

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

June 9, 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 9th day of June, 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, Griffith, Kovach, Quinn,
Mayor Rosenthal

ABSENT: Councilmember Ezzell and Thompson

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 27 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 27, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 4 through Item 27 were placed on the consent docket by unanimous vote.

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Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF MAY 14, 2009
CITY COUNCIL PUBLIC MEETING MINUTES OF MAY 19, 2009
CITY COUNCIL CONFERENCE MINUTES OF MAY 26, 2009
CITY COUNCIL MINUTES OF MAY 26, 2009
NORMAN UTILITIES AUTHORITY MINUTES OF MAY 26, 2009
NORMAN MUNICIPAL AUTHORITY MINUTES OF MAY 26, 2009
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF MAY 26, 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 Kovach;

Items submitted for the record

1. City Council Conference minutes of May 14, 2009
2. City Council Public Meeting minutes of May 19, 2009
3. City Council Conference minutes of May 26, 2009
4. City Council minutes of May 26, 2009
5. Norman Utilities Authority minutes of May 26, 2009
6. Norman Municipal Authority minutes of May 26, 2009
7. Norman Tax Increment Finance Authority minutes of May 26, 2009

Item 4, continued:

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

YEAS: Councilmembers Butler, Cubberley,
Dillingham, 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 5, being:

CONSIDERATION OF THE FOLLOWING ORDINANCES UPON FIRST READING BY TITLE:

ORDINANCE NO. O-0809-39: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTIONS 501-503 OF CHAPTER 10, HEALTH AND SAFETY, OF THE CODE OF THE CITY OF NORMAN TO ESTABLISH REGULATIONS PROHIBITING USE OF TOBACCO IN CITY-OWNED PUBLIC PARKS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ORDINANCE NO. O-0809-44: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 431.5 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN ADDING A NEW PARAGRAPH (4) REQUIRING PARKING FOR BICYCLES IN CERTAIN INSTANCES; 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 Kovach;

Items submitted for the record

1. Memorandum dated June 3, 2009, from Jud Foster, Director of Parks and Recreation, and Leah Bunney, Assistant City Attorney, to Honorable Mayor and City Councilmembers
2. Ordinance No. O-0809-39
3. Legislatively notated copy of Ordinance No. O-0809-39
4. Memorandum dated February 19, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and Councilmembers
5. Pertinent excerpts from Board of Parks Commissioners minutes of February 5, 2009
6. City Council Conference minutes of February 24, 2009
7. Memorandum dated May 22, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
8. Ordinance No. O-0809-44
9. Legislatively notated copy of Ordinance No. O-0809-44
10. Memorandum dated May 14, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Chairman and Members, Norman Planning Commission
11. Pertinent excerpts from Planning Commission minutes of May 14, 2009
12. Pertinent excerpts from City Council Transportation Committee minutes of April 23, 2009

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, Griffith, Kovach, Quinn,
Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the ordinances were Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

FLOOD PLAIN PERMIT COMMITTEE

TERM: 06-12-09 TO 06-12-12: MARION HUTCHISON, 5220 MONTROSE CIR.

GREENBELT COMMISSION

TERM: 07-13-09 TO 07-13-12: JAMES MCCAMPBELL, 1717 CAMBRIDGE

REAPPORTIONMENT COMMISSION

TERM: 07-01-09 TO 07-01-14: KARL JAHNKE, 3805 CASTLEROCK ROAD, WARD 8

SOCIAL AND VOLUNTARY SERVICES COMMISSION

TERM: 06-09-09 TO 12-09-11: CODY PONDER, 1511 SUNSET DRIVE

Councilmember Cubberley moved that the appointments be confirmed, which motion was duly seconded by Councilmember Kovach; and the question being upon confirming the appointments, a vote was taken with the following result:

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

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

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Item 7, being:

SUBMISSION OF THE PIONEER LIBRARY SYSTEM FYE 2010 ANNUAL BUDGET.

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

Items submitted for the record

1. Letter of transmittal dated May 29, 2009, from Anne Masters, Director, Pioneer Library System, to Brenda Hall, City Clerk
2. Pioneer Library System Budget, July 1, 2009 – June 30, 2010
3. Pioneer Library System Expenses, 2009/2010
4. Pioneer Library System Income, 2009/2010

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

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

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

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Item 8, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-0809-72, CONTRACT NO. K-0809-160, PERFORMANCE BOND NO. B-0809-76; STATUTORY BOND NO. B-0809-77, MAINTENANCE BOND NO. MB-0809-69, AND RESOLUTION NO. R-0809-154 FOR THE POLICE DEPARTMENT TRAINING FACILITY PROJECT.

Councilmember Cubberley moved that Request for Proposal No. RFP-0809-72 from Apollo Building Systems, Inc., for the Police Department Training Facility Project be accepted; Contract No. K-0809-160 in the amount of \$53,018 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-0809-154 be adopted, which motion was duly seconded by Councilmember Kovach;

Item 8, continued:

Items submitted for the record

1. Memorandum dated May 22, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council
2. Proposal summary dated May 20, 2009, for the construction of a Simunition/Scenario Training Area
3. Police Training Building Scope of Work
4. Contract No. K-0809-160
5. Performance Bond No. B-0809-76
6. Statutory Bond No. B-0809-77
7. Maintenance Bond No. MB-0809-69
8. Resolution No. R-0809-154
9. Purchase Requisition No. 0000157620 dated June 3, 2009, in the amount of \$53,018 to Apollo Building Systems, Inc.

and the question being upon accepting Request for Proposal No. RFP-0809-72 from Apollo Building Systems, Inc., for the Police Department Training Facility Project and upon the subsequent approval, directive, authorization, and adoption, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Request for Proposal No. RFP-0809-72 from Apollo Building Systems, Inc., for the Police Department Training Facility Project accepted; Contract No. K-0809-160 in the amount of \$53,018 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-0809-154 was adopted.

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Item 9, being:

CONSIDERATION OF REQUEST FOR PROPOSAL NO. RFP-0809-80, CONTRACT NO. K-0809-144, PERFORMANCE BOND NO. B-0809-70; STATUTORY BOND NO. B-0809-71, MAINTENANCE BOND NO. MB-0809-66, AND RESOLUTION NO. R-0809-143 FOR THE LITTLE AXE PARK SPORTS FIELD UPGRADE PROJECT AND BUDGET APPROPRIATION AND TRANSFER.

