

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

August 10, 2010

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 10th day of August, 2010, 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 Mayor Rosenthal.

Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 24 excluding Item 12 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Atkins; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 24 excluding Item 12, 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 4 through Item 24 excluding Item 12 were placed on the consent docket by unanimous vote.

Item 4, being:

APPROVAL OF THE CITY COUNCIL STUDY SESSION MINUTES OF JULY 20, 2010; CITY COUNCIL CONFERENCE MINUTES OF JULY 27, 2010; AND CITY COUNCIL MINUTES OF JULY 27, 2010; NORMAN UTILITIES AUTHORITY MINUTES OF JULY 27, 2010; NORMAN MUNICIPAL AUTHORITY MINUTES OF JULY 27, 2010; AND NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JULY 27, 2010.

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 Butler;

Items submitted for the record

1. City Council Study Session minutes of July 20, 2010
2. City Council Conference minutes of July 27, 2010
3. City Council minutes of July 27, 2010
4. Norman Utilities Authority minutes of July 27, 2010
5. Norman Municipal Authority minutes of July 27, 2010
6. Norman Tax Increment Finance Authority minutes of July 27, 2010

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.

Item 5, being:

CONSIDERATION OF ZONING ORDINANCE NO. ZO-0910-5 UPON FIRST READING BY TITLE: A ZONING 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 THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ONE-HALF MILE WEST OF 36TH AVENUE N.W. ON THE NORTH SIDE OF INDIAN HILLS ROAD)

Councilmember Kovach moved that Zoning Ordinance No. ZO-0910-5 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. ZO-0910-5 dated May 18, 2010, by Doug Koscinski
2. Zoning Ordinance No. ZO-0910-5 with Exhibit A, Site Development Plan
3. Location map
4. Staff Report dated July 8, 2010, recommending approval
5. Preliminary plat
6. Pertinent excerpts from Planning Commission minutes of June 10 and July 8, 2010

and the question being upon the Introduction and adoption of Zoning Ordinance No. ZO-0910-5 upon First Reading by title, 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 Zoning Ordinance No. ZO-0910-5 was Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

CONSIDERATION OF ZONING ORDINANCE NO. ZO-1011-1 UPON FIRST READING BY TITLE: A ZONING ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0506-3, THE COMMERCE PARKWAY PLANNED UNIT DEVELOPMENT, TO CREATE AN ADDITIONAL LOT FOR A TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION THIRTY-FIVE, TOWNSHIP TEN NORTH, RANGE THREE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NE CORNER OF 36TH AVENUE N.W. AND INDIAN HILLS ROAD)

Councilmember Kovach moved that Zoning Ordinance No. ZO-1011-1 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. ZO-1011-1 dated June 15, 2010, by Doug Koscinski
2. Zoning Ordinance No. ZO-1011-1 with Exhibit A, Site Development Plan
3. Location map
4. Staff Report dated July 8, 2010, recommending approval
5. Planned Unit Development Narrative for Commerce Parkway Addition revised June 7, 2010, by SMC Consulting Engineers, P.C.
6. Predevelopment Summary Case No. PD 10-12 dated June 24, 2010, for Hallbrooke Development Group One, L.L.C., for property located on the northeast corner of 36th Avenue N.W. and Indian Hills Road
7. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Item 6, continued:

and the question being upon the Introduction and adoption of Zoning Ordinance No. ZO-1011-1 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Zoning Ordinance No. ZO-1011-1 was Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

ZONING ORDINANCE NO. ZO-1011-2 UPON FIRST READING BY TITLE: 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 7, 8, 9, 10, 11 AND 12, BLOCK 3 OF J.A. JONES ADDITION, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (702 N. PORTER AVENUE)

Councilmember Kovach moved that Zoning Ordinance No. ZO-1011-2 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. ZO-1011-2 dated June 15, 2010, by Doug Koscinski
2. Zoning Ordinance No. ZO-1011-2 with Exhibit A, Site Development Plan
3. Location map
4. Resolution No. R-0910-132
5. Staff Report dated July 8, 2010, recommending approval
6. Predevelopment Summary Case No. PD 10-10 dated June 24, 2010, for Tarahumara Mexican Café and Cantina for property located at 702 North Porter
7. Pertinent excerpts from Planning Commission minutes of July 8, 2010

and the question being upon the Introduction and adoption of Zoning Ordinance No. ZO-1011-2 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Zoning Ordinance No. ZO-1011-2 was Introduced, read, and adopted upon First Reading by title.

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Item 8, being:

CONSIDERATION OF A RECOMMENDATION FROM THE REAPPORTIONMENT COMMISSION THAT THE CITY COUNCIL NOT ADJUST THE WARD BOUNDARIES AT THIS TIME.

Councilmember Kovach moved that the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time be approved, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. RPT-1011-7 dated July 20, 2010, by Doug Koscinski and Joyce Green
- 2. Memorandum dated July 2, 2010, from Doug Koscinski, AICP, Manager, Current Planning Division, and Joyce Green, Manager, GIS Division, to Chairman and Members, Norman Reapportionment Commission
- 3. Estimate of population by ward for 2007 through 2010
- 4. Norman Reapportionment Commission minutes of July 12, 2010

and the question being upon approving the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time was approved.

