

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

January 13, 2009

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 13th day of January, 2009, 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 Butler, Cubberley,
Dillingham, Ezzell, Griffith, Kovach,
Quinn, Thompson, Mayor Rosenthal

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

PRESENTATION OF AWARDS TO THE TOP THREE HEART AND SOLE HEALTHY
COMMUNITY WALKING TEAMS AND RECOGNITION OF THE YOUTH PARTICIPANTS.

Mayor Rosenthal acknowledged the Healthy Community Initiative conducted by Norman Regional Health Systems. She recognized participants of the Heart and Sole Healthy Community Walking Teams. She said a new element was added this year to encourage young people to walk with their families. She said 12 students had participated from All Saints Catholic School and several were in attendance. She presented a third place trophy to the "Walk Me Down" team from Norman Regional Health Services; a second place trophy to the "Funky Footsteppers" team from Eisenhower Elementary School; and a first place trophy to the "F&S Walkers" team from Norman Regional Health Systems Food and Nutritional Services Division.

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Item 4, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 5 through Item 27 excluding Item 22 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 5 through Item 27 excluding Item 22, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 5 through Item 27 excluding Item 22 were placed on the consent docket by unanimous vote.

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Item 5, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

- CITY COUNCIL SPECIAL SESSION MINUTES OF DECEMBER 23, 2008
- CITY COUNCIL MINUTES OF DECEMBER 23, 2008
- NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 23, 2008
- NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 23, 2008
- NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF DECEMBER 23, 2008
- CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 6, 2009

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

Items submitted for the record

- 1. City Council Special Session minutes of December 23, 2008
- 2. City Council minutes of December 23, 2008
- 3. Norman Utilities Authority minutes of December 23, 2008
- 4. Norman Municipal Authority minutes of December 23, 2008
- 5. Norman Tax Increment Finance Authority minutes of December 23, 2008
- 6. City Council Study Session minutes of January 6, 2009

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

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, 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 6, being:

CONSIDERATION OF THE FOLLOWING ORDINANCES UPON FIRST READING BY TITLE:

ORDINANCE NO. O-0809-28: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ORDINANCE NO. O-0607-3, THE PARK HILL PLANNED UNIT DEVELOPMENT, TO ADD A PARCEL OF LAND LOCATED AT THE SOUTHEAST CORNER OF 12TH AVENUE N.E. AND TECUMSEH ROAD AND AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION SIXTEEN, TOWNSHIP NINE NORTH, RANGE TWO WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE C-1, LOCAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (SOUTHEAST CORNER OF 12TH AVENUE N.E. AND TECUMSEH ROAD)

ORDINANCE NO. O-0809-29: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 431.8 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO REDUCE THE AMOUNT OF THE MAINTENANCE AND REPLACEMENT GUARANTEE FOR REQUIRED LANDSCAPING; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Cubberley moved that the ordinances be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated December 29, 2008, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
- 2. Ordinance No. O-0809-28 with Exhibit A, preliminary site development plan
- 3. Location map
- 4. Landscape plan
- 5. Staff Report dated December 11, 2008, recommending approval

Item 6, continued:

Items submitted for the record, continued

- 6. Pertinent excerpts from Planning Commission minutes of December 11, 2008
- 7. Memorandum dated January 5, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
- 8. Ordinance No. O-0809-29
- 9. Legislatively notated copy of Ordinance No. O-0809-29
- 10. Memorandum dated December 5, 2008, from Doug Koscinski, AICP, Manager, Current Planning Division, to Chairman and Members, Norman Planning Commission
- 11. Pertinent excerpts from Planning Commission minutes of December 11, 2008
- 12. Pertinent excerpts from City Council Conference minutes of October 28, 2008

and the question being upon the Introduction and adoption of the ordinances upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the ordinances were Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

SUBMISSION OF THE 2008 ANNUAL REPORT FROM THE BOARD OF PARKS COMMISSIONERS.

Councilmember Cubberley 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. Norman Board of Commissioners 2008 Annual Report

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

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Item 8, being:

CONSIDERATION OF BID NO. 0809-44, CONTRACT NO. K-0809-41, PERFORMANCE BOND NO. B-0809-11, STATUTORY BOND NO. B-0809-12, MAINTENANCE BOND NO. MB-0809-7, AND RESOLUTION NO. R-0809-37 FOR THE EAST ROCK CREEK ROAD WATER LINE RELOCATION PROJECT.

Acting as the City Council and the Norman Utilities Authority, Councilmember Cubberley moved that all bids meeting specifications be accepted; the bid in the amount of \$457,967.25 be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0809-41 and the performance, statutory, and maintenance bonds be approved; filing of the bonds be directed; execution of the contract be authorized; and Resolution No. R-0809-37 be adopted, which motion was duly seconded by Councilmember Dillingham;

Item 8, continued:

Items submitted for the record

1. Memorandum dated December 29, 2008, from John Clink, P.E., Capital Projects Engineer, to Honorable Mayor and City Councilmembers
2. Bid record dated December 2, 2008, for the Rock Creek Road Water Line Relocation Project
3. Contract No. K-0809-41
4. Performance Bond No. B-0809-11
5. Statutory Bond No. B-0809-12
6. Maintenance Bond No. MB-0809-7
7. Resolution No. R-0809-37
8. Location map
9. Purchase Requisition No. 0000151602 dated December 12, 2008, in the amount of \$457,967.25 to Central Contracting Services, Inc.

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

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$457,967.25 was awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0809-41 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; execution of the contract was authorized; and Resolution No. R-0809-37 was adopted.

