

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

November 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 November, 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 Dillingham, Ezzell,  
Gallagher, Griffith, Kovach, Lockett,  
Quinn, Spaulding, Mayor Rosenthal

ABSENT: None

The Pledge of Allegiance was led by students of Truman Elementary School.

\* \* \* \* \*

Item 3, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF OCTOBER 4, 2011  
CITY COUNCIL STUDY SESSION MINUTES OF OCTOBER 18, 2011  
CITY COUNCIL FINANCE COMMITTEE MINUTES OF OCTOBER 19, 2011  
CITY COUNCIL CONFERENCE MINUTES OF OCTOBER 25, 2011  
CITY COUNCIL MINUTES OF OCTOBER 25, 2011 \*  
NORMAN UTILITIES AUTHORITY MINUTES OF OCTOBER 25, 2011\*  
NORMAN MUNICIPAL AUTHORITY MINUTES OF OCTOBER 25, 2011\*  
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF OCTOBER 25, 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 Griffith;

Items submitted for the record

1. Text File No. GID-1112-32 dated October 24, 2011, by Brenda Hall, City Clerk
2. City Council Study Session minutes of October 4, 2011
3. City Council Study Session minutes of October 18, 2011
4. City Council Finance Committee minutes of October 19, 2011
5. City Council Conference minutes of October 25, 2011

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

YEAS: Councilmembers Dillingham, Ezzell,  
Gallagher, Griffith, Kovach, Lockett,  
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

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

\* The City Council, Norman Utility Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority Minutes of October 25, 2011, were withdrawn by staff to be considered at the November 22, 2011, City Council meeting.

\* \* \* \* \*

Item 4, being:

PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM TRUMAN ELEMENTARY SCHOOL.

Councilmember Kovach moved to allow the Mayor to present Citizenship Awards to students from Truman Elementary School, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. TMP-164 dated October 31, 2011

Participants in discussion

1. Mayor Rosenthal and Councilmember Ezzell presented Citizenship Awards to students Caleb Berryhill, Emerson Coffman, Rylie Jackson, Jalen Johnson, Maria Lopez, Meredith McAlester, Janet Martinez, Hailan Qian, Jade Robinson, Saif Salim, Ava Wheeler, Will Windes, and Ryan Womack
2. Ms. Robye Kay Jackson, Principal of Truman Elementary School, said the fourth and fifth grade students were selected as representatives of good citizens of Truman Elementary School

and the question being upon allowing the Mayor to present Citizenship Awards to students from Truman Elementary School, a vote was taken with the following result:

YEAS:

Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and the Mayor was allowed to present Citizenship Awards to students from Truman Elementary School.

\* \* \* \* \*

Item 5, being:

PRESENTATION OF AN AWARD BY THE OKLAHOMA WATER RESOURCES BOARD ON BEHALF OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) NATIONAL FLOOD INSURANCE PROGRAM FOR THE CITY OF NORMAN'S PARTICIPATION IN THE COMMUNITY RATING SYSTEM PROGRAM.

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

Items submitted for the record

1. Text File No. GID-1112-33 dated October 24, 2011, by Shawn O'Leary, Director of Public Works
2. Letter dated October 20, 2011, from Sandra K. Knight, PhD, PE, Deputy Associate Administrator for Mitigation, U.S. Department of Homeland Security, Federal Emergency Management Agency, to Steve Lewis, Norman City Manager

Participants in discussion

1. Mr. Gavin Brady, State Coordinator of the Oklahoma Water Resources Board National Flood Insurance Program, and Mr. Kent Wilkins, Head of the Oklahoma Water Resources Board Fields Services Section, presented the award

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

YEAS:

Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

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

\* \* \* \* \*

Item 6, being:

PROCLAMATION NO. P-1112-9: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, NOVEMBER 26, 2011, AS SMALL BUSINESS SATURDAY IN THE CITY OF NORMAN.

Councilmember Quinn moved that receipt of Proclamation No. P-1112-9 proclaiming Saturday, November 26, 2011, as Small Business Saturday in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

- 1. Text File No. P-1112-9 dated November 1, 2011, by Brenda Hall, City Clerk
- 2. Proclamation No. P-1112-9

Participants in discussion

- 1. Mr. John Woods, Executive Director of the Norman Chamber of Commerce, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1112-9 proclaiming Saturday, November 26, 2011, as Small Business Saturday in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

YEAS:

Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and receipt of Proclamation No. P-1112-9 proclaiming Saturday, November 26, 2011, as Small Business Saturday in the City of Norman acknowledged; and the filing thereof was directed.

\* \* \* \* \*

Item 7, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 8 through Item 16 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Quinn; and the question being upon the placement on the consent docket by unanimous vote of Item 8 through Item 16, a vote was taken with the following result:

YEAS:

Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Item 8 through Item 16 were placed on the consent docket by unanimous vote.

\* \* \* \* \*

Item 8, being:

CONSIDERATION OF ORDINANCE NO. O-1011-60 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 EAST HALF OF SECTION 17 OF TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE RM-2, LOW DENSITY APARTMENT DISTRICT, AND THE R-1, SINGLE FAMILY DWELLING DISTRICT, OF SAID CITY, AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE WEST SIDE OF 12TH AVENUE N.E. AND ONE-HALF MILE NORTH OF ROCK CREEK ROAD)

Councilmember Kovach moved that Ordinance No. O-1011-60 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1011-60 dated May 10, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1011-60
3. Site plan
4. Location map
5. Staff report dated October 13, 2011, recommending approval
6. Norman Predevelopment Summary Case No. PD 11-12 dated March 24, 2011, for Jack Eure for property located south of Tecumseh Road on the west side of 12th Avenue N.E.
7. Protest area map containing 0.7% protest within notification area
8. Letters of protest dated March 14, and March 17, 2011, from Shirley Matthies
9. Letter of protest dated March 13, 2011, from Barbara Bridgeford
10. Pertinent excerpts from Planning Commission minutes of July 8, 2010

and the question being upon the Introduction and adoption of Ordinance No. O-1011-60 upon First Reading by title, a vote was taken with the following result:

YEAS:

Councilmembers Dillingham, Ezzell,  
Gallagher, Griffith, Kovach, Lockett,  
Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Ordinance No. O-1011-60 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 9, being:

CONSIDERATION OF ORDINANCE NO. O-1112-16 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE IV BOARD OF HOSPITAL MANAGEMENT; REPEALING IN ITS ENTIRETY ARTICLE VI CABLE COMMUNICATIONS ADVISORY COMMISSION, ARTICLE XVIII UTILITIES COMMISSION, AND ARTICLE XX TRAFFIC APPEALS COMMISSION OF THE CODE OF ORDINANCES OF THE CITY OF NORMAN; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Councilmember Kovach moved that Ordinance No. O-1112-16 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1112-16 dated November 1, 2011
2. Ordinance No. O-1112-16
3. Legislatively noted copy of Ordinance No. O-1112-16
4. Pertinent excerpts from City Council Special Session minutes of October 11, 2011

Item 9, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1112-16 upon First Reading by title, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,  
Gallagher, Griffith, Kovach, Lockett,  
Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1112-16 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 10, being:

SPECIAL CLAIM NO. SC-1112-5: A CLAIM IN THE AMOUNT OF \$3,240.25 SUBMITTED BY DEBRA HARTSON FOR COSTS INCURRED WHEN A SANITATION VEHICLE BACKED INTO HER VEHICLE IN A ONE-WAY ALLEY AT 131 EAST MAIN STREET.

Councilmember Kovach moved that Special Claim No. SC-1112-5 be approved and payment in the amount of \$3,240.25 be directed contingent upon obtaining a Release and Covenant Not to Sue from Debra Hartson, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. SC-1112-5 dated October 25, 2011, by Jeanne Snider, Assistant City Attorney
2. Special Claim No. SC-1112-5 filed October 17, 2011, submitted by Debra Hartson in the amount of \$3,676.41
3. Estimate No. 1017659624-1-3 dated January 12, 2011, from Farmers Insurance Company, Inc., in the amount of \$2,735.22 less adjustments of \$758.81 for a net cost of repairs in the amount of \$1,976.41
4. Service Order dated from S & S Paint and Body in the amount of \$2,735.25
5. Rental Agreement No. 8TQPSG dated January 7, 2011, from Enterprise in the amount of \$505
6. State of Oklahoma Certificate of Title for Debra Day Hartson issued January 8, 2007

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities

and the question being upon approving Special Claim No. SC-1112-5 and upon the subsequent directive, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell,  
Gallagher, Griffith, Kovach, Lockett,  
Quinn, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Special Claim No. SC-1112-5 approved; and payment in the amount of \$3,240.25 was directed contingent upon obtaining a Release and Covenant Not to Sue from Debra Hartson.

\* \* \* \* \*

Item 11, being:

AMENDMENT NO. TWO CONTRACT NO. K-0607-148: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CLEARWATER ENTERPRISES, L.L.C., FOR THE PURPOSE OF REMOVING THE NORMAN PUBLIC LIBRARY FACILITY FROM THE CONTRACT AS A GAS RECIPIENT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. Two to Contract No. K-0607-148 with Clearwater Enterprises, L.L.C., be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Quinn;

Items submitted for the record

1. Text File No. K-0607-148, Amendment No. Two, dated October 11, 2011, by Shawn O'Leary, Director of Public Works
2. Amendment No. Two to Contract No. K-0607-148 with Exhibit B-2, Facility Listing and Estimated Monthly Usage; Exhibit C-1, Seller Addresses and Contacts; and Exhibit D, Buyer Addresses and Contacts

and the question being upon approving Amendment No. Two to Contract No. K-0607-148 with Clearwater Enterprises, L.L.C., a vote was taken with the following result:

YEAS:

Trustees Dillingham, Ezzell, Gallagher,  
Griffith, Kovach, Lockett, Quinn,  
Spaulding, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Amendment No. Two to Contract No K-0607-148 with Clearwater Enterprises, L.L.C., approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 12, being:

CHANGE ORDER NO. TWO TO CONTRACT NO. K-0910-27: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND RED CLIFF, INC., INCREASING THE CONTRACT AMOUNT BY \$8,053.27 FOR THE LITTLE RIVER INTERCEPTOR, PHASE III, AND NORTHWEST INTERCEPTOR PROJECTS AND FINAL ACCEPTANCE OF THE PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Change Order No. Two to Contract No. K-0910-27 with Red Cliff, Inc., increasing the contract amount by \$8,053.27 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of \$39,000 be directed, which motion was duly seconded by Trustee Quinn;

Items submitted for the record

1. Text File K-0910-29, Change Order No. Two, dated October 25, 2011, by Mark Daniels, Utilities Engineer
2. Change Order Two to Contract No. K-0910-27
3. Purchase Order No. 178503 dated September 29, 2009, in the amount of \$1,637,392 to Red Cliff, Inc., adding Change Order No. One in the amount of \$57,273.68, Amendment No. One in the amount of \$175,000, and Change Order No. Two in the amount of \$8,053.27 for a revised contract amount of \$1,877,718.95

and the question being upon approving Change Order No. Two to Contract No. K-0910-29 with Red Cliff, Inc., increasing the contract amount by \$8,053.27 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

YEAS:

Trustees Dillingham, Ezzell, Gallagher,  
Griffith, Kovach, Lockett, Quinn,  
Spaulding, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Change Order No. Two to Contract No K-0910-27 with Red Cliff, Inc, increasing the contract amount by \$8,053.27 approved; the execution thereof was authorized, the project was accepted, and final payment in the amount of \$39,000 was directed.

\* \* \* \* \*

Item 13, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-176: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND ENGINEERING SERVICES AND TESTING (EST), INC., INCREASING THE CONTRACT AMOUNT BY \$66,800 TO PROVIDE PROJECT SITE REPRESENTATION SERVICES FOR THE BOYD STREET WATER TOWER RESURFACING PROJECT AND BUDGET TRANSFER.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0910-176 with EST, Inc., increasing the contract amount by \$66,800 be approved, the execution thereof be authorized, and \$66,800 be transferred from Project No. WA0039, Water Tower Maintenance, Boyd Street, Construction (031-9354-462.61-01) to Water Tower Maintenance, Boyd Street, Design (031-9354-462.62-01), which motion was duly seconded by Trustee Quinn;

Items submitted for the record

1. Text File No. K-0910-176, Amendment No. One, dated October 21, 2011, by Chris Mattingly, Utilities Superintendent
2. Amendment No. One to Contract No. K-0910-176 with Attachment B, Compensation, and Attachment C, Time Schedule for Scope of Services Performance

Participants in discussion

1. Mr. Ken Komiske, Director of Utilities
2. Mr. Mark Campbell, 1320 Garfield Avenue, made comments

and the question being upon approving Amendment No. One to Contract No. K-0910-176 with EST, Inc., and upon the subsequent authorization and transfer, a vote was taken with the following result:

YEAS:

Trustees Dillingham, Ezzell, Gallagher,  
Griffith, Kovach, Lockett, Quinn,  
Spaulding, Chairman Rosenthal

NAYES:

None

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0910-176 with EST, Inc., increasing the contract amount by \$66,800 approved; the execution was authorized and \$66,800 was transferred from Project No. WA0039, Water Tower Maintenance, Boyd Street, Construction (031-9354-462.61-01) to Water Tower Maintenance, Boyd Street, Design (031-9354-462.62-01).

\* \* \* \* \*

Item 14, being:

CONTRACT NO. K-1112-86: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CLEARWATER ENTERPRISES, L.L.C., FOR THE PURCHASE OF NATURAL GAS FOR THE LIBRARY AND COMPRESSED NATURAL GAS (CNG) FACILITIES.

Councilmember Kovach moved that Contract No. K-1112-86 with Clearwater Enterprises, L.L.C., be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. K-1112-86 dated October 25, 2011, by Mike White
2. Contract No. K-1112-86 with Exhibit A, Transaction Confirmation; Exhibit B, Facility Listing and Estimated Monthly Usage; Exhibit C, Seller Addresses and Contacts; and Exhibit D, Buyer Addresses and Contacts

and the question being upon approving Contract No. K-1112-86 with Clearwater Enterprises, L.L.C., and upon the subsequent authorization, a vote was taken with the following result:

YEAS:

Councilmembers Dillingham, Ezzell,  
Gallagher, Griffith, Kovach, Lockett,  
Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and Contract No. K-1112-86 with Clearwater Enterprises, L.L.C., approved and the execution thereof was authorized.

\* \* \* \* \*

Item 15, being:

CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF \$25,000 FROM THE OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION TO BE USED FOR THE INSTALLATION OF TREES IN CASTLEROCK PARK, APPROVAL OF CONTRACT NO. K-1112-87, AND BUDGET APPROPRIATION.

Councilmember Kovach moved that a grant in the amount of \$25,000 from the Oklahoma Department of Agriculture, Food, and Forestry to be used for the installation of trees in Castlerock Park be accepted; Contract No. K-1112-87 be approved; execution of the contract be authorized; \$25,000 be appropriated from Special Grant Fund Balance (022-0000-253.20-00) to Project No. PR0125, Castlerock Park Tree Grant Project, Construction (022-9813-452.61-01); and upon reimbursement, \$25,000 be deposited into Highway Tree Program (022-0000-334.13-27), which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. K-1112-87 dated October 25, 2011, by Suzanne Terry
2. Contract No. K-1112-87
3. Tree placement location map
4. Project site location map

Participants in discussion

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

and the question being accepting a grant in the amount of \$25,000 from the Oklahoma Department of Agriculture, Food, and Forestry to be used for the installation of trees in Castlerock Park and upon the subsequent approval, authorization, appropriation, and deposit, a vote was taken with the following result:

YEAS:

Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

NAYES:

None

The Mayor declared the motion carried and a grant in the amount of \$25,000 from the Oklahoma Department of Agriculture, Food, and Forestry to be used for the installation of trees in Castlerock Park accepted; Contract No. K-1112-87 was approved; execution of the contract was authorized; \$25,000 was appropriated from Special Grant Fund Balance (022-0000-253.20-00) to Project No. PR0125, Castlerock Park Tree Grant Project, Construction (022-9813-452.61-01); and upon reimbursement, \$25,000 will be deposited into Highway Tree Program (022-0000-334.13-27).

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Item 16, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$55,645 PLUS COSTS IN THE AMOUNT OF \$1,788.24 FOR A TOTAL AMOUNT OF \$57,433.24 REGARDING CASEY D. ELLIOTT VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2011-01364A.

Councilmember Kovach moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of \$57,433.24 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. GID-1112-34 dated October 25, 2011, by Blaine Nice, Assistant City Attorney, with Attachment No. 2, Workers' Compensation Table
2. Workers' Compensation Court Case No. 2011-01364A, Order Determining Compensability and Awarding Temporary Total and Permanent Partial Disability Benefits, filed July 1, 2011,
3. Worker's Compensation Court Case No. 2011-01364A, Order Nunc Pro Tunc, filed October 18, 2011
4. Purchase Requisition No. 0000193590 dated November 1, 2011, in the amount of \$31,709.12, to Casey D. Elliot and William A. Woodson

Item 16, continued

Items submitted for the record, continued

- 5. Purchase Requisition No. 0000193591 dated November 1, 2011, in the amount of \$1,112.90 to Workers' Compensation Administration Fund Tax
- 6. Purchase Requisition No. 0000193593 dated November 1, 2011, in the amount of \$417.34 to Workers' Compensation Occupation and Health Fund Tax
- 7. Purchase Requisition No. 0000193594 dated November 1, 2011, in the amount of \$140 to Workers' Compensation Court
- 8. Purchase Requisition No. 0000193595 dated November 1, 2011, in the amount of \$118 to the Cleveland County Court Clerk

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

YEAS: Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized and payment of claims in the amount of \$57,433.24 which will constitute judgment against the City of Norman was directed.

\* \* \* \* \*

Item 17, being:

RESOLUTION NO. R-1112-55: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DELEGATING ADMINISTRATIVE AUTHORITY TO APPROVE CERTAIN CHANGE ORDER REQUESTS TO THE CITY MANAGER AND DIRECTING THE REPORTING THEREOF.

Councilmember Dillingham moved that Resolution No. R-1112-55 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

- 1. Text File No. R-1112-55 dated October 27, 2011
- 2. Resolution No. R-1112-55
- 3. Pertinent excerpts from Finance Committee minutes of September 21 and October 19, 2011

Participants in discussion

- 1. Mr. Jeff Bryant, City Attorney

Thereupon, Councilmember Kovach moved that Resolution No. R-1112-55 be amended to read as follows:

\* \* \*

§11. That such administrative approvals of change orders shall be reported to the City Council with the City Manager's Weekly Report and at the next regularly scheduled Council meeting and shall be filed with the original contract in the permanent records of the City Clerk.

\* \* \*

which motion was duly seconded by Councilmember Dillingham;

Participants in discussion

- 1. Mr. Jeff Bryant, City Attorney

and the question being upon amending Resolution No. R-1112-55 as stated above, a vote was taken with the following result:

YEAS: Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and Resolution No. R-1112-55 was amended as stated above.

Item 17, continued:

and the question being upon adopting Resolution No. R-1112-55, as amended, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
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NAYES:	None
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The Mayor declared the motion carried and Resolution No. R-1112-55 was adopted, as amended.