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Item 9, being:

SUBMISSION OF THE ANNUAL STATUS REPORT ON DEVELOPMENT AND THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN FOR CALENDAR YEAR 2009.

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

Items submitted for the record

- 1. Text File No. RPT-1011-9 dated August 4, 2010, by Patrick Copeland
- 2. Annual Status Report on Development and the Norman 2025 Plan for Calendar Year, 2009
- 3. Pertinent excerpts from Planning Commission minutes of June 10, 2010

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
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NAYES:	None
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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:

CONSIDERATION OF BID NO. 1011-01, CONTRACT NO. K-1011-03 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF \$634,160; PERFORMANCE BOND NO. B-1011-05; STATUTORY BOND NO. B-1011-06; MAINTENANCE BOND NO. MB-1011-03; AND RESOLUTION NO. R-1011-25 FOR THE LINDSEY STREET WIDENING FROM JENKINS AVENUE TO THE BURLINGTON NORTHERN SANTA FE RAILROAD (BNSF) AND WATER AND SEWER LINE RELOCATION PROJECT.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$634,160 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-03 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; execution of the contract be authorized; and Resolution No. R-1011-25 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-1011-03 dated July 26, 2010, by Lonnie Ferguson
2. Bid record dated July 15, 2010, for the Lindsey between Jenkins and Railroad Tracks Water Line and Sanitary Sewer Relocation
3. Engineer's Estimate dated July 15, 2010, from Richard M. Grotte, P.E., Project Manager, Poe and Associates, Inc., to Mayor and Councilmembers
4. Contract No. K-1011-03
5. Performance Bond No. B-1011-05
6. Statutory Bond No. B-1011-06
7. Maintenance Bond No. MB-1011-03
8. Resolution No. R-1011-25
9. Purchase Requisition No. 0000173923 dated July 21, 2010, in the amount of \$634,160 be awarded to Central Contracting Services, Inc.

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$634,160 was awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-03 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; execution of the contract was authorized; and Resolution No. R-1011-25 was adopted.

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Item 11, being:

CONSIDERATION OF ACCEPTANCE OF REQUEST FOR PROPOSAL NO. RFP-1011-03 FROM EZ GO TEXTRON IN THE AMOUNT OF \$48,640 FOR THE PURCHASE OF 20 GOLF CARS FOR THE WESTWOOD GOLF COURSE AND BUDGET TRANSFERS.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Request for Proposal No. RFP-1011-03 from EZ Go Textron to purchase twenty (20) golf carts for Westwood Golf Course be accepted; the purchase in the amount of \$48,640 be authorized, and \$4,527 be transferred from Light Duty Service Equipment (029-7031-451.50-09) and \$2,112 from Golf Car Maintenance Supplies (029-7031-451.32-20) to Other Operating Equipment (029-7031-451.51-99), which motion was duly seconded by Trustee Butler;

Items submitted for the record

1. Text File No. RFP-1011-03 dated July 21, 2010, by Ralph Cagigal
2. Summary of Request for Proposals dated July 19, 2010, for the purchase of 20 golf cars for Westwood Golf Course

Participants in discussion

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

Item 11, continued:

and the question being upon accepting Request for Proposal No. RFP-1011-03 from EZ Go Textron to purchase twenty (20) golf carts for Westwood Golf Course and upon the subsequent authorization and transfers, 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 Request for Proposal No. RFP-1011-03 from EZ Go Textron to purchase twenty (20) golf carts for Westwood Golf Course accepted; the purchase in the amount of \$48,640 was authorized, and \$4,527 was transferred from Light Duty Service Equipment (029-7031-451.50-09) and \$2,112 from Golf Car Maintenance Supplies (029-7031-451.32-20) to Other Operating Equipment (029-7031-451.51-99),.

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Item 12, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF SCRIPT LOGIC DESKTOP AUTHORITY SOFTWARE SUITE FROM SHI SUITE IN THE AMOUNT OF \$44,144 FOR THE FINANCE DEPARTMENT.

Item 12 was withdrawn at the request of Staff.

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Item 13, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF RADIO EQUIPMENT FROM STOLZ TELECOM, L.L.C., IN THE AMOUNT OF \$288,556 FOR THE FIRE DEPARTMENT.

Councilmember Kovach moved that authorization for the purchase of radio equipment from Stolz Telecom, L.L.C., in the amount of \$288,556 for the Fire Department be approved, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. TMP-75 dated July 27, 2010, by James Fullingim
- 2. Order Confirmation No. 473 dated March 22, 2010, in the amount of \$288,556 from Stolz Telecom, Inc.

and the question being upon approving authorization for the purchase of radio equipment from Stolz Telecom, L.L.C., in the amount of \$288,556 for the Fire Department, 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 authorization for the purchase of radio equipment from Stolz Telecom, L.L.C., in the amount of \$288,556 for the Fire Department was approved.

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Item 14, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$15,861.83 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER ICE STORM DAMAGE DURING JANUARY 2010.

