

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

March 10, 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 10th day of March, 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, Mayor Rosenthal

ABSENT: Councilmember Thompson

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

PRESENTATION OF A CIVILIAN SERVICE MEDAL AND CERTIFICATE TO KEITH WELLMAN.

Mayor Rosenthal, Police Chief Phil Cotten, and Lieutenant Blake Green presented a Civilian Service Medal to Mr. Keith Wellman.

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Item 4, being:

CONSENT DOCKET

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

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

NAYES: None

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

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Item 5, being:

CITY COUNCIL BUDGET RETREAT MINUTES OF FEBRUARY 17, 2009
CITY COUNCIL CONFERENCE MINUTES OF FEBRUARY 24, 2009
CITY COUNCIL MINUTES OF FEBRUARY 24, 2009
NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 24, 2009
NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 24, 2009
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 24, 2009

Items submitted for the record

1. City Council Budget Retreat minutes of February 17, 2009
2. City Council Conference minutes of February 24, 2009
3. City Council minutes of February 24, 2009
4. Norman Utilities Authority minutes of February 24, 2009
5. Norman Municipal Authority minutes of February 24, 2009
6. Norman Tax Increment Finance Authority minutes of February 24, 2009

Item 5, continued:

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, Mayor Rosenthal

NAYES: None

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

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Item 6, being:

CONSIDERATION OF THE FOLLOWING ORDINANCE UPON FIRST READING BY TITLE:

ORDINANCE NO. O-0809-35: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 19-314 AND 19-602 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN SO AS TO REDUCE THE AMOUNT OF SURETY REQUIRED FOR CONCURRENT CONSTRUCTION TO ONE HUNDRED TWENTY-FIVE PERCENT (125%) AND CORRECT PROCEDURAL AND GRAMMATICAL ERRORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that the ordinance be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated February 24, 2009, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Memorandum dated November 26, 2008, from Bob Hanger, City Engineer, and Ken Danner, Development Manager, through Shawn O’Leary, Director of Public Works, to Mayor and Councilmembers
3. Ordinance No. O-0809-35
4. Legislatively notated copy of Ordinance No. O-0809-35
5. Memorandum dated February 4, 2009, from Ken Danner, Development Manager, to Chairman and Members, Norman Planning Commission
6. Pertinent excerpts from Planning Commission minutes of February 12, 2009
7. Pertinent excerpts from City Council Study Session minutes of December 2, 2008

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

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

NAYES: None

The Mayor declared the motion carried and the ordinance was Introduced and adopted upon First Reading by title.

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Item 7, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-0809-61; CONTRACT NO. K-0809-120; PERFORMANCE BOND NO. B-0809-55; STATUTORY BOND NO. B-0809-56, MAINTENANCE BOND NO. MB-0809-50, AND RESOLUTION NO. R-0809-118 FOR THE REAVES PARK SOFTBALL BUILDING REPLACEMENT PROJECT.

Councilmember Kovach moved that Request for Proposal No. RFP-0809-61 from Aztec Building Systems, Inc., for the Reaves Park Softball Building Replacement Project be accepted; Contract No. K-0809-120 in the amount of \$124,780 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; the execution of the contract be authorized; and Resolution No. R-0809-118 be adopted, which motion was duly seconded by Councilmember Butler;

Item 7, continued:

Items submitted for the record

1. Memorandum dated February 19, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
2. Proposal summary dated February 23, 2009, for the Reaves Park Softball Building Replacement Project
3. Contract No. K-0809-120
4. Performance Bond No. B-0809-55
5. Statutory Bond No. B-0809-56
6. Maintenance Bond No. MB-0809-50
7. Resolution No. R-0809-118
8. Purchase Requisition No. 0000153844 dated February 25, 2009, in the amount of \$124,780 to Aztec Building Systems, Inc.

and the question being upon accepting Request for Proposal No. RFP-0809-61 from Aztec Building Systems, Inc., for the Reaves Park Softball Building Replacement Project, and upon the subsequent approval, directive, authorization, and adoption, a vote was taken with the following result:

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

The Mayor declared the motion carried and Request for Proposal No. RFP-0809-61 from Aztec Building Systems, Inc., for the Reaves Park Softball Building Replacement Project accepted; Contract No. K-0809-120 in the amount of \$124,780 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; the execution of the contract was authorized; and Resolution No. R-0809-118 was adopted.

