

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

September 9, 2008

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 9th day of September, 2008, 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 Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach,
Quinn, Thompson, Mayor Rosenthal

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSENT DOCKET

Councilmember Dillingham moved that Item 4 through Item 30 excluding Item 22 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Quinn; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 30 excluding Item 22, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 4 through Item 30 excluding Item 22 were placed on the consent docket by unanimous vote.

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Item 4, being:

CITY COUNCIL CONFERENCE MINUTES OF AUGUST 26, 2008
CITY COUNCIL MINUTES OF AUGUST 26, 2008
NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 26, 2008
NORMAN MUNICIPAL AUTHORITY MINUTES OF AUGUST 26, 2008
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 26, 2008
CITY COUNCIL STUDY SESSION MINUTES OF SEPTEMBER 2, 2008

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

Items submitted for the record

1. City Council Conference minutes of August 26, 2008
2. City Council minutes of August 26, 2008
3. Norman Utilities Authority minutes of August 26, 2008
4. Norman Municipal Authority minutes of August 26, 2008
5. Norman Tax Increment Finance Authority minutes of August 26, 2008
6. City Council Study Session minutes of September 2, 2008

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

YEAS: Councilmembers Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach,
Quinn, Thompson, 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 5, being:

CONSIDERATION OF THE FOLLOWING ORDINANCES UPON FIRST READING BY TITLE:

ORDINANCE NO. O-0809-04: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING A PORTION OF THE PUBLIC UTILITY EASEMENT LYING WITHIN LOT 4A, BLOCK 14, HALL PARK THIRD ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1811 CREIGHTON COURT)

ORDINANCE NO. O-0809-05: 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 LOT ONE (1) AND THE NORTH FIFTY-SEVEN (57) FEET OF LOT TWO (2), BLOCK ONE (1), MARIAN ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1770 WEST MAIN STREET)

ORDINANCE NO. O-0809-06: 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 LOTS 13, 14, 15, 16 AND 17, BLOCK 23, CLASSEN-MILLER ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2, GENERAL COMMERCIAL DISTRICT, AND CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (401 EAST BOYD STREET)

ORDINANCE NO. O-0809-07: 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 LOTS 2A AND 1A, BLOCK 1, SPRING BROOK 9, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (770 COPPERFIELD DRIVE AND 840 COPPERFIELD DRIVE)

Councilmember Ezzell moved that the ordinances be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated September 8, 2008, from Doug Kosciński, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
2. Ordinance No. O-0809-4
3. Location map
4. Memorandum dated August 14, 2008, from Doug Kosciński, AICP, Manager of Current Planning Division, and Ken Danner, Development Coordinator, to Chairman and Members, Norman Planning Commission
5. Pertinent excerpts from Planning Commission minutes of August 14, 2008
6. Memorandum dated September 8, 2008, from Doug Kosciński, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
7. Ordinance No. O-0809-5 with Exhibit A, Site Development Plan
8. Location map
9. Staff Report dated August 14, 2008, recommending approval
10. Norman Predevelopment Summary dated June 26, 2008, Case No. PD-08-28, 1770 West Main Street
11. Pertinent excerpts from Planning Commission minutes of August 14, 2008
12. Memorandum dated September 8, 2008, from Doug Kosciński, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
13. Ordinance No. O-0809-6 with Exhibit A, Site Development Plan
14. Location map
15. Staff Report dated August 14, 2008, recommending approval with a condition
16. Norman Predevelopment Summary dated June 26, 2008
17. Pertinent excerpts from Planning Commission minutes of August 14, 2008
18. Memorandum dated September 8, 2008, from Doug Kosciński, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
19. Ordinance No. O-0809-6 with Exhibit A, Site Development Plan
20. Location map
21. Staff Report dated August 14, 2008, recommending approval
22. Norman Predevelopment Summary dated June 26, 2008, Case No. PD-08-30, Northeast corner of Classen and Boyd, east side of Burlington Northern Santa Fe Railroad tracks
23. Pertinent excerpts from Planning Commission minutes of August 14, 2008

Item 5, continued:

Items submitted for the record

- 24. Memorandum dated September 8, 2008, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
- 25. Ordinance No. O-0809-07 with Exhibit A, Site Development Plan
- 26. Location Map
- 27. Staff Report dated August 14, 2008, recommending approval
- 28. Norman Predevelopment Summary dated June 26, 2008, Case No. PD-08-29, 840 and 770 Copperfield Drive
- 29. Pertinent excerpts from Planning Commission minutes of August 14, 2008

and the question being upon the Introduction and adoption of the ordinances upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the ordinances were Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENT AS FOLLOWS:

GREENBELT COMMISSION

TERM: 09-09-08 TO 07-13-11: MARY PETERS, 1126 LOIS STREET – WARD ONE

Councilmember Ezzell moved that the appointment be confirmed, which motion was duly seconded by Councilmember Dillingham; and the question being upon confirming the appointment, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the appointment was confirmed.