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Item 9, being:

CONSIDERATION AND AWARDING OF BID NO. 0809-48 FOR THE PURCHASE OF THE FOLLOWING ITEMS FOR THE STREET DIVISION:

1. ASPHALT CONCRETE - TYPE C, ZONES 1-5 AND BATCH PLANT
2. ASPHALT CONCRETE - TYPE B, ZONES 1-5 AND BATCH PLANT
3. SUPERPAVE ASPHALT – TYPE S-3, ZONES 1-5 AND BATCH PLANT
4. SUPERPAVE ASPHALT – TYPE S-4, ZONES 1-5 AND BATCH PLANT
5. SUPERPAVE ASPHALT – TYPE S-5, ZONES 1-5 AND BATCH PLANT
6. EMULSIFIED ASPHALT, TYPE SS-1 OR EQUAL
 - A. DELIVERED AND APPLIED
 - B. PICKUP AT PLANT
7. CONTAINER PATCH MIX
 - A. PICKUP AT PLANT
 1. 50 POUNDS
 2. 35 POUNDS
 - B. BULK PICKUP AT PLANT
 - C. BULK DELIVERED

Councilmember Cubberley moved that all bids meeting specifications on Sections 1, 2, 3, and 5, Zones 1 through 5, and Batch Plant be accepted and the bid be awarded to Paving Materials, Inc., as the lowest and best bidder meeting specifications; T.J. Campbell Asphalt Company as the first alternate bidder, and Haskell Lemon Construction Company as the second alternate bidder, which motion was duly seconded by Councilmember Dillingham;

Item 9, continued:

Items submitted for the record

1. Memorandum dated December 29, 2008, from Greg Hall, Street Superintendent, to Mayor and City Council
2. Bid tabulation dated December 4, 2008, for Sections 1, 2, 3, and 5, Zones 1 through 5, and Batch Plant
3. Zone Map

and the question being upon accepting all bids meeting specifications on Sections 1, 2, 3, and 5, Zones 1 through 5, and Batch Plant and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Sections 1, 2, 3, and 5, Zones 1 through 5, and Batch Plant accepted; and the bid was awarded to Paving Materials, Inc., as the lowest and best bidder meeting specifications; T.J. Campbell Asphalt Company as the first alternate bidder, and Haskell Lemon Construction Company as the second alternate bidder.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 4, Zones 1, 2, 3, and 5, and Batch Plant be accepted and the bid be awarded to T.J. Campbell Asphalt Company as the lowest and best bidder meeting specifications, Paving Materials, Inc., as the first alternate bidder, and Haskell Lemon Construction Company as the second alternate bidder, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Greg Hall, Street Superintendent, to Mayor and City Council
2. Bid tabulation dated December 4, 2008, for Section 4, Zones 1, 2, 3, and 5, and Batch Plant
3. Zone Map

and the question being upon accepting all bids meeting specifications on Section 4, Zones 1, 2, 3, and 5, and Batch Plant and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 4, Zones 1, 2, 3, and 5, and Batch Plant accepted; and the bid was awarded to T.J. Campbell Asphalt Company as the lowest and best bidder meeting specifications, Paving Materials, Inc., as the first alternate bidder, and Haskell Lemon Construction Company as the second alternate bidder.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 4, Zone 4, be accepted and the bid be awarded to T.J. Campbell Asphalt Company as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Greg Hall, Street Superintendent, to Mayor and City Council
2. Bid tabulation dated December 4, 2008, for Section 4, Zone 4
3. Zone Map

Item 9, continued:

and the question being upon accepting all bids meeting specifications on Section 4, Zone 4, and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 4, Zone 4, accepted; and the bid was awarded to T.J. Campbell Asphalt Company as the lowest and best bidder meeting specifications, Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 6A be accepted and the bid be awarded to Paving Materials, Inc., and Haskell Lemon Construction Company as the lowest and best bidders meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Greg Hall, Street Superintendent, to Mayor and City Council
2. Bid tabulation dated December 4, 2008, for Section 6A
3. Zone Map

and the question being upon accepting all bids meeting specifications on Section 6A and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 6A accepted; and the bid was awarded to Paving Materials, Inc., and Haskell Lemon Construction Company as the lowest and best bidders meeting specifications.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 6B be accepted and the bid be awarded to Vance Brothers, Inc., as the lowest and best bidder meeting specifications; Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Greg Hall, Street Superintendent, to Mayor and City Council
2. Bid tabulation dated December 4, 2008, for Section 6B
3. Zone Map

and the question being upon accepting all bids meeting specifications on Section 6B and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 6B accepted; and the bid was awarded to Vance Brothers, Inc., as the lowest and best bidder meeting specifications; Haskell Lemon Construction Company as the first alternate bidder, and Paving Materials, Inc., as the second alternate bidder.

Item 9, continued:

Thereupon, Councilmember Cubberley moved that the bid as meeting specifications on Section 7 be accepted and the bid be awarded to Logan County Asphalt Company as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Greg Hall, Street Superintendent, to Mayor and City Council
2. Bid tabulation dated December 4, 2008, for Section 7
3. Zone Map

and the question being upon accepting the as meeting specifications on Section 7 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and the bid as meeting specifications on Section 7 accepted; and the bid was awarded to Logan County Asphalt Company as the lowest and best bidder meeting specifications.