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Item 8, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING EASEMENTS IN CONNECTION WITH THE FYE 2007 WATER WELL PROJECT:

<u>EASEMENT NO.- PARCEL NO.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>	<u>COST</u>
E-0809-61 PARCEL 07-09	GREGORY R. AND CHARLOTTE D. HAYES	PERMANENT UTILITY AND SANITARY	\$10,000
E-0809-62 PARCEL 07-12	JACKIE DALE AND JANA M. ELDRED	PERMANENT UTILITY AND SANITARY	\$10,000

Acting as the City Council and Norman Utilities Authority, Councilmember Kovach moved that the easements be accepted, execution and payment for the easements be authorized, and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated February 9, 2009, from Jim Speck, Capital Projects Engineer, to Norman Utilities Authority (NUA)
2. Letter dated February 5, 2009, from Candy Staring, P.E., CH2M Hill, to Jim Speck, City of Norman Utilities Department
3. Easement Nos. E-0809-61 and E-0809-62 with Exhibits "A," legal descriptions for utility easements, and Exhibits "B," legal descriptions for sanitary easements
4. Water quality results for Hayes and Eldred test holes
5. Location map

Item 8, continued:

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

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

The Mayor declared the motion carried and the easements accepted; execution and payment for the easements were authorized and the filing thereof with the Cleveland County Clerk was directed.

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Item 9, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING EASEMENT IN CONNECTION WITH THE INDUSTRIAL INTERCEPTOR PROJECT:

<u>EASEMENT NO.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>	<u>COST</u>
E-0809-67	BARBOUR AND SHORT, INC.	PUBLIC UTILITY	\$1,377.50

Acting as the City Council and Norman Utilities Authority, Councilmember Kovach moved that the easement be accepted, execution and payment for the easement be authorized, and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated February 23, 2009, from Jim Speck, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Easement No. E-0809-67 with Exhibit "A," location map
3. Location map

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

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

The Mayor declared the motion carried and the easement accepted; execution and payment for the easement were authorized, and the filing thereof with the Cleveland County Clerk was directed.

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Item 10, 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-0809-75 E-0809-76 E-0809-77 E-0809-78 PARCELS 13, 13.1, 13.2 AND 13.3	PATRICK DONNELLY, TRUSTEE OF THE VERNON JAMES DRABEK REVOCABLE LIVING TRUST	PERMANENT PUBLIC ROADWAY, DRAINAGE, UTILITIES AND TEMPORARY CONSTRUCTION	\$23,500
E-0809-79 PARCEL 27.1	ANTHONY L. AND DIAN STEWART	TEMPORARY CONSTRUCTION	\$ 3,500
E-0809-80 E-0809-81 PARCEL 29 AND 29.1	RANDY LEE WALLACE	PUBLIC UTILITY AND TEMPORARY CONSTRUCTION	\$ 5,500*
E-0809-82 E-0809-83 PARCEL 37 AND 37.1	CRIMSON SOONER INVESTMENTS, L.L.C.	PUBLIC UTILITY AND TEMPORARY CONSTRUCTION	\$ 4,000

* Includes damages for three tree replacements

Councilmember Kovach moved that the easements be accepted, execution and payment of the easements 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 Butler;

Items submitted for the record

1. Memorandum dated February 26, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Easement No. E-0809-75
3. Temporary Easement No. E-0809-76
4. Easement Nos. E-0809-77 and E-0809-78
5. Temporary Easement No. E-0809-79
6. Easement No. E-0809-80
7. Temporary Easement No. E-0809-81
8. Easement No. E-0809-82
9. Temporary Easement No. E-0809-83
10. Location map

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

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

NAYES: None

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

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Item 11, being:

SPECIAL CLAIM NO. 0809-14: A CLAIM IN THE AMOUNT OF \$6,861.95 FROM SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA FOR DAMAGES INCURRED TO A FIBER OPTIC LINE LOCATED AT THE SOUTHEAST CORNER OF WEST ROCK CREEK ROAD AND PENDLETON DRIVE BY A WATER LINE MAINTENANCE CREW WHILE REPLACING A WATER LINE.

Councilmember Kovach moved that Special Claim No. 0809-14 be approved and payment in the amount of \$6,861.95 be directed contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated February 16, 2009, from Jeanne Snider, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Special Claim No. 0809-14 dated February 7, 2009, submitted by Southwestern Bell Telephone Company d/b/a AT&T Oklahoma in the amount of \$6,861.95
3. Memorandum dated February 13, 2009, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities

and the question being upon approving Special Claim No. 0809-14 and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Special Claim No. 0809-14 approved; and payment in the amount of \$6,861.95 was directed contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

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Item 12, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0809-2 FOR LOT 3, BLOCK 6, WILLOWAY ESTATES ADDITION. (121 WILLOWAY DRIVE)

Councilmember Kovach moved that Consent to Encroachment No. 0809-2 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated February 23, 2009, from R. Blaine Nice and Leah K. Bunney, Assistant City Attorneys, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Consent to Encroachment No. 0809-2
3. Registered Survey by Curtis Lee Hale, L.S. 1084, Oklahoma Registered Land Surveyor, Hale and Associates Surveying Company
4. Location map
5. Letter of request filed January 13, 2009, from Michael Vickrey to Mrs. Brenda Hall, City of Norman City Clerk
6. Memorandum dated January 13, 2009, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
7. Memorandum dated January 28, 2009, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
8. Memorandum dated January 29, 2009, from Ken Danner, Development Coordinator, to Blaine Nice, Assistant City Attorney
9. Memorandum dated February 10, 2009, from Doug Koscinski, AICP, Manager of Current Planning, to Brenda Hall, City Clerk

Item 12, continued:

Items submitted for the record, continued:

- 10. Photographs of building being constructed at 121 Willoway Drive
- 11. Letter dated November 21, 2008, from Marshall Birchett, Right-of-Way Agent, Cox Communications, Inc., to Ken Danner, Planning and Community Development
- 12. Letter dated November 21, 2008, from Terri Hayes, Manager – OSP Planning and Engineering Design, Norman/Noble Wire Centers, AT&T, to Whom It May Concern
- 13. Letter dated November 21, 2008, from Shane Siddles, South-Metro Field Tech III, Oklahoma Natural Gas Company, to Mr. Mike Vickrey
- 14. Letter dated November 25, 2008, from Timothy J. Bailey, Right-of-Way Agent, Oklahoma Gas and Electric, to Michael Vickrey

and the question being upon approving Consent to Encroachment No. 0809-2 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Consent to Encroachment No. 0809-2 approved; and the filing thereof with the Cleveland County Clerk was directed.

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Item 13, being:

LIMITED LICENSE NO. 0809-14: LIMITED LICENSE TO PLACE TWO (2) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM HEALTH FOR FRIENDS FOR THE 5K RUN EVENT TO BE HELD MAY 2, 2009.

Councilmember Kovach moved that Limited License No. 0809-14 to place two (2) ground banners within the public rights-of-way pursuant to a request from Health for Friends be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Memorandum dated February 25, 2009, from Doug Kosciński, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
- 2. Application for Limited License for two ground banners dated February 16, 2009, from Health for Friends
- 3. Limited License No. 0809-14

and the question being upon approving Limited License No. 0809-14 to place two (2) ground banners within the public rights-of-way pursuant to a request from Health for Friends and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Limited License No. 0809-14 to place two (2) ground banners within the public rights-of-way pursuant to a request from Health for Friends approved; and the issuance thereof was authorized.

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Item 14, being:

CHANGE ORDER NO. THREE TO CONTRACT NO. K-0607-38: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND WALTERS-MORGAN CONSTRUCTION, INC., INCREASING THE CONTRACT AMOUNT BY \$60,951.04 FOR THE WASTEWATER TREATMENT PLANT SLUDGE HANDLING PROJECT AND BUDGET APPROPRIATION.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Change Order No. Three to Contract No. K-0607-38 with Walters-Morgan Construction, Inc., increasing the contract amount by \$60,951.04 and extending the contract 35 calendar days be approved, the execution thereof be authorized, and \$80,000 be appropriated from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0008, WWTP Digester Covers Improvements, Construction (032-9363-432.61-01), which motion was duly seconded by Trustee Butler;

Items submitted for the record

1. Memorandum dated February 24, 2009, from Mark Daniels, Utilities Engineer, to Norman Utilities Authority
2. Change Order No. Three to Contract No. K-0607-38
3. Purchase Order No. 145351 dated April 12, 2007, in the amount of \$6,115,000 adding Change Order No. One in the amount of \$174,041.52, Change Order No. Two in the amount of \$129,629.67, and Change Order No. Three in the amount of \$60,951.04 for a total contract price of \$6,479,622.23

and the question being upon approving Change Order No. Three to Contract No. K-0607-38 with Walters-Morgan Construction, Inc., increasing the contract amount by \$60,951.04 and extending the contract 35 calendar days and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS: Trustees Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and Change Order No. Three to Contract No. K-0607-38 with Walters-Morgan Construction, Inc., increasing the contract amount by \$60,951.04 and extending the contract 35 calendar days approved; the execution thereof was authorized and \$80,000 was appropriated from the Wastewater Fund Balance (032-0000-253.00-00) to Project No. WW0008, WWTP Digester Covers Improvements, Construction (032-9363-432.61-01).

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Item 15, being:

CONTRACT NO. K-0809-52: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE MCKINNEY PARTNERSHIP ARCHITECTS, P.C., IN AN AMOUNT NOT-TO-EXCEED \$27,350 FOR THE DESIGN, PREPARATION OF CONSTRUCTION DOCUMENTS, AND COORDINATION OF THE BIDDING PROCESS FOR THE INTERIM SOLUTION OF THE MUNICIPAL COURT SPACE AND SECURITY NEEDS AND BUDGET TRANSFER.

