

CITY COUNCIL CONFERENCE MINUTES

March 31, 2009

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in the Municipal Building Conference Room at 5:08 p.m. on the 31st day of March, 2009, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

ABSENT: None

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-0809-124 WITH KEYSTONE SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$27,390 FOR THE FYE 2009 JOINT AND CRACK SEALING PROJECTS TO ADD WOODS AVENUE TO THE PROJECT TO UTILIZE THE FULL BUDGET AMOUNT.

Mr. Doug Danner, Bond Projects Manager, said bids were received for the FYE 2009 Joint and Crack Sealing Projects on February 19, 2009, and the lowest bid was in the amount of \$122,610 submitted by Keystone Services, Inc. He said the total budgeted amount for the FYE 2009 Joint and Crack Sealing Projects was \$150,000. Mr. Danner said the Oklahoma Natural Gas Company was replacing gas lines under emergency repairs along Woods Avenue last fall and it was determined at that time, Woods Avenue needed to be added the joint and crack sealing projects list. He said \$27,390 remains in the project budget and while it will not completely seal all the joints along Woods Avenue, it will cover approximately 67% and with additional stimulus funds Staff expects to receive, the amount of Woods Avenue to be sealed would increase to 80%.

Items submitted for the record

1. Memorandum dated January 18, 2009, from Doug Danner, Bond Projects Manager, to Honorable Mayor and City Councilmembers
2. Change Order No. One to K-0809-124

DISCUSSION REGARDING CHANGE ORDER NO. TWO TO CONTRACT NO. K-0708-58 WITH M&M DITCHING, INC., DECREASING THE CONTRACT AMOUNTY BY \$31,930.53 FOR THE LITTLE RIVER INTERCEPTOR PROJECT, PHASE II, AND FINAL ACCEPTANCE OF THE PROJECT.

The Norman Utilities Authority, in its meeting of May 27, 2008, approved Contract No. K-0708-58 with M & M Ditching, Inc., in the amount of \$1,253,005 for the Little River Interceptor Project, Phase II, and Change Order No. One was approved on August 12, 2008, and increased the contract amount by \$15,485 to modify the pipe alignment of the interceptor between Manholes A-7 and A-13 as well as added one additional manhole and increased the length of steel casing installed by trenching beneath the drainage areas. Change Order No. Two decreasing the contract amount by \$31,930.53 and extending the contract 17 calendar days will reconcile the contract from as bid to as built and provide a 17 day time extension to account for abnormal weather conditions.

Items submitted for the record

1. Memorandum dated March 17, 2009, from Mark Daniels, Utilities Engineer, to Norman Utilities Authority
2. Change Order No. Two to Contract No. K-0708-58

DISCUSSION REGARDING CHANGE ORDER NO. THREE TO CONTRACT NO. K-0809-40 WITH CENTRAL CONTRACTING SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY \$139,126 TO ADD THE CAMPUS CORNER STREETScape/WHITE STREET RECONSTRUCTION PROJECT TO THE FYE 2009 CONCRETE PROJECTS.

City Council, in its meeting of August 26, 2008, approved Contract No. K-0809-40 with Central Contracting Services, Inc., in the amount of \$223,513.50 for the FYE 2009 Concrete Projects, which included the City Sidewalk Reconstruction; Sidewalk Accessibility; Sidewalk Program for Schools and Arterials; miscellaneous annual drainage; driveway repair; and the Downtown Areas Sidewalks and Curbs Project. City Council also approved Change Order No. One to the contract on the same agenda increasing the contract amount by \$90,736.50 to utilize the entire budgeted amount and allow for six additional concrete projects. Change Order No. Two approved on December 9, 2008, increased the contract amount by \$123,188.60 and added the Neighborhood Plan Implementation Sidewalk Project to the contract, which provided new sidewalks in Lions Park, South Pickard, First Courthouse, and the Larsh/Miller neighborhoods. Mr. John Clink, Capital Projects Engineer, highlighted Change Order No. Three increasing the contract amount by \$139,126 will allow for the Campus Corner Streetscape/White Street Reconstruction Project to be added to the contract. He said adding the project to this contract would allow the City to take advantage of low unit bid prices and expedite the project to meet current time constraints related to the Campus Corner area. The project will include adjustments to Asp Avenue, curbs and sidewalks to address previous conversion of one-way to two-way traffic, replacement of deteriorated curbs and sidewalks on White Street, and installation of street furniture including benches, trash cans, and bike racks. Mr. Clink said the reconstruction of White Street and the drainage problems on Asp Avenue from White Street to Boyd Street, identified in the design portion of the contract, will be addressed by adding an underground storm pipe to the west end of the street to address drainage problems on Asp Avenue as well as modifying the street grade on the west side of Asp Avenue. He said the drainage and street construction will be completed by Street Division employees.

Items submitted for the record

1. Memorandum dated March 12, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Change Order No. Three to Contract No. K-0809-40

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-0809-105 WITH NASH CONSTRUCTION COMPANY, INC., INCREASING THE CONTRACT AMOUNTY BY \$8,600 TO MODIFY THE DRIVE EXITING TINKER FEDERAL CREDIT UNION LOCATED AT 301 36TH AVENUE N.W. IN CONNECTION WITH THE 36TH AVENUE WIDENING PROJECT.

City Council, in its meeting of February 24, 2009, approved Contract No. K-0809-105 with Nash Construction Company, Inc., for the 36th Avenue and Main Street West Irrigation, Landscaping, Lighting, and Street and Parking Improvement Project in the amount of \$226,084.50. Mr. Bob Hanger, City Engineer, highlighted Change Order No. One increasing the contract amount by \$8,600 to relocate one of the drives at Tinker Federal Credit Union (TFCU) in connection with the 36th Avenue N.W. Widening Project. He said the project included combining two TFCU drives and changing the circulation of TFCU's internal traffic pattern. Consistent with the Access Management Principles, Tinker agreed to eliminate left turns out of their existing drive onto 36th Avenue N.W. to enhance the safety of the traveling public. Because they are now sharing that drive with Sooner Mall, a new connection had to be added at the southeast corner of TFCU's property to allow access to Riveroaks Drive in order to make left turns out of TFCU onto 36th Avenue N.W. at the new signal on Riveroaks Drive. He said the new connection at the southeast corner was originally designed to include a four-way stop which aligned with the opposing entrance into Sooner Mall's property; however, after it was constructed, Sooner Mall insisted on a two-way stop at the location. Mr. Hanger said, since that time, TFCU has observed and experienced internal

circulation problems due to the location of the drive in the facility and asked the City to develop a solution to the problem. Staff met with TFCU on-site to discuss possible solutions and the exit drive at the southeast corner is proposed to be offset from the intersection to eliminate cars stopped to exit TFCU from blocking incoming traffic. TFCU concurs with this solution and Change Order No. One will address the modifications.

Items submitted for the record

1. Memorandum dated March 4, 2009, from Lonnie Ferguson, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Location map
3. Change Order No. One to Contract No. K-0809-105

ARCHITECTURAL SERVICES FOR THE NEW NORTHWEST FIRE STATION INCLUDING POSSIBLE ENERGY AND ENVIRONMENTAL DESIGN (LEED) CERTIFICATION.

Fire Chief James Fullingim provided background information regarding the Public Safety Sales Tax commitment to construct two new fire stations. He said the Norman Fire Department issued request for proposals seeking architectural services for the design of the first of two new stations and, as part of Norman's adopted goals relative to sustainability, explored possible LEED certification. He said Staff received proposals from six firms and chose the top three firms for interviews. He said the applicants were interviewed and ranked by a panel of Staff members from the Fire, Public Works, Planning, and Utilities Departments. The Review Committee ranked and determined Kirkpatrick Architecture Studios to be the best firm to design the project. Kirkpatrick Architecture Studios has experience with fire station design and LEED certification. Chief Fullingim said the contract includes design of the station; preparation of construction documents; assistance in the bidding process for the contractor; construction inspection and oversight; preparation of change orders if needed; and administration of the construction contract, which Staff negotiated at a cost of \$193,750. He said the cost of the services is a flat fee allowing for cost control even if construction and land acquisition costs exceeded projections.

Chief Fullingim said if Council desires to LEED certify the new station, which will be the City's first LEED facility, the architect services will require an additional \$74,520 to complete the additional work for an overall contract amount of \$268,270. He said LEED is a third party certification program and the nationally associated benchmark for the design, construction, and operation of a high performance green building. He said LEED gives the building owner and operators the tools they need to have an immediate and measurable impact on the building's performance and LEED promotes a whole building approach to sustainability by recognizing performance in key areas in human and environmental health; such as sustainable site development, water savings, energy efficiency, material selection, and indoor environmental quality. Chief Fullingim said the LEED certification process requires a third party commissioning agent to ensure the station and all of its systems are planned, designed, installed, tested, operated, and maintained to meet LEED goals. The additional \$74,520 would be a pass through cost to hire the third party commissioning agent. He said some of the benefits of building a LEED certified fire station include improved energy efficiency and water savings, decreased impact on the environment, and improved health and productivity of firefighters and Staff. He said Kirkpatrick Architecture Studios completed the architectural services for the design of a fire station in Denton, Texas, which was one of the two gold certified fire stations in the country. He said the City of Denton, when choosing to LEED certify their newest fire station, considered enhanced productivity and health as a benefit and believed a healthy environment would enhance the health and well being of the crews who live and work there 24 hours a day. He said the occupants of the facility were also happy with the functionality of the building.

Councilmember Cubberley asked what the difference in cost was to construct a LEED certified building versus not LEED certified. Chief Fullingim said the increased cost ranges between 3% and 4%. Mr. Jim Kirkpatrick, Kirkpatrick Architecture Studios, said today it is pretty much industry standard and can almost be built for the same construction dollars. He said the increase is in the certification process due to the amount of documentation required for the LEED certification and it averages between 1% and 4% of the construction cost. Mayor Rosenthal asked whether the station could be LEED certified and still stay within the budget and Chief Fullingim felt that would not be a problem. It was the consensus of Council to move forward with the contract with Kirkpatrick Architecture Studios and include the LEED certification as part of the contract. The contract will be submitted for Council's consideration at its meeting on April 14, 2009.

Items submitted for the record

1. Memorandum dated March 23, 2009, from James Fullingim, Fire Chief, to Honorable Mayor and City Council
2. PowerPoint presentation entitled, "Contract No. K-0809-114, Contract for Architectural Services" dated March 31, 2009
3. Cost of Green Revisited, Reexamining Feasibility and Cost Impact of Sustainable Design in Light of Increased Market Adoption by Davis Langdon

PROPOSED ANIMAL WELFARE ORDINANCE CHANGES REGARDING ANNUAL INSPECTIONS OF LICENSED KENNELS; DISPLAY OF TAGS; ANIMAL WELFARE GROUP EVENTS; INADEQUATE VENTILATION OF SHELTER IN EXTREME TEMPERATURES; NUMBER OF CATS AND DOGS ALLOWED PER RESIDENCE; THE SALE OF DOGS AND CATS; KENNEL LICENSE FEES; ENFORCEMENT PROCEDURES; AND DEPOSIT OF PET WASTE.

Major Jim Maisano said the proposed animal welfare ordinance changes are the culmination of a year long review and study by the Animal Oversight Committee and Animal Welfare Staff. The results of that study were submitted to City Council in its Study Session on October 21, 2008. Following that Study Session, three additional public meetings were held with local veterinarians, animal welfare groups, and citizens to receive additional input. Major Maisano said tonight's presentation will include recommendations from the Animal Welfare Oversight Committee, Animal Welfare Staff, and input received at the three public meetings. He said all of the ordinance changes are supported by Second Chance Animal Sanctuary, Citizens Humane Commission, Animal Volunteer Alliance, and the Fix-a-Cat Program.

Major Maisano highlighted the proposed changes as follows:

- All references to Animal Control in Chapter 3 of the Code of Ordinances will be changed to Animal Welfare
- Provision to allow the Animal Welfare Supervisor and officers to inspect any structure or place licensed with a Kennel License
- Prohibits leaving an animal in any standing or parked vehicle without providing adequate ventilation or be exposed to extreme temperature while confined in a vehicle
- Restricts cats from running at large, unless the cat is altered and has a collar with a valid City pet license attached
- The number of dogs and/or cats allowed will be modified to classify the animals into two categories, altered and unaltered
- Limits the number of dogs and cats allowed to two dogs and three cats if any animal in the household is unaltered or four dogs and five cats if all animals in the household are altered
- Prohibits the sale of dogs or cats except for property owned or rented by the seller or buyer or the property is a pet shop, animal shelter, or is licensed for the breeding or sale of animals and in compliance with all City of Norman zoning and licensing regulations

- Prohibits interference with an Animal Welfare Officer in the performance of his duty
- Prohibits the deposit of waste material from dogs and cats in places open to the public or on certain private property
- Modifies the fee for a Kennel licenses and renewals to a tiered system, i.e. commercial, rescue, and private
- Adjusts the age of dogs and cats to count toward the requirement for a kennel license from 14 weeks to six months

Major Maisano said the ordinance also provides an over the limit exception for up to six months per dog for those homes designated as foster homes associated with a registered Animal Welfare Group. Councilmembers questioned whether Animal Welfare Groups would be required to register with the City and whether or not follow-up would be conducted at the foster homes. Councilmember Kovach suggested a brochure of guidelines be established for Animal Welfare Groups to insure compliance with the same guidelines established for kennel license holders. Councilmember Cubberley expressed concern with allowing altered cats to be at large. He felt cats should be contained on the owner's premises as they can be a potential nuisance to other property owners in the neighborhood.

Councilmembers commended the Animal Welfare Oversight Committee and all who participated in the process for their hard work and efforts and appreciated the opportunity provided for public input.

The ordinance will be submitted for Council's consideration upon First Reading in its meeting of April 14, 2009, and on Second Reading on April 28, 2009.

Items submitted for the record

1. Norman Police Department Proposed Animal Welfare Ordinance Changes Report dated March 31, 2009

The meeting adjourned at 6:25 p.m.

ATTEST:

City Clerk

Mayor