Committee minutes of February 17, 2010

and the question being upon approving Contract No. K-1011-140 with the 89er Day Parade Committee in the amount of \$4,500 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 Chairman declared the motion carried and Contract No. K-1011-140 with the 89er Day Parade Committee in the amount of \$4,500 approved; and the execution thereof was authorized.

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Item 22, being:

CONTRACT NO. K-1011-141: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BANK OF OKLAHOMA, N.A., TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 404 ATTERBERRY STREET.

Councilmember Kovach moved that Contract No. K-1011-141 with the Bank of Oklahoma, N.A., 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-1011-141 dated February 4, 2011, by Linda Price, Revitalization Manager
2. Contract No. K-1011-141

Item 22, continued:

and the question being upon approving Contract No. K-1011-141 with Bank of Oklahoma, N.A., 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 Chairman declared the motion carried and Contract No. K-1011-141 with Bank of Oklahoma, N.A., approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 23, being:

RESOLUTION NO. R-1011-93: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROVING CRITERIA FOR DETERMINING THE USE OF THE GREENBELT ACQUISITION FUND.

Councilmember Kovach moved that Resolution No. R-1011-93 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-93 dated February 8, 2011, by Susan Connors, Director of Planning and Community Development
2. Resolution No. R-1011-93
3. City Council Conference minutes of January 11, 2011

and the question being upon adopting Resolution No. R-1011-93, 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-1011-93 was adopted.

\* \* \* \* \*

Item 24, being:

ORDINANCE NO. O-1011-39: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF TH CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR FOR PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LYING WITHIN LOT 1, BLOCK 1, COLONIAL ESTATES "A" ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1317 EAST LINDSEY STREET)

Ordinance No. O-1011-39 having been Introduced and adopted upon First Reading by title in City Council's meeting of February 8, 2011, Councilmember Atkins moved that Ordinance No. O-1011-39 be postponed until March 22, 2011, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-39 dated December 14, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-39 with Exhibit A, site plan
3. Location map
4. Staff report dated January 13, 2011, recommending denial
5. Service Description
6. Norman Predevelopment Summary Case No. PD 10-24 dated October 28, 2010, for Mary and Susan Lemmond for property located at 1317 East Lindsey Street

Item 24, continued:

Items submitted for the record, continued

7. Norman Predevelopment Summary Case No. PD 10-24 dated November 18, 2010, for Mary and Susan Lemmond for property located at 1317 East Lindsey Street
8. Protest area map containing 2.34% protest within notification area
9. Letter of protest dated December 27, 2010, from Charles and Alice Henson to Norman Planning Commission
10. Letter of protest dated December 27, 2010, from Dorothy Wiggins to Norman Planning Commission
11. Letter of protest dated January 6, 2011, from John F. Otto, DVM, to Planning Commission Members
12. Pertinent excerpts from Planning Commission minutes of January 13, 2011
13. Letter requesting postponement from Susan Lemmond, CEO, Lemmco, L.L.C., and Mary Lemmond, COO, Lemmco, L.L.C., to Ms. Hall

and the question being upon postponing Ordinance No. O-1011-39 until March 22, 2011, 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-1011-39 was postponed until March 22, 2011.

\* \* \* \* \*

Item 25, being:

ORDINANCE NO. O-1011-40: 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 GRANT SPECIAL USE FOR A RIDING ACADEMY AND HORSE FACILITY FOR PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, LYING WITHIN THE EAST HALF OF SECTION 18, TOWNSHIP 8 NORTH, RANGE 1 EAST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (14100 CEDAR LANE).

Ordinance No. O-1011-40 having been Introduced and adopted upon First Reading by title in City Council's meeting of February 8, 2011, Councilmember Kovach moved that Ordinance No. O-1011-40 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-1011-40 dated December 14, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-40 with Exhibit A, site plan
3. Location map
4. Staff report dated January 13, 2011, recommending approval
5. Letter from Marilee Tussing, Owner, Celtic Cross Equestrian Center, to Friends and Neighbors
6. Norman Predevelopment Summary Case No. PD 10-25 dated November 18, 2010, for Marilee Tussing for property located at 14100 East Cedar Lane
7. Pertinent excerpts from Planning Commission minutes of January 13, 2011

Participants in discussion

1. Ms. Marilee Tussing, 14100 East Cedar Lane, applicant
2. Ms. Sherylann Densow, 2925 Redwood Drive, proponent

Item 25, continued:

and the question being upon adopting Ordinance No. O-1011-40 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-1011-40 was adopted upon Second Reading section by section.

