

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

June 23, 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 23rd 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, Ezzell, Griffith, Kovach,
Quinn, Thompson, Mayor Rosenthal

ABSENT: None

The Pledge of Allegiance was led by Mayor Rosenthal.

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Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 26 excluding Item 11 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Cubberley; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 26 excluding Item 11, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 4 through Item 26 excluding Item 11 were placed on the consent docket by unanimous vote.

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Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

JOINT CITY COUNCIL/PLANNING COMMISSION MINUTES OF JUNE 2, 2009
CITY COUNCIL SPECIAL SESSION MINUTES OF JUNE 2, 2009
CITY COUNCIL CONFERENCE MINUTES OF JUNE 9, 2009
CITY COUNCIL MEETING MINUTES OF JUNE 9, 2009
NORMAN UTILITIES AUTHORITY MINUTES OF JUNE 9, 2009
NORMAN MUNICIPAL AUTHORITY MINUTES OF JUNE 9, 2009
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JUNE 9, 2009
CITY COUNCIL STUDY SESSION MINUTES OF JUNE 16, 2009

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

Items submitted for the record

1. Joint City Council/Planning Commission minutes of June 2, 2009
2. City Council Special Session minutes of June 2, 2009
3. City Council Conference minutes of June 9, 2009
4. City Council minutes of June 9, 2009
5. Norman Utilities Authority minutes of June 9, 2009
6. Norman Municipal Authority minutes of June 9, 2009
7. Norman Tax Increment Finance Authority minutes of June 9, 2009
8. City Council Study Session minutes of June 16, 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, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the minutes approved; and the filing thereof was directed.

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Item 5, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

GREENBELT COMMISSION

TERM: 07-13-09 TO 07-13-12: GEOFF CANTY, 7150 EAST ROCK CREEK

NORMAN CONVENTION AND VISITORS BUREAU

TERM: 06-23-09 TO 07-31-10: JEFF MARLEY, 3200 CREEKWOOD COURT

BOARD OF PARKS COMMISSIONERS

TERM: 06-23-09 TO 01-01-13: CHRIS JINGOZIAN, 309 NORTH FLOOD

PLANNING COMMISSION

TERM: 06-23-09 TO 11-01-13: CHRIS LEWIS, 221 SUMMIT RIDGE CT.

HUMAN RIGHTS COMMISSION

TERM: 07-13-09 TO 07-13-12: CLINT WILLIAMS, 105 1/2 SOUTH JONES

TERM: 07-13-09 TO 07-13-12: MARY DRYWATER, 1707 SHEFFIELD CIR.

TERM: 07-13-09 TO 07-13-12: JOSE DELA CRUZ, 418 N. CRAWFORD

TERM: 06-23-09 TO 07-13-10: CHARLOTTE GORDON, 212 SANDSTONE

TREE BOARD

TERM: 06-23-09 TO 05-14-12: BOB PAINE, 3113 GREENWOOD COURT

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

YEAS:	Councilmembers Butler, Cubberley, Ezzell, Dillingham, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the appointments were confirmed.

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Item 6, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENT AS FOLLOWS AND ADOPTION OF THE ACCOMPANYING RESOLUTION:

CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT
TERM: 06-23-09 TO 06-28-10: ROGER FRECH, 2914 TRAILRIDGE DRIVE

RESOLUTION NO. R-0809-157: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPOINTING ROGER FRECH TO THE CENTRAL OKLAHOMA MASTER CONSERVANCY DISTRICT.

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

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

The Mayor declared the motion carried and the appointment was confirmed.

Thereupon, Councilmember Cubberley moved that Resolution No. R-0809-157 be adopted, which motion was duly seconded by Councilmember Dillingham:

- Items submitted for the record
1. Resolution No. R-0809-157

and the question being upon adopting Resolution No. R-0809-157, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-0809-157.

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Item 7, being:

SUBMISSION OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF MAY 31, 2009.

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

- Items submitted for the record
1. Finance Director's Investment Report of May 31, 2009

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

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

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

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Item 8, being:

SUBMISSION OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF MAY, 2009.

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

Items submitted for the record

- 1. Monthly Departmental Reports for the month of May, 2009

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

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

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Item 9, being:

SUBMISSION OF A FINAL REPORT FROM THE ENFORCEMENT AUTHORITY.

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

Items submitted for the record

- 1. Norman Enforcement Authority 2009 Final Report dated June 8, 2009
- 2. Enforcement Authority minutes of January 14, January 21, March 4, and May 20, 2009

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

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

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Item 10, being:

CONSIDERATION OF BID NO. 0809-79, CONTRACT NO. K-0809-132, PERFORMANCE BOND NO. B-0809-62, STATUTORY BOND NO. B-0809-63, AND MAINTENANCE BOND NO. MB-0809-57 FOR THE CLEANING OF THE NO. ONE ANAEROBIC DIGESTER AT THE WASTEWATER TREATMENT FACILITY.

Acting as the Norman Utilities Authority, Trustee Cubberley moved that all bids meeting specifications be accepted; the bid in the amount of \$57,642 be awarded to Nutri-Ject Systems, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0809-132 and the performance, statutory, and maintenance bonds be approved; the filing of the bonds be directed; and execution of the contract be authorized, which motion was duly seconded by Trustee Dillingham;

Item 10, continued:

Items submitted for the record

1. Memorandum dated May 19, 2009, from Ralph Arnett, Utilities Superintendent, to Norman Utilities Authority
2. Bid tabulation for the cleaning of one Wastewater Treatment Plant Anaerobic Sludge Digester
3. Contract No. K-0809-132
4. Performance Bond No. B-0809-62
5. Statutory Bond No. B-0809-63
6. Maintenance Bond No. MB-0809-57
7. Purchase Requisition No. 0000158271 dated June 17, 2009, in the amount of \$57,642 to Nutri-Ject Systems, Inc.