Councilmember Cubberley moved that Request for Proposal No. RFP-0809-80 from KC Electric Company for the Little Axe Park Sports Field Upgrade Project be accepted; Contract No. K-0809-144 in the amount of \$206,036 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; the execution of the contract be authorized; Resolution No. R-0809-143 be adopted; and \$11,605 be appropriated from the Capital Fund Balance (050-0000-253.20-00) and \$2,795 be transferred from Project No. PR0052, Bicycle Plan – Bike Path 08, Construction (050-9926-452.61-01) to Project No. PR0111, Little Axe Park Upgrades, Construction (050-9922-452.61-01), which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 12, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
2. Request for Proposal tabulation dated May 19, 2009, for the Little Axe Sports Field Lighting Upgrade Project
3. Contract No. K-0809-144
4. Performance Bond No. B-0809-70
5. Statutory Bond No. B-0809-71
6. Maintenance Bond No. MB-0809-66
7. Resolution No. R-0809-143

Item 9, continued:

and the question being upon accepting Request for Proposal No. RFP-0809-80 from KC Electric Company for the Little Axe Park Sports Field Upgrade Project and upon the subsequent approval, directive, authorization, adoption, appropriation, and transfer, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Request for Proposal No. RFP-0809-80 from KC Electric Company for the Little Axe Park Sports Field Upgrade Project accepted; Contract No. K-0809-144 in the amount of \$206,036 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; the execution of the contract was authorized; Resolution No. R-0809-143 was adopted; \$11,605 was appropriated from the Capital Fund Balance (050-0000-253.20-00) and \$2,795 was transferred from Project No. PR0052, Bicycle Plan – Bike Path 08, Construction (050-9926-452.61-01) to Project No. PR0111, Little Axe Park Upgrades, Construction (050-9922-452.61-01).

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Item 10, being:

CONSIDERATION AND AWARDING OF BID NO. 0809-81 FOR THE PURCHASE OF ONE (1) STEEL OPEN TOP LIVE FLOOR TRAILER FOR THE SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Cubberley moved that all bids meeting specifications be accepted and the bid in the amount of \$49,565 be awarded to STECO as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Kovach;

Items submitted for the record

1. Memorandum dated May 19, 2009, from Mike White, Fleet Management Superintendent, to Honorable Mayor and Councilmembers
2. Bid tabulation dated June 9, 2009, for one (1) new and unused steel open top live floor trailer

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

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

NAYES: None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$49,565 was awarded to STECO as the lowest and best bidder meeting specifications.

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Item 11, being:

CONSIDERATION AND AWARDING OF BID NO. 0809-82 FOR THE PURCHASE OF TWO (2) 62,000 GVWR TRUCK CHASSIS FOR THE STREET MAINTENANCE DIVISION.

Councilmember Cubberley moved that all bids meeting specifications be accepted and the bid in the amount of \$103,589 each for a total bid price of \$207,178 be awarded to Roberts Truck Center as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 19, 2009, from Mike White, Fleet Management Superintendent, to Honorable Mayor and Councilmembers
2. Bid tabulation dated May 19, 2009, for two (2) 62,000 GVWR truck chassis conventional cabs with slip nose tilt

Item 11, continued:

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of \$103,589 each for a total bid price of \$207,178 was awarded to Roberts Truck Center as the lowest and best bidder meeting specifications.

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Item 12, being:

CONSIDERATION AND AWARDING OF BID NO. 0809-84 FOR THE PURCHASE OF THE FOLLOWING MATERIALS FOR THE LINE MAINTENANCE DIVISION:

1. 1-1/2-INCH AGGREGATE BASE COARSE STONE
2. FILL SAND

Acting as the City of Norman and the Norman Utilities Authority, Councilmember Cubberley moved that all bids meeting specifications on Section 1 be accepted and the bid in the amount of \$10.95 per ton be awarded to Bernie Mathes Trucking, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 26, 2009, from David Hagar, Utilities Superintendent, to Chairman and Members, Norman Utilities Authority
2. Bid tabulation dated May 21, 2009, for 1 1/2-inch aggregate base coarse stone

and the question being upon accepting all bids meeting specifications on Section 1 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 1 accepted; and the bid in the amount of \$10.95 per ton was awarded to Bernie Mathes Trucking, Inc., as the lowest and best bidder meeting specifications.

Thereupon, Councilmember Cubberley moved that all bids meeting specifications on Section 2 be accepted and the bid in the amount of \$5.25 per ton be awarded to Sand Express, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 26, 2009, from David Hagar, Utilities Superintendent, to the Chairman and Members, Norman Utilities Authority
2. Bid tabulation dated May 21, 2009, for fill sand

and the question being upon accepting all bids meeting specifications on Section 2 and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications on Section 2 accepted; and the bid in the amount of \$5.25 per ton was awarded to Sand Express, Inc., as the lowest and best bidder meeting specifications.

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Item 13, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$1,000 FROM SAM’S CLUB FOUNDATION DONATED TO THE POLICE DEPARTMENT FOR THE ANNUAL CHILI SUPPER WITH PROCEEDS TO BE TRANSFERRED TO THE CHRISTMAS STORE.

Councilmember Cubberley moved that a donation in the amount of \$1,000 from Sam's Club Foundation donated to the Police Department for the Annual Chili Supper with proceeds to be transferred to the Christmas Store be accepted; General Fund, Donation/Organization (010-0000-365.13-73) be increased by \$1,000, and \$1,000 be appropriated to Miscellaneous Services/Contributions – Organizations (010-1087-411.47-41), which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 27, 2009, from Phil Cotten, Police Chief, to Honorable Mayor and City Councilmembers

and the question being upon accepting a donation in the amount of \$1,000 from Sam's Club Foundation donated to the Police Department for the Annual Chili Supper with proceeds to be transferred to the Christmas Store and upon the subsequent increase and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and a donation in the amount of \$1,000 from Sam's Club Foundation donated to the Police Department for the Annual Chili Supper with proceeds to be transferred to the Christmas Store accepted; General Fund, Donation/Organization (010-0000-365.13-73) was increased by \$1,000 and \$1,000 was appropriated to Miscellaneous Services/Contributions – Organizations (010-1087-411.47-41).

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Item 14, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING EASEMENTS FOR THE LITTLE RIVER INTERCEPTOR PROJECT, PHASE III:

<u>EASEMENT NO.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>	<u>COST</u>
E-0809-69	ESTATE OF KATIE LUCILLE MOORE	PERMANENT SANITARY SEWER	\$23,600
E-0809-70	STABLE RUN	PERMANENT SANITARY SEWER	\$32,500 PLUS DAMAGES OF \$12,500

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

Items submitted for the record

1. Memorandum dated May 13, 2009, from Mark Daniels, Utilities Engineer, to Honorable Mayor and Councilmembers
2. Easement No. E-0809-69
3. Memorandum dated May 11, 2009, from Mark Daniels, Utilities Engineer, to Honorable Mayor and Councilmembers
4. Easement No. E-0809-70
5. Location map

Item 14, continued:

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

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

NAYES: None

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

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Item 15, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING DONATED EASEMENTS FOR THE CAMPUS CORNER REVITALIZATION PROJECT:

<u>EASEMENT NO.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>
E-0809-92 E-0809-93	SMARTT HOLDINGS, L.L.C.	PERMANENT SIDEWALK
E-0809-94	SMARTT SEVEN THIRTY ASP, L.L.C.	PERMANENT SIDEWALK
E-0809-95	EMILIO AND SHEERON C. LORENZO SALINAS	PERMANENT SIDEWALK
E-0809-96	RICHARD AND LYNNE ALEXANDER	PERMANENT SIDEWALK
E-0809-97	JOSEPH WALDEN	PERMANENT SIDEWALK
E-0809-98	JUNEANN WADSWORTH MURPHY, L.L.C.	PERMANENT SIDEWALK
E-0809-99 E-0809-100	MOVING MOUNTAINS, L.L.C.	TEMPORARY CONSTRUCTION AND PERMANENT SIDEWALK
E-0809-101	FIRST PRESBYTERIAN CHURCH	TEMPORARY CONSTRUCTION
E-0809-102	VITTORIO BENSO	PERMANENT SIDEWALK

Councilmember Cubberley moved that the easements be accepted and the filing of the permanent easements with the Cleveland County Clerk and the temporary easements with the City Clerk be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 19, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and Councilmembers
2. Easement Nos. E-0809-92, E-0809-93, and E-0809-94
3. Easement Nos. E-0809-95, E-0809-96, E-0809-97, E-0809-98, and E-0809-99 with "Exhibit A," legal descriptions
4. Easement No. E-0809-100
5. Easement Nos. E-0809-101 and E-0809-102 with "Exhibit A," legal descriptions

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

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

NAYES: None

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

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Item 16, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0809-8 FOR LOT 17, BLOCK 3, BROOKHAVEN NO. 17 ADDITION. (4416 GREEN VIEW CIRCLE)

Councilmember Cubberley moved that Consent to Encroachment No. 0809-8 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 28, 2009, from Leah Bunney, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Consent to Encroachment No. 0809-8
3. Letter of request dated May 1, 2009, from Jared Cunningham, to City of Norman Clerk, with Exhibit "A," photos of marked utility lines; Exhibit "B," Survey No. 25625 revised July 30, 1992, by Steve Schuelein, Registered Land Surveyor, L.S. No. 1256, current configuration; and Exhibit "C," Annotated Survey No. 25625 revised July 30, 1992, by Steve Schuelein, Registered Land Surveyor, L.S. No. 1256, showing proposed encroachment
4. Memorandum dated May 1, 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
5. Memorandum dated May 13, 2009, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
6. Memorandum dated May 28, 2009, from Doug Koscinski, AICP, Manager of Current Planning, to Brenda Hall, City Clerk
7. Memorandum dated May 29, 2009, from Ken Danner, Development Manager, to Blaine Nice, Assistant City Attorney
8. Letter dated May 21, 2009, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner, Development Coordinator
9. Letter dated May 24, 2009, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
10. Letter dated May 26, 2009, from Jason Hamel, South Metro, Norman, Oklahoma, Field Specialist, Oklahoma Natural Gas Company, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Development Coordinator; Ken Komiske, Director of Utilities; and Brenda Hall, City Clerk
11. Letter dated May 26, 2009, from Terri Hayes, Manager – OSP Planning and Engineering Design, Norman/Noble Wire Centers, AT&T, to Whom It May Concern
12. Letter dated May 27, 2009, from Marshall Birchett, Right-of-Way Agent, Cox Communications, Inc., to Ken Danner, Planning and Community Development

and the question being upon approving Consent to Encroachment No. 0809-8 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. 0809-8 approved; and the filing thereof with the Cleveland County Clerk was directed.

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Item 17, being:

CONSIDERATION OF THE FOLLOWING LIMITED LICENSES:

LIMITED LICENSE NO. 0809-20: LIMITED LICENSE TO PLACE NINE (9) "DESIGNATE 7100" GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE UNITED WAY OF NORMAN.

LIMITED LICENSE NO. 0809-21: LIMITED LICENSE TO PLACE TWENTY-TWO (22) "GOAL-A-METER" GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE UNITED WAY OF NORMAN.

Councilmember Cubberley moved that Limited License No. 0809-20 to place nine (9) "Designate 7100" ground banners within the public rights-of-way pursuant to a request from the United Way of Norman be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 28, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
2. Application dated April 29, 2009, for Limited License for nine "Designate 7100" ground banners from the United Way of Norman with list of locations
3. Limited License No. 0809-20
4. Letter of request dated April 29, 2009, from Kristin Collins, President, United Way of Norman, to Brenda Hall, City Clerk

and the question being upon approving Limited License No. 0809-20 to place nine (9) "Designate 7100" ground banners within the public rights-of-way pursuant to a request from the United Way of Norman and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Limited License No. 0809-20 to place nine (9) "Designate 7100" ground banners within the public rights-of-way pursuant to a request from the United Way of Norman approved; and the issuance thereof was authorized.

Thereupon, Councilmember Cubberley moved that Limited License No. 0809-21 to place twenty-two (22) "Goal-A-Meter" ground banners within the public rights-of-way pursuant to a request from the United Way of Norman be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 28, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
2. Application dated April 29, 2009, for Limited License for twenty-two "Goal-A-Meter" ground banners from the United Way of Norman with list of locations
3. Limited License No. 0809-21
4. Letter of request dated April 29, 2009, from Kristin Collins, President, United Way of Norman, to Brenda Hall, City Clerk

and the question being upon approving Limited License No. 0809-21 to place twenty-two (22) "Goal-A-Meter" ground banners within the public rights-of-way pursuant to a request from the United Way of Norman and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Limited License No. 0809-21 to place twenty-two (22) "Goal-A-Meter" ground banners within the public rights-of-way pursuant to a request from the United Way of Norman approved; and the issuance thereof was authorized.

Item 18, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$4,567 FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE TO BE USED BY THE POLICE DEPARTMENT TO PURCHASE BULLETPROOF VESTS.

Councilmember Cubberley moved that a grant in the amount of \$4,567 from the United States Department of Justice/Bureau of Justice Assistance to be used by the Police Department to purchase bulletproof vests be accepted, Project No. GP0001, Bulletproof Vest Grant, Other Revenue (022-0000-331.13-23) be increased by \$4,567, and \$4,567 be appropriated to Uniform & Clothing/Safety & Protective (022-6032-421.35-02), which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 27, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council

and the question being upon accepting a grant in the amount of \$4,567 from the United States Department of Justice/Bureau of Justice Assistance to be used by the Police Department to purchase bulletproof vests and upon the subsequent increase and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and a grant in the amount of \$4,567 from the United States Department of Justice/Bureau of Justice Assistance to be used by the Police Department to purchase bulletproof vests accepted; Project No. GP0001, Bulletproof Vest Grant, Other Revenue (022-0000-331.13-23) was increased by \$4,567 and \$4,567 was appropriated to Uniform & Clothing/Safety & Protective (022-6032-421.35-02).

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Item 19, being:

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0809-3: BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND DOWNEY CONTRACTING, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$18,576.08 FOR THE COMPOST FACILITY RELOCATION PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET APPROPRIATION.

Acting as the Norman Municipal Authority, Trustee Cubberley moved that Change Order No. Two to Contract No. K-0809-3 with Downey Contracting, L.L.C., increasing the contract amount by \$18,576.08 and extending the contract by 60 calendar days be approved; the execution thereof be authorized; the project be accepted; final payment in the amount of \$103,851.98 to Downey Contracting, L.L.C., be directed; and \$34,389 be appropriated from the Sanitation Fund Balance (033-0000-253.00-00) to Project No. SA0003, Compost Facility Relocation, Construction (033-9975-432.61-01), which motion was duly seconded by Trustee Kovach;

Items submitted for the record

1. Memorandum dated May 10, 2009, from Jim Speck, Capital Projects Engineer, to Norman Municipal Authority
2. Letter dated June 1, 2009, from William R. Swain, P.E., P.L.S., Cardinal Engineering, Inc., to Mr. Jim Speck, P.E., P.L.S., Utilities Department
3. Change Order No. Two to Contract No. K-0809-3
4. Purchase Order No. 163506 dated August 21, 2008, in the amount of \$1,705,518.01, including Change Order No. One, adding Change Order No. Two in the amount of \$18,576.08 and subtracting partial payments totaling \$1,620,242.12, leaving a balance of \$103,851.97

and the question being upon approving Change Order No. Two to Contract No. K-0809-3 with Downey Contracting, L.L.C., increasing the contract amount by \$18,576.08 and upon the subsequent authorization, acceptance, directive, and appropriation, a vote was taken with the following result:

Item 19, continued:

YEAS:	Trustees Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Change Order No. Two to Contract No. K-0809-3 with Downey Contracting, L.L.C., increasing the contract amount by \$18,576.08 approved; the execution thereof was authorized; the project was accepted; final payment in the amount of \$103,851.98 to Downey Contracting, L.L.C., was directed; and \$34,389 was appropriated from the Sanitation Fund Balance (033-0000-253.00-00) to Project No. SA0003, Compost Facility Relocation, Construction (033-9975-432.61-01).

* * * * *

Item 20, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0809-53 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND H & H CONSTRUCTION FOR THE BASKETBALL COURT REPLACEMENT PROJECT FOR EASTRIDGE, SUNRISE, AND DOUBLETREE PARKS; REAVES PARK BASKETBALL COURT INSTALLATION PROJECT; AND KIWANIS PARK SIDEWALK PROJECT.

Councilmember Cubberley moved that the projects be accepted and final payment in the amount of \$2,394.71 to H & H Construction be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 11, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
2. Purchase Order No. 166462 dated November 12, 2008, in the amount of \$47,894.20 subtracting partial payments totaling \$45,499.49 leaving a balance of \$2,394.71

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

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the projects accepted; and final payment in the amount of \$2,394.71 to H & H Construction was directed.

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Item 21, being:

CONSIDERATION OF THE FOLLOWING CONTRACTS:

CONTRACT NO. K-0809-138: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, AND EST, INC., TO PROVIDE CONSTRUCTION TESTING SERVICES FOR A ONE YEAR PERIOD.

CONTRACT NO. K-0809-139: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, AND PROFESSIONAL SERVICE INDUSTRIES, INC., TO PROVIDE CONSTRUCTION TESTING SERVICES FOR A ONE YEAR PERIOD.

CONTRACT NO. K-0809-140: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN UTILITIES AUTHORITY, AND TERRACON CONSULTANTS, INC., TO PROVIDE CONSTRUCTION TESTING SERVICES FOR A ONE YEAR PERIOD.

Acting as the City Council and Norman Utilities Authority, Councilmember Cubberley moved that Contract No. K-0809-138 with EST, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Item 21, continued:

Items submitted for the record

- 1. Memorandum dated May 19, 2009, from Lonnie Ferguson, Capital Projects Manager, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0809-138 with Attachment A, Testing Work Scope and Fee Schedule

and the question being upon approving Contract No. K-0809-138 with EST, Inc., and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-138 with EST, Inc., approved; and the execution thereof was authorized.

Thereupon, Councilmember Cubberley moved that Contract No. K-0809-139 with Professional Service Industries, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated May 19, 2009, from Lonnie Ferguson, Capital Projects Manager, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0809-139 with Attachment A, Testing Work Scope and Fee Schedule

and the question being upon approving Contract No. K-0809-139 with Professional Service Industries, Inc., and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-139 with Professional Service Industries, Inc., approved; and the execution thereof was authorized.

Thereupon, Councilmember Cubberley moved that Contract No. K-0809-140 with Terracon Consultants, Inc., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

- 1. Memorandum dated May 19, 2009, from Lonnie Ferguson, Capital Projects Manager, to Honorable Mayor and Councilmembers
- 2. Contract No. K-0809-140 with Attachment A, Testing Work Scope and Fee Schedule

and the question being upon approving Contract No. K-0809-140 with Terracon Consultants, Inc., and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-140 with Terracon Consultants, Inc., approved; and the execution thereof was authorized.

Item 22, being:

CONTRACT NO. K-0809-150: AN AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PLAINS PIPELINE, L.P. IN THE AMOUNT OF \$47,384.89 TO RELOCATE A PIPELINE IN CONNECTION WITH THE EAST ROCK CREEK ROAD WIDENING PROJECT.

Councilmember Cubberley moved that Contract No. K-0809-150 with Plains Pipeline, L.P., in the amount of \$47,384.89 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 26, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Contract No. K-0809-150 with Exhibit A, Proposed Construction Plans, and Exhibit B, Actual Costs and City's Share of Costs
3. Invoice No. 11264MAR2009 dated April 30, 2009, in the amount of \$47,384.89 from Plains All American Pipeline, L.P.
4. Purchase Requisition No. 0000157473 dated June 1, 2009, in the amount of \$47,384.89 to Plains Pipeline, L.P.

and the question being upon approving Contract No. K-0809-150 with Plains Pipeline, L.P., in the amount of \$47,384.89 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-150 with Plains Pipeline, L.P. in the amount of \$47,384.89 approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-0809-159: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MACARTHUR ASSOCIATED CONSULTANTS, L.L.C., IN THE AMOUNT OF \$368,125 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE TECUMSEH ROAD WIDENING PROJECT, PHASE II, 60TH AVENUE N.W. BETWEEN TECUMSEH ROAD AND INDIAN HILLS ROAD, AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that Contract No. K-0809-159 with MacArthur Associated Consultants, L.L.C., in the amount of \$368,125 be approved, the execution thereof be authorized, Other Revenue/ODOT Reimbursement (050-0000-334.13-19) be increased by \$75,000, and \$75,000 be appropriated from Other Revenue/ODOT Reimbursement (050-0000-334.13-19) and \$293,125 from Capital Fund Balance (050-0000-253.20-00) to Project No. TR0054, Tecumseh/60th Widening, Design (050-9964-431.62-01), which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 19, 2009, from Lonnie Ferguson, Capital Projects Manager, to Honorable Mayor and Councilmembers
2. Contract No. K-0809-159 with Attachment "A," Scope of Services; Attachment "B," Schedule; Attachment "C," Compensation; Attachment "D," Owner's Responsibilities; Attachment "E," Roadway Engineering Contract Cost Proposal; and Attachment "F," Survey Scope; Attachment "G," Environmental Impact; Attachment "H," Traffic Engineering Cost Estimate; and Attachment "I," Geotechnical Investigation
3. Location map
4. Purchase Requisition No. 0000157150 dated May 22, 2009, in the amount of \$368,125 to MacArthur Associated Consultants, L.L.C.

Item 23, continued:

and the question being upon approving Contract No. K-0809-159 with MacArthur Associated Consultants, L.L.C., in the amount of \$368,125 and upon the subsequent authorization, increase, and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No K-0809-159 with MacArthur Associated Consultants, L.L.C., in the amount of \$368,125 approved; the execution thereof was authorized, Other Revenue/ODOT Reimbursement (050-0000-334.13-19) was increased by \$75,000, and \$75,000 was appropriated from Other Revenue/ODOT Reimbursement (050-0000-334.13-19) and \$293,125 from Capital Fund Balance (050-0000-253.20-00) to Project No. TR0054, Tecumseh/60th Widening, Design (050-9964-431.62-01).

* * * * *

Item 24, being:

CONTRACT NO. K-0809-163: A PIPELINE LICENSE BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BNSF RAILWAY COMPANY IN THE AMOUNT OF \$3,500 IN CONNECTION WITH FOR THE CEDAR LANE ADDITION, SECTION 1, WATER LINE IMPROVEMENTS.

Councilmember Cubberley moved that Contract No K-0809-163, a pipeline license, with BNSF Railway Company in the amount of \$3,500 be approved, the execution of the contract be authorized, and payment in the amount of \$3,500 from the developer be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 22, 2009, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Contract No. K-0809-163 with Exhibit "A," location map
3. Check No. 1026 dated April 2, 2009, in the amount of 3,500 to BNSF Railway Company from Cedar Lane, L.L.C.

and the question being upon approving Contract No. K-0809-163, a pipeline license, with BNSF Railway Company in the amount of \$3,500 and upon the subsequent authorization and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No. K-0809-163, a pipeline license, with BNSF Railway Company in the amount of \$3,500 approved; the execution of the contract was authorized and payment in the amount of \$3,500 from the developer was directed.

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Item 25, being:

RESOLUTION NO. R-0809-153: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$13,500 FROM THE ROOM TAX FUND BALANCE TO BE USED BY THE NORMAN ARTS COUNCIL FOR OPERATIONAL EXPENSES.

Councilmember Cubberley moved that Resolution No. R-0809-153 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Memorandum dated May 26, 2009, from Anthony Francisco, Finance Director, to Honorable Mayor and City Councilmembers
2. Letter of request dated May 11, 2009, from Rick Fry, Executive Director, Norman Arts Council, to Honorable Mayor Cindy Rosenthal and Councilmembers
3. Norman Arts Council Income Statement, NAC Administration, for the Ten Months Ended April 30, 2009
4. City of Norman Annual Budget, Norman Arts Council, Fiscal Year Ending 2009 Budget
5. Resolution No. R-0809-153

and the question being upon adopting Resolution No. R-0809-153, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-153 was adopted.

* * * * *

Item 26, being:

PROCLAMATION NO. P-0809-34: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THURSDAY, JUNE 18, 2009, AS DUMP THE PUMP DAY IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-0809-34 proclaiming Thursday, June 18, 2009, as Dump the Pump Day in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Proclamation No. P-0809-34

Participants in discussion

1. Mr. Kris Glenn, Marketing and Public Relations Specialist, and Mr. Cody Ponder, Planner and Grant Specialist, University of Oklahoma Parking and Transportation, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-34 proclaiming Thursday, June 18, 2009, as Dump the Pump Day in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-34 proclaiming Thursday, June 18, 2009, as Dump the Pump Day in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 27, being:

PROCLAMATION NO. P-0809-35: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, JUNE 13, 2009, AS THE 40TH ANNIVERSARY CELEBRATION FOR THE CENTER FOR CHILDREN AND FAMILIES.

Councilmember Cubberley moved that receipt of Proclamation No. P-0809-35 proclaiming Saturday, June 13, 2009, as the 40th Anniversary Celebration for the Center for Children and Families be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Proclamation No. P-0809-35

Participants in discussion

1. Ms. Jennifer Newell, Board President, Center for Children and Families, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-35 proclaiming Saturday, June 13, 2009, as the 40th Anniversary Celebration for the Center for Children and Families and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-35 proclaiming Saturday, June 13, 2009, as the 40th Anniversary Celebration for the Center for Children and Families acknowledged; and the filing thereof was directed.

* * * * *

Item 28, being:

CONSIDERATION OF ADOPTION OF THE FYE 2010 CITY OF NORMAN PROPOSED OPERATING AND CAPITAL BUDGETS.

Councilmember Cubberley moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. City of Norman, Oklahoma, Fiscal Year Ending 2010 Annual Budget summary of Fund Balances
2. The City of Norman, Oklahoma, Budget, Fiscal Year Ending June 30, 2010, Financial Plan – Fiscal Year Ending 2010-2014

Thereupon, Councilmember Butler moved to amend the FYE 2010 City of Norman Proposed Operating and Capital Budget to add Association of Central Oklahoma Governments grant revenue of \$114,000 for Compressed Natural Gas (CNG) fleet conversion of two refuse haulers to the Sanitation Fund, which motion was duly seconded by Councilmember Kovach;

Participants in discussion

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

and the question being upon amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets were amended as stated above, a vote was taken with the following result:

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

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets were amended as stated above.

Item 28, continued:

Thereupon, Councilmember Kovach moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended by deleting the Sanitation Container Maintenance Facility Project of \$400,000 in the Sanitation Fund, which motion was duly seconded by Councilmember Dillingham; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

Thereupon, Councilmember Quinn moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended by deleting \$275,000 from the Capital Fund in FYE 2010 proposed for Cleveland Area Rapid Transit (CART) vehicles (anticipated matching grant funds were not approved), which motion was duly seconded by Councilmember Kovach; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

Thereupon, Councilmember Kovach moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended to add \$90,000 to the General Fund beginning in FYE 2010 for an additional CART route; which motion was duly seconded by Councilmember Butler; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

Thereupon, Councilmember Cubberley moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended to add projected bond proceeds of \$15,200,000 in FYE 2012 and debt service of \$1,341,750 per year beginning in FYE 2012 to the Sewer New Development Excise Tax Fund capital improvement plan for the anticipated expansion of the Wastewater Treatment Plant, which motion was duly seconded by Councilmember Griffith; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

Item 28, continued:

Thereupon, Councilmember Cubberley moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended to add \$8,565,000 in capital improvement expenditures; \$845,000 in debt service expenditures; \$6,852,000 in projected State Revolving Fund Loan proceeds revenue; \$1,713,000 in Federal Environmental Protection Agency grant proceeds revenue; and \$2,740,800 in transfer revenue from the Sewer Sales Tax Fund; all in the Wastewater New Development Excise Tax Fund, for rehabilitation and improvements to Sewer Lift Station D and transfer expenditures of \$2,740,800 in the Sewer Sales Tax Fund to the Wastewater New Development Excise Tax Fund, which motion was duly seconded by Councilmember Kovach;

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance

and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were amended as stated above.

Thereupon, Councilmember Dillingham moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended to add \$326,856 to the Community Development Block Grant Fund revenue for the Neighborhood Stabilization Program grant in FYE 2010, which motion was duly seconded by Councilmember Quinn; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

Thereupon, Councilmember Dillingham moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended to increase the Community Development Block Grant Fund revenues and expenditures by \$76,691 to account for new information received from the Federal Government and add expenditures of \$229,233 for the Eufaula Street capital improvement project as part of the American Recovery and Reinvestment Act (or CDBG-R) stimulus allocation, which motion was duly seconded by Councilmember Kovach; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

Item 28, continued:

Thereupon, Councilmember Griffith moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended by reducing \$1,293,397 of the FYE 2010 allocation to the Robinson Railroad Grade Separation Project (Pay-As-You-Go) from the Capital Fund, which motion was duly seconded by Councilmember Cubberley; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

Thereupon, Councilmember Butler moved that the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, be further amended to increase the CNG facility project budget by \$33,641 in FYE 2010, which motion was duly seconded by Councilmember Kovach; and the question being upon further amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, as stated above, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets were amended as stated above.

Thereupon, Councilmember Quinn moved that the FYE 2010 City of Norman Proposed Operation and Capital Budgets be amended to make typographical and minor numerical corrections, with no financial impact to the FYE 2010 Budget, to the budget document as required, which motion was duly seconded by Councilmember Kovach, which motion was duly seconded by Councilmember Cubberley; and the question being upon amending the FYE 2010 City of Norman Proposed Operating and Capital Budgets were amended as stated above, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were further amended as stated above.

and the question being upon adopting the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 City of Norman Proposed Operating and Capital Budgets, as amended, were adopted.

With the concurrence of Council, Item 33 was considered prior to Item 29.

Item 33, being:

ORDINANCE NO. O-0809-47: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 21-110 OF CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR RATES FOR UTILITY SERVICES TO BE CHARGED TO NONRESIDENT USERS; ADDING SECTION 21-117 TO CHAPTER 21 OF THE CODE OF THE CITY OF NORMAN PROVIDING FOR CONTRACTS FOR WATER WITH NONRESIDENT USERS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-0809-47 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 26, 2009, Councilmember Cubberley moved that Ordinance No. O-0809-47 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Memorandum dated April 28, 2009, from Kathryn L. Walker, Assistant City Attorney II, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
- 2. Ordinance No. O-0809-47
- 3. Legislatively notated copy of Ordinance No. O-0809-47
- 4. City Council Planning Committee minutes of September 26, 2008

Participants in discussion

- 1. Ms. Kathryn Walker, Assistant City Attorney
- 2. Mr. Richard Stawicki, 2614 South Berry Road, made comments
- 3. Mr. Jeff Bryant, City Attorney
- 4. Ms. Leann Clements, 9401 Benny Bruce Street, asked questions

and the question being upon adopting Ordinance No. O-0809-47 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-0809-47 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-0809-47 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-0809-47 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-0809-47 was adopted upon Final Reading as a whole.

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Item 29, being:

CONTRACT NO. K-0809-149: AN AGREEMENT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND THE GOLDSBY WATER AUTHORITY TO SUPPLY POTABLE WATER TO THE TOWN OF GOLDSBY FOR A PERIOD OF TWENTY (20) YEARS.

Acting as the Norman Utilities Authority, Trustee Griffith moved that Contract No. K-0809-149 with the Goldsby Water Authority to supply potable water to the Town of Goldsby for a period of twenty years be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Memorandum dated May 13, 2009, from Kathryn L. Walker, Assistant City Attorney II, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
2. Contract No. K-0809-149 with Attachment A, location map
3. Pertinent excerpts from City Council Conference minutes of August 26, 2008
4. City Council Planning Committee minutes of September 26, 2008
5. Pertinent excerpts from City Council Conference minutes of May 12, 2009
6. Oklahoma Statutes Title § 11 37-119, Contracts for Water – Provision for modification of rates – Outside users subject to rationing program for municipality and City of Norman Charter, Article XII, Ordinances, submitted by Richard Stawicki

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Ms. Kathryn Walker, Assistant City Attorney
3. Mr. Richard Stawicki, 2614 South Berry Road, protestant
4. Mr. Bobby Stevens, 3801 108th Avenue S.E., protestant

Thereupon, Trustee Quinn moved that Contract No. K-0809-149 with the Goldsby Water Authority be postponed until a cost benefit analysis study is completed, which motion was duly seconded by Trustee Kovach;

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities

and the question being upon postponing Contract No. K-0809-149 with the Goldsby Water Authority until a cost benefit analysis study is completed, a vote was taken with the following result:

YEAS:	Trustees Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-0809-149 with the Goldsby Water Authority was postponed until a cost benefit analysis study is completed.

* * * * *

Item 30, being:

ORDINANCE NO. O-0809-45: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SECTION 460 OF CHAPTER 22 OF THE CITY OF NORMAN SO AS TO AMEND THE PLANNED UNIT DEVELOPMENT APPROVED WITH ORDINANCE NO. O-0001-13, THE NRH MEDICAL PARK WEST PLANNED UNIT DEVELOPMENT, TO AMEND THE NUMBER OF LOTS AND THE USES ALLOWED FOR A TRACT OF LAND LYING WITHIN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTH OF TECUMSEH ROAD BETWEEN 36TH AVENUE N.W. AND I-35 SERVICE ROAD)

Ordinance No. O-0809-45 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 26, 2009, Councilmember Kovach moved that Ordinance No. O-0809-45 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Item 30, continued:

Items submitted for the record

1. Memorandum dated May 15, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
2. Ordinance No. O-0809-45 with Exhibit A, site development plan
3. Location map
4. Staff Report dated May 14, 2009, recommending approval
5. NRH Medical Park West PUD Development Plan, May, 2009, Revision, dated May 13, 2009, submitted by H. L. Heiple, Attorney/Agent for applicant
6. Medical Park West Design Guidelines prepared by Lockard Development, Inc., and Durant Group, Inc., for NRH Medical Park West, L.L.C.
7. Pertinent excerpts from Planning Commission minutes of May 14, 2009

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
2. Mr. David Wilson, Lockard Development, Inc., 4501 Prairie Parkway, Cedar Falls, Iowa, design consultant representing the applicant
3. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions

and the question being upon adopting Ordinance No. O-0809-45 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-0809-45 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-0809-45 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-0809-45 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-0809-45 was adopted upon Final Reading as a whole.

