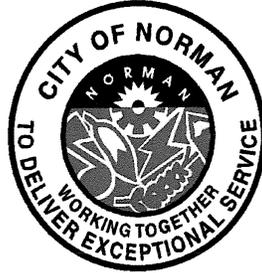


City of Norman, OK

*Municipal Building Council Chambers
201 West Gray Street
Norman, OK 73069*



Meeting Agenda

Tuesday, October 26, 2010

6:30 PM

Municipal Building Council Chambers

City Council

*Mayor Cindy Rosenthal
Council Member Alan Atkins
Council Member Tom Kovach
Council Member Hal Ezzell
Council Member Carol Dillingham
Council Member Rachel Butler
Council Member Jim Griffith
Council Member Doug Cubberley
Council Member Dan Quinn*

*City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman
Tax Increment Finance Authority Agenda*

1 Roll Call

2 Pledge of Allegiance

3 TMP-108 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARD TO
ADAMS ELEMENTARY SCHOOL.

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Adams Elementary School.

ACTION TAKEN: _____

Awards and Presentations

4 Consent Docket

Consent Docket

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 5 through Item 23 be placed on the consent docket.

ACTION NEEDED: Motion to place Item through Item on the Consent Docket by unanimous vote.

ACTION TAKEN:

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or acknowledge all items on the Consent Docket subject to any conditions included in the individual action needed by item.

ACTION TAKEN:

5 **GID-1011-15** APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL SESSION MINUTES OF SEPTEMBER 18, 2010

CITY COUNCIL STUDY SESSION MINUTES OF OCTOBER 5, 2010

CITY COUNCIL SPECIAL SESSION MINUTES OF OCTOBER 7, 2010

CITY COUNCIL BUDGET RETREAT MINUTES OF OCTOBER 7, 2010

CITY COUNCIL MINUTES OF OCTOBER 12, 2010

NORMAN UTILITIES AUTHORITY MINUTES OF OCTOBER 12, 2010

NORMAN MUNICIPAL AUTHORITY MINUTES OF OCTOBER 12, 2010

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF OCTOBER 12, 2010

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes; and, if approved, direct the filing thereof.

ACTION TAKEN: _____

Attachments: September 18 Special Session Minutes
 October 5 Study Session minutes
 October 7 Special Session minutes
 October 7 Budget Retreat
 October 12 CC Minutes.doc

- 6 **AP-1011-14** CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS
FOLLOWS:

NORMAN REGIONAL HOSPITAL AUTHORITY

TERM: 10-31-10 TO 10-31-13: DR. JEFFREY BURCHAM, 3703 QUAIL
DRIVE

TERM: 10-31-10 TO 10-31-13: DR. BILL NATIONS, 2328 PARKLAND
WAY

TERM: 10-31-10 TO 10-31-13: DON SHERMAN, 3128 ST. CLAIR
COMMON

INFORMATION: Dr. Bill Nations will replace Dr. George Ingels, and
Dr. Jeff Burcham and Don Sherman are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

- 7 **RPT-1011-18** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE
FINANCE DIRECTOR'S INVESTMENT REPORT AS OF
SEPTEMBER 30, 2010, AND DIRECTING THE FILING THEREOF.

ACTION NEEDED: Motion to acknowledge receipt of the report and
direct the filing thereof.

ACTION TAKEN: _____

Attachments: Finance Director's Report September 2010

- 8 **RPT-1011-19** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE
MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF
SEPTEMBER, 2010, AND DIRECTING THE FILING THEREOF.

ACTION NEEDED: Motion to acknowledge receipt of the report and
direct the filing thereof.

ACTION TAKEN: _____

- 9 **RPT-1011-20** SUBMISSION OF A REPORT ENTITLED "PIONEER LIBRARY SYSTEM FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2010, TOGETHER WITH AUDITORS' REPORT" AS PREPARED BY GRAY, BLODGETT, AND COMPANY, P.L.L.C., CERTIFIED PUBLIC ACCOUNTANTS.

INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record.

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

Attachments: PIONEER-BOARD-LTR
 PIONEER-MGMT-LTR
 PIONEER-REPORT

10 **BID-1011-30** CONSIDERATION AND AWARDING OF BID NO. 1011-30 FOR AGGREGATE AND STONE FOR THE STREET MAINTENANCE DIVISION.

- 1. 3/8-INCH SCREENINGS
- 2. 3/4-INCH WASHED CHIPS
- 3. CONCRETE SAND
- 4. 1 1/2-INCH AGGREGATE BASE, TYPE A
- 5. TRAFFIC BOUND SURFACE COURSE, TYPE A
- 6. KILN DUST
- 7. SELECT BORROW SUBGRADE MATERIAL
- 8. 3-INCH SURGE ROCK
- 9. 8-INCH RIPRAP
- 10. 12-INCH RIPRAP
- 11. 18-INCH RIPRAP
- 12. (A) TOPSOIL, PICKUP (NO BID RECEIVED) AND (B) TOPSOIL, DELIVERED
- 13. MANUFACTURED SAND

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 1 and 2 to Bernie Mathis Trucking, Inc., as the lowest and best bidder meeting specifications and Joe Brown Trucking as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 3 to Bernie Mathis Trucking, Inc., as the lowest and best bidder meeting specifications and Sand Express, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 4 to Bernie Mathis Trucking, Inc., as the lowest and best bidder meeting specifications and BBLW Trucking as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 5 to Dale

Brown, Inc., as the lowest and best bidder meeting specifications and Bernie Mathis Trucking, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid for Section 6 to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 7 to Sand Express, Inc., as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 8, 9, and 13 to Joe Brown Company, Inc., as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 10 and 11 to Dale Brown, Inc., as the lowest and best bidder meeting specifications and Joe Brown Company, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 12B to Sand Express, Inc., as the lowest and best bidder meeting specifications and BBLW Trucking as the alternate bidder.

ACTION TAKEN: _____

Attachments: Bid 1011-30 Aggregate of Stone

- 11 **BID-1011-31** CONSIDERATION AND AWARDING OF BID NO. 1011-31 FOR INLET FRAMES, GRATES AND CURB HOODS FOR THE STREET MAINTENANCE DIVISION.

1. HEAVY-DUTY CAST IRON 3 FLANGE INLET FRAME
2. HEAVY-DUTY CAST IRON DOUBLE UNIT (LEFT AND RIGHT) INLET FRAMES WITH FASTENING HARDWARE
3. HEAVY-DUTY CAST IRON CENTER SECTION INLET FRAME WITH FASTENING HARDWARE
4. HEAVY-DUTY CAST IRON TYPE L GRATE
5. HEAVY-DUTY CAST IRON TYPE V GRATE
6. (A) 6-INCH MOUNTABLE CAST IRON CURB HOOD WITH FASTENING HARDWARE AND (B) 8-INCH MOUNTABLE CAST IRON CURB HOOD WITH FASTENING HARDWARE
7. DETECTABLE WARNING SURFACE/ADA TRUNCATED DOME, 2 FEET X 4 FEET TILE, CAST IN PLACE, BRICK RED

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1 through 5 and 7; and, if accepted, award the bid to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 6A and 6B; and, if accepted, award the bid to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and HD Supply Waterworks as the alternate bidder.

ACTION TAKEN: _____

Attachments: 3 Tab 1011-31 Inlet Frames Grates - Curb Hoods

- 12 **BID-1011-32** CONSIDERATION AND AWARDING OF BID NO. 1011-32 FOR PORTLAND CEMENT CONCRETE PER CUBIC YARD FOR THE STREET MAINTENANCE DIVISION.

1. (A) CLASS A, (B) CLASS A WITH ONE PERCENT CALCIUM CHLORIDE, AND (C) CLASS A WITH TWO PERCENT CALCIUM CHLORIDE
2. CLASS B
3. HIGH EARLY STRENGTH
4. 5-SACK GROUT MIX
5. FLOWABLE FILL

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1-A, 1-B, 1-C, and 5; and, if accepted, award the bid to Kudron Ready Mix, Inc., as the lowest and best bidder meeting specifications, Dolese Brothers Company as the first alternate bidder, and Metheny Concrete Products, Inc., as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 2 and 4; and, if accepted, award the bid to Kudron Ready Mix, Inc., as the lowest and best bidder meeting specifications and Metheny Concrete Products, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 3; and, if accepted, award the bid to Kudron Ready Mix, Inc., as the lowest and best bidder meeting specifications and Dolese Brothers Company as the alternate bidder.

ACTION TAKEN: _____

Attachments: Bid Tab - Portland Cement

- 13 **BID-1011-33** CONSIDERATION AND AWARDING OF BID NO. 1011-33 FOR TYPE II BARRICADE RENTAL FOR THE STREET/STORM WATER DIVISIONS.

1. (A) 200 BARRICADES PER MONTH

2. (A) 20 BARRICADES PER SEVEN DAYS, (B) 40 BARRICADES FOR SEVEN DAYS, AND (C) 60 BARRICADES PER SEVEN DAYS

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to RoadSafe Traffic Systems, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Bid Tab 1011-33

- 14 **BID-1011-34** CONSIDERATION AND AWARDED OF BID NO. 1011-34 FOR ASPHALT/CONCRETE COLD MILLING FOR THE STREET MAINTENANCE DIVISION.

1. ASPHALT COLD MILLING - 1 TO 3 INCHES
2. ASPHALT COLD MILLING - 3 TO 6 INCHES
3. CONCRETE COLD MILLING - 1 TO 2 INCHES

(ALTERNATE-VENDOR HAULS RECYCLED MATERIALS TO CITY YARD)

1. ASPHALT COLD MILLING - 1 TO 3 INCHES
2. ASPHALT COLD MILLING - 3 TO 6 INCHES
3. CONCRETE COLD MILLING - 1 TO 2 INCHES

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1; and, if accepted, award the bid for Section 1 to Silver Star Construction as the lowest and best bidder meeting specifications, T.J. Campbell Construction Company as the first alternate bidder, and Bell Contracting, Inc., as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 2; and, if accepted, award the bid for Section 2 to Silver Star Construction as the lowest and best bidder meeting specifications, Bell Contracting, Inc., as the first alternate bidder, and T.J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 3; and, if accepted, award the bid for Section 3 to Bell Contracting, Inc., as the lowest and best bidder meeting specifications, Silver Star Construction as the first alternate bidder, and T.J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject alternate bids on Sections 1 and 2; and, if accepted, award the alternate bids for Sections 1 and 2 to T.J. Campbell Construction Company as the lowest and best bidder and Bell Contracting, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject alternate bids on Section 3; and, if accepted, award the alternate bid for Section 3 to Bell Contracting, Inc., as the lowest and best bidder and T.J. Campbell Construction Company as the alternate bidder.

ACTION TAKEN: _____

Attachments: Cold Milling Bid Tab

15 **E-1011-23**

PERMANENT EASEMENT NO. E-1011-23: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT DONATED BY UNIVERSITY TOWN CENTER, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Permanent Easement No. E-1011-23; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: E-1011-23
Map E-1011-23.pdf

16 **EN-1011-1**

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1011-1 FOR LOT 1, BLOCK 1, HALLBROOKE ADDITION, SECTION 4. (1967 BURNING TREE)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 1011-1; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: EN-1011-1
Letter of Request
Consent 1011-1 Maps
Staff Memo Brenda Hall
Staff Memos Approving

- 17 **K-0809-117** CHANGE ORDER NO. TWO TO CONTRACT NO. K-0809-117: BY
 Chg 2 AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND
 URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT
 AMOUNT BY \$11,900 FOR THE HEADWORKS SCREENING
 WASHER/COMPACTOR MODIFICATION PROJECT AND FINAL
 ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. Two to Contract No. K-0809-117 with Urban Contractors, L.L.C., increasing the contract amount by \$11,900; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$13,930 to Urban Contractors, L.L.C.

ACTION TAKEN: _____

Attachments: Chg #2 to K-0809-117
 Purchase Order 176396

- 18 **K-1011-84** CONTRACT NO. K-1011-84; A CONTRACT BY AND BETWEEN
 THE CITY OF NORMAN AND BUCHER, WILLIS AND RATLIFF
 CORPORATION IN THE AMOUNT OF \$49,975 TO PROVIDE
 ENGINEERING SERVICES FOR THE DESIGN OF A CONTINUOUS
 ROADWAY LIGHTING SYSTEM ALONG MAIN STREET, FROM
 WEST OF MERKLE DRIVE TO UNIVERSITY BOULEVARD.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-84 with Bucher, Willis and Ratliff Corporation in the amount of \$49,975; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1011-84
 Location Map Main St Roadway Lighting
 Requisition K-1011-84

- 19 **K-1011-89** CONTRACT NO. K-1011-89: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, INC. IN THE AMOUNT OF \$1,533 IN CONNECTION WITH THE ROCK CREEK ROAD AND 24TH AVENUE NW INTERSECTION PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-89, a relocation agreement with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$1,533; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: K-1011-89

Map ONG Gas Line Relocate.pdf

ONG ROW Agrmt with UTC, LLC.pdf

Req No 177532.pdf

- 20 **K-1011-90** CONTRACT NO. K-1011-90: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NO. STP-114B(256)AG, JOB NO. 26840(04) FOR THE PORTER AVENUE WIDENING PROJECT BETWEEN WOODCREST DRIVE TO NORTH OF TECUMSEH ROAD AND ADOPTION OF RESOLUTION NO. R-1011-53.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-90 with ODOT, and, if approved, adopt Resolution No. R-1011-53 and authorize execution of the contract and resolution.

ACTION TAKEN: _____

Attachments: K-1011-90 and R-1011-53

- 21 **R-1011-56** RESOLUTION NO. R-1011-56: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$15,000 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE A CELLULAR PHONE EXAMINATION AND TRANSFER DEVICE AND PAY DATA PHONE SERVICE COSTS FOR THE POLICE DEPARTMENT.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-56.

ACTION TAKEN: _____

- 22 **R-1011-57** RESOLUTION NO. R-1011-57: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$9,000 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE EQUIPMENT FOR SPECIALTY WEAPONS USED BY THE SPECIAL WEAPONS AND TACTICS (SWAT) TEAM.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-57.

ACTION TAKEN: _____

Attachments: R-1011-57

- 23 **2010-06038A** CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$18,810 REGARDING TABITHA NATION VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-06038 A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of \$18,810 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Attachment 1 Court Order
 Attachment 2 Regs

Non-Consent Items

- 24 **R-1011-52** RESOLUTION NO. R-1011-52: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF OBTAINING A RIGHT-OF-WAY FOR THE RAW WATER LINE PROJECT, PHASE I, IN THE CITY OF NORMAN, SUCH PROPERTY TO BE USED FOR WATERLINE REPLACEMENT; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR WATERLINE REPLACEMENT PURPOSES; AND DECLARING AN EMERGENCY.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-52.

ACTION TAKEN: _____

Attachments: R-1011-52
 Exhibit A Parcel 4 Legal
 Easement Location Map
 Langford Location Map

- 25 **O-1011-21** ORDINANCE NO. O-1011-21: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 21-104, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE UTILITY SERVICE DEPOSIT FOR CERTAIN DWELLING UNITS; INCREASING THE FEE FOR SERVICE DISCONTINUANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-21 upon Second Reading by Title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-21 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: O-1011-21

O-1011-21 annotated.doc

September 2, 2010 Finance Minutes

Finance Committee Minutes September 15, 2010

Legislative History

10/12/10	City Council	Introduced and adopted on First Reading by title only
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26 O-1011-22 ORDINANCE NO. O-1011-22: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE IV, SECTION 21-403, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE FEE FOR TESTING METERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-22 upon Second Reading by Title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-22 upon Final Reading as a whole.

ACTION TAKEN: _____

- Attachments:** O-1011-22
 O-1011-22 Annotated
 September 2, 2010 Finance Minutes
 Pertinent excerpts from Finance Comm minutes Sept 15, 2010

Legislative History

10/12/10	City Council	Introduced and adopted on First Reading by title only
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27 **Miscellaneous Discussion**
This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited to five minutes or less.

28 **Adjournment**



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 3

Text File Number: TMP-108

Introduced: 10/18/2010 by Carol Coles, Administrative Asst

Current Status: Consent Item

Version: 1

Matter Type: Award

Title

**PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM
ADAMS ELEMENTARY SCHOOL.**

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from
Adams Elementary School.

ACTION TAKEN: _____



CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 5

Text File Number: **GID-1011-15**

Introduced: 10/8/2010 by Brenda Hall, City Clerk

Current Status: Consent Item

Version: 1

Matter Type: Minutes.

Title

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL SPECIAL SESSION MINUTES OF SEPTEMBER 18, 2010
CITY COUNCIL STUDY SESSION MINUTES OF OCTOBER 5, 2010
CITY COUNCIL SPECIAL SESSION MINUTES OF OCTOBER 7, 2010
CITY COUNCIL BUDGET RETREAT MINUTES OF OCTOBER 7, 2010
CITY COUNCIL MINUTES OF OCTOBER 12, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF OCTOBER 12, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF OCTOBER 12, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF OCTOBER 12,
2010

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve the minutes; and, if approved, direct the filing thereof.

ACTION TAKEN: _____

CITY COUNCIL SPECIAL SESSION MINUTES

September 18, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 8:05 a.m. in the Fire Training Facility on the 18th day of September, 2010, and notice and agenda of the meeting were posted at 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, Griffith, Kovach, Quinn,
Mayor Rosenthal

ABSENT: None

* * * * *

Item 1, being:

DISCUSSION REGARDING CITY COUNCIL BUDGET AND POLICY PRIORITIES FOR THE NEXT 12 TO 18 MONTHS.

Mayor Rosenthal recognized Council's accomplishments and projects over the past year and said many items on the 2009-2010 Policy Calendar were completed, others were added during the year, and others are not yet complete and will require additional work. The following list highlights some of the accomplishments and on-going projects:

- Passage of Street Bond Reconstruction and Outdoor Warning System Replacement Projects
- Adoption of Parks and Recreation Master Plan
- Accepting Certain Portions of the Stormwater Master Plan and Adoption of the Implementation Plan
- Public Safety Sales Tax Projects – Fire Station No. 8/Community Oriented Policing Activities
- Public Forums on Water Resources
- Revision and Adoption of the Porter Corridor Plan
- Industrial Land Sufficiency Study
- Developing Framework for University North Park (UNP) Economic Development Efforts
- Developed Charter Review Commission Process
- Adopted Disaster Debris Management Plan
- Initiated Robinson Street Grade Street Grade Separation Project
- Youth Council Formed
- Financing/Construction of Solid Waste Transfer Station
- Hitachi Building Expansion
- Initiated Design for Traffic Improvements at I-35 and Robinson Street (Northeast Quadrant)

She listed emerging issues for consideration in 2010-2011 Policy Calendar:

- Municipal Finance/Budget Series
- Planning/Platting of new East Side Fire Station No. 9 (site plan to anticipate future City related facilities)
- Reapportionment of Ward Boundaries (after Census Report)
- Redevelopment Opportunities on Main and Lindsey Streets (in light of new interchanges)
- Industrial Park Development (land acquisition and financing)
- Broaden Partnership Opportunities (joint vision of Irving/Whittier/Monroe recreational facilities with Norman Public Schools, others with the University of Oklahoma and Norman Regional Hospital)
- Long Term Water Supply Options (opt in/out Central OK Trust, Kaw and Scissor Tail reservoir options, reuse policy and strategies)

She listed other Miscellaneous/Staff Oriented Items:

- Potential Council Oversight of Architectural Standards at UNP TIF District
- CNG Fueling Station – joint use agreements with interested local parties, public fueling area
- Proposed OKC Metro Outdoor Warning System Policy
- Smalley Center Remodel Project and Transfer Agreement with the U.S. Department of Justice
- Scoping/Funding for Comprehensive Transportation Master Plan and 2025 Land Use Plan Update

Councilmembers reviewed summaries of the 2009 City of Norman Community Survey and the 2009-2010 Annual Policy Calendar, which highlighted the progress made during the year on each topic.

Item 1, continued:

Recognizing the number and magnitude of projects to be completed within the next year, some of which are currently in progress, Councilmembers prioritized items on the 2009-2010 Policy Calendar and identified projects/policies which could potentially be deferred to a future date.

Those projects identified as the highest priority for additional study and/or discussions are as follows:

- Transportation Master Plan/2030 Land Use Plan
- Storm Water Master Plan
- Subdivision Regulations
- Facility Maintenance/Deferred Maintenance
- Municipal Finance/Shortfalls
- Industrial Park Development/Public Trust

Other projects and issues identified as those to move forward as time allows, include

- CART Expansion
- Industrial Land/Office Land (UNP)
- Library
- Lighting Ordinance
- Porter Corridor
- Parks Master Plan
- Proactive Code Enforcement

The Mayor pointed out that there were several differences of opinion regarding the priority of some projects and issues. She said the Lighting Ordinance needs to be discussed in an upcoming Study Session to provide Staff with a direction before moving forward. She said several Charter amendments were housekeeping items and Council agreed that these Charter amendments should be moved forward so they could be placed on the ballot. She said some of the projects that Council has selected as ones to be deferred were large capital projects requiring some type of funding mechanism in place before moving forward.

Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(1) IN ORDER TO EVALUATE THE CITY MANAGER AS REQUIRED BY SECTION 5(A) OF CONTRACT NO. K-0708-32 AND AS AUTHORIZED BY TITLE 25 § 307(B)(2) TO DISCUSS NEGOTIATIONS REGARDING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.

The Mayor announced that Council would postpone evaluating the City Manager until a later date.

Councilmember Kovach moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss negotiations regarding employees and representatives of employee groups, which motion was duly seconded by Councilmember Ezzell; and the question being upon adjourning out of the Special Session and the subsequent convening, 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 Special Session adjourned out of; and an Executive Session was convened into in order in order to discuss negotiations regarding employees and representatives of employee groups.

The City Council adjourned into Executive Session at 9:50 a.m. Mr. Steve Lewis, City Manager; Mr. Anthony Francisco, Finance Director, and Ms. Suzanne Krohmer, Budget Manager, were in attendance at the Executive Session.

Item 2, continued:

Thereupon, Councilmember Quinn moved that Executive Session be adjourned out of and the Special Session be reconvened, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of Executive Session and upon the subsequent reconvening, a vote was taken with the following result:

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Special Session was reconvened at 10:05 a.m.

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The Mayor said negotiations regarding employees and representatives of employee groups were discussed in Executive Session. No action was taken and no votes were cast.

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Discussion continued regarding the City Council budget and policy priorities for the next 12 to 18 months.

Item 1, continued:

Mr. Anthony Francisco, Finance Director, provided detailed budget information for the General Fund, Public Safety Sales Tax (PSST) Fund; Room Tax Fund; Westwood Fund; and Capital Fund for FYE 2010 Actual; FYE 2011 Budgeted and Estimated; and FYE 2012 through FYE 2016 Projected, and said the financial condition of the City was volatile and that salaries and benefits and other expenditures were growing faster than revenues. He said the cash reserve was in place for instances when projections are not accurate or for unexpected expenses. He said the FYE 2010 Actual included PSST in the General Fund; however, PSST was moved from the General Fund from FYE 2011 to FYE 2016 to provide a clearer accounting of the General Fund's financial position. He provided a comparison of General Obligation (GO) Bond indebtedness for several cities in Oklahoma. He said a city's debt should not exceed 15-20% of its Net Assessed Property Value (NAV). The City of Norman has a GO debt of 4.3% of NAV or \$260.05 per capita and is well below reasonable measures of acceptable GO bonded debt. The cities listed on the comparison ranged from 0% GO Bond debt for the City of Edmond to 15.34% for the City of Tulsa. He explained that Edmond was the only City that did not have GO debt because an electric utility was in place which provided additional revenue.

Mr. Francisco provided information related to the City's general purpose sales tax to date in FYE 2010-2011. He said the FYE 2011 budget assumed no change from FYE 2010 sales tax collection levels and the variances are shown from the FYE 2011 Budget.

Staff and Council discussed ways to cut spending from the Sanitation Fund. Councilmembers discussed the option of canceling Fall Cleanup which costs approximately \$90,000 annually and Spring Cleanup costing approximately \$130,000 annually. Council felt it was necessary to continue Fall Cleanup this year since notice has already been given to citizens of the dates cleanup will occur. The Mayor said it was important for Staff to make citizens aware that Spring Cleanup would be canceled this year. Council also discussed reducing yard waste pickup during the months of December, January, and February. Mr. Lewis said there would be a savings of \$34,000 if there was no yard pickup for the three-month period and \$17,000 would be saved if pickup was changed to every other week. He said any changes would need to be done by ordinance and Council agreed to an ordinance change for a once a month pickup during those three months.

Council and Staff discussed eliminating purchasing water from Oklahoma City for non-emergencies which would reduce the budget from \$100,000 to \$400,000 and reducing operating pressures by operating water towers at a lower water level which would reduce power costs. Mr. Lewis said the State of Oklahoma requires 25 pounds per square inch (PSI) at the water meter and Norman has an average of over 50 PSI. Mr. Lewis said a new water tower scheduled as a capital project for 2012 has been eliminated which will save \$2.7 million. Council discussed the need to modify the existing conservation policy and the possible need of imposing a mandatory conservation policy which would only allow hand watering of lawns and landscaping. It was noted that the existing policy is voluntary and does not include enforcement provisions.

Item 1, continued:

Mayor Rosenthal provided cutback management goals; objectives of a core service initiative; an overview of services classification; core service criteria and appropriate cutback management strategies; semi-core service criteria; and service enhancement criteria and requested that the Finance Director refine these goals and objectives. She also provided a Service Prioritization Survey for Council to complete and return to the City Manager's Office by September 24, 2010.

Items submitted for the record

1. 2009-2010 Annual Policy Calendar, Topic Assignments
2. Topics with Prior Discussion and Pending Direction
3. 2009 Norman Community Survey, Section 3, Importance – Satisfaction Analysis
4. City of Norman Oklahoma, 2009-2010 Council Accomplishment Recap dated September 18, 2010
5. City of Norman Oklahoma, 2010 City Council Planning Retreat, dated September 18, 2010, Emerging Issues for Consideration in 2010-2011 Policy Calendar and Other Miscellaneous/Staff Oriented Items
6. General Fund-Ending Fund Balance, FYE 2007 through FYE 2011
7. Comparison of General Obligation Bond Debt Capacity dated September 12, 2010, from Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
8. Sales Tax Analysis dated September 12, 2010, from Anthony Francisco, Finance Director, to Honorable Mayor and Councilmembers
9. Article entitled: "Bringing Rigor to Cutback Management, Eugene's (Oregon) Constrained Prioritization Process" from *Government Finance Review*, February, 2004
10. Sanitation savings and additional fees
11. Sanitation Fund, FYE 2010 Actual through FYE 2016 Projected
12. Graph showing average collected yard waste, 2007, 2008, and 2009
13. Location map showing performance improvement of the Sanitation Division
14. Sanitation services included in monthly fee
15. Location map of urban and rural refuse collection boundaries
16. Residential trash service map
17. Water Division savings and additional uses
18. Water Fund, FYE 2010 Actual through FYE 2016 Projected
19. 2009 Norman Community Survey, Q1, Overall Satisfaction with Various Aspects of City Services by Major Category; Q19, Satisfaction with Various Aspects of Solid Waste/Utility Services; and Q20, Satisfaction with Various Aspects of Sewer, Water, and Stormwater
20. Service Prioritization Survey dated September 16, 2010, from Cindy Rosenthal, Mayor, and Steve Lewis, City Manager, to City Councilmembers

Participants in discussion

1. Mr. Steve Lewis, City Manager
2. Mr. Anthony Francisco, Finance Director
3. Ms. Suzanne Krohmer, Budget Manager

* * * * *

Item 3, being:

ADJOURNMENT

There being no further business, Councilmember Quinn moved that the meeting be adjourned, which motion was duly seconded by Councilmember Cubberley; 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, 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 12:25 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL STUDY SESSION MINUTES

October 5, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Study Session at 5:35 p.m. in the Municipal Building Conference Room on the 5th day of October, 2010, and notice and agenda of the meeting were posted at 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, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: Councilmembers Dillingham and Ezzell

DISCUSSION REGARDING A REGIONAL OUTDOOR WARNING SYSTEM POLICY.

Mr. Steve Lewis, City Manager, said the purpose of this discussion is to bring forth a recommendation from the Central Oklahoma Emergency Managers Association (COEMA), for a regional Outdoor Warning System (OWS) Policy. He said the COEMA discussed a regional OWS Policy and formed a task force to create a proposed policy following significant weather events in early May 2010, including the damaging hailstorm that hit Oklahoma City. He said the National Weather Service (NWS) also provided a member to serve on the task force and are confident they can provide useful and accurate information to assist local jurisdictions in warning decisions. Mr. Lewis said each city currently has their own policy and for a number of years COEMA has hoped for an area-wide policy for the metro area.

Fire Chief James Fullingim said Staff presented an amendment to the Emergency Operations Plan (EOP) last spring and Council adopted Resolution R-0910-94, February 23, 2010, amending the Emergency Operations Procedure, alerting citizens to the approach of the spring storm season. He said the resolution also acknowledged the City would begin utilizing the same technology the NWS currently uses, i.e., the polygon warning system. He said doing so allows the City to activate the outdoor warning sirens when the NWS issues a polygon that affects a portion of the City of Norman. Chief Fullingim said the COEMA is represented by a six county region to include Oklahoma, Cleveland, Pottawatomie, Logan, Lincoln, and McClain counties and members from Norman, Canadian County, Del City, Edmond, Midwest City, Moore, Oklahoma City, Oklahoma County, and Yukon also participated in discussions.

Chief Fullingim presented a draft Regional Activation Policy (RAP) to Council which addressed testing, warnings, and expected community response. He said the draft also included language to provide warning guidelines of significant weather and events other than tornadoes and said COEMA's goal is to see a policy widely adopted by various jurisdictions in the metro area to ensure consistency in warnings throughout the larger community. Chief Fullingim said the emergency managers throughout the area felt this to be an effective guideline to provide safety of citizens that are outdoors in the event of severe weather.

Chief Fullingim said the City's current activation policy is designed to warn citizens of approaching tornadoes, uses information from multiple sources including the NWS, and sirens are activated if tornadic activity threatens any portion of Norman. He said the new regional policy elements include period testing, expected community reaction to warning(s), and activation guidelines.

The periodic testing is currently performed at noon on Fridays and the regional policy proposed all jurisdictions audible test their OWS for three (3) minutes at least once per month on Saturday at noon. Chief Fullingim said some communities currently test OWS on Saturday and have volunteer groups who participate in the testing, going to the OWS site(s), and verifying whether or not they heard the warning. He said COEMA discussed testing on Wednesdays but felt it might cause concern and confusion since the NWS

and the Federal Government (FG) currently test all their warning systems on Wednesdays, i.e., citizens may wonder why Norman tested OWS and NWS and FG did not or visa versa. Chief Fullingim said the Saturday test of the OWS may be suspended for the following reasons: when the NWS has issued a severe thunderstorm/tornado watch or warning for the Central Oklahoma Region; imminent threat of severe weather; freezing temperatures below 32 degrees Fahrenheit; and requests to not sound the system because of large outdoor special events, sporting events, and/or ceremonies. He said jurisdictions may conduct a silent test of their OWS at their own discretion and with the new technology Staff plans to perform a silent test daily.

Chief Fullingim said one concern debated at length has been the expected citizen reaction when the OWS is activated. He said some communities, including Norman, expect citizens to “take shelter and seek further information,” which most generally implies the citizen seek shelter underground. Chief Fullingim said since Norman is 196 square miles, typically a citizen will check to see if the warning applies to them via weather information from the media. He said one benefit of the OWS Policy is the warning(s) will be to a larger group of people and COEMA anticipates getting the media and/or metro meteorologists involved with the proposal since citizens usually listen to the television and/or radio to hear recommendations.

Chief Fullingim said the Regional Activation Policy is proposed as follows:

- Each local jurisdiction determines when to activate their OWS based on a validated imminent threat, considering the following factors: NWS Tornado Warning; Credible report of tornadic conditions; Location of the hazard or threat; and Timing of the hazard or threat
- A jurisdiction may activate their OWS more than once during an event as new or additional threats are identified or move into or across their jurisdiction
- A jurisdiction may activate when a Severe Thunderstorm Warning with destructive winds greater than 75 miles per hour (mph) or reported hail size greater than two (2) inches poses a threat to a large outdoor public gathering
- No local jurisdiction will issue an “All Clear” signal

Chief Fullingim said jurisdictions will also have a local option to activate OWS for other hazardous conditions or threats that pose an immediate threat to life safety to include: dam breaches; wildland fires; hazardous material incidents; and enemy attack. He said especially in eastern Oklahoma this option could be advantageous to provide a tone and voice message about approaching wildfire(s) and the need to evacuate the area.

Chief Fullingim said Norman currently implements several practices of the proposal *except* activating an OWS to a large outdoor public gathering when a Severe Thunderstorm Warning has destructive winds greater than 75 mph or hail size greater than two inches. He said there was a lot of debate and discussion concerning this particular proposal because some members of the COEMA felt the NWS is not as accurate in giving a fifteen minute warning to the public during large outdoor events.

Chief Fullingim said a lot of concern about providing an OWS in the early morning hours, i.e. 1:00 a.m. etc., was it might cause citizens to go outside to move vehicles and/or patio furniture and expose themselves to immediate danger. He said the purpose of the OWS is to protect lives, not protect vehicles and/or outdoor furniture and sounding an OWS during early morning hours might create more problems since most would not be outside in the first place. He said, however, if the OWS sounded in the early morning hours to alert citizens of a tornado warning, rather than a severe windstorm, it would allow the citizen to take shelter and/or

seek more information. He reiterated being asleep inside a home during a storm with winds greater than 75 mph would be acceptable, but being asleep inside a home would not necessarily be the best place if a tornado were approaching the area.

Chief Fullingim said there was also a lot of concern about how consistent the City can be when providing good warning(s) for high winds and hail. He said a good example was the micro burst that occurred in Norman in July 2010, which produced winds of 80 to 90 mph. He said in situations where wind storms approach the area very quickly; there may simply not be enough time to warn citizens. Chief Fullingim said there will be some public expectation about a warning that the City will not be able to meet each and every time; however, he realizes that is no excuse not to provide the warning when capable. He said the new system will allow voice messages assigned with the warning, therefore when a warning is provided it will give a pre-recorded message stating the reason for the warning. He said the system will communicate what the actual threat is to the citizen(s).

Chief Fullingim requested Council direction and said COEMA will meet October 21, 2010, to discuss input from local governments, address any issue that may exist, and hopefully implement a plan. He said if Council wishes to adopt the proposed RAP, Staff will forward a resolution directing an amendment of the EOP for Council consideration.

Councilmember Kovach asked Staff if the weekly/monthly test would also include voice message testing and Chief Fullingim said the three minute test will end with a message stating, "...this concludes the weekly test of the OWS." Councilmember Griffith asked if Staff would continue with the weekly tests and Chief Fullingim said Staff intended to do a silent test every morning and also test the OWS every Saturday, with the understanding every Saturday might not be available, i.e., inclement weather, events at local parks, downtown festivals, and/or University of Oklahoma home football games. He said the morning silent testing will provide information of any problems so Staff can address them quickly.

Councilmember Kovach said it is important to educate the public and emphasize the OWS does not intend to replace weather radios, etc. He felt citizens need to understand the OWS is primarily for outdoor citizens. Chief Fullingim felt citizens can be educated and reminded that a weather radio is what should warn them while indoors during early morning hours and they should not count on the OSW to do so. Chief Fullingim said it is difficult to get all citizens to understand this concept but the City has partnered with Wal-Mart to put weather radios on sale and provide volunteers to help program them, which has been very successful.

Councilmember Cubberley asked Staff if they anticipated doing a public education campaign on a regional basis rather than locally because most people will go outside when they hear thunderstorms with hail and/or high winds. Chief Fullingim said yes and said COEMA expects a significant amount of media coverage. He said the old system did not warn citizens about the specifics of a storm but the new RAP will give detailed information, although still limited, persuading citizens to stay indoors. Mayor Rosenthal said there are potential Public Service Announcements (PSA) and educational pieces Staff might think about getting to radio and television in order to help clarify some of the concerns. Councilmember Quinn also suggested listing the public tornado shelters available to citizens and Chief Fullingim said there are designated public shelters in the City; however they were not engineered and designed to provide shelter from tornadoes. He said the City primarily encourages citizens to go to the public shelters if they are stranded outdoors, not if they are indoors. He said if citizens are in their own homes they should find a "safe place" in their home because it will probably be just as secure as the public shelters. Councilmember Kovach asked if there is a program to educate children about what they should do in case of severe weather and Chief Fullingim said not currently, but Staff can explore.

Council discussed and directed Staff to proceed forward with the proposed RAP and bring back a resolution in November for Council consideration.

Items submitted for the record

1. Memorandum dated September 30, 2010, from James Fullingim, Fire Chief, to Steve Lewis, City Manager
2. Resolution R-0910-94
3. Proposed Central Oklahoma Emergency Management Association Regional Outdoor Warning System Policy
4. Historical Oklahoma County Severe Thunderstorm Warnings Statistics by Wind Speeds, Hail Size, and Damaging Winds
5. PowerPoint presentation entitled "Regional Outdoor Warning System Policy," presented by James Fullingim, Fire Chief

The meeting adjourned at 6:00 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

October 7, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:35 p.m. in the Municipal Building Conference Room on the 7th day of October, 2010, 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 24 hours prior to the beginning of the meeting.

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

ABSENT: Councilmembers Dillingham and Ezzell

TARDY: Councilmember Griffith

Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(2) TO DISCUSS NEGOTIATIONS REGARDING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened into in order to discuss negotiations regarding employees and representatives of employee groups, which motion was duly seconded by Councilmember Kovach; and the question being upon adjourning out of the Special Session and convening into an Executive Session in order to discuss negotiations regarding employees and representatives of employee groups, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into in order to discuss negotiations regarding employees and representatives of employee groups.

The City Council adjourned into Executive Session at 5:36 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Gala Hicks, Director of Human Resources; Mr. Anthony Francisco, Director of Finance; and Ms. Suzanne Krohmer, Budget Manager, were in attendance at the Executive Session.

Thereupon, Councilmember Quinn moved that the Executive Session be recessed, which motion was duly seconded by Councilmember Kovach; and the question being upon recessing the Executive Session, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Executive Session was recessed.

The City Council recessed to conduct a Budget Retreat at 6:07 p.m.

Thereupon, Councilmember Cubberley moved that the Executive Session be reconvened into in order to discuss negotiations regarding employees and representatives of employee groups, which motion was duly seconded by Councilmember Quinn; and the question being upon reconvening into an Executive Session, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Budget Retreat adjourned out of; and the Executive Session was reconvened into in order to discuss negotiations regarding employees and representatives of employee groups.

The City Council reconvened into the Executive Session at 6:56 p.m.

Thereupon, Councilmember Quinn moved that the Executive Session be adjourned out of and the Special Session be reconvened into, which motion was duly seconded by Councilmember Atkins; and the question being upon adjourning out of the Executive Session in order to reconvene into the Special Session, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Executive Session adjourned out of; and the Special Session was reconvened at 7:12 p.m.

The Mayor said, negotiations regarding employees and representatives of employee groups 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 Kovach moved that the meeting be adjourned, which motion was duly seconded by Councilmember Cubberley; and the question being upon adjournment of the meeting, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 7:15 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL BUDGET RETREAT MINUTES

October 7, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a Budget Retreat at 6:08 p.m. in the Municipal Building Conference Room on the 7th day of October, 2010, and notice and agenda of the meeting were posted at 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, Griffith, Kovach, Quinn, Mayor Rosenthal

ABSENT: Councilmembers Dillingham and Ezzell

DISCUSSION REGARDING THE FYE 2011 BUDGET UPDATE.

Mr. Steve Lewis, City Manager, said tonight's meeting is an update, at Council's direction, from the Budget Retreat held on September 18, 2010, and Staff prepared additional scenarios that are General Fund oriented. He said Staff would like feedback from Council on the economy, sales tax projections, and fund balances.

Mr. Anthony Francisco, Finance Director, said Staff is providing three budget scenarios to Council. He said the Base Scenario depicts an actual FYE 2011 fund balance of \$5.5 million and there was some confusion over that figure when it went to the unions. He said at the end of FYE 10, the City had a fund balance of \$13.2 million that included the Public Safety Sales Tax (PSST). He said the PSST has been included in the General Fund from the time of its inception until the end of FYE 10. He said there has always been a line item for the PSST revenues and expenditures and at the end of FYE 10, the PSST had a reserve of \$5,968,000. He said there is a \$1.8 million difference in the beginning fund balance in FYE 10 and the beginning fund balance for FYE 11 due to money reserved for encumbrances.

Mr. Francisco said the reserve for self insurance of \$4.2 million is an actuarial figure based on historical experience of what is estimated to be spent in a three month period on tort claims, health insurance claims, and workers compensation claims. He said the City does not have the adequate insurance fund balance to meet those needs and will be approximately \$6.2 million short.

Mr. Francisco said, in Scenario 1, the assumptions include taking the PSST reserve out of the General Fund and moving it into a new fund. Scenario 1 assumes all employees will have 96 hours or one day per month of furloughs for a savings of \$2.3 million. It also assumes no merit increases, no cost of living adjustments (COLA) and no layoffs. It assumes additional revenues for Municipal Court fines, Capital Improvement Project transfers, and Utility Enterprise transfers.

Scenario 1 assumes a 3% sales tax increase based on a 6% increase in July, 3% in August, and 1% in September and said if that trend carries forward in FYE 11, it would generate a little over \$1 million in additional sales tax revenue. He said Use Tax is assuming an increase of \$150,000, a decline in fines and forfeitures of \$300,000, and a decline in investment income projections of \$75,000. He said there is a presumed sales tax increase of 4% in FYE 12 and 4.5% in FYE 13 through FYE 16.

Mr. Francisco said health claim costs are \$1.5 million in excess of projections and although the City can increase health premiums to offset those additional costs, the City would still pay 90% of those costs. He said Scenario 1 also takes into consideration that the Police and Fire Unions will not take furloughs, which will cost \$600,000.

Mr. Francisco said Scenario 1 and 2 have a budgeted savings of \$200,000 for the employee smart hiring freeze and if that trend continues, the City will save approximately \$1 million.

Mr. Francisco said the General Fund Balance will be approximately \$6.6 million short. Mr. Lewis asked if all scenarios excluded layoffs and Mr. Francisco said yes. Mayor Rosenthal asked if that also assumed no merit increases and Mr. Francisco said yes. Mayor Rosenthal asked what it would cost to include merit increases and Mr. Francisco said an estimated \$476,000. He said the American Federation of State, County, and Municipal Employees (AFSCME) would be \$160,000, the Fraternal Order of Police (FOP) would be \$130,000, and the International Association of Fire Fighters (IAFF) would be \$79,000.

Mr. Francisco said Scenario 2 assumes that no employees will take furloughs so the \$2.3 million budgeted in the furlough program would not be saved. In Scenario 2, the City would lose \$5 million in FYE 10 and with an ending fund balance of \$306,000 the City would be \$8 million short of what the General Fund needs to meet targets.

Councilmember Cubberley asked what the cost would be if Police and Fire Unions negotiated for no merit raises only and Mr. Francisco said \$200,000 for both unions. Councilmember Cubberley asked about AFSCME under the same scenario and Mr. Francisco said \$160,000. Councilmember Atkins asked if the budget assumed any pay back to non-union employees that are currently furloughed if unions refused to furlough and Mr. Francisco said the budget assumes no reimbursements.

Councilmember Cubberley said he has never seen a budget without insurance reserves, which is significant, and asked how many workers' compensation claims were ongoing and Mr. Bryant said approximately 30 cases. Councilmember Cubberley said a portion of those employees are receiving temporary benefits and medical benefits, which are over and above health benefit premiums. Councilmember Kovach asked if workers compensation claims over \$1,500 go onto the tax rolls or if they are separate and Mr. Bryant said benefits are paid out of General Fund reserves and the disability adjustments are placed on the tax rolls, which reimburses the fund over a three year period.

Mayor Rosenthal said she was not comfortable with the 3% sales tax increase assumption as sales tax revenues are all over the place and there is too much uncertainty and Councilmembers agreed. Councilmember Cubberley said Council must be very cognizant of the budget in outlying years and savings must begin now. He said even with a 3% sales tax increase assumed, the City is still in a bad position.

Councilmember Kovach asked if the City had reviewed early retirement options and Mr. Lewis said Staff has reviewed that internally, but has not presented it to Council for their review. Mr. Lewis said retirement programs that are successful throughout the country offer two to three years worth of health insurance or health insurance until the employee qualifies for Medicare. Ms. Gala Hicks, Director of Human Resources, said there are many employees over 65 that continue to work and qualify for Medicare. Councilmember Cubberley asked if early retirement programs for the unions would have to be negotiated and Mr. Bryant said yes. Councilmember Kovach said he would like to examine plans for an early retirement program since there are employees at retirement age. Councilmember Atkins asked if the City is saving money on those employees that are Medicare eligible. Councilmember Kovach asked if the City had thought about a type of bridge insurance that would be above and beyond what Medicare would provide. Councilmember Cubberley asked if the City was not a secondary to Medicare and Ms. Hicks said she thought Medicare was primary and the City secondary, but she would check to be sure. Mr. Lewis said Staff would draft early retirement scenarios for Council's review.

Councilmember Atkins asked if the City has discussed reducing the pay scale or having two tiers, one for current employees and one for new hires and Mr. Lewis said that could be done for non-union, but would have to be negotiated with the unions. He said the City could "red circle" positions they felt were overpaid and freeze or reduce that rate of pay on non-union only. Councilmember Cubberley felt that any pay scale reduction would have to be done in conjunction with a marketing study and asked what that would cost. Ms. Hicks said it would be in the six figure range and Council felt such an expenditure could not be justified at this time.

Mayor Rosenthal asked for Council input on revenue projections and Councilmembers said they would like to see a budget scenario with 0% sales tax growth. Councilmember Cubberley said the City has cut many expenses, but prices for gas and materials continue to increase. Mr. Lewis submitted a comparison price list for salt, concrete, asphalt, and fuel for FYE 10 and FYE 11. Councilmember Atkins asked if office supplies, electricity, and other utilities have been increasing and Ms. Suzanne Krohmer, Budget Manager, said internal Print Shop Division costs have been much higher recently. Mayor Rosenthal asked if the budget had been adjusted for an expected 10% fuel cost increase and Mr. Francisco said no.

Councilmember Kovach asked if Staff had any sense that more people are looking at retiring or if more positions would be vacated and Mr. Lewis said there have been two major resignations recently, but he is not aware of any others. Councilmember Kovach felt that personnel cost savings through attrition is less painful than layoffs and asked what savings might be anticipated through attrition. Councilmember Cubberley felt that attrition is random and can affect service levels if the position is left vacant so, realistically, costs cannot be anticipated. The meeting was recessed at 6:55 p.m. and reconvened at 7:16 p.m.

Councilmember Kovach said he would like a 2% scenario for revenues. Mayor Rosenthal said she would like to see a separate scenario on the impact of merit increases for unions if arbitrators rule to reinstate merit increases. She said she is uncomfortable having merit increases for unions while furloughing the non-union.

Additionally, Mayor Rosenthal said she would like the budget updated showing increases in fuel costs and Councilmember Atkins suggested adding a column for operating costs for purchases such as fuel.

Councilmember Cubberley asked that the information be reviewed in another meeting as soon as possible in order to give the City Manager direction as employees are waiting to see what Council is going to do with their jobs.

Items submitted for the record

1. Budget Base Scenario, Scenario 1, and Scenario 2
2. Cost per unit for materials

The meeting adjourned at 7:21 p.m.

ATTEST:

City Clerk

Mayor

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

October 12, 2010

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 12th day of October, 2010, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 25 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 25, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 4 through Item 25 were placed on the consent docket by unanimous vote.

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Item 4, being:

CITY OF NORMAN BOARDS AND COMMISSION RECEPTION MINUTES OF
SEPTEMBER 14, 2010
CITY COUNCIL AND NORMAN TAX INCREMENT FINANCE AUTHORITY SPECIAL
SESSION MINUTES OF SEPTEMBER 21, 2010
CITY COUNCIL CONFERENCE MINUTES OF SEPTEMBER 28, 2010
CITY COUNCIL MINUTES OF SEPTEMBER 28, 2010
NORMAN UTILITIES AUTHORITY MINUTES OF SEPTEMBER 28, 2010
NORMAN MUNICIPAL AUTHORITY MINUTES OF SEPTEMBER 28, 2010
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF SEPTEMBER 28, 2010

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Cubberley 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. City of Norman Boards and Commission Reception minutes of September 14, 2010
2. City Council and Norman Tax Increment Finance Authority Special Session minutes of September 21, 2010
3. City Council Conference minutes of September 28, 2010
4. City Council minutes of September 28, 2010
5. Norman Utilities Authority minutes of September 28, 2010
6. Norman Municipal Authority minutes of September 28, 2010
7. Norman Tax Increment Finance Authority minutes of September 28, 2010

Item 4, continued:

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

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

NAYES: None

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

* * * * *

Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1011-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 21-104, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE UTILITY SERVICE DEPOSIT FOR CERTAIN DWELLING UNITS; INCREASING THE FEE FOR SERVICE DISCONTINUANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Cubberley moved that Ordinance No. O-1011-21 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-1011-21 dated September 28, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-21
3. Legislatively notated copy of Ordinance No. O-1011-21
4. City Council Finance Committee minutes of September 2 and September 15, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-21 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-21 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1011-22 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE IV, SECTION 21-403, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE FEE FOR TESTING METERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Cubberley moved that Ordinance No. O-1011-22 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-1011-22 dated October 1, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-22
3. Legislatively notated copy of Ordinance No. O-1011-22
4. City Council Finance Committee minutes of September 2 and September 15, 2010

Item 6, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-22 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-22 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

SUBMISSION OF THE PROPOSED APPOINTMENT OF DREW NICHOLS AS ACTING JUDGE OF THE MUNICIPAL CRIMINAL COURT FOR A TERM BEGINNING OCTOBER 12, 2010, AND ENDING JUNE 30, 2012.

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

Items submitted for the record

1. Text File No. AP-1011-13 dated September 29, 2010, by Ronda Guerrero, Municipal Court Clerk

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

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

The Mayor declared the motion carried and the proposed appointment was confirmed.

* * * * *

Item 8, being:

CONSIDERATION OF BID NO. 1011-25; CONTRACT NO. K-1011-67 WITH TALLGRASS ENVIRONMENTAL SOLUTIONS, L.L.C., IN THE AMOUNT OF \$58,411.66; PERFORMANCE BOND NO. B-1011-19; STATUTORY BOND NO. B-1011-20; MAINTENANCE BOND NO. MB-1011-19; AND RESOLUTION NO. R-1011-31 FOR THE FYE 2010 BROOKHAVEN CREEK IMPROVEMENT PROJECT, PHASE 2, AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that all bids meeting specifications be accepted; the bid be awarded to Tallgrass Environmental Solutions, L.L.C., in the amount of \$58,411.66; Contract No. K-1011-67 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; Resolution No. R-1011-31 be adopted; and \$13,500 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project DR0010, Brookhaven Creek Improvement Project, Brookhaven to Crossroads, Construction (050-9968-431.61-01), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-67 dated September 21, 2010, from Bob Hanger, Stormwater Engineer
2. Bid tabulation dated September 2, 2010, for the FYE 2010 Brookhaven Creek Improvements Project, Phase 2
3. Location map
4. Contract No. K-1011-67
5. Performance Bond No. B-1011-19
6. Statutory Bond No. B-1011-20
7. Maintenance Bond No. MB-1011-19
8. Two Year Maintenance Agreement
9. Resolution No. R-1011-31

Item 8, continued:

Participants in discussion

1. Ms. Sylvia Martin, Post Office Box 430, asked questions
2. Mr. Shawn O'Leary, Director of Public Works

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

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid was awarded to Tallgrass Environmental Solutions, L.L.C., in the amount of \$58,411.66; Contract No. K-1011-67 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; Resolution No. R-1011-31 was adopted; and \$13,500 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project DR0010, Brookhaven Creek Improvement Project, Brookhaven to Crossroads, Construction (050-9968-431.61-01).

* * * * *

Item 9, being:

CONSIDERATION OF BID NO. 1011-26; CONTRACT NO. K-1011-60 WITH STANDARD ROOFING COMPANY, INC., IN THE AMOUNT OF \$358,852; PERFORMANCE BOND NO. B-1011-17; STATUTORY BOND NO. B-1011-18; MAINTENANCE BOND NO. MB-1011-17; AND RESOLUTION NO. R-1011-30 FOR THE FLEET/LINE MAINTENANCE ROOF REPLACEMENT PROJECT.

Acting as the City Council and Norman Utilities Authority, Councilmember Cubberley moved that all bids meeting specifications be accepted; the bid be awarded to Standard Roofing Company, Inc., in the amount of \$358,852; Contract No. K-1011-60 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1011-30 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-60 dated September 14, 2010, from Brenda Hall, City Clerk
2. Bid tabulation dated September 2, 2010, for the Fleet/Line Maintenance Roof Replacement Project
3. Contract No. K-1011-60
4. Performance Bond No. B-1011-17
5. Statutory Bond No. B-1011-18
6. Maintenance Bond No. MB-1011-17
7. Resolution No. R-1011-30
8. Purchase Requisition No. 0000177006 dated September 29, 2010, in the amount of \$358,852 to Standard Roofing Company, Inc.

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

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid was awarded to Standard Roofing Company, Inc., in the amount of \$358,852; Contract No. K-1011-60 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; and Resolution No. R-1011-30 was adopted.

* * * * *

Item 10, being:

CONSIDERATION OF BID NO. 1011-27; CONTRACT NO. K-1011-59 WITH STANDARD ROOFING COMPANY, INC., IN THE AMOUNT OF \$167,195; PERFORMANCE BOND NO. B-1011-15; STATUTORY BOND NO. B-1011-16; MAINTENANCE BOND NO. MB-1011-16; AND RESOLUTION NO. R-1011-29 FOR THE FIRE ADMINISTRATION AND FIRE STATION NO. ONE ROOF REPLACEMENT PROJECT.

Councilmember Cubberley moved that all bids meeting specifications be accepted; the bid be awarded to Standard Roofing Company, Inc., in the amount of \$167,195; Contract No. K-1011-59 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1011-29 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-59 dated September 28, 2010, from Brenda Hall, City Clerk
2. Bid tabulation dated September 2, 2010, for the Fire Administration and Fire Station No. One Roof Replacement Project
3. Contract No. K-1011-59
4. Performance Bond No. B-1011-15
5. Statutory Bond No. B-1011-16
6. Maintenance Bond No. MB-1011-16
7. Resolution No. R-1011-29
8. Purchase Requisition No. 0000177007 dated September 29, 2010, in the amount of \$167,195 to Standard Roofing Company, Inc

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid was awarded to Standard Roofing Company, Inc., in the amount of \$167,195; Contract No. K-1011-59 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; and Resolution No. R-1011-29 was adopted.

* * * * *

Item 11, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR TECUMSEH ROAD BUSINESS PARK ADDITION, SECTION 2, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

Councilmember Cubberley moved that the final site development plan and final plat for Tecumseh Road Business Park Addition, Section 2, a Planned Unit Development, 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 site development plan and final plat be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. FP-1011-10 dated September 27, 2010, by Ken Danner, Development Manager
2. Item description
3. Location map
4. Final site development plan
5. Revised preliminary plat
6. Final plat
7. Staff Report dated November 12, 2009, recommending approval
8. Pertinent excerpts from Planning Commission minutes of November 12, 2009

Item 11, continued:

and the question being upon approving the final site development plan and final plat and upon the subsequent acceptance and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the final site development plan and final plat for Tecumseh Road Business Park Addition, Section 2, a Planned Unit Development, 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 final site development plan and final plat were directed.

* * * * *

Item 12, being:

CONSIDERATION OF A FINAL PLAT FOR CEDAR LANE ADDITION, SECTION 1, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

Councilmember Cubberley moved that the final plat for Cedar Lane Addition, Section 1, 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 \$155,456.95 for deferral of paving and sidewalk improvements for Cedar Lane Road, \$196,820.90 as cash surety for paving and drainage improvements adjacent to and within the proposed parkland, \$23,470.70 for traffic impact fees, and a warranty deed for parkland dedication requirements; 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-1011-11 dated September 28, 2010, by Ken Danner, Development Manager
2. Item description
3. Location map
4. Preliminary plat
5. Final plat approved by Planning Commission
6. Revised final plat
7. Staff Report dated May 14, 2009, recommending approval
8. Staff memorandum dated May 7, 2009, from Shawn O'Leary, Director of Public Works, to Chairman and Members, Norman Planning Commission
9. Engineer's Opinion of Probable Cost for Cedar Lane Widening for Cedar Lane Addition, Section 1
10. Letter of request dated September 24, 2010, from Steve Rollins, Coon Engineering, Inc., to Shawn O'Leary, P.E., City of Norman
11. Estimate of improvements dated September 24, 2010, from TMC Construction Company, Inc., in the amount of \$196,820.90
12. Pertinent excerpts from Board of Parks Commissioners minutes of November 3, 2005
13. Pertinent excerpts from Planning Commission minutes of May 14, 2009

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

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

NAYES: None

The Mayor declared the motion carried and the final plat for Cedar Lane Addition, Section 1, 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 \$155,456.95 for deferral of paving and sidewalk improvements for Cedar Lane Road, \$196,820.90 as cash surety for paving and drainage improvements adjacent to and within the proposed parkland, \$23,470.70 for traffic impact fees, and a warranty deed for parkland dedication requirements; and the filing of the final plat was directed.

Item 13, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$1,087.50 FROM FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FOR WINTER STORM DAMAGE DURING JANUARY 2010.

Acting as the City Council and Norman Utilities Authority, Councilmember Cubberley moved that reimbursement of funds in the amount of \$1,087.50 from FEMA for winter storm damage during January 2010, be accepted and FEMA Reimbursements (010-0000-334.13-28) be increased by \$1,087.50 and \$1,087.50 be appropriated to Maintenance and Repair Services/Other Miscellaneous (031-0035-461.42-99), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. OK-DR-1883-5 dated September 22, 2010, by James Fullingim, Fire Chief

and the question being upon accepting reimbursement of funds in the amount of \$1,087.50 from FEMA for winter storm damage during January 2010, and upon the subsequent increase and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and reimbursement of funds in the amount of \$1,087.50 from FEMA for winter storm damage during January 2010, accepted; FEMA Reimbursements (010-0000-334.13-28) was increased by \$1,087.50; and \$1,087.50 was appropriated to Maintenance and Repair Services/Other Miscellaneous (031-0035-461.42-99).

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Item 14, being:

CONSIDERATION OF THE ACCEPTANCE OF A CITIZEN'S CORPS GRANT IN THE AMOUNT OF \$5,000 FROM THE OFFICE OF HOMELAND SECURITY TO BE USED TO PURCHASE A PRINTER AND SOFTWARE TO CREATE VOLUNTEER I.D. BADGES AND PROGRAM CLOTHING AND TO PAY VOLUNTEER'S REGISTRATION FEES TO THE ANNUAL OKLAHOMA EMERGENCY MANAGEMENT CONFERENCE.

Councilmember Cubberley moved that a Citizens CORPS grant in the amount of \$5,000 from the Office of Homeland Security be accepted; Special Revenue Fund (022-0000-331.13-60) be increased by \$5,000; and \$4,450 be appropriated to Project No. GF0064, Emergency Management Grant, Minor Equipment and Tools (022-9508-422.36-09), \$150 to Wearing Apparel (022-9508-422.35-03), and \$400 to Professional Conferences (022-9508-422.46-03), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. TMP-103 dated September 20, 2010, by James Fullingim, Fire Chief
2. Sub-Grantee Award No. 130.005 dated September 3, 2010, in the amount of \$5,000 from the Oklahoma Office of Homeland Security to Steve Lewis, City Manager
3. Award Memo, "Schedule A" dated August 30, 2010, from Kerry L. Pettingill, Director, State of Oklahoma Office of Homeland Security, to Steve Lewis, City Manager

and the question being upon accepting a Citizens CORPS grant in the amount of \$5,000 from the Office of Homeland Security and upon the subsequent increase and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and a Citizens CORPS grant in the amount of \$5,000 from the Office of Homeland Security accepted; Special Revenue Fund (022-0000-331.13-60) was increased by \$5,000; and \$4,450 was appropriated to Project No. GF0064, Emergency Management Grant, Minor Equipment and Tools (022-9508-422.36-09), \$150 to Wearing Apparel (022-9508-422.35-03), and \$400 to Professional Conferences (022-9508-422.46-03).

* * * * *

Item 15, being:

AMENDMENT NO. TWO TO CONTRACT NO. K-0708-113: BY AND BETWEEN THE CITY OF NORMAN, THE OKLAHOMA CONSERVATION COMMISSION, AND WATERSHED RESTORATION, INC., INCREASING THE GRANT CONTRIBUTION BY \$10,000 AND EXTENDING THE CONTRACT TO MARCH 15, 2011, FOR THE BROOKHAVEN CREEK IMPROVEMENT PROJECT.

Councilmember Cubberley moved that Amendment No. Two to Contract No. K-0708-113 with Oklahoma Conservation Commission and Watershed Restoration, Inc., increasing the grant contribution by \$10,000 and extending the project to March 15, 2011, 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-0708-113, Amendment No. Two, dated September 22, 2010, by Bob Hanger, Stormwater Engineer
2. Amendment No. Two to Contract No. K-0708-113 with Attachment 1, location map

Participants in discussion

1. Ms. Sylvia Martin, Post Office Box 430, asked questions
2. Mr. Shawn O'Leary, Director of Public Works

and the question being upon approving Amendment No. Two to Contract No. K-0708-113 with Oklahoma Conservation Commission and Watershed Restoration, Inc., increasing the grant contribution by \$10,000 and extending the contract to March 15, 2011, and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. Two to Contract No. K-0708-113 with Oklahoma Conservation Commission and Watershed Restoration, Inc., increasing the grant contribution by \$10,000 and extending the contract to March 15, 2011, approved; and the execution thereof was authorized.

* * * * *

Item 16, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0809-123: BY AND BETWEEN THE CITY OF NORMAN AND QWEST COMMUNICATIONS COMPANY, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$30,667.99 FOR THE RELOCATION OF FIBER OPTIC CABLES IN RAILROAD RIGHT-OF-WAY IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Cubberley moved that Amendment No. One to Contract No. K-0809-123 with Qwest Communications Company, L.L.C., increasing the contract amount by \$30,667.99 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-0809-123, Amendment No. One, dated September 22, 2010, by John Clink, Capital Projects Engineer, with attached Summary Table depicting the Change in the Project Cost
2. Location map
3. Amendment No. One to Contract No. K-0809-123
4. Contract No. K-0809-123 with Exhibit A, Description of the Right-of-Way and location map, and Exhibit B, Non-Binding Estimate of Relocation Costs
5. Purchase Requisition No. 0000175635 dated August 26, 2010, in the amount of \$30,667.99 to Qwest Communications

Item 16, continued:

and the question being upon approving Amendment No. One to Contract No. K-0809-123 with Qwest Communications Company, L.L.C., increasing the contract amount by \$30,667.99 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0809-123 with Qwest Communications Company, L.L.C., increasing the contract amount by \$30,667.99 approved; and the execution thereof was authorized.

* * * * *

Item 17, being:

CONSIDERATION OF FINAL ACCEPTANCE OF CONTRACT NO. K-1011-07 BY AND BETWEEN THE CITY OF NORMAN AND CENTRAL CONTRACTING SERVICES, INC. FOR THE FYE 2010 BROOKHAVEN CREEK IMPROVEMENT PROJECT, PHASE 1.

Councilmember Cubberley moved that the project be accepted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-07, final, dated September 22, 2010, by Bob Hanger, Stormwater Engineer
2. Location map
3. Photographs of project

Participants in discussion

1. Ms. Sylvia Martin, Post Office Box 430, asked questions
2. Mr. Shawn O'Leary, Director of Public Works

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

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

NAYES: None

The Mayor declared the motion carried and the project was accepted.

* * * * *

Item 18, being:

CONTRACT NO. K-1011-80: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SCHAFFNER-VALOUCH CONTRACTOR, INC., IN THE AMOUNT OF \$45,515; STATUTORY BOND NO. B-1011-49; MAINTENANCE BOND NO. MB-1011-54; AND RESOLUTION NO. R-1011-54 FOR THE BUILDING B LIGHTING REPLACEMENT PROJECT

Councilmember Cubberley moved that Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., in the amount of \$45,515 and the statutory and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and Resolution No. R-1011-54 be adopted, which motion was duly seconded by Councilmember Dillingham;

Item 18, continued:

Items submitted for the record

- 1. Text File No. K-1011-80 dated September 28, 2010, by Brenda Hall, City Clerk
- 2. Tabulation of quotes dated September 24, 2010, for Building B Lighting Project
- 3. Proposal revised September 14, 2010, in the amount of \$45,515, from Gary Schaffner, Schaffner-Valouch Contractor, Inc. to change out light fixtures in Building B
- 4. Contract No. K-1011-80
- 5. Statutory Bond No. B-1011-49
- 6. Maintenance Bond No. MB-1011-54
- 7. Resolution No. R-1011-54
- 8. Purchase Requisition No. 0000177008 dated September 29, 2010, in the amount of \$45,515 to Schaffner-Valouch Contractor, Inc.

Participants in discussion

- 1. Ms. Brenda Hall, City Clerk
- 2. Mr. Tim Agin, 2713 Lochwood Drive, asked questions
- 3. Mr. Roger Gallagher, 1522 East Boyd Street, made comments

and the question being upon approving K-1011-80 with Schaffner-Valouch Contractor, Inc., in the amount of \$45,515 and the statutory and maintenance bonds and upon the subsequent authorization, directive, and adoption, a vote was taken with the following result:

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

NAYES: None

The Chairman declared the motion carried and Contract No. K-1011-80 with Schaffner-Valouch Contractor, Inc., in the amount of \$45,515 and the statutory and maintenance bonds approved; execution of the contract was authorized, the filing of the bonds was directed, and Resolution No. R-1011-80 was adopted.

Item 19, being:

CONTRACT NO. K-1011-83: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STPG-114F(277)AG, STATE JOB NO. 27794(04) FOR THE CITYWIDE TRAFFIC SIGNAL UPGRADE PROJECT AND ADOPTION OF RESOLUTION NO. R-1011-49.

Councilmember Cubberley moved that Contract No. K-1011-83 with ODOT be approved, Resolution No. R-1011-49 be adopted, and execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-83 dated September 28, 2010, by Angelo Lombardo, Traffic Engineer
- 2. Location map
- 3. Contract No. K-1011-83
- 4. Resolution No. R-1011-49
- 5. Letter dated September 21, 2010, from Rosemarie Case, P.E., Area Engineer, Local Government Division, Oklahoma Department of Transportation, to Mr. Shawn O'Leary, Director of Public Works

Participants in discussion

- 1. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions
- 2. Mr. Shawn O'Leary, Director of Public Works

and the question being upon approving Contract No. K-1011-83 with ODOT and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No K-1011-83 with ODOT approved; Resolution No. R-1011-49 was adopted and execution of the contract and resolution was authorized.

Item 20, being:

CONTRACT NO. K-1011-87: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR FEDERAL-AID PROJECT NO. STPY-114A(280)AG, JOB PIECE NO. 27823(04) FOR THE FLOOD AVENUE AND FRANKLIN ROAD TRAFFIC SIGNAL PROJECT, ADOPTION OF RESOLUTION NO. R-1011-51, AND BUDGET TRANSFER AND APPROPRIATION.

Councilmember Cubberley moved that Contract No. K-1011-87 with ODOT be approved; Resolution No. R-1011-51 be adopted; execution of the contract and resolution be authorized; payment be directed to ODOT in the amount of \$58,378.65 for the 20% local share of the project cost; \$29,189.33 be transferred from Project TR-0064, Flood and Venture Drive Signalization, Construction (050-9076-431.61-01) to Project No. TR-0077, Flood and Franklin Traffic Signal, Construction (050-9076-431.61-01); \$29,189.33 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR-0077, Flood and Franklin Traffic Signal, Construction (050-9076-431.61-01); and upon receipt of \$29,189.33 from Cleveland County for their share of the project cost, \$29,189.33 be transferred to the Capital Fund Balance (050-0000-253.20-00), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-87 dated September 29, 2010, by Angelo Lombardo, Traffic Engineer with attached table for transfer of funds
2. Location map
3. Contract No. K-1011-87
4. Resolution No. R-1011-51
5. Letter dated September 23, 2010, from Harold R. Smart, P.E., Chief Traffic Engineer, Oklahoma Department of Transportation, to Mr. Angelo Lombardo, P.E., City Traffic Engineer
6. Invoice No. J/P 27823(04) dated September 23, 2010, in the amount of \$58,378.65 from the Oklahoma Department of Transportation to Mr. Angelo Lombardo, City Traffic Engineer
7. Purchase Requisition No. 0000176976 dated September 29, 2010, in the amount of \$58,378.65 to ODOT

and the question being upon approving Contract No. K-1011-87 with ODOT and upon the subsequent adoption, authorization, directive, transfers, and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No K-1011-87 with ODOT approved; Resolution No. R-1011-51 was adopted; execution of the contract and resolution was authorized, payment was directed to ODOT in the amount of \$58,378.65 for the 20% local share of the project cost; \$29,189.33 was transferred from Project TR-0064, Flood and Venture Drive Signalization, Construction (050-9076-431.61-01) to Project No. TR-0077, Flood and Franklin Traffic Signal, Construction (050-9076-431.61-01); \$29,189.33 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR-0077, Flood and Franklin Traffic Signal, Construction (050-9076-431.61-01); and upon receipt of \$29,189.33 from Cleveland County for their share of the project cost, \$29,189.33 will be transferred to the Capital Fund Balance (050-0000-253.20-00).

* * * * *

Item 21, being:

CONSIDERATION OF ACCEPTANCE OF A GRANT FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE IN THE AMOUNT OF \$35,000 TO BE USED TO HOST A STATEWIDE TRAINING CLASS FOR NORMAN POLICE OFFICERS TO BECOME DRUG RECOGNITION EXPERTS (DRE), APPROVAL OF CONTRACT NO. K-1011-88, AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that a grant in the amount of \$35,000 from the Oklahoma Highway Safety Office be accepted; Contract No. K-1011-88 be approved; the execution thereof be authorized; DRE Training Revenue (022-0000-331.13-30) be increased by \$35,000; and \$25,000 be appropriated to Professional Services/Workshops and Seminars (022-6037-421.46-04) and \$10,000 to General Supplies/Employee Training (022-6037-421.30-13), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-88 dated September 28, 2010, by Major Jim Maisano
2. Letter dated August 27, 2010, from Scott E. Watkins, Director, Oklahoma Highway Safety Office, to Major Jim Maisano, Norman Police Department
3. Contract No. K-1011-88, Oklahoma Highway Safety Office Grant Agreement, Part I; General Provisions, Part II; Specific Agreements, Part III; and Attachment, Project Director's Report

and the question being upon accepting a grant in the amount of \$35,000 from the Oklahoma Highway Safety Office and upon the subsequent approval, authorization, increase, and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and a grant in the amount of \$35,000 from the Oklahoma Highway Safety Office accepted; Contract No. K-1011-88 was approved; the execution thereof was authorized; DRE Training Revenue (022-0000-331.13-30) was increased by \$35,000; and \$25,000 was appropriated to Professional Services/Workshops and Seminars (022-6037-421.46-04) and \$10,000 to General Supplies/Employee Training (022-6037-421.30-12).

* * * * *

Item 22, being:

RESOLUTION NO. R-1011-44: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$12,747 IN INTEREST INCOME FROM THE COMMUNITY DEVELOPMENT FUND BALANCE TO BE USED FOR AFFORDABLE HOUSING IN THE CITY OF NORMAN.

Councilmember Cubberley moved that Resolution No. R-1011-44 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1011-44 dated September 21, 2010, by Linda Price, Revitalization Manager
2. Resolution No. R-1011-44

and the question being upon adopting Resolution No. R-1011-44, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-44 was adopted.

* * * * *

Item 23, being:

RESOLUTION NO. R-1011-46: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$30,793 FROM THE ANIMAL STERILIZATION DEPOSIT ACCOUNT TO PROVIDE COMPUTER SOFTWARE AND HARDWARE FOR ANIMAL WELFARE OPERATIONS.

Councilmember Cubberley moved that Resolution No. R-1011-46 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1011-46 dated September 22, 2010, by Major Jim Maisano
2. Letter dated April 27, 2010, from Mark Howery, Chairman, Animal Shelter Oversight Board, to Mr. Steve Lewis, City Manager
3. Resolution No. R-1011-46

and the question being upon adopting Resolution No. R-1011-46, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-46 was adopted.

* * * * *

Item 24, being:

RESOLUTION NO. R-1011-55: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA ADOPTING THE REVISED NORMAN BIKE ROUTE MAP RECOMMENDED BY THE NORMAN BICYCLE ADVISORY COMMITTEE.

Councilmember Cubberley moved that Resolution No. R-1011-55 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1011-55 dated September 30, 2010, by James Briggs, Park Planner
2. Resolution No. R-1011-55 with attached revised Bike Route Map
3. Opinion of Probable Cost in the amount of \$55,216.04 for the Bike Lane Implementation Pilot Project
4. Pertinent excerpts from City Council Transportation Committee minutes of February 25, 2010
5. Bicycle Advisory Committee minutes of May 17, 2010
6. Pertinent excerpts from City Council Transportation Committee minutes of June 24, 2010
7. Pertinent excerpts from City Council Study Session minutes of July 20, 2010
8. Bicycle Advisory Committee minutes of August 9, 2010
9. Pertinent excerpts from City Council Transportation Committee minutes of August 26, 2010

Participants in discussion

1. Ms. Sara Reichardt, 1720 Oakwood Drive, Chairman, Bicycle Advisory Committee

and the question being upon adopting Resolution No. R-1011-55, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-55 was adopted.

* * * * *

Item 25, being:

PROCLAMATION NO. P-1011-6: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF OCTOBER, 2010, AS WEATHERIZATION MONTH IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-1011-6 proclaiming the month of October, 2010, as Weatherization Month in the City of Norman be acknowledged, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. P-1011-6 dated September 30, 2010
2. Proclamation No. P. 1011-6

and the question being upon acknowledging receipt of Proclamation No. P-1011-6 proclaiming the month of October, 2010, as Weatherization Month in the City of Norman, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-6 proclaiming the month of October, 2010, as Weatherization Month in the City of Norman.

* * * * *

Item 26, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR ADBAR ADDITION NO. FOUR AND WAIVER OF ALLEY REQUIREMENTS.

Councilmember Cubberley moved that the preliminary plat and waiver of alley requirements for Adbar Addition No. Four be approved, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. PP-1011-4 dated July 13, 2010, by Ken Danner, Development Manager, with attached table for traffic capacity
2. Item description
3. Location map
4. Site plan
5. Preliminary plat
6. Staff Report dated August 12, 2010
7. Letter requesting alley waiver dated July 28, 2010, from Phil Clour, P.E., L.S., Clour Planning and Engineering Services, to Mr. Ken Danner, Development Coordinator
8. Pertinent excerpts from Planning Commission minutes of August 26, 2010

Participants in discussion

1. Mr. David Hargis, Clour Planning and Engineering Services, 408 Bannister Court, engineer representing the applicant

and the question being upon approving the preliminary plat and waiver of alley requirements for Adbar Addition No. Four, a vote was taken with the following result:

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

The Mayor declared the motion carried and the preliminary plat and waiver of alley requirements for Adbar Addition No. Four was approved.

* * * * *

Item 27, being:

ORDINANCE NO. O-1011-4: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE II, SECTION 7.5-22 AND SECTION 7.5-26 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR THE FILING OF CAMPAIGN STATEMENTS AND DUTIES OF THE ENFORCEMENT AUTHORITY REGARDING CAMPAIGN STATEMENTS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-4 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 28, 2010, Councilmember Dillingham moved that Ordinance No. O-1011-4 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1011-4 dated September 14, 2010, by Brenda Hall, City Clerk
2. Ordinance No. O-1011-4
3. Legislatively notated copy of Ordinance No. O-1011-4
4. Enforcement Authority Report dated March 16, 2010
5. Enforcement Authority minutes of January 13, January 20, February 26, March 1, March 8, July 9, and July 14, 2010
6. Pertinent excerpts of City Council Oversight Committee minutes of September 1, 2010

Participants in discussion

1. Ms. Brenda Hall, City Clerk
2. Mr. Jeff Bryant, City Attorney
3. Ms. Mary Francis, 850C Cardinal Creek Condos, Chairman, Enforcement Authority
4. Mr. Jim Stanley, 3922 Pinetree Circle, asked questions

and the question being upon adopting Ordinance No. O-1011-4 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-4 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-4 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1011-4 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-4 was adopted upon Final Reading as a whole.

* * * * *

Item 28, being:

ORDINANCE NO. O-1011-9: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO AMEND THEIR SPECIAL USE FOR A CHURCH IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR LOTS 7 THROUGH 10 AND 21 THROUGH 32 OF BLOCK 34, AND LOTS 5 THROUGH 16, THE WEST 15 FEET OF LOT 19, AND LOTS 20 THROUGH 26, BLOCK 35, THE ORIGINAL TOWNSITE OF NORMAN, AND LOTS 7 THROUGH 10, BLOCK 3, COLLEY'S FIRST ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (211 NORTH PORTER AVENUE).

Ordinance No. O-1011-9 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-9 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1011-09 dated August 10, 2010, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1011-9 with Exhibit A, site plan
3. Location map
4. Staff Report dated September 9, 2010, recommending approval
5. Pertinent excerpts from Planning Commission minutes of September 9, 2010

Participants in discussion

1. Mr. John Ward, 2722 Poplar Lane, representing the applicant

and the question being upon adopting Ordinance No. O-1011-9 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-9 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-9 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-9 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-9 was adopted upon Final Reading as a whole.

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tem 29, being:

ORDINANCE NO. O-1011-12: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTION 20-544 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN REQUIRING A MOTOR VEHICLE KEEP A SAFE DISTANCE WHEN OVERTAKING AND PASSING OF A BICYCLE PROCEEDING IN THE SAME DIRECTION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-12 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-12 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-1011-12 dated September 15, 2010, by Jeanne Snider, Assistant City Attorney
2. Ordinance No. O-1011-12
3. Memorandum dated August 4, 2010, from Phil Cotten, Chief of Police, to Steve Lewis, City Manager
4. Pertinent excerpts from City Council Study Session minutes of July 20, 2010
5. Pertinent excerpts from City Council Transportation Committee minutes of August 26, 2010

Participants in discussion

1. Mr. Phil Cotten, Police Chief
2. Mr. Jeff Bryant, City Attorney
3. Mr. Tim Agin, 2713 Lochwood Drive, made comments
4. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
5. Ms. Sara Reichardt, 1720 Oakwood Drive, Chairman, Bicycle Advisory Committee
6. Ms. Ann Gallagher, 1522 East Boyd Street, made comments
7. Mr. Gary Miller, 2601 Annalane Drive, Bicycle Advisory Committee member
8. Mr. Neil Suneson, 1803 Peter Pan Street, Bicycle Advisory Committee member

and the question being upon adopting Ordinance No. O-1011-12 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-12 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-12 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1011-12 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-12 was adopted upon Final Reading as a whole.

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Item 30, being:

ORDINANCE NO. O-1011-19: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-201 OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN LIMITING WEEKLY YARD WASTE PICK UP TO ONE TIME PER MONTH DURING THE MONTHS OF DECEMBER, JANUARY AND FEBRUARY AND ONE TIME PER WEEK DURING THE MONTHS OF MARCH THROUGH NOVEMBER; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-19 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-19 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-19 dated September 20, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-19
3. Legislatively notated copy of Ordinance No. O-1011-19
4. Finance Committee minutes of September 2, 2010
5. Pertinent excerpts from Finance Committee minutes of September 15, 2010

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities

and the question being upon adopting Ordinance No. O-1011-19 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-19 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-19 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-19 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-19 was adopted upon Final Reading as a whole.

* * * * *

Item 31, being:

RESOLUTION NO. R-1011-43: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DEVELOPMENT OF A GREENBELT SYSTEM AND THE REVIEW OF CERTAIN DEVELOPMENTS BY THE GREENBELT COMMISSION.

Councilmember Kovach moved that Resolution No. R-1011-43 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. R-1011-43 dated September 16, 2010, by Kathryn Walker, Assistant City Attorney II
2. Resolution No. R-1011-43
3. Letter dated October 12, 2010, from Harold Heiple, Heiple Law Offices, Inc., to Norman City Council
4. Article dated December 13, 2009, entitled "Does Fresh Air Keep You Well?" from Parade Magazine submitted by Sherylann Densow

Item 31, continued:

Participants in discussion

1. Ms. Susan Connors, Director of Planning and Community Development
2. Mr. Jeff Bryant, City Attorney
3. Mr. Harold Heiple, 218 East Eufaula Avenue, representing the Norman Developers Council
4. Ms. Sherylann Densow, Post Office Box 5335, proponent
5. Ms. Lyntha Wesner, 616 Tulsa Street, Chairman, Greenbelt Commission
6. Mr. Tim Agin, 2713 Lochwood Drive, made comments

and the question being upon adopting Resolution No. R-1011-43, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-43 was adopted.

* * * * *

Item 32, being:

ORDINANCE NO. O-1011-6: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XXI OF CHAPTER 4 OF THE CODE OF THE CITY OF NORMAN ESTABLISHING THE PROCEDURES AND POWERS OF THE GREENBELT COMMISSION AND THE STANDARDS TO BE USED BY THE COMMISSION IN THE EXERCISE OF THOSE POWERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-6 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 28, 2010, Councilmember Cubberley moved that Ordinance No. O-1011-6 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1011-06 dated September 16, 2010, by Kathryn Walker, Assistant City Attorney II
2. Ordinance No. O-1011-6
3. Legislatively notated copy of Ordinance No. O-1011-6
4. Pertinent excerpts from City Council Planning and Community Development minutes of April 9, 2010, and June 11, 2010
5. City Council Planning and Community Development minutes of August 17 and September 10, 2010

and the question being upon adopting Ordinance No. O-1011-6 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-6 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-6 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-6 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-6 was adopted upon Final Reading as a whole.

* * * * *

Item 33, being:

RESOLUTION NO. R 1011-47: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONFIRMING FINAL COSTS ASSOCIATED WITH IMPROVEMENTS TO TECUMSEH ROAD, FROM 821.45 FEET EAST OF 12TH AVENUE N.W. TO 12TH AVENUE .NET, A RECOUPMENT PROJECT, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID.

Councilmember Cubberley moved that Resolution No. R-1011-47 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. R-1011-47 dated September 28, 2010, by Lonnie Ferguson, Capital Projects Engineer
2. Resolution No. R-1011-47 with Exhibit "A," map and Exhibit "B," list
3. Location map of Phase IIIC, Tecumseh Road, 12th Avenue N.W. to 12th Avenue N.E.
4. Cost Summary of Phase IIIC, 12th Avenue N.W. to 12th Avenue N.E.
5. Location map of Phases of Construction, Tecumseh Road/60th Avenue N.W. Project
6. Summary of Costs, all Phases
7. Typical notice sent to property owners
8. Resolution No. R-0102-81

Participants in discussion

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

and the question being upon adopting Resolution No. R-1011-47, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-47 was adopted.

* * * * *

Item 34, being:

RESOLUTION NO. R-1011-48: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH IMPROVEMENTS TO TECUMSEH ROAD, FROM MACDONNELL DRIVE TO 821.45 FEET EAST OF 12TH AVENUE N.W., A RECOUPMENT PROJECT, AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID

Councilmember Kovach moved that Resolution No. R-1011-48 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. R-1011-48 dated September 28, 2010, by Lonnie Ferguson, Capital Projects Engineer
2. Resolution No. R-1011-48 with Exhibit "A," map and Exhibit "B," list
3. Location map of Phase IIIB, Tecumseh Road, MacDonnell Drive to 12th Avenue N.W.
4. Cost Summary of Phase IIIB, MacDonnell Drive to 12th Avenue N.W.
5. Location map of Phases of Construction, Tecumseh Road/60th Avenue N.W. Project
6. Summary of Costs, all Phases
7. Typical notice sent to property owners
8. Resolution No. R-0001-111

Participants in discussion

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

Item 34, continued:

and the question being upon adopting Resolution No. R-1011-48, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1011-48 was adopted.

* * * * *

Item 35, being:

ORDINANCE NO. O-1011-11: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 16-603(A) OF CHAPTER 16 OF THE CODE OF THE CITY OF NORMAN TO CLARIFY RECOUPMENT CALCULATIONS WHEN UTILITIES HAVE PREVIOUSLY BEEN CONSTRUCTED BY THE PROPERTY OWNER OR WHEN BOND FUNDS ARE APPLIED TO A PROJECT SUBJECT TO RECOUPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-11 having been Introduced and adopted upon First Reading by title in City Council's meeting of September 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-11 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-11 dated September 15, 2010, by Blaine Nice, Assistant City Attorney
2. Ordinance No. O-1011-11
3. Legislatively notated copy of Ordinance No. O-1011-11
4. Pertinent excerpts from City Council Study Session minutes of September 7, 2010

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Harold Heiple, 218 East Eufaula Avenue, representing the Norman Developers Council

and the question being upon adopting Ordinance No. O-1011-11 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-11 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-11 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-1011-11 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1011-11 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

Gay Lesbian Bisexual Transgender (GLBT) History Month Proclamation. Mr. David Ray, 1300 Asp Avenue, said he had been a member of the University of Oklahoma faculty for 18 years and had previously served on Norman City Council. He personally thanked those Councilmembers who supported the proclamation as it was obviously a tough vote requiring patience and courage. He thanked Councilmember Ezzell and Mayor Rosenthal for their remarks, which had been articulate and eloquent. He said the fact that both had engaged in a tough, hard-fought Mayoral Campaign just recently yet both were on the same side of the issue spoke volumes. He said while the meeting was discouraging, the vote and comments from Council were highly encouraging. He said Councilmember Ezzell said everything that needed to be said with eloquence and courage and it was obvious he had researched the issue, spoken with gay friends, and searched his heart. He said there had been tragic consequences because of the meeting and he hoped that does not obscure the fact that the City of Norman made the right decision.

Mr. Will Wier, 1426 Beverly Hills Street, congratulated Council for their approval of the proclamation said many things had been said during the meeting that were quite offensive. He pointed out that a proclamation does not change policies and was nothing more than an announcement or proclamation of learning about GLBT history. He said people should be able to communicate their opposition to an issue without the use of harmful stereotypes.

Mr. Larry Dillingham, 1711 South Pickard Avenue, reminded everyone when the founding fathers were trying to write the constitution there were a lot of issues and compromises. He said the concept of equal representation for all citizens was considered for some time and the "tyranny of the majority" was written out of the constitution. He said the Council had acknowledged the minority and that was the best use of the Constitution. He thanked Council for their actions.

Mr. Joe Henning, 514 Shawnee Avenue, thanked Council and said "Well Done."

Mr. Mark Campbell, 2821 Dewey Avenue, said that he along with Parents, Families, and Friends of Lesbians and Gays (PFLAG) have reserved two display cases at the Norman Public Library in order to provide information and education about GLBT History Month. He said many of the items are from GLBT-friendly businesses and people in Norman and hoped the display has a positive impact. He said a small memorial for Zack Harrington will be included in the display. He said 2010 is the 5th anniversary of GLBT History month. He said for more information, please visit glbthistorymonth.com and library materials will also be available for checkout at Norman Public Library.

Mr. Dean Simmons, 1328 East Brooks Street, said he read the article in the newspaper about Zachary Harrington's death and attended the City Council meeting and felt the proclamation had no tangible effect on the City of Norman. He did not understand how something like this could happen and Council should continue dialogue on this issue. He was one of the founding members of PFLAG; a 63-year-old gay man; a veteran of the Vietnam conflict; a graduate of the University of Oklahoma; and recently retired from the Department of Defense. He said GLBT persons should become visible in the community to allow citizens to see who they are, which will possibly alleviate the lies, inaccuracies, and half-truths. He suggested that there be an ordinance drafted for non-discrimination.

Councilmember Atkins said City Staff and Council should provide more information and encouragement for the citizens regarding attendance of ongoing Inclusive Community discussions held by the Human Rights Commission and, hopefully, more people would become involved to gain education and enlightenment about all segments of our community.

Councilmember Kovach said he had experienced a range of emotions during the last few weeks including anger toward an individual using a cheap political stunt to encourage people to come to the last City Council meeting to turn the proclamation into something it was not. He said people have learned to label people a certain way to allow them to do certain things to them without conscience. He said there had been many Council meetings where people did not agree, but there has always been respect in this house. He appreciated the Mayor's efforts to maintain order at the City Council meeting even though it was not maintained. He said people were disrespected continually by the audience and he had spoken with many after the meeting that felt emotionally bruised by what had occurred, both gay and straight. He said a young man in attendance had taken his own life after the meeting and that his family believed he internalized some of the hateful speech during the meeting. He said no one should ever take their life, but these things occur when people are allowed to speak hatefully about others. He said it saddened him that our level of public discourse falls to nothing but pointing fingers and shouting past each other. Those people had an absolute right to their opinions, but they did not have a right to say hateful things. Free speech does not allow hate speech. He said he was shocked at the level of degradation in a public meeting in this City. He encouraged calls for more dialogue not just for this issue but on every issue and people need to consider what the results of

Miscellaneous Discussion, continued:

their passions can be if they are not careful in our speech. He said it is important to consider that GLBT youth are four times more likely to commit suicide than their heterosexual peers. He announced the Trouble Lifeline is available for troubled youth, which is a Suicide Hot Line, 866-4Y-TREVOR, operating 24 hours a day, 7 days a week. He read an email of support from a young man from Indianapolis who watched the video of the Council meeting and thanked Council for the proclamation.

Councilmember Ezzell said he wished Council was doing more than just a proclamation even though it was an important first step. He hoped the last meeting did not discourage Council a more meaningful discussion of the issues regarding policies and ordinances of the City and a good place to start would be amending the City's non-discrimination policy. He said this discussion is appropriate and necessary.

Councilmember Dillingham said she was sorry she was not present at the meeting and had stayed up one night and watched in amazement and shock at such incivility and hate speech coming from citizens of her hometown. She said all we were doing was recognizing the accomplishments of an underserved segment of our population and that they were as entitled to the fruits of liberty as every one of us. She said people are so accustomed to the email, text message, and sound bite mentality that they can look people in the eye and be hateful. Whether we agree with each other or not is irrelevant because we are guaranteed the right to our opinion and free speech, but not when speech turns hateful. She said we have to recognize what makes our community strong is the contributions of each and every one of us whether we agree with their stances on religion or the weather. She said she is still trying to get over the emotional wreckage of watching the meeting and Council needs to address things like policies and procedures so that every single member of our community reaps every reward of liberty.

Councilmember Butler said Council had received lots of messages and thanked citizens for their comments. She said she has heard many stories about bad experiences and it was very painful to hear that these things occurred in our community. She said City Council needs to make an effort to address these types of things because if we act like it does not happen, we are just perpetuating ignorant behavior. She said there has been much leadership shown from members of the community and fellow Councilmembers by speaking out. She thanked the Mayor for trying to keep some level of civility in the meeting and Councilmember Ezzell for his remarks during a very stressful situation. She said she received complaints about her vote but did not mind it because it was the right thing to do and a small step forward.

Councilmember Griffith said he had been told that Norman had a relatively thin crust of civility and an undercurrent of bigotry and discrimination and he found this to be true two weeks ago. He hoped it was a very vocal minority and was grateful for the vote in favor of the proclamation.

Councilmember Cubberley sent his condolences to the family of Zack Harrington. He said, obviously this young man took to heart the comments that were made and did not find much hope in what was said. He said the bigotry expressed is something that is accepted, we may not like it but do not do anything about it. He said it was evident that night and that young man took it to heart and did an unfortunate thing. He said a comment was made to him after that meeting that now he could see what our community was really like and it surprised him. He said for many years he did not think of Norman as a very progressive community even though it is a great place to live. He chose this community to bring up his daughter and she went to school in an elementary school chosen because of its diversity. He said the school happens to be one of the best schools in town and she received a multi-national education was among children whose families came from all over the world. He hoped the community would embrace diversity of thought and lifestyle, but clearly there is a strain between diversity and acceptance. He had seen the rejection of diversity because the Mosque is in his ward and there had been discriminatory activities towards these citizens who believe differently. He said minorities have moved away because although we think of ourselves as progressive, it didn't filter down to the actual practices and the way we live and interact with fellow citizens. He said diversity brings strength to the community because we are in a multi-cultural country and we have to bridge the understanding gap. He hoped the Human Rights Commission uses this as an opportunity to engage in dialogue to help foster understanding.

Miscellaneous Discussion, continued:

Councilmember Quinn said many who know him know he takes these situations very seriously. He said inflammatory comments had been made to him and his colleagues about how they voted and there were some positive comments made as well. He said Council cares about the community and each spends hours each week trying to decide what is best for Norman and still believes Norman is a very special community. He said Norman has a very transparent government and most of the items voted on by Council are passed on to them after much committee work by citizens who serve very well. He said Council often disagrees with each other but they do it with respect, they just simply agree to disagree. It would say a lot about the City if everyone felt that way.

Mayor Rosenthal announced there would be a Candle Light Vigil at 8:00 p.m. on Wednesday night, October 13, 2010, in the Unity Garden on the South Oval at the University of Oklahoma to recognize harassment and discrimination against members of the GLBT community.

*

Greenbelt and Aquatic Center. Mr. Roger Gallaher, 1522 East Boyd Street, said greenbelt development will be very advantageous to those who want exercise. He said various aspects of American life could be changed to make Oklahoma a more healthy state. He said many parents do not require their children to act responsibly and it contributes to a lack of health in children and in families. He said Oklahoma has some of the best weather in the United States and people should get outside more. He said older people change their form of exercise to swimming, walking on greenbelts, and riding bicycles. He said there is only one swimming pool in Norman to serve 109,000 people and he will continue to stress the need for an aquatic center. He said one of the reasons that the University of Oklahoma fell behind in a Big Twelve Evaluation was because there was no aquatic center.

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Ice Storm Cleanup. Mr. Mark Campbell, 2821 Dewey Avenue, asked if it was possible for the City of Norman to do a ten-year average cost of what the City spends on ice storm damages, specifically what is not covered by the Federal Emergency Management Agency (FEMA) reimbursements. He asked if this amount could be used to certify Sanitation staff to handle these types of cleanups and pay their workers overtime. He said it was his understanding that outside contractors who were FEMA certified had to be used.

Mr. Steve Lewis, City Manager, said FEMA funds can be used for outside contractors or City staff. He said the City has elected to use outside contractors because of the magnitude of the storms, to provide for no interruption in daily operations, and to complete storm cleanup in a timely manner.

*

The Norman Community Initiatives Group. Councilmember Dillingham said 4,000 service people will be deployed overseas from the Oklahoma National Guard by January 15, 2010, which includes more Oklahomans than any other deployment since World War II. She said Councilmember Griffith's wife, Claudia, has formed a group called the Norman Community Initiatives Group, and they will be working with the Blue Star Moms, the Oklahoma National Guard Family Support Group, and the Parks and Recreation Department to "Stuff a Truck" during the November 6th Veteran's Celebration. The truck would be stuffed with items that service men and women need. She asked citizens to watch the newspapers and website for a list of items needed for the project. She said boxes will be placed at all of the fire stations and at City Hall for these items. She invited everyone to come and support our troops during this event. She said the Freedom Riders would be at Reaves Park and the street would be decorated with yellow ribbons.

Councilmember Griffith said the troops appreciate everything they get and the "Stuff the Truck" initiative is an amazing effort. He said it costs \$11 per box to send the items to the troops and said donations would be appreciated.

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Miscellaneous Discussion, continued:

Public Finance Series. Councilmember Griffith announced the Public Finance Series which will begin this Thursday to educate the citizens about the complexities of government finance and why it works the way it does. He said he is looking forward to it.

Mr. Steve Lewis said the first meeting will begin at 6:00 p.m. on Thursday, October 14, 2010, at the Norman High School library located at 911 West Main Street. He said this series will be a short course in Municipal Finance and fund accounting. He said those attending will be looking at the City's budget and how municipal services are funded, both short and long term and some of the structural imbalances facing local government finance. He said the series will conclude November 18th and will be broadcast on Channel 20 with additional information available on the website.

Mayor Rosenthal said there was a budget meeting recently where discussed the critical times the City is facing and what decisions need to be made and not one single citizen or member of the press came to the meeting. She said the Finance Committee had spent quite a bit of time putting together the Public Finance Series and hoped it would be successful.

*

Water from Sardis Lake. Councilmember Cubberley announced that a water and sewer rate increase was approved in the City of Edmond. He said it was interesting that although Edmond has Lake Arcadia and water wells as a water source, they have decided to join the Sardis Lake effort. He said a comment was made by the Water Resources Superintendent for the City of Oklahoma City that in terms of participating in the Sardis effort, an entity could pay to be an equity partner or be a customer purchasing water from Oklahoma City at a much higher rate. He said Norman needs to decide if we want to be partners in our destiny or sit back and not pay now but later when we do need water. The City made the decision over 50 years ago to build Lake Thunderbird and we have been enjoying the fruits of that decision because 70% of the City's water comes from the lake. He said the Lake is almost paid off and we had been a partner, not a participant. He said Council is often criticized for not looking out for our future. He said a decision needs to be made soon and for him it is an easy decision, we need to be partners in our destiny.

*

Woman of the Year Award. Councilmember Quinn congratulated Mayor Rosenthal for being selected Woman of the Year by the Journal Record which was a very deserving honor. He said she does many things for the community, the University of Oklahoma, and all of Central Oklahoma.

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

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2010 Transportation Achievement Award. Mr. Steve Lewis, City Manager, congratulated the City of Norman Traffic Engineers for being recognized at the Missouri Valley Section of the Institute of Transportation Engineers. He said this is a high-level group and the Fiber Optic Traffic Management Program had been submitted as one of the most innovative programs this year and this project competed with other projects from other states and cities and received the 2010 Transportation Achievement Award.

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Accreditation for the City of Norman. Mr. Steve Lewis, City Manager, said the Public Works Department began pursuing Accreditation for the department three years ago and the project was enlarged to include the Utilities Department and Parks and Recreation Department. He said there are only 60 Public Works Departments across the country that are accredited departments. He said Norman has just completed the process and if we are approved, we will be the only City in Oklahoma with accreditation. He said there are 474 best practices that the departments are being gauged by and results will be received soon. He said this says a lot about City leadership and he is very proud of their efforts.

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Community Oriented Policing. Mayor Rosenthal said through Community Oriented Policing there were two events held at the Police Department last Saturday, October 9, 2010. She said the "Shred-A-Thon" was conducted in partnership with Absolute Data Shredding allowed shredding of documents free of charge and at the same time there was a car seat check-up in cooperation with J.D. McCarty Center. She said the events were very well attended.

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Miscellaneous Discussion, continued:

Kevin Lee Gottshall Park. Mayor Rosenthal said she attended an event last Saturday at the Kevin Lee Gottshall Park in Cambridge Addition. She said Kevin Lee Gottshall was an infant child who was a victim of the Murrah Bombing. She said Ms. Suzanne Terry, Program Coordinator for the Parks and Recreation Department, transplanted a seedling from the Murrah Memorial Property into her own yard and now the survivor tree is six feet tall. The tree was planted during a ceremony at the park in memory of the infant's life. She said these types of events are typical of what the City of Norman is about.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Quinn 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 Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal

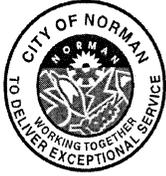
NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 10:10 p.m.

ATTEST:

City Clerk

Mayor



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 6

Text File Number: AP-1011-14

Introduced: 10/12/2010

Current Status: Consent Item

Version: 1

Matter Type: Appointment

Title

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

NORMAN REGIONAL HOSPITAL AUTHORITY

TERM: 10-31-10 TO 10-31-13: DR. JEFFREY BURCHAM, 3703 QUAIL DRIVE

TERM: 10-31-10 TO 10-31-13: DR. BILL NATIONS, 2328 PARKLAND WAY

TERM: 10-31-10 TO 10-31-13: DON SHERMAN, 3128 ST. CLAIR COMMON

INFORMATION: Dr. Bill Nations will replace Dr. George Ingels, and Dr. Jeff Burcham and Don Sherman are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 7

Text File Number: RPT-1011-18

Introduced: 10/12/2010 by Anthony Francisco, Finance Director

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

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

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____

DATE: 05-Oct-10
 TO: City Council
 FROM: Anthony Francisco, Director of Finance
 PREPARED BY: Clint Mercer, Chief Accountant
 SUBJECT: Breakdown of Interest Earnings by Fund



FUND	MONTHLY COMPARISON				ANNUAL COMPARISON			
	MONTHLY BUDGETED INTEREST EARNINGS FYE11	MONTHLY INTEREST EARNINGS September 2010	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE10-YTD	INTEREST EARNINGS YTD FYE11	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	\$22,917	\$4,256	-81.43%	7.35%	\$68,750	\$20,230	-70.57%	8.33%
PUBLIC SAFETY SALES TAX FUND	N/A	\$3,979	100.00%	6.87%	N/A	\$19,597	100.00%	8.07%
ROOM TAX FUND	\$250	\$73	-70.69%	0.13%	\$750	\$381	-49.22%	0.16%
CAPITAL PROJECTS FUND	\$29,167	\$11,723	-59.81%	20.25%	\$87,500	\$50,103	-42.74%	20.63%
SINKING FUND	\$2,083	\$1,747	-16.13%	3.02%	\$6,250	\$8,164	30.63%	3.36%
G.O. BOND FUND	\$167	\$95	-43.23%	0.16%	\$500	\$416	-16.82%	0.17%
WESTWOOD FUND	\$625	\$2,402	284.39%	4.15%	\$1,875	\$2,643	40.95%	1.09%
WATER FUND	\$10,000	\$7,838	-21.62%	13.54%	\$30,000	\$31,609	5.36%	13.01%
WASTEWATER FUND	\$25,000	\$5,999	-76.00%	10.36%	\$75,000	\$27,675	-63.10%	11.39%
HALLPARK FUND	N/A	\$0	100.00%	0.00%	N/A	\$0	100.00%	0.00%
DEVELOPMENT EXCISE	\$16,667	\$8,031	-51.82%	13.87%	\$50,000	\$36,332	-27.34%	14.96%
SEWER SALES TAX	\$16,667	\$5,207	-68.76%	8.99%	\$50,000	\$24,098	-51.80%	9.92%
SANITATION FUND	\$2,500	\$567	-77.33%	0.98%	\$7,500	\$3,350	-55.34%	1.38%
PARKLAND FUND	\$2,255	\$834	-63.03%	1.44%	\$6,765	\$3,854	-43.03%	1.59%
TRUST & AGENCY FUNDS	N/A	\$4	100.00%	0.01%	N/A	\$17	100.00%	0.01%
TAX INCREMENT DISTRICT	\$417	\$3,397	100.00%	5.87%	\$1,250	\$6,707	100.00%	2.76%
SPECIAL GRANTS FUND	N/A	\$758	100.00%	1.31%	N/A	\$3,261	100.00%	1.34%
CLEET FUND	N/A	\$14	100.00%	0.02%	N/A	\$63	100.00%	0.03%
HOUSING	N/A	\$44	100.00%	0.08%	N/A	\$133	100.00%	0.05%
SITE IMPROVEMENT FUND	N/A	\$29	100.00%	0.05%	N/A	\$133	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	\$612	100.00%	1.06%	N/A	\$2,753	100.00%	1.13%
SEIZURES	\$42	\$291	598.86%	0.50%	\$125	\$1,361	988.69%	0.56%
	<u>\$128,755</u>	<u>\$57,900</u>	<u>-55.03%</u>	<u>100.00%</u>	<u>\$386,265</u>	<u>242,881</u>	<u>-37.12%</u>	<u>100.00%</u>

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of \$ 115.35 million as of 9/30/10 are represented by working capital cash balances of all City funds of approximately \$ 49 million, outstanding encumbrances of \$29.05 million, General Obligation Bond proceeds of \$14.84, NUA revenue bond proceeds of \$15.69 million, NMA bond proceeds of \$3.99 million, and UNP TIF reserve amounts of \$2.78 million.

INVESTMENT BY TYPE

September 30, 2010

<u>LIST BY TYPE</u>	<u>SEC. NO.</u>	<u>PURCHASED</u>	<u>MATURITY</u>	<u>YIELD</u>	<u>EARNED INTEREST</u>	<u>COST</u>	<u>MARKET</u>
<u>**Checking</u>							
BANK OF AMERICA	NUA REV. FD.				\$0.00	\$0.00	\$0.00
BANK OF AMERICA	GEN'L DEP.			0.30%	\$1,797.29	\$13,642,738.85	\$13,642,738.85
BANK OF AMERICA	WARRANTS PAYABLE				\$0.00	(\$7,676,937.21)	(\$7,676,937.21)
BANK OF AMERICA	PAYROLL				\$0.00	(\$3,233,752.06)	(\$3,233,752.06)
BANK OF AMERICA	COURT BOND REFUNDS				\$0.00	\$299,698.58	\$299,698.58
BANK OF AMERICA	INSURANCE CLAIMS				\$0.00	(\$212,756.42)	(\$212,756.42)
BANK OF AMERICA	HALLPARK			0.01%	\$1.12	\$138,746.25	\$138,746.25
**Subtotal					\$1,798.41	\$2,957,737.99	\$2,957,737.99
<u>**Money Market</u>							
BANCFIRST-NUA	MONEY MKT.			0.01%	\$5.57	\$1,022,771.85	\$1,022,771.85
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	\$30.88	\$3,698,003.91	\$3,698,003.91
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	\$2,337.77	\$299,776.78	\$299,776.78
BANCFIRST-NUA Water	MONEY MKT.			0.01%	\$106.86	\$14,645,983.49	\$14,645,983.49
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	\$2,057.81	\$2,782,728.16	\$2,782,728.16
FIRST FIDELITY	MONEY MKT.			0.50%	\$64.69	\$0.00	\$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	\$1.37	\$89,499.74	\$89,499.74
BANK OF AMERICA	MONEY MKT.			0.16%	\$26.67	\$241,725.37	\$241,725.37
BANK OF AMERICA - Drinking W	MONEY MKT.			0.30%	\$516.29	\$3,058.26	\$3,058.26
BANK OF AMERICA - Clean Wat	MONEY MKT.			0.30%	\$249.53	\$692,939.83	\$692,939.83
BANK OF AMERICA-2008A	MONEY MKT.			0.30%	\$966.41	\$3,920,497.68	\$3,920,497.68
BANK OF AMERICA-2008B	MONEY MKT.			0.30%	\$1,161.81	\$4,713,304.19	\$4,713,304.19
BANK OF AMERICA-2010	MONEY MKT.			0.30%	\$153.09	\$6,208,239.57	\$6,208,239.57
**Subtotal					\$7,678.75	\$38,318,528.83	\$38,318,528.83
<u>**Sweep/Overnight</u>							
JP MORGAN	SHORT TERM			0.00%	\$394.48	\$28,555,019.83	\$28,555,019.83
<u>**U.S. Treasury Securities</u>							
FHLB	3133XFJY3	08/31/09	06/10/11	1.11%	5,634.73	5,555,000.00	\$5,735,537.50
T-Note	912828JS0	08/31/09	11/30/10	0.55%	2,330.04	5,000,000.00	\$5,008,200.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,649.09	2,000,000.00	\$2,169,640.00
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,153.67	5,000,000.00	\$5,046,900.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,550.23	6,000,000.00	\$6,089,638.43
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,176.49	5,000,000.00	\$5,046,900.00
T-Note	912828JL5	12/31/09	09/30/10	0.36%	3,992.67	0.00	\$0.00
T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,369.60	6,750,000.00	\$6,867,039.08
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	132.38	100,000.00	\$102,594.00
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	109.55	100,000.00	\$102,344.00
FHLMC	3128Y9KQ2	03/31/10	11/10/11	0.99%	1,602.65	1,930,000.00	\$1,931,235.20
FNMA	31398AZ47	07/29/10	07/29/13	1.19%	3,973.88	4,000,000.00	\$4,015,000.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	1,922.07	4,000,000.00	\$4,093,760.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	431.27	79,860.00	\$127,885.56
**Subtotal					48,028.32	45,514,860.00	\$46,336,673.76
TOTAL					57,899.96	115,346,146.65	\$116,167,960.41

The Governmental Accounting Standards Board requires the reporting of market values of investment securities. These market values represent the amount of money the security would sell for on the open market, if cash flow demands were such that the security had to be sold. The City of Norman purchases investment securities with the intent of holding them to maturity, as stated in the City's Investment Policy. Only in exceptional circumstances would securities be sold before their maturity, due to cash flow demands or favorable market conditions.



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 8

Text File Number: RPT-1011-19

Introduced: 10/12/2010 by Carol Coles, Administrative Assistant

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

Title

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

ACTION NEEDED: Motion to acknowledge receipt of the reports and direct the filing thereof.

ACTION TAKEN: _____



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 9

Text File Number: RPT-1011-20

Introduced: 10/12/2010

Current Status: Consent Item

Version: 1

Matter Type: Communication or Report

SUBMISSION OF A REPORT ENTITLED "PIONEER LIBRARY SYSTEM FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2010, TOGETHER WITH AUDITORS' REPORT," AS PREPARED BY GRAY, BLODGETT, AND COMPANY, P.L.L.C., CERTIFIED PUBLIC ACCOUNTANTS.

INFORMATION: The above-described item appears on City Council's agenda in order that acknowledgment of the receipt of the report may be noted in the minutes as a matter of permanent record.

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: _____



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September 21, 2010

To the Board of Directors
Pioneer Library System

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Pioneer Library System for the year ended June 30, 2010. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, (and, if applicable, *Government Auditing Standards* and OMB Circular A-133), as well as certain information related to the planned scope and timing of our audit, as noted below. Professional standards also require that we provide you with the following information related to our audit.

Our Responsibility under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter dated March 23, 2010, our responsibility, as described by professional standards, is to express an opinion about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to management in telephone discussions about planning matters.

Significant Accounting Policies

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies used by Pioneer Library System as described in Note 1 to the financial statements. No new accounting policies were adopted however the application of existing policies was changed during 2009-2010, as noted below. We noted no transactions entered into by the Library during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.



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To the Board of Directors
Pioneer Library System
September 21, 2010
Page Two

As described in Note 1 to the financial statements, the Library changed accounting policies related to prepaid expenses by recording technology software and hardware subscriptions and maintenance agreements as prepaid expenses in the current year. In previous years, the entire amount of the agreements was expensed. Accordingly, the cumulative effect of the accounting change as of the beginning of the year is immaterial to the financial statements.

Accounting Estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the Library's financial statements was depreciation expense and the allowance for uncollectible pledges.

Management's estimate of depreciation expense is based on the expected lives of depreciable assets. We evaluated the key factors and assumptions used to develop depreciation expense in determining that it is reasonable in relation to the financial statements taken as a whole.

The estimate for the provision for uncollectible taxes is based on the Library's historical experience, and expectations relative to current economic conditions. The allowance appears reasonable.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. The following

To the Board of Directors
Pioneer Library System
September 21, 2010
Page Three

summarizes uncorrected misstatements of the financial statements: At June 30, 2009, prepaid expenses were understated by \$76,014. This misstatement would cause a net decrease in current year net assets of \$76,014. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, professional standards define a disagreement with management as a matter, whether or not resolved to our satisfaction, concerning a financial accounting, reporting, or auditing matter that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated September 21, 2010.

Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Library's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Library's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

To the Board of Directors
Pioneer Library System
September 21, 2010
Page Four.

This information is intended solely for the use of Pioneer Library System and is not intended to be and should not be used by anyone other than the specified parties.

GRAY, BLODGETT & COMPANY, PLLC

Gray, Blodgett + Company, PLLC

PIONEER LIBRARY SYSTEM

MANAGEMENT LETTER

JUNE 30, 2010



Gray, Blodgett & Company, PLLC

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September 21, 2010

To the Board of Directors of the
Pioneer Library System

In planning and performing our audit of the financial statements of Pioneer Library System (the Organization) as of and for the year ended June 30, 2010, in accordance with auditing standards generally accepted in the United States of America, we considered the Organization's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Organization's internal control. Accordingly, we do not express an opinion on the effectiveness of the Organization's internal control.

However, during our audit we became aware of several matters that are opportunities for strengthening internal controls and operating efficiency. Our comments and suggestions regarding those matters are below. This letter does not affect our report dated September 21, 2010, on the financial statements of Pioneer Library System.

Bank Reconciliations

We noted that many old outstanding checks and deposits are carried on the monthly cash reconciliation. Some of the outstanding checks date back to September 2004. This causes additional time to be spent by personnel to reconcile the bank accounts each month.

Recommendation: We recommend that checks and other uncleared reconciling items that are six months old be investigated and removed from the bank reconciliation and that the original transaction be reversed. Research should be done periodically to eliminate old items being carried from month to month.

After discussion with management, we found that bank reconciliations had been performed monthly however a review of those reconciliations had not been performed.

Recommendation: We recommend that the bank reconciliations be reviewed for accuracy and completeness on a timely basis by the Assistant Director of Planning and Operations.



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Pioneer Library System
September 21, 2010
Page Two

We will review the status of these comments during our next audit engagement. We have already discussed many of these comments and suggestions with management, and will be pleased to discuss them in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations.

GRAY, BLODGETT & COMPANY, PLLC
Gray, Blodgett & Company, PLLC



Financial Statements

**For the Year Ended June 30, 2010
Together with Auditors' Report**

PIONEER LIBRARY SYSTEM
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June 30, 2010

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INDEPENDENT AUDITORS' REPORT

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ROSS H. ROYE, CPA
MATT MANN, CPA

September 21, 2010

To the Board of Directors of
Pioneer Library System
Norman, Oklahoma

We have audited the accompanying statements of financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of Pioneer Library System (the Library) as of and for the year ended June 30, 2010, which collectively comprise the Library's basic financial statements as listed in the table of contents. These financial statements are the responsibility of the Library's management. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audits to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the governmental activities, each major fund, and the aggregate remaining fund information of Pioneer Library System, as of June 30, 2010, and the respective changes in financial position thereof, for the year then ended in conformity with accounting principles generally accepted in the United States of America.

In accordance with *Government Auditing Standards*, we have also issued our report dated September 21, 2010, on our consideration of Pioneer Library System' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* and should be considered in assessing the results of our audits.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 4 through 9 and 28 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

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**Pioneer Library System
Management's Discussion and Analysis for the
Fiscal year Ended June 30, 2010**

Pioneer

LIBRARY SYSTEM

This discussion and analysis of the financial performance of the System provides an overall review of the System's financial condition and results of operations for the fiscal year ended June 30, 2010. Readers should read this information in conjunction with the System's financial statements.

Pioneer Library System implemented Governmental Accounting Standards Board (GASB) statement 34 in 2004.

Financial Highlights

For fiscal year 2009-2010, the Library's general fund reported an ending balance of \$5,812,194 versus \$4,288,026 for the fiscal year 2008-2009. Of the 2009-10 year end-total, \$126,319 is reserved for outstanding encumbrances and \$2,456,000 is designated for service upgrades and improvements of Library services at current and future libraries within the system. Although the remaining balance of \$3,229,875 is unrestricted, over the years, the Library administration, with the Board of Trustee's approval, has prudently used or committed the money from this fund to alleviate summer/fall cash flow problems and other emergencies that might arise.

The Pioneer Library Systems operating revenues increased by 8.6% this year. This increase allowed the Library system to fund numerous projects throughout the system. The City of Blanchard completed construction on a new Library building in May and the Library system purchased \$125,000 in materials for the Library. In addition, the Library system purchased video surveillance equipment, technology equipment, audio visual equipment, and other equipment for the Library at a cost of \$276,385. Video surveillance equipment was also installed at the Norman Library for a cost of \$32,621. An additional pickup and drop off location was opened at the Shawnee Mall and book drops and book lockers were installed at the site. Additional funds were set aside for service upgrades and improvements of Library services at current and future libraries.

The Pioneer Library System provided funding for the creation of a Pioneer Library System Foundation that was established during this past year. The Library system purchased Raiser's Edge software for use by the foundation and the Library system and also paid the legal fees for the creation of the foundation.

Grant highlights for FY10 included a \$20,000 grant from the National Endowment for the Arts which allowed the Library system to hold the Big Read 2010: the Maltese Falcon. In addition, a \$15,000 matching grant was received from the Oklahoma Humanities Council to help fund the 4th Red Dirt Book Festival which was held in Shawnee during November. The Norman Arts Council has awarded the Library system a \$5,000 grant to help fund the 2011 Big Read. The second payment for the FINRA grant was received this year.

The general fund balance increased by \$1,524,168 or 35.6% from fiscal year 2009. The increase in the general fund balance was due to the fact the Library system received more Ad Valorem tax revenue and more fine revenue than was budgeted. \$2,206,000 of the general fund balance has been designated for service upgrades and improvements of Library services at present and future libraries within the system including the South West Oklahoma City Library which broke ground in May 2010.

The governmental fund balance was restated for fiscal year 2009. The restatement was caused by two prior period adjustments. The first prior period adjustment was made because contributions that were made to the Communities Foundation of Oklahoma had been recorded on the Library system's balance sheet as assets at the direction of the previous auditor. The new auditor believes that these contributions are not assets of the system and therefore should not appear on the Library system's balance sheet and the Library system agrees with their position. The second prior period adjustment was made to adjust the value of a note receivable to its present value.

Overview of the Financial Statement

The Pioneer Library System's basic financial statements consist of fund financial statements, notes to financial statements, and required supplementary information.

Government-Wide Financial Statements

The government-wide financial statements are designed to provide readers with a broad overview of the Library's finances, in a manner similar to a private-sector business.

The statement of net assets represents information on all of the Library's assets and liabilities, with the difference between assets and liabilities reported as net assets. Over time, increases or decreases in net assets may serve as a useful indicator of whether the financial position of the Library is improving or deteriorating.

The statement of activities presents information showing how the Library's net assets changed during the most recent fiscal year. All changes in net assets are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows.

Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future periods (e.g. uncollected taxes and earned but unused vacation leave).

The government-wide financial statements can be found on pages 11 and 12 of this report.

Fund Financial Statements

The Library System has two kinds of funds – Governmental Funds and Fiduciary Funds:

Governmental Funds encompass two types: General Fund and Other Governmental Funds:

General Fund represents unrestricted resources that are available for on-going general Library operations. This is the Library System's primary operating fund.

Other Governmental Funds include Gift/Grant Funds.

Gifts/Grant Funds include funds provided by intergovernmental grants and other third parties' gifts and grants. All those funds are generally restricted as to use. Therefore, each fund accounts for its receipts and disbursements of the restricted functions.

Fiduciary Funds are reported in the fiduciary fund financial statements but are excluded from government-wide reporting. They include the Pioneer Library System Pension Plan. Fiduciary fund financial statements report resources that are not available to fund Library System general operations.

Notes to the Financial Statements

The accompanying notes to the financial statements provide information essential to a full understanding of the Library System's fund financial statements.

Supplemental Information

In addition to the basic financial statements and accompanying notes, this report also presents certain required supplementary information, such as comparative statement between budget and actual expenditures, and combined financial statements for other governmental funds.

Financial Analysis of Library System's Funds

As financial information is accumulated on a continuous and consistent basis, financial statements and expenditure reports for governmental funds are presented to the Pioneer Library System Board of Trustees.

For fiscal year 2009-10 governmental fund balances changed as follows:

	General Fund Funds	Other Governmental Funds	Total Governmental Funds
Revenues	\$13,070,311	\$ 575,224	\$13,645,535
Expenditures	\$11,546,143	\$ 492,376	\$12,038,519
Net Increase	\$ 1,524,168	\$ 82,848	\$ 1,607,016

For fiscal year 2008-09 governmental fund balances changed as follows:

	General Fund Funds	Other Governmental Funds	Total Governmental Funds
Revenues	\$12,043,908	\$ 159,511	\$12,203,419
Expenditures	\$10,081,090	\$ 392,536	\$10,473,626
Net Increase	\$ 1,962,818	\$(233,025)	\$ 1,729,793

The balances for 2008-09 were restated to show the effect of the two prior period adjustments.

General Fund:

The Library System is primarily (or 96%) funded by Ad Valorem (property) tax. For the 2009-10 financial year the tax rates were; a 6.06 mill Ad Valorem (property) tax in Pottawatomie County, a 6.11 mill Ad Valorem (property) tax in McClain County and a 6.11 mill Ad Valorem (property) tax in Cleveland County. For fiscal year 2009-10, the Counties' assessed property value had an increase of 8% versus 8% for 2008-09. Actual tax collections increased by 9% versus 58% for the prior year. The smaller increase was due to the millage increase that took effect in 2008 and caused a larger increase. Fine and other charges for services revenue for 2009-10 increased by \$6,547 from 2008-09. This increase was due to an increase in collection effort by the continued use of a Library collection service and the increased size of the collection. State Aid increased by \$633 over the prior year. Interest income increased by \$12,541 over the prior year. This increase is attributed to the building up of the reserve funds and an investment policy which was approved and implemented by the board.

The expense category Personnel Services increased from 2009 to 2010 due to an increase in hospitalization expense, the 3% COLA that was given to the staff, an increase in the cost of funding the two pension plans, an increase in contract labor due to phase two of the pay compensation study and the installation and training on new accounting software modules. The expense category of Materials was increased to cover the cost of the opening day collection for the Blanchard Library. The Technology and Automation category was higher in 2010 than 2009 due to the purchase of the equipment and supplies which were necessary to complete the RFID project which has been accomplished. In addition, equipment was purchased for the new Blanchard Library. A Virtual Library line item was also added to the budget and some of their expenses were paid previously out of the Technology Budget.

The System Services and General and Administrative categories were higher in 2010 than in 2009 because of the following expenses:

- A development line item was added to the budget to pay for foundation and volunteer reception expenses.
- The increase in continuing education due to several staff attending the PLA conference and the increase in on-line trainings using the WebEx software.
- The increase in postage due to an increase in postage rates and the mailing of newsletters.
- The increase in travel due to the board retreat.
- The increase in equipment due to the opening of the Blanchard Library and the purchase of a video surveillance system for the Norman Library.
- The Library Collection Service cost increased because more accounts were turned over for collection.
- The increase in vehicles due to the purchase of two new vehicles including a hybrid vehicle.
- The Outreach expense category increased because book returns, a book box, and microfiche reader printers were purchased.
- The Public Information expenses increased to pay for the cost associated with a new Library card signup campaign and to pay for promotion and increased advertising for the system.
- The Reprographics expenses increased because a new, larger, wide format printer was purchased to allow the PIO department to create more of their materials in house.
- The Revaluation expenses increased because the costs that the county incurs assessing the property values increased.
- The audit expenses increased because the auditor increased their contract price.
- Supplies increased because additional supplies were purchased and the cost of supplies increased.

Other Governmental Funds:

Gifts/Grants Funds – In FY10, Pioneer Library System received \$480,776 in gifts and grants. Outright gifts to PLS totaled \$113,952, over half of which was provided by Friends groups throughout the Library system (\$59,201). This past year, Pioneer Library System received \$230,327 in grants. In addition to the grants mentioned in the financial highlights section there were several other grants received this year. A \$93,220 award was granted by the Oklahoma Department of Education for Pottawatomie County’s ongoing TANF program. With a combined gift of \$15,013, the Oklahoma Department of Libraries continued to support adult literacy in all three counties. The Oklahoma Department of Libraries also provided continuing education grants to the Library system for \$3,339.00. The Norman Arts Council provided \$13,016 to continue the popular cultural festivals in Norman and they made a gift of special funds which was used for expensed relating to the 2010 Big Read. The Oklahoma Arts Council continued their support for PLS cultural festivals and summer reading programs with a gift of \$11,729. The Anne & Henry Zarrow Foundation gave \$8,350 for summer reading programs. Hitachi Computer Products gave a gift of \$4,500 to help support summer reading programs. The Oklahoma Humanities Council gave \$1,000 to help support the 2010 Big Read and the Communities Foundation of Oklahoma gave \$744 to support the systems Prime Time literacy program. All of the grantors and donors have not only provided financial support, but also been active partners providing excellent Library services to the community.

Fiduciary Funds:

The investments of the System Pension Plan increased due to the increase in the stock market. The Pioneer Library System Board of Trustees froze the defined benefit pension plan as of December 31, 2008 and instituted a defined contribution retirement plan.

The Library System as a Whole

	<u>2009-10</u>	<u>2008-09</u>
Assets		
Current and Other Assets	6,916,097	5,449,261
Capital Assets	<u>5,056,697</u>	<u>3,996,820</u>
Total Assets	11,972,794	9,446,081
Liabilities		
Accounts Payable and Accrued Expenses	95,200	93,470
Other Liabilities	<u>273,747</u>	<u>221,516</u>
Total Liabilities	368,947	314,986
Net Assets		
Invested in Capital Assets	5,056,697	3,996,820
Unreserved/Unrestricted Net Assets	6,240,549	4,829,828
Restricted Net Assets	<u>306,601</u>	<u>304,447</u>
Total Assets	11,603,847	9,131,095
Change in Net Assets:		
Beginning Net Assets	9,050,401	5,999,450
Revenues		
Property Taxes	12,374,641	11,736,992
Charges for Services	345,586	352,163
Operating Grants	480,776	425,111
Capital Grants	38,417	53,308
State Aid	184,767	184,134
Investment Earnings	146,319	(226,259)
Loss on Disposal	<u>(7,284)</u>	<u>-</u>
Total Revenues	13,563,222	12,525,449
Expenses		
Public Library Services	7,916,435	6,894,740
Administrative Services	1,667,285	1,275,334
Depreciation – unallocated	<u>1,426,056</u>	<u>1,223,730</u>
Total Expenses	<u>11,009,776</u>	<u>9,393,804</u>
Increase in Net Assets	2,553,446	3,131,645
Ending Net Assets	<u>11,603,847</u>	<u>9,131,095</u>

The amounts for 2008-09 have been restated. These restatements were the result of two prior period adjustments.

General Fund Budgetary Highlights

The General Fund budget for fiscal year 2009-10 was \$12,731,332. This was a 7.8% increase over the previous year. The highlights of the budget include:

- There was a large increase in the personnel services budget to award a 3% COLA to all employees, to cover the increase in cost of hospitalization insurance, to cover the increase in the cost of contract labor which was increased to cover the fees for phase two of a pay compensation study and for training on and installation of new accounting modules, to pay benefits in two retirement plans. In addition, the employee assistance program budget was increased to cover an entire year of the contract and to provide funds for a healthy work task force.
- The Technology budget was reduced; however some of their budget was placed in the Virtual Library budget which was newly established this year.
- The Materials budget was increased by \$125,000 to cover the costs of a startup collection for the Blanchard Library.
- The Continuing Education budget was increased by \$27,204 to cover the cost of sending several staff to the PLA conference, to pay for online trainings by using WebEx and to provide special trainings for Administrative Council.
- Attorney's fees were increased to cover the cost of retirement changes and the cost associated with the creation of the foundation.
- Equipment was increased to cover the costs of the opening of the Blanchard Library and the purchase of video surveillance equipment for the Norman Library.
- Travel was increased to cover the increase in the mileage reimbursement rate and to cover the costs of the board retreat.
- Supplies was increased \$7,800 to cover the increasing cost in supplies.
- Telephone expense was increased \$3,000 to cover the purchase of new cell phones for the technology department and new and additional cell phones for the systems vehicles.
- Audit expenses were increased \$3,200 to cover the new contract price.
- Data processing expenses were increased because as the payroll increases so do the cost to outsource the payroll.
- The System Services budget was increased to cover the costs of increased community publicity, the creation of an advertising budget, the creation of a development budget, to help fund family literacy programs and to cover system outreach costs.
- Part of the current year budget was set aside as designated fund balance for payment of expenditures once the South Oklahoma City Library is built.
- The Library Automation Services Agreement with the Norman Public Schools was renewed and the funds received were classified as general funds.

Capital Asset and Long-Term Debt

The Library System's investment in capital assets, net of accumulated depreciation, as of June 30, 2010 was \$5,056,697 and on June 30, 2009 was \$3,996,820. Of the total depreciable capital assets, net of accumulated depreciation, on June 30, 2010, 17% are furniture, equipment and vehicles; the remaining 83% are books and materials. Of the total depreciable capital assets, net of accumulated depreciation, on June 30, 2009 15% are furniture, equipment, and vehicles; the remaining 85% are books and materials.

The Library System has no long-term liabilities. The Board limits borrowing to short-term, usually in the fall in anticipation of ad valorem receipts beginning in December. The note is usually paid off in mid-January. This year the Library system didn't need to borrow any money. The investment policy that the board of trustee's adopted this year was a major factor in the Library system not having to borrow money during the year.

Economic Environment and Next Year's Budget

The Library System's primary revenue is Ad Valorem (property) tax. The annual growth in the Cleveland, McClain and Pottawatomie County's property value is the most important factor for the Library System's revenue outlook. For the most recent fiscal year the System collected 6.11, 6.11 and 6.06 mills of the assessed property value from the respective counties. The voters in all three counties approved a two mill increase in May of 2008 that went into effect for the previous budget year. The millage increase was much needed, especially since there had been no increase in millage since the voters approved the 4 mill increase in 1990 for Cleveland County and in 1992 for the other two counties. The fractional part of the millage is due to the abolishment of the personal property tax in two of the counties. The system is now at the millage cap allowed by state law.

Cleveland County in particular is one of the fastest growing areas in the state. Low mortgage rates, new industry, and expansion of the commercial sector have been very favorable to growth in Cleveland County. The presence of interstate traffic in all three counties has accounted for some of the continued growth as well as being in the middle of the State and near the State Capitol. The dramatic growth in facilities and related commercial services emanating from the University of Oklahoma has made a favorable climate around the Norman area. Moore has grown dramatically as more shopping centers along I-35 have been and continue to be developed. This growth will increase in Norman as well with the implementation of a TIF district along I-35. The growth did continue this past year but at a slower rate than previous years due to the downturn in the economy.

In general, the Library System still expects a continued growth in the tax revenue for the next year with Cleveland County and McClain County experiencing low growth rates with Pottawatomie County growing at a slower rate. The Cleveland County Assessor has certified a 4.9% growth in property value for 2010; the Pottawatomie County Assessor has certified a 2.43% growth and the McClain County Assessor has certified a 3.36% growth.

For fiscal year 2010-11, the Library Board will approve a general fund budget of \$13,289,324 versus \$12,731,332 for 2009-10.

- A 3% cost of living increase averaged over the pay grades will be awarded to all staff.
- Salary adjustments were made for 84 employees whose positions were designated for change under Phase Two of the Singer Group Pay Compensation study.
- The materials budget was reduced by \$345,000 and this amount was moved to the designated fund balance and is designated for future use for materials purchases in Cleveland and McClain Counties
- Health insurance costs increased 32.38% this year.
- Continuing Education was increased \$3,000 to cover system-wide program coverage and training for new staff
- Retirement was increased to \$548,000 to cover contributions to both retirement plans.
- Employee assistance programs were increased to cover the costs of a full year contract and to fund the healthy workplace taskforce.
- Contract Labor was increased by \$23,000 to cover a market segmentation study by Civitech, phase three of the pay compensation study, purchase order implementation and digitization of board records.
- Equipment was increased \$15,000 to cover several projects including a new phone system for the Norman Library and a video surveillance system for the Southwest OKC Library.
- Travel was increased \$3,000 to cover board retreat costs and mileage increases.
- Vehicles was increased \$10,000 to cover the replacement cost of the technology van and the Pottawatomie County vehicle.
- The audit was increased \$2,600 to cover the new contract price.
- The interest expense cost was decreased by \$5,500. The growing reserve and the implementation of the Income Investment Policy by the board are responsible for this.
- Reprographics was increased by \$3,500 to cover the increased amount of in-house generated public information items.
- Data Processing was increased \$10,000 to cover the payroll processing costs and to study the implementation of on-line time-sheets and other potential changes.
- The Fine Collection item was increased to cover actual use.
- System services was increased to cover the cost of standardizing branch signage, to cover the Library card signup promotion and other marketing and publicity, to cover family literacy projects.
- The Designated fund balance was increased to cover projects for the Southwest Oklahoma City Library and to cover future materials costs in Cleveland and McClain County.

Contacting the Library System's Financial Management

This financial report is designed to provide a general overview of the Pioneer Library System, comply with finance-related laws and regulations, and demonstrate the Library System's commitment to public accountability. If you have any questions about this report or would like to request additional information, contact the Library System's Business Office at 225 North Webster, Norman, OK 73069.

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PIONEER LIBRARY SYSTEM
Statement of Net Assets
June 30, 2010

Assets	<u>Governmental Activities</u>
Cash and Cash Equivalents	\$ 5,916,860
Ad Valorem Tax Receivable, net of Allowance for Uncollectible Taxes	511,236
Accrued Interest Receivable	3,477
Other Current Assets	400,550
Note Receivable	83,974
Depreciable Capital Assets, Net	<u>5,056,697</u>
 Total Assets	 <u>\$ 11,972,794</u>
 Liabilities	
Accounts Payable and Accrued Expenses	\$ 95,200
Compensated Absences Payable	<u>273,747</u>
 Total Liabilities	 <u>\$ 368,947</u>
 Net Assets	
Invested in Capital Assets	\$ 5,056,697
Unrestricted Net Assets	6,240,549
Restricted Net Assets	<u>306,601</u>
 Total Net Assets	 <u>\$ 11,603,847</u>

PIONEER LIBRARY SYSTEM
Statement of Activities
For the Year Ended June 30, 2010

	Program Revenues				Net (Expense) Revenue and Changes in Net Assets
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Total
Functions/Programs					Governmental
Governmental Activities:					
Public Library Services	\$ 7,916,435	\$ 345,586	\$ 480,776	\$ 38,417	\$ (7,051,656)
Administrative Services	1,667,285	--	--	--	(1,667,285)
Depreciation - unallocated	1,426,056	--	--	--	(1,426,056)
Total	\$ 11,009,776	\$ 345,586	\$ 480,776	\$ 38,417	\$ (10,144,997)
General Revenues:					
Property taxes, levied for general purposes					\$ 12,374,641
State Aid					184,767
Investment earnings					146,319
Loss on Disposals					(7,284)
Total General Revenues					\$ 12,698,443
 Change in net assets					 \$ 2,553,446
Net assets - beginning					9,050,401
Net assets - ending					\$ 11,603,847

PIONEER LIBRARY SYSTEM
Balance Sheet
Governmental Funds
June 30, 2010

ASSETS	General Fund	Gifts and Grants Fund	Total Governmental Funds
Cash	\$ 5,794,912	\$ 121,948	\$ 5,916,860
Receivable from General Fund		79,448	79,448
Ad Valorem Tax Receivable	511,236	--	511,236
Accrued Interest Receivable	3,477	--	3,477
Grants Receivable	--	21,231	21,231
Note Receivable	--	83,974	83,974
State Aid Receivable	18,476	--	18,476
Prepaid Expenses	360,844	--	360,844
Total Assets	<u>\$ 6,688,945</u>	<u>\$ 306,601</u>	<u>\$ 6,995,546</u>
LIABILITIES AND FUND BALANCES			
Liabilities			
Accrued Salaries and Employee Benefits	\$ 95,200	\$ --	\$ 95,200
Compensated Absences Payable	273,747	--	273,747
Payable to Special Revenue	79,448	--	79,448
Deferred Revenue	428,356	--	428,356
Total Liabilities	<u>\$ 876,751</u>	<u>\$ --</u>	<u>\$ 876,751</u>
Fund Balances			
Reserved for Encumbrances	\$ 126,319	\$ --	\$ 126,319
Unreserved:			
Designated for Service Upgrades/Improvements For			
Cleveland County Libraries	150,000	--	150,000
McClain County Libraries	50,000	--	50,000
Pottawatomie County Libraries	50,000	--	50,000
South OKC Libraries	2,206,000	--	2,206,000
Undesignated reported in :			
General Fund	3,229,875	--	3,229,875
Special Revenue Funds	--	306,601	306,601
Fund Balances, End of Year	<u>\$ 5,812,194</u>	<u>\$ 306,601</u>	<u>\$ 6,118,795</u>
Total Liabilities and Fund Balances	<u>\$ 6,688,945</u>	<u>\$ 306,601</u>	
Amounts reported for governmental activities in the statement of net assets are different because:			
Capital assets used in governmental activities are not financial resources and therefore are not reported as assets in governmental funds. The cost of the assets is \$12,579,509 and the accumulated depreciation is \$7,522,813.			5,056,696
Property taxes receivable will be collected this year, but are not available soon enough to pay for the current period's expenditures, and therefore are deferred in the funds			428,356
Total Net Assets - Governmental Activities			<u>\$ 11,603,847</u>

PIONEER LIBRARY SYSTEM
Statement of Revenues, Expenditures, and Changes in Fund Balances
Governmental Funds
For the Year Ended June 30, 2010

	General Fund	Gifts and Grants Fund	Total Governmental Funds
Revenues:			
Property Taxes	\$ 12,488,087	\$ --	\$ 12,488,087
Collections on Book Fines and Copy Services	318,586	--	318,586
Gifts and Grants	--	480,776	480,776
State Revenue	184,767	--	184,767
Other Contracts	27,000	--	27,000
Interest	51,871	94,448	146,319
	<u>\$ 13,070,311</u>	<u>\$ 575,224</u>	<u>\$ 13,645,535</u>
Total Revenues			
Expenditures			
Personal Services	\$ 7,013,656	\$ --	\$ 7,013,656
Materials	2,521,824	492,376	3,014,200
General and Administrative	913,720	--	913,720
Technology and Automation	920,861	--	920,861
System Services	176,082	--	176,082
	<u>\$ 11,546,143</u>	<u>\$ 492,376</u>	<u>\$ 12,038,519</u>
Total Expenditures			
Net Change in Fund Balance	\$ 1,524,168	\$ 82,848	\$ 1,607,016
Beginning Fund Balance	4,288,026	223,753	4,511,779
Restatement	--	--	--
Beginning Fund Balances, as restated	<u>\$ 4,288,026</u>	<u>\$ 223,753</u>	<u>\$ 4,511,779</u>
Ending Fund Balances	<u>\$ 5,812,194</u>	<u>\$ 306,601</u>	<u>\$ 6,118,795</u>
Per Balance Sheet	5,812,194	306,601	6,118,795
	--	--	--
Total net changes in fund balances - governmental funds			<u>\$ 1,607,016</u>

The change in net assets reported in the statement of activities is different because:

Capital outlays to purchase or build capital assets are reported in governmental funds as expenditures. However, for governmental activities those costs are shown in the statement allocated over their estimated useful lives as annual depreciation expense in the statement of activities. This is the amount by which capital outlays exceed depreciation during the period.

	Depreciation Expense	\$ (1,426,056)	
	Capital Outlay	2,493,216	1,067,160
		<u>1,067,160</u>	

Because some property taxes will not be collected for several months after the Library's fiscal year ends, they are not considered as "available" revenues in the governmental funds and are, instead counted as deferred revenues. They are however, recorded as revenues in the statement of activities.

(113,446)

Disposals of capital assets are not considered to be expenditures in the governmental funds. They are however, recorded as a loss in the statement of activities.

(7,284)

Change in net assets of governmental activities

\$ 2,553,446

PIONEER LIBRARY SYSTEM
Statement of Fiduciary Net Assets
Fiduciary Fund
June 30, 2010

	<u>Pension Fund</u>
ASSETS	
Current Assets	
Cash	\$ 159,713
Receivables	55,679
Investments	<u>2,398,685</u>
Total Assets	<u>\$ 2,614,077</u>
NET ASSETS	
Net Assets	
Held in Trust for Pension	
Benefits and Other Purposes	<u>\$ 2,614,077</u>

PIONEER LIBRARY SYSTEM
Statement of Changes in Fiduciary Net Assets
Fiduciary Fund
For the Year Ended June 30, 2010

	<u>Pension Fund</u>
Additions	
Contributions	
Employer	\$ 199,260
Interest and Dividend Income	74,613
Net Increase in the Fair Value of Investments	497,968
Realized Loss	<u>(152,624)</u>
Total Additions	<u>\$ 619,217</u>
Deductions	
Benefits Paid	\$ 85,914
Trustee and Management Fees	<u>12,376</u>
Total Deductions	<u>\$ 98,290</u>
Net Increase	\$ 520,927
Net Assets, Beginning of Year	<u>2,093,150</u>
Net Assets, End of Year	<u><u>\$ 2,614,077</u></u>

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Note 1 – Summary of Significant Accounting Policies

The Reporting Entity – Pioneer Library System (The Library) is a corporate body for public purposes created under Title 65 of the Oklahoma Statutes and accordingly is a separate entity for operating and financial reporting purposes.

The Library is governed by trustees composed of 16 voting members. The Library operations are conducted by a librarian appointed by the trustees. Trustees include voting members who are appointees of the various cities in which the Library has locations.

The Library's financial statements are prepared in accordance with generally accepted accounting principles in the United States of America (U.S. GAAP). The Library's reporting entity applies all relevant Governmental Accounting Standards Board (GASB) pronouncements and applicable Financial Accounting Standards Board (FASB) pronouncements and Accounting Principles Board (APB) opinions issued on or before November 30, 1989, unless they conflict with GASB pronouncements. The Library's reporting entity does not apply FASB pronouncements or APB opinions issued after November 30, 1989.

In evaluating how to define the Library, for financial reporting purposes, management has considered all potential component units. The decision to include a potential component unit in the reporting entity was made by applying the criteria established by the Governmental Accounting Standards Board (GASB). The basic -- but not the only -- criterion for including a potential component unit within the reporting entity is the governing body's ability to exercise oversight responsibility. The most significant manifestation of this ability is financial interdependency. Other manifestations of the ability to exercise responsibility include, but are not limited to, the selection of governing authority, the designation of management, the ability to significantly influence operations, and accountability for fiscal matters. A second criterion used in evaluating potential component units is the scope of public service. Application of this criterion involves considering whether the activity benefits the Library and/or its citizens, or whether the activity is conducted within the geographic boundaries of the Library and is generally available to its patrons. A third criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing relationships, regardless of whether the Library is able to exercise oversight responsibilities. Based upon the application of these criteria, there are no potential component units included in the Library's reporting entity. The Pioneer Library System Foundation was formed in May of 2010, however, there was no financial activity until July of 2010.

Basic Financial Statements – Government-Wide Statements

The Library's basic financial statements include both government-wide (reporting the Library as a whole) and fund financial statements (reporting the Library's major funds). Both the government-wide and fund financial statements categorize primary activities as either governmental or business type. The Library does not have any activities classified as business-type activities. Internal service fund activity is eliminated to avoid "doubling up" revenues and expenses. Fiduciary funds are excluded.

In the government-wide Statement of Net Assets, the Library's governmental activities are reported using the accrual basis of accounting. The Library's net assets are reported in three parts – invested in capital assets, net of related debt; restricted net assets; and unrestricted net assets. Revenues are recognized when earned and expenses are recognized when incurred.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Note 1 – Summary of Significant Accounting Policies (continued)

The government-wide Statement of Activities reports both the gross and net cost of each of the Library's programs and functions. The functions are also supported by general government revenues. The Statement of Activities reduces gross expenses (including depreciation) by related program revenues, operating and capital grants. Program revenues must be directly associated with the function. Operating grants include operating-specific and discretionary (either operating or capital) grants while the capital grants column reflects capital-specific grants.

The pension trust fund recognizes employer and participant contributions in the period in which contributions are due and the Library has made a formal commitment to provide the contributions. Retirement benefits and refunds are recognized when due and payable in accordance with the terms of the Plan. See Note 9.

The net costs are normally covered by general revenue (property taxes, State aid, other taxes etc.).

The government-wide focus is more on the sustainability of the Library as an entity and the change in the Library's net assets resulting from the current year's activities.

Basic Financial Statements – Fund Financial Statements

Fund financial statements report detailed information about the Library. The focus of governmental fund financial statements is on major funds rather than reporting funds by type. Nonmajor funds are aggregated and presented in a single column.

All governmental funds are accounted for using the current financial resources measurement focus and the modified accrual basis of accounting. Under this basis revenues are recorded when susceptible to accrual; i.e. both measurable and available. "Available" means collectible within the current period or within 60 days after year end. Expenditures are generally recognized under the modified accrual basis of accounting when the related liability is incurred. The exception to this general rule is that principal and interest on general obligation long-term debt, if any, is recognized when due.

The Library reports the following major governmental funds:

General Fund is the primary operating fund of the Library. It is used to account for all financial resources except those required to be accounted for in another fund.

Gifts and Grants Fund is used to account for all gifts and grants made to the Library, which are to be used for specific purposes. In accordance with FASB ASC 958, formerly SFAS No. 116, Accounting for Contributions Received and Contributions Made, contributions, including unconditional promised to give, are recorded as made.

Basis of Accounting - Basis of accounting refers to when revenues and expenditures are recognized in the accounts and reported in the financial statements. It relates to the timing of the measurements made regardless of the measurement focus applied.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Note 1 – Summary of Significant Accounting Policies (continued)

Capital Assets: Capital assets purchased or acquired with an original cost of \$1,000 or more are reported at historical cost or estimated historical cost. Additions, improvements and other capital outlays that significantly extend the useful life of an asset are capitalized. Other costs incurred for repairs and maintenance are expensed as incurred. Depreciation on all assets is provided on the straight-line basis over the following estimated useful lives:

Furniture and Fixtures	7 years
Computer Equipment	4 years
Vehicles	5 years
Books and Materials	5 years

Compensated Absences: The Library accrues accumulated unpaid annual leave when earned by the employee. Generally, annual leave must be taken during the calendar year earned. Eligible employees who end their employment with the Library are reimbursed for each day of accumulated annual leave.

Budgets and Budgetary Accounting - The Library is required by state law to prepare an annual budget. The various County Excise Boards formally approve an annual budget for the general fund.

Budgets generally assume the expenditure of all available resources. Therefore, when the legal budget is prepared, it is assumed these funds will not have a carryover balance to a subsequent year. Program revenue received but not spent is restricted and deferred to the subsequent fiscal year. Amounts reported as program revenue includes (1) charges to customers, (2) operating grants and contributions, and (3) capital grants and contributions.

Encumbrances - Encumbrances represent commitments related to unperformed contracts for goods or services. Encumbrance accounting, under which purchase orders, contracts, and other commitments for the expenditures of resources are recorded as expenditures of the applicable funds, is used. This is an extension of the formal budgetary integration in the general fund. Encumbrances outstanding at year-end are reported as reservations of fund balances since they do not constitute expenditures or liabilities.

Cash and Cash Equivalents - The Library considers all cash on hand, demand deposits, money market checking and certificates of deposit, held at an individual bank which are subject to early withdrawal penalties no matter what the maturity period, to be cash. All short-term cash surpluses are maintained in a cash pool, the earnings from which are allocated to each fund based on month-end deposit balances.

Receivables – All taxes receivable are expected to be collected in one year.

Property Tax Revenues - The Library is authorized by state law to levy property taxes which consist of advalorem taxes on real and personal property within the County. The County Assessor, upon receipt of the certification of tax levies from the county excise board, extends the tax levies on the tax roll for submission to the county treasurer prior to October 1. The county treasurer must commence tax collection within fifteen days of receipt of the tax rolls. The first half of the taxes is due prior to January 1. The second half is due prior to April 1.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Note 1 – Summary of Significant Accounting Policies (continued)

If the first payment is not made timely, the entire tax becomes due and payable on January 1. Second half taxes become delinquent on April 1 of the year following the year of assessment. If not paid by the following October 1, the property is offered for sale for the amount of taxes due. The owner has two years to redeem the property by paying the taxes and penalty owed. If at the end of two years the owner has not done so, the purchaser is issued a deed to the property. The Offices of Cleveland, McClain and Pottawatomie Counties bill and collect the property taxes and remit its share to the Library.

Property taxes receivable by the Library include uncollected taxes assessed as of October 1, 2005 and earlier. Provision for uncollectible taxes of \$4,850 has been recorded. No provision has been made in the other funds for uncollectible amounts. All property taxes earned at year-end but not yet received are included in receivables reported on the government-wide statements. In the fund financial statements, property taxes are recorded as revenue in the period levied to the extent they are collected within 60 days of year-end. Any remaining property taxes due are deferred until they become available.

State Revenues - The Library receives revenue from the state to administer certain categorical Library programs. The board of trustees has designated these funds to be used in technology.

Interfund Balances - During the course of normal operations, the Library has transactions between funds including expenditures and transfers of resources to provide services, purchase assets and service debt. Transactions that are normal and recurring between funds are recorded as operating transfers.

Contributed Facilities and Services - The Library operates several branches located in government-owned buildings and receives certain services without charge. The estimated fair rental value of the premises and service is not reported in the accompanying statement of revenues, expenditures, and changes in fund balance.

Grants - The Library records income from grants in the period received or to the extent of expenses paid prior to reimbursement by a grant.

Income Taxes - The Library was established under the provisions of the Oklahoma Constitution and as such is exempt from income taxes under the Internal Revenue Code as a unit of government. The Library is exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The Library has also been classified as an entity that is not a private foundation within the meaning of Section 509(a) and qualifies for deductible contributions. No provision for federal or state income taxes has been recorded. There was no interest or penalties to the Internal Revenue Service included in these financial statements. The 2007, 2008, and 2009 tax years remain open and are subject to examination by the Internal Revenue Service and the State of Oklahoma.

Prepaid Expenses - The Library records prepaid insurance, subscriptions and maintenance agreements for that portion of payments which have not been used at year-end for government-wide financial statement purposes. Prepaid expense is included in other current assets in the statement of net assets.

Change in Policy - The Library recorded technology software and hardware subscriptions and maintenance agreements as prepaid expenses this year. In prior years the entire amount of the subscription and maintenance agreements were expensed.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Note 1 – Summary of Significant Accounting Policies (continued)

Restricted Resources - The Library records gifts and grants as restricted when the donor specifies a restriction on the timing or use of the gift or grant. Expenses are allocated first to the restricted resource. If additional expense is incurred, the expense is allocated to unrestricted funds when the restriction has been depleted.

Use of Estimates - The preparation of financial statements requires management to make estimates and assumptions that affect the reported amount of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenses during the reporting period. Actual results could differ from those estimates.

Note 2 – Cash and Investments

The Library's investment policies are governed by state statute. Permissible investments include direct obligations of the United States Government and Agencies; certificates of deposit of savings and loan associations and bank and trust companies; and savings accounts or savings certificates of savings and loan associations and trust companies.

Custodial Credit Risk - Deposits – Custodial credit risk is the risk that in the event of a bank failure, the Library's deposits may not be returned to it. At June 30, 2010, none of the Library's bank balance of \$6,698,725 was exposed to custodial credit risk because it was all insured and collateralized. The balance is collateralized with securities held by First Fidelity Bank in the Library's name. The market value of these securities as of June 30, 2010 was \$9,578,936.

Investment Interest rate Risk - The investments of the Pension Plan (see also Note 9) are invested in various mutual funds with the Bank of Oklahoma, and may be used only for the payment of benefits to the members of the Plan. The composition of the pension trust fund at fair value is shown in the following table.

	<u>Market Value</u>	<u>Credit Exposure as a Percentage of Total Investments</u>
Pension Fund		
Government Securities	\$ 0	0.00%
Pooled Funds	2,129,964	88.80%
Corporate Debt/Equity	139,417	5.81%
Alternative Investments	129,304	5.39%
Total Pension Fund Investments	\$ 2,398,685	100.00%

Pension Fund Policy

The Pioneer Library System Pension Plan and Trust provides for investment managers who have full discretion of assets allocated to them subject to the overall investment guidelines set out in the policy. Manager performance is reviewed by a consultant who provides reports to the newly established

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

retirement plans investment and administrative committee and to the board. Any changes in the investment management firm must be reported as they occur. Overall investment guidelines provide for diversification and allow investment in domestic and international common stocks, fixed income securities, cash equivalents, index funds, collective trust funds and mutual funds. The Plan addresses custodial credit risk with policy providing for the engagement of a custodian who accepts possession of securities for safekeeping; collects and disburses income; collects principal of sold, matured, or called items; and provides periodic accounting to the board. The pension trust fund holds \$2,398,685 in investments. This amount is held by the investment counterparty, not in the name of the pension fund or the Library.

Pension Trust investing is restricted by Oklahoma Statutes to the Prudent Investor Rule.

Note 3 – Note Receivable

The Library received a note receivable included in the settlement of an estate during the year ended June 30, 2005. The original note is \$100,000 at zero interest, and is due in 2014. The note has been discounted to \$83,974, to report it at its fair market value at June 30, 2010.

Note 4 – Collections

The Library has not capitalized existing inexhaustible collections, including research books, because the values are not readily determinable.

Note 5 – Short-Term Borrowing

On an annual basis, the Library utilizes short-term unsecured promissory notes in anticipation of the collection of ad valorem taxes. In accordance with Title 65 Section 4-105 of the Oklahoma Statutes, the term of the loan may not exceed one year. As of June 30, 2010, no balance was owed. No interest expense was paid or incurred during the year ended June 30, 2010.

Note 6 – Long-term Liabilities

The long-term liability balance and activity for the year were as follows:

	<u>Beginning Balance</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending Balance</u>	<u>Amounts Due Within One Year</u>
Compensated Absences	221,516	359,194	306,963	273,747	273,747

The general fund will be used to settle the compensated absences liability.

Note 7 – Capital Assets

Capital assets of the Library at June 30, 2010 are as follows:

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

	<u>Beginning</u> <u>Balances</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending</u> <u>Balances</u>
Depreciable Capital Assets:				
Library Books	8,684,819	2,104,319	1,081,721	9,707,417
Furniture and Fixtures	750,959	81,429	6,385	826,003
Computer Equipment	1,897,610	261,397	242,803	1,916,204
Vehicles	120,063	46,071	36,249	129,885
Total Capital Assets	<u>11,453,451</u>	<u>2,493,216</u>	<u>1,367,158</u>	<u>12,579,509</u>
Less Accumulated				
Depreciation for:				
Library Books	5,304,941	1,274,571	1,081,721	5,497,791
Furniture and Fixtures	527,247	43,399	2,052	568,594
Computer Equipment	1,542,963	96,513	242,803	1,396,673
Vehicles	81,480	11,573	33,299	59,754
Total Accumulated Depreciation	<u>7,456,631</u>	<u>1,426,056</u>	<u>1,359,875</u>	<u>7,522,812</u>
Total Depreciable Capital Assets, Net	<u>3,996,820</u>	<u>1,067,160</u>	<u>7,283</u>	<u>5,056,697</u>

Note 8 – Operating Lease Commitments

The Library leases a building for the service center, telephone equipment, a postage machine and copiers for its branch facilities and for administration under operating leases. The copier leases expire in March 2013. The other leases are renewed on an annual basis. Lease expense under these leases for 2010 was \$128,365. Future minimum annual lease expense for the leases is as follows:

2010	\$ 5,328
2011	\$ 15,984
2012	\$ 15,984
2013	\$ 15,984
2014	\$ 15,984
Thereafter	<u>\$ 10,656</u>
	<u>\$ 79,920</u>

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Note 9 – Defined Benefit Retirement Plan

Plan Description - The Pioneer Library System Pension Plan and Trust (The Plan) is a single-employer public employees retirement system (PERS) plan that covers all full-time employees of the Library. This plan was frozen as of December 31, 2008. Retirement benefits are based on length of service and salary. Normal retirement for the new plan is 65 years of age. Death and deferred vested benefits are also available under the plan. All benefits vest after 10 years of credited service. Pioneer employees who retire after age sixty-five with more than four years of credited service are entitled to an annual retirement benefit, payable monthly, in an amount equal to one percent of their averages salary based on their highest five consecutive years within 10 years of retirement. If an employee has less than 10 years of vesting service, the amount of the benefit is reduced by 1/10th for each vesting year of service fewer than ten. Actuarial valuations are performed annually on January 1.

Funding Policy - Employees of the Library are not required to contribute to the plan. The Library is required to make annual contributions based on an actuarially computed percentage of covered wages in amounts sufficient to cover normal cost of benefits and amortize the prior service liabilities. The Pioneer Library System Board of Trustees has the authority to establish and or amend the funding policy of the plan. Contributions for 2010 to the defined benefit plan were \$199,260.

Net Pension Obligation and Annual Pension Cost – The required contribution was determined as part of the January 1, 2010 actuarial valuation using the aggregate salary method, which does not identify and separately amortize unfunded actuarial liabilities. The amortization method used was the level percent of compensation method. The most recent actuarial valuation was for the calendar year 2010 and the period is closed. The actuarial assumptions included

- (a) 6% investment rate of return,
- (b) projected salary increases of 5% and
- (c) post-retirement increases of 5%.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Note 10 – Retirement Plan

The annual net pension obligation and annual pension cost for the current year were as follows:

Net Pension Obligation, Beginning of Year	\$ 1,752,261
Earnings from Investments	74,613
Unrealized Depreciation	497,968
Realized Gain	(152,624)
Contribution	199,260
Distributions	(85,914)
Fees and Commissions	(12,376)
Change in Valuation	(894,633)
Net Pension Obligation, End of Year	<u>\$ 1,378,555</u>
Present Value of Future Benefits	\$ 3,992,632
Valuation of Assets	2,614,077
Net Pension Obligation	<u>\$ 1,378,555</u>
Components of Annual Pension Cost:	
Normal Cost	\$ 154,382
Interest at 6%	9,263
Annual Contribution Necessary to Avoid a Funding Deficiency	<u>\$ 163,645</u>

Three year trend information is as follows:

Three-Year Trend Information				
Fiscal Year <u>Ending</u>	Annual Pension Cost (APC)	Percentage of APC <u>Contributed</u>	Net Pension <u>Obligation</u>	Actual Contrib
1/1/2008	\$ 250,574	86.3%	\$1,836,947	\$216,316
1/1/2009	\$ 205,063	118.2%	\$1,752,261	\$242,380
1/1/2010	\$ 163,645	121.8%	\$1,378,555	\$199,260

Note 10 – Retirement Plan (continued)

Multi-year trend information for the plan is as follows:

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

Schedule of Funding Progress for Pioneer Library System Pension Plan and Trust

Actuarial Valuation Date	Actuarial Value of Assets (a)	Actuarial Accrued Liability (AAL) Entry Age (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL as a Percentage of Covered Payroll [(b-a)/c]
1/1/2008	\$2,700,357	\$4,537,404	\$1,837,047	59.5%	\$2,519,292	72.9%
1/1/2009	\$2,093,150	\$3,845,411	\$1,752,261	54.4%	\$3,537,158	49.5%
1/1/2010	\$2,614,077	\$3,992,632	\$1,378,555	65.5%	\$0	N/A

The Plan's annual financial report is available from the Business Office of the Pioneer Library System, 225 North Webster, Norman, Oklahoma 73069.

Note 11 – Defined Contribution Retirement Plan

Plan Description - On January 1, 2009 the Library implemented this plan. Normal retirement age for this plan is 65 years of age. Death and deferred vested benefits are also available under this plan. All benefits vest after 5 years of credited service. Employees who retire after age sixty-five will receive their vested benefits in one of the following manners out of the amount accumulated in their accounts: (i) by lump sum payments, or (ii) in equal monthly, quarterly, semi-annual or annual installment payments; provided an installment election must be for a period less than their life expectancy or the life expectancy of their beneficiaries.

Funding Policy - Employees of the Library are not required to contribute to the plan. The Library makes an annual contribution based on a percentage of an employee's salary. The Pioneer Library System Board of Trustees has the authority to establish and or amend the funding policy of the plan. Benefits paid for 2010 to the plan were \$350,453.

Note 12 – Endowment Fund

The Library is the beneficiary of investment income on three endowment funds that are under the control of the Communities Foundation of Oklahoma. The Library can withdraw from the funds by written request. The value of the funds as of June 30, 2010 was \$263,570.

The Library does not include the balances of these funds on its financial statements because variance power remains with the Communities Foundation of Oklahoma.

Note 13 – Prior Period Adjustments

The endowment funds listed in the note above were listed on the Library's balance sheet at the request of the previous auditor. Professional standards state if the variance power is transferred, the funds are not assets of the Library. Therefore a prior period adjustment was made to the 2008-2009 financial statements. The effect of this correction was to decrease the change in net assets for 2008-2009 by \$248,086.

PIONEER LIBRARY SYSTEM
Notes to Financial Statements
June 30, 2010

The note receivable mentioned in Note 3 was not reported at its fair market value as of June 30, 2009. Therefore a prior period adjustment was necessary. The effect of this correction was to increase the change in net assets for 2008-2009 by \$19,259.

The cumulative effect of these adjustments decreases beginning net assets for 2009-2010 by \$228,827.

Note 14 -- Risk Management

The Library is exposed to various risks of loss related to torts; theft of, damage to and destruction of assets; errors and omissions and natural disasters for which the Library carries commercial insurance. There have been no significant reductions in coverage from the prior year and settlements have not exceeded coverage in the past three years.

Note 15 – Commitments

In the year ended June 30, 2005, the Library received a distribution from an estate that was to be used for the Noble Public Library. Construction commenced on an addition to the Noble Library building in 2006. During 2007 construction was completed. Costs incurred during the year ended June 30, 2007 were approximately \$639,000, for a total of \$1,096,000. These costs have been expensed since the building will be owned by the City of Noble. As of June 30, 2010, the City of Noble has not signed the Inter-local agreement taking ownership of the building.

Note 16 – Subsequent Events

Oklahoma City broke ground on a new Library in May of 2010. The building should be complete in the fall of 2011 and at that time it will become part of the Pioneer Library System since it will be located in Cleveland County.

Subsequent events have been evaluated through the issuance date of this report and no significant events were noted, except those mentioned above.

PIONEER LIBRARY SYSTEM
Budgetary Comparison Schedule – General Fund (Unaudited)
For the Year Ended June 30, 2010

	Budgeted Amounts Original	Budgeted Amounts Final	Actual Amounts GAAP Basis	Budget to GAAP Differences Over(Under)	Actual Amounts Budgetary Basis	Variance with Final Budget Positive (Negative)
Designated Fund Balance, July 1	--	1,450,000	--	--	--	--
Undesignated Fund Balance July 1	--	2,838,022	--	--	--	--
Budgetary Fund Balance, July 1	\$ 2,325,204	\$ 4,288,022	\$ 4,288,026	\$ 4	\$ 4,288,022	\$ --
Resources (inflows)						
Property Taxes	11,572,781	12,201,698	12,488,087	25,000	12,463,087	261,389
State Revenue	183,273	184,134	184,767	18,476	166,291	(17,843)
Interest	--	--	51,871	(11,973)	63,844	63,844
Other	340,000	345,500	345,586	(8,338)	353,924	8,424
Amounts Available for Appropriation	\$ 14,421,258	\$ 17,019,354	\$ 17,358,337	\$ 23,169	\$ 17,335,168	\$ 315,814
Charges to Appropriations (outflows)						
Personal Services	\$ 6,274,529	\$ 6,986,671	\$ 7,013,656	\$ (67,448)	\$ 6,946,208	\$ 40,463
Materials	2,400,000	2,525,000	2,521,824	9,176	2,531,000	(6,000)
General and Administrative	759,325	820,961	913,720	(39,705)	874,015	(53,054)
Technology	900,000	825,000	920,861	(78,224)	842,637	(17,637)
Virtual Library		200,000			126,282	73,718
System Services	312,200	367,700	176,082	141,411	317,493	50,207
Other Capital Projects	--	--	--	--	--	--
Total Charges to Appropriations	\$ 10,646,054	\$ 11,725,332	\$ 11,546,143	\$ (34,790)	\$ 11,637,635	\$ 87,697
Designated Fund Balance-Current	\$ 1,450,000	\$ 1,006,000	1,006,000	--	1,006,000	--
Budgetary Fund Balance, June 30	\$ 2,325,204	\$ 4,288,022	\$ 4,806,194	\$ 57,959	\$ 4,691,533	\$ 403,511

Budget to Actual Reconciliation:

Revenues on a budgetary basis are based on cash received rather than the modified accrual basis used for financial reporting

23,165

Encumbrances for the prior fiscal year which were included in the year ordered for budgetary purposes but were cancelled during the current budgetary year

--

Warrants issued to pay expenditures which are cancelled in subsequent fiscal years are treated as revenue for budgetary purposes

--

1 23,165

Encumbrances for supplies and equipment ordered but not received are reported in the year the order is placed for budgetary purposes but in the year the supplies are received for financial reporting

1 34,790

The amount reported as "fund balance" on the budgetary basis of accounting derives from the basis of accounting used in preparing the District's budget. This amount differs from the fund balance reported in the statement of revenues, expenditures and changes in fund balances because of the cumulative effect of transactions such as those described above.

2 4
57,959

Notes to Required Supplementary Information

Note Budgeting and Budgetary Control

Oklahoma statutes require the Library to prepare an annual budget. The various County Exise Boards formally approve the annual budget for the general fund. The Library adopts its budget at the fund level.

Note Budgetary Basis of Accounting

Under the budgetary basis of accounting revenues are recognized when they are received rather than earned. Purchases of materials, outside services and capital outlay are recognized as expenditures when the commitment to purchase is made (encumbered).



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REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH *GOVERNMENT AUDITING STANDARDS*

September 21, 2010

To the Board of Directors
Pioneer Library System

We have audited the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of City of Pioneer Library System as of and for the years ended June 30, 2010, which collectively comprise the Library's basic financial statements and have issued our report thereon dated September 21, 2010. We conducted our audits in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States.

Internal Control over Financial Reporting

In planning and performing our audits, we considered Pioneer Library System's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Pioneer Library System's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Library's internal control over financial reporting.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over financial reporting that might be deficiencies, significant deficiencies, or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether Pioneer Library System's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we reported to management of the Library, in a separate letter dated September 21, 2010.



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9-36

To the Board of Directors
Pioneer Library System
September 21, 2010
Page Two

This report is intended for the information of the Board of Directors, management, and federal and state awarding agencies and pass-through entities, and is not intended to be and should not be used by anyone other than these specified parties.

GRAY, BLODGETT & COMPANY, PLLC
Gray, Blodgett & Company, PLLC



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 10

Text File Number: BID-1011-30

Introduced: 10/11/2010 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Bid

Title

CONSIDERATION AND AWARDED OF BID NO. 1011-30 FOR AGGREGATE AND STONE FOR THE STREET MAINTENANCE DIVISION.

1. 3/8-INCH SCREENINGS
2. 3/4-INCH WASHED CHIPS
3. CONCRETE SAND
4. 1 1/2-INCH AGGREGATE BASE, TYPE A
5. TRAFFIC BOUND SURFACE COURSE, TYPE A
6. KILN DUST
7. SELECT BORROW SUBGRADE MATERIAL
8. 3-INCH SURGE ROCK
9. 8-INCH RIPRAP
10. 12-INCH RIPRAP
11. 18-INCH RIPRAP
12. (A) TOPSOIL, PICKUP (NO BID RECEIVED) AND (B) TOPSOIL, DELIVERED
13. MANUFACTURED SAND

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 1 and 2 to Bernie Mathis Trucking, Inc., as the lowest and best bidder meeting specifications and Joe Brown Trucking as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 3 to Bernie Mathis Trucking, Inc., as the lowest and best bidder meeting specifications and Sand Express, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 4 to Bernie Mathis Trucking, Inc., as the lowest and best bidder meeting specifications and BBLW Trucking as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 5 to Dale Brown, Inc., as the lowest and best bidder meeting specifications and Bernie Mathis Trucking, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject the bid as meeting specifications; and, if accepted, award the bid for Section 6 to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Section 7 to Sand Express, Inc., as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 8, 9, and 13 to Joe Brown Company, Inc., as the lowest and best bidder meeting specifications and Dale Brown, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 10 and 11 to Dale Brown, Inc., as the lowest and best bidder meeting specifications and Joe Brown Company, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid for Sections 12B to Sand Express, Inc., as the lowest and best bidder meeting specifications and BBLW Trucking as the alternate bidder.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman's Street and Drainage Maintenance Programs utilize the following aggregate and stone:

3/8-inch Screenings are used as bedding material and backfill for storm sewer pipe.

3/4-inch Washed Chips are used as the cover aggregate for bituminous surface treatments (i.e., chip sealing). This is the base course for a double bituminous application.

Concrete Sand is used in the snow and ice control program.

1 1/2-inch Aggregate Base, Type A is used as base material for pavement construction. It is also used to stabilize an unimproved section line road.

Traffic Bound Surface Course; Type A is used as the surface course of a gravel roadway. It provides a suitable gradation or blend of coarse, medium and fine aggregates for the construction of a gravel roadway surface.

Kiln Dust is used in Subgrade stabilization operations.

Select borrow Subgrade material is used as embankment and causeway fill in roadway reconstruction operations.

3-inch Surge Rock is used to stabilize unimproved rural section line roads comprised of sand and fine silt. It is also used as a component of a filter blanket beneath riprap for stream bank and channel erosion control.

Riprap is used for stream bank stabilization, erosion control in drainage ways and flood damage control. It is purchased in 8-inch, 12-inch, and 18-inch diameters.

Topsoil is used when the right-of-way is damaged during construction and grass replacement is required.

Manufactured Sand is coarse sand for winter ice control and job site concrete mixing.

Quantities of aggregate materials purchased annually will vary depending on individual project scope, unscheduled repairs and maintenance activities. A total of 2,453 tons of a combination of these products were purchased with the FYE 2010 bid prices.

DISCUSSION: Bid Number 1011-30 was opened on September 23, 2010, with nine (9) vendor bids received for aggregate and stone. Of the bids received, one (1) vendor bid did not meet specifications. The average unit price of these materials increased over the 2009 bid price by 3.2% due to the increased manufacturing and fuel related costs. The purchase contract for these materials is effective through October 31, 2011. Funding for the purchase of the various aggregate and stone materials is provided in various accounts in the General Fund for maintenance and operations uses and the Capital Fund for scheduled capital projects.

Funding for the materials is available in the following account numbers:

Street Maintenance Division

010-5021-431.33-03 Rock/Sand Materials \$ 28,600

Storm Water Division

010-5022-431.33-03 Rock/Sand Materials \$ 15,000

Capital Improvement Projects FYE 2011

050-9906-451.63-01 Force Account Drainage Materials \$ 135,000

050-9696-431.63-01 Rural Road Improvements \$ 356,000

RECOMMENDATION: Staff recommends Bid Number 1011-30 be awarded to the low bidder as shown on the Bid Tabulation. We further recommend that the bid also be awarded to an alternate bidder so that the materials will be available when the primary bidder cannot deliver it.

STREETS DIVISION -- AGGREGATE AND STONE - BID NO. 1011-30
 BIDS OPENED SEPTEMBER 23, 2010 -- TABULATION OF BIDS

SECTION	DESCRIPTION	Joe Brown	Bernie Mathes	Martin Marietta	Sand Express	Dale Brown, Inc.	Silver Star	T. J. Campbell	BBLWT	
		Trucking	Trucking				Construction Co.	Construction Co.		
		\$ Per Ton	\$ Per Ton	\$ Per Ton	\$ Per Ton	\$ Per Ton	\$ Per Ton	\$ Per Ton	\$ Per Ton	
SECTION I	3/8" Screenings									
	Delivered	\$ 13.20	\$ 12.25	\$ 15.25	\$ 14.10	\$ 13.85	\$ 14.15	No Bid	\$ 18.65	
SECTION II	3/4" Washed Chips									
	Delivered	\$ 17.60	\$ 17.50	No Bid	\$ 19.00	\$ 19.00	No Bid	No Bid	\$ 18.90	
SECTION III	Concrete Sand									
	Delivered	No Bid	\$ 14.55	No Bid	\$ 16.00	\$ 17.00	No Bid	No Bid	\$ 19.50	
SECTION IV	1 1/2" Aggregate Base, Type A									
	Delivered	\$ 15.25	\$ 11.25	\$ 17.05	\$ 16.45	\$ 15.35	\$ 16.19	\$ 15.24	\$ 14.60	
SECTION V	Traffic Bound Traffic Course, Type A									
	Delivered	\$ 16.00	\$ 15.35	\$ 17.05	\$ 16.10	\$ 13.45	\$ 16.19	\$ 15.24	\$ 16.55	
SECTION VI	Kiln Dust									
	Delivered	No Bid	No Bid	No Bid	No Bid	No Bid	\$ 43.67	No Bid	No Bid	
SECTION VII	Select Borrow Subgrade Mat'l									
	Delivered	No Bid	No Bid	No Bid	11.00 C.Y.	\$ 11.50	No Bid	\$ 9.74	No Bid	
SECTION VIII	3" Surge Rock, Minimum Fines									
	Delivered	\$ 15.75	\$ 15.95	No Bid	\$ 16.50	\$ 15.95	No Bid	No Bid	\$ 17.05	
SECTION IX	8" Riprap									
	Delivered	\$ 26.70	\$ 27.95	No Bid	\$ 27.85	\$ 27.35	No Bid	No Bid	No Bid	
SECTION X	12" Riprap									
	Delivered	\$ 26.70	\$ 27.95	\$ 27.50	\$ 29.85	\$ 23.35	No Bid	No Bid	No Bid	
SECTION XI	18" Riprap									
	Delivered	\$ 24.70	\$ 26.95	\$ 26.50	\$ 33.00	\$ 22.85	No Bid	No Bid	No Bid	
SECTION XII	Topsoil									
a.)	Pickup	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	
b.)	Delivered	No Bid	No Bid	No Bid	\$19.00 C.Y.	\$ 10.50	No Bid	No Bid	\$ 17.00	
SECTION XIII	Manufactured Sand									
	Delivered	\$ 14.95	\$ 16.00	\$ 16.75	\$ 16.00	\$ 15.55	\$ 50.31	No Bid	\$ 19.50	
VENDOR:	Dolese Bros Co	All bids F.O.B. at Plant								Does not meet specifications
VENDOR:	Boral Aggregate	No response								
VENDOR:	Bob Cunningham, Inc.	No response								

STREETS DIVISION -- AGGREGATE AND STONE - BID NO. 1011-30
 BIDS OPENED SEPTEMBER 23, 2010 -- TABULATION OF BIDS

BID TABULATION	Joe Brown Trucking	Bernie Mathes Trucking	Martin Marietta	Sand Express	Dale Brown, Inc.	Silver Star Construction Co.	T. J. Campbell Construction Co.	BBLWT
RECOMMENDATION - Bid Number 1011-30 be awarded as follows:								
SECTION I	Bernie Mathes, Inc., Lowest bidder			Joe Brown Trucking, Alternate bidder				
SECTION II	Bernie Mathes, Inc., Lowest bidder			Joe Brown Trucking, Alternate bidder				
SECTION III	Bernie Mathes, Inc., Lowest bidder			Sand Express, Alternate bidder				
SECTION IV	Bernie Mathes, Inc., Lowest bidder			BBLW Trucking, Alternate bidder				
SECTION V	Dale Brown, Inc., Lowest bidder			Bernie Mathes, Inc., Alternate bidder				
SECTION VI	Silver Star Construction Co., Only bidder							
SECTION VII	Sand Express, Lowest bidder			Dale Brown, Inc., Alternate bidder				
SECTION VIII	Joe Brown Trucking, Lowest bidder			Dale Brown, Inc. and Bernie Mathes, Alternate bidder				
SECTION IX	Joe Brown Trucking, Lowest bidder			Dale Brown, Inc., Alternate bidder				
SECTION X	Dale Brown, Inc., Lowest bidder			Joe Brown Trucking, Alternate bidder				
SECTION XI	Dale Brown, Inc., Lowest bidder			Joe Brown Trucking, Alternate bidder				
SECTION XII A	No Bid			No Bid				
SECTION XII B	Sand Express, Lowest bidder			BBLW Trucking, Alternate bidder				
SECTION XIII	Joe Brown Trucking, Lowest bidder			Dale Brown, Inc., Alternate bidder				



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 11

Text File Number: BID-1011-31

Introduced: 10/11/2010 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Bid

Title

CONSIDERATION AND AWARDING OF BID NO. 1011-31 FOR INLET FRAMES, GRATES AND CURB HOODS FOR THE STREET MAINTENANCE DIVISION.

1. HEAVY-DUTY CAST IRON 3 FLANGE INLET FRAME
2. HEAVY-DUTY CAST IRON DOUBLE UNIT (LEFT AND RIGHT) INLET FRAMES WITH FASTENING HARDWARE
3. HEAVY-DUTY CAST IRON CENTER SECTION INLET FRAME WITH FASTENING HARDWARE
4. HEAVY-DUTY CAST IRON TYPE L GRATE
5. HEAVY-DUTY CAST IRON TYPE V GRATE
6. (A) 6-INCH MOUNTABLE CAST IRON CURB HOOD WITH FASTENING HARDWARE AND (B) 8-INCH MOUNTABLE CAST IRON CURB HOOD WITH FASTENING HARDWARE
7. DETECTABLE WARNING SURFACE/ADA TRUNCATED DOME, 2 FEET X 4 FEET TILE, CAST IN PLACE, BRICK RED

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1 through 5, and 7; and, if accepted, award the bid to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and Water Products of Oklahoma, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 6A and 6B; and, if accepted, award the bid to Oklahoma Contractors Supply as the lowest and best bidder meeting specifications and HD Supply Waterworks as the alternate bidder.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman's Street and Drainage Maintenance Program utilizes inlet frames, grates and curb hoods in storm sewer installation and drainage improvements. Quantities of the materials purchased annually vary depending on individual project scope and unscheduled repairs and maintenance activities.

DISCUSSION: Bid Number 1011-31 was opened on September 23, 2010 with five (5) vendors bids received for inlet frames, grates and curb hoods. The average unit price of the materials has decreased over the 2009 bid price by 5% due to an apparent decrease in manufacturing and fuel related costs. The purchase contract for the materials is effective through October 31, 2011. Funding for inlet frames, grates and curb hoods is provided in General Fund accounts for regular maintenance and operation and in capital fund accounts for capital projects.

Funding for the materials is available in Account Numbers:

Street Division

010-5021-431.33-99 Other Construction Materials \$ 53,000

Storm Water Division

010-5022-431.33-99 Other Construction Materials \$ 29,000

Capital Improvement Projects FYE 2010

050-9906-451.63-01 Force Account Drainage \$ 135,000

RECOMMENDATION: Staff recommends that Bid No. 1011-31 be awarded to Oklahoma Contractors Supply as the low bidder for all sections. Typically, materials are ordered well in advance of a project; however, short notice and/or emergency projects sometime make it difficult to obtain materials in a timely manner. Therefore, Staff further recommends that the alternate bid for Sections 1-5, and 7 be awarded to Water Products of Oklahoma, Inc., and for Sections 6A & 6B to HD Supply Waterworks, Inc., so that the material will be available when the primary bidder cannot deliver in a timely manner.

STREET DIVISION
 INLET, FRAMES, GRATES AND CURB HOODS -- BID NUMBER 1011-31
 Bid Opening: September 23, 2010
 BID TABULATION

	BID TABULATION	WATER PRODUCTS OF OKLA. INC.	NEENAH FOUNDRY COMPANY	HD SUPPLY WATERWORKS	EAST JORDON IRON WORKS	OKLAHOMA CONTRACTORS SUPPLY, LLC
SECTION I	Heavy-duty cast iron 3 flange inlet frame.	\$ 172.80	No Bid	\$ 174.00	\$ 189.75	\$ 118.00
SECTION II	Heavy-duty cast iron double unit (left & right) inlet frames; with fastening hardware.	\$ 368.80	No Bid	\$ 380.00	\$ 425.50	\$ 118.00
SECTION III	Heavy-duty cast iron center section inlet frame; with fastening hardware.	\$ 189.80	No Bid	\$ 192.00	\$ 212.75	\$ 118.00
SECTION IV	Heavy-duty cast iron Type L grate.	\$ 115.20	No Bid	\$ 117.00	\$ 128.30	\$ 105.00
SECTION V	Heavy-duty cast iron Type V grate.	\$ 115.20	No Bid	\$ 116.00	\$ 128.30	\$ 79.00
SECTION VI-A	6" mountable cast iron curb hood; with fastening hardware	\$ 115.20	No Bid	\$ 115.00	\$ 126.50	\$ 106.00
SECTION VI-B	8" barrier cast iron curb hood; with fastening hardware	\$ 132.80	No Bid	\$ 131.00	\$ 143.75	\$ 126.00
SECTION VII	Detectable Warning Surface/ADA Truncated Dome 2'x4' tile cast in place brick red	\$ 229.86	No Bid	\$ 240.00	\$ 253.00	\$ 145.00
Recommendation - Bid Number 1011-31 be awarded as follows:						
SECTION I, II, III, IV, V and VII	Oklahoma Contractors Supply LLC, Lowest bidder					
	Water Products of Oklahoma, Alternate bidder					
SECTION VI A and VI B	Oklahoma Contractors Supply LLC, Lowest bidder					
	HD Supply Waterworks, Alternate bidder					



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 12

Text File Number: BID-1011-32

Introduced: 10/11/2010 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Bid

Title

CONSIDERATION AND AWARDING OF BID NO. 1011-32 FOR PORTLAND CEMENT CONCRETE PER CUBIC YARD FOR THE STREET MAINTENANCE DIVISION.

1. (A) CLASS A, (B) CLASS A WITH ONE PERCENT CALCIUM CHLORIDE, AND (C) CLASS A WITH TWO PERCENT CALCIUM CHLORIDE
2. CLASS B
3. HIGH EARLY STRENGTH
4. 5-SACK GROUT MIX
5. FLOWABLE FILL

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 1-A, 1-B, 1-C, and 5; and, if accepted, award the bid to Kudron Ready Mix, Inc., as the lowest and best bidder meeting specifications, Dolese Brothers Company as the first alternate bidder, and Metheny Concrete Products, Inc., as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Sections 2 and 4; and, if accepted, award the bid to Kudron Ready Mix, Inc., as the lowest and best bidder meeting specifications and Metheny Concrete Products, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 3; and, if accepted, award the bid to Kudron Ready Mix, Inc., as the lowest and best bidder meeting specifications and Dolese Brothers Company as the alternate bidder.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman's Street and Drainage Maintenance Programs utilize the following types of Portland Cement Concrete:

Class A Concrete is used in pavement slabs, sidewalks, retaining walls, culverts, and all areas where reinforced concrete is needed. Calcium is used as an accelerating admixture to increase the strength of the concrete more quickly during curing. It is used in cold weather application; however, it is not an anti-freezing agent.

Class B Concrete is used for drainage flumes.

High Early Strength (H.E.S.) Concrete is used for driveway and pavement replacement.

Grout Mix is used with riprap, for bedding drainage pipe, and stabilizing plastic subgrade.

Flowable Fill is used as a liquid concrete mix in bedding and backfilling culvert pipe and storm sewers where 100% compaction is required.

Quantities of each material purchased annually will vary depending on individual project scopes for scheduled projects and unscheduled repairs and maintenance activities.

DISCUSSION: Bid No. 1011-32 was opened on September 23, 2010, with three (3) vendors bids received for Portland Cement Concrete. The price of concrete materials has decreased an average of 7% over the 2009 bid price. Funding for Portland Cement Concrete is provided in several operation and maintenance accounts in the General Fund and in the Force Drainage account in the Capital Fund. The purchase contract for the materials will be effective through October 31, 2011.

Funding for the materials is available in Account Numbers:

Street Division

010-5021-431.32-15 Street/Sidewalk Materials \$ 61,685
010-5021-431.33-01 Concrete Materials \$ 65,500

Storm Water Division

010-5022-431.32-15 Street/Sidewalk Materials \$ 40,000

Capital Improvement Projects FYE 2011

050-9906-451.63-01 Force Account Drainage \$ 135,000

RECOMMENDATION: Staff recommends Bid No.1011-32 be awarded to Kudron Ready Mix, Inc., in all sections as the lowest bidder as shown on the Bid Tabulation. We further recommend that Sections 1A, 1B, 1C, and 5 be awarded to Dolese Brothers Company as the first alternate bidder and Metheny Concrete Products, Inc., as the second alternate bidder; Sections 2 and 4 be awarded to Metheny Concrete Products, Inc., as the alternate bidder; and Section 3 to Dolese Brothers Company as the alternate bidder so that the material will be available when the primary bidder cannot deliver it.

STREET DIVISION			
PORTLAND CEMENT CONCRETE -- BID NUMBER 1011-32			
BID TABULATION			
Bid Opening September 23, 2010			
DESCRIPTION	KUDRON READY MIX	METHENY CONCRETE	DOLESE BROS. CO.
	PER CUBIC YARD	PER CUBIC YARD	PER CUBIC YARD
SECTION I-A CLASS A CONCRETE	\$80.50	\$91.00	\$88.00
SECTION I -B CLASS A 1% CALCIUM	\$82.50	\$94.50	\$90.50
SECTION I-C CLASS A 2% CALCIUM	\$84.50	\$97.50	\$93.00
SECTION II CLASS B CONCRETE	\$78.50	\$88.00	No bid
SECTION III HIGH EARLY CONCRETE	\$85.50	No Bid	\$97.80
SECTION IV GROUT MIX	\$90.00	\$130.00	No Bid
SECTION V FLOWABLE FILL	\$68.00	\$73.00	\$75.05
Recommendation: Bid Number 1011-32 be awarded as follows:			
Sections I-A, I-B, I-C, and V	Kudron Ready Mix, Lowest bidder		
	Dolese Bros., First alternate bidder		
	Metheny Concrete, Second alternate bidder		
Section II and IV	Kudron Ready Mix, Lowest bidder		
	Metheny Concrete Products, Inc., Alternate bidder		
Section III	Kudron Ready Mix, Lowest bidder		
	Dolese Bros., Alternate bidder		



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 13

Text File Number: BID-1011-33

Introduced: 10/1/2010 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Bid

Title

CONSIDERATION AND AWARDED OF BID NO. 1011-33 FOR TYPE II BARRICADE RENTAL FOR THE STREET/STORM WATER DIVISIONS.

1. (A) 200 BARRICADES PER MONTH
2. (A) 20 BARRICADES PER SEVEN DAYS, (B) 40 BARRICADES FOR SEVEN DAYS, AND (C) 60 BARRICADES PER SEVEN DAYS

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid to RoadSafe Traffic Systems, Inc., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Body

BACKGROUND: TYPE II barricades are used by Street/Storm Water Division to establish work zone safety during construction and maintenance projects. Federal and State statutes and City ordinances require work zone traffic control.

DISCUSSION: Bid Number 1011-33 was opened on September 23, 2010, with three (3) vendors bids received, and provides TYPE II barricades for Street Division operations. Street Division utilizes 200 barricades per month. The Street Division has approximately 75 - 100 barricades damaged or stolen on an annual basis. During emergencies created by flooding or storm damage from high wind, additional barricades are required until the flooding subsides or the damage is removed or repaired. The bid includes repair or replacement of the barricades should they become damaged or unserviceable as well as replacement of stolen barricades. Current funding is sufficient for 12 monthly rental periods with a balance of \$3,388.80 for emergency barricade rental if required. The contract for rental of TYPE II barricades will be effective through October 31, 2011. Funding for Type II barricade rental is provided in General Fund accounts for regular maintenance and operation. The following street Barricade Rental accounts provide funding for barricades:

TYPE II Barricade Rental

Street Division 010-5021-431.45-09 Barricade Rental \$ 15,000

Storm Water Division 010-5022-431.45-09 Barricade Rental \$ 15,000

All Bids are within the budgeted amounts.

RECOMMENDATION: Staff recommends Bid Number 1011-33 be awarded to RoadSafe Traffic Systems, Inc., as the lowest and best bidder meeting specifications.

**STREET DIVISION
 TYPE II BARRICADE RENTAL -- BID No. 1011-33
 Bid Opening: September 23, 2010
 BID TABULATION**

SECTION	NO. OF BARRICADES	RENTAL PERIOD	ACTION SAFETY SUPPLY COMPANY	ROADSAFE TRAFFIC SYSTEMS, INC.	ADVANCED WORKZONE SAFETY
I-A	200	One Month	\$3,184.00	\$ 2,217.60	\$ 4,200.00
II-A.	20	Seven Days	\$84.84	\$ 58.80	\$ 98.00
II-B.	40	Seven Days	\$164.00	\$ 117.60	\$ 196.00
II-C.	60	Seven Days	\$244.00	\$ 176.40	\$ 294.00
Recommendation - Bid Number 1011-33 be awarded as follows:					
All Sections to be awarded to RoadSafe Traffic Systems, Inc., as the lowest bidder.					



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 14

Text File Number: BID-1011-34

Introduced: 10/11/2010 by Greg Hall, Street Superintendent

Current Status: Consent Item

Version: 1

Matter Type: Bid

Title

CONSIDERATION AND AWARDING OF BID NO. 1011-34 FOR ASPHALT/CONCRETE COLD MILLING FOR THE STREET MAINTENANCE DIVISION.

1. ASPHALT COLD MILLING - 1 TO 3 INCHES
2. ASPHALT COLD MILLING - 3 TO 6 INCHES
3. CONCRETE COLD MILLING - 1 TO 2 INCHES

(ALTERNATE-VENDOR HAULS RECYCLED MATERIALS TO CITY YARD)

1. ASPHALT COLD MILLING - 1 TO 3 INCHES
2. ASPHALT COLD MILLING - 3 TO 6 INCHES
3. CONCRETE COLD MILLING - 1 TO 2 INCHES

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 1; and, if accepted, award the bid for Section 1 to Silver Star Construction as the lowest and best bidder meeting specifications; T.J. Campbell Construction Company as the first alternate bidder; and Bell Contracting, Inc., as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 2; and, if accepted, award the bid for Section 2 to Silver Star Construction as the lowest and best bidder meeting specifications; Bell Contracting, Inc., as the first alternate bidder; and T.J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject all bids meeting specifications on Section 3; and, if accepted, award the bid for Section 3 to Bell Contracting, Inc., as the lowest and best bidder meeting specifications, Silver Star Construction as the first alternate bidder, and T.J. Campbell Construction Company as the second alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject alternate bids on Sections 1 and 2; and, if accepted, award the alternate bids for Sections 1 and 2 to T.J. Campbell Construction Company as the lowest and best bidder and Bell Contracting, Inc., as the alternate bidder.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject alternate bids on Section 3; and, if accepted, award the alternate bids for Section 3 to Bell Contracting, Inc., as the lowest and best bidder and T.J. Campbell Construction Company as the alternate bidder.

ACTION TAKEN: _____

Body

BACKGROUND: The City of Norman's Street Maintenance Program utilizes the following Asphalt/Concrete Cold Milling:

- I. Asphalt Cold milling 1-3 inches
- II. Asphalt Cold milling 3-6 inches
- III. Concrete Cold milling 1-2 inches

Milling is a term used to describe the grinding and removal of the existing aged asphalt driving surface prior to asphalt repaving operations. This milling service is used when City staff is available to perform the asphalt paving on some street rehabilitation projects. The City does not own a milling machine because it is more cost-effective to contract for this service on an as-needed basis. Most milling and re-paving projects are bid as turn key projects. However, there were six (6) projects that required this service in the last bidding cycle. Ten (10) projects are identified for milling with this bid.

DISCUSSION: Bid No. 1011-34 was opened on September 23, 2010, with three (3) bids received from three (3) vendors out of six (6) requested for Asphalt/Concrete Cold Milling. The other vendors who received bid packets typically work on larger projects and due to the size of the proposed projects, opted not to bid. In the past, staff utilized the state contract for this service; however, the State no longer has an open contract for municipalities and bids this service on a project basis. Funding for Asphalt/Concrete Milling is provided in several operation and maintenance accounts in the General Fund and the Capital Fund. The purchase contract for this service will be effective through October 31, 2011.

Additionally, two (2) vendors supplied an alternate bid for milling services. This alternate requires the vendor to provide trucks for the hauling of the recycled asphalt millings to the City maintenance yard. If approved, the City will be able to keep the millings for use on projects, thus reducing the need to purchase aggregate from other vendors for Capital and maintenance projects. This is an excellent material re-use (sustainability) method; however, the Street Division has a limited number of opportunities in which this material can effectively be used. Therefore, the alternate bid allows staff to acquire the asphalt millings on an as-needed basis.

Funding for this service is available in Account Numbers:

Street Division
010-5021-431.33-02 Asphalt/Asphalt Materials \$ 295,000

Capital Improvement Projects FYE 2011

050-9511-431.61-01 Asphalt Pavement Maintenance \$ 109,500

050-9511-431.63-01 Asphalt Pavement Maintenance \$ 650,172

RECOMMENDATION: Staff recommends Bid Number 1011-34 be awarded to low bidder as shown on the Bid Tabulation. We further recommend that the bid also be awarded to a first alternate bidder and a second alternate bidder so that the services will be available when the primary bidder cannot deliver.

Staff also recommends that the vendors which supplied an alternate bid for Sections I and II be awarded to T.J. Campbell Construction Co., lowest bidder and Bell Contracting, alternate bidder; Section III be awarded to Bell Contracting, Inc., lowest bidder and T. J. Campbell Construction Co., as alternate bidder.

STREET DIVISION -- BID NO. 1011-34
Asphalt/Concrete Cold Milling
Bid Opening September 23, 2010

BID TABULATION	Bell Contracting Inc.	T.J. Campbell Construction Co.	Silver Star Construction
	\$ Price Per S.Y.	\$ Price Per S.Y.	\$ Price Per S.Y.
SECTION I Asphalt Cold Milling 1-3 inches	\$2.45	\$1.75	\$1.00
**SECTION I Asphalt Cold Milling 1-3 inches with City Trucking	\$3.40	\$2.05	No Bid
SECTION II Asphalt Cold Milling 3-6 inches	\$2.65	\$2.85	\$2.35
**SECTION II Asphalt Cold Milling 3-6 inches with City Trucking	\$3.90	\$3.35	No Bid
SECTION III Concrete Cold Milling 1-2 inches	\$3.55	\$4.45	\$3.80
**SECTION III Concrete Cold Milling 1-2 inches with City trucking	\$4.35	\$4.45	No Bid
** VENDORS SUPPLIED AN ALTERNATE BID			
VENDORS: A-Tech Paving, Broce Construction Co.			
No response was received from the above vendors.			
Recommendation - Bid Number 1011-34 be awarded as follows:			
Section I	Silver Star Construction, Lowest bidder		
	T. J. Campbell Construction Co, First Alternate bidder		
	Bell Contracting Inc., Second Alternate		
Section II	Silver Star Construction, Lowest bidder		
	Bell Contracting Inc., First Alternate bidder		
	T. J. Campbell Construction Co, Second Alternate		
Section III	Bell Contracting Inc., Lowest bidder		
	Silver Star Construction, First Alternate bidder		
	T. J. Campbell Construction Co, Second Alternate		
**Section I, II	T.J. Campbell Construction Co., Lowest bidder		
	Bell Contracting Inc., Alternate bidder		
**Section III	Bell Contracting Inc., Lowest bidder		
	T. J. Campbell Construction Co., Alternate bidder		



CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 15

Text File Number: E-1011-23

Introduced: 10/11/2010 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Easement

Title

PERMANENT EASEMENT NO. E-1011-23: CONSIDERATION OF ACCEPTANCE OF A PERMANENT UTILITY EASEMENT DONATED BY UNIVERSITY TOWN CENTER, L.L.C., FOR THE ROCK CREEK ROAD AND 24TH AVENUE N.W. INTERSECTION PROJECT.

ACTION NEEDED: Motion to accept or reject Permanent Easement No. E-1011-23; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: The Rock Creek Road Overpass Project involves the construction of a new four-lane vehicular bridge over Interstate 35 with 10-foot-wide bike/hike trails on both sides. The project also includes improvements to Rock Creek Road between 24th Avenue NW and 36th Avenue NW. The Rock Creek Road Overpass Project will relieve traffic congestion created by the full build out of the University North Park (UNP) Development located along 24th Avenue NW between Robinson Street and Tecumseh Road.

The intersection of Rock Creek Road and 24th Avenue NW is included in the City's Capital Improvement Program as one of the University North Park Tax Increment Financing (TIF) transportation infrastructure projects. The intersection of Rock Creek Road and 24th Avenue NW was not included in the design of the overpass project because:

The intersection is one of the transportation infrastructure improvements included in the original UNP TIF Program;

UNP TIF funding for the intersection was not yet authorized by Council when the overpass project was authorized to proceed;

ACOG funding for the overpass project cannot be used for aesthetic enhancements at the intersection that do not improve the function of the transportation system.

On August 11, 2009, City Council approved design Contract No. K-0910-48 with SMC Consulting Engineers, P.C. for the design of the intersection of Rock Creek Road and 24th Avenue NW. The design services include a survey of existing public and private utility systems located near the intersection. That survey revealed an underground natural gas pipeline owned by Oklahoma Natural Gas Company which must be relocated to avoid a conflict with the proposed intersection improvements.

DISCUSSION: The City must acquire a utility easement for this utility relocation project. Staff requested donations prior to making any offers of fair market value. University Town Center, LLC, has generously donated Utility Easement No. E-1011-23.

STAFF RECOMMENDATION: Staff recommends that Easement No E-1011-23 be accepted and the filing be directed thereof.

GRANT OF EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT University Town Center, L.L.C., an Oklahoma limited liability company for and in consideration of the sum of One Dollar (\$1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman, a municipal corporation, a public utility easement and right-of-way over, across, and under the following described real estate and premises situated in Cleveland County, Oklahoma, to wit:

See Attached Exhibit A (2 sheets)

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating the following public utility(ies) to wit:

To have and to hold the same unto the said City, its successors and assigns forever.

Signed and delivered this 20 day of September, 2010

University Town Center, L.L.C., an Oklahoma limited liability company
by: Sooner Land of Chandler, L.L.C., Manager

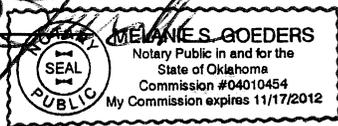
Bob Stearns
Bob Stearns, Manager

ACKNOWLEDGEMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 20th day of September, 2010, personally appeared Bob Stearns to me known to be the identical persons who executed the foregoing grant of easement, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

Melanie S. Goeders
Notary Public


My Commission expires 11-17-12

APPROVED as to form and legality this 11th day of October, 2010
R. B. Me...
City Attorney's Office

APPROVED and accepted by the Council of the City of Norman,
this _____ day of _____, 20__.

ATTEST:

City Clerk

Mayor

EXHIBIT "A"
(SHEET 1 OF 2)

**LEGAL DESCRIPTION FOR
5 FT. WIDE UTILITY EASEMENT
24TH AVENUE N.W.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
SEPTEMBER 16, 2010**

A 5 feet wide utility easement lying in the Northeast Quarter of Section 23, Township 9 North, Range 3 West of the Indian Meridian, City of Norman, Cleveland County, Oklahoma, and being more particularly described as follows:

COMMENCING at the northwest corner of the said Northeast Quarter of Section 23;

THENCE North 89°06'20" East, along the north line of said Northeast Quarter, a distance of 125.01 feet to a point on the east right-of-way line for Interstate Highway 35 as established by that certain PUBLIC HIGHWAY DEDICATION DEED recorded in Book 243, Page 110;

THENCE continuing North 89°06'20" East, along said north line of said Northeast Quarter and, in part, along the north line of the plat of UNIVERSITY NORTH PARK SECTION VI, a Planned Unit Development in the City of Norman, Oklahoma, according to the plat thereof recorded in Book 22 of Plats, Page 4, Cleveland County records, a distance of 1890.00 feet to a point on the easterly right-of-way line for 24th Avenue NW as established by said plat and a point of curvature. THENCE Southerly, along said easterly right-of-way line, on a non-tangent curve to the right having a radius of 1965.41 feet (said curve subtended by a chord which bears South 08°53'15" East a distance of 80.54 feet) for an arc distance of 80.55 feet; THENCE North 40°28'39" East a distance of 33.37 feet to a point of curvature and the POINT OF BEGINNING.

THENCE continuing North 40°28'39" East a distance of 6.28 feet;

THENCE North 89°06'20" East a distance of 0.27 feet to a point of curvature;

THENCE Southerly, on a non-tangent curve to the right having a radius of 1995.41 feet (said curve subtended by a chord which bears South 00°42'20" West a distance of 636.49 feet) for an arc distance of 639.22 feet;

THENCE North 80°07'02" West a distance of 30.00 feet to a point on said easterly right-of-way line and point on a curve.

THENCE Northerly, along said easterly right-of-way line, on a non-tangent curve to the left having a radius of 1965.41 feet (said curve subtended by a chord which bears North 09°48'36" East a distance of 5.00 feet) for an arc distance of 5.00 feet;

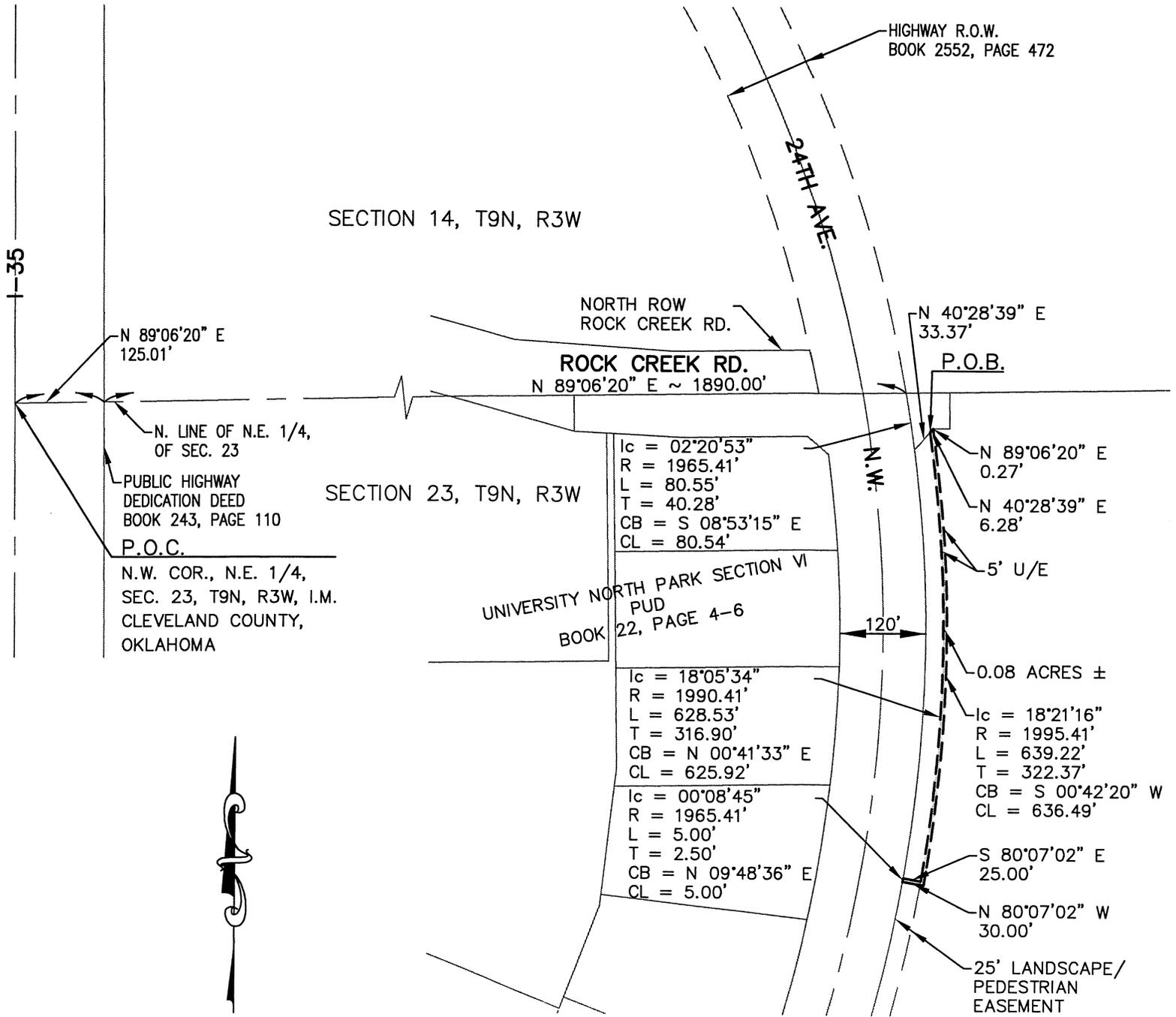
THENCE South 80°07'02" East a distance of 25.00 feet to a point of curvature;

THENCE Northerly on a non-tangent curve to the left having a radius of 1990.41 feet (said curve subtended by a chord which bears North 00°41'33" East a distance of 625.92 feet) for an arc distance of 628.53 feet to the POINT OF BEGINNING.

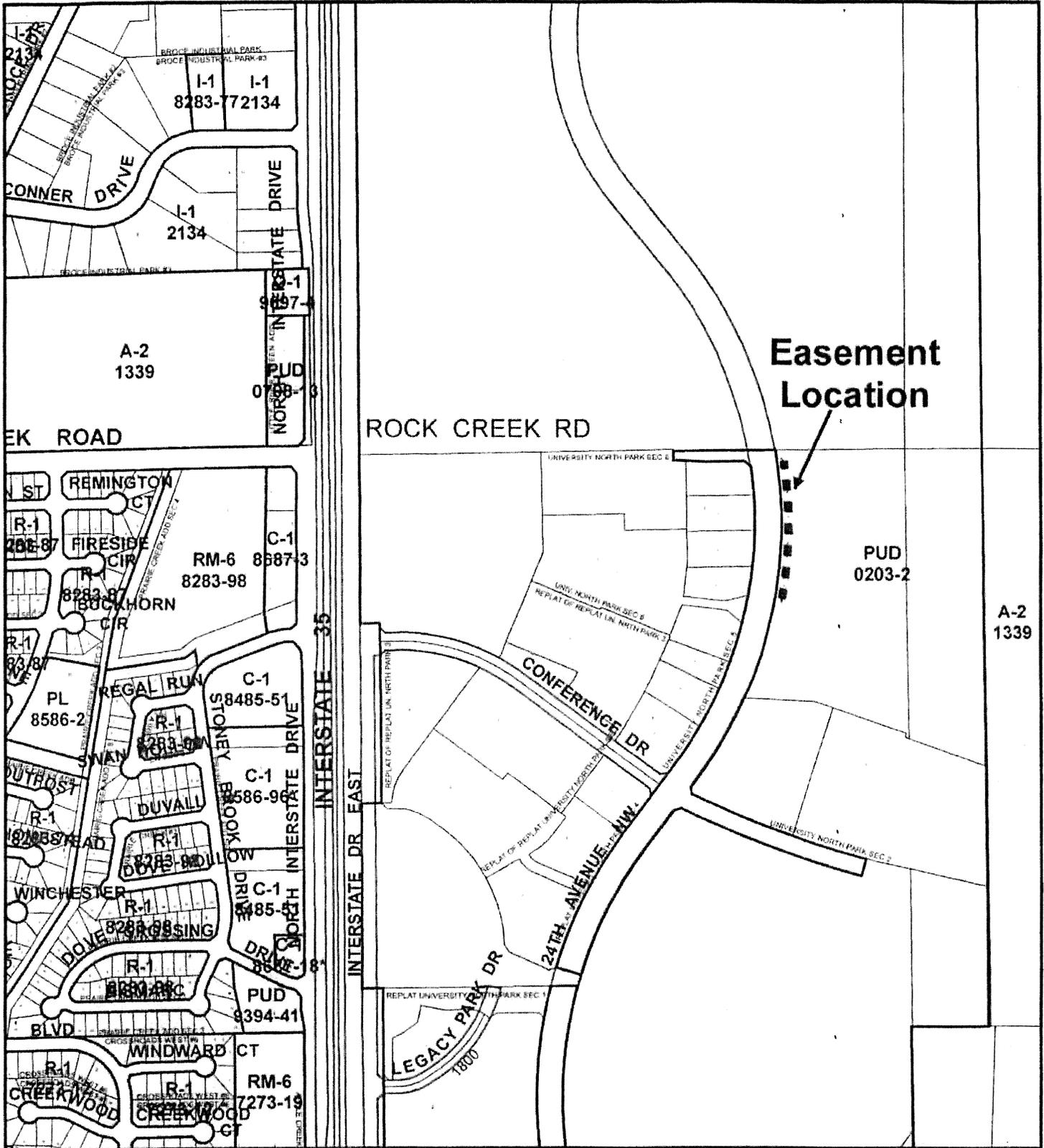
Said tract containing 3,307 square feet or 0.08 acres more or less.

EXHIBIT 'A'
(SHEET 2 OF 2)

LEGAL DESCRIPTION FOR
5 FT. WIDE UTILITY EASEMENT
24TH AVENUE N.W.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
SEPTEMBER 16, 2010



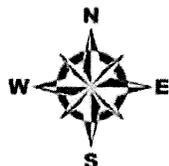
SCALE: 1" = 200'



Location Map



Map Produced by the City of Norman
 Geographic Information System
 (405) 366-5316
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented



October 11, 2010
 0 300 600 Ft.

 Subject Tract
 Zoning



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 16

Text File Number: EN-1011-1

Introduced: 10/14/2010 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Encroachment

Title

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 1011-1 FOR LOT 1, BLOCK 1, HALLBROOKE ADDITION, SECTION 4. (1967 BURNING TREE)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. 1011-1; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by the James Geddes requesting a Consent to Encroach into a City of Norman drainage easement at the above-described property.

DISCUSSION: The application for a consent to encroach concerns the encroachment upon a City of Norman drainage easement for a driveway.

Staff has reviewed the application and the "hold harmless" clause. Therefore, from a legal perspective it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easement.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easement.

RECOMMENDATION: Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council's consideration.

CONSENT

Consent to Encroachment No. 1011-1

WHEREAS, the City of Norman, Cleveland County, is in possession of a drainage easement on the land described as follows, to-wit:

Lot 1, Block 1, Hallbrooke Addition, Section 4 to the City of Norman, Cleveland County, Oklahoma, a/k/a 1967 Burning Tree,

AND WHEREAS, the owner of the above-described property requests that a driveway be allowed to encroach upon an existing drainage easement;

AND WHEREAS, the City has been requested to consent in writing to the driveway on the property being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said driveway on the property being within and upon the drainage easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's drainage easement caused by any excavation or other construction activities conducted on their behalf; and
2. The property owner will be responsible for the cost the City incurs to remove any or all of the driveway, if needed, to facilitate maintenance or repair of the City's utilities; and
3. The property owner will be responsible for the cost to repair or replace any or all of the driveway for such repairs.
4. The property owner waives and releases any claims against the City for any damages to any or all of the driveway and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's drainage facilities within the easement area.

The consent is limited to the driveway as indicated in the application being located within the drainage easement and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing drainage easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said drainage easement, for any purpose associated with the maintenance, construction, relocation, etc. of any drainage located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this ____ day of _____, 2010.

THE CITY OF NORMAN, OKLAHOMA

Mayor

ATTEST:

City Clerk

On this ____ day of _____, 2010, before me personally appeared _____ and _____, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

My Commission Expires: _____

Notary Public

OWNER:

By: James Geddes
James Geddes

By: Shelly Geddes
Shelly Geddes

On this 15th day of October, 2010, before me personally appeared James & Shelly Geddes to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Lou Ellen Usry
Notary Public

My Commission Expires: 5-21-2012



September 8, 2010

Brenda Hall
City Clerk – City of Norman
201 W Gray Street
Norman, OK 73069

Re: Consent to Encroach on Drainage Easement
Hallbrooke Section 4 - Block 1 - Lot 1
1967 Burning Tree, Norman, OK 73071

I am currently in the process of purchasing a lot in the Hallbrooke additional and have started having plans drawn for a new house. The design of the house does fit on the lot; however there will not be enough room to maneuver in and out of the garage without extending part of the driveway over the drainage easement.

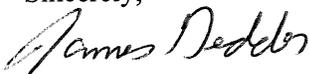
This letter is to request approval to place the back-out drive over the drainage easement. I have included a copy of the proposed layout that shows the area of the drive that will extend over the D/E. The proposed encroachment will cover an area approximately 7.5' x 25' and is only for the Driveway. No permanent structure will be placed over the D/E.

Items to consider:

1. It is understood that the City of Norman will not be responsible for replacement or repairs to the drive in the event that the easement needs to be accessed for maintenance reasons.
2. This is a dedicated D/E and does not include any other utilities
3. The back out drive will not affect the drainage pattern of the area. The driveway will be installed to match the grades to allow the area to properly drain.
4. The encroachment will not affect the manhole or any other part of the drainage structure that is under ground.
5. This encroachment is only for the D/E located on the west side of the property and will not require encroachment on any other U/E's located on the property.

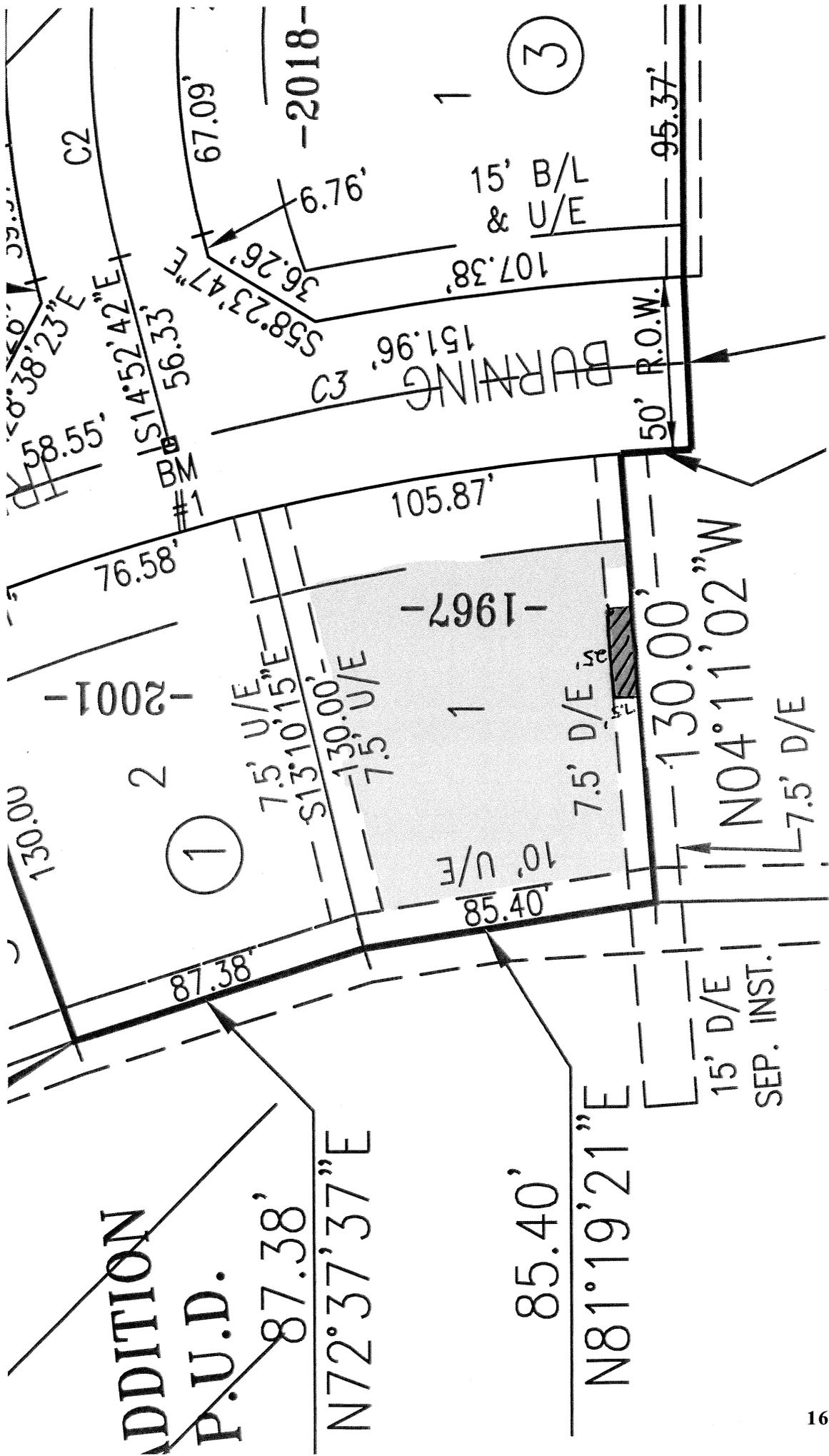
A preliminary/courtesy review has been completed by the division affected and so far no one foresees an issue with this proposed encroachment. Your consideration for approval is greatly appreciated.

Sincerely,



James Geddes
409 Shrill Street
Norman, OK 73071
(405) 830-8881

FILED IN THE OFFICE
OF THE CITY CLERK
ON 9/9/10





DATE: September 9, 2010

TO: Jeff Bryant, City Attorney
Doug Koscinski, Current Planning Manager
Ken Danner, Development Coordinator
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk *BH*

SUBJECT: Consent to Encroachment No. 1011-1

An Encroachment Request was filed in my office today for permission to encroach onto a drainage easement located in Lot 1, Block 1, Hallbrooke Addition, Section 4, better known as 1967 Burning Tree. I am forwarding the letter of request and site plan. The application fee has been paid. Mr. Ken Danner, Development Coordinator, has stated that letters from the utility companies will not be necessary as this is a drainage easement; therefore, the request for encroachment should be scheduled as an agenda item as soon as possible.

It is anticipated this encroachment will be scheduled on the September 28, 2010, agenda. If anything further is needed from my office, please advise.

BH:smr
attachments

office memorandum



The City of
NORMAN

201 West Gray, Bldg. C • P.O. Box 370
Norman, Oklahoma 73069 • 73070

UTILITIES ENGINEERING
Phone: 405-366-5443
Fax: 405-366-5447

office memorandum

Date: September 20, 2010
To: Brenda Hall, City Clerk
From: Jim Speck, Capital Projects Engineer JS
Re: Consent to Encroach 1011-1
Lot 1, Block 1, Hallbrooke Addition, Section 4
1967 Burning Tree

Currently, Lot 1, Block 1, Hallbrooke Addition, Section 4 has a 7.5 foot drainage easement running east-west along the southern property line. The owner requests construction of a driveway, which would extend across the platted 7.5 foot D/E.

No City water or sewer utilities are present within the easement and, therefore, the Utilities Department has no objection to the encroachment as shown.

Cc: Jeff Bryant
Ken Danner
Ken Komiske
Mark Daniels
David Hager



office memorandum

Date: October 13, 2010
To: Blaine Nice, Assistant City Attorney
From: Ken Danner, Development Manager *K.D.*
Subject: Consent to Encroach
Lot 1, Block 1, Hallbrooke Addition, Section 4
1967 Burning Tree

Public Works Department, Engineering Division does not object to the encroachment of a proposed driveway onto a 7.5-foot drainage easement as long as there is a hold harmless clause in the consent document that clearly states replacement of the driveway will be at the total expense of the property owner if street and roadside maintenance has to perform maintenance of an existing 30" reinforced concrete storm sewer pipe. The installation of the driveway will be inspected and not allowed to block any possible storm water overflow.

Utility companies were not notified since this encroachment is located in a drainage easement.

If you have further questions, please feel free to contact me.

KD/tf

Reviewed by: Shawn O'Leary, Director of Public Works *SO*

cc: Brenda Hall, City Clerk
Ken Komiske, Director of Utilities
Greg Hall, Street Superintendent



CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 17

Text File Number: K-0809-117 Chg 2

Introduced: 10/5/2010 by Mark Daniels, Utilities Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0809-117: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$11,900 FOR THE HEADWORKS SCREENING WASHER/COMPACTOR MODIFICATION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Change Order No. Two to Contract No. K-0809-117 with Urban Contractors, L.L.C., increasing the contract amount by \$11,900; and, if approved, authorize the execution thereof, accept the project, and direct final payment in the amount of \$13,930 to Urban Contractors, L.L.C.

ACTION TAKEN: _____

Body

BACKGROUND: The Norman Utilities Authority (NUA) completed installation of the screenings conveyor washing and compactor system in early 2005 under the Wastewater Treatment Plant (WWTP) Headworks project. The conveyor moves wastewater screenings, collected from the two perforated fine screens, horizontally and then vertically from the headwork's area (approximately 15 feet below grade) to the screenings washer/compactor where the screenings are washed and compacted prior to discharge to a solid waste container for disposal.

The operation of the vertical screenings conveyor has been problematic, particularly during peak flow periods or during freezing conditions in the winter, while the horizontal conveyor works well. To resolve the problem, the Headworks Screening Washer/Compactor Modification Project (WW0046) was authorized with a budget of \$100,000. The project eliminated the vertical screw conveyor and relocated the existing screenings compactor from its original above grade location to the bottom of the headworks structure. This allows screenings to be conveyed to the washer/compactor in a horizontal fashion. The relocated compactor will push the washed screenings out of the headworks at a 45-degree angle via a longer compactor discharge chute being supplied under this contract and into the solid waste container.

The design engineer, Camp Dresser and McKee (CDM), acknowledged some responsibility for the poor performance and has provided engineering design of the system modifications, submittal review and construction assistance during the project at no additional charge. Likewise, the conveyor manufacturer has supplied the included conveyor materials at no

cost as documented in Change Order No. 1 to Contract K-0809-117 with Urban Contractors, LLC, which reduced the contract amount by \$35,000 to \$40,600.

DESCRIPTION: Staff recommends approval of final Change Order No. 2 increasing the contract amount by \$11,900 for a revised total of \$52,500. As detailed in the change order, two scope modifications were required. First, the contractor was required to relocate the existing 2-inch non-potable waterline in the headworks structure to avoid the relocated compactor at a cost of \$3,700. Additionally, the contractor was required to demolish a portion of the existing concrete sidewalk and driveway to allow for construction of a new dumpster pad and then reconstruct a portion of the access driveway at a cost of \$8,200. Lastly, due to a very long delivery time for the modified conveyor chute, staff recommends approval of a contract time extension.

The modified conveyor was installed on September 15, 2010 and has been operating successfully since that time. The project was completed in accordance with the contract documents and, upon NUA approval of Change Order No. 2, final payment totaling \$13,930 can be made to Urban Contractors, LLC.

Construction account 032-9911-432.61-01, Headworks Screening Washer/Compactor Modification Project (WW0046), contains unencumbered funds totaling \$24,100. Staff recommends funding Change Order No. 2 for \$11,900 from this account.

RECOMMENDATION: Staff recommends approval of Change Order No. 2 with Urban Contractors, LLC increasing the contract amount by \$11,900 with funding from construction account 032-9911-432.61-01, Headworks Screening Washer/Compactor Modification Project (WW0046); acceptance of the Headworks Screening Washer/Compactor Modification Project; and authorization to make final payment in the amount of \$13,930 to Urban Contractors, LLC.

CHANGE ORDER SUMMARY
 NORMAN UTILITIES AUTHORITY
 CITY OF NORMAN
 CLEVELAND COUNTY, OKLAHOMA

DATE: September 28, 2010
 CHANGE ORDER NO.: Two (2)
 CONTRACT NO.: Contract K-0809-117
 PROJECT: WWTP Headworks Screening Washer/Compactor and Vertical Conveyor Modification/Relocation Project
 CONTRACTOR: Urban Contractors, LLC
7113 N. Bryant
Oklahoma City, OK 73121

Contract Time

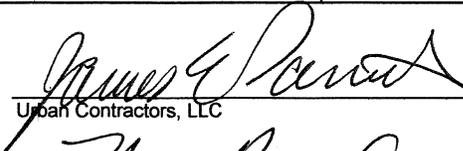
ORIGINAL: 100 Calendar Days
 PREVIOUS CHANGE ORDERS: 0 Calendar Days
 THIS CHANGE ORDER: 365 Calendar Days
 REVISED AMOUNT: 465 Calendar Days

ORIGINAL START DATE: July 27, 2009
 ORIGINAL COMPLETION DATE: November 4, 2009
 PREVIOUS COMPLETION DATE: November 4, 2009
 NEW COMPLETION DATE: November 4, 2010

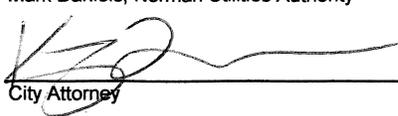
Contract Amount

ORIGINAL: \$75,600.00
 PREVIOUS CHANGE ORDERS: -\$35,000.00
 THIS CHANGE ORDER: \$11,900.00
 REVISED AMOUNT: \$52,500.00

<u>Item Description</u>	<u>\$ Increase</u>	<u>\$ Decrease</u>
Approve 365 calendar day time extension to account for delay by vertical conveyor equipment manufacturer in providing new compactor discharge piping (received 09/02/10).	\$0.00	\$0.00
Relocate 2-inch non-potable waterline and fittings to avoid relocated compactor equipment as detailed on Attachment 1.	\$3,700.00	\$0.00
Demolish existing concrete sidewalk and asphalt driveway to allow construction of new dumpster pad and new access drive to pad as detailed on Attachment 1.	\$8,200.00	\$0.00

SUBMITTED BY
 CONTRACTOR:  Date: 10/5/10
 Urban Contractors, LLC

RECOMMENDED BY
 UTILITIES ENGINEER:  Date: 09-28-10
 Mark Daniels, Norman Utilities Authority

APPROVED AS TO
 FORM AND LEGALITY:  Date: 10/12/10
 City Attorney

ACCEPTED BY
 NORMAN UTILITIES AUTHORITY: _____ Date: _____
 Chairman



received
9-22-10

September 21, 2010

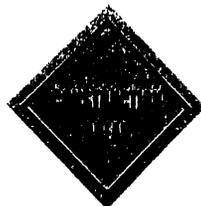
Norman Utilities Authority
3500 S. Jenkins
Norman, OK

Attn: Mr. Ralph Arnett

RE: CHANGE ORDER NO. 1 & 2 Bid/Contract No. B-0809-70, WWTP Headworks Screening Washer/Compactor and Vertical Conveyor Modification/Relocation Project

Change Order No. 1

• Shut off water supply	1	LS	\$200.00	\$ 200.00
• Remove 2" schedule 80 PVC pipe	10	LF	60.00	600.00
• Install 2" ball valve	1	EA	100.00	100.00
• Reroute 2" WL to clear compactor	10	LS	70.00	700.00
• Chipped into concrete wall to Expose 2" air line	1	LS	200.00	200.00
• Welded set of threads onto pipe stub through wall	1	LS	100.00	100.00
• Relocated 2" air line as close to Wall as possible	20	LF	90.00	<u>1,800.00</u>
Total Change Order No. 1				<u>\$3,700.00</u>



Change Order #2

• Saw asphalt to get straight edge	50	LF	\$ 10.00	\$ 500.00
• Remove existing sidewalk to obtain drainage at new dumpster location	7	SY	10.00	70.00
• Place gravel sub base for concrete	8	TON	50.00	400.00
• Place concrete for drive to access dumpster	65	SY	110.00	7,150.00
• Haul off removed asphalt and dirt	10	CY	8.00	<u>80.00</u>
Total Change Order NO. 2				<u>\$8,200.00</u>

Sincerely,


James E. Parrish

Cc: Mark Daniels, P.E. ✓



The City of
NORMAN

P U R C H A S E O R D E R

001/001

PAGE: 1

INVOICE TO:
City of Norman
WASTE WATER TREATMENT PLT
3500 SOUTH JENKINS
NORMAN, OK 73069

P.O. #: 176396

DATE: 08/11/09

VENDOR #
1674

URBAN CONTRACTORS INCORPORATED
P O BOX 12883
OKLAHOMA CITY, OK 73157

SHIP TO:
City of Norman
WASTE WATER TREATMENT PLT
3500 SOUTH JENKINS
NORMAN, OK 73069

DELIVER BY: 08/20/09
SHIP VIA: BEST WAY

F.O.B. DESTINATION

TERMS NET/30

CONFIRM BY

FREIGHT

ACCOUNT NO.
03299114326301

REQUISITIONED BY
LENGLETT/CIP

REQ. NO.
160683

REQ. DATE
08/11/09

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	40600.00	DOL	WWTP HEADWORDS VERTICAL CONVEYOR MODIFICATION CONFIRM PO, DO NOT MAIL. VENDOR ITEM NO.- K-0809-117	1.0000	40600.00
			(Includes Change Order No. 1, Approved with contract 7-14-09)	SUB-TOTAL	40600.00
				TOTAL	40600.00
			Change Order No. 2 to K-0809-117 Contingent on NUA approval 10-26-10		+ 11,900.00
					52,500.00
			Less payments made to date		- 38,570.00
			Final payment due		13,930.00



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 18

Text File Number: K-1011-84

Introduced: 10/11/2010 by Angelo Lombardo, Traffic Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-84; A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND BUCHER, WILLIS AND RATLIFF CORPORATION IN THE AMOUNT OF \$49,975 TO PROVIDE ENGINEERING SERVICES FOR THE DESIGN OF A CONTINUOUS ROADWAY LIGHTING SYSTEM ALONG MAIN STREET, FROM WEST OF MERKLE DRIVE TO UNIVERSITY BOULEVARD.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-84 with Bucher, Willis and Ratliff Corporation in the amount of \$49,975; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: This project will replace the antiquated street lighting system along Main Street, starting west of Merkle Drive and ending at University Boulevard (see attached location map). The new system will feature “green” technology with the use of light-emitting diode (LED) lamps as a pilot project for the first time in the state of Oklahoma. The upgrade is anticipated to save the City approximately \$25,000 per year in operating cost. Design standards will be developed in cooperation with Oklahoma Gas and Electric (OG&E) staff, who has agreed to provide future maintenance of the system as part of the City’s current street lighting contract. The estimated construction cost of \$525,000 will be funded with 100% federal funds as a safety improvement project.

On February 23, 2010, City Council approved Resolution R-0910-89 which was forwarded to both the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation (ODOT) requesting federal funds to pay for 100% of the construction cost in Federal Fiscal Year 2011. In the resolution the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost, which normally is 20% but for this safety project will be 0%.

DISCUSSION: The Public Works Department prepared a Request for Proposal (RFP) to solicit the engineering services necessary to prepare plans, specifications and bid package, and to provide technical assistance throughout the design and construction of the project.

The Public Works Department received four proposals for the Main Street Lighting project. A Selection Committee was formed consisting of John Clink - Capital Projects Engineer, David Riesland - Assistant Traffic Engineer, Angelo Lombardo - City Traffic Engineer, and two private citizens who work for OG&E (Mr. Monty Stutterheim and Mr. Glen Gottschalk). Each proposal was scored independently by each member on a point scale as defined in the Request for Proposal. The proposals were reviewed, and the top two candidates, Traffic Engineering Consultants, Inc. and Bucher, Willis and Ratliff Corporation, interviewed on July 21, 2010. At the end of the process, the committee selected Bucher, Willis and Ratliff Corporation as the most qualified firm because of their experience with roadway lighting design using LED fixtures.

Staff negotiated a \$49,975 contract fee with Bucher, Willis and Ratliff Corporation to provide the previously mentioned design services. The City's Capital budget has funds available for this contract in Account No. 050-9081-431.62-01 - Main Street Roadway Lighting - Design / Project No. TR-0075.

If approved, the design services will be completed by March 2011. A bid letting for the project is anticipated in July 2011. Installation of the new street lighting system will be complete by December 2011. City staff and OG&E officials will then closely monitor the system to determine the effectiveness and cost savings. It is hoped that design standards for LED street lighting systems in Oklahoma will be established with this project.

RECOMMENDATION: Staff recommends approval of Contract No. K-1011-84 with Bucher, Willis and Ratliff Corporation, in the amount of \$49,975 for the consulting engineering services associated with the design of the Main Street continuous roadway lighting project.

AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is entered into between The City of Norman (OWNER) and Bucher, Willis & Ratliff Corporation (CONSULTANT) for the following reasons:

1. OWNER intends to construct "Continuous Roadway Lighting System along Main Street" (the Project); and,
2. OWNER requires certain professional survey, design, analysis and engineering services in connection with the Project (the Services); and,
3. CONSULTANT is prepared to provide the Services.

In consideration of the promises contained in this Agreement, OWNER and CONSULTANT agree as follows:

ARTICLE 1 - EFFECTIVE DATE

The effective date of this Agreement shall be the ___ day of _____, 20__.

ARTICLE 2 - GOVERNING LAW

This Agreement shall be governed by the laws of the State of Oklahoma.

ARTICLE 3 - SCOPE OF SERVICES

CONSULTANT shall provide the Services described in Attachment A, Scope of Services.

ARTICLE 4 - SCHEDULE

CONSULTANT shall exercise its reasonable efforts to perform the Services described in Attachment A according to the Schedule set forth in Attachment B.

ARTICLE 5 - COMPENSATION

OWNER shall pay CONSULTANT in accordance with Attachment C, Compensation. Invoices shall be due and payable upon receipt. OWNER shall give prompt written notice of any disputed amount and shall pay the remaining amount.

ARTICLE 6 - OWNER'S RESPONSIBILITIES

OWNER shall be responsible for all matters described in Attachment D, OWNER'S Responsibilities. OWNER hereby represents that it owns the intellectual property rights in any plans, documents or other materials provided by OWNER to CONSULTANT. If OWNER does not own the intellectual property rights in such plans, documents or other materials, prior to providing same to CONSULTANT, OWNER shall obtain a license or right to use, including the right to sublicense to CONSULTANT. OWNER hereby grants CONSULTANT the right to use the intellectual property associated with plans, documents or other materials it owns or has the right to use for the limited purpose of performing the Services. OWNER represents that CONSULTANT'S use of such documents will not infringe upon any third parties' rights.

ARTICLE 7 - STANDARD OF CARE

The same degree of care, skill, and diligence shall be exercised in the performance of the Services as is ordinarily possessed and exercised by a member of the same profession, currently practicing, under similar circumstances. No other warranty, express or implied, is included in this Agreement or in any drawing, specification, report, opinion, or other instrument of service, in any form or media, produced in connection with the Services.

ARTICLE 8 - INDEMNIFICATION AND LIABILITY

Indemnification. The CONSULTANT and the OWNER each hereby agree to defend, indemnify, and hold harmless the other party, its officers, servants, and employees, from and against any and all liability, loss, damage, cost, and expense (including attorneys' fees and accountants' fees) caused by an error, omission, or negligent act of the indemnifying party in the performance of services under this Agreement. The CONSULTANT and the OWNER each agree to promptly serve notice on the other party of any claims arising hereunder, and shall cooperate in the defense of any such claims. In any and all claims asserted by any employee of the CONSULTANT against any indemnified party, the indemnification obligation shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the CONSULTANT or any of the CONSULTANT'S employees under workers' compensation acts, disability benefit acts, or other employee benefit acts. The acceptance by OWNER or its representatives of any certification of insurance providing for coverage other than as required in this Agreement to be furnished by the CONSULTANT shall in no event be deemed a waiver of any of the provisions of this indemnity provision. None of the foregoing provisions shall deprive the OWNER of any action, right, or remedy otherwise available to the OWNER at common law.

Survival. The terms and conditions of this Article shall survive completion of the Services, or any termination of this Agreement.

ARTICLE 9 - INSURANCE

During the performance of the Services under this Agreement, CONSULTANT shall maintain the following insurance:

- (a) General Liability Insurance, with a limit of \$1,000,000 per occurrence and \$2,000,000 annual aggregate.
- (b) Automobile Liability Insurance, with a combined single limit of \$1,000,000 for each person and \$1,000,000 for each accident.
- (c) Workers' Compensation Insurance in accordance with statutory requirements and Employers' Liability Insurance, with a limit of \$500,000 for each occurrence.
- (d) Professional Liability Insurance, with a limit of \$1,000,000 per claim and annual aggregate.

CONSULTANT shall, upon written request, furnish OWNER certificates of insurance which shall include a provision that such insurance shall not be canceled without at least thirty days' written notice to OWNER. OWNER shall require all Project contractors to include OWNER, CONSULTANT, and its parent company, affiliated and subsidiary entities, directors, officers and employees, as additional insureds on their General and Automobile Liability insurance policies, and to indemnify both OWNER and CONSULTANT, each to the same extent

ARTICLE 10 - LIMITATIONS OF RESPONSIBILITY

CONSULTANT shall not be responsible for (a) construction means, methods, techniques, sequences, procedures, or safety precautions and programs in connection with the Project; (b) the failure of any contractor, subcontractor, vendor, or other Project participant, not under contract to CONSULTANT, to fulfill contractual responsibilities to OWNER or to comply with federal, state, or local laws, regulations, and codes; or (c) procuring permits, certificates, and licenses required for any construction unless such procurement responsibilities are specifically assigned to CONSULTANT in Attachment A, Scope of Services. In the event the OWNER requests CONSULTANT to execute any certificates or other documents, the proposed language of such certificates or documents shall be submitted to CONSULTANT for review at least 15 days prior to the requested date of execution. CONSULTANT shall not be required to execute any certificates or documents that in any way would, in CONSULTANT's sole judgment, (a) increase CONSULTANT'S legal or contractual obligations or risks; (b) require knowledge, services or responsibilities beyond the scope of this Agreement; or (c) result in CONSULTANT having to certify, guarantee or warrant the existence of conditions whose existence CONSULTANT cannot ascertain.

ARTICLE 11 - OPINIONS OF COST AND SCHEDULE

Because CONSULTANT has no control over the cost of labor, materials, or equipment furnished by others, or over the resources provided by others to meet Project schedules, CONSULTANT'S opinion of probable costs and of Project schedules shall be made on the basis of experience and qualifications as a practitioner of its profession. CONSULTANT does not guarantee that proposals, bids, or actual Project costs will not vary from CONSULTANT'S cost estimates or that actual schedules will not vary from CONSULTANT'S projected schedules.

ARTICLE 12 - REUSE OF DOCUMENTS

All documents, including, but not limited to, plans, drawings, and specifications prepared by CONSULTANT as deliverables pursuant to the Scope of Services are instruments of service in respect to the Project. They are not intended or represented to be suitable for reuse by OWNER or others on modifications or extensions of the Project or on any other project. Any reuse without prior written verification or adaptation by CONSULTANT for the specific purpose intended will be at OWNER'S sole risk and without liability or legal exposure to CONSULTANT. OWNER shall indemnify and hold harmless CONSULTANT and its subconsultants against all judgments, losses, damages, injuries, and expenses, including reasonable attorneys' fees, arising out of or resulting from such reuse. Any verification or adaptation of documents will entitle CONSULTANT to additional compensation at rates to be agreed upon by OWNER and CONSULTANT.

ARTICLE 13 - OWNERSHIP OF DOCUMENTS AND INTELLECTUAL PROPERTY

Except as otherwise provided herein, documents, drawings, and specifications prepared by CONSULTANT and furnished to OWNER as part of the Services shall become the property of OWNER; provided, however, that CONSULTANT shall have the unrestricted right to their use. CONSULTANT shall retain its copyright and Ownership rights in its design, drawing details, specifications, data bases, computer software, and other proprietary property. Intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of CONSULTANT.

ARTICLE 14 - TERMINATION AND SUSPENSION

This Agreement may be terminated by either party upon written notice in the event of substantial failure by the other party to perform in accordance with the terms of this Agreement; provided, however, the nonperforming party shall have 14 calendar days from the receipt of the termination notice to cure or to submit a plan for cure acceptable to the other party. OWNER may terminate or suspend performance of this Agreement for OWNER'S convenience upon written notice to CONSULTANT. CONSULTANT shall terminate or suspend performance of the Services on a schedule acceptable to OWNER, and OWNER shall pay CONSULTANT for all the Services performed. Upon restart of suspended Services, an equitable adjustment shall be made to CONSULTANT'S compensation and the Project schedule.

ARTICLE 15 - DELAY IN PERFORMANCE

Neither OWNER nor CONSULTANT shall be considered in default of this Agreement for delays in performance caused by circumstances beyond the reasonable control of the nonperforming party. For purposes of this Agreement, such circumstances include, but are not limited to, abnormal weather conditions; floods; earthquakes; fire; epidemics; war, riots, and other civil disturbances; strikes, lockouts, work slowdowns, and other labor disturbances; sabotage; judicial restraint; and delay in or inability to procure permits, licenses, or authorizations from any local, state, or federal agency for any of the supplies, materials, accesses, or services required to be provided by either OWNER or CONSULTANT under this Agreement. CONSULTANT shall be granted a reasonable extension of time for any delay in its performance caused by any such circumstances.

Should such circumstances occur, the nonperforming party shall, within a reasonable time of being prevented from performing, give written notice to the other party describing the circumstances preventing continued performance and the efforts being made to resume performance of this Agreement.

ARTICLE 16 - NOTICES

Any notice required by this Agreement shall be made in writing to the address specified below:
OWNER:

Angelo Lombardo, P.E.
City Traffic Engineer
City of Norman
P.O. Box 370
Norman, OK 73070

Bucher, Willis & Ratliff Corporation:
Steven D. Harris
Executive Vice President
510 East Memorial Road, Suite A-1
Oklahoma City, Oklahoma 73114-2218

Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of OWNER and CONSULTANT.

ARTICLE 17 - DISPUTES

In the event of a dispute between OWNER and CONSULTANT arising out of or related to this Agreement, the aggrieved party shall notify the other party of the dispute within a reasonable time after such dispute arises. If the parties cannot thereafter resolve the dispute, each party shall nominate a senior officer of its management to meet to resolve the dispute by direct negotiation or mediation.

Should such negotiation or mediation fail to resolve the dispute, either party may pursue resolution of the dispute by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association; provided, however, in the event the parties are unable to reach agreement to arbitrate under terms reasonably acceptable to both parties, either party may pursue resolution in any court having jurisdiction. During the pendency of any dispute, the parties shall continue diligently to fulfill their respective obligations hereunder.

ARTICLE 18 - EQUAL EMPLOYMENT OPPORTUNITY

CONSULTANT hereby affirms its support of affirmative action and that it abides by the provisions of the "Equal Opportunity Clause" of Section 202 of Executive Order 11246 and other applicable laws and regulations. CONSULTANT affirms its policy to recruit and hire employees without regard to race, age, color, religion, sex, sexual preference/orientation, marital status, citizen status, national origin or ancestry, presence of a disability or status as a Veteran of the Vietnam era or any other legally protected status. It is CONSULTANT'S policy to treat employees equally with respect to compensation, advancement, promotions, transfers and all other terms and conditions of employment. CONSULTANT further affirms completion of applicable governmental employer information reports including the EEO-1 and VETS-1 00 reports, and maintenance of a current Affirmative Action Plan as required by Federal regulations.

ARTICLE 19 - WAIVER

A waiver by either OWNER or CONSULTANT of any breach of this Agreement shall be in writing. Such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

ARTICLE 20 - SEVERABILITY

The invalidity, illegality, or unenforceability of any provision of this Agreement or the occurrence of any event rendering any portion or provision of this Agreement void shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement, and the balance of this Agreement shall be construed and enforced as if it did not contain the particular portion or provision held to be void. The parties further agree to amend this Agreement to replace any stricken provision with a valid provision that comes as close as possible to the intent of the stricken provision. The provisions of this Article shall not prevent this entire Agreement from being void should a provision which is of the essence of this Agreement be determined void.

ARTICLE 21 - INTEGRATION

This Agreement, including Attachments A, B, C, and D incorporated by this reference, represents the entire and integrated agreement between OWNER and CONSULTANT. It supersedes all prior and contemporaneous communications, representations, and agreements, whether oral or written, relating to the subject matter of this Agreement.

ARTICLE 22 - SUCCESSORS AND ASSIGNS

OWNER and CONSULTANT each binds itself and its successors, executors, administrators, permitted assigns, legal representatives and, in the case of a partnership, its partners, to the other party to this Agreement and to the successors, executors, administrators, permitted assigns, legal representatives, and partners of such other party in respect to all provisions of this Agreement.

ARTICLE 23 - ASSIGNMENT

Neither OWNER nor CONSULTANT shall assign any rights or duties under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld; provided, however, CONSULTANT may assign its rights to payment without OWNER'S consent. Unless otherwise stated in the written consent to an assignment, no assignment will release or discharge the assignor from any obligation under this Agreement. Nothing contained in this Article shall prevent CONSULTANT from engaging independent CONSULTANTS, associates, and subcontractors to assist in the performance of the Services.

ARTICLE 24 - NO THIRD PARTY RIGHTS

The Services provided for in this Agreement are for the sole use and benefit of OWNER and CONSULTANT. Nothing in this Agreement shall be construed to give any rights or benefits to anyone other than OWNER and CONSULTANT.

IN WITNESS WHEREOF, OWNER and Bucher, Willis & Ratliff Corporation have executed this Agreement.

DATED this ___ day of _____, 20__.

The City of Norman
(OWNER)

Signature _____

Name _____

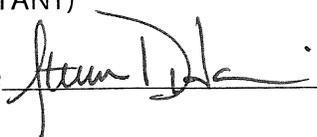
Title _____

Date _____

Attest:

City Clerk

Bucher, Willis & Ratliff Corporation
(CONSULTANT)

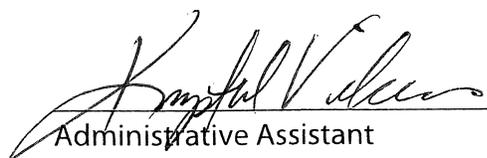
Signature 

Name Steven D. Harris

Title Executive Vice President

Date October 4, 2010

Attest:


Administrative Assistant

Approved as to form and legality this 18th day of October 2010


City Attorney

Attachment A
Scope of Services

- 1) Field Survey the project from west of Merkel Drive and ending at University, along Main Street from R/W to R/W. Intermittent back of curb shots will be collected along Main Street to illustrate curb line and to use for scaling aerial photos to be provided by the Owner GIS system. Utilities located as marked by One-Call services or Owner, along with utility depths for only those accessible by manhole will be surveyed. The survey will be completed in English units using standard BWR survey symbology or National CADD Standards symbology. Electronic files to be delivered in AutoCAD or Microstation format, by Owner, for BWR's use. The scope does NOT include property/boundary survey or full topographic survey. The approximate property lines will be copied from GIS data.
- 2) Research LED lighting manufacturers and roadway lighting fixtures and prepare information for discussion with City, OG&E and ODOT.
- 3) Attend one (1) meeting with City, ODOT, and OG&E to discuss research results and arrive at an LED lighting fixture upon which to base the design for the Main Street Project.
- 4) Visually survey project site to determine existing lighting layout, power sources, and electrical loads and controls to be removed and/or reconnected as part of new roadway lighting project.
- 5) Prepare preliminary plans and specifications for demolition of existing roadway lighting system and the design of new roadway lighting system and submit for review by City.
- 6) Attend one (1) review meeting with City, ODOT and OG&E to review preliminary submittal and receive comments.
- 7) Prepare 100% plans and specifications of new roadway lighting system, incorporating review comments from preliminary review and providing construction details.
- 8) Attend one (1) review meeting with City, ODOT, and OG&E to review 100% plans and specifications and receive comments.
- 9) Prepare final sealed plans and specifications for bidding by Owner.
- 10) Assist during bidding with contractor's questions and preparation of any required addendums.
- 11) During construction review shop drawings for poles, foundations, lighting fixtures, raceway, conductors, etc. to confirm conformance with design intent.
- 12) Visit project site three (3) times, during construction to review progress of work and conformance to plans and specifications.
- 13) Prepare "As-Built" drawings from contractor supplied field red-lined drawings.

Attachment B
Project Schedule

1.	Notice to proceed	November 1, 2010
2.	Survey	November 1 – 16, 2010
3.	LED Lighting Research	November 1 – 16, 2010
4.	Review LED Lighting (City of Norman, OG&E, ODOT, BWR)	November 16, 2010
5.	Preliminary Design Submittal	December 17, 2010
6.	Preliminary Design Review (City of Norman, OG&E, ODOT, BWR)	January 6, 2011
7.	Final Design Submittal	February 10, 2011
8.	Final Design Review (City of Norman, OG&E, ODOT, BWR)	February 17, 2011
9.	Final Sealed Plans and Specifications	March 3, 2011
10.	Project out to Bid	March 3, 2011
11.	Receive Bids	March 31, 2011
12.	Complete Construction	September 1, 2011

Attachment C
Compensation

The Owner agrees to pay the Consultant a lump sum fee of \$49,975 (Forty nine thousand, nine hundred seventy-five dollars) for completion of the project. Refer to following sheets for fee breakdown.

Additional services may be requested by the Owner, beyond those described in Article 3, Scope of Services. Additional services shall be requested in writing, reimbursement for which the Consultant shall be compensated at the following rates of charge:

Principal	\$200/Hour
Senior Project Manager	\$170.00/Hour
Project Manager	\$155/Hour
Senior Engineer	\$140/Hour
Design Engineer III	\$115/Hour
Design Engineer II	\$95/Hour
Design Engineer I	\$85/Hour
Environmental Scientist III	\$110 /Hour
Planner III	\$115 /Hour
Senior Technician	\$100/Hour
Clerical II	\$95/Hour
Clerical I	\$65/Hour
Mileage	\$0.50/Mile
Other	At Cost--

Attachment D
Owner's Responsibilities

The Owner shall provide or perform the following in a timely manner so as not to delay the services of the Consultant and shall bear all costs thereto:

1. Designate in writing a person to act as Owner's representative with respect to the services to be performed or furnished by the Consultant under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define Owner's policies and decisions with respect to the Consultant's services for the Project.
2. Provide all criteria and full information as to Owner's requirements for the Project, including design objectives and constraints, performance requirements, any budgetary limitations; and furnish copies of all standards.
3. Furnish to the Consultant, upon the request of the Consultant for performing the services, data prepared by or services of others, including without limitation explorations and tests of subsurface conditions at or contiguous to the site, drawings of physical conditions in or relating to existing surface or subsurface utilities or structures at or contiguous to the site, pertaining to the Project site and adjacent areas.
4. Be responsible for, and instruct the Consultant to rely upon, the accuracy and completeness of all information furnished pursuant to this Article 3, Owner's Responsibilities. Consultant may use such data and information in performing or furnishing services under this Agreement.
5. Arrange for access to and make all provisions for the Consultant to enter upon public and private property as required for Consultant to perform services under this Agreement.
6. Give prompt written notice to Consultant whenever Owner observes or otherwise becomes aware of any development that affects the Scope of Services or the Time Schedule of the Consultant in the performance or furnishing of the required services for the Project, or any defect or nonconformance in the Consultant's services or in the work of any Contractor.

The City of Norman will provide the following information:

- Aerial Photo of project location to be used in the develop of the plans
- GIS information on Existing ROW
- GIS information on Existing Utilities

City of Norman, Oklahoma
Main Street Lighting
BWR Project No. 2010-0246
Fee Proposal
August 30, 2010

	Hours	Hourly Rate	Cost
1. Research LED Lighting			
a. Project Manager	2	\$165	\$330
b. Electrical Engineer	24	\$125	\$3,000
Task Total			\$3,330
2. Meeting with City, ODOT, & OG&E			
a. Project Manager	8	\$165	\$1,320
Task Total			\$1,320
3. Survey Project Existing Lightng System			
a. Project Manager	2	\$165	\$330
b. Electrical Engineer	8	\$125	\$1,000
c. Engineering Technician	8	\$90	\$720
Task Total (Indicated below)			\$2,050
4. Prepare Preliminary Plans & Specifications			
a. Project Manager	4	\$165	\$660
b. Electrical Engineer	52	\$120	\$6,240
c. Engineering Technician	32	\$90	\$2,880
d. Word Processing	4	\$70	\$280
Task Total			\$10,060
5. Meeting with City, ODOT, & OG&E			
a. Project Manager	6	\$165	\$990
Task Total			\$990
6. Prepare 100% Plans and Specifications			\$0
a. Project Manager	2	\$165	\$330
b. Electrical Engineer	24	\$120	\$2,880
c. Engineering Technician	12	\$90	\$1,080
d. Word Processing	3	\$70	\$210
Task Total			\$4,500
7. Meeting with City, ODOT, & OG&E			
a. Project Manager	6	\$165	\$990
Task Total			\$990
8. Prepare Sealed Plans and Specifications			
a. Project Manager	2	\$165	\$330
b. Electrical Engineer	6	\$120	\$720
c. Engineering Technician	6	\$90	\$540
d. Word Processing	2	\$70	\$140
Task Total			\$1,730

City of Norman, Oklahoma
Main Street Lighting
BWR Project No. 2010-0246
Fee Proposal
August 30, 2010

9. Construction Assistance (Three Days on Site)			
a. Project Manager	3	\$165	\$495
b. Electrical Engineer	6	\$125	\$750
c. Inspector	24	\$90	\$2,160
Task Total			\$3,405
10. As-Built Drawings			
a. Project Manager	2	\$165	\$330
b. Electrical Engineer	4	\$125	\$500
c. Engineering Technician	6	\$90	\$540
Task Total			\$1,370
11. Presentation to City (One Presentation) (Deleted 8-27-2010 per Angelo Lombardo)			
a. Project Manager		\$165	\$0
b. Electrical Engineer		\$125	\$0
c. Engineering Technician		\$90	\$0
Task Total			\$0
Survey Costs (From Attached)			\$18,500
Project Total			\$49,975

BUCHER, WILLIS RATLIFF CORPORATION

CLIENT = CITY OF NORMAN
 PROJECT = MAIN STREET LIGHTING
 BWR JOB NO.= 2010-0246.00

K-1011-84

Task No.	ACTIVITY DESCRIPTION	Prj. Mgr.	R.L.S.	Surveyor	Drafter	Mileage	Meals	GPS	Robot	Direct
2	RESEARCH AND PLANNING OFFICE Benchmarks (NGS, USGS, City, State) Digsafe or One Call Horizontal Control Obtain GIS electronic data	\$47.00	\$27.50	\$24.00	\$26.00	\$0,550	\$12.00	\$35.00	\$25.00	\$1.00
	0,8,0,0,0		1 3 2 2							
	RESEARCH AND PLANNING FIELD									
	0,0,0,0,0									
	FIELD WORK									
	Week #1 Search for Control Monuments Set Control Monuments (approx. 20) Recover Control Bench Marks GPS Site Calibration Meet with Utility Owners/Locators Radial Topography (conventional or GPS) Travel (Edmond to Norman RT)		2 6 1 1 4 18 8	2 6		400	6	2 6 1 1 18	18	
	Week #2 Radial Topography (conventional or GPS) Sanitary Sewer Location and Elevations Storm Sewer (Detail CB's and Manholes) Reference Control, Section Corners Travel (Edmond to Norman RT)		10 8 8 6 8	8 8 6 2			7	10 4 4	10 1	
	0,40,16,0,0									
	OFFICE									
	0,0,0,0,0									
	FINAL PRODUCT Download & Edit Field Data Prepare Preliminary Drawings Review Field notes for Submittal Quality Control/Project Coord		8 24 8	4	8					
	4,40,4,0,8	4								
	TRAVEL COSTS									
	OVERTIME COSTS 8 hr days (approx 0% of field time) = 10 days of survey field time		0	0						
	HOURLY TOTALS COSTS	\$188.00	\$3,520.00	\$672.00	\$208.00	\$440.00	\$156.00	\$1,610.00	\$725.00	\$0.00
		4	128	28	8	800	13	46	29	0

BUCHER, WILLIS RATLIFF CORPORATION

CLIENT = CITY OF NORMAN
 PROJECT = MAIN STREET LIGHTING
 BWR JOB NO. = 2010-0246.00

Task No.	ACTIVITY DESCRIPTION	Pj. Mgr.	R.L.S.	Surveyor	Drafter	Mileage	Meals	GPS	Robot	Direct
		\$47.00	\$27.50	\$24.00	\$26.00	\$0.550	\$12.00	\$35.00	\$25.00	\$1.00

LABOR SUBTOTAL \$4,588.00
 OVERHEAD \$8,946.60
 LABOR + OVERHEAD \$13,534.60
 FIXED FEE \$2,030.19
 LABOR + OVERHEAD + FIXED FEE \$15,564.79
 DIRECT COSTS \$2,931.00
TOTAL PROJECT COSTS \$18,495.79

OVERHEAD FACTOR= 195.00%
 PROFIT FACTOR= 15.00%

SCOPE

Includes:

Field survey and production of survey drawing to determine location of existing utilities and utility structures
 Utility Survey along Main St. covering R/W to R/W, from University Ave. to Merkel.
 Intermittent back of curb shots will be collected along Main Street to illustrate curb line and to use for scaling aerial photos to be provided by the Owner GIS system
 Utilities located as marked by One-Call services or Owner
 Utility depths measured for only those accessible by manhole.
 Survey completed in English units using standard BWR survey symbology or National CADD Standards symbology.
 Electronic files to be delivered in AutoCAD or microstation format.
 Scope does NOT include property/boundary survey or full topographic survey.
 Approximate property lines will be copied from GIS data.

PURCHASE REQUISITION NBR: 0000177462

REQUISITION BY: ALOMBARDO
SHIP TO LOCATION: PUBLIC WORKS ADM
STATUS: ALL ITEMS ON ORDER
REASON: ENGINEERING DESIGN SERVICES - MAIN STREET LIGHTING
DATE: 10/11/10
SUGGESTED VENDOR: 2919 BUCHER, WILLIS AND RATLIFF COR
DELIVER BY DATE: 10/27/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	DESIGN SERVICES - MAIN STREET LIGHTING CIP CONFIRMING P.O. - DO NOT MAIL COMMODITY: ARCHITECTURAL AND ENGINEER SUBCOMMOD: ENGINEERING SERVICES, NON	49975.00	EA	1.0000	49975.00	

REQUISITION TOTAL: 49975.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	05090814316201 Capital Projects Design	TR0075 Main St Roadway Lighting	100.00	49975.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT ON 10/26/10 CITY COUNCIL APPROVAL



CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 19

File Number: K-1011-89

Introduced: 10/11/2010 by John Clink, Capital Projects Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-89: A RELOCATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN AND OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, INC. IN THE AMOUNT OF \$1,533 IN CONNECTION WITH THE ROCK CREEK ROAD AND 24TH AVENUE NW INTERSECTION PROJECT.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-89, a relocation agreement with Oklahoma Natural Gas Company, a Division of ONEOK, in the amount of \$1,533; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Body

BACKGROUND: The Rock Creek Road Overpass Project involves the construction of a new four-lane vehicular bridge over Interstate 35 with 10-foot-wide bike/hike trails on both sides. The project also includes improvements to Rock Creek Road between 24th Avenue NW and 36th Avenue NW. The Rock Creek Road Overpass Project will relieve traffic congestion created by the full build out of the University North Park (UNP) Development located along 24th Avenue NW between Robinson Street and Tecumseh Road.

The intersection of Rock Creek Road and 24th Avenue NW is included in the City's Capital Improvement Program as one of the University North Park Tax Increment Financing (TIF) transportation infrastructure projects. The intersection of Rock Creek Road and 24th Avenue NW was not included in the design of the overpass because:

The intersection is one of the transportation infrastructure improvements included in the original UNP TIF Program;

UNP TIF funding for the intersection was not authorized by Council when the overpass project was authorized to proceed;

ACOG funding for the overpass project cannot be used for aesthetic enhancements at the intersection that do not improve the function of the transportation system.

On August 11, 2009, City Council approved design Contract No. K-0910-48 with SMC Consulting Engineers, P.C. for the design of the intersection of Rock Creek Road and 24th Avenue N.W. The design services include a survey of existing public and private utility systems located near the intersection. That survey revealed an underground natural

gas pipeline owned by Oklahoma Natural Gas Company which must be relocated to avoid a conflict with the pavement.

DESCRIPTION: Existing public and private utilities are currently being relocated for the Rock Creek Road and 24th Avenue NW intersection project. These utility relocations are required due to conflicts with the proposed intersection improvements. Oklahoma Natural Gas Company (ONG) is a franchise utility with most of their facilities located in the City's right-of-way. However, thirty-one (31) feet of their pipeline relocation work is located in their private easement. ONG is required to relocate their facilities located in the City's right-of-way at their expense but the City is required to pay to relocate the portion of the ONG pipeline that is located in a private easement.

ONG is requesting the City authorize the attached relocation agreement as a condition of their relocation of the portion of their pipeline within their easement. ONG is proposing to relocate 820 feet of 6-inch polyethylene gas line located along 24th Avenue NW and 200 feet of 4-inch polyethylene gas line by boring underneath 24th Avenue NW and tying into their existing gas line located on the south side of Rock Creek Road. The cost estimate for relocating the 6-inch gas line is \$44,668 and the cost estimate for relocating the 4-inch gas line is \$9,891 for a total estimated cost of \$54,559. The City is required to pay for relocating 31 feet of the 4-inch gas line that is located in a private easement on the south side of Rock Creek Road. The relocation cost to the City is \$1,533. Funds are available for this project in the Capital Fund, 24th Avenue NW and Rock Creek Road Intersection, Utility Relocation, Account No. 057-9536-431.67-01, Project No. UT0005.

If approved, all utility relocations for this project will be completed by December 2010. A bid letting for the intersection improvements has been scheduled in January 2011. Construction of the intersection improvements will be performed simultaneously with the overpass project in Spring 2011. Both projects are planned to be completed and opened to traffic at the same time, approximately July 2011.

RECOMMENDATION: Staff recommends that Contract No. K-1011-89, with Oklahoma Natural Gas Company, a division of ONEOK, Inc. for \$1,533.00 (Account No. 057-9536-431.67-01, Project No. UT0005) be approved.

**AGREEMENT
GAS FACILITIES RELOCATION
IN THE VICINITY OF NW. 24TH. STREET AND ROCK CREEK ROAD.
NORMAN CITY PROJECT NO. 5029.01
CITY OF NORMAN
CLEVELAND COUNTY**

Oklahoma Natural Gas Company, a Division of ONEOK, Inc., hereinafter called "Company," owns six-inch and four-inch natural gas pipelines within the construction limits of the referenced project in the City of Norman City, Cleveland County, Oklahoma, which Company utilizes in the discharge of its duties as a public service corporation.

City of Norman City, Oklahoma, a municipal corporation, hereinafter called "City," has requested Company to relocate these facilities to accommodate the proposed construction of Norman City Project NO. 5029.01 as shown on plans therefore and initially received by Company on January 12, 2010. City agrees to reimburse Company in the extent and manner hereinafter stated for that portion of the cost of relocating said facilities, which is for the benefit of the City.

Company proposes to perform the necessary relocation of its facilities in substantial accordance with the one plan sheet and the 3 page cost estimate, both dated August 13, 2010 of which two copies each are attached. Company will bear the cost of relocating the portions of the facilities which do not occupy private rights-of-way. The City's share of the estimated cost of the necessary relocation will be \$1,533 all of which is to be reimbursed to Company by City.

City by accepting the proposal agrees that City shall reimburse Company for its share of the total actual relocation costs, said cost being arrived at in the same manner as used in Company's estimated cost of the project attached hereto.

Such Relocation costs will be based upon, but not necessarily limited to, material suppliers', work contractors', and equipment-rental invoices; and at then-current rates and prices, Company's transfer and stores expense record; expense statements; and standard allocated overhead charges. Company's award of and payment for contracted work will be based upon competitive bids or continuing contract, whichever appears to the Company will be most practical and economical.

It is further understood, and City by accepting this proposal agrees, that City will reimburse the Company in accordance with this agreement within thirty (30) days after the said relocation work has been completed and Company's statement for City's costs thereof has been submitted. Company agrees that in the event Company should determine prior to commencement of construction that the revised estimated amount of the reimbursement by the City may exceed the estimated cost as stated herein, Company shall notify the City of such determination in writing. City shall have the right to terminate this agreement within ten (10) days of receipt of such said written notice. If City elects to so terminate, City shall pay Company the City's share of any engineering cost incurred to date of termination. If the City does not terminate the agreement within the ten (10) days, it shall remain in full force and effect.

The Company by agreeing to or by abandoning, relocating, or modifying any of its facilities pursuant to this agreement shall not thereby be deemed to have abandoned, modified, released, or otherwise destroyed any of its rights existing at the time of the execution of this agreement under valid and subsisting private right-of-way easements granted to, obtained by or through condemnation, or otherwise vested in the Company unless the Company shall have released same by written instrument.

Further, should the Company in the course of relocating the above-described facilities relocate any of such facilities presently located on private right-of-way onto public right-of-way, the Company shall be deemed in respect to such facilities to have retained sufficient easement and other rights such that if said facilities are encompassed within any future governmental project requiring relocation, adjustment, or abandonment of such facilities, that the Company shall be entitled to reimbursement for the cost of such relocation, adjustment, or abandonment from the governmental agency requiring the same; provided, however, this provision shall not be construed as requiring reimbursement by the City of Norman City except when such relocation, adjustment, or abandonment is required for a project of the City of Norman City.

Any changes made by the City in this proposal as submitted by the Company shall be subject to the written acceptance thereof by the Company before there is any binding contract between parties.

City by accepting this proposal warrants that it now has or will have unencumbered funds available with which to pay the relocation costs to the extent herein above provided.

If this proposal is not accepted by the City within one (1) year from the date of this letter, this proposal shall automatically terminate and thereafter shall not be subject to acceptance by the City unless the proposal is reinstated by Company.

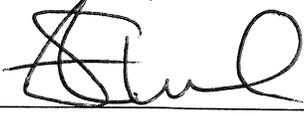
Company respectfully requests that the City of Norman agree to the terms of this proposal by signing in the space provided below and returning one executed copy to us.

ATTEST:

OKLAHOMA NATURAL GAS COMPANY, A
DIVISION OF ONEOK, Inc.



Secretary

By: 

Steve Wood
Vice President – Western Region

Dated: _____

APPROVED AND ADOPTED by the City Council of the City of NORMAN City this _____ day of _____, 2010.

ATTEST:

CITY OF NORMAN CITY
A MUNICIPAL CORPORATION

City Clerk

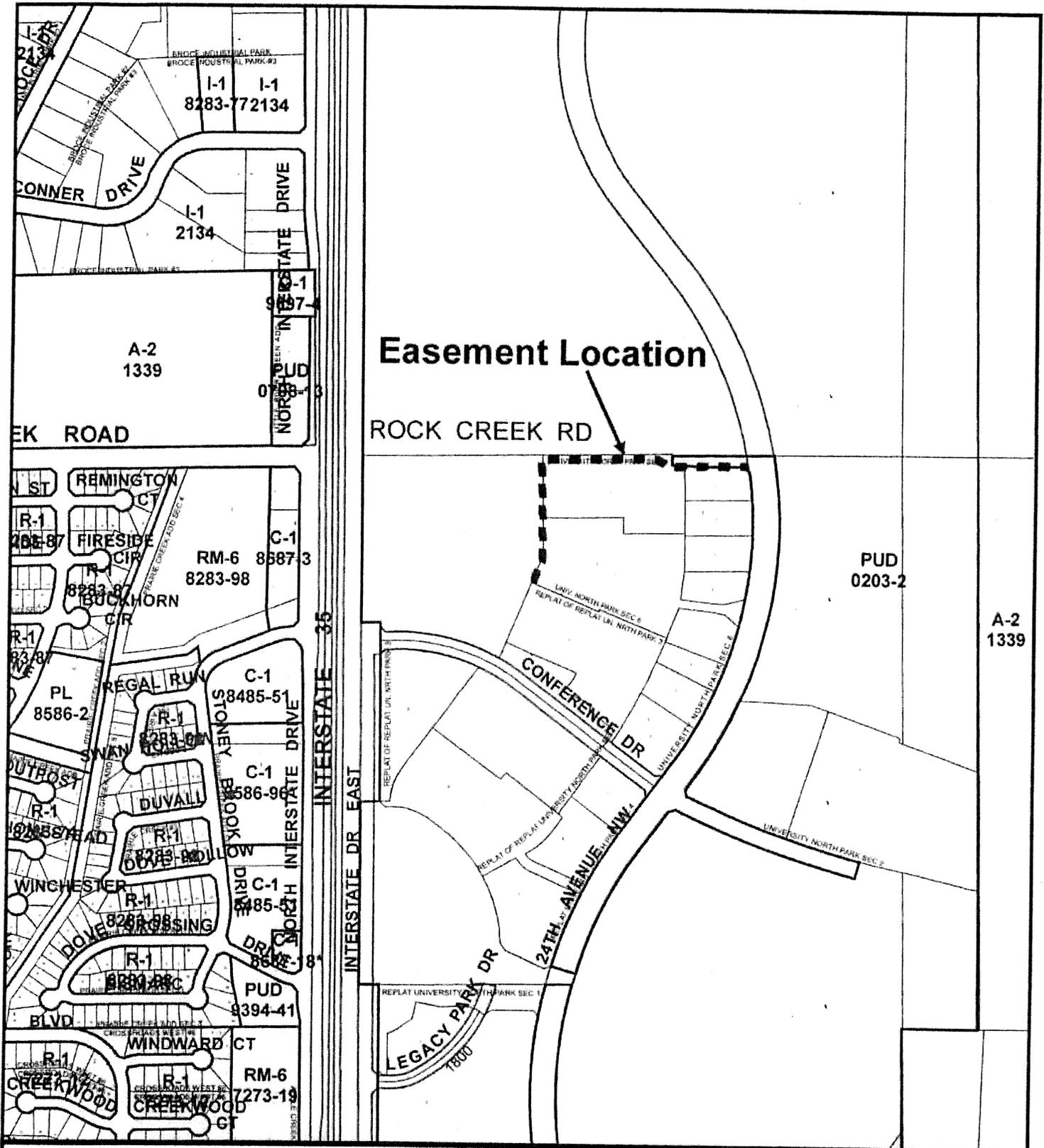
Mayor

APPROVED as to form and legality



Assistant Municipal Counselor

ONG Estimate NO. 2010000339



Location Map



Map Produced by the City of Norman
 Geographic Information System
 (405) 366-5316
 The City of Norman assumes no
 responsibility for errors or omissions
 in the information presented

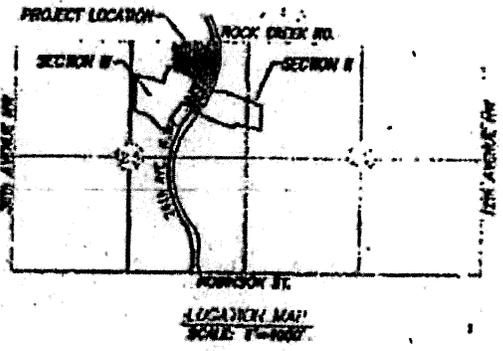
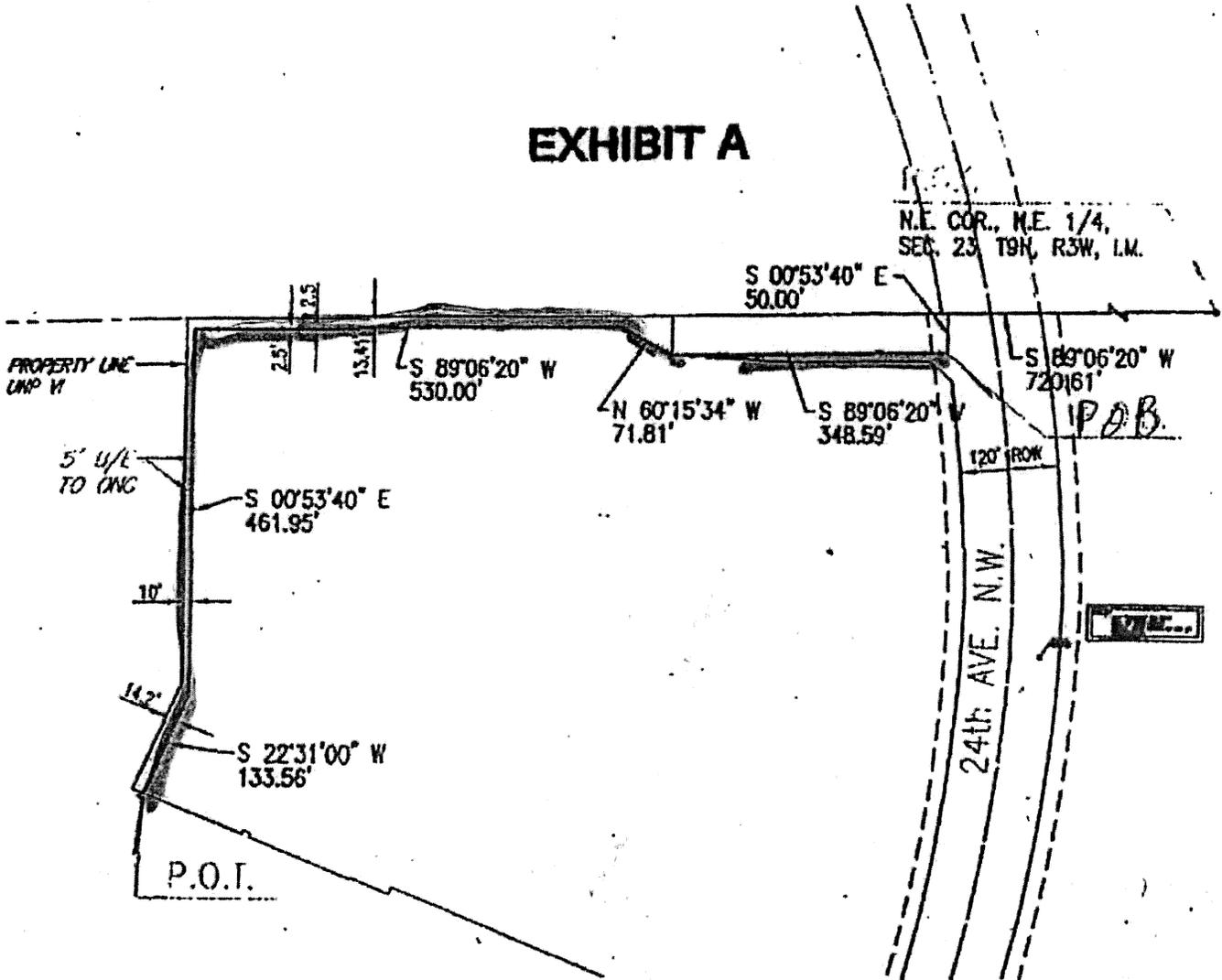


October 11, 2010
 0 300 600 Ft.

-  Subject Tract
-  Zoning

ONG UTILITY EASEMENT
UNIVERSITY NORTH PARK SECTION VI P.U.D.
NORMAN, OKLAHOMA
FEBRUARY 15, 2008

EXHIBIT A



LEGAL DESCRIPTION

ONG UTILITY EASEMENT
UNIVERSITY NORTH PARK SECTION VI P.U.D.
NORMAN, OKLAHOMA
FEBRUARY 15, 2008

A 5 Foot wide ONG Utility Easement lying in the Northeast Quarter (NE/4) of Section Twenty Three (23), Township Nine (9) North, Range Three (3) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the N.E. Corner of said NE/4; THENCE South 89°06'20" West along the North Section line of said Section 23, a distance of 720.61 feet; THENCE South 00°53'40" East a distance of 50.00 feet to the POINT OF BEGINNING;

Said Easement then being 2.50 feet either side of the following described centerline; THENCE South 89°06'20" West a distance of 348.59 feet; THENCE North 60°15'34" West a distance of 71.81 feet; THENCE South 89°06'20" West a distance of 530.00 feet; THENCE South 00°53'40" East a distance of 461.95 feet; THENCE South 22°31'00" West a distance of 133.56 feet to the POINT OF TERMINATION. Sides of said easement being lengthened or foreshortened so as to terminate at their intersection with Parcel Lines.

EXHIBIT A

PURCHASE REQUISITION NBR: 0000177532

REQUISITION BY: JCLINK

STATUS: DIVISION APPROVAL
REASON: UTILITY RELOCATION

SHIP TO LOCATION: PUB WKS- ENGINEERING

DATE: 10/12/10

SUGGESTED VENDOR: 1533 OKLAHOMA NATURAL GAS COMPANY

DELIVER BY DATE: 10/12/10

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	UTILITY RELOCATION COMMODITY: CONSTRUCTION SERVICES, HE SUBCOMMOD: CONSTRUCTION, UTILITY/UND	1533.00	EA	1.0000	1533.00	

REQUISITION TOTAL: 1533.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	05795364316701 Capital Projects Utilities	UT0005 24th & Rock Crk Intersect	1533.00 100.00 1533.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

REQUIRES A LINE ITEM TRANSFER FROM CONSTRUCTION
ACCOUNT 057-9536-431-61-01. UT0005 TO UTILITY
ACCOUNT 057-9536-431-67-01. UT0005. CONTINGENT ON
COUNCIL APPROVAL ON 11/9/2010



CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 20

Text File Number: K-1011-90

Introduced: 10/11/2010 by Angelo Lombardo, Traffic Engineer

Current Status: Consent Item

Version: 1

Matter Type: Contract

Title

CONTRACT NO. K-1011-90: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NO. STP-114B(256)AG, JOB NO. 26840(04) FOR THE PORTER AVENUE WIDENING PROJECT BETWEEN WOODCREST DRIVE TO NORTH OF TECUMSEH ROAD AND ADOPTION OF RESOLUTION NO. R-1011-53.

ACTION NEEDED: Motion to approve or reject Contract No. K-1011-90 with ODOT, and, if approved, adopt Resolution No. R-1011-53 and authorize execution of the contract and resolution.

ACTION TAKEN: _____

Body

BACKGROUND: The City is pursuing the above-referenced project with the Oklahoma Department of Transportation (ODOT) in order to secure federal funds for construction. The purpose of this project is to address the gaps between two and four and/or three and four lanes on Porter Avenue between Woodcrest Drive and Tecumseh Road. Upon completion, a continuous four-lane roadway will be in place with sidewalks on the both sides of Porter Avenue between Rock Creek Road and Tecumseh Road. This project provides traffic safety and traffic capacity enhancements to this fast-growing transportation corridor.

DESCRIPTION: Prior to acquiring right-of-way and relocating any utilities, ODOT requires the City of Norman to enter into a project agreement and to adopt it by resolution. Right-of-way plans have been approved and ODOT has requested approval of the attached agreement.

The agreement addresses the responsibilities of the right-of-way acquisition and utility relocations between the City and ODOT. Four (4) approved copies are needed for execution. Both the resolution and the agreement have been reviewed and approved by staff.

Acquisition of the right-of-way is estimated to take approximately 4-6 months. Once the right-of-way is acquired, utility companies are expected to take approximately six (6) months to relocate their systems. ODOT will then schedule a bid letting for the major roadway and intersection improvements around September 2011. Construction of the project is anticipated to be complete by December 2012.

The Porter Avenue Widening Project is included in the City's 5-year Capital Improvement Program (CIP). The total cost of the project is estimated to be \$2,050,000 while the City's share is \$753,000 or 37%. The project is on time and on budget.

RECOMMENDATION: Staff recommends approval of Contract No. K-1011-90 and Resolution No. R-1011-53 for the Porter Avenue Widening Project.

**RIGHT-OF-WAY, PUBLIC UTILITY
AND ENCROACHMENT AGREEMENT**

This Agreement, made and entered into this ___ day of _____, 20___, by and between the City of Norman, Cleveland County, Oklahoma, hereinafter called the City and the Department of Transportation of the State of Oklahoma, hereinafter called the Department,

Witnesseth:

That for and in consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

In connection with the location and improvement of a portion of the City Street System within the corporate limits of the City, now designated as grade, drain and surface Porter Avenue from Woodcrest Drive to North of Tecumseh Road under plans and specifications for STP-114B(256)AG, Job No. 26840(04).

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official grade and drainage plans of the Underwriter for the streets, boulevards, or arterial highway included therein. Further, and in addition to the provisions contained elsewhere herein, City hereby grants to the Department access to and the use of all rights-of-way belonging to or controlled by the City.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

- (a) Grant to the Department and its contractors, the right-of-entry to all existing streets, alleys, and City owned property when required, and other rights-of-way shown on said plans.
- (b) Remove at its own expense, or cause the removal of, all encroachments on existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.
- (c) Prohibit parking on that portion of the project within the corporate limits of the Local Public Agency.
- (d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulation for Oklahoma Highways", Rev. 5/96, 69 O.S. (2001) § 1210.
- (e) Maintain all right of way acquired for the construction of this project, as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

3. That City will:

- (a) Determine and locate, with the Department's approval, a detour route over existing city streets, if a re-routing of traffic or a detour is necessary during the period of construction.
- (b) Be responsible during or subsequent to construction, for all costs for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.
- (c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

- (d) To the extent permitted by the **Oklahoma Governmental Tort Claims Act**, Title 51 Oklahoma Statutes, Sections 151 *et seq.* and by Oklahoma Constitution Article 10, section 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, its officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the **Oklahoma Governmental Tort Claims Act**, 51 O.S. § 151 *et seq.*, all such limitations, exemptions, and defenses shall be available to and may be asserted by City. No liability shall attach to the Department except as expressly provided herein.
 - e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ's *General Permit OKR10*, dated September 13, 2002, or latest revision, to secure a storm water permit with the ODEQ, for utility relocations when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans
4. That subsequent to the construction of said project, City will:
- (a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

- (b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 OS 2001, Section 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.
 - (c) Regulate and control traffic on said project, including but not limited to, the speed of vehicles, parking, stopping, and turns, in accordance with 47 OS 2001, 15-104, et seq. and to make no changes in the provisions thereof without the approval of the Department.
 - (d) Maintain all that part of said project within the corporate limits of the City.
- 5. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.
- 6. That it will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.
- 7. To acquire all right-of-way, if any, be responsible for the total costs for removing and relocating outdoor advertising signs and for the relocation assistance payments to persons displaced by reason of the acquisition of right-of-way and be responsible for the removal or relocation of all utility lines on public or private rights-of-way to accommodate the construction of this project.
 - (a) Transmit copies of the instruments, including all deeds and easements, to the Department prior to the advertisement of bids for construction.
 - (b) Comply with the provisions of 42 U.S.C.A. § 4601-4655 and 23 U.S.C.A. § 323 (as amended) and, further comply with 49 C.F.R. Part 24 in the acquisition of all necessary right-of-way and relocation of all displacees.

- (c) That as a condition to receiving any Federal Financial Assistance from the Department, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252.42 U.S.C. 2000d-35 seq., and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, "Nondiscrimination of federally-assisted Program of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964".
8. If the acquisition of right-of-way for this project causes the displacement of any person, business or non-profit organization, the City will provide and be responsible for the Relocation Assistance Program and for all costs associated with the relocation assistance payments. The Department, upon request, will supply a list of service providers who have been prequalified to administer the Relocation Assistance Program. The City agrees to employ a service provider from the Department's prequalified list or advise the Department in writing that their in-house personnel have the knowledge, skills, & abilities to effectively manage the Relocation Assistance Program. The City agrees to comply with all applicable rules, regulations, statues, policies and procedures of both the United States and the State of Oklahoma and specifically The Uniform and Relocation Assistance and Real Property Acquisition Act, 49 CFR 24. The City agrees to create & seat a Relocation Assistance Program Appeals Board pursuant to 49 CFR Sec. 24.10 or submit a written request to the Department requesting that the Department function in such capacity on behalf of the City. Before any relocation assistance payments are made by the City, all files with parcels requiring relocation assistance shall be submitted to the Department for audit & compliance review by the Department. The Department shall be notified in writing within seven (7) days of the date of an offer to acquire being provided to a property owner(s) on any parcel which will require relocation assistance. Written notifications regarding service providers, in-house personnel, appeals, offers to acquire, ect. shall be addressed to Acquisition Branch, Right-of-Way & Utilities Division, Oklahoma Department of Transportation, 200 N.E. 21st Street, Oklahoma City, Oklahoma 73105.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the City agrees to construct said project in accordance with said plans and specifications; provided that the right to review and approve and to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the ___ day of _____, 20__, and the State on the ___ day of _____, 20__.

ATTEST:

CITY OF NORMAN

City Clerk

Mayor

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [Signature] DATE 10-11-10

REVIEWED AND APPROVED AS TO
FORM AND LEGALITY

STATE OF OKLAHOMA
DEPARTMENT OF TRANSPORTATION

Chief, Legal Division (ODOT)

Director

RESOLUTION

WHEREAS, it appearing reasonable and necessary for the CITY OF NORMAN , CLEVELAND COUNTY, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as STP-114B(256)AG J/P 26840(04), in accordance with the terms and tenor of 69 O.S. 2001, Sections 1205, 1206, 1401 and 1403.

NOW, THEREFORE, BE IT RESOLVED by the CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, sitting in regular session that such contract be entered and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

CITY CLERK

MAYOR

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [Signature] DATE 10-17-10



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 21

Text File Number: R-1011-56

Introduced: 10/12/2010 by Major Jim Maisano

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-56: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$15,000 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE A CELLULAR PHONE EXAMINATION AND TRANSFER DEVICE AND PAY DATA PHONE SERVICE COSTS FOR THE POLICE DEPARTMENT.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-56.

ACTION TAKEN: _____

Body

BACKGROUND: The mission of the Norman Police Narcotics Division is to protect the lives, liberty, property, and peace of the citizens of Norman by bringing to justice those involved in the illicit manufacture, possession, distribution, sale, or use of drugs. Maintaining quality and timely communications is imperative for safe, effective, and efficient investigations. The technological capabilities provided by data phones, previously purchased with seizure money, have vastly improved communication capabilities for Narcotics Investigators. While use of data phones has proven to be a valuable resource for Narcotics Investigators, data phones used by suspects have presented an increasing demand for technical investigative capabilities. The need for data acquisition and transfer from cellular phones is present in nearly every investigation. This need necessitates immediate access to devices designed to examine and transfer data from cellular phones to electronic files.

DISCUSSION: The appropriation requested for the Narcotics Division will fund data-phone service costs and the acquisition of a cellular phone examination and data transfer device through June 2011. Currently, there are ten non-PSST iPhones in Narcotics with the standard data plan. These needs are directly related to and used in the enforcement of controlled dangerous substance laws by the Norman Police Narcotics Division.

STAFF RECOMMENDATION: It is recommended that \$15,000 be appropriated from the State Seizure Fund Balance account (025-0000-253.20-00) to Plant & Operating Equipment/Crime Prevention expenditure account (025-6038-421.51-20).

Resolution

R-1011-56

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$15,000 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE A CELLULAR PHONE EXAMINATION AND DATA TRANSFER DEVICE AND PAY DATA-PHONE SERVICE COSTS FOR THE POLICE DEPARTMENT.

- § 1. WHEREAS, maintaining quality and timely communications is imperative for safe, effective, and efficient investigations; and
- § 2. WHEREAS, the technological capabilities provided by data phones, previously purchased with seizure money, have vastly improved communication capabilities for Narcotics Investigators; and
- § 3. WHEREAS, the need for data acquisition and transfer from cellular phones is present in nearly every investigation which is directly related to and used in the enforcement of controlled dangerous substance laws by the Police Department.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 4. That the following appropriation be made for the reason as stated above:

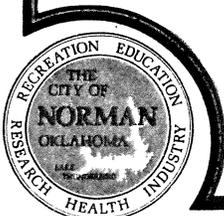
Account Name	Losing Account	Gaining Account	Amount
Plant and Operating Equipment/ Crime Prevention	025-0000-253.20-00	025-6038-421.51-20	\$15,000

PASSED AND ADOPTED this 26th day of October, 2010.

Mayor

ATTEST:

City Clerk





CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 22

Text File Number: R-1011-57

Introduced: 10/13/2010 by Major Jim Maisano

Current Status: Consent Item

Version: 1

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-57: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$9,000 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE EQUIPMENT FOR SPECIALTY WEAPONS USED BY THE SPECIAL WEAPONS AND TACTICS (SWAT) TEAM.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-57.

ACTION TAKEN: _____

Body

BACKGROUND: The mission of the Norman Police Narcotics Division is to protect the lives, liberty, property, and peace of the citizens of Norman by bringing to justice those involved in the illicit manufacture, possession, distribution, sale, or use of drugs. The pursuit of this mission often times requires the acquisition of additional equipment to comply with identified best practices in policing. The Norman Police Department Special Weapons and Tactics (SWAT) team is a resource available to the Narcotics Division. When called upon, SWAT may render aid in the area of surveillance and warrant services. The Narcotics Division requests SWAT team assistance in incidents where the advanced training and capabilities of SWAT offer a greater degree of safety to the community, officers, and suspects. As a Narcotics Division resource the SWAT team maintains training and equipment capabilities above that of a standard first responder.

DISCUSSION: The appropriation requested will fund the acquisition of equipment to accessorize specialty weapons used by the Special Weapons and Tactics (SWAT) team. The equipment includes lighting, sighting, ammunition magazines, and retention devices. The equipment requested is necessary to maintain capacity in the area of SWAT.

STAFF RECOMMENDATION: It is recommended that \$9,000 be appropriated from the State Seizure Fund Balance account, 025-0000-253.20-00, to the Other Supplies/Materials - Firearms and Ammunition expenditure account, 025-6035-412.31-12.

Resolution

R-1011-57

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$9,000 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE SPECIALTY WEAPON EQUIPMENT FOR THE SPECIAL WEAPONS AND TACTICS (SWAT) TEAM.

- § 1. WHEREAS, the SWAT Team renders aid in the area of surveillance and warrant services; and
- § 2. WHEREAS, the pursuit of this mission requires the acquisition of additional equipment to comply with identified best practices in policing; and
- § 3. WHEREAS, the Narcotics Division requests SWAT Team assistance in incidents where the advanced training and capabilities of SWAT offer a greater degree of safety to the community, officers, and suspects.
- § 4. WHEREAS, the Narcotics Division requests an appropriation to fund the acquisition of equipment to purchase equipment for specialty weapons used by the SWAT Team.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 5. That the following appropriation be made for the reason as stated above:

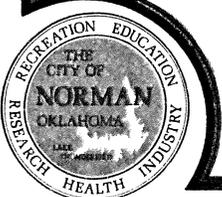
Account Name	Losing Account	Gaining Account	Amount
Other Supplies/Materials/ Firearms and Ammunition	025-0000-253.20-00	025-6035-421.31-12	\$9,000

PASSED AND ADOPTED this 26th day of October, 2010.

Mayor

ATTEST:

City Clerk





CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 23

Text File Number: 2010-06038A

Introduced: 10/8/2010 by Blaine Nice, Assistant City Attorney

Current Status: Consent Item

Version: 1

Matter Type: Settlement

Title

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$18,810 REGARDING TABITHA NATION VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-06038 A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of \$18,810 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Body

BACKGROUND: Tabitha Nation is a Parking Service Officer with the Norman Police Department. She filed Workers' Compensation claim WCC 2010-06038 A on May 28, 2010, alleging injury to her left knee with consequential injury to her left foot. The case proceeded through the normal litigation process and a trial was held on September 29, 2010. The Court Order is being presented to City Council at this time. It is recommended that this Order be accepted.

DISCUSSION:

Nature of Claim. Tabitha Nation was hired by the City on June 14, 2005 as a Communication Officer and on February 29, 2008 transferred to the Parking Service Division. She filed a Workers' Compensation claim alleging an injury when she stepped off a curb twisting her left knee and ankle.

Issues for Trial. There is no question Ms. Nation's injury arose out of and in the course of her employment with the City. Therefore, the only issue before the Workers' Compensation Court in this case was the nature and extent of Ms. Nation's injury. Nature and extent is determined by the trial judge based on the claimant's testimony and expert medical evidence. Permanent partial disability ("PPD") is a factual determination made by the Workers' Compensation Court trial judge based upon the evaluating doctors' opinions regarding the extent of permanent partial impairment. The Workers' Compensation Court Judge is free to accept either doctors' opinion or find anywhere within the range of competent medical evidence presented.

On April 6, 2010, Ms. Nation was evaluated by Dr. M. Stephen Wilson who opined 35% PPD to the left knee. This rating equates to \$32,917.50. On August 25, 2010, Ms. Nation was evaluated by the City's doctor, Dr. Kent Hensley, who opined 14% PPD to the left knee. This rating equates to \$13,167. The trial judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Ms. Nation for her injuries total \$32,917.50.

Court Award. This case was heard by the Workers' Compensation Court on September 29, 2010. After hearing the Claimant's testimony and considering the expert medical evidence, the Court opined that Claimant sustained 20% PPD to the left knee. The Court's findings are set out in Paragraph No. 8 of the Order, *see* Attachment 1, as follows:

"THAT claimant has sustained permanent anatomical abnormalities to her LEFT KNEE which are causally related to her accidental personal injury, herein. THEREFORE, as a result of said injury, claimant sustained 20 percent permanent partial disability to the LEFT LEG (KNEE), for which claimant is entitled to compensation for 55 weeks at \$342 per week, or the total amount of \$18,810.00 of which 47 weeks have accrued and shall be paid in a lump sum of \$16,074.00"

As can be noted in Paragraph No. 8 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Ms. Nation's weekly wage PPD rate is \$342. Because all weeks will be accrued at the time the payment can be rendered subsequent to Council approval, the Award will be paid in a lump sum to Ms. Nation and her attorney in the amount of \$18,810.

Also, as noted in Paragraphs No. 7 and 8 of the Order, the City will incur additional costs and fees as follows: Workers' Compensation Administrative Tax Fund, \$376.20; Occupational & Health Trust Tax Fund, \$141.08; and Workers' Compensation Filing Fee, \$75.00. Additionally, the filing fee to file the judgment at Cleveland County District Court is \$118.00. The total expenses are \$710.28 bringing the total cost of this Award to \$19,520.28.

RECOMMENDATION: The issue tried on September 29, 2010 was the nature and extent of Ms. Nation's left knee injury. It is not anticipated a more favorable ruling for the City could be achieved by further litigation. Moreover, the ruling is less than one-third of the difference in the doctors' opinions. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined in Attachment 2. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 2b, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

-5-

THAT claimant's accidental personal injury on or about APRIL 1, 2009, to her LEFT LEG (KNEE) arose out of and in the course of her employment with the respondent.

- 6 -

THAT at time of injury, claimant's wages were sufficient to establish the rate of compensation at \$342.00 per week for permanent partial disability.

- 7 -

THAT temporary total disability is not an issue herein.

-8-

THAT claimant has permanent anatomical abnormalities to her LEFT LEG (KNEE) which are causally related to her accidental personal injury, herein. THEREFORE, as a result of said injury, claimant sustained 20 percent permanent partial disability to the LEFT LEG (KNEE), for which claimant is entitled to compensation for 55 weeks at \$342.00 per week, or the total amount of \$18,810.00 of which 47 weeks have accrued and shall be paid in a lump sum of \$16,074.00.

- 9 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$16,074.00 and pay the balance of said award at the rate of \$342.00 per week until the total award of \$18,810.00 (less attorney fee) has been paid to claimant.

- 10 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of \$141.08, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay \$376.20 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 11 -

THAT pursuant to Title 85 O.S. Section 93, a final award fee of seventy-five dollars (\$75.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 12 -

THAT the sum of \$3,762.00 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/s/ 
GENE PRIGMORE, JUDGE

pp/TSamples

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: GREG A BARNARD
225 N PETERS
NORMAN, OK 73069-7232

Respondent's Attorney: R BLAINE NICE
PO BOX 370
NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

Robert J. Sharp



Court Clerk
September 29, 2010

PURCHASE REQUISITION NBR: 0000177408

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP AWARD

DATE: 10/08/10

REQUISITION BY: DJOHNSON

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: TABITHA NATION & GREG BARNARD ✓

DELIVER BY DATE: 10/27/10

1 WORKERS COMP AWARD
NATION V. CON; 2008-06038 A (LEFT KNEE); CONTINGEN
T UPON COUNCIL APPROVAL ON 10-26-10; MAKE CHECK PA
YABLE TO TABITHA NATION AND GREG BARNARD; SEPARATE
CHECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

1.00 EA 18810.0000 18810.00 ✓

REQUISITION TOTAL: 18810.00

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	01030024152131	Other Salary Orders/Settlements	18810.00
		\$ 100.00	18810.00

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO TABITHA NATION AND GREG BARNARD; SEPARATE CHECK; RETURN CHECK TO LEGAL.

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000177410

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL

DATE: 10/08/10

REASON: WORKERS COMP ADMIN TAX FUND

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION ✓

DELIVER BY DATE: 10/27/10

2267

376.20

1.00 EA 376.2000 ✓

1 WORKERS COMP ADMIN TAX FUND
NATION V. CON; WCC 2010-06038 A; (LEFT KNEE); CONT
INGENT UPON COUNCIL APPROVAL ON 10-26-10; SEPARATE
CHECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

REQUISITION TOTAL: 376.20

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	01030024152133 ✓	Other Salary Administration Fund	100.00	376.20
				376.20

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000177412

REQUISITION BY: DJOHNSON
STATUS: DIVISION APPROVAL
REASON: WORKERS COMP SPECIAL TAX FUND
SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN
SHIP TO LOCATION: LEGAL DEPARTMENT
DATE: 10/08/10
DELIVER BY DATE: 10/27/10

1.00 RA 141.0800 141.08 1950

1 WORKERS COM SPECIAL TAX FUND
NATION V. CON: WCC 2010-06038 A; (LEFT KNEE); CONT
INGENT UPON COUNCIL APPROVAL ON 10-25-10; SEPARATE
CHECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMM: WORKER'S COMPENSATION

REQUISITION TOTAL: 141.08

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	01030024152135	Other Salary Spec Occ Health & Safety	100.00	141.08

REQUISITION COMMENTS:
SEPARATE CHECK; RETURN CHECK TO LEGAL.

REQUISITION IS IN THE CURRENT FISCAL YEAR.

PURCHASE REQUISITION NBR: 0000177413

REQUISITION BY: DJOHNSON STATUS: DIVISION APPROVAL DATE: 10/08/10
REASON: WORKERS COMP FILING FEE ✓
SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT DELIVER BY DATE: 10/27/10

1 WORKERS COMP FILING FEE 1.00 EA 75.0000 75.00 2268
NATION V. CON; WCC 2010-06038 A; (LEFT KNEE); CONT
INGENT UPON COUNCIL APPROVAL ON 10-26-10; SEPARATE
CHECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMM: WORKER'S COMPENSATION

REQUISITION TOTAL: 75.00

A C C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	01030024154704	Miscellaneous Services	100.00	75.00
		Other Filing Fees		75.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:
SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000177414

REQUISITION BY: DJOHNSON
STATUS: DIVISION APPROVAL
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE
DATE: 10/08/10
SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK
DELIVER BY DATE: 10/27/10

SHIP TO LOCATION: LEGAL DEPARTMENT

1 WORKERS COMP CLEVELAND COUNTY FILING FEE
NATION V. COM; WC 2010-06038 A; (LEFT KNEE) CONTIN
GENT UPON COUNCIL APPROVAL ON 10-26-10; SEPARATE C
HECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

434

118.00

1.00 EA

118.0000

REQUISITION TOTAL: 118.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	01030024154703	Miscellaneous Services District Court Filing Fee	100.00	118.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.



**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 24

File Number: R-1011-52

Introduced: 10/14/2010 by Blaine Nice, Assistant City Attorney

Current Status: Non-Consent Items

Version: 1

Matter Type: Resolution

Title

RESOLUTION NO. R-1011-52: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF OBTAINING A RIGHT-OF-WAY FOR THE RAW WATER LINE PROJECT, PHASE I, IN THE CITY OF NORMAN, SUCH PROPERTY TO BE USED FOR WATERLINE REPLACEMENT; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR WATERLINE REPLACEMENT PURPOSES; AND DECLARING AN EMERGENCY.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-52.

ACTION TAKEN: _____

Body

BACKGROUND: On July 27, 2010, Council approved and awarded Bid No. 0910-61 and associated contract and bonds for the Raw Water Line Project, Phase I. The water line conveys water from Lake Thunderbird to the Water Treatment Plant. The award for Phase I is to replace and relocate 2.25 miles of the existing 30-inch pipe with a new 48-inch pipe.

DISCUSSION: Phase I of the Raw Water Line Project requires relocation of the replacement water line. Therefore, it was necessary to acquire temporary and/or permanent easements from property owners, in fee simple, for the necessary relocation. All easements have been acquired with the exception of one parcel. This parcel belongs to Donald D. and Scarlet L. Langford. While the City Attorney's office will continue to negotiate to obtain the required easement, time constraints make necessary the filing of eminent domain proceedings to acquire that easement.

STAFF RECOMMENDATION: Based upon the above and foregoing, City Staff presents for Council's consideration Resolution No. R-1011-52 authorizing the City Attorney's office to proceed with an eminent domain lawsuit to acquire the remaining necessary easement for the Raw Water Line Project - Phase I.

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF OBTAINING A RIGHT-OF-WAY FOR THE RAW WATER LINE PROJECT, PHASE I, IN THE CITY OF NORMAN, SUCH PROPERTY TO BE USED FOR WATERLINE REPLACEMENT; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR WATERLINE REPLACEMENT PURPOSES; AND DECLARING AN EMERGENCY.

- § 1. WHEREAS, the City of Norman has located and proposed a waterline replacement necessity for the transfer of raw water from Lake Thunderbird to the Water Treatment Plant; and
- § 2. WHEREAS, Contract No. K-0910-172 and related bonds were approved by City Council for the Raw Water Line Project, Phase I, on July 27, 2010; and
- § 3. WHEREAS, the City of Norman has found it necessary to appropriate the hereinafter described tract of land for the above-designated public purpose; and
- § 4. WHEREAS, the City of Norman made a diligent effort, in good faith, to acquire, by purchase, from the owners thereof, the tract of land hereinafter described and the said owners have refused, and still refuse, to grant and convey to the City of Norman the lands necessary for street purposes as aforesaid.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA;

- § 5. That the acquisition and appropriation of the hereinafter described real estate is necessary for the purpose of raw waterline replacement from Lake Thunderbird to the Water Treatment Plant. The property to be acquired is more particularly described in the attached Exhibit "A." All acquisition is to be in fee simple title unless otherwise specified in attached Exhibit "A;" and
- § 6. That the City of Norman has heretofore offered to the owners of said property a fair, just and reasonable price for the purchase of said land and that the said offer has been rejected and all negotiations and efforts to purchase the said real property, by agreement, have failed; and

- § 7. That the City Attorney is hereby authorized and directed to institute eminent domain proceedings for condemnation of the hereinabove described real property for the public purposes as heretofore stated; and
- § 8. That an emergency exists for the preservation of public peace, health, safety and welfare, by reason whereof this Resolution shall take effect immediately from and after its adoption and approval.

PASSED AND ADOPTED this _____ day of October, 2010.

Mayor

ATTEST:

City Clerk

City of Norman
RAW Waterline Phase 1
Parcel 4

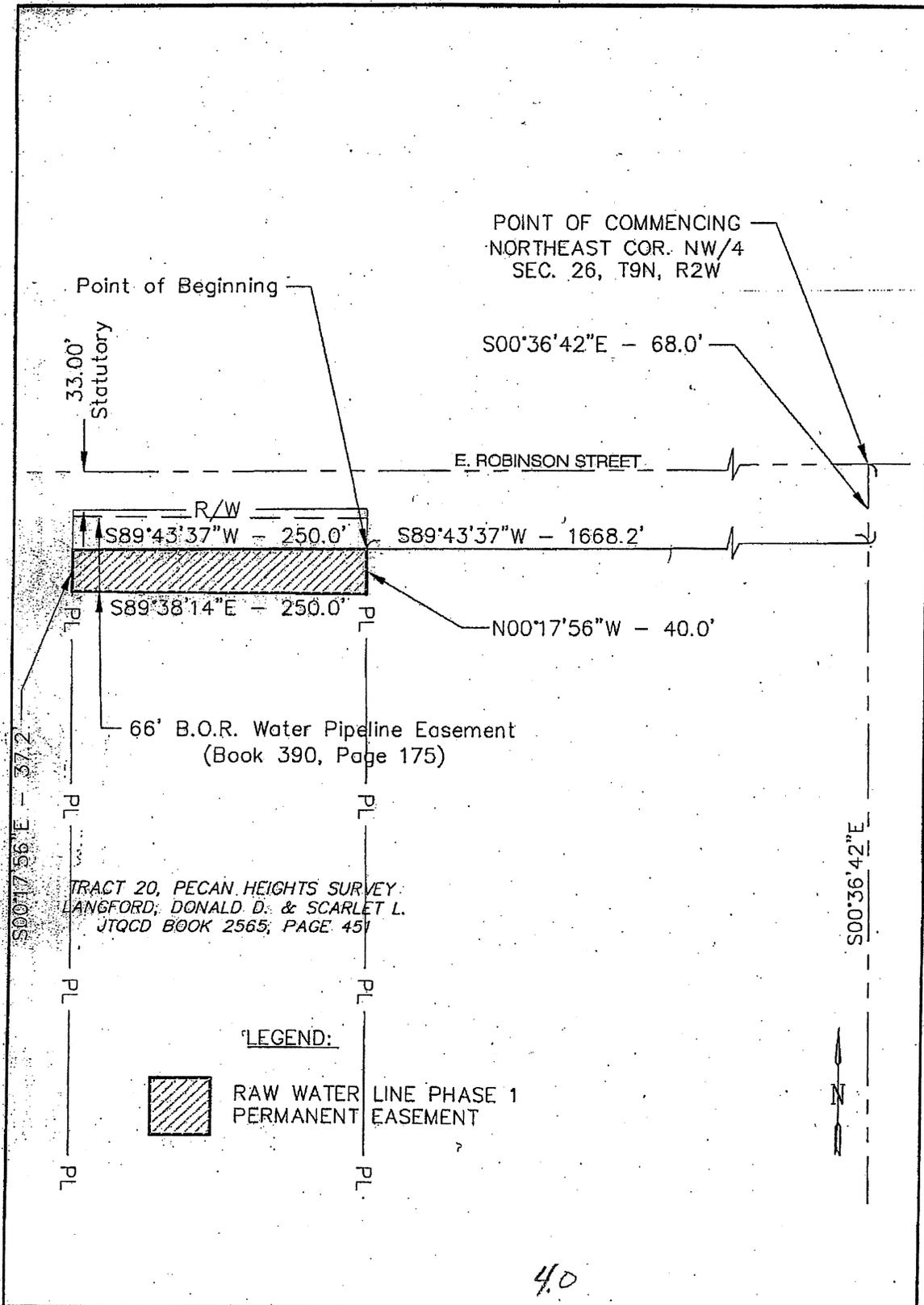
EXHIBIT "A"

A portion of the following easement south of the Robinson Street south right-of-way as recorded in Book 390 page 175, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Northeast Corner of the Northwest Quarter of Section 26, T9N, R2W, I.M. Cleveland County, Oklahoma; Thence South zero degrees thirty-six minutes forty-two seconds East ($S00^{\circ}36'42''E$) along east line of said NW/4 a distance of sixty-eight and zero tenths (68.0) feet to the; Thence South eighty-nine degrees forty-three minutes thirty-seven seconds West ($S89^{\circ}43'37''W$) a distance of one thousand six hundred sixty-eight and two tenths (1,668.2) feet to a point on the east property boundary and the Point of Beginning; Thence continuing South eighty-nine degrees forty-three minutes thirty-seven seconds West ($S89^{\circ}43'37''W$) a distance of two hundred fifty and zero tenths (250.0) feet to a point on the west property boundary; Thence South zero degrees seventeen minutes fifty-six seconds East ($S00^{\circ}17'56''E$) along the west property boundary a distance of thirty-seven and two tenths (37.2) feet to a point on the south easement line of the Norman Project Pipeline; Thence South eighty-nine degrees thirty-eight minutes fourteen seconds East ($S89^{\circ}38'14''E$) along the south easement line of the Norman Project Pipeline a distance of two hundred fifty and zero tenths (250.0) feet to a point on the east property boundary; Thence North zero degrees seventeen minutes fifty-six seconds West ($N00^{\circ}17'56''W$) along the east property boundary a distance of forty and zero tenths (40.0) feet to the Point of Beginning.

Contains 0.22 acres (9,648.0 square feet) more or less, as shown on the parcel map marked Exhibit "1" attached hereto and made a part hereof.

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating public raw water transmission lines.



Point of Beginning

POINT OF COMMENCING
NORTHEAST COR. NW/4
SEC. 26, T9N, R2W

33.00'
Statutory

S00°36'42"E - 68.0'

E. ROBINSON STREET

R/W

S89°43'37"W - 250.0'

S89°43'37"W - 1668.2'

S89°38'14"E - 250.0'

N00°17'56"W - 40.0'

66' B.O.R. Water Pipeline Easement
(Book 390, Page 175)

S00°17'56"E - 37.2'

S00°36'42"E

TRACT 20, PECAN HEIGHTS SURVEY
LANGFORD, DONALD D. & SCARLET L.
JTQCD BOOK 2565, PAGE 451

LEGEND:



RAW WATER LINE PHASE 1
PERMANENT EASEMENT

40

Sheet Number 1	Job No. 06420630 Date: NOV, 2008 Designed by: JGC Drawn by: MRH	RAW WATER LINE PROJECT PHASE 1 <small>NORMAL, OKLAHOMA</small>			REV. DATE DESCRIPTION BY APPROVED	EXHIBIT #1
		RAW WATER LINE EASEMENT PROJECT NUMBER K-0607-96			GARVER ENGINEERS <small>1810 S.W. AVENUE SUITE 100 NORMAN, OKLAHOMA 73061 (405) 824-8802</small>	



E-1011-09 (Permanent)
Langford, Donald D & Scarlet L

1" = 300'
October 15, 2010

- Hydrology
- Roads
- Parcels
- Proposed Permanent Easement

Langford Property Location Map

Map Produced by the City of Norman
Geographic Information System
(405) 217-7221
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.





**CITY COUNCIL AGENDA
OCTOBER 26, 2010**

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 25

Text File Number: O-1011-21

Introduced: 9/28/2010 by Kathryn Walker, Asst City Attorney II

Current Status: Non-Consent Item

Version: 1

Matter Type: Ordinance

Title

ORDINANCE NO. O-1011-21: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 21-104, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE UTILITY SERVICE DEPOSIT FOR CERTAIN DWELLING UNITS; INCREASING THE FEE FOR SERVICE DISCONTINUANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-21 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-21 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The Council Finance Committee met on September 2, 2010 and again on September 15, 2010 to discuss ways to adjust the FYE2011 budget. The Finance Committee identified two fees where the fee charged was not sufficient to cover the cost of providing the service.

DISCUSSION: Currently, the City requires payment of a service deposit when one desires to use the City's utility services (Section 21-104). The deposit varies from \$15.00 (Mobile home spaces) to \$150.00 (Industrial customers). Single-family units are required to deposit \$60.00. Other dwelling units using a master meter (such as apartment buildings) are required to deposit \$20.00. The proposed ordinance would increase this fee from \$20.00 to \$30.00.

The fee currently charged in Section 21-107(c) is charged when the City discontinues services for utilities. The current fee is \$15.00 for each trip made under an order of discontinuance. This includes trips to the customer's location to retrieve polycarts or turn off the water supply. The proposed ordinance would increase this fee to \$50.00.

STAFF RECOMMENDATION: This ordinance was prepared based on discussion and feedback by the Council Finance Committee. Staff recommends its approval on second reading.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 21-104, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE UTILITY SERVICE DEPOSIT FOR CERTAIN DWELLING UNITS; INCREASING THE FEE FOR SERVICE DISCONTINUANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED THAT THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, Section 21-104 of Chapter 21 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

Section 21-104. Utility service deposits.

(a) Except for federal, state, county, and other governmental users, any person desiring to use the City utility services shall place with the City Controller a service deposit according to the following minimum schedule:

(1) Single family unit, individually metered, per unit	\$60.00
(2) Rooming, boarding, or fraternal housing, hotels, motels, rest homes, and sanatoriums having	
[a] 2 – 10 rooms	\$40.00
[b] 11-20 rooms	\$50.00
[c] 21-30 rooms	\$65.00
[d] Over 30 rooms	\$80.00
(3) Mobile home parks using master meters, per space.....	\$15.00
(4) All other dwelling units using a master meter, per unit	\$30.00

* * *

§ 2. That, Section 21-106 of Chapter 21 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

Section 21-107. Fees and charges.

* * *

(c) *Discontinuance fee.* Where the City discontinues services or acts pursuant to an order of discontinuance under the authority of this chapter, the following fees shall be charged for restoration of services or to avoid service interruption:

- (1) Fifty dollars (\$50.00) for each trip made under an order of discontinuance; and
- (2) Twenty dollars (\$20.00) for meter removal.

* * *

§ 3. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of _____, 2010.

NOT ADOPTED this ____ day of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 21-104, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE UTILITY SERVICE DEPOSIT FOR CERTAIN DWELLING UNITS; INCREASING THE FEE FOR SERVICE DISCONTINUANCE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED THAT THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, Section 21-104 of Chapter 21 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

Section 21-104. Utility service deposits.

(a) Except for federal, state, county, and other governmental users, any person desiring to use the City utility services shall place with the City Controller a service deposit according to the following minimum schedule:

(1)	Single family unit, individually metered, per unit	\$60.00
(2)	Rooming, boarding, or fraternal housing, hotels, motels, rest homes, and sanatoriums having	
[a]	2 – 10 rooms	\$40.00
[b]	11-20 rooms	\$50.00
[c]	21-30 rooms	\$65.00
[d]	Over 30 rooms	\$80.00
(3)	Mobile home parks using master meters, per space.....	\$15.00
(4)	All other dwelling units using a master meter, per unit	\$20.00 <u>\$30.00</u>

* * *

§ 2. That, Section 21-106 of Chapter 21 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

Section 21-107. Fees and charges.

* * *

(c) *Discontinuance fee.* Where the City discontinues services or acts pursuant to an order of discontinuance under the authority of this chapter, the following fees shall be charged for restoration of services or to avoid service interruption:

- (1) ~~Fifteen dollars (\$15.00)~~ Fifty dollars (\$50.00) for each trip made under an order of discontinuance; and
- (2) Twenty dollars (\$20.00) for meter removal.

* * *

§ 3. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this _____ day of _____, 2010.

NOT ADOPTED this _____ day of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

FINANCE COMMITTEE MINUTES

September 2, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met in a Special meeting, at 5:30 p.m. in the Municipal Building Study Session Room on the 2nd day of September, 2010, 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: Members Dillingham, Ezzell, Quinn, and Chair Cubberley

ABSENT: None

OTHERS PRESENT: Al Atkins, Council Member
Rachel Butler, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Ken Komiske, Utilities Director
Kathryn Walker, Assistant City Attorney II
Mark Daniels, Utilities Engineer
Chris Mattingly, Utilities Superintendent
Scottie Williams, Utilities Superintendent
Andrew Knittle, Norman Transcript

Chair Cubberley opened the meeting with comments about decisions that need to be made in regards to utility services provided by the City of Norman. The recent vote by the people was not a positive vote. This meeting is to study issues of the gap in revenues for the FYE 11 budget resulting from this vote. Council must have a balanced budget and recommendations need to be made to full Council for necessary budget changes. We will have a Study Session in two weeks and will bring proposals to full Council for adoption. Discussion items are:

- Services provided by Sanitation and Water Divisions
- Fees charged for services
- Capital needs of Sanitation and Water Divisions
- Will view a multi-year perspective
- 2009 Citizens Survey handout

DISCUSSION REGARDING FYE 11 SANITATION BUDGET REVIEW

Ken Komiske, Utilities Department Director, presented. Handout detailed some of the operations that might be dropped and estimated savings. Also discussed were possible fees that could be increased and capital items that could be dropped from the FYE 11 budget to save additional funds. Items for the Committee to discuss are:

- Item 1.A – savings from eliminating Fall cleanup is approximately \$90,000 and Spring cleanup is approximately \$130,000
- Item 1.B. reducing yard waste pickup in the winter months (Dec, Jan, Feb)
 - Reduce to every other week - \$17,000
 - No pick up for 3 months - \$34,000
 - All savings assume one-half of yard waste goes to landfill and includes disposal cost
 - Requires amendment to City Code of Ordinances
- Item 1.C. – eliminate or reduce alley polycart pickup
- Item 1.D. – eliminate the 3 drop off recycling centers
- Item 2.A. – increase extra polycart fee – existing fee is \$5/month
- Item 2.B. – increase transfer station fee for dropped off materials
- Item.2.C. – delinquent accounts – charge to remove customers polycart and return after payment
- Item 3.A. – Capital Project savings:
 - CNG grant for Unit 253 – approximate savings \$80,000
 - delay replacement of Unit 236 – approximate savings \$307,994
 - delay replacement of Unit 294 – approximate savings \$123,877
- Sanitation will continue to purchase polycarts and dumpsters
- Cubberley – wants cost of bulk pickup by City to reflect “charging actual cost for service to customer”
- Atkins – make sure that citizens know they can bring items to transfer station for free
- Ezzell - Committee recommends \$2.50 fee for extra polycarts
- Cubberley – reinitiation fee should be comparable to water re: delinquent accounts
- Cubberley – redo Sanitation election for March election (primaries)
- Cubberley – review fees charged for sanitation services for festivals held each year

Items submitted for the record

1. Report on Sanitation Division Savings and Additional Fees prepared by Utilities Department

DISCUSSION REGARDING FYE 11 WATER BUDGET REVIEW

Ken Komiske, Utilities Department Director, presented. Handout detailed some of the operations that might be dropped and estimated savings. Also discussed were possible fees that could be increased and capital items that could be dropped from the FYE 11 budget to save additional funds. Items for the Committee to discuss are:

- Item 1.A. – eliminate water usage from Oklahoma City for non-emergencies
- Item 1.B. – reduce operating pressures by operating water towers at a lower water level – will reduce power cost
- Item 1.C. – 2 water maintenance positions – approximate savings \$75,000
- Item 2.A. – increase meter turn/off fee relative to time and reason
- Item 2.B. – each year line maintenance investigates about 300 high water usage calls – charge fee for service

- Item 2.C. – charge for private fire sprinklers – currently do not
- Item 2.D. – charge contractors for water used to flush out newly installed lines
- Item 2.E. – surcharge to recover current cost of emergency water from Oklahoma City would need to be voted on by the citizens
- Item 3.A – eliminate new water tower in FYE 2012 – approximate savings \$2,700,000
- Item 3.B. – eliminate water rights bond of \$7 million FYE 2011 – approximate savings \$950,000/year
- Item 3.C. – eliminate paint/maintenance of Boyd Water Tower FYE 2011 – approximate savings \$540,000
- Item 3.D. – eliminate purchase land for new water tower FYE 2011 – approximate savings \$100,000
- Item 3.F. – eliminate new arsenic removal treatment for two wells FYE 2011 – approximate savings \$1,400,000
- Item 3.G. - eliminate replacing Flood Avenue water line FYE 2011 – approximate savings \$900,000
- Item 3.H. – eliminate replacing Berry road water line FYE 2011 – approximate savings \$1,500,000
- Item 3.I. – replace \$8 million ozone project with UV-PAC (Ultraviolet light – Powdered Activated Carbon) – approximate savings \$2 million construction costs
- Ezzell – Long-term pricing contract with Oklahoma City – is opposed to Items 1A-eliminate water usage from Oklahoma City for non-emergencies; and 1B-reduce operating pressures by operating water towers at a lower water level
- 2003 analysis – update Oklahoma City prices
- Long-term contract basis (inflationary factor added) Oklahoma City has voted for 8%, 6%, 6% increases over next 3 years is built into Oklahoma City rate structure
- Cubberley – against water pressure decrease
- Cubberley – wants “peak demand rate” to cover increase costs to Oklahoma City
- City already has an inverted water rate
- Walker – surcharges for Oklahoma City – vote of people probably needed
- Cubberley – next vote, propose surcharge fee as well
- Item 2. Extra Fees
 - A-meter turn off/on fee – if meter is wrong then don’t charge
 - B-water usage calls and investigation – if meter is wrong then don’t charge
- Cubberley – look at 2D - charge for contractors for water used to flush out newly installed water lines
- Dillingham – charge for any personal use
- Committee is opposed to elimination of Item 3-Capital Projects – A. FYE 2012 eliminate new water tower construction
- Ezzell – look at sprinkler fee every other year –
 - come-late services with fees based on costs
- Cubberley – fees need to be reflective of costs
- Dillingham – match cost of service to cost to customer

- Suzanne Krohmer discussed sanitation services in other cities – information on chart (page 6).
- Cubberley – asked if recycling centers paid for themselves – not for labor
- Discussed prices paid for recycled materials
- Discussed extra services provided by Sanitation Division employees for handicapped (both permanent and part-time)

Committee recommends meeting with full Council on September 28th and making FYE 11 budget decisions. Council can bring up vote/election at any time.

Items submitted for the record

1. Report on Water Division Savings and Additional Fees prepared by Utilities Department

The meeting adjourned at 7:24 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES

September 15, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 15th day of September 2010, 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: Members Dillingham, Ezzell, Quinn, and Chair Cubberley

ABSENT: None

OTHERS PRESENT: Cindy Rosenthal, Mayor
Al Atkins, Council Member
Jim Griffith, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Chris Mattingly, Utilities Superintendent
Scottie Williams, Utilities Superintendent
Kathryn Walker, Assistant City Attorney II

DISCUSSION REGARDING MUNICIPAL FINANCE SERIES

- Will use Draft #2 handout as outline for sessions
- Educational process for citizens
- Start in October
- Sessions will be held every 2 weeks
- Avoid Transportation Committee meetings which are held on 4th Thursday each month
- Cubberley – liked writing down questions from attendees – similar to Water Forum format
- Play when sessions are completed and at later time on Channel 20 as learning tool

Items submitted for the record

1. Municipal Finance Series Draft #2 outline from Anthony Francisco, Finance Director

CONTINUED DISCUSSION ON FYE 11 WATER AND SANITATION RATES

Water

- Emergency contract versus “pay-ahead” for water with City of Oklahoma City
- Reducing water pressure totally off table for consideration – not an alternative to be presented

Sanitation

- Mayor wants ordinance change to cancel fall clean-up and reduce yard waste pickup in winter months – once every 2 weeks only
- Committee agrees too late to cancel the fall clean-up scheduled for October
- Look at alternatives for spring clean-up
- What are the costs to have transfer station open for spring clean-up – advertising costs
- Elderly and others - “no way to haul” concerns if we only have transfer station option
- Ezzell – Charge fee for pick-up for those can’t haul their own trash
- City has that service now
- Last Council meeting in September – bring forward ordinance change for yard waste reduction in services to once a month only during months of December, January and February
- Alley pick-up changes – recommend one-way pick-up of alleys
- Recommend optimization study with results to be presented at October 21st meeting
- Look at alley pick-up with study results at a study session
- Want monetary damage - costs to fleet, other properties, etc. – claims have to paid for damage by City vehicle to property, etc
- Every other week pick-up reduction – approximate \$17,000
- Eliminating service for 3 months – approximately \$34,000 to \$35,000 savings in yard waste
- Look at yard waste pick-up just once a month during December, January and February
- There’s sufficient work for the staff, if any of these options are enacted

Items submitted for the record

1. Report on Water and Sanitation Division Savings and Additional Fees prepared by Utilities Department

DISCUSSION REGARDING THE REVENUE / EXPENDITURE REPORT

- Sanitation - residential collections down
- Sales tax collections were up 1% from the previous year

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated August 31, 2010

Finance Committee will review Westwood Golf Course Business Plan at the January meeting.

Mayor mentioned that she had calls and comments about sales tax collections in relation to TIF #2 and also citizens not understanding City of Norman budget and audit figures. Recommends posting FAQ’s section on both on the website.



CITY COUNCIL AGENDA OCTOBER 26, 2010

Municipal Building Council
Chambers
201 West Gray Street
Norman, OK 73069

Item No. 26

Text File Number: O-1011-22

Introduced: 10/1/2010 by Kathryn Walker, Asst City Attorney II

Current Status: Non-Consent Item

Version: 1

Matter Type: Ordinance

Title

ORDINANCE NO. O-1011-22: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE IV, SECTION 21-403, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE FEE FOR TESTING METERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-22 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1011-22 upon Final Reading as a whole.

ACTION TAKEN: _____

Body

BACKGROUND: The Council Finance Committee met on September 2, 2010, and again on September 15, 2010, to discuss ways to adjust the FYE 2011 budget. One of the items identified for change was the fee charged for testing meters that are suspected to be malfunctioning.

DISCUSSION: Currently, when a customer requests a water meter check because of suspected malfunction, Staff collects \$5 from the customer, travels to the property, removes the meter and replaces it with a temporary meter, tests the meter off-site, and then travels back to the property and replaces the temporary meter. If the meter is malfunctioning, we refund the \$5 to the customer. If it's not malfunctioning, there is no refund of the fee.

Oftentimes, the reason for a higher water meter reading is legitimate higher consumption (For example, the resident filled his/her pool that month or started using his/her sprinkler system) or a water leak from the home's pipes. In fact, over time meters begin to slow and will actually produce lower consumption readings than what is actually being consumed or used. The current fee charged for meter testing does not recoup our costs in those instances where the meter is functioning appropriately.

Ordinance No. O-1011-22 proposes to raise the fee for testing meters from \$5 to \$50. If the meter is found to be malfunctioning, the fee would still be refunded. The increased fee will allow Staff to recoup its costs when it tests meters that are working.

STAFF RECOMMENDATION: This ordinance is presented as a result of discussions with the Council Finance Committee. Staff recommends its approval on second reading.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE IV, SECTION 21-403, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE FEE FOR TESTING METERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED THAT THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That, Section 21-403 of Chapter 21 of the Code of the City of Norman, Oklahoma shall be amended to read as follows:

Sec. 21-403. Testing of suspect meters.

(a) Should the accuracy of a meter be questioned, it shall be removed at the consumer's request, after a posting of a fifty dollar (\$50.00) deposit, and such meter shall be tested in the presence of the consumer by City employees of the water division, who shall thereafter submit a written report upon the results of that test.

(b) Should the test disclose an error in the water meter reading of more than three (3) per cent of the meters registry, the excess of the consumption of three (3) months' previous reading shall be credited to the consumer's account and the fifty dollar (\$50.00) deposit shall be returned to the consumer.

(c) Should the test disclose no meter error exceeding three (3) per cent of the meter's registry, the consumer shall pay the amounts shown upon his utility billing, and the fifty dollar (\$50.00) deposit will be forfeited.

(d) Notwithstanding any other provision of this chapter, the Utilities Director may cause the testing of any meter he has reason to suspect is improperly functioning, and such testing shall be at the cost of the City.

§ 2. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this ____ day of _____, 2010.

NOT ADOPTED this ____ day of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE IV, SECTION 21-403, OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN INCREASING THE FEE FOR TESTING METERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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(b) Should the test disclose an error ~~against the consumer~~ in the water meter reading of more than three (3) per cent of the meters registry, the excess of the consumption of three (3) months' previous reading shall be credited to the consumer's account and the ~~five~~ fifty dollar (\$50.00) deposit shall be returned to the consumer.

(c) Should the test disclose no meter error exceeding three (3) per cent of the meter's registry, the consumer shall pay the amounts shown upon his utility billing, and the ~~five~~ fifty dollar (\$50.00) deposit will be forfeited.

(d) Notwithstanding any other provision of this chapter, the ~~Public Works~~ Utilities Director may cause the testing of any meter he has reason to suspect is improperly functioning, and such testing shall be at the cost of the City.

§ 2. **SEVERABILITY.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decisions shall not affect the validity of the remainder of this ordinance or any part thereof.

ADOPTED this _____ day of _____, 2010.

NOT ADOPTED this _____ day of _____, 2010.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

FINANCE COMMITTEE MINUTES

September 2, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met in a Special meeting, at 5:30 p.m. in the Municipal Building Study Session Room on the 2nd day of September, 2010, 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: Members Dillingham, Ezzell, Quinn, and Chair Cubberley

ABSENT: None

OTHERS PRESENT: Al Atkins, Council Member
Rachel Butler, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Ken Komiske, Utilities Director
Kathryn Walker, Assistant City Attorney II
Mark Daniels, Utilities Engineer
Chris Mattingly, Utilities Superintendent
Scottie Williams, Utilities Superintendent
Andrew Knittle, Norman Transcript

Chair Cubberley opened the meeting with comments about decisions that need to be made in regards to utility services provided by the City of Norman. The recent vote by the people was not a positive vote. This meeting is to study issues of the gap in revenues for the FYE 11 budget resulting from this vote. Council must have a balanced budget and recommendations need to be made to full Council for necessary budget changes. We will have a Study Session in two weeks and will bring proposals to full Council for adoption. Discussion items are:

- Services provided by Sanitation and Water Divisions
- Fees charged for services
- Capital needs of Sanitation and Water Divisions
- Will view a multi-year perspective
- 2009 Citizens Survey handout

DISCUSSION REGARDING FYE 11 SANITATION BUDGET REVIEW

Ken Komiske, Utilities Department Director, presented. Handout detailed some of the operations that might be dropped and estimated savings. Also discussed were possible fees that could be increased and capital items that could be dropped from the FYE 11 budget to save additional funds. Items for the Committee to discuss are:

- Item 1.A – savings from eliminating Fall cleanup is approximately \$90,000 and Spring cleanup is approximately \$130,000
- Item 1.B. reducing yard waste pickup in the winter months (Dec, Jan, Feb)
 - Reduce to every other week - \$17,000
 - No pick up for 3 months - \$34,000
 - All savings assume one-half of yard waste goes to landfill and includes disposal cost
 - Requires amendment to City Code of Ordinances
- Item 1.C. – eliminate or reduce alley polycart pickup
- Item 1.D. – eliminate the 3 drop off recycling centers
- Item 2.A. – increase extra polycart fee – existing fee is \$5/month
- Item 2.B. – increase transfer station fee for dropped off materials
- Item.2.C. – delinquent accounts – charge to remove customers polycart and return after payment
- Item 3.A. – Capital Project savings:
 - CNG grant for Unit 253 – approximate savings \$80,000
 - delay replacement of Unit 236 – approximate savings \$307,994
 - delay replacement of Unit 294 – approximate savings \$123,877
- Sanitation will continue to purchase polycarts and dumpsters
- Cubberley – wants cost of bulk pickup by City to reflect “charging actual cost for service to customer”
- Atkins – make sure that citizens know they can bring items to transfer station for free
- Ezzell - Committee recommends \$2.50 fee for extra polycarts
- Cubberley – reinitiation fee should be comparable to water re: delinquent accounts
- Cubberley – redo Sanitation election for March election (primaries)
- Cubberley – review fees charged for sanitation services for festivals held each year

Items submitted for the record

1. Report on Sanitation Division Savings and Additional Fees prepared by Utilities Department

DISCUSSION REGARDING FYE 11 WATER BUDGET REVIEW

Ken Komiske, Utilities Department Director, presented. Handout detailed some of the operations that might be dropped and estimated savings. Also discussed were possible fees that could be increased and capital items that could be dropped from the FYE 11 budget to save additional funds. Items for the Committee to discuss are:

- Item 1.A. – eliminate water usage from Oklahoma City for non-emergencies
- Item 1.B. – reduce operating pressures by operating water towers at a lower water level – will reduce power cost
- Item 1.C. – 2 water maintenance positions – approximate savings \$75,000
- Item 2.A. – increase meter turn/off fee relative to time and reason
- Item 2.B. – each year line maintenance investigates about 300 high water usage calls – charge fee for service

- Item 2.C. – charge for private fire sprinklers – currently do not
- Item 2.D. – charge contractors for water used to flush out newly installed lines
- Item 2.E. – surcharge to recover current cost of emergency water from Oklahoma City would need to be voted on by the citizens
- Item 3.A – eliminate new water tower in FYE 2012 – approximate savings \$2,700,000
- Item 3.B. – eliminate water rights bond of \$7 million FYE 2011 – approximate savings \$950,000/year
- Item 3.C. – eliminate paint/maintenance of Boyd Water Tower FYE 2011 – approximate savings \$540,000
- Item 3.D. – eliminate purchase land for new water tower FYE 2011 – approximate savings \$100,000
- Item 3.F. – eliminate new arsenic removal treatment for two wells FYE 2011 – approximate savings \$1,400,000
- Item 3.G. - eliminate replacing Flood Avenue water line FYE 2011 – approximate savings \$900,000
- Item 3.H. – eliminate replacing Berry road water line FYE 2011 – approximate savings \$1,500,000
- Item 3.I. – replace \$8 million ozone project with UV-PAC (Ultraviolet light – Powdered Activated Carbon) – approximate savings \$2 million construction costs
- Ezzell – Long-term pricing contract with Oklahoma City – is opposed to Items 1A-eliminate water usage from Oklahoma City for non-emergencies; and 1B-reduce operating pressures by operating water towers at a lower water level
- 2003 analysis – update Oklahoma City prices
- Long-term contract basis (inflationary factor added) Oklahoma City has voted for 8%, 6%, 6% increases over next 3 years is built into Oklahoma City rate structure
- Cubberley – against water pressure decrease
- Cubberley – wants “peak demand rate” to cover increase costs to Oklahoma City
- City already has an inverted water rate
- Walker – surcharges for Oklahoma City – vote of people probably needed
- Cubberley – next vote, propose surcharge fee as well
- Item 2. Extra Fees
 - A-meter turn off/on fee – if meter is wrong then don’t charge
 - B-water usage calls and investigation – if meter is wrong then don’t charge
- Cubberley – look at 2D - charge for contractors for water used to flush out newly installed water lines
- Dillingham – charge for any personal use
- Committee is opposed to elimination of Item 3-Capital Projects – A. FYE 2012 eliminate new water tower construction
- Ezzell – look at sprinkler fee every other year –
 - come-late services with fees based on costs
- Cubberley – fees need to be reflective of costs
- Dillingham – match cost of service to cost to customer

- Suzanne Krohmer discussed sanitation services in other cities – information on chart (page 6).
- Cubberley – asked if recycling centers paid for themselves – not for labor
- Discussed prices paid for recycled materials
- Discussed extra services provided by Sanitation Division employees for handicapped (both permanent and part-time)

Committee recommends meeting with full Council on September 28th and making FYE 11 budget decisions. Council can bring up vote/election at any time.

Items submitted for the record

1. Report on Water Division Savings and Additional Fees prepared by Utilities Department

The meeting adjourned at 7:24 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES

September 15, 2010

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 15th day of September 2010, 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: Members Dillingham, Ezzell, Quinn, and Chair Cubberley

ABSENT: None

OTHERS PRESENT: Cindy Rosenthal, Mayor
Al Atkins, Council Member
Jim Griffith, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Chris Mattingly, Utilities Superintendent
Scottie Williams, Utilities Superintendent
Kathryn Walker, Assistant City Attorney II

DISCUSSION REGARDING MUNICIPAL FINANCE SERIES

- Will use Draft #2 handout as outline for sessions
- Educational process for citizens
- Start in October
- Sessions will be held every 2 weeks
- Avoid Transportation Committee meetings which are held on 4th Thursday each month
- Cubberley – liked writing down questions from attendees – similar to Water Forum format
- Play when sessions are completed and at later time on Channel 20 as learning tool

Items submitted for the record

1. Municipal Finance Series Draft #2 outline from Anthony Francisco, Finance Director

CONTINUED DISCUSSION ON FYE 11 WATER AND SANITATION RATES

Water

- Emergency contract versus “pay-ahead” for water with City of Oklahoma City
- Reducing water pressure totally off table for consideration – not an alternative to be presented

Sanitation

- Mayor wants ordinance change to cancel fall clean-up and reduce yard waste pickup in winter months – once every 2 weeks only

- Committee agrees too late to cancel the fall clean-up scheduled for October
- Look at alternatives for spring clean-up
- What are the costs to have transfer station open for spring clean-up – advertising costs
- Elderly and others - “no way to haul” concerns if we only have transfer station option
- Ezzell – Charge fee for pick-up for those can’t haul their own trash
- City has that service now
- Last Council meeting in September – bring forward ordinance change for yard waste reduction in services to once a month only during months of December, January and February
- Alley pick-up changes – recommend one-way pick-up of alleys
- Recommend optimization study with results to be presented at October 21st meeting
- Look at alley pick-up with study results at a study session
- Want monetary damage - costs to fleet, other properties, etc. – claims have to be paid for damage by City vehicle to property, etc
- Every other week pick-up reduction – approximate \$17,000
- Eliminating service for 3 months – approximately \$34,000 to \$35,000 savings in yard waste
- Look at yard waste pick-up just once a month during December, January and February
- There’s sufficient work for the staff, if any of these options are enacted

Items submitted for the record

1. Report on Water and Sanitation Division Savings and Additional Fees prepared by Utilities Department

DISCUSSION REGARDING THE REVENUE / EXPENDITURE REPORT

- Sanitation - residential collections down
- Sales tax collections were up 1% from the previous year

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated August 31, 2010

Finance Committee will review Westwood Golf Course Business Plan at the January meeting.

Mayor mentioned that she had calls and comments about sales tax collections in relation to TIF #2 and also citizens not understanding City of Norman budget and audit figures. Recommends posting FAQ’s section on both on the website.