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

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

NAYES: None

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$57,642 was awarded to Nutri-Ject Systems, Inc., as the lowest and best bidder meeting specifications; Contract No. K-0809-132 and the performance, statutory, and maintenance bonds were approved; the filing of the bonds was directed; and execution of the contract was authorized.

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Item 11, being:

CONSIDERATION OF BID NO. 0809-97; CONTRACT NO. K-0809-158; CHANGE ORDER NO. ONE DECREASING THE CONTRACT AMOUNT BY \$16,400; PERFORMANCE BOND NO. B-0809-74, STATUTORY BOND NO. B-0809-75, MAINTENANCE BOND NO. MB-0809-68; AND RESOLUTION NO. R-0809-159 FOR THE FYE 2009 SPEED TABLE CONSTRUCTION PROJECTS.

Item 11 was withdrawn at the request of staff.

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Item 12, being:

CONSIDERATION OF THE DECLARATION OF MOTOROLA RADIO CONTROLLERS AS SURPLUS AND/OR OBSOLETE AND OF AUTHORIZATION FOR THE DONATION THEREOF TO THE CITY OF SHAWNEE.

Councilmember Cubberley moved to declare the Motorola radio controllers to be surplus and/or obsolete and the donation thereof to the City of Shawnee be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 3, 2009, from Phil Cotten, Chief of Police, to Honorable Mayor and City Council

and the question being upon declaring the Motorola radio controllers to be surplus and/or obsolete and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the Motorola radio controllers declared to be surplus and/or obsolete; and the donation thereof to the City of Shawnee was authorized.

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Item 13, being:

SUBMISSION OF THE FOLLOWING PERMIT ISSUED BY THE STATE OF OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY (ODEQ) FOR THE CONSTRUCTION OF A SANITARY SEWER LINE EXTENSION FOR THE FOLLOWING PROJECT:

<u>ODEQ PERMIT NO.</u>	<u>LOCATION</u>
SL-000014090437	NORTHWEST INTERCEPTOR PROJECT AND LITTLE RIVER INTERCEPTOR PROJECT, PHASE III (NORTH OF TECUMSEH ROAD BETWEEN 12TH AVENUE N.W. AND 24TH AVENUE N.W.)

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

Items submitted for the record

1. Memorandum dated May 29, 2009, from Mark Daniels, Utilities Engineer, to Norman Utilities Authority
2. Letter of transmittal dated May 20, 2009, from Eddie Rhandour, Construction Permit Section, Water Quality Division, Oklahoma Department of Environmental Quality, to Mark Daniels, P.E., City of Norman
3. Oklahoma Department of Environmental Quality Permit No. SL000014090437, Sewer Lines, S-20616, dated May 20, 2009

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

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

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Item 14, being:

CONSIDERATION OF A FINAL PLAT FOR SUMMIT VALLEY ADDITION, SECTION 2, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

Councilmember Cubberley moved that the final plat be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of a warranty deed for park land dedication requirements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 5, 2009, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Location map
3. Revised preliminary plat
4. Final plat
5. Staff Report dated April 9, 2009, recommending approval
6. Supplementary Declaration for Summit Valley Addition, Section 2, and Notice of Lift Station Fee with Exhibit A, Additional Property; Exhibit B, Open Spaces Added; and Exhibit C, Common Area (Walkway) Added
7. Declaration of Covenants, Conditions, and Restrictions for Summit Valley Addition and Grant of Easements with Exhibit A, Legal Description, and Exhibit B, Common Areas dated September 8, 2005
8. Pertinent excerpts from Board of Parks Commissioners minutes of August 7, 2003
9. Pertinent excerpts from Planning Commission minutes of April 9, 2009

Item 14, continued:

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

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

The Mayor declared the motion carried and the final plat approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee’s acceptance of all required public improvements and receipt of a warranty deed for park land dedication requirements, and the filing of the final plat was directed.

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Item 15, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR TRAILWOODS ADDITION, SECTION 4, A PLANNED UNIT DEVELOPMENT, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRED CONSTRUCTION OF STREET IMPROVEMENTS FOR WEST ROCK CREEK ROAD.

Councilmember Cubberley moved that the final site development plan and final plat and the deferral of street improvements for West Rock Creek Road be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee’s acceptance of all required public improvements and receipt of a fee in the amount of \$15,288.80 for deferral of street improvements for West Rock Creek Road within 10 (ten) days and a warranty deed for the purpose of private park land provided to the Property Owner’s Association; and the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 4, 2009, from Ken Danner, Development Manager, to Honorable Mayor and Councilmembers
2. Location map
3. Preliminary site development plan
4. Final plat
5. Staff Report dated November 8, 2007, recommending approval
6. Letter dated June 2, 2009, from Christopher D. Anderson, P.E., SMC Consulting Engineers, P.C., to Mr. Ken Danner, Development Coordinator, with Engineer’s estimate dated June 2, 2009, in the amount of \$15,288.80
7. Amendment to the Declaration of Covenants, Conditions, and Restrictions for Trailwoods, a Residential Community to the City of Norman, Cleveland County, State of Oklahoma, dated July 24, 2008, with Exhibit “A,” the recorded plat
8. Amendment to the Declaration of Covenants, Conditions, and Restrictions for Trailwoods, Section 4, a Residential Community to the City of Norman, Cleveland County, State of Oklahoma, with Exhibit “A,” the recorded plat
9. Pertinent excerpts from Board of Parks Commissioners minutes of October 6, 2005
10. Pertinent excerpts from Planning Commission minutes of November 8, 2007

and the question being upon approving the final site development plan and final plat and the deferral of street improvements for West Rock Creek Road and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and the final site development plan and final plat and the deferral of street improvements for West Rock Creek Road approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee’s acceptance of all required public improvements and receipt of a fee in the amount of \$15,288.80 for deferral of street improvements for West Rock Creek Road within 10 (ten) days and a warranty deed for the purpose of private park land provided to the Property Owner’s Association, and the filing of the final site development plan and final plat was directed.

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Item 16, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 0809-9 FOR LOT 7, BLOCK 3, BROOKHAVEN NO. 33 ADDITION. (4300 MIDDLEFIELD COURT)

Councilmember Cubberley moved that Consent to Encroachment No. 0809-9 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 8, 2009, from Leah K. Bunney, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Councilmembers
2. Consent to Encroachment No. 0809-9
3. Registered Survey No. 20043009 dated May 5, 2004, by Curtis Lee Hale, L.S. 1804, Hale and Associates Surveying Company
4. Location map
5. Letter of request dated May 12, 2009, from Troy A. Flax to City of Norman
6. Memorandum dated May 13, 2009, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Kosciński, Current Planning Manager; Ken Danner, Development Coordinator; and Ken Komiske, Director of Utilities
7. Memorandum dated June 1, 2009, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
8. Memorandum dated June 16, 2009, from Ken Danner, Development Manager, to Blaine Nice, Assistant City Attorney
9. Memorandum dated June 16, 2009, from Doug Kosciński, AICP, Manager of Current Planning, to Brenda Hall, City Clerk
10. Letter dated May 7, 2009, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Troy A. Flax
11. Letter dated May 21, 2009, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner, Development Coordinator
12. 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
13. Letter dated May 28, 2009, from Marshall Birchett, Right of Way Agent, Cox Communications, to Ken Danner, Planning and Community Development

and the question being upon approving Consent to Encroachment No. 0809-9 and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Consent to Encroachment No. 0809-9 approved; and the filing thereof with the Cleveland County Clerk was directed.

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Item 17, being:

LIMITED LICENSE NO. 0809-22: LIMITED LICENSE TO PLACE FOUR (4) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE MIDSUMMER NIGHTS' FAIR TO BE HELD AT LIONS PARK ON JULY 10 AND 11, 2009.

Councilmember Cubberley moved that Limited License No. 0809-22 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Midsummer Nights Fair be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 8, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers, Norman City Council
2. Application for Limited License for four banners dated June 2, 2009, from Carla Chew, Coordinator of Midsummer Nights Fair
3. Limited License No. 0809-22

and the question being upon approving Limited License No. 0809-22 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Midsummer Nights Fair and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Limited License No. 0809-22 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the Midsummer Nights Fair approved; and the issuance thereof was authorized.

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Item 18, being:

AMENDMENT NO. FOUR TO CONTRACT NO. K-9697-33: A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA; THE UNIVERSITY OF OKLAHOMA; THE NORMAN CHAMBER OF COMMERCE; MOORE NORMAN TECHNOLOGY CENTER, AND THE NORMAN ECONOMIC DEVELOPMENT COALITION, INC., (NEDC) ADDING MOORE NORMAN TECHNOLOGY CENTER AS A CONTRIBUTOR TO THE NORMAN ECONOMIC DEVELOPMENT COALITION, INC.

Councilmember Cubberley moved that Amendment No. Four to Contract No. K-9697-33 with the University of Oklahoma, the Norman Chamber of Commerce, Moore Norman Technology Center, and Norman Economic Development Coalition, Inc., (NEDC) adding Moore Norman Technology Center as a contributor to NEDC be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 8, 2009, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers
2. Amendment No. Four to Contract No. K-9697-33

and the question being upon approving Amendment No. Four to Contract No. K-9697-33 with the University of Oklahoma, the Norman Chamber of Commerce, Moore Norman Technology Center, and Norman Economic Development Coalition, Inc., (NEDC) adding Moore Norman Technology Center as a contributor to NEDC and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

Item 18, continued:

The Mayor declared the motion carried and Amendment No. Four to Contract No. K-9697-33 with the University of Oklahoma, the Norman Chamber of Commerce, Moore Norman Technology Center, and Norman Economic Development Coalition, Inc., (NEDC) adding Moore Norman Technology Center as a contributor to NEDC approved; and the execution thereof was authorized.

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Item 19, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-0708-152 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COMMERCIAL CONCRETE FOR THE DEERFIELD, VINEYARD, AND ROTARY PARKS SIDEWALK PROJECTS.

Councilmember Cubberley moved that the project be accepted and final payment in the amount of \$6,187.50 to Commercial Concrete be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 8, 2009, from Jud Foster, Director of Parks and Recreation, to Honorable Mayor and City Councilmembers
2. Purchase Order No. 161678 dated June 30, 2008, in the amount of \$103,841 to Commercial Concrete

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

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

NAYES: None

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$6,187.50 to Commercial Concrete was directed.

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Item 20, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-0809-65: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, INC., DECREASING THE CONTRACT AMOUNT BY \$17,190.25 FOR THE INDUSTRIAL INTERCEPTOR CONSTRUCTION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Acting as the Norman Utilities Authority, Trustee Cubberley moved that Change Order No. One to Contract No. K-0809-65 with Urban Contractors, Inc., decreasing the contract amount by \$17,190.25 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$94,650.68 to Urban Contractors, Inc., be directed, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Memorandum dated June 8, 2009, from Jim Speck, Capital Projects Engineer, to Norman Utilities Authority
2. Letter dated June 9, 2009, from Jeffrey G. Chavez, P.E., to Jim Speck, Capital Projects Engineer
3. Change Order No. One to Contract No. K-0809-65
4. Purchase Order No. 166542 dated November 14, 2008, in the amount of \$989,065 deducting Change Order No. One in the amount of \$17,190.25 and subtracting partial payments totaling \$877,224.07 leaving a balance of \$94,650.68

Item 20, continued:

and the question being upon approving Change Order No. One to Contract No. K-0809-65 with Urban Contractors, Inc., decreasing the contract amount by \$17,190.25 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

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

NAYES: None

The Chairman declared the motion carried and Change Order No. One to Contract No. K-0809-65 with Urban Contractors, Inc., decreasing the contract amount by \$17,190.25 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$94,650.68 to Urban Contractors, Inc., was directed.

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Item 21, being:

CONSIDERATION OF CONTRACT NO. K-0809-164, PERFORMANCE BOND NO. B-0809-78, STATUTORY BOND NO. B-0809-79, MAINTENANCE BOND NO. MB-0809-70, AND RESOLUTION NO. R-0809-155 FOR THE TRENCH TRAINING PROJECT FOR THE FIRE DEPARTMENT.

Councilmember Cubberley moved that Contract No. K-0809-164 in the amount of \$49,200 with Caldwell Foundations be approved, the execution of the contract be authorized, and the Mayor be authorized to sign the performance, statutory, and maintenance bonds contingent upon the City Attorney's approval; and Resolution No. R-0809-155 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 12, 2009, from James Fullingim, Fire Chief, to Honorable Mayor and City Council
2. Tabulation of Quotes dated May 24, 2009, for the Trench Rescue Training Prop Project
3. Contract No. K-0809-164
4. Resolution No. R-0809-155
5. Purchase Requisition No. 0000158233 dated June 16, 2009, in the amount of \$49,200 to Caldwell Foundations

and the question being upon approving Contract No. K-0809-164 in the amount of \$49,200 with Caldwell Foundations and upon the subsequent authorizations and adoption, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-0809-164 in the amount of \$49,200 with Caldwell Foundations approved; the execution of the contract was authorized; the Mayor was authorized to sign the performance, statutory, and maintenance bonds contingent upon the City Attorney's approval; and Resolution No. R-0809-155 was adopted.

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Item 22, being:

CONTRACT NO. K-0809-165: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CP&Y, INC., IN THE AMOUNT OF \$245,880 TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE FRANKLIN ROAD BRIDGE OVER LITTLE RIVER AND BUDGET APPROPRIATION.

Councilmember Cubberley moved that Contract No. K-0809-165 with CP&Y, Inc., in the amount of \$245,880 be approved, the execution thereof be authorized, and \$11,380 be appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0063, Bridge – Franklin West of 12th NW, Design (050-9352-431.62-01), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Memorandum dated June 2, 2009, from John Clink, Capital Projects Engineer, to Honorable Mayor and City Council
2. Contract No. K-0809-165 with Attachment “A,” Scope of Services; Attachment “B,” Compensation; and Attachment “C,” Owner’s Responsibilities
3. Purchase Requisition No. 0000157763 dated June 8, 2009, in the amount of \$245,880 to CP&Y, Inc.

and the question being upon approving Contract No. K-0809-165 with CP&Y, Inc., in the amount of \$245,880 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-0809-165 with CP&Y, Inc., in the amount of \$245,880 approved; the execution thereof was authorized and \$11,380 was appropriated from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0063, Bridge – Franklin West of 12th NW, Design (050-9352-431.62-01).

* * * * *

Item 23, being:

RESOLUTION NO. R-0809-142: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING AND CONFIRMING FINAL COSTS ASSOCIATED WITH TECUMSEH ROAD, AN ARTERIAL ROAD, FROM 821.45 FEET EAST OF 12TH AVENUE N.W. TO 12TH AVENUE N.E. AND AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO RELEASE PROPERTIES AS ASSESSMENTS ARE PAID. (MOTION TO POSTPONE INDEFINITELY)

Councilmember Cubberley moved that Resolution No. R-0809-142 be postponed indefinitely, which motion was duly seconded by Councilmember Dillingham; and the question being upon postponing Resolution No. R-0809-142 indefinitely, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-0809-142 was postponed indefinitely.

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Item 24, being:

RESOLUTION NO. R-0809-156: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONSENTING TO THE PARTICIPATION OF CITY OF NORMAN POLICE OFFICERS AND FIREFIGHTERS IN THE 2010-2011 MEALS ON WHEELS CALENDAR COMMEMORATING HIDDEN HEROES AND CONSENTING TO THE USE OF CITY UNIFORMS, VEHICLES, AND EQUIPMENT BY CITY EMPLOYEES FOR SAID CALENDAR.

Councilmember Cubberley moved that Resolution No. R-0809-156 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Memorandum dated June 8, 2009, from Rebecca R. Frazier, Assistant City Attorney, through Jeff Harley Bryant, City Attorney, to Honorable Mayor and Councilmembers
- 2. Resolution No. R-0809-156

and the question being upon adopting Resolution No. R-0809-156, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-0809-156 was adopted.

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Item 25, being:

PROCLAMATION NO. P-0809-36: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE WEEK OF JUNE 21 THROUGH 27, 2009, AS AMATEUR RADIO WEEK IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-0809-36 proclaiming the week of June 21 through June 27, 2009, as Amateur Radio Week in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Proclamation No. P-0809-36

Participants in discussion

- 1. Mr. Bill Lockett, President of the South Canadian Amateur Radio Club, and Ms. Robin Tanamachi, President of the University of Oklahoma Amateur Radio Club, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-36 proclaiming the week of June 21 through June 27, 2009, as Amateur Radio Week in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and receipt of Proclamation No. P-0809-36 proclaiming the week of June 21 through June 27, 2009, as Amateur Radio Week in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 26, being:

PROCLAMATION NO. P-0809-37: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF JUNE, 2009, AS NATIONAL HOMEOWNERSHIP MONTH IN THE CITY OF NORMAN.

