

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

March 8, 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 8th day of March, 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, Griffith,
Kovach, Mayor Rosenthal

ABSENT Councilmembers Ezzell and Quinn

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 18 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 18, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Item 4 through Item 18 were placed on the consent docket by unanimous vote.

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Item 4, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL PLANNING AND COMMUNITY DEVELOPMENT COMMITTEE MINUTES
OF FEBRUARY 11, 2011

CITY COUNCIL FINANCE COMMITTEE MINUTES OF FEBRUARY 16, 2011

CITY COUNCIL BUDGET RETREAT MINUTES OF FEBRUARY 17, 2011

CITY COUNCIL CONFERENCE MINUTES OF FEBRUARY 22, 2011

CITY COUNCIL MINUTES OF FEBRUARY 22, 2011

NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 22, 2011

NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 22, 2011

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 22, 2011

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 Cubberley;

Items submitted for the record

1. City Council Planning and Community Development Committee minutes of February 11, 2011
2. City Council Finance Committee minutes of February 16, 2011
3. City Council Budget Retreat minutes of February 17, 2011
4. City Council Conference minutes of February 22, 2011
5. City Council minutes of February 22, 2011
6. Norman Utilities Authority minutes of February 22, 2011
7. Norman Municipal Authority minutes of February 22, 2011
8. Norman Tax Increment Finance Authority minutes of February 22, 2011

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, Griffith, Kovach, 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 ORDINANCE NO. O-1011-41 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 LOTS 1-10, BLOCK 3; LOTS 1-9, BLOCK 4; LOTS 1-10, BLOCK 5; AND LOT 1, BLOCK 6, PRESIDENTIAL NO. 4 ADDITION, AND ALL OF LOTS 1-13, BLOCK 1, AND LOTS 1-6, BLOCK 2, PRESIDENTIAL NO. 3 ADDITION, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE C-2, GENERAL COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1801 JEFFERSON COURT AND 2681 JEFFERSON DRIVE)

Councilmember Kovach moved that Ordinance No. O-1011-41 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-41 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-41
3. Location map
4. Staff Report dated February 10, 2011, recommending approval
5. Pertinent excerpts from Planning Commission minutes of February 10, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-41 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Ordinance No. O-1011-41 was Introduced and adopted upon First Reading by title.

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Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1011-42 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 PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND PART IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.)

Councilmember Kovach moved that Ordinance No. O-1011-42 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Cubberley;

Item 6, continued:

Items submitted for the record

1. Text File No. O-1011-42 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-42
3. Location map
4. Staff Report dated February 10, 2011, recommending approval
5. Foxworth Addition Planned Unit Development (PUD) Narrative dated January 10, 2011, by Sassan K. Moghadam, Developer, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Proposed Preliminary Conceptual Landscape Plan; Exhibit C, Proposed Open Space Diagram; and Exhibit D, Proposed Preliminary Phasing Plan
6. Site plan of Gateway Park and Trails
7. Pertinent excerpts from Planning Commission minutes of February 10, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-42 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-42 was Introduced and adopted upon First Reading by title.

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Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1011-43 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 PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 10 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF INDIAN HILLS ROAD AND EAST OF 48TH AVENUE N.W.)

Councilmember Kovach moved that Ordinance No. O-1011-43 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. O-1011-43 dated January 11, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-43
3. Location map
4. Staff Report dated February 10, 2011, recommending approval
5. Whispering Trails Addition Planned Unit Development (PUD) Narrative dated January 10, 2011, prepared by Sean Paul Rieger, the Rieger Law Group, with Exhibit A, Proposed Preliminary Plat; Exhibit B, Typical Residential Lot Development; Exhibit C, Proposed Open Space Plan; Exhibit D, Proposed Conceptual Landscape Plan; and Exhibit E, Proposed Phasing Plan
6. Site plan of Gateway Park and Trails
7. Pertinent excerpts from Planning Commission minutes of February 10, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1011-43 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1011-43 was Introduced and adopted upon First Reading by title.