Thereupon, Councilmember Butler moved that Ordinance No. O-1011-40 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-40 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-1011-40 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 26, being:

ORDINANCE NO. O-1011-45: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-1011-26 AND CLOSING PUBLIC ACCESS EASEMENTS WITHIN ALL SECTIONS OF GRANDVIEW ESTATES NORTH ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-45 having been Introduced and adopted upon First Reading by title in City Council's meeting of February 8, 2011, Councilmember Quinn moved that Ordinance No. O-1011-45 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-1011-45 dated January 24, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-45 with Exhibit A, location map
3. Ordinance No. O-1011-26 with Exhibit A, location map
4. Memorandum dated October 8, 2010, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
5. Letter of request dated October 7, 2010, from Philip A. Schovanec, Moricoli & Schovanec, P.C., to Mrs. Brenda Hall, City Clerk
6. Petition for closure of public access easements with Exhibit A, legal description and radius map
7. E-mail dated November 2, 2010, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner
8. Letter dated October 22, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
9. Letter dated October 27, 2010, from Randy Harrell, Team Leader, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Norman Planning Commission
10. Letter of support dated November 8, 2010, from William C. and Kay Woods to Norman Planning Commission
11. Letter of support dated October 20, 2010, from Jack and Elaine Dake to Norman Planning Commission
12. Staff Report dated November 18, 2010, for Ordinance No. O-1011-26, recommending approval
13. Pertinent excerpts from Planning Commission minutes of November 18, 2010
14. Pertinent excerpts from City Council minutes of December 28, 2010

Participants in discussion

1. Mr. Philip A. Schovanec, President of Grandview Estates Homeowner's Association, 3912 Timberidge Drive, applicant

Item 26, continued:

and the question being upon adopting Ordinance No. O-1011-45 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-1011-45 was adopted upon Second Reading section by section.

Thereupon, Councilmember Quinn moved that Ordinance No. O-1011-45 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-45 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-1011-45 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 27, being:

RESOLUTION NO. R-1011-91: A RESOLUTION AUTHORIZING THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") TO ISSUE ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE"); IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$10,415,000; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO A PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUE AND AD VALOREM TAX INCREMENT REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A GENERAL BOND INDENTURE AND A SERIES 2011 SUPPLEMENTAL NOTE INDENTURE (COLLECTIVELY, THE "INDENTURE") AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Acting as the Norman Tax Increment Finance Authority, Trustee Kovach moved that Resolution No. R-1011-91 be adopted, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. R-1011-91 dated February 15, 2011, by Anthony Francisco, Finance Director
2. Resolution No. R-1011-91 with Exhibit "A", Principal Payment Schedule
3. Certificate of Authority Action
4. Pertinent excerpts from City Council Conference minutes of February 8, 2011

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance
2. Mr. Robert Castleberry, 4701 Windrush Circle, Chairman of the Development Oversight Committee for TIF District No. Two
3. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
4. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

and the question being upon adopting Resolution No. R-1011-91, 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 Resolution No. R-1011-91 was adopted.

\* \* \* \* \*

Item 28, being:

RESOLUTION NO. R-1011-92: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") ISSUING ITS TAX INCREMENT REVENUE NOTE, SERIES 2011 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF A SECURITY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUES AND AD VALOREM TAX INCREMENT REVENUES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Councilmember Quinn moved that Resolution No. R-1011-92 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1011-92 dated February 15, 2011, by Anthony Francisco, Finance Director
2. Resolution No. R-1011-92
3. Certificate of Authority Action
4. Pertinent excerpts from City Council Conference minutes of February 8, 2011

and the question being upon adopting Resolution No. R-1011-92, 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-1011-92 was adopted.

