

## CITY COUNCIL SPECIAL SESSION MINUTES

June 14, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session meeting at 5:30 p.m. in the Municipal Building Conference Room on the 14th day of June, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: Councilmember Griffith

Item 1, being:

DISCUSSION REGARDING CHANGE ORDER NOS. ONE AND TWO TO CONTRACT NO. K-1011-1 WITH URBAN CONTRACTORS, INC., INCREASING THE CONTRACT AMOUNT BY \$91,859 FOR THE SEWER MAINTENANCE PLAN PROJECT, PHASE 1.

Mr. Charlie Thomas, Capital Projects Engineer, said in 2001, citizens approved a monthly maintenance fee to provide for the systematic replacement of aged and deteriorated sewer lines throughout Norman. He said the contract was bid in two phases and Contract No. K-1011-1 was awarded to Urban Contractors, Inc., in the amount of \$1,172,650 for Phase 1. He said construction began in August 2010 and was completed in April 2011, replacing approximately 24,700 feet of sewer line, 31 manholes, and over 520 service connections. Early into the construction, the Public Works Department identified areas along Brooks Street, east of Jenkins Avenue, where concrete panels were scheduled for replacement. The Line Maintenance Division does not have pipe bursting capability and to minimize potential for future sewer repairs in the area of the newly constructed panels, Staff requested that Urban Contractors pipe burst approximately 1,380 feet of sewer underlying those panels at the contract unit prices and Urban agreed. Change Order No. One will increase the contract amount by an additional \$81,620 for the work.

During construction, the Line Maintenance Division needed assistance on several sewer system defects not in the project area and Urban again was asked and agreed to replace sewer lines and manholes at contract prices along 300 feet of Peters Avenue, north of Main Street; 1,300 feet along Ann Arbor Drive from Sherry Avenue to Wylie Road; and 200 feet associated with the lowering of the Flood Avenue pavement of the Robinson Street Underpass Project. Change Order No. Two will increase the contract amount by \$10,239 for the additional work.

Item 2, being:

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-2 WITH URBAN CONTRACTORS, INC., INCREASING THE CONTRACT AMOUNT BY \$69,250 FOR THE SEWER MAINTENANCE PLAN PROJECT, PHASE 2.

Mr. Charlie Thomas, Capital Projects Engineer, said Contract No. K-1011-2 was awarded to Urban Contractors, Inc., in the amount of \$1,570,100 for Phase 2 of the Sewer Maintenance Plan Project. He said early in the construction phase, the Line Maintenance Division requested assistance to prevent potential failure of a defective sewer line which is not in the project area. The sewer line runs behind customer homes north of Red Oaks Drive, between Evergreen and Cedarbrook Circles. The Line Maintenance Division does not have pipe-bursting capability so Urban agreed to replace those lines and manholes at the contract unit prices. The additional work consists of supplementary pipe bursting rehabilitation. Change Order No. One will increase the contract amount by \$69,250 for the additional work.

Item 3, being:

DISCUSSION REGARDING COMMUNITY STORM SHELTERS.

Mr. Steve Lewis, City Manager, said Emergency Management is one of the most important things the City is involved with and over the years, the Fire Department has taken a prominent role; however, over the last few years, Emergency Management has become a more prominent responsibility of the community. He said 90% of all Presidentially declared disasters are weather related. He said on May 24, 2011, the City experienced impending severe weather and a record number of people in many communities in Oklahoma took shelter at schools, churches, public universities, etc. He said it was a near panic situation as many people had images of what had recently occurred in Joplin, Missouri, along with public service announcements warning of the possibility of impending severe tornadic activity. He said the Fire Chief would be discuss Norman's Emergency Management Plan and Staff will need guidance from City Council in respect to future grant applications and shelter rules.

Mr. James Fullingim, Fire Chief, said the City of Norman is one of few communities that sponsor storm shelters and the only one that does not have a Federal Emergency Management Agency (FEMA) designation. He said other communities that provide community shelters have certified wind resistant shelters and in some cases they have an adequate shelter for their communities and in some cases they were in the same condition as Norman on May 24, 2011. He said Midwest City has shelter for less than 2000 people, but, like Norman, they had far more than that seeking shelter. He said other communities that sponsor storm shelters are Shawnee, Del City, Newcastle, and Midwest City. Communities that provide no sponsored storm shelters are Moore; Oklahoma City; Edmond; Lawton; Stillwater; Noble; Yukon; and Mustang.

Chief Fullingim said, in Norman, the Emergency Management Group makes a determination of when to open shelters with an hour lead time, if possible. He said weather is unpredictable and sometimes there is no lead time at all. He said the four shelters in Norman are Irving Middle School, Whittier Middle School, Cleveland Elementary, and Little Axe High School. He says the shelters are staffed by the Fire Department and one occasional problem is no one from the school district is available to open the schools so that cuts into the hour lead time. He said the hour lead time is important because the City does not want citizens to respond to the event when the warning actually hits. He said if citizens are outside and the outdoor warning systems are activated or in their homes and the weather radio issues a warning that is not a good time to be leaving to seek shelter.

Chief Fullingim said the Emergency Management Group uses information from multiple sources including the National Weather Service to decide when to activate outdoor warning systems. He said shelters are opened if tornadic activity is anticipated to threaten any portion of Norman within one hour.

Chief Fullingim said, in the case of the May 24, 2011 tornado, the Emergency Management Group had three days lead time primarily. He said the National Weather Service and all the news media had been warning people about the storm system moving towards Oklahoma. He said media images of devastation in nearby states had been on television and in newspapers so citizens reactions of panic was not surprising. Unfortunately, even with the early warnings, citizens did not have an emergency plan when the storm finally hit and citizens were driving around during the storm looking for shelter. He said most of those citizens left a safe place to find shelter, placing themselves in danger. He said many citizens came to the City sponsored shelters with pets, which made many citizens at the shelter unhappy that pets were there while others were unhappy that they had been told not to bring their pets. He said the rule has always been no pets in the shelter. He said the pets included snakes, rats, dogs, cats, birds, etc. He said allowing pets brings up issues of public health, danger to people allergic to animals, danger of being bitten as the animals are anxious being crammed into a room full of strangers, and space taken by animals while people are outside waiting to get inside.

Chief Fullingim said many citizens have called suggesting the City work on a program to open more of the schools for shelters. He said placing 500 people or more in a place not designed specifically to withstand that type of hazard just puts them in more danger. He displayed a picture of the Joplin, Missouri, high school gymnasium that had been decimated by their storm.

Chief Fullingim said the Nation Weather Service does a great job, but it is not possible for them to accurately predict tornadoes with an hour lead time. He said there is a lot of responsibility involved with providing shelter to the community, one of which is overcrowding. He said many of the public places citizens took shelter were no safer than their own homes.

Chief Fullingim said if the City is going to keep sponsoring the storm shelters he suggested posting the following shelter rules at each location:

1. For public health reasons pets or animals may not be brought into the facility. All available space is needed to shelter people; animals may cause problems for those with allergies or other medical conditions. Service animals will be allowed after valid demonstration of provided service.
2. No alcohol or intoxicated person will be permitted.
3. No smoking is allowed on facility property
4. No firearms or weapons.
5. Those that use the shelter will be expected to be respectful of others in the shelter.
6. Those that use the shelter will be expected to respect and take care of the facility.
7. No loitering outside the shelter. Those who use the shelter will be expected to remain inside the shelter until the danger has passed.
8. Those who do not follow these rules/regulations will be asked to leave the premises.

Chief Fullingim said the City has a registration program for residential shelters with 1,431 shelters registered at this date, which he believes is about half of the actual number. He said the City has participated in a FEMA Hazard Mitigation Grants Program with 75%/25%. He said 75% is reimbursed by FEMA with a \$2,000 maximum match. He said the grants are cumbersome and require a lot of work before a City can even apply for the grant without any guarantees of getting the grant. He said the City has submitted notification they are intending to apply for a grant for 500 storm shelters. He said the City is waiting for FEMA to say whether or not they will consider the application. He said a better, safer solution is personal pre-planning for individual families. He said 50% of all injuries occur as the result of people in vehicles or mobile homes.

Chief Fullingim said he would like to change what the City calls a shelter to Emergency Storm Centers, or Areas of Refuge, something other than a shelter. He said the City needs to get better information to the public through the website, community outreach, and press releases. Encourage people to prepare earlier and have an emergency plan in place before another storm hits. He said the City can also consider applying for a grant to build safe structures in community parks with sports events and large crowds.

Councilmember Kovach suggested placing the shelter rules on the front page of the website during storm events or potential bad weather as well as on Facebook. He said, in the information, remind people to acquire a NOAA weather radios for indoor warning. He said the Norman Public Schools have a Thursday Folder Program and it would help to have information placed in the folders regarding shelter registry and shelter rules.

Councilmember Ezzell asked about the timeline of response from FEMA on the application for 500 shelters and Chief Fullingim said Staff did not have one at this time, but would follow up with Council when more information is available.

Mayor Rosenthal suggested information be provided during National Night Out.

Councilmember Dillingham asked if first responders could work with radio and television media regarding advising viewers on what to do during a storm without raising panic.

Councilmember Atkins said he was concerned that with none of the sponsored shelters being FEMA rated, would the City be open to liabilities for any injuries. Mr. Blaine Nice, Assistant City Attorney, said there are specific exemptions for governmental entities that provide shelters.

Councilmember Cubberley felt it was important to change the name from shelters to something else because when people hear "shelter" they think it is a safe building and these schools are not. He said they may be safer than a mobile home or car, but may not be safe as the center of a house. Chief Fullingim asked if the fact that the schools are not wind rated facilities should be included in the information to the public and Councilmember Quinn said yes.

Councilmember Quinn said he finds it interesting that the City of Moore does not sponsor shelters yet they had been devastated by a tornado. He asked if they had shelters prior to that storm and, if so, what were there steps in disengaging their shelter program. He was concerned about the moral liability of providing a shelter that ends up destroyed with people killed or injured and the City should consider that. He felt that providing shelters can draw people from their homes, which could be safer, and felt the City cannot place enough shelters in Norman for 100,000 people. He said he would rather provide options.

Mayor Rosenthal said the City should consult with other institutions about the safest areas within their structures and if they would be willing to take people in.

Councilmember Kovach asked what advice the City would give people in the path of a storm that may strip their house to the foundation and being in the center of the house is not going to save them. Chief Fullingim said it is important to remember that most tornadoes do not take houses down to the foundation and if you are in the center of your house covered up you have a chance to survive; however, if you are in a vehicle, your chances are greatly reduced. He suggested making a plan in advance by having your own storm shelter or finding someone that will allow you into theirs.

Item 4, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(3) TO DISCUSS THE POSSIBLE PURCHASE OF ALL OR PART(S) OF REAL PROPERTY LOCATED AT 114 AND 116 SOUTH CARTER AVENUE, 121 AND 123 SOUTH COCKREL AVENUE, AND 809 AND 815 EAST COMANCHE STREET AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) IN ORDER TO DISCUSS THREATENED LITIGATION ASSOCIATED WITH FREDERICK SPITZ VS. THE CITY OF NORMAN, CLEVELAND COUNTY COURT CASE NO. CJ-88-58BH.

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened in order to discuss the possible purchase of all or part(s) of real property located at 114 and 116 South Carter Avenue, 121 and 123 South Cockrel Avenue, and 809 and 815 East Comanche Street and threatened litigation associated with Frederick Spitz vs. the City of Norman, Cleveland County Case No. CJ-88-58BH, which motion was duly seconded by Councilmember Cubberley; and the question being upon adjourning out of the Special Session and convening an Executive Session, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Special Session adjourned out of; and the Executive Session was convened into in order to discuss the possible purchase of all or part(s) of real property located at 114 and 116 South Carter Avenue, 121 and 123 South Cockrel Avenue, and 809 and 815 East Comanche Street and threatened litigation associated with Frederick Spitz vs. the City of Norman, Cleveland County Case No. CJ-88-58BH.

The City Council convened into Executive Session at 6:13 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; and Mr. Blaine Nice, Assistant City Attorney, were in attendance at the Executive Session.

Thereupon, Councilmember Quinn moved that the Special Session be reconvened, which motion was duly seconded by Councilmember Atkins; and the question being upon reconvening the Special Session, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Special Session was reconvened.

The Special Session reconvened at 6:29 p.m.

The Mayor said the possible purchase of all or part(s) of real property located at 114 and 116 South Carter Avenue, 121 and 123 South Cockrel Avenue, and 809 and 815 East Comanche Street and threatened litigation associated with Frederick Spitz vs. the City of Norman, Cleveland County Case No. CJ-88-58BH was discussed in Executive Session. No action was taken and no votes were cast.

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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 Atkins; 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 6:30 p.m.

ATTEST:

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City Clerk

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Mayor