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Item 8, being:

CONSIDERATION OF BID NO. 1011-54; CONTRACT NO. K-1011-131 WITH STANDARD ROOFING COMPANY, INC., IN THE AMOUNT OF \$380,694; PERFORMANCE BOND NO. B-1011-65; STATUTORY BOND NO. B-1011-66; MAINTENANCE BOND NO. MB-1011-74; AND RESOLUTION NO. R-1011-99 FOR THE ROOF REPLACEMENT PROJECT FOR THE SENIOR CITIZEN CENTER, FIRE STATION NO. FOUR, NORTH AND SOUTH DIGESTER CONTROL BUILDINGS AT THE WASTEWATER TREATMENT PLANT, AND THE WESTWOOD MAINTENANCE AND POOL BUILDINGS AND BUDGET TRANSFER.

Acting as the City Council and Norman Utilities Authority, Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of \$380,694 be awarded to Standard Roofing Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-131 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; Resolution No. R-1011-99 be adopted; and funds in the amount of \$1,888 be transferred from Project No. WW0039, WWTP Environmental Building Foundation, Construction (032-9911-432.61-01) to WW0059, WWTP North and South Digester Control Room Roof Replacement, Construction (032-9677-432.61-01), which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-131 dated February 21, 2011, by Brenda Hall, City Clerk
2. Bid tabulation dated February 3, 2011, for the Senior Citizens Center, Fire Station No. Four, North and South Digester Buildings at the Wastewater Treatment Plant Facility, and Westwood Maintenance and Pool Buildings Roof Replacement Project
3. Contract No. K-1011-131
4. Performance Bond No. B-1011-65
5. Statutory Bond No. B-1011-66
6. Maintenance Bond No. MB-1011-74
7. Resolution No. R-1011-99
8. Purchase Requisition No. 0000183220 dated February 28, 2011, in the amount of \$380,694 to Standard Roofing Company, Inc.

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and all bids meeting specifications accepted; the bid in the amount of \$380,694 was awarded to Standard Roofing Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1011-131 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; Resolution No. R-1011-99 was adopted; and funds in the amount of \$1,888 were transferred from Project No. WW0039, WWTP Environmental Building Foundation, Construction (032-9911-432.61-01) to WW0059, WWTP North and South Digester Control Room Roof Replacement, Construction (032-9677-432.61-01).

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Item 9, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF SIX (6) RUGGEDIZED NOTEBOOK COMPUTERS FROM CDW-G IN THE AMOUNT OF \$26,712.72 FOR THE POLICE DEPARTMENT.

Councilmember Kovach moved that authorization for the purchase of six (6) ruggedized notebook computers in the amount of \$26,712.72 from CDW-G for the Police Department be approved, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. GID-1011-11 dated February 11, 2011, by Gary Lowe, Information Systems Manager
2. Sales Quotation No WND4412 dated February 9, 2011, in the amount of \$26,712.72 from CDW-G
3. Purchase Requisition No. 0000182547 dated February 11, 2011, in the amount of \$26,712.72 to CDG Government, Inc.

and the question being upon approving authorization for the purchase of six (6) ruggedized notebook computers in the amount of \$26,712.72 from CDW-G for the Police Department, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and authorization for the purchase of six (6) ruggedized notebook computers in the amount of \$26,712.72 from CDW-G for the Police Department was approved.

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Item 10, being:

SPECIAL CLAIM NO. 1011-5: A CLAIM IN THE AMOUNT OF \$3,851.35 FROM CMR CLAIMS MANAGEMENT RESOURCES ON BEHALF OF OKLAHOMA GAS AND ELECTRIC COMPANY FOR DAMAGES INCURRED TO A UTILITY POLE LOCATED AT 668 EAST LINDSEY STREET BY A STREET MAINTENANCE DIVISION EMPLOYEE.

Councilmember Kovach moved that Special Claim No. 1011-5 be approved and payment in the amount of \$3,851.35 be directed contingent upon obtaining a Release and Covenant Not to Sue from CMR Claims Management Resources on behalf of Oklahoma Gas and Electric Company, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. SC-1011-6 dated February 18, 2011, by Jeanne Snider, Assistant City Attorney
2. Memorandum dated December 7, 2010, from Brenda Hall, City Clerk, to Shawn O'Leary, Director of Public Works, and Jeff Bryant, City Attorney
3. Notice of Claim dated December 2, 2010, in the amount of \$3,851.35 from Holly Finley, CMR Claims Department, CMR Claims Management Resources, to City Clerk
4. Special Claim No. 1011-5 dated December 2, 2010, submitted by Holly Finley, CMR Claims Management, on behalf of OG&E in the amount of \$3,851.35
5. Invoice for Claim No. 8563657 in the amount of \$3,851.35 from CMR Management Resources to City of Norman
6. Cost Calculation Worksheet in the amount of \$3,851.35

and the question being upon approving Special Claim No. 1011-5 and upon the subsequent directive, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Special Claim No. 1011-5 approved; and payment in the amount of \$3,851.35 was directed contingent upon obtaining a Release and Covenant Not to Sue from CMR Claims Management Resources on behalf of Oklahoma Gas and Electric Company.

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Item 11, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0708-54: A SUPPLEMENTAL AND MODIFICATION AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION ADJUSTING THE BUDGET AMOUNT FOR STATE-AID PROJECT NO. STP-114 E(199)EH, STATE JOB NO. 24554(04) FOR THE LEGACY TRAIL SOUTH EXTENSION ENHANCEMENT PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-0708-54 with the Oklahoma Department of Transportation be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-0708-54, Amendment No. One, dated February 23, 2011
2. Letter dated October 29, 2009, from Matt VanAuken, Special Projects Branch, Oklahoma Department of Transportation, to Mr. James Briggs, Park Planner
3. Amendment No. One to Contract No. K-0708-54 with Attachment "A", Estimated Project Budget
4. Location map

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation

and the question being upon approving Amendment No. One to Contract No. K-0708-54 with the Oklahoma Department of Transportation and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-0708-54 with the Oklahoma Department of Transportation approved; and the execution thereof was authorized.

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Item 12, being:

AMENDMENT NO. TWO TO CONTRACT NO. K-0708-111: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY, AND HDR ENGINEERING, INC., INCREASING THE CONTRACT AMOUNT BY \$65,104 FOR THE LIFT STATION D REHABILITATION PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. Two to Contract No. K-0708-111 with HDR Engineering, Inc., increasing the contact amount by \$65,104 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-0708-111, Amendment No. Two, by Mark Daniels, Utilities Engineer with Attachment 1, Proposed Funding
2. Amendment No. Two to Contract No. K-0708-111 with Exhibit C-1, Basis of Compensation

and the question being upon approving Amendment No. Two to Contract No. K-0708-111 with HDR Engineering, Inc., increasing the contact amount by \$65,104 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Chairman declared the motion carried and Amendment No. Two to Contract No. K-0708-111 with HDR Engineering, Inc. increasing the contact amount by \$65,104 approved; and the execution thereof was authorized.

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Item 13, being:

AMENDMENT NO. THREE TO CONTRACT NO. K-0708-113: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE OKLAHOMA CONSERVATION COMMISSION, AND WATERSHED RESTORATION INC., EXTENDING THE CONTRACT UNTIL SEPTEMBER 30, 2011, FOR THE BROOKHAVEN CREEK IMPROVEMENT PROJECT.

Councilmember Kovach moved that Amendment No. Three to Contract No. K-0708-113 with the Oklahoma Conservation Commission and Watershed Restoration, Inc., extending the contract until September 30, 2011, be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-0708-113, Amendment No. Three, dated February 22, 2011, by Bob Hanger, Stormwater Engineer
2. Amendment No. Three to Contract No. K-0708-113
3. Location map

and the question being upon approving Amendment No. Three to Contract No. K-0708-113 with the Oklahoma Conservation Commission and Watershed Restoration, Inc., extending the contract until September 30, 2011, and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. Three to Contract No. K-0708-113 with the Oklahoma Conservation Commission and Watershed Restoration, Inc., extending the contract until September 30, 2011, approved; and the execution thereof was authorized.

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Item 14, being:

CONSIDERATION OF FINAL ACCEPTANCE AND FINAL PAYMENT OF CONTRACT NO. K-1011-59 BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND STANDARD ROOFING COMPANY, INC., FOR THE FIRE ADMINISTRATION AND FIRE STATION NO. ONE ROOF REPLACEMENT PROJECT.

Councilmember Kovach moved that the project be accepted and final payment in the amount of \$145,349 to Standard Roofing Company, Inc., be directed, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-59, Final, dated February 24, 2011, by Brenda Hall, City Clerk
2. Invoice No. 11213 DW dated January 27, 2011, in the amount of \$145,349 from Standard Roofing Company, Inc.
3. Purchase Order No. 192357 dated September 30, 2010, to Standard Roofing Company, Inc., in the amount \$167,195 subtracting payment of \$21,846 leaving a balance of \$145,349

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

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

NAYES: None

The Mayor declared the motion carried and the project accepted; and final payment in the amount of \$145,349 to Standard Roofing Company, Inc., was directed.

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Item 15, being:

CONTRACT NO. K-1011-137: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND PSC D/B/A CHEMICAL RECLAMATION SERVICES IN THE AMOUNT OF \$75,000 TO PROVIDE A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT TO BE HELD APRIL 9, 2011, AT THE LLOYD NOBLE CENTER PARKING LOT AND PERFORMANCE BOND NO. B-1011-74.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1011-137 with PSC d/b/a Chemical Reclamation Services in the amount of \$75,000 and Performance Bond No. B-1011-74 be approved, the execution of the contract be authorized, and filing of the performance bond be directed, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-1011-137 dated February 14, 2011, by Debra Smith, Environmental Services Coordinator
2. Contract No. K-1011-137
3. Performance Bond No. B-1011-74
4. Purchase Requisition No. 0000182603 dated February 14, 2011, in the amount of \$75,000 to PSC – Chemical Reclamation Services

and the question being upon approving Contract No. K-1011-137 with PSC d/b/a Chemical Reclamation Services in the amount of \$75,000 and Performance Bond No. B-1011-74 and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Contract No. K-1011-137 with PSC d/b/a Chemical Reclamation Services in the amount of \$75,000 and Performance Bond No. B-1011-74 approved; the execution of the contract was authorized and filing of the performance bond was directed.

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Item 16, being:

CONTRACT NO. K-1011-143: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND BARBARA MELTON FOR THE OPERATION OF THE WESTWOOD SWIM COMPLEX CONCESSION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Contract No. K-1011-143 with Barbara Melton be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-1011-143 dated February 11, 2011, by Jud Foster, Director of Parks and Recreation
2. Proposal dated January 20, 2011, from Barbara J. Melton to Jeff Hill, Superintendent of Recreation
3. Contract No. K-1011-143

and the question being upon approving Contract No. K-1011-143 with Barbara Melton and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Contract No. K-1011-143 with Barbara Melton approved; and the execution thereof was authorized.

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Item 17, being:

CONTRACT NO. K-1011-145: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) FOR THE CONSTRUCTION OF LINDSEY STREET FROM LINCOLN AVENUE EAST TO THE BURLINGTON NORTHERN SANTA FE (BNSF) RAILROAD TRACKS AND ADOPTION OF RESOLUTION NO. R-1011-95.

Councilmember Kovach moved that Contract No. K-1011-145 with the Oklahoma Department of Transportation be approved, Resolution No. R-1011-95 be adopted, the execution of the contract and resolution be authorized, and payment in the amount of \$580,000 be directed to ODOT for the City's share of the project, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. K-1011-145 dated February 22, 2011, by John Clink, Capital Projects Engineer
2. Contract No. K-1011-145
3. Resolution No. R-1011 95
4. Location map
5. Purchase Requisition No. 183199 dated February 28, 2011, in the amount of \$580,000 to the Oklahoma Department of Transportation

Participants in discussion

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

and the question being upon approving Contract No. No. K-1011-145 with the Oklahoma Department of Transportation and upon the subsequent adoption, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Contract No. K-1011-145 with the Oklahoma Department of Transportation approved; Resolution No. R-1011-95 was adopted, the execution of the contract and resolution was authorized, and payment in the amount of \$580,000 was directed to ODOT for the City's share of the project.

