

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

June 12, 2012

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 12th day of June, 2012, 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 Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

APPROVAL OF MINUTES AS FOLLOWS

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF
MAY 3, 2012
COMPRESSED NATURAL GAS FUELING FACILITY GRAND OPENING MINUTES OF
MAY 4, 2012
CITY COUNCIL STUDY SESSION MINUTES OF MAY 8, 2012
CITY COUNCIL STUDY SESSION MINUTES OF MAY 22, 2012
CITY COUNCIL MINUTES OF MAY 22, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 22, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 22, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 22, 2012
CITY COUNCIL FINANCE COMMITTEE MINUTES OF MAY 23, 2012
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE
MINUTES OF MAY 23, 2012
CITY COUNCIL PUBLIC FORUM MINUTES OF MAY 29, 2012

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 Dillingham;

Items submitted for the record

1. Text File No. GID-1112-93 dated May 17, 2012, by Brenda Hall, City Clerk
2. City Council Business and Community Affairs minutes of May 3, 2012
3. Compressed Natural Gas Fueling Facility Grand Opening minutes of May 4, 2012
4. City Council Study Session minutes of May 8, 2012
5. City Council Study Session minutes of May 22, 2012
6. City Council minutes of May 22, 2012
7. Norman Utilities Authority Special Session minutes of May 22, 2012
8. Norman Municipal Authority Special Session minutes of May 22, 2012
9. Norman Tax Increment Finance Authority Special Session minutes of May 22, 2012
10. City Council Finance Committee minutes of May 23, 2012
11. City Council Community Planning and Transportation Committee minutes of May 23, 2012
12. City Council Public Forum minutes of May 29, 2012

Item 3, continued:

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

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, 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 4, being:

PROCLAMATION NO. P-1112-25: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, JUNE 21, 2012, AS DUMP THE PUMP DAY IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1112-25 proclaiming Thursday, June 21, 2012, as Dump the Pump Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. P-1112-25 dated May 21, 2012, by Brenda Hall, City Clerk
2. Proclamation No. P-1112-25

Participants in discussion

1. Ms. Vicky Crawford, Cleveland Area Rapid Transit (CART) Services, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1112-25 proclaiming Thursday, June 21, 2012, as Dump the Pump Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-1112-25 proclaiming Thursday, June 21, 2012, as Dump the Pump Day in the City of Norman acknowledged; and the filing thereof was directed.

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Item 5, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 6 through Item 29 excluding Item 14 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 6 through Item 29 excluding Item 14, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Item 6 through Item 29 excluding Item 14 were placed on the consent docket by unanimous vote.

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Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1112-39 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 PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE WEST SIDE OF NORTH INTERSTATE DRIVE BETWEEN ROBINSON STREET AND ROCK CREEK ROAD AT THE INTERSECTION WITH STONEY BROOK DRIVE)

Councilmember Kovach moved that Ordinance No. O-1112-39 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1112-39 dated April 17, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1112-39 with attached Preliminary Site Development Plan
3. Location map
4. Annotated Planned Unit Development Narrative for Hyundai Addition submitted April 9, 2012, revised and resubmitted May 4, 2012; and revised and resubmitted May 23, 2012, by Sean Paul Rieger, the Rieger Law Group with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Preliminary Site Development Plan; and Exhibit C, Architectural Preliminary Site Development Plan
5. Planned Unit Development Narrative for Hyundai Addition submitted April 9, 2012, revised and resubmitted May 4, 2012, and revised and resubmitted May 23, 2012, by Sean Paul Rieger, the Rieger Law Group with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Preliminary Site Development Plan; and Exhibit C, Architectural Preliminary Site Development Plan
6. Staff Report dated May 10, 2012, recommending support
7. Protest area map dated June 7, 2012, containing 57.8% protest within notification area
8. Letter of protest received May 7, 2012, from Christopher and Dawnne M. Salaitis to Chairman and Members of the Norman Planning Commission
9. Letter of protest received May 7, 2012, from Donna M. and Joseph Taffe to Chairman and Members of the Norman Planning Commission
10. Letter of protest received May 3, 2012, from David A. and Barbara A. McClurkin, Dove Crossing Neighborhood Home Owners and Residents, to Chairman and Members of the Norman Planning Commission
11. Letter of protest received May 3, 2012, from Cynthia A. Tibbitts to Norman City Clerk
12. Letter of protest received April 24, 2012, from James A. Clevenger to Chairman and Members of the Norman Planning Commission
13. Letter of protest received April 25, 2012, from Louis W. Hanna, Jr., and Carolyn D. Hanna to Chairman and Members of the Norman Planning Commission
14. Letter of protest received April 30, 2012, from Martha L. and William D. Ogle to Chairman and Members of the Norman Planning Commission
15. Letter of protest received May 7, 2012, from Judy Bynum to Chairman and Members of the Norman Planning Commission
16. Letter of protest received May 7, 2012, from Richard H. Clark to Chairman and Members of the Norman Planning Commission
17. Petition of protests received May 7, 2012, containing 148 signatures
18. Petition of protest received June 7, 2012, containing one signature
19. Petition of protest received May 7, 2012, containing one signature
20. Review and Analysis of Preliminary Plans dated May 4, 2012, prepared by Jim Artman, Artman Appraisal Company, to Mr. Sean Paul Rieger in care of Hudimax Norman Holdings, L.L.C.
21. Pertinent excerpts of Planning Commission minutes of May 10, 2012

Item 6, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1112-39 upon First Reading by title, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1112-39 was Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1112-46 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADJUSTING THE SALARY OF PRESIDING JUDGE OF THE MUNICIPAL CRIMINAL COURT AS PROVIDED BY ARTICLE VI, SECTION 1, OF THE CHARTER OF THE CITY OF NORMAN; AND AMENDING SECTION 14-208(C) OF CHAPTER 14 OF THE CODE OF THE CITY OF NORMAN ADJUSTING THE SALARY OF THE ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT; AND SECTION 14-301(B) ADJUSTING THE FEE FOR COURT-APPOINTED COUNSEL; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1112-46 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1112-46 dated May 31, 2012, by Ronda A Guerrero, Municipal Court Clerk
2. Ordinance No. O-1112-46
3. Legislatively notated copy of Ordinance No. O-1112-46
4. Finance Committee minutes of May 23, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-46 upon First Reading by title, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1112-46 was Introduced, read, and adopted upon First Reading by title.

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Item 8, being:

SUBMISSION OF THE PROPOSED NOMINATIONS FOR REAPPOINTMENT OF DAVID POARCH AS PRESIDING JUDGE, GAIL BLAYLOCK AND DREW NICHOLS AS ASSOCIATE JUDGES, AND CHRISTI CHESLEY AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT EACH FOR A TERM BEGINNING JULY 1, 2012, AND ENDING JUNE 30, 2014.

Councilmember Kovach moved that receipt of the nominations be acknowledged and an agenda item be scheduled on June 26, 2012, for confirmation, which motion was duly seconded by Councilmember Dillingham; and the question being upon acknowledging receipt of the nominations and upon the subsequent scheduling, a vote was taken with the following result:

Item 8, continued;

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and receipt of the nominations acknowledged; and an agenda item will be scheduled on June 26, 2012, for confirmation.

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Item 9, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

FLOOD PLAIN PERMIT COMMITTEE

TERM: 06-12-12 TO 06-12-15: NEIL SUNESON, 1803 PETER PAN STREET

PUBLIC SAFETY OVERSIGHT COMMITTEE

TERM: 06-12-12 TO 02-10-13: EDDIE SIMS, 1021 GOLDEN EAGLE DRIVE (WARD 7)

Councilmember Kovach moved that the appointments be confirmed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. AP-1112-22 dated May 24, 2012, by Brenda Hall, City Clerk

and the question being upon confirming the appointments, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the appointments were confirmed.

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Item 10, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENT AS FOLLOWS AND ADOPTION OF RESOLUTION NO. R-1112-150:

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT

TERM: 06-28-12 TO 06-28-16: MARILYN GEIGER, 984 PINEBROOKE COURT

Councilmember Kovach moved that the appointment be confirmed, Resolution No. R-1112-150 be adopted, and the submission thereof be directed to the Cleveland County District Court, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-150 dated May 29, 2012, by Brenda Hall, City Clerk
2. Resolution No. R-1112-150

and the question being upon confirming the appointment and upon the subsequent adoption and directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the appointment confirmed; Resolution No. R-1112-150 was adopted and the submission thereof was directed to the Cleveland County District Court.

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Item 11, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE CITY MANAGER'S CHANGE ORDER REPORT 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 Dillingham;

Items submitted for the record

- 1. Text File No. RPT-1112-42 dated May 31, 2012, Brenda Hall, City Clerk
- 2. Memorandum dated May 14, 2012, from Mark Daniels, Utilities Engineer, and Ken Komiske, Utilities Director, to Steve Lewis, City Manager
- 3. Change Order No. Two to Contract No. K-0910-34

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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of the report acknowledged; and the filing thereof was directed.

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Item 12, being:

SUBMISSION OF THE PIONEER LIBRARY SYSTEM FYE 2013 ANNUAL BUDGET.

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

Items submitted for the record

- 1. Text File No. RPT-1112-31 dated May 31, 2012, by Brenda Hall, City Clerk
- 2. Letter of transmittal dated June 1, 2012, from Anne Masters, Director, Pioneer Library System, to Brenda Hall, City Clerk
- 3. Pioneer Library System Budget, July 1, 2012 – June 30, 2013

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of the document acknowledged; and the filing thereof was directed.

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Item 13, being:

CONSIDERATION OF AWARDING BID NO. 1112-52, CONTRACT NO. K-1112-129 WITH CENTRAL CONTRACTING SERVICES, INC., IN THE AMOUNT OF \$524,273, PERFORMANCE BOND NO. B-1112-47, STATUTORY BOND NO. B-1112-48, AND MAINTENANCE BOND MB-1112-41 FOR THE HALL PARK WATER LINE PROJECT AND THE HALL PARK GREENBELT DRAINAGE PROJECT AND BUDGET APPROPRIATION.

Acting as the City Council and the Norman Utilities Authority, Trustee Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$524,273 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-129, Performance Bond No. B-1112-47, Statutory Bond No. B-1112-48, and Maintenance Bond No. MB-1112-41 be approved; the authorization thereof and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies for the Hall Park Water Line Project and the Hall Park Greenbelt Drainage Project be authorized; the filing of the bonds be directed; and \$86,200 be appropriated from the Water Fund Balance (031-0000-253.00-00) to Project No. WW0149, Hall Park Water Line Replacement, Construction (031-9683-462.61-01), which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. K-1112-129 dated May 25, 2012, from Mark Daniels, Utilities Engineer
2. Engineer's Estimate dated May 24, 2012, from Jeffrey G. Chavez, P.E., Project Manager, Garver, L.L.C., to Purchasing Division, City of Norman
3. Engineer's Recommendation dated May 29, 2012, from Jeffrey G. Chavez, P.E., Project Manager, Garver, L.L.C., to Mr. Mark Daniels, P.E., City of Norman
4. Bid tabulation dated May 29, 2012, for the Norman Hall Park Waterline Replacement
5. Contract No. K-1112-129
6. Performance Bond No. B-1112-47
7. Statutory Bond No. B-1112-48
8. Maintenance Bond No. MB-1112-41
9. Purchase Requisition No. 0000202178 dated June 5, 2012, in the amount of \$524,273 to Central Contracting Services, Inc.

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

YEAS:

Trustees Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$524,273 was awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-129, Performance Bond No. B-1112-47, Statutory Bond No. B-1112-48, and Maintenance Bond No. MB-1112-41 were approved; the authorization thereof and the Norman Utilities Authority as part of the contract to pay subcontractors for equipment and supplies for the Hall Park Water Line Project and the Hall Park Greenbelt Drainage Project were authorized; the filing of the bonds was directed; and \$86,200 was appropriated from the Water Fund Balance (031-0000-253.00-00) to Project No. WW0149, Hall Park Water Line Replacement, Construction (031-9683-462.61-01).

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Item 14, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-1112-53, CONTRACT NO. K-1112-132 WITH ACS PLAYGROUND ADVENTURES, INC., IN THE AMOUNT OF \$151,500; PERFORMANCE BOND NO. B-1112-61; STATUTORY BOND NO. B-1112-62, MAINTENANCE BOND NO. MB-0001-65, RESOLUTION NO. R-1112-148 FOR THE MONROE PARK PLAYGROUND EQUIPMENT PROJECT AND BUDGET APPROPRIATION.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$151,500 be awarded to ACS Playground Adventures, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-132 in the amount of \$151,500 and the performance, statutory, and maintenance bonds be approved; the execution of the contracts and bonds be authorized; the filing of the bonds be directed; Resolution No. R-1112-148 be adopted; and \$250,000 be appropriated from the Neighborhood Park Lane Fund Balance (052-0000-253.20-00) to Project No. PR0255, Monroe Park Playground Equipment, Construction, (050-9543-452.61-01), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1112-132 dated May 29, 2012, by James Briggs, Park Planner
2. Summary of Request for Proposal No. RFP-1112-53 for the Monroe Park Playground Equipment Project
3. Contract No. K-1112-132
4. Performance Bond No. B-1112-61
5. Statutory Bond No. B-1112-62
6. Maintenance Bond No. MB-1112-65
7. Resolution No. R-1112-148
8. Pertinent excerpts from August 16, 2011, Special Session minutes

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation
2. Mr. Bobby Stevens, Post Office Box 6226, asked questions
3. Mr. Steve Lewis, City Manager

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

YEAS:

Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$151,500 was awarded to ACS Playground Adventures, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-132 in the amount of \$151,500 and the performance, statutory, and maintenance bonds were approved; the execution of the contract and bonds was authorized; the filing of the bonds was directed; Resolution No. R-1112-148 was adopted; and \$250,000 was appropriated from the Neighborhood Park Lane Fund Balance (052-0000-253.20-00) to Project No. PR0255, Monroe Park Playground Equipment, Construction, (050-9543-452.61-01).

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Item 15, being:

CONSIDERATION AND AWARDING OF BID NO. 1112-54 FOR THE PURCHASE OF ONE (1) NEW AND UNUSED COMPRESSED NATURAL GAS 64,000 GVWR TRUCK CHASSIS WITH AN AUTOMATED SIDE LOADER REFUSE BODY FOR THE SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of \$296,794 less trade-in allowance of \$38,000 for a total bid amount of \$258,794 be awarded to J and R Equipment as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. BID-1112-54 dated May 25, 2012, by Mike White
2. Bid tabulation dated June 12, 2012, for One (1) CNG Side Loading Refuse Truck

Participants in discussion

1. Mr. Bobby Stevens, Post Office Box 6226, asked questions

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

YEAS: Trustees Dillingham, Ezzell, Gallagher,
Griffith, Kovach, Lockett, Quinn,
Spaulding, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$296,794 less trade-in allowance of \$38,000 for a total bid amount of \$258,794 was awarded to J and R Equipment as the lowest and best bidder meeting specifications.

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Item 16, being:

CONSIDERATION AND AWARDING OF BID NO. 1112-55 FOR THE PURCHASE OF ONE (1) NEW AND UNUSED COMPRESSED NATURAL GAS REAR LOADER WITH A 25 CUBIC YARD REAR-LOADER REFUSE BODY FOR THE SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of \$250,746 less trade-in allowance of \$12,000 for a total bid amount of \$238,746 be awarded to J and R Equipment as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. BID-1112-55 dated May 25, 2012, by Mike White
2. Bid tabulation dated June 12, 2012, for One (1) CNG Rear Loading Refuse Truck

Participants in discussion

1. Mr. Bobby Stevens, Post Office Box 6226, asked questions

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

YEAS: Trustees Dillingham, Ezzell, Gallagher,
Griffith, Kovach, Lockett, Quinn,
Spaulding, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$250,746 less trade-in allowance of \$12,000 for a total bid amount of \$238,746 was awarded to J and R Equipment as the lowest and best bidder meeting specifications as the lowest and best bidder meeting specifications.

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Item 17, being:

CONSIDERATION AND AWARDING OF BID NO. 1112-56 FOR THE PURCHASE OF ONE (1) NEW AND UNUSED COMPRESSED NATURAL GAS 64,000 GVWR TRUCK CHASSIS WITH ONE (1) 32-35 CUBIC YARD FRONT LOADING REFUSE BODY FOR THE SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of \$282,699 less trade-in allowance of \$24,000 for a total bid amount of \$258,699 be awarded to J and R Equipment as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. BID-1112-56 dated May 25, 2012, by Mike White, Fleet Superintendent
2. Bid tabulation dated June 12, 2012, for One (1) CNG Front Loading Refuse Truck

Participants in discussion

1. Mr. Bobby Stevens, Post Office Box 6226, asked questions

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

YEAS:

Trustees Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$282,699 less trade-in allowance of \$24,000 for a total bid amount of \$258,699 was awarded to J and R Equipment as the lowest and best bidder meeting specifications as the lowest and best bidder meeting specifications.

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Item 18, being:

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-7 FOR TRITTEN ACRES AND ACCEPTANCE OF EASEMENT NO. E-1112-51. (GENERALLY LOCATED AT THE NORTHWEST CORNER OF TECUMSEH ROAD AND 96TH AVENUE N.E.).

Councilmember Kovach moved that Norman Rural Certificate of Survey No. COS-1112-7 for Tritten Acres be approved, Easement No. E-1112-51 be accepted; and the filing of the certificate of survey and easement with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. COS-1112-7 dated April 17, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Norman Rural Certificate of Survey No. COS-1112-7
4. Easement No. E-1112-51 with Exhibit A, location map and legal description
5. Staff Report dated May 10, 2012, recommending approval
6. Greenbelt Comments dated April 16, 2012
7. Norman Greenbelt Enhancement Statement, Case No. 1209, dated April 2, 2012, submitted by Ronald C and Bobbie J. Tritten for property located on the northwest corner of 96th Avenue N.E. and Tecumseh Road
8. Pertinent excerpts from Planning Commission minutes of May 10, 2012

Item 18, continued:

and the question being upon approving Norman Rural Certificate of Survey No. COS-1112-7 for Tritten Acres and upon the subsequent acceptance and directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Norman Rural Certificate of Survey No. COS-1112-7 for Tritten Acres approved; Easement No. E-1112-51 be accepted and the filing of the certificate of survey and easement with the Cleveland County Clerk was directed.

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Item 19, being:

CONSIDERATION OF A FINAL PLAT FOR HIGHLAND VILLAGE ADDITION, SECTION 6, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-HALF MILE NORTH OF ROCK CREEK ROAD AND ONE-QUARTER MILE WEST OF NORTH PORTER AVENUE)

Councilmember Kovach moved that the final plat for Highland Village Addition, Section 6, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. FP-1011-15 dated November 16, 2010, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated December 9, 2010, recommending approval
5. Revised preliminary plat
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010

and the question being upon approving the final plat for Highland Village Addition, Section 6, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the final plat for Highland Village Addition, Section 6, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the and final plat was directed.

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Item 20, being:

CONSIDERATION OF A FINAL PLAT FOR TECUMSEH MEADOWS ADDITION, SECTION 3, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-QUARTER MILE SOUTH OF TECUMSEH ROAD AND ONE-HALF MILE WEST OF NORTH PORTER AVENUE)

Councilmember Kovach moved that the final plat for Tecumseh Meadows Addition, Section 3, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of \$1,255.40 in lieu of park land dedication requirements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Dillingham;

Item 20, continued:

Items submitted for the record

1. Text File No. FP-1011-2115 dated April 14, 2011, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated May 12, 2011, recommending approval
5. Preliminary plat
6. Pertinent excerpts from Planning Commission minutes of May 12, 2011

and the question being upon approving the final plat for Tecumseh Meadows Addition, Section 3, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the final plat for Tecumseh Meadows Addition, Section 3, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of \$1,255.40 in lieu of park land dedication requirements, and the filing of the and final plat was directed.

* * * * *

Item 21, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$25,350 FROM THE OFFICE OF HOMELAND SECURITY TO BE USED BY THE OFFICE OF EMERGENCY MANAGEMENT TO PURCHASE EQUIPMENT AND TRAINING AIDS FOR CITIZENS CORPS PROGRAM VOLUNTEERS AND THE COMMUNITY AND ADOPTION OF RESOLUTION NO. R-1112-151 APPROPRIATING FUNDS.

Councilmember Kovach moved that a grant in the amount of \$25,350 from the Office of Homeland Security to be used by the Office of Emergency Management to purchase equipment and training aids for Citizens Corps Program volunteers and the community be accepted and Resolution No. R-1112-151 appropriating funds be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. GID-1112-96 dated May 30, 2012, by James Fullingim, Fire Chief, with attached list of accounts that money should be transferred into
2. Sub-Grantee Award No. 148.010 effective August 1, 2009 through July 31, 2012, in the amount of \$25,350 from the Office of Homeland Security
3. Resolution No. R-1112-151

and the question being upon accepting a grant in the amount of \$25,350 from the Office of Homeland Security to be used by the Office of Emergency Management to purchase equipment and training aids for Citizens Corps Program volunteers and the community and upon the subsequent adoption, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and a grant in the amount of \$25,350 from the Office of Homeland Security to be used by the Office of Emergency Management to purchase equipment and training aids for Citizens Corps Program volunteers and the community accepted; and Resolution No. R-1112-151 was adopted.

* * * * *

Item 22, continued:

SPECIAL CLAIM NO. SC-1112-9: A CLAIM IN THE REDUCED AMOUNT OF \$3,969 SUBMITTED BY THOMAS FARRELL FOR INJURIES RECEIVED FROM HANDCUFFS PLACED BY NORMAN POLICE OFFICERS.

Councilmember Kovach moved that Special Claim No. SC-1112-9 be approved and payment in the reduced amount of \$3,969 be directed contingent upon obtaining a Release and Covenant Not to Sue from Thomas Farrell, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. SC-1112-9 dated May 31, 2012, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated November 1, 2011, from Brenda Hall, City Clerk, to Keith Humphrey, Police Chief, and Jeff Bryant, City Attorney
3. Special Claim No. SC-1112-9 dated October 26, 2011, submitted by Laura A. Shaeffer, Attorney-at-law, Shaeffer, Shaeffer and Kernal, on behalf of Thomas Farrell

and the question being upon approving Special Claim No. SC-1112-9 and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Special Claim No. SC-1112-9 approved; and payment in the reduced amount of \$3,969 was directed contingent upon obtaining a Release and Covenant Not to Sue from Thomas Farrell.

* * * * *

Item 23, being:

LIMITED LICENSE NO. LL-1112-15: 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 MIDSUMMER NIGHT'S FAIR TO BE HELD JULY 13 AND 14, 2012, AT LION'S PARK.

Councilmember Kovach moved that Limited License No. LL-1112-15 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Midsummer Nights' Fair be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. LL-1112-15 dated May 24, 2012, by Wayne Stenis, Planner II
2. Limited License No. LL-1112-15
3. Application for Limited License for four signs dated May 18, 2012, from the Firehouse Art Center

and the question being upon approving Limited License No. LL-1112-15 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Midsummer Nights' Fair and upon the subsequent authorization, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Limited License No. LL-1112-15 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Midsummer Nights' Fair approved; and the issuance thereof was authorized.

* * * * *

Item 24, being:

CONSIDERATION OF ACCEPTANCE OF A QUITCLAIM DEED FROM THE UNITED STATES ARMY CORPS OF ENGINEERS TO THE CITY OF NORMAN FOR THE ARMY RESERVE CENTER PROPERTY LOCATED AT 1507 WEST LINDSEY STREET TO BE USED BY THE POLICE DEPARTMENT.

Councilmember Kovach moved that the quitclaim deed from the United States Army Corps of Engineers be accepted, the Mayor be authorized to execute all associated documents thereto, and the filing of the deed with the Cleveland County Clerk be directed.

Items submitted for the record

1. Text File No. GID-1112-97 dated May 30, 2012, by Linda Price, Revitalization Manager
2. Quitclaim Deed for the Joe A. Smalley U.S. Army Reserve Center with Exhibit A, Legal Description, and Exhibit B, Environmental Protection Provisions

and the question being upon accepting the quitclaim deed from the United States Army Corps of Engineers and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the quitclaim deed from the United States Army Corps of Engineers accepted; the Mayor was authorized to execute all associated documents thereto and the filing of the deed with the Cleveland County Clerk was directed.

* * * * *

Item 25, being:

CONTRACT NO. K-1112-111: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY WITH THE WATER RESEARCH FOUNDATION IN THE AMOUNT OF \$50,000 TO PARTICIPATE IN A COLLABORATIVE PROJECT WITH THE CITIES OF LOUISVILLE, KENTUCKY; SAN JOSE, CALIFORNIA; MADISON, WISCONSIN; AND TULSA OKLAHOMA; REGARDING THE TREATMENT OF HEXAVALENT CHROMIUM AND BUDGET APPROPRIATION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1112-111 with Water Research Foundation in the amount of \$50,000 be approved, the execution thereof be authorized, and \$50,000 be appropriated from the Water Fund Balance (031-0000-253.20-00) to Project No. WA0176, Chromium VI Study, Design (031-9942-462.62-01), which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. K-1112-111 dated February 1, 2012, by Chris Mattingly, Utilities Superintendent
2. Contract No. K-1112-111 with Exhibit A, Project proposal and all subsequent correspondence; Exhibit B, Scope of Work; Exhibit C, Budget Summary; Exhibit D, Invoice Form; Exhibit E, Assignment of Interest in Copyrighted Works
3. Chromium 6 Management Working Group Committee minutes of January 17, 2012

and the question being upon approving Contract No. K-1112-111 with Water Research Foundation in the amount of \$50,000 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS: Trustees Dillingham, Ezzell, Gallagher,
Griffith, Kovach, Lockett, Quinn,
Spaulding, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and Contract No. K-1112-111 with Water Research Foundation in the amount of \$50,000 approved; the execution thereof was authorized and \$50,000 was appropriated from the Water Fund Balance (031-0000-253.20-00) to Project No. WA0176, Chromium VI Study, Design (031-9942-462.62-01).

* * * * *

Item 26, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1112-121 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SHAWNEE LIGHTING SYSTEMS, INC., FOR THE ROTARY SPORTS FIELD LIGHTING UPGRADE PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of \$3,437.95 to Shawnee Lighting Systems, Inc., be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1112-121, Final, dated May 16, 2012, by Mitch Miles, Park Planner
2. Purchase Order No. 215475 dated May 3, 2012, in the amount of \$68,759 subtracting a payment in the amount of \$65,321.05 leaving a balance of \$3,437.95

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

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$3,437.95 to Shawnee Lighting Systems, Inc., was directed.

* * * * *

Item 27, being:

CONTRACT NO. K-1112-123: AN AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND E.F. JOHNSON COMPANY TO ASSIST IN THE BETA TEST PROGRAM IN A LIVE ENVIRONMENT OF SIX (6) NEW PORTABLE HAND-HELD RADIOS RECENTLY RELEASED ON THE MARKET AT NO COST TO THE CITY.

Councilmember Kovach moved that Contract No. K-1112-123 with E.F. Johnson Company be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1112-123 dated May 23, 2012, by Lance Terry, Communications Center Supervisor
2. Contract No. K-1112-123 with Appendix 1, description of the Beta Test Program; and Appendix 2, Beta Testing Objective

and the question being upon approving Contract No. K-1112-123 with E.F. Johnson Company and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Contract No. K-1112-123 with E.F. Johnson Company approved; and the execution thereof was authorized.

* * * * *

Item 28, being:

RESOLUTION NO. R-1112-149: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN EMPLOYEES RETIREMENT SYSTEM PLAN DOCUMENT.

Councilmember Kovach moved that Resolution No. R-1112-149 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text file No. R-1112-149 dated May 29, 2012, by Anthony Francisco, Director of Finance
2. Resolution No. R-1112-149 with Exhibit A, Employee Defined Contribution Retirement System of the City of Norman, Amendment for Pension Protection Act, Heart Act, and Worker, Retiree and Employer Recovery Act

and the question being upon adopting Resolution No. R-1112-149, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-149 was adopted.

* * * * *

Item 29, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE TOTAL AMOUNT OF \$48,388.66 REGARDING DERRALD KIZZIA VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2012-00606X.

Councilmember Kovach moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the total amount of \$48,388.66 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. GID-1112-95 dated May 30, 2012, by Jeanne Snider, Assistant City Attorney, with attached Payment Schedule
2. Workers' Compensation Court Order No. WCC 2012-00606X filed May 17, 2012
3. Purchase Requisition No. 0000201882 dated May 30, 2012, in the amount of \$20,349 to Derrald Kizzia and Richard A. Bell
4. Purchase Requisition No. 0000201883 dated May 30, 2012, in the amount of \$936.70 to Workers' Compensation Administrative Tax Fund
5. Purchase Requisition No. 0000201884 dated May 30, 2012, in the amount of \$351.26 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000201886 dated May 30, 2012, in the amount of \$140 to Workers' Compensation Court
7. Purchase Requisition No. 0000201887 dated May 30, 2012, in the amount of \$125.70 to Cleveland County Court Clerk

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

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$48,388.66 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 30, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-406, AND OKLAHOMA SUPREME COURT CASE NO. SD-108847 IN THE AMOUNT OF \$75,339.70.

Councilmember Dillingham 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 \$75,339.70, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1112-98 dated June 6, 2012, by Rickey Knighton, Assistant City Attorney, with attached Payment Schedule
2. Letter dated April 9, 2012, from Michael C. Wofford, Dorener, Saunders, Daniel and Anderson, L.L.P., to Jeff Harley Bryant, City Attorney

Participants in discussion

1. Mr. Jeff Bryant, 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 Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the City Attorney's recommendation approved; c and the City Attorney's Office be authorized to effectuate the settlement in the amount of \$75,339.70.

* * * * *

With the concurrence of the Council, the Mayor altered the agenda to consider Item 31 after Item 34.

* * * * *

Item 32, being:

ORDINANCE NO. O-1112-31: 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 GRANT SPECIAL USE FOR A RECREATIONAL CAMP ON PROPERTY CURRENTLY ZONED A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY, LOCATED IN THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, SO AS AND PROVIDING FOR THE SEVERABILITY THEREOF. (4606 EAST ROCK CREEK ROAD)

Ordinance No. O-1112-31 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 22, 2012, Councilmember Ezzell moved that Ordinance No. O-1112-31 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. O-1112-31 dated February 8, 2012, from Susan Connors, Director of Planning and Community Development
2. Ordinance No. O-1112-31
3. Location map
4. Plat of survey
5. Staff Report dated April 12, 2012, recommending approval
6. Letter dated February 6, 2012, from Sean Paul Rieger, Attorney at Law – Architect, to City of Norman Planning Department
7. Rock Creek Youth Camp description
8. Pertinent excerpts from Planning Commission minutes of April 12, 2012

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant

Item 32, continued:

and the question being upon adopting Ordinance No. O-1112-31 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-31 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1112-31 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1112-31 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-31 was adopted upon Final Reading as a whole.

* * * * *

Item 33, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR INDEPENDENCE VALLEY ADDITION.
(GENERALLY LOCATED SOUTH OF CEDAR LANE ROAD ONE-HALF MILE WEST OF
12TH AVENUE S.E.)

Councilmember Kovach moved that the preliminary plat for Independence Valley Addition be approved, which motion was duly seconded by Councilmember Ezzell;

Items submitted for the record

1. Text File No. PP-1112-12 dated April 17, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Table
2. Location map
3. Preliminary plat
4. Staff Report dated May 10, 2012, recommending approval
5. Greenbelt Commission Final Comments dated April 16, 2012
6. Greenbelt Enhancement Statement, Case No. GBC-12-12 dated April 9, 2012, submitted by Shaz Investment Group, Inc., for Independence Valley Addition
7. Predevelopment Summary dated April 26, 2012, submitted by Shaz Investment Group for property located south of Cedar Lane Road, one-half mile west of 12th Avenue S.E.
8. Pertinent excerpts from Planning Commission minutes of May 10, 2012

Participants in discussion

1. Mr. Tom McCaleb, SMC Consulting Engineers, 108 West Main Street, Oklahoma City, engineer representing the applicant

and the question being upon approving the preliminary plat for Independence Valley Addition, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the preliminary plat for Independence Valley Addition was approved.

* * * * *

Item No. 34, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-1011-148: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$3,687,000 TO PROVIDE PRELIMINARY DESIGN, FINAL DESIGN, AND BIDDING SERVICES FOR PHASE 2 OF THE WATER RECLAMATION FACILITY IMPROVEMENTS AND BUDGET APPROPRIATION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Option 2 for Amendment No. One to Contract No. K-1011-148 with Garver, L.L.C., increasing the contract amount by \$3,687,000 be approved, the execution thereof be authorized, and \$2,186,400 be appropriated from the Wastewater Fund Balance (032-0000-253.20-00) to Project No. WW0065, Phase 2 South WRF Improvements, Design (032-9048-432.62-01), which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. K-1011-148, Amendment No. One, dated February 2, 2012, by Mark Daniels, Utilities Engineer
2. Amendment No. One to Contract No. K-1011-148 with Appendix A, Scope of Services, Appendix B, Fee Summary; Exhibit No. One, Proposed Project
3. Memorandum dated May 31, 2012, from Jeff Harley Bryant, City Attorney, to Honorable Mayor and Councilmembers
3. Letter dated May 22, 2012, from Harold Heiple, Heiple Law Offices, to City of Norman City Attorney
4. Future Expansion of Wastewater Discussion dated May 16, 2012
5. Use of Temporary Sales Tax Funds
6. Timeline for Design and Construction of the North Plant
7. Projected Funding for the Future North Plant
8. Location map

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Mr. Mark Daniels, Utilities Engineer
3. Mr. Harold Heiple, 218 East Eufaula, asked questions
4. Mr. Jeff Bryant, City Attorney
5. Mr. Steve Ellis, 633 Reed Avenue, made comments
6. Mr. Ben Alpers, 208 Chautauqua Avenue, protestant
7. Ms. Jayne Andrews, 1724 South Berry Road, made comments
8. Ms. Cynthia Rogers, 633 Reed Avenue, protestant
9. Mr. Sean Rieger, 136 Thompson Drive, proponent
10. Ms. Joy Hampton, The Norman Transcript, 215 East Comanche Street, asked questions
11. Ms. Libba Smith, 1224 Avondale Drive, made comments
12. Ms. June McLaughlin, 2701 East Rock Creek Road, asked questions
13. Mr. Gail Poole, 715 Tiffin Avenue, protestant
14. Mr. Greg Jungman, 642 South Lahoma Avenue, made comments

and the question being upon approving Option 2 for Amendment No. One to Contract No. K-1011-148 with Garver, L.L.C., increasing the contract amount by \$3,687,000 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:

Trustees Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Option 2 for Amendment No. One to Contract No. K-1011-148 with Garver, L.L.C., increasing the contract amount by \$3,687,000 approved; the execution thereof was authorized and \$2,186,400 was appropriated from the Wastewater Fund Balance (032-0000-253.20-00) to Project No. WW0065, Phase 2 South WRF Improvements, Design (032-9048-432.62-01).

* * * * *

With the concurrence of the Council, the Mayor altered the agenda to consider Item 31 after Item 34.

* * * * *

Item 31, being:

CONSIDERATION OF ADOPTION OF THE FYE 2013 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS AND THE NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

Councilmember Quinn moved that the FYE 2013 City of Norman Budget and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GId-1112-63 dated March 13, 2012
2. City of Norman, Oklahoma, Fiscal Year Ending 2013 Annual Budget Summary of Fund Balances
3. Norman Convention and Visitors Bureau FY 2013 Budget and Destination Management Plan, dated April 12, 2012, from Stephen Koranda, Executive Director, NCVB, to Steve Lewis, City Manager, and City of Norman City Council with Appendix A, Big XII Conference and Other Compatible Communities and City of Norman Benchmark Communities and Appendix B, Hospitality Personality Program
4. Norman Convention and Visitors Bureau Sales Department 2012 Action Plan Summary

Councilmember Dillingham disclosed she is employed by the Cleveland County District Attorney's Office but has no direct benefit from the approval of the following budget amendment; therefore, it did not create a conflict of interest.

Thereupon, Councilmember Gallagher moved that the FYE 2013 City of Norman Budget be amended to increase the Police Department Prisoner Care account by \$18,000 due to an increase in costs due to anticipated increase in fees from Cleveland County, which motion was duly seconded by Councilmember Kovach; and the question being upon amending the FYE 2013 City of Norman Budget as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the FYE 2013 City of Norman Budget was amended as stated above.

Thereupon, Councilmember Dillingham moved that the FYE 2013 City of Norman Budget, as amended, be further amended to increase the Municipal Election account by \$23,000 due to rescheduling of elections, which motion was duly seconded by Councilmember Kovach; and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Mayor Rosenthal
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NAYES:	Councilmember Spaulding
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The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Quinn moved that the FYE 2013 City of Norman Budget, as amended, be further amended to increase the Property Tax Reevaluation account by \$10,000 to more accurately reflect historic expenditures, which motion was duly seconded by Councilmember Kovach; and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

Item 31, continued:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Dillingham moved that the FYE 2013 City of Norman Budget, as amended, be further amended to add \$28,596 to the Municipal Court Temporary Salaries account for an increase in judicial salaries as recommended by the Finance Committee, which motion was duly seconded by Councilmember Quinn; and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Ezzell moved that the FYE 2013 City of Norman Budget, as amended, be further amended to transfer \$33,500 from the Community Relations Division for a citizen's satisfaction survey to the Stormwater Division to further reinstate funding for the litter control programs; which motion was duly seconded by Councilmember Dillingham;

Participants in discussion

1. Mr. Steve Lewis, City Manager

and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Quinn moved that the FYE 2013 City of Norman Budget, as amended, be further amended to change the \$10,000 funding source for the Deficient Natural Gas Line at Fleet/Line Maintenance (North Base) from the New Development Excise Fund to \$5,000 from the Water Fund and \$5,000 from the Sewer Maintenance Fund, which motion was duly seconded by Councilmember Dillingham; and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

Item 31, continued:

The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Griffith moved that the FYE 2013 City of Norman Budget, as amended, be further amended to add \$1,197,500 in capital improvement expenditures as outlined below:

PROPOSED ADDITIONAL PROJECTS

Traffic Calming (non-physical) on Porter [Solar powered speed feedback signs]	\$ 40,000
Porter sidewalk Acres – Johnson Replace 775'; replace 6 ramps; add 2 ramps]	\$ 50,000
Porter/Acres Pedestrian Crossing [Design only]	\$ 20,000
Repairs to damaged parks and City buildings from April 13 tornado	\$114,000
Bridge Maintenance Program for bridges > 20' in length	\$150,000
Demolition of Granary, North of Acres & West of the RR	\$125,000
Aerial Photographs [regionally fly every 2-3 years]	\$100,000
Sidewalks	\$136,000
24 th Ave N.W. : Robinson – UNP shopping area	
Brooks: Jenkins – Classen	
Elmwood: Brookside Dr. – Pickard Ave.	
500 Block of 48 th Ave. N.W. [gap project]	
I-35/Main Street Interchange Enhancements [2-year project]	\$175,000
Parking lot expansion at Griffin Park [50 spaces]	\$ 85,000
Griffin Park Bleachers [replace 28 at 14 fields]	\$ 58,000
Replant landscaping of medians on Highway 77 and Main St.	\$ 50,000
Treasury Area Safety Project	\$ 30,000
Griffin Park Irrigation System Improvements	\$ 25,000
Replace Fire Bay Doors for Fire Stations 2 & 4	\$ 12,000
Installation of new water fountain at Little Axe ball fields	\$ 2,500
Temporary Eastside Library Service Point	<u>\$ 25,000</u>
	\$1,197,500

which motion was duly seconded by Councilmember Quinn; and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Griffith moved that the FYE 2013 City of Norman Budget, as amended, be further amended to make typographical and minor numerical corrections, with no financial impact to the FYE 2013 Budget, to the budget document as required, which motion was duly seconded by Councilmember Dillingham; and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,
Gallagher, Griffith, Kovach, Lockett,
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Item 31, continued:

Thereupon, Councilmember Kovach moved that the FYE 2013 City of Norman Budget, as amended, be further amended to reduce allocations from the General Fund, City Council Consultant budget by \$71,500 and increase allocations in the Public Works Department, Stormwater Division budget by \$71,500 for an expanded contract street sweeping program, which motion was duly seconded by Councilmember Dillingham;

Participants in discussion

1. Mr. Ben Alpers, 208 Chautauqua, asked questions
2. Mr. Shawn O'Leary, Director of Public Works
3. Ms. Mary Francis, 850-C Cardinal Creek Condos, made comments
4. Mr. Bobby Stevens, Post Office Box 6226, made comments
5. Mr. Mark Campbell, Post Office Box 3053, made comments
6. Mr. John Woods, 4104 Castlerock Road, made comments

and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS: Councilmembers Ezzell, Gallagher,
Kovach, Lockett, Spaulding

NAYES: Councilmembers Dillingham, Griffith,
Quinn, Mayor Rosenthal

The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

Thereupon, Councilmember Dillingham moved that the FYE 2013 City of Norman Budget, as amended, be further amended as outlined below:

South Water Reclamation Facility Improvements Phase 2 (Project No. WW0065):

Account No.	Amended Amount
032-9048-432.62-01 WWF – Design	\$ 2,861,809 (increase by \$1,201,637)
323-9048-432.62-01 SST – Design	\$ 0
032-9048-432.61-01 WWF – Construction	\$9,733,969 (increase by \$3,672,420)
032-9048-432.61-01 SST – Construction	\$ 0

**North Water Reclamation Facility Engineering Report (Project No. WW0204):
Rename as “North Water Reclamation Facility”**

Account No.	Amended Amount
323-9049-432.62-01 SST – Design	\$ 83,000

(Version 1 – with Status & Comments notations)

Increase projected bond proceeds revenue in the Water Reclamation Fund by \$4,875,000, and increase estimated Annual Debt Service expenditures by \$485,000 (to a total of \$2,835,000 per year) in the Water Reclamation Fund. (Page 40)

Add to Page 69 of the Sewer Sales Tax Capital Fund Summary
Reserve \$5,792,157 for use to meet current needs in accordance with the tax imposing Ordinance.

With this action the Norman Utilities Authority (NUA) acknowledges and adopts the timeline and following four points, as outlined in the Advisory Memorandum dated 6/8/2012 from the City Attorney, as an expression of the NUA commitment to a North Plant component of the 2001 Wastewater Master Plan:

1. Commitment to a North Wastewater Treatment Plant (North WRF). Identify the remaining temporary SST monies (at least \$6,000,000) in the FYE13 Budget for the North WRF Project.
2. City to contract for preparation of the Engineering Report for the proposed North WRF with a full build-out average daily design flow of 4.5 MGD; funding to be included in FYE 13 North WRF budget using temporary SST revenues.
3. Continue effort to encourage ODEQ regulations for “intentional [in]direct (*sic*) potable water reuse”. Continue to work with the Oklahoma State Legislature toward the development of ODEQ reuse regulations.

Item 31, continued:

4. Ensure timely construction of North WRF by closely monitoring wastewater flows at Lift Station D by: (1) preparing monthly reports comparing the Average Daily Flow (ADF) for the previous 12 consecutive months; and (2) moving forward with the Total Maximum Daily Load Study (TMDL) for the North WRF, which will in no event be later than when flows reach 2.75 MGD (12-month running annual ADF) at Lift Station D.

which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. City of Norman, North Water Reclamation Facility Capital Project Sheet, Version 1, dated June 8, 2012, and corrected June 20, 2012
2. City of Norman, South WRF Improvements Phase 2 (No SST) Capital Project Sheet dated June 1, 2012
3. FYE 2013 Capital Budget, Page 69, Sewer Sales Tax Capital Fund Summary, Fund 323

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Mr. Harold Heiple, 218 East Eufaula, proponent
3. Mr. Steve Ellis, 633 Reed Avenue, made comments
4. Ms. Jeanette Coker, 620 East Main Street, made comments
5. Ms. Mary Francis, 850-C Cardinal Creek Condos, asked questions
6. Ms. Cynthia Rogers, 633 Reed Avenue, made comments

and the question being upon further amending the FYE 2013 City of Norman Budget, as amended, as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, was further amended as stated above.

and the question being upon adopting the FYE 2013 City of Norman Budget, as amended, and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the FYE 2013 City of Norman Budget, as amended, and the Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work were adopted.

* * * * *

Item 35, being:

RESOLUTION NO. R-1112-139: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AFFIRMING THE INTENT OF COUNCIL TO APPROVE AND ACCEPT A BENEFICIAL INTEREST IN THE TRUST INDENTURE CREATING THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY ("NEDA") AND REQUESTING THE MAYOR OF THE CITY OF NORMAN, THE BOARD OF DIRECTORS OF THE NORMAN ECONOMIC DEVELOPMENT COALITION AND THE EXECUTIVE COMMITTEE OF THE NORMAN CHAMBER OF COMMERCE TO SUBMIT THEIR NOMINATIONS FOR TRUSTEES IN ACCORDANCE WITH SAID PROPOSED TRUST INDENTURE (5-08-12 non-Councilmembers as Trustees).

or alternatively

RESOLUTION NO. R-1112-139: A RESOLUTION ACCEPTING BENEFICIAL INTEREST IN THE TRUST CREATED BY A TRUST INDENTURE CREATING THE NORMAN ECONOMIC DEVELOPMENT AUTHORITY FOR AND ON BEHALF OF THE CITY OF THE CITY OF NORMAN, OKLAHOMA, IN ALL RESPECTS IN ACCORDANCE WITH THE TERMS OF SAID TRUST INDENTURE (6-07-12 Councilmembers as Trustees).

Councilmember Kovach moved that Resolution No. R-1112-139 dated June 7, 2012, be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-139 dated June 7, 2012, by Jeff Bryant, City Attorney
2. Draft Resolution No. R-1112-139 dated June 7, 2012
3. Legislatively notated copy of Resolution No. R-1112-139 dated June 7, 2012
4. Staff report submitted to Council on May 8, 2012, prepared by Jeff Bryant, City Attorney
5. Resolution No. R-1112-139 submitted to Council on May 8, 2012
6. Draft Trust Indenture submitted to Council on May 8, 2012
7. Revised Draft Trust Indenture dated May 15, 2012
8. City Council Business and Community Affairs Committee minutes of August 4, 2011; September 15, 2011; October 6, 2011; November 3, 2011; December 1, 2011; January 5, 2012; February 2, 2012; and March 1, 2012;
9. City Council Special Session minutes of March 27, 2012
10. Memorandum dated June 7, 2012, from Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
11. Revised Resolution No. R-1112-139 dated June 12, 2012
12. Legislatively notated copy of Trust Indenture dated June 7, 2012
13. Trust Indenture dated June 7, 2012
14. Revised Resolution No. R-1112-139 dated June 12, 2012
15. City Council Public Forum minutes of May 29, 2012
16. Business and Community Affairs Committee minutes of June 7, 2012

Thereupon Councilmember Ezzell moved the previous question, which motion was duly seconded by Councilmember Kovach, and the question being upon moving the previous question, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell, Griffith, Kovach, Lockett, Quinn

NAYES: Councilmembers Gallagher, Spaulding, Mayor Rosenthal

The Mayor declared the motion carried and the previous question was moved.

and the question being upon adopting Resolution No. R-1112-139 dated June 7, 2012, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell, Griffith, Kovach, Lockett, Quinn

NAYES: Councilmembers Gallagher, Spaulding, Mayor Rosenthal

The Mayor declared the motion carried and Resolution No. R-1112-139 dated June 7, 2012, was adopted.

MISCELLANEOUS DISCUSSION

Norman Economic Development Authority. Mr. Ben Alpers, 208 Chautauqua Avenue, said the Council acted with contempt for public input when they cut off debate allowing no public discussion on a matter of enormous controversy in the community. He said he had a petition signed by 194 Norman citizens against the creation of the Norman Economic Development Authority (NEDA), but was unable to submit the petition to Council because they voted not allow public debate.

Mr. Steve Ellis, 633 Reed Avenue, said by cutting off public debate, Council missed out on important comments. He said now that NEDA has been created, the City should not use it as there is plenty of evidence that economic development policies are not effective. He said the public has not had time to digest the information.

Items submitted for the record

1. What NWWTP Proponents said in 2003

Ms. Ann Groff, 806 Mockingbird Lane, said she agreed with Mr. Ellis that the public has not had time to assimilate the information on the draft trust dated June 7, 2012.

Mr. Jim Stanley, 3922 Pine Tree Circle, said he was disappointed in Council not giving the public an opportunity to express opinions.

Mr. Ed Kessler, 1510 Rosemont, said Norman is a major focus of meteorology in the United States and it would have been embarrassing if the Chamber of Commerce had been involved in the development. He said integrity, transparency, understandability, and competence will attract businesses and it is not necessary to have a NEDA.

Ms. Cynthia Rogers, 633 Reed Avenue, said she is an economics professor and is appalled by the lack of public comment on the NEDA. She said the NEDA is a dangerous tool and there is little evidence that recruiting businesses has any link to employment outcome. She said market forces are what matters and she is worried adequate insight and input would be considered in its application. She said the cost of growth is typically under assessed and Norman has not visited what the cost of growth is since 2001. She said Norman's development impact fees are not high enough for intelligent, managed growth.

Mr. Stephen Tyler Holman, 1030 South College, said he is disappointed with Council's action on NEDA. He said it is hard to convince citizens to get involved in local government when their voices are not heard.

Mr. Mark Campbell, Post Office Box 3503, said the City of Norman has a University North Park Tax Increment District (UNPTIF), but Business and Community Affairs Committee (BACA) spent an hour discussing how it could be used to serve as the NEDA. He said the UNPTIF is being micromanaged by BACA, but the item was not on their agenda. He said BACA has amazing powers and is spell binding and he has lost all faith in City Council.

Mr. Steve Davis, 539 Shawnee, said he came to the meeting to hear and discuss NEDA, but did not get that chance because there was no dialogue allowed. He said Council talks a lot about trust in City government, but when Council does not give the public the opportunity to speak and alone decides what is best for the City they have lost touch and contact with reality and with the people they are representing. He said it seems implausible that this vote happened spontaneously without prior discussion and he is ashamed and disappointed in City Council.

Mr. Greg Jungman, 642 South Lahoma, said he tries not to get hung up on outcomes, but the government process is sacred and he has heard Council say that public input and public trust is sacred. He said tonight, with the exception of three, that process was left behind when Council decided to consciously censor public debate. He said voting reflects values, but he was uncertain what Council's values were when they censor public debate and ramrod through a new entity of government. He said Council's decision would have a ripple effect because the public trust starts at the ballot box. He said he is disappointed and can not wait to take a more active role when he is seated as Ward Four Councilmember in July.

Ms. Kristen Marshall, 2102 Park Place, thanked the Mayor and Councilmembers Gallagher and Spaulding for voting no and wanting to give the public a chance to speak because NEDA was the main reason for everyone's attendance tonight. She said what happened tonight was a bait and switch where Council wanted citizens to come to the meeting to discuss NEDA, but apparently Council made up their minds behind closed doors. She said Council could have at least pretended like they cared what the constituents who elected them had to say. She said the price of democracy is hearing opinions you may not agree with and what happened tonight was ridiculous.

Miscellaneous Discussion, continued:

Mr. Don Wood, Executive Director of Norman Economic Development Coalition, 2715 72nd Avenue S.E., said NEDA is a good thing. He said a trust authority saved Hitachi by helping finance the expansion of Hitachi, which allowed the existing facility to remain in Norman employing 500 families. He said without that help, the plant would have been closed and moved to Indianapolis. He said that shows the results of using a trust properly and responsibly.

Mr. Bobby Stevens, Post Office Box 6226, thanked the Mayor and Councilmembers Gallagher and Spaulding for wanting to give citizens an opportunity to speak. He said the City wants citizens involved, but when they are shut down that is not a good thing. He said Council will be asking citizens to vote on bond issues, raise taxes, etc., so just remember citizens put Council in office and can take them out of office. He said with great power comes great responsibility. He said he would highly recommend listening to citizens in the future.

Mr. Stephen Koranda, Director of Norman Convention and Visitors Bureau (NCVB), 2424 Springer Drive, thanked Council for support of the NCVB budget and economic development efforts through tourism. He said for every dollar spent in marketing in Oklahoma \$54 comes back to the State in form of jobs and sales tax creation. He said with economic development tools will promote further business expansion including business travel.

Mr. Trey Bates, Chamber of Commerce Chairman, 3720 Timberidge, thanked Council for their support and creation of NEDA. He said there has been a lot of conspiracy theories and way NEDA could go awry, but the reality is that when the actual financing mechanism comes into play there will be entirely new and robust discussions and debate among educated people.

Ms. Ann Gallagher, 1522 East Boyd, said she came to the meeting to learn about NEDA, but did not get that chance. She said citizens were given the promise that after BACA met on June 7, 2012, the trust document would be posted on the City's website redlined with changes, but that did not happen. She said citizens were not given the opportunity to have an intellectual discussion because they were not allowed to have a voice.

Mr. Sean Rieger, 136 Thompson Drive, thanked Council for their support of NEDA. He said the City needs the tool to be competitive because there are other communities competing against Norman and they will not stop, but will become more aggressive on economic development. He said Oklahoma City (OKC) did not obtain the Thunder Team because the team thought OKC had a great quality of life, OKC bought and paid for that and the benefit has been tremendous. He said that is what can be accomplished if Norman would advance that same passion for their community to be that competitive and forget about what Moore and Edmond are doing. He said in response to Ms. Roger's comments, impact fees in Norman are more expensive than surrounding communities.

Ms. Jane Crumpley, 423 Elm, said she tries to keep informed on issues important to Norman and to sit in a meeting all night then be told she cannot speak is beyond belief. She said after hearing all the representatives from the Chamber of Commerce, Builders Association, Developers Association, she is wondering why citizens come to Council meetings, why not let these groups run the City and let them have everything they want because that is what is happening. She said their voice counts more than the public. She said Norman will grow and citizens want it to grow, but they want it to grow well with good projects. She said citizens will remember this night and there are a lot of important issues coming forward and this is not a threat, it is just that citizens will keep that in mind and she is disappointed in Council.

Ms. Mary Francis, 850-C Cardinal Creek Condos, said Thunder won tonight and the citizens of Norman lost.

Ms. Courtney Krieger, 4212 Bismarc Lane, said Mr. Rieger's comments of the Thunder being "bought and paid for" is very disturbing to her. She said citizens are not anti-growth, they just want responsible growth. She said citizens want to know when they entrust people with their future in mind that those decisions will be based upon citizens and community wants. She said citizens need to know their voice matters.

Mayor Rosenthal said she shares the audiences deep disappointment in what has happened tonight. She said it is shocking and it is shameful and it is a failure of the role of her colleagues, with two exceptions, to act as responsible representatives. She said the role of a representative is to listen and explain themselves when they do take a position. She said the bottom line is Council failed its citizens in terms of representation. She said half of the BACA meetings had nothing to do with

Miscellaneous Discussion, continued:

NEDA. She said the BACA meeting discussing NEDA was held at 9:00 a.m. when citizens of the community could not attend. She said the Special Meeting held at the end of May promised follow-up and further consultation and citizens came with that expectation and were summarily cut off. She said she received the request from Councilmember Ezzell to be recognized during the Consent Docket so if citizens think there was a plan and a conspiracy they are right. She said NEDA is off to the worst possible start because it has confirmed the worst possible fears of citizens in the community and it will not go away. She said Council has demonstrated to this community their total disregard for openness, transparency, and responsibility. She thanked Councilmembers Gallagher and Spaulding for stepping up to the plate for the citizens. She said Council has totally rejected the notion that the confusion of purpose mattered to citizens and have not taken the time to explain what the trust is about. She said when she was elected she promised herself she would never turn the microphone off, but this body shut off the microphone tonight and Council would live to regret that.

Councilmember Ezzell said the idea the Council has cut off discussion is an incorrect characterization. He said citizens were not deprived of their opportunity and the instant he realized the time for genuine debate was over and the time for destructive debate had come with Mr. Alpers petition. He said no debate would have convinced petitioners to the contrary. He said there had been months of meetings and a four hour public hearing and he was trying to avoid spending another four hours rehashing everything that had already been said in the last public hearing and when there had been no substantial material change to the trust document. The one material change was transference of an advisory committee rather than enshrining it in one public trust with one duty to that public trust. He said discussion is ongoing to have a City board or commission that will go through the normal appointment process. He said what is still up for debate is who will be the members, what are their qualifications, what guidance are they going to have with regards to their charge, etc. He said that advisory commission will be able to advise all trust authority's of the City and not be limited to NEDA. He said there has been no huge failure of process. This is not a Rule of Three issue as the Rule of Three does not adopt items just places them on the agenda for discussion. He said legitimate debate on this issue has long ceased and it was appropriate to move the question and vote.

Councilmember Gallagher said the trust authority regarding business appeals to him and he was in favor of it, but NEDA has a broad blanket. He said the City has other trusts and the Norman Tax Increment Trust Authority (NTIF) is identical to NEDA and could have been used instead of creating another trust. He said there had been pushback from the Chamber of Commerce about Council being trustees because Council are elected officials. He wanted a stronger level of approval on eminent domain issues. He said one of the unsettling aspects of a trust is that a trust can be in perpetuity until there are no more projects or debts. He said he would liked to have seen redlined items in the trust, but there was not enough time for further meetings. He said the NEDC will recruit quality jobs to Norman, but that does not mean quality of life, which has to be developed by citizens through civilized existence. He said the courtesy of the public speaking could have been used, but agrees there was no need to hear the same arguments.

Councilmember Spaulding said he would have liked more time to discuss NEDA. He said several citizens have expressed their disappointment in not being able to speak and he strongly urged them to stay involved and continue to make their voices heard. He said soon five out of nine Councilmembers will have been seated for a year or less and will need to hear input. God Bless Norman.

Councilmember Dillingham said she heard every comment, read every e-mail, has taken multiple phone calls, and her focus has not been the trust document, but the advisory commission. She said once Council had the consensus to form a good commission with good practitioners who will vet the projects for economic viability and to make sure projects are good for Norman using no public money. She said the commission will be the most important piece.

Councilmember Kovach said on September 24, 2010, a City Council Special Meeting was held to discuss economic development. He said \$16 million was allocated for economic development without a having a project because he was interested in having a mechanism to vet those projects. He said Council listened to the public who did not like the idea of not having Councilmembers as trustees of the trust. Another issue he heard was the request for more time to review the document so Council postponed the item for approximately five weeks and added a public hearing specifically on NEDA. He said during the public hearing there was concerns regarding having the advisory commission as part of the document as it would pose a possible conduit for special interests and Council made that adjustment. He said Council took the NTIFA Trust, which has existed for six years and put a different name on it and Council did that on the advice of two independent counsels. He said the authority has no power other than what City Council already has with or without a trust

Miscellaneous Discussion, continued:

except for the issuance of long term debt. He said Norman has a lower level of actual wage for that educational containment. He said people want jobs that pay well in Norman so they can live in Norman. He felt the same as Councilmember Ezzell in that citizens against NEDA will not change their minds and support NEDA. He said he was aware that calling the question would anger some citizens, but the topic had unfortunately, moved from the realm of a discussion on the trust to a political discussion on where it was coming from. He said there had been a lot of conspiracy theories and shadow government theories attached to NEDA, but the trust is simply about trying to create the opportunity to draw in high paying, quality jobs. He said public input has been invaluable in making it a better document and encouraged citizens to continue participation because the next step will be the creation of the advisory board.

Councilmember Lockett said she ran for office on a pro-business agenda and encouraged everyone to continue giving their input because she listens to everything they say. She said NEDA is not a perfect instrument, but it is an essential tool that gives the City a talking point it did not have before.

Councilmember Griffith said he learned a valuable lesson tonight. He said he believes NEDA is a valuable tool, but in his passion and zeal to get NEDA passed, the unintended consequence was stifling public input even though Council was probably going to hear the same comments. He said he has misgivings about that decision because it is Council's job to listen to the citizens whether they agree or not.

Councilmember Quinn said it is important for everyone to stay involved, pay attention, and let Council know how they feel.

Items submitted for the record

1. Petition opposing the creation of a Norman Economic Trust Authority

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Rule of Three. Ms. Ann Groff, 806 Mockingbird Lane, said the Rule of Three is scary because it carries so much power in the hands of three people. She felt the rule should be rescinded.

Mr. Bobby Stevens, Post Office Box 6226, said citizens need more time to process information. He said the Rule of Three is a good thing, but can be used as a bad thing too. He said there have been issues discussed at Council meetings that would never have been brought forward without the Rule of Three.

Councilmember Spaulding apologized for his ignorance on Roberts Rules of Order and will sign up for classes. He said the Rule of Three is a good tool and Council needs to continue to use it.

*

Rezoning. Mr. Doug Arvest, 3208 Dove Hollow, said he was concerned about safety issues in his neighborhood that will arise from rezoning land abutting his neighborhood to be used as a car dealership. He said some of those concerns include potential buyers test driving the cars in the neighborhood, declining property values, and large semi-trucks hauling cars utilizing neighborhood streets.

*

Bicycle Racks. Mr. Mark Campbell, Post Office Box 3503, thanked Jud Foster, Director of Parks and Recreation, for the bicycle rack installed in front of the Salvation Army.

*

Legacy Park. Councilmember Spaulding asked if parkland had been deeded to the City since Council approved Development Agreement No. Five for the UNPTIF.

Mr. Jeff Bryant, City Attorney, said the plat had been submitted this week.

*

Miscellaneous Discussion, continued:

Shop Norman. Councilmember Quinn reminded citizens to “Shop Norman”.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 12:30 p.m.

ATTEST:

City Clerk

Mayor