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Item 10, being:

CONSIDERATION OF RELEASE OF THE FOLLOWING SUBDIVISION BONDS AND CASH SURETIES TO SECURE SIDEWALKS OR VEGETATIVE COVER:

<u>BOND</u>	<u>IMPROVEMENTS</u>	<u>CASH SURETY</u>	<u>SUBDIVISION</u>
B-0708-92	SIDEWALKS	CASHIER'S CHECK NO. 981710112	NORMAN AUTOMOTIVE BUSINESS PARK ADDITION
B-0708-93	SIX MONTH VEGETATIVE COVER	CASHIER'S CHECK NO. 981710114	NORMAN AUTOMOTIVE BUSINESS PARK ADDITION

Councilmember Cubberley moved that the release of the owner's obligations secured by the subdivision bonds be approved and the return of the cash sureties to the owner be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 23, 2008, from Ken Danner, Development Coordinator, to Honorable Mayor and Councilmembers
2. Subdivision Bond No. B-0708-92
3. Cashier's Check No. 981710112 dated April 18, 2008, in the amount of \$8,625 from Widgeon, L.L.C.
4. Subdivision Bond No. B-0708-93
5. Cashier's Check No. 981710114 dated April 18, 2008, in the amount of \$1,800 from Widgeon, L.L.C.
6. Location map
7. Letter of request dated October 4, 2008, from Harry Houchins, Marc Heitz Chevrolet, Inc., Widgeon, L.L.C., Norman Automotive Business Park, to Mr. Ken Danner, Development Coordinator
8. Development Committee action dated April 25, 2008

Item 10, continued:

and the question being upon approving the release of the owner’s obligations secured by the subdivision bonds and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the release of the owner’s obligations secured by the subdivision bonds approved; and the return of the cash sureties to the owner was directed.

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Item 11, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING EASEMENTS IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT:

<u>EASEMENT NOS. – PARCEL NOS.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>	<u>COST</u>
E-0809-49 PARCELS 3, 4, 5, 6, 7, AND 8	7-ELEVEN, L.L.C., AN OKLAHOMA LIMITED LIABILITY COMPANY	PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY	DONATED
E-0809-50 PARCEL 15	ELIZABETH E. GROVE, TRUSTEE OF THE ELIZABETH E. GROVE REVOCABLE LIVING TRUST	PERMANENT PUBLIC ROADWAY, DRAINAGE, AND UTILITY	\$ 12,000*
E-0809-51 PARCEL 26	EDWYNDA ANN PATTERSON	TEMPORARY CONSTRUCTION	\$ 2,882**
E-0809-54 PARCEL 30	BILLIE R. AND SHARON L. NEFF	TEMPORARY CONSTRUCTION	\$ 1,211

* Includes damages for trees, landscaping, and fencing
 ** Includes costs to replace three trees and move a shed

Councilmember Cubberley moved that the easements be accepted, execution and payment of the easements where applicable be authorized, and the filing of the temporary easements with the City Clerk and the permanent easements with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 18, 2008, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Easement No. E-0809-49 with Exhibits A and B, legal descriptions
3. Easement No. E-0809-50
4. Temporary Easement Nos. E-0809-51 and E-0809-54
5. Location map

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

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

NAYES: None

The Mayor declared the motion carried and the easements accepted; payment for the easements where applicable was authorized, and the filing of the temporary easements with the City Clerk and the permanent easements with the County Clerk was directed.

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Item 12, being:

CONSIDERATION OF ACCEPTANCE OF REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$112,189.61 FROM THE OFFICE OF EMERGENCY MANAGEMENT FOR WINTER ICE STORM DAMAGE DURING DECEMBER 2007, AND JANUARY 2008.

Councilmember Cubberley moved that reimbursement of funds in the amount of \$112,189.61 from the Office of Emergency Management for winter ice storm damage during December 2007, and January 2008, be accepted and Other Revenue/Other Agency (010-0000-366.12-39) be increased by \$112,189.61, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 18, 2008, from James Fullingim, Fire Chief, to Honorable Mayor and City Council

Participants in discussion

1. Mr. Steve Lewis, City Manager

and the question being upon accepting reimbursement of funds in the amount of \$112,189.61 from the Office of Emergency Management for winter ice storm damage during December 2007, and January 2008, and upon the subsequent increase, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and reimbursement of funds in the amount of \$112,189.61 from the Office of Emergency Management for winter ice storm damage during December 2007, and January 2008, accepted; and Other Revenue/Other Agency (010-0000-366.12-39) was increased by \$112,189.61.

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Item 13, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN AN AMOUNT NOT-TO-EXCEED \$150,000 FROM THE STATE OF OKLAHOMA OFFICE OF HOMELAND SECURITY TO BE USED TO ESTABLISH A TEMPORARY INTELLIGENCE ANALYST POSITION FOR THE POLICE DEPARTMENT FOR A TWO-YEAR PERIOD OF TIME AND ADOPTION OF RESOLUTION NO. R-0809-84 FOR THE BUDGET APPROPRIATION.

Councilmember Cubberley moved that a grant in an amount not-to-exceed \$150,000 from the State of Oklahoma Office of Homeland Security to be used by the Police Department to establish a temporary Intelligence Analyst position for the Police Department be accepted, the City Manager be authorized to sign any and all documents related to the grant, and Resolution No. R-0809-84 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 22, 2008, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
2. City of Norman Class Specification for Crime Intelligence Analyst
3. Schedule A, Award Memorandum dated October 13, 2008, from Kerry L. Pettingill, Director, State of Oklahoma Office of Homeland Security, to Steve Lewis, City Manager
4. Schedules B, 1, and 2, Subgrantee award dated September 1, 2007, from State of Oklahoma Office of Homeland Security in the amount of \$150,000
5. Resolution No. R-0809-84

Participants in discussion

1. Mr. Jim Maisano, Major of Staff Services
2. Ms. Sylvia Martin, Post Office Box 430, asked questions
3. Mr. Steve Lewis, City Manager

Item 13, continued:

and the question being upon accepting a grant in an amount not-to-exceed \$150,000 from the State of Oklahoma Office of Homeland Security to be used by the Police Department to establish a temporary Intelligence Analyst position for the Police Department and upon the subsequent authorization and adoption, a vote was taken with the following result:

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

The Mayor declared the motion carried and a grant in an amount not-to-exceed \$150,000 from the State of Oklahoma Office of Homeland Security to be used by the Police Department to establish a temporary Intelligence Analyst position for the Police Department accepted; the City Manager was authorized to sign any and all documents related to the grant and Resolution No. R-0809-84 was adopted.