Councilmember Kovach moved that Contract No. K-0809-52 with the McKinney Partnership Architects, P.C., in an amount not-to-exceed \$27,350 be approved, the execution thereof be authorized, \$90,975 be transferred from Project No. BG0008, Municipal Judicial Center, Design (050-9365-419.62-01) to Project No. BG0019, Municipal Court Interim Building, Construction (050-9365-419.61-01), \$63,625, and \$27,350 to Municipal Court Interim Building, Design (050-9365-419.62-01) and \$249,025 be transferred from Project No. BG0008, Municipal Judicial Center, Right-of-Way (050-9365-419.60-01) to Project No. BG0019, Municipal Court Interim Building, Construction (050-9365-419.61-01), which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated March 4, 2009, from Ronda Guerrero, Municipal Court Administrator, to Honorable Mayor and Councilmembers
2. Contract No. K-0809-52 with Attachment A, billing rates

Item 15, continued:

and the question being upon approving Contract No. K-0809-52 with the McKinney Partnership Architects, P.C., in an amount not-to-exceed \$27,350 and upon the subsequent authorization and transfers, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-0809-52 with the McKinney Partnership Architects, P.C., in an amount not-to-exceed \$27,350 approved; the execution thereof was authorized; \$90,975 was transferred from Project No. BG0008, Municipal Judicial Center, Design (050-9365-419.62-01) to Project No. BG0019, Municipal Court Interim Building, Construction (050-9365-419.61-01), \$63,625, and \$27,350 to Municipal Court Interim Building, Design (050-9365-419.62-01); and \$249,025 was transferred from Project No. BG0008, Municipal Judicial Center, Right-of-Way (050-9365-419.60-01) to Project No. BG0019, Municipal Court Interim Building, Construction (050-9365-419.61-01).

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Item 16, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0809-72: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND NETWORK ALARM SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$539 TO ADD ADDITIONAL EQUIPMENT TO THE LIBRARY SECURITY SYSTEM AND FIRE ALARM PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Councilmember Kovach moved that Change Order No. One to Contract No. K-0809-72 with Network Alarms Services, Inc., increasing the contract amount by \$539 be approved; the execution thereof be authorized; the project be accepted; and payment in the amount of \$29,834.04 be directed to Network Alarm Services, Inc., which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated March 2, 2009, from Brenda Hall, City Clerk, to the Honorable Mayor and City Council
2. Change Order No. One to Contract No. K-0809-72 with Schedule A, Scope of Project in the amount of \$169, and Schedule B, Scope of Project in the amount of \$370
3. Purchase Requisition No. 00000154105 dated March 4, 2009, in the amount of \$539 to Network Alarm Services, Inc.

and the question being upon approving Change Order No. One to Contract No. K-0809-72 with Network Alarm Services, Inc., increasing the contract amount by \$539 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, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Change Order No. One to Contract No. K-0809-72 with Network Alarm Services, Inc., increasing the contract amount by \$539 approved; the execution thereof was authorized, the project was accepted, and payment in the amount of \$29,834.04 was directed to Network Alarm Services, Inc.

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Item 17, being:

CONSIDERATION OF CONTRACT NO. K-0809-111 AND PERFORMANCE BOND NO. B-0809-48 TO PROVIDE A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT TO BE HELD AT THE LLOYD NOBLE ARENA ON MAY 2, 2009.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-0809-111 with PSC d/b/a Chemical Reclamation Services in an amount not-to-exceed \$72,000 and the performance bond be approved; the filing of the bond be directed, and the execution of the contract be authorized, which motion was duly seconded by Trustee Butler;

Items submitted for the record

1. Memorandum dated February 27, 2009, from Debra Smith, Environmental Services Coordinator, to Norman Utilities Authority
2. Contract No. K-0809-111
3. Performance Bond No. B-0809-48
4. Purchase Requisition No. 0000154131 dated March 4, 2009, in the amount of \$72,000 to PSC d/b/a Chemical Reclamation Services

and the question being upon approving Contract No. K-0809-111 with PSC d/b/a Chemical Reclamation Services in an amount not-to-exceed \$72,000 and the performance bond and upon the subsequent directive and authorization, a vote was taken with the following result:

YEAS:	Trustees Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Contract No. K-0809-111 with PSC d/b/a Chemical Reclamation Services in an amount not-to-exceed \$72,000 and the performance bond approved; the filing of the bond was directed and the execution of the contract was authorized.

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Item 18, being:

CONTRACT NO. K-0809-115: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND THE LINKS AT NORMAN, AN ARKANSAS LIMITED PARTNERSHIP, FOR THE LINKS AT NORMAN ADDITION, A PLANNED UNIT DEVELOPMENT, LIFT STATION AGREEMENT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-0809-115 with the Links at Norman, an Arkansas Limited Partnership, be postponed until March 31, 2009; which motion was duly seconded by Trustee Butler; and the question being upon postponing Contract No. K-0809-115 with the Links at Norman, an Arkansas Limited Partnership, until March 31, 2009, a vote was taken with the following result:

YEAS:	Trustees Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Contract No. K-0809-115 with the Links at Norman, an Arkansas Limited Partnership, was postponed until March 31, 2009.

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Item 19, being:

CONTRACT NO. K-0809-116: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND KRITTENBRINK ARCHITECTURE, L.L.C., IN THE AMOUNT OF \$8,000 TO PROVIDE PROFESSIONAL ARCHITECTURAL SERVICES FOR THE ANDREWS PARK RENTAL BUILDING RENOVATION PROJECT.

