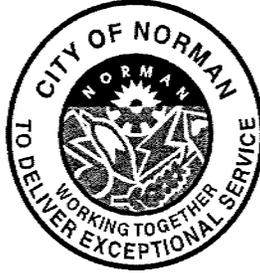


# City of Norman, OK

*Municipal Building Council Chambers  
201 West Gray Street  
Norman, OK 73069*



## City Council Agenda

**Tuesday, January 24, 2012**

**6:30 PM**

**Municipal Building Council Chambers**

### **City Council**

*Mayor Cindy Rosenthal  
Council Member Roger Gallagher  
Council Member Tom Kovach  
Council Member Hal Ezzell  
Council Member Carol Dillingham  
Council Member Dave Spaulding  
Council Member Jim Griffith  
Council Member Linda Lockett  
Council Member Dan Quinn*

*City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman  
Tax Increment Finance Authority Agenda*

**1 Roll Call****2 Pledge of Allegiance****3 GID-1112-50**

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 3, 2012  
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS  
COMMITTEE MINUTES OF JANUARY 5, 2012  
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 10, 2012  
CITY COUNCIL MINUTES OF JANUARY 10, 2012  
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 10,  
2012  
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 10,  
2012  
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF  
JANUARY 10, 2012

**ACTION NEEDED:** Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or reject the minutes; and, if approved, direct the filing thereof.

**ACTION TAKEN:** \_\_\_\_\_

**Attachments:** January 3 2012 SS Minutes  
January 5 BACA Minutes  
January 10, 2012 Conference Minutes  
January 10 CC Minutes

**Awards and Presentations****4 GID-1112-44 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM ALL SAINTS CATHOLIC SCHOOL.**

**ACTION NEEDED:** Allow the Mayor to present Citizenship Awards to students from All Saints Catholic School.

**ACTION TAKEN:** \_\_\_\_\_

- 5      P-1112-10      PROCLAMATION NO. P-1110-10:      A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 18, 2012, AS MARDI GRAS IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-10 proclaiming Saturday, February 18, 2012, as Mardi Gras in the City of Norman.

ACTION TAKEN: \_\_\_\_\_

Attachments:    Mardi Gras

6      **Consent Docket**

*Consent Docket*

*This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 7 through Item 20 be placed on the consent docket.*

ACTION NEEDED: Motion to place Item        through Item        on the Consent Docket by unanimous vote.

ACTION TAKEN:

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or acknowledge all items on the Consent Docket subject to any conditions included in the individual action needed by item.

ACTION TAKEN:

7      AP-1112-13      CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BICYCLE ADVISORY COMMITTEE

TERM: 01-24-12 TO 02-13-15: GREG HEIPLE, 1021 LAIRD'S WOODS CIRCLE

BOARD OF APPEALS

TERM: 02-03-12 TO 02-03-16: JOHN EGGNER, 1903 ALADDIN STREET

TERM: 02-03-12 TO 02-03-16: MARC ETTERS, 2151 108TH AVENUE N.E.

ENVIRONMENTAL CONTROL ADVISORY BOARD

TERM: 01-24-12 TO 10-27-13: AARON PILAT, 1625 CRESTMONT AVENUE

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Greg Heiple will fill the unexpired vacancy left by Leslie Harrison; Marc Eppers will replace John Tune who no longer wishes to serve; Aaron Pilat will fill the unexpired vacancy left by Dave Boeck; and John Egner is a reappointment.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: \_\_\_\_\_

8      RPT-1112-23      SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF DECEMBER 31, 2011, AND DIRECTING THE FILING THEREOF.

ACTION NEEDED: Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: \_\_\_\_\_

**Attachments:** Finance Report December, 2011

- 9      RPT-1112-25      SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF DECEMBER, 2011, AND DIRECTING THE FILING THEREOF.

ACTION NEEDED:      Motion to acknowledge receipt of the report and direct the filing thereof.

ACTION TAKEN: \_\_\_\_\_

- 10      K-1112-83      CONSIDERATION OF BID NO. 1112-27, CONTRACT NO. K-1112-83 WITH SILVER STAR CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$905,600; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY \$80,034; PERFORMANCE BOND NO. B-1112-15, STATUTORY BOND NO. B-1112-16, MAINTENANCE BOND NO. MB-1112-21, AND RESOLUTION NO. R-1112-52 FOR THE URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

ACTION NEEDED:      Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$905,600 to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1112-83, Change Order No. One increasing the contract amount by \$80,034, and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1112-52.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**      Bid Tab Urban Asphalt  
                                 List of Locations  
                                 K-1112-83  
                                 Change Order K-1112-83  
                                 Perf B-1112-15  
                                 Stat B-1112-16  
                                 MB-1112-21  
                                 R-1112-52 Project Agent  
                                 Location map  
                                 PR Silver Star

- 11     COS-1112-3   CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-3 FOR LOHMAN LANDING. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF INDIAN HILLS ROAD AND WEST OF BLUE LAKE DRIVE)

ACTION NEEDED: Motion to approve or reject Norman Rural Certificate of Survey No. COS-1112-3 for Lohman Landing and a variance in the private road width from 20 feet to 15 feet; and, if approved, direct the filing thereof with the Cleveland County Clerk subject to completion of the private road.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**   COS Location Map  
                      Lohman Landing COS  
                      Staff Rpt COS  
                      Private Road Request  
                      Greenbelt Comments  
                      Greenbelt Enhancement Statement  
                      12-8-11 PC Minutes

- 12     EN-1112-5   CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-5 FOR LOT 22, BLOCK 2, SEQUOYAH TRAILS ADDITION. (2701 TIOGA CIRCLE)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1112-5; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**   City Clerk Memo  
                      Homeowner request  
                      Consent 1112-5  
                      Memo from Utility Dept  
                      Public Works Response Tioga Circle  
                      Utilities Responses Tioga Circle

- 13     EN-1112-6     CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-6 FOR LOT 7, BLOCK 3, KINGSTON HILLS ADDITION, SECTION 1. (2800 RAMPART ROAD).

ACTION NEEDED:     Motion to approve or reject Consent to Encroachment No. EN-1112-6; and, if approved, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    Clerk Memo  
                          Owner's Request with maps  
                          Consent 1112-6  
                          Utilities Memo  
                          Public Works Memo  
                          Utility Companys' Responses  
                          Pert Excerpts CC Minutes Nov 14, 1989

- 14     EN-1112-7     CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-7 FOR LOTS 1 AND 2, BLOCK 1, PRESIDENTIAL NO. 6 ADDITION. (2451 VAN BUREN AVENUE)

ACTION NEEDED:     Motion to approve or reject Consent to Encroachment No. EN-1112-7; and, if approved, direct the filing thereof with the Cleveland County Clerk

ACTION TAKEN: \_\_\_\_\_ -

**Attachments:**    Clerk Memo Natural Water  
                          Letter of Request Natural Water  
                          Maps Natural Water  
                          Encroachment Natural Water  
                          Utilities Memo Natural Water  
                          Public Works Memo - Natural Water

- 15     GID-1112-41    CONSIDERATION OF ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$1,500 FROM THE OKLAHOMA ELECTRIC COOPERATIVE (OEC) FOUNDATION TO BE USED TO PURCHASE CHILD PASSENGER SAFETY SEATS FOR THE NORMAN POLICE DEPARTMENT AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to accept or reject a donation in the amount of \$1,500 from the OEC Foundation to be used to purchase child passenger safety seats for the Police Department; and, if accepted, increase Donations/Organization (010-0000-365.13-73) by \$1,500 and appropriate \$1,500 to Other Supplies/Materials, Child Passenger Seats (010-6022-421.31-25).

ACTION TAKEN: \_\_\_\_\_

- 16     LL-1112-9     LIMITED LICENSE NO. LL-1112-9: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1112-9 to place four (4) signs within the public rights-of-way pursuant to a request from the Friends of the Norman Library for the Romance Book Sale; and, if approved, authorize the issuance thereof.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    Letter of Request Friends of the Library  
                          Friends of Library Application  
                          Location Map Library  
                          Library Romance Book Sale

17 K-1011-150  
CO#2

CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-150: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE RAILROAD YARD, INC., DECREASING THE CONTRACT AMOUNT BY \$9,388.67 AND ADDING 13 CALENDAR DAYS FOR THE HALL PARK LAKE DAM IMPROVEMENT PROJECT, PHASE 1, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET TRANSFER.

ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-1011-150 with the Railroad Yard, Inc., decreasing the contract amount by \$9,388.67 and adding 13 calendar days; and, if approved, authorize the execution thereof, accept the project, direct final payment in the amount of \$2,500 to the Railroad Yard, Inc., and transfer \$9,389 from Project No. DR0058, Hall Park Dam Repair, Construction (050-9968-431-61-01) to Project No. PR0126, Hall Park Greenbelt Drainage, Construction (050-9985-452-61-01).

ACTION TAKEN: \_\_\_\_\_

**Attachments:** Change Order K-1011-150

18 K-1112-104

CONTRACT NO. K-1112-104: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FOOD AND SHELTER FOR FRIENDS TO PROVIDE FUNDING IN THE AMOUNT OF \$8,500 TO PROVIDE TEMPORARY EMERGENCY SHELTER SERVICES AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject Contract No. K-1112-104 with Food and Shelter for Friends in the amount of \$8,500; and, if approved, authorize the execution thereof and appropriate \$8,500 from the General Fund Balance (010-0000-253.20-00) to Miscellaneous Services/Contributions, Organization (010-1087-411.47-41).

ACTION TAKEN: \_\_\_\_\_

**Attachments:** Request from Food and Shelter  
K-1112-104

- 19     R-1112-78     RESOLUTION NO. R-1112-78: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$132,097 FROM THE STATE SEIZURE FUND BALANCE TO PURCHASE A NEW CRIMINAL INTERDICTION VEHICLE, THREE POLICE CANINES, AND RELATED EQUIPMENT.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-78

ACTION TAKEN: \_\_\_\_\_

Attachments:    R-1112-78

- 20     R-1112-102     RESOLUTION NO. R-1112-102: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$12,200 FROM THE SPECIAL GRANTS FUND BALANCE FOR EDUCATION/OUTREACH PROJECTS FUNDED BY A CERTIFIED LOCAL GOVERNMENTS (CLG) GRANT.

ACTION NEEDED:     Motion to adopt or reject Resolution No. R-1112-102.

ACTION TAKEN: \_\_\_\_\_

#### Non-Consent Items

- 21     R-1112-103     RESOLUTION NO. R-1112-103: A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR NORMAN PUBLIC LIBRARY IMPROVEMENTS TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.

ACTION NEEDED:     Motion to adopt or reject Resolution No. R-1112-103.

ACTION TAKEN: \_\_\_\_\_

Attachments:    R-1112-103 Sale Date Resolution 2012A

22     R-1112-104     RESOLUTION NO. R-1112-104:     A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR STREET RESURFACING TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.

ACTION NEEDED:     Motion to adopt or reject Resolution No. R-1112-104.

ACTION TAKEN: \_\_\_\_\_

Attachments:     R-1112-104 Sale Date Resolution 2012B

23     R-1112-105     RESOLUTION NO. R-1112-105:     A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR THE NORMAN ANIMAL SHELTER RENOVATION TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.

ACTION NEEDED:     Motion to adopt or reject Resolution No. R-1112-105.

ACTION TAKEN: \_\_\_\_\_

Attachments:     R-1112-105 Sale Date Resolution 2012C

24     O-1112-17     ORDINANCE NO. O-1112-17: 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 NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RE, RESIDENTIAL ESTATES DWELLING 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 EAST SIDE OF 24TH AVENUE N.W. ONE-QUARTER MILE SOUTH OF INDIAN HILLS ROAD)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-17 upon Second Reading section by section

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-17 upon Finald Reading section by section

ACTION TAKEN: \_\_\_\_\_

- Attachments:**    O-1112-17 Lohman  
                          Location Map - Lohman Cottonwood Creek  
                          Staff Report Lohman/Cottonwood Creek  
                          12-8-11 PC Minutes - Lohman/Cottonwood Creek

- 25    PP-1112-6    CONSIDERATION OF A PRELIMINARY PLAT FOR COTTONWOOD CREEK ADDITION. (GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ONE-FOURTH MILE SOUTH OF INDIAN HILLS ROAD).

ACTION NEEDED: Motion to approve or reject the preliminary plat for Cottonwood Creek Addition.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    Attachment A

Cottonwood Creek Location Map

Cottonwood Creek Prelim Plat

Cottonwood Creek Prelim Dev Map

Cottonwood Creek Staff Report Prelim Plat

Cottonwood Creek Transportation Impacts

Cottonwood Creek Letter

PD 11-24 Lohman Investments LLC

Cottonwood Creek Greenbelt Comments

Cottonwood Creek GES

12-8-11 PC Minutes - Lohman

- 26     O-1112-18     ORDINANCE NO. O-1112-18: 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 BAR, LOUNGE, OR TAVERN WITH LIVE ENTERTAINMENT IN APPROXIMATELY 12,340 SQUARE FEET OF PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LOCATED IN LOT 1, BLOCK 1, COLONIAL ESTATES "A", NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1321 EAST LINDSEY STREET, COLONIAL ESTATES SHOPPING CENTER)

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-18 upon Second Reading section by section

ACTION TAKEN: \_\_\_\_\_

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-18 upon Final Reading as a whole.

ACTION TAKEN: \_\_\_\_\_

**Attachments:**    O-1112-18 Tisdale  
                          O-1112-18 - Exhibit A, site plan  
                          O-1112-18 - Exhibit B, letter from owner  
                          Colonial Estates Location Map  
                          Tisdale Special Use Staff Report  
                          Tisdale Project Description  
                          Tisdale Protest Map and letter of protest  
                          12-8-11 PC Minutes - Tisdale

- 27     RPT-1112-21   DISCUSSION   REGARDING   REPORTS   ENTITLED  
"COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL  
YEAR ENDED JUNE 30, 2011," AS PREPARED BY THE CITY OF  
NORMAN FINANCE DEPARTMENT; AND "THE CITY OF  
NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE  
30, 2011,"AND "NORMAN TAX INCREMENT FINANCE  
AUTHORITY FINANCIAL STATEMENT FOR THE YEAR ENDED  
JUNE 30, 2011" AS PREPARED BY THE FIRM OF COLE AND  
REED, P. C., FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN  
UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY,  
AND NORMAN TAX INCREMENT FINANCE AUTHORITY AND  
ACKNOWLEDGE RECEIPT THEREOF.

ACTION NEEDED:   Acting as the City Council, Norman Utilities  
Authority, Norman Municipal Authority, and Norman Tax Increment  
Finance Authority, motion to discuss the reports.

ACTION TAKEN: \_\_\_\_\_

28     **Miscellaneous Discussion**

This is an opportunity for citizens to address City Council. Remarks should be directed to the Council as a whole and limited to five minutes or less.

29     **Adjournment**



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: GID-1112-50**

**File ID:** GID-1112-50

**Type:** Minutes

**Status:** Draft

**Version:** 1

**Reference:** Item No. 3

**In Control:** City Council

**Department:** City Clerk Department

**Cost:**

**File Created:** 01/09/2012

**File Name:** Minutes

**Final Action:**

**Title:**

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 3, 2012

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS

COMMITTEE MINUTES OF JANUARY 5, 2012

CITY COUNCIL CONFERENCE MINUTES OF JANUARY 10, 2012

CITY COUNCIL MINUTES OF JANUARY 10, 2012

NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 10, 2012

NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 10,  
2012

NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF  
JANUARY 10, 2012

**ACTION NEEDED:** Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to approve or reject the minutes; and, if approved, direct the filing thereof.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 3

**Attachments:** January 3 2012 SS Minutes, January 5 BACA Minutes, January 10, 2012 Conference Minutes, January 10 CC Minutes

**Project Manager:** Brenda Hall, City Clerk

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

## COUNCIL STUDY SESSION MINUTES

January 3, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:30 p.m. in the Municipal Building Conference Room on the 3rd day of January, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers, Gallagher, Griffith, Lockett, Spaulding, and Mayor Pro Tem Dillingham

ABSENT: Councilmembers Ezzell, Kovach, Quinn, and Mayor Rosenthal

DISCUSSION REGARDING RECENT LEGISLATION THAT ALLOWS MUNICIPALITIES TO ENACT ORDINANCES REGULATING THE USE OF GRAY WATER (UNTREATED HOUSEHOLD WASTEWATER THAT HAS NOT COME IN CONTACT WITH TOILET WASTE) WITHIN THE LIMITS OF THEIR MUNICIPAL BOUNDARIES.

Mr. Ken Komiske, Director of Utilities, said tonight's discussion will be an introduction to gray water. He said House Bill 1575 regarding gray water was sponsored by Representative Scott Martin, and Senator Susan Paddock and became effective November 1, 2011.

Mr. Komiske said Section 1, Part A, of House Bill 1575 defines gray water as untreated household wastewater that has not come in contact with toilet waste and includes wastewater from bathtubs, showers, washbasins, clothes washing machines and laundry tubs, and untreated municipal wastewater limited to wastewater captured from municipal splash pads as well as water used by Fire Departments for cleaning equipment and vehicles. It does not include wastewater from kitchen sinks, kitchen dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers. He said Section 1, Part B, states gray water shall only apply in municipalities enacting ordinances regulating the use of gray water within the limits of their municipal boundaries; therefore, if a municipality does not have an ordinance allowing the use of gray water then the State will not allow the use of gray water. Mr. Komiske said for that reason the Oklahoma Department of Environmental Quality (ODEQ) will leave it up to the local municipalities to regulate and enforce any violations of a local ordinance concerning gray water.

Staff researched several out of state municipalities to include Arizona, California, Colorado, Connecticut, Massachusetts, Montana, Nevada, New Mexico, New York, Texas, Washington, and Wyoming. The following gray water conditions/regulations were incorporated in nearly all of gray water ordinance(s) reviewed:

- The system is constructed so that gray water can be directed into the sewage collection system or septic tank if blockage, plugging, or backup occurs;
- A storage tank for gray water is not required, but if a storage tank is present it must be covered;
- The gray water system can not be located in a floodway;
- Must have a five (5) foot vertical separation from top of ground to groundwater table;
- Pressure piping must be identified as non-potable so it can not be mistaken for drinking water;
- Gray water can not run off property; can only be residential property, no commercial; and
- Minimize the potential for contact with people or pets; no ponding, spraying, or discharge to a watercourse is permitted; gray water can be disbursed by drip sub-surface and/or trench irrigation.

Mr. Komiske said if Council chooses to proceed with a gray water ordinance the conditions/regulations can be tweaked to be less or more stringent depending on Council's desires. He said all ordinances researched did not allow the gray water to run off the property.

Some of the ordinances allowed residents to apply up to 400 gallons of gray water per day for household gardening, composting, or landscape irrigation, but Staff recommends 250 gallons per day or less before a permit is required. He said the application equivalent is one inch of water over a 20 x 20 area or one inch of water over an eight foot strip area that is 50 foot long and provided the following scenarios for typical household washing machines:

- Top load washing machine uses up to 40 gallons per load; therefore, 250 gallons/40 gallons per load = six (6) loads per day.
- Front load washing machine uses about 25 gallons per load; therefore, 250 gallons/25 gallons per load = ten (10) loads per day.

Mr. Komiske said a gray water ordinance can also include a disclaimer stating the practice should be taken earnestly and done correctly. He said the disclaimer could state gray water may contain fats, oils, grease, hair, lint, soaps, cleansers, fabric softeners and other chemicals, from bath water and/or laundry water. Additionally, gray water may have elevated levels of chlorides, sodium and sulfates and have a high pH (alkaline) that may be harmful to some plants such as acidic loving plants, but in general research has shown that native plants, desert-adaptive plants, and drought-tolerant plants do better with gray water irrigation.

Mr. Komiske said if Council chooses to move forward with a gray water ordinance, Staff can develop a proposed ordinance for Council consideration that will address all or some of the researched conditions/regulation that residents would need to meet. He said the ordinance would follow much of the storm water and/or erosion control criteria and would be done on a complaint basis, i.e., a citizen contacts the City because their neighbor has water running across the street, etc. Mr. Komiske said if residents do not obtain a gray water permit and/or violate the gray water ordinance they can be issued a fine.

Councilmember Griffith said he would love to see a gray water ordinance come forward and wondered if parameters for retrofitting would be included in the ordinance. Mr. Komiske said gray water distribution can be retrofitted, but felt the easiest would be to take it from a washing machine, i.e., rather than running the gray water to the washing machine basin/drain to instead have a valve installed to discharge the gray water out of the house along the foundation. He said it will only be approximately 40 gallons of gray water but it will allow the opportunity to use gray water instead of potable water for landscaping irrigation.

Mayor Pro Tem Dillingham liked this type of legislation since it is voluntary and citizen(s) can choose to implement gray water distribution on their property as long as they follow the regulations. Councilmember Gallagher like the concept of a gray water ordinance but has questions about the details and possible next steps for bigger solutions regarding water conservation. Mr. Komiske said thoughts about taking the gray water process "to the next level" are admirable, but this is merely the first "baby" step. He said hopefully a gray water *re-use* system or process will be available in the future, but that is not the direction at this time. Mr. Komiske said the definition of gray water in House Bill 1575 states "...a permit is not required to apply less than 250 gallons per day of private residential gray water for the resident's household gardening...". He said the current gray water issue is not intended to be a re-use system but simply a process that will allow gray water to be used only for household gardening, composting, or landscape irrigation. He said this may not be for everyone, but those citizens who have the interest to use gray water for personal landscape irrigation can not because it is illegal and a gray water ordinance will allow them to do so.

Mayor Pro Tem Dillingham said a gray water ordinance is purely voluntary, not mandatory, and the City can only go as far as the State legislature has authorized. Mr. Komiske said the gray water ordinance is a sub-section of a possible future re-use process and Staff has been working with ODEQ for over a year to get gray water re-use regulations. He said ODEQ will permit and regulate gray water re-use when the time comes, but they are not permitting and regulating the application of 250 gallons or less of gray water for personal irrigation purposes. He said great strides have been made working with ODEQ to get categories of re-use and the issue will be going to the legislature this year for their consideration.

Councilmember Lockett felt a gray water ordinance would be a tremendous tool for Norman citizens to get used to the idea of using gray water on a small scale for irrigation purposes and will be a huge educational step for the City. Councilmember Spaulding said he would like to move forward with a gray water ordinance and Council agreed. Mayor Pro Tem Dillingham requested Staff draft a proposed ordinance and bring back to a Council study session for Council consideration.

Items submitted for the record

1. PowerPoint Presentation entitled, "Gray Water, Norman Utilities Authority"

The meeting adjourned at 6:08 p.m.

ATTEST:

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City Clerk

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Mayor

CITY COUNCIL  
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

January 5, 2012

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Conference Room on the 5th day of January, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT: Councilmembers Lockett, Quinn, Spaulding, and  
Chairman Ezzell

ABSENT: None

OTHERS PRESENT: Councilmember Roger Gallagher, Ward One  
Councilmember Tom Kovach, Ward Two  
Mr. Trey Bates, Hallbrooke Development Group  
Mr. Mark Campbell, interested citizen  
Ms. Maureen Hammond, Norman Economic  
Development Coalition  
Mr. Harold Heiple, Attorney  
Mr. Curtis McCarty, McCarty Construction  
Mr. Gene McKown, Ideal Homes  
Mr. Sean Rieger, Norman Builders Association  
Mr. John Woods, Chamber of Commerce Director

STAFF PRESENT: Mr. Bob Christian, Permit Manager  
Ms. Susan Connors, Director of Planning and  
Community Development  
Mr. Ken Danner, Subdivision Manager  
Mr. Steve Lewis, City Manager  
Mr. Doug Koscinski, Current Planning Manager  
Ms. Kathryn Walker, Assistant City Attorney  
Ms. Syndi Runyon, Administrative Technician IV

Chairman Ezzell stated with the Committee's concurrence, Item 3 would be discussed first.

Item 3, being:

DISCUSSION REGARDING NORMAN'S CONCURRENT CONSTRUCTION POLICY IN RESIDENTIAL  
SUBDIVISIONS.

Chairman Ezzell said the City of Norman has a Concurrent Construction Policy for commercial and multi-family developments. Questions have been raised in regards to residential subdivision development, whether construction should be allowed to move forward after substantial completion of infrastructure and road improvements without waiting for final inspections and approval.

Mr. Ken Danner, Subdivision Manager, said Council asked Staff to review the current Concurrent Construction Policy and consider possible modifications to better coincide with policies in other Oklahoma metropolitan areas. He said, based upon research, Staff believes the current policy should be updated and improved and Staff will begin meetings with the development sector.

Some of the key issues to be addressed in the updated policy are allowing concurrent construction in residential subdivisions; reducing the current timeframe between substantial completion of public improvements and the filing of the final plat, including issuance of building permits; continuing reasonable requirements for financial security provided by developers; withholding Certificates of Occupancy for all single family homes until all public improvements have been completed and accepted by the City; retaining current high quality standards for design, construction, and warranty of all public improvements; and continuing the City's successful program of requiring detailed Storm Water Grading Plans for each subdivision prior to filing of the final plat.

Chairman Ezzell said the Oklahoma City (OKC) ordinance has a 110% bonding requirement and asked what OKC is bonding if the infrastructure improvements are already in place. Mr. Danner said OKC is bonding the entire project, even though all improvements are in place and Chairman Ezzell felt that was a bit backwards. Mr. Harold Heiple, Attorney, said developers should not have to bond the entire project if improvements are in place. He said if substantial infrastructure completion is done, the developer should be required to bond the remaining improvements and be allowed to file the final plat. He said developers cannot sell a lot until the final plat is filed and that process has been held up until all improvements are completed and accepted by the City; however, bonding the completion and allowing acceptance of the final plat will help developers sell the lots and move forward. Mr. Gene McKown, Ideal Homes, said the City of Norman's proposed requirements are fair and reasonable.

Chairman Ezzell asked when Staff could present the proposed amendments to Council and Mr. Steve Lewis, City Manager, said early February. Mr. Danner said typically, amendments would be approved by the Planning Commission prior to City Council approval. Mr. Heiple said there are a great deal of subdivision regulations that should not have to go to Planning Commission and if the City had an ordinance tomorrow that was ready to go to Council, it could be approved before the February Planning Commission meeting. He said these are the types of things that developers and City Staff are trying to identify that do not need to go before the Planning Commission. Chairman Ezzell said everyone seems to be on the same page going forward and felt the amendments should be reviewed by Council at a Study Session as soon as possible and Councilmembers agreed.

Items submitted for record

1. Memorandum dated January 4, 2012, from Shawn O'Leary, Director of Public Works, to Councilmember Hal Ezzell, Chairman, Council Business and Community Affairs Committee

Item 1, being:

CONTINUED DISCUSSION REGARDING THE CREATION OF A PUBLIC TRUST AUTHORITY TO FACILITATE ECONOMIC DEVELOPMENT AND OTHER ECONOMIC DEVELOPMENT TOOLS.

Chairman Ezzell postponed discussion to the February 2, 2012, meeting.

Item 2, being:

STAFF UPDATE ON THE REVIEW OF THE 2009 INTERNATIONAL RESIDENTIAL CODE AS ADOPTED BY THE STATE OF OKLAHOMA.

Ms. Susan Connors, Director of Planning and Community Development, said a couple of years ago, the State of Oklahoma created the Oklahoma Uniform Building Code Commission (UBC) and instituted a \$4 fee on every building permit issued in order to fund that Commission. She said the UBC was created to review the 2009 International Residential Code (IRC) and prepare the document for State approval. She said the Code

was approved and went into effect July 15, 2011, and is now the minimum building code for all residential construction in the State.

Ms. Connors said Development Division Staff has progressively reviewed the Code since January 2011, and has had two inspectors on the Technical Review Committee (TRC), which was formed by the UBC as part of the State's adoption process to discuss the implication of the 2009 IRC changes, state amendments, and local amendments that may be needed. She said the City is now ready to begin the formal process for adoption of this Code with local amendments and Staff has prepared a draft of proposed amendments.

She said Staff will continue the Code review and public information process to include a series of meetings with members of the Builders Association of South Central Oklahoma (BASCO) and the City's Board of Adjustment members in January 2012. The 2009 IRC and proposed amendments are tentatively scheduled for adoption by City Council in March 2012.

Ms. Connors highlighted the State's changes and Chairman Ezzell asked what Staff thought the most notable changes were. Mr. Bob Christian, Permit Manager, said as a broad overview, there were approximately 160 significant changes, most being technical or administrative issues. He said several requirements have costs associated with them that include new electrical convenience receptacles being tamper resistant; 120 volt outlets protected with arc fault protection devices; high efficiency light bulbs required in 50% of new light fixtures; water resistive barrier required on all exterior walls; carbon monoxide detectors required in new homes unless the home is total electric; and townhomes be equipped with fire protection sprinkler systems.

Councilmember Kovach asked if prescriptive requirements for structural wall bracing refers to hurricane ties and Mr. Christian said it deals more with the actual wall system itself. He said when a house is under construction builders will use chipboard, plywood, or some type of sheathing material and the building codes have tried to address those issues primarily from a standpoint of wind and seismic concerns. He said this particular Code has changed some of the prescriptive requirements that allow a mix of materials and addresses short wall stability issues. He said the University of Oklahoma (OU), through their Pier Structure Lab, has done specific testing of homes in Norman that has been beneficial to wall bracing requirements. He said although hurricane ties are not addressed specifically, the code continues to require a truss root system to be tied to the framework through what is commonly referred to as a hurricane clip. He said it also seeks to address, more concisely, the continuation of the load path from the roof to the foundation system.

Chairman Ezzell asked if the City is proposing any changes above what the State is requiring and, if so, what are the substantive differences. Mr. Christian said the greatest changes include the exterior wall fire resistant rating element, which is more understandable to builders than what the IRC provides; the addition of the tie between the foundation wall and building concrete footing with reinforcing steel; a requirement for a specified number of electrical outlets on a specific type of branch circuit and the IRC gives the ability to exceed the limitations the City has found historically to be prudent; and the amendments exclude the use of aluminum material for circuit conductors inside a structure. He said technical specifications limit the length and dimensions of unprotected electrical conductors that can be extended inside the structure and dimensions of electrical equipment enclosures.

Councilmember Gallagher asked if the use of 100-watt bulbs would be eliminated and Mr. Christian said that has been discussed by the IRC, but was not exclusive to the high efficiency light bulb requirement.

Councilmember Gallagher asked if there is a wind limit to structural wall bracing and Mr. Christian said yes, and the mixing of materials should address that.

Item 2, continued:

Councilmember Gallagher asked if the new regulations would apply to remodeling or new construction only and Mr. Christian said, generally, in residential and one and two family construction, the existing component will remain as is; however, there are requirements to upgrade smoke detectors and there is a potential requirement to install carbon monoxide detectors that will extend to remodels. He said these requirements have been demonstrated to save lives, but they have also been demonstrated to increase the costs of additions to existing homes.

Mr. Christian said Staff surveyed Oklahoma City, Moore, and Edmond and found they are on a similar path with adoption cycles and proposed local amendments for their jurisdictions and Staff will compare notes.

Chairman Ezzell asked when the amendments would be ready for a Council Study Session and Ms. Connors said late February, with the adoption process in March.

Items submitted for record

1. Memorandum dated January 5, 2012, from Susan F. Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee, with Exhibit 1, draft ordinance
2. Notable changes associated with the 2009 International Residential Code

Item 4, being:

MISCELLANEOUS DISCUSSION.

Chairman Ezzell said he would like to add discussion regarding the Northside Waste Water Treatment Plant (NSWWTP) to the February meeting agenda. He said the NSWWTP is an issue that has been extensively discussed, extensively studied, and it is still the recommendation of the Wastewater Oversight Committee (WWOC) that it go forward. He said the WWOC has been raising concerns that this item is not going forward in a timely manner and construction costs are going up. He said the Corps of Engineers (COE) had some problems with the span on the Little River, but the City of Moore's WWTP sits in the entire basin so he thinks that is just a design issue rather than a permanent barrier and he would like to know the status on that as well as what Staff thinks building costs would be. He said he does not want the City to inadvertently do something in regards to dedication of funds that really need to be spent on a north side solution when discussing modifications for the south plant. He said there have been well developed technical discussions on a one plant vs. two plant scenario and multiple Council elections, and that it is time to open up discussion and have a refresher course as to where we are on this issue, do we need to move forward, how do we need to move forward, and do we need to start talking about a timeframe for moving forward.

The meeting adjourned at 9:30 a.m.

ATTEST:

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City Clerk

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Mayor

## CITY COUNCIL CONFERENCE MINUTES

January 10, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 10<sup>th</sup> day of January, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

**PRESENT:**

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

**ABSENT:**

Councilmember Ezzell

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1011-182: WITH TULSA GAS TECHNOLOGIES, INC., INCREASING THE CONTRACT AMOUNT BY \$18,450 TO PROVIDE INSTALLATION OF ADDITIONAL COMPRESSED NATURAL GAS (CNG) EQUIPMENT FOR THE CNG FAST FILL AND SLOW FILL PUBLIC FUELING FACILITY.

Mr. Shawn O'Leary, Director of Public Works, said on July 1, 2010, the City of Norman received an American Recovery and Reinvestment Act (ARRA) grant in the amount of \$945,000 from the Oklahoma Department of Commerce (ODOC) to construct a Compressed Natural Gas (CNG) Fueling Facility with public access.

Mr. O'Leary said on July 12, 2011, Council approved Contract No. K-1011-182 with Tulsa Gas Technologies, Inc., for CNG equipment installation for the CNG Fast Fill and Slow Fill Public Fueling Facility (Fueling Facility) Phase I in the amount of \$123,230. He said the construction is substantially complete and opened for service to City vehicles and the general public on January 9, 2012. Mr. O'Leary said on August, 30, 2011, City Staff was notified by the ODOC that additional ARRA funds are available to Oklahoma agencies with active grant projects provided the funds are spent by March 31, 2012. He said Staff and the project design firm for the CNG Fueling Facility, Small Arrow Engineering, L.L.C., prepared a request for supplemental funds in September 2011, and on November 7, 2011, ODOC informed Staff that the additional grant amount in the amount of \$435,365.85 was approved with no required local match.

Mr. O'Leary said the proposed expansion project will complete Phase II of the CNG Fueling Facility and will provide redundancy for the City during emergency operations, i.e., should a power outage occur, the CNG Fueling Facility will continue to provide the City and general public customers with compressed natural gas. He said the proposed project includes 13 dual hose slow fill posts and sub-meter, 80 HP natural gas drive four-stage compressor, and a defueling dispenser. Change Order No. One with Tulsa Gas Technologies, Inc., increasing the contract amount by \$18,450 will provide construction services for Phase II of the CNG Fueling Facility and Staff felt Tulsa Gas Technologies, Inc., has performed very well and is best suited to complete this portion of Phase II.

Mr. O'Leary said Staff and Small Arrow Engineering, L.L.C., prepared bids for the remainder of the construction services and installation of equipment needed in the estimated amount of \$91,300. He said this portion of the construction services on Phase II exceeds the statutory amount of work that can be completed by change order and the City is best served by a new bid process. Mr. O'Leary said bids will be opened on January 19, 2012, and on February 14, 2012, Council will be asked to award a contract for the remaining construction portion of the project. He said the additional construction work must be completed before the March 31, 2012 grant deadline.

Items submitted for the record

1. Text File No. K-1011-182, Change Order No. One, dated December 22, 2011, by Mr. Mike White, Fleet Superintendent
2. Change Order No. One to Contract No. K-1011-182, with Change Order Detail and Detailed Cost Itemization
3. PowerPoint Presentation entitled, "City of Norman Compressed Natural Gas (CNG) Fueling Facility"

DISCUSSION WITH REPRESENTATIVES FROM THE PIONEER LIBRARY SYSTEM REGARDING THE RECENT PURCHASE AND FUTURE USES OF THE FORMER BORDERS BUILDING.

Ms. Anne Masters, Pioneer Library System Director, said the Pioneer Library System (PLS) was established in 1968, serves the residents of Cleveland, McClain, and Pottawatomie Counties, and Norman Public Library (NPL) is one of ten branch libraries. She said by policy and in keeping with state statute the PLS provides the staff, material(s), technologies, programs, delivering, administration and the municipality in which a branch library is located provides the building, furnishings/furniture, utilities, maintenance and custodial costs. Ms. Masters said the PLS is funded through ad valorem assessment county millage from the county where the library is located.

Ms. Masters said the PLS administrative services have been housed in the NPL since the 1960's and PLS appreciates the on-going partnership with the City of Norman. She said concern was expressed about the arrangement, particularly in regard to providing space for PLS in a *new* Norman library facility and because of growth of the library system more space was required leading to the lease of additional space over the past ten years. PLS currently leases space at 1210 McGee, the old Hollywood Theater, and at 226 W. Gray Street, the old Dales Office Supply building. In December 2011, PLS acquired the old Borders Building located at 300 N. Center Court and now has the opportunity to separate system services from the NPL main branch. Ms. Masters said the location, structure, and size of the new building also provides an opportunity to offer a public service point in west Norman which is the focus of tonight's study.

Ms. Masters said the population of Norman has increased from 30,000 in the 1960's, to 115,000 today. She said the NPL branch was remodeled in the 1980's, but has not had any expansion. She said the City recognized the need for library improvement, as well as additional building and parking space, and proposed a bond issue for the construction of a new Norman library building in May 2008. Ms. Masters said at the same time voters in PLS's three counties were asked to increase the library millage in order to support improved services. She said the millage was approved in all three counties, to include Norman, but the bond issue for the new library construction failed in part to the uncertainty about the location of the new building. Ms. Masters said following the May 2008 election; City Staff, PLS representatives, and citizens met to discuss what was learned from the unsuccessful campaign and prepare a more viable proposal to take to the voters of Norman. She said the project consultant, Jeff Scherer of Meyer, Scherer, and Rockcastle, Ltd., developed a new proposal and shared the ideas during three public meetings that were held in September 2008. Ms. Masters said the new proposal included a main NPL with a total 107,841 square feet that included 17,906 square feet for the PLS administration, as well as two branch libraries, one located in east Norman and one located in west Norman, each having 12,500 square feet. She said actual space allocated for the NPL was 89,935 square feet and the old Rhodes Granary was the site under consideration. The proposal included Ruby Grant Park as the west side branch location and the east side branch was proposed to be located on land purchased for the construction of Fire Station No. 9, located on east Alameda Street.