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Item 18, being:

CONTRACT NO. K-1011-165: A PROFESSIONAL SERVICES AGREEMENT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND DAVID P. LISLE AS GOLF PROFESSIONAL/MANAGER OF WESTWOOD GOLF COURSE THROUGH MAY 8, 2013.

Acting as the Norman Municipal Authority, Trustee Quinn moved that Contract No. K-1011-165 with David P. Lisle be approved and the execution of the contract be authorized, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. K-1011-165 dated April 18, 2011, by Jud Foster, Director of Parks and Recreation
2. Contract No. K-1011-165
3. Westwood Golf Course Performance Based Management Business Plan Metrics

Participants in discussion

1. Mr. Jud Foster, Director of Parks and Recreation
2. Mr. Jeff Bryant, City Attorney
3. Mr. Steve Lewis, City Manager

and the question being upon approving Contract No. K-1011-165 with David P. Lisle and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Chairman Rosenthal
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NAYES:	None
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The Chairman declared the motion carried and Contract No. K-1011-165 with David P. Lisle approved; and the execution of the contract was authorized.

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Item 19, being:

RESOLUTION NO. R-1112-56: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DISPLAY OF THE STATE MOTTO "LABOR OMNIA VINCIT" IN THE NORMAN CITY COUNCIL CHAMBERS IN A PROMINENT LOCATION.

Councilmember Kovach moved that Resolution No. R-1112-56 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. R-1112-56 dated October 25, 2011
2. Resolution No. R-1112-56

Thereupon, Councilmember Ezzell moved that Resolution No. R-1112-56 be amended to read as follows:

R-1112-56

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, SUPPORTING THE DISPLAY OF THE STATE MOTTO "LABOR OMNIA VINCIT" AND THE PREAMBLE OF THE NORMAN CITY CHARTER IN THE NORMAN CITY COUNCIL CHAMBERS IN A PROMINENT LOCATION.

\* \* \*

- § 6. WHEREAS, "Labor Omnia Vincit" embodies the spirit of working men and women in Oklahoma.
- § 7. WHEREAS, the preamble of the Norman City Charter states, "We, the people of the City of Norman, in order to secure the benefits of home rule, to encourage efficient and business-like methods in the transaction of municipal affairs, to promote civic advancement and general welfare and to protect the human rights and personal dignity of all persons do ordain and establish this Charter for the City of Norman."

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN OKLAHOMA:

- § 7.8. That the State motto "Labor Omnia Vincit" and the preamble of the Norman City Charter shall be added to the historic mottos to be permanently and prominently displayed in the Norman Council Chambers of City Hall.

\* \* \*

which motion was duly seconded by Councilmember Kovach;

Participants in discussion

1. Ms. Bette Maffucci, 752 DeBarr Avenue, protestant
2. Mr. Mark Campbell, 1320 Garfield Avenue, made comments
3. Mr. Larry Dillingham, 1711 South Pickard Avenue, made comments
4. Ms. Mary Francis, 850C Cardinal Creek Condos, protestant
5. Mr. Fred Pope, 1501 Navajo Road, protestant
6. Mr. Gail Poole, 705 Tiffin Avenue, protestant
7. Mr. Jim Stanley, 3922 Pine Tree Circle, made comments

Thereupon, Councilmember Gallagher moved that the previous question be called, which motion was duly seconded by Councilmember Spaulding;

Participants in discussion

1. Ms. Brenda Hall, City Clerk

Item 19, continued:

and the question being upon calling the previous question, a vote was taken with the following result:

YEAS: Councilmembers Ezzell, Gallagher,  
Griffith, Lockett, and Spaulding

NAYES: Councilmembers Dillingham, Kovach,  
Quinn, Mayor Rosenthal

The Mayor declared the motion carried and the previous question was called.

and the question being upon amending Resolution No. R-1112-56 as stated above, a vote was taken with the following result:

YEAS: Councilmembers Ezzell, Gallagher,  
Griffith, Kovach, Lockett, Spaulding,  
Mayor Rosenthal

NAYES: Councilmembers Dillingham and  
Quinn

The Mayor declared the motion carried and Resolution No. R-1112-56 was amended as stated above.

and the question being upon adopting Resolution No. R-1112-56, as amended, a vote was taken with the following result:

YEAS: Councilmembers Ezzell, Gallagher,  
Griffith, Kovach, Lockett, Spaulding,  
Mayor Rosenthal

NAYES: Councilmembers Dillingham and  
Quinn

The Mayor declared the motion carried and Resolution No. R-1112-56 was adopted, as amended.

\* \* \* \* \*

#### MISCELLANEOUS DISCUSSION

Rule of Three and Adding "In God We Trust". Mr. Mark Campbell, 1320 Garfield Avenue, said he wished the audience would have gotten to discuss the Rule of Three. He recalled that the ordinance was approved to allow City Council to consider pressing business on the agenda instead of items that were unproductive. He said the slogans that were added this evening would have diminished capacity because these phrases are used so often. He said the Rule of Three was enacted to limit healthy public discussion and now "calling for the question" is a new tool brought forward by those who enacted the Rule of Three which doesn't allow any further discussion at all.

