

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

December 28, 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 28th 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.

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Item 3, being:

PRESENTATION OF ACCREDITATION TO THE CITY OF NORMAN BY MR. GEORGE R. CROMBIE, PRESIDENT OF THE AMERICAN PUBLIC WORKS ASSOCIATION.

Ms. Jackie Crumrine, Training and Development Manager, congratulated the City of Norman, provided highlights of the accreditation process, and introduced Mr. George R. Crombie, President of the American Public Works Association. Mr. Crombie recognized the City of Norman for attaining accreditation and presented awards to Mr. Shawn O'Leary, Director of Public Works; Mr. Jud Foster, Director of Parks and Recreation; Mr. Ken Komiske, Director of Utilities; and Mayor Rosenthal.

Items submitted for the record

1. Text File No. TMP-117 dated December 21, 2010
2. Press Release dated December 16, 2010, from Laura Bynum, APWA Media Relations/Communications Manager, American Public Works Association

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Item 4, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 5 through Item 17 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 5 through Item 17, 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 17 were placed on the consent docket by unanimous vote.

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Item 5, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF NOVEMBER 17, 2010
CITY COUNCIL FINANCE COMMITTEE MINUTES OF DECEMBER 1, 2010
CITY COUNCIL STUDY SESSION MINUTES OF DECEMBER 7, 2010
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 14, 2010
CITY COUNCIL MINUTES OF DECEMBER 14, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 14, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 14, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF DECEMBER 14, 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 Atkins;

Items submitted for the record

1. Text File No. GID-1011-7 dated December 13, 2010, by Brenda Hall, City Clerk
2. City Council Finance Committee minutes of November 17, 2010
3. City Council Finance Committee minutes of December 1, 2010
4. City Council Study Session minutes of December 7, 2010
5. City Council Conference minutes of December 14, 2010
6. City Council minutes of December 14, 2010
7. Norman Utilities Authority minutes of December 14, 2010
8. Norman Municipal Authority minutes of December 14, 2010
9. Norman Tax Increment Finance Authority minutes of December 14, 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.

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Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1011-34 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XI OF CHAPTER 20 TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-34 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-34 dated December 16, 2010, by David Riesland, Traffic Engineer
2. Ordinance No. O-1011-34
3. Legislatively notated copy of Ordinance No. O-1011-34
4. Pertinent excerpts from Transportation Committee minutes of October 28, 2010
5. City Council Conference minutes of December 14, 2010

Item 6, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-34 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-1011-34 was Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1011-36 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-36 be Introduced and adopted upon First Reading by Title, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-36 dated December 9, 2010, by Jeanne Snider, Assistant City Attorney
2. Ordinance No. O-1011-36
3. Legislatively notated copy of Ordinance No. O-1011-36

and the question being upon the Introduction and adoption of Ordinance No. O-1011-36 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-1011-36 was Introduced, read, and adopted upon First Reading by title.

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Item 8, being:

SUBMISSION OF ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF NOVEMBER 30, 2010, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. Text File No. RPT-1011-25 dated December 2, 2010, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report as of November 30, 2010

Item 8, continued:

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

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

NAYES: None

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

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Item 9, being:

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

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

Items submitted for the record

1. Text File No. RPT-1011-26 dated December 2, 2010, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of November, 2010

Participants in discussion

1. Mr. Anthony Francisco, Finance Director

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

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

NAYES: None

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

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Item 10, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF REPORTS ENTITLED "COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2010," AS PREPARED BY THE CITY OF NORMAN FINANCE DEPARTMENT; AND "THE CITY OF NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2010," AND "NORMAN TAX INCREMENT FINANCE AUTHORITY FINANCIAL STATEMENT FOR THE YEAR ENDED JUNE 30, 2010" AS PREPARED BY THE FIRM OF COLE AND REED, P. C., FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY.

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that receipt of the reports be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

Item 10, continued:

Items submitted for the record

1. Text File No. RPT-1011-23 dated November 17, 2010, by Clint Mercer, Chief Accountant
2. Letter dated December 16, 2010 from Cole and Reed, P.C., to Audit Committee
3. Comprehensive Annual Financial Report for the City of Norman, Oklahoma, Fiscal Year Ended June 30, 2010, prepared by the City of Norman Finance Department
4. Single Audit Reports, the City of Norman, Oklahoma, as of June 30, 2010, prepared by Cole and Reed, P.C., Certificate Public Accountants
5. "Norman Tax Increment Finance Authority Financial Statement, FYE June 30, 2010" prepared by Cole and Reed, P.C., Certified Public Accountants

Participants in discussion

1. Mr. Anthony Francisco, Finance Director
2. Mr. Steve Lucas, 804 Fairway Drive, asked questions

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

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

NAYES: None

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

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Item 11, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-9, APPROVAL OF CONTRACT NO. K-1011-42 WITH OIL CAPITAL ELECTRIC, L.L.C., IN THE AMOUNT OF \$2,305,000, PERFORMANCE BOND NO. B-1011-11, STATUTORY BOND NO. B-1011-12, AND MAINTENANCE BOND NO. MB-1011-6 FOR THE WASTEWATER TREATMENT PLANT ENERGY AND SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) IMPROVEMENTS PROJECT AND BUDGET APPROPRIATION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$2,305,000 be awarded to Oil Capital Electric, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1011-42 and the performance, statutory, and maintenance bonds be approved; execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of \$2,305,000 for the Wastewater Treatment Plant Energy and SCADA Improvements Project be authorized; the filing of the bonds be directed; and \$889,611 be appropriated from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0043, WWTP Aeration Basin Blower, Construction (032-9911-432.61-01), \$254,826, and Project No. WW0052, WWTP SCADA Improvements, Construction (032-9911-432.61-01), \$634,785, which motion was duly seconded by Trustee Atkins;

Items submitted for the record

1. Text File No. K-1011-42 dated November 19, 2010, by Charlie Thomas, Capital Projects Engineer, with Table 1, Current Funding, and Table 2, Transfers
2. Letter dated October 25, 2010, from Michael J. Graves, Project Manager, Garver, L.L.C., to Mr. Charlie Thomas, City of Norman
3. Contract No. K-1011-42
4. Performance Bond No. B-1011-11
5. Statutory Bond No. B-1011-12
6. Maintenance Bond No. MB-1011-6
7. Purchase Requisition No. 0000180129 dated December 8, 2010, in the amount of \$2,305,000 to Oil Capital Electric, L.L.C.

Item 11, continued:

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

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

NAYES: None

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$2,305,000 was awarded to Oil Capital Electric, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1011-42 and the performance, statutory, and maintenance bonds were approved; execution of the contract and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies in an approximate amount of \$2,305,000 for the Wastewater Treatment Plant Energy and SCADA Improvements Project were authorized; the filing of the bonds was directed; \$889,611 was appropriated from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0043, WWTP Aeration Basin Blower, Construction (032-9911-432.61-01), \$254,826, and Project No. WW0052, WWTP SCADA Improvements, Construction (032-9911-432.61-01), \$634,785.

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Item 12, being:

LIMITED LICENSE NO. LL-1011-8: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE CHOCOLATE FESTIVAL.

Councilmember Kovach moved that Limited License No. LL-1011-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. LL-1011-8 dated December 7, 2010, by Wayne Stenis, Planner II
2. Application for Limited License for four signs dated December 1, 2010, from the Firehouse Art Center
3. Rendering of sign
4. Limited License No. LL-1011-8

and the question being upon approving Limited License No. LL-1011-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Limited License No. LL-1011-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival approved; and the issuance thereof was authorized.

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Item 13, being:

SPECIAL CLAIM NO. SC-1011-5: A CLAIM IN THE AMOUNT OF \$1,743.86 SUBMITTED BY SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA FOR DAMAGES INCURRED TO A TELEPHONE CABLE BY WATER LINE MAINTENANCE EMPLOYEES AT 1801 DELANCEY DRIVE.

Councilmember Kovach moved that Special Claim No. SC-1011-5 be approved and payment in the amount of \$1,743.86 be directed contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. SC-1011-5 dated December 13, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated October 29, 2010, from Brenda Hall, City Clerk, to Ken Komiske, Director of Utilities, and Jeff Bryant, City Attorney
3. Memorandum dated December 7, 2010, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney
4. Special Claim No. SC-1011-5, Tort Claim Voucher, dated October 26, 2010, from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma, in an undetermined amount
5. Special Claim No. SC-1011-5, Claim for Damages, dated December 2, 2010, in the amount of \$1,743.86 from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma

and the question being upon approving Special Claim No. SC-1011-5 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 Special Claim No. SC-1011-5 approved; and payment in the amount of \$1,743.86 was directed contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

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Item 14, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0708-108: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BECK DISASTER RECOVERY, INC., EXTENDING THE CONTRACT UNTIL DECEMBER 27, 2011, FOR DISASTER MANAGEMENT AND RECOVERY PROFESSIONAL SERVICES.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0708-108 with Beck Disaster Recovery, Inc., extending the contract until December 27, 2011, be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. K-0708-108, Amendment No. One, dated December 13, 2010, by Bob Hanger, Stormwater Engineer
2. Amendment No. One to Contract No. K-0708-108
3. Contract No. K-0708-108 with Exhibit A, Scope of Services; Exhibit B, Hourly Labor Rates; and Certification

and the question being upon approving Amendment No. One to Contract No. K-0708-108 with Beck Disaster Recovery, Inc., extending the contract until December 27, 2011, 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-0708-108 with Beck Disaster Recovery, Inc., extending the contract until December 27, 2011, approved; and the execution thereof was authorized.

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Item 15, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-53: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$49,700 TO PROVIDE ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE WASTEWATER TREATMENT PLANT ENERGY AND SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) IMPROVEMENTS PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by \$49,700 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Atkins;

Items submitted for the record

1. Text File No. K-0910-53, Amendment No. One, dated December 2, 2010, by Charlie Thomas, Capital Projects Engineer
2. Amendment No. One to Contract No. K-0910-53
3. Purchase Order No. 178731 dated October 2, 2009, in the amount of \$364,000 to Garver Engineers, L.L.C., adding Amendment No. One in the amount of \$49,700 for a total contract price of \$413,700

and the question being upon approving Amendment No. One to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by \$49,700 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by \$49,700 approved; and the execution thereof was authorized.

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Item 16, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-80: BY AND BETWEEN THE CITY OF NORMAN AND SCHAFFNER-VALOUCH CONTRACTOR, INC., INCREASING THE CONTRACT AMOUNT BY \$3,877 FOR THE MUNICIPAL BUILDING B LIGHTING REPLACEMENT PROJECT AND FINAL ACCEPTANCE OF THE CONTRACT.

Councilmember Kovach moved that Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$8,428.50 to Schaffner-Valouch Contractor, Inc., be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. K-1011-80, Change Order No. One, dated December 14, 2010, by Brenda Hall, City Clerk
2. Change Order No. One to Contract No. K-1011-80
3. Purchase Order No. 192358 dated September 30, 2010, in the amount of \$45,515 to Schaffner-Valouch Contractor, Inc., subtracting payments totaling \$40,963.50 and adding Change Order No. One in the amount of \$3,877 leaving a balance of \$8,428.50

and the question being upon approving Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Change Order No. One to Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., increasing the contract amount by \$3,877 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$8,428.50 to Schaffner-Valouch Contractor, Inc., was directed.

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Item 17, being:

RESOLUTION NO. R-1011-75: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING \$114,466 FROM THE WASTEWATER FUND BALANCE TO PAY FOR REIMBURSABLE ELECTRICAL MODIFICATIONS IN CONNECTION WITH THE WASTEWATER TREATMENT PLANT SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) ENERGY PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Resolution No. R-1011-75 be adopted, which motion was duly seconded by Trustee Atkins;

Items submitted for the record

1. Text File No. R-1011-75 dated December 13, 2010, by Charlie Thomas, Capital Projects Engineer
2. Resolution No. R-1011-75

and the question being upon adopting Resolution No. R-1011-75, a vote was taken with the following result:

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

NAYES: None

The Chairman declared the motion carried and Resolution No. R-1011-75 was adopted.

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Item 18, being:

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

Item 18 was withdrawn at the request of Staff.

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Item 19, being:

ORDINANCE NO. ZO-0910-3: AN 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)

Ordinance No. ZO-0910-3 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Dillingham moved that Ordinance No. ZO-0910-3 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. 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

Item 19, continued:

Items submitted for the record, continued

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

Participants in discussion

1. Mr. Rudy Khouri, 3219 Willow Rock Drive, applicant

and the question being upon adopting Ordinance No. ZO-0910-3 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

NAYES: None

The Mayor declared the motion carried and Ordinance No. ZO-0910-3 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. ZO-0910-3 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Butler; and the question being upon adopting Ordinance No. ZO-0910-3 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

NAYES: None

The Mayor declared the motion carried and Ordinance No. ZO-0910-3 was adopted upon Final Reading as a whole.

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Item 20, being:

ORDINANCE NO. O-1011-26: 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.

Ordinance No. O-1011-26 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Ezzell moved that Ordinance No. O-1011-26 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Kovach;

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

Item 20, continued:

Items submitted for the record, continued:

5. 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
6. Letter of request dated October 7, 2010, from Philip A. Schovanec, Moricoli & Schovanec, P.C., to Mrs. Brenda Hall, City Clerk
7. Petition for closure of public access easements with Exhibit A, legal description and radius map
8. E-mail dated November 2, 2010, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner
9. Letter dated October 27, 2010, from Randy Harrell, Team Leader, Oklahoma Natural Gas, a Division of ONEOK, to Ken Danner, Norman Planning Commission
10. Letter dated October 22, 2010, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
11. Letter of support dated October 20, 2010, from Jack and Elaine Dake to Norman Planning Commission
12. Letter of support dated November 8, 2010, from William C. and Kay Woods to Norman Planning Commission
13. Pertinent excerpts from Planning Commission minutes of November 18, 2010

Participants in discussion

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

and the question being upon adopting Ordinance No. O-1011-26 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-1011-26 was adopted upon Second Reading section by section.

Thereupon, Councilmember Ezzell moved that Ordinance No. O-1011-26 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-26 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-1011-26 was adopted upon Final Reading as a whole.

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Item 21, being:

RESOLUTION NO. R-1011-66: 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-1011-4**, SO AS TO PLACE LOTS 21-24, BLOCK 20 OF ORIGINAL TOWN OF NORMAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE COMMERCIAL DESIGNATION AND REMOVE THE SAME FROM THE LOW DENSITY RESIDENTIAL DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (316 AND 322 EAST DAWS STREET)

Councilmember Ezzell moved that Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. R-1011-66 dated November 10, 2010, by Doug Kosciński, Current Planning Manager
2. Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4
3. Location map
4. Staff Report dated November 18, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of November 18, 2010

Participants in discussion

1. Mr. Bill Swain, Cardinal Engineering, 3220 Bart Conner Drive, engineer representing the applicant
2. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

and the question being upon adopting Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4, and upon the subsequent amendment, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-66, Land Use Plan Amendment No. LUP-1011-4, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 22, being:

ORDINANCE NO. O-1011-25: 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 DAWS STREET).

Ordinance No. O-1011-25 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Ezzell moved that Ordinance No. O-1011-25 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1011-25 dated October 15, 2010, by Doug Kosciński, 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 22, continued:

and the question being upon adopting Ordinance No. O-1011-25 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-1011-25 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-25 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-1011-25 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-1011-25 was adopted upon Final Reading as a whole.

* * * * *

Item 23, being:

ORDINANCE NO. O-1011-23: 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.

Ordinance No. O-1011-23 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Butler moved that Ordinance No. O-1011-23 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. 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

Participants in discussion

1. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon adopting Ordinance No. O-1011-23 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-1011-23 was adopted upon Second Reading section by section.

Item 23, continued:

Thereupon, Councilmember Butler moved that Ordinance No. O-1011-23 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1011-23 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-1011-23 was adopted upon Final Reading as a whole.

* * * * *

Item 24, being:

ORDINANCE NO. O-1011-24: 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

Ordinance No. O-1011-24 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Kovach moved that Ordinance No. O-1011-24 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-1011-24 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 adopting Ordinance No. O-1011-24 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-1011-24 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-24 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Atkins; and the question being upon adopting Ordinance No. O-1011-24 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-1011-24 was adopted upon Final Reading as a whole.

* * * * *

Item 25, being:

ORDINANCE NO. O-1011-31: 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.

Ordinance No. O-1011-31 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Kovach moved that Ordinance No. O-1011-31, as amended, 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-1011-31 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
5. Ordinance No. O-1011-31, as amended
6. Legislatively notated copy of Ordinance No. O-1011-31, as amended

Participants in discussion

1. Ms. Rebecca Frazier, Assistant City Attorney
2. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
3. Mr. Jud Foster, Director of Parks and Recreation

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-31 be amended as follows:

ORDINANCE NO. O-1011-31: 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 1, 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.

which motion was duly seconded by Councilmember Kovach; and the question upon amending Ordinance No. O-1011-31 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-1011-31 was amended as stated above.

and the question being upon adopting Ordinance No. O-1011-31, 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-1011-31, as amended, was adopted upon Second Reading section by section.

Item 25, continued:

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-31, 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-1011-31, 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-1011-31, as amended, was adopted upon Final Reading as a whole.

* * * * *

Item 26, being:

ORDINANCE NO. O-1011-32: 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.

Ordinance No. O-1011-32 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Kovach moved that Ordinance No. O-1011-32, as amended, 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-1011-32 dated November 30, 2010, by Rebecca Frazier, 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
5. Ordinance No. O-101132, as amended
6. Special Election Proclamation and Notice of Election, as amended

Councilmember Dillingham moved that Ordinance No. O-1011-32 be amended as follows:

ORDINANCE NO. O-1011-32: 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 1, 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.

which motion was duly seconded by Councilmember Kovach; and the question upon amending Ordinance No. O-1011-32 as stated above, a vote was taken with the following result:

Item 26, continued:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-32 was amended as stated above.

and the question being upon adopting Ordinance No. O-1011-32, 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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-32, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-32, as amended, be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-32, 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-1011-32, as amended, was adopted upon Final Reading as a whole.

* * * * *

Item 27, being:

RESOLUTION NO. R-1011-73: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 1, 2011, REGARDING PROPOSED CHARTER AMENDMENTS.

Councilmember Atkins moved that Resolution No. R-1011-73 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. R-1011-73 dated December 2, 2010, by Brenda Hall, City Clerk
2. Resolution No. R-1011-73 with attached Ordinance No. O-1011-32, as amended

and the question being upon adopting Resolution No. R-1011-73, 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-1011-73 was adopted.

* * * * *

Item 28, being:

ORDINANCE NO. O-1011-37: 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.

Ordinance No. O-1011-37 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Quinn moved that Ordinance No. O-1011-37 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-1011-37 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
4. City Council Study Session minutes of December 7, 2010

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Ms. J.C. Crosbee, 204 Mountain Oaks Drive, asked questions
3. Mr. Leonard Youngblood, 3201 Swan Hollow Drive, made comments
4. Mr. Bobby Stevens, 3801 108th Avenue S.E., asked questions
5. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
6. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
7. Ms. Sylvia Martin, Post Office Box 430, made comments

and the question being upon adopting Ordinance No. O-1011-37 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-1011-37 was adopted upon Second Reading section by section.

Thereupon, Councilmember Griffith moved that Ordinance No. O-1011-37 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-1011-37 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-1011-37 was adopted upon Final Reading as a whole.

* * * * *

Item 29, being:

ORDINANCE NO. O-1011-38: 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.

Ordinance No. O-1011-38 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 14, 2010, Councilmember Atkins moved that Ordinance No. O-1011-38 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. 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
4. City Council Study Session minutes of December 7, 2010

and the question being upon adopting Ordinance No. O-1011-38 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-1011-38 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-38 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-1011-38 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-1011-38 was adopted upon Final Reading as a whole.

* * * * *

Item 30, being:

RESOLUTION NO. R-1011-76: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, GIVING THE SECRETARY OF THE CLEVELAND COUNTY ELECTION BOARD NOTICE OF A SPECIAL ELECTION TO BE HELD ON MARCH 1, 2011, REGARDING A PROPOSED INCREASE IN SANITATION RATES.

Councilmember Kovach moved that Resolution No. R-1011-76 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1011-76 dated December 20, 2010, by Brenda Hall, City Clerk
2. Resolution No. R-1011-76 with attached Ordinance No. O-1011-38

and the question being upon adopting Resolution No. R-1011-76, 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-1011-76 was adopted.

* * * * *

MISCELLANEOUS DISCUSSION

Chromium Six Water Issue. Ms. J.C. Crosbee, 204 Mountain Oaks Drive, said waiting a year or more for the Environmental Protection Agency (EPA) to redo guidelines on Chromium Six was not acceptable because Chromium 6 is a health risk to pregnant women, children, and senior citizens. She said Norman was rated one of the best cities in the country and receiving bad national publicity was bad for business, growth, and home values. She said a scientist in California suggested reverse osmosis systems be installed in homes and such installation could cost hundreds of dollars. She said the overall level of chromium in Norman was not the issue. An increase of Chromium 6 is generally produced by industrial processes and could not just be blamed on the Garber Wellington Aquifer from the Tinker-Oklahoma City area. She said there were three schools in Norman at the Max Westheimer Field for advanced metal smith and machinist training during World War II and the Korean War and the EPA listed two Superfund toxic sites in Norman on the south end of Jenkins Avenue and this should be investigated. She said Norman should be proactive as they were when the water wells were abandoned that contained too much arsenic. She said we do not know from where or how many samples were taken and that every well and Lake Thunderbird should be retested. She said the Environmental Working Group that made the report should be contacted again to find out how many samples were done and to reschedule a retest now, specifically for Chromium 6. She said if a person signs up on the Environmental Working Group site for email alerts, they will receive the president's email address. Since our levels of Chromium 6 are the highest of 35 cities, Norman must insist that the EPA work with Norman first. She said she contacted EPA and received information about the contact person, Mr. Robert Houston, the Water Enforcer Coordinator for Region 6, Oklahoma, telephone number 214-665-8565. She said those offices are closed until after the New Year.

Mayor Rosenthal thanked Ms. Crosbee and reported that the City sent a letter and an email to the Environmental Working Group requesting detailed information about the various tests, where they were held, and how they were held and to date, no response had been received. She asked the Utilities Department to address some of the questions raised about Chromium 6 and said the City takes this issue very seriously and is being very vigilant about this process. The regulatory process is a process that is science based and unfolds over months and years and the City will continue to be proactive. She said she and the City Manager had discussed appointing a Chromium 6 working group comprised of senior management, three members of Council, and representatives associated with the University of Oklahoma with expertise in chemistry, geology, public health, and water systems. She said regular updates are provided on the City's web page including the fact that we have tried to be in contact with the Environmental Working Group.

Miscellaneous Discussion, continued:

Chromium Six Water Issue, continued. Mr. Ken Komiske, Director of Utilities, said Norman has one of the oldest unlined landfills which has been tested and documented by the United States Geological Survey (USGS) by utilizing over 1,000 monitoring wells around the site. He said the USGS has been very satisfied with the findings and the results prove there is absolutely no contamination of the Garber Wellington Aquifer. He said the EPA, the Association of Central Oklahoma Governments (ACOG), and USGS have confirmed that the City's water is many thousands of years old, contains chromium which is a naturally occurring element, and is being watched very closely. He said EPA's limit for Chromium 6 is 100 parts per billion and all of our wells test between 10-80 parts per billion of total Chromium, not Chromium 6. He said the this has been brought to the City's, EPA's, and the Oklahoma Department of Environmental Quality's (ODEQ) attention that these types of studies are based on exposure to Chromium 6 for a lifetime or over 40 years before there are hazardous effects. He said the City is working with the state and federal governments and the local committee is being appointed by the Mayor to keep abreast of changes that might occur to allow us to be proactive to the regulations as they change. Right now, we are meeting all the regulations. He said the website was updated this morning and updates will be provided on a regular basis. He said he awaits the requested information from the Environmental Working Group.

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Highway Nine Maintenance. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he thought funding had been included in the budget for mowing and maintenance of Highway 9 and asked if the maintenance included installing signs on Highway 9. He said there were only three deer signs on Highway 9 and felt there should be more.

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Sinkholes on Gray Street. Mr. Bobby Stevens, 3801 108th Avenue S.E., said drainage grates in two of the three lanes on Gray Street have sunk down and if a vehicle drives into one, it could cause damage to the vehicle. He said this was also a safety issue because vehicles drive around the grates to keep from hitting them. He asked when this problem could be fixed.

*

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

*

Greenbelt Ordinances. Councilmember Griffith acknowledged the Greenbelt Commission, the development community, City Council, and Staff for working together on the two Greenbelt Ordinances adopted this evening. He said one of his biggest concerns is preserving the beauty of northeast Norman and felt this was a big step.

*

Happy New Year. Councilmembers Griffith and Atkins and Mayor Rosenthal wished everyone a safe and Happy New Year.

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Accreditation. Councilmember Butler congratulated Shawn O'Leary, Director of Public Works, and all of Staff that worked so diligently to attain accreditation.

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Budget Issues. Councilmember Kovach said it had been mentioned that the City spent more in 2010 than we took in and part of that overspending was the \$3,000,000 allocated for Fire Station No. Eight out of the Public Safety Sales Tax Fund which was at that time in the General Fund. He said Council is comprised of nine very committed part time volunteers who are often criticized for spending and sometimes it is not a complete picture. He said the Comprehensive Annual Financial Report (CAFR) is done to provide a complete report of the finances. He thanked Councilmember Ezzell for insisting on waiting on actual numbers before making decisions about employment and levels of service. He said the City has the lowest staffing ratio of the 17 comparable cities, and if hours and people are cut, levels of service will go down. He said because of good fortune and good planning, we have seen the numbers which are \$4,000,000 better than anticipated and he hoped to continue looking at ways to cut expenditures. He wanted everyone to be aware of the new influx of money that was not budgeted and the implications having a little flexibility could have in saving a lot of turmoil in the future.

Miscellaneous Discussion, continued:

Budget Issues, continued. Councilmember Ezzell said Mr. Francisco had been asked about deficiencies in the Audit Report but he would like clarification that the Single Audit Report was a separate document from the audit report on the Comprehensive Annual Finance Report. Mr. Francisco said this was correct and he had tried to specify that the Single Audit Report pertains to grant money the City receives. Councilmember Ezzell asked if the Comprehensive Annual Financial Report (CAFR) could be described as the true picture between the budget and what actually occurs after the close of the fiscal year and after everything has been reconciled. Mr. Francisco said yes, the CAFR compares where we started on June 30th and provides a snapshot of where we are throughout the year whereas the budget is a forward-looking plan. Councilmember Ezzell said our budget year closes on June 30th and audit work starts on July 1st, and asked when the CAFR comes out every year. Mr. Francisco said the CAFR is required by law to be done by the end of each calendar year and is on the agenda at this time each year. Councilmember Ezzell asked if the audit report attached to the front of the CAFR is an unqualified audit report. Mr. Francisco said that was correct and that Cole and Reed, our external auditor, reviews the financial statements prepared by the City and issues its unqualified opinion that the financial statements fairly represent the financial condition of the City as of June 30, 2010. Councilmember Ezzell asked if the positive variance noted on Page 63 in the amount of \$4 million means that although we had \$4 million more than originally anticipated that does not mean we don't still have a deficit, it is just that a smaller deficit. Mr. Francisco said that is correct. Councilmember Ezzell asked if there would be any modification of the FYE 2011 Budget to reflect the reduction of the deficit. Mr. Francisco said no but there would be mid-year revisions based on the actual figures and on what has happened to date during the fiscal year. He said it is Council's discretion on whether they want to actually amend the budget.

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Sanitation Rate Election. Councilmember Ezzell said he disagreed with Mr. Youngblood's comments this evening about the sanitation rate election although he is certainly entitled to his opinion with regards to replacement of the Council. He said it was an inaccurate statement to say the issues are being pushed forward on the March ballot as some sort of smokescreen or distraction because it was to be voted on at the same time as the Council election. He said anybody who had been through this process would clearly understand that a Council that was worried about re-election would not be bringing the Sanitation Rate increase forward on the same ballot for their re-election. He said if this was something that was being driven politically, the sanitation rate increase would be placed on a different ballot after the Council election.

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Disposal of Christmas Trees. Mayor Rosenthal reminded citizens that the Sanitation Division will be picking up Christmas trees as part of the regular yard waste pickup schedule which will be in the second week of January beginning January 10th.

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Holiday Sanitation Schedule. Mayor Rosenthal said sanitation and recycling pickups are on the regular schedule for the New Year holiday. She said extra trash bags of Christmas debris may be placed next to the polycarts and the Sanitation crews will pick it up.

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ADJOURNMENT

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 8:43 p.m.

ATTEST: