

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

January 11, 2011

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 11th day of January, 2011, 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 Atkins, Butler,  
Cubberley, Dillingham, Ezzell, Griffith,  
Kovach, Quinn, 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 14 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Atkins; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 14, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 4 through Item 14 were placed on the consent docket by unanimous vote.

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Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF DECEMBER 21, 2010  
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 28, 2010  
CITY COUNCIL SPECIAL SESSION MINUTES OF DECEMBER 28, 2010  
CITY COUNCIL MINUTES OF DECEMBER 28, 2010  
NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 28, 2010  
NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 28, 2010  
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF DECEMBER 28, 2010

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

Items submitted for the record

1. Text File No. GID-1011-8 dated December 27, 2010, by Brenda Hall, City Clerk
2. City Council Study Session minutes of December 21, 2010
3. City Council Conference minutes of December 28, 2010
4. City Council Special Session minutes of December 28, 2010
5. City Council minutes of December 28, 2010
6. Norman Utilities Authority minutes of December 28, 2010
7. Norman Municipal Authority minutes of December 28, 2010
8. Norman Tax Increment Finance Authority minutes of December 28, 2010

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 Atkins, Butler,  
Cubberley, Dillingham, Ezzell, Griffith,  
Kovach, Quinn, Mayor Rosenthal

NAYES: None

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

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Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1011-5 UPON FOR FIRST READING BY TITLE:  
AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING  
ARTICLE II, SECTION 8-205(F) OF CHAPTER 8 OF THE CODE OF THE CITY OF NORMAN  
PROVIDING FOR PREFERENCE TO LOCAL VENDORS IN THE CASE OF A TIE BID; AND  
PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1011-5 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-5 dated December 28, 2010, by Blaine Nice, Assistant City Attorney
2. Ordinance No. O-1011-5
3. Legislatively notated copy of Ordinance No. O-1011-5
4. Pertinent excerpts from City Council Finance Committee minutes of June 16 and July 21, 2010
5. City Council Finance Committee minutes of October 20, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-5 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-5 was Introduced, read, and adopted upon First Reading by title.

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Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1011-29 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOT 1, LESS THE SOUTH 22 FEET, BLOCK 13, TULL'S ADDITION, SECTION 1, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE O-1, OFFICE INSTITUTIONAL DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (231 EAST ROBINSON STREET)

Councilmember Kovach moved that Ordinance No. O-1011-29 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-29 dated November 16, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-29 and Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval with conditions
5. Conceptual Drawing
6. Letter of request dated November 8, 2010, from Sean Paul Rieger, Attorney at Law and Architect, to City of Norman Planning Department
7. Norman Predevelopment Summary Case No. PD 10-20 dated October 28, 2010, for TGV Investments II, L.L.C., for property located at 231 East Robinson
8. Pertinent excerpts from Planning Commission minutes of December 9, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-29 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-29 was Introduced, read, and adopted upon First Reading by title.

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Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1011-30 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE A TRACT OF LAND LYING WITHIN THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, AND GRANT SPECIAL USE FOR FRATERNITY HOUSES; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1300 SOUTH COLLEGE AVENUE)

Councilmember Kovach moved that Ordinance No. O-1011-30 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. O-1011-30 dated November 16, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-30 and Exhibit A, site plan
3. Location map
4. Staff Report dated December 9, 2010, recommending approval
5. Norman Predevelopment Summary Case No. PD 10-19 dated October 28, 2010, for Sigma Norman, L.L.C., for property located at 1300 South College Avenue
6. Pertinent excerpts from Planning Commission minutes of December 9, 2010

Item 7, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1011-30 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-30 was Introduced, read, and adopted upon First Reading by title.

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Item 8, being:

CONSIDERATION AND AWARDED OF BID NO. 1011-48 FOR THE PURCHASE OF ASPHALT CONCRETE, SUPERPAVE ASPHALT, EMULSIFIED ASPHALT, AND CONTAINER PATCH MIX FOR THE STREET MAINTENANCE DIVISION.

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

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

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 1, Asphalt Concrete, Type C, Zones 1, 2, 3, 4, and Batch Plant; Section 2, Asphalt Concrete, Type B, Zones 1, 2, 3, 4, 5, and Batch Plant; Section 3, Superpave Asphalt, Type S-3, Zones 1, 2, 3, 4, 5, and Batch Plant; Section 4, Superpave Asphalt, Type S-4, Zones 1, 2, 3, 4, 5, and Batch Plant; and Section 5, Superpave Asphalt, Type S-5, Zones 1, 2, 3, 4, 5, and Batch Plant

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

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

NAYES: None

Item 8, continued:

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

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 1, Zone 5, be accepted and the bid be awarded to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 1, Asphalt Concrete, Type C, Zone 5

and the question being upon accepting all bids meeting specifications on Section 1, Zone 5, and upon the subsequent awarding of the bid, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and all bids meeting specifications on Section 1, Zone 5, accepted; and the bid was awarded to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder.

Thereupon, Councilmember Kovach moved that all bids meeting specifications on Section 6(a) be accepted and the bid be awarded to Haskell Lemon Construction Company as the lowest and best bidder meeting specifications and Paving Materials, Inc., as the alternate bidder, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 6, Emulsified Asphalt, SS-1 or Equal, (a) Delivered and Applied

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

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

NAYES: None

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

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

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 6, Emulsified Asphalt, SS-1 or Equal, (b) Pickup at Plant

Item 8, continued:

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

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

NAYES: None

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

Thereupon, Councilmember Kovach moved that the bid as meeting specifications on Section 7 be accepted and the bid be awarded to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. BID-1011-48 dated December 27, 2010, by Greg Hall, Street Superintendent
2. Bid tabulation dated December 2, 2010, for Section 7, Container Patch Mix

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

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

NAYES: None

The Mayor declared the motion carried and the bid as meeting specifications on Section 7 accepted; and the bid was awarded to Paving Maintenance Supply, Inc., as the lowest and best bidder meeting specifications.

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Item 9, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION V, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN.

Councilmember Kovach moved that the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, 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 the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. FP-1011-18 dated December 30, 2010, by Ken Danner, Development Manager
2. Location map
3. Staff Report dated August 13, 2009, recommending approval
4. Revised Preliminary plat
5. Final site development plan approved by Planning Commission
6. Final plat approved by Planning Commission
7. Proposed final site development plan
8. Proposed final plat
9. Pertinent excerpts from Planning Commission minutes of August 13, 2009

Participants in discussion

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

Item 9, continued:

and the question being upon approving the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, 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 the filing of the final site development plan and final plat was directed.

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Item 10, being:

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-104: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SUN CONSTRUCTION SERVICES, INC., DECREASING THE CONTRACT AMOUNT BY \$712.41 FOR THE MUNICIPAL BUILDING C RENOVATION PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Councilmember Kovach moved that Change Order No. Two to Contract No. K-0910-104 with Sun Construction Services, Inc., decreasing the contract amount by \$712.41 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$49,958.44 to Sun Construction Services, Inc., be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. K-0910-104, Change No. Two, dated December 30, 2010, by Patrick Copeland, Development Services Manager
2. Change Order No. Two to Contract No. K-0910-104, Task Nos. One through Nine

and the question being upon approving Change Order No. Two to Contract No. K-0910-104 with Sun Construction Services, Inc., decreasing the contract amount by \$712.41 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Change Order No. Two to Contract No. K-0910-104 with Sun Construction Services, Inc., decreasing the contract amount by \$712.41 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$49,958.44 to Sun Construction Services, Inc., was directed.

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Item 11, being:

CONTRACT NO. K-1011-129: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND REPUBLIC BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2026 ALLENHURST STREET.

Councilmember Kovach moved that Contract No. K-1011-129 with Republic Bank be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

- 1. Text File No. K-1011-129 dated December 28, 2010, by Linda Price, Revitalization Manager
- 2. Contract No. K-1011-129

and the question being upon approving Contract No. K-1011-129 with Republic Bank and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-1011-129 with Republic Bank approved; and the execution thereof was authorized.

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Item 12, being:

CONSIDERATION OF A RECOMMENDATION FROM THE CITY ATTORNEY THAT THE CITY COUNCIL APPROVE A SETTLEMENT OF JACLYNN REYNOLDS VS. THE CITY OF NORMAN, CLEVELAND COUNTY DISTRICT COURT CASE NO. CJ-2010-512BH, IN THE AMOUNT OF \$79,900.

Councilmember Kovach moved that the City Attorney's recommendation be approved and the City Attorney's Office be authorized to effectuate the settlement in the amount of \$79,900, which motion was duly seconded by Councilmember Atkins;

- 1. Text File No. JC-2010-512BH dated December 29, 2010, by Jeff Bryant, City Attorney

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Ezzell, Griffith, Kovach, Quinn, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the City Attorney's recommendation approved; and the City Attorney's Office was authorized to effectuate the settlement in the amount of \$79,900.

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Item 13, being:

RESOLUTION NO. R-1011-77: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$7,438 FROM THE GENERAL FUND BALANCE AND TRANSFERRING \$10,197 FROM A PARK MAINTENANCE SERVICE EQUIPMENT ACCOUNT TO REPLACE UNIT 471 FOR THE PARK MAINTENANCE DIVISION.

Councilmember Kovach moved that Resolution No. R-1011-77 be adopted, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. R-1011-77 dated December 28, 2010, by Mike White, Fleet Superintendent
2. Resolution No. R-1011-77

and the question being upon adopting Resolution No. R-1011-77, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1011-77 was adopted.

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Item 14, being:

PROCLAMATION NO. P-1011-8: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE CENTENNIAL OBSERVANCE AND CELEBRATION OF KAPPA ALPHA PSI FRATERNITY, INC., DURING THE MONTH OF JANUARY, 2011, IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1011-8 proclaiming the Centennial Observance and Celebration of Kappa Alpha Psi Fraternity, Inc., during the month of January, 2011, in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Atkins;

Items submitted for the record

1. Text File No. P-1011-8 dated December 28, 2010
2. Proclamation No. P-1011-8

Participants in discussion

1. Mr. Anthony Francisco and Mr. Darrell Troupe, Kappa Alpha Psi alumnus, and Mr. Ryan Edward, Chapter President, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1011-8 proclaiming the Centennial Observance and Celebration of Kappa Alpha Psi Fraternity, Inc., during the month of January, 2011, in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and receipt of Proclamation No. P-1011-8 proclaiming the Centennial Observance and Celebration of Kappa Alpha Psi Fraternity, Inc., during the month of January, 2011, in the City of Norman acknowledged; and the filing thereof was directed.

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Item 15, being:

ORDINANCE NO. O-1011-13: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A ROOMING OR BOARDING HOUSE IN THE R-3, MULTI-FAMILY DWELLING DISTRICT, FOR A TRACT OF LAND LYING WITHIN LOTS 4 AND 5, BLOCK 2, LARSH'S UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (708 DEBARR AVENUE)

Ordinance No. O-1011-13 having been Introduced and adopted upon First Reading by title in City Council's meeting of November 9, 2010, and having been postponed November 23, 2010, until January 11, 2011, Councilmember Dillingham moved that Ordinance No. O-1011-13 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. O-1011-13 dated September 20, 2010, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-13
3. Location map
4. Staff Report dated October 14, 2010, recommending approval with condition
5. Norman Predevelopment Summary Case No. PD 10-16 dated August 26, 2010, for Kipbert Properties, L.L.C., for property located at 708 DeBarr Avenue
6. Description of proposed project
7. Aerial photograph
8. Protest area map dated October 14, 2010, containing 2.8% protest within notification area
9. Letter of protest dated October 4, 2010, from Robert and Ellen Wood to Norman Planning Commission
10. Pertinent excerpts from Planning Commission minutes of October 14, 2010

Participants in discussion

1. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant

thereupon, Councilmember Dillingham moved that Ordinance O-1011-13 be amended as follows:

- § 5. Further, pursuant to the provisions of Section 22:434.1 of the Code of the City of Norman, as amended, the following condition is hereby attached to the zoning of the tract:
- a. Five additional parking spaces will be installed at the rear of the lot. A total of ten parking spaces shall be provided. Five are existing in the front of the house in the public right-of-way, two parking spaces will be provided on the lot at the rear of the house and three spaces will be provided on the lot on the driveway on the north side of the house.
  - b. The driveway on the north side of the house shall be improved to have access from both DeBarr Avenue and the alley approved by City staff.

which motion was duly seconded by Councilmember Kovach;

Participants in discussion

1. Ms. Ann Gallagher, 1522 East Boyd Street, asked questions
2. Mr. Sean Rieger, 136 Thompson Drive, attorney representing the applicant

and the question being upon amending Ordinance No. O-1011-13 as stated above, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-13 was amended as stated above.

Item 15, continued:

and the question being upon adopting Ordinance No. O-1011-13, as amended, upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-13, as amended, was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1011-13, as amended, 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-1011-13, as amended, upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-13, as amended, was adopted upon Final Reading as a whole.

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Item 16, being:

ORDINANCE NO. O-1011-34: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE XI OF CHAPTER 20 TO PROVIDE FOR REGULATION RELATED TO A FLASHING YELLOW ARROW TRAFFIC SIGNAL INDICATION; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-34 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-34 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1011-34 dated December 16, 2010, by David Riesland, Traffic Engineer
2. Ordinance No. O-1011-34
3. Legislatively notated copy of Ordinance No. O-1011-34
4. Pertinent excerpts from Transportation Committee minutes of October 28, 2010
5. City Council Conference minutes of December 14, 2010

Participants in discussion

1. Mr. Angelo Lombardo, Traffic Engineer
2. Ms. Ann Gallagher, 1522 East Boyd Street, made comments
3. Mr. Stephen Tyler Holman, 1020 College Avenue, made comments

and the question being upon adopting Ordinance No. O-1011-34 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-34 was adopted upon Second Reading section by section.

Item 16, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-34 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-1011-34 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-34 was adopted upon Final Reading as a whole.

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Item 17, being:

ORDINANCE NO. O-1011-36: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 20-607 OF CHAPTER 20 OF THE CODE OF THE CITY OF NORMAN CHANGING THE AGE OF CHILDREN REQUIRED TO BE PROTECTED BY A CHILD PASSENGER RESTRAINT SYSTEM; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ordinance No. O-1011-36 having been Introduced and adopted upon First Reading by title in City Council's meeting of December 28, 2010, Councilmember Kovach moved that Ordinance No. O-1011-36 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1011-36 dated December 9, 2010, by Jeanne Snider, Assistant City Attorney
2. Ordinance No. O-1011-36
3. Legislatively notated copy of Ordinance No. O-1011-36

Participants in discussion

1. Mr. Jeff Bryant, City Attorney

and the question being upon adopting Ordinance No. O-1011-36 upon Second Reading section by section, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-36 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1011-36 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Atkins; and the question being upon adopting Ordinance No. O-1011-36 upon Final Reading as a whole, the roll was called with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-36 was adopted upon Final Reading as a whole.

\* \* \* \* \*

Item 18, being:

#### MISCELLANEOUS DISCUSSION

Upcoming City Council Election Mr. Roger Gallagher, 1522 East Boyd Street, said he filed for the City Council seat in Ward One by petition and talked to 59 different households. He researched the validity of those names at the Cleveland County Election Board and there were seven that did not qualify to vote. He said the City should provide a public service announcement explaining how to become an eligible, qualified voter for each ward. He said when a person moves, they must register at their new address to be able to vote in the ward where they live.

Mr. Leonard Youngblood, 3201 Swan Hollow Drive, said the City of Norman has a need for leadership and change and this community has a great opportunity to make these changes; however, tomorrow is the last day for filing for City Council seats for Wards One, Three, Five, and Seven. He said he called the Cleveland County Election Board today and as of 3:45 p.m., Wards Three, Five, and Seven had only one candidate that had filed and this was not enough interest for any changes to occur. He appealed to those living in these wards to consider serving their wards and the only qualifications were to have a servant's heart, a love for people, and a desire for change. He reminded citizens that the deadline for filing was January 12, 2011, at 5:00 p.m.

Councilmember Atkins said he was pleased to see both City Council candidates for Ward One in the audience this evening. He said attending Council meetings will provide insight about what transpires during the meetings and he welcomed both of them.

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Initiative Petition. Mr. Jim Stanley, 3922 Pinetree Circle, said he filed an initiative petition along with former Councilmembers Olly Olivas and Richard Stawicki. He said he received a letter of instructions from the City Clerk with proposed alternate ballot language from the City Attorney and voiced concerns about City Council and the City Attorney making decisions on how this should be filed.

Councilmember Dillingham said she was very interested in Mr. Stanley's concerns and would like to talk with him about it.

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Deer Whistles. Councilmember Kovach said he recently went to New Mexico and was shocked to count 31 dead deer on the side of the highway. He said he was told installing a deer whistle in the grill of a vehicle can prevent accidents with deer.

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Comprehensive Annual Financial Report (CAFR). Councilmember Cubberley said there seemed to be some controversy over the recent audit about what it meant and whether we got fair notice of the changes in it. He said the results of the audit from his perspective were not a surprise because he had received nine audits during his time on Council and each one had changes to the fund balance because the audit is a truing up process. The ending fund balance that is in the budget is not a final number and never has been. Staff creates the budget in the springtime while there is still one quarter left in the budget year and depending on how revenues and expenditures go, there has to be a truing up process. The budget is a cash basis document whereas the audit is stated on a modified accrual basis and the auditors determine what should actually go in the final figure for the year-end. It often does not compare to the final budgeted figures. Council was advised that the budgeted figures were going to change because they were advised of the change in September during the budget retreat. Mr. Francisco and his staff prepared projected budget scenarios that increased the ending fund balance for the last fiscal year by \$1.7 million and this was good news. Unfortunately in the controversy, the good news seemed to have gotten away from us and the focus became some supposed hiding of this information. The other part of that \$4 million change is accrual. What is projected at year-end is what we will receive in the next several months with the largest part being Federal Emergency Management Agency (FEMA) money that had not been received but was anticipated. The auditors determined under their standard that this should be put in the audit and count it for the last fiscal year even though all of it has not been received. He said he was concerned about the distrust that was fostered of Mr. Francisco, the City Manager, and Staff because there was

Miscellaneous Discussion, continued:

CAFR, continued.

no attempt to hide anything or mislead anyone. The important issue in the audit is that our expenditures exceed our revenues and we have yet to address that. Council decided at the budget retreat so schedule a study session in January or February to address mid-year adjustments because we knew there would be changes. He said we didn't know what our financial picture would be especially as we were continuing to negotiate with the unions, there are increasing costs for health care, and we have not achieved the savings from the furloughs that we thought we would to the tune of \$1.6 million that will have to be deducted.

Mr. Steve Lewis, City Manager, said he had been out of the state attending to a family medical emergency when the audit was presented to Council. He and Mr. Francisco prepared a short presentation this evening that may dovetail on some of the impromptu remarks made by Councilmember Cubberley. He said the CAFR was presented on December 28, 2010, which was synonymous with our external audit. Based on some of the conversations he has had, there seems to be some confusion about the financial data that was presented which was for the fiscal period beginning July 1, 2009, and ending June 30, 2010. There have been a number of questions about the projections made in the budget in comparison with the final audited fund balance. He hoped the presentation would answer questions such as "Are more resources available?"; "Is our fund balance position improving?"; "Is our fund balance position now as it is projected at the end of this year going to be our adopted policy?"; "Were some projections off?"; and "How were we able to see an improvement of \$3.8 million in our fund balance?"

Mr. Anthony Francisco, Finance Director, provided a presentation regarding the CAFR that had been accepted by City Council on December 28, 2010, and several of the questions raised after acceptance. He said the revised General Fund Balance has the Public Safety Sales Tax (PSST) subtracted out of it including all revenues and expenditures related to PSST because as we go forward this money is not in the General Fund. He said when the budget was adopted, staff projected \$10,433,000 in the General Fund Balance at the end of FYE 2010. He said the projections are based on what the revenues are doing and last year about this time the revenues were not doing very well so it was projected the fiscal year on June 30, 2010, would close with a General Fund Balance of approximately \$3,753,000. The audit showed the General Fund Balance was actually \$7,544,000 which was, in fact, above the projections but below what we projected in the budget.

He said we lost more than we budgeted but less than we projected at mid-year. The overall concern is that we lost money. He said the Norman Transcript has quoted that there was a \$4 million difference than the revised estimate of the ending fund balance and actual. He said one reason for this was at mid-year the revenue estimates were revised downward to more closely reflect trends we were seeing at that time. Because of those negative projections and the negative fund balance picture, the Council and the City Manager took proactive steps to make sure that this would not, in fact, become reality. The City Manager directed a "smart" hiring freeze; the price of fuel went down at this time allowing a savings in fuel expenditures; and our Emergency Reserve in the City Council's budget remained unspent while there were several emergencies that were responded to and we were able to absorb those costs in the appropriate budgets. Also, during the audit process the auditors advised us to record as current year revenue some FEMA Reimbursements that had not been received yet.

He said the General Fund Balance Reserve Policy was adopted by Council in 1987 or 1988 requiring 8% reserve of budgeted General Fund expenditures targeted to be held in "Reserve of Operations". Beginning in FYE 2008, 2% of this 8% reserve began to be appropriated in the Council budget as an Emergency Reserve which provided that if the City had to respond to an emergency, Council approval would not be required to spend the money under the City Manager's discretion. As part of the policy, we have a "Self-Insurance Reserve" because the City of Norman is self-insured for Workers' Compensation claims, medical insurance claims, and tort claims against the City. The amount held in reserve is approximately three months of what is historically spent for those claims. He provided a comparison of the position of the General Fund Balance for FYE 2007 through FYE 2010 showing where we should be compared to where our policy says we should be. He said it is not a bad idea to draw down the fund balance if you have an excess above your policy targets, but it should only be for one-time expenditures. Lately, however, in the last few years, we have been drawing General Fund Balance down for ongoing expenditures, not one-time expenditures. He provided a comparison of our actual year-end fund balance vs. the budgeted amount for FYE 2007 through FYE 2010. In 2007, the budgeted year-end fund balance was approximately \$7 million and we closed that year with a fund balance of a little over \$10 million. In FYE 2008, we were in excess of our budgeted year-end fund balance. He said some could say this was a bad job of budgeting but again if you look at the figures as we go forward, the trend reverses itself in FYE 2010. He said during that year we had a budgeted year-end fund balance of over \$10 million and an actual year-end fund balance of approximately \$7 million.

Miscellaneous Discussion, continued:

CAFR, continued. Since the audit was completed and as we have gone forward in this fiscal year, the beginning fund balance was \$3.8 million more than projected and sales tax is above the budgeted amount by about 5.4%. If our sales tax trends remain as they have been, we would add about \$1,950,000 to the General Fund. He said use tax is below what is budgeted and if that trend continues, we would be \$300,000 short of our budgeted projections. He said this year's budget included a projection of furlough savings from all of our employees dependent on successful negotiations with the unions. To date, those negotiations have been unsuccessful and if that continues for the remainder of this fiscal year, it will mean a 1.7% million loss. Health claim expenditures have been projected to be approximately \$1 million more than was budgeted because premiums have increased. Savings in employee turnover has remained in place and holding those positions vacant has had a positive impact realizing a savings of approximately \$800,000. He said third party warrant collections should be approximately \$300,000 shorter than projected and other tax collections and interest income are below budget by approximately \$200,000 each. He said if everything happens exactly as projected, which probably will not happen, we would have a net positive impact on the General Fund Budget of \$2.85 million. Council adopted a budget as of June 30, 2011, that had a General Fund Balance of only about \$464,000 and the revision adds \$2.85 million making a General Fund Balance of \$3.2 million. However, that is well short of our adopted policy fund balance reserves for operations and self-insurance.

Items submitted for the record

1. Power Point presentation entitled "Fiscal Year 2009-2010 General Fund Balance"

Mr. Lewis concluded that Mr. Francisco had provided two snapshots, one as of June 30, 2010, and the other showing where we are today. He said we need to focus on where we were going to be over the next two to three years. He said we will be facing some cutbacks at the State level and how that will trickle through the community is still unknown. He said we will also have to look at the continuation of the position freezes and adjustments we make to that will have a big impact on future budgets as well. He said the projections made by Mr. Francisco with respect of the conclusion of this year were based upon about 5% increase in growth which was 5% over the zero growth. He pointed out that our general sales tax collections even at that level are only 1.3% above our FYE 2009 collection level. Over this past summer at the urging of Oklahoma communities, the Oklahoma Tax Commission (OTC) began a concentrated effort to enforce delinquent sales tax collections and raised approximately \$6.5 million in past due collections. He said we should continue to look at our sales tax collections which may be offset by these one-time collections made by the OTC.

Mayor Rosenthal said she shared Councilmember Cubberley's concerns that some of the questions raised and the characterization of the audit really led to some misunderstanding of the City's position and she appreciated the effort to update both Council and our citizens with respect to our budget situation. She said a mid-year budget review is scheduled next week for Council to look at some of the implications the figures pointed out by the City Manager and Mr. Francisco. She complimented and thanked all City staff as the cost saving efforts that had been done at all levels has been extraordinary. She said the City Manager's leadership has been critical but the efforts throughout the ranks of the employees have helped Council deal with budget issues and challenges. She thanked non-union employees who have taken furlough days sometimes with great difficulty because of the workload in different offices. She thanked Staff for keeping Council well informed starting with the retreat in September. She pointed out that the reserve policy is not an extraordinary policy because 8% is not a large amount. Council has struggled to maintain that policy and it is important to maintain the policy. She said she appreciated the opportunity for citizens to ask questions about the budget and respected differences of opinion about the budget but it is important to be fully informed about our reserve policy and the financial picture we face.

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Thanks for Transportation. Councilmember Quinn said he is able to use his right arm again after eight weeks of physical therapy following recent shoulder surgery. He thanked the Mayor for allowing him to raise either hand when Council voted. He thanked everyone who had provided him transportation when he was unable to drive. He said he has gained a true awareness of what it is like to lose one's independence. He said he appreciated everyone's thoughts and concerns.

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Shop Norman. Councilmember Quinn said it is important to "Shop Norman" not just because of tax dollars but also for people who work and live in Norman whose livelihoods depend on people buying in Norman.

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Item 19, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) IN ORDER TO DISCUSS WORKERS' COMPENSATION COURT CASE NOS. WCC-2008-06751K; WCC-2009-14997H; AND WCC-2010-05927L, JIMMY O'NEAL VS. THE CITY OF NORMAN AND AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(2) TO DISCUSS NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS.

Councilmember Quinn moved that the City Council meeting be adjourned out of and an Executive Session be convened into in order to discuss Workers' Compensation Court Case Nos. WCC-2008-06751K, WCC-2009-14997H, and WCC-2010-05927L, Jimmy O'Neal vs. the City of Norman, and negotiations concerning employees and representatives of employee groups, which motion was duly seconded by Councilmember Cubberley; and the question being upon adjourning out of the City Council meeting and convening into an Executive Session in order to discuss Workers' Compensation Court Case Nos. WCC-2008-06751K, WCC-2009-14997H, and WCC-2010-05927L, Jimmy O'Neal vs. the City Of Norman, and negotiations concerning employees and representatives of employee groups a vote was taken with the following result:

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

NAYES: Councilmember Kovach

The Mayor declared the motion carried and the City Council meeting adjourned out of; and an Executive Session was convened into in order to discuss Workers' Compensation Court Case Nos. WCC-2008-06751K, WCC-2009-14997H, and WCC-2010-05927L, Jimmy O'Neal vs. the City Of Norman and negotiations concerning employees and representatives of employee groups.

The City Council adjourned into Executive Session at 7:53 p.m. Mr. Jeff Bryant, City Attorney; Ms. Rebecca Frazier, Assistant City Attorney; Mr. Blaine Nice, Assistant City Attorney; and Mr. Steve Lewis, City Manager, were in attendance at the Executive Session to discuss Workers' Compensation Court Case Nos. WCC-2008-06751K, WCC-2009-14997H, and WCC-2010-05927L, Jimmy O'Neal vs. the City of Norman. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Gala Hicks, Director of Human Resources; and Mr. Charlie Plumb, Attorney at Law, McAfee and Taft, were in attendance at the Executive Session to discuss negotiations concerning employees and representatives of employee groups.

Thereupon, Councilmember Cubberley moved that Executive Session be adjourned out of and the Council meeting be reconvened, which motion was duly seconded by Councilmember Atkins; 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 Atkins, Butler,  
Cubberley, Dillingham, Ezzell, 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 8:39 p.m.

The Mayor said Workers' Compensation Court Case Nos. WCC-2008-06751K, WCC-2009-14997H, and WCC-2010-05927L, Jimmy O'Neal vs. the City of Norman and negotiations concerning employees and representatives of employee groups were discussed in Executive Session. No action was taken and no votes were cast.

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ADJOURNMENT

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

YEAS:

Councilmembers Atkins, Butler,  
Cubberley, Dillingham, Ezzell, Griffith,  
Kovach, Quinn, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the meeting was adjourned at 8:41 p.m.

ATTEST:

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City Clerk

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Mayor