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Item 18, being:

CONTRACT NO. K-1011-148: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C., IN THE AMOUNT OF \$397,800 TO PROVIDE PRELIMINARY ENGINEERING DESIGN SERVICES FOR THE PHASE 2 WASTEWATER TREATMENT PLANT EXPANSION PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1011-148 with Garver, L.L.C., in the amount of \$397,800 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Cubberley;

Items submitted for the record

1. Text File No. K-1011-148 dated February 25, 2011, by Mark Daniels, Utilities Engineer
2. Contract No. K-1011-148 with Appendix A, Scope of Services and Appendix B, Norman Utilities Authority WWTP Phase 2 Expansion Design
3. Purchase Requisition No. 0000183118 dated February 25, 2011, in the amount of \$397,800 to Garver, L.L.C.

Participants in discussion

1. Mr. Mark Daniels, Utilities Engineer

Item 18, continued:

question being upon approving Contract No. No. K-1011-148 with Garver, L.L.C., in the amount of \$397,800 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Chairman declared the motion carried and Contract No. K-1011-148 with Garver, L.L.C., in the amount of \$397,800 approved; and the execution thereof was authorized.

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Item 19, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(2) TO DISCUSS NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS AND AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 §307(B)(4) TO DISCUSS CONFIDENTIAL COMMUNICATIONS BETWEEN A PUBLIC BODY AND ITS ATTORNEY CONCERNING A PENDING INVESTIGATION, CLAIM OR ACTION IF THE PUBLIC BODY, WITH THE ADVICE OF ITS ATTORNEY, DETERMINES THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT AN IMPENDING INVESTIGATION, LITIGATION OR PROCEEDING IN THE PUBLIC INTEREST REGARDING CLEVELAND COUNTY DISTRICT COURT CASE NO. CV-2011-48-L, CITY OF NORMAN VS. THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 2067.

Councilmember Dillingham moved that the City Council meeting be adjourned out of and an Executive Session be convened into in order to discuss negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067, which motion was duly seconded by Councilmember Griffith; and the question being upon adjourning out of the City Council meeting and convening into an Executive Session in order to discuss negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067, a vote was taken with the following result:

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

NAYES: None

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 negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067.

The City Council adjourned into Executive Session at 7:03 p.m. Mr. Charlie Plumb, Attorney at Law, McAfee and Taft; Ms. Gala Hicks, Director of Human Resources; Mr. Jeff Bryant, City Attorney; and Mr. Steve Lewis, City Manager, were in attendance at the Executive Session.

Thereupon, Councilmember Kovach 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, Griffith, Kovach,
Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Executive Session adjourned out of; and the Council meeting was reconvened at 7:53 p.m.

Item 19, continued:

The Mayor said negotiations concerning employees and representatives of employee groups and Cleveland County District Court Case No. CV-2011-48-L, City of Norman vs. the International Association of Fire Fighters Local No. 2067 was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

Item 20, being:

REGARDING A SPECIAL ELECTION TO DETERMINE THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF NORMAN AND INTERNATIONAL ASSOCIATION OF FIREFIGHTERS LOCAL 2067 FOR THE TIME PERIOD OF JULY 1, 2010, TO JUNE 30, 2011, AS PROVIDED BY TITLE 11, OKLAHOMA STATUTES, SECTION 51-110, CONSIDERATION OF A MOTION TO MOVE FORWARD WITH NOTIFICATION TO THE CLEVELAND COUNTY ELECTION BOARD AFTER RECEIPT OF THE CLEVELAND COUNTY DISTRICT COURT'S RULING REGARDING BALLOT LANGUAGE IN CLEVELAND COUNTY DISTRICT COURT CASE NO. CV-2011-48-L; OR IN THE ALTERNATIVE, TO APPEAL THE DECISION OF THE CLEVELAND COUNTY DISTRICT COURT REGARDING DETERMINATION OF THE BALLOT LANGUAGE IN CLEVELAND COUNTY DISTRICT COURT CASE NO. CV-2011-48-L; AND/OR IN THE ALTERNATIVE, TO MODIFY RESOLUTION NO. R-1011-69 TO NOTIFY THE CLEVELAND COUNTY ELECTION BOARD NO LATER THAN APRIL 15, 2011, OF A JUNE 14, 2011, CITY WIDE ELECTION AND PROVIDE NEWSPAPER PUBLICATION NO LATER THAN JUNE 3, 2011

Councilmember Dillingham moved that Option 3 to modify Resolution No. R-1011-69 to notify the Cleveland County Election Board no later than April 15, 2011, of a June 14, 2011, City wide election and provide newspaper publication no later than June 3, 2011, be approved, which motion was duly seconded by Councilmember Cubberley;

Items submitted for the record

1. Text File No. TMP-126 dated March 1, 2011, by Jeff Bryant, City Attorney
2. Memorandum dated March 2, 2011, from Jeff Bryant, City Attorney, to Honorable Mayor and Councilmembers
3. Resolution No. R-1011 69
4. Legislatively notated copy of modified Resolution No. R-1011-69
5. Modified Resolution No. R-1011-69

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Mr. Anthony Francisco, Finance Director
3. Mr. Steve Lewis, City Manager
4. Mr. Butch Crawford, President, International Association of Fire Fighters Local 2067, protestant
5. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
6. Mr. Bobby Stevens, 3801 108th Avenue S.E., made comments
7. Mr. Roger Gallagher, 1522 East Boyd, protestant
8. Mr. Steve Lucas, 804 Fairway Drive, protestant

and the question being upon approving Option 3 to modify Resolution No. R-1011-69 to notify the Cleveland County Election Board no later than April 15, 2011, of a June 14, 2011, City wide election and provide newspaper publication no later than June 3, 2011, a vote was taken with the following result:

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

The Mayor declared the motion carried and Option 3 to modify Resolution No. R-1011-69 to notify the Cleveland County Election Board no later than April 15, 2011, of a June 14, 2011, City wide election and provide newspaper publication no later than June 3, 2011 was approved.

* * * * *

Miscellaneous Discussion was moved before Item 19 for citizen input. After Item 20, City Council continued Miscellaneous Discussion.

* * * * *

MISCELLANEOUS DISCUSSION

Union Contract Negotiations. Mr. Butch Crawford, President, International Association of Fire Fighters (IAFF) Local 2067, said firefighters were asked to decrease their budget by \$330,000 to help with the FYE 2011 budget shortfall. He said there are seven vacant firefighter positions that equate to a savings of \$440,000 so there is no need to decrease their budget. He submitted an informational sheet detailing fire personnel staffing and cost savings. He appealed to the City Council to not take negotiations to a vote of the people.

Items submitted for the record

1. Informational sheet detailing fire personnel staffing and savings

Mr. Jim Stanley, 3922 Pine Tree Circle, said he agrees with Mr. Crawford and if the City goes forward with an election, he will talk to everyone he knows to vote in favor of the firemen.

Mr. Steve Lucas, 804 Fairway Drive, urged City Council to stop the election on the IAFF negotiations.

Mr. Leonard Youngblood, 3201 Swan Hollow Drive, asked Council to explain to citizens the reasons Council would call for an election on the IAFF negotiations.

Mayor Rosenthal said Item 20, regarding notice of a special election would be conducted in an open forum for public discussion after the Executive Session.

*

Campaign Signs. Mr. Bobby Stevens, 3801 108th Avenue S.E., said campaign signs are not supposed to be placed within 300 feet of a polling location and that law was violated in east Norman. He said there were also campaign signs that had been pulled by Code Enforcement for no legal reason.

Sanitation Rate Increase. Mr. Bobby Stevens, 3801 108th Avenue S.E., said he voted for the sanitation rate increase, but feels nothing is being done about roadside dumping. He believes the City is not being proactive in cleaning up items dumped along the roadside. He said he could call the City of Norman Action Center to have the items removed, but feels it is not the citizen's job to call.

Mayor Rosenthal expressed her appreciation to voters for their support of the sanitation rate increase and thanked the volunteers who participated in supporting and promoting the proposal. She said the City will continue to find ways to make the system more efficient and was happy to announce that weekly yard waste pickup begins again in March.