Councilmember Kovach moved that Contract No. K-0809-116 with Krittenbrink Architecture, L.L.C., in the amount of \$8,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Memorandum dated February 23, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
- 2. Contract No. K-0809-116 with Attachment A, Scope of Services; Attachment B, Compensation; and Attachment C, Time Schedule for Scope of Services Performance
- 3. Purchase Requisition No. 0000153848 in the amount of \$8,000 to Krittenbrink Architecture, L.L.C.

and the question being upon approving Contract No. K-0809-116 with Krittenbrink Architecture, L.L.C., in the amount of \$8,000 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-116 with Krittenbrink Architecture, L.L.C., in the amount of \$8,000 approved; and the execution thereof was authorized.

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Item 20, being:

CONTRACT NO. K-0809-122: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR STATE-AID PROJECT NO. STPG-114A(226)AG, STATE JOB NO. 25820(04), FOR TRAFFIC SIGNAL UPGRADES AT ELEVEN (11) INTERSECTIONS ADJACENT TO THE UNIVERSITY OF OKLAHOMA CAMPUS AND ADOPTION OF RESOLUTION NO. R-0809-122.

Councilmember Kovach moved that Contract No. K-0809-122 with the Oklahoma Department of Transportation be approved, Resolution No. R-0809-122 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Memorandum dated February 17, 2009, from Angelo A. Lombardo, City Traffic Engineer, to Honorable Mayor and City Council
- 2. Letter dated February 11, 2009, from Rosemarie Case, P.E., Area Engineer, Local Government Division, Oklahoma Department of Transportation, to Mr. Shawn O'Leary, Director of Public Works
- 3. Contract No. K-0809-122
- 4. Resolution No. R-0809-122

and the question being upon approving Contract No. K-0809-122 with the Oklahoma Department of Transportation and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-122 with the Oklahoma Department of Transportation approved; Resolution No. R-0809-122 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 21, being:

CONTRACT NO. K-0809-123: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND QWEST COMMUNICATIONS CORPORATION IN THE AMOUNT OF \$197,445.33 TO RELOCATE A QWEST COMMUNICATIONS CORPORATION FIBER OPTIC LINE IN THE BURLINGTON NORTHERN SANTA FE RAILWAY RIGHT-OF-WAY IN CONNECTION WITH THE ROBINSON STREET GRADE SEPARATION PROJECT.

Councilmember Kovach moved that Contract No. K-0809-123 with Qwest Communications Corporation in the amount of \$197,445.33 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated February 26, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Contract No. K-0809-123
3. Purchase Requisition No. 0000153739 in the amount of \$197,445.33 to Qwest Communications Corporation

and the question being upon approving Contract No. K-0809-123 with Qwest Communications Corporation in the amount of \$197,445.33 and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-0809-123 with Qwest Communications Corporation in the amount of \$197,445.33 approved; and the execution thereof was authorized.

* * * * *

Councilmember Dillingham asked that she be allowed to abstain from voting on Item 22 due to a conflict of interest. Thereupon, Councilmember Kovach moved that Councilmember Dillingham be allowed to abstain from voting on Item 22 due to a conflict of interest, which motion was duly seconded by Councilmember Quinn; and the question being upon allowing Councilmember Dillingham to abstain from voting on Item 22 due to a conflict of interest, a vote was taken with the following result:

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

The Mayor declared the motion carried and Councilmember Dillingham was allowed to abstain from voting on Item 22 due to a conflict of interest.

* * * * *

Item 22, being:

CONTRACT NO. K-0809-125: AN AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, NORMAN UTILITIES AUTHORITY, BOARD OF COMMISSIONERS OF CLEVELAND COUNTY, AND THE CLEVELAND COUNTY JUSTICE AUTHORITY, OUTLINING COMMITMENTS AND OBLIGATIONS OF THE CITY OF NORMAN AND CLEVELAND COUNTY REGARDING THE CONSTRUCTION OF THE CLEVELAND COUNTY DETENTION CENTER PROJECT.

Acting as the City Council and Norman Utilities Authority, Councilmember Kovach moved that Contract No. K-0809-125 with the Board of Commissioners of Cleveland County and the Cleveland County Justice Authority be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Item 22, continued:

Items submitted for the record

- 1. Memorandum dated March 4, 2009, from Jeff Harley Bryant, City Attorney, and R. Blaine Nice, Assistant City Attorney, to Mayor and Councilmembers
- 2. Contract No. K-0809-125

and the question being upon approving Contract No. K-0809-125 with the Board of Commissioners of Cleveland County and the Cleveland County Justice Authority and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-0809-125 with the Board of Commissioners of Cleveland County and the Cleveland County Justice Authority approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-0809-126: A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE BOARD OF REGENTS OF THE UNIVERSITY OF OKLAHOMA CLARIFYING RESPONSIBILITIES OF THE CITY OF NORMAN AND THE UNIVERSITY OF OKLAHOMA IN REFERENCE TO DEVELOPMENT SERVICES FOR CERTAIN PROJECTS ON NORMAN CAMPUSES.