* * * * *

Item 31, being:

ORDINANCE NO. O-0809-46: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING EASEMENTS, BUILDING SETBACK LINES, LANDSCAPE BUFFERS, LOT LINES, AND BLOCK LINES WITHIN NRH MEDICAL PARK WEST ADDITION TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTH OF TECUMSEH ROAD BETWEEN 36TH AVENUE N.W. AND I-35 SERVICE ROAD)

Ordinance No. O-0809-46 having been Introduced and adopted upon First Reading by title in City Council's meeting of May 26, 2009, Councilmember Quinn moved that Ordinance No. O-0809-46 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Butler;

Items submitted for the record

1. Memorandum dated May 15, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
2. Ordinance No. O-0809-46
3. Location map
4. Memorandum dated May 14, 2009, from Doug Koscinski, AICP, Manager of Current Planning Division, and Ken Danner, Development Coordinator, to Chairman and Members, Norman Planning Commission
5. Pertinent excerpts from Planning Commission minutes of May 14, 2009

Item 31, continued:

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
2. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions

and the question being upon adopting Ordinance No. O-0809-46 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-0809-46 was adopted upon Second Reading section by section.

Thereupon, Councilmember Quinn moved that Ordinance No. O-0809-46 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Cubberley; and the question being upon adopting Ordinance No. O-0809-46 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-0809-46 was adopted upon Final Reading as a whole.

* * * * *

Item 32, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR NRH MEDICAL PARK WEST ADDITION, A PLANNED UNIT DEVELOPMENT, AND WAIVER OF ALLEY REQUIREMENTS.

Councilmember Kovach moved that the revised preliminary plat and waiver of alley requirements for NRH Medical Park West Addition, a Planned Unit Development, be approved, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated May 22, 2009, from Angelo Lombardo, Traffic Engineer, and Ken Danner, Development Coordinator, to Honorable Mayor and Councilmembers
2. Location map
3. Preliminary plat
4. Preliminary site development plan
5. Staff Report dated May 14, 2009, recommending approval
6. Letter requesting alley waiver dated April 9, 2009, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Jim Gasaway, Chairman, Planning Commission
7. Traffic Study Update revised April, 2009, dated April 13, 2009, prepared by Steven D. Hofener, P.E., PTOE, Oklahoma P.E. No. 11993, CA No. 1160, Traffic Engineering Consultants, Inc.
8. Pertinent excerpts from Planning Commission minutes of May 14, 2009

Participants in discussion

1. Mr. Harold Heiple, 218 East Eufaula Street, attorney representing the applicant
2. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions

and the question being upon approving the revised preliminary plat and waiver of alley requirements for NRH Medical Park West Addition, a Planned Unit Development, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the revised preliminary plat and waiver of alley requirements for NRH Medical Park West Addition, a Planned Unit Development, were approved.

* * * * *

With concurrence of Council, Item 33 was considered before Item 29.

Item 34, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(3) IN ORDER TO DISCUSS THE ACQUISITION OF REAL PROPERTY ASSOCIATED WITH THE ROCK CREEK ROAD OVERPASS PROJECT.

Councilmember Kovach moved that the Council meeting be adjourned out of and an Executive Session be convened into in order to discuss the acquisition of real property associated with the Rock Creek Road Overpass Project, which motion was duly seconded by Councilmember Dillingham; and the question being upon adjourning out of the Council meeting and convening into an Executive Session in order to discuss the acquisition of real property associated with the Rock Creek Road Overpass Project, a vote was taken with the following result:

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

The Mayor declared the motion carried and the Council meeting adjourned out of; and an Executive Session was convened into in order to discuss the acquisition of real property associated with the Rock Creek Road Overpass Project.

The City Council adjourned into Executive Session at 9:03 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Mr. Blaine Nice, Assistant City Attorney; Ms. Kathryn Walker, Assistant City Attorney; Mr. Allan Brooks and Mr. Nate Ellis, Public Law Finance Group, bond counsel; Mr. Shawn O’Leary, Director of Public Works; and Mr. Al Atkins, Councilmember-Elect, were in attendance at the Executive Session.

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

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

The Mayor declared the motion carried and Executive Session adjourned out of; and the Council meeting was reconvened at 10:35 p.m.

The Mayor said the acquisition of real property associated with the Rock Creek Road Overpass Project was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

Item 35, being:

CONSIDERATION OF ACCEPTANCE OF THE FOLLOWING DONATED EASEMENTS IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT:

<u>EASEMENT NO.- PARCEL NO.</u>	<u>GRANTOR</u>	<u>EASEMENT</u>
E-0809-103 PARCEL 3.1	UNIVERSITY NORTH PARK, L.L.C.	PERMANENT PUBLIC HIGHWAY
E-0809-104 PARCEL NO. 4.0	UNIVERSITY TOWN CENTER L.L.C.	PERMANENT PUBLIC HIGHWAY
E-0809-105 PARCEL NO. 3.0	UNIVERSITY NORTH PARK, L.L.C.	PERMANENT PUBLIC HIGHWAY

Councilmember Kovach moved that the easements be accepted and filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Item 35, continued:

Items submitted for the record

- 1. Memorandum dated May 29, 2009, from Kathryn L. Walker, Assistant City Attorney II, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
- 2. Easement Nos. E-0809-103, E-0809-104, and E-0809-105 with Exhibit "A," location maps

Participants in discussion

- 1. Mr. Jeff Bryant, City Attorney

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

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

NAYES: None

The Mayor declared the motion carried and the easements accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 36, being:

RESOLUTION NO. R-0809-116: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, FOR AN APPROXIMATELY 30-ACRE TRACT OF LAND LYING WITHIN THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 NORTH, RANGE 3 WEST, THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, FROM THE LOW-DENSITY RESIDENTIAL DESIGNATION TO THE COMMERCIAL DESIGNATION (LOCATED AT THE NORTHEAST CORNER OF 36TH AVENUE N.W. AND ROCK CREEK ROAD). LAND USE PLAN AMENDMENT NO. LUP-0809-11

Councilmember Quinn moved that Resolution No. R-0809-116, Land Use Plan Amendment No. LUP-0809-11, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated June 4, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to the Honorable Mayor and Councilmembers
- 2. Resolution No. R-0809-116, Land Use Plan Amendment No. LUP-0809-11

Participants in discussion

- 1. Mr. Harold Heiple, 218 East Eufaula, attorney representing the applicant
- 2. Ms. Kathryn Walker, Assistant City Attorney

and the question being upon adopting Resolution No. R-0809-116, Land Use Plan Amendment No. LUP-0809-11, and upon the subsequent amendment, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-0809-116, Land Use Plan Amendment No. LUP-0809-11, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 37, being:

CONTRACT NO. K-0809-168: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND S & S FAMILY PROPERTIES, L.L.C., FOR THE ACQUISITION OF REAL PROPERTY IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT AND ACCEPTANCE OF TEMPORARY EASEMENT NO. E-0809-106 AND WARRANTY DEEDS.

Councilmember Kovach moved that Contract No. K-0809-168 with S & S Family Properties, L.L.C., in the amount of \$286,400 be approved; execution of the contract be authorized; Temporary Easement No. E-0809-106 be accepted; the filing of the temporary easement with the City Clerk and the warranty deeds with the Cleveland County Clerk be directed thereby constituting acceptance; and City Staff be authorized to take the necessary steps to acquire the property and execute the documents related thereto, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Memorandum dated June 4, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Contract No. K-0809-168
3. Owner’s Reservations and Covenants
4. Warranty deeds with Exhibit “A,” location maps
5. Temporary Easement No. E-0809-106 with Exhibit “A,” location map

and the question being upon approving Contract No. K-0809-168 with S & S Family Properties, L.L.C., in the amount of \$286,400 and upon the subsequent authorizations, acceptance, and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-168 with S & S Family Properties, L.L.C., in the amount of \$286,400 approved; execution of the contract was authorized; Temporary Easement No. E-0809-106 was accepted; the filing of the temporary easement with the City Clerk and the warranty deeds with the Cleveland County Clerk was directed thereby constituting acceptance; and City Staff was authorized to take the necessary steps to acquire the property and execute the documents related thereto.

* * * * *

Item 38, being:

CONTRACT NO. K-0809-169: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TERRE VERDE L.L.C., FOR THE ACQUISITION OF REAL PROPERTY IN CONNECTION WITH THE ROCK CREEK ROAD OVERPASS PROJECT AND ACCEPTANCE OF THE WARRANTY DEED.

Councilmember Quinn moved that Contract No. K-0809-169 with Terre Verde, L.L.C., in the amount of \$1,189,869 be approved, execution of the contract be authorized, the filing of the warranty deed with the Cleveland County Clerk be directed thereby constituting acceptance, and City Staff be authorized to take the necessary steps to acquire the property and execute the documents related thereto, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Memorandum dated June 4, 2009, from R. Blaine Nice, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Contract No. K-0809-169
3. Warranty deed with Exhibit “A,” location map

Item 38, continued:

and the question being upon approving Contract No. K-0809-169 with Terre Verde, L.L.C., in the amount of \$1,189,869 and upon the subsequent authorizations and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-169 with Terre Verde, L.L.C., in the amount of \$1,189,869 approved; execution of the contract was authorized, the filing of the warranty deed with the Cleveland County Clerk was directed thereby constituting acceptance, and City Staff was authorized to take the necessary steps to acquire the property and execute the documents related thereto.

* * * * *

MISCELLANEOUS DISCUSSION

Sewer Sales Tax. Mr. Charles Schindler, 2000 Morgan Drive, said he had sent a certified letter to the City inquiring as to the balance of the \$8.2 million sewer sales tax that was identified to be used on a north side sewer treatment plant. He said his letter asked where the money was being held and if it had been spent, a list of projects the monies had been used for, and the accumulated interest rate. He said the response he received did not answer his questions so he sent a second request. He said he received a response explaining that the information was voluminous and that he should come to the City to examine the information. He said an attorney acting on his behalf went to the City and brought back approximately 45 pages of information. He said he, as well as the public, were entitled to know what has been done with this money and he hoped Council would encourage administration to disclose this information.

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Signage on Highway Nine. Mr. Bobby Stevens, 3801 108th Avenue S.E., said the deer signs on East Highway 9 he requested fifteen months ago have now been installed and expressed his frustration with the amount of time it took to place them. He said he appreciated the assistance of the Norman Transcript and Representative Scott Martin because he asked for their help when he found out the Oklahoma Department of Transportation (ODOT) was only authorized to install signage on State Highways.

Mayor Rosenthal said ODOT was contacted each time Mr. Stevens made a request.

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Arbitration Hearing for Discharge of a Police Officer. Mr. John Terry, Sr., 950 75th Avenue S.E., said he attended a recent arbitration hearing, which was open to the public and questioned the City's justification for appealing the arbitration award. He said during the arbitration issue, the Fraternal Order of Police (FOP) Lodge No. 1022 submitted a "vote of no confidence" for Police Chief Phil Cotten and asked for clarification for the Police Chief's statements regarding the vote.

Mr. John L. West, 510 Reese Road, Noble, said City Charter provides that Council may direct the manager, by resolution, to investigate charges of misconduct or incompetence against any City employee and report the results of that investigation and asked whether the conduct of the administration of the Police Department was being investigated as well as those who appealed the arbitrator's decision.

Mr. Joel Formby, President of FOP No. 1022, said there were other issues besides the appeal to the arbitration hearing that led to the FOP's vote of "vote of no confidence" for the Police Chief. He said the FOP was also asking for a response to Police administration's policy changes made two years ago to the ranking process within the Police Department as well as issues regarding the Community Oriented Policing Program. He said before placing the question of "vote of confidence/vote of no confidence" on the ballot, FOP membership were asked several questions about the effectiveness of the Police Chief's leadership abilities and after the vote, it was clear that his leadership was not where it should be. He said the FOP wants assurance there is a level playing field when it comes to the treatment of the FOP membership.

Mayor Rosenthal asked the City Manager for comments regarding this issue.

Miscellaneous Discussion, continued:

Arbitration Hearing for Discharge of a Police Officer, continued. Mr. Steve Lewis, City Manager, said Oklahoma law permits Judicial Review of labor arbitration decisions and the existing collective bargaining agreement between the City of Norman and the FOP provides that either the City or the FOP can appeal a ruling of an arbitrator. He said City administration believes that the arbitration decision, which was based solely on the arbitrator’s view of a procedural issue does not follow the collective bargaining agreement and the arbitrator exceeded the scope of his authority in the decision. The arbitrator focused on the procedure followed by the Police Department for the review of employee conduct for the possible discipline, but did not address the merits of the discipline itself. The City discharged Officer John Terry from employment only after a thorough investigation by a five-person Board of Inquiry from the Police Department giving him opportunity to respond to the allegations against him. This board found the officer violated the Police Department policies and procedures by his actions and his supervisors and the Command Staff recommended disciplinary procedures. He said Mr. Terry received a full evidentiary hearing and was allowed to call witnesses and present evidence on his behalf. The failure of the arbitrator to address the merits of conduct and discipline leave unanswered the substantive issues of the arbitration. He said with respect to the “vote of no confidence,” there were 49 votes in favor of the “vote of no confidence” and 48 votes against. He said until tonight, City administration had received no formal communication regarding the details of this “vote of no confidence.” He said the City of Norman takes very seriously employee opinions about City leadership and in the past, Chief Cotten has met and is open to future meetings with FOP officers, as well as the membership. He said Chief Cotten has always strived to maintain a harmonious and stable relationship with the officers and the FOP on matters within his responsibility. He said Chief Cotten has worked to improve the Police Department and to assist officers in performing their duties. In 2008, Chief Cotten played a significant role in presenting the Police Department and police officers’ issues to the community which led to the successful passage of the Public Safety Sale Tax, which generated funding for staffing.

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Shop Norman. Councilmember Quinn reminded citizens to “Shop Norman” every chance they get.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 11:30 p.m.

ATTEST:

City Clerk

Mayor