Councilmember Kovach moved that reimbursement of funds in the amount of \$15,861.83 from FEMA for winter ice storm damage during January 2010 be accepted and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) be increased by \$15,861.83, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. OK-DR-1883-PW33 dated July 19, 2010, by James Fullingim
- 2. Project Worksheet No. 1883-DR OK dated March 26, 2010, in the amount of \$21,149.11

Participants in discussion

- 1. Ms. Sylvia Martin, Post Office Box 430, asked questions
- 2. Mr. Anthony Francisco, Director of Finance

and the question being upon accepting reimbursement of funds in the amount of \$15,861.83 from FEMA for winter ice storm damage during January 2010 and upon the subsequent increase, a vote was taken with the following result:

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

The Mayor declared the motion carried and reimbursement of funds in the amount of \$15,861.83 from FEMA for winter ice storm damage during January 2010 accepted; and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) was increased by \$15,861.83.

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Item 15, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$147,498.83 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER ICE STORM DAMAGE DURING DECEMBER 2009.

Councilmember Kovach moved that reimbursement of funds in the amount of \$147,498.83 from FEMA for winter ice storm damage during December 2009 be accepted and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) be increased by \$147,498.83, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. OK-DR 1876 dated July 20, 2010, by James Fullingim
- 2. Project Worksheet No. 1876-DR OK NORPD01 dated June 23, 2010, in the amount of \$7,728.50
- 3. Project Worksheet No. 1976-DR OK NORSD01 dated June 26, 2010, in the amount of \$188,936.60

Participants in discussion

- 1. Ms. Sylvia Martin, Post Office Box 430, asked questions
- 2. Mr. Anthony Francisco, Director of Finance

and the question being upon accepting reimbursement of funds in the amount of \$147,498.83 from FEMA for winter ice storm damage during December 2009 and upon the subsequent increase, a vote was taken with the following result:

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

The Mayor declared the motion carried and reimbursement of funds in the amount of \$147,498.83 from FEMA for winter ice storm damage during December 2009 accepted; and Other Revenue/FEMA Reimbursements (010-0000-334.13-28) was increased by \$147,498.83.

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Item 16, being:

LIMITED LICENSE NO. LL-1011-1: A LIMITED LICENSE TO PLACE THIRTY (30) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM NORMAN YOUTH SOCCER ASSOCIATION.

Councilmember Kovach moved that Limited License No. LL-1011-1 to place thirty (30) signs within the public right-of-way pursuant to a request from Norman Youth Soccer Association be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. LL-1011-1 dated July 27, 2010, by Wayne Stenis
- 2. Application for Limited License dated July 15, 2010, for 30 signs from Norman Youth Soccer Association
- 3. List of sign locations
- 4. Limited License No. LL-1011-1

and the question being upon approving Limited License No. LL-1011-1 to place thirty (30) signs within the public right-of-way pursuant to a request from Norman Youth Soccer Association 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
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NAYES:	None
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The Mayor declared the motion carried and Limited License No. LL-1011-1 to place thirty (30) signs within the public right-of-way pursuant to a request from Norman Youth Soccer Association approved; and the issuance thereof was authorized.

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Item 17, being:

SPECIAL CLAIM NO. SC-1011-3: A CLAIM IN THE REDUCED AMOUNT OF \$7,500 SUBMITTED BY JAMES HICKS, SR., ON BEHALF OF HIS SON, JAMES DEREK HICKS, FOR MEDICAL EXPENSES, PHYSICAL AND EMOTIONAL DAMAGE, AND ATTORNEY’S FEES DUE TO AN ACCIDENT WITH A POLICE VEHICLE AT 800 WEST MAIN STREET.

Councilmember Kovach moved that Special Claim No. SC-1011-3 be approved and payment in the reduced amount of \$7,500 be directed contingent upon obtaining a Release and Covenant Not to Sue from James Hicks, Sr., on behalf of James Derek Hicks, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. SC-1011-3 dated July 20, 2010, by Jeanne Snider
- 2. Special Claim No. SC-1011-3 received April 21, 2010, submitted by Lou Keel for James Hicks, Sr., on behalf of James Derek Hicks in excess of \$10,000
- 3. Invoice for March 25 through 26, 2010, in the amount of \$1,932.05 from Norman Regional Health System for James D. Hicks
- 4. Official Oklahoma Traffic Collision Report No. 2010-03605 dated March 25, 2010
- 5. Memorandum dated April 21, 2010, from Brenda Hall, City Clerk, to Phil Cotten, Police Chief, and Jeff Bryant, City Attorney

Participants in discussion

- 1. Mr. Phil Cotten, Police Chief

and the question being upon approving Special Claim No. SC-1011-3 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Special Claim No. SC-1011-3 approved; and payment in the amount of \$7,500 was directed contingent upon obtaining a Release and Covenant Not to Sue from James Hicks, Sr., on behalf of James Derek Hicks.

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Item 18, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0910-145 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FLOORING CONCEPTS, INC., FOR THE SOONER THEATRE CARPET REPLACEMENT PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of \$1,638.70 be directed to Flooring Concepts, Inc., which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-0910-145 - Final dated July 21, 2010, by James Briggs
2. Invoice No. 2239 dated July 19, 2010, in the amount of \$1,638.70 from Flooring Concepts
3. Purchase Order No. 18404 dated March 5, 2010, in the amount of \$32,774 subtracting payments totaling \$31,135.30 leaving a balance of \$1,638.70

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

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

NAYES: None

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$1,638.70 was directed to Flooring Concepts, Inc.

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Item 19, being:

CONTRACT NO. K-1011-47: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, IN THE AMOUNT OF \$28,971 FOR THE 12TH AVENUE N.E. AND ROBINSON INTERSECTION IMPROVEMENTS PROJECT.

Councilmember Kovach moved that Contract No. K-1011-47 with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$28,971 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-1011-47 dated July 23, 2010, by Lonnie Ferguson
2. Contract No. K-1011-47
3. Location map
4. Estimate Nos. 2009006348 and 2009002766, estimated relocation costs of four-inch medium pressure pipeline
5. Right of Way Agreement dated January 4, 1963, from the State Board of Affairs to Oklahoma Natural Gas Company
6. Right-of-Way Agreement dated February 2, 2004, from the State of Oklahoma to Oklahoma Natural Gas Company, a Division of ONEOK, Inc.
7. Letter dated February 3, 2004, from Darla Winslow Patton, Administration, State of Oklahoma Department of Central Services, to Mr. Tim Mikles, Right-of-Way Division, Oklahoma Natural Gas
8. Oklahoma Natural Gas Company Distribution Plant Map, Norman
9. Right-of-Way Agreement dated February 28, 1984, from State Board of Affairs to Oklahoma Natural Gas Company, a Division of ONEOK, Inc.
10. Purchase Requisition No. 0000173947 dated July 22, 2010, in the amount of \$28,971 to Oklahoma Natural Gas Company

Item 19, continued:

and the question being upon approving Contract No. K-1011-47 with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$28,971 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
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NAYES:	None
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The Mayor declared the motion carried and Contract No K-1011-47 with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$28,971 approved; and the execution thereof was authorized.

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Item 20, being:

CONTRACT NO. K-1011-48: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NOS. STP-114A(197)AG, J/P 24282(04) AND HSIPY-114A(243)TR, J/P 26475(04) FOR THE 12TH AVENUE N.E. AND ROBINSON STREET INTERSECTION IMPROVEMENTS AND ADOPTION OF RESOLUTION NO. R-1011-24.

Councilmember Kovach moved that Contract No. K-1011-48 with ODOT be approved, Resolution No. R-1011-24 be adopted, and execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Text File No. K-1011-48 dated July 26, 2010, by Lonnie Ferguson
2. Contract No. K-1011-48
3. Resolution No. R-1011-24

and the question being upon approving Contract No. K-1011-48 with ODOT 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
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NAYES:	None
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The Mayor declared the motion carried and Contract No K-1011-48 with ODOT approved; Resolution No. R-1011-24 was adopted and execution of the contract and resolution was authorized.

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Councilmember Cubberley asked that he be allowed to abstain from voting on Item 21 due to a conflict of interest. Thereupon, Councilmember Dillingham moved that Councilmember Cubberley be allowed to abstain from voting on Item 21 due to a conflict of interest, which motion was duly seconded by Councilmember Quinn; and the question being upon allowing Councilmember Cubberley to abstain from voting on Item 21 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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ABSTAIN:	Councilmember Cubberley
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The Mayor declared the motion carried and Councilmember Cubberley was allowed to abstain from voting on Item 21 due to a conflict of interest.

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Item 21, being:

CONTRACT NO. K-1011-50: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES, INC., IN AN AMOUNT NOT-TO-EXCEED \$7,500 FOR THE OPERATION OF THE KIWANIS KRUISER.

Councilmember Kovach moved that reject Contract No. K-1011-50 with Aging Services, Inc., in an amount not-to-exceed \$7,500 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. K-1011-50 dated August 3, 2010, by Leah Messner
- 2. Contract No. K-1011-50

and the question being upon approving Contract No. K-1011-50 with Aging Services, Inc., in an amount not-to-exceed \$7,500 and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-1011-50 with Aging Services, Inc., in an amount not-to-exceed \$7,500 approved; and the execution thereof was authorized.

* * * * *

Item 22, being:

CONSIDERATION OF A REQUEST FOR FUNDING FROM PERFORMING ARTS STUDIO AND APPROVAL OF CONTRACT NO. K-1011-51 IN THE AMOUNT OF \$2,700.

Councilmember Kovach moved that Contract No. K-1011-51 with Performing Arts Studio in the amount of \$2,700 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. K-1011-51 dated August 3, 2010, by Leah Messner
- 2. Contract No. K-1011-51

and the question being upon approving Contract No. K-1011-51 with Performing Arts Studio in the amount of \$2,700 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-1011-51 with Performing Arts Studio in the amount of \$2,700 approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

RESOLUTION NO. R-1011-26: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS' GRANT APPLICATION UNDER THE FEDERAL SUSTAINABLE COMMUNITIES INITIATIVE FOR THE CREATION OF A REGIONAL PLAN FOR SUSTAINABLE DEVELOPMENT.

Councilmember Kovach moved that Resolution No. R-1011-26 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Text File No. R-1011-26 dated July 26, 2010, by Debra Smith
- 2. Letter dated July 21, 2010, from John G. Johnson, Executive Director, Association of Central Oklahoma Governments, to ACOG Member
- 3. Resolution No. R-1011-26

Participants in discussion

- 1. Ms. Sylvia Martin, Post Office Box 430, asked questions
- 2. Ms. Debra Smith, Environmental Services Coordinator
- 3. Mr. Jim Harvey, 321 84th Avenue N.E., asked questions

and the question being upon adopting Resolution No. R-1011-26, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1011-26 was adopted.

* * * * *

Item 24, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$10,629.63 REGARDING WILLIAM A. DUFF VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-06074 R.

Councilmember Kovach moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of \$10,629.73 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Butler;

- 1. Text File No. WCC-2010-06074R dated August 3, 2010, by Blaine Nice
- 2. Workers' Compensation Court Order No. WCC 2010-06074R, filed July 30, 2010
- 3. Purchase Requisition No. 0000174426 dated August 2, 2010, in the amount of \$10,157.40 to William A. Duff
- 4. Purchase Requisition No. 0000174428 dated August 2, 2010, in the amount of \$203.15 to Workers' Compensation Administration Fund Tax
- 5. Purchase Requisition No. 0000174429 dated August 2, 2010, in the amount of \$76.18 to Special Occupational Health and Safety Fund
- 6. Purchase Requisition No. 0000174430 dated August 2, 2010, in the amount of \$75 to Workers' Compensation Court
- 7. Purchase Requisition No. 0000174431 dated August 2, 2010, in the amount of \$119.30 to Cleveland County Court Clerk

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$10,629.73 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 25, being:

ZONING ORDINANCE NO. ZO-0910-4: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE I-1, LIGHT INDUSTRIAL DISTRICT, AND REMOVE THE SAME FROM THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (910 NORTH LAHOMA AVENUE)

Zoning Ordinance No. ZO-0910-4 having been Introduced and adopted upon First Reading by title in City Council's meeting of July 27, 2010, Councilmember Kovach moved that Zoning Ordinance No. ZO-0910-4 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Text File No. ZO-0910-4 dated May 18, 2010 by Doug Koscinski
- 2. Zoning Ordinance No. ZO-0910-4 with Exhibit A, site development plan
- 3. Location map
- 4. Staff Report dated June 10, 2010, recommending approval
- 5. Pertinent excerpts from Planning Commission minutes of June 10, 2010

Participants in discussion

- 1. Mr. J.W. Dansby, Dansby Engineering, P.L.C., 2202 Westpark Drive, Suite B, engineer representing the applicant

and the question being upon adopting Zoning Ordinance No. ZO-0910-4 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
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NAYES:	None
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The Mayor declared the motion carried and Zoning Ordinance No. ZO-0910-4 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Zoning Ordinance No. ZO-0910-4 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Dillingham; and the question being upon adopting Zoning Ordinance No. ZO-0910-4 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
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NAYES:	None
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The Mayor declared the motion carried and Zoning Ordinance No. ZO-0910-4 was adopted upon Final Reading as a whole.

* * * * *

Item 26, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR HAMES ADDITION AND WAIVER OF ALLEY REQUIREMENTS.

Councilmember Kovach moved that the preliminary plat and waiver of alley requirements for Hames Addition be approved, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

1. Text File No. PP-1011-5 dated July 23, 2010, by Ken Danner
2. Capacity Summary Table for the preliminary plat for Hames Addition
3. Item description
4. Location map
5. Site plan
6. Preliminary plat
7. Staff Report dated June 10, 2010, recommending approval
8. Letter requesting alley waiver dated June 2, 2001, from J.W. Dansby, P.E., Dansby Engineering, PLC., to Mr. Ken Danner, Development Coordinator
9. Final plat
10. Pertinent excerpts from Planning Commission minutes of June 10, 2010

and the question being upon approving the preliminary plat and waiver of alley requirements for Hames Addition, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the preliminary plat and waiver of alley requirements for Hames Addition was approved.

* * * * *

Item 27, being:

ORDINANCE NO. O-1011-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-202(B) AND (C) OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR FILING FEES FOR PLATS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-1 having been Introduced and adopted upon First Reading by title in City Council's meeting of July 27, 2010, Councilmember Kovach moved that Ordinance No O-1011-1 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-1 dated June 15, 2010 by Joyce Green
2. Staff report dated July 8, 2010, recommending approval
3. Ordinance No. O-1011-1
4. Legislatively notated copy of Ordinance No. O-1011-1
5. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Participants in discussion

1. Ms. Joyce Green, GIS Services Manager

and the question being upon adopting Ordinance No. O-1011-1 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-1011-1 was adopted upon Second Reading section by section.

Item 27, continued:

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-1 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-1 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-1011-1 was adopted upon Final Reading as a whole.

* * * * *

Item 28, being:

CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, FOR THE PURCHASE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AMOUNT OF \$6,250,000 TO THE LOWEST BIDDER COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTIONS TO BIDDERS OR TO REJECT ALL BIDS.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid in the amount of 1.230343% be awarded to Country Club Bank, N.A., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Text File No. TMP-77 dated August 4, 2010, by Anthony Francisco
- 2. Notice of Sale and Instructions to Bidders for the sale of \$6,250,000, the City of Norman, Oklahoma Combined Purpose General Obligation Bonds, Series 2010
- 3. Official Bid Form dated August 10, 2010
- 4. Notice of Sale of Bonds dated July 13, 2010

Participants in discussion

- 1. Mr. Anthony Francisco, Director of Finance
- 2. Mr. Shawn O'Leary, Director of Public Works

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of 1.230343% was awarded to Country Club Bank, N.A., as the lowest and best bidder meeting specifications.

* * * * *

Item 29, being:

ORDINANCE NO. O-1011-3: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF COMBINED PURPOSE GENERAL OBLIGATION BONDS, SERIES 2010, IN THE AMOUNT OF \$6,250,000 BY THE CITY OF NORMAN, OKLAHOMA; PRESCRIBING THE FORM OF THE BONDS AND PROVIDING FOR REGISTRATION OF THE BONDS; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS; RATIFYING SERVICE AGREEMENTS, FIXING OTHER DETAILS RELATED TO THE BOND ISSUE AND AUTHORIZING THE MAYOR OR MAYOR PRO TEM TO EXECUTE DOCUMENTS RELATED TO THE ISSUE; AND DECLARING AN EMERGENCY.

Councilmember Kovach moved that Ordinance No. O-1011-3 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

- 1. Text File No. O-1011-3 dated August 3, 2010, by Anthony Francisco
- 2. Ordinance No. O-1011-3

and the question being upon the Introduction and adoption of Ordinance No. O-1011-3 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-3 was Introduced, read, and adopted upon First Reading by title.

Ordinance No. O-1011-3 having been Introduced, read, and adopted upon First Reading by title in the previous motion, Councilmember Kovach moved that Ordinance No. O-1011-3 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-3 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
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-3 was adopted upon Second Reading section by section.

Thereupon, Councilmember Quinn moved that Emergency Section No. 12 be approved, which motion was duly seconded by Councilmember Kovach; and the question being upon approving Emergency Section No. 12, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Emergency Section No. 12 was approved.

Thereupon, Councilmember Cubberley moved that Ordinance No. O-1011-3 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1011-3 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
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-3 was adopted upon Final Reading as a whole.

Item 32 was considered before Item 30

* * * * *

Item 32, being:

CONSIDERATION OF THE RELEASE OF CASH SURETY FOR DEFERRED CONSTRUCTION FOR PAVING AND SIDEWALK IMPROVEMENTS IN CONNECTION WITH DOWELL ADDITION.

Councilmember Kovach having moved in City Council's meeting of July 27, 2010, that the release of the owner's obligation for deferred construction be rejected, which motion having been duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. TMP-68 dated July 15, 2010, by Shawn O'Leary, background information for Agenda Item for August 10, 2010
2. Memorandum dated August 5, 2010, from Blaine Nice, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to the Honorable Mayor and Councilmembers
3. Proposed Covenant and Agreement by and between Richard S. Dowell and the City of Norman
4. Memorandum dated July 13, 2010, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
5. Letter dated July 26, 2010, from William F. Comstock, Attorney and Counselor, to R. Blaine Nice, Assistant Municipal Counselor
6. Text File No. TMP-68, dated July 15, 2010, background information for Agenda Item for July 27, 2010
7. Item description
8. Memorandum dated February 17, 1987, from Ken Danner, Development Coordinator, to Dave Clark, Acting City Manager, through David A. Rennie, Director of Public Works
9. Location maps
10. Letter dated March 29, 2010, from Rick Dowell, President, Dowell Properties, Inc., to Shawn O'Leary, Director of Public Works
11. Certificate of Deposit Receipt dated November 13, 2000, in the amount of \$8,965.64 from Bank of America
12. Site plan
13. Final plat
14. Engineering estimate for sidewalk construction dated February 18, 2000, from Phillip G. Clour, P.E., L.S., Clour Engineering of Oklahoma, Inc., in the amount of \$1,846.25
15. Engineer's estimate for deferral of Lindsey Street widening from Phillip G. Clour, P.E., L.S., Clour Engineering of Oklahoma, Inc., in the amount of \$7,119.39
16. Pertinent excerpts from City Council minutes of March 14, 2000

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Jeff Bryant, City Attorney
3. Mr. Richard Dowell, Dowell Properties, 534 South College Avenue, owner

and the question being upon rejecting the release of the owner's obligation for deferred construction, a vote was taken with the following result:

YEAS:

None

NAYES:

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

The Mayor declared the motion failed and the release of the owner's obligation for deferred construction was not rejected.

Item 32, continued:

Thereupon, Councilmember Kovach moved to allow the applicant to construct curb and gutter improvements on Lindsey Street and sidewalks adjacent to Lindsey Street within a 90 day timeframe with any remaining funds to be returned to the owner, which motion was duly seconded by Councilmember Griffith; and the question being upon allowing the applicant to construct curb and gutter improvements on Lindsey Street and sidewalks adjacent to Lindsey Street within a 90 day timeframe with any remaining funds to be returned to the owner, a vote was taken with the following result:

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

NAYES: Councilmembers Cubberley and Ezzell

The Mayor declared the motion carried and the applicant was allowed to construct curb and gutter improvements on Lindsey Street and sidewalks adjacent to Lindsey Street within a 90 day timeframe with any remaining funds to be returned to the owner.

* * * * *

Item 32 was considered before Item 30.

* * * * *

Item 30, being:

RESOLUTION NO. R-1011-2: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE PORTER AVENUE CORRIDOR PLAN.

Councilmember Dillingham moved that Resolution No. R-1011-2 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- 1. Text File No. R-1011-2 dated June 15, 2010, by Susan Connors
- 2. Resolution No. R-1011-2
- 3. Staff Report dated July 8, 2010, recommending adoption
- 4. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Participants in discussion

- 1. Ms. Susan Connors, Director of Planning and Community Development
- 2. Mr. Shawn O’Leary, Director of Public Works
- 3. Mr. Jeff Bryant, City Attorney
- 4. Mr. Jim Gasaway, 4509 Hunters Hill Circle, Chairman of the Porter Corridor Steering Committee
- 5. Mr. Ty Hardiman, 630 Miller Avenue, proponent
- 6. Mr. Isaiah McCaslin, 827 West Comanche Street, proponent
- 7. Ms. Julie Wilhite, 408 East Comanche Street, proponent
- 8. Mr. Brent Swift, 640 Tulsa Street, proponent
- 9. Mr. Dale Wares, 229 East Daws Street, proponent
- 10. Mr. Douglas Kelly, 2207 Tahoe Street, proponent
- 11. Ms. Ellen Frank, 211 East Daws Street, proponent
- 12. Ms. Kara Joy McKee, 119 East Beal Street, proponent
- 13. Ms. Judy Matthews, 312 Alameda Street, proponent
- 14. Mr. Mike Tower, 212 East Hughbert Street, member of the Porter Corridor Steering Committee, proponent
- 15. Mr. John Traw, 1829 Atchison Drive, made comments
- 16. Mr. Brad Goodman, 300 ½ East Main Street, made comments
- 17. Mr. Jim Adair, 101 East Gray Street, proponent
- 18. Ms. Sherylann Densow, 2925 Redwood Drive, made comments

and the question being upon adopting Resolution No. R-1011-2, a vote was taken with the following result:

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

NAYES: Councilmember Atkins

The Mayor declared the motion carried and Resolution No. R-1011-2 was adopted.

* * * * *

Item 31, being:

ORDINANCE NO. O-1011-2: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING CHAPTER 22 (ZONING ORDINANCE) OF THE CODE OF THE CITY OF NORMAN TO ADD A SECTION 429.6 CREATING A ZONING OVERLAY DISTRICT FOR THE PORTER AVENUE CORRIDOR; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-2 having been Introduced and adopted upon First Reading by title in City Council's meeting of July 27, 2010, Councilmember Dillingham moved that Ordinance No O-1011-2 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-1011-2 dated June 15, 2010 by Susan Connors
- 2. Ordinance No. O-1011-2 with Exhibit A, Porter Overlay District location map
- 3. Staff report dated July 8, 2010, recommending approval
- 4. Pertinent excerpts from Planning Commission minutes of July 8, 2010

Thereupon, Councilmember Ezzell moved that Ordinance No. O-1011-2 be amended as follows:

* * *

- 5. Applicability. The Standards of this Section shall apply to the following changes on properties defined in 4 above:
 - a. Any new construction on a lot
 - b. Any demolition and reconstruction on a lot
 - c. Any expansion of a parking lot
 - d. Any property that is rezoned for commercial land uses.

Any proposed modification(s) to this Zoning Overlay District shall require actual notice to the affected property owners.

* * *

which motion was duly seconded by Councilmember Kovach;

Participants in discussion

- 1. Mr. Jeff Bryant, City Attorney

and the question being upon amending Ordinance No. O-1011-2 as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-2 was amended as stated above.

and the question being upon adopting Ordinance No. O-1011-2, as amended, 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
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-2, as amended, was adopted upon Second Reading section by section.

Item 31, continued:

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-2, as amended be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1011-2, as amended 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-1011-2, as amended, was adopted upon Final Reading as a whole.

* * * * *

Item 32 was considered before Item 30.

* * * * *

MISCELLANEOUS DISCUSSION

Water in Norman. Mr. Mike Tower, 212 East Hughbert Street, said wastewater was a very big issue when he was on the City Council and there was an ambitious plan to build a Wastewater Treatment Plant on the north side of Norman. He said the present issue is water and there have been many discussions about paying for infrastructure to tie into Sardis Lake. He said there is drinking water available for the foreseeable future and he challenged Council before any decision is made to consider whether Norman is a sustainable community as well as other uses for effluent water such as using rainwater for landscaping water in new developments. He said any steps the City takes to make Norman a sustainable community may cost less than looking for additional water that would need to be treated.

Mayor Rosenthal reiterated that the proposed water rate increase on the August 24th ballot is not a commitment to Lake Sardis.

*

Proactive Code Enforcement. Mr. Roger Gallagher, 1522 East Boyd Street, said Proactive Code Enforcement was to be expanded but nothing has occurred in most neighborhoods. He said when Council established the Proactive Code Enforcement areas, they did not encompass even half of the City. He said this shortchanged citizens who wanted Proactive Code Enforcement in their neighborhoods and with college students coming back into town, there would be a number of additional violations in these neighborhoods. He said the City should look at making the policy more flexible.

Ms. Jeanette Coker, 620 East Main Street, said she agreed with this.

Mayor Rosenthal said the Planning and Community Development Committee has looked at expanding Proactive Code Enforcement citywide and there are budgetary implications that needed to be revisited.

*

School Starts August 19th. Ms. Ann Gallagher, 1522 East Boyd Street, said speeding in school zones will be enforced and fines will double when school starts on August 19th and reminded citizens to watch out for children

*

Porter Corridor Plan. Ms. Ann Gallagher, 1522 East Boyd Street, said the Porter Corridor Plan should include a section on financing the plan.

Mr. Jim Gasaway, 4509 Hunters Hills Circle, said the Porter Corridor Steering Committee appreciated City Staff during this process. He said they had worked many hours and wanted to thank them for all they do.

*

Miscellaneous Discussion, continued:

Code Violation at Coventry and Brookdale. Councilmember Ezzell said there is a foreclosed property on the corner of Coventry Lane and Brookdale Drive that had been reported to Code Compliance by one of his constituents, who had been told there was nothing that could be done because the property is owned by the Veteran's Administration. He said the Veteran's Administration should still be required to mow the property and would like a response from City Staff regarding this property.

*

Ward Four Meeting. Councilmember Dillingham encouraged constituents to attend the annual Ward Four meeting on Monday, August 16th at the First Baptist Church Fellowship Hall at 6:30 p.m. She said First Baptist Church offered to host the meeting because they want to begin a dialogue with their neighbors about the possibility of closing the block of Comanche Street between where they would like to place their new front door and the existing parking lot. She said discussion would follow regarding game day parking, nuisance/party houses, community policing, and information would be provided regarding new forms available to enforce those houses that are supposed to have no more than three unrelated people in residence. She said there will be no time to discuss the upcoming utility rate election and encouraged everyone to attend one of the two town hall meetings on Monday, August 11th at City Hall and Thursday, August 19th at Truman Elementary School.

*

Ward Six Meeting. Councilmember Griffith thanked those who attended the Ward Six meeting Monday, August 9th, to discuss the upcoming rate election. He said another meeting was scheduled Monday, August 16th, at 12th Avenue Recreation Center at 6:30 p.m. and urged citizens to attend.

*

12th Avenue N.E. and Robinson Street Intersection Improvements. Councilmember Griffith said he was pleased that the contract for the 12th Avenue N.E. and Robinson Street improvements was approved on tonight's agenda because the intersection is in terrible condition. He said this project not only improved the intersection but also included a sidewalk to be installed on the north side of Robinson Street.

*

CART Ribbon Cutting. Councilmember Quinn said there had been a ceremonial ribbon cutting of five new Compressed Natural Gas (CNG) buses purchased by CART before City Council's conference this evening. He said it was CART's hope to have half of their fleet on CNG within the next year. He said CART is a partnership between the City of Norman and the University of Oklahoma (OU) which benefits the citizens and OU students.

*

National Night Out. Councilmember Quinn thanked Sergeant Larry Anderson for escorting him to several gatherings in Ward Eight on National Night Out on August 3rd. He said they rode in one of the unmarked cars, a Dodge Charger, which was great, and Sergeant Anderson was available for discussion in all of the neighborhoods.

*

Discussions of Rate Election. Councilmember Quinn encouraged citizens to attend one of the meetings where Mr. Ken Komiske, Director of Utilities, explained the rate increase proposals because he does a wonderful job.

*

Shop Norman. Councilmember Quinn encouraged citizens to "Shop Norman."

Mayor Rosenthal urged everyone who did not participate in last weekend's "Tax Free Weekend" to spend their tax dollars now to support the community of Norman.

*

Miscellaneous Discussion, continued:

City Council Public Meetings. Mayor Rosenthal said she wanted to confirm that there were two public meetings, Monday, August 11th, at 6:00 p.m. at City Hall and Thursday, August 19, 2010, at 6:30 p.m. at Truman Elementary School. She said she hoped everyone would come with their questions and listen to explanations explaining the necessity of the increase.

* * * * *

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 11:03 p.m.

ATTEST:

City Clerk

Mayor