\* \* \* \* \*

MISCELLANEOUS DISCUSSION

Water Issues. Ms. J.C. Crosbee, 204 Mountain Oaks Drive, said for those who missed the recent Dr. Oz television program about cancer causing Chromium Six, it can be viewed on Dr. Oz's website. She said there were two nationally recognized water quality experts on this show. A Norman resident submitted their tap water and the sample showed four times as much Chromium Six as the Environmental Working Group (EWG) discovered from their sample and that Chromium Six is toxic in very small amounts. She said 25% of bottled water was, in fact, tap water and the EWG had rated 173 brands of bottled water and this information is available for download at [www.ewg.org/bottled-water-2011-home](http://www.ewg.org/bottled-water-2011-home). She said the EWG presented a report to the United States Senate Committee on Environment and Public Works and it is available to download on the home page at [www.ewg.org](http://www.ewg.org). Mr. Ken Cook, President of EWG, said the Environmental Protection Agency (EPA) has never given a drinking water standard for Chromium Six but should establish a specific drinking water standard for Chromium Six. She said the EPA has been reviewing the Chromium Six drinking water issues. She said United States Senators Barbara Boxer and Dianne Feinstein have introduced U.S. Senate Bill No. 79 which is known as the "Protecting Pregnant Women and Children from Hexavalent Chromium Act of 2011."

Councilmember Griffith said he attended the Water Summit last Friday and it was reported that the Oklahoma Water Resources Board (OWRB) is presently doing a study of the Garber Wellington Aquifer where we get 30% of our water and from which the Chromium Six issue has arisen. If the OWRB decides to limit the amount of water we can take from the aquifer, it can seriously affect our long-term water supply. He said he was very pleased to see that Ken Komiske, Director of Utilities, along with other utility directors from other cities, are finalizing guidelines to allow the Oklahoma Department of Environmental Quality (ODEQ) to determine how municipalities can reuse water. He encouraged citizens to research and study water solutions for the future.

Mr. Steve Lewis, City Manager, said after the release of the EWG Report, a Chromium Six Working Group comprised of management staff and elected officials and a technical committee of technical engineers, scientists, and public health experts from our area were appointed by the Mayor to advise staff and City of our responses to the water issues. He announced that the technical committee had just released a Frequently Asked Questions (FAQ) about Chromium Six which has been posted on our website and urged citizens to view it online. He said the Utilities Department completed additional testing of our water distribution system at the wells and throughout the entire community and all of the tests confirmed that we are below the EPA standard for Chromium Six. Consequently there is no action required at this time and he reminded everyone this is an evolving issue.

Miscellaneous Discussion, continued:

Water Issues, continued.

The Mayor urged citizens to go to the website and looked at the FAQ's.

\*

Item 14, Change Order No. One to Contract No. K-0910-34. Mr. Roger Gallagher, 1522 East Boyd Street, asked for a brief description of this item and the increase in cost.

Mayor Rosenthal said the change order of \$65,185.28 had increased the entire contract of approximately \$5.9 million by 1.2%. She noted that on the posted agendas, these change orders are often reviewed for the Council at the Council Conference and the public is welcome to those meetings.

Mr. Steve Lewis, City Manager, said on a project this size, it is not unusual to have change orders and if the changes are within 2%, it was a good thing. He said the project is proceeding very well and the recommendation to Council to pay this additional amount comes from the City's consulting engineer who is hired to oversee the contract and look out for the City's best interests.

Mayor Rosenthal said there were eight items that were increases or decreases and listed a time extension for adverse weather; different diaphragm seals for a portion of the lift station; site grading modifications; and the addition of a loading dock as a few of the items which are basic functional additions.

Councilmember Kovach said there is usually a built-in contingency on these projects and asked what that percentage was. Mr. Anthony Francisco, Finance Director, said it was 5%.

\*

Written Transcripts of Meetings. Ms. Ann Gallagher, 1522 East Boyd Street, said she had been asked by a hearing-impaired citizen if written transcripts of the meetings were available. She said she had previously asked Cox Cable about close captioning of City Council meetings. She said she would like a response to that as well.

Mayor Rosenthal said the City Clerk would look into this and would contact Ms. Gallagher directly.

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Handicap Access. Ms. Ann Gallagher, 1522 East Boyd Street, said she would like to see street crews keep handicap access routes clear during bad weather.

\*

Oklahoma Municipal League (OML). Mr. Jim Stanley, 3922 Pine Tree Circle, asked what charges the City pays to OML and what OML does for the City. Mayor Rosenthal said the City pays annual dues of approximately \$72,000 based on the size of the community and there are a number of services provided. One of OML's functions was to provide new training to new elected officials.

Mr. Stanley said he read an email from OML about action being needed on House Bill No. 1593, the repeal of Municipal Employee Collective Bargaining Act. He said he did not know why this organization was getting involved in this.

Mayor Rosenthal said OML is a membership organization and the members determine the issues that will be lobbied. She said there are over 500 cities who are members of OML and all of these groups are not always in agreement. She said OML takes positions with respect to labor issues and is the foremost group working on municipal finance issues to protect the interests of communities throughout the state from additional fees and tax exemptions that undermine the fiscal health of the community.

Councilmember Ezzell said across the country, state and local budgets are being squeezed unmercifully and painful corrections and decisions are being made. He said it is not intentional that State governments are interfering in City of Norman's unions. He said there is a senate and state bill pending by Scott Martin of Norman to repeal the provisions of binding interest arbitration set forth when the city and the union cannot agree. This bill will take the decisions out of the hands out of the municipal officials that answer to the taxpayers of the community and puts the decision in the hands of attorneys. He said this is a fair criticism but he sees the logic. He said he thought a bill to repeal all collective bargaining rights goes too far. He said these are issues that occur on the state level and as a municipality we have to live with those decisions. He said it is important to be a part of OML because they do a lot of advocacy such as added exemptions from taxation. He said it is very important discussion to be aware of.

Miscellaneous Discussion, continued:

Oklahoma Municipal League (OML), continued.

Councilmember Dillingham said things are happening at the state level now that are impeding our ability to be the city which is expected in these terrible budgetary times. The state is trying to do what is best for the state and many of those decisions are affecting cities' ability to take care of their citizens. She said OML is critical in helping the City maintain their financial independence and to do the best they can with the incredibly limited resources allowed. She said the City's independence is not affected by our membership with OML and the membership is important because we have to advocate for the few things that we as cities have that we can protect for the taxpayer like being able to maintain the quality jobs we have.

Mayor Rosenthal said she did not support this issue even though it would have no effect on the City of Norman. She said our unions and their bargaining units will continue to be recognized and the point of the legislation is not to require cities if they have other means of dealing with their management labor issues. She said the overriding principle is to advocate for local communities to be able to have some control over the decisions they make with respect to their budgets and the services they deliver to their community.

Councilmember Butler said the Oklahoma Department of Environmental Quality permit fees were being increased by thousands of dollars to be paid by cities in order to cover their increased costs.

Councilmember Griffith said OML was a good sounding board and provided good insight when it comes to legislative issues that effect municipalities. He said one of their primary goals was to read every bill that is proposed to go through the legislative process to make sure it doesn't detrimentally affect cities. He said he enjoyed attending seminars and presentations that affect municipal government.

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Ward 1 and Ward 2 Meeting. Councilmember Atkins thanked those who attended the ward meeting on February 16, 2011. He said their questions about the upcoming election were appreciated.

Councilmember Kovach thanked citizens for their attendance.

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Election on March 1, 2011. Councilmember Atkins urged voters to vote for the propositions and his replacement for Ward One.

Councilmember Kovach said on March 1st voters have the chance to elect new Councilmembers, make a difference in the Charter, and set our Sanitation rates. He urged everyone to participate. He said a public official's most important duty was listening to the public and Council had listened to the public after the last election failed and have demonstrated by working on efficiency and using some of the cost saving ideas from citizen suggestions. He said Council took a risk bringing this election forward so soon after the last election failed. He said no one likes paying more for services but costs do go up. He said sometimes people are skeptical of government but an independent consultant looked at our budget and said our enterprise fund was truly in need of new revenue. He said this increase would maintain services and he was proud that Norman was a City where utility rates had to be approved by a vote of the people. He said our citizens usually step up to the plate if something is justified and know the money is truly needed.