Councilmember Cubberley moved that receipt of Proclamation No. P-0809-37 proclaiming the month of June, 2009, as National Homeownership Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Proclamation No. P-0809-37

Participants in discussion

1. Mr. Jerry Hyden, Field Representative for the Department of Housing and Urban Development, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-0809-37 proclaiming the month of June, 2009, as National Homeownership Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-0809-37 proclaiming the month of June, 2009, as National Homeownership Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 27, being:

CONSIDERATION OF APPROVAL OF THE FYE 2010 NORMAN CONVENTION AND VISITORS BUREAU, INC., BUDGET WITH DETAILED ANNUAL PLAN OF WORK.

Councilmember Quinn moved to approve the FYE 2010 Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Norman Convention and Visitors Bureau Budget and Destination and Management Plan, Fiscal Year 2010 (July 2009-June 2010)
2. Norman Convention and Visitors Bureau Fiscal Year 2009-2010 Budget

Participants in discussion

1. Mr. Steven Koranda, Executive Director of the Norman Convention and Visitors Bureau
2. Ms. Anna Mary Suggs, Executive Director of the Norman Chamber of Commerce, made comments

and the question being upon to approve the FYE 2010 Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the FYE 2010 Norman Convention and Visitors Bureau, Inc., Budget with Detailed Annual Plan of Work was approved.

* * * * *

Item 28, being:

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-0809-39 having been Introduced and adopted upon First Reading by title in City Council's meeting of June 9, 2009, Councilmember Cubberley moved that Ordinance No. O-0809-39 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

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. Memorandum dated June 11, 2009, from Jud Foster, Director of Parks and Recreation, to Steve Lewis, City Manager
3. Memorandum dated June 10, 2009, from Ray Turco to Jud Foster
4. Ordinance No. O-0809-39
5. Legislatively notated copy of Ordinance No. O-0809-39
6. Pertinent excerpts from Norman Board of Park Commissioners minutes of February 5, 2009
7. City Council Conference minutes of February 24, 2009

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation
2. Ms. Leah Bunney, Assistant City Attorney
3. Mr. Travis Humphrey, Chair of Tobacco Free Coalition for Cleveland County, proponent
4. Ms. Caitlin Baker, 525 Avon Drive, proponent
5. Mr. Tim Mauldin, 4016 Hughes Circle, proponent
6. Mr. Roger Gallagher, 1522 East Boyd Street, made comments
7. Ms. Judith Blake, 1414 Huntington Way, proponent
8. Ms. Sylvia Martin, Post Office Box 430, protestant

Thereupon, Councilmember Kovach moved that Section 10-503(4) be amended as follows:

Section 10-503. Smoking in certain public places prohibited.

* * *

(4) The grounds of all City-owned public parks excluding: the parking lots of any public park or playground ~~and Westwood Golf Course.~~

* * *

The motion died by lack of a second.

and the question being upon adopting Ordinance No. O-0809-39 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-0809-39 was adopted upon Second Reading section by section.

Item 28, continued:

Thereupon, Councilmember Cubberley moved that Ordinance No. O-0809-39 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Dillingham; and the question being upon adopting Ordinance No. O-0809-39 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-0809-39 was adopted upon Final Reading as a whole.

* * * * *

Item 29, being:

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.

Ordinance No. O-0809-44 having been Introduced and adopted upon First Reading by title in City Council's meeting of June 9, 2009, Councilmember Dillingham moved that Ordinance No. O-0809-44 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 22, 2009, from Doug Koscinski, AICP, Manager, Current Planning Division, to Honorable Mayor and Councilmembers
2. Ordinance No. O-0809-44
3. Legislatively notated copy of Ordinance No. O-0809-44
4. Pertinent excerpts from Planning Commission minutes of May 14, 2009
5. Pertinent excerpts from Transportation Committee minutes of April 23, 2009

Participants in discussion

1. Ms. Susan Connors, Director of Planning and Community Development
2. Mr. Steven Tyler, 783 DeBarr Avenue, made comments

and the question being upon adopting Ordinance No. O-0809-44 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:	Councilmembers Ezzell and Thompson

The Mayor declared the motion carried and Ordinance No. O-0809-44 was adopted upon Second Reading section by section.

Thereupon, Councilmember Butler moved that Ordinance No. O-0809-44 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-0809-44 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:	Councilmembers Ezzell and Thompson

The Mayor declared the motion carried and Ordinance No. O-0809-44 was adopted upon Final Reading as a whole.

* * * * *

With the concurrence of Council, Item 31 was considered prior to Item 30.

Item 31, being:

RESOLUTION NO. R-0809-161: A RESOLUTION AUTHORIZING THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") TO ISSUE ITS TAX INCREMENT REVENUE NOTE, TAXABLE SERIES 2009 (THE "NOTE") IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$14,560,000; WAIVING COMPETITIVE BIDDING AND AUTHORIZING THE NOTE TO BE SOLD ON A NEGOTIATED BASIS; APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT TO REMIT FUNDS AND SECURITY AGREEMENT BY AND BETWEEN THE CITY AND THE AUTHORITY PERTAINING TO A PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUE AND AD VALOREM TAX INCREMENT REVENUE; APPROVING AND AUTHORIZING EXECUTION OF A GENERAL BOND INDENTURE AND A SERIES 2009 SUPPLEMENTAL NOTE INDENTURE (COLLECTIVELY, THE "INDENTURE") AUTHORIZING THE ISSUANCE AND SECURING THE PAYMENT OF THE NOTE; PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE; AUTHORIZING AND DIRECTING THE EXECUTION OF THE NOTE AND OTHER DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Acting as the Norman Tax Increment Finance Authority, Trustee Thompson moved that Resolution No. R-0809-161 be postponed until June 30, 2009, which motion was duly seconded by Trustee Kovach;

Items submitted for the record

1. Resolution No. R-0809-161

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Mr. Nate Ellis, Public Finance Law Group, Bond Counsel

and the question being upon postponing Resolution No. R-0809-161 until June 30, 2009, a vote was taken with the following result:

YEAS: Trustees Kovach and Thompson

NAYES: Trustees Butler, Cubberley, Dillingham, Ezzell, Griffith, Quinn, Chairman Rosenthal

The Chairman declared the motion failed and Resolution No. R-0809-161 was not postponed until June 30, 2009.

Point of Order. Councilmember Kovach called for a Point of Order. Mayor Rosenthal acknowledged the Point of Order. Councilmember Kovach said the Executive Session held June 9, 2009, violated the Open Meetings Act because there was only one item on the agenda to be discussed in executive session but two separate topics were discussed. He said Councilmember Cubberley recused himself from voting and Council voted to accept his recusal. He said Councilmember Cubberley stepped out of the room and was brought back in to discuss the financing package. He said if there was only one topic, then Councilmember Cubberley should have been recused from the entire Executive Session.

Mayor Rosenthal said the minutes of the June 9, 2009, City Council meeting reflect no votes were cast and no one was recused from the meeting.

Councilmember Kovach asked those who were in the meeting to recall that Council did in fact recuse a Councilmember from the executive session.

Mayor Rosenthal said information was provided to the rest of Council that Councilmember Cubberley was not in the room.

Councilmember Kovach said Councilmember Cubberley came back for the second half of the Executive Session.

Mayor Rosenthal said that was correct.

Item 31, continued:

Councilmember Kovach said this means there were two separate items and Councilmember Cubberley would need to recuse from Items 31 and 30 on tonight's agenda. He said Council is violating the Open Meetings Act.

Councilmember Cubberley said he would be glad to recuse. He said there was no conflict of interest with the financing because he had no connection with the financing. He said there was no issue.

Mr. Jeff Bryant, City Attorney, said issues had been raised regarding whether there were two topics or a violation of the Open Meetings Act in that the City posted the Executive Session to discuss the acquisition of right-of-way for the Rock Creek Road Overpass. He said financing the project was essential to the discussion if Council wanted to move forward. He said there were three options, 1) don't buy the property, 2) transfer capital funds, or 3) purchase the right-of-way by completing the first TIF Financing. He said to be able to adequately explain those options to Council, Staff provided detailed information regarding the steps to be taken. He said this was one topic, all related to the acquisition of Rock Creek Road right-of-way. He said it was the Legal Department's opinion that there was no violation of the Open Meetings Act in what was discussed and the City was absolutely compliant.

Mr. Bryant said Councilmember Cubberley voiced concerns regarding Council possibly moving forward with acquiring the property in question by condemnation and it was a possibility that his law partner would be representing the property owners. He said Councilmember Cubberley was advised that there was not an actual conflict and that acquisition by agreement instead of condemnation was being considered and the property owners were being represented by an attorney not associated with Councilmember Cubberley's law firm. He said this was no conflict of interest under the Ethics Policy and Councilmember Cubberley was not required to recuse. He said there no votes taken in the Executive Session because votes are not permitted in Executive Session under the Open Meetings Act.

Mayor Rosenthal ruled on the Point of Order and said she found no grounds not to proceed with the business before Council.

Councilmember Cubberley said he did not go into the meeting and did so because he did not want to be in the room when the discussion regarding the contract occurred even though there was not an actual conflict. He said if it eases Councilmember Kovach's conscience, he would not participate in discussion of the items. He said he didn't believe that the Open Meetings Act had been violated and he had taken it upon himself to stay out of the first portion of the Executive Session. He said he had no idea what went on in the meeting until he entered to discuss the financing portion of the item.

Councilmember Cubberley asked to be recused from Items 31 and 30.

The Mayor asked for a motion to recuse Councilmember Cubberley from Items 31 and 30.

Acting as the City Council and Norman Utilities Authority, Councilmember Kovach moved that Councilmember Cubberley be allowed to recuse from Items 31 and 30, which motion was duly seconded by Councilmember Thompson; and the question being upon allowing Councilmember Cubberley to recuse from Items 31 and 30, a vote was taken with the following result:

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

The Mayor declared the motion failed and Councilmember Cubberley was not recused from Items 31 and 30.

Item 31, continued:

Acting as the Norman Tax Increment Finance Authority, Trustee Quinn moved that Resolution No. R-0809-161 be adopted, which motion was duly seconded by Trustee Griffith;

Participants for discussion

1. Mr. Nate Ellis, Public Finance Law Group, Bond Counsel
2. Mr. Rick Smith, Municipal Finance Services, Inc., Financial Advisor
3. Mr. Jeff Bryant, City Attorney
4. Mr. Allan Brooks, Public Finance Law Group, Bond Counsel
5. Mr. Charles Schindler, 2000 Morgan Drive, made comments
6. Ms. Anne Gallagher, 1522 East Boyd Street, made comments
7. Ms. Sylvia Martin, Post Office Box 430, made comments
8. Mr. Steven Tyler, 783 DeBarr Avenue, made comments
9. Mr. Roger Gallagher, 1522 East Boyd Street, asked questions

and the question being upon adopting Resolution No. R-0809-161, a vote was taken with the following result:

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

NAYES: Trustees Kovach and Thompson

The Chairman declared the motion carried and Resolution No. R-0809-161 was adopted.

* * * * *

With concurrence of Council, Item 31 was considered before Item 30.

Item 30, being:

RESOLUTION NO. R-0809-160: A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE NORMAN TAX INCREMENT FINANCE AUTHORITY (THE "AUTHORITY") ISSUING ITS TAX INCREMENT REVENUE NOTE, TAXABLE SERIES 2009 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF SAID NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF SAID NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF SAID NOTE; APPROVING AND AUTHORIZING EXECUTION OF AN AGREEMENT TO REMIT FUNDS AND SECURITY AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA (THE "CITY") AND THE AUTHORITY PERTAINING TO THE PLEDGE OF CERTAIN SALES TAX INCREMENT REVENUES AND AD VALOREM TAX INCREMENT REVENUES; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

Councilmember Quinn moved that Resolution No. R-0809-160 be adopted, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Memorandum dated June 18, 2009, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers and Honorable Trustees of the Norman Tax Increment Finance Authority
2. Resolution No. R-0809-160

and the question being upon adopting Resolution No. R-0809-160, a vote was taken with the following result:

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

NAYES: Councilmembers Kovach and Thompson

The Mayor declared the motion carried and Resolution No. R-0809-160 was adopted.

* * * * *

MISCELLANEOUS DISCUSSION

Ward Four Block Party. Mr. Steven Tyler, 783 DeBarr Avenue, thanked Councilmembers Dillingham and Kovach and Mayor Rosenthal for attending the Ward Four Block Party held Saturday evening, June 20, 2009. He thanked Lieutenant Tuescher and Officer Smallwood for providing presentations and answering questions regarding the Community Oriented Policing Program (COP). He said those who attended were interested in the COP and the Storm Water Master Plan and enjoyed getting to know their City officials and neighbors better. He said he hoped everyone enjoyed the art that was on display and looked forward to working with the City during restoration of his home at 783 DeBarr Avenue.

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Former Sanitation Worker. Mr. Rick Blaylock, former Sanitation Division employee, said he was fired a few months ago and had worked for the City since 1979. He said he had a letter from his doctor stating he should not return to work in a hostile work environment. He said four City employees had committed suicide within five years and the City should investigate these deaths.

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Ethics. Ms. Anne Gallagher, 1522 East Boyd Street, reminded everyone to use kind words when speaking and everyone was entitled to their opinion and should be respected. She said ethics is led by demonstration and performance, not by a signature. She said while she did not agree with everything Councilmember Kovach said, she agreed he had the right to say it and to question whether or not Council was doing the right thing.

Councilmember Thompson said he was very troubled by the Mayor's comments regarding the vote made by Councilmember Kovach and himself regarding a recusal by Councilmember Cubberley. He said there was a specific reason that he supported the recusal, he would be glad to share that with Councilmember Cubberley, and it had nothing to do with his or Councilmember Cubberley's ethics. He said part of the Ethics Policy stated that things not be made personal and that he expected genuine acknowledgements of official respect after spending four years on Council.

Councilmember Kovach apologized to Councilmember Cubberley for making him feel uncomfortable and said it was not his intent. He explained it is not comfortable for him to discuss these things but it is a matter of ethics. He said if rules and regulations are imposed by Council, then those rules and regulations should be followed. He said he was not the only person who was in the Executive Session with concerns of violating the Open Meetings Act. He said he had done some research and the Attorney General had issued an opinion in 2007 specifically on public bodies adjourning into executive session to discuss the acquisition of real property. He said the Statutes stated "Exceptions should not be read into the statute which are not made by the legislative body" and "purchasing or appraisal of real property shall be limited to members of the public body, the attorney for the public body, and staff of the public body." He said one Councilmember felt Council was in violation by having a Councilmember-Elect at the Executive Session. He said he had not personally signed the Ethics Pledge because it was a piece of paper adopted by a Resolution and since Council had not adopted an ordinance, it was meaningless.

Councilmember Cubberley said he did take Councilmember Kovach's remarks personally. He said he tries very hard to carry out his duties and struggles with issues of ethics because he believes very firmly that appearance is important. Therefore, when he believes there is the possibility of a conflict, he should probably remove himself. He said he has been criticized for this because it leaves a vacancy and does not leave a voice for his constituents. He said if he thought there was a violation of the Open Meetings Act, he would not have participated. He said Council depends on legal counsel to give them advice. He said in this situation there was a possible conflict, but not an actual conflict because his firm had discussed the possibility, if Council went to condemnation for the acquisition of the property, his firm might handle the condemnation proceedings. He said he asked the Legal Department and was told there was no ethical violation. He said he took it upon himself not to ask for recusal beforehand, but just stayed out of the meeting to let Council decide if the purchase was going to go forward. He said he stepped into the meeting during the financing side. He said if he had not said anything, this issue would not have come up. He said he did not recuse himself, he just stayed out of the meeting voluntarily because he was uncomfortable. He said Councilmember Kovach could have given him the courtesy of calling him to let him know of his concerns, but he did not.

Miscellaneous Discussion, continued:

Ethics, continued. Mayor Rosenthal said we are a body that governs on the basis of open communication that makes things work. She said she is sorry that Councilmembers Thompson and Kovach feel that she has overstepped her boundaries, but Council does not get to pick the policies that govern City Council. She said to call a policy adopted by this body a mere piece of paper is an inappropriate response. She said allegations have been made that Council violated the Open Meetings Act with respect to the June 9th Executive Session. She said it was important to recognize a couple of key points, Council was provided with a legal opinion from the City Attorney that the meeting was compliant with the Open Meetings Act and was properly noticed; no decisions were made; no inappropriate topics were added to the agenda; and no votes were cast. She said the purchase of real property requires a funding source and when any person makes a purchase, he or she must decide to use cash, credit card, or borrow money. She said from the beginning, the construction of the Rock Creek Road Overpass was proposed to be funded with TIF revenues. She said at the June 9th meeting the acquisition involved the right-of-way of the Rock Creek Road Overpass. She said allegations were made to the media and to others that Council held secret meetings and discussed items that were not appropriate. The person who made these allegations was an active participant in the Executive Session and never raised a concern or a question about the validity or conduct of that Executive Session. Subsequent to the meeting, the Councilmember never in writing or verbally expressed concerns about the meeting or its compliance with the Open Meetings Act. She said yesterday, in a thirty minute meeting, one on one with this Councilmember, they discussed the subject of the TIF financing on tonight's agenda. She said contrary to statements that he made in media interviews, which also occurred yesterday, no mention was made, no concern was raised and no allegations had been posed to her about the June 9th meeting. She said Council's ethics were questioned with respect to this and the ethics of Councilmember Elect Al Atkins, who attended the June 9th Executive Session. The Councilmember who complained about this behavior participated in other Executive Sessions at which Councilmember Elect Atkins was present and at which property acquisition was discussed. She said no concerns were raised and no questions were asked at these meetings. She said she thought contrary to reports that have been put out on the internet and the media, none of the Council were informed individually or as a whole by email about the concerns about the June 9th Executive Session being illegal. She said the difference between that meeting and the discussion held tonight was tonight's meeting had media coverage. She said we govern as a body based upon open trust and communication and it was regrettable when government business is undermined by challenging that trust.

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Thanks to Councilmember Bob Thompson. Ms. Anne Gallagher, 1522 East Boyd Street, thanked Bob Thompson for the time he has served the City. She said he was the voice of the common citizen and always listens to the citizens. She said he thinks about everything intellectually and the citizens appreciate it. She said she also appreciates his common sense.

Councilmember Kovach said he appreciates everything Bob has done for the citizens of Norman.

Councilmember Ezzell said it was hard to find the right words so he would just say a simple thank you. He thanked Bob for his service to the City because it is most often a thankless job that is far more time consuming than people realize or understand. He thanked Bob personally and said he enjoyed getting to know Bob, counted him as a close personal friend, and deeply respected his positions and opinions on issues. He said Bob approaches each issue independently and in an intellectually honest fashion and there is always room for disagreement. He said he and Bob had certainly not agreed on some things, but as long as the dialog was one of respect and intellect it was always worthwhile. He thanked Bob for his independence and the countless discussions they had over various issues, but most of all for his friendship.

Councilmember Dillingham said she valued Bob's ability to maintain his sense of humor at all times and that he embodied the spirit of public service. She said he stood in the middle of Ward Four all day long taking care of her constituents with a smile while attending to their problems as if they were Ward One constituents. She said everyone knows who he is and his passion for people will be missed. She said she counts him as a dear friend and will seek his advice and his independent thought..

Councilmember Quinn said when he became a Councilmember, Bob said "Welcome aboard, you and I are going to disagree a great deal and we'll keep smiling and we'll be friends throughout." He said they had remained friends throughout.

Miscellaneous Discussion, continued:

Thanks to Councilmember Bob Thompson, continued. Councilmember Griffith said he was disappointed that he hadn't had the opportunity to get to know Bob more over the past year but he hoped he would avail his services for advice on issues and maybe go ride motorcycles with him sometime.

*

Speed Humps. Mr. Roger Gallagher, 1522 East Boyd Street, said he knew Council would be considering a contract for speed humps and if the current speed humps are altered to make them less threatening, they might as well be taken out. He said the concept for the speed humps was to warn drivers to slow down in the neighborhoods and he hoped if Council voted to modify some of the humps, to please make them where the motorists will pause and slow down. He said those who live on the streets and had signed the petitions should be taken into consideration first before those who lived a few blocks away.

*

Storm Siren Policy. Councilmember Thompson said he had received several inquiries regarding a Storm Siren Policy. He asked the City Manager to put together some type of presentation to clarify this policy.

Mayor Rosenthal asked the City Manager to respond and provide an update. She said the Oversight Committee would be working with the City Manager to improve the policy.

Mr. Steve Lewis, City Manager, said he and Fire Chief James Fullingim were looking at the current policy. He said a clear policy needed to be provided and reviewed annually, possibly by a Committee of the Council, to make sure the policy is appropriate for the community. He said there needed to be a good public understanding of what is in the policy. He said there was some confusion in the community on the purposes of the sirens because there could be other situations where the sirens could be sounded, such as straight line winds above a certain amount of miles per hour and the forecast of hail of a certain size, and Staff is looking at those factors to bring back a revised policy to Council. He said they should be finished revising the policy and bring forth recommendations within a few weeks.

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Shop Norman. Councilmember Quinn asked citizens to shop Midway Grocery and "Shop Norman."

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Oklahoma Conference of Mayors. Mayor Rosenthal said the Oklahoma Conference of Mayors would be meeting in Norman beginning Thursday, June 25th. She said this is the first time the City of Norman has hosted this conference and about 80 Mayors and others would be participating. She said on Friday morning, they would be visiting an alternative fueling station and talking about partnerships that make our cooperation with our fleet and saving energy and then be meeting at the OU Stadium to look at the multi-jurisdictional effort that goes into game day planning. She said they will also visit the Weather Center and look at some the partnerships there. She said the visiting Mayors will be spending sales tax dollars in Norman and will be entertained by many opportunities available this weekend.

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, Ezzell, Griffith, Kovach, Quinn, Thompson, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 10:46 p.m.

ATTEST:

City Clerk

Mayor