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Item 14, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$25,000 FROM THE DEPARTMENT OF DEFENSE OFFICE OF ECONOMIC ADJUSTMENTS TO BE USED TO CONDUCT A FACILITIES EVALUATION AND ASSESSMENT TO DETERMINE EXISTING CONDITIONS OF THE JOE A. SMALLEY UNITED STATES ARMY RESERVE CENTER LOCATED AT 1507 WEST LINDSEY STREET AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that a grant from the Department of Defense Office of Economic Adjustment in the amount of \$25,000 to be used to conduct a facilities evaluation and assessment to determine existing conditions of the Joe A. Smalley United States Army Reserve Center located at 1507 West Lindsey Street be accepted; the Revitalization Manager be authorized to execute any and all documents related the grant; \$25,000 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. GP0009, Smalley ARC Consultant, Other (022-6011-421.40-09), and expenditures be reimbursed from funds receipted into Other Revenue/Homeland Security Grant (022-0000-331.13-43) when grant monies have been received, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. Grant Agreement No. CL0714-09-01, for Smalley Army Reserve Center
3. Grant Application to Department of Defense Office of Economic Adjustment from City of Norman, Oklahoma

and the question being upon accepting a grant from the Department of Defense Office of Economic Adjustment in the amount of \$25,000 to be used to conduct a facilities evaluation and assessment to determine existing conditions of the Joe A. Smalley United States Army Reserve Center located at 1507 West Lindsey Street and upon the subsequent authorization, appropriation, and reimbursement, a vote was taken with the following result:

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

The Mayor declared the motion carried and a grant from the Department of Defense Office of Economic Adjustment in the amount of \$25,000 to be used to conduct a facilities evaluation and assessment to determine existing conditions of the Joe A. Smalley United States Army Reserve Center located at 1507 West Lindsey Street accepted; the Revitalization Manager was authorized to execute any and all documents related the grant; \$25,000 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. GP0009, Smalley ARC Consultant, Other (022-6011-421.40-09); and expenditures will be reimbursed from funds receipted into Other Revenue/Homeland Security Grant (022-0000-331.13.43) when grant monies have been received.

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Item 15, being:

LIMITED LICENSE NO. 0809-11: LIMITED LICENSE TO PLACE FORTY-FOUR (44) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM ABLE OF NORMAN FOR THE ANNUAL EASTER LILY SALE.

Councilmember Cubberley moved that Limited License No. 0809-11 to place forty-four (44) signs within the public rights-of-way pursuant to a request from ABLE of Norman be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated December 30, 2008, from Doug Kosciński, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
- 2. Application for Limited License for forty-four signs dated November 25, 2008, from ABLE of Norman
- 3. Limited License No. 0809-11

and the question being upon approving Limited License No. 0809-11 to place forty-four (44) signs within the public rights-of-way pursuant to a request from ABLE of Norman and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Limited License No. 0809-11 to place forty-four (44) signs within the public rights-of-way pursuant to a request from ABLE of Norman approved; and the issuance thereof was authorized.

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Item 16, being:

LIMITED LICENSE NO. 0809-12: LIMITED LICENSE TO PLACE THREE (3) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE CHOCOLATE FESTIVAL.

Councilmember Cubberley moved that Limited License No. 0809-12 to place three (3) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated December 30, 2008, from Doug Kosciński, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
- 2. Application for Limited License for three ground banners dated December 22, 2008, from the Firehouse Art Center
- 3. Limited License No. 0809-12

and the question being upon approving Limited License No. 0809-12 to place three (3) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Limited License No. 0809-12 to place three (3) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Chocolate Festival approved; and the issuance thereof was authorized.

* * * * *

Item 17, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0809-1 FOR LOT 9, BLOCK 3, BROOKHAVEN NO. 30 ADDITION. (4601 HARROGATE DRIVE)

Councilmember Cubberley moved that Consent to Encroachment No. 0809-1 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. Memorandum dated December 29, 2008, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Consent to Encroachment No. 0809-1
3. Location map
4. Letter of request dated September 16, 2008, from Robert Arrowood to City of Norman
5. Memoranda dated September 16, 2008, and December 18, 2008, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Kosciński, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
6. Memorandum dated December 22, 2008, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
7. Memorandum dated December 26, 2008, from Ken Danner, Development Coordinator, to Blaine Nice, Assistant City Attorney
8. Memorandum dated January 5, 2009, from Doug Kosciński, AICP, Manager of Current Planning, to Brenda Hall, City Clerk
9. Letter dated October 13, 2008, from Marshall Birchett, Right-of-Way Agent, Cox Communications, Inc., to Ken Danner, Planning and Community Development
10. Letter dated October 13, 2008, from Timothy J. Bailey, Right-of-Way Agent, OG&E, to Ken Danner, Development Coordinator
11. E-mail dated October 14, 2008, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner
12. Letter dated October 15, 2008, from Jason Hamel, Field Specialist, Oklahoma Natural Gas Company, to City of Norman
13. Letter dated October 27, 2008, from Terri Hayes, Manager, OSP Planning and Engineering Design, Norman/Noble Wire Centers, AT&T, to Whom It May Concern

and the question being upon approving Consent to Encroachment No. 0809-1 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. 0809-1 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 18, being:

AMENDMENT NO. FOUR TO CONTRACT NO. K-0304-140: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ROBERT B. HENDRICK AND SONS COMPANY, INC., INCREASING THE CONTRACT AMOUNT BY \$4,200 FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE MAIN STREET AND 36TH AVENUE WEST INTERSECTION IMPROVEMENTS PROJECT AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that Amendment No. Four to Contract No. K-0304-140 with Robert B. Hendrick and Sons Company, Inc., increasing the contract amount by \$4,200 be approved, the execution thereof be authorized, and \$4,200 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0229, Main and 36th Intersection Widening Project, Design (050-9079-431.62-01), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Lonnie Ferguson, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Amendment No. Four to Contract No. K-0304-140 with Attachment B, fee proposal
3. Location map
4. Purchase Requisition No. 0000151712 dated December 26, 2008, in the amount of \$4,200 to Robert B. Hendrick and Sons Company, Inc.

and the question being upon approving Amendment No. Four to Contract No. K-0304-140 with Robert B. Hendrick and Sons Company, Inc., increasing the contract amount by \$4,200 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and Amendment No. Four to Contract No. K-0304-140 with Robert B. Hendrick and Sons Company, Inc., increasing the contract amount by \$4,200 approved; the execution thereof was authorized and \$4,200 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0229, Main and 36th Intersection Widening Project, Design (050-9079-431.62-01).

* * * * *

Item 19, being:

CHANGE ORDER NO. FIVE TO CONTRACT NO. K-0607-23: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL CONTRACTING SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY \$8,602.35 FOR FYE 2007 CONCRETE PROJECTS AND FINAL ACCEPTANCE OF THE PROJECT.

Councilmember Cubberley moved that Change Order No. Five to Contract No. K-0607-23 with Central Contracting Services, Inc., decreasing the contract amount by \$8,602.35 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$4,848.98 to Central Contracting Services, Inc., be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Bob Hanger, City Engineer, to Honorable Mayor and City Councilmembers
2. Change Order No. Five to Contract No. K-0607-23
3. FYE 2007 Concrete Projects, Actual Work Completed
4. Purchase Order No. 141562 dated December 21, 2006, in the amount of \$429,108.50 adding Change Order No. Two in the amount of \$5,300, Change Order No. Three in the amount of \$45,547.53, and Change Order No. Four in the amount of \$139,500 and subtracting Change Order No. Five in the amount of \$8,602.35 and partial payments totaling \$606,004.70 leaving a balance of \$4,848.98

Item 19, continued:

and the question being upon approving Change Order No. Five to Contract No. K-0607-23 with Central Contracting Services, Inc., decreasing the contract amount by \$8,602.35 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Change Order No. Five to Contract No. K-0607-23 with Central Contracting Services, Inc., decreasing the contract amount by \$8,602.35 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$4,848.98 to Central Contracting Services, Inc., was directed.

* * * * *

Item 20, being:

CHANGE ORDER NO. THREE TO CONTRACT NO. K-0708-107: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STORM RECONSTRUCTION SERVICES, INC., (SRS) DECREASING THE CONTRACT AMOUNT BY \$420,031.40 FOR THE STORM DEBRIS REMOVAL PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Councilmember Cubberley moved that Change Order No. Three to Contract No. K-0708-107 with SRS decreasing the contract amount by \$420,031.40 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$80,000 to SRS be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
2. Change Order No. Three to Contract No. K-0708-107
3. Purchase Order No. 155482 dated January 17, 2008, in the amount of \$1,237,650.99 adding Change Order No. One in the amount of \$3,245,751.27, subtracting Change Order No. Three in the amount of \$420,031.40 and partial payments totaling \$3,983,370.86 leaving a balance of \$80,000

and the question being upon approving Change Order No. Three to Contract No. K-0708-107 with SRS decreasing the contract amount by \$420,031.40 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Change Order No. Three to Contract No. K-0708-107 with SRS decreasing the contract amount by \$420,031.40 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$80,000 to SRS was directed.

* * * * *

Item 21, being:

ADDENDUM NO. TWO TO CONTRACT NO. K-0708-108: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BECK DISASTER RECOVERY, INC., INCREASING THE CONTRACT AMOUNT BY \$26,086.87 TO PROVIDE ADDITIONAL DISASTER MANAGEMENT AND RECOVERY SERVICES.

Councilmember Cubberley moved that Addendum No. Two to Contract No. K-0708-108 in the amount of \$26,087.87 with Beck Disaster Recovery, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 15, 2008, from Bob Hanger, City Engineer, to Honorable Mayor and Councilmembers
2. Addendum No. Two to Contract No. K-0708-108 with Appendix A, revised
3. Purchase Requisition No. 0000152218 in the amount of \$26,087.87 to Beck Disaster Recovery, Inc.

and the question being upon approving Addendum No. Two to Contract No. K-0708-108 in the amount of \$26,087.87 with Beck Disaster Recovery, Inc., and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Addendum No. Two to Contract No. K-0708-108 in the amount of \$26,087.87 with Beck Disaster Recovery, Inc., approved; and the execution thereof was authorized.

* * * * *

Item 22, being:

CONSIDERATION OF THE FOLLOWING AMENDMENTS:

AMENDMENT NO. ONE TO CONTRACT NO. K-0708-131: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HNTB CORPORATION IN THE AMOUNT OF \$106,000 FOR ADDITIONAL ENGINEERING DESIGN SERVICES FOR AESTHETIC RAILROAD BRIDGE PIER ENHANCEMENTS AND THE BNSF RAILROAD/JAMES GARNER AVENUE BRIDGE EXTENSIONS OVER ROBINSON STREET IN CONNECTION WITH THE ROBINSON STREET RAILROAD CROSSING GRADE SEPARATION PROJECT.