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Item 7, being:

SUBMISSION OF THE WASTEWATER OVERSIGHT COMMITTEE ANNUAL REPORT AS OF JUNE 30, 2008.

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

Items submitted for the record

- 1. Memorandum dated August 19, 2008, from Suzanne Krohmer, Budget Manager, through Anthony Francisco, Director of Finance, to Honorable Mayor and Councilmembers and Honorable Trustees of the Norman Utilities Authority.
- 2. The City of Norman Wastewater Oversight Committee Annual Report as of June 30, 2008

Item 7, continued:

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 Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, 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:

CONSIDERATION AND AWARDED OF BID NO. 0708-107 FOR THE PURCHASE OF ONE (1) SIX CYLINDER PORTABLE GENERATOR FOR THE LINE MAINTENANCE DIVISION.

Acting as the Norman Utilities Authority, Trustee Ezzell moved that all bids meeting specifications be accepted and the bid in the amount of \$41,183.00 be awarded to Cummins Southern Plains, L.L.C., as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

- 1. Memorandum dated August 20, 2008, from Mike White, Fleet Superintendent, to Mayor and City Council
- 2. Bid tabulation for one (1) new and unused portable generator six cylinder diesel engine, 60 MHZ, 150 KW

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

YEAS:	Trustees Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$41,183.00 was awarded to Cummins Southern Plains, L.L.C., as the lowest and best bidder meeting specifications.

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Item 9, being:

CONSIDERATION AND AWARDED OF BID NO. 0809-3 FOR THE PURCHASE OF THE FOLLOWING ITEMS FOR THE UTILITY BILLING DIVISION:

- 1. 500,000 BILLING ENVELOPES
- 2. 300,000 RETURN ENVELOPES

Councilmember Ezzell moved that all bids meeting specifications in all sections be accepted and the bid for a total amount of \$16,445.00 be awarded to the Bob Thompson Company as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated August 20, 2008, from Peggy Gardner, Utility Billing Supervisor, through Anthony Francisco, Director of Finance, to Honorable Mayor and City Councilmembers
- 2. Bid tabulation dated August 14, 2008, for utility bill envelopes

Item 9, continued:

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

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

The Mayor declared the motion carried and all bids meeting specifications in all sections accepted; and the bid for a total amount of \$16,445.00 was awarded to the Bob Thompson Company as the lowest and best bidder meeting specifications.

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Item 10, being:

CONSIDERATION AND AWARDING OF BID NO. 0809-7 FOR THE PURCHASE OF THE FOLLOWING REFUSE CONTAINERS FOR THE SANITATION DIVISION:

1. THIRTY (30) SIX CUBIC YARD FRONT-LOAD REFUSE CONTAINERS
2. FIFTY (50) EIGHT CUBIC YARD FRONT-LOAD REFUSE CONTAINERS

Acting as the Norman Municipal Authority, Trustee Ezzell moved that all bids meeting specifications in all sections be accepted and the bid for a total amount of \$75,160.00 be awarded to Roll-Offs of America as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Memorandum dated August 15, 2008, from Scottie Williams, Utilities Superintendent, to Norman Municipal Authority
2. Bid tabulation dated August 14, 2008, for commercial front-load containers
3. Bid record dated August 14, 2008, for new and unused front-loading refuse containers/Sanitation

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

YEAS:	Trustees Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications in all sections accepted; and the bid for a total amount of \$75,160.00 was awarded to Roll-Offs of America as the lowest and best bidder meeting specifications.

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Item 11, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING EASEMENTS FOR THE ROCK CREEK ROAD WIDENING PROJECT:

<u>EASEMENT NOS.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>	<u>COST</u>
E-0809-6	GREG AND NYLA	PERMANENT PUBLIC	\$21,000.00*
E-0809-11	WAMPLER	ROADWAY AND UTILITY	
E-0809-12			
E-0809-13			

* Lump sum payment for all four easements

Councilmember Ezzell moved that the easements be accepted, the filing thereof with the Cleveland County Clerk be directed, and payment for the easements be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated September 2, 2008, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Easement Nos. E-0809-6 and E-0809-11
3. Location map for Easement Nos. E-0809-6 and E-0809-11
4. Easement Nos. E-0809-12 and E-0809-13
5. Location map for Easement Nos. E-0809-12 and E-0809-13

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

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

NAYES: None

The Mayor declared the motion carried and the easements accepted; the filing thereof with the Cleveland County Clerk was directed and payment for the easements was authorized.

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Item 12, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$448,808.75 FROM THE OFFICE OF EMERGENCY MANAGEMENT FOR WINTER ICE STORM DAMAGE DURING DECEMBER 2007, AND JANUARY 2008.

Councilmember Ezzell moved that reimbursement of funds totaling \$448,808.75 from the Office of Emergency Management for winter ice storm damage during December 2007, and January 2008, be accepted and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) be increased by \$442,723.05 and Reimbursements/Other Agency (010-0000-366.12-39) by \$6,085.70, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memoranda dated August 18, 2008, from James Fullingim, Fire Chief, to Honorable Mayor and City Council

and the question being upon accepting reimbursement of funds totaling \$448,808.75 from the Office of Emergency Management for winter ice storm damage during December 2007, and January 2008, and upon the subsequent increase, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and reimbursement of funds totaling \$448,808.75 from the Office of Emergency Management for winter ice storm damage during December 2007, and January 2008, accepted; and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) was increased by \$442,723.05 and Reimbursements/Other Agency (010-0000-366.12-39) by \$6,085.70.

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Item 13, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$5,360.63 FROM THE STATE OF OKLAHOMA OFFICE OF EMERGENCY MANAGEMENT DURING HIGH WINDS AND SEVERE FLOODING DURING THE MONTH OF AUGUST, 2007.

Councilmember Ezzell moved that reimbursement of funds in the amount of \$5,360.63 from the State of Oklahoma Office of Emergency Management be accepted and Reimbursements/Other Agency (010-0000-366.12-39) be increased by \$5,360.63, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated August 18, 2008, from James Fullingim, Fire Chief, to Honorable Mayor and City Council

and the question being upon accepting reimbursement of funds in the amount of \$5,360.63 from the State of Oklahoma Office of Emergency Management and upon the subsequent increase, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and reimbursement of funds in the amount of \$5,360.63 from the State of Oklahoma Office of Emergency Management accepted; and Reimbursements/Other Agency (010-0000-366.12-39) was increased by \$5,360.63.

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Item 14, being:

LIMITED LICENSE NO. 0809-6: LIMITED LICENSE TO PLACE SIX (6) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM SECOND CHANCE ANIMAL SANCTUARY FOR THE DOG DAY AFTERNOON ADOPTION EVENT TO BE HELD ON SATURDAY, OCTOBER 25, 2008.

Councilmember Ezzell moved that Limited License No. 0809-6 to place six (6) ground banners within the public rights-of-way pursuant to a request from Second Chance Animal Sanctuary be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated August 29, 2008, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
- 2. Application for Limited License for six (6) ground banners dated August 25, 2008, from Second Chance Animal Sanctuary
- 3. Limited License No. 0809-6

and the question being upon approving Limited License No. 0809-6 to place six (6) ground banners within the public rights-of-way pursuant to a request from Second Chance Animal Sanctuary and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Limited License No. 0809-6 to place six (6) ground banners within the public rights-of-way pursuant to a request from Second Chance Animal Sanctuary approved; and the issuance thereof was authorized.

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Item 15, being:

CHANGE ORDER NO. THREE TO CONTRACT NO. K-0607-113: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND DAVENPORT CONSTRUCTION COMPANY DECREASING THE CONTRACT AMOUNT BY \$14,755.00 FOR THE 36TH AVENUE N.W. AT QUAIL DRIVE AND BROOKHOLLOW ROAD WATER LINE IMPROVEMENTS PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Councilmember Ezzell moved that Change Order No. Three to Contract No. K-0607-113 with Davenport Construction Company decreasing the contract amount by \$14,755.00 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$58,004.49 to Davenport Construction Company be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated August 21, 2008, from Lonnie Ferguson, Capital Projects Engineer, to Honorable Mayor and Councilmembers
- 2. Change Order No. Three to Contract No. K-0607-113
- 3. Purchase Order No. 144334 dated March 16, 2007, including both the original contract and Change Order No. One totaling \$851,593.00 adding Change Order No. Two in the amount of \$126,636.00, subtracting Change Order No. Three in the amount of \$14,755.00 and partial payments totaling \$905,469.51 leaving a balance of \$58,004.49

and the question being upon approving Change Order No. Three to Contract No. K-0607-113 with Davenport Construction Company decreasing the contract amount by \$14,755.00 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Change Order No. Three to Contract No. K-0607-113 with Davenport Construction Company decreasing the contract amount by \$14,755.00 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$58,004.49 to Davenport Construction Company was directed.

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Item 16, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0607-185: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HORAN, CARROLL AND ASSOCIATES, INC., IN AN AMOUNT NOT-TO-EXCEED \$35,684.50 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE CAMPUS CORNER SIDEWALK MODIFICATION PROJECT.