Councilmember Kovach moved that Contract No. K-0809-126 with the Board of Regents of the University of Oklahoma be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Memorandum dated February 27, 2009, from Patrick Copeland, Development Services Manager, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0809-126, Memorandum of Understanding

and the question being upon approving Contract No. K-0809-126 with the Board of Regents of the University of Oklahoma and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-0809-126 with the Board of Regents of the University of Oklahoma approved; and the execution thereof was authorized.

* * * * *

Councilmember Cubberley asked that he be allowed to abstain from voting on Item 24 due to a conflict of interest. Thereupon, Councilmember Dillingham moved that Councilmember Cubberley be allowed to abstain from voting on Item 24 due to a conflict of interest, which motion was duly seconded by Councilmember Quinn; and the question being upon allowing Councilmember Cubberley to abstain from voting on Item 24 due to a conflict of interest, a vote was taken with the following result:

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

The Mayor declared the motion carried and Councilmember Cubberley was allowed to abstain from voting on Item 24 due to a conflict of interest.

* * * * *

Item 24, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF CHARLES ATKINSON, ET AL, VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2005-748 W, IN THE AMOUNT OF \$90,000.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated February 25, 2009, from Blaine Nice, Assistant City Attorney, through Jeff Bryant, City Attorney, to Honorable Mayor and Councilmembers

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

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

The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement.

* * * * *

Item 25, being:

RESOLUTION NO. R-0809-124: 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 MARCH 24, 2009, SHALL BE CANCELLED AND A MEETING SHALL BE SCHEDULED FOR MARCH 31, 2009.

Councilmember Kovach moved that Resolution No. R-0809-124 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Resolution No. R-0809-124

and the question being upon adopting Resolution No. R-0809-124, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-0809-124 was adopted.

* * * * *

Item 26, being:

RESOLUTION NO. R-0809-127: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$30,000 FROM THE ROOM TAX FUND BALANCE TO BE USED BY THE NORMAN ARTS AND HUMANITIES COUNCIL TO PROVIDE FUNDING FOR THE NORMAN MUSIC FESTIVAL.

Councilmember Kovach moved that Resolution No. R-0809-127 be adopted, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

- 1. Memorandum dated February 25, 2009, from Suzanne Krohmer, Budget Manager, through Anthony Francisco, Director of Finance, to Honorable Mayor and Councilmembers
- 2. Letter of request dated February 25, 2009, from Rick Fry, Executive Director, Norman Arts Council, to Honorable Mayor Cindy Rosenthal and Councilmembers
- 3. Resolution No. R-0809-127

and the question being upon adopting Resolution No. R-0809-127, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-0809-127 was adopted.

* * * * *

Item 27, being:

PROCLAMATION NO. P-0809-17: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF MARCH 8 THROUGH 14, 2009, AS GIRL SCOUT WEEK IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-0809-17 proclaiming the week of March 8 through 14, 2009, as Girl Scout Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Proclamation No. P-0809-17

Participants in discussion

1. Ms. Janet Hailey, Field Marketing Executive for Girls Scouts-Western Oklahoma, Inc., and representatives from Troop Nos. 232, 627, 635, 777, and 3006 accepted the Proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0708-17 proclaiming the week of March 8 through 14, 2009, as Girl Scout Week 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, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-0708-17 proclaiming the week of March 8 through 14, 2009, as Girl Scout Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 28, being:

RESOLUTION NO. R-0809-121: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DECLARING THE NECESSITY FOR ACQUIRING CERTAIN REAL PROPERTY, MORE PARTICULARLY HEREINAFTER DESCRIBED, ALL WITHIN THE CITY OF NORMAN, COUNTY OF CLEVELAND, STATE OF OKLAHOMA, FOR THE PURPOSE OF THE ROBINSON STREET GRADE SEPARATION PROJECT IN THE CITY OF NORMAN; DECLARING THE NECESSITY FOR ACQUIRING SAID PROPERTY FOR STREET PURPOSES; AND DECLARING AN EMERGENCY. (420, 428, AND 444 WEST ROBINSON STREET)

Councilmember Cubberley moved that Resolution No. R-0809-121 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated February 23, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Resolution No. R-0809-121 with Exhibit "A," legal description and location map for Parcel 16; Exhibit "B," legal description and location map for Parcel 17; Exhibit "C," legal description and location map for Parcel 18; and Exhibit "D," legal description and location map for Parcel 20

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Mr. Shawn O'Leary, Director of Public Works

and the question being upon adopting Resolution No. R-0809-121, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-121 was adopted.

* * * * *

Item 29, being:

RESOLUTION NO. R-0809-123: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE CITY OF NORMAN ETHICS POLICY FOR CITY COUNCIL, BOARDS, COMMISSIONS, AND COMMITTEES OF THE CITY OF NORMAN.

Councilmember Griffith moved that Resolution No. R-0809-123 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated February 25, 2009, from Leah Bunney, Assistant City Attorney, through Jeff Bryant, City Attorney, to Honorable Mayor and City Councilmembers
2. Resolution No. R-0809-123 with attachment, City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman
3. City Council Planning and Community Development Committee minutes of September 12, October 24, November 14, and December 12, 2008
4. Pertinent excerpts from City Council Planning and Community Development minutes of February 13, 2009
5. Pertinent excerpts from City Council Study Session minutes of January 6, 2009

Participants in discussion

1. Ms. Leah Bunney, Assistant City Attorney
2. Mr. Jeff Bryant, City Attorney
3. Mr. Dunning Sanger, 216 Olde Brook Court, asked questions
4. Mr. Richard Stawicki, 2614 South Berry Road, made comments
5. Mr. Larry Edmison, 539 Elmcrest Drive, made comments

Thereupon, Councilmember Kovach moved that the following definitions in the Ethics Policy be amended to read as follows:

DEFINITIONS

Actual Conflict – a set of circumstances wherein an elected or appointed official would be required to take an action or make a decision regarding a cause, proceeding, application or any other matter where he or she holds a direct benefit, or detriment, ~~or employment consequence.~~

Pecuniary Interest – Employment or the expectation of a financial benefit or determinant. This also includes any pecuniary interest in an organization in which that person has a 5% ownership interest or greater. A person has a pecuniary interest in a decision if a financial interest of that person will vary with the outcome of the decision – this includes officials with real property interests abutting a subject property.

Potential Conflict – a set of circumstances wherein an elected or appointed official would be required to take an action or make a decision regarding a cause, proceeding, application or any other matter where he or she may have an indirect benefit, or detriment, ~~or employment consequence;~~ this type of situation calls into question the official's objectivity or independence, but the effect of this type of conflict is not certain.

which motion was duly seconded by Cubberley;

Participants in discussion

1. Mr. Larry Edmison, 539 Elmcrest Drive, made comments
2. Ms. Jeanette Coker, 620 East Main Street, made comments
3. Mr. Mark Campbell, 2821 Dewey Avenue, made comments

Thereupon, Councilmember Kovach withdrew his motion to postpone with concurrence from the second.

Item 29, continued:

Thereupon, Councilmember Kovach moved that Resolution No. R-0809-123 be postponed until April 14, 2009, which motion was duly seconded by Councilmember Cubberley; and the question being upon postponing Resolution No. R-0809-123 until April 14, 2009, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-0809-123 was postponed until April 14, 2009.

* * * * *

Item 30, being:

ORDINANCE NO. O-0809-37: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-528 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN REQUIRING THE DRIVER OF A MOTOR VEHICLE, IF POSSIBLE, TO CHANGE LANES INTO A LANE NOT ADJACENT TO A STATIONARY EMERGENCY VEHICLE; REQUIRING THE DRIVER OF A MOTOR VEHICLE TO REDUCE THE SPEED OF THE MOTOR VEHICLE WHEN PASSING A STATIONARY EMERGENCY VEHICLE IF THE DRIVER IS UNABLE TO CHANGE LANES; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-0809-37 having been Introduced and adopted upon First Reading by title in City Council's meeting of February 24, 2009, Councilmember Dillingham moved that Ordinance No. O-0809-37 be adopted on Second Reading section by section, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated February 16, 2009, from Phil Cotten, Chief of Police, to the Honorable Mayor and Councilmembers
2. Ordinance No. O-0809-37
3. Legislatively notated copy of Ordinance No. O-0809-37
4. Oklahoma Statutes, Title 47, Motor Vehicles, Chapter 11, Rules of the Road, Section 11-314, Driver of a Motor Vehicle Approaching a Stationary Emergency Vehicle

Participant in discussion

1. Mr. Phil Cotten, Chief of Police
2. Ms. Rebecca Frazier, Assistant City Attorney

and the question being upon adopting Ordinance No. O-0809-37 on Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-0809-37 was adopted upon Second Reading section by section.

Item 30, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-0809-37 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-0809-37 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-0809-37 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

Ethics Policy. Mr. Richard Stawicki, 2614 South Berry Road, said the Charter provisions relating to ethics are very difficult to interpret and the Ethics Policy should clearly reflect the intent of the Charter provision.

Mr. Larry Edmison, 539 Elmcrest Drive, apologized to Mayor Rosenthal for falsely accusing her of making appointments to boards and commissions that were recommended by the University of Oklahoma administration. He said he had been told this by a number of Councilmembers and City Staff. He said approving the Ethics Policy amendments regarding employment would provide protection to Councilmembers.

Mr. Michael Davis, 1012 Drake Drive, said the Ethics Policy was an informative and helpful document and the amendment discussed this evening expressed undue cynicism regarding City government. He said he trusted the City Council and had faith in the Councilmembers.

Ms. Mary Francis, 850-C Cardinal Creek Condos, thanked the Mayor for her frank comments about board appointments and thanked City Council for tabling the resolution regarding the Ethics Policy. She said she appreciated all the work that has been and will be done in the future on the proposed Ethics Policy.

Mayor Rosenthal said she thought it was a mistake to make the requested changes to the Ethics Policy because the Council will be giving up the ability to represent the voters. She considers this a "cookie cutter" approach because not all employment involves the same situation and dynamics. She said the recent election for four Councilmembers involved only one race and the goal of the Ethics Policy was to encourage people to participate. She considers representation a very solemn relationship, allowing her to speak to and be educated by our constituents. She did not agree that people should be excluded because they are with a very large employer. The purpose of the policy was to instruct public and appointed officials to make good decisions and where to draw the line. She said cases are fact-intensive and specific and it was important for members to think about the decisions thoroughly and represent their constituents.

*

Speeding on Barwick Drive. Mr. Ken Wilpitz, 1704 Barwick Drive, was upset and expressed his frustrations about vehicles speeding on Barwick Drive. He said his street does not qualify for traffic calming and he wants this issue taken care of.

Mr. Steve Lewis, City Manager, said he and Police Chief Phil Cotten would meet with Mr. Wilpitz after tonight's meeting.

*

City Council Meeting Information. Mr. Chase Joseph, 3502 Evergreen Glade, Kingwood, Texas, said he was a student at the University of Oklahoma majoring in Journalism and asked how to obtain information about tonight's discussion. He also asked where he could obtain contact information and telephone numbers.

Miscellaneous Discussion, continued:

City Council Meeting Information, continued. Ms. Brenda Hall, City Clerk, said the meeting would be replayed on Channel 20 at 12:00 p.m. throughout the week and in the evenings. She said Mr. Joseph could also obtain a DVD of the meeting from the City Clerk's Office and minutes would be placed on the website after approval at the next City Council meeting on March 31, 2009. She said contact information could also be obtained on the website.

*

Stimulus Funding. Mr. Roger Gallagher, 1522 East Boyd Street, said he had reviewed the Stimulus Package and \$1,500,000 had been dedicated to Community Policing. He said combined with all the other requested projects, where would the money be designated and would the City incur ongoing expenses after the money is gone?

Mayor Rosenthal said the entire stimulus package was undecided and it was not clear what projects would be done and what the rules would be.

Mr. Steve Lewis, City Manager, said most of the Council's discussion had been about capital projects with the first priority being transportation improvements followed by sewer and water improvements. Other funding that may be available through the Community Development Block Grant Program and Law Enforcement grant funds but when and how much has not been determined. He said Council had viewed the projects as one-time revenue sources.

*

Congratulations to Councilmember Butler. Councilmember Quinn congratulated Councilmember Butler for her re-election as Ward Five Councilmember.

*

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

*

Meeting in Little Axe. Councilmember Butler said she had attended a meeting at the Little Axe Community Center last night to discuss public safety. She said representatives from the Norman Police Department, the Cleveland County Sheriff's Department, and Lake Thunderbird Park Rangers had attended the meeting and answered questions. She commended the Norman Police Officers for doing a tremendous job interacting with the public, felt this was a perfect example of Community Oriented Policing, and the program was very well received.

*

United Way 911 Program. Councilmember Dillingham said it was not too late to help the United Way with their 911 Program. She encouraged those who had not given their \$9.11 to give now to help United Way achieve their goal. She said social service agencies in Norman are seeing greater numbers needing their services and encouraged citizens to come together as a community to address the needs.

*

Injured Firefighter. Councilmember Kovach acknowledge Rick Bacon, Fire Instructor for the Fire Department, who was critically injured in a bicycle accident and said his thoughts and prayers were with Rick and his family. He said people are bicycling more and motorists and cyclists need to be more aware of one another.

*

Norman Regional Hospital. Councilmember Kovach said he performed some research and the principal that had been lost was far in excess of \$15,000,000. He said hospital cash reserves had been reduced from 210 days to 76 days. He said the Charter provision allows for deficits to be reimbursed by the General Fund if Council approves it and he is concerned for the citizens of Norman, the level of care for the hospital, and the employees of the hospital. He asked that Council look at the investment strategies of the hospital and the billing deficiencies and make recommendations.

*

Miscellaneous Discussion, continued:

Closing of Interstate 35 Bridge over Highway 77. Mayor Rosenthal said as of April 1st the I-35 Bridge over Highway 77 will be closed for at least three to four months and will require southbound traffic to detour onto Tecumseh Road. She said Tecumseh Road is expected to be completed by this time allowing traffic to flow east of Porter Avenue. She reminded citizens there is still time to voice their opinion to the Oklahoma Department of Transportation (ODOT) on the south portion of the plan for widening I-35 and citizens could do that on ODOT's website or use the link on the City of Norman website.

* * * * *

ADJOURNMENT

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

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

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 8:13 p.m.

ATTEST:

City Clerk

Mayor