Mr. Larry Dillingham, 1711 South Pickard Avenue, said it was only fair to inform Council of comments received since the resolution had been adopted adding "In God We Trust" in the City Council Chambers. He said he was unable to attend the meeting when this was adopted. He said this could cost approximately \$2,000 to \$3,000 and a citizen told him it would cost the City a lot more because if this is done with City tax dollars, he would not purchase anything in Norman again.

Ms. Ann Gallagher, 1522 East Boyd Street, said she had only received comments from citizens thanking Council for what they did. She thanked Council and reminded Council and citizens that her patriotism will not be impugned.

Mr. Jim Stanley, 3922 Pine Tree Circle, said when he was a Councilmember and Mayor Rosenthal was a Councilmember for Ward Four, it took five Councilmembers to get something on the agenda. He said the Rule of Three is a good rule.

Miscellaneous Discussion, continued:

Rule of Three and Adding "In God We Trust", continued

Ms. Mary Francis, 850C Cardinal Creek Condos, said the Rule of Three should to be amended. She said when three Councilmembers are concerned about something, it is a good idea to voice it, but it is not a good idea to cut the public out of the discussion and the ability to research and reflect on the changes. She said the citizenry ought to have the ability to be a part of the process. She said the Norman Transcript printed a letter to the editor after "In God We Trust" had been adopted that provided information about the group in support of the motto and this information revealed a bigoted anti-Muslim group.

Councilmember Quinn said he was not against the Rule of Three and it was like any other new policy. Council would work through it to get where they need to be. He said he does not question the motivation for the different mottos as presented but he understands the misinterpretation that can be perceived.

Councilmember Lockett said she had enjoyed this discussion and the extreme differences in opinion. She said this is proof there are many opportunities for citizens and she appreciated everyone's comments.

Councilmember Griffith said he hoped Council is finished with mottos and slogans. He said the City Preamble was probably one of the most appropriate slogans to be displayed. He said the Rule of Three has extraordinary merit and he would like to see it modified to issues with a little more meat in them. He said the Rule of Three has not presented anything of significance to Council at this time even though he had signed off in support of some of the items. He voiced concerns about those who feel excluded by the resolutions and emphasized these slogans should show citizens they are welcome to speak before Council.

Councilmember Ezzell said there are obviously times when Councilmembers have sharp disagreements with each other and that is okay because it is part of the process. He said he wanted to assure citizens that Council generally moves past the issue.

Councilmember Gallagher reminded citizens that the shelter idea was not activated until the City Manager was asked to do this by the Rule of Three. He said the Rule of Three brought Ethics up and that Council had unanimously approved the Ethics Ordinance which is a better operation in the City of Norman regarding those who serve on City Council and boards and commissions.

\*

Enforcement Authority. Ms. Mary Francis, 850C Cardinal Creek Condos, said she had received the City Attorney's opinion that she was not in violation of the Ethics Policy as a member of the Enforcement Authority and thanked Staff for their work on this. She said she understood there was still one outstanding fine levied by the Enforcement Authority ordinance several months ago. She asked that the City Attorney take appropriate action. She also asked how one would go about filing a complaint concerning violation of the City Charter.

Mr. Jeff Bryant, City Attorney, said he would be glad to discuss the matter after the City Council meeting.

\*

Reception for Educators from Odawara, Japan. Councilmember Quinn said he recently attended a reception for educators who were visiting from Odawara, Japan, as guests of Hitachi Computer Products and Norman Public Schools. He said this has been a cultural exchange initiated by Hitachi that has been occurring for approximately 12 years. He said it is very gratifying to see educators from across the world come to Norman to see what our educators are doing and be impressed by what they see.

\*

Final Term as Ward Eight Councilmember. Councilmember Quinn said he would not be running for re-election for the Ward Eight Councilmember seat. He said he has enjoyed being on Council and that it has been a great experience. He urged anyone interested in running for office to please contact him. He said the experience has been very rewarding as well as very trying at times, but none the less it is an honor to have a real participatory interest in what is going on with the City. He thanked the voters in Ward Eight for the opportunity to serve them. He thanked his wife and family for supporting him during his time on Council.

\*

Miscellaneous Discussion, continued:

Shop Norman. Councilmember Quinn urged citizens to "Shop Norman."

\*

City Election Today. Councilmember Lockett said she hoped everyone had exercised their privilege by voting in today's election.

Mayor Rosenthal reported that both propositions had passed and results were forthcoming.

Councilmember Kovach said he had received unofficial results that over 75% had voted to approve the Animal Shelter Bond Issue and the community had worked together to get this accomplished. He said when the citizens are presented with a clear, well defined need, they always step up.

\*

Veteran's Day Parade. Mayor Rosenthal invited all citizens to take part in Norman's Veteran's Day Parade this Friday morning. She said the parade will start at Eufaula Avenue and James Garner Boulevard at approximately 8:45 a.m., proceeding south on Jenkins Avenue and concluding at the Cleveland County Veteran's Memorial in Reaves Park. She said Major General Miles Deering, Army National Guard, and State Representative Tom Cole will be speakers for the event. She said most importantly, the event will honor our veterans who have served overseas in various conflicts. She said she hoped this would become a regular event.

Councilmember Dillingham expressed her appreciation to the Committee organizing this event. She commended Councilmember Gallagher for his work with this. She said it is so important to honor the service of those who put their lives on the line to allow Americans to be free to speak their minds. There is no greater honor than to have served your country.

Councilmember Gallagher said the parade and program at the Veteran's Memorial are not for us, but for those who died serving this country. He asked citizens to pay their respects by attending. He said that is the meaning of this Veteran's Day Parade and encouraged those who are not veterans to watch the parade.

\*

Help With Utility Bills. Councilmember Dillingham said she had been disturbed to find out that the Department of Human Services (DHS) is not going to have enough money to help people with their utility bills this winter. She said there will so many people in need and she would be working with DHS and people in the community. She asked citizens who might have problems with this to please contact her and she would try to find a way to help them.

\*

United Way. Councilmember Dillingham reminded citizens that the United Way Campaign was not over yet and urged those who have not contributed to do so.

\*

Small Business Saturday. Councilmember Dillingham said the Saturday after Thanksgiving, November 26th, was Small Business Saturday and asked citizens to shop that day and make their purchases in Norman.

\*

Transportation Scoping Study. Councilmember Ezzell said the City of Norman is undergoing a Transportation Scoping Study Envisioning Process and a Joint Ward 3/Ward 8 Meeting will be held Wednesday, November 9, 2011, at 6:30 p.m. at Truman Primary School. He said he hoped to see a good turnout and looked forward to the input and comments that come forward.

\*

Objective Decisions. Councilmember Kovach said as the City's representative to the Association of Central Oklahoma Governments (ACOG) Board, he had attended a recent ACOG meeting and an item had been placed on the Consent Agenda and then removed from consent by one of the board members. He said staff was questioned by proponents of the item and they were told it was not a federal requirement for this item to pass. When board members questioned the staff member about the reason for placing the item on the agenda, he replied that it was the board's wish for the item to move forward. He said he admired Staff members who can remain honest and objective about an item they feel strongly about. He said the City of Norman has staff members like that and he applauded that.

\*

Miscellaneous Discussion, continued:

The Role of Legal Staff. Councilmember Kovach said he had asked the City Manager to provide a definition of the role of legal staff assigned to Boards and Committee and he read the response to the audience. He said he had attended a recent Human Rights Commission meeting and the legal staff present did not fulfill this role. He said legal staff responded to a question by one of the commissioners by suggesting removing the enumerated protective classes from the City Charter. He said he checked with an independent attorney who said that would cost the City millions in federal money because the City of Norman would be in violation of federal law. He said to present information in such a fashion is unacceptable and asked the City Manager to look into this.

\*

Public Input. Councilmember Gallagher said Freedom of Speech was discussed tonight and it is his right to say something whether someone else likes it or not. He said in one of the ward meetings, a person stood up and asked a few questions and he was escorted out of the building. He said this person is one of the most respectable people in this community. He said he had asked the City Manager to comment about this procedure. He said the right of free speech extends to public meetings as well as City Council meetings.

\*

Pet Licensing. Councilmember Gallagher asked for a status report of improvements in the collection of pet licensing fees. He said the City has lost over \$2 million in license fees.

Mr. Steve Lewis, City Manager, said he had provided an update of what Staff had been doing to improve the situation at their last meeting together. He said since that meeting, he has received a revised report from the Police Department. He said the report still does not meet the standards he wished to have before presenting the report to Councilmember Gallagher and the rest of Council and he will continue to work with Staff to meet these expectations. He said Staff is looking at a long-term approach which will require researching some of the most successful registration programs across North America. He said this includes education, changes to the ordinances, providing public information, and cooperation with the local veterinarians. He said Staff wants to be able to provide a comprehensive approach that Staff can implement in order to see some real improvements. He listed as an example, a program in Calgary that has registration levels at 90%.

\*

Fire Station No. Nine. Councilmember Gallagher said he had not seen any progress on Fire Station No. Nine. He said Fire Station No. Eight was built pretty quickly and the same architects from Fire Station No. Eight had been hired for Fire Station No. Nine. He said nothing has been done and he wanted to know when this project would be bid out.

Mr. Steve Lewis, City Manager, said City Council approved the design contract some time ago with Kirkpatrick Architectural Studios which included preparation of the bid and specifications. He said it was listed on the previous schedule to go out to bid in December, 2011.

\*

Multi-Housing Project. Councilmember Gallagher asked for a timeline on a multi-housing project discussed by Mr. Keith Humphrey, Police Chief. He said it sounds like an exciting concept and the explanation is really hopeful. He said he hoped to address this in the near future.

Mr. Keith Humphrey, Police Chief, said he spoke with Councilmember Gallagher a few months ago while the Police Department was doing an initiative in his ward and constituents had voiced concerns about multi-family dwellings. He said he explained a concept of Crime Free Multi-Housing that several cities throughout the country are utilizing to address some of the problems they are having in multi-family dwellings and it is something Staff will explore in the City of Norman. He said Staff is in the process of finding a person to facilitate the process because it will be a full-time process. He said Staff will examine what locations need to be addressed and approach each location with the idea of a trial period to see how it works. He said the program would possibly start some time in April, 2012.

\*

Straight Wind Damage. Mr. Steve Lewis, City Manager, said the City had recently received 3.5 inches of rain and along with the rain came straight line winds which had caused damage to some of the construction at the new Compressed Natural Gas Facility. He said the only other damage reported was minor damage to some of the traffic signals throughout Norman.

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Miscellaneous Discussion, continued:

Sales Tax. Mr. Steve Lewis, City Manager, said November sales tax figures had been received with an increase of approximately 3.3% over November, 2010, levels. To date, through 2011-2012, the City is approximately 5.73% above our prior levels. He said this month's sales tax check which is for sales tax that occurred during September was a little down but in comparison to previous years it is still very good.

\*

FCC Test. Mr. Steve Lewis, City Manager, announced that the Police Department has informed the community about the Federal Emergency Management Agency (FEMA) Federal Communications Commission (FCC) test that will occur tomorrow, Wednesday, November 9, 2011. He said this will be the first test of our Nationwide Emergency Alert System which will run concurrently across time zones. He reminded citizens that this is just a test and asked them to relay this message to friends and family.

Councilmember Ezzell asked what time the test would be conducted. Mr. Lewis replied 1:00 p.m.

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Fall Cleanup. Mr. Steve Lewis, City Manager, said Fall Cleanup had been very successful with 1,080,000 tons of materials picked up. He said this was a 29% increase over materials collected in previous years. He announced that Spring and Fall Cleanups have been reinstated as a result of the recent Sanitation election.

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Item 21, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(4) TO DISCUSS CONFIDENTIAL COMMUNICATIONS BETWEEN THE CITY AND ITS CITY ATTORNEY REGARDING PENDING LITIGATION OF CAROL A. BUCKMASTER VS. CITY OF NORMAN, OKLAHOMA, CLEVELAND COUNTY, CASE NO. CJ-2010-505 BH UPON ADVICE OF THE CITY ATTORNEY THAT THE DISCLOSURE OF SUCH COMMUNICATION WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCEED IN THE LITIGATION.

Councilmember Dillingham moved that the City Council Meeting be adjourned out of and an Executive Session be convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(4) to discuss confidential communications between the City and its City Attorney regarding pending litigation of Carol A. Buckmaster vs. City of Norman, Oklahoma, Cleveland County, Case No. CJ-2010-505 BH upon advice of the City Attorney that the disclosure of such communication will seriously impair the ability of the public body to proceed in the litigation, 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 as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss confidential communications between the City and its City Attorney regarding pending litigation of Carol A. Buckmaster vs. City of Norman, Oklahoma, Cleveland County, Case No. CJ-2010-505 BH upon advice of the City Attorney that the disclosure of such communication will seriously impair the ability of the public body to proceed in the litigation, a vote was taken with the following result:

YEAS:

Councilmembers Dillingham, Ezzell,  
Gallagher, Griffith, Kovach, Lockett,  
Spaulding, Quinn, 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 as authorized by Oklahoma Statutes Title 25 § 307(B)(4) in order to discuss confidential communications between the City and its City Attorney regarding pending litigation of Carol A. Buckmaster vs. City of Norman, Oklahoma, Cleveland County, Case No. CJ-2010-505 BH upon advice of the City Attorney that the disclosure of such communication will seriously impair the ability of the public body to proceed in the litigation.

Item 21, continued:

The City Council adjourned into Executive Session at 9:34 p.m. Mr. Steve Lewis, City Manager, Mr. Jeff Bryant, City Attorney; and Mr. Blaine Nice, Assistant City Attorney, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

Thereupon, Councilmember Quinn moved that the City Council Meeting be reconvened, which motion was duly seconded by Councilmember Dillingham; and the question being upon reconvening the City Council Meeting, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
NAYES	None

The Mayor declared the motion carried and the City Council Meeting was reconvened at 10:20 p.m.

The Mayor said the confidential communications between the City and its City Attorney regarding pending litigation of Carol A. Buckmaster vs. City of Norman, Oklahoma, Cleveland County, Case No. CJ-2010-505 BH upon advice of the City Attorney that the disclosure of such communication will seriously impair the ability of the public body to proceed in the litigation, was discussed in Executive Session. No action was taken and no votes were cast.

\* \* \* \* \*

ADJOURNMENT

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

YEAS:	Councilmembers Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 10:21 p.m.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor