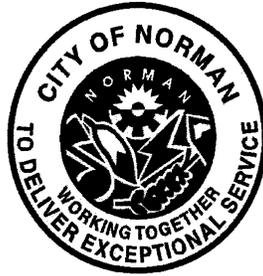


City of Norman, OK

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



City Council Agenda

Tuesday, December 13, 2011

6:30 PM

Municipal Building Council Chambers

City Council

*Mayor Cindy Rosenthal
Council Member Roger Gallagher
Council Member Tom Kovach
Council Member Hal Ezzell
Council Member Carol Dillingham
Council Member Dave Spaulding
Council Member Jim Griffith
Council Member Linda Lockett
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

Awards and Presentations

3 GID-1112-37 CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF NOVEMBER 15, 2011

CITY COUNCIL FINANCE COMMITTEE MINUTES OF NOVEMBER 16, 2011

CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 22, 2011

CITY COUNCIL MINUTES OF NOVEMBER 22, 2011

NORMAN UTILITIES AUTHORITY MINUTES OF NOVEMBER 22, 2011

NORMAN MUNICIPAL AUTHORITY MINUTES OF NOVEMBER 22, 2011

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF NOVEMBER 22, 2011

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

ACTION TAKEN: _____

Attachments: November 15, 2011 SS Minutes
November 16 Finance Committee Minutes
November 22 Conference Minutes
November 22 CC Minutes

4 R-1112-86 RESOLUTION NO. R-1112-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IN CONJUNCTION WITH THE NORMAN HUMAN RIGHTS COMMISSION, AWARDING THE 2011 CITY OF NORMAN HUMAN RIGHTS AWARD.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-86.

ACTION TAKEN: _____

Attachments: Human Rights
 Human Rights Minutes

5 **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 6 through Item 12 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:

6 **AP-1112-10** CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BOARD OF ADJUSTMENT

TERM: 12-22-11 TO 12-22-14: MARGARET FARMER,
334 WESTCHESTER CIRCLE

CHILDREN'S RIGHTS COORDINATING COMMISSION

TERM: 12-13-11 TO 10-16-14: JOSEPH ARMSTRONG, 504 WINSTON

NORMAN REGIONAL HOSPITAL AUTHORITY

TERM: 12-13-11 TO 10-31-13: ANN WAY, 211 HORIZON VIEW
COURT

PLANNING COMMISSION

TERM: 12-13-11 TO 11-01-13: DAVE BOECK, 925 SCHULZE DRIVE
TERM: 11-01-11 TO 11-01-14: CYNTHIA GORDON, 807 OLIVER
STREET

TERM: 11-01-11 TO 11-01-14: CURTIS MCCARTY, 3817 DALSTON
CIRCLE

TERM: 11-01-11 TO 11-01-14: TOM KNOTTS, 7301 EAST STATE
HIGHWAY 9

SOCIAL AND VOLUNTARY SERVICES COMMISSION

TERM: 12-09-11 TO 12-09-14: GOLDA LONG, 3037 GRANT ROAD
TERM: 12-09-11 TO 12-09-14: CODY PONDER, 1511 SUNSET DRIVE
TERM: 12-09-11 TO 12-09-14: AMY VENABLE, 1312 GLENWOOD

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Joseph Armstrong will replace Tiffany Couch who is no longer eligible to serve; Ann Way will fill the unexpired term left by Bill Nations who has resigned; Dave Boeck replace Zev Tractenberg; and Margaret Farmer, Cynthia Gordon, Curtis McCarty, Tom Knotts, Golda Long, Cody Ponder, and Amy Venable are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

- 7 E-1112-12 EASEMENT NO. E-1112-12: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC UTILITY, ROADWAY, AND DRAINAGE EASEMENT DONATED BY JOHN CHIAF TO BE USED TO IMPROVE 120TH AVENUE S.E. BETWEEN LINDSEY STREET AND LAKE THUNDERBIRD BY CONVERTING IT FROM A DEAD-END ROAD TO A CUL-DE-SAC.

ACTION NEEDED: Motion to accept or reject Easement No. E-1112-12; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Easement-120th
 COS Memo
 Location Map E-1112-12

- 8 K-0910-178 AMENDMENT NO. ONE TO CONTRACT NO. K-0910-178: BY AND
 Amend 1 BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GEOSAFE
 CORPORATION PROVIDING MODIFICATIONS TO THE
 SOFTWARE LICENSING, MAINTENANCE, AND SUPPORT
 AGREEMENT OF MOBILE2 SOFTWARE FOR THE POLICE
 DEPARTMENT AND THE FIRE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-178 with GeoSafe Corporation; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Amendment No. 1 to Geosafe Contract

- 9 K-1112-53 CONSIDERATION OF FINAL ACCEPTANCE AND FINAL
Final PAYMENT OF CONTRACT NO. K-1112-53 BY AND BETWEEN
THE CITY OF NORMAN, OKLAHOMA, AND TOM'S QUALITY
CONSTRUCTION FOR THE HISTORICAL MUSEUM INTERIOR
REPAIR PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of \$10,100 to Tom's Quality Construction.

ACTION TAKEN: _____

Attachments: PO Tom's Quality Construction

- 10 GID-1112-36 CONSIDERATION OF THE CITY ATTORNEY'S
RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN
THE AMOUNT OF \$103,088.91 REGARDING JERRY STEPHENS VS.
THE CITY OF NORMAN, WORKERS' COMPENSATION COURT
CASE NO. WCC-2010-011353Q CONSOLIDATED WITH WORKERS'
COMPENSATION COURT CASE NO. WCC-2011-02123K.

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 \$103,088.91 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Award Table
 Court Order
 Requisitions

- 11 **R-1112-82** RESOLUTION NO. R-1112-82: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING \$2,788.23 FROM THE WASTEWATER FUND BALANCE TO ALLOW FOR THE RETURN OF COLLECTED PAYBACK FEES TO THE INVESTORS FOR THE 36TH AVENUE INTERCEPTOR AND FORCE MAIN PROJECTS.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to adopt or reject Resolution No. R-1112-82.

ACTION TAKEN: _____

- Attachments:** Attachment 1 - Payback Funds Collected
 Attachment 2 - Payback to Investors
 List of Payments
 Payback to Investors for Payback Projects

- 12 **R-1112-87** RESOLUTION NO. R-1112-87: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING SCHEDULED FOR DECEMBER 27, 2011, SHALL BE CANCELLED AND A MEETING SHALL BE SCHEDULED FOR DECEMBER 20, 2011.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-87.

ACTION TAKEN: _____

- Attachments:** Changing Date of CC Meeting

Non-Consent Items

- 13 **GID-1112-38** SUBMISSION OF A NOTICE OF APPEAL REQUESTING CITY COUNCIL OVERTURN THE DECISION OF THE HISTORIC DISTRICT COMMISSION REGARDING AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT OF WINDOWS FOR PROPERTY LOCATED AT 549 SOUTH LAHOMA AVENUE.

ACTION NEEDED: Motion to approve or reject the appeal to overturn the decision of the Historic District Commission for property located at 549 South Lahoma Avenue.

ACTION TAKEN: _____

Attachments: 549 S Lahoma COA app packet
 549 staff report 11 7 11
 COA denial letter via email
 HDC Verbatim Minutes 11-7-11
 Request for Appeal
 Photographs 549 S. Lahoma
 Letters supporting Historic District Decision

- 14 O-1112-15 ORDINANCE NO. O-1112-15: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 7.5-21(F), 7.5-22, 7.5-25(5) AND (6), 7.5-26(7), AND 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN CHANGING THE NAME OF THE ENFORCEMENT AUTHORITY TO NORMAN ELECTION COMMISSION THROUGHOUT AND PROVIDING FOR AMENDMENTS TO THE CAMPAIGN STATEMENTS FILING REQUIREMENTS AND VIOLATION REPORTING PROCEDURE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-15 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-15 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: [O-1112-15 Campaign Amendments Clean.pdf](#)
 [O-1112-15 Campaign Amendments Annotated.pdf](#)
 [Oversight Committee minutes 05-04-11.pdf](#)
 [Oversight Committee minutes 09-07-11.pdf](#)
 [Oversight Committee minutes 11-02-11.pdf](#)
 [November 2 Oversight Committee minutes](#)
 [Pert Exc July 26 CC Minutes](#)

15 **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.

16 **Adjournment**



City of Norman, OK

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

Master

File Number: GID-1112-37

File ID: GID-1112-37	Type: Minutes	Status: Draft
Version: 1	Reference: Item No. 3	In Control: City Council
Department: City Clerk Department	Cost:	File Created: 11/29/2011
File Name: Minutes	Final Action:	

Title: CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF NOVEMBER 15, 2011
CITY COUNCIL FINANCE COMMITTEE MINUTES OF NOVEMBER
16, 2011
CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 22, 2011
CITY COUNCIL MINUTES OF NOVEMBER 22, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF NOVEMBER 22,
2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF NOVEMBER 22,
2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF
NOVEMBER 22, 2011

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

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 3

Attachments: November 16 Finance Committee Minutes,
November 22 Conference Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

COUNCIL STUDY SESSION MINUTES

November 15, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 15th day of November, 2011, 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, Dillingham Gallagher, Griffith, Kovach, Lockett, Quinn, Mayor Rosenthal

ABSENT: Councilmembers Ezzell and Spaulding

DISCUSSION REGARDING THE COMPREHENSIVE TRANSPORTATION PLAN SCOPING STUDY (MOVING FORWARD).

Mr. Shawn O'Leary, Director of Public Works, provided an update on the Comprehensive Transportation Plan (CTP) *Moving Forward*, scoping study to Council, specifically an overview of the CTP components and recent Visioning Committee meetings, as well as discussion of the revised CTP survey questions. He said a CTP is a broad plan with guiding principals and identifying specific projects will come later.

Mr. O'Leary said the CTP process initially began with a kick-off meeting, followed by a listening phase, i.e., ward meetings, social media opportunities, and special meetings with different groups/stakeholders, to gather citizen input as to whether the City should have a CTP, and if so, should a CTP be narrow or broad in scope. Mr. O'Leary said Staff will provide Council with all the data gathered at the end of January 2012. He said Council can determine at that point whether to proceed with a CTP, which can be included in the FYE 2013 Budget. If Council chooses to go forward with a CTP, Lochner will provide a CTP scope of work, which will be a very detailed document of items that are included in the CTP, and Staff will send out bids to engineering firms across the country that specialize in this field of work. After receiving the bids, Council could consider selecting an engineering firm to perform the study.

Mr. O'Leary said a CTP could take 18-24 months from beginning to end and could cost approximately \$250,000-\$300,000. He said a CTP is a broad plan with guiding principals and goals important to the City of Norman and identifying specific projects and improvements will come later after the CTP data is compiled. He said comments have been made during this information gathering phase as to "when" and "where" projects and improvements will be accomplished and he stressed those types of selections/projects are data driven and will be forthcoming with the CTP itself.

Mr. O'Leary said Staff has provided Council with a revised CTP survey for their consideration and after tonight's discussions and with Council approval, Staff will be ready to mail out the survey the beginning of December. ETC Institute will administer the survey and send it to approximately 1800 Norman residents. Staff anticipates attaining a minimum of 400 statistically valid survey results by the beginning of January and a final CTP survey/scope of work report will be provided to Council by mid to late January 2012.

Mr. O'Leary said between now and January 2012, Staff/Lochner will be doing more electronic communications with the CTP Visioning Committee and with several others groups such as the Norman Downtowners' Association, Norman Chamber of Commerce Board, Norman Convention and Visitor's Bureau (NCVB), etc., in order to gain input as to what they feel is important to include in a CTP. Councilmember Kovach asked if Staff/Lochner considered using an online CTP survey to gather more input and Mr. O'Leary answered in the affirmative, stating if Council desired, Staff could conduct an online survey internally at the same time that ETC Institute conducted the mailout/statistical survey. Councilmember Quinn asked if both surveys would be the same material/questions and how the online survey results would be incorporated, i.e., would the online survey results be separate from the statistical survey results. Mr. O'Leary said the results would be kept separate but felt the information gathered online, although not statistical, would still be important. Councilmember Dillingham asked if there is a mechanism for citizen(s) receiving the CTP survey via

U.S. mail but preferred to complete the survey online and Mr. O’Leary replied no because the survey mailout is meant to be utilized as a scientific/statistical tool.

Visioning Committee Meeting(s) Update

Mr. Schwinger said the CTP Visioning Committee members were provided with the draft Norman Transportation Guiding Principles, Goals, and Strategies prior to today’s scheduled meeting, so that they could be prepared to share their ideas. He said the draft was prepared based on community feedback during CTP Visioning Committee meetings, ward meetings, social media, stakeholder interviews, and special group meetings. Mr. Schwinger said the task of the CTP Visioning Committee members was to review the guiding principles and the underlying goals, provide comments and edits as appropriate, and then to identify appropriate strategies specific to Norman to achieve these goals. The Committee members were pre-assigned to focus groups and requested to concentrate primarily on one of the five guiding principles as follows:

1. Special Place to Live - a vibrant community in 2035 will be achieved by ensuring transportation and infrastructure investments focus on both people and places. These investments should enhance transportation choices and accessibility, and also create a unique place that blends seamlessly with character and vision of Norman.
2. Mobility – a multi-modal network will provide connections between neighborhoods and destinations throughout Norman, with good connections to the Oklahoma City (OKC) region, through a system offering opportunities to drive, walk, bike, and take transit.
3. Maintain and Preserve Existing Infrastructure – *Norman Moving Forward* places high priority upon maintenance, rehabilitation, safety, and reconstruction of basic infrastructure, to include streets, sidewalks, utilities and storm water systems, and other public infrastructure facilities.
4. Fiscal Stewardship – *Norman Moving Forward* strives to provide a detailed roadmap of actions for transportation and infrastructure investments and will be based on an approach that maximizes the benefits for multiple user groups. Future investments will include input from the community-at-large and the priorities as identified through regular ongoing dialogue.
5. Enhance Economic Vitality – *Norman Moving Forward* supports economic vitality that promotes economic growth while using resources in an efficient and effective manner that is intended to achieve a diverse, vibrant local economy with a strong tax base, thus reducing the future fiscal burden on residents to provide City services.

Mr. Schwinger said the focus group(s) reported back to the other committee members their possible strategies pertaining to their assigned goal and also had an opportunity to provide comments about the other goals and strategies during the meeting. He said the Guiding Principles, Goals, and Strategies will be revised to include all the input and comments and an updated version will be provided to Council as soon as possible. Mr. O’Leary said Council will also be provided with notes/comments from remaining ward meetings as well as comments from a meeting with Cleveland Area Rapid Transit (CART) Access Advisory Group, Administrative Leadership at University of Oklahoma (OU), and a student group at OU. He said Staff/Lochner will continue to have meetings with groups that invite the City to come and discuss the CTP.

Transportation Plan Components

Mr. Schwinger said the CTP process will take approximately 18-24 months and their work is just getting started. He said the draft goals will be revised several times before having a final list of goals, which is just one piece of the CTP. The City already has pieces of the CTP in place, i.e., sidewalk inventory is 70% complete, Aviation Master Plan, Trails Master Plan, and Transit Master Plan. He said a lot of these policies/plans were developed independently and will not necessarily mesh, therefore plans and/or policies will need to be looked at and made consistent. Mr. Schwinger said the plans/policies should look at existing and future transportation conditions to include traffic, pedestrian, aviation, bike, etc., as well as improvements whether interim or immediate that should be made. He said the Plan would also include funding, evaluation and prioritization of the improvements, as well as future planning strategies.

Revised Transportation Survey Questions

Mr. O'Leary provided Council the revised transportation survey and a summary of comments from members of the CTP Visioning Committee and/or Councilmember(s) who went through the survey line by line with ETC Institute. He also distributed Mayor Rosenthal's survey suggestions and felt they were very beneficial. He said ETC is very focused on limiting the survey to no more than four-pages and feels that is the ideal length for most citizens who will be completing the survey.

Mayor Rosenthal said question number twelve (12) "standing alone" asks citizens about an unspecified bond issue that are about specific projects and she felt most citizens would want to know what they are voting on. She suggested having a follow-up to question number six (6), "...if a bond issue included your priority choices, how likely would you be to vote in favor of a bond election...". Councilmember Kovach felt question number six (6) is clustered and complicated and may persuade a citizen to chose "not important at all", if they do not like/agree with one of the proposed projects. Mayor Councilmember Gallagher suggested adding one or two specific projects outlined with costs because if the questions are not specific, citizens may be critical. Mr. O'Leary said Staff fully intended to change/re-word question number twelve (12) at Council's discretion and agree that citizens would want more specifics; however it can be a little difficult to come up with the number(s). Councilmember Dillingham suggested using simple and general statements such as "roadways cost approximately *X amount* to build per mile", etc., and she liked the idea of then linking it to the preference. Mr. O'Leary said Staff can look at costs associated with recent corridor projects to determine approximate costs in order to obtain accurate numbers.

Mr. O'Leary said there has been interest to have the question ..."if you had \$100, where would you spend it..." added back to the survey and requested Council guidance. He said the question was originally in the CTP survey, but through revisions it was deleted and Staff felt it would be important to have it re-added. He said the question was derived from the Encompass 2035 survey and it was discovered at various ward meetings that citizens like those type(s) of questions. He felt citizens liked to think about where they would really spend the money. Councilmember Dillingham agreed and felt it would be very useful to include the question in the survey.

Mayor Rosenthal felt items B & L in question number five (5) are technical issues and may be already included in the Engineering Design Standards and Sub-Division Regulations, therefore they may not need to be included on the survey. She trusts that Staff knows the technical issues and she, as well as other citizen(s), may not have an opinion on those types of questions/issues.

Councilmember Dillingham agreed with Mayor Rosenthal's suggestions to delete questions that may not give Staff any valid information and save space on the survey to add or re-word questions. Councilmember Gallagher felt most of the questions were unnecessarily technical and agreed they should be stricken. He felt if the questions are too technical or elaborate, they may overwhelm the citizen(s) taking the survey and the citizen(s) may not invest a *real* consideration/thought to the question being asked.

Councilmember Griffith suggested changing item D, question number five (5), "...maximize traffic flow...". He felt stating the goal upfront and then how it would be accomplished would make more sense and Staff agreed.

Councilmember Kovach requested Staff add a CTP survey link to the front page of the City of Norman website.

Items submitted for the record

1. Transportation Planning Draft – Guiding Principles, Goals, and Strategies, prepared by Lochner
2. *“Moving Forward”* Comprehensive Transportation Plan City Council Work Session Agenda, dated November 15, 2011
3. Draft Community Transportation Survey, dated 11-10-11
4. Summary of Transportation Survey Comments

The meeting adjourned at 6:13 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES

November 16, 2011

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 16th day of November, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Members Dillingham, Gallagher, Griffith, and Chair Quinn

ABSENT: Member Ezzell

OTHERS PRESENT: Cindy Rosenthal, Mayor
Tom Kovach, Council Member
Linda Lockett, Council Member
Steve Lewis, City Manager
Anthony Francisco, Finance Director
Suzanne Krohmer, Budget Manager
Kathryn Walker, City Attorney II
Ken Komiske, Utilities Director
Mark Daniels, Utilities Engineer
Steve Hardeman, Utilities Superintendent
Susan Connors, Planning & Development Director
Chad Mitchell, Citizen

DISCUSSION REGARDING WASTEWATER UTILITY RATES

Ken Komiske made presentation.

- Received a Notice of Violation at the plant – have to begin disinfecting treatment of effluent by July 13, 2011
- Approximately \$51,781,000 current improvements needed
- Project development timeline – approximately \$103,588,000 total improvements needed; future phase addresses effluent quality improvements to meet new EPA standards
- Source of funds –
 - Sewer sales tax - \$7 million available
 - New Development fee (Excise Tax) - \$29 million, including proposed \$26 million revenue bond
 - Wastewater Fund – proposed rate increase of approximately 20 percent (about \$2 per month for average customer) to fund proposed \$16 million bond issuance
 - Last basic wastewater rate increase was over 15 years ago
- 2001 Sewer Sales tax will be fully spent
- Excise Tax Fund balance is stable

- Maintenance Fee Fund balance unaffected
 - May require additional increase in 2018
- Ranges from \$15.80 to \$17.80 estimated monthly average rate charge
- What is new capacity versus old replacement portions?
- Total \$42 million bond (\$29 and \$16 million)
- Comparative rates with other cities – Norman one of the lowest
- Committee recommends to proceed with design for current needs (\$52 million)

Items submitted for the record

1. PowerPoint presentation prepared by Ken Komiske, Utilities Director dated November 8, 2011
2. Un-audited FYE 11 financial summaries for Wastewater Fund 32 prepared by Finance Department
3. Un-audited FYE 11 financial summaries for New Development Fund 322 prepared by Finance Department

DISCUSSION REGARDING REVENUE/EXPENDITURE REPORT

On adopted FYE 12 Budget overall.

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 October 31, 2011.

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

- Ombudsman “Development Coordinator” position housed in City Manager’s office and reports to City Manager.
- Chamber funding possibility – Chamber concerned City not budgeting anything for this position in the near future
- Quinn does not want to split funding of duties between City and Chamber
- Mayor – look at other items wanting/needing budget increases
 - Potential settlements with Labor unions
 - Norman Economic Development Coalition
 - Social/Voluntary Services
 - Deposit to “Rainy Day” Fund
 - Other positions
- OK if we can do it mid-year with other adjustments

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated November 7, 2011
2. Class Specification for Development Coordinator dated October 4, 2011 prepared by Staff

DISCUSSION REGARDING PROPOSED FUNDING FOR SUNGARD SOFTWARE UPGRADE FOR THE INSPECTION PORTION OF THE DEVELOPMENT DIVISION

Susan Connors made presentation, Director of Planning and Community Development, made presentation.

- Improvements in technology will improve effectiveness and efficiency
- Online submittals of inspections
- Payment on line
- Schedule inspections online
- Get reports on line
- Inspections needed during building process
- Inspection module to put pc's in all inspection vehicles to improve efficiency. \$12,000 and annual maintenance cost – cost will be \$14,000 per year
- Will be able to add pictures and cite code book
- IVR versus internet based system
- Capital Fund appropriation – balance available

Items submitted for the record

1. Memo from Susan Connors Regarding Cost to Improve the SunGard Software System for the Building Permit and Inspection Processes

MISCELLANEOUS DISCUSSION

No discussion.

The meeting adjourned at 6:35 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

November 22, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:00 p.m. in the Municipal Building Conference Room on the 22nd day of November, 2011, 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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

ABSENT: None

Item 1, being:

DISCUSSION REGARDING ORDINANCE NO. O-1112-15 CHANGING THE NAME OF THE ENFORCEMENT AUTHORITY TO NORMAN ELECTION COMMISSION AND PROVIDING FOR AMENDMENTS TO THE CAMPAIGN STATEMENTS FILING REQUIREMENTS AND VIOLATION REPORTING PROCEDURE.

Ms. Brenda Hall, City Clerk, said the City Council Oversight Committee met in May 2011, to discuss proposals for amendments to Chapter 7.5, Elections, of the City Code and changing the Enforcement Authority name and the Enforcement Authority met in August and added recommendations, which the Oversight Committee reviewed in September 2011. She said the recommended changes were intended to address confusion regarding campaign reporting criteria, reporting times, and who has to file reports. She said the first amendment would require a City report be filed ten days prior to the election, which falls in line with State filing requirements. She said this amendment came forward to alleviate confusion over different filing dates required by the City and State criteria. She said this amendment does not negate the report that is due at noon on Friday before the election, but the Friday report will only be required if there have been contributions and/or expenditures within the ten day period. She said the amendment also eliminates the supplemental report due at noon on the Monday preceding the election. The final amendment to the reporting criteria stipulates a committee opposing or supporting a candidate will not have to file a report unless they have expended or received \$500 or more. This mirrors State statute.

Ms. Hall said the Enforcement Authority also discussed changing the name of their committee to reflect more of an educational and oversight committee and the Council Oversight Committee concurred. The recommended name change is Norman Election Commission.

Councilmember Ezzell asked if there had been discussion regarding mirroring State law for candidates which would require an itemized breakdown, i.e., name, address, and occupation for contributions exceeding \$200 opposed to the City's current requirement of \$50. Councilmember Griffith, Chair of the Oversight Committee, said the Enforcement Authority wanted to keep the \$50 limit because City election contributions tend to be a smaller amount than in State elections and the Oversight Committee did not find that to be unreasonable.

Councilmember Kovach said committees are not required to file campaign reports unless they raise or expend more than \$500, but asked if they still had to register as a committee and Ms. Hall said no, they are only required to register within ten days of meeting the \$500 threshold. She said if information was submitted to the Enforcement Authority or City Clerk's Office that there was activity and the committee was not registered, they would be contacted to determine if they meet the requirements for filing.

Councilmember Spaulding asked what is required if informational material is distributed but the material did not oppose or support a candidate and Ms. Hall said the committee would have to advocate one candidate over another to fall within the guidelines. Ms. Hall said, if received, the information would be part of the Enforcement Authority's record, but would be included in the report.

Items submitted for the record

1. Memorandum dated November 14, 2011, from Brenda Hall, City Clerk, to Honorable Mayor and City Councilmembers
2. Legislatively notated copy of Ordinance No. O-1112-15
3. City Council Oversight Committee meeting minutes of May 4, 2011
4. Pertinent excerpts from City Council meeting minutes of July 26, 2011
5. Enforcement Authority meeting minutes of August 29, 2011
6. City Council Oversight Committee meeting minutes of September 7, 2011, and November 2, 2011

Item 2, being:

DISCUSSION REGARDING ESTABLISHING THE DATES FOR THE 2012 CITY COUNCIL ELECTIONS.

Ms. Hall said in 2009, the Military Overseas Voter Empowerment (MOVE) Act was passed into law requiring states to dispatch absentee ballots forty-five days before any federal and state election to ensure they receive the ballots and have time to return them. As a result of MOVE, Oklahoma House Bill 1615 was passed on May 10, 2011, creating the Let the Troops Vote Act (LTVA). This act impacts municipal elections by specifying months available to hold elections. Article II, Section 5, of the City Charter provides that by a resolution passed each December, the City Council shall designate a date in March of the following year for holding a municipal election. Article II, Section 6, goes on to provide for a municipal runoff election to take place on a date in May of the same year.

City Council, in its meeting of August 23, 2011, adopted Ordinance No. O-1112-7 amending the Charter as it relates to the designation of dates for the municipal and municipal runoff elections to comply with what is provided under current state laws and Ordinance No. O-1112-8 calling for a Special Election on November 8, 2011, for the purpose of submitting to the voters the question of approving Ordinance No. O-1112-7, which voters approved by 87.79%.

Section 4 of LTVA states that no election shall be held by any municipality or other entity authorized to call elections except on the first Tuesday in March and April; the second Tuesday of January (except for January 2012) and February; the last Tuesday in June; the fourth Tuesday in August; and the first Tuesday after the first Monday in even-numbered years or the second Tuesday of January, February, May, June, July, August, September, October, and November and the first Tuesday in March and April in odd-numbered years.

Ms. Hall said Council previously discussed possible dates of April 3, 2012, as the municipal election and June 26, 2012, as the runoff election; however, other available dates are March 6, 2012 (Presidential Preferential Primary Election), as the municipal election and April 3, 2012, as the runoff election or March 6, 2012, as the municipal election and June 26, 2012 (State Primary Election), as the runoff election.

Ms. Hall said if Council chooses to hold the election on a date where a state or federal election is scheduled, the only cost to the City would be printing the ballots, which would save the City approximately \$10,000 to \$15,000 for a Council election and \$20,000 if an issue was included with the Council election making it a citywide election.

Ms. Hall said the current Charter requires Council to set by resolution in December the municipal election dates for the coming year and the resolution will be scheduled on a Special Session meeting agenda on December 20, 2011. She said the filing dates set by Charter for City Council elections are the second Monday, Tuesday, and Wednesday of January, which would be January 9 through 11, 2012, and she asked for Council's preference on election dates.

Councilmember Kovach asked if Council could hold an election in March and April since 45 days are required between elections and Ms. Hall said, after reviewing the language further, she found the requirement does not apply to local offices, only state and federal offices. Ms. Hall said the meeting to swear in elected officials would still take place the first Tuesday in July. She said Council had previously discussed an April-June election because that would be right before seating in July, but the other options would work as well.

Councilmember Kovach said Councilmembers have long lamented the lack of voter turnout during Council elections and felt that having the election on the same date as a state or federal election would get more voters involved so he preferred a March-April election. Mayor Rosenthal felt an April-June election makes more sense as there has been such inclement weather in January and February, which she believes impedes candidates' opportunities to knock on doors and meet constituents. Councilmember Lockett said she had been involved in a runoff during her campaign and felt there was too long a period between April and June and felt it would be an unnecessary burden on the candidates as well as voters. She said weather affects everyone, but she knocked doors in a snowstorm during her campaign and believes that got her more votes than she would have normally received. Councilmember Kovach said in the period between the general election and runoff there are no forums and less press coverage and felt it was harder to generate public interest. It also attracted smaller numbers of voters because citizens assumed a candidate had been elected. Mayor Rosenthal felt that a disadvantage of a March-April election is the long period before elected members are seated in July. She also felt it would be a mistake to place a non-partisan election on a very partisan electoral cycle such as the presidential primary election. Councilmember Gallagher agreed with Councilmember Lockett and felt that 60 days or more between elections loses voters and interest. Councilmember Dillingham said all candidates have knocked doors in inclement weather, but the most important goal is to keep citizens involved and focused on the local election. Councilmember Spaulding felt voter turnout for local elections would always be low, but if the City can have an election on a date where voter turnout is high it will only encourage more participation. He said not to hold an election on a date with higher voter turnout does not make sense to him. Councilmember Kovach said no matter what dates are chosen, there will be a partisan issue on the ballot so the City should hold its election in March and April for a shorter runoff period, spring climate, and higher voter turnout. Councilmember Ezzell said he prefers the April 3, 2011, election date although he did not like the longer period of time to the runoff. He asked Ms. Hall how many times the City has had a runoff and Ms. Hall said she could remember three within the last ten years. Councilmember Griffith said after the recent restructuring of Wards by the Reapportionment Commission, his Ward has grown and he would like more time to meet with new constituents so he preferred April-June. Mayor Rosenthal agreed and said because of the new Ward boundaries, there is real merit in having the extra time between the filing date in January and the election. Councilmember Quinn agreed and said it is important to have more time with constituents prior to the general election so he would lean toward an April-June election.

Mayor Rosenthal asked Staff to draft the Resolution for the April 3, 2011, election since there seemed to be a consensus for that date. Councilmember Gallagher suggested drafting two resolutions for Council to decide which option they wanted and Councilmember Ezzell felt that was unnecessary as Council could amend one resolution.

Items submitted for the record

1. Memorandum dated November 16, 2011, from Brenda Hall, City Clerk, to Honorable Mayor and Councilmembers

Item 3, being:

DISCUSSION REGARDING THE FYE 2013 CAPITAL BUDGET.

Ms. Linda Price, Revitalization Manager, said the Capital Improvements Plan (CIP) is a multi-year plan of public infrastructure improvements and expansion that allows for a variety of projects that are beneficial to the City. She offers a vital link to the 2025 Land Use and Transportation Plan; allows the City to plan projects over a number of years; ensures that plans for community facilities are carried out; improves coordination and scheduling of public improvements that require more than one year to construct; and provides an opportunity for residents and community interest groups to participate in decisions that impact their quality of life.

The CIP is a public information document to advise residents of how the City plans to address significant capital needs over the next five years, a flexible plan that can be altered as conditions, funding, priorities, and regulations change, and projects are reassessed each year for financial feasibility, environmental impact, conformance to previously adopted plans, and priorities from the citizen input process.

Ms. Price said current FYE 2011 Projects include:

- Robinson and I-35 interchange improvements
- I-35 widening from Main Street to Canadian River Bridge
- Construction of noise wall south of Main Street
- Main Street interchange

Ms. Price updated Council on the status of 2005 bond projects as follows:

- Duffy Railroad Crossing realignment – complete
- Robinson Street Underpass - under construction
- Main Street and 36th Avenue N.W. signalization improvements – complete
- 24th Avenue S.E.: Imhoff Road to Lindsey Street widening – complete
- Lindsey: Oakhurst Avenue to 24th Avenue S.E. widening – complete
- Main Street: Carter Avenue to 12th Avenue N.E. widening – complete
- Rock Creek Road: Porter Avenue to Queenston Avenue widening – complete
- Jenkins Avenue and Imhoff Road signalization – complete
- Lindsey Street: Jenkins Avenue to Burlington Northern and Santa Fe (BNSF) railroad tracks widening - under construction
- All of the rural road projects have been completed
- Street Maintenance – urban asphalt - ongoing
- Street Maintenance – urban concrete – completed
- Fire Station No. 3 - completed

Ms. Price updated Council on the status of 2010 bond projects that consist of street maintenance projects, which are nearly completed, and the Outdoor Warning System that is complete.

Ongoing projects consist of the Fire Station 9 design; Robinson Street Underpass; new roofs, heat and air projects, and lighting projects in various municipal buildings; State Highway 9 multi-modal path; Compressed Natural Gas (CNG) Facility; Lindsey Street: Jenkins Avenue to Classen Boulevard reconstruction; Main Street bridge over Brookhaven Creek design; Franklin Road bridge over Little River design; Cedar Lane from 12th Avenue S.E. to one-half mile east of 24th Avenue S.E. design; and Main Street light emitting diodes (LED) street lights.

Upcoming projects consist of 60th Avenue N.W.: Tecumseh Road to Indian Hills Road widening; Robinson Street/12th Avenue N.E. signalization and intersection improvements; Classen Boulevard/Imhoff Road intersection signalization and intersection improvements; South Highway 9 widening – 24th Avenue S.E. to 72nd Avenue S.E.; North Porter Corridor widening – Rock Creek Road to north of Tecumseh Road; I-35 and Robinson Street interchange; South Highway 9 bicycle and pedestrian signal improvements; and I-35 South – Main Street to Canadian River Bridge widening.

Ms. Price said projects for FYE 2011 and new projects for FYE 2012 include: Westwood pool repainting, design and specifications for the Smalley Center. And several new infrastructure projects that consist of Fire Station No. 6 restoration and repairs; Senior Citizen Center elevator compliance upgrades; Westwood Tennis Center heat and air replacement; Police Communications Uninterruptable Power System (UPS) replacement and upgrade; Police Safety Range wall repair; Kennedy Safe Routes to School match; Legacy Trail multi-modal path extension; Downtown Streetscape; roadway lighting on Jenkins Avenue, South Highway 9, and Constitution Avenue; Little Axe Center improvements; trail replacement in the Hall Park Greenbelt; and Transportation Master Plan Scoping Survey.

Ms. Price discussed federal funding and said one way communities received federal funds is by having "readiness points." She said readiness points are obtained when cities have design, utilities relocation, and right-of-way acquisition and the City has been successful in acquiring federal funds, but there have been years where the City has had trouble getting its readiness points. She said the City may be in the upswing again and Council has been discussing bond issue possibilities for larger projects and she felt this would be a way to get readiness points for more federal funding. She said there were seven projects being proposed for bond issues and if those projects are approved, that would free monies in the Capital Budget in the amount of approximately \$11.68 million. She said that would allow the City to move other projects up to get them done more quickly or bring in new projects. She said if the Council moved forward with the bond issue, it would have a significant impact on the budget. Ms. Price said without the bonds, beginning in FYE 2013 with the current plan, the City will be in the red.

Councilmember Gallagher asked for the cost of the Highway 9 multi-modal project and Mr. Shawn O'Leary, Director of Public Works, said the bike lane from 24th Avenue S.E. to 72nd Avenue S.E. would cost \$750,000 funded with a \$600,000 grant. Mayor Rosenthal said there was a delay in that project and asked Mr. O'Leary to explain. Mr. O'Leary said that project is in conjunction with ODOT's highway widening project and the City's goal is to dovetail with that project. He said the widening of two lanes into four lanes means ODOT has to widen the bridges, box culverts, etc., and the City is asking ODOT to widen them another ten feet so the City will not have to pay for the box culvert widening in the multi-modal path project. He said ODOT is discussing that request and the City has submitted some detailed, technical requests based upon ODOT's preliminary plans and are waiting for ODOT's response. Councilmember Kovach asked if the right-of-way was there for the multi-modal path and Mr. O'Leary said not entirely and the City would like to use the right-of-way being acquired by ODOT for the highway to avoid additional right-of-way acquisition and costs. Councilmember Kovach said if ODOT turns the City down on the request for the box culverts and bridges, isn't there an economy of scale to at least partner with them and Mr. O'Leary said yes, that would be Plan B where the City would pay a local share.

Mr. O'Leary discussed the Association of Central Oklahoma Governments (ACOG) Transportation Improvement Program, which is currently being prepared by Staff. He said Staff presented options to the Community Planning and Transportation Committee (CPTC) focusing on storm water and a Storm Water Utility and a General Obligation Bond finance package. Staff provided information on the three rate options and said Council will ultimately have to determine which option, if any, to include:

1. Option 1 - \$30 million G.O. Bonds and \$53 million user rates financing. Approximately \$2.65 million CIP projects would be funded by rates per year.
2. Option 2 - \$38.8 million G.O. Bonds and \$44.5 million user rates financing. Approximately \$2.22 million CIP projects would be funded by rates per year.
3. Option 3 - \$40 million G.O. Bonds and \$43 million user rate financing. Approximately \$2.15 million CIP projects would be funded by rates per year.

Mr. O'Leary said Option 3 was the most favored option proposing a G.O. Bond Election concept with a staggered storm water utility fee election one year later. He said Staff is proposing a \$33.5 million package, which equates to \$28.43 per year for a typical homeowner of a \$100,000 home or \$2.37 per month. He said the bond issue is proposed to be brought forward in a June 2012 election and approximately one year later, the storm water utility fee concept was proposed to be submitted to voters in August 2013. He said the utility fee would cost \$6.74 a month for a typical home (3,600 square feet) or \$80 per year. He said if all this happens as proposed, the typical homeowner would pay \$110 per year or \$9 per month.

Mr. O’Leary said the CPTC requested Staff provide a list of storm water projects and transportation projects to determine if any of the projects have general connections, i.e., streets, bridges, etc., and can be done collectively to save the City money. He said there are seven fairly major projects that qualify as follows:

Potential Drainage and Street Widening Projects	Without Federal Funding	With Federal Funding	Federal Share
West Main Street bridge	\$ 4,141,010	\$ 1,718,502	\$ 2,422,508
Lindsey Street: 24th S.W. to Berry	\$21,533,110	\$13,033,110	\$ 8,500,000
Franklin Road bridge	\$ 4,274,220	\$ 1,575,630	\$ 2,698,590
TOTAL COSTS	\$29,948,340	\$16,327,242	\$13,621,098

Potential Street Projects	Without Federal Funding	With Federal Funding	Federal Share
Cedar Lane: 12th S.E. to 24th S.E.	\$ 9,499,122	\$ 3,810,122	\$ 5,680,000
12th S.E.: Cedar Lane to Highway 9	\$ 3,099,286	\$ 894,486	\$ 2,204,800
24th S.E.: Lindsey to Robinson	\$11,k846,918	\$ 4,402,750	\$ 7,444,168
36th N.W.: Tecumseh to Indian Hills	\$16,105,292	\$ 7,685,292	\$ 8,420,000
TOTAL COSTS	\$40,550,618	\$16,801,650	\$23,748,968

Mr. O’Leary said Councilmember Gallagher has asked about extending the 24th Avenue S.E.: Lindsey to Robinson Street project to Tecumseh Road. Mr. O’Leary said that would cost an additional \$12 million and could be a problem because that two mile section is not in the Norman 2025 Land Use and Transportation Plan as an arterial road, but it is a rural collector road. He said it is also not included in Encompass 2035. He said from a land use point of view, it is a limited development area so it would not need enhanced transportation. He said it could be added over the course of the next year if Council desires.

Mr. O’Leary said there had been discussion regarding making Alameda Street a safer roadway by constructing concrete shoulders. He said the proposed ten foot wide paved shoulder on both sides would cost \$1.1 million. He said it would make Alameda a safer corridor with the shoulders doubling as bicycle lanes. He said it does not qualify for federal funding or safety funding, but could be included in the bond package. Councilmember Kovach said paved shoulders lengthen the life of the road as well and Mr. O’Leary agreed saying it would definitely have a positive impact on the roadway.

Councilmember Kovach asked if Lindsey Street has one of the highest accident intersections and Mr. O’Leary said yes, and it is also one of the highest congested corridors.

Councilmember Kovach asked Mr. Anthony Francisco, Director of Finance, if there are low interest bond rates available at this time and Mr. Francisco said yes, the best rates in 50 years. Councilmember Kovach asked if bids are coming in favorably as well and Mr. O’Leary said yes, there is a very favorable market.

Councilmember Kovach said the projects need to be done and with federal funding and low interest rates wwhich will save the City millions of dollars and felt it is in the best interest of the City to move forward expeditiously. Councilmember Dillingham said the City has been criticized for not being diligent with tax dollars and the City would be able to take advantage of a very attractive financial climate and the Storm Water Master Plan will be a wonderful guiding document. She felt the City should take advantage of this opportunity.

Councilmember Gallagher felt the City should include widening between 24th Avenue S.E.; Lindsey Street to Robinson Street to include widening to Tecumseh Road to relieve traffic congestion. Councilmember Kovach said Staff has already stated that the project would not qualify for federal funding and asked Staff what was needed in order to move in that direction. Mr. O'Leary said the project needs to be a data driven process with public comment. Mr. O'Leary said during the Norman 2025 Plan discussions, Tecumseh Road was not on the radar, but has since been built and is a functioning roadway so the Norman 2025 Plan needs be updated for future transportation projects to qualify for funding. Councilmember Griffith said the project makes sense to him, but citizens in Hall Park Addition are complaining about the 35 per hour speed limit along 24th Avenue S.E. which will be the biggest obstacle in getting G.O. Bond election projects approved in the future. Councilmember Quinn said he would like to have supporting data to obtain federal funding.

Mayor Rosenthal felt the City should move forward with Staff recommendations and said other projects have educational elements that cannot be met for a March election as an election ordinance would have to go to First Reading on December 13, 2011. She asked Councilmembers to keep election dates in mind when discussing additional projects. She said she would like to have an additional meeting on the bond issue and asked Staff to gather information on beginning the process to obtain federal funds to widen the two mile strip between 24th Avenue S.E. and Tecumseh Road.

Items submitted for the record

1. PowerPoint presentation entitled, "FYE 2012 Capital Improvement Projects Budget Status and FYE 2013 – 2017 Capital Improvements Plan"
2. PowerPoint presentation entitled, "Master Plan Possible Utility and General Obligation Bond Elections," Council Study Session, Tuesday, November 22, 2011

The meeting adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor

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

November 22, 2011

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 22nd day of November, 2011, at 6:30 p.m., and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray and at the Norman Public Library at 225 North Webster 24 hours prior to the beginning of the meeting.

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

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 42 excluding Item 9 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 42 excluding Item 9, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 4 through Item 42 excluding Item 9 were placed on the consent docket by unanimous vote.

* * * * *

Item 4, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL MINUTES OF OCTOBER 25, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF OCTOBER 25, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF OCTOBER 25, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF OCTOBER 25, 2011
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION MINUTES OF
OCTOBER 26, 2011
CITY COUNCIL SPECIAL SESSION MINUTES OF NOVEMBER 1, 2011
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF NOVEMBER 2, 2011
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF
NOVEMBER 3, 2011
CITY COUNCIL CONFERENCE MINUTES OF NOVEMBER 8, 2011
CITY COUNCIL MINUTES OF NOVEMBER 8, 2011
NORMAN UTILITIES AUTHORITY MINUTES OF NOVEMBER 8, 2011
NORMAN MUNICIPAL AUTHORITY MINUTES OF NOVEMBER 8, 2011
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF NOVEMBER 8, 2011

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that the minutes be approved and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. GID-1112-35 dated November 10, 2011, by Brenda Hall, City Clerk
2. City Council minutes of October 25, 2011
3. Norman Utilities Authority minutes of October 25, 2011
4. Norman Municipal Authority minutes of October 25, 2011
5. Norman Tax Increment Finance Authority minutes of October 25, 2011

Item 4, continued:

Items submitted for the record, continued

- 6. City Council Community Planning and Transportation minutes of October 26, 2011
- 7. City Council Special Session minutes of November 1, 2011
- 8. City Council Oversight Committee minutes of November 2, 2011
- 9. City Council Business and Community Affairs Committee minutes of November 3, 2011
- 10. City Council Conference minutes of November 8, 2011
- 11. City Council minutes of November 8, 2011
- 12. Norman Utilities Authority minutes of November 8, 2011
- 13. Norman Municipal Authority minutes of November 8, 2011
- 14. Norman Tax Increment Finance Authority minutes of November 8, 2011

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

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

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Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1112-15 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 7.5-21(F), 7.5-22, 7.5-25(5) AND (6), 7.5-26(7), AND 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN CHANGING THE NAME OF THE ENFORCEMENT AUTHORITY TO NORMAN ELECTION COMMISSION THROUGHOUT AND PROVIDING FOR AMENDMENTS TO THE CAMPAIGN STATEMENTS FILING REQUIREMENTS AND VIOLATION REPORTING PROCEDURE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1112-15 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. O-1112-15 dated November 15, 2011, by Brenda Hall, City Clerk
- 2. Ordinance No. O-1112-15
- 3. Legislatively notated copy of Ordinance No. O-1112-15
- 4. City Council Oversight Committee minutes of May 4, September 7, and November 2, 2011
- 5. Pertinent excerpts of City Council minutes of July 26, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1112-15 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1112-15 was Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

ENVIRONMENTAL CONTROL ADVISORY BOARD

- TERM: 11-22-11 TO 10-27-13: CHARLES SEVER, 930 SCHULZE DRIVE
- TERM 11-22-11 TO 10-27-14: JAMES HARP, 801 PARKSIDE ROAD
- TERM: 11-22-11 TO 10-27-14: JAMES GREER, 4509 MOORGATE DRIVE

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

Items submitted for the record

- 1. Text File No. AP-1112-9 dated November 7, 2011, by Brenda Hall, City Clerk

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

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

NAYES: None

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

* * * * *

Item 7, being:

SUBMISSION OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF OCTOBER 31, 2011.

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

Items submitted for the record

- 1. Text File No. RPT-1112-17 dated November 7, 2011, by Clint Mercer, Chief Accountant
- 2. Finance Director's Investment Report as of October 31, 2011

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

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

NAYES: None

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

* * * * *

Item 8, being:

SUBMISSION OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF OCTOBER, 2011.

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

Items submitted for the record

- 1. Text File No. RPT-1112-16 dated November 7, 2011, by Carol Coles, Administrative Assistant
 - 2. Monthly Departmental Reports for the month of October, 2011
- Participants in discussion
- 1. Mr. Jud Foster, Director of Parks and Recreation
 - 2. Mr. Keith Humphrey, Police Chief
 - 3. Mr. Jeff Bryant, City Attorney

Item 8, continued:

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

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

NAYES: None

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

* * * * *

Item 9, being:

CONSIDERATION OF THE NORMAN CONVENTION AND VISITOR'S BUREAU, INC., (NCVB) SEMI-ANNUAL REPORT ENDING JUNE 30, 2011.

Item 9 was withdrawn at Staff's request.

* * * * *

Item 10, being:

CONSIDERATION OF BID NO. 1112-26; CONTRACT NO. K-1112-56 WITH RON WALTERS CONSTRUCTION SERVICES, INC., IN THE AMOUNT OF \$84,942.60, PERFORMANCE BOND NO. B-1112-13; STATUTORY BOND NO. B-1112-14; MAINTENANCE BOND NO. MB-1112-16, AND RESOLUTION NO. R-1112-39 FOR THE FIREHOUSE ART CENTER EXTERIOR REPAIRS PROJECT.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$84,942.60 be awarded to Ron Walters Construction Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-56 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-1112-39 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1112-56 dated October 31, 2011, by Mitch Miles, Park Planner
2. Bid tabulation dated November 8, 2011, for the Firehouse Art Center Exterior Repairs Project
3. Contract No. K-1112-56
4. Performance Bond No. B-1112-13
5. Statutory Bond No. B-1112-14
6. Maintenance Bond No. MB-1112-16
7. Resolution No. R-1112-39
8. Purchase Requisition No. 0000194271 dated November 17, 2011, in the amount of \$84,942.60 to Ron Walters Construction Services, Inc.

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$84,942.60 was awarded to Ron Walters Construction Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-56 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-1112-39 was adopted.

* * * * *

Item 11, being:

EASEMENT NO. E-1112-10: CONSIDERATION OF ACCEPTANCE OF A PERMANENT ROADWAY EASEMENT DONATED BY KIMBERLY F. COOPER AS PART OF THE FYE 2011 CONCRETE PROJECTS.

Councilmember Kovach moved that Easement No. E-1112-10 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. E-1112-10 dated November 7, 2011, by Jack Burdett, Engineering Assistant
- 2. Easement No. E-1011-10
- 3. Location map

and the question being upon accepting Easement No. E-1112-10 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Easement No. E-1112-10 accepted; the filing of the easement with the Cleveland County Clerk was directed.

* * * * *

Item 12, being:

CONSIDERATION OF GRANTING EASEMENT NO. E-1112-11 TO OKLAHOMA GAS AND ELECTRIC COMPANY FOR THE INSTALLATION OF AN ELECTRIC LINE TO THE COMPRESSED NATURAL GAS (CNG) FACILITY.

Councilmember Kovach moved that the easement be granted and the execution thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. E-1011-11 dated November 14, 2011, by Mike White, Fleet Superintendent
- 2. Easement No. E-1112-11 with Exhibit "A", legal description, and Exhibit "B", location map

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the easement granted; and the execution thereof was directed.

* * * * *

Item 13, being:

CONSIDERATION OF A FINAL PLAT FOR BROOKHAVEN MANSIONS ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W., 1195 FEET SOUTH OF WEST ROCK CREEK ROAD)

Councilmember Kovach moved that the final plat for Brookhaven Mansions Addition 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 requirement public improvements, and the filing of the final plat be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. FP-1112-8 dated September 21, 2011, by Ken Danner, Development Manager
- 2. Location map
- 3. Final plat
- 4. Staff Report dated October 13, 2011, recommending approval
- 5. Site plan for Brookhaven Mansions Independent Living Center
- 6. Revised preliminary plat for Brookhaven No. 41 Addition
- 7. Pertinent excerpts from Planning Commission minutes of October 13, 2011

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

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

NAYES: None

The Mayor declared the motion carried and the final plat 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 requirement public improvements, and the filing of the final plat was directed.

Item 14, being:

CONSIDERATION OF APPROVAL OF CERTIFICATE OF PLAT CORRECTION NO. CPC-1112-1 FOR OEC HEMPHILL ADDITION. (GENERALLY LOCATED SOUTH OF HEMPHILL DRIVE AND WEST OF 24TH AVENUE N.W.)

Councilmember Kovach moved that Certificate of Plat Correction No. CPC-1112-1 in connection with OEC Hemphill Addition be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. CPC-1112-1 dated November 8, 2011, by Ken Danner, Development Manager
- 2. Certificate of Plat Correction No. CPC-1112-1 with Exhibit "A", location map
- 3. Letter of request dated October 21, 2011, from Ole M. Marcussen, P.E., SMC Consulting Engineers, P.C., to Mr. Ken Danner, Development Coordinator

and the question being upon approving Certificate of Plat Correction No. CPC-1112-1 in connection with OEC Hemphill Addition and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Certificate of Plat Correction No. CPC-1112-1 in connection with OEC Hemphill Addition approved; and the filing thereof with the Cleveland County Clerk was directed.

Item 15, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-4 FOR LOT 1, BLOCK 1, OEC HEMPHILL ADDITION, TO BUILD A CANOPY ON THE EAST SIDE OF THE NEW OKLAHOMA ELECTRIC COOPERATIVE OFFICE BUILDING LOCATED ON SOUTH SIDE OF HEMPHILL DRIVE WEST OF 24TH AVENUE N.W.

Councilmember Kovach moved that Consent to Encroachment No. EN-1112-4 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. EN-1112-4 dated November 9, 2011, by Blaine Nice, Assistant City Attorney
2. Consent to Encroachment No. EN-1112-4
3. Memorandum dated November 4, 2011, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Kosinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
4. Letter of request dated October 22, 2011, from Harold Heiple, Heiple Law Offices, Inc., to Brenda Hall, City Clerk
5. Location map
6. Memorandum dated November 9, 2011, from Ken Danner, Subdivision Development Manager, to Blaine Nice, Assistant City Attorney
7. Memorandum dated November 9, 2011, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk

and the question being upon approving Consent to Encroachment No. EN-1112-4 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. EN-1112-4 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 16, being:

SPECIAL CLAIM NO. SC-1112-6: A CLAIM IN THE AMOUNT OF \$3,130.15 SUBMITTED BY FIRST BAPTIST CHURCH FOR COSTS INCURRED DUE TO AN OFFSET SEWER MAIN CAUSING A SEWER BACKUP AT 211 WEST COMANCHE STREET.

Councilmember Kovach moved that Special Claim No. SC-1112-6 be approved and payment in the amount of \$3,130.15 be directed contingent upon obtaining a Release and Covenant Not to Sue from First Baptist Church, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. SC-1112-6 dated November 7, 2011, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated August 4, 2011, from Brenda Hall, City Clerk, to Ken Komiske, Director of Utilities, and Jeff Bryant, City Attorney
3. Special Claim No. SC-1112-6 dated August 4, 2011, submitted by Roy Joe Hamm on behalf of First Baptist Church in the amount of \$3,130.15
4. Statement of Circumstances dated August 4, 2011, listing labor costs totaling \$589.20 from Roy Joe Ham, Minister of Administration, First Baptist Church
5. Invoice No. 97830 dated July 15, 2011, from Bob Usry and Sons Plumbing/Appliances in the amount of \$2,540.95

Item 16, continued:

and the question being upon approving Special Claim No. SC-1112-6 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Special Claim No. SC-1112-6 approved; and payment in the amount of \$3,130.15 was directed contingent upon obtaining a Release and Covenant Not to Sue from First Baptist Church.

* * * * *

Item 17, being:

LIMITED LICENSE NO. LL-1112-7: A LIMITED LICENSE TO PLACE FIVE (5) SIGNS WITHIN THE PUBLIC RIGHT-OF-WAY PURSUANT TO A REQUEST FROM THE DIRECTOR OF THE NORMAN CHRISTMAS DAY COMMUNITY DINNER.

Councilmember Kovach moved that Limited License No. LL-1112-7 to place five (5) signs within the public rights-of-way pursuant to a request from the Director of the Norman Christmas Day Community Dinner be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. LL-1112-7 dated November 7, 2011, by Wayne Stenis, Planner II
2. Letter of request dated November 1, 2011, from Bob Magarian, Director, Norman Christmas Day Community Dinner, to Ms. Brenda Hall, City Clerk
3. Limited License No. LL-1112-7

and the question being upon approving Limited License No. LL-1112-7 to place five (5) signs within the public rights-of-way pursuant to a request from the Norman Christmas Day Community Dinner and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Limited License No. LL-1112-7 to place five (5) signs within the public rights-of-way pursuant to a request from the Norman Christmas Day Community Dinner approved; and the issuance thereof was authorized.

* * * * *

Item 18, being:

CONSIDERATION OF ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$30,000 FROM THE OKLAHOMA HIGHWAY SAFETY OFFICE TO BE USED TO HOST A STATEWIDE TRAINING CLASS FOR NORMAN POLICE OFFICERS TO BECOME DRUG RECOGNITION EXPERTS (DRE), APPROVAL OF CONTRACT NO. K-1112-88, AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a grant in the amount of \$30,000 from the Oklahoma Highway Safety Office be accepted; Contract No. K-1112-88 be approved; the execution thereof be authorized; DRE Training (022-0000-331.13-30) be increased by \$30,000; and \$22,000 be appropriated to Professional Services/Workshops and Seminars (022-6037-421.46-04) and \$8,000 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-1112-88 dated November 2, 2011, by Major Jim Maisano
- 2. Contract No. K-1112-88, Oklahoma Highway Safety Office Grant Agreement, Part I

Participants in discussion

- 1. Mr. Keith Humphrey, Police Chief

and the question being upon accepting a grant in the amount of \$30,000 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 Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and a grant in the amount of \$30,000 from the Oklahoma Highway Safety Office accepted; Contract No. K-1112-88 was approved; the execution thereof was authorized; DRE Training (022-0000-331.13-30) was increased by \$30,000; and \$22,000 was appropriated to Professional Services/Workshops and Seminars (022-6037-421.46-04) and \$8,000 to General Supplies/Employee Training (022-6037-421.30-12).

* * * * *

Item 19, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-146 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GAMETIME C/O CUNNINGHAM ASSOCIATES, INC., FOR THE EASTWOOD PARK PLAYGROUND REPLACEMENT PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of \$2,233.27 to GameTime c/o Cunningham Associates, Inc., be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1011-146, Final, dated November 3, 2011, by Mitch Miles, Park Planner

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$2,233.27 to GameTime c/o Cunningham Associates, Inc., was directed.

* * * * *

Item 20, being:

CONTRACT NO. K-1112-89: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NO. ACSTP-114A(184)AG, STATE JOB NO. 24029(04), AND FEDERAL-AID PROJECT NO. STP-114A(292)AG, STATE JOB NO. 24029(05), FOR THE CONSTRUCTION OF THE I-35/ROBINSON STREET NORTHEAST QUADRANT PROJECT AND ADOPTION OF RESOLUTION NO. R-1112-81.

Councilmember Kovach moved that Contract No. K-1112-89 with the Oklahoma Department of Transportation be approved, Resolution No. R-1112-81 be adopted, the execution of the contract and resolution be authorized, and payment be directed to the Oklahoma Department of Transportation in the amount of \$1,527,080 for the City's 20% share of the project, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1112-89 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer, with Exhibit A, location map, and Exhibit B, table of expenditures
- 2. Contract No. K-1112-89
- 3. Resolution No. R-1112-81
- 4. Purchase Requisition No. 0000193813 dated November 7, 2011, in the amount of \$1,527,080 to Oklahoma Department of Transportation

and the question being upon approving Contract No. K-1112-89 with the Oklahoma Department of Transportation and upon the subsequent adoption, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-1112-89 with the Oklahoma Department of Transportation approved; Resolution No. R-1112-81 was adopted, the execution of the contract and resolution was authorized, and payment was directed to the Oklahoma Department of Transportation in the amount of \$1,527,080 for the City's 20% share of the project.

* * * * *

Item 21, being:

CONTRACT NO. K-1112-90: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STATE FARM BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR PROPERTY LOCATED AT 4101 HERITAGE PLACE DRIVE.

Councilmember Kovach moved that Contract No. K-1112-90 with State Farm Bank be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. K-1112-90 dated November 7, 2011, by Linda Price, Revitalization Manager
- 2. Contract No. K-1112-90

Participants in discussion

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

and the question being upon approving Contract No. K-1112-90 with State Farm Bank and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-1112-90 with State Farm Bank approved; and the execution thereof was authorized.

* * * * *

Item 22, being:

RESOLUTION NO. R-1112-57: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING THAT THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) INTERMODAL TRANSPORTATION POLICY COMMITTEE AMEND THE ENCOMPASS 2035 OKLAHOMA CITY AREA REGIONAL TRANSPORTATION STUDY (OCARTS) PLAN WITH THE INCLUSION OF ROCK CREEK ROAD BETWEEN GRANDVIEW AVENUE AND 36TH AVENUE N.W., AS A FOUR-LANE URBAN ARTERIAL ROADWAY.

Councilmember Kovach moved that Resolution No. R-1112-57 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-57 dated November 7, 2011, by Angelo Lombardo, Traffic Engineer
2. Application for Amendment to Encompass 2035, the 2035 Oklahoma City Area Regional Transportation Study (OCARTS) Plan, dated November 1, 2011
3. Resolution No. R-1112-57
4. Location map

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-57, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-57 was adopted.

* * * * *

Item 23, being:

RESOLUTION NO. R-1112-58: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REQUESTING THAT THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS INTERMODAL TRANSPORTATION POLICY COMMITTEE AMEND THE ENCOMPASS 2035 OKLAHOMA CITY AREA REGIONAL TRANSPORTATION STUDY (OCARTS) PLAN WITH THE INCLUSION OF CEDAR LANE ROAD BETWEEN 12TH AVENUE S.E. AND 1/2 MILE EAST OF 24TH AVENUE S.E., AS A FOUR-LANE URBAN ARTERIAL ROADWAY.

Councilmember Kovach moved that Resolution No. R-1112-58 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-58 dated November 7, 2011, by Angelo Lombardo, Traffic Engineer
2. Application for Amendment to Encompass 2035, the 2035 Oklahoma City Area Regional Transportation Study (OCARTS) Plan, dated November 1, 2011
3. Resolution No. R-1112-58
4. Location map

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Bobby Stevens, Post Office Box 626, made comments

and the question being upon adopting Resolution No. R-1112-58, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-58 was adopted.

* * * * *

Item 24, being:

RESOLUTION NO. R-1112-59: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE WIDENING AND RECONSTRUCTION OF ROCK CREEK ROAD FROM GRANDVIEW AVENUE TO WEST OF 36TH AVENUE N.W.

Councilmember Kovach moved that Resolution No. R-1112-59 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-59 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-59

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-59, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-59 was adopted.

* * * * *

Item 25, being:

RESOLUTION NO. R-1112-60: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE WIDENING AND RECONSTRUCTION OF CEDAR LANE ROAD FROM 12TH AVENUE S.E., TO 1/2 MILE EAST OF 24TH AVENUE S.E.

Councilmember Kovach moved that Resolution No. R-1112-60 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-60 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-60

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-60, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-60 was adopted.

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Item 26, being:

RESOLUTION NO. R-1112-61: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE WIDENING AND RECONSTRUCTION OF 12TH AVENUE S.E., FROM NORTH OF CEDAR LANE ROAD TO STATE HIGHWAY 9.

Councilmember Kovach moved that Resolution No. R-1112-61 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-61 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-61

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-61, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-61 was adopted.

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Item 27, being:

RESOLUTION NO. R-1112-62: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE WIDENING AND RECONSTRUCTION OF 24TH AVENUE EAST FROM NORTH OF LINDSEY STREET TO ROBINSON STREET.

Councilmember Kovach moved that Resolution No. R-1112-62 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-62 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-62

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-62, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-62 was adopted.

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Item 28, being:

RESOLUTION NO. R-1112-63: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE WIDENING AND RECONSTRUCTION OF LINDSEY STREET FROM 24TH AVENUE S.W. TO BERRY ROAD.

Councilmember Kovach moved that Resolution No. R-1112-63 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-63 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-63

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-63, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-63 was adopted.

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Item 29, being:

RESOLUTION NO. R-1112-64: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE WIDENING AND RECONSTRUCTION OF 36TH AVENUE N.W. FROM NORTH OF TECUMSEH ROAD TO INDIAN HILLS ROAD.

Councilmember Kovach moved that Resolution No. R-1112-64 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-64 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-64

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-64, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-64 was adopted.

* * * * *

Item 30, being:

RESOLUTION NO. R-1112-65: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF TECUMSEH ROAD AND 48TH AVENUE N.W.

Councilmember Kovach moved that Resolution No. R-1112-65 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-65 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-65

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-65, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-65 was adopted.

* * * * *

Item 31, being:

RESOLUTION NO. R-1112-66: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF PAVEMENT MARKINGS AT VARIOUS LOCATIONS CITYWIDE.

Councilmember Kovach moved that Resolution No. R-1112-66 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-66 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-66

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-66, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-66 was adopted.

* * * * *

Item 32, being:

RESOLUTION NO. R-1112-67: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF A NEW TRAFFIC SIGNAL ON 24TH AVENUE S.E. AT REAGAN ELEMENTARY SCHOOL.

Councilmember Kovach moved that Resolution No. R-1112-67 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-67 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-67

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-67, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-67 was adopted.

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Item 33, being:

RESOLUTION NO. R-1112-68: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR THE INSTALLATION OF A SIDEWALK ALONG BOYD STREET BETWEEN CLASSEN BOULEVARD AND BARKLEY AVENUE.

Councilmember Kovach moved that Resolution No. R-1112-68 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. R-1112-68 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
3. Resolution No. R-1112-68

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-68, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-68 was adopted.

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Item 34, being:

RESOLUTION NO. R-1112-69: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF JENKINS AVENUE AND STINSON STREET.

Councilmember Kovach moved that Resolution No. R-1112-69 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-69 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-69

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-69, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-69 was adopted.

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Item 35, being:

RESOLUTION NO. R-1112-70: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR A TRAFFIC SIGNAL INTERCONNECTION UPGRADE ON STATE HIGHWAY 9 FROM JENKINS AVENUE TO JOHN SAXON BOULEVARD.

Councilmember Kovach moved that Resolution No. R-1112-70 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-70 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-70

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-70, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-70 was adopted.

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Item 36, being:

RESOLUTION NO. R-1112-71: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF ALAMEDA STREET AND FINDLAY AVENUE.

Councilmember Kovach moved that Resolution No. R-1112-71 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-71 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-71

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-71, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-71 was adopted.

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Item 37, being:

RESOLUTION NO. R-1112-72: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR SCHOOL ZONE UPGRADES CITYWIDE.

Councilmember Kovach moved that Resolution No. R-1112-72 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-72 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-72

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-72, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-72 was adopted.

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Item 38, being:

RESOLUTION NO. R-1112-73: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR THE INSTALLATION OF A NEW TRAFFIC SIGNAL AT THE INTERSECTION OF JENKINS AVENUE AND BROOKS STREET.

Councilmember Kovach moved that Resolution No. R-1112-73 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-73 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-73

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-73, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-73 was adopted.

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Item 39, being:

RESOLUTION NO. R-1112-74: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR TRAFFIC SIGNAL UPGRADES CITYWIDE. (NEW TRAFFIC SIGNAL VIDEO DETECTION SYSTEMS)

Councilmember Kovach moved that Resolution No. R-1112-74 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-74 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-74

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-74, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-74 was adopted.

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Item 40, being:

RESOLUTION NO. R-1112-75: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR TRAFFIC SIGNAL UPGRADES CITYWIDE. (NEW EMERGENCY VEHICLE TRAFFIC SIGNAL PRE-EMPTION SYSTEMS)

Councilmember Kovach moved that Resolution No. R-1112-75 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-75 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-75

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-75, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-75 was adopted.

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Item 41, being:

RESOLUTION NO. R-1112-76: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA-SAFETY) FUNDS FOR TRAFFIC SIGNAL UPGRADES CITYWIDE. (NEW SIGNAL DISPLAYS FOR COMPLIANCE WITH THE 2009 MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES)

Councilmember Kovach moved that Resolution No. R-1112-76 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-76 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-76

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-76, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-76 was adopted.

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Item 42, being:

RESOLUTION NO. R-1112-77: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, PROGRAMMING FEDERAL SURFACE TRANSPORTATION PROGRAM URBANIZED AREA (STP-UZA) FUNDS FOR PAVEMENT OVERLAYS ALONG ALAMEDA STREET, CONSTITUTION STREET, IMHOFF ROAD, AND LINDSEY STREET.

Councilmember Kovach moved that Resolution No. R-1112-77 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. R-1112-77 dated November 8, 2011, by Angelo Lombardo, Traffic Engineer
- 2. Programming Resolutions Requesting Federal Funds, 2013 to 2016 ACOG TIP
- 3. Resolution No. R-1112-77

Participants in discussion

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

and the question being upon adopting Resolution No. R-1112-77, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-77 was adopted.

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Councilmembers Ezzell and Quinn asked that they be allowed to abstain from voting on Item 43 due to a conflict of interest. Thereupon, Councilmember Kovach moved that Councilmembers Ezzell and Quinn be allowed to abstain from voting on Item 43 due to a conflict of interest, which motion was duly seconded by Councilmember Dillingham; and the question being upon allowing Councilmembers Ezzell and Quinn to abstain from voting on Item 43 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Gallagher, Griffith, Kovach, Lockett, Spaulding, Mayor Rosenthal
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NAYES:	None
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ABSTAIN:	Councilmembers Ezzell and Quinn
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The Mayor declared the motion carried and Councilmember Ezzell and Quinn were allowed to abstain from voting on Item 43 due to a conflict of interest.

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Item 43, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR BROOKHAVEN NO. 41 ADDITION. (GENERALLY LOCATED SOUTH AND WEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD.

Councilmember Kovach moved that the revised preliminary plat for Brookhaven No. 41 Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- 1. Text File No. PP-1112-3 dated October 12, 2011, by Ken Danner, Development Manager, with Attachment A, Traffic Table
- 2. Location map
- 3. Revised preliminary plat
- 4. Staff Report dated November 10, 2011, recommending approval
- 5. Development Review Form, Transportation Impacts, dated October 17, 2011, by David R. Riesland, P.E., Assistant City Traffic Engineer, for Brookhaven No. 41 Addition

Item 43, continued:

Items submitted for the record, continued

- 6. Site plan
- 7. Commercial site plan
- 8. Norman Predevelopment Summary Case No. PD 11-27 dated October 27, 2011, for Cies Properties, Inc., for property located at the southwest corner of Rock Creek Road and 36th Avenue N.W.
- 9. Norman Greenbelt Enhancement Statement dated October 10, 2011
- 10. Pertinent excerpts from Planning Commission minutes of November 10, 2011

Participants in discussion

- 1. Mr. David Hargis, Clour Engineering and Planning Services, 408 Bannister Court, engineer representing the applicant
- 2. Mr. Shawn O’Leary, Director of Public Works
- 3. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions
- 4. Mr. Jud Foster, Director of Parks and Recreation
- 5. Ms. Kim Gaddie, 3801 Chamberlyne Way, made comments
- 6. Mr. Jonathan Nichols, 3901 AnnaLane Drive, made comments

and the question being upon approving the revised preliminary plat for Brookhaven No. 41 Addition, a vote was taken with the following result:

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

The Mayor declared the motion carried and the revised preliminary plat for Brookhaven No. 41 Addition was approved.

* * * * *

Item 44, being:

ORDINANCE NO. O-1011-60: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE EAST HALF OF SECTION 17 OF TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE RM-2, LOW DENSITY APARTMENT DISTRICT, AND THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY, AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE WEST SIDE OF 12TH AVENUE N.E. AND ONE-HALF MILE NORTH OF ROCK CREEK ROAD)

Ordinance No. O-1011-60 having been Introduced and adopted upon First Reading by title in City Council's meeting of November 8, 2011, Councilmember Dillingham moved that Ordinance No. O-1011-60 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-1011-60 dated May 10, 2011, by Doug Kosciński, Current Planning Manager
- 2. Ordinance No. O-1011-60
- 3. Site plan
- 4. Location map
- 5. Staff report dated October 13, 2011, recommending approval
- 6. Norman Predevelopment Summary Case No. PD 11-12 dated March 24, 2011, for Jack Eure for property located south of Tecumseh Road on the west side of 12th Avenue N.E.
- 7. Protest area map containing 0.7% protest within notification area
- 8. Letters of protest dated March 14, and March 17, 2011, from Shirley Matthies
- 9. Letter of protest dated March 13, 2011, from Barbara Bridgeford
- 10. Pertinent excerpts from Planning Commission minutes of October 13, 2011

Item 44, continued:

Participants in discussion

- 1. Mr. Jack Eure, 1017 Kings Road, applicant
- 2. Mr. Steven Cooksey, 6712 N.W. 25th, Bethany, engineer for the applicant

and the question being upon adopting Ordinance No. O-1011-60 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-60 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-60 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-1011-60 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-60 was adopted upon Final Reading as a whole.

* * * * *

Item 45, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR EURE ADDITION AND WAIVER OF ALLEY REQUIREMENTS. (GENERALLY LOCATED ON THE WEST SIDE OF 12TH AVENUE N.E., ONE-HALF MILE NORTH OF EAST ROCK CREEK ROAD)

Councilmember Dillingham moved that the preliminary plat and waiver of alley requirements for Eure Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

- 1. Text File No. PP-1112-2 dated September 21, 2011, by Ken Danner, Development Manager, with Exhibit A, Traffic Table
- 2. Location map
- 3. Preliminary plat
- 4. Staff Report dated October 13, 2011, recommending approval
- 5. Site plan
- 6. Letter requesting alley waiver dated September 28, 2011, from Jack Eure, Architect; AIA; MArch; NCARB; Principal, to Mr. Jim Gasaway, Chairman, Planning Commission
- 7. Development Review Form, Transportation Impacts, dated September 22, 2011, by David R. Riesland, P.E., Assistant City Traffic Engineer, for Eure Addition Preliminary Plat
- 8. Norman Greenbelt Enhancement Statement dated March 7, 2011
- 9. Pertinent excerpts from Planning Commission minutes of October 13, 2011

and the question being upon approving the preliminary plat and waiver of alley requirements for Eure Addition, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the preliminary plat and waiver of alley requirements for Eure Addition was approved.

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Item 46, being:

ORDINANCE NO. O-1112-16: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE IV BOARD OF HOSPITAL MANAGEMENT; REPEALING IN ITS ENTIRETY ARTICLE VI CABLE COMMUNICATIONS ADVISORY COMMISSION, ARTICLE XVIII UTILITIES COMMISSION, AND ARTICLE XX TRAFFIC APPEALS COMMISSION OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1112-16 having been Introduced and adopted upon First Reading by title in City Council's meeting of November 8, 2011, Councilmember Kovach moved that Ordinance No. O-1112-16 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. O-1112-16 dated November 1, 2011
- 2. Ordinance No. O-1112-16
- 3. Legislatively noted copy of Ordinance No. O-1112-16
- 4. Pertinent excerpts from City Council Special Session minutes of October 11, 2011

Participants in discussion

- 1. Mr. Jeff Bryant, City Attorney

and the question being upon adopting Ordinance No. O-1112-16 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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Item 46, continued:

The Mayor declared the motion carried and Ordinance No. O-1112-16 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1112-16 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1112-16 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1112-16 was adopted upon Final Reading as a whole.

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MISCELLANEOUS DISCUSSION

Pothole on Highway 9. Mr. Bobby Stevens, Post Office Box 626, said he was thankful that the pothole had been filled on the bridge on Highway 9.

*

Miscellaneous Discussion, continued:

Happy Thanksgiving. Mr. Bobby Stevens, Post Office Box 626, Councilmember Kovach, and Councilmember Quinn wished everyone a Happy Thanksgiving.

Councilmember Dillingham wished all City staff as well as all citizens a Happy Thanksgiving.

Councilmember Spaulding said it had almost been one year since his family received devastating news of the death of his younger brother. He said when his family gets together now he is reminded of what he has to be thankful for. He read a description by Edward Winslow, a passenger on the Mayflower and the governor of Plymouth Colony, of what is generally accepted as the first Thanksgiving of our Nation in 1621. He then read the first official proclamation about Thanksgiving written by George Washington in 1789 and the Thanksgiving Proclamation written by Abraham Lincoln during the Civil War in 1864.

Councilmember Griffith encouraged everyone to spend time with their families this Thanksgiving, express thanks for what they have, and think about those who are not so fortunate.

Mayor Rosenthal wished everyone safe travel during the Thanksgiving holiday.

*

Veteran's Parade. Mr. Charles Parnell, 4401 91st Avenue N.E., said he had been a citizen of the City of Norman for 35 years and thanked the City of Norman for the Veteran's Parade. He said not everyone was invited and some had been turned down to be in the parade because they drove tractors. He said he sent in an application to be in the parade, went to a meeting, and was told that a tractor would not fit in the parade. He said one of the members of his tractor club was called to pull a trailer with his tractor in the parade but the club was turned down as a group. He said there are 70 members in the club and 60% are veterans. He said they participated in the Blanchard parade instead. He was concerned that someone would be denied the opportunity to participate.

Mr. Jim Stanley, 3922 Pine Tree Circle, said it was a good parade.

Councilmember Gallagher said it was just an unfortunate miscommunication and the committee had expected Mr. Parnell to be in the parade. He said the committee asked those who drove tractors pull trailers behind them carrying veterans. He apologized that it did not work out.

Mr. Parnell said provided pictures of his tractor and trailer but was told that he needed to guarantee that everyone's tractor would look like his and he could not promise that.

Mayor Rosenthal said she appreciated Mr. Parnell attending the meeting and apologized for the misunderstanding.

Ms. June Parnell, 4401 91st Avenue N.E., asked who makes the decision as to who can be in a City park.

Mayor Rosenthal said Mr. Jud Foster, Director of Parks and Recreation, made those decisions but the Veteran's Committee made decisions about the parade.

Councilmember Griffith said he was deeply disappointed that a group of veterans felt that they were excluded by the Veteran's Parade. He hoped next year every veteran would be welcome to be in the parade. He said he was a veteran but had chosen to see the parade instead of to participate. He said he will participate next year and hoped any veteran who wants to participate will do so.

Councilmember Quinn commended Councilmember Gallagher and the Parade Committee for their work on the Veteran's Day events because there was a lot of effort and energy put into it. He said the program provided as a handout at the Veteran's Memorial had been very well done. He said he brought his 87-year old father who had served during World War II who was very proud to attend.

*

Miscellaneous Discussion, continued:

Library Board Meeting. Councilmember Gallagher said he attended the Library Board meeting on Monday, November 21, 2011, and they are making plans to move their administrative offices to the Borders Building by the end of November. He said the Borders Building will have room for a Westside Branch Library that they are hoping the City will support. He said there are presently book drops at Sooner Fashion Mall and B & B Country Store that are utilized by citizens. He said the library plans to keep the coffee shop open in the Borders Building. He expressed concerns about the condition of the present library building. He said it needs new carpet, the building is very dirty and should be taken better care of.

Ms. Brenda Hall, City Clerk, provided an update of the deferred maintenance projects at the library. She said there are many improvements needed at the library and. Currently, there is a Heating and Air Conditioning project underway costing approximately \$1.2 million and is scheduled to be completed in February, 2012. She said after the completion of the HVAC project, a lighting project is scheduled to begin to replace the existing light fixtures to provide adequate lighting throughout the facility. She said this involves replacement of over 800 light fixtures. She said the carpet in the meeting room facilities and lobby are in the worst condition and the capital budget has scheduled replacement of flooring, including carpet throughout the facility in FYE 2013. She said these projects will not include any alterations or renovations needed after the administration has moved their offices to the Borders Building. She said custodial services have been extended to increase the number of hours to allow someone on duty during library hours. She said custodial services are a challenge due to the volume of traffic through the facility as it is utilized more by the public than any other city owned facility. She said a new proposal for custodial services to City facilities is planned and staff hopes to bring that forward for Council's consideration some time next year.

Mayor Rosenthal said Pioneer Library System administration occupies approximately 4,000 square feet out of 56,000 total square feet and how it can be reconfigured is being investigated. She said the Pioneer Library System will be making these decisions.

Councilmember Dillingham said she is not only a heavy user of the library but also had a Masters Degree in Library Science and had been a librarian. She said she and many children and families spend a lot of time there. She gets many questions about needed improvements to the library. She commended Mr. Matthew Smith, Facility Maintenance Superintendent, for trying to take care of the many deferred maintenance problems with the library and all City facilities. She said the plans for the library are well underway and she wished things could be done faster but she appreciated all that is being done.

*

Condolences to Family of Stan Grossman. Councilmember Kovach said the City of Norman lost a great citizen, Stan Grossman, a few weeks ago. He said Mr. Grossman donated his time to the City of Norman, served on the Central Oklahoma Master Conservancy District, and had been involved in many things to ensure that things were done the right way for a fiscally sound way of doing things. He appreciated Mr. Grossman's efforts and contributions to the community throughout the years and said he will be missed.

*

CDBG Funding. Councilmember Dillingham said the funding from the Community Development Block Grant (CDBG) Program is vital to so many Norman citizens and she is grateful this money is still available. She said competition for this funding is great and it is always difficult to decide how to spend it.

*

ACOG Programming Resolutions. Councilmember Dillingham commended Staff for all the work that had been done regarding the resolutions requesting funds from the Association of Central Oklahoma Governments (ACOG) for various City projects. She said Staff has to plan five to ten years in advance for these types of projects. She said Mr. Angelo Lombardo, Traffic Engineer, would be working diligently on these grants and she wanted him to know she appreciated all he did.

*

Thanks to Golden Corral. Councilmember Lockett thanked Golden Corral for honoring the veterans with an annual dinner. She also thanked Boy Scout Troop 972 for helping serve the veterans at the dinner. She said it makes her proud of our country to see these types of things.

*

Miscellaneous Discussion, continued:

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

*

Animal Shelter Improvements. Mr. Steve Lewis, City Manager, said this week the Request for Qualifications had been released to architectural firms for the expansion and remodeling of the new Animal Shelter. He said this was a formal process to invite local architects and engineers to submit their qualifications as well as other firms around the country that have shown experience in this area. He said the City will be looking for a firm that will collaborate well with municipal officials and staff and citizen groups. There will be a meeting with interested architects and engineers on December 14, 2011. He said the next few weeks will be spent exchanging written questions and providing written responses. The firm deadline for submitting qualifications is January 13, 2012. He said after the consulting architect/engineer is selected, the building process should take approximately 18 months.

*

Pet Licensing Report. Mayor Rosenthal acknowledged the pet licensing report prepared by City Staff and said she appreciated the research done and receiving the benchmarks that had been set for Staff. She said the report had been prepared by staff members who were also working on the Animal Shelter campaign and thanked them for the work done.

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Item 48, being:

ADJOURNMENT

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

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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 9:39 p.m.

ATTEST:

City Clerk

Mayor



City of Norman, OK

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

Master

File Number: R-1112-86

File ID: R-1112-86	Type: Resolution	Status: Draft
Version: 1	Reference: Item No. 4	In Control: City Council
Department: City Manager Department	Cost:	File Created: 11/29/2011
File Name: Human Rights Award	Final Action:	

Title: RESOLUTION NO. R-1112-86: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IN CONJUNCTION WITH THE NORMAN HUMAN RIGHTS COMMISSION, AWARDING THE 2011 CITY OF NORMAN HUMAN RIGHTS AWARD.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1011-86.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 4

Attachments: Human Rights, Human Rights Minutes

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1112-86

Resolution

R-1112-86

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, IN CONJUNCTION WITH THE NORMAN HUMAN RIGHTS COMMISSION, AWARDING THE 2011 CITY OF NORMAN HUMAN RIGHTS AWARD.

- § 1. WHEREAS, the Norman Human Rights Commission seeks to promote and encourage fair treatment and mutual understanding among all citizens and to combat all prejudice, bigotry, and discrimination that prevent individuals from reaching their full potential as human beings; and
- § 2. WHEREAS, the City of Norman entrusts the Norman Human Rights Commission with the duties of studying the problems of discrimination, advising the City on human rights issues, and coordinating citizen involvement in the struggle of human rights.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

- § 3. That the City of Norman, Oklahoma, in conjunction with the Norman Human Rights Commission, does hereby award the 2011 City of Norman Human Rights Award to Kara Joy McKee.

PASSED AND ADOPTED THIS 13th day of December, 2011.

Mayor

ATTEST:

City Clerk



NORMAN HUMAN RIGHTS COMMISSION MINUTES

November 28, 2011

The Norman Human Rights Commission of the City of Norman, Cleveland County, State of Oklahoma, met in the Study Session Room located at 201 W. Gray Street on November 28, 2011, at 5:30 p.m., and notice and agenda of the meeting were duly posted 24 hours prior to the beginning of the meeting.

PRESENT: Commissioners Jose Dela Cruz, Mary Drywater, Kay Ham, Tamara Pullin, Lisa Schmidt, Marjaneh Seirafi-Pour and Cheryl Wattley

ABSENT: Commissioners Robert Ruiz and Teresa Turner

STAFF PRESENT: Carol Coles

OTHERS PRESENT: Rick Knighton, Assistant City Attorney
Jeff Bryant, City Attorney

* * * * *

Item 2, being:

APPROVAL OF THE AGENDA OF THE NOVEMBER 28, 2011, MEETING.

Commissioner Schmidt moved to approve the agenda of the November 28, 2011, meeting of the Norman Human Rights Commission, which motion was duly seconded by Commissioner Dela Cruz, and the question being approving the agenda of the November 28, 2011, meeting of the Norman Human Rights Commission, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Pullin, Schmidt, Seirafi-Pour and Wattley

NAYES: None

The Chair declared the motion carried; and the agenda of the November 28, 2011, meeting of the Norman Human Rights Commission was approved.

* * * * *

Item 3, being:

APPROVAL OF THE MINUTES OF THE OCTOBER 24, 2011, NORMAN HUMAN RIGHTS COMMISSION MEETING.

Commissioner Pullin moved that the minutes of the October 24, 2011, Human Rights Commission meeting be approved, which motion was duly seconded by Commissioner Drywater;

Items submitted for the record

1. Norman Human Rights Commission minutes of October 24, 2011

and the question being upon approving the minutes of the October 24, 2011 meeting, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Pullin, Schmidt, Seirafi-Pour and Wattlely

NAYES: None

The Chair declared the motion carried; and the minutes of the October 24, 2011, meeting were approved.

* * * * *

Item 4, being:

DISCUSSION OF ADDITION OF SEXUAL ORIENTATION AND GENDER IDENTITY AS A PROTECTED CLASS IN THE CITY OF NORMAN PERSONNEL MANUAL WITH RICK KNIGHTON, ASSISTANT CITY ATTORNEY.

Rick Knighton, Assistant City Attorney, presented information regarding proposed amendments to the City of Norman Personnel Manual. The proposed changes were in Section 100 and Section 300 of the Personnel Manual.

Commissioner Pullin asked if harassment and discrimination were treated differently in the Personnel Manual and if arbitration was based on federal or state law.

Mr. Knighton replied that both have the same remedy – the right to file a grievance and that generally arbitration was based on labor law but it really depended on the issue.

Commissioner Pullin asked if there was a conflict because the City Charter was referenced in the Personnel Manual.

Mr. Knighton said that the City had considered taking the mention of the Charter out of the Personnel Manual.

Commissioner Pullin asked why the addition of Sexual Orientation was not considered for inclusion in the Equal Opportunity Statement.

Commissioner Schmidt asked if the addition of Sexual Orientation in Section 300 also provided protection in all other sections.

Mr. Knighton stated that it was not clear legally what burden of proof would be, however the employee would have the remedy of filing a grievance.

Commissioner Wattley stated that normally what is set out in the introduction, like Section 100, is what the organization hopes for or hopes to achieve, not necessarily actual policy

Mr. Knighton said that the City's policy was that all decisions regarding employment would be based on merit that would protect all classes whether specifically mentioned or not.

Commissioner Wattley stated that with the enumeration of groups in Section 200 – this was recognition of the obligation to comply with Title 7. She is concerned that Sexual Orientation is enumerated in the harassment policy but not in the discrimination portion.

Mr. Knighton repeated that this is appropriate because the concept is that all decisions regarding employment are made on an appropriate basis.

Commissioner Wattley asked if there could be a subsection to Section 200 adding Sexual Orientation.

Mr. Knighton said that additional language adding Sexual Orientation was considered.

Commissioner Ham asked if including Sexual Orientation in Section 200 would give employees the idea that they were considered a legally protected class.

Mr. Knighton explained that Tulsa, Oklahoma City and Norman Public Schools, even with the addition of Sexual Orientation to their policies limited protection to employees not applicants.

Commissioner Schmidt expressed appreciation for the addition of Sexual Orientation to the harassment policy, but still would like for Gender Identity to be added as well.

Mr. Knighton discussed several legal cases that he thought would offer protection to gender stereotyping.

Commissioner Schmidt indicated that gender identity and gender stereotyping are not the same thing.

Commissioner Wattley asked how would an employee know that they could file a grievance if they were discriminated against based on Sexual Orientation if the term Sexual Orientation was not mentioned in the policy.

Mr. Knighton responded that training would provide that knowledge. The City of Norman is committed to training employees as to what actions are appropriate. Once the amendments are

complete, then the training process will be reviewed and updated.

Commissioner Pullin asked why Sexual Orientation could not be added to Section 200.

Mr. Knighton said that the City had looked at where others had added sexual orientation to their policies and that was a factor in not adding it to Section 200.

The Commission then opened the discussion to audience members.

Steve Davis read a statement on behalf of PFLAG. "PFLAG of Norman asserts that Sexual Orientation and Gender Identity must be included in both the employee non-discrimination policy and the harassment policy."

Tamala Cox, ACLU said that Sexual Orientation and Gender Identity should be included in both the harassment and discrimination policies. When they are not provided, adequate notice is not given to employees.

Councilmember Tom Kovach stated that the Human Rights Commission had been discussing this issue for 18 months. He feels that City Council should look at this policy. He feels it should definitely be included in Section 200. This discussion actually began with the Inclusive Community Discussion process. He then read from the City of Norman's preamble that talks about promoting and protecting the civil rights of all persons. He requested that the Human Rights Commission end this discussion and move it to Council. He also asked that the Commission reaffirm their motion of the October, 2010 meeting calling for the addition of Sexual Orientation and Gender Identity to the Personnel Manual.

Laura Belmonte with the Equality Network said she is troubled by not including Gender Identity. Gender Identity is not the same as Sexual Orientation. Homelessness and violence against transgendered people is on the rise. The exclusion from the discrimination policy says that the City will provide protection from them, but not for them. There is nothing in federal or state law that would preclude having a more inclusive policy. She encouraged the City staff to honor the intent of the Human Rights Commission.

Nancy Harrington asked that the City Manager honor the request of the Commission. She felt that by including Sexual Orientation in the harassment policy but not the discrimination policy was basically talking the talk, but not walking the walk.

Mr. Knighton felt that just putting it in a policy but not supplying the training to change the behavior was more of talking the talk.

City Attorney Jeff Bryant said that he and Mr. Knighton would relay these comments to the City Manager. He said that the City Manager was not comfortable with adding the language to the Discrimination Section of the Personnel Manual because it could be argued or perceived that the City is adding a protected class beyond that recognized under Federal Law in Title VII.

Don Holladay said that members of the GLBT community are in the minority with a long history of discrimination. They are at the top of the list of hate crimes and they do not have protection under Title VII. The City of Norman can make an affirmative statement about this community by adding Sexual Orientation and Gender Identity to the Personnel Manual.

Sara French said that she was saddened with this discussion. The Norman that she knew valued human dignity and she does not believe that the personal level of discomfort of the City Manager should dictate the policy. She said that policy and training should be congruent and clear.

Van Harrington said that the City Manager had an opportunity to make Norman a place to welcome all people.

Connie Andrus said that merit is not universally interpreted the same way.

Warren Jensen with the United Church of Norman said that sexual orientation must be in the manual, that training reflects and reinforces policy, and policy must be clearly spelled out in the manual or people would not be trained if it was not in the manual.

Scott Hamilton with the Cimarron Alliance said that he appreciated the hours that have been devoted to this issue. He realizes that the issue is political and very sensitive. He feels that recently there was a good result in Oklahoma City and he is hopeful that positive change is coming for everyone.

Councilmember Dillingham asked if we include Sexual Orientation and Gender Identity in our personnel policies, would that create problems in other areas.

Mr. Bryant said that if you start having lists of protected classes, there is always concern about who has been left out or if you add to a list, then whether you have created additional substantive rights not available under existing law. His job is to provide legal advice, and the most conservative approach is to stick with a merit based policy.

Commissioner Dela Cruz stated that if the necessary skill/ability for the merit principal was not clearly defined, then it would be open for subjective interpretation.

Mr. Bryant stated the Human Resources Department maintains job descriptions that detail necessary skills, knowledge and abilities for each City position.

Commissioner Seirafi-Pour said that she was disappointed that the Commission was still discussing an issue on which they had given a clear recommendation and nothing was done.

Commissioner Ham and Schmidt both stated that progress had been made, just not to the extent that the Commission had originally hoped for.

Commissioner Schmidt moved to reaffirm the recommendation made at the October 2010 Human Rights meeting to include Sexual Orientation and Gender Identity in the Equal Employment

Opportunity and Sexual Harassment policy section of the Personnel Manual of the City of Norman, which motion was duly seconded by Commissioner Drywater; the question being upon reaffirming the recommendation made at the October 2010 Human Rights meeting to include Sexual Orientation and Gender Identity in the Equal Employment Opportunity and Sexual Harassment policy section of the Personnel Manual of the City of Norman, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Pullin, Schmidt, Seirafi-Pour and Wattlely

NAYES: None

The Chair declared the motion carried; and the Human Rights Commission reaffirmed the recommendation made at the October 2010 meeting to include Sexual Orientation and Gender Identity in the Equal Employment Opportunity and Sexual Harassment sections of the Personnel Manual.

Commissioner Schmidt moved to recommend adoption of the proposed amendments to Section 100 and Section 300 of the Personnel Manual presented by the City Attorney's office at the 11/28/11 meeting, which motion was duly seconded by Commissioner Dela Cruz; the question being upon recommending adoption of the proposed amendments to Section 100 and Section 300 of the Personnel Manual presented by the City Attorney's office at the 11/28/11 meeting, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Schmidt, Seirafi-Pour and Wattlely

NAYES: Commissioner Pullin

The Chair declared the motion carried; and the Human Rights Commission recommends adoption of the proposed amendments to Section 100 and Section 300 of the Personnel Manual presented by the City Attorney's office at the 11/28/11 meeting.

Commissioner Wattlely moved that due to the fact that the proposed amendments addressed harassment but did not adequately address discrimination, the Human Rights Commission expressly directs the City Manager's attention to including provisions of discrimination based on Sexual Orientation and Gender Identity in the City of Norman's personnel policies, which motion was duly seconded by Commissioner Seirafi-Pour; the question being upon directing the City Manager's attention to including provisions of discrimination based on Sexual Orientation and

Gender Identity in the City of Norman's personnel policies, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Pullin, Schmidt, Seirafi-Pour and Wattlely

NAYES: None

The Chair declared the motion carried; and the Human Rights Commission expressly directs the City Manager's attention to including provisions of discrimination based on Sexual Orientation and Gender Identity in the City of Norman's personnel policies.

Commissioner Schmidt moved that wherever Sexual Orientation is mentioned in the Personnel Manual, Gender Identity will be added as well, which motion was duly seconded by Commissioner Seirafi-Pour; the question being upon adding Gender Identity wherever Sexual Orientation is mentioned in the Personnel Manual, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Pullin, Schmidt, Seirafi-Pour and Wattlely

NAYES: None

The Chair declared the motion carried; and Gender Identity will be added wherever Sexual Orientation is mentioned in the Personnel Manual.

* * * * *

Item 5, being:

CONSIDERATION OF NOMINATIONS FOR THE 2011 HUMAN RIGHTS AWARD.

Commissioner Dela Cruz moved that Kara Joy McKee be awarded the 2011 Norman Human Rights Award, which motion was duly seconded by Commissioner Sierafi-Pour; the question being upon awarding Kara Joy McKee the 2011 Norman Human Rights Award, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Pullin, Schmidt, Seirafi-Pour and Wattlely

NAYES: None

The Chair declared the motion carried; and Kara Joy McKee will be awarded the 2011 Norman Human Rights Award at the December 12th City Council Meeting.

* * * * *

Item 6 being:

MISCELLANEOUS DISCUSSION.

The Commission discussed the 2012 Interfaith Breakfast for Martin Luther King Day. Commissioner Ham agreed to head up the effort.

* * * * *

Item 7 being:

ADJOURNMENT.

Commissioner Schmidt moved that the November 28, 2011, meeting of the Norman Human Rights Commission be adjourned, which motion was duly seconded by Commissioner Drywater; the question being upon adjourning the November 28, 2011, meeting of the Norman Human Rights Commission, a vote was taken with the following result:

YEAS: Commissioners Dela Cruz, Drywater, Ham, Pullin, Schmidt, Seirafi-Pour and Wattlely

NAYES: None

The Chair declared the motion carried; and the November 28, 2011, meeting of the Norman Human Rights Commission was adjourned at 8:45 p.m.

* * * * *



City of Norman, OK

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

Master

File Number: AP-1112-10

File ID: AP-1112-10	Type: Appointment	Status: Consent Item
Version: 1	Reference: Item No. 6	In Control: City Council
Department: City Clerk Department	Cost:	File Created: 11/29/2011
File Name: Appointments	Final Action:	

Title: CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BOARD OF ADJUSTMENT

TERM: 12-22-11 TO 12-22-14: MARGARET FARMER,
334 WESTCHESTER CIRCLE

CHILDREN'S RIGHTS COORDINATING COMMISSION

TERM: 12-13-11 TO 10-16-14: JOSEPH ARMSTRONG, 504 WINSTON

NORMAN REGIONAL HOSPITAL AUTHORITY

TERM: 12-13-11 TO 10-31-13: ANN WAY, 211 HORIZON VIEW COURT

PLANNING COMMISSION

TERM: 12-13-11 TO 11-01-13: DAVE BOECK, 925 SCHULZE DRIVE

TERM: 11-01-11 TO 11-01-14: CYNTHIA GORDON, 807 OLIVER

STREET

TERM: 11-01-11 TO 11-01-14: CURTIS MCCARTY, 3817 DALSTON

CIRCLE

TERM: 11-01-11 TO 11-01-14: TOM KNOTTS, 7301 EAST STATE
HIGHWAY 9

SOCIAL AND VOLUNTARY SERVICES COMMISSION

TERM: 12-09-11 TO 12-09-14: GOLDA LONG, 3037 GRANT ROAD

TERM: 12-09-11 TO 12-09-14: CODY PONDER, 1511 SUNSET DRIVE

TERM: 12-09-11 TO 12-09-14: AMY VENABLE, 1312 GLENWOOD

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Joseph Armstrong will replace Tiffany Couch who is no longer eligible to serve; Ann Way will fill the unexpired term left by Bill Nations who has resigned; Dave Boeck replace Zev Tractenberg; and Margaret Farmer, Cynthia Gordon, Curtis McCarty, Tom Knotts, Golda Long, Cody Ponder, and Amy Venable are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____



City of Norman, OK

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

Master

File Number: E-1112-12

File ID: E-1112-12	Type: Easement	Status: Consent Item
Version: 1	Reference: Item No. 7	In Control: City Council
Department: Public Works Department	Cost:	File Created: 11/22/2011
File Name: E-1112-12 120th Improvements	Final Action:	

Title: EASEMENT NO. E-1112-12: CONSIDERATION OF ACCEPTANCE OF A PERMANENT PUBLIC UTILITY, ROADWAY, AND DRAINAGE EASEMENT DONATED BY JOHN CHIAF TO BE USED TO IMPROVE 120TH AVENUE S.E. BETWEEN LINDSEY STREET AND LAKE THUNDERBIRD BY CONVERTING IT FROM A DEAD-END ROAD TO A CUL-DE-SAC.

ACTION NEEDED: Motion to accept or reject Easement No. E-1112-12; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 7

Attachments: Easement-120th, COS Memo, Location Map
E-1112-12

Project Manager: Ken Danner, Development Manager

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File E-1112-12

Body

BACKGROUND: City Council at its meeting of March 22, 2011, approved Certificate of Survey No. COS-1011-6 and E-1011-61. The certificate of survey is located on the east side of 120th Avenue S.E. granting an easement that will allow the construction of the cul-de-sac on the east side of 120th Avenue S.E.. However, there is a need to obtain an easement from the owner on the west side of 120th Avenue S.E. to construct the full cul-de-sac. This project

was outlined in the memorandum of the Certificate of Survey for Oakmeadows, COS-1011- 6.

The property owner has submitted the attached “grant of public drainage, road and utilities easement” for 120th Avenue S.E. If Council accepts this easement, the Public Works Street Division will schedule the construction of the paved cul-de-sac. By constructing the cul-de-sac, the unpaved portion of 120th Avenue S.E. north of the cul-de-sac will be closed to traffic thereby reducing the City’s maintenance obligations.

DISCUSSION: Based upon the fact the City is in need of the easement to complete the proposed project, staff appreciates the owner’s willingness to donate the easement.

STAFF RECOMMENDATION: Staff recommends that Easement No. E-1112-12 be accepted and the filing thereof be directed.

RIGHT-OF-WAY and EASEMENT

E-1112-12

KNOW ALL MEN BY THESE PRESENTS:

In consideration of the covenants herein, to be well and truly made and performed by first party, **THE CITY OF NORMAN**, an Oklahoma Municipal Corporation and body politic, hereinafter referred to as "CITY", the undersigned second party, **JOHN CHIAF**, a single man, hereinafter referred to as "OWNER", does hereby grant a right-of-way and easement, together with the right of ingress and egress, unto CITY in and to the following-described land situate in the County of **Cleveland**, State of **Oklahoma**, to-wit:

Part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35-T9N-R1W, Cleveland County, Oklahoma, more particularly described as follows: The West Twenty-two (22) feet of the East Fifty-five (55) feet of the South One Hundred Ten (110) feet of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, *a/k/a Beginning at the point where the South line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ intersects the West boundary line of the statutory 33' section line right-of-way, thence West along said South line a distance of 22 feet, thence North a distance of 110 feet, thence East approximately 22 feet to the said West boundary line of the statutory 33' section line right-of-way, thence South along said boundary line a distance of approximately 110 feet to the point of beginning, containing 2,420 square feet, more or less. (also shown on attached **Exhibit "A"**)*

The consideration received by OWNER from CITY for this grant is the agreement of the CITY to extend the improved condition of the public section line road on 120th Avenue SE, a/k/a the East side of the SE $\frac{1}{4}$ of said Section 35, from Lindsey Street up to the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 35 which is the property of OWNER, and then City will build and maintain a cul-de-sac with a fifty (50) foot radius, centered on said section line, which will provide (among other things) public road access to OWNER'S property and a turnaround for CITY utility trucks.

The uses and purposes for which the easement granted herein may be used and maintained shall be, and are hereby, limited to the following: Right-of-way for public road and drainage from said road, covering the entire easement area described above, plus public utility lines within the West five (5) feet of said easement area.

The term of this easement shall be perpetual, from the date hereof and as long thereafter as said easement is used by duly authorized persons and entities for the express uses and purposes set forth in the preceding paragraph.

CITY herewith accepts delivery of this easement and agrees to the terms, conditions, duties and responsibilities imposed upon CITY hereunder. In the event of litigation or other dispute regarding this easement, either proof of delivery of consideration by CITY to Owner or proof of recording this easement in the office of the County Clerk shall be prima facie evidence of the delivery hereof to CITY and the agreement of CITY to be bound hereby.

CITY understands and agrees that Owner, his heirs, successors and assigns intend to build, maintain and occupy up to four (4) single-family residences in and on said NE¼SE¼ of Section 35-T9N-R1W, all of which will access a public road by virtue of this easement. In this connection, CITY understands and agrees that Owner may, at any time after acquiring any required City permit(s), install driveways in, on, over and across said easement and, in constructing and maintaining such improvements, Owner shall **not** be obliged to lower, encase, vent, elevate or otherwise protect any utility lines installed and maintained by CITY or by other utility companies, in, on, under, over and through said easement.

This agreement shall extend to, and be binding upon, the respective heirs, successors and assigns of each of the parties hereto.

IN WITNESS WHEREOF, this easement is executed by Owner as of the 2 day of June, 2011

OWNER: John Chiaf
(John Chiaf)

STATE OF OKLAHOMA, COUNTY OF Oklahoma } **ss:**

Before me, a Notary Public in and for said County and State, personally appeared JOHN CHIAF, a single man, known to me to be the same person who executed the within and foregoing instrument, and acknowledged to me that he signed the same for the uses and purposes therein set forth.

Witness my hand and seal on 6-2, 2011.



Cathy Chiaf
Notary Public

My commission # 02014703 expires on 8-27, 2014.

Approved as to form and legality this 21st day of November, 2011.



City Attorney

Approved and accepted by the Council of the City of Norman, this
____ day of _____, 20____.

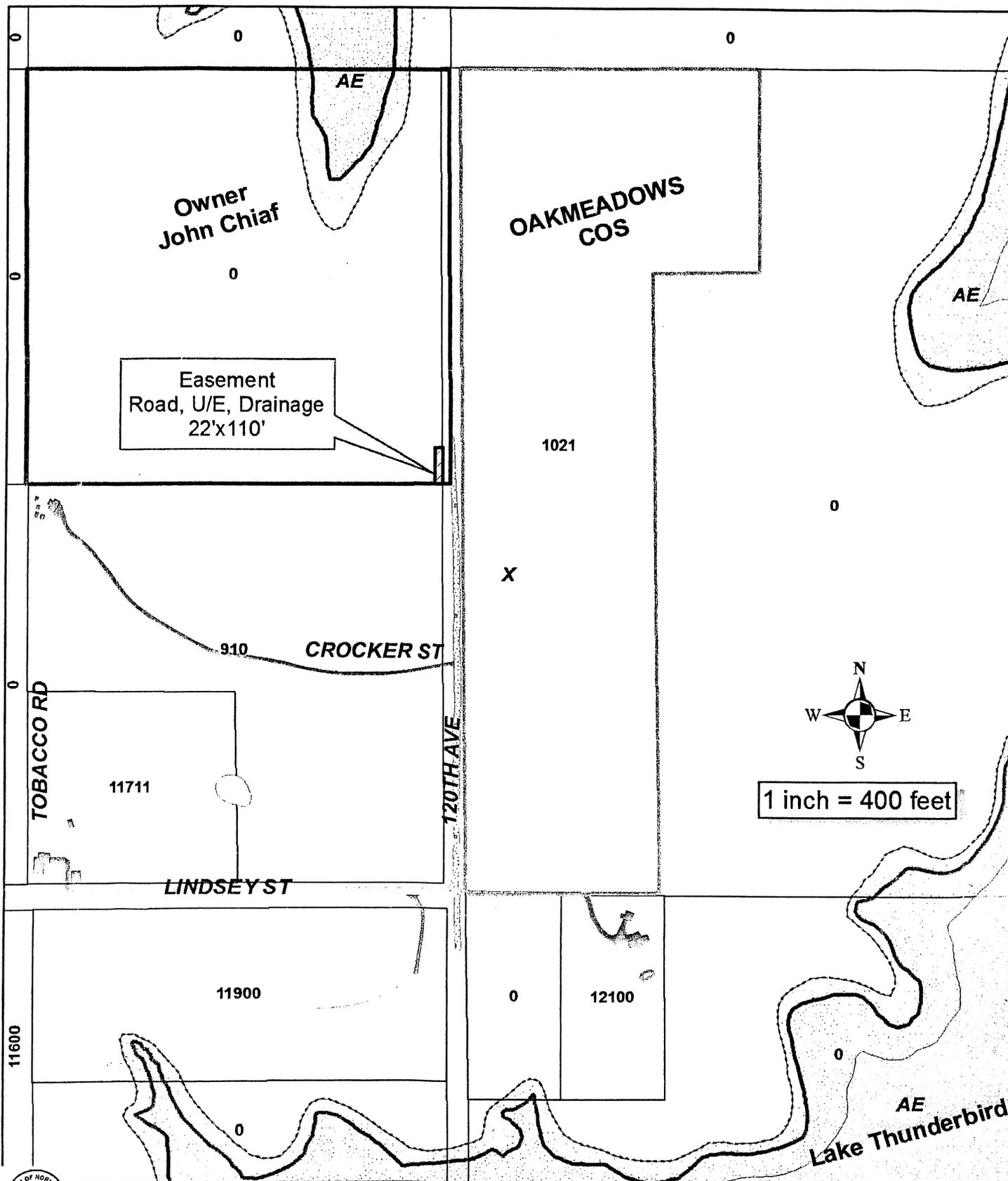
Mayor

ATTEST:

City Clerk

SEAL:

EXHIBIT "A"



120th AVE. SE CUL-DE-SAC



office memorandum

Date: March 22, 2011
To: Honorable Mayor and Councilmembers
From: Ken Danner, Development Manager
Subject: Agenda Item: Norman Rural Certificate of Survey No. COS-1011-6
Oakmeadows Addition

BACKGROUND:

This item is Norman Rural Certificate of Survey No. COS-1011-6 located at the northeast corner of the intersection of 120th Avenue SE and East Lindsey Street. The property is located in the A-2, rural agricultural zoning district.

DISCUSSION:

Tracts 1 and 2 consist of 10 acres each and Tracts 3 and 4 consist of 12.41 acres each. There are a total of 4 tracts encompassing 44.82 acres in this certificate of survey. This certificate of survey, if approved, will allow one single family structure on each tract.

The owner has made a request to vary the required frontage for Tract 4. There are physical restrains for Tract 4 due to the 120th Avenue SE pavement. A cul-de-sac will terminate 120th Avenue SE just north of the frontage for Tract 4. Lake Thunderbird property is located east and north of this property. As a result, there will not be any additional property to the east or north that will develop or be served by 120th Avenue SE. Staff can support the request to waive the frontage requirements for Tract 4.

Private individual sanitary sewer systems and water wells will be installed in accordance with the Oklahoma Department of Environmental Quality (ODEQ) standards. Fire protection will be provided by the City of Norman pumper/tanker trunks.

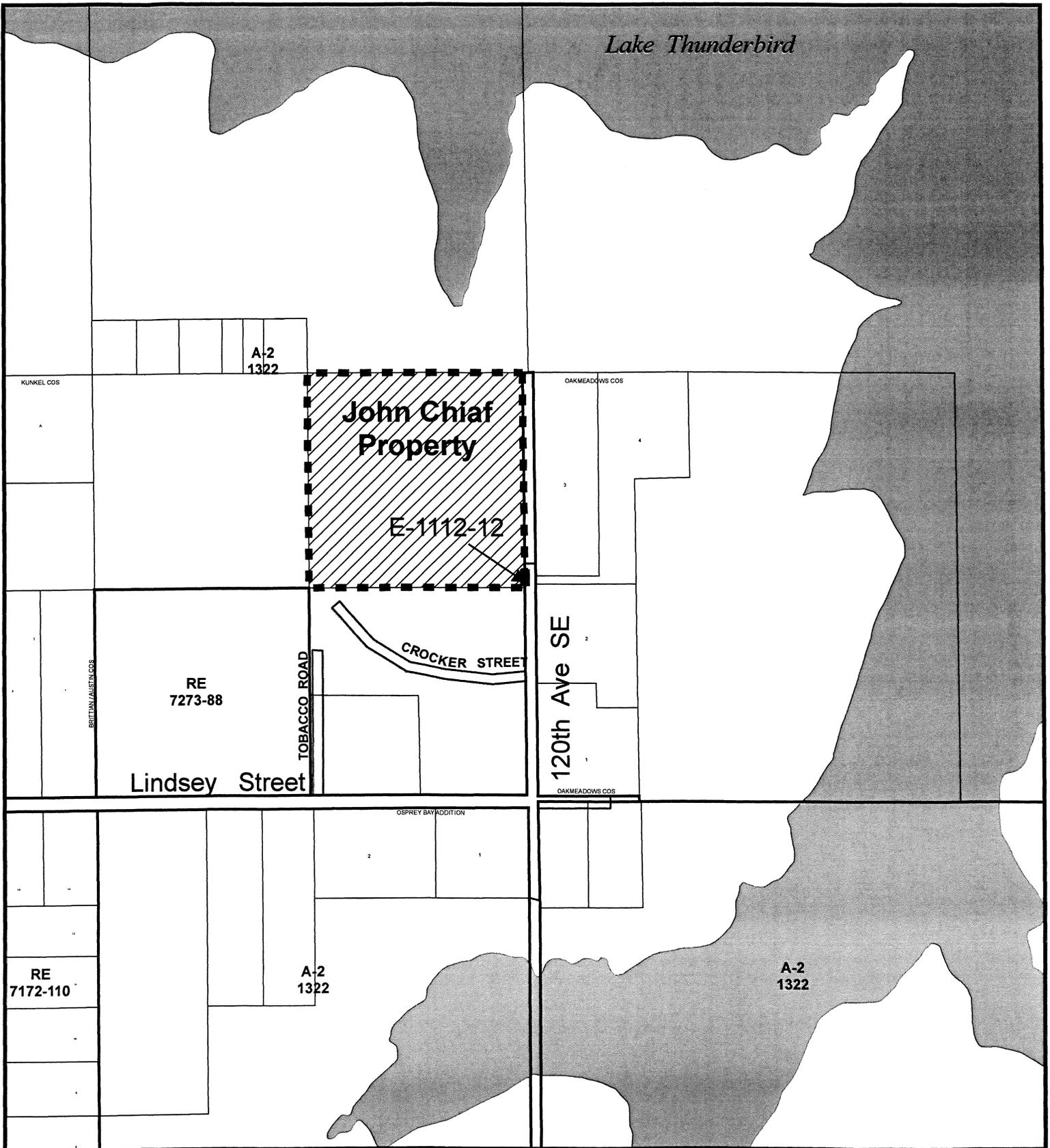
Roadway and Utility Easement No. E-1011-61 for 120th Avenue SE and East Lindsey Street are included with the certificate of survey documentation.

RECOMMENDATION:

Based upon the above information, staff recommends approval of the request to vary the required frontage for Tract 4 and approval of Norman Rural Certificate of Survey No. COS-1011-6 for Oakmeadows Addition.

KD/js

Reviewed by: Shawn O'Leary, Director of Public Works
Susan Connors, Director of Planning and Community Development
Jeff Bryant, City Attorney
Steve Lewis, City Manager



Location Map

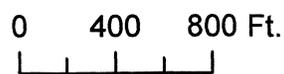
E-1112-12



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.



November 29, 2011



 Subject Tract

 Zoning-6



City of Norman, OK

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

Master

File Number: K-0910-178 Amend 1

File ID: K-0910-178 Amend 1	Type: Contract	Status: Consent Item
Version: 2	Reference: Item No. 8	In Control: City Council
Department: Finance Department	Cost:	File Created: 09/13/2011
File Name: Amend #1 K-0910-178 Geosafe		Final Action:

Title: AMENDMENT NO. ONE TO CONTRACT NO. K-0910-178: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND GEOSAFE CORPORATION PROVIDING MODIFICATIONS TO THE SOFTWARE LICENSING, MAINTENANCE, AND SUPPORT AGREEMENT OF MOBILE2 SOFTWARE FOR THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0910-178 with GeoSafe Corporation; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 8

Attachments: Amendment No 1 to Geosafe Contract

Project Manager: Jim Maisano, Assistant Chief of Police

Entered by: jayme.rowe@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-0910-178 Amend 1

Body

BACKGROUND: On June 2, 2010, Council approved Contract No. K-0910-178 with GeoSafe Corporation for the purchase of licenses and software maintenance for GeoSafe Mobile2 AVL software at a cost of \$30,000. Since the original contract with the City, GeoSafe has contracted and moved the datacenter which permits the City to communicate and share data with Norman Regional Hospital, the City of Moore and the University of Oklahoma

Police Department to the Microsoft Azure cloud computing platform. This change warrants modification of the City's existing contract to provide clarification regarding the handling and storage of the City's data.

DISCUSSION: Amendment No. 1 contains modifications to Contract No. K-0910-178 which clarify who owns the data generated by the City, where the data will rest and the limitations on remedies. The modifications also add provisions regarding data security, data sharing, notification of security breach, dispute resolution and governing law.

RECOMMENDATION: Amendment No. 1 to Contract No. K-0910-178 has been reviewed by Legal and Information Systems staff and each recommends approval.

GEOSAFE

GeoSafe Software License and Maintenance Agreement

This Agreement was made and entered into, this _____ day of _____, 2011, by and between the City of Norman, (hereinafter referred to as the "City") and GeoSafe LLC (hereinafter referred to as "GeoSafe").

The City and GeoSafe, the parties, in consideration of the premises and the mutual covenants set forth below, do hereby agree as follows:

1.1

PURCHASE

- a. GeoSafe agrees to license the following software product(s) (hereinafter referred to as "Software") to the City:
 - i. GeoSafe Mobile 2
 - ii. GeoSafe Server
- b. The City agrees to purchase the following maintenance service(s) from GeoSafe:
 - i. Software Maintenance for GeoSafe Mobile 2
 - ii. Software Maintenance for GeoSafe Server

1.2

TERM AND RENEWAL

- a. The term of this agreement shall commence on the date set forth above. The Agreement shall automatically renew on a year to year basis on the 1st day of July, until terminated by one or both of the parties.
- b. Either party may terminate this Agreement with sixty (60) days advanced written notice to the other party.
- c. In the event of the termination of this Agreement, the Software shall be uninstalled, removed, and its use be discontinued immediately by the City.

1.3

PAYMENT

- a. The City shall pay GeoSafe the amount of **\$30,000**, within sixty (60) days of acceptance of this Agreement. This amount covers the first year cost of maintenance service(s) listed in 1.1.b. There will be no initial purchase charge for the Software.
- b. In successive years, GeoSafe shall invoice the City for forthcoming maintenance service(s). The City shall pay GeoSafe the amount of **\$30,000** per year for the first three (3) years, within sixty (60) days of receipt of the invoice. The amount after the first three years will not increase by more than 20% per year.

1.4

INSTALLATION

GeoSafe agrees to let the City install the following:

- a. One (1) installation of the "GeoSafe Server" Software on a City server.
- b. Site-wide installations of "GeoSafe Mobile 2" Client Software on City administered computers.

GeoSafe will install and configure the Server Software on the designated City server. The City will be responsible for the installation of Client Software on City administered computers. GeoSafe will provide guidance and recommendations to the City for the deployment of the Software. GeoSafe will require access to the City CAD database to allow the City to view 911-call information.

GeoSafe uses the Microsoft Azure cloud-based computing platform to provide the GeoSafe Mobile service. The location of the Microsoft Azure platform is within the continental United States. The location of the cloud-based computer platform or the provider cannot be changed without at least 60 days prior notice to the City.

The network infrastructure will be comprised of a City owned server; City owned mobile units and connectivity via the Internet to the cloud-based computing platform. All data transmissions and the storage of data must meet FIPS 140-2 compliance. A City owned and managed server will store all City owned data.

The cloud-based computing platform will keep a cache of CAD call data for redistribution to authorized GeoSafe Mobile clients. The data is cleared from the cache once it has been distributed to the mobile clients. The service processes client requests for criminal history data, City warrants, and instant messages (chat). These requests are cleared from the cloud-based computing platform once it has been distributed to the mobile clients.

Feed data (BOLOs, photos, announcements, etc.) is stored on the cloud-based computing platform for up to 30 days, and then cleared. The City owns the feed data. GeoSafe processes the data only for redistribution to authorized GeoSafe Mobile clients.

1.5

SYSTEM REQUIREMENTS

To use *GeoSafe Mobile 2* you need:

- A PC with one of the following operating systems
 - Windows XP
 - Windows Vista
 - Windows 7
- 2 GB RAM recommended
- 175 MB of hard disk space
- Microsoft .NET Framework 4.0
- A NIEM-compliant GPS device or a Sierra Wireless 700/800 series modem
- An Internet connection

To use *GeoSafe Server* you need:

- A PC with one of the following operating systems
 - Windows Server 2003
 - Windows Server 2008
- 4 GB RAM recommended
- 500 MB of hard disk space (minimum)
- Microsoft .NET Framework 4.0
- An Internet connection

1.6

NETWORK REQUIREMENTS

GeoSafe Mobile 2 is designed to work on EDGE (Enhanced Data Rates for GSM Evolution) or faster 3G compatible networks.

The estimated network usage is **1 GB per month per user**.

1.7

CONFLICT OF TERMS

In the event of a conflict of terms, this Agreement shall prevail over all.

1.8

NO SEPARATE LEGAL ENTITY

No separate legal entity of organization shall be deemed created by virtue hereof.

1.9

MULTIPLE COUNTERPARTS

This Agreement shall be executed in multiple counterparts, each of which shall be deemed an original.

1.10

COMPLETE AGREEMENT

This Agreement is the complete agreement of the Parties regarding matters addressed herein, no oral agreements or representations shall be considered binding on the Parties.

1.11

SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Agreement is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Agreement.

1.12

OWNERSHIP

GeoSafe and the City both agree that ownership of the Software and all intellectual property rights therein, including copyrights, are owned by and will continue to be owned by GeoSafe, including any improvements to the Software made by or on behalf of the City.

As between the parties, the City retains all right, title and interest in and to the City's data. GeoSafe acquires no rights in the City's data, other than the rights granted by the City for the applicable online service.

2.1

SUPPORT CONTACT

The City will designate a "Support Contact" person for communicating with GeoSafe.

GeoSafe product support staff shall be available via email (support@geosafecorp.com) for assistance with the Software.

2.2

MAINTENANCE RESPONSIBILITIES

The City agrees to install and use the newest release of the Software sent by GeoSafe.

GeoSafe guarantees that the Software will perform as intended. Errors in the Software will be classified by the following priority levels:

- a. **Level 1** - Software errors that make the product unusable
- b. **Level 2** - Software errors that make the product difficult to use
- c. **Level 3** - Minor software errors

GeoSafe will correct software errors according to their priority level, where Level 1 has the highest priority. Level 1 will have a response or call back within one (1) hour. Level 2 and 3 will be responded to within a reasonable amount of time.

The Support Contact should notify GeoSafe in the event of a software error. The City agrees to use reasonable efforts to assist GeoSafe in its efforts to find reported software errors.

2.3

ADDITIONAL FEATURE REQUESTS / MODIFICATIONS

GeoSafe and the City will agree on additional feature requests and modifications to existing features in the Software on a case-by-case basis. An additional charge may be required for changes to the Software.

2.4

LIMITATIONS ON MAINTENANCE

Modifications to the Software not authorized by GeoSafe are prohibited and are not supported. GeoSafe will not be responsible for hardware malfunctions and errors resulting from hardware malfunctions. GeoSafe will not be responsible for interruptions in network connectivity that limit the ability to use the Software.

2.5

EXTERNAL DATA SOURCES

The Software uses a variety of external data sources beyond the control of GeoSafe. If access to a data source is discontinued or modified, then our ability to support it may also need to end at that time.

2.6

DATA SECURITY

All GeoSafe facilities used to store and process the City's data will adhere to industry security standards. These standards ensure that security and confidentiality of the City's data. GeoSafe protects against anticipated threats or hazards to the security of integrity of the City's data, protects against unauthorized access to the City's data.

GeoSafe is solely responsible for data transmitted via the Internet or communicated to other agencies via the GeoSafe network. The City is solely responsible for data when it is within the City's network infrastructure.

GeoSafe will require strong passwords (minimum of 10 characters, alpha numeric, capital letters, and special characters all used) for the transmission of data, accessing data, support or troubleshooting, etc. Passwords must have expiration dates and users must be prohibited from using the last five (5) password.

2.7

DATA SHARING

Unless GeoSafe and the City specifically agree in writing to share the City's data with third parties, the data will not be disclosed, unless required by law. GeoSafe will give the City the chance to challenge such a disclosure.

2.8

NOTIFICATION OF SECURITY BREACH

GeoSafe shall notify the City's Information Technology staff that there has been a security breach to GeoSafe within one (1) hour following discovery or notification of a suspected or confirmed breach. Measures necessary to determine the scope of the breach and to restore the reasonable integrity, security, and confidentiality of the data system will also be made in the most expedient time possible and without unreasonable delay. A full, detailed report regarding the event, whom it involved, how it took place, how it was mitigated, and corrective action must be included in the report as a minimum and provided to the City of Norman within 48 hours of the event.

3.1

GRANT OF LICENSE

GeoSafe grants the City ("you") a non-exclusive, non-transferrable license for the Software, subject to the following restrictions:

- a. **Redistribution of Software.** The Software may only be used on computers specified in Section 1.4. Any other use is prohibited. The Software may not be rented, borrowed, given, or redistributed to any third party.
- b. **License Grant for Documentation.** The documentation that accompanies the Software is licensed for internal, non-commercial reference purposes only.

- c. **Reservation of Rights and Ownership.** GeoSafe reserves all rights not expressly granted to you in this Agreement. The Software is protected by copyright and other intellectual property laws and treaties. GeoSafe or its suppliers own the title, copyright, and other intellectual property rights in the Software. The Software is licensed, not sold. This Agreement does not grant you any rights to trademarks or service marks of GeoSafe.
- d. **Limitations on Reverse Engineering, Decompilation, and Disassembly.** You may not reverse engineer, decompile, or disassemble the Software, except and only to the extent that such activity is expressly permitted by applicable law notwithstanding this limitation.
- e. **Consent to Use Data.** You agree that GeoSafe may collect and use technical information gathered as part of the product support services provided to you, if any, related to the Software. GeoSafe may use this information solely to improve our products or to provide customized services or technologies to you and will not disclose this information in a form that personally identifies you.
- f. **Links to third party sites.** GeoSafe is not responsible for the contents of any third-party sites or services, any links contained in third-party sites or services, or any changes or updates to third-party sites or services. GeoSafe is providing these links and access to third-party sites and services to you only as a convenience, and the inclusion of any link or access does not imply an endorsement by GeoSafe of the third-party site or service.

3.2

LIMITATION ON REMEDIES

NO CONSEQUENTIAL DAMAGES. The City is not entitled to consequential damages, resulting from malfunction of the Software. If the software malfunctions, GeoSafe's liability is limited to: (a) return of the amount paid (if any) for the Software or (b) repair or replacement of the Software. GeoSafe is not responsible for failure of the Software that resulted from accident, abuse, misapplication, abnormal use, or an unforeseeable virus.

3.3

TRADEMARK, COPYRIGHT, PATENT, AND OTHER PROPERTY RIGHTS

GeoSafe warrants that it is the sole entity authorized to use and enter into contracts for the use of the Software that is the subject of this contract. Should a lawsuit be initiated against GeoSafe or its representatives on the grounds of any property right infringement, the initiation of which would involve the Software discussed herein, GeoSafe shall notify the City of such lawsuit within ten (10) days of its receipt of the petition. Upon notification of the lawsuit, the City shall have the right to terminate the contract with ten (10) days written notice to GeoSafe and pursue any remedies the City may have.

3.4

DISPUTE RESOLUTION

In the event of any dispute concerning this Agreement, suit may be brought only in a court of competent jurisdiction in the State of Oklahoma.

The parties agree that any questions or concerns regarding the lawful business pursuits of the other party will first be presented to the other party for clarification or resolution before they are published to a third party.

3.5

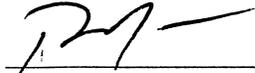
GOVERNING LAW

This Agreement shall be interpreted and construed according to, and governed by, the laws of the State of Oklahoma.

IN WITNESS WHEREOF, the Parties have approved this Agreement and authorized the signatures below as of the dates there set out.

CITY OF NORMAN

Approved as to form and legality this _____ day of _____, 2011.



City Attorney

Approved by the City of Norman this 5th day of December, 2011.

ATTEST:

City Clerk

Mayor

Approved by GeoSafe LLC this 5th day of December, 2011.



Moshe Gutman
President
GeoSafe



City of Norman, OK

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

Master

File Number: K-1112-53 Final

File ID: K-1112-53 Final	Type: Contract	Status: Consent Item
Version: 1	Reference: Item No. 9	In Control: City Council
Department: Parks and Recreation Department	Cost:	File Created: 11/28/2011
File Name: Final Acceptance Historical Museum Interior Project		Final Action:

Title: CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1112-53 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TOM'S QUALITY CONSTRUCTION FOR THE HISTORICAL MUSEUM INTERIOR REPAIR PROJECT.

ACTION NEEDED: Motion to accept or reject the project; and, if accepted, direct final payment in the amount of \$10,100 to Tom's Quality Construction.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 9

Attachments: PO Tom's Quality Construction

Project Manager: James Briggs, Park Planner

Entered by: suzanne.terry@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File K-1112-53 Final

Body

BACKGROUND: On 13 September 2011, City Council approved Contract No. K-1112-53 for the Historical Museum Interior Repair Project for the Parks and Recreation Department. This project focused on the upstairs room repairs, the main foyer upstairs and downstairs repairs, painting all repaired areas, and some finish carpentry in the summer kitchen area of the house.

The low bid approved by City Council was submitted by Tom's Quality Construction in the

amount of \$69,500.

DISCUSSION: On 29 November 2011, staff inspected the Historical Museum Interior Repair Project and found it to be complete per specifications. Partial payments were issued as the project progressed.

RECOMMENDATION: It is recommended that City Council accept this project as complete and authorize final payment to Tom's Quality Construction in the amount of \$10,100. Funding is available in Project No. EF0123, Moore-Lindsey House Repair, Construction (050-9677-419.6101).



The City of
NORMAN

INVOICE TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

P.O. #: 206430

DATE: 09/08/11

VENDOR #
10580

TOM FREDGREN
211 E DAWS
NORMAN, OK 73069

SHIP TO:
City of Norman
PARKS AND RECREATION
201-C WEST GRAY STREET
NORMAN, OK 73070

DELIVER BY: 09/06/11 SHIP VIA: BEST WAY F.O.B. DESTINATION TERMS NET

CONFIRM BY FREIGHT

ACCOUNT NO.
05096774196101

REQUISITIONED BY
TERRY-FOSTER

REQ. NO. 191314 REQ. DATE 09/06/11

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	69500.00	EA	HISTORICAL MUSEUM INTERIOR RENOVAT-PLASTER PROJECT CONTRACT #K-1112-53, COUNCIL 9-13-2011 #050-9677-419.6101 EF0123 VENDOR ITEM NO. - CONTRACT#K-1112-53	1.0000	69500.00

SUB-TOTAL 69500.00

TOTAL 69500.00

9.20.11 Mobilization - Materials Inv. 9.20.11 _____ - 9,900.00
 10.5.11 Labor + materials 10.5.11 _____ - 9,900.00
 10.26.11 " " 10.20.11 _____ - 9,900.00
 11.7.11 " " 11.7.11 _____ - 9,900.00
 11.15.11 " " 11.16.11 _____ - 9,900.00
 11.22.11 " " 11.22.11 _____ - 9,900.00

Balance \$ 10,100.00



City of Norman, OK

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

Master

File Number: **GID-1112-36**

File ID: GID-1112-36	Type: Court Order	Status: Consent Item
Version: 1	Reference: 10	In Control: City Council
Department: Legal Department	Cost: \$103,088.91	File Created: 11/28/2011
File Name: Court Order	Final Action:	

Title: CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$103,088.91 REGARDING JERRY STEPHENS VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-011353Q CONSOLIDATED WITH WORKERS' COMPENSATION COURT CASE NO. WCC-2011-02123K.

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 \$103,088.91 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 10

Attachments: Award Table, Court Order, Requisitions

Project Manager: Blaine Nice, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1112-36

Body

BACKGROUND: Mr. Stephens is a Maintenance Worker I with the Park Maintenance Division of the Parks and Recreation Department. He filed claim WC 2010-11353 Q on October 10, 2010 and claim WCC 2011-02123 K on March 3, 2011. The cases were consolidated by the Court as WCC 2010-11353 Q. The case proceeded through the normal

litigation process, and a trial was held on November 2, 2011. The Court Order is being presented to City Council at this time. It is recommended that this Order be accepted.

Mr. Stephens was hired on March 11, 1996 as a temporary laborer in Road and Channel. Thereafter, he was hired into a permanent position as Maintenance Worker I in the Parks & Recreation Department and was reclassified to Maintenance Worker II on May 19, 2000. He separated from employment on December 17, 2003 and was rehired as a Maintenance Worker I in the Parks & Recreation Department on March 31, 2006, and finally promoted to Maintenance Worker II on July 13, 2007.

WCC 2010-11353 Q

Mr. Stephens filed this claim on October 4, 2010, alleging strain of the left shoulder, back, and right knee from injuries sustained in the process of clearing tree limbs and debris in a City park. Additionally, on February 8, 2011, when he was riding as a passenger in a City vehicle driven by another City employee, the vehicle they were driving was rear-ended causing whiplash. The whiplash injury was filed as a separate claim. *See below.*

WCC 2011-02123 K

Mr. Stephens filed this claim on March 3, 2011, alleging sprain/strain of neck, upper back with re-aggravation of lower back as a result of the accident on February 8, 2011. The City will pursue a subrogation claim with the insurance carrier of the vehicle that struck the City vehicle for medical expenses paid and a portion of the PPD award, if possible, from the date of the incident, March 3, 2011, to the date of Mr. Stephens' release on July 8, 2011.

City Subrogation Rights under the Workers' Compensation Act. When a City employee seeks recovery for on-the-job injuries caused by the negligence of a third party, the City's subrogation rights are protected by 85 O.S. §44. If the employer pays benefits under the Workers' Compensation Act, then the City has a right of recovery to the extent of the benefits paid. This is particularly applicable when the recovery from the negligent third party *exceeds* the amount the injured employee may be entitled to under the Workers Compensation Act. *Prettyman v. Halliburton*, 1992 OK 63, 841 P.2d 573. The statute then provides some guidance on how the subrogated employer and successful plaintiff employee are to share in the costs and attorneys fees incurred to pursue the third party claim. That proportionate share may be established by agreement or by the Court under 85 O.S. §44. Under the statute, the proportionate share is established by the ratio between the amount of compensation paid by the employer and the amount of recovery.

However, if the employee settles a claim against a third party in an amount that is *less* than what the injured employee may be entitled to under the Workers Compensation Act, there is a line of cases that indicates apportionment of monies recovered from a negligent third party between a successful plaintiff employee and a subrogating employer is left to the discretion of the District Court having jurisdiction over the third party action. *Kendrick v. Federal Express*, 1993 OK CIV APP 147; 868 P. 2d 748; *Tipton v. Okla. Property & Cas. Guaranty Asso.*, 859

P. 2d 527 (Okla. App. 1993); *Nichols RV World v. Crandall*, 2003 Ok CIV APP 96; 79 P.3d 1131. Just as the City may have an opportunity for reimbursement from funds collected against a negligent third party, the City also must bear a proportionate share of the costs and attorneys fees expended to effectuate the recovery. This is also left to the discretion of the District Court.

Additionally, once the subrogation issue is resolved, then the employer may still be liable for any deficiency between what the employee actually collected against the negligent third party and the amount of compensation provided or estimated under the Workers' Compensation Act. *Caffey v. Soloray & Travelers Ins. Co.*, 2002 OK 82, 57 P. 2d 870.

DISCUSSION:

Nature of Claim. Mr. Stephens was initially hired by City of Norman on March 11, 1996 as a temporary laborer and through the years has been promoted to his current position as a Maintenance Worker II in the Parks and Recreation Department. He did separate from employment from December 17, 2003 until he was rehired on March 31, 2006.

Issues for Trial. There is no question that Mr. Stephens was injured on the job. The only issue presented at trial was the issue of nature and extent of his injuries. Nature and extent is determined by the trial judge based on the claimant's testimony and expert medical evidence. The Workers' Compensation Court Judge is free to accept either doctors' opinion or find anywhere within the range of competent medical evidence presented. 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.

On August 22, 2011, Mr. Stephens was evaluated by Dr. Lance Rosson, who opined permanent partial disability as follows: 28% to the back; 20% to the neck; 36% to the left shoulder and 40% to the right knee. This total to a permanent partial disability rating of 84% to the body as a whole and 40% to the right knee. These ratings equate to \$175,910. On September 20, 2011, Mr. Stephens was evaluated by the City's doctor, Dr. Kent Hensley, who opined as follows: 8% to the back; 0% to the neck; 15% to the left shoulder and 12% to the right knee. These percentages total a permanent partial disability rating of 23% to the body as a whole and 12% to the right knee and equate to \$53,132. 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 Mr. Stephens for his injuries is \$175,910.