AMENDMENT NO. TWO TO CONTRACT NO. K-0708-131: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HNTB CORPORATION IN THE AMOUNT OF \$11,700 FOR ADDITIONAL ENGINEERING DESIGN SERVICES RELATIVE TO SPLITTING THE ROBINSON STREET RAILROAD CROSSING GRADE SEPARATION PROJECT INTO TWO SEPARATE PROJECTS FOR FINANCING PURPOSES.

Councilmember Dillingham moved that Amendment No. One to Contract No. K-0708-131 with HNTB Corporation in the amount of \$106,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Memorandum dated December 22, 2008, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Amendment No. One to Contract No. K-0708-131 with Attachment A, Contract No. K-0708-131, and Attachment B, Project Description, Fee Summaries, and project assumptions
3. Purchase Requisition No. 0000151819 dated December 18, 2008, in the amount of \$106,000 for Amendment No. One, \$11,700 for Amendment No. Two, and \$6,500 for an operational analysis approved by the City Manager on October 27, 2008, for a total amount of \$124,200.

Item 22, continued:

Participants in discussion

1. Mr. Shawn O’Leary, Director of Public Works
2. Ms. Sylvia Martin, Post Office Box 430, asked questions
3. Mr. Larry Edmison, 539 Elmcrest Drive, representing Citizens for Financial Responsibility, protestant
4. Ms. Jeanette Coker, 620 East Main Street, protestant
5. Mr. Roger Gallagher, 1522 East Boyd Street, protestant
6. Mr. Mark Campbell, 2820 Dewey Avenue, asked questions
7. Mr. George Ingels, 2310 Ravenwood Lane, proponent

and the question being upon approving Amendment No. One to Contract No. K-0708-131 with HNTB Corporation in the amount of \$106,000 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: Councilmembers Kovach and Thompson

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0708-131 with HNTB Corporation in the amount of \$106,000 approved; and the execution thereof was authorized.

Thereupon, Councilmember Kovach moved that Amendment No. Two to Contract No. K-0708-131 with HNTB Corporation in the amount of \$11,700 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Memorandum dated December 22, 2008, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Amendment No. Two to Contract No. K-0708-131 with Attachment A, Contract No. K-0708-131 and Attachment B, Project Description, Fee Summary, and project assumptions.
3. Purchase Requisition No. 0000151819 dated December 18, 2008, in the amount of \$106,000 for Amendment No. One, \$11,700 for Amendment No. Two, and \$6,500 for an operational analysis approved by the City Manager on October 27, 2008, for a total amount of \$124,200

and the question being upon approving Amendment No. Two to Contract No. K-0708-131 with HNTB Corporation in the amount of \$11,700 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. Two to Contract No. K-0708-131 with HNTB Corporation in the amount of \$11,700 approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-0809-110: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CLEARWATER ENVIRONMENTAL SERVICES, INC., FOR THE INVESTIGATION OF AN UNDERGROUND STORAGE TANK SITE LOCATED AT 121 NORTH PETERS AVENUE.

Councilmember Cubberley moved that Contract No. K-0809-110 with Clearwater Environmental Services, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 29, 2008, from Shawn O'Leary, Director of Public Works, to Honorable Mayor and Councilmembers
2. Contract No. K-0809-110 with Exhibit A, Professional Services Rate Schedule Assignment Affidavit, and Affidavit of Non-Collusion and Non-Ownership Participation
3. Letter dated July 2, 2008, from David Poulsen, Project Environmental Analyst, Oklahoma Corporation Commission Petroleum Storage Tank Division, to Shawn O'Leary, Director, City of Norman Public Works
4. Location map

and the question being upon approving Contract No. K-0809-110 with Clearwater Environmental Services, Inc., and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-110 with Clearwater Environmental Services, Inc., approved; and the execution thereof was authorized.

* * * * *

Item 24, being:

RESOLUTION NO. R-0809-75: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING JOINT PETITION SETTLEMENT OF CLAIMS BY CURTIS GARRETT UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF CURTIS GARRETT V. THE CITY OF NORMAN, WORKERS' COMPENSATION CASE NO. WCC-2008-00117A; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENTS FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Cubberley moved that Resolution No. R-0809-75 be adopted and payment of claims which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated December 17, 2008, from R. Blaine Nice, Assistant City Attorney, and Rebecca R. Frazier, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Resolution No. R-0809-75
3. Purchase Requisition No. 0000151559 dated December 11, 2008, in the amount of \$780.30 to Workers' Compensation Administration Fund
4. Purchase Requisition No. 0000151560 dated December 11, 2008, in the amount of \$39,015 to Curtis Garrett and Gary Prochaska
5. Purchase Requisition No. 0000151561 dated December 11, 2008, in the amount of \$292.61 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000151562 dated December 11, 2008, in the amount of \$75.00 to Workers' Compensation Court Clerk
7. Purchase Requisition No. 0000151563 dated December 11, 2008, in the amount of \$119.30 to Cleveland County District Court Clerk

Item 24, continued:

and the question being upon adopting Resolution No. R-0809-75 and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-75 adopted; and payment of claims which will constitute judgment against the City of Norman was directed.

* * * * *

Item 25, being:

RESOLUTION NO. R-0809-83: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CELEBRATING AND HONORING THE LIFE OF DR. MARTIN LUTHER KING, JR.

Councilmember Cubberley moved that Resolution No. R-0809-83 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Resolution No. R-0809-83

Participants in discussion

- 1. Ms. Mariah Turner, 408 Piney Oak Drive, Norman North High School, accepted the resolution and thanked the Council

and the question being upon adopting Resolution No. R-0809-83, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-83 was adopted.

* * * * *

Item 26, being:

PROCLAMATION NO. P-0809-8: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF JANUARY, 2009, AS NATIONAL MENTORING MONTH IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-0809-8 proclaiming the month of January, 2009, as National Mentoring Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Proclamation No. P-0809-8

Participants in discussion

- 1. Ms. Diane Murphree, Executive Director of Big Brothers Big Sisters of Cleveland County, accepted the proclamation and thanked the Council

Item 26, continued:

and the question being upon acknowledging receipt of Proclamation No. P-0809-8 proclaiming the month of January, 2009, as National Mentoring Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-8 proclaiming the month of January, 2009, as National Mentoring Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 27, being:

PROCLAMATION NO. P-0809-9: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING 2009 AS THE INTERNATIONAL YEAR OF ASTRONOMY IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-0809-9 proclaiming 2009 as the International Year of Astronomy in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Proclamation No. P-0809-9

Participants in discussion

1. Dr. Dick Henry, Homer L. Dodge Department of Physics and Astronomy, and Ms. Eileen Grzbowski, Norman North High School Astronomy Program teacher, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-9 proclaiming 2009 as the International Year of Astronomy in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-9 proclaiming 2009 as the International Year of Astronomy in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 28, being:

SUBMISSION OF THE PORTER AVENUE CHARRETTE SUMMARY OF PROCESS AND CONCLUSIONS AND PRESENTATION OF A PROGRESS REPORT OF THE PORTER AVENUE CORRIDOR STUDY BY OCHSNER, HARE AND HARE, PLANNING CONSULTANTS.

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

Items submitted for the record

1. Memorandum dated December 22, 2008, from Susan Owen Atkinson, Porter Avenue Corridor Project Manager, to the Honorable Mayor Cindy Rosenthal and Councilmembers
2. Memorandum dated December 22, 2008, from Susan Owen Atkinson, Porter Avenue Corridor Project Manager, to the Honorable Mayor and Councilmembers
3. Porter Charrette: Summary of Process and Conclusions prepared by Ochsner, Hare and Hare, Planning Consultants and Landscape Architects

Item 28, continued:

Items submitted for the record, continued

- 4. PowerPoint Presentation entitled "Porter Avenue 60% Update" presented by Ochsner, Hare and Hare, Planning Consultants

Participants in discussion

- 1. Mr. Jim Gasaway, Chairman of the Porter Corridor Steering Committee
- 2. Ms. Diane Binkley, Ochsner, Hare and Hare, Planning Consultants
- 3. Mr. Shannon Gordon, Ochsner, Hare and Hare, Planning Consultants
- 4. Mr. Jim Stanley, 3922 Pinetree Circle, asked questions

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

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

NAYES: None

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

* * * * *

Item 29, being:

CONSIDERATION OF THE FOLLOWING RESOLUTIONS:

RESOLUTION NO. R-0809-64: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING A RECOUPMENT PROJECT FOR COSTS ASSOCIATED WITH IMPROVEMENTS TO A PORTION OF ROCK CREEK ROAD, AN ARTERIAL ROAD, BETWEEN 24TH AVENUE N.W. AND 36TH AVENUE N.W.

RESOLUTION NO. R-0809-82: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$15,000 FROM THE RECOUPMENT FUND BALANCE TO THE ROCK CREEK ROAD OVERPASS PROJECT ACCOUNT IN ORDER TO ACQUIRE RIGHT-OF-WAY FOR THE PROJECT.

Councilmember Griffith moved that Resolution No. R-0809-64 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated December 29, 2008, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
- 2. Ordinance No. O-9697-31
- 3. Resolution No. R-0809-64 with Exhibit A, location map of project, and Exhibit B, ownership list with legal description
- 4. Aerial photo location map

Participants in discussion

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

and the question being upon adopting Resolution No. R-0809-64, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-64 was adopted.

Item 29, continued:

Thereupon, Councilmember Cubberley moved that Resolution No. R-0809-82 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Resolution No. R-0809-82
- 2. Memorandum dated December 29, 2008, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers

and the question being upon adopting Resolution No. R-0809-82, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-82 was adopted.

* * * * *

Item 30, being:

ORDINANCE NO. O-0809-33: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AND ITS RELATED TRUSTS, AMENDING SECTIONS 203 AND 204 OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN TO AMEND THE VALUATION LIMITS FOR REVIEW OF CONTRACTS BY THE CITY COUNCIL AND FOR COMPETITIVE BIDDING OF CITY PURCHASES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-0809-33 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 23, 2008, Councilmember Kovach moved that Ordinance No. O-0809-33 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memoranda dated December 7, 2008, and November 13, 2008, from Anthony Francisco, Finance Director, to the Honorable Mayor and City Councilmembers
- 2. Ordinance No. O-0809-33
- 3. Legislatively notated copy of Ordinance No. O-0809-33
- 4. Pertinent excerpts from Finance Committee minutes of November 20, 2008

Participants in discussion

- 1. Mr. Anthony Francisco, Finance Director
- 2. Mr. Steve Lewis, City Manager

and the question being upon adopting Ordinance No. O-0809-33 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-0809-33 was adopted upon Second Reading section by section.

Item 30, continued:

Thereupon, Councilmember Dillingham moved that Ordinance No. O-0809-33 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-0809-33 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-0809-33 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

Norman Economic Development Coalition. Mr. Jim Stanley, 3922 Pinetree Circle, voiced concerns about an article in the Norman Transcript regarding a program called "Oklahoma Gear Up" designed to help students prepare for college provided by Norman Economic Development Coalition (NEDC), Irving Middle School, and the University of Oklahoma. He said a subgrant in the amount of \$10,000 has been awarded to NEDC for this program to cover programs that provide access to financial aid, mentoring and tutoring services, college campus tours, individualized counseling, and academic planning. He said he did not understand how this pertained to economic development.

Mayor Rosenthal asked the City Manager who is the City's representative on the NEDC Board to provide additional information to Mr. Stanley about the program and NEDC's involvement.

*

Robinson Street Underpass. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions about the location of the bimodal path under the new Robinson Street Underpass.

Mayor Rosenthal said the plans would be checked to pinpoint where the sidewalk would be installed.

*

Traffic Signal/Absentee Shawnee Tribal Clinic. Mr. Bobby Stevens, 3801 108th Avenue S.E., asked when the traffic signal would be installed on Highway 9 in connection with the Absentee Shawnee Tribal Clinic and if turn lanes would be added to accommodate traffic to the clinic.

*

Widening of Highway 9. Mr. Bobby Stevens, 3801 108th Avenue S.E., asked when the widening project on Highway 9 at 36th Avenue S.E. would begin.

Mr. Shawn O'Leary, Director of Public Works, said the project from 24th Avenue S.E. and 36th Avenue S.E. was scheduled with the Oklahoma Department of Transportation (ODOT) for 2011-2012. The section from 36th Avenue S.E., to 72nd Avenue S.E., was set for 2013 subject to ODOT scheduling and availability.

*

Historical Marker. Mr. Bobby Stevens, 3801 108th Avenue S.E., said a historical marker had been knocked down on Highway 9 at 36th Avenue S.E., and asked for it to be repaired.

*

Deer Crossing Signs. Mr. Bobby Stevens, 3801 108th Avenue S.E., said during the months of November and December, fourteen deer had been killed on Highway 9. He said a “Deer Crossing” sign had been installed on Highway 9 at 60th Avenue S.E., and asked for a sign to be installed in the vicinity of Little River State Park.

Mayor Rosenthal said hopefully the City will have an opportunity to talk to ODOT about more deer signs as part of the Highway 9 Widening Project.

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Ethics Policy and Conflict of Interest. Mr. Mark Campbell, 2821 Dewey Avenue, said he knew City Council had discussed an Ethics Policy at the City Council Study Session on January 6, 2009. He asked if it would be a conflict of interest for Councilmember Quinn to advertise his business on the Cleveland Area Rapid Transit (C.A.R.T.) buses. He also suggested the City use some of the advertising space to list upcoming City meetings.

Mayor Rosenthal said this issue had been reviewed by the Transportation Committee and it was determined appropriate for C.A.R.T. to take advertisements from anyone, and it was not considered a conflict of interest.

Mr. Jeff Bryant, City Attorney, said this was considered a “First Amendment” issue and concurred that it was not a conflict of interest.

Councilmember Kovach said any advertisement on C.A.R.T. buses is allowable and open to anyone who can pay the fee. The fees are used to fund the program.

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Ward One. Councilmember Thompson said he was happy to see Alan Atkins had filed for City Council in Ward One. He said Mr. Atkins presently served on the Planning Commission and had been involved in a positive, constructive way in Ward One. He said Alan was a quality candidate for Ward One and a young retiree, which allowed him the necessary time needed to serve as a City Councilmember.

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City Recreational Facilities Maintenance. Councilmember Thompson said it had been brought to his attention several times that the condition of the Irving Recreation Center was substandard. He said some work had been done but the center still needed more work. He said he had also received a complaint about the condition of the Whittier Recreation Center. He said some of the Councilmembers toured the facility at Westwood Pool last year and were surprised at the level of disrepair. He said Councilmembers come and go and they were always enthusiastic about having nice projects, but questioned whether enough emphasis was given to maintaining a high level of quality for those projects. It is difficult as a Councilperson to keep the focus on what we consider to be our ongoing commitments to quality of life. He felt Council should ensure that City Staff maintain the quality of projects and commitments made by the current Council and prior Councils. The quality of our facilities for children should be one of our most important commitments.

Mayor Rosenthal said Councilmember Thompson had raised some very important issues about the recreational facilities. She said the facilities were a very important item in the Park Master Plan and the consultant that is developing the plan is in the midst of evaluating all the facilities and looking at the needs of the community and how we go forward. She said we expected to see some very important recommendations about all of the parks.

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Animal Shelter. Councilmember Kovach said the condition of the Animal Shelter was discussed at the Animal Shelter Oversight Committee held last evening. He said the building is over 35 years old and the condition creates an unsafe work environment and deters the health of the animals. He said the community has expressed an interest in the long term needs of the Animal Shelter. He said this project is currently unfunded and encouraged Council to address its funding prior to considering new projects.

Councilmember Dillingham said there are still many issues to be addressed in the Animal Control ordinance and the Committee would continue to work on it.

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Miscellaneous Discussion, continued:

Alley East of Chautauqua. Councilmember Dillingham thanked City Staff for paving the alley east of Chautauqua Avenue and north of Boyd Street. She said Staff had been very sensitive to the special needs of one of her constituents and the residents were thrilled to have the alley paved. She said it not only looks good, but the dust problem has been alleviated.

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The Greek House. Councilmember Dillingham commended the owners of the Greek House at 768 DeBarr Avenue for celebrating 30 years of business. She said this restaurant was one of the jewels of Norman.

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I-35 Widening Project. Mayor Rosenthal said the Oklahoma Department of Transportation would be conducting a public meeting in the near future at the Embassy Suites Hotel to discuss design plans for the Interstate 35 Widening Project. She said this was a very important meeting and urged citizens to attend and participate. The actual date and time will be announced in an upcoming press release.

ADJOURNMENT

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

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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 8:58 p.m.

ATTEST:

City Clerk

Mayor