*

Code Violations. Mr. Bobby Stevens, 3801 108th Avenue S.E., said that Norman wants to attract businesses, but felt that violations of existing businesses are not enforced. He said Quality Wrecker Service does not play by the same rules as everyone else. He said the City should require them place a fence around their lot to block visibility of cars and cars are stacked seven to eight high that can be seen from the highway, which he believes to also be a violation. He said the rules should apply to everyone, not just to some.

*

Household Hazardous Waste Collection (HHWC) Event. Ms. Jaycee Crosbie, 201 Mount Oaks Drive, said the HHWC Event is an excellent opportunity for residents to dispose of hazardous waste, but felt there needed to be more community awareness. She suggested placing signs at intersections advertising the date of the event.

Ms. Ann Gallagher, 1522 East Boyd, agreed that the HHWC Event needed more public awareness and suggested placing Public Service Announcements on radio stations.

*

Quarterly Newsletters for Apartment Complexes. Mr. Mark Campbell, 2821 Dewey Avenue, said it would be great if large apartment complexes were required to distribute quarterly newsletters to update residents about events in Norman such as the city wide garage sale, the HHWC event, National Night Out, etc.

*

Miscellaneous Discussion, continued:

Enforcement Authority. Councilmember Kovach said he would like Council to address a perceived language problem with an ordinance in Section 7.5.22 of the Code of Ordinances, Campaign Statements Filing. He quoted the language as, "Each candidate for nomination or election to the Office of Council Member or Mayor and any committee acting on behalf of or in opposition to a candidate shall file a campaign statement no later than 12:00 noon on the Friday preceding each Municipal or Municipal Runoff election in which he or she is a candidate, a supplemental campaign statement no later than 12:00 noon on the Monday preceding each election in which he or she is a candidate..." He said the ordinance had been reviewed by the Council Oversight Committee, of which he is a member, and he should have caught the language at that time. He said the language is extremely vague and thought it may be unconstitutional in regards to free speech and asked that Council review the language.

Councilmember Dillingham agreed and said she believes the language is vague, at best.

*

Congratulations to Councilmembers. Mr. Bobby Stevens, 3801 108th Avenue S.E., thanked the Councilmembers who have served on Council and congratulated newly elected Councilmembers.

Councilmember Kovach congratulated the newly elected members of Council and wished good luck to those still in the race.

*

Election. Councilmember Kovach said his Ward did not have a candidate on the ballot, yet voter turnout was tremendous and he congratulated the conscientious voters of Ward 2.

Councilmember Dillingham said she appreciated the voter turnout in the election although it was still less than 10% of the population and encouraged everyone to make it a point to vote. She said voting is what separates America from other countries and voting is how you voice your opinions to your government.

*

Newspapers. Councilmember Dillingham said although Council has no control over what is printed in the newspaper, there is some control over whether or not legal notices are required to be printed in newspapers of general circulation. She said there is important legislation pending before the Oklahoma Legislature seeking to allow and require all legal notices only to be published in electronic form, which allows public entities to retract the amount of information the public has control over. She said many people do not have internet access or even computers so newspapers are still vitally important and she encouraged citizens to contact their legislative representative urging them to continue to require written forms of legal notices.

*

Water Treatment Plant. Mr. Steve Lewis, City Manager, provided an update on the expansion of the Water Treatment Plant (WTP) Project. He said the WTP was initially constructed in 1964 and a small expansion was constructed in 1982, but no upgrades have been made since that time. He said treatment capacity is being expanded from 14 million gallons per day (mpg) to 17 mpg. He said improvements include a new 2-mega watt generation system; electrical system upgrade; installation of a 10 mpg clarifier; variable speed pumping system, etc. He said it is a complete modernization of the plant. He said the City was able to tap into federal stimulus funds to acquire a \$14 million loan at 2.78% interest over a 20-year period as well as a \$2 million grant.

* * * * *

ADJOURNMENT

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

YEAS:	Councilmembers Atkins, Butler, Cubberley, Dillingham, Griffith, Kovach, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and the meeting was adjourned at 8:39 p.m.

ATTEST:

City Clerk

Mayor