Court Award. This case was heard by the Workers' Compensation Court on November 2, 2011. After hearing the Claimant's testimony and considering the expert medical evidence, the Court awarded Claimant 42% total PPD to the neck, back and left shoulder. They further awarded the Claimant 25% PPD to the right knee. The Court's findings are set out in Paragraph No. 3 of the Order, as follows:

“THAT as a result of said injury, claimant sustained 3 percent permanent partial disability to the WHOLE MAN NECK (LOSS OF RANGE OF MOTION - NEUROSENSORY INJURY), 15 percent permanent partial disability to the WHOLE MAN LOW BACK (MULTI-LEVEL DISC DERANGEMENT - LOSS OF RANGE OF MOTION - RESIDUAL NEUROSENSORY INJURY), 24 percent permanent partial disability to the WHOLE MAN LEFT SHOULDER (SURGERY - DISTAL CLAVICLE EXCISION - LABRUM DEBRIDEMENT - ACROMIOPLASTY - BICEPS TENODESIS - LOSS OF RANGE OF MOTION - CREPITATION - RESIDUAL NEUROSENSORY INJURY-MOTOR DYSFUNCTION), and 25 percent permanent partial disability to the RIGHT KNEE (PARTIAL LATERAL MENISCECTOMY - CHONDROPLASTY PATELLA - LATERAL RETINACULAR RELEASE - TW-COMPARTMENT SYNOVECTOMY), for which claimant is entitled to compensation for 278.75 weeks at \$359 per week, or the total amount of \$100,071.25 of which 17 weeks have accrued and shall be paid in a lump sum of \$6,103.00.”

As can be noted in Paragraph No. 3 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. Mr. Stephens’ weekly wage PPD rate is \$359. In this instance, a portion of the award has accrued and an additional six weeks will accrue for the processing and placing on the Council Agenda.

If approved by Council, Mr. Stephens and his attorney will be paid the accrued lump sum amount and attorney’s fee. (*See* Attachment No. 2)

The City will incur additional costs and Workers’ Compensation filing fees in the total amount of \$2,091.96 as set out in Paragraph Nos. 6 and 7 of the Order, plus Cleveland County filing fee of \$125.70. (*See* Attachment No. 1)

The total cost of this Order to the City is \$103,088.91.

RECOMMENDATION: The issue tried on November 2 2011 was the nature and extent of Mr. Stephens’ injuries. The Award is within the medical evidence submitted in that it is slightly more than one-third the difference between the medical evaluations. Further, the Court also ordered that the City is to pay “all reasonable and necessary medical expenses incurred . . . through the date of this order.” Therefore, there is no continued medical maintenance. It is not anticipated a more favorable ruling for the City could be achieved by further litigation. 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 No. 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.

JERRY STEPHENS
WCC 2010-11353 Q
Consolidated with WCC 2011-02123 K
(Neck, Lumbar Spine, Left Shoulder, Right Knee)

DESCRIPTION	AMOUNT
Permanent Partial Disability:	
3% to the neck	\$ 5,385.00
15% to the back	\$ 26,925.00
<u>24% to the left shoulder</u>	<u>\$ 43,080.00</u>
42% to the whole body	\$ 75,390.00
25% to the right knee	<u>\$ 24,681.25</u>
Total Award	\$100,091.25
Lump Sum Payment:	
Accrued 17 weeks @ \$359/week (per Order)	\$ 6,103.00
Add'l 6 weeks City Council/Finance Processing	<u>\$ 2,154.00</u>
<u>Total Lump Sum to Claimant</u>	\$ 8,257.00
Attorney's Fee (per Order)	<u>\$ 20,014.25</u>
Total Lump Sum to Claimant & Attorney	\$ 28,271.25
Balance to be paid in weekly payments until paid	\$71,800.00

The balance of the Order, \$71,800 will be paid in weekly payments of \$359/week until paid in full. Payments begin the week ending of December 26, 2011 with a final payment the week of October 21, 2015

Also, as noted, in Paragraph Nos. 7 & 8 of the Order, the City will incur additional costs, fees and filing fee in Cleveland County as follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax	\$ 2,001.43
Special Occupational Health & Safety Fund Tax	\$ 750.53
Filing Fee (Workers' Comp Court)	\$ 140.00
Filing Fee (Cleveland County District Court)	<u>\$ 125.70</u>
Total costs & fees to the City of Norman	\$ 3,017.66

The total cost of this Order to the City would be \$103,088.91.

- 3 -

THAT as a result of said injury, claimant sustained 3 percent permanent partial disability to the WHOLE MAN NECK (LOSS OF RANGE OF MOTION - NEUROSENSORY INJURY), 15 percent permanent partial disability to the WHOLE MAN LOW BACK (MULTI-LEVEL DISC DERANGEMENT - LOSS OF RANGE OF MOTION - RESIDUAL NEUROSENSORY INJURY), 24 percent permanent partial disability to the WHOLE MAN LEFT SHOULDER (SURGERY - DISTAL CLAVICLE EXCISION - LABRUM DEBRIDEMENT - ACROMIOPLASTY - BICEPS TENODESIS - LOSS OF RANGE OF MOTION - CREPITATION - RESIDUAL NEUROSENSORY INJURY - MOTOR DYSFUNCTION), and 25 percent permanent partial disability to the RIGHT KNEE (PARTIAL LATERAL MENISCECTOMY - CHONDROPLASTY PATELLA - LATERAL RETINACULAR RELEASE - TWO-COMPARTMENT SYNOVECTOMY), for which claimant is entitled to compensation for 278.75 weeks at \$359.00 per week, or the total amount of \$100,071.25 of which 17 weeks have accrued and shall be paid in a lump sum of \$6,103.00.

- 4 -

THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury.

- 5 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of \$6,103.00 and pay the balance of said award at the rate of \$359.00 per week until the total award of \$100,071.25 (less attorney fee) has been paid to claimant.

- 6 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of \$750.53, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay \$2,001.43 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

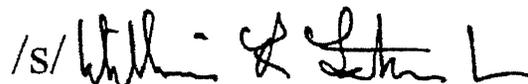
- 7 -

THAT pursuant to Title 85 O.S. Section 368, a final award fee of one hundred forty dollars (\$140.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 8 -

THAT the sum of \$20,014.25 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:



WILLIAM R FOSTER, JUDGE

km/CRichardson

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: JEFFREY M COOPER
4816 N CLASSEN
OKLAHOMA CITY, OK 73118-4696

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
November 10, 2011

PURCHASE REQUISITION NBR: 0000194446

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP AWARD

DATE: 11/26/11

REQUISITION BY: DJOHNSON

SUGGESTED VENDOR: JERRY STEPHENS & JEFFREY M. ✓

DELIVER BY DATE: 12/14/11

LINE NBR	DESCRIPTION	QUANTITY UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER	
1	WORKERS COMP AWARD STEPHENS, J. V. CON; WC 2010-11353Q CONSOLIDATED W ITH WC 2011-02123 K (NECK, LUMBAR SPINE, L-SHOULDE R & R. KNEE) CONTINGENT UPON COUNCIL APPROVAL ON 12 -13-11. LUMP SUM AMOUNT OF \$28,271.25 PAYABLE TO JERRY STEPHENS AND JEFFREY M. COOPER. SEPARATE CHE CK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE. ALL TYPES SUBCMOD: WORKER'S COMPENSATION	1.00	EA	28271.2500	28271.25 ✓	

REQUISITION TOTAL: 28271.25

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	04330024152131 ✓ Other Salary Orders/Settlements		28271.25
		100.00	28271.25

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

LUMP SUM PAYMENT IN THE AMOUNT OF \$28,271.25 PAYAB
LE TO JERRY STEPHENS AND JEFFREY M. COOPER. CONTIN
GENT UPON COUNCIL APPROVAL ON 12-13-11; SEPARATE C
HECK; RETURN CHECK TO LEGAL.
NEW VENDOR: JEFFREY M. COOPER; HOMESEY COOPER HIL
L & CARSON, 4816 CLASSEN BLVD, OKLAHOMA CITY, OK 7
3118; (405) 843-9923
OBTAINING W-9

PURCHASE REQUISITION NBR: 0000194447

STATUS: DIVISION APPROVAL ✓
REASON: WORKERS COMP ADMIN TAX FUND

DATE: 11/28/11

DELIVER BY DATE: 12/14/11

REQUISITION BY: DJOHNSON
SHP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION

1 WORKERS COMP ADMIN TAX FUND 1.00 EA 2001.4300 2001.43 2267 ✓

STEPHENS, J. V. CON; WC 2010-113530 CONSOLIDATED W
TH MCC 2011-02123K (NECK, LUMBAR SPINE, L. SHOULDE
R & R.KNEE) CONTINGENT UPON COUNCIL APPROVAL ON 12
-13-11; SEPARATE CHECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

REQUISITION TOTAL: 2001.43

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	0433024152133	Other Salary Administration Fund	2001.43
		100.00	2001.43

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000194448

REQUISITION BY: DJOHNSON
STATUS: DIVISION APPROVAL
REASON: WORKERS COMP OCCUP & HEALTH TAX FUND
SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN
DATE: 11/28/11
DELIVER BY DATE: 12/14/11

1 WORKERS COMP OCCUP & HEALTH TAX FUND
STEPHENS, J. V. CON; WC 2010-11353Q CONSOLIDATED WI
TH WC 2011-02123K (NECK, LUMBAR SPINE, L.SHOULDER;
R.KNEE) CONTINGENT UPON COUNCIL APPROVAL ON 12-13
-11; SEPARATE CHECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCMHOD: WORKER'S COMPENSATION

1.00 EA 750.5300 750.53 1950
REQUISITION TOTAL: 750.53

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety	750.53

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:
SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000194449

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL

REASON: WORKERS COMP FILING FEE ✓

DATE: 11/28/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2263 WORKERS' COMPENSATION COURT

DELIVER BY DATE: 12/14/11

1 WORKERS COMP FILING FEE 1.00 EA. 140.0000 140.00 2268 ✓

STEPHENS, J. V. CON; WC 2010-113530 CONSOLIDATED W
ITH WC 2011-02123K (NECK, LUMBAR SPINE, L.SHOULDER
; R.KNEE) CONTINGENT UPON COUNCIL APPROVAL ON 12-1
3-11; SEPARATE CHECK; RETURN CHECK TO LEGAL.
COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

REQUISITION TOTAL: 140.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	04330024154704 ✓	Miscellaneous Services Other Filing Fees	100.00	140.00
				140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000194450

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL

REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE ✓

DATE: 11/28/11

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK

DELIVER BY DATE: 12/14/11

1 WORKERS COMP CLEVELAND COUNTY FILING FEE 1.00 EA 125.7000 125.70 ✓ 434

STEPHENS, J. V. CON; WC 2010-11353Q CONSOLIDATED WITH WC 2011-02123K (NECK, LOMBAR SPINE, L.SHOULDER, R. KNEE) CONTINGENT UPON COUNCIL APPROVAL ON 12-13-11; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee	125.70
		100.00	125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.



City of Norman, OK

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

Master

File Number: R-1112-82

File ID: R-1112-82	Type: Resolution	Status: Consent Item
Version: 2	Reference: Item No. 11	In Control: City Council
Department: Utilities Department	Cost: \$2,788.23	File Created: 11/17/2011
File Name: R-1112-82 36th interceptor Project		Final Action:

Title: RESOLUTION NO. R-1112-82: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING \$2,788.23 FROM THE WASTEWATER FUND BALANCE TO ALLOW FOR THE RETURN OF COLLECTED PAYBACK FEES TO THE INVESTORS FOR THE 36TH AVENUE INTERCEPTOR AND FORCE MAIN PROJECTS.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to adopt or reject Resolution No. R-1112-82.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 11

Attachments: Attachment 1 - Payback Funds Collected,
Attachment 2 - Payback to Investors, List of
Payments, Payback to Investors for Payback
Projects

Project Manager: Mark Daniels, Utilities Engineer

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File R-1112-82

Body

BACKGROUND: The City Council approved Resolution No. R-9900-46 on October 26, 1999 and Resolution No. R-9900-26 on September 14, 1999 declaring the 36th Avenue Interceptor and the 36th Avenue Force Main projects as payback projects. These actions enable the Investors in the payback projects to recover costs from property owners benefiting from the project. In addition, the Norman Utilities Authority and the Investors have entered

into payback agreements, Contract Nos. K-9899-36 and K-9900-45 for the 36th Avenue Interceptor and the 36th Avenue Force Main projects, respectively.

In accordance with these agreements, property owners benefiting from the projects are required to pay back their share of the project cost as their parcels are developed. The amount of payback collected is based on the acreage of the land developed, the land use, and the estimated wastewater flow. In accordance with the agreements, the City collects a 2% fee for administering the collection and distribution of the payback fees. Payback funds are deposited in revenue account #032-0000-366.12-54 (Wastewater Recoupment) prior to disbursement to the Investors.

DISCUSSION: As shown on Attachment 1, payback fees totaling \$2,843.99 were collected between July 1, 2007 and June 30, 2011 and deposited in the Wastewater Recoupment revenue account. To date, revenues totaling \$61,085.55 have been collected.

It is now necessary to appropriate \$2,788.23 from the Wastewater Fund Balance into Account 032-5548-432.47-06, Recoupment Payback. As noted, the City retains 2%, or \$55.76, as an administrative fee. As shown in Attachment 2, payback fees will be returned to the Investors based on the percentages set forth in the agreement.

RECOMMENDATION: It is recommended that the City Council appropriate \$2,788.23 from the Wastewater Fund Balance 032-0000-253.00-00 to Account 032-5548-432.47-06, Recoupment Payback, and authorize payments to the investors as shown above.

Attachment 1

Payback Funds Collected

Date	Parcel	Project	36th Interceptor	36th Force Main	Admin. Fee	Total Collected	Total Without Fee
3/21/2008	2	T-Rex Investments, Hudimax Norman Holdings	504.64	-	10.09	514.73	504.64
8/5/2008	17a	Huetfner Addition, Section 3, Lot 6, Block 1	569.86	806.53	27.53	1,403.92	1,376.39
2/26/2010	13b	Fire Station No. 9	64.11	843.09	18.14	925.34	907.20
FYE08 through FYE11 Totals			1,138.61	1,649.62	55.76	2,843.99	2,788.23
Grand Total			26,381.32	33,508.43	1,195.80	61,085.55	59,889.75

Attachment 2
Payback to Investors

Payback from Recoupment Payback Account # 032-5548-432.47-06																		
Round Table Corporation 39.97%						Norman Industrial Investments 33.35%						Cascade Development 26.68%						
End Date	36th Interceptor	36th Force Main	Total Payback Due	PO #	36th Interceptor	36th Force Main	Total Payback Due	PO #	36th Interceptor	36th Force Main	Total Payback Due	PO #	36th Interceptor	36th Force Main	Total Payback Due	PO #	Total Disbursed to Investors	
6/30/2000	\$587.79	\$1,053.63	\$1,641.42	57417	\$490.44	\$879.13	\$1,369.57	57414	\$392.35	\$703.30	\$1,095.65	57416						\$4,106.64
6/30/2001	\$314.94	\$1,358.89	\$1,673.83		262.78	\$1,133.82	\$1,396.60		\$210.23	\$907.06	\$1,117.29							\$4,187.72
6/30/2002	\$6,310.41	\$233.84	\$6,544.25		\$5,265.25	\$195.11	\$5,460.36		\$4,212.20	\$156.09	\$4,368.29							\$16,372.90
6/30/2003	\$228.92	\$141.97	\$370.89		\$191.01	\$118.46	\$309.47		\$152.80	\$94.77	\$247.57							\$927.93
6/30/2004	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00							\$0.00
6/30/2005	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00							\$0.00
6/30/2006	\$1,065.12	\$5,914.03	\$6,979.15	137608	\$888.72	\$4,934.52	\$5,823.24	137610	\$710.97	\$3,947.82	\$4,658.59	137609						\$17,460.98
6/30/2007	\$1,582.32	\$4,031.60	\$5,613.92		\$1,320.25	\$3,363.88	\$4,684.13		\$1,056.20	\$2,691.10	\$3,747.30							\$14,045.35
6/30/2011	\$455.10	\$659.35	\$1,114.45		\$379.73	\$550.15	\$929.88		\$303.78	\$440.12	\$743.90							\$2,788.23
Total To Date	\$10,544.60	\$13,393.31	\$23,937.91		\$8,798.18	\$11,175.07	\$19,973.25		\$7,038.53	\$8,940.06	\$15,978.59							\$59,889.75
Original \$ Interceptor	\$85,578.85				\$71,404.92				\$57,123.93									\$214,107.70
Original \$ Force Main		\$108,641.22				\$90,647.60												\$271,806.90
Original \$ Total			\$194,220.07				\$162,052.52				\$129,642.01							\$485,914.60
% Collected			12.325%				12.325%				12.325%							12.325%

List of Payments

<u>Investor</u>	<u>Interceptor</u>	<u>Force Main</u>	<u>Total</u>
Round Table Corporation	\$455.10	\$659.35	\$1,114.45
Sturtz Group	379.73	550.15	929.88
Cascade Development, LLC	303.78	440.12	<u>743.90</u>
Total			\$2,788.23

Resolution

R-1112-82

A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING \$2,788.23 FROM THE WASTEWATER FUND BALANCE TO ALLOW FOR THE RETURN OF COLLECTED PAYBACK FEES TO THE INVESTORS FOR THE 36TH AVENUE INTERCEPTOR AND FORCE MAIN PROJECTS.

- § 1. WHEREAS, City Council, in its meeting of September 14, 1999, adopted Resolution No. R-9900-26 declaring the 36th Avenue Force Main Project as a payback project and in its meeting of October 26, 1999, adopted Resolution No. R-9900-46 declaring the 36th Avenue Interceptor Project as a payback project; and
- § 2. WHEREAS, the Norman Utilities Authority and the investors of the projects entered into agreements as outlined in Contract Nos. K-9899-36 and K-9900-45 enabling the investors to recover costs from the property owners benefiting from the projects when the land is developed; and
- § 2. WHEREAS, payback fees totaling \$2,843.99 have been collected from both projects through June 30, 2011, and deposited in the Wastewater Recoupment Payback account and are transferred to the Wastewater Fund Balance at the end of the fiscal year; and
- § 3. WHEREAS, it is now necessary to appropriate \$2,788.33 from the Wastewater Fund Balance to allow for return of collected payback fees to the investors and the remaining \$55.76 of collected payback fees will be retained by the City as an administrative fee.

NOW, THEREFORE, BE IT RESOLVED BY THE NORMAN UTILITIES AUTHORITY:

- § 5. That the following appropriation be made for reasons as stated above:

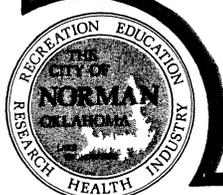
Account Name	Losing Account	Gaining Account	Amount
Recoupment Payback, Refunds and Reimbursements	032-0000-253.00-00	032-5548-432.47-06	\$ 2,788.23

PASSED AND ADOPTED this 13th of December, 2011.

Chairman

ATTEST:

Secretary





City of Norman, OK

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

Master

File Number: R-1112-87

File ID: R-1112-87	Type: Resolution	Status: Consent Item
Version: 1	Reference: Item No. 12	In Control: City Council
Department: City Clerk Department	Cost:	File Created: 12/05/2011
File Name: R-1112-87 Changing CC Mtg date to 12/20/11	Final Action:	

Title: RESOLUTION NO. R-1112-87: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING SCHEDULED FOR DECEMBER 27, 2011, SHALL BE CANCELLED AND A MEETING SHALL BE SCHEDULED FOR DECEMBER 20, 2011.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-87.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 12

Attachments: Changing Date of CC Meeting

Project Manager: Brenda Hall, City Clerk

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File R-1112-87

Resolution

R-1112-87

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THAT THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY MEETING SCHEDULED FOR DECEMBER 27, 2011, SHALL BE CANCELLED AND A MEETING SHALL BE SCHEDULED FOR DECEMBER 20, 2011.

- § 1. WHEREAS, Section 2-104 of the Code of the City of Norman, Oklahoma, states "The City Council shall meet in regular session the second and fourth Tuesday of each month at 6:30 p.m. unless otherwise announced or delegated by the Council"; and
- § 2. WHEREAS, the City Council is hereby canceling the meeting scheduled for December 27, 2011, and scheduling a meeting for December 20, 2011; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, NORMAN MUNICIPAL AUTHORITY, NORMAN UTILITIES AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY OF THE CITY OF NORMAN, OKLAHOMA:

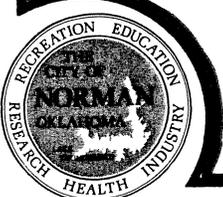
- § 3. That the regular City Council, Norman Municipal Authority, Norman Utilities Authority, and Norman Tax Increment Finance Authority meeting of December 27, 2011, shall not be held on that date and a regular City Council, Norman Municipal Authority, Norman Utilities Authority, and Norman Tax Increment Finance Authority meeting shall be scheduled on December 20, 2011.

PASSED AND ADOPTED this 13th day of December, 2011.

Mayor

ATTEST:

City Clerk





City of Norman, OK

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

Master

File Number: GID-1112-38

File ID: GID-1112-38	Type: Communication or Report	Status: Non-Consent Items
Version: 1	Reference: Item No. 13	In Control: City Council
Department: Planning and Community Development Department	Cost:	File Created: 11/29/2011

File Name: Appeal 549 S. Lahoma

Final Action:

Title: SUBMISSION OF A NOTICE OF APPEAL REQUESTING CITY COUNCIL OVERTURN THE DECISION OF THE HISTORIC DISTRICT COMMISSION REGARDING AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT OF WINDOWS FOR PROPERTY LOCATED AT 549 SOUTH LAHOMA AVENUE.

ACTION NEEDED: Motion to approve or reject the appeal to overturn the decision of the Historic District Commission for property located at 549 South Lahoma Avenue.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 13

Attachments: 549 S Lahoma COA app packet, 549 staff report 11 7 11, COA denial letter via email, HDC Verbatim Minutes 11-7-11, Request for Appeal, Photographs 549 S. Lahoma, Letters supporting Historic District Decision

Project Manager: Susan Atkinson, Historic District Planner

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File GID-1112-38

Body

BACKGROUND: On November 7, 2011, Norman's Historic District Commission (HDC)

voted unanimously to deny a Certificate of Appropriateness (COA) to retain three windows that had already been replaced at this property. Commissioners are required to treat the application as if the work had not already taken place using the *Historic Preservation Guidelines* as a basis for review.

At the same meeting, the HDC voted to approve the retention of three additional windows that had been replaced because they were (a) replacing non-original windows and (b) of a size and type that could be allowable under the conditions of Administrative Bypass established in Norman's *Historic Preservation Guidelines*.

The Historic District Ordinance provides the following:

Any person aggrieved by a decision of the Historic District Commission....shall have such right of appeal to the City Council within ten (10) days from the decision of the Historic District Commission. Any appeal of a decision of the Historic District Commission shall be initiated by filing a "Notice of Appeal" in the Office of the City Clerk. Such "Notice of Appeal" shall be docketed for placement on the City Council Agenda within thirty (30) days of filing. 22:429.3(10).

On November 17, 2011, the applicant filed a Notice of Appeal with the City Clerk appealing the HDC's decision to deny his application for a COA.

Which Windows Were Denied at 549 S. Lahoma?

- Large picture window-replaced a pair of original, 1-over-1 wood (i.e. one pane of glass over one pane of glass) windows on the south side of the house
- Projecting atrium window-replaced a pair of original, 1-over-1 wood windows on the north side of the house
- Single, clad 1-over-1 window-replaced a single, original 1-over-1 wood window on north side of the house

Historic Preservation Guidelines

The HDC uses the *Norman Zoning Ordinance* and the *Historic Preservation Guidelines*, as the basis for evaluating all COA applications. The *Historic Preservation Guidelines* were created by members of the Historic District Commission with the assistance of City staff, and were reviewed and adopted by City Council in March 2009. Original windows and doors are recognized as a character-defining feature of historic buildings.

The Miller and Chautauqua Historic Districts were designated as historic districts in 1995 and 1997 at the request of a majority of the property owners. The *Historic Preservation Guidelines* are used to preserve property values and to protect the historic character of these neighborhoods.

The Historic District Commission has not reviewed any applications for window replacement since the 2009 adoption of the *Historic Preservation Guidelines*. The *Historic Preservation Guidelines* strongly encourage the use of storm windows by making that an action approvable by Administrative Bypass (i.e. no HDC review, no waiting, no application fee).

What was the basis for denial in This Case?

During the November 7 meeting, Historic District Commissioners stated that their reasons for denying the COA application which are listed as follows:

❑ That the three replacement windows were of a type, size and material composition that was inconsistent with the *Historic Preservation Guidelines*, Section 3.5, Windows and Doors, page 52-53, Guidelines 3.5.1, 3.5.4, 3.5.8 and 3.5.12.

Which Guidelines Were Used to Evaluate the COA Application?

The Historic District Commission referenced the following sections of the *Historic Preservation Guidelines* to review this application:

Section 3.5 Windows and Doors pp. 52-53

.1 Retain Original Windows. *Retain and preserve original windows, including glass, frames, sash, muntins, sills, heads, moldings, surrounds, and hardware.*

.4 Replace Only Deteriorated Features. *If replacement of a deteriorated window or door feature or details is necessary, replace only the deteriorated feature in kind rather than the entire unit. Broken sash cords, for example, can be repaired and do not necessitate replacing an entire window. Match the original in design, dimension, placement, and material.*

.8 Window Replacement by COA. *A deteriorated window replacement, other than “like with like” as defined above requires a COA and shall conform to the following:*

- *Shall have a wood exterior, unless replacing a metal casement window*
- *Aluminum or vinyl cladding is not appropriate*
- *Light patterns same as the original*
- *Size and dimension the same as the original*
-

Double-pane simulated, divided lights with wood muntins on the exterior and interior and a shadow bar between the panes may be allowed for windows on the side or rear that are not visible from the street.

12. Use Wood Windows in Primary Structures and Additions. *For construction of new primary structures, choose windows that complement window types in surrounding structures in material, placement, size, shape, and design. While single-pane, true divided-light, wood frame windows are the most desirable choice for new construction in historic districts, double-pane glass wood windows with interior and exterior applied muntins and shadow bars*

between the panes are permitted. Aluminum cladding of wooden windows is permissible for use in construction of new primary structures and additions. Vinyl cladding of wood windows is not appropriate.

What Standards are to be Applied by Council on the Appeal of a COA denial?

The appeal comes before City Council on a de novo basis, meaning the Council is to evaluate the COA on its merits and not simply review the HDC's decision. As such, Council is to apply the applicable provisions of the Historic District ordinance (22:429.3) and the *Historic Preservation Guidelines* outlined above. Council may approve or deny the application for the COA in whole or in part.

DISCUSSION:

Why Is It Important to Preserve Old Windows in Historic Districts?

The preservation of original windows is a key goal in historic preservation because windows are often the most dominant visual element of the house. Section 3.5.1 of the *Historic Preservation Guidelines* states "retain and preserve original windows, including glass, frames, sash, muntins, sills, heads, moldings, surrounds, and hardware."

The original window pattern at 549 S. Lahoma is one pane of glass over one pane of glass (i.e. 1-over-1). On all four sides of the house, this type of window appears in pairs creating a pattern. The pattern establishes a "window rhythm" that is important to the house's appearance and to its historic character.

What's So Different About Modern Windows?

Because modern windows are often manufactured from aluminum, vinyl, or aluminum or vinyl-clad wood, their appearance is often very different from original wood windows. In addition, modern windows often occur in shapes and sizes that were not used in the 1920's when 549 S. Lahoma was built. A change from an original window to a modern one can alter a house's appearance. This is particularly true of the plate glass window and the projecting atrium window installations at 549 S. Lahoma. Both of these window forms are very different in size and shape from the original pairs of 1-over-1 windows.

A plate glass window is a modern window type that was not in use during the 1920s. By design, a plate glass window has no pieces of wood trim (muntins, mullions, or meeting rails) that define its shape such as the original windows have. This house is located on a prominent corner of the Chautauqua Historic District which means that both its front (Lahoma side) and south side (Boyd Street side) are highly visible from the street. Section 22:429.3, 2.j.1 of the *Norman Zoning Ordinance* states that "structures on corner lots shall be considered to have two front elevations." Therefore the installation of the large plate glass window on the south side of the house is, in effect, a drastic change to one of its two fronts.

The projecting atrium window is also a modern window form that was not part of this house's original design. The atrium window's material composition is either vinyl or vinyl-covered

wood which is prohibited by the guidelines. Exterior changes to properties in historic districts are evaluated for their impact on the house itself as well as the district as a whole. While it is true that the window is not easily visible from the street, it is visible to the neighboring houses to the north and east. The atrium window is partially obscured by landscaping and a fence, neither of which are permanent. Lastly, the installation of the atrium window removed a pair of original 1-over-1 wood windows which violates the primary window guideline of “retain and preserve original windows...”

The replacement of the single 1-over-1 wood window on the north side window (a kitchen window) with a single 1-over-1 window violates guideline 3.5.1 to “retain and preserve original windows...” Though the applicant did not disclose the window’s material composition in his application nor was it confirmed during the commission hearing, the replacement window may also be in violation of guideline 3.5.12 which states “vinyl cladding of wood windows is not appropriate.”

City of Norman Historic District Commission
APPLICATION for CERTIFICATE of APPROPRIATENESS (COA)
Revised and Adopted: March 2006

Applicant's Name Kevin Fasley
Mailing Address 549 S. Lahoma Ave
Phone Number(s) (918) 645-1234
Relationship of Applicant to Owner OWNER
Property Address 549 S. Lahoma Ave
Historic District CHAUTAQUA

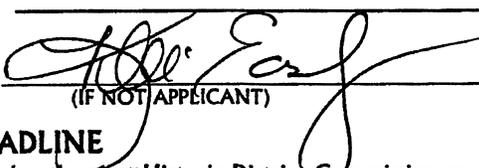
For assistance, call Susan Atkinson, Historic Preservation Officer, 366-5392

ADMIN USE ONLY:
Memo to Building Official:
Certificate of Appropriateness (COA) has been:
◇ APPROVED. Release building permit.
◇ APPROVED WITH CONDITIONS. Release building permit in accordance with conditions as specified and attached.
◇ DENIED. Do not release building permit or allow work to commence.

PROPOSED WORK

Please describe your proposed work simply and accurately. Attach extra sheets if necessary and supplemental materials as requested in the submittal checklist on page 2.

Signature of Applicant: _____ Date: _____

Signature of Owner:  Date: 10-13-11
(IF NOT APPLICANT)

APPLICATION DEADLINE

In order to be considered at the next Historic District Commission meeting (1st Monday of each month, 7:00 PM) COA application materials must be completed and submitted by 5:00 PM at least 24 calendar days in advance of the meeting. This form, along with any supporting documentation must be submitted by mail or in person to the City's Historic Preservation Officer or designee at Norman City Hall, Office of Planning & Community Development, 201 West Gray, Bldg. A, Norman, Oklahoma, 73069.

Use the enclosed submittal checklist as a guide to completing the application. Incomplete COA applications cannot be reviewed and will be returned to you for more information. Prior to submittal, applicants are strongly encouraged to contact the Historic Preservation Officer (405)366-5392 to discuss the application.

NO CHANGES ONCE COA IS ISSUED

It is understood that once a COA application has been approved, NO CHANGES OF ANY SORT SHALL BE MADE that would alter the exterior appearance from that of the plan as approved without first seeking approval from the Historic District Commission. Failure to abide by this restriction will result in a STOP WORK ORDER and may result in the City of Norman filing charges against the property owner in Municipal Court.

IF COA APPLICATION IS DENIED

In the event an application is denied, applicants have the right to appeal to the Norman City Council within 10 days of the Historic District Commission's decision. Applicants may initiate an appeal by filing a "Notice of Appeal" in the Office of the City Clerk. Such "Notice of Appeal" shall be docketed for placement on the City Council Agenda within 30 days of filing. Aggrieved persons must exhaust all administrative processes before any appeal is valid.

AFTER COA IS APPROVED, there is a 10-day appeal period before COA can be issued.

Proposed Work

First window: Replace south side Boyd Street bedroom window toward back of main residence behind six-foot stockade fence with double-paned gas-insulated window, trim to match original trim and remainder of residence. Same footprint as original window.

Reason to replace:

Original window had termite and wood rot damage, was energy inefficient. In addition, noise from Boyd Street easily penetrated bedroom, making sleep impossible. Original window had no outside trim.

Second window: Replace south side Boyd Street window (with metal frame) on added-on bedroom behind six-foot stockade fence with like one-over-one gas-insulated window with trim to match original trim and remainder of residence. Same footprint as original window.

Reason to replace:

Window was inoperable and energy inefficient. In addition, noise from Boyd Street easily penetrated bedroom, making sleep impossible. Window also had severe wood rot. Original window had no outside trim.

Third window: Replace south side bedroom window (with metal frame) on add-on behind six-foot stockade fence with like one-over-one energy efficient window with trim to match original trim and remainder of residence. Same footprint as original window.

Reason to replace:

Original window was inoperable and was not energy efficient. Noise from Boyd Street easily penetrated bedroom window, making sleep impossible. Original window had no outside trim.

Fourth window: Replace north side kitchen nook window toward rear of house (viewable only from adjacent residence) behind six-foot stockade fence with energy efficient atrium window. Make trim conform, including braces to match braces on eave of residence. Same footprint as original window.

Reason to replace:

Window had severe wood rot. Frame was cracked and splintered and severely deteriorated. Original window was not energy efficient. Made kitchen nook large and useable, including adding a seating area.

Fifth window: Replace north side kitchen toward middle/rear of residence behind six-foot stockade fence with like-for-like one-over-one window. Trim to match original trim. Same footprint as original window.

Reason to replace:

Original window was inoperable, was not trimmed on either side, and suffered from severe water rot.

Sixth window: Replace existing metal window in upstairs bedroom on east side of house with a larger energy efficient window to provide a fire escape from upstairs BR. Trim to match original trim.

STAFF REPORT

Item 1 of 2

Location: 549 S Lahoma Avenue
Chautauqua Historic District

Applicant: Kevin Easley
549 S Lahoma
Norman, OK 73072

Request: Replace six windows with aluminum or vinyl-clad wood windows and one atrium window.

Background: This contributing, one-story, bungalow-style structure, was built circa 1924. The house is cross-gabled, with a concrete foundation. The dominant window pattern is one-over-one wood windows. The partial porch is sheltered by an offset, front-gabled roof that is supported by short wood columns on stuccoed piers. Decorative details include triangular knee-braces, exposed rafters, double and triple windows and open stick-work in the front gable end.

Guideline Reference: The Historic Preservation Guidelines address this issue in the following sections:

3.5 Guidelines for Windows and Doors:

.1 Retain Original Windows. Retain and preserve original windows, including glass, frames, sash, muntins, sills, heads, moldings, surrounds and hardware.

.4 Replace Only Deteriorated Features. If replacement of a deteriorated window or door feature or details is necessary, replace only the deteriorated feature in kind rather than the entire unit. Broken sash cords, for example, can be repaired and do not necessitate replacing an entire window. Match the original in design, dimension, placement, and material.

.8 Window Replacement by COA. A deteriorated window replacement, other than "like with like" as defined above requires a COA and shall conform to the following:

- Shall have a wood exterior, unless replacing a metal casement window
- Aluminum or vinyl cladding is not appropriate
- Light patterns same as the original
- Size and dimension the same as the original

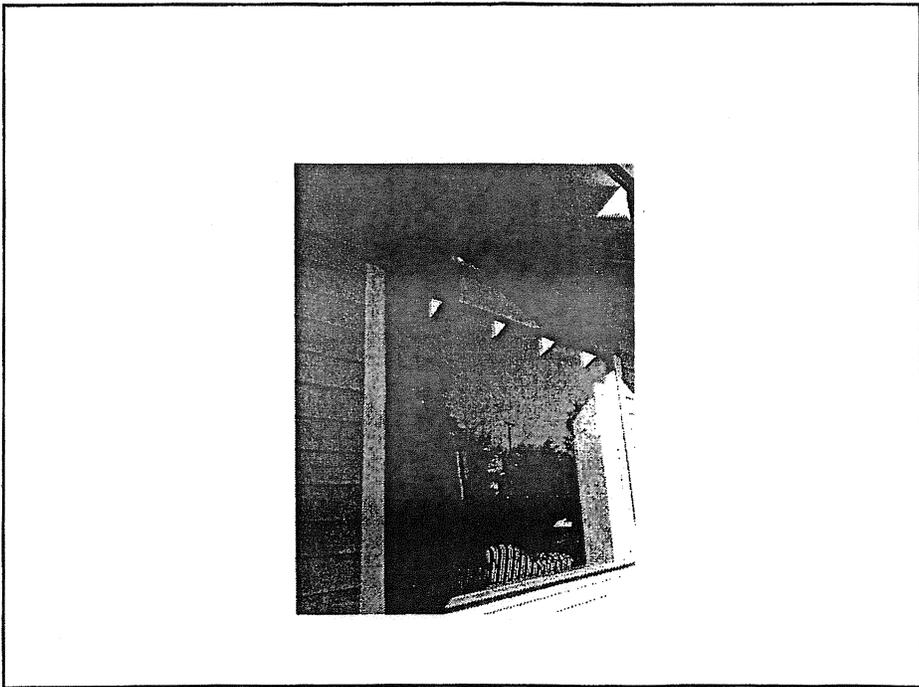
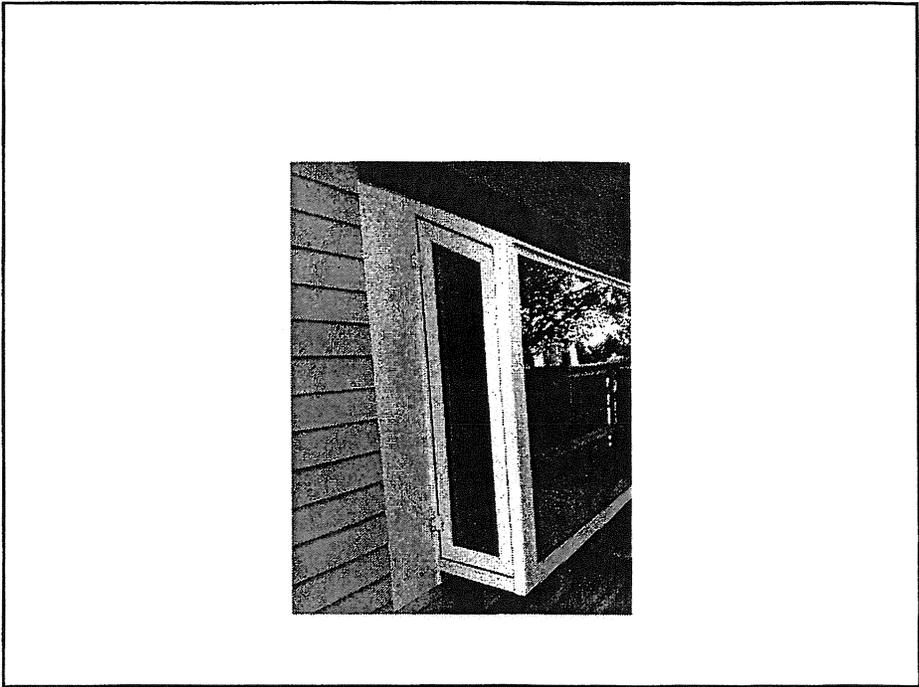
STAFF REPORT

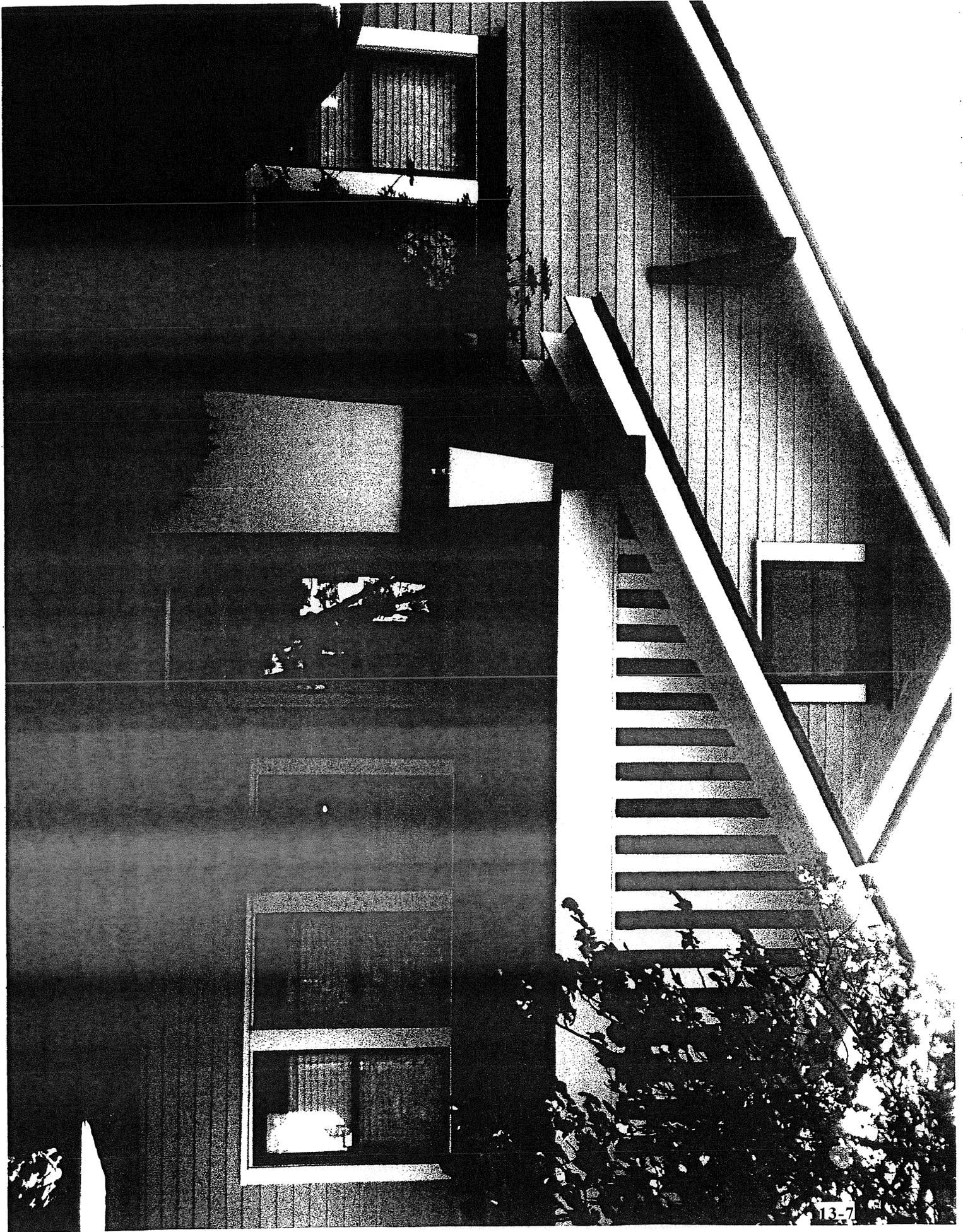
- ❑ *Double-pane simulated divided lights with wood muntins on the exterior and interior and a shadow bar between the panes may be allowed for windows on the side or rear that are not visible from the street.*

.10 Preserve Original Openings. Do not create new openings in the front or side facades of historic structures. Do not enlarge or diminish existing openings to fit stock window and door sizes. If new openings are necessary to meet code requirements, they shall be compatible with historic windows for that structure in proportion, shape, location, pattern, size, materials, and details.

Staff Comment:

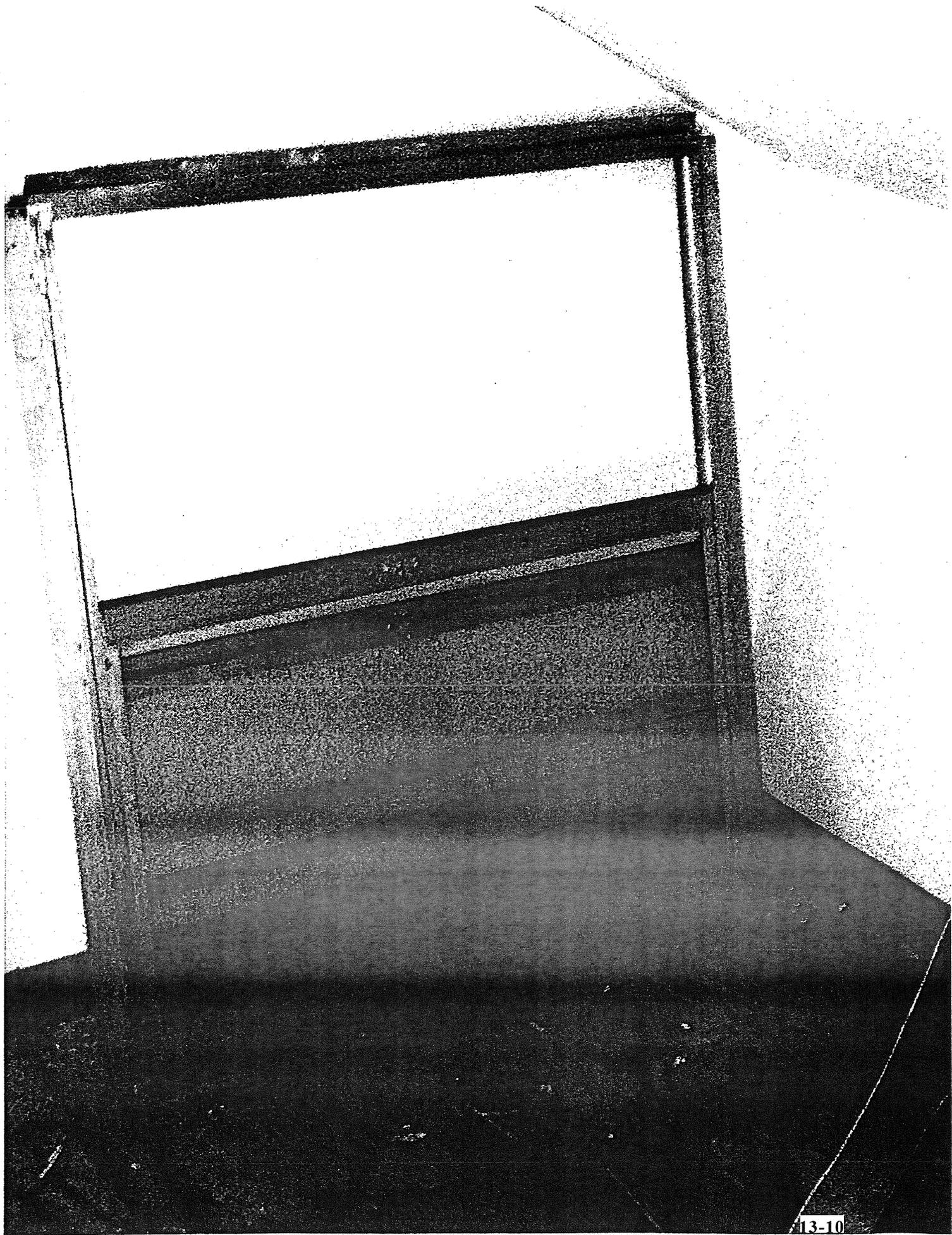
This is an application to retain replacement windows that were installed in this structure without a Certificate of Appropriateness. The Historic District Commission will review the application in light of the *Historic Preservation Guidelines* as if the work had not already been carried out.



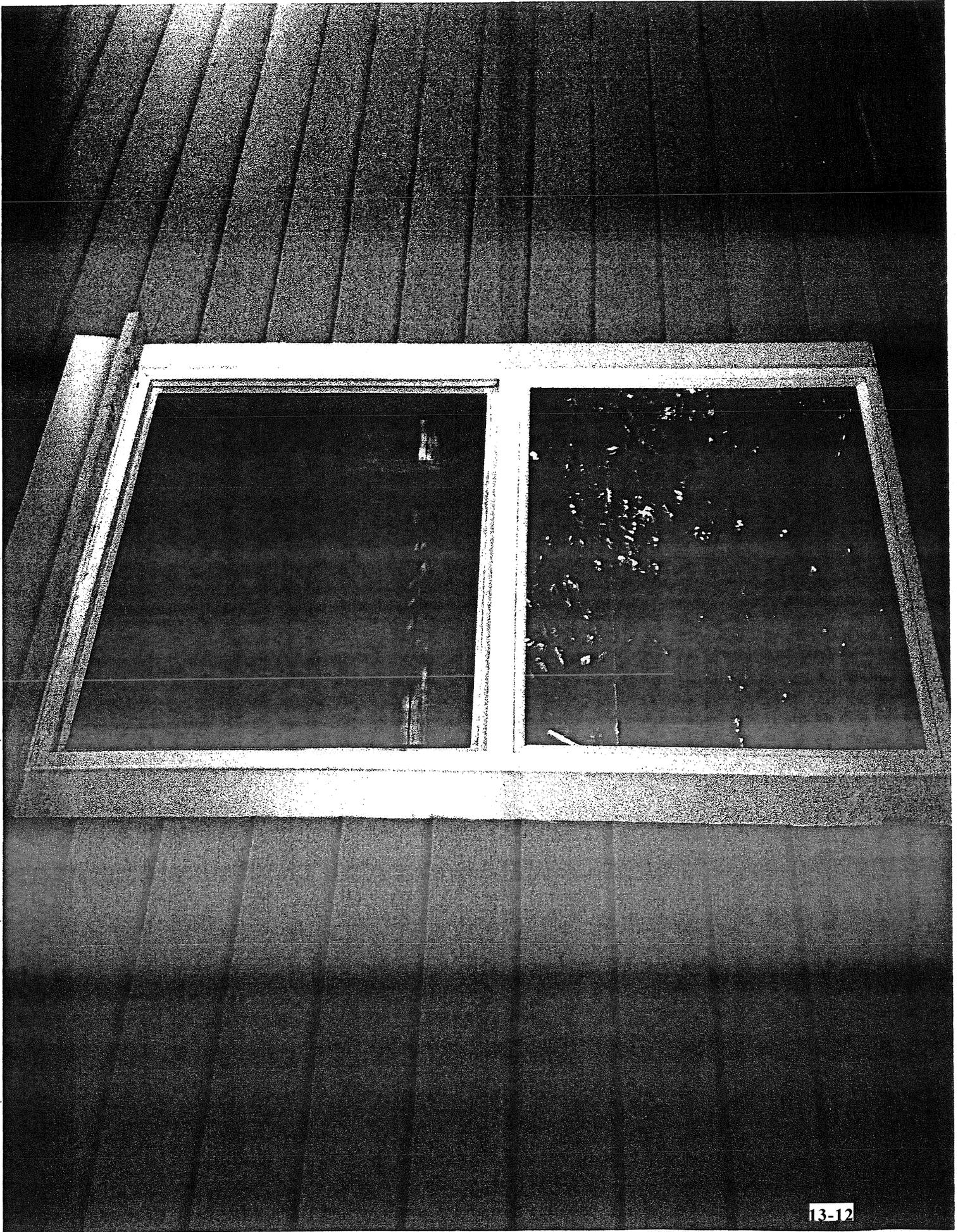


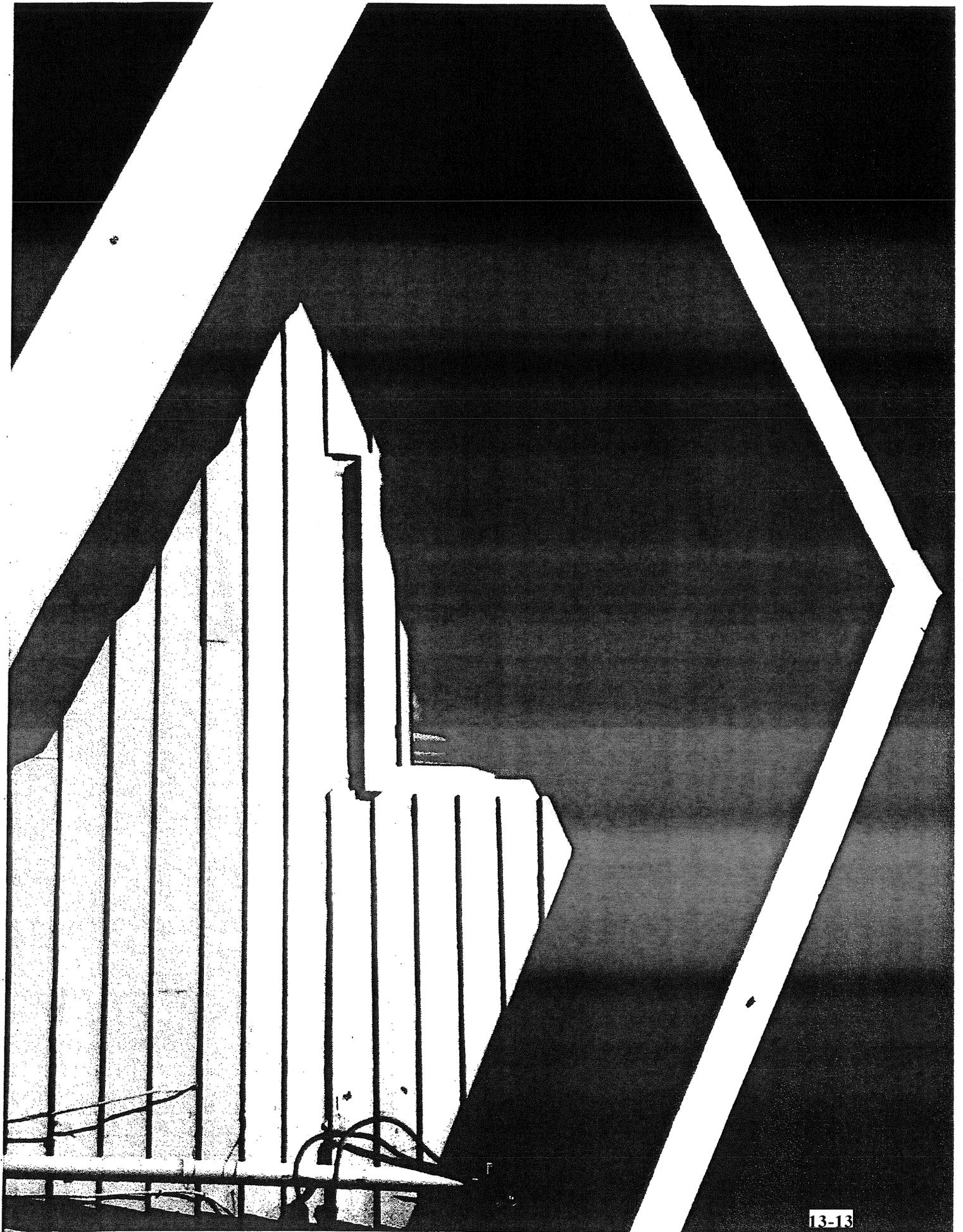












D.W. Homes, LLC
6910 South 245th East Avenue
Broken Arrow, Oklahoma 74014

TO: Norman Historic District Commission

Dear Sir or Madam:

I have been a contractor for over ten years and have developed subdivisions in the Tulsa area. I was engaged by Kevin Easley to inspect a residence he had purchased in Norman, Oklahoma. I found considerable wood rot and termite damage on several windows. In addition, several windows were inoperable and sealed shut in violation of BOCA fire codes. At my recommendation, Mr. Easley ordered custom windows to fit in the exact dimensions of the original windows. I removed the existing windows, installed the new windows and trimmed them out in conformity with the original form of the residence.

Please feel free to contact me if you have any additional questions.

Sincerely,

D.W. Homes, LLC



Don Winkle

STAFF REPORT

Item 1 of 2

Location: 549 S Lahoma Avenue
Chautauqua Historic District

Applicant: Kevin Easley
549 S Lahoma
Norman, OK 73072

Request: Replace six windows with aluminum or vinyl-clad wood windows and one atrium window.

Background: This contributing, one-story, bungalow-style structure, was built circa 1924. The house is cross-gabled, with a concrete foundation. The dominant window pattern is one-over-one wood windows. The partial porch is sheltered by an offset, front-gabled roof that is supported by short wood columns on stuccoed piers. Decorative details include triangular knee-braces, exposed rafters, double and triple windows and open stick-work in the front gable end.

Guideline Reference: The Historic Preservation Guidelines address this issue in the following sections:

3.5 Guidelines for Windows and Doors:

.1 Retain Original Windows. Retain and preserve original windows, including glass, frames, sash, muntins, sills, heads, moldings, surrounds and hardware.

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- Light patterns same as the original
- Size and dimension the same as the original

STAFF REPORT

- ❑ *Double-pane simulated divided lights with wood muntins on the exterior and interior and a shadow bar between the panes may be allowed for windows on the side or rear that are not visible from the street.*

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Staff Comment:

This is an application to retain replacement windows that were installed in this structure without a Certificate of Appropriateness. The Historic District Commission will review the application in light of the *Historic Preservation Guidelines* as if the work had not already been carried out.



The City of NORMAN

201 West Gray • P.O. Box 370
Norman, Oklahoma • 73070

HISTORIC DISTRICT COMMISSION
(405) 366-5332

November 9, 2011

Kevin Easley, Jr.
6818 S 245th E Avenue
Broken Arrow, OK 74014

via email

RE: denial of COA request at 549 S Lahoma

Dear Mr. Easley:

As you are aware, on November 7, 2011, the Norman Historic District Commission voted unanimously to deny your request for a Certificate of Appropriateness to retain three replacement windows at your property at 549 South Lahoma Avenue. The windows in question:

- Large picture window located on the south elevation
- Atrium window located on the north elevation
- Single, 1-over-1 kitchen window located on north elevation.

In the same motion, the commission voted that two replacement windows already installed could be approved in consultation with City staff under the Administrative Bypass provision of the *Historic Preservation Guidelines*. These windows are:

- 1-over-1 window on east elevation
- 1-over-1 window on the southeast corner of the house

Lastly, the commission voted that your planned replacement of a 2nd floor gable window on the east elevation could proceed by Administrative Bypass with staff review of the type, size and material of the window proposed for use.

Commission Findings

During the meeting, Historic District Commissioners stated that their reasons for denying the application were:

- That the window replacements had occurred without staff or commission review which is a violation of several provisions the *Historic Preservation Guidelines*, Section 3.5, Windows and Doors, page 52-53
- That the three replacement windows listed in the first paragraph above were a type, size and material composition that were inconsistent with the *Historic Preservation Guidelines*, Section 3.5, Windows and Doors, page 52-53. N.B. Guidelines 3.5.1, 3.5.4, 3.5.8 and 3.5.12.

In the case of work already carried out, this decision means that the windows denied must be removed and replaced with windows that are consistent in size, type and material with the specifications of the *Historic Preservation Guidelines*, Section 3.5, Windows and Doors, page 52-53, in consultation with City staff.

Appeals

As stated on page 5 of the *Historic Preservation Handbook*:

"If the Historic District Commission denies a Certificate of Appropriateness, no permit shall be issued and the applicant shall not proceed with the proposed work. The commission must place in its record the reasons for the denial and will notify the applicant of such determination. A copy of the reasons and recommendations, if any, will also be included in the record and forwarded to the applicant. Owners, agents and residents may appeal within 10 days from the decision of the commission by filing a "Notice of Appeal" the Office of the City Clerk of Norman", 201 W Gray Street, Norman, OK 73069 or by emailing your intent to appeal to City Clerk Brenda Hall at brenda.hall@normanok.gov The appeal must be filed by November 17, 2011.

Windows By Administrative Bypass

Regarding the windows the commission voted could be approved administratively, you are still required to submit a COA application for these but there is no cost to apply and no commission review. In regards to the 2nd floor gable window, we need to discuss requirements for this window prior to replacement. I enclose two items pertaining to this issue:

- COA application—please complete and return to me ASAP
- City of Norman Development Services requirements for windows in sleeping rooms

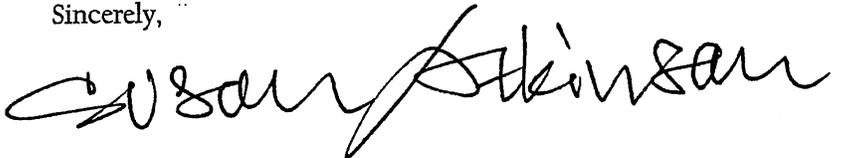
Timeline

You have 90 days from the date of this letter (February 9, 2012) to comply with the aforementioned requirements or charges may be filed in Municipal Court for each day the violation continues to exist and/or the city may pursue any other legal remedy available to in order to achieve compliance.

For your reference I enclose contact info for several window purveyors in Central Oklahoma. You are not required to use any of these companies; they are simply companies that offer window products that could be appropriate for use in this case.

Please let me know if you have questions or if I can be of further assistance, (405) 366-5392.

Sincerely,



Susan Owen Atkinson, AICP
Historic Preservation Officer

attachments

cc: Kathryn Walker, Assistant City Attorney
Fred Buxton, attorney for Kevin Easley

HISTORIC DISTRICT COMMISSION
VERBATIM MINUTES OF
NOVEMBER 7, 2011
ITEM No. 11

Item No. 11, being: Request for Certificate of Appropriateness at 549 S Lahoma.

Staff member S Atkinson gave the staff report. Kevin Easley, applicant, and Fred Buxton, attorney for the applicant, were present to answer questions. Staff reminded the Commission that while the window project had already been completed, they were to look at the application as a new Certificate of Appropriateness application.

Applicant K Easley – First of all thank you, members of the Commission, and I'm sorry we are having to come to you like this and would like to thank Susan for allowing a one month delay. I have to travel quite a bit to New York and was gone last month.

Let me tell you how we ended up in this situation. This is a second home for me and my wife. My daughter and son live in this home and my daughter recently took a job teaching at OU transferring from NYU and my son is a student at OU. So we actually live in Tulsa and we bought this home. The house went up for sale on Friday and we bought it on Saturday after putting in contacts on three other homes that were all bought out from under us before we could even get the contract in. We bought the home from the homeowner - did not go thorough a real estate person and that may be why there was some confusion.

I actually have a home in Utica Square in a historic district in Tulsa and have done a ton of remodeling and had not realized that the historic districts in Norman had specific guidelines. I thought they were more just designations and did not take the time because we were in a hurry since we were trying to get our son and daughter in before school semester started. I apologize that we are here under this particular situation. On the other hand it is surprising to that me that since we have put over \$60,000 so far into the home and were trying to improve the home and the neighborhood. Or at least we thought it would help both. I am a little surprised that making these kind of improvements that I am in trouble. Let me explain the other reasons why we made the improvements.

This is all behind the privacy fence. The atrium window is right here on a little bitty deck and the other kitchen window is right there. The only people that can see the atrium window is this person, who has written a letter of support, and this person here. I don't know how they feel specially. I have mowed their yard for them so hope they are OK.

Then the other windows were back here and here and these were the old aluminum windows. And then we had a window here and that was a 2 by 1-over-1. The reason is that Boyd Street is here and what we were trying to accomplish is that these windows did not open and I was concerned about having an exit for my children if there was a fire and second, it is a very noisy street. You can hear people talking and in the back areas, the bedrooms, we were trying to solve two things. We were trying to have a window that

opens that is insulated and solve the noise pollution problem. You could hear people walking on the street, especially on game days. We were trying to solve these two problems. Ironically our home in Tulsa is 5500 square feet and this home is about 1600 and the electric bill is more than our home in Tulsa. We were trying to make it more energy efficient from that prospective also. So that is why we did what we did.

I enclosed a letter from a contractor that was brought in on what they found related to some of the windows related to straight wood rot and some other issues that they found. This contractor has worked in historic districts but again I guess they were districts that weren't voted on by people, maybe more for designation purposes as opposed to actual guideline purposes. So my contractor and I, who was from out of town, somebody I knew from Tulsa, so both the contractor and myself who, having both done remodels before, were somewhat surprised to learn.... I know that ignorance is no excuse. But on the other hand that is why I am here. We just didn't know. We thought we were doing something positive. That's kind of a brief description...

And another thing, I talked to the former property owner before we did this and he was involved in historic districts and basically he told me that if you do stuff behind a privacy fence you could pretty well do what you wanted. Maybe I am putting words in his mouth and maybe that is too strong but that is the impression that I was left with. The changes certainly added value. They may have not stuck to the letter of the law for the bungalow look. Although, my grandmother lives in a bungalow home in Cassville (?) Missouri and she had an atrium window and that is where we got the idea. That's why we did what we did and we didn't change the front of the house at all.

If you flip through the pictures, none of the windows in the back were trimmed out like the ones in the front. These windows weren't even trimmed out at all and we trimmed them out then matched the paint that was there before. Then we stopped since we felt like we were in trouble. But we would come back and paint it to look exactly – we did paint the header and the trim. And we painted a lot of the house the exact same color we had samples that was there before so we painted it and tried to match it up and match to the trim to what the front of the house looks like.

So, again, sorry that we are here under these circumstances. I am very familiar with having zoning issues in my former job and related some of the zoning issues I just didn't realize that in this particular area that we had this kind of requirements. If you go through and look at the windows it certainly makes the house look cozier and safer. The fact that you can open the windows to escape.

By the way we didn't change the footprint of any of the openings. They are all custom windows that were made to the footprint that was there. One thing that we were going to ask you is that we on the corner lot and we ask that you be sensitive to that it is very loud on that corner and once we put the new windows in it made a huge difference in the bedrooms as far as the noise. So with that I will certainly be happy to answer any questions.

Are there any questions of the applicants?

Commissioner S Williams –is that big plate glass window sound insulated?

Applicant K Easley - I didn't know this until I spoke with Susan but they are all gas filled and she indicated to me that gas filled windows that is a wood framed gas window and that they do not hold up as well. We have gas filled windows in Tulsa and they aren't Anderson - these were Pella and they've worked out beautifully so far. They are probably 15 years old so that was the goal and again that looks pretty dramatic but there is a privacy fence that goes up but it actually covers a little more than that. I was shooting up like that when I shot the picture so, yes, they are all gas filled Pella windows custom made for those particular slots. The one upstairs - because if we can't get a window at least to get out of in case of a fire this window doesn't open very far and just goes a little bit and it's smaller than it looks. My children are lean but they couldn't get through that window. And so we are going to have to do something so that they could escape from upstairs if there is a fire. And that is what we were hoping to do. And on that, go back to the atrium window. We did have wood one put in exactly like all the wood and trimmed out like the others. And that's not viewable by anyone so and the only neighbor that can see it sent a letter of support.

Chair Robinson - Any other questions for the applicant? Any member from the public here who would like to make a comment?

David Dollarhide: My name is David Dollarhide and I reside at 645 S Lahoma. I am here with my wife Vicki. As residents of the Chautauqua Historic District, we strongly oppose renovations in the District that do not adhere to its guidelines. We value the historic district designation of our neighborhood and the well-designed guidelines that protect it. Our neighbors, city government and staff, and Historic District Commissioners have put enormous energy into the establishment and preservation of our historic districts. Countless hours have been spent on designing guidelines to that end. We take great pride in this community collaboration.

Those purchasing property in an established historic district must always be mindful of this very important covenant agreed upon by its residents. A disregard for the rules we all follow to ensure the preservation of our neighborhood endangers the district and impacts us all.

It is clear in this case that guidelines were not followed and the required procedure to obtain a Certificate of Appropriateness was either by-passed or ignored. The rules should not be required of some and overlooked for others.

Allowing individuals to take actions counter to our agreed upon guidelines makes all that we have worked for meaningless.

Rick Poland: My name is Rick Poland and I live at 425 Chautauqua. I am here to support our rules and guidelines. I have been here for different projects over the years myself. In fact, about three years ago I had to replace a window in the back of my house that could not be seen from the street. I've seen this window more than once. You have to look to see it clearly and I have noticed that as you walk by you can clearly see that window from the sidewalk and you can obviously see the picture window. With the new regs I don't see how either of these windows fit with any of our guidelines. It's too bad because it obviously seems that the owners have spent a lot of money. Being a lawyer myself I am certainly aware that it really doesn't make any difference if you don't know what the law is. So hopefully the situation can be rectified. I don't think this should be approved. Thank you.

Ben Holt: My name is Ben Holt and I live at 437 S Lahoma. I guess 7 or 8 houses up the street from this house. The first thing I want to say is that I do agree that they are taking a lot of time and effort into making this a nicer house. I think the previous owners had already put quite a bit into making it a beautiful home. But I think that this is a really simple question that we are asking tonight. The question is can we just come in and change things and not follow the guidelines that we already have agreed to? We went through a very lengthy process maybe two years ago or so that nearly all of us were involved in one way or another. Being a part of this conversation was a lot of arguing back and forth, and really quite frankly in the end we really threw out a lot of things that we probably should have maintained. But in the end there were a few things that we said that we are drawing a line in the sand to. One of them was wooden windows and another was the basic facade at the front of the house. You can do whatever you want on the inside but we just can't just come in and change these certain features and we all agreed on that. I think that this is a simple question: do we do this the right way or not? It is obvious that we did not follow the rules, so I think we just have to reverse it. I think it is a shame. I do not have a beef with these people and they seem like really nice people but it needs to be done the right way. That's all I wanted to say. Thank you.

Kendall Posey: 410 Peters. In the historic district. It was mentioned that it was unknown that the property was in an historic district which I think that is a realtor's obligation and yet he didn't buy it from the realtor, but the homeowner should have the same obligation to disclose the historic district guidelines. I don't feel the windows are appropriate replacing like with like if the window is replaced aluminum and it fails then it should go back to the original wood. Once again it's too bad that so much monetary efforts have gone into the situation but a plate glass window where 2 were is totally unacceptable. An escape route was mentioned but on the upstairs once again..... An emergency plate glass window and atrium I don't feel is appropriate. Thank you.

Chair Robinson: Anyone else from the public wish to comment? (There were none)

The applicant has presented us with this and I think that we need to put our arms around this. We kind of have some issues to resolve that are related to what our guidelines say. Some of these windows that were replaced are originally metal frame windows. We have a picture of the one and then those in the addition. I would like to, with the Commission's indulgence, to group these into two pools. One group would be the existing metal windows on the addition and also on the upper floor. So these were already existing metal windows. By our guidelines these could have been replaced under like-with-like and therefore I would like to put these in a group as covered under Administrative Bypass. Since they were never wooden to begin with and it is part of an addition, it kind of leaves us in a position that by our guidelines would allow replacement with like windows by staff review and I would like to put them aside. On the application list it shows them as the 2nd, 3rd and 6th windows. The other windows, 1, 4, and 5, would be wood windows to be considered as a separate group from the others. Those would fall under the guidelines in a different way than the metal windows. Is that acceptable with the other members of the Commission? (All agreed)

The next issue would then be how to do the windows that are in the second group go forward. There is a pair of 1-over-1 wooden windows on the north and then a single 1-over-1 wood window on the north side towards the middle of the residence. All of these wooden windows would be under our guidelines under Section 3.5, Windows and Doors. Our guidelines would say that you should retain the wooden windows if you can; if not, you should replace them with wooden windows of the same basic design. That doesn't appear to be the case in this application. I understand the reasons and they are good reasons, but I am not sure how we ought to go about applying our guidelines. I would like to hear from our Commissioners as to how you would like to approach this.

Commissioner A Starr: I believe that you did a good job in summarizing that and I am glad you did that. I feel that the guidelines are pretty explicit in that they state that the original windows be retained and if for some reason they need to be replaced due to deterioration, then they have to be replaced with something like that, being wood. I don't see where we have much wiggle room where we can say anything else. It has been, over the years, one of the things that the guidelines have always been clear on. The original wood windows need to be retained. At this point the windows need to be replaced with wood windows.

Commissioner R Cline: As the application before us stands, I feel that it contradicts our guidelines as it stands. With the issue of the 6 foot stockade fence, it is not a permanent structure so I don't think we can use that to evaluate this issue.

Commissioner S Williams: The south side window - the plate glass window - is totally inappropriate and can be seen from the street. I think it destroys the character of the house and needs to go back to 2, 1-over-1 wood windows. The metal windows on the

addition are fine since they were metal before. I do think that the guidelines need to be adhered to.

Commissioner R Kaplan: If this had come to me before the work was done, it wouldn't have been approved since it clearly does not meet the guidelines. While it pains me being an investor, I hate to see money being thrown away, it is quite cut and dried as far as I am concerned.

Commissioner C Potts: I wasn't clear on the metal windows on the back side. I was not clear on what their intentions were. Are we saying that we will talk about that later?

Chair Robinson: I think that our intent would be that the metal windows are essentially going to be covered under Administrative Bypass and they would come to Susan with whatever proposal they would have for replacing those and they would have the option of substituting with a wood window if they want.

Commissioner C Potts: But they couldn't use a vinyl or something .

Chair Robinson: No, that wouldn't be the same window.

Commissioner C Potts: You would have to do like?

Staff S Atkinson: One of the issues that is...

Commissioner C Potts: It is on the back side of the house.

Staff S Atkinson: No. That is not what I was going to say. It is my understanding that the windows that are being proposed to be retained and for the moment, I am just referring to the ones replacing the aluminum windows. They will have - it is my understanding - I have not been able to be on the property, but they are wood windows with cladding. I am unsure if that is vinyl or aluminum cladding. Cladding is something that we address explicitly in our guidelines. It is just something worth throwing out on the table.

Chair Robinson: So the metal windows then are being replaced with something other than metal?

Commissioner C Potts: That is what I am asking. What the owner would like to do.

Staff S Atkinson: My understanding of their application is that Neil has grouped the windows into 2 sets. Right now we are referring to the set where they are replacing aluminum windows. The product that is being proposed to keep is a wood window, 1-over-1, that is clad with something either vinyl or aluminum.

Chair Robinson: So essentially they would still fall within Administrative Bypass and Susan would determine what material it is.

Anyone else?

This is difficult and I understand that it is tough to work with something in the neighborhood but we have the guidelines for a purpose and this is to assure the continued relevance and historic nature of this neighborhood. I think that we can only attempt to apply our guidelines in a fair way and try to work with the property owner in rectifying whatever problems there might be. I find it difficult to justify with our guidelines. I have looked thoroughly and tried to interpret it in ways that could somehow be more beneficial and I guess more lenient, but I just keep coming back to the bottom line that these are the old double-hung, wood windows that would have shown up when the house was built and what is there now is not even in that neighborhood. All I can see is the metal windows that we can cover under the Admin Bypass I can't see justification going forward for the other windows as is.

I would entertain a motion on this issue. One motion that would cover both groups.

Commissioner A Starr: Is that what we should do? As one motion?

Chair Robinson: Yeah. That is what I would like to do. Address the wooden replacement windows and the Admin Bypass group.

Commissioner A Starr: I just want to make sure that it is clear that 1, 4, and 5 are the wooden windows... I am looking at the page the applicant turned in. And their description that are the correct ones. 2, 3, and 6 are the existing metal windows.

Chair Robinson: Yes, that is correct.

Commissioner S Williams: I move that windows 2, 3 and 6, which are the metal windows on the addition at the back of the house, be administered by Administrative Bypass and windows 1, 4, and 5, previously the wooden windows 1-over-1, be denied and be returned to wooden windows 1-over-1.

Commissioner R Cline: The 6th window would be larger? The applications states: "Replace existing metal window in upstairs bedroom on east side of the house with a larger energy efficient window to provide a fire escape from upstairs BR. Trim to match original trim."

Staff S Atkinson: That would be determined by the City's building code. Because there are rules that it has to be 24 inches to allow for ingress in a sleeping room in case of an emergency. I will be talking to the applicant about that but building codes will trump us on that.

Chair Robinson: Scott, could we amend your motion to state adhering to the building codes?

Commissioner S Williams: Yes. I amend my motion to adhere to the building codes on the upstairs window.

Chair Robinson: Is there a second?

Commissioner J Benningfield: I second the motion.

Chair Robinson: Any further discussion? Please call the roll.

Commissioners Cline, Eddings, Kaplan, Potts, Robinson, Starr, Williams and Benningfield all voted for the motion. None opposed. The motion passed with a unanimous vote.

Prepared by:
Jolana McCart
Administrative Technician IV
Recording Secretary for the Historic District Commission

Brenda Hall

From: Kevin Easley [Kevin.Easley@NewDominion.net]
Sent: Thursday, November 17, 2011 1:03 PM
To: Brenda Hall
Cc: Fred Buxton; kevineasley@cox.net
Subject: Appeal of denial of COA request at 549 S. Lahoma

Brenda I understand you are the appropriate person to contact regarding filing an appeal. Please accept this email as notice of my intent to appeal the Nov 7th 2011 decision of the Norman historic District commission denying my request for a Certificate of Appropriateness at the referenced property. Please let me know what else we would need to do for appeal.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 11-17-11

City of Norman
Historic District Commission

November 7, 2011

COA Application: 549 S Lahoma



549 S Lahoma: replacement window installed in south elevation



549 S Lahoma: atrium window installed in north elevation



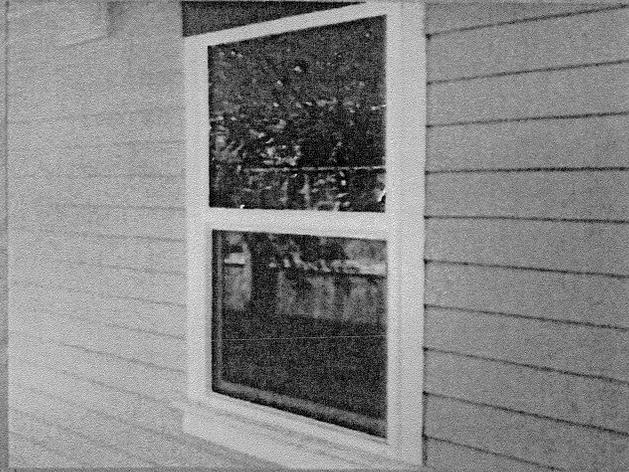
549 S Lahoma: aluminum window removed from opening



549 S Lahoma: interior view of atrium window



549 S Lahoma: north elevation replacement window (verify location)



549 Lahoma: gable window in east elevation



Staff received email from notified neighbor at 550 S Lahoma

Susan Atkinson

From: Susan Maag [scmaag@aol.com]
Sent: Thursday, November 03, 2011 8:20 AM
To: Susan Atkinson
Subject: COA

Dear Susan,
I received your letter informing me of the Norman Historic District Commission meeting on November 7 and the agenda items concerning the applications for COAs for my neighbors. As a resident of the Chautauqua Historic District who went through the proper channels in obtaining a COA in 2007 before making a change to an exterior window, I would like to lend my support to the Commission in whatever they decide regarding the issue of retaining aluminum or vinyl-clad replacement windows, and one atrium replacement window at 549 S. Lahoma. Thanks to you and the Commission for your tireless work in preserving the charm and value of the district.

Sincerely,
Susan Maag
550 S. Lahoma Avenue

Staff received email from notified neighbor at 707 W Boyd

Susan Atkinson

From: M K Long [sistermk@yahoo.com]
Sent: Friday, November 04, 2011 10:18 AM
To: Susan Atkinson
Subject: Fwd: CA for 549 S. Lahoma

I think my previous letter had the wrong address because the letter I received had two differing addresses on it.

Sent from my iPad

November 2, 2011

TO: Norman Historic Preservation Commission
RE: Certificate of Appropriateness at 549 S. Lahoma

To Whom It May Concern:

Thank you for contacting me regarding a Certificate of Appropriateness for window replacements at the above address. It is my hope that the HPC will issue this certificate. I have seen the windows and do not think that they detract from the historic nature of the home or my neighborhood. The windows are not easily viewed from the street or sidewalk and frankly, anyone who makes the effort required to see them might be considered a "peeper". Further, it is my understanding that the new windows will be more energy efficient. This seems like a good thing to me!

I fully supported efforts to designate neighborhoods in Norman as "historic" because I was deeply concerned about the University and Downtown Churches gobbling up or neighborhoods and turning them into parking lots and recreation centers. Becoming the arbiter of homeowners' window choices was not something most of the historic preservation supporters anticipated. I hope that this matter can be resolved quickly.

I appreciate all of the efforts the Norman Historic Preservation Commission has made on behalf of our community. Your hard work has helped keep Norman a great place to live. Thank you for that.

Sincerely,

Mary Katherine Long



City of Norman, OK

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

Master

File Number: O-1112-15

File ID: O-1112-15	Type: Ordinance	Status: Non-Consent Items
Version: 1	Reference: Item No. 14	In Control: City Council
Department: City Clerk Department	Cost:	File Created: 11/15/2011
File Name: Amend Req. for CC Campaign Reports & Procedures		Final Action:

Title: ORDINANCE NO. O-1112-15: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 7.5-21(F), 7.5-22, 7.5-25(5) AND (6), 7.5-26(7), AND 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN CHANGING THE NAME OF THE ENFORCEMENT AUTHORITY TO NORMAN ELECTION COMMISSION THROUGHOUT AND PROVIDING FOR AMENDMENTS TO THE CAMPAIGN STATEMENTS FILING REQUIREMENTS AND VIOLATION REPORTING PROCEDURE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-15 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-15 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes: December 13, 2011, City Council Agenda

Agenda Date: 12/13/2011

Agenda Number: 14

Attachments: O-1112-15 Campaign Amendments Clean.pdf,
O-1112-15 Campaign Amendments Annotated.pdf,
Oversight Committee minutes 05-04-11.pdf,
Oversight Committee minutes 09-07-11.pdf,
Oversight Committee minutes 11-02-11.pdf,
November 2 Oversight Committee minutes, Pert Exc
July 26 CC Minutes

Project Manager: Brenda Hall, City Clerk

Entered by: brenda.hall@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	11/22/2011	Introduced and adopted on First Reading by title only				
	Action Text:		Introduced and adopted on First Reading by title only				
1	City Council	11/22/2011					

Text of Legislative File O-1112-15

Body

The City Council Oversight Committee discussed potential changes to Chapter 7.5 (Elections) of the Code of Ordinances at their meeting on May 4, 2011. These changes were suggested as a result of citizen confusion with the language of the Ordinance regarding filing deadlines for supplemental reports and as a result of feedback from the Enforcement Authority.

After reviewing the Oklahoma Political Subdivisions Ethics Act and research provided by the City Attorney's Office, it was the consensus of the Committee to modify the ordinance to eliminate the requirement of filing a supplemental campaign statement, either by a candidate or a committee in support or opposition to a candidate, on the Monday prior to the election. Secondly, the Oversight Committee recommended changing report requirements for committees supporting or opposing a candidate stipulating they are not required to file a report if less than \$500 is collected or spent prior to either filing deadline. This recommended change mirrors the requirement under the Oklahoma Political Subdivisions Ethics Act for county, municipal, school board, and statewide campaigns.

City Council, in its meeting of July 26, 2011, received the Enforcement Authority's Final Report, which included a flier distributed by the Cleveland County GOP PAC advocating citizen participation in the municipal election cycle. Council voted to return the report to the Enforcement Authority to remove the flier from the report and requested the Council Oversight Committee undertake a review of the powers and duties of the Enforcement Authority and any other recommendations to modify the Elections Ordinance to address concerns. As a result, the Enforcement Authority met on August 29, 2011, to consider amendments to their report as directed by Council. At that meeting, the Authority voted to remove both the flier and the explanatory paragraph from their report and resubmit the final report to Council.

At that same meeting, the Enforcement Authority also recommended additional amendments to the Elections Ordinance for Council's consideration. The Enforcement Authority is charged with reviewing City Council campaign contribution and expenditure reports and monitoring the municipal candidate election process in Norman. However, the Enforcement Authority expressed a desire to decrease their "enforcement" role and move towards educating citizens

about Norman's campaign ordinances and encouraging citizen participation in Norman City Council elections. They recommended removing the language in Chapter 7.5, Section 7.5-27, referencing punishing those persons who willfully violate City of Norman Elections Ordinances or State Election Laws. In addition, the Enforcement Authority asked Council to consider changing the name of the Enforcement Authority to something that better reflects their duties.

The Oversight Committee met again on September 7, 2011, to review the powers and duties of the Enforcement Authority and consider additional possible modifications to the Elections Ordinance to address concerns as directed by Council in their July 26, 2011, meeting. The Committee reviewed and discussed the proposed amendments recommended in their previous meeting as well as the recommendations from the Enforcement Authority. The Committee reaffirmed their previous recommendation and agreed to include the changes recommended by the Enforcement Authority.

After the Oversight Committee meeting on September 7th, City Council began looking at the City's current Board and Commission procedures and processes. During this process, a request was submitted by Councilmembers Spaulding, Lockett, and Gallagher to dissolve the Enforcement Authority. Council discussed this in their Special Session on October 11, 2011. Some members of Council felt having a local oversight committee was duplicative of the State's requirements and was not needed. Concerns were also raised about the confusion the different filing dates and report requirements for the City and State were causing for candidates and committees supporting or opposing a candidate. As a result of that discussion, Council suggested the Oversight Committee look at the Enforcement Authority's duties and the reporting requirements once again and make a recommendation to Council regarding how to proceed.

Consequently, the Oversight Committee met again on November 2, 2011. At that meeting, it was the consensus of the Committee that the Enforcement Authority continue to function and having a local ordinance with oversight provides the citizens of Norman a higher level of disclosure for contributions and expenditures and ultimately provides more transparency for the overall election process. Chairman Griffith felt other cities would be better served by following Norman's example.

Oversight Committee members discussed other ways to streamline the process and lessen the confusion between the State and City requirements. The Committee recommended maintaining the previously discussed amendments as well as modifying the filing dates for City reports. The Committee recommended adding an additional City report due 10 days prior to the election to mirror the State filing date and maintain the report due on noon the Friday proceeding the election for those who had received or expended funds since the previous filing. Additionally, the Committee discussed changing the final report due date to mirror State law, which is 40 days after the election. I mistakenly reported to the Committee the final report due date for the City was 30 days following the election; however, when reviewing the

current language and latest amendments, realized the 40 day change was made in the last update to the ordinance and is currently in place.

The Committee also discussed changing the name of the Enforcement Authority as requested by the Authority to better reflect their duties and the Committee recommended changing it to the Norman Election Commission.

Ordinance No. O-1112-15 included in your packet contains the following amendments:

- Removes the supplemental Monday report;
- Establishes a threshold of \$500 for committees supporting or opposing a candidate, i.e., those committees would not be required to report if less than \$500 is collected or spent;
- Removes the language regarding punishing offenders from the Enforcement Authority procedures;
- Adds a report due 10 days prior to the election so that the City and State reports are due on the same day; and
- Changes the name of the Enforcement Authority to Norman Election Commission.

In order to have the ordinance amended and effective at the close of the Council candidate filing period, Ordinance No. O-1112-15 is included for First Reading on Council's November 22, 2011, agenda and will be considered for second and Final Reading on the December 13, 2011, agenda. Additionally, it is included for full Council discussion at the Conference on November 22nd. If Council desires, changes can be made between First and Second Reading, if needed, to include direction given at the Council Conference discussion.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 7.5-21(f), 7.5-22, 7.5-25(5) AND (6), 7.5-26(7), AND 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN CHANGING THE NAME OF THE ENFORCEMENT AUTHORITY TO NORMAN ELECTION COMMISSION THROUGHOUT AND PROVIDING FOR AMENDMENTS TO THE CAMPAIGN STATEMENTS FILING REQUIREMENTS AND VIOLATION REPORTING PROCEDURE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Section 7.5-21(f) of Chapter 7.5 of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-21. - Definitions.

(a) *Campaign statement* shall mean an itemized report made according to the form prescribed and supplied by the City Clerk which, when completed and filed, provides the information required in section 7.5-23.

(b) *Candidate* shall mean any person who publicly seeks nomination or election to any elective office in the City government.

(c) *Committee* shall mean any person or combination of two (2) or more persons acting in aid of or opposition to the nomination or election of one (1) or more candidates.

(d) *Contribution* shall mean a gift, subscription, loan, advance deposit, credit given on account, pledge, contract, agreement or promise of money or anything of value or other obligation, whether or not legally enforceable, made directly or indirectly in aid of or in opposition to the nomination or election of one (1) or more candidates. Contribution, without excluding other matters covered by the first sentence of this subsection, includes purchasing tickets for dinners, luncheons, rallies, and other fund-raising events; granting discounts or rebates, to a candidate or to a committee, on terms which are not available to the general public; and payment for the services of any person rendered to a candidate or to a committee out of funds not otherwise reported or reportable under the requirements of this article. Contribution does not extend to voluntary personal services rendered, without compensation, to a candidate or to a committee.

(e) *Election* shall mean any primary, general or special election held in the City at which candidates for public office are voted upon.

(f) *Norman Election Commission* shall mean a five-member committee, appointed by the Mayor and approved by a majority of the City Council to serve three-year staggered terms. The terms of initial appointments shall be adjusted so as to provide that no more than two (2) terms shall expire in any one (1) year; subsequent appointments shall be for three-year terms.

(g) *Expenditure* shall mean a payment, pledge, or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of the nomination or election of one (1) or more candidates. It includes any transfer of anything of value made by one (1) committee to another for purposes enumerated above.

(h) *Person* shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

§ 2. That Section 7.5-22 of Chapter 7.5 of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-22. Campaign statements filing.

Each candidate for nomination or election to the Office of Council Member or Mayor and any committee acting on behalf of or in opposition to a candidate shall file a campaign statement ten (10) days prior to each Municipal or Municipal runoff election in which he or she is a candidate, a supplemental campaign statement no later than 12:00 noon on the Friday preceding each election in which he or she is a candidate, and a final campaign statement within forty (40) days subsequent to the final election. Committees in support or opposition to a candidate are not required to submit campaign statements if less than \$500.00 was collected or spent prior to either filing deadline. The supplemental campaign statement shall not be required to be filed by any candidate who has no campaign contributions or expenditures to report since the filing of the initial campaign statement. Any such statements shall be filed in the office of the City Clerk during regular business hours. If the time for filing expires on a Sunday or on a holiday, the statement may be filed on the next regular business day. Every candidate or candidate committee or every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures on or before the days specified herein shall be assessed a late filing fee of up to ten dollars (\$10.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed one hundred dollars (\$100.00). The agent, except for agents for candidates or candidate committees, may be liable for the late fee. Failure to file a report shall be deemed to be a separate offense for each day that the report remains unfiled after it becomes due.

§ 3. That Sections 7.5-25(5) and (6) of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-25. - Duties of the City Clerk.

The City Clerk shall:

- (1) Supply appropriate forms for campaign statements required by this article to all candidates and committees and other persons required to file such campaign statements;

- (2) Furnish written instructions explaining the duties of candidates and committees under the provisions of this article, including required closing and filing dates for all campaign statements;
- (3) Examine all campaign statements filed in the Clerk's office pursuant to this article and check for irregularities that do not meet the requirements of this article. (Acceptance of the statement by the City Clerk shall not constitute approval of said statement);
- (4) Notify promptly all persons known to have failed to file a statement in the form or at the time required;
- (5) Refer all apparent irregularities or failures to file required statements to the Norman Election Commission for subsequent action;
- (6) Cooperate with the Norman Election Commission;
- (7) Maintain a current list of all campaign statements on file in the City Clerk's office;
- (8) Preserve each campaign statement for at least four (4) years from the date upon which it was required to be filed;
- (9) Make statements available for public inspection as soon as practicable during regular business hours;
- (10) Provide copies of filed campaign statements (contributions and expenditures) or parts of statements at a normal charge;
- (11) Distribute without fees or charge to each candidate or campaign committee one (1) copy of the election code of the State and one (1) copy of all city ordinances relating to election campaign matters and all blank forms required for campaign statements.

§ 4. That Section 7.5-26 and 7.5-26(7) of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-26. - Duties of the Norman Election Commission.

In addition to any other duties designated by the terms of this article, the Norman Election Commission shall:

- (1) Enforce the provisions of this article;
- (2) Cooperate with the City Clerk in preparing the design and content of appropriate forms for campaign statements required by this article;

- (3) Cooperate with the City Clerk in the preparation and publication of written instructions explaining the duties of person and committees under this article;
- (4) Determine whether the statements required to be filed under this article and also the statements required to be filed by State Statute in the Office of the City Clerk have been properly filed;
- (5) To review, compare and examine for inconsistencies or other deficiencies all statements filed in the Office of the City Clerk, including forms required to be filed under this article and also State forms required to be filed in the Office of the City Clerk by the applicable State Statutes;
- (6) Investigate any substantial discrepancy, including, but not limited to, total expenditures listed in campaign statements filed before the election and expenditures listed in statements filed after the election;
- (7) Make a public report to the City Council within forty (40) days after the Municipal Election and ninety (90) days after the final election, including, but not limited to, ongoing investigations, violations of this article and violations of the election laws of the State of Oklahoma;
- (8) Recommend or advise the City Council on possible changes as needed to this article;
- (9) Make an effort to inform the public about the importance of reporting all contributions and expenditures by candidates for local offices as well as the political action committees (PACs) involved in a given campaign.

§ 5. That Section 7.5-27 of Chapter 7.5 of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-27. Norman Election Commission procedure.

(a) Any person who believes that a violation of any portion of this article has occurred may, within fourteen (14) days after the date in which the final report is filed, file a complaint, verified before an Oklahoma Notary Public or other Oklahoma official authorized to administer oaths or affirmations, with the Office of the City Clerk. For the purpose of this subsection, the fourteen-day filing period shall begin to run following the day on which a candidate files his final report. If the Norman Election Commission determines that there is reason to believe that a violation of this article has occurred, it shall make an investigation.

(b) Whenever the Norman Election Commission has reason to believe a willful violation of this article has occurred, it will send its documentation to the City Attorney with a recommendation for the appropriate legal action.

(c) Whenever the Norman Election Commission has reason to believe a willful violation of the State Election Laws has occurred, it shall send its documentation to the District Attorney of Cleveland County with a recommendation for appropriate legal action.

(d) The Norman Election Commission shall cause notice of its meetings to be mailed to each candidate required to file statements with the Commission for the current municipal election. This notice shall be accomplished by mailing to the candidate, at the address of the candidate on file in the Office of the City Clerk, a copy of the agenda setting forth the date, time and place of the meeting of the Commission and the matters to be covered at the meeting.

(e) The Norman Election Commission may at any time demand and shall be furnished records of campaign contributions and expenses of a candidate or committee. The Norman Election Commission shall also call a candidate or candidates before the Commission for the purpose of discussing any irregularities or inconsistencies in the candidate's filings.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2011.

NOT ADOPTED this _____ day
of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 7.5-21(f), 7.5-22, 7.5-25(5) AND (6), 7.5-26(7), AND 7.5-27 OF CHAPTER 7.5 OF THE CODE OF THE CITY OF NORMAN CHANGING THE NAME OF THE ENFORCEMENT AUTHORITY TO NORMAN ELECTION COMMISSION THROUGHOUT AND PROVIDING FOR AMENDMENTS TO THE CAMPAIGN STATEMENTS FILING REQUIREMENTS AND VIOLATION REPORTING PROCEDURE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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(e) *Election* shall mean any primary, general or special election held in the City at which candidates for public office are voted upon.

(f) ~~*Enforcement authority*~~ Norman Election Commission shall mean a five-member committee, appointed by the Mayor and approved by a majority of the City Council to serve three-year staggered terms. The terms of initial appointments shall be adjusted so as to provide that no more than two (2) terms shall expire in any one (1) year; subsequent appointments shall be for three-year terms.

(g) *Expenditure* shall mean a payment, pledge, or promise of payment of money or anything of value or other obligation, whether or not legally enforceable, for goods, materials, services or facilities in aid of the nomination or election of one (1) or more candidates. It includes any transfer of anything of value made by one (1) committee to another for purposes enumerated above.

(h) *Person* shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized.

- § 2. That Section 7.5-22 of Chapter 7.5 of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-22. Campaign statements filing.

Each candidate for nomination or election to the Office of Council Member or Mayor and any committee acting on behalf of or in opposition to a candidate shall file a campaign statement ~~no later than 12:00 noon on the Friday preceding~~ ten (10) days prior to each Municipal or Municipal runoff election in which he or she is a candidate, a supplemental campaign statement no later than 12:00 noon on the ~~Monday~~ Friday preceding each election in which he or she is a candidate, and a final campaign statement within forty (40) days subsequent to the final election. Committees in support or opposition to a candidate are not required to submit campaign statements if less than \$500.00 was collected or spent prior to either filing deadline. The supplemental campaign statement shall not be required to be filed by any candidate who has no campaign contributions or expenditures to report since the filing of the initial campaign statement. Any such statements shall be filed in the office of the City Clerk during regular business hours. If the time for filing expires on a Sunday or on a holiday, the statement may be filed on the next regular business day. Every candidate or candidate committee or every other committee failing to file registrations, designations of agents, and reports of contributions and expenditures on or before the days specified herein shall be assessed a late filing fee of up to ten dollars (\$10.00) for each day after a report of contributions and expenditures is due that said report remains unfiled; provided, the total amount of such fees assessed per report shall not exceed one hundred dollars (\$100.00). The agent, except for agents for candidates or candidate committees, may be liable for the late fee. Failure to file a report shall be deemed to be a separate offense for each day that the report remains unfiled after it becomes due.

- § 3. That Sections 7.5-25(5) and (6) of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-25. - Duties of the City Clerk.

The City Clerk shall:

- (1) Supply appropriate forms for campaign statements required by this article to all candidates and committees and other persons required to file such campaign statements;
- (2) Furnish written instructions explaining the duties of candidates and committees under the provisions of this article, including required closing and filing dates for all campaign statements;
- (3) Examine all campaign statements filed in the Clerk's office pursuant to this article and check for irregularities that do not meet the requirements of this article. (Acceptance of the statement by the City Clerk shall not constitute approval of said statement);
- (4) Notify promptly all persons known to have failed to file a statement in the form or at the time required;
- (5) Refer all apparent irregularities or failures to file required statements to the ~~Enforcement Authority~~ Norman Election Commission for subsequent action;
- (6) Cooperate with the ~~Enforcement Authority~~ Norman Election Commission;
- (7) Maintain a current list of all campaign statements on file in the City Clerk's office;
- (8) Preserve each campaign statement for at least four (4) years from the date upon which it was required to be filed;
- (9) Make statements available for public inspection as soon as practicable during regular business hours;
- (10) Provide copies of filed campaign statements (contributions and expenditures) or parts of statements at a normal charge;
- (11) Distribute without fees or charge to each candidate or campaign committee one (1) copy of the election code of the State and one (1) copy of all city ordinances relating to election campaign matters and all blank forms required for campaign statements.

§ 4. That Section 7.5-26 and 7.5-26(7) of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-26. - Duties of the ~~Enforcement Authority~~ Norman Election Commission.

In addition to any other duties designated by the terms of this article, the ~~Enforcement Authority~~ Norman Election Commission shall:

- (1) Enforce the provisions of this article;

- (2) Cooperate with the City Clerk in preparing the design and content of appropriate forms for campaign statements required by this article;
- (3) Cooperate with the City Clerk in the preparation and publication of written instructions explaining the duties of person and committees under this article;
- (4) Determine whether the statements required to be filed under this article and also the statements required to be filed by State Statute in the Office of the City Clerk have been properly filed;
- (5) To review, compare and examine for inconsistencies or other deficiencies all statements filed in the Office of the City Clerk, including forms required to be filed under this article and also State forms required to be filed in the Office of the City Clerk by the applicable State Statutes;
- (6) Investigate any substantial discrepancy, including, but not limited to, total expenditures listed in campaign statements filed before the election and expenditures listed in statements filed after the election;
- (7) Make a public report to the City Council within forty (40) days after ~~each election~~ the Municipal Election and ninety (90) days after the final election, including, but not limited to, ongoing investigations, violations of this article and violations of the election laws of the State of Oklahoma.
- (8) Recommend or advise the City Council on possible changes as needed to this article.
- (9) Make an effort to inform the public about the importance of reporting all contributions and expenditures by candidates for local offices as well as the political action committees (PACs) involved in a given campaign.

§ 5. That Section 7.5-27 of Chapter 7.5 of the Code of the City of Norman shall be amended to read as follows:

Sec. 7.5-27. ~~Enforcement Authority~~ Norman Election Commission procedure.

(a) Any person who believes that a violation of any portion of this article has occurred may, within fourteen (14) days after the date in which the final report is filed, file a complaint, verified before an Oklahoma Notary Public or other Oklahoma official authorized to administer oaths or affirmations, with the Office of the City Clerk. For the purpose of this subsection, the fourteen-day filing period shall begin to run following the day on which a candidate files his final report. If the ~~Enforcement Authority~~ Norman Election Commission determines that there is reason to believe that a violation of this article has occurred, it shall make an investigation.

(b) Whenever the ~~Enforcement Authority~~ Norman Election Commission has reason to believe a willful violation of this article has occurred, it will send its documentation to the

City Attorney with a recommendation for the appropriate legal action. ~~to prevent further violations and to punish the offender(s).~~

(c) Whenever the ~~Enforcement Authority~~ Norman Election Commission has reason to believe a willful violation of the State Election Laws has occurred, it shall send its documentation to the District Attorney of Cleveland County with a recommendation for appropriate legal action. ~~to prevent further violations of the State Election Laws and to punish the offender(s).~~

(d) The ~~Enforcement Authority~~ Norman Election Commission shall cause notice of its meetings to be mailed to each candidate required to file statements with the ~~Authority Commission~~ for the current municipal election. This notice shall be accomplished by mailing to the candidate, at the address of the candidate on file in the Office of the City Clerk, a copy of the agenda setting forth the date, time and place of the meeting of the ~~Authority Commission~~ and the matters to be covered at the meeting.

(e) The ~~Enforcement Authority~~ Norman Election Commission may at any time demand and shall be furnished records of campaign contributions and expenses of a candidate or committee. The ~~Enforcement Authority~~ Norman Election Commission shall also call a candidate or candidates before the ~~Authority Commission~~ for the purpose of discussing any irregularities or inconsistencies in the candidate's filings.

§ 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2011.

NOT ADOPTED this _____ day
of _____, 2011.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

May 4, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:35 p.m. in the City Council Conference Room on the 4th day of May, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Griffith, Kovach, and Chairman Dillingham

ABSENT: Councilmember Atkins

OTHERS PRESENT: Mr. Jeff Bryant, City Attorney
Ms. Susan Connors, Director of Planning and Community Development
Ms. Jayne Crumpley, Interested citizen
Ms. Brenda Hall, City Clerk
Ms. Leah Messner, Assistant City Attorney
Ms. Linda Price, Revitalization Manager
Ms. Syndi Runyon, Administrative Assistant IV

DISCUSSION REGARDING CLARIFYING CHAPTER 7.5, SECTION 7.5-22, OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN RELATING TO MUNICIPAL CAMPAIGN CONTRIBUTION AND EXPENDITURE REPORTING.

Chairman Dillingham said the recent Council election cycle raised questions about when campaign statements and supplemental statements must be filed as well as questions about regulating issue only advocacy.

Ms. Leah Messner, Assistant City Attorney, said she and Kathryn Walker, Assistant City Attorney, had researched the issues and provided a written legal opinion to the Committee. She said the 10th Circuit Court of Appeals made a decision on a case on November 9, 2010, that dealt with campaign reporting. In October, City Council voted to amend portions of Chapter 7.5 of the Norman City Code regarding campaign filing. The City Attorney's Office was asked to review the case and determine whether the Court's decision had any implications on the recent Council enactment.

Ms. Messner discussed the case of Sampson v. Buescher in Colorado. She said Sampson was a group formed in Colorado to campaign against annexation and the group circulated a petition. The City Council declared the petition invalid because a sufficient number of residents had withdrawn their signatures from the petition. The group opposing the petition spent \$780 towards that effort. The proponent to the annexation learned that Colorado requires issue committees to register, which he did. The proponent then filed a complaint alleging that the opponent group failed to register and comply with reporting requirements related to contributions. The opponent group filed an action in the United States District Court alleging the Colorado law regulating ballot issue committees violated the First Amendment. The Court ultimately struck down Colorado's regulation that required registration of the Committee including identification of the contributors who contributed anything over \$20. The Court stated that issue committees function differently than candidate committees and it does not matter who supports the issue.

Ms. Messner said contrary to that, a new case from Maine, the National Organization for Marriage v. McKee, was also an issue election on whether or not to overturn Maine legislation that had allowed gay marriage. She said there was a lot more money involved in this election and a much bigger issue than local annexation as the National Organization for Marriage contributed \$1.9 million to support the ballot question, but did not register or file a campaign report; however, the Maine Court upheld their statutes because they had a higher reporting

threshold of \$5,000 in contributions before registration is required and disclosure of a contribution over \$100. She said even though the decision in National Organization for Marriage had a different result than Sampson, Sampson remains the controlling law in Oklahoma. She said although the same analysis of balancing of registration and disclosure with First Amendment speech and association rights was used on both cases Sampson's application to Norman's campaign finance ordinance still holds.

Chairman Dillingham asked if the Legal Department had found any examples of issues and candidate committees overlapping, i.e., a group or individuals were talking about being against the Porter Corridor, which was not on a ballot, but in speaking out against the Porter Corridor they used specific candidate images in their materials. Mr. Jeff Bryant, City Attorney, said he did not think Staff had found any cases directly related to that, but it all relates to protection of political speech, which commands the highest level of scrutiny by the Courts who will protect political speech every way they can. He said Courts have drawn the line between issue oriented versus candidate oriented and, except for the Maine case, Courts believe issue oriented regulation is pretty much hands off. He said candidate oriented issues have more leniency in the Courts as far as the ability of the Municipalities to regulate. Mr. Bryant said if the City has a committee that is formed to advocate an issue, but the advocating goes on during a campaign candidate cycle, he believes the Court will view that more as a candidate campaign as opposed to an issue campaign because it is in the election cycle. Chairman Dillingham agreed and said there was no issue on the ballot for that to be directed to.

Chairman Dillingham said, based upon the Sampson case, does the City need to do anything differently to its ordinance and Ms. Messner said the City's ordinance does not cover issue advocacy or issue based campaigns; however, State statutes do under the Political Subdivisions Ethics Act. She said Brenda Hall, City Clerk, is following that statute when candidates file their finance reports for issue campaigns or issue committees. She said because it is not a City ordinance, the Enforcement Authority is not reviewing those reports; however, Council could expand the Enforcement Authority's role and amend the ordinance to include oversight of issue committees.

Councilmember Kovach asked if the State statute reporting minimum is \$200 on issues instead of \$500 and Ms. Messner said yes. Councilmember Kovach said he was curious because the candidate minimum is \$500 and \$200 is the limit in the Colorado case. Mr. Bryant said the City does not regulate issue oriented advocacy, therefore it would be challenged at the State level by the Attorney General. He said the City can regulate if Council wants to expand the role of the Enforcement Authority.

Councilmember Kovach said that even though the Sampson case was based on an issue, one of the arguments presented was that you do not want to overburden the public's right to free speech by making it too onerous or difficult to participate. He questioned whether or not the City should have a minimal level, such as \$200, before an individual has to file a report. He said a person that decides to get involved in a campaign over the weekend after the Friday filing deadline and runs to the store to buy a poster board and marker to make a sign they hold up on a street corner is technically required to file a report and setting a minimum would alleviate that. Ms. Hall said, currently, any person or committee spending any amount of money must file. Councilmember Kovach suggested adding language that any committee formed after the deadlines would file a report within 24 hours or the next business day. Mr. Bryant said the purpose of the filing requirement on Friday by noon is to allow the newspapers time to print the information for public review prior to the Tuesday election and if someone forms a committee over the weekend, it is too late to get that information to the public anyway. Ms. Hall said, under the State Political Subdivision Act, an individual can spend as much money as they want in support of an issue and do not have to report anything; however, if a committee expends \$500 or more they are required to file with the State, while with the City, you must file if you have any contributions and/or expenditures. Councilmembers felt that mirroring the State statute minimums would be the fairest and most balanced solution.

Councilmember Kovach suggested allowing committees to fill out the forms online and send to the City Clerk electronically by the filing deadline then sign later and have the signature notarized. Ms. Hall said, technically, the reports are not valid until they have been notarized and the City has thought about online filing, but she did not know what costs would be incurred. She said it took the State years to get online filing mastered and they still deal with notary issues. Mr. Bryant asked if the State filing deadline was Friday or Monday before the election and Ms. Hall said State filing deadlines are earlier and the City requires filing on the Friday before the election to be able to provide the public with the most current information. She said if additional contributions and/or expenditures are collected over the weekend the candidate must file by noon on the Monday before the Tuesday election, but the newspapers have never printed the Monday reports. Mr. Bryant asked when the Monday filing was added and the Committee said 2008. Councilmember Kovach said Monday was specifically added because a candidate collected several thousand dollars in contributions over the weekend and it was not published. He said a candidate can plan to not disclose monies until the final report if filed after the election. Mr. Bryant said if someone really waits until the weekend before the Tuesday election to collect their money, he felt it would not make a difference to the election outcome and Councilmember Kovach agreed.

Ms. Hall said a threshold makes sense as last year, a committee that filed had spent only \$7, but this year, a committee formed over the weekend spent over \$500. Councilmember Kovach suggested excluding committees from the Monday filing requirement and Mr. Bryant said he did not think a committee forming on a weekend could affect the outcome of the campaign. Councilmember Kovach agreed and felt Monday filing could be burdensome on the candidates as well. Councilmember Kovach suggested removing the requirement for Monday filing and everyone agreed. Chairman Dillingham suggested establishing the State minimums and Ms. Hall said language should stipulate "Committee's supporting or opposing a candidate must file a report." Mr. Bryant asked if the Oversight Committee wanted to regulate issue committees and they felt they should be regulated by the State.

Mr. Bryant asked if Staff should bring a draft ordinance back to the Committee and Chairman Dillingham said to move it forward to a Council Conference.

Items submitted for the record

1. Memorandum dated April 27, 2011, from Leah Messner, Assistant City Attorney, through Jeff Bryant, City Attorney, to City Council Oversight Committee, Councilmember Atkins, Councilmember Dillingham, Councilmember Griffith, and Councilmember Kovach
2. Memorandum dated December 27, 2010, from Jeff H. Bryant, City Attorney, and Kathryn L. Walker, Assistant City Attorney, to Steve Lewis, City Manager

DISCUSSION REGARDING POLITICAL SIGN REGULATIONS.

Chairman Dillingham said there have been problems with campaign signs causing site problems when placed in residential front yards at intersections. Councilmember Kovach felt that a 4' by 8' sign placed in a yard during the 2010 election year was ridiculous and suggested 2' by 4' be the standard limited size for signs in residential areas. Mr. Bryant said City ordinances regulating free speech on private property is almost impossible to uphold. He said cities can regulate signs on rights-of-way, if it is a traffic or safety hazard, but not size of signs in neighborhoods unless they pose a safety hazard. Chairman Dillingham said she was only concerned about signs blocking traffic and/or pedestrian sight around corners. Mr. Bryant said the City can only regulate time, place, and manner. Councilmember Kovach asked how the City can regulate not placing a sign on a fence, which people do anyway. Mr. Bryant said it is still hard to enforce if the sign is on private property and although the ordinance states, "fence signs prohibited," it also states, "political signs allowable, not regulated." Mr. Bryant said if you have an obnoxious political sign on a fence on an arterial roadway, that could be considered a distraction to drivers, but felt even then it would be a stretch to prosecute.

Councilmember Griffith asked about aesthetics of the signs and Mr. Bryant said some political speech is designed to be aesthetically displeasing to get attention. Councilmember Griffith asked if the City could regulate sign height in the right-of-way, such as maximum 3 feet to alleviate site problems, and Ms. Linda Price, Revitalization Manager, said signs are not allowed in the right-of-way except in a single family dwelling then it cannot be taller than 20 inches tall and 30 inches wide and that is the only exception to the right-of-way.

Councilmember Kovach asked how Staff judges the site triangle and Ms. Price said the rule is it supposed to be 30 feet each way from the property line to form a triangle. She said you can not do that easily if there is no sidewalk so, at the minimum, Staff measures from the curb line. He asked how tall a sign could be in the site triangle and Ms. Price said no signs are allowed in the site triangle. Councilmember Kovach asked if information is distributed to candidates regarding measuring the site triangle and Ms. Hall said no, candidates do receive information on political sign regulations and that could be added. Chairman Dillingham suggested a drawing as a visual aid and Ms. Price said the site triangle in rights-of-way vary from location to locations so they usually tell candidates to contact the Planning Department who would be happy to supply examples.

Councilmember Kovach asked if Staff is proactive in regulating political signs and Ms. Price said any sign in the right-of-way is proactively removed unless the sign is from a group, such as the United Way, that has a Limited License approved by City Council allowing them to place signs in the right-of-way for a limited time.

Ms. Hall said the Enforcement Authority stresses sign regulations during the candidate's orientation process, but candidates use volunteers to help place signs who are not informed of the regulations so they place signs anywhere.

Chairman Dillingham said all the City can do is explain the regulations and ask everyone to play nice.

Ms. Susan Connors, Director of Planning and Community Development, said the current ordinance is confusing as it reads that fence signs are prohibited, but political signs are allowed and asked if Council wanted clarify the language. Mr. Bryant suggested, "prohibited, unless they are political signs" and Chairman Dillingham added, "as regulated herein." Councilmember Kovach asked if that included issues as well as candidates and Mr. Bryant said yes.

Items submitted for the record

1. Memorandum dated April 28, 2011, from Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. Excerpts from the City of Norman Sign Regulations
3. Political Sign Regulations

MISCELLANEOUS DISCUSSION.

Chairman Dillingham said the Committee will discuss special events at their June meeting. Chairman Dillingham said she did not want the Special Events Ordinance to be about the Music Festival and that is what happened in the March meeting. Chairman Dillingham said future subjects will include Saturday parking meter issues, Charter Review Committee ordinance, water conservation, and big construction trucks traveling small streets such as Elm and College. She said the trucks are tearing trees up as they drive through.

The meeting adjourned at 6:32 p.m.

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

September 7, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 7th day of September, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Dillingham, Kovach, Spaulding, and Chairman Griffith

ABSENT: None

OTHERS PRESENT: Mr. Roger Gallagher, Ward One Councilmember
Ms. Linda Lockett, Ward Seven Councilmember
Mayor Cindy Rosenthal
Ms. Brenda Hall, City Clerk
Ms. Leah Messner, Assistant City Attorney
Ms. Syndi Runyon, Administrative Assistant IV
Mr. Bobby Cleveland, Interested citizen
Ms. Mary Francis, Enforcement Authority Member
Ms. Joy Hampton, Norman Transcript
Mr. Ty Hardiman, Enforcement Authority Co-Chair

DISCUSSION REGARDING POSSIBLE MODIFICATIONS TO CHAPTER 7.5, ELECTIONS.

Chairman Griffith said there has been previous discussions regarding removing the Monday filing requirement from Chapter 7.5 and asked Mr. Ty Hardiman, Co-Chair of the Enforcement Authority (the Authority), his opinion. Mr. Hardiman said the Authority, as a whole, believes the Monday filing requirement serves a purpose and there is merit in keeping the requirement. Chairman Griffith said he would rather call the report an additional report instead of supplemental report.

Mr. Hardiman said the Authority's task is to bring awareness to the voters of Norman as to who is financially supporting the City Council candidates. He said it is valuable for voters to know who is contributing to a campaign, but is also valuable for other candidates to know. He said, over the years, the Authority has changed elements of the ordinance to be in compliance with the State to make the report process easier to understand. He said while the Authority does not want the system to be too burdensome, they do feel it is important for disclosure purposes and ensure voters have access to the reports on the day of the election. He said a report is due on the Friday before an election, but due to an incident several years ago when a candidate raised a considerable amount of money over the weekend before the election and the money was not reported until the next filing deadline 40 days after the election, the Authority added the Monday reporting requirement. He said the Authority felt a Monday filing requirement would address similar incidents occurring in the future. Councilmember Dillingham felt that anyone wanting to evade reporting money, would simply not raise the funds until after the election.

Councilmember Kovach asked what position the Authority took on the Oversight Committee's recommendation that language be added to Chapter 7.5 § 7.5-22 stating, "Committees in support of opposition to a candidate are not required to submit campaign statements if less than \$500 was collected or spent prior to either filing deadline." Mr. Hardiman said Authority felt the \$500 figure is consistent with the State Political Subdivision Ethics Act and although it seems that what is good for a State level election would be good City elections, it does not work as well with a smaller number of voters and smaller amount of money raised. He felt the figure should be \$50 or \$100. Councilmember Kovach said a lot of the threshold discussion resulted from court cases, one of which was a Colorado case that talked about the level of burden placed on individuals. He said, ideally, the Authority is there to help the public become engaged in the election process as much as possible, but if the

process is burdensome for the people to be a part of that process then they may not be a part of that process. He said the reason the Oversight Committee decided on the \$500 threshold was to avoid a possible court challenge of the ordinance. He said the Oversight Committee wants to balance the freedom of speech with the right to know. He felt it burdensome if someone wanted to form a committee over the weekend that committee would have to come to the City Clerk's office by Monday at noon and if they work they may not be able to file by that deadline, so they would be in violation of the ordinance. He said, technically, without the \$500 threshold, if someone went to Target and bought a poster board and magic marker to make a sign to hold up on a street corner on Election Day, they have violated the ordinance. He said no one wants to tell citizens that they cannot spontaneously participate in an election without filing a report. Mayor Rosenthal asked if \$500 was the threshold for County elections as well as State and Ms. Brenda Hall, City Clerk, said it is the threshold for both.

Councilmember Dillingham said interests of the State and Municipalities must be balanced in providing information to the public against a person's free speech right and felt it might be better to improve Norman's information dissemination techniques by getting the Friday reports onto the website, making sure they are posted on the City Hall doors, and are hand carried to The Norman Transcript eliminating the Monday report. She said she was more concerned about having balance in non-candidate committee's.

Councilmember Lockett said when she was running for the Ward Seven Council seat, she knocked doors and asked constituents what they thought of her contributors and they did not care who the contributors were. She felt \$500 was a fair amount. Ms. Hall said the \$500 minimum would apply only to committees supporting or opposing candidates, not the candidates. She said candidates will still report every dollar spent and contributed.

Councilmember Spaulding asked if a committee were not supporting or opposing a candidate, simply educating, would have to file a report and Ms. Hall said the ordinance is specific to supporting or opposing a candidate. Councilmember Kovach said if you are not doing either, you do not have to report and Ms. Hall said correct and reminded Councilmembers that the City does not regulate issue campaigns.

Mayor Rosenthal asked about multiple committees where the principles were the same people and one committee spent \$499 for yes to support, and another committee spent \$499 for maybe to support, how would that work with reporting and Ms. Hall said if the committee's expenditures fell below the established threshold, they would not have to file a report.

Ms. Hall said if anything such as a flyer or brochure were brought to the attention of the Authority or the City Clerk's Office, there would have to be contact made to determine whether or not they had to file a report. Councilmember Dillingham asked if committee's have to register whether they have to file a report or not and Ms. Hall said they are not required to register if they are below the threshold.

Mr. Hardiman said the Authority does now review reports from a first amendment or constitutional right aspect, but at what is best for the election itself and that is why he believes the Monday report and lower threshold contribute a value to the election.

Councilmember Kovach said, in regards to the Authority's annual report, he would like the Authority to include all reports as well as all relevant documents attached to the final report for a more comprehensive report. He said this would be beneficial to anyone researching past elections. He said Council does not want to see items that are beyond the purview of the Authority in the report. Mr. Hardiman suggested that in order to better reflect the desires of Council and be more useful for future research, the Authority place all information collected from the calendar year election period in a binder including minutes from all Enforcement Authority meetings, all reports filed, and all material submitted to the Authority for their review, but not necessarily be attached to the final report. Councilmember Spaulding agreed and said if an item is submitted and deemed a non-violation by the

Authority it should not be included in the final report. Mayor Rosenthal agreed and said the binder should be separate from the final report but accessible to the public and reflect the totality of the work by the Authority.

Mayor Rosenthal said electronic filing would help tremendously and Ms. Hall said the reports are required to be notarized so there would have to be a process in place to allow that piece to remain in the electronic process. She said she is not sure what the cost would be or how difficult it would be to put something in place, but it cannot be done with the unresolved notary issue. Mayor Rosenthal suggested removing the notary requirement and Ms. Hall said the State report must be notarized and those reports are filed with the City Clerk, not at the State. She said electronic filing has been on the back burner for awhile and it would be a matter of budgeting and timing.

Mayor Rosenthal asked if there were any court cases regarding registering a committee whether or not they file a report and Ms. Leah Messner, Assistant City Attorney, said she would have to research that. Councilmember Kovach asked if the City would have two thresholds, one being the \$500 and the other requiring registration and asked what the registration threshold would be. Councilmembers discussed requirements and Ms. Hall said it all comes back to education, which has been problematic in the past. She said the Authority has worked hard to educate on who has to file and when. She said there is difficulty in people forming committees without knowing they have to register that committee so if the City required every committee to register, the Authority and City Clerk would still be seeking those committees out to inform them they need to register. Councilmember Kovach suggested registering be done on a voluntary basis. Mayor Rosenthal said one person using their own money is not a committee, but if they solicit money from another individual, they are a committee. Councilmember Kovach said if you define a committee in that way, it means an individual can spend unlimited amount of money, not be a committee, and not have to register or file a report. Councilmembers Dillingham and Kovach asked what the State Ethics Commission defined a committee as and Ms. Hall said it is pretty broad. Mayor Rosenthal read Norman's definition of a committee, which states one person is a committee. Ms. Hall said the State definition states one or more persons may be a committee.

Councilmember Spaulding asked what other cities have an Enforcement Authority and Ms. Hall said Norman is the only city in the State that has a local Enforcement Authority. She said at the time the Authority was appointed, the State did not have regulations for local elections, so everyone files State reports only. Councilmember Dillingham said Norman is an extraordinary community that cares a great deal about the election process and getting information to citizens. Councilmember Lockett said e-mails, Twitter, and Facebook will be used more and more and they do not cost anything. Councilmember Gallagher asked if Staff had found any gross violations in cities that do not have an Enforcement Authority and Ms. Messner said Oklahoma City (OKC) has some issues, but no opinion was issued. She said attending OKC Councilmembers requested that an addition to the Subdivision Ethics Act requirement that would require a disclosure statement for the Municipal Elections be filed with the Clerk. She said she did research a couple of cities in Texas with similar Charter language as Tulsa and OKC and they follow State law.

Councilmember Lockett said, in the past, when a candidate violated the ordinance there had been no punishment and Ms. Hall said if the Authority's ultimate goal is to garner the information for public disclosure and the information is submitted, even if it is filed late, there is no longer a violation. She said the Authority had recommended charges be filed against a candidate that refused to file a report years ago and those charges were filed for failure to comply with the ordinance.

Councilmember Kovach asked if reports can be required to be filed earlier than Friday at noon and Ms. Hall said, yes, but if someone does file early, she will accept the report and inform them that they will have to file another report if they accept or expend any money by the Friday noon deadline. She encourages them to wait until the

last minute to file in order to capture as much information as possible. She said the noon deadline was originally selected to meet media weekend deadlines.

Mr. Hardiman said the Enforcement Authority would like to change there name because it has a negative or aggressive connotation and does not adequately explain the Authority's duties. He said a suggestion is Norman Council Election Compliance Committee or Election Compliance Committee or Authority. Councilmember Kovach suggested Election Information Committee. Councilmember Gallagher suggested Norman Election Committee. Councilmember Lockett said she would like more time for discussion on a name and not rush into the decision. He said another change recommended by the Authority is to strike language in Section 7.5.27(b) and (c) that reads, "and to punish the offenders." He said punishing people does not accomplish the goals of the Authority as the goals are best served when the voters have full disclosure before the election and that is why education and compliance is important. Chairman Griffith agreed and said the City Attorney or District Attorney's Offices would be the appropriate parties to handle any type of punishment.

Councilmember Kovach asked if the language requirements for the Enforcement Authority's final report to Council needed to be placed in the ordinance or could be done through policy and Ms. Hall said it could be a policy. She said the Authority is open to criteria being established if that is Council's desire.

The Oversight Committee agreed to remove the Monday reporting requirement, place a threshold of \$500 for requiring committee filing, striking language regarding punishing offenders, and changing the name of the Enforcement Authority. Councilmembers asked that these recommendations be submitted to the full Council at a Conference or Study Session.

Ms. Hall asked if the Oversight Committee wanted to change any of the duties of the Enforcement Authority and highlighted those duties. Councilmembers did not want to make any changes to the duties at this time. Councilmember Dillingham asked if Committee Members would like the Authority to work on voter turnout and participation and Councilmember Gallagher felt that no one could bring out voters except the candidates and Councilmember Dillingham agreed.

Items submitted for the record

1. Memorandum dated September 1, 2011, from Brenda Hall, City Clerk and Leah Messner, Assistant City Attorney, to City Council Oversight Committee, Councilmember Griffith, Councilmember Dillingham, Councilmember Kovach, and Councilmember Spaulding
2. City Council Oversight Committee minutes of May 4, 2011
3. Enforcement Authority Committee minutes of August 29, 2011

MISCELLANEOUS DISCUSSION. None

The meeting adjourned at 6:58 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

November 2, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the City Council Conference Room on the 2nd day of November, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Dillingham, Kovach, Spaulding and Chairman Griffith
ABSENT:	None
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Councilmember Linda Lockett, Ward Seven Mayor Cindy Rosenthal Mr. Ty Hardiman, Enforcement Authority Chairman
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Brenda Hall, City Clerk Mr. Steve Lewis, City Manager Ms. Syndi Runyon, Administrative Assistant IV

CONTINUED DISCUSSION REGARDING CHAPTER 7.5, ELECTIONS.

Chairman Griffith said proposed amendments to Chapter 7.5 include eliminating the Monday report filing requirement; changing requirements for committees supporting or opposing a candidate to mirror State statutes, which would not require them to file reports until they have expended or received \$500; and changing the name of the Enforcement Authority. He asked the Committee for their comments.

Councilmember Kovach said Council had discussed being more in-line with State campaign report regulations. He said he wanted to keep the Friday before the election reporting requirement. He said final reports are due 30 days after the election and that could be changed to be more in-line with State requirements that call for final reports within 31 to 40 days after the election. Ms. Brenda Hall, City Clerk, said, in a previous amendment, the City's reporting period was changed to 30 days after the election, which would allow State and City reports to be filed on the same day. Councilmember Kovach said there is a State filing requirement for the 10th day before the runoff or general election. He said the City could require a report be filed on the 10th day before an election the same as the state and an amended filing by noon on the Friday preceding the election, if a candidate collects or expends any monies between the 10th day and that Friday. Councilmember Dillingham felt that requiring a report 10 days prior to the election would not give the public as much up-to-date information as the Friday reporting requirement. Councilmember Kovach said it would get information to the public a week before the election and if there are additional expenditures or contributions it would be reported on the Friday before the election so there would be no less reporting. Mayor Rosenthal suggested State reports be filed 10 days before the election, as required, and City reports be filed on the Friday before the election, which is effectively what is being proposed. Councilmember Kovach said his proposal was to have the Friday reporting only if there is additional activity and some candidates will not. Councilmember Kovach felt this would be more beneficial to get the information to the public earlier in order for them to review it versus giving them the information to review a couple of days before the election. Mr. Ty Hardiman, Enforcement Authority Chairman, said he did not have an objection to the proposal, but would like to keep the Monday reporting requirement. He said the Enforcement Authority's goal is to get information to the public in a timely manner not only through reporting, but also through other education methods. He said if Council thought this proposal advanced the dissemination of information then he would

not speak against it if it came before Council. Councilmember Dillingham said if the goal is public disclosure, she would not have a problem with the proposal and the rest of the Committee supported it as well.

Mayor Rosenthal said the State requires final reports be filed between the 31st and 40th day after the election and asked if City reports should be aligned with the State requirement. Councilmember Kovach asked Ms. Hall if that would cause any problems and Ms. Hall said she did not foresee problems with mirroring State requirements and the Committee agreed.

Councilmember Kovach said there had been previous discussions regarding changing the name of the Enforcement Authority and he supported that idea. He suggested the name "Election Information Committee" because the Enforcement Authority provides information to the public. Mr. Hardiman suggested "City Council Election Financial Compliance Committee" as that describes the Enforcement Authority's role as far as how finances come to play in the City elections. He felt there was more to the committee than election information, but not necessarily "enforcement." He said the name would also differentiate Council elections from issue or bond elections. Chairman Griffith asked if the Enforcement Authority had discussed that name and Mr. Hardiman said there had been some discussion and he would be glad to place that item on an Enforcement Authority agenda as soon as possible. Councilmember Kovach felt the name was a little wordy and said the ordinance describes the Enforcement Authority's duties in detail and although he appreciated the Enforcement Authority wanting to make the name specific to Council elections. Mr. Hardiman said beyond distributing information, the Enforcement Authority is charged with making sure campaign reports are accurate and proper and felt that is not reflected in the name "Election Information Committee." Councilmember Dillingham agreed and said the "oversight" concept may get closer to that charge. Mr. Hardiman said he could meet with the Enforcement Authority regarding the name "Election Oversight Committee" and explain why that might be a good name. Councilmember Kovach suggested inserting the word "citizens" in the name such as "Citizens Council Election Oversight Committee" because it is important for people to understand that it is the citizens that are reviewing the reports. Chairman Griffith said he would like the Enforcement Authority to come up with a name and Councilmember Kovach asked if that would come back to the Oversight Committee or Council as a whole.

Ms. Hall said time is of the essence for any ordinance amendments to be adopted and become effective prior to the candidate filing cycle in January and encouraged the Committee to select a name tonight. She said Council will review a resolution in December setting the election dates so proposals made tonight should be reviewed and accepted at the same time to meet that cycle. She felt that everything needed to be in place by the time candidates file. Mayor Rosenthal said she supported a previously proposal of "Norman Election Commission" from Councilmember Gallagher. She felt the name was simple and straightforward and Mr. Hardiman and the Committee agreed.

Councilmember Gallagher said he had asked the Legal Department to research other cities to see if there had been any problems with reporting dates or candidates' reports and asked for an update. Mr. Jeff Bryant, City Attorney, said the City of Norman is the only city that has a separate reporting requirement so there is no comparison to other cities, but he was not aware of any problems with State reporting requirements within other cities. Councilmember Gallagher asked Ms. Hall if there had been any chronic problems with violations. Ms. Hall said there have not been issues with candidate reports, but there have been some issues regarding committees that form to support or oppose a candidate in that they do not always file a report in a timely manner.

Mayor Rosenthal said Oklahoma City is in the middle of a huge controversy regarding municipal election finance reporting. She said there is no one at the State level to monitor election finance reports and felt that

Norman is well served by having an Enforcement Authority. Chairman Griffith agreed and said citizens need to know what expenditures and contributions candidates are generating even though they may not be as extreme as Oklahoma City or Tulsa elections. Councilmember Dillingham agreed and said the reports do not provide the level of disclosure that Norman citizens deserve and have come to expect. She said City Council has a higher desire, on the part of elected officials, to communicate openly and honestly. Chairman Griffith agreed and felt other cities and the State would be better served by following Norman's example.

Councilmember Kovach said the whole genesis of these discussions is based on a court case in Colorado and Norman has done some tweaking based on the idea that the City has to balance free speech without overburdening someone with disclosure to the public. He asked Mr. Bryant if the City's reporting disclosure threshold is too low or could someone say it is overly burdensome. Mr. Bryant said the Colorado case was about an issue committee not a candidate committee and he would have to do further study in order to answer that question. Councilmember Kovach said he would like to know if there is a red flag before voting on changes. Chairman Griffith felt City thresholds were not unreasonable. Ms. Hall reminded the Committee their current proposal for a \$500 threshold only applies to committees that support or oppose a candidate and candidates will still have to report everything. Councilmember Kovach felt there should be a higher burden of disclosure on a candidate running for office.

Chairman Griffith asked when the amendments would move forward to Council. Ms. Hall said she could schedule the item on a Conference or Study Session agenda by the end of the month in order to have proposed amendments on First Reading no later than the first meeting in December.

Items submitted for the record

1. Memorandum dated October 24, 2011, from Brenda Hall, City Clerk, to City Council Oversight Committee; Councilmember Griffith, Chair; Councilmember Dillingham; Councilmember Kovach; and Councilmember Spaulding
2. Ordinance No. O-1112-15
3. Comparison of State and City Campaign Reporting Requirements
4. City Council Oversight Committee minutes of September 7, 2011
5. Pertinent excerpts from City Council Special Session minutes of September 11, 2011

MISCELLANEOUS DISCUSSION.

Councilmember Kovach asked what future topics were being scheduled for the Oversight Committee's review and Ms. Hall said she did not have her schedule for December. She said some future topics are on hold waiting on data such as traffic enforcement using the speed feedback signs and changing alley solid waste pick up to street pick up. She said she believed proactive code enforcement is the topic is that to be discussed in December. Councilmember Kovach said he wanted to make sure the bullying topic did not get overlooked.

The meeting adjourned at 6:17 p.m.

ATTEST:

City Clerk

Mayor

Item 8, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JUNE 30, 2011, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. RPT-111-2 dated July 11, 2011, by Anthony Francisco, Director of Finance
2. Finance Director's Investment Report of June 30, 2011

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

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

NAYES: None

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

* * * * *

Item 9, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JUNE, 2011, AND DIRECTING THE FILING THEREOF.

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

Items submitted for the record

1. Text File No. RPT-1112-3 dated June 11, 2011, by Brenda Hall, City Clerk
2. Monthly Departmental Reports for the month of June, 2011

Participants in discussion

1. Ms. Kathryn Walker, Assistant City Attorney

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

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

NAYES: None

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

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Item 10, being:

SUBMISSION OF A FINAL REPORT FROM THE ENFORCEMENT AUTHORITY.

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

Items submitted for the record

1. Text File No. RPT-111-1 dated May 23, 2011, by Brenda Hall, City Clerk
2. Final Report from the Enforcement Authority dated July 13, 2011, with attached informational mailer paid for by Bob Cleveland, President, Republican Party (GOP) Political Action Committee (PAC)
3. Enforcement Authority minutes of December 10, 2010, and February 25, March 4, April 15, May 6, and July 1, 2011

Item 10, continued:

Participants in discussion

1. Ms. Brenda Hall, City Clerk
2. Mr. Bobby Cleveland, 10701 York Road, Lexington, asked questions
3. Ms. Jeanette Coker, 620 East Main Street, made comments

Thereupon, Councilmember Spaulding moved that the report be returned to the Enforcement Authority to remove the attached postcard and any comments related thereto, which motion was duly seconded by Councilmember Dillingham; and the question being upon returning the report to the Enforcement Authority to remove the attached postcard and any comments related thereto, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the report will be returned to the Enforcement Authority to remove the attached postcards and any comments related thereto.

* * * * *

Item 11, being:

CONSIDERATION OF AWARDING OF BID NO. 1011-76, APPROVAL OF CONTRACT NO. K-1011-174 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF \$178,311.50; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY \$14,898.50; AND RESOLUTION NO. R-1011-62 FOR THE FYE 2012 CONCRETE PROJECTS AND BUDGET TRANSFERS.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$178,311.50 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-174 and Change Order No. One increasing the contract by \$14,898.50 be approved; the Mayor be authorized to execute the contract and change order and to sign Performance Bond No. B-1011-100, Statutory Bond No. B-1011-101, and Maintenance Bond No. MB-1011-97 contingent upon the City Attorney's approval; Resolution No. R-1011-62 be adopted; and \$8,210 be transferred from Project No. EF0134, Fire Station No. 1 Repair, Construction (050-9677-419.61-01) to Project No. TC00245, Citywide Sidewalk Reconstruction Project, Construction (050-9052-431.61-01) in the amount of \$1,464, Project TC0238, Sidewalk Accessibility Project, Construction (050-9316-431.61-01) in the amount of \$5,363, and Project TC0246, Downtown Area Sidewalks and Curbs, Construction (050-9716-431.61-01) in the amount of \$1,383, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-174 dated July 7, 2011, by Jack Burdett, Engineering Assistant with attached table detailing the FYE 2012 Concrete Projects and the FYE 2012 Concrete Projects Budget
2. Bid tabulation for the FYE 2012 Concrete Projects
3. FYE 2012 Concrete Project Locations
4. Contract No. K-1011-174
5. Change Order No. One to Contract No. K-1011-174
6. Resolution No. R-1011-62

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

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

NAYES: None