Councilmember Ezzell moved that Amendment No. One to Contract No. K-0607-185 with Horan, Carroll and Associates, Inc., in an amount not-to-exceed \$35,684.50 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated August 21, 2008, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
- 2. Amendment No. One to Contract No. K-0607-185 with Attachment "A", Scope of Services, and Attachment B, Fee Schedule
- 3. Purchase Requisition No. 0000146537 dated July 28, 2008, in the amount of \$35,684.50 to Horan, Carroll and Associates

and the question being upon approving Amendment No. One to Contract No. K-0607-185 with Horan, Carroll and Associates, Inc., in an amount not-to-exceed \$35,684.50 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Amendment No. One to Contract No. K-0607-185 with Horan, Carroll and Associates, Inc., in an amount not-to-exceed \$35,684.50 approved; and the execution thereof was authorized.

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Item 17, being:

CHANGE ORDER NO. THREE TO CONTRACT NO. K-0708-2: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SAC SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY \$39,331.46 FOR THE FYE 2008 CONCRETE PROJECTS, FINAL ACCEPTANCE OF THE PROJECT, REFUND IN THE AMOUNT OF \$25,469.65 TO THE UNIVERSITY OF OKLAHOMA FOR THEIR PORTION OF THE PROJECT COSTS, AND BUDGET REAPPROPRIATION.

Councilmember Ezzell moved that Change Order No. Three to Contract No. K-0708-2 with SAC Services, Inc., decreasing the contract amount by \$39,331.46 and a refund to the University of Oklahoma in the amount of \$25,469.65 be approved; the execution of the Change Order be authorized; the project be accepted; \$20,183.10 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TC0012, Sidewalks/Schools and Arterials, Construction (050-9317-431.61-01); and final payment in the amount of \$99,935.04 to SAC Services, Inc., be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 20, 2008, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
2. Location map
3. FYE 2008 Concrete Projects, Actual Work Completed
4. Change Order No. Three to Contract No. K-0708-2
5. Purchase Order No. 150021 dated August 3, 2007, including both the original contract and Change Order No. One totaling \$548,000.00 adding Change Order No. Two in the amount of \$38,000.00, subtracting partial payments totaling \$446,733.50, and adding Change Order No. Three in the amount of \$39,331.46 leaving a balance of \$99,935.04

and the question being upon approving Change Order No. Three to Contract No. K-0708-2 with SAC Services, Inc., decreasing the contract amount by \$39,331.46 and a refund to the University of Oklahoma in the amount of \$25,469.65 and upon the subsequent authorization, acceptance, appropriation, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Change Order No. Three to Contract No. K-0708-2 with SAC Services, Inc., decreasing the contract amount by \$39,331.46 and a refund to the University of Oklahoma in the amount of \$25,469.65 approved; the execution of the Change Order was authorized; the project was accepted; \$20,183.10 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TC0012, Sidewalks/Schools and Arterials, Construction (050-9317-431.61-01); and final payment in the amount of \$99,935.04 to SAC Services, Inc., was directed.

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Item 18, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0809-32 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ARBOR MASTERS TREE SERVICE FOR THE PRIORITY ONE TREE REMOVAL PROJECT.

Councilmember Ezzell moved that the project be accepted and final payment in the amount of \$950.00 to Arbor Masters Tree Service be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 21, 2008, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
2. Purchase Order No. 162313 dated July 18, 2008, in the amount of \$19,000.00 subtracting partial payments totaling \$18,050.00 leaving a balance of \$950.00

Item 18, continued:

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

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

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$950.00 to Arbor Masters Tree Service was directed.

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Item 19, being:

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0708-107: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STORM RECONSTRUCTION SERVICES, INC., (SRS) MODIFYING THE SCOPE OF WORK TO ADD CHANNEL DEBRIS REMOVAL FOR THE STORM DEBRIS REMOVAL PROJECT AND BUDGET APPROPRIATION.

Councilmember Ezzell moved that Change Order No. Two to Contract No. K-0708-107 with SRS be approved, the execution thereof be authorized, and \$107,704.10 be transferred from Maintenance and Repair Services/Construction (010-5022-431.42-29) to Project No. WS0001, 2007/2008 Ice Storm Damage, Professional Services/Emergency Debris Removal (010-5021-431.40-04), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 26, 2008, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
2. Change Order No. Two to Contract No. K-0708-107

and the question being upon approving Change Order No. Two to Contract No. K-0708-107 with SRS and upon the subsequent authorization and transfer, a vote was taken with the following result:

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

The Mayor declared the motion carried and Change Order No Two to Contract No. K-0708-107 with SRS approved; the execution thereof was authorized and \$107,704.10 was transferred from Maintenance and Repair Services/Construction (010-5022-431.42-29) to Project No. WS0001, 2007/2008 Ice Storm Damage, Professional Services/Emergency Debris Removal (010-5021-431.40-04).

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Item 20, being:

CONSIDERATION OF THE FOLLOWING CONTRACTS AND BUDGET APPROPRIATION:

CONTRACT NO. K-0809-47: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COBB ENGINEERING COMPANY IN THE AMOUNT OF \$327,700.00 TO PROVIDE ENGINEERING DESIGN SERVICES FOR PHASE II OF THE ROCK CREEK ROAD OVERPASS PROJECT.

CONTRACT NO. K-0809-48: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO INCLUDE THE DESIGN OF PHASE I OF THE ROCK CREEK ROAD OVERPASS PROJECT TO AN EXISTING CONTRACT WITH COBB ENGINEERING COMPANY IN THE AMOUNT OF \$314,000.00 TO BE PAID BY THE CITY OF NORMAN.

Councilmember Ezzell moved that Contract No. K-0809-47 with Cobb Engineering Company in the amount of \$327,700.00 be approved, the execution of the contract be authorized, and \$641,700.00 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. UT0003, Rock Creek Overpass, Design (057-9510-431.62-01), which motion was duly seconded by Councilmember Dillingham;

Item 20, continued:

Items submitted for the record

1. Memorandum dated August 25, 2008, from John R. Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Contract No. K-0809-47 with Attachment A, Scope of Services; Attachment B, Schedule; Attachment C, Compensation; and Attachment D, Owner’s Responsibilities
3. Purchase Requisition No. 0000147547 dated August 25, 2008, in the amount of \$327,700.00 to Cobb Engineering Company

and the question being upon approving Contract No. K-0809-47 with Cobb Engineering Company in the amount of \$327,700.00 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Contract No. K-0809-47 with Cobb Engineering Company in the amount of \$327,700.00 approved; the execution of the contract was authorized and \$641,700.00 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. UT0003, Rock Creek Overpass, Design (057-9510-431.62-01).

Thereupon, Councilmember Ezzell moved that Contract No. K-0809-48 with the Oklahoma Department of Transportation (ODOT) be approved; the execution of the contract be authorized, and payment in the amount of \$314,000.00 to ODOT be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 25, 2008, from John R. Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Contract No. K-0809-48
3. Purchase Requisition No. 0000147536 dated August 25, 2008, in the amount of \$314,000.00 to ODOT

and the question being upon approving Contract No. K-0809-48 with the Oklahoma Department of Transportation (ODOT) and upon the subsequent authorization and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-48 with the Oklahoma Department of Transportation (ODOT) approved; the execution of the contract was authorized and payment in the amount of \$314,000.00 to ODOT was directed.

* * * * *

Item 21, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$11,600.00 FROM THE OKLAHOMA STATE HISTORIC PRESERVATION OFFICE (SHPO) AS PART OF THE CERTIFIED LOCAL GOVERNMENTS (CLG) PROGRAM, APPROVAL OF CONTRACT NO. K-0809-49, AND BUDGET APPROPRIATION.

Councilmember Ezzell moved that a grant in the amount of \$11,600.00 as a part of the CLG Program; Contract No. K-0809-49 with SHPO be approved; the execution of the contract be authorized; Special Grants Revenue Fund (022-0000-334.13-26) be increased by \$11,600.00; and \$11,600.00 be appropriated to Professional Services, Consultant/Others (022-4046-464.40-09), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 27, 2008, from Susan Owen Atkinson, Historic Preservation Officer, to the Honorable Mayor Cindy Rosenthal and Councilmembers
2. Contract No. K-0809-49

Participants in discussion

1. Ms. Linda Price, Revitalization Manager

Item 21, continued:

and the question being upon accepting a grant the amount of \$11,600.00 as a part of the CLG Program and upon the subsequent approval, authorization, increase, and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and a grant the amount of \$11,600.00 as a part of the CLG Program accepted; Contract No. K-0809-49 with SHPO was approved, the execution of the contract was authorized, Special Grants Revenue Fund (022-0000-334.13-26) was increased by \$11,600.00, and \$11,600.00 was appropriated to Professional Services, Consultant/Others (022-4046-464.40-09).

* * * * *

Item 22, being:

CONTRACT NO. K-0809-52 A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE MCKINNEY PARTNERSHIP IN AN AMOUNT NOT-TO-EXCEED \$27,350.00 FOR THE DESIGN, PREPARATION OF CONSTRUCTION DOCUMENTS, AND COORDINATION OF THE BIDDING PROCESS FOR THE INTERIM SOLUTION OF THE MUNICIPAL COURT SPACE AND SECURITY NEEDS AND BUDGET TRANSFER.

Contract No. K-0809-52 was withdrawn at the request of Staff.

* * * * *

Item 23, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF AUNDRA ANDERSON VS. DON BLAKE, UNITED STATES DISTRICT COURT CASE NO. CIV-05-729 HE, IN THE AMOUNT OF \$90,000.00.

Councilmember Ezzell moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated August 27, 2008, from Rickey J. Knighton II, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers

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

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

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement.

* * * * *

Item 24, being:

RESOLUTION NO. R-0809-35: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$5,164.00 FROM THE ROOM TAX FUND BALANCE, \$89,258.00 FROM THE EMERGENCY COMMUNICATIONS FUND BALANCE, AND \$407,205.00 FROM THE DEBT SERVICE FUND BALANCE TO CLEAR NEGATIVE FYE 2008 EXPENDITURE BALANCES.

Councilmember Ezzell moved that Resolution No. R-0809-35 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 13, 2008, from Suzanne Krohmer, Budget Manager, through Anthony Francisco, Director of Finance, to Honorable Mayor and Councilmembers
2. Resolution No. R-0809-35

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance

and the question being upon adopting Resolution No. R-0809-35, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-35 was adopted.

* * * * *

Item 25, being:

RESOLUTION NO. R-0809-36: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF A CLAIM FILED BY SAID EZZHANI UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF SAID EZZHANI V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2007-11576 K; 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 Ezzell moved that Resolution No. R-0809-36 be adopted and payment of claims which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 26, 2008, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Resolution No. R-0809-36
3. Purchase Requisition No. 0000147807 dated September 2, 2008, in the amount of \$36,125.00 to Said Ezzhani and Joe D. Wheeler
4. Purchase Requisition No. 0000147808 dated September 2, 2008, in the amount of \$722.50 to Workers Compensation Administrative Fund
5. Purchase Requisition No. 0000147809 dated September 2, 2008, in the amount of \$270.94 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000147810 dated September 2, 2008, in the amount of \$75.00 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000147811 dated September 2, 2008, in the amount of \$119.30 to Cleveland County District Court Clerk

Item 25, continued:

and the question being upon adopting Resolution No. R-0809-36 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-0809-36 adopted; and payment of claims which will constitute judgment against the City of Norman was directed.

* * * * *

Item 26, being:

RESOLUTION NO. R-0809-38: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$1,418.00 FROM THE PARK LAND FUND BALANCE TO PURCHASE PET WASTE RECEPTACLES FOR BROOKHAVEN, COLONIAL ESTATES, GRIFFIN, AND REAVES PARKS.

Councilmember Ezzell moved that Resolution No. R-0809-38 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 21, 2008, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
2. Resolution No. R-0809-38

and the question being upon adopting Resolution No. R-0809-38, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-0809-38 was adopted.

* * * * *

Item 27, being:

PROCLAMATION NO. P-0809-3: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SUNDAY, SEPTEMBER 28, 2008, AS CROP HUNGER WALK DAY IN THE CITY OF NORMAN.

Councilmember Ezzell moved that receipt of Proclamation No. P-0809-3 proclaiming Sunday, September 28, 2008, as CROP Hunger Walk Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Proclamation No. P-0809-3

Participants in discussion

1. Mr. Ed Kearns accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-3 proclaiming Sunday, September 28, 2008, as CROP Hunger Walk Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-3 proclaiming Sunday, September 28, 2008, as CROP Hunger Walk Day in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 28, being:

PROCLAMATION NO. P-0809-4: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING OCTOBER 2 THROUGH 5, 2008, AS NORMAN FILM FESTIVAL WEEK IN THE CITY OF NORMAN.

Councilmember Ezzell moved that receipt of Proclamation No. P-0809-4 proclaiming October 2 through 5, 2008, as Norman Film Festival Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Proclamation No. P-0809-4

Participants in discussion

- 1. Mr. Cory Allen, Director, and Ms. Meleah Montgomery, Festival Coordinator, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-4 proclaiming October 2 through 5, 2008, as Norman Film Festival Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-4 proclaiming October 2 through 5, 2008, as Norman Film Festival Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 29, being:

PROCLAMATION NO. P-0809-5: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SEPTEMBER 17 THROUGH 23, 2008, AS CONSTITUTION WEEK IN THE CITY OF NORMAN.

Councilmember Ezzell moved that receipt of Proclamation No. P-0809-5 proclaiming September 17 through 23, 2008, as Constitution Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Proclamation No. P-0809-5

Participants in discussion

- 1. Ms. Jeanette Dubois, member of the Black Beaver Chapter of the Daughters of the American Revolution, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-5 proclaiming September 17 through 23, 2008, as Constitution Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-5 proclaiming September 17 through 23, 2008, as Constitution Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 30, being:

RESOLUTION NO. R-0809-39: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE EAST ROCK CREEK ROAD WIDENING PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR STREET PURPOSES; AND DECLARING AN EMERGENCY. (612 EAST ROCK CREEK ROAD)

Councilmember Ezzell moved that Resolution No. R-0809-39 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated September 2, 2008, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Resolution No. R-0809-39 with Exhibit "A", legal descriptions
3. Location map

and the question being upon adopting Resolution No. R-0809-39, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-39 was adopted.

* * * * *

Item 31, being:

CONTRACT NO. K-0708-149: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA; NORMAN TAX INCREMENT FINANCE AUTHORITY; UNIVERSITY NORTH PARK, L.L.C.; UNIVERSITY TOWN CENTER, L.L.C.; JQH – NORMAN DEVELOPMENT, L.L.C.; NORMAN ECONOMIC DEVELOPMENT COALITION; AND UNIVERSITY OF OKLAHOMA FOUNDATION, INC., FOR DEVELOPMENT AGREEMENT NO. 4 FOR THE ROCK CREEK ROAD OVERPASS OF INTERSTATE 35.

Acting as the City Council and the Norman Tax Increment Finance Authority, Councilmember Stawicki having moved in City Council's meeting of May 27, 2008, and Councilmember Ezzell having moved in City Council's Special Meeting of June 5, 2008, that Contract No. K-0708-149 with University North Park, L.L.C.; University Town Center, L.L.C.; JQH – Norman Development, L.L.C.; Norman Economic Development Coalition; and University of Oklahoma Foundation, Inc., for Development Agreement No. 4 be postponed indefinitely, which motion having been duly seconded by Councilmember Thompson on May 27, 2008, and Councilmember Dillingham on June 5, 2008; Councilmember Quinn moved that Contract No. K-0708-149 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated August 28, 2008, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
2. Letter dated February 25, 2008, from John Q. Hammons, John Q. Hammons Hotels and Resorts, to Mayor Cindy Rosenthal, City of Norman
3. PowerPoint presentation entitled, "Development Agreement No. 4, Rock Creek Overpass at I-35," dated September 9, 2008
4. Contract No. K-0708-149 with Exhibit A, Description of Certain Real Property, and Exhibit B, University North Park Project Financing

Item 31, continued:

Participants in discussion

1. Ms. Kathryn Walker, Assistant City Attorney
2. Mr. Rick Smith, Finance Services, Inc.
3. Mr. Charles Schindler, 2000 Morgan Drive, asked questions
4. Mr. Anthony Francisco, Director of Finance
5. Ms. Sylvia Martin, Post Office Box 430, asked questions
6. Ms. Mary Francis, 850C Cardinal Creek Condos, made comments
7. Mr. Harold Haralson, 516 Avon Drive, Statutory TIF Review Committee Chair
8. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
9. Mr. Sean Rieger, 136 Thompson Drive, Norman Chamber of Commerce, Vice-President of Economic Development, proponent

and the question being upon approving Contract No. K-0708-149 with University North Park, L.L.C.; University Town Center, L.L.C.; JQH – Norman Development, L.L.C.; Norman Economic Development Coalition; and University of Oklahoma Foundation, Inc, for Development Agreement No. 4 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: Councilmember Thompson

The Mayor declared the motion carried and Contract No. K-0708-149 with University North Park, L.L.C.; University Town Center, L.L.C.; JQH – Norman Development, L.L.C.; Norman Economic Development Coalition; and University of Oklahoma Foundation, Inc, for Development Agreement No. 4 approved; and the execution thereof was authorized.

* * * * *

Item 32, being:

RESOLUTION NO. R-0708-119: A RESOLUTION AUTHORIZING THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") TO ISSUE ITS TAX INCREMENT REVENUE NOTE, TAXABLE SERIES 2008 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF \$29,120,000; 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 2008 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 Quinn moved that Resolution No. R-0708-119 be adopted, which motion was duly seconded by Trustee Cubberley

Items submitted for the record

1. Memorandum dated August 26, 2008, from Anthony Francisco, Finance Director/Treasurer, to Honorable Mayor and City Councilmembers and Honorable Trustees of the Norman Tax Increment Finance Authority (NTIFA)
2. Resolution No. R-0708-119 with Exhibit "A," Variable Interest Rate Schedule, and Exhibit "B," Principal Payment Schedule

and the question being upon adopting Resolution No. R-0708-119, a vote was taken with the following result:

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

NAYES: Trustee Thompson

The Chairman declared the motion carried and Resolution No. R-0708-119 was adopted.

* * * * *

Item 33, being:

RESOLUTION NO. R-0708-120: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") ISSUING ITS TAX INCREMENT REVENUE NOTE, TAXABLE SERIES 2008 (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 SALES TAX 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-0708-120 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Resolution No. R-0708-120 with Exhibit "A," Variable Interest Rate Schedule, and Exhibit "B," Principal Payment Schedule

and the question being upon adopting Resolution No. R-0708-120, a vote was taken with the following result:

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

NAYES: Councilmember Thompson

The Mayor declared the motion carried and Resolution No. R-0708-120 was adopted.

* * * * *

MISCELLANEOUS DISCUSSION

Constitution Week. Ms. Mary Francis, 850C Cardinal Creek Condos, said she was delighted to see the Black Beaver Chapter of the Daughters of the American Revolution receive a proclamation this evening for Constitution Day. She invited Council and all citizens to a Constitution Day Forum to be held on September 17, 2008, at 7:00 p.m. in the Richard Bell Court Room at the University of Oklahoma Law School. She said there would a catered reception at 6:00 p.m. in the faculty lounge at the Law School.

*

Highway Nine Improvements. Ms. Jeanette Coker, 620 East Main Street, said she attended tonight's City Council Conference which discussed Highway Nine Improvements. She asked Council to pursue using Safety Cables in the medians of Highway Nine and asked if there would be any public discussion about the improvements.

Mayor Rosenthal said adoption of a resolution regarding Highway Nine improvements will be considered on September 23, 2008, and citizens will be allowed to make comments or ask questions.

*

Bicycling Projects. Mr. Bryan Burkhalter, 1913 Lakehurst Drive, asked Council if there were any pending projects relative to bicycling as a mode of transportation in the City. He said he was representing graduate students from the University of Oklahoma and would like to participate in projects and/or development of a bike plan.

Mayor Rosenthal asked staff to get Mr. Burkhalter's contact information and said the City is working on a Bike and Hike Master Plan as part of the Stormwater Master Plan and would contact him about participation.

*

East Side Post Office. Mr. Roger Gallagher, 1522 East Boyd Street, said he spoke with several citizens and business owners about the possibility of an east side post office to accommodate citizens in that area. He said the west side post office had been built several years ago and suggested a new branch could be located near the new east side fire station.

Miscellaneous Discussion, continued:

Lighting Ordinance. Councilmember Kovach commended Mark Heitz Chevrolet for opening their new dealership with lights that aim down and perfectly illuminate the lot. He said the lighting ordinance needs to come forward which will solve a lot of problems in neighborhoods who have issues of "light trespass."

Councilmember Ezzell said the lights at Mark Heitz Chevrolet are powered by wind turbine and said he hoped to see more of this type of energy.

*

CART. Councilmember Butler said CART Access provides two-way service anywhere in the City limits for those who cannot independently use the bus system and who qualify by age or disability. CART recently experienced its highest day of service with 195 rides and started a new bus route to Little Axe on Wednesday, September 3, 2008, which makes three trips a day from Little Axe to Norman on Mondays and Wednesdays. She said she rode the first bus from Lloyd Noble Center to Little Axe and was very excited about the new route.

Mayor Rosenthal said the new CART route to Little Axe had been discussed over a year ago during an Inclusive Community Dialogue discussion and commended Councilmember Butler's leadership in bringing this service to the community.

*

Community Development Block Grant (CDBG) Community Dialogue. Councilmember Butler said the annual CDBG Community Dialogue was held September 3, 2008, with 35 people in attendance. She said transportation, housing, and health care were ranked the most important issues for low and moderate-income households. She said transportation needs discussed included expanded hours of operation for CART and added bus routes; more bike routes and greater biking safety, and more sidewalks for better accessibility. She said Council was focusing on these issues.

*

I-35 South Planning Meeting. Mayor Rosenthal announced that the Oklahoma Department of Transportation is conducting an I-35 South Planning Meeting on Thursday, September 18, 2008, at 6:30 p.m., at Holiday Inn and urged all citizens to attend to provide input and voice their concerns.

*

OU Home Games. Mayor Rosenthal said citizens had survived the second OU home game weekend with the new parking policy. She said parking is only allowed on one side of the street for many of the core area streets. Public Safety Staff issued over 300 warnings during the first home game and 22 vehicles were towed, but about half as many warnings were issued last weekend. She said Staff is getting ready for the next stage of enforcement, which means ticketing. She said it is a tremendous initiative and she heard from many people in the core area about how pleased they were with accessibility in their neighborhoods. Public Safety vehicles were able to travel down these street easily She commended Staff for implementing a major change in policy and asked those in the OU neighborhoods to be patient as the new policy is put into action.

ADJOURNMENT

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

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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 8:10 p.m.

ATTEST:

City Clerk

Mayor