Councilmember Dillingham said the Sanitation Department has some of the best employees of the City and their payroll and fuel costs have increased. The City of Norman's Sanitation Department does better than anyone in the state with what they have and she hoped everyone would support the Sanitation increase.

Councilmember Butler encouraged everyone to support the rate increase.

Councilmember Griffith urged citizens to support the charter changes and the men and women of the Sanitation Division who do an incredible job with little resources and are vital to the viability of our community.

Miscellaneous Discussion, continued:

Election on March 1, 2011, continued.

Councilmember Cubberley thanked Councilmember Kovach for his remarks regarding the election for the Sanitation increase and for starting the ball rolling with his comments about bringing the question back to a vote. He said after the last election failed it was clear we could not continue the level of service without an increase. He said he wholeheartedly supported the proposition. He said in 2002 and 2003 before the last election, the rolling stock was in dismal condition because purchases had been deferred. He said because of this, Staff determined it would not happen again but cannot continue to do so without sufficient funds. He said Council is often accused of not following through with our promises but we did promise a flat rate for five years and have done so. Switching over to an automated system provided greater efficiencies and helped to cut down on workers' compensation claims and injuries to workers. He said with the increases in labor, vehicles, and fuel costs we cannot maintain the level of service expected without the rate increase. He urged citizens to call if they have questions and go out and vote.

Councilmember Quinn said citizens had control over the vote although a lot of people do not get out and vote. He urged more people to do so because it was a privilege to have a right to vote.

Mr. Steve Lewis, City Manager, said within the last few days every household in Norman should have received a brochure providing information about the Sanitation increase and about the charter amendments. He asked those who did not receive one to please call the City Manager's office to receive one. He said it was also available for download on the website. He said if there are any questions about the propositions, please call the Action Center at 366-5396.

Mayor Rosenthal strongly encouraged citizens to read the facts about the increase. She said costs are up since 2004 and the cost of disposal of a ton of garbage has gone from \$73 to \$112 per ton. Our system has adopted efficiencies, we are using less fuel, and are serving 14% more customers per employee. We are keeping our trucks and rolling stock in good working order. We have a well run system attested to by a national expert and the current rates will not sustain current services. She said she recently addressed a civic group about the impact of not having spring and fall cleanup. She said when these policies were adopted an immediate and significant decline in the amount of illegal dumping in the rural areas was seen. She said these two programs protect the rural areas from people dropping off items by the side of the road. She said the Sanitation System was a good system, well run and efficient, and rates are lower than many communities in the area and will remain lower. She strongly urged citizens to vote "yes" on March 1st.

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Shop Norman. Councilmember Quinn said please remember to "Shop Norman."

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Budget Update. Mr. Steve Lewis, City Manager, provided an overview of the FYE 2011 Budget. He said at this time our General Fund revenue during FYE 2011 to date is approximately \$37.9 million and our expenses are \$38.7 million. He said our sales tax collections in February which reflect December sales came and were not what we had hoped they would be and we are certainly not out of the woods yet. He said neither one of the recent snowstorms would be eligible for Federal Emergency Management Agency (FEMA) reimbursements and cleanup costs were approximately \$200,000.

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Oklahoma Department of Transportation (ODOT) Environmental Assessment. Mr. Steve Lewis, City Manager, said the City was about to pass a federally required milestone with the release of the environmental assessment from ODOT regarding the three new interchanges along I-35 at Main Street, Lindsey Street, and State Highway Nine. ODOT will be conducting public hearings on the Environmental Assessments that should occur late March or early April. He said the first major construction project associated with all of these interchanges should be the Main Street Project and that should begin in early 2012. He said it was important for the community to be well represented at these public meetings.

\* \* \* \* \*

ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Kovach; 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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 9:20 p.m.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor