

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

December 14, 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 14th day of December, 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:

RESOLUTION NO. R-1011-68: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IN CONJUNCTION WITH THE NORMAN HUMAN RIGHTS COMMISSION, AWARDING THE 2010 CITY OF NORMAN HUMAN RIGHTS AWARD.

Councilmember Kovach moved that Resolution No. R-1011-68 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. R-1011-68 dated November 23, 2010, by Carol Coles, Administrative Assistant
2. Resolution No. R-1011-68
3. Memorandum dated November 3, 2010, from Phil Cotten, Chief of Police, to Norman Human Rights Commission

Participants in discussion

1. Ms. Charlotte Gordon, Human Rights Commission member, presented the Human Rights Award
2. Ms. Sherryl Shackelford, widow of Booker D. Shackelford, accepted the resolution and thanked the Council
3. Pastor Sheila Lewis thanked the Council
4. Mr. Roger Gallagher, 1522 East Boyd Street, made comments

and the question being upon adopting Resolution No. R-1011-68, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-68 was adopted.

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Item 4, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 5 through Item 30 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 5 through Item 30, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 5 through Item 30 were placed on the consent docket by unanimous vote.

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Item 5, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

- CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 9, 2010
- CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT MINUTES OF NOVEMBER 12, 2010
- CITY COUNCIL STUDY SESSION MINUTES OF NOVEMBER 16, 2010
- CITY COUNCIL BUDGET RETREAT MINUTES OF NOVEMBER 16, 2010
- CITY COUNCIL SPECIAL SESSION MINUTES OF NOVEMBER 16, 2010
- CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 23, 2010
- CITY COUNCIL MINUTES OF NOVEMBER 23, 2010
- NORMAN UTILITIES AUTHORITY MINUTES OF NOVEMBER 23, 2010
- NORMAN MUNICIPAL AUTHORITY MINUTES OF NOVEMBER 23, 2010
- NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF NOVEMBER 23, 2010
- CITY COUNCIL SPECIAL SESSION MINUTES OF NOVEMBER 30, 2010
- CITY COUNCIL OVERSIGHT MINUTES OF DECEMBER 1, 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 Cubberley;

Items submitted for the record

1. City Council Conference minutes of November 9, 2010
2. City Council Planning and Community Development minutes of November 12, 2010
3. City Council Study Session minutes of November 16, 2010
4. City Council Budget Retreat minutes of November 16, 2010
5. City Council Special Session minutes of November 16, 2010
6. City Council Conference minutes of November 23, 2010
7. City Council minutes of November 23, 2010
8. Norman Utilities Authority minutes of November 23, 2010
9. Norman Municipal Authority minutes of November 23, 2010
10. Norman Tax Increment Finance Authority minutes of November 23, 2010
11. City Council Special Session minutes of November 30, 2010
12. City Council Oversight minutes of December 1, 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, Ezzell, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal |
| NAYES: | None   |

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

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Item 6, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. ZO-0910-3 UPON FIRST READING BY TITLE: A ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING ALLEY EASEMENTS ADJACENT TO LOT 1A, BLOCK 1, STATE UNIVERSITY ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (715 MONNETT AVENUE)

Councilmember Kovach moved that Ordinance No. ZO-0910-3 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. ZO-0910-3 dated May 18, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. ZO-0910-3
3. Location map
4. Staff Report dated November 18, 2010, recommending approval
5. Site plan
6. Memorandum dated May 6, 2010, from Brenda Hall, City Clerk, to Doug Koscinski, Planning Manager; Jeff Bryant, City Attorney; Ken Komiske, Director of Utilities; and Ken Danner, Development Coordinator
7. Letter of request filed May 6, 2010, from Robert P. Hendrick, Khouri & Jazzar Properties, L.L.C., to Ms. Brenda Hall, City Clerk, with proposed lot line adjustment survey and legal descriptions
8. Radius map
9. Letter dated October 26, 2010, from Henry Bluejacket, ONEOK Real Estate Services, Oklahoma Natural Gas, a Division of ONEOK, to Mr. Ken Danner, Development Coordinator
10. Letter dated June 3, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
11. Pertinent excerpts from Planning Commission minutes of November 18, 2010
12. Staff Report dated June 3, 2010, from Doug Koscinski, AICP, Manager, Current Planning Division, to Chairman and Members, Norman Planning Commission
13. Pertinent excerpts from Planning Commission minutes of June 10, 2010

and the question being upon the Introduction and adoption of Ordinance No. ZO-0910-3 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. ZO-0910-3 was Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-23 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 19-302 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-23 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-23 dated October 8, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-23
3. Legislatively notated copy of Ordinance No. O-1011-23
4. Pertinent excerpts from Planning Commission minutes of November 18, 2010
5. City Council Study Session minutes of August 17, 2010

Item 7, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-23 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 Ordinance No. O-1011-23 was Introduced, read, and adopted upon First Reading by title.

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Item 8, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-24 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 22:442.1(2) OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REQUIRE A GREENBELT ENHANCEMENT STATEMENT BE SUBMITTED WITH EACH APPLICATION FOR A PREDEVELOPMENT MEETING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-24 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-24 dated October 8, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-24
3. Legislatively notated copy of Ordinance No. O-1011-24
4. Pertinent excerpts from Planning Commission minutes of November 18, 2010
5. City Council Study Session minutes of August 17, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-24 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 Ordinance No. O-1011-24 was Introduced, read, and adopted upon First Reading by title.

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Item 9, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-25 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 LOTS 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, 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. (316 AND 322 EAST DAW'S STREET)

Councilmember Kovach moved that Ordinance No. O-1011-25 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-25 dated October 15, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-25 with Exhibit A, Site Plan
3. Location map
4. Staff report dated November 18, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of November 18, 2010

Item 9, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-25 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 Ordinance No. O-1011-25 was Introduced, read, and adopted upon First Reading by title.

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Item 10, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-26 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING PUBLIC ACCESS EASEMENTS WITHIN GRANDVIEW ESTATES NORTH ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-26 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-26 dated October 15, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-26
3. Location map
4. Staff report dated November 18, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of November 18, 2010
6. Memorandum dated October 8, 2010, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
7. Letter of request dated October 7, 2010, from Philip A. Schovanec, Moricoli & Schovanec, P.C., to Mrs. Brenda Hall, City Clerk
8. Petition for closure of public access easements with Exhibit A, legal description and radius map
9. E-mail dated November 2, 2010, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner
10. Letter dated October 27, 2010, from Randy Harrell, Team Leader, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Norman Planning Commission
11. Letter dated October 22, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
12. Letter of support dated October 20, 2010, from Jack and Elaine Dake to Norman Planning Commission
13. Letter of support dated November 8, 2010, from William C. and Kay Woods to Norman Planning Commission
14. Pertinent excerpts from Planning Commission minutes of November 18, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-26 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 Ordinance No. O-1011-26 was Introduced, read, and adopted upon First Reading by title.

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Item 11, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-31 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO CANDIDATE QUALIFICATIONS FOR THE OFFICE OF COUNCILMEMBERS AND THE MAYOR; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-31 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-31 dated November 29, 2010, by Rebecca Frazier, Assistant City Attorney
2. Ordinance No. O-1011-31
3. Legislatively notated copy of Ordinance No. O-1011-31
4. City Council Study Session minutes of November 16, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-31 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 Ordinance No. O-1011-31 was Introduced, read, and adopted upon First Reading by title.

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Item 12, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-32 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, ON THE 1ST DAY OF MARCH, 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED VOTERS OF THE CITY OF NORMAN AMENDMENTS TO ARTICLE II, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO MAYORAL AND COUNCIL CANDIDATE QUALIFICATIONS; ARTICLE VIII, SECTION 2 OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE USE OF CERTAIN PARK LAND FEES; ARTICLE IX, SECTIONS 2, 3, 4 AND 5, OF THE CHARTER OF THE CITY OF NORMAN WHICH RELATES TO THE CITY OF NORMAN'S INVOLVEMENT WITH THE NORMAN REGIONAL HEALTH SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-32 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-32 dated November 30, 2010, by Kathryn Walker, Assistant City Attorney
2. Ordinance No. O-1011-32
3. Special Election Proclamation and Notice of Election
4. City Council Study Session minutes of November 16, 2010

Item 12, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-32 upon First Reading by title, a vote was taken with the following result:

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| 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-1011-32 was Introduced, read, and adopted upon First Reading by title.

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Item 13, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-37 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, CONTINGENT ON VOTER APPROVAL OF ORDINANCE NO. O-1011-38, BY INCREASING RESIDENTIAL SANITATION RATES BY AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS; AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2%); PROVIDING FOR AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-37 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-37 dated December 8, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-37
3. Legislatively notated copy of Ordinance No. O-1011-37

and the question being upon the Introduction and adoption of Ordinance No. O-1011-37 upon First Reading by title, a vote was taken with the following result:

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|-------|--|
| 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-1011-37 was Introduced, read, and adopted upon First Reading by title.

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Item 14, being:

CONSIDERATION OF ADOPTION OF ORDINANCE NO. O-1011-38 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 1st DAY OF MARCH 2011, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-1011-37 WHICH ORDINANCE AMENDS SECTION 21-111 OF CHAPTER 21 OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN, OKLAHOMA, BY INCREASING THE RATES FOR ALL RESIDENTIAL USERS OF THE SANITATION SERVICE AN ADDITIONAL TWO DOLLARS AND FIFTY CENTS (\$2.50) PER MONTH WHILE MAINTAINING A TWENTY-FIVE PERCENT (25%) REDUCTION FOR LOW INCOME RESIDENTIAL USERS; AND INCREASING ALL RATES FOR COMMERCIAL USERS OF THE SANITATION SERVICE BY SEVENTEEN POINT TWO PERCENT (17.2 %); PROVIDING AN EFFECTIVE DATE FOR SAID INCREASE SUBJECT TO VOTER APPROVAL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-38 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. O-1011-38 dated December 8, 2010, by Kathryn Walker, Assistant City Attorney II
- 2. Ordinance No. O-1011-38
- 3. Special Election Proclamation and Notice of Election

and the question being upon the Introduction and adoption of Ordinance No. O-1011-38 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 Ordinance No. O-1011-38 was Introduced, read, and adopted upon First Reading by title.

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Item 15, being:

CONSIDERATION OF THE MAYOR’S APPOINTMENT AS FOLLOWS:

GREENBELT COMMISSION

TERM: 12-14-10 TO 07-13-12: ROBERT A. BRUCE, 5209 LYON DRIVE (WARD 3)

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

Items submitted for the record

- 1. Text File No. AP-1011-17 dated November 24, 2010

and the question being upon confirming the appointment, 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 appointment was confirmed.

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Item 16, being:

CONSIDERATION OF THE NORMAN CONVENTION AND VISITORS BUREAU, INC., SEMI-ANNUAL REPORT ENDING JUNE 30, 2010.

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

Items submitted for the record

- 1. Text File No. RPT-1011-24 dated November 22, 2010
- 2. Norman Convention and Visitors Bureau Annual Report 2010

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

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|-------|--|
| YEAS: | Councilmembers Atkins, Butler, Cubberley, Ezzell, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal |
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| 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 17, being:

CONSIDERATION AND AWARDING OF BID NO. 1011-45 FOR TIRE RETREADING SERVICES FOR THE FLEET MANAGEMENT DIVISION.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid be awarded to Southern Tire Mart as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. BID-1011-45 dated November 29, 2010, by Mike White, Fleet Superintendent
- 2. Bid tabulation for Tire Retread contract

Participants in discussion

- 1. Mr. Shawn O'Leary, Director of Public Works
- 2. Mr. Mike White, Fleet Superintendent

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:

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| 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 all bids meeting specifications accepted; and the bid was awarded to Southern Tire Mart as the lowest and best bidder meeting specifications.

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Item 18, being:

SUBMISSION OF PERMIT NO. WL-000014100746 ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE CONSTRUCTION OF WATER LINE IMPROVEMENTS FOR THE HALL PARK WATER LINE REPLACEMENT PROJECT.

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

Items submitted for the record

- 1. Text File No. DEQ-WL000014100746 dated December 1, 2010, by Mark Daniels, Utilities Engineer
- 2. Letter of transmittal dated November 16, 2010, from Gordon Michael Taylor, E.I., and Rocky Chen, P.E., Construction Permit Section, Water Quality Division, State of Oklahoma Department of Environmental Quality, to Mr. Mark Daniels, P.E., Utility Engineer
- 3. State of Oklahoma Department of Environmental Quality Permit No. WL000014100746 dated November 16, 2010, Water Lines

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

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

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Item 19, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$772.55 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER STORM DAMAGE DURING JANUARY 2010.

Councilmember Kovach moved that reimbursement of funds in the amount of \$772.55 from FEMA for winter storm damage during January 2010 be accepted and FEMA Reimbursements (010-0000-334.13-28) be increased by \$772.55, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. OK-DR-1883-PW983 dated November 12, 2010, by James Fullingim, Fire Chief

and the question being upon accepting reimbursement of funds in the amount of \$772.55 from FEMA for winter storm damage during January 2010 and upon the subsequent increase, a vote was taken with the following result:

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

The Mayor declared the motion carried and reimbursement of funds in the amount of \$772.55 from FEMA for winter storm damage during January 2010 accepted; and FEMA Reimbursements (010-0000-334.13-28) was increased by \$772.55.

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Item 20, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$9,547.22 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR TORNADO RELATED DAMAGE DURING MAY 2010 AND BUDGET APPROPRIATION.

Acting as the City Council and Norman Municipal Authority, Councilmember Kovach moved that reimbursement of funds in the amount of \$9,547.22 from FEMA for tornado related damage during May 2010 be accepted; FEMA Reimbursements (010-0000-334.13-28) be increased by \$9,547.22, and \$7,064.70 be appropriated to Plant and Operating Equipment/Refuse Receptacles (033-5562-432.51-08), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. OK-DR-1917-PW83-84 dated November 12, 2010, by James Fullingim, Fire Chief

and the question being upon accepting reimbursement of funds in the amount of \$9,547.22 from FEMA for tornado related damage during May 2010 and upon the subsequent increase and appropriation, 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 \$9,547.22 from FEMA for tornado related damage during May 2010 accepted; FEMA Reimbursements (010-0000-334.13-28) was increased by \$9,547.22 and \$7,064.70 was appropriated to Plant and Operating Equipment/Refuse Receptacles (033-5562-432.51-08).

\* \* \* \* \*

Item 21, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-48: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SMC CONSULTING ENGINEERS, P.C., INCREASING THE CONTRACT AMOUNT BY \$4,968 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE ROCK CREEK ROAD AND 24TH AVENUE N.W. AND LEGACY PARK DRIVE AND 24TH AVENUE N.W. INTERSECTION IMPROVEMENTS.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0910-48 with SMC Consulting Engineers, P.C., increasing the contract amount by \$4,968 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No K-0910-48, Amendment No. One, dated November 30, 2010, by John Clink, Capital Projects Engineer
- 2. Amendment No. One to Contract No. K-0910-48
- 3. Purchase Requisition No. 0000179844 dated December 2, 2010, in the amount of \$4,968 to SMC Consulting Engineers, P.C.

and the question being upon approving Amendment No. One to Contract No. K-0910-48 with SMC Consulting Engineers, P.C., increasing the contract amount by \$4,968 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 Amendment No. One to Contract No. K-0910-48 with SMC Consulting Engineers, P.C., increasing the contract amount by \$4,968 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 22, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-130: A REIMBURSEMENT AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND CONOCOPHILLIPS PIPELINE COMPANY INCREASING THE CONTRACT AMOUNT BY \$11,130.96 FOR PROPERTY LOCATED ON THE WEST SIDE OF NORTH INTERSTATE DRIVE IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0910-130 with ConocoPhillips Pipeline Company increasing the contract amount by \$11,130.96 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No K-0910-130, Amendment No. One, dated November 30, 2010, by John Clink, Capital Projects Engineer with Attachment, Summary Table
- 2. Amendment No. One to Contract No. K-0910-130
- 3. Purchase Requisition No. 0000179853 dated December 2, 2010, in the amount of \$11,130.96 to ConocoPhillips Pipeline Company

and the question being upon approving Amendment No. One to Contract No. K-0910-130 with ConocoPhillips Pipeline Company increasing the contract amount by \$11,130.96 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 Amendment No. One to Contract No. K-0910-130 with ConocoPhillips Pipeline Company increasing the contract amount by \$11,130.96 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 23, being:

CONTRACT NO. K-1011-120: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND TRAFFIC ENGINEERING CONSULTANTS, INC., IN THE AMOUNT OF \$28,000 TO PROVIDE ENGINEERING SERVICES FOR THE DEVELOPMENT OF TRAFFIC SIGNAL TIMING PLANS FOR THE BOYD STREET AND PORTER AVENUE/CLASSEN BOULEVARD TRAFFIC SIGNAL INTERCONNECT SYSTEMS.

Councilmember Kovach moved that Contract No. K-1011-120 with Traffic Engineering Consultants, Inc., in the amount of \$28,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-120 dated November 29, 2010, by Angelo Lombardo, Traffic Engineer
- 2. Contract No. K-1011-120 with Attachment A, Scope of Services
- 3. Purchase Requisition No. 0000178982 dated November 9, 2010, in the amount of \$28,000 to Traffic Engineering Consultants, Inc.

Participants in discussion

- 1. Mr. Shawn O’Leary, Director of Public Works

and the question being upon approving Contract No. K-1011-120 with Traffic Engineering Consultants, Inc., in the amount of \$28,000 and upon the subsequent authorization, a vote was taken with the following result:

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

|        |      |
|--------|------|
| NAYES: | None |
|--------|------|

The Mayor declared the motion carried and Contract No. K-1011-120 with Traffic Engineering Consultants, Inc., in the amount of \$28,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 24, being'

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$19,598 FROM THE STATE OF OKLAHOMA OFFICE OF HOMELAND SECURITY TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE RADIO FREQUENCY SPECIFIC SOFTWARE THAT WILL ENABLE DIGITAL RADIO CHANNELS TO BECOME OPERATIONAL PROGRAM, APPROVAL OF CONTRACT NO. K-1011-124, AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a grant in the amount of \$19,598 from the State of Oklahoma Office of Homeland Security to purchase radio frequency specific software be accepted; Contract No. K-1011-124 be approved; the execution of the contract be authorized; Special Revenue Fund/Homeland Security Grant (022-0000-331.13-52) be increased by \$19,598; and \$19,598 be appropriated to Telecommunications Equipment/Computer Software (022-6045-421.53-04), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-124 dated November 19, 2010, by Jim Spearman, Grant Coordinator
- 2. Contract No. K-1011-124

and the question being upon accepting a grant in the amount of \$19,598 from the State of Oklahoma Office of Homeland Security to purchase radio frequency specific software and upon the subsequent approval, authorization, increase, and appropriation, a vote was taken with the following result:

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

|        |      |
|--------|------|
| NAYES: | None |
|--------|------|

The Mayor declared the motion carried and a grant in the amount of \$19,598 from the State of Oklahoma Office of Homeland Security to purchase radio frequency specific software accepted; Contract No. K 1011-124 was approved; the execution of the contract was authorized; Special Revenue Fund/Homeland Security Grant (022-0000-331.13-52) was increased by \$19,598; and \$19,598 was appropriated to Telecommunications Equipment/Computer Software (022-6045-421.53-04).

\* \* \* \* \*

Item 25, being:

CONTRACT NO. K-1011-127: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND REPUBLIC BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 1418 AMHURST DRIVE.

Councilmember Kovach moved that Contract No. K-1011-127 with Republic Bank be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. K-1011-127 dated December 1, 2010, by Linda Price, Revitalization Manager
- 2. Contract No. K-1011-127

and the question being upon approving Contract No. K-1011-127 with Republic Bank 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-1011-127 with Republic Bank approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 26, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF LAMAR CENTRAL OUTDOOR ADVERTISING, L.L.C., VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2009-2391-L IN THE AMOUNT OF \$57,200.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement in the amount of \$57,200 which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. 2009-2391-L dated December 1, 2010, by Rick Knighton, Assistant City Attorney

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

|        |      |
|--------|------|
| NAYES: | None |
|--------|------|

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement in the amount of \$57,200.

\* \* \* \* \*

Item 27, being:

RESOLUTION NO. R-1011-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$4,874 FROM THE ART IN PUBLIC PLACES FUND BALANCE TO BE USED BY THE NORMAN ARTS COUNCIL AS OUTLINED IN ORDINANCE NO. O-0708-5.

Councilmember Kovach moved that Resolution No. R-1011-60 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. R-1011-60 dated November 4, 2010, by Clint Mercer, Chief Accountant
- 2. Resolution No. R-1011-60
- 3. Norman Arts Council Summary of Revenue and Disbursements from October 1, 2007, through October 31, 2010

and the question being upon adopting Resolution No. R-1011-60, a vote was taken with the following result:

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

|        |      |
|--------|------|
| NAYES: | None |
|--------|------|

The Mayor declared the motion carried and Resolution No. R-1011-60 was adopted.

\* \* \* \* \*

Item 28, being:

RESOLUTION NO. R 1011-67: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF MUNICIPAL AND MUNICIPAL RUNOFF ELECTIONS.

Councilmember Kovach moved that Resolution No. R-1011-67 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. R-1011-67 dated November 22, 2010, by Brenda Hall, City Clerk
- 2. Resolution No. R-1011-67

and the question being upon adopting Resolution No. R-1011-67, a vote was taken with the following result:

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

|        |      |
|--------|------|
| NAYES: | None |
|--------|------|

The Mayor declared the motion carried and Resolution No. R-1011-67 was adopted.

\* \* \* \* \*

Item 29, being:

RESOLUTION NO. R-1011-70: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING \$19,045 FROM THE ROOM TAX FUND BALANCE FOR THE NORMAN CONVENTION AND VISITOR'S BUREAU.

Councilmember Kovach moved that Resolution No. R-1011-70 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

- 1. Text File No. R-1011-70 dated November 24, 2010, by Clint Mercer, Chief Accountant
- 2. Resolution No. R-1011-70

Participants in discussion

- 1. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
- 2. Mr. Anthony Francisco, Finance Director

and the question being upon adopting Resolution No. R-1011-70, a vote was taken with the following result:

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

|        |      |
|--------|------|
| NAYES: | None |
|--------|------|

The Mayor declared the motion carried and Resolution No. R-1011-70 was adopted.

\* \* \* \* \*

Item 30, being:

**RESOLUTION NO. R-1011-71:** A RESOLUTION OF COUNCIL OF THE CITY OF NORMAN, OKLAHOMA APPROPRIATING \$41,228 FROM THE GENERAL FUND BALANCE AND \$20,682 FROM THE CAPITAL FUND BALANCE TO CLEAR NEGATIVE FYE 2010 EXPENDITURE BALANCES.

Councilmember Kovach moved that Resolution No. R-1011-71 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. R-1011-71 dated November 29, 2010, by Suzanne Krohmer, Budget Manager
2. Resolution No. R-1011-71

Participants in discussion

1. Mr. Anthony Francisco, Finance Director

and the question being upon adopting Resolution No. R-1011-71, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-71 was adopted.

\* \* \* \* \*

Item 31, being:

**RESOLUTION NO. R-1011-45:** A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1011-2**, SO AS TO PLACE A PORTION OF LOT 2, BLOCK 1 OF BEL-AIRE ADDITION, SECTION 4, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (GENERALLY LOCATED ONE-QUARTER MILE SOUTH OF ALAMEDA STREET ON THE WEST SIDE OF 12TH AVENUE S.E.)

Councilmember Ezzell moved that Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. R-1011-45 dated September 20, 2010, by Doug Koscinski, Current Planning Manager
2. Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2
3. Location map
4. Staff Report dated October 14, 2010, recommending rejection of the request
5. Pertinent excerpts from Planning Commission minutes of October 14, 2010
6. Legislatively notated copy of Resolution No. R-1011-45 showing revisions of applicant

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
2. Mr. Shawn O'Leary, Director of Public Works
3. Ms. Susan Connors, Director of Planning and Community Development
4. Mr. Darrie Breathwit, 1012 Mockingbird Lane, protestant
5. Ms. Bonnie White, #3 Mockingbird Court, protestant
6. Mr. Jack Dawson, 1361 Creekside Drive, made comments
7. Mr. Ed Sasnett, #4 Mockingbird Court, protestant
8. Ms. Karen Diers, 200 12th Avenue S.E., protestant
9. Mr. Terry Shaw, 3605 Sun Valley Drive, made comments
10. Ms. Carolin Showers, 1005 Mockingbird Lane, protestant
11. Ms. Skye Diers, 3605 Sun Valley Drive, protestant
12. Mr. Mark Campbell, 2821 Dewey Avenue, asked questions
13. Mr. David Edwards, 1001 Mockingbird Lane, protestant

Item 31, continued:

and the question being upon adopting Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2, and upon the subsequent amendment, a vote was taken with the following result:

YEAS: Councilmembers Butler, Cubberley,  
Ezzell, Kovach, Quinn

NAYES: Councilmembers Atkins, Dillingham,  
Griffith, Mayor Rosenthal

The Mayor declared the motion carried and Resolution No. R-1011-45, Land Use Plan Amendment No. LUP-1011-2, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

\* \* \* \* \*

Item 32, being:

CONSIDERATION OF ADOPTING ORDINANCE NO. O-1011-15 UPON SECOND READING: 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 AMEND THE PLANNED UNIT DEVELOPMENT NARRATIVE APPROVED WITH ORDINANCE NO. O-0203-56, AND SUBSEQUENTLY AMENDED WITH ORDINANCE NO. O-0607-14, SO AS TO ADD SPECIFIED NEIGHBORHOOD COMMERCIAL USES AS ALLOWED USES WITHIN A SPECIFIED PORTION OF LOT 2, BLOCK 1 OF BEL-AIRE ADDITION, SECTION 4, A PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ONE-QUARTER MILE SOUTH OF ALAMEDA STREET ON THE WEST SIDE OF 12TH AVENUE S.E.)

Ordinance No. O-1011-15 having been Introduced and adopted upon First Reading by title in City Council's meeting of November 23, 2010, Councilmember Ezzell moved that Ordinance No. O-1011-15 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-1011-15 dated September 20, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-15 with Exhibit "A", site development plan
3. Location map
4. Staff Report dated October 14, 2010, recommending denial
5. 2010 Amended PUD Narrative for Bel-Aire Office Park revised October 3, 2010, from Harold Heiple, Attorney for L & S Development, L.L.C., to Norman Planning Department
6. Norman Predevelopment Summary Case No. PD 10-17 dated August 26, 2010, for L&S Development, L.L.C., located at Lot 2, Block 1, Bel-Aire Addition, Section 4
7. Protest area map dated November 16, 2010, containing 41.2% protest within notification area
8. Letter of protest dated October 11, 2010, from Karen S. Diers to City of Norman Planning Commission
9. Letter of protest dated October 10, 2010, from Carolin Showers to Norman Planning Commission
10. Letter of protest dated October 7, 2010, from Norman Residents named on the attached petition(s)
11. Petition of protest received October 11, 2010, containing thirteen (13) signatures
12. Petition of protest received October 11, 2010, containing twenty-two (22) signatures
13. Petition of protest received October 11, 2010, containing fifteen (15) signatures
14. Petition of protest received October 11, 2010, containing fifteen (15) signatures
15. Petition of protest received October 11, 2010, containing six (6) signatures
16. Petition of protest received October 11, 2010, containing four (4) signatures
17. Petition of protest received October 11, 2010, containing eighteen (18) signatures
18. Petition of protest received October 11, 2010, containing fourteen (14) signatures
19. Petition of protest received October 11, 2010, containing twelve (12) signatures
20. Petition of protest received October 11, 2010, containing twenty-one (21) signatures

Item 32, continued:

Items submitted for the record, continued:

21. Petition of protest received October 11, 2010, containing eleven (11) signatures
22. Petition of protest received November 15, 2010, containing three (3) signatures
23. Pertinent excerpts from Planning Commission minutes of October 14, 2010; June 12, 2003; and September 14, 2006
24. Legislatively notated copy of Ordinance No. O-1011-15 showing revisions of applicant
25. Pertinent excerpts from City Council minutes of July 22, 2003, and October 24, 2006
26. Letter of protest dated December 13, 2010, from Carolin Showers (homeowner), to Norman City Council

Participants in discussion

1. Mr. Mark Campbell, 2821 Dewey Avenue, made comments
2. Mr. Harold Heiple, 218 East Eufaula Avenue, attorney representing the applicant

Thereupon, Councilmember Kovach moved that the Planned Unit Development Narrative for Ordinance No. O-1011-15 be amended to require right of entry (easement) from the applicant to allow maintenance by the City of Norman in the drainage area, which motion was duly seconded by Councilmember Atkins;

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant

and the question being upon amending the Planned Unit Development Narrative for Ordinance No. O-1011-15 to require right of entry (easement) from the applicant to allow maintenance by the City of Norman in the drainage area, 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 Planned Unit Development Narrative for Ordinance No. O-1011-15 was amended to require right of entry (easement) from the applicant to allow maintenance by the City of Norman in the drainage area.

Thereupon, Councilmember Kovach moved that the Planned Unit Development Narrative for Ordinance No. O-1011-15 be amended to exclude any school from the list of acceptable uses with the exception of childcare centers, which motion was duly seconded by Councilmember Atkins; and the question being upon amending the Planned Unit Development Narrative for Ordinance No. O-1011-15 to exclude any school from the list of acceptable uses with the exception of childcare centers, 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 Planned Unit Development Narrative for Ordinance No. O-1011-15 was amended to exclude any school from the list of acceptable uses with the exception of childcare centers.

Thereupon, Councilmember Kovach moved that the Planned Unit Development Narrative for Ordinance No. O-1011-15 be amended to require a photometric lighting plan showing light trespass of no more than 0.2 foot candles into the neighborhood and full cutoff wall packs on commercial buildings facing the residential areas, which motion was duly seconded by Councilmember Atkins;

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
2. Mr. Doug Koscinski, Current Planning Manager

Item 32, continued:

and the question being upon amending the Planned Unit Development Narrative for Ordinance No. O-1011-15 o require a photometric lighting plan showing light trespass of no more than 0.2-foot candles into the neighborhood and full cutoff wall packs on commercial buildings facing the residential areas, 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 Planned Unit Development Narrative for Ordinance No. O-1011-15 was amended o require a photometric lighting plan showing light trespass of no more than 0.2 foot candles into the neighborhood and full cutoff wall packs on commercial buildings facing the residential areas.

and the question being upon adopting Ordinance No. O-1011-15, as amended, upon Second Reading section by section, a vote was taken with the following result:

YEAS: Councilmembers Atkins, Cubberley, Ezzell, Griffith, Kovach, Quinn

NAYES: Councilmembers Butler, Dillingham, and Mayor Rosenthal

The Mayor declared the motion carried and Ordinance No. O-1011-15, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-15, as amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-15, as amended, upon Final Reading as a whole, the roll was called with the following result:

YEAS: Councilmembers Atkins, Cubberley, Ezzell, Kovach, Quinn

NAYES: Councilmembers Butler, Dillingham, Griffith, Mayor Rosenthal

The Mayor declared the motion carried and Ordinance No. O-1011-15, as amended, was adopted upon Final Reading as a whole.

\* \* \* \* \*

MISCELLANEOUS DISCUSSION

Item 32, Ordinance No. O-1011-15. Ms. Bonnie White, #3 Mockingbird Court, said Ordinance No. O-1011-15 had been adopted this evening but she did not want a stockade fence behind her home because it would only last two to three years. She suggested that the applicant install a cinderblock fence around the property at least six feet tall that would provide privacy for the property owners and help with the noise issue. She said she has not asked the other property owners what they want but her property backs up to the applicant’s property and feels that the applicant should install a stockade fence on his property, not the abutting property owners’ properties which will help with noise, privacy, and lighting issues.

Councilmember Cubberley asked that Ordinance No. O-1011-15 be reconsidered to make an amendment to require something more substantial than a stockade fence.

Miscellaneous Discussion, continued:

Item 32, Ordinance No. O-1011-15, continued:

Thereupon, Councilmember Cubberley moved that Ordinance No. O-1011-15, as amended, be reconsidered, which motion was duly seconded by Councilmember Dillingham; and the question being upon reconsidering Ordinance No. O-1011-15, as amended, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-15, as amended, was reconsidered.

Thereupon, Councilmember Cubberley moved that Ordinance No. O-1011-15, be further amended to read as follows:

\* \* \*

§ 5. Further, pursuant to the provisions of Section 22:420 of the Code of the City of Norman, as amended, the following conditions are hereby attached to the development of the tract:

\* \* \*

- b. Concurrently with the application for the next building permit, eight-foot (8') ~~wooden stockade~~ fences or such other buffer as may be acceptable and agreed to by the applicant and a majority of the abutting land owners in any pertinent section of the boundary in consultation with City staff will be installed to shield the residential developments to the South and West of the PUD. Any such fences must be completed before a certificate of occupancy is issued for the next building in the PUD. Further, conditioned upon agreement with City officials and owners of property to the North of the PUD as to a fence location, an eight-foot (8') ~~wooden stockade~~ fence or such other buffer as may be acceptable and agreed to by the applicant and a majority of the abutting land owners in any pertinent section of the boundary in consultation with City staff will be installed to shield the residential developments to the North of the PUD concurrently with the application for the next building permit.

which motion was duly seconded by Councilmember Kovach;

Participants in discussion

- 1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
- 2. Ms. Bonnie White, #3 Mockingbird Court, asked questions

and the question being upon further amending Ordinance No. O-1011-15 as stated above, a vote was taken with the following result:

|        |  |
|--------|--|
| YEAS:  | Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal |
| NAYES: | Councilmember Ezzell   |

The Mayor declared the motion carried and Ordinance No. O-1011-15 was further amended as stated above.

and the question being upon adopting Ordinance No. O-1011-15, as further amended, upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-15, as further amended, was adopted upon Second Reading section by section.

Miscellaneous Discussion, continued:

Item 32, Ordinance No. O-1011-15, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-15, as further amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Ezzell; and the question being upon adopting Ordinance No. O-1011-15, as further amended, upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-15, as further amended, was adopted upon Final Reading as a whole.

\*

Merry Christmas. Councilmember Kovach wished everyone a Merry Christmas.

Mayor Rosenthal wished everyone a very safe and happy holiday season and said Council would see everyone after Christmas.

\*

Norman Community Christmas Dinner. Councilmember Dillingham reminded citizens about the Norman Community Christmas Dinner at Norman High School from 10 a.m. to 2 p.m. on Christmas Day.

\*

Shop Norman. Councilmember Quinn said this is a busy commercial season and invited citizens to find all the businesses in Norman and shop here. He said it is not only good for the economy but for the workers in Norman.

\*

Tentative Collective Bargaining Agreements. Mr. Steve Lewis, City Manager, said the American Federation of State, County and Municipal Employees (ASFSCME) and the Fraternal Order of Police (FOP) unions have reached a tentative collective bargaining agreement for the current contract which runs from July 1, 2010, and June 30, 2011, subject to approval of full union membership. He said FOP and AFSCME were scheduled to have arbitration hearings this month; however, those union representatives have now tentatively agreed with management to forgo any pay increases during this fiscal year. In exchange the City has agreed to drop efforts to implement furloughs or other wage reductions through this fiscal year. By settling this contract dispute, the City and the union members will save the cost of two arbitration processes and will bring certainty to the FYE 2011 budget. Throughout the year, City management and City Council have been watchful of several budgetary developments during the first half of the year. Although the City's FYE 2010-2011 Budget reserve accounts declined over the past two years by approximately 2/3, sales tax revenues have shown some positive gains through the first six months of the fiscal year. Additionally, there have been other budgetary adjustments and savings made in the fiscal year to the point of allowing projected reserve level estimates to achieve some partial recovery by the end of this current budget year and all of this will allow consideration of this settlement with these two union groups.

\* \* \* \* \*

ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Griffith; 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 10:15 p.m.

ATTEST:

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

\_\_\_\_\_  
Mayor