Ms. Masters said at that same time when the new library proposal was given the economy took a downturn and the proposal was put on hold. She hopes Norman will soon re-introduce the proposal/plan for construction of a new main library building which is desperately needed. She said in the mean time, PLS acquisition of the old Borders building will allow the system administrative services, therefore when Norman builds a new main library it will not be necessary to include space for the NPL administration.

Ms. Masters said PLS has been making an effort to make library services accessible to both east and west Norman customers since 2008. She said in April 2009, book drops and book boxes were placed at Sooner Mall and B & B Country Store located at 3831 East Alameda Street in order to assist customers with picking up requested books being held for them and more recently a book drop has been placed at the McGee Street location. She said story-time programs on Tuesday morning at Sooner Mall draw 50 to 60 adults/children each week and wifi service at Sooner Mall is also provided by PLS. Ms. Masters said the old Borders building offers new possibilities for library service for west Norman to include self service, un-staffed, options such as those at Sooner Mall as well as a NPL Satellite branch library, could be provided in partnership with the City of Norman. She said the PLS felt it would be advantageous to Norman to provide a space for the west side branch library in the old Borders building, stating that leasing may be a timely and cost efficient alternative to the purchase and construction of a new NPL facility.

Ms. Lisa Wells, Pioneer Library System (PLS) Assistant Director, said PLS feels the expansion of the library services to both Sooner Mall and B & B Country Store are providing convenience to the citizens as well as laying vital groundwork to promote and provide support for an east side branch library, a west side branch library, and the construction of a new downtown library. She said 5,000 to 7,000 square feet of the Borders building could serve as a west side Norman Public Library (NPL) Satellite branch, offering children's programming with the hours as the main NPL. She said the NPL satellite branch would not offer a schedule of programs and classes for adults, which would continue to be offered at the main library and would not offer meeting room space for the public. Ms. Wells said if PLS was not able to partner with the City, the automated library services would be moved from the Sooner Mall to the former Borders building allowing PLS to staff more easily and offer a few self serve services such as DVD and book vending machines and small drop collections of popular materials. She said additionally, the wifi would be moved from Sooner Mall to the former Borders location.

Ms. Leslie Tabor, Norman Public Library (NPL) Branch Manager, said roughly 10,000 people attend the NPL on a weekly basis and the NPL circulates over one million items per year. She said the NPL had record attendance in the 2010 children's summer reading program and NPL now offers downloadable audio books and e-books. Ms. Tabor said nationally, libraries have had to cut their staff, services, and hours but fortunately Norman has been shielded from that primarily due to the number of citizens who frequent the library. She said PLS believes there is opportunity to partner with the City in expanding library services to west Norman at an ideal location, the Borders building, in a cost effective way and would welcome planning with the City to provide these services. Ms. Tabor said the former Borders building would provide a model opportunity for what a branch library might look like, offering an open floor plan with the ability to rearrange furniture to accommodate specific needs and events. She said this type of library would embody the spirit of the progressive and growing Norman community. Ms. Tabor said potential NPL staffing is projected to be one single dedicated staff member, i.e., a west side branch department head that she would supervise, and said additional staffing as needed to accommodate citizens would be supplied by NPL branch staff. She said NPL will cross-train staff to work at the main NPL as well as the west side branch library, thus providing consistency to the citizens. Ms. Tabor said if the City is not able to provide a library branch at the former Borders building, PLS will relocate its current west side automated/self-serve services and the children's story time programs from Sooner Mall to the new location. PLS plans to prepare and lease the coffee shop space so that it will be a part of the public area and would not necessarily have rows and rows of books but rather provide current popular items and new rotating dynamic collections. She said a west side branch library, with or without the City's participation, will not replace the continuing need for a larger main library with adequate parking.

Ms. Tabor said the space vacated in the current NPL will allow needed expansion of staff office space, work area, and library storage, but it will not solve the need for added public space for collections, technologies, study and meeting space. She said current NPL building is 55,000 square feet and the PLS administration uses about 4,000 square feet. Ms. Tabor said the current NPL is not the ideal space for any type of story-time or circulation and would need considerable and expensive upgrades in order to provide necessary safety measures for staff and citizens. She felt the number of citizens attending the library as well as the wear and tear on the building would show that the use has been maximized in regards to library space.

Ms. Tabor said if PLS were to open up more library functions/services in the current building it would bring in more people thus more restroom facilities and parking spaces would be necessary. NPL suggests one option to maximize the space without any capital investment would be to allow NPL to expand staff operations allowing more efficiency and more public space to be utilized. She said the PLS literacy services would be retained so that people could be rearranged and the circulation and circulation process could be expanded.

Ms. Tabor said the NPL would like to thank City Staff for the HVAC project currently being done at the library and are looking forward to a future lighting project and flooring project. She felt however everyone could agree these projects are only temporary solutions to the ultimate issue of library space. Ms. Tabor said the NPL must have more space for parking, size of collection, as well as basic needs such as staff restrooms, in order to meet the needs of a city the size of Norman.

Ms. Masters said PLS plans to engage an architect by the end of January 2012, to assess the NPL space needs and design the 25,000 square feet of space in the former Borders building. She said when completed, PLS will give the City of Norman the number of square feet available, probably in the 5,000 to 7,000 square foot range, for a satellite public library branch. Ms. Masters said PLS would like to know if the City wishes to take this opportunity to partner with PLS by March 2012, so that they will be able to move forward with the design plans. She said the time(s) of lease would need to be discussed and agreed upon; however, PLS can say that the shelf space would be made available at a lease rate well below the commercial market perhaps \$6.00 to \$8.00 per square foot. Ms. Masters said PLS would be willing to provide funds for preparation of the space, including the design, construction, and furnishing, having an estimate of \$40.00 per square foot. She said since those costs are by policy, they would need to be reimbursed by the City to PLS, but could be amortized over a five-year period or time to be agreed upon. In addition, the cost of utilities and custodial services for the space would also be the responsibility of the City. Ms. Masters summarized, stating PLS believes there is an opportunity to partner with the City of Norman in expanding library services to west Norman in the former Borders building in a cost effective way and would welcome planning with the City of Norman to provide these services.

Mayor Rosenthal thanked the PLS and NPL staff for their presentation, as well as members from the Library Advisory Board and others who are in attendance. Councilmember Kovach asked if the future uses of the former Borders building will affect the McGee Street NPL location and Ms. Masters said the McGee location will be the first to be moved as the lease will expire April 2012. She said the second phase would include moving the Webster Street administrative services and the third phase would be providing the public service area. Councilmember Kovach felt the former Borders building is a brilliant west side location and will be in a highly traveled area that has a current bus route already in place. Ms. Masters agreed and said it will also provide NPL with a loading dock to assist loading and unloading large trucks of books. Councilmember Gallagher felt a west side branch location will attract more people and asked PLS if they had an estimate of potential customers it would serve. Ms. Masters said no, but PLS did determine 33,000 Norman citizens live west of Berry Road and nearly 19,000 of those citizens live west of I-35. She said based upon those figures and knowing 10,000 plus frequent the main NPL on a weekly basis, she felt the number will be high. Councilmember Gallagher asked if the library patrons that have library cards are equally distributed throughout the City and Ms. Masters felt they are fairly evenly distributed, but really concentrated in central Norman due to accessibility of the library location. He asked how many NPL cardholders there are in Norman and Ms. Masters said approximately 60,000.

Mayor Rosenthal asked if there has been an increase and/or decrease in programs other than the story-time programs, i.e., items circulating, etc., and Ms. Masters said NPL continues to see growth in library and program attendance and in the circulation of library materials. Ms. Masters said PLS has been in a fortunate position since the millage 2008 increase to increase the hours and staff, as well as double the material(s) budget. She felt the PLS and NPL has tried to put the money where it would make the greatest difference to the library customers and the library customers have responded.

Councilmember Quinn felt the NPL has adjusted library services to meet the current needs of the City of Norman and commended PLS and NPL staff. Mayor Rosenthal reminded Council the 2008 election was a Norman citizen driven process and not a PLS driven process and the Library Ad Hoc Committee identified desired services, structures, and facilities needed. Councilmember Quinn said the school children of Norman benefit automatically from being eligible for a library card(s) which also contributes to the usage and continued usage of the library. Ms. Masters said Norman Public Schools out-sources their library automation to the PLS and PLS works very close with Norman Public Schools.

Mayor Rosenthal said she could not help but point out the Big 12 rankings public library statistics the PLS staff distributed, noting the Stillwater Public Library is five times the size of the NPL. She felt Council needed to give guidance to Staff regarding the next step(s). It was the consensus of Council Staff work with PLS regarding a west side branch library and come back to Council with a proposal. Councilmember Gallagher felt Staff should look at concepts for both an east and west side branch library and Council agreed. Councilmember Spaulding said the main NPL facility has existing needs and wondered if the City is taking care of what we have. He felt the City needed to maintain the current NPL before expanding or building another NPL facility and Councilmember Lockett agreed stating she was also concerned about the City not maintaining City facilities. Mayor Rosenthal said many investments have been and are currently being made to the main NPL, some which are not visible, and requested Staff continue to review issues.

Items submitted for the record

1. Pioneer Library System, Norman City Council Study Session, Tuesday, January 10, 2012, to include the agenda for introduction and background; Pioneer Library System criteria for Community Branch Library; Pioneer Administration functions to be in Borders Building; Public Library Service without City Partnership; East and West Norman Service Expansion; Public Library Service with City of Norman Partnership; Use of Norman Public Library space vacated by Pioneer Library Administration; and recommendations, timeline, and costs.

The meeting adjourned at 6:25 p.m.

ATTEST:

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City Clerk

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Mayor

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

January 10, 2012

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 10th day of January, 2012, 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, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
TARDY	Councilmember Ezzell*
ABSENT:	None

\*Councilmember Ezzell arrived at 7:10 p.m.

The Pledge of Allegiance was led by Boy Scout Webelo Pack No. 777.

\* \* \* \* \*

Item 3, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 4 through Item 22 excluding Item 10 and Item 16 be placed on the consent docket by unanimous vote, which motion was duly seconded by Councilmember Griffith; and the question being upon the placement on the consent docket by unanimous vote of Item 4 through Item 22 excluding Item 10 and Item 16, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 4 through Item 22 excluding Item 10 and Item 16 were placed on the consent docket by unanimous vote.

\* \* \* \* \*

Item 4, being:

APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF DECEMBER 1, 2011  
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 6, 2011  
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF DECEMBER 7, 2011  
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 13, 2011  
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF DECEMBER 14, 2011  
CITY COUNCIL CONFERENCE MINUTES OF DECEMBER 20, 2011  
CITY COUNCIL MINUTES OF DECEMBER 20, 2011  
NORMAN UTILITIES AUTHORITY MINUTES OF DECEMBER 20, 2011  
NORMAN MUNICIPAL AUTHORITY MINUTES OF DECEMBER 20, 2011  
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF DECEMBER 20, 2011  
CITY COUNCIL FINANCE COMMITTEE MINUTES OF DECEMBER 21, 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 Dillingham;

Item 4, continued:

Items submitted for the record

1. Text File No. GID-1112-42 dated December 29, 2011, by Brenda Hall, City Clerk
2. City Council Business and Community Affairs Committee minutes of December 1, 2011
3. City Council Conference minutes of December 6, 2011
4. City Council Oversight Committee minutes of December 7, 2011
5. City Council Conference minutes of December 13, 2011
6. City Council Community Planning and Transportation Committee minutes of December 14, 2011
7. City Council Conference minutes of December 20, 2011
8. City Council minutes of December 20, 2011
9. Norman Utilities Authority minutes of December 20, 2011
10. Norman Municipal Authority minutes of December 20, 2011
11. Norman Tax Increment Finance Authority minutes of December 20, 2011
12. City Council Finance Committee minutes of December 21, 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, 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.

\* \* \* \* \*

Item 5, being:

CONSIDERATION OF ORDINANCE NO. O-1112-17 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 NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RE, RESIDENTIAL ESTATES DWELLING 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 EAST SIDE OF 24TH AVENUE N.W. ONE-QUARTER MILE SOUTH OF INDIAN HILLS ROAD)

Councilmember Kovach moved that Ordinance No. O-1112-17 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1112-17 dated November 10, 2011, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1112-17
3. Location map
4. Staff Report dated December 8, 2011, recommending approval
5. Pertinent excerpts from Planning Commission minutes of December 8, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1112-17 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1112-17 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1112-18 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 GRANT SPECIAL USE FOR A BAR, LOUNGE, OR TAVERN WITH LIVE ENTERTAINMENT IN APPROXIMATELY 12,340 SQUARE FEET OF PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LOCATED IN LOT 1, BLOCK 1, COLONIAL ESTATES "A", NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1321 EAST LINDSEY STREET, COLONIAL ESTATES SHOPPING CENTER)

Councilmember Kovach moved that Ordinance No. O-1112-18 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. O-1112-18 dated November 10, 2011, by Doug Kosciński, Current Planning Manager
2. Ordinance No. O-1112-18 with Exhibit A, site plan, and Exhibit B, letter dated December 1, 2011, from Anthony Mirzaie, Managing Member, Colonial Capital, L.L.C., to City of Norman
3. Location map
4. Staff Report dated December 8, 2011, recommending approval with a condition
5. Description of Business at 1321 East Lindsey Street from Jeffrey Tisdale
6. Protest Area Map containing 0.7% protest within notification area
7. Letter of protest filed November 29, 2011, from Charles and Alice Henson
8. Pertinent excerpts from Planning Commission minutes of December 8, 2011

and the question being upon the Introduction and adoption of Ordinance No. O-1112-18 upon First Reading by title, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Ordinance No. O-1112-18 was Introduced, read, and adopted upon First Reading by title.

\* \* \* \* \*

Item 7, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BICYCLE ADVISORY COMMITTEE

TERM: 02-13-12 TO 02-13-15: HELEN ROBERTSON, 1912 WESTBROOKE TERRACE

GREENBELT COMMISSION

TERM: 01-10-12 TO 07-13-14: SARAH SMITH, 4105 GOSHAWK DRIVE

Councilmember Kovach moved that the appointments be confirmed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. AP-1112-12 dated December 29, 2011, by Brenda Hall, City Clerk

and the question being upon confirming the appointments, a vote was taken with the following result:

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

NAYES: None

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

\* \* \* \* \*

Item 8, being:

SUBMISSION OF THE 2011 ANNUAL REPORT FROM THE BOARD OF PARKS COMMISSIONERS.

Councilmember Kovach moved that receipt of the report be acknowledged, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. RPT-1112-24 dated December 28, 2011, by Jud Foster, Director of Parks and Recreation
2. Norman Board of Parks Commissioners 2011 Annual Report

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

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

NAYES: None

The Mayor declared the motion carried and receipt of the report was acknowledged.

\* \* \* \* \*

Item 9, being:

SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE CITY MANAGER'S CHANGE ORDER REPORT AND DIRECTING THE FILING THEREOF.

Councilmember Kovach moved that receipt of the report be acknowledged, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. RPT-1112-22 dated December 29, 2011, by Brenda Hall, City Clerk
2. Resolution No. R-1112-55
3. Memorandum dated December 15, 2011, from Chris Mattingly, Utilities Supervisor, through Kenneth Komiske, Director of Utilities, to Steve Lewis, City Manager
4. Change Order No. One to Contract No. K-1112-09
5. Photographs of pit welds on water tower

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

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

NAYES: None

The Mayor declared the motion carried and receipt of the report was acknowledged.

\* \* \* \* \*

Item 10, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION V, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 2, BLOCK 2, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. NORTH OF MOUNT WILLIAMS DRIVE)

Councilmember Quinn moved that the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, a replat of Lot 2, Block 2, 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 Griffith;

Items submitted for the record

1. Text File No. FP-1112-12 dated November 18, 2011, by Ken Danner, Development Manager
2. Location map
3. Staff Report dated December 8, 2011, recommending approval
4. Final plat
5. Final site development plan
6. Revised preliminary plat
7. Pertinent excerpts from Planning Commission minutes of December 8, 2011

Participants in discussion

1. Mr. Tom McCaleb, SMC Consulting Engineers, 815 West Main Street, Oklahoma City, engineer representing the applicant

and the question being upon approving the final site development plan and final plat for University North Park, Section V, a Planned Unit Development, a replat of Lot 2, Block 2, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

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

NAYES: Councilmember Kovach

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, a replat of Lot 2, Block 2, 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.

\* \* \* \* \*

Item 11, being:

LIMITED LICENSE NO. LL-1112-8: TO PLACE FOUR (4) GROUND BANNERS IN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FIREHOUSE ART CENTER FOR THE 2012 CHOCOLATE FESTIVAL TO BE HELD JANUARY 28, 2012.

Councilmember Kovach moved that Limited License No. LL-1112-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the 2012 Chocolate Festival and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. LL-1112-8 dated December 28, 2011, by Wayne Stenis, Planner II
2. Letter of request dated December 20, 2011, from Alexis Rodgers, Operations Assistant, Firehouse Art Center, to Brenda Hall, City Clerk
3. Application for Limited License for four banners dated December 14, 2011, from Douglas Shaw Elder, Executive Director, Firehouse Art Center
4. Limited License No. LL-1112-8

Item 11, continued:

and the question being upon approving Limited License No. LL-1112-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the 2012 Chocolate Festival and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Limited License No. LL-1112-8 to place four (4) ground banners within the public rights-of-way pursuant to a request from the Firehouse Art Center for the 2012 Chocolate Festival approved; and the issuance thereof was authorized.

\* \* \* \* \*

Item 12, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-1011-84: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND H.W. LOCHNER, INC., FORMERLY BUCHER, WILLIS AND RATLIFF CORPORATION, INCREASING THE CONTRACT AMOUNT BY \$20,000 TO PROVIDE ADDITIONAL DESIGN SERVICES FOR THE JENKINS AVENUE CONTINUOUS ROADWAY LIGHTING PROJECT.

Councilmember Kovach moved that Amendment No. One to Contract No. K-1011-84 with H.W. Lochner, Inc., formerly Bucher, Willis and Ratliff Corporation, increasing the contract amount by \$20,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-84, Amendment No. One, dated December 22, 2011, by Angelo Lombardo, Traffic Engineer
2. Amendment No. One to Contract No. K-1011-84 with Attachment A, Scope of Services; Attachment B, Project Schedule; Attachment C, Compensation; and Attachment D, Owner's Responsibilities
3. Location map
4. Purchase Requisition No. 0000195132 dated December 12, 2011, in the amount of \$20,000 to H.W. Lochner, Inc.

Participants in discussion

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

and the question being upon approving Amendment No. One to Contract No. K-1011-84 with H.W. Lochner, Inc., formerly Bucher, Willis and Ratliff Corporation, increasing the contract amount by \$20,000 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-1011-84 with H.W. Lochner, Inc., formerly Bucher, Willis and Ratliff Corporation, increasing the contract amount by \$20,000 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 13, being:

CONTRACT NO. K-1112-100: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR STATE-AID PROJECT NO. STPG-114B(278)AG, STATE JOB NO. 27795(04) FOR THE CONTINUOUS ROADWAY LIGHTING SYSTEM PROJECT ALONG MAIN STREET FROM WEST OF MERKLE DRIVE TO UNIVERSITY BOULEVARD AND ADOPTION OF RESOLUTION NO. R-1112-94.

Councilmember Kovach moved that Contract No. K-1112-100 with the Oklahoma Department of Transportation be approved, Resolution No. R-1112-94 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-100 dated December 22, 2011, by Angelo A. Lombardo, Traffic Engineer
2. Contract No. K-1112-100
3. Resolution No. R-1112-94
4. Location map

and the question being upon approving Contract No. K-1112-100 with the Oklahoma Department of Transportation and upon the subsequent adoption and authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1112-100 with the Oklahoma Department of Transportation approved; Resolution No. R-1112-94 was adopted and the execution of the contract and resolution was authorized.

\* \* \* \* \*

Item 14, being:

CONTRACT NO. K-1112-102: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ORTHOPEDIC AND SPORTS MEDICINE TO PROVIDE ORTHOPEDIC HEALTH CARE SERVICES FOR WORKERS INJURED ON THE JOB.

Councilmember Kovach moved that Contract No. K-1112-102 with Orthopedic and Sports Medicine be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1112-102 dated December 21, 2011, by Clint Mercer, Chief Accountant
2. Contract No. K-1112-102

and the question being upon approving Contract No. K-1112-102 with Orthopedic and Sports Medicine and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1112-102 with Orthopedic and Sports Medicine approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 15, being:

CONTRACT NO. K-1112-103: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ARVEST BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE HOME PARTNERSHIP PROGRAM FOR PROPERTY LOCATED AT 2509 GA ZUMP DRIVE.

Councilmember Kovach moved that Contract No. K-1112-103 with Arvest Bank be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1112-103 dated December 22, 2011, by Linda Price, Revitalization Manager
2. Contract No. K-1112-103

and the question being upon approving Contract No. K-1112-103 with Arvest Bank and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Contract No. K-1112-103 with Arvest Bank approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 16, being:

CONTRACT NO. K-1112-105: A MEMORANDUM OF UNDERSTANDING BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, THE NORMAN CHAMBER OF COMMERCE, AND THE NORMAN CONVENTION AND VISITORS BUREAU FOR DEVELOPMENT OF A WAYFINDING PLAN.

Councilmember Kovach moved that Contract No. K-1112-105 with the Norman Chamber of Commerce and the Norman Convention and Visitors Bureau 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-1112-105 dated December 27, 2011, by David Riesland, Assistant Traffic Engineer
2. Contract No. K-1112-105
3. City Council Conference minutes of December 20, 2011

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Jim Stanley, 3922 Pine Tree Circle, protestant
3. Mr. Steve Lucas, 804 Fairway Drive, asked questions
4. Mr. John Woods, Chief Executive Officer, Norman Chamber of Commerce, 115 East Gray Street
5. Mr. Rickey Knighton, Assistant City Attorney
6. Mr. Steve Lewis, City Manager

Thereupon, Councilmember Spaulding moved that Contract No. K-1112-105 with the Norman Chamber of Commerce and the Norman Convention and Visitors Bureau be postponed pending discussion at a study session, which motion was duly seconded by Councilmember Gallagher;

Participants in discussion

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

Item 16, continued:

and the question being upon postponing Contract No. K-1112-105 with the Norman Chamber of Commerce and the Norman Convention and Visitors Bureau pending discussion at a study session, a vote was taken with the following result:

YEAS: Councilmembers Gallagher and Spaulding

NAYES: Councilmembers Dillingham, Ezzell, Griffith, Kovach, Lockett, Quinn, Mayor Rosenthal

The Mayor declared the motion failed and Contract No. K-1112-105 with the Norman Chamber of Commerce and the Norman Convention and Visitors Bureau was not postponed pending discussion at a study session.

and the question being upon approving Contract No. K-1112-105 with the Norman Chamber of Commerce and the Norman Convention and Visitors Bureau and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: Councilmember Gallagher

The Mayor declared the motion carried and Contract No. K-1112-105 with the Norman Chamber of Commerce and the Norman Convention and Visitors Bureau approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 17, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-1011-49: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF COMMERCE ACCEPTING A REIMBURSEMENT OF FUNDS IN THE AMOUNT OF \$435,365.85 FROM THE OKLAHOMA DEPARTMENT OF COMMERCE AMERICAN RECOVERY AND REIMBURSEMENT ACT GRANT FUNDS TO BE USED FOR THE EXPANSION OF THE COMPRESSED NATURAL GAS FACILITY AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Amendment No. One to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of \$435,365.85 be approved; the execution thereof be authorized; and \$435,366 be appropriated from the Capital Fund Balance (050-0000-253.50-00) to Project TR0085, CNG ARRA Expansion, designating \$109,785 to Construction (022-9503-435.61-01), \$34,000 to Design (022-9503-435.62-01), and \$291,581 to Materials (022-9503-435.63-01), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-49, Amendment No. One, dated December 22, 2011, by Mike White, Fleet Superintendent, with CNG Fueling Facility Cost Breakdown dated December 28, 2011
2. Amendment No. One to Contract No. K-1011-49
3. Letter dated December 13, 2011, from Charlotte Conant, Contracts Developer, Community Development, Oklahoma Department of Commerce, to Cindy Rosenthal, Mayor
4. Office of Community Development Request for SEP ARRA Budget Modification, Contract No. 14220-SSEP-09

Item 17, continued:

and the question being upon approving Amendment No. One to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of \$435,365.85 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of \$435,365.85 approved; the execution thereof was authorized and \$435,366 was appropriated from the Capital Fund Balance (050-0000-253.50-00) to Project TR0085, CNG ARRA Expansion, designating \$109,785 to Construction (022-9503-435.61-01); \$34,000 to Design (022-9503-435.62-01); and \$291,581 to Materials (022-9503-435.63-01).

\*\*\*\*\*

Item 18, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-1011-121: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SMALL ARROW ENGINEERING, L.L.C., INCREASING THE CONTRACT AMOUNT BY \$34,000 FOR ADDITIONAL DESIGN SERVICES IN CONNECTION WITH THE EXPANSION OF THE COMPRESSED NATURAL GAS FACILITY LOCATED AT 2351 GODDARD AVENUE.

Councilmember Kovach moved that Amendment No. One to Contract No. K-1011-121 with Small Arrow Engineering, L.L.C., increasing the contract amount by \$34,000 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-121, Amendment No. One, dated December 21, 2011, by Mike White Fleet Superintendent, with CNG Fueling Facility Cost Breakdown dated December 28, 2011
2. Amendment No. One to Contract No. K-1011-121 with Attachment A, Scope of Services; Attachment B, Project Schedule; Attachment C; Compensation, and Attachment D, Owner's Responsibilities
3. Purchase Requisition No. 0000195805 dated January 5, 2012, in the amount of \$34,000 to Small Arrow Engineering, L.L.C.

Participants in discussion

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

and the question being upon approving Amendment No. One to Contract No. K-1011-121 with Small Arrow Engineering, L.L.C., increasing the contract amount by \$34,000 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-1011-121 with Small Arrow Engineering, L.L.C., increasing the contract amount by \$34,000 approved; and the execution thereof was authorized.

\*\*\*\*\*

Item 19, being:

CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-182: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND TULSA GAS TECHNOLOGIES, INC., INCREASING THE CONTRACT AMOUNT BY \$18,450 TO PROVIDE INSTALLATION OF ADDITIONAL COMPRESSED NATURAL GAS (CNG) EQUIPMENT FOR THE CNG FAST FILL AND SLOW FILL PUBLIC FUELING FACILITY.

Councilmember Kovach moved that Change Order No. Two to Contract No. K-1011-182 with Tulsa Gas Technologies, Inc., increasing the contract amount by \$18,450 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1011-182, Change No. Two, dated December 22, 2011, by Mike White, Fleet Superintendent, with CNG Fueling Facility Cost Breakdown dated December 28, 2011
2. Change Order No. Two to Contract No. K-1011-182
3. Contract Summary
4. Purchase Requisition No. 0000195806 dated January 5, 2012, in the amount of \$18,450 to Tulsa Gas Technologies, Inc.

and the question being upon approving Change Order No. Two to Contract No. K-1011-182 with Tulsa Gas Technologies, Inc., increasing the contract amount by \$18,450 and upon the subsequent authorization, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and Change Order No. Two to Contract No. K-1011-182 with Tulsa Gas Technologies, Inc., increasing the contract amount by \$18,450 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 20, being:

CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE OF ADDITIONAL MATERIALS AND EQUIPMENT IN THE AMOUNT OF \$274,092 FROM UNIT PRICES SET IN BID NO. 1011-63 ASSOCIATED WITH THE EXPANSION OF THE COMPRESSED NATURAL GAS (CNG) FUELING FACILITY.

Councilmember Kovach moved that authorization for the purchase of additional materials and equipment in the amount of \$274,092 from unit prices set in Bid No. 1011-63 associated with the expansion of the CNG Fueling Facility be approved, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. GID-1112-43 dated December 22, 2011, by Mike White, Fleet Superintendent, with CNG Fueling Facility Cost Breakdown dated December 28, 2011
2. Tabulation of Bids dated December 28, 2011, for Part A, Section 1, Four Stage Natural Gas Drive Compressor Package; Part A, Section 3, Du-Fueling Dispenser; Part A, Section 4, Inlet Supply Pressure Regulator, Stainless Steel Piping and Fittings; and Part B, Section 2, Slow Fill Post Type Dispensers

Participants in discussion

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

Item 20, continued:

and the question being upon approving authorization for the purchase of additional materials and equipment in the amount of \$274,092 from unit prices set in Bid No. 1011-63 associated with the expansion of the CNG Fueling Facility, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, 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 authorization for the purchase of additional materials and equipment in the amount of \$274,092 from unit prices set in Bid No. 1011-63 associated with the expansion of the CNG Fueling Facility was approved.

\* \* \* \* \*

Item 21, being:

CONTRACT NO. K-1112-106: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS ACCEPTING A PUBLIC FLEET CONVERSION GRANT IN THE AMOUNT OF \$84,478 TO BE USED FOR FUNDING THE PURCHASE OF A COMPRESSED NATURAL GAS (CNG) ELGIN CROSSWIND STREET SWEEPER FOR THE FLEET MAINTENANCE DIVISION.

Councilmember Kovach moved that Contract No. K-1112-106 with the Association of Central Oklahoma Governments accepting a Public Fleet Conversion Grant in the amount of \$84,487 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. K-1112-106 dated December 21, 2011 by Mike White, Fleet Superintendent, with CNG Fueling Facility Cost Breakdown dated December 28, 2011
2. Table listing breakdown of costs and description of CNG vehicle
3. Contract No. K-1112-106

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Mike White, Fleet Superintendent
3. Mr. Fred Pope, 1501 Navajo Road, made comments
4. Mr. Bobby Stevens, Post Office Box 1626, made comments

and the question being upon approving Contract No. K-1112-106 with the Association of Central Oklahoma Governments accepting a Public Fleet Conversion Grant in the amount of \$84,487 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Dillingham, 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 Contract No. K-1112-106 with the Association of Central Oklahoma Governments accepting a Public Fleet Conversion Grant in the amount of \$84,487 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 22, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF \$24,225 REGARDING JIMMY DALE ARGO VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC 2011-01961 Y.

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 \$24,225 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. GID-1112-45 dated December 29, 2011, by Jeanne Snider, Assistant City Attorney with Attachment 1, cost breakdown
2. Workers Compensation Court Case No. WCC-2011-01961Y filed December 16, 2011
3. Purchase Requisition No. 0000195589 dated December 27, 2011, in the amount of \$4,845 to Jimmy Argo and William Woodson
4. Purchase Requisition No. 0000195591 dated December 27, 2011, in the amount of \$484.50 to Workers' Compensation Administrative Tax Fund
5. Purchase Requisition No. 0000195592 dated December 27, 2011, in the amount of \$181.69 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000195594 dated December 27, 2011, in the amount of \$140 to Workers' Compensation Court
7. Purchase Requisition No. 0000195595 dated December 27, 2011, in the amount of \$125.70 to 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, 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 \$24,225 which will constitute judgment against the City of Norman was directed.

\*\*\*\*\*

Item 23, being:

RESOLUTION NO. R-1112-42: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, REAPPROPRIATING \$43,843 FROM THE CAPITAL FUND BALANCE FOR THE PURCHASE AND IMPLEMENTATION OF A COMPUTER BASED OPERATIONS PROGRAM FOR THE ANIMAL WELFARE CENTER.

Councilmember Dillingham moved that Resolution No. R-1112-42 be adopted, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. R-1112-42 dated September 16, 2011, by Major JD Younger
2. Resolution No. R-1112-42

Participants in discussion

1. Major JD Younger
2. Mr. Rick Knighton, Assistant City Attorney
3. Mr. Anthony Francisco, Director of Finance

and the question being upon adopting Resolution No. R-1112-42, 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-1112-42 was adopted.

\*\*\*\*\*

Item 24, being:

SUBMISSION OF A NOTICE OF APPEAL REQUESTING CITY COUNCIL OVERTURN THE DECISION OF THE HISTORIC DISTRICT COMMISSION REGARDING AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS FOR REPLACEMENT OF WINDOWS FOR PROPERTY LOCATED AT 549 SOUTH LAHOMA AVENUE.

The appeal to overturn the decision of the Historic District Commission for property located at 549 South Lahoma Avenue having been postponed on December 13, 2011, until January 10, 2012, Councilmember Dillingham moved that the appeal to overturn the decision of the Historic District Commission for property located at 549 South Lahoma Avenue be rejected, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-GID-1112-38 dated November 29, 2011, by Susan Atkins, Historic District Planner
2. Application for Certificate of Appropriateness dated October 13, 2011, submitted by Kevin Easley
3. Staff Report dated November 7, 2011, from the Norman Historic District Commission
4. Photographs of the windows
5. Letter from Don Winkle, D.W. Homes, Inc., to Norman Historic District
6. Letter denial the Certificate of Appropriateness dated November 9, 2011, to Kevin Easley, Jr., from Susan Owen Atkinson, AICP, Historic Preservation Officer
7. Pertinent excerpts from Historic District Commission minutes of November 7, 2011
8. Email requesting an appeal of the denial of the request at 549 South Lahoma Avenue dated November 17, 2011, from Kevin Easley to Brenda Hall
9. PowerPoint presentation dated November 7, 2011, for Certificate of Appropriateness Application for 549 South Lahoma Avenue
10. Email supporting Historic District's decision dated November 3, 2011, from Susan Maag to Susan Atkinson
11. Email supporting applicant dated November 4, 2011, from M.K. Long to Susan Atkinson
12. Email requesting postponement dated December 12, 2011, from Kevin Easley
13. Letter support Historic District Commission's decision dated December 12, 2011, from David and Victoria Dollarhide to Norman City Council
14. Letter dated January 10, 2012, from O'Neil Robinson, Chairman, Norman Historic District Commission, to the Honorable Mayor and City Council

Participants in discussion

1. Ms. Susan Atkinson, Historic District Officer
2. Ms. Kathryn Walker, Assistant City Attorney
3. Mr. O'Neil Robinson, Chairman, Norman Historic District Commission, 635 Lahoma Avenue
4. Mr. Kevin Easley, 6818 S. 245th East Avenue, Broken Arrow, property owner
5. Mr. Jim Gasaway, 4509 Hunters Hill Circle, proponent
6. Mr. Kendel Posey, 410 South Peters Avenue, proponent
7. Mr. Ty Hardiman, 630 South Miller Avenue, proponent
8. Ms. Ann Gallagher, 1522 East Boyd Street, proponent
9. Ms. Karen Thurston, 712 Cruce Street, proponent
10. Mr. Greg Jungman, 642 South Lahoma Avenue, proponent
11. Mr. Ben Holt, 430 South Lahoma Avenue, proponent
12. Mr. David Dollarhide, 645 South Lahoma Avenue, proponent
13. Mr. Scott W. Williams, 614 South Lahoma Avenue, proponent
14. Ms. Jayne Crumpley, 423 Elm Avenue, proponent
15. Mr. Rick Poland, 425 Chautauqua Avenue, proponent
16. Mr. Steve Lucas, 804 Fairway Drive, protestant

and the question being upon rejecting the appeal to overturn the decision of the Historic District Commission for property located at 549 South Lahoma Avenue, 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 appeal to overturn the decision of the Historic District Commission for property located at 549 South Lahoma Avenue was rejected.

\*\*\*\*\*

Item 25, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR BDL ADDITION. (GENERALLY LOCATED ON THE SOUTH SIDE OF ALAMEDA DRIVE ONE-QUARTER MILE EAST OF 72ND AVENUE S.E.)

Councilmember Kovach moved that the preliminary plat for BDL Addition be approved, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. PP-1112-4 dated October 12, 2011, by Ken Danner, Development Manager with Attachment A, Traffic Table
2. Location map
3. Preliminary plat
4. Site plan
5. Staff Report dated November 10, 2011, recommending approval
6. Traffic Impacts Review Form dated October 17, 2011, reviewed by David R. Riesland, P.E., Assistant City Traffic Engineer, for BDL Addition
7. Predevelopment Summary Case No. PD11-22 dated September 22, 2011, for BDL, Inc., for property located on the south side of Alameda Drive at Oliphant Avenue east of 72nd Avenue N.E.
8. Norman Greenbelt Enhancement Statement dated September 1, 2011, for BDL, Inc.
9. Greenbelt Commission Comments
10. Pertinent excerpts from Planning Commission minutes of November 10, 2011

Participants in discussion

1. Mr. Tom McCaleb, SMC Consulting Engineers, 815 West Main Street, Oklahoma City, engineer representing the applicant
2. Mr. Shawn O'Leary, Director of Public Works
3. Mr. Bobby Stevens, Post Office Box 6226, asked questions

and the question being upon approving the preliminary plat for BDL Addition, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the preliminary plat for BDL Addition was approved.

\*\*\*\*\*

\* Councilmember Quinn left the meeting at 10:40 p.m.

\*\*\*\*\*

Item 26, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR CARRINGTON PLACE ADDITION WITH A VARIANCE IN THE CUL-DE-SAC LENGTH FOR LORINGS CIRCLE AND WAIVER OF ALLEY REQUIREMENTS FOR THE COMMERCIAL PROPERTY. (GENERALLY LOCATED SOUTH OF FRANKLIN ROAD BETWEEN 36TH AVENUE N.W. AND 48TH AVENUE N.W.)

Councilmember Kovach moved that the revised preliminary plat for Carrington Place Addition with a variance in the cul-de-sac length for Lorings Circle and waiver of alley requirements for the commercial property be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. PP-1112-5 dated November 10, 2011, by Ken Danner, Development Manager with Attachment A, Traffic Table
2. Location map
3. Preliminary development map
4. Preliminary site plan

Item 6, continued:

Items submitted for the record, continued:

5. Revised preliminary plat
6. Letter requesting alley waiver and waiver of cul-de-sac requirements dated November 7, 2011, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Jim Gasaway, Chairman, Planning Commission
7. Staff Report dated December 8, 2011, recommending approval
8. Traffic Impacts Review Form dated November 28, 2011, reviewed by David R. Riesland, P.E., Assistant City Traffic Engineer, for Carrington Place Addition
9. Predevelopment Summary Case No. PD11-3122 dated November 17, 2011, for Carrington Place, L.L.C., for property located on the southwest side of 36th Avenue N.W. and Franklin Road
10. Greenbelt Commission Comments
11. Norman Greenbelt Enhancement Statement dated October 27, 2011, for Carrington Place, L.L.C.
12. Pertinent excerpts from Planning Commission minutes of December 8, 2011

Participants in discussion

1. Mr. Tom McCaleb, SMC Consulting Engineers, 815 West Main Street, Oklahoma City, engineer representing the applicant

and the question being upon approving the preliminary plat for revised preliminary plat for Carrington Place Addition with a variance in the cul-de-sac length for Lorings Circle and waiver of alley requirements for the commercial property, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the preliminary plat for revised preliminary plat for Carrington Place Addition with a variance in the cul-de-sac length for Lorings Circle and waiver of alley requirements for the commercial property was approved.

\*\*\*\*\*

Item 27, being:

**RESOLUTION NO. R-1112-97: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY ADOPTING EXHIBIT 1, LOCATION MAP, AND EXHIBIT 2, OWNERSHIP LIST, ASSOCIATED WITH THE 36TH AVENUE NORTHWEST INTERCEPTOR PAYBACK PROJECT AND AUTHORIZING RELEASE OF CERTAIN PROPERTIES NO LONGER SUBJECT TO PAYBACK.**

Acting as the Norman Utilities Authority, Trustee Kovach moved that Resolution No. R-1112-97 be adopted, which motion was duly seconded by Trustee Dillingham;

Items submitted for the record

1. Text File No. R-1112-97 dated December 22, 2011, by Mark Daniels, Utilities Engineer
2. Resolution No. R-1112-97 with Exhibit 1, location map, and Exhibit 2, ownership list
3. Contract No. K-9899-36 with Exhibit "A," Engineer's Estimate; Exhibit "B," List of Participants and Amounts; Exhibit "C," 36th Avenue N.W. Interceptor Service Area; Exhibit "D," List of Parcels, Flows, and Payback Amounts; and Exhibit "E," List of Participant Contacts
4. Amendment No. One to Contract No. K-9899-36 with Attachment No. One, location map, and Attachment No. Two, List of Parcels, Flows, and Payback Amounts
5. Amendment No. One to Contract No. K-9899-36 with Attachment No. One, location map, and Attachment No. Two, List of Parcels, Flows, and Payback Amounts

Participants in discussion

1. Mr. Mark Daniels, Utilities Engineer
2. Mr. Harold Heiple, 218 East Eufaula Avenue, asked questions

and the question being upon adopting Resolution No. R-1112-97, a vote was taken with the following result:

YEAS: Trustees Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Chairman Rosenthal

NAYES: None

The Chairman declared the motion carried and Resolution No. R-1112-97 was adopted.

\*\*\*\*\*

Item 28, being:

**RESOLUTION NO. R-1112-98:** A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY ADOPTING EXHIBIT 1, LOCATION MAP, AND EXHIBIT 2, OWNERSHIP LIST, ASSOCIATED WITH THE 36TH AVENUE NORTHWEST FORCE MAIN PAYBACK PROJECT AND AUTHORIZING RELEASE OF CERTAIN PROPERTIES NO LONGER SUBJECT TO PAYBACK.

Acting as the Norman Utilities Authority, Trustee Griffith moved that Resolution No. R-1112-98 be adopted, which motion was duly seconded by Trustee Ezzell;

Items submitted for the record

1. Text File No. R-1112-98 dated December 22, 2011, by Mark Daniels, Utilities Engineer
2. Resolution No. R-1112-98 with Exhibit 1, location map, and Exhibit 2, ownership list
3. Letter dated September 23, 1999, from Mark Daniels, P.E., Utilities Engineer, to Mr. N. Martin Stringer, President, Round Table Corporation c/o McKinney & Stringer, P.C.
4. Contract No. K-9900-45 with Exhibit "A," location map; Exhibit "B," Assessment Example Calculations; Exhibit "C," Projected Peak Wastewater Flows; and Exhibit "D," List of Participant Contacts
5. Resolution No. R-9900-26 with Exhibit "A", location map, and Exhibit "B", ownership list

Participants in discussion

1. Mr. Mark Daniels, Utilities Engineer

and the question being upon adopting Resolution No. R-1112-98, a vote was taken with the following result:

YEAS:	Trustees Dillingham, Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Resolution No. R-1112-98 was adopted.

\*\*\*\*\*

Item 29, being:

DISCUSSION REGARDING REPORTS ENTITLED "COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011," AS PREPARED BY THE CITY OF NORMAN FINANCE DEPARTMENT; AND "THE CITY OF NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2011," AND "NORMAN TAX INCREMENT FINANCE AUTHORITY FINANCIAL STATEMENT FOR THE YEAR ENDED JUNE 30, 2011" AS PREPARED BY THE FIRM OF COLE AND REED, P. C., FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY AND ACKNOWLEDGE RECEIPT THEREOF.

Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, Councilmember Kovach moved that discussion of the reports be postponed until January 24, 2012, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. RPT-1112-21 dated December 28, 2011, by Anthony Francisco, Director of Finance
2. Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2011
3. The City of Norman Single Audit Report for the Year Ended June 30, 2011
4. Norman Tax Increment Finance Authority Financial Statement for the Year Ended June 30, 2011

Item 29, continued:

and the question being upon postponing discussion the reports until January 24, 2012, a vote was taken with the following result:

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

NAYES: None

The Mayor declared the motion carried and the discussion of the reports was postponed until January 24, 2012.

\* \* \* \* \*

#### MISCELLANEOUS DISCUSSION

Thanks to Sanitation Division. Mr. Bobby Stevens, Post Office Box 6226, thanked the Sanitation Division for taking care of the problem with illegal dumping on Cedar Lane.

\*

Thanks to Public Works. Mr. Bobby Stevens, Post Office Box 6226, thanked the Public Works Department for taking care of the curb at 72nd Avenue East and Alameda Street.

\*

Norman Cash Mob. Mr. Karen Chapman, 734 1/2 East Boyd Street, said the Norman Cash Mob was a wonderful way to support Norman businesses. She said a Norman business is chosen that meets certain criteria and a time is announced on Facebook or Twitter when the cash mob event is to take place. She said participants show up in a group and "cash mob" the business spending an amount not-to-exceed \$20 unless they want to spend more. She said it is customary for the group to celebrate afterward at a locally owned restaurant. She said the first Norman business to be "cash mobbed" was Wild Hare Beadery at 319 White Street with approximately 25 people participating. She said the owner made close to \$1,000 that evening. She said Norman Cash Mob can be found on Facebook and there will another Cash Mob soon.

Mayor Rosenthal said if Councilmember Quinn were here, he would express his appreciation for shopping Norman.

Councilmember Griffith encouraged citizens to "Shop Norman."

Councilmember Dillingham thanked Ms. Chapman for discussing Cash Mob. She said she is very excited about the concept and how well it is working. She said many local people are involved and urged citizens to check it out.

\*

Architectural Review Board. Ms. Jayne Crumpley, 423 Elm Avenue, said she would like to know who is on the Architectural Review Board. She asked if this board has the authority to control the standards of what the University North Park Tax Increment Finance (TIF) District should look like. She said she continues to be disappointed at what is happening in the TIF District and the agreement originally entered into did not anticipate some of the things that are happening.

Mayor Rosenthal directed Ms. Crumpley to Ms. Kathryn Walker, Assistant City Attorney.

\*

Miscellaneous Discussion, continued:

Lawsuit filed by COMCD. Mr. Harold Heiple, 218 East Eufaula Avenue, said he found out that a lawsuit had been filed a month ago in Oklahoma County District Court by the Central Oklahoma Master Conservancy District (COMCD) against the Oklahoma Department of Environmental Quality (ODEQ). He said this was a serious issue because if this lawsuit was approved it would essentially create a moratorium in the Little River Watershed for Norman, Moore, and Oklahoma City properties. He said the lawsuit asks for an injunction against ODEC issuing any permits for dumping any pollution as opposed to allowing those who do dump into Little River to show that they will not impair the lake. He said he did not know why the COMCD did not join the Cities of Norman, Moore, and Oklahoma City as interested and necessary parties, but it is critical that the City of Norman get involved. He said COMCD wants ODEQ to have a study done by 2012 because there was an agreement for the very same study due in the Spring of 2010 and ODEQ had not complied. He said the attorney hired by COMCD is being paid by Norman, Moore, Midwest City, and Del City and provided a case number of Oklahoma County Case No. CV-2011-2251.

\*

Identification. Ms. Ann Gallagher, 1522 East Boyd Street, said when someone new is sitting at the dais, would Council inform the public who the newcomer is.

\*

Electrical Issues at Residence. Mr. Mark Campbell, 1320 Garfield Avenue, wanted to know what the City of Norman could do to provide more information about properties citizens were looking at to rent or buy and whether or not an address has grounded electrical outlets. He said he is about to be homeless because he was told his home had grounded outlets and he found out otherwise. He said the City told him they would enforce the Code with his landlord but this has not been done. He said he is looking at other places to live but cannot find out information about grounded outlets. He appealed to City Council to help him obtain information about the electrical work on properties.

Mayor said there has been general discussion in a City Council Retreat but no committees are currently discussing it.

Mr. Steven Tyler Holman, 1020 South College Avenue, said he had also had issues with landlords and Mr. Campbell has requested that the Codes be enforced and been punished for that by being evicted.

\*

Move to Amend. Mr. Steven Tyler Holman, 1020 South College Avenue, said he had previously spoken about the Los Angeles City Council voting unanimously that they did not believe that corporations are people or that money equals speech and saying they did not agree with the Citizens United ruling. He said since that time the Montana State Supreme Court and New York City Council have adopted "Move to Amend." He said he knows it might be hard to do in Norman because they are much bigger cities, but "Move to Amend" is gaining in popularity. He said he hoped Council would continue to look at this.

\*

Citizen Participation. Councilmember Dillingham thanked everyone for participating in local government. She said she gets very excited when this many people attend a meeting with opinions to share.

\*

Commending Councilmember Spaulding. Councilmember Kovach said sometimes we hear that Council has made up their minds before they come to the meeting and applauded Councilmember Spaulding for keeping an open mind. He said he has also had his mind changed at the last minute by a fellow Councilmember or a citizen.

\*

"Mop Norman." Councilmember Kovach said Council will be discussing in the next few months the final solution to Lake McGee, so please "Mop Norman."

\*\*\*\*\*

ADJOURNMENT

There being no further business, Councilmember Griffith moved that the meeting be adjourned, which motion was duly seconded by Councilmember Lockett; 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,  
Spaulding, Mayor Rosenthal

NAYES: None

The Mayor declared the motion carried and the meeting was adjourned at 11:18 p.m.

ATTEST:

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

\_\_\_\_\_  
Mayor



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: GID-1112-44**

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<b>File ID:</b> GID-1112-44	<b>Type:</b> Award	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 4	<b>In Control:</b> City Council
<b>Department:</b> City Manager Department	<b>Cost:</b>	<b>File Created:</b> 01/09/2012
<b>File Name:</b> Mayor's Citizenship Awards All Saints Catholic School	<b>Final Action:</b>	

**Title:** PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM ALL SAINTS CATHOLIC SCHOOL.

**ACTION NEEDED:** Allow the Mayor to present Citizenship Awards to students from All Saints Catholic School.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2011, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 4

**Attachments:**

**Project Manager:** Carol Coles, Administrative Assistant

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

**History of Legislative File**

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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**Text of Legislative File GID-1112-44**



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: P-1112-10**

**File ID:** P-1112-10

**Type:** Proclamation

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 5

**In Control:** City Council

**Department:** City Clerk Department

**Cost:**

**File Created:** 01/12/2012

**File Name:** Mardi Gras

**Final Action:**

**Title:** PROCLAMATION NO. P-1110-10: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 18, 2012, AS MARDI GRAS IN THE CITY OF NORMAN.

**ACTION NEEDED:** Motion to acknowledge receipt of Proclamation No. P-1112-10 proclaiming Saturday, February 18, 2012, as Mardi Gras in the City of Norman.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 5

**Attachments:** Mardi Gras

**Project Manager:** Brenda Hall, City Clerk

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File P-1112-10

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING SATURDAY, FEBRUARY 18, 2012, AS MARDI GRAS IN THE CITY OF NORMAN.

- § 1. WHEREAS, the Norman Mardi Gras Parade is a years long, family friendly tradition celebrating the arts and community spirit with a nighttime moving carnival; and
- § 2. WHEREAS, the Mardi Gras Parade showcases the depth of musical, artistic, acrobatic, dance, and sometimes unusual talents of our community, including our animal friends; and
- § 3. WHEREAS, the colors of Mardi Gras are Purple for Justice, Green for Faith, and Gold for Power - the power of the arts and community spirit in the case of Norman's Mardi Gras; and
- § 4. WHEREAS, this year's theme of "Let's Heat it UP-On Se Rechauffe!" calls on all citizens to celebrate life through community and creativity despite Winter Blues and to support those in need with the Spirit of Mardi Gras; and
- § 5. WHEREAS, Norman is home to Oklahoma's original Mardi Gras Parade and includes the Share Your Heart Food Drive which will accept donations during the parade and at the Children's Department of the Norman Public Library from February 4 through the 17th to help families through the Cleveland County Community Action Agency food pantry; and
- § 6. WHEREAS, the 18<sup>th</sup> Annual Norman Mardi Gras Parade will take place on Saturday, February 18th at 7:00 p.m. along Main Street in the heart of Norman's Historic Downtown Arts District.

NOW, THEREFORE, I, MAYOR OF THE CITY OF NORMAN, OKLAHOMA:

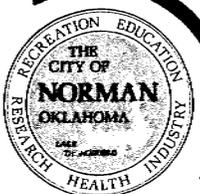
- § 7. Do hereby proclaim Saturday, February 18, 2012, as Mardi Gras in the City of Norman and urge all citizens to support this event.

PASSED AND APPROVED this 24th day of January, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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





# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

File Number: AP-1112-13

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<b>File ID:</b> AP-1112-13	<b>Type:</b> Appointment	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 7	<b>In Control:</b> City Council
<b>Department:</b> City Clerk Department	<b>Cost:</b>	<b>File Created:</b> 01/17/2012
<b>File Name:</b> Appointments		<b>Final Action:</b>

**Title:** CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

**BICYCLE ADVISORY COMMITTEE**

TERM: 01-24-12 TO 02-13-15: GREG HEIPLE, 1021 LAIRD'S WOODS CIRCLE

**BOARD OF APPEALS**

TERM: 02-03-12 TO 02-03-16: JOHN EGGNER, 1903 ALADDIN STREET  
TERM: 02-03-12 TO 02-03-16: MARC ETTERS, 2151 108TH AVENUE N.E.

**ENVIRONMENTAL CONTROL ADVISORY BOARD**

TERM: 01-24-12 TO 10-27-13: AARON PILAT, 1625 CRESTMONT AVENUE

**INFORMATION:** In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. Greg Heiple will fill the unexpired vacancy left by Leslie Harrison; Marc Eppers will replace John Tune who no longer wishes to serve; Aaron Pilat will fill the unexpired vacancy left by Dave Boeck; and John Eggner is a reappointment.

**ACTION NEEDED:** Motion to confirm or reject the appointments.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 7

**Attachments:**

**Project Manager:** Brenda Hall, City Clerk

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

**History of Legislative File**



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: RPT-1112-23**

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<b>File ID:</b> RPT-1112-23	<b>Type:</b> Communication or Report	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 8	<b>In Control:</b> City Council
<b>Department:</b> Finance Department	<b>Cost:</b>	<b>File Created:</b> 01/09/2012
<b>File Name:</b> Finance Director's Investment Report 12/31/11	<b>Final Action:</b>	

**Title:** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF DECEMBER 31, 2011, AND DIRECTING THE FILING THEREOF.

**ACTION NEEDED:** Motion to acknowledge receipt of the report and direct the filing thereof.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 8

**Attachments:** Finance Report December, 2011

**Project Manager:** Anthony Francisco, Director of Finance

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File RPT-1112-23

DATE: 04-Jan-12  
 TO: City Council  
 FROM: Anthony Francisco, Director of Finance *A. Francisco*  
 PREPARED BY: Clint Mercer, Chief Accountant *C. Mercer*  
 SUBJECT: Breakdown of Interest Earnings by Fund

FUND	MONTHLY COMPARISON				ANNUAL COMPARISON			
	MONTHLY BUDGETED INTEREST EARNINGS FYE12	MONTHLY INTEREST EARNINGS December 2011	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE12-YTD	INTEREST EARNINGS YTD FYE12	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	\$8,333	\$4,228	-49.26%	6.81%	\$50,000	\$34,626	-30.75%	8.48%
PUBLIC SAFETY SALES TAX FUND	N/A	\$6,198	100.00%	9.98%	N/A	\$37,518	100.00%	9.19%
ROOM TAX FUND	\$250	\$139	-44.22%	0.22%	\$1,500	\$932	-37.87%	0.23%
CAPITAL PROJECTS FUND	\$12,500	\$14,324	14.59%	23.07%	\$75,000	\$94,355	25.81%	23.11%
SINKING FUND	\$2,083	\$1,237	-40.61%	1.99%	\$12,500	\$13,358	6.86%	3.27%
G.O. BOND FUND	\$167	\$136	-18.57%	0.22%	\$1,000	\$788	-21.25%	0.19%
WESTWOOD FUND	\$625	\$664	6.22%	1.07%	\$3,750	\$3,402	-9.27%	0.83%
WATER FUND	\$10,000	\$11,694	16.94%	18.83%	\$60,000	\$67,838	13.06%	16.62%
WASTEWATER FUND	\$8,333	\$6,330	-24.04%	10.20%	\$50,000	\$40,607	-18.79%	9.95%
HALLPARK FUND	N/A	\$0	100.00%	0.00%	N/A	\$0	100.00%	0.00%
DEVELOPMENT EXCISE	\$16,667	\$8,813	-47.12%	14.19%	\$100,000	\$56,139	-43.86%	13.75%
SEWER SALES TAX	\$6,250	\$5,754	-7.94%	9.27%	\$37,500	\$36,154	-3.59%	8.86%
SANITATION FUND	\$2,500	\$404	-83.85%	0.65%	\$15,000	\$2,709	-81.94%	0.66%
PARKLAND FUND	\$1,250	\$1,006	-19.53%	1.62%	\$7,500	\$6,297	-16.04%	1.54%
TRUST & AGENCY FUNDS	N/A	\$4	100.00%	0.01%	N/A	\$27	100.00%	0.01%
TAX INCREMENT DISTRICT	\$1,458	(\$205)	100.00%	-0.33%	\$8,750	\$5,479	100.00%	1.34%
SPECIAL GRANTS FUND	N/A	\$609	100.00%	0.98%	N/A	\$2,692	100.00%	0.66%
CLEET FUND	N/A	\$16	100.00%	0.03%	N/A	\$112	100.00%	0.03%
HOUSING	N/A	\$0	100.00%	0.00%	N/A	\$0	100.00%	0.00%
SITE IMPROVEMENT FUND	N/A	\$34	100.00%	0.05%	N/A	\$213	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	\$353	100.00%	0.57%	N/A	\$2,639	100.00%	0.65%
SEIZURES	\$42	\$354	750.27%	0.57%	\$250	\$2,316	826.36%	0.57%
	<u>\$70,458</u>	<u>\$62,093</u>	<u>-11.87%</u>	<u>100.00%</u>	<u>\$422,750</u>	<u>408,200</u>	<u>-3.44%</u>	<u>100.00%</u>

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of \$ 107.89 million as of 12/31/11 are represented by working capital cash balances of all City funds of approximately \$ 65.53 million, outstanding encumbrances of \$16.55 million, General Obligation Bond proceeds of \$5.24, NUA revenue bond proceeds of \$11.23 million, NMA bond proceeds of \$3.96 million, and UNP TIF reserve amounts of \$5.38 million.

**INVESTMENT BY TYPE**

December 31, 2011

<u>LIST BY TYPE</u>	<u>SEC. NO.</u>	<u>PURCHASED</u>	<u>MATURITY</u>	<u>YIELD</u>	<u>EARNED INTEREST</u>	<u>COST</u>	<u>MARKET</u>
<b>**Checking</b>							
BANK OF AMERICA	NUA REV. FD.				\$0.00	\$0.00	\$0.00
BANK OF AMERICA	GEN'L DEP.			0.25%	\$1,429.60	\$8,318,089.69	\$8,318,089.69
BANK OF AMERICA	WARRANTS PAYABLE				\$0.00	(\$2,719,192.56)	(\$2,719,192.56)
BANK OF AMERICA	PAYROLL				\$0.00	(\$3,381,150.74)	(\$3,381,150.74)
BANK OF AMERICA	COURT BOND REFUNDS				\$0.00	\$230,969.00	\$230,969.00
BANK OF AMERICA	INSURANCE CLAIMS				\$0.00	(\$283,435.15)	(\$283,435.15)
BANK OF AMERICA	HALLPARK			0.01%	\$0.78	\$93,994.72	\$93,994.72
<b>**Subtotal</b>					<b>\$1,430.38</b>	<b>\$2,259,274.96</b>	<b>\$2,259,274.96</b>
<b>**Money Market</b>							
BANCFIRST-NUA	MONEY MKT.			0.01%	\$5.63	\$209,221.56	\$209,221.56
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	\$33.33	\$3,618,224.93	\$3,618,224.93
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	\$653.58	\$345,501.66	\$345,501.66
BANCFIRST-NUA Water	MONEY MKT.			0.01%	\$61.17	\$11,024,406.88	\$11,024,406.88
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	\$4.35	\$4,736,042.89	\$4,736,042.89
REPUBLIC BANK UNP TIF	MONEY MKT.			0.60%	\$268.01	\$640,574.03	\$640,574.03
FIRST FIDELITY	MONEY MKT.			0.23%	\$10.27	\$0.00	\$0.00
BANK OF AMERICA	MONEY MKT.			0.25%	\$3.92	\$416,628.16	\$416,628.16
BANK OF AMERICA	MONEY MKT.			0.05%	\$6.49	\$351,005.88	\$351,005.88
BANK OF AMERICA - Drinking W.	MONEY MKT.			0.25%	\$365.32	\$1,721,010.69	\$1,721,010.69
BANK OF AMERICA - Clean Water	MONEY MKT.			0.25%	\$0.17	\$805.04	\$805.04
BANK OF AMERICA-2008A	MONEY MKT.			0.25%	\$162.58	\$762,849.55	\$762,849.55
BANK OF AMERICA-2008B	MONEY MKT.			0.25%	\$356.12	\$1,677,627.91	\$1,677,627.91
BANK OF AMERICA-2010	MONEY MKT.			0.25%	\$616.28	\$2,801,159.60	\$2,801,159.60
<b>**Subtotal</b>					<b>\$2,547.22</b>	<b>\$28,305,058.78</b>	<b>\$28,305,058.78</b>
<b>**Sweep/Overnight</b>							
JP MORGAN	SHORT TERM			0.00%	\$0.00	\$4,795,999.39	\$4,795,999.39
<b>**Certificate of Deposit</b>							
FIRST FIDELITY BANK	CD	09/30/11	03/31/12	0.30%	\$62.50	\$250,000.00	\$250,000.00
GREAT NATIONS BANK	CD	09/30/11	09/30/12	0.65%	\$135.42	\$250,000.00	\$250,000.00
<b>**Subtotal</b>					<b>\$197.92</b>	<b>\$500,000.00</b>	<b>\$500,000.00</b>
<b>**U.S. Treasury Securities/Agency Securities</b>							
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,172.68	5,000,000.00	\$5,007,500.00
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,196.26	5,000,000.00	\$5,007,500.00
US T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,539.41	6,000,000.00	\$6,021,743.40
US T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,357.44	6,750,000.00	\$6,790,476.60
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	108.00	100,000.00	\$100,794.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	4,215.48	8,000,000.00	\$8,221,280.00
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	131.58	100,000.00	\$101,493.00
US T-Note	912828MN7	05/20/11	02/15/13	0.48%	2,833.72	7,500,000.00	\$7,599,900.00
FFCB	31331JBV4	06/30/11	02/21/13	0.49%	762.12	2,000,000.00	\$2,030,640.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.60	2,000,000.00	\$2,108,040.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,484.75	4,000,000.00	\$4,073,440.00
FFCB	31331KET3	05/20/11	09/23/13	0.80%	3,314.66	5,000,000.00	\$5,050,800.00
US T-Note	912828KV1	06/30/11	05/31/14	0.76%	2,157.23	3,500,000.00	\$3,661,595.00
FNMA	31398A3G5	08/31/11	09/08/14	1.50%	1,264.95	3,000,000.00	\$3,060,030.00
FAMCA	31315PSG5	09/29/11	03/14/14	1.50%	900.18	2,000,000.00	\$2,043,960.00
FNMA	3136FPAB3	11/30/11	08/18/15	0.96%	2,007.86	2,500,000.00	\$2,587,025.00
FNMA	31398A3T7	11/30/11	09/21/15	1.00%	1,675.69	2,000,000.00	\$2,078,760.00
FNMA	3136FTBJ7	09/30/11	09/30/15	1.05%	4,375.00	5,000,000.00	\$5,006,800.00
FFCB	3133KS92	11/30/11	11/16/15	1.17%	2,440.45	2,500,000.00	\$2,504,450.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	445.64	79,860.00	\$131,036.40
<b>**Subtotal</b>					<b>57,917.70</b>	<b>72,029,860.00</b>	<b>\$73,187,263.40</b>
<b>**TOTAL**</b>					<b>62,093.22</b>	<b>107,890,193.13</b>	<b>\$109,047,596.53</b>

The Governmental Accounting Standards Board requires the reporting of market values of investment securities. These market values represent the amount of money the security would sell for on the open market, if cash flow demands were such that the security had to be sold. The City of Norman purchases investment securities with the intent of holding them to maturity, as stated in the City's Investment Policy. Only in exceptional circumstances would securities be sold before their maturity, due to cash flow demands or favorable market conditions.



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: RPT-1112-25**

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<b>File ID:</b> RPT-1112-25	<b>Type:</b> Communication or Report	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 9	<b>In Control:</b> City Council
<b>Department:</b> City Manager Department	<b>Cost:</b>	<b>File Created:</b> 01/09/2012
<b>File Name:</b> Monthly Dept Report December, 2011	<b>Final Action:</b>	

**Title:** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF DECEMBER, 2011, AND DIRECTING THE FILING THEREOF.

**ACTION NEEDED:** Motion to acknowledge receipt of the report and direct the filing thereof.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 9

**Attachments:**

**Project Manager:** Carol Coles, Administrative Assistant

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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**Text of Legislative File RPT-1112-25**



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: K-1112-83**

**File ID:** K-1112-83

**Type:** Contract

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 10

**In Control:** City Council

**Department:** Public Works  
Department

**Cost:** \$985,634.00

**File Created:** 11/07/2011

**File Name:** K-1112-83 Urban Asphalt Pave Add'l Projects

**Final Action:**

**Title:** CONSIDERATION OF BID NO. 1112-27, CONTRACT NO. K-1112-83 WITH SILVER STAR CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF \$905,600; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY \$80,034; PERFORMANCE BOND NO. B-1112-15, STATUTORY BOND NO. B-1112-16, MAINTENANCE BOND NO. MB-1112-21, AND RESOLUTION NO. R-1112-52 FOR THE URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

**ACTION NEEDED:** Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of \$905,600 to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1112-83, Change Order No. One increasing the contract amount by \$80,034, and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds; and adopt Resolution No. R-1112-52.

**ACTION TAKEN:** \_\_\_\_\_ -

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 10

**Attachments:** Bid Tab Urban Asphalt, List of Locations, K-1112-83, Change Order K-1112-83, Perf B-1112-15, Stat B-1112-16, MB-1112-21, R-1112-52 Project Agent, Location map, PR Silver Star

**Project Manager:** Greg Hall, Streets Superintendent

**Entered by:** patsy.sayers@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

**Text of Legislative File K-1112-83**

Body

**BACKGROUND:** In the Norman General Obligation Bond Election of March 2005, voters approved the Urban Asphalt Rehabilitation Bond Program. All bond projects were completed in five years under the approved program budget of \$10,950,000. At the request of City Council, staff developed a supplemental program of street maintenance in neighborhoods to utilize the remaining funds. The supplemental program was developed using the City's Pavement Management System. This improvement program involves the deep patching, milling and repaving of asphalt pavement at 29 project locations on neighborhood streets. A list of locations is attached.

The locations are funded in Account No. 050-9401-431.61-01 as Project Nos. BP0100, BP0101, BP0141-BP0149; and BP0314-BP0331. Bid specifications and documents were advertised on October 20, 2011 and October 27, 2011. Six (6) paving contractors received a set of documents. If approved, the base bid for this project will complete the 2005 Urban Asphalt Pavement Rehabilitation Bond Program.

**DESCRIPTION:** The bid opening was conducted on November 17, 2011, and four (4) contractors submitted bids. The lowest bid in the amount of \$905,600 was submitted by Silver Star Construction Company, Inc. of Moore, OK. The low bid is below the engineer's estimate of \$985,589 by \$79,989 (8% percent). The average of the four (4) bids is \$1,194,533.69. Silver Star Construction Company, Inc. has previously worked for the City of Norman, and the firm received favorable references from other cities on similar projects, including the City of Moore, OK. If approved, construction will begin on these projects in March 2012 and be completed by December 31, 2012.

**RECOMMENDATION NO. 1:** Staff has reviewed the bids and recommends that Bid No. 1112-27 for the 2005 Urban Asphalt Rehabilitation Bond Projects, be awarded to the low bidder, Silver Star Construction Company, Inc. in the amount of \$905,600.

**RECOMMENDATION NO. 2:** Staff further recommends that, upon approval of Bid No. 1112-27, the following contract and bonds be approved:

Contract No. K-1112-83  
Performance Bond No. B-1112-15  
Statutory Bond No. B-1112-16  
Maintenance Bond No. MB-1112-21

**RECOMMENDATION NO. 3:** Staff further recommends that, upon approval of Contract No. K-1112-83, that Resolution No. R-1112-52 be adopted authorizing Silver Star Construction Company, Inc. as project agent.

**RECOMMENDATION NO. 4:** Staff further recommends that Change Order No. 1 in the amount of \$80,034 be approved. If approved, this Change Order will utilize all of the funds collected for this portion of the 2005 Bond Program. The contract amount will be increased by 8.8% for a total amount of \$985,634. The additional locations were determined using the City's Pavement Management System.

CITY OF NORMAN  
TABULATION OF BIDS  
URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS  
ADDITIONAL PROJECT LOCATIONS

Bid No. 1112-27  
Bid Opening: November 17, 2011

The following is a tabulation of bids received by the City of Norman for the project.

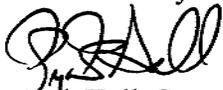
BIDDER	BID PRICE
Silver Star Construction Company, Inc. Moore, OK	\$ 905,600.00
T. J. Campbell Construction Co. Oklahoma City, OK	\$ 1,251,719.75
Nash Construction Co. Oklahoma City, OK	\$ 1,288,717.00
Rudy Construction Co. Oklahoma City, OK	\$ 1,332,098.00

Engineer's Estimate \$ 985,589.00

RECOMMENDATION:

Staff recommends the bid be awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting all specifications in the amount of \$ 905,600.00.

Forwarded by:



Greg Hall, Street Superintendent

ps

	<b>K-1112-83</b>	<b>BID NO. 1112-27</b>
	<b>STREET</b>	<b>LOCATION</b>
1	Monnett Avenue	Boyd Street - Duffy
2	De Barr Avenue	Boyd Street - Duffy
3	Winston Drive	Rhoades - Edwards
4	Edwards Drive	Rhoades - Winston
5	Edwards Court	Rhoades - South End
6	Portland Street	Rhoades - Ramsey
7	Portland Court	Rhoades - South End
8	Ramesy Street	Rhoades - Portland
9	Ramsey Court	Rhoades - South End
10	Baker Street	Rhoades - Ladbrook
11	Rhoades Court	Rhoades Drive - North End
12	Wylie Road	Leslie Lane - Lindsey Street
13	Remington Street	Pendleton Drive - Buckhorn Drive
14	Buckhorn Drive	Remington Street - Pendleton Drive
15	Abilene Court	Pendleton Drive - West End
16	Dalewood Place	Clearwater Drive - Peach Tree Lane
17	Creekview Place/Terrace	Clearwater Drive - Clearwater Drive
18	Peach Tree Lane	Dalewood Place- Glen Oaks Drive
19	Creekview Terrace	Clearwater Drive - West End
20	Creekview Place	Clearwater Drive - West End
21	48th Avenue S.W.	Main Street - Willow Grove
22	Bryant Circle	Robinson Street - North End
23	Hughbert/Utah	Berry Road - Acres Street
24	Candlewood Drive	Brandywine Lane- West End
25	Peppertree Place	Candlewood Drive - Beaumont Drive
26	Burgundy Court	Peppertree Place - East End
27	Jenkins Avenue	Lindsey Street - Constitution Street
28	Boyd Street	Classen Avenue - University Blvd
29	Fritzlan Road	24th Avenue S.W. - West End

**CONTRACT**

THIS CONTRACT made and entered into this 24th day of January, 2012, by and between as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

**WITNESSETH**

WHEREAS, the CITY has caused to be prepared in accordance with law, specifications, and other bidding documents for the work hereinafter described and has approved and adopted all of said bidding documents, and has caused Notice to Bidders to be given and advertised as required by law, and has received sealed proposals for the furnishing of all labor and materials for the following projects:

**URBAN ASPHALT PAVEMENT REHABILITATION ADDITIONAL PROJECTS**

as outlined and set out in the bidding documents and in accordance with the terms and provisions of said CONTRACT; and,

WHEREAS, the CONTRACTOR in response to said Notice to Bidders, has submitted to the CITY on the manner and at the time specified, a sealed proposal in accordance with the terms of this Contract; and,

WHEREAS, the CITY, in the manner provided by law, has publicly opened, examined, and canvassed the proposals submitted and has determined and declared the above-named CONTRACTOR to be the lowest and best Bidder on the above-prepared project, and has duly awarded this CONTRACT to said CONTRACTOR, for the sum named in the proposal, to wit:

(WRITTEN) Nine Hundred Five Thousand Six Hundred & 00/100 (DOLLARS);

(NUMERALS) (\$ 905,600.00 ).

NOW, THEREFORE, for and in consideration of the mutual agreements and covenants herein contained, the parties to this CONTRACT have agreed, and hereby agree, as follows:

1) The CONTRACTOR shall, in a good and first-class, workman-like manner at his own cost and expense, furnish all labor, materials, tools, and equipment required to perform and complete said work in strict accordance with this CONTRACT and the following CONTRACT Documents: The Bid Notice published in the Norman Transcript, the Notice to Bidders, Instructions to Bidders, the Contractor's Bid or Proposal, the Construction Drawings, Specifications, Provisions, and Bonds thereto, all of which documents are on file in the Office of the Purchasing Agent of the City of Norman, and are made a part of this CONTRACT as fully as if the same were set out at length.

2) The CITY shall make payments as stipulated in the contract documents to the CONTRACTOR in the following manner: On or about the first day of each month, the project engineer, or other appropriate person, will make accurate estimates of the value, based on CONTRACT prices, or work done, and materials incorporated in the work and of materials suitably stored at the site thereof during the preceding calendar month. The CONTRACTOR shall furnish to the project engineer, or other appropriate person, such detailed information as he may request to aid him as a guide in the preparation of the monthly estimates.

Contract No. K-1112-83  
Page 1 of 5

Each monthly estimate for payment must contain or have attached an affidavit in accordance with the Constitution of the State of Oklahoma, Title 74, Section 3109-3110, and Title 62, Section 310.9.

On completion of the work, but prior to the acceptance thereof by the CITY, it shall be the duty of the project engineer, or other appropriate person, to determine that said work has been completely and fully performed in accordance with said CONTRACT Documents; and upon making such determinations said official shall make his final certificate to the CITY.

The CONTRACTOR shall furnish proof that all claims and obligations incurred by him in connection with the performance of said work have been fully paid and settled; said information shall be in the form of an affidavit, which shall bear the approval of the surety on the CONTRACT Bonds for payment of the final estimate to the CONTRACTOR; thereupon, the final estimate (including retainages) will be approved and paid.

3) It is further agreed that the CONTRACTOR will commence said work within 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and continuously complete the same within 365 calendar days following receipt of said NOTICE-TO-PROCEED.

4) That the CITY shall pay the CONTRACTOR for the work performed as follows:

- a. Payment for unit price items shall be at the unit price bid for actual construction quantities.
- b. Construction items specified but not included as bid items shall be considered incidental and shall not be paid for directly, but shall be included in the bid price for any or all of the pay quantities.

Should any defective work or materials be discovered or should a reasonable doubt rise as to the quality of any work completed, there will be deducted from the next estimate an amount equal to the value of the defective or questionable work and shall not be paid until the defects are remedied.

And that the CONTRACTOR'S bid is hereby made a part of this Agreement.

5) That the CONTRACTOR will not undertake to furnish any materials or to perform any work not specifically authorized under the terms of this Agreement unless additional materials or work are authorized by written Change Order, executed by the CITY; and that in the event any additional are provided by the CONTRACTOR without such authorization, the CONTRACTOR shall not be entitled to any compensation therefore whatsoever.

6) That if any additional work is performed or additional materials provided by the CONTRACTOR upon authorization by the CITY, the CONTRACTOR shall be compensated therefore at the unit price and as agreed to by both parties in the execution of the Change Order.

Contract No. K-1112-83  
Page 2 of 5

7) That the CONTRACTOR shall perform the work and provide the materials strictly in accordance with the specifications as to quality and kind and all work and materials shall be subject to rejection by the CITY through its authorized representatives for failure to meet such requirements, and in the event of such rejection, the CONTRACTOR shall replace the work and materials without compensation therefore by the CITY.

8) The CONTRACTOR shall complete the work in accordance with the terms of this Agreement. The CONTRACTOR further agrees to pay as liquidated damages as stipulated in the contract document General Conditions for each calendar day thereafter.

9) The CONTRACTOR shall furnish surety bonds and certificate of insurance as specified herein which bonds and insurance must be approved by the CITY prior to issuance of the Work Order and commencement of work on the project. The CONTRACTOR shall provide written documentation from the Maintenance Bond Company that all work, including Change Orders, is covered by the Maintenance Bond before final acceptance of the project.

10) IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed, in four (4) duplicate originals, the day and year first above written.

11) To that end, no provision of this CONTRACT or of any such aforementioned document shall be interpreted or given legal effect to create an obligation on the part of the CITY to third persons, including, by way of illustration but not exclusion, sureties upon performance bonds, payment bonds or other bonds, assignees of CONTRACTOR, subcontractors, and persons performing labor, furnishing material or in any other way contributing to or assisting in the performance of the obligations of the CONTRACTOR; nor shall any such provisions be interpreted or given legal effect to afford a defense against any obligation owed or assumed by such third person to the CITY or in any way to restrict the freedom of the third person to the CITY or in any way to restrict the freedom of the CITY to exercise full discretion in its dealing with the Contractor.

12) The sworn, notarized statement below must be signed and notarized before this Contract will become effective.

STATE OF Oklahoma )  
 ) ss:  
COUNTY OF Cleveland )

Timothy Caudle, of lawful age, being first duly sworn, on oath says that (s)he is the agent authorized by CONTRACTOR to submit the above CONTRACT to the CITY. Affidavit further states that CONTRACTOR has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the CITY any money or other thing of value, either directly or indirectly, in the procuring of the CONTRACT.

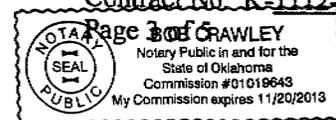
Silver Star Construction Co. Inc.

Contractor

Subscribed and sworn to before me this 29th day of November, 2011.

Bob Crawley  
Notary Public

Contract No. K-1112-83



IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 29th day of November 2011, and the \_\_\_\_\_ day of \_\_\_\_\_, 20  .

(Corporate Seal) (where applicable)

ATTEST:

Authorized Representative

Bob Caudle  
Corporate Secretary (where applicable)



Principal

Signed:

Timothy Caudle

Title:

Vice-President

Address 2401 S. Broadway, Moore, Ok. 73160

Telephone: 405-793-1725

CITY OF NORMAN:

Approved as to form and legality this 13 day of January 2012.

[Signature]  
City Attorney

Approved by the Council of the City of Norman, this \_\_\_\_\_ day of \_\_\_\_\_, 20  .

ATTEST:

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

\_\_\_\_\_  
Mayor

Contract No. K-1112-83  
Page 4 of 5

**CONTRACT AFFIDAVIT**

STATE OF Oklahoma )  
COUNTY OF CLEVELAND ) ss:

Timothy Caudle, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of Silver Star Construction Co. to submit the above Contract to the City of Norman, Oklahoma.

Affidavit further states that such firm has not paid, given or donated or agreed to pay, give, or donate to any officer or employee of the City of Norman, Oklahoma, any money or other thing of value, either directly or indirectly, in the procuring of the Contract.

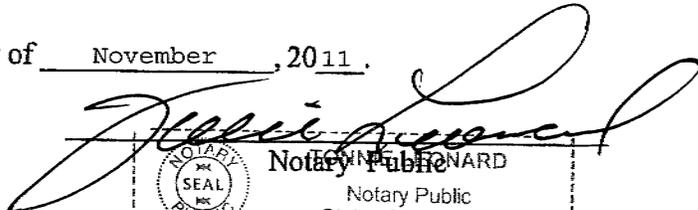
Silver Star Construction Co. Inc.

Contractor

Subscribed and sworn to before me this 29th day of November, 2011.

My Commission Expires:

05-15-13

  
Notary Public  
Notary Public  
State of Oklahoma  
Commission # 01005765 Expires 05/15/13

Contract No. K-1112-83

Page 5 of 5

CHANGE ORDER SUMMARY  
CITY OF NORMAN  
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO.: 1 Date: January 24, 2012

CONTRACT NO.: K-1112-83

PROJECT: URBAN ASPHALT PAVEMENT REHABILITATION PROJECTS

PROJECTS NOS.: BP0343

CONTRACTOR: SILVER STAR CONSTRUCTION  
2401 S. Broadway  
Moore, OK 73160

ORIGINAL CONTRACT AMOUNT: \$ 905,600.00

(Increase) this change order 0

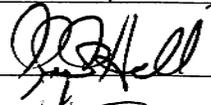
DESCRIPTION	DECREASE	INCREASE
See Page 3 – Change Order Detail	-0-	\$ 80,034.00

Note: This change order is based completely on the unit bid prices from the original contract.

NET CHANGE \$ 80,034.00

REVISED CONTRACT AMOUNT \$ 985,634.00

CONTRACTOR:  DATE: 12-14-11

PROJECT MGR.:  DATE: 12/16/11

CITY ATTORNEY:  DATE: 1/13/12

ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Mayor)

CHANGE ORDER DETAIL  
CHANGE ORDER NO. 1  
City of Norman  
Cleveland County, Oklahoma

Contract No.:	K-1112-83	Project Mgr.: Greg Hall
Project Account Number:	050-9401-431.61-01	Street Superintendent
Project No. BP0343		P.O. Box 370 405-329-2524

Change Order No. 1 Applies To:

URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS

A. Change Orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.

B. Change orders or addenda to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.

C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.

G. 1. All materials with cost per item;  
2. Itemization of all labor with number of hours per operation and cost per hour;  
3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type.  
4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and  
5. Profit for the contractor.

H. 1. If a construction contract contains unit bid pricing, and the change order pertains to the unit bid price, the change order will not be subject to subsection A or B of this section.

2. When the unit price change does not exceed Ten Thousand Dollar (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.

I. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

**DETAILED COST ITEMIZATION**

ORIGINAL CONTRACT:

**URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS**

CHANGE ORDER NO. 1 to Contract No. K-1112-83

Applied To: Project Nos.: BP0343

Streets:

PROJ #	STREET	LOCATION
	Tree Line Drive	Creekside Drive – Windchime Drive
	Windchime Drive	Tree Line Drive – Creekside Drive
	Creekside Drive	Lindsey Street – Concord Drive
	Creekside Court	Creekside Drive – East 1700 Block
BP0343	Colonial Estates South (Section 2)	

Original Bid Proposal and Pay Item Numbers

<b>SILVER STAR CONSTRUCTION CO</b>					
<b>URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS</b>					
<b>BID 1112-27</b>					
<b>ITEM</b>	<b>DESCRIPTION</b>	<b>UNIT</b>	<b>UNIT PRICE</b>	<b>QUANTITY</b>	<b>TOTAL PRICE</b>
<b>1</b>	<b>Mobilization</b>	<b>L.Sum</b>	<b>\$ 1,500.00</b>	<b>1</b>	<b>\$ 1,500.00</b>
<b>11</b>	<b>Tack Coat</b>	<b>GAL</b>	<b>\$ 1.90</b>	<b>1,484</b>	<b>\$ 2,819.60</b>
<b>13</b>	<b>Superpave, Type S4</b>	<b>TON</b>	<b>\$ 52.00</b>	<b>1,319</b>	<b>\$ 68,588.00</b>
<b>14</b>	<b>1.5 to 1.75 in. Edge Mill</b>	<b>L.F.</b>	<b>\$ 0.85</b>	<b>8,384</b>	<b>\$ 7,126.40</b>
					<b>\$ 80,034.00</b>

**PERFORMANCE BOND**

Known all men by these presents, that Silver Star Construction Company Inc as PRINCIPAL, and Ohio Casualty Ins. Co. Corporation organized under the laws of the State of Ohio and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Nine Hundred Five Thousand Six Hundred DOLLARS, (\$ 905,600.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best Bidder on the following PROJECT:

**URBAN ASPHALT PAVEMENT REHABILITATION ADDITIONAL PROJECTS**

has entered into a written CONTRACT (K-1112-83) with THE CITY OF NORMAN, dated Jan. 24, 2011, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if PRINCIPAL shall, in all particulars, well and truly perform and abide by said CONTRACT and all specifications and covenants thereto; and if the PRINCIPAL shall promptly pay or cause to be paid all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of this PROJECT, whether incurred by the PRINCIPAL or subcontractors; and if the PRINCIPAL shall protect and hold harmless the CITY from all loss, damage, and expense to life or property suffered or sustained by any person, firm, or corporation caused by PRINCIPAL or his or its agents, servants, or employees in the construction of the PROJECT, or by or in consequence of any negligence, carelessness or misconduct in guarding and protecting the same, or from any act or omission of PRINCIPAL of his or its agents, servants, or employees; and if the PRINCIPAL shall protect and save the CITY harmless from all suits and claims of infringement or alleged infringement or patent rights or processes, then this obligation shall be null and void. Otherwise this obligation shall remain in full force and effect.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in the CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.

It is further expressly agreed that the Principal's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the day of 6th of Dec., 2011.

Silver Star Construction Company Inc.  
Principal

(Corporate Seal) (where applicable)

ATTEST:

[Signature]

Corporate Secretary (where applicable)



Principal

Signed: [Signature]

Authorized Representative

Title: Vice President

Address: 2401 S Broadway  
Moore, OK 73160

Telephone: 405-293-1725

(Corporate Seal) (where applicable)

ATTEST:

Surety: Ohio Casualty Insurance Co.

Signed: [Signature]

Authorized Representative

Printed: Patricia Lee

Authorized Representative

Title: Attorney in Fact

Address: P O Box 850300 Yukon, Ok 73085

Telephone: 405-354-5201

Performance Bond No. B-1112-15

Page 2 of 4





**STATUTORY BOND**

Silver Star Construction Company Inc.

Known all men by these presents that \_\_\_\_\_ as PRINCIPAL, and Ohio Casualty Insurance Co., a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of ~~Nine Hundred Five Thousand Six Hundred & no/100~~ DOLLARS (\$ 905,600.00), or the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

WHEREAS, the conditions of this obligation are such, that the PRINCIPAL, being the lowest and best Bidder on the following PROJECT:

**URBAN ASPHALT PAVEMENT REHABILITATION ADDITIONAL PROJECTS**

has entered into a written CONTRACT (K-1112-83) with THE CITY OF NORMAN, dated January 24, 2012, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

NOW, THEREFORE, if the PRINCIPAL, shall properly and promptly complete the work on this PROJECT in accordance with the CONTRACT, and shall well and truly pay all indebtedness incurred for labor and materials and repairs to and parts for equipment furnished in the making of the PROJECT, whether incurred by the PRINCIPAL, his subcontractors, or any material men, then this obligation shall be void. Otherwise this obligation shall remain in full force and effect. If debts are not paid within thirty (30) days after the same becomes due and payable, the person, firm, or corporation entitled thereto may sue and recover on this Bond, subject to the provisions of 61 O.S. 1981 S2, for the amount so due and unpaid.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the SURETIES, or any of them, from the obligation of this Bond.

It is further expressly agreed that the Principal's obligations under this Bond include payment of not less than the prevailing hourly rate of wages as established by the Commissioner of Labor of the State of Oklahoma and by the Secretary of the U.S. Department of Labor or as determined by a court on appeal.

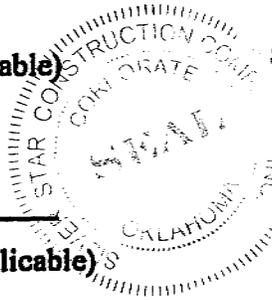
IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the 6th day of December, 2011.

(Corporate Seal) (where applicable)

ATTEST:

*Loni Corsey*

Corporate Secretary (where applicable)



Silver Star Construction Company Inc.

Principal

Signed: *[Signature]*

Authorized Representative

Title: Vice President

Address: 2401 S. Broadway  
Moore OK 73160

Telephone: 405 793-1725

Statutory Bond No. B-1112-16

Page 1 of 3

(Corporate Seal) (where applicable)

ATTEST:

Surety: Ohio Casualty Insurance Company

Signed: Patricia Lee  
Authorized Representative

Printed: Patricia Lee  
Authorized Representative

Title: Attorney in Fact

Address: P O Box 850300, Yukon, Ok 73085

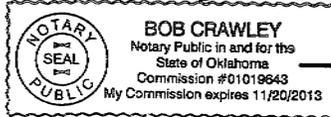
Telephone: 405-354-5201

**CORPORATE ACKNOWLEDGEMENT**

STATE OF Oklahoma )  
 ) ss:  
COUNTY OF Cleveland )

The foregoing instrument was acknowledge before me this 9<sup>th</sup> day of December, 2011, by Tim Beidler VP (Name and Title), of Silver Star Contractor a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 9<sup>th</sup> day of December, 2011.



Bob Crawley  
Notary Public

My Commission Expires:  
11-20-13

**INDIVIDUAL ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledge before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ (Name and Title) of \_\_\_\_\_ a(n) corporation.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**PARTNERSHIP ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledge before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_ (Name and Title) \_\_\_\_\_  
(partner/agent) on behalf of \_\_\_\_\_, a partnership.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

**CITY OF NORMAN**

Approved as to form and legality this 13 day of January, 2012.

  
\_\_\_\_\_  
City Attorney

Approved by the Council of the City of Norman this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST:

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

\_\_\_\_\_  
Mayor

**CITY OF NORMAN  
MAINTENANCE BOND**

Know all men by these presents that Silver Star Construction Company Inc as Principal, and Ohio Casualty Insurance Co. a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Nine Hundred Five Thousand Six Hundred DOLLARS (\$ 905,600.00), such sum being in force for a period of one year from the date of acceptance of the below described improvements by the City Council, and thereafter for the sum of One Hundred Thirty Five Thousand Eight Hundred Forty & no/100 DOLLARS (\$ 135,840.00), such sum being not less than fifteen percent (15%) of the total price of said improvement for a period of 2 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

WHEREAS, the conditions of this obligation are such that the PRINCIPAL, being the lowest and best bidder on the following project:

**URBAN ASPHALT PAVEMENT REHABILITATION ADDITIONAL PROJECTS**

has entered into a written CONTRACT (K-1112-83) with the CITY OF NORMAN, dated January 24, 2011 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

WHEREAS, under the ordinances of the CITY the PRINCIPAL is required to furnish to the CITY a maintenance bond covering said construction of this PROJECT, the bond to include the terms and provisions hereinafter set forth, as a condition precedent to final acceptance of the PROJECT.

NOW, THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of two (2) years from the date of the written final acceptance by the CITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

Provided further, however, that upon neglect, failure or refusal of the PRINCIPAL to maintain or make any needed repairs upon the construction on the PROJECT, as set out in the preceding paragraph, within ten (10) days after the mailing of notice to the PRINCIPAL by letter deposited in the United States Post Office at Norman, Oklahoma, addressed to the PRINCIPAL at the address set forth below, then the PRINCIPAL and SURETY shall jointly and severally be liable to the CITY for the cost and expense for making such repair, or otherwise maintaining the said construction.

It is further expressly agreed and understood by the parties hereto that no changes or alterations in said CONTRACT and no deviations from the plan or mode of procedure herein fixed shall have the effect of releasing the sureties, or any of them, from the obligations of this Bond.





A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING SILVER STAR CONSTRUCTION COMPANY, INC., AS PROJECT AGENT FOR THE 2010 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

- § 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Silver Star Construction Company, Inc., for the 2010 Urban Asphalt Pavement Rehabilitation Bond Project; and
- § 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Silver Star Construction Company, Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Silver Star Construction Company, Inc., to purchase materials which are in fact used for the 2010 Urban Asphalt Pavement Rehabilitation Bond Project; and
- § 3. WHEREAS, this limited agent status is conferred with the express understanding that Silver Star Construction Company, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

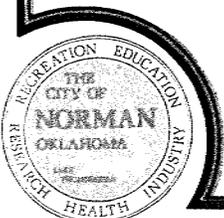
- § 4. That the City of Norman, Oklahoma, on the 24th day of January, 2012, did appoint Silver Star Construction Company, Inc., who is involved with the 2010 Urban Asphalt Pavement Rehabilitation Bond Project, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the construction of a 2010 Urban Asphalt Pavement Rehabilitation Bond Project.

PASSED AND ADOPTED THIS 24th day of January, 2012.

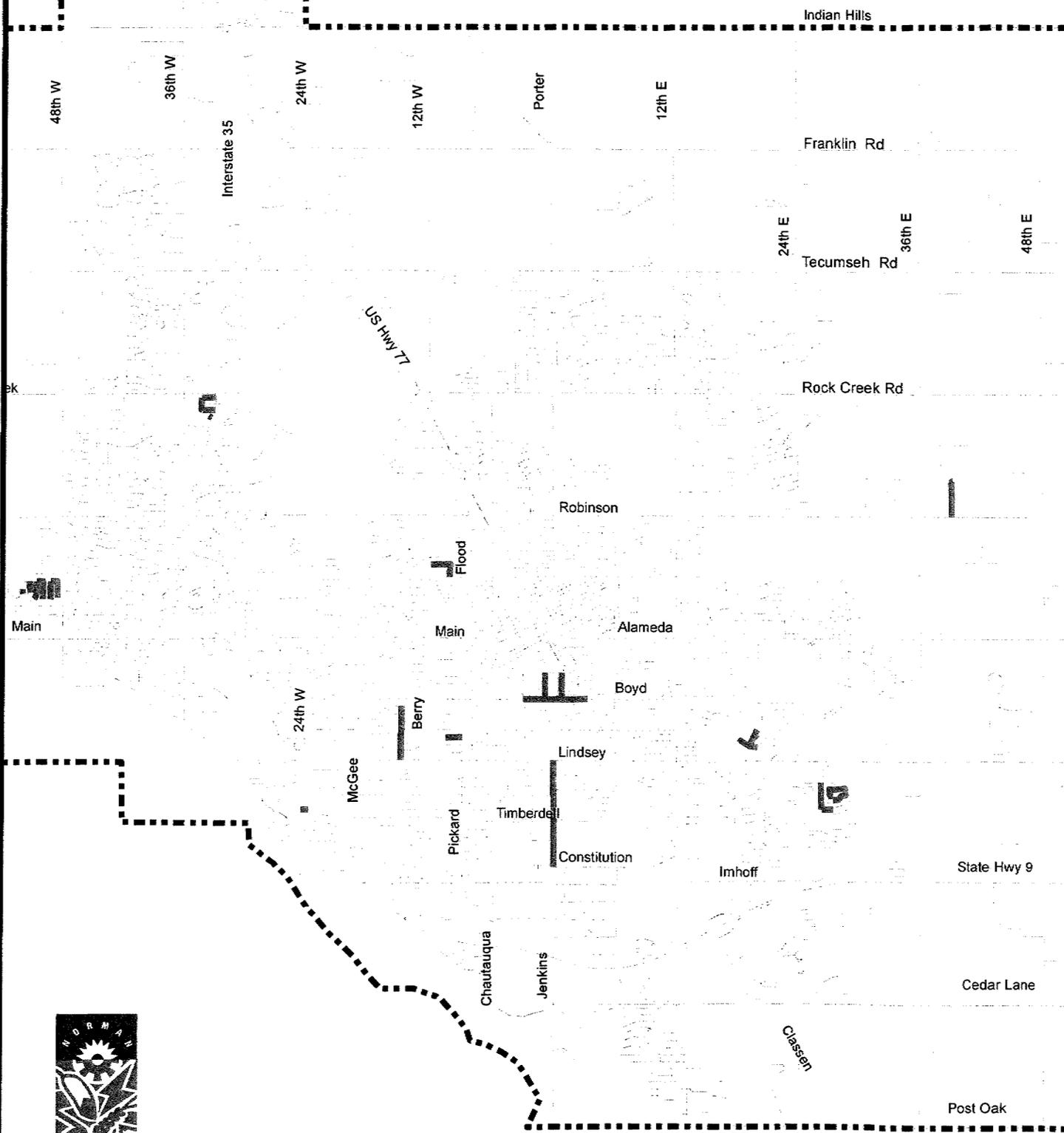
\_\_\_\_\_  
Mayor

ATTEST:

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



# Urban Asphalt Pavement Rehabilitation Additional Projects



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.

PURCHASE REQUISITION NBR: 0000195842

STATUS: DEPARTMENT APPROVAL  
REASON: K-1112-83 ASPHALT REHABILITATION ADD'L PROJECTS

DATE: 1/06/12

REQUISITION BY: PSAYERS

DELIVER BY DATE: 1/23/13

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 5647 SILVER STAR CONSTRUCTION CO

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	BP 0100 MONNETT B/BOYD ST - DUFFY ST COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	29946.00	DOL	1.0000	29946.00	
2	BP 0101 DEBARR AVE B/BOYD STREET - DUFFY STREET COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	7563.00	DOL	1.0000	7563.00	
3	BP 0141 WINSTON B/RHOADES - EDWARDS COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	24336.00	DOL	1.0000	24336.00	
4	BP 0142 EDWARDS B/RHOADES - WINSTON COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	15085.00	DOL	1.0000	15085.00	
5	BP 0143 EDWARDS COURT B/RHOADES - SOUTH END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	9218.00	DOL	1.0000	9218.00	
6	BP 0144 PORTLAND B/RHOADES - RAMSEY COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	24644.00	DOL	1.0000	24644.00	
7	BP 0145 PORTLAND B/RHOADES - SOUTH END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	5181.00	DOL	1.0000	5181.00	
8	BP0146 RAMSEY B/RHOADES - PORTLAND COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	12412.00	DOL	1.0000	12412.00	
9	BP 0147 RAMSEY COURT B/RHOADES - SOUTH END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	8647.00	DOL	1.0000	8647.00	
10	BP 0148 BAKER STREET B/RHOADES - LADBROOK COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	67390.00	DOL	1.0000	67390.00	
11	BP 0149 RHOADES COURT B/RHOADES DRIVE - NORTH END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	7117.00	DOL	1.0000	7117.00	
12	BP 0314 WYLIE ROAD B/LESLIE LANE - LINDSEY ST COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	78643.00	DOL	1.0000	78643.00	
13	BP 0315 REMINGTON B/PENDLETON COURT - BUCKHORN COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	12412.00	DOL	1.0000	12412.00	

PURCHASE REQUISITION NBR: 0000195842

STATUS: DEPARTMENT APPROVAL  
REASON: K-1112-83 ASPHALT REHABILITATION ADD'L PROJECTS

DATE: 1/06/12

REQUISITION BY: PSAVERS

DELIVER BY DATE: 1/23/13

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 5647 SILVER STAR CONSTRUCTION CO

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
14	BP 0316 BUCKHORN B/REMINGTON - PENDLETON COURT COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	26778.00	DOL	1.0000	26778.00	
15	BP 0317 ABILENE CR B/PENDLETON - WEST END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	5511.00	DOL	1.0000	5511.00	
16	BP 0318 DALEWOOD B/CLEARWATER - PEACH TREE COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	10751.00	DOL	1.0000	10751.00	
17	BP 0319 CREEKVIEW TER/CREEKVIEW PL - CLEARWATER COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	14161.00	DOL	1.0000	14161.00	
18	BP 0320 PEACH TREE B/DALEWOOD - GLEN OAKS COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	32725.00	DOL	1.0000	32725.00	
19	BP 0321 CREEKVIEW TER B/CLEARWATER - WEST END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	3480.00	DOL	1.0000	3480.00	
20	BP 0322 CREEKVIEW PLACE B/CLEARWATER - WEST END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	26811.00	DOL	1.0000	26811.00	
21	BP 0323 MCFARLAND B/PICKARD AVENUE - WEST END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	17626.00	DOL	1.0000	17626.00	
22	BP 0324 BRYANT CIRCLE B/ROBINSON ST - NORTH END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	48437.00	DOL	1.0000	48437.00	
23	BP 0325 HUGHBERT ST B/BERRY RD - ACRES COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	40099.00	DOL	1.0000	40099.00	
24	BP 0326 CANDLEWOOD B/BRANDYWINE - WEST END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	24578.00	DOL	1.0000	24578.00	
25	BP 0327 PEPPERTREE B/CANDLEWOOD - BEAUMONT COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	17285.00	DOL	1.0000	17285.00	
26	BP 0328 BURGUNDY B/PEPPERTREE - EAST END COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMM: MAINTENANCE AND REPAIR, S	5456.00	DOL	1.0000	5456.00	

PURCHASE REQUISITION NBR: 000195842

STATUS: DEPARTMENT APPROVAL  
REASON: K-1112-83 ASPHALT REHABILITATION ADD'L PROJECTS

DATE: 1/06/12

DELIVER BY DATE: 1/23/13

REQUISITION BY: PSAYERS

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 5647 SILVER STAR CONSTRUCTION CO

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
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27	BP 0329 JENKINS AVENUE B/LINDSEY ST - CONSTITUTION 119948.00 DOL COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	119948.00	DOL	1.0000	119948.00	
28	BP 0330 BOYD ST B/CLASSEN AVE - UNIVERSITY BLVD 191745.00 DOL COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	191745.00	DOL	1.0000	191745.00	
29	BP 0331 FRITZLAN B/24TH AVE SW - WEST END 17615.00 DOL COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	17615.00	DOL	1.0000	17615.00	
30	BP 0343 COLONIAL ESTATES SOUTH (SECTION 2) 80034.00 DOL COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: MAINTENANCE AND REPAIR, S	80034.00	DOL	1.0000	80034.00	

K-1112-83 PENDING APPROVAL JANUARY 24, 2012

ENCUMBERING PURCHASE ORDER

DO NOT MAIL

COMMODITY: CONSTRUCTION SERVICES, GE  
SUBCOMMOD: MAINTENANCE AND REPAIR, S

REQUISITION TOTAL: 985634.00

A C C O U N T I N F O R M A T I O N

LINE #	ACCOUNT	PROJECT	%	AMOUNT
1	05094014316101	Capital Projects Construction	100.00	29946.00
2	05094014316101	Capital Projects Construction	100.00	7563.00
3	05094014316101	Capital Projects Construction	100.00	24336.00
4	05094014316101	Capital Projects Construction	100.00	15085.00
5	05094014316101	Capital Projects Construction	100.00	9218.00
6	05094014316101	Capital Projects Construction	100.00	24644.00
7	05094014316101	Capital Projects Construction	100.00	5181.00
8	05094014316101	Capital Projects Construction	100.00	12412.00
9	05094014316101	Capital Projects Construction	100.00	8647.00

PURCHASE REQUISITION NBR: 0000195842

STATUS: DEPARTMENT APPROVAL

REASON: K-1112-83 ASPHALT REHABILITATION ADD'L PROJECTS

DATE: 1/06/12

REQUISITION BY: PSAYERS

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 5647 SILVER STAR CONSTRUCTION CO

DELIVER BY DATE: 1/23/13

LINE NBR	DESCRIPTION	QUANTITY UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
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ACCOUNT INFORMATION

LINE #	ACCOUNT	PROJECT	%	AMOUNT
10	05094014316101	Capital Projects Construction	100.00	67390.00
11	05094014316101	Capital Projects Construction	100.00	7117.00
12	05094014316101	Capital Projects Construction	100.00	78643.00
13	05094014316101	Capital Projects Construction	100.00	12412.00
14	05094014316101	Capital Projects Construction	100.00	26778.00
15	05094014316101	Capital Projects Construction	100.00	5511.00
16	05094014316101	Capital Projects Construction	100.00	10751.00
17	05094014316101	Capital Projects Construction	100.00	14161.00
18	05094014316101	Capital Projects Construction	100.00	32725.00
19	05094014316101	Capital Projects Construction	100.00	3480.00
20	05094014316101	Capital Projects Construction	100.00	26811.00
21	05094014316101	Capital Projects Construction	100.00	17626.00
22	05094014316101	Capital Projects Construction	100.00	48437.00
23	05094014316101	Capital Projects Construction	100.00	40099.00
24	05094014316101	Capital Projects Construction	100.00	24578.00
25	05094014316101	Capital Projects Construction	100.00	17285.00
26	05094014316101	Capital Projects Construction	100.00	5456.00
27	05094014316101	Capital Projects Construction	100.00	119948.00
28	05094014316101	Capital Projects Construction	100.00	191745.00
29	05094014316101	Capital Projects Construction	100.00	17615.00
30	05094014316101	Capital Projects Construction	100.00	80034.00
		Colonial Estates South 2		985634.00



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: COS-1112-3**

**File ID:** COS-1112-3

**Type:** Certificate of Survey

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 11

**In Control:** City Council

**Department:** Public Works  
Department

**Cost:**

**File Created:** 11/10/2011

**File Name:** Lohman Landing COS

**Final Action:**

**Title:** CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-3 FOR LOHMAN LANDING. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF INDIAN HILLS ROAD AND WEST OF BLUE LAKE DRIVE)

**ACTION NEEDED:** Motion to approve or reject Norman Rural Certificate of Survey No. COS-1112-3 for Lohman Landing and a variance in the private road width from 20 feet to 15 feet; and, if approved, direct the filing thereof with the Cleveland County Clerk subject to completion of the private road.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 11

**Attachments:** COS Location Map, Lohman Landing COS, Staff Rpt COS, Private Road Request, Greenbelt Comments, Greenbelt Enhancement Statement, 12-8-11 PC Minutes

**Project Manager:** Ken Danner, Development Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/08/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
<b>Action Text:</b> Recommended for Adoption at a subsequent City Council Meeting to the City Council							
1	Planning Commission	12/08/2011					

**Text of Legislative File COS-1112-3**

body

**BACKGROUND:** This item is Norman Rural Certificate of Survey No. COS-1112-3 for Lohman Landing, generally located ¼ mile south of Indian Hills Road and west of Blue Lake Drive. The property is located in the A-2, rural agricultural zoning district.

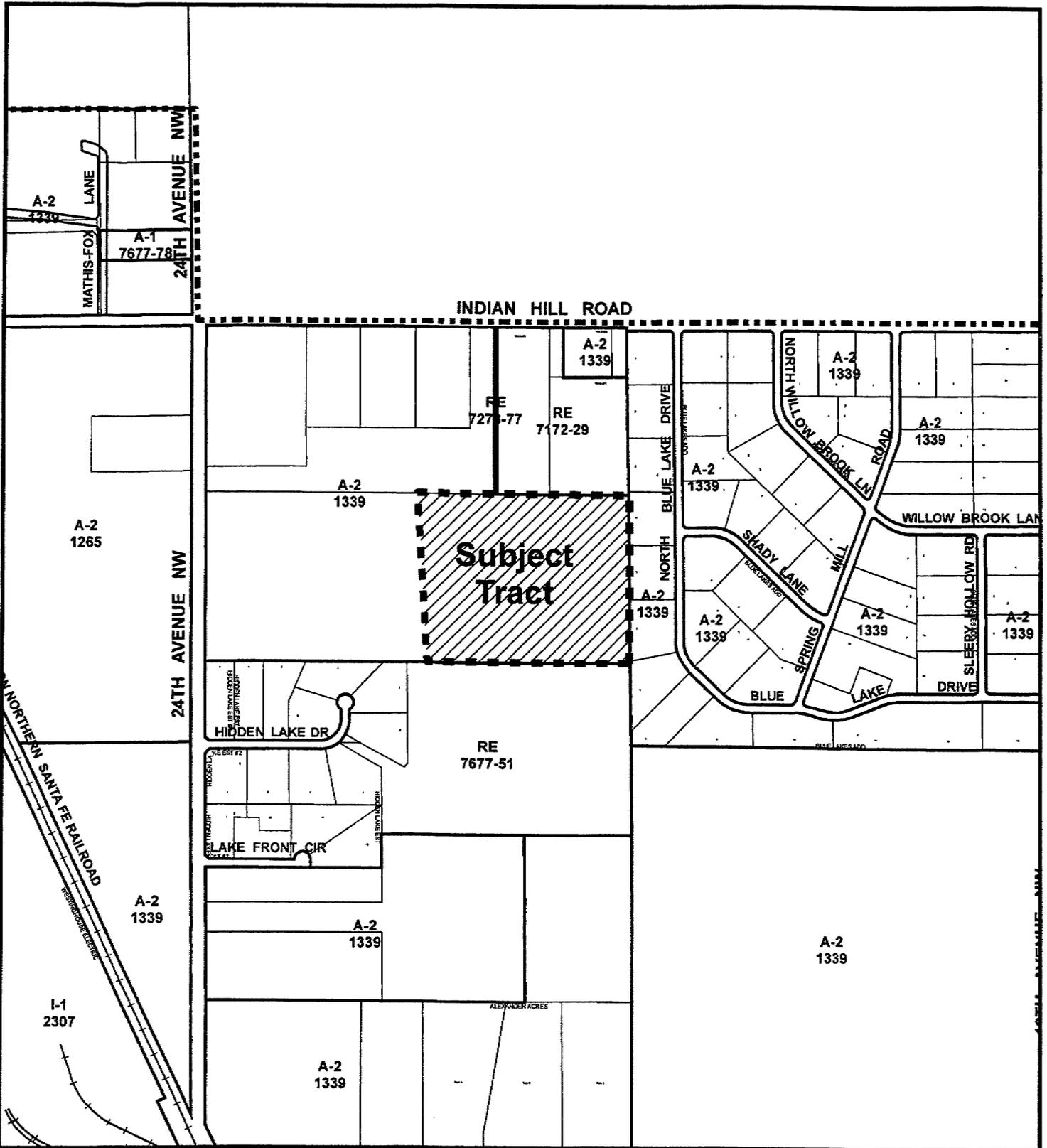
Planning Commission, on December 8, 2011, recommended to City Council the Norman Rural Certificate of Survey No. COS-1112-3 for Lohman Landing be approved, with a variance in the width of a private road serving three tracts from 20-feet to 15-feet.

**DISCUSSION:** There are a total of three (3) tracts encompassing 30.02 acres in this certificate of survey. Tract 1 consists of 10.007 acres; Tract 2 has 10.010 acres; and Tract 3 consists of 10.014 acres. This certificate of survey, if approved, will allow one single family home on each lot. There is currently an existing single-family home on Tract 1.

The three (3) proposed tracts contain a Water Quality Protection Zone (WQPZ) along an existing tributary of Little River. Each of the tracts have sufficient buildable area that will not interfere with the WQPZ guidelines. Covenants have been submitted that specify the WQPZ requirements.

These tracts have the capability to be served by public water. Private individual sanitary sewer systems will be installed in accordance with Oklahoma Department of Environmental Quality (ODEQ) standards. There is an existing private sanitary sewer facility and public water serving Tract 1. Fire protection will be provided by the City of Norman pumper/tanker trunks. The three (3) tracts will be served by a private road built to the standards as adopted by City Council. There is a provision in the subdivision regulations that if no more than four (4) lots or tracts are served by a private road a reduction in width of the road could be requested. A request has been made to reduce the width of the private road from 20-feet to 15-feet. Staff can support this request and has done so in the past with previous certificates of survey when the private road serves fewer than four lots.

**RECOMMENDATION:** Based upon the above information, staff recommends approval of the request in a variance in the private road width from 20-feet to 15-feet and approval of Norman Rural Certificate of Survey No. COS-1112-3 for Lohman Landing.



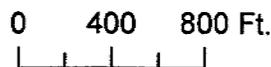
# Location Map



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



November 8, 2011



 Subject Tract

 Zoning



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CERTIFICATE OF SURVEY

ITEM NO. 8

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**STAFF REPORT**

**ITEM:** Consideration of NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-3 for LOHMAN LANDING.

**LOCATION:** Generally located west of Blue Lake Drive and a quarter of a mile south of Indian Hills Road.

**INFORMATION:**

1. Owner. Lohman Investments, L.L.C.
2. Surveyor. Pollard and Whited Surveying, Inc.

**HISTORY:**

1. October 21, 1961. City Council adopted Ordinance No. 1320 annexing this property into the City limits.
2. December 19, 1961. Planning Commission recommended to City Council that this property be placed in the A-2 zoning classification.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in the A-2 rural agricultural zoning district.

**IMPROVEMENT PROGRAM:**

1. Fire Protection. Fire protection will be provided by the Norman Fire Department with use of a pumper and tanker trucks.
2. Sewage. Individual sanitary sewer septic systems will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
3. Water. Individual water wells will be installed in accordance with City and Oklahoma Department of Environmental Quality standards.
4. Roads. A private road will be improved to private road standards as adopted by City Council. The private road will serve three (3) property owners. Staff supports a variance in width from 20-feet to 15-feet as requested by the application.

5. WPOZ. The water Quality Protection Zone is located within this property. The surveyor has submitted the documents to meet the requirements of the area. This area will be protected by covenants that have been submitted.
6. Acreage. Tract 1 consists of 10.07 acres, Tract 2 consists of 10.01 acres and Tract 3 consists of 10.01 acres.
7. Covenants. Covenants addressing the WQPZ have been submitted for staff's review.

**SUPPLEMENTAL MATERIAL:** Copies of a location map, Certificate of Survey No. COS-1112-3, Lohman Landing letter of request for a variance in the private road width from 20-feet to 15-feet are included in the Agenda Book.

**STAFF COMMENTS AND RECOMMENDATION:** Staff recommends approval of Certificate of Survey No. COS-1112-3 for Lohman Landing.

**ACTION NEEDED:** Recommend approval or disapproval of a variance in the private road width from 20-feet to 15-feet and approval or disapproval of Certificate of Survey COS-1112-3, Lohman Landing.

**ACTION TAKEN:** \_\_\_\_\_

## POLLARD & WHITED SURVEYING, INC.

2514 Tee Drive - Norman, OK 73069  
office (405)366-0001  
fax (405)366-1114  
pwsurvey@sbcglobal.net

November 30, 2011

**City Of Norman Planning Commission**  
and City of Norman Staff Members  
201 W. Gray  
Norman, OK 73070

**Re: Proposed "Lohman Landing"**  
**A "Norman Rural Certificate Of Survey Subdivision"**  
in the NW1/4 of Sec.1,T9N,R3W, I.M.  
Norman, Cleveland County, Oklahoma

### **To all interested parties,**

Attached to this letter is **"Lohman Landing"** a **"Norman Rural Certificate Of Survey Subdivision"** (COS) to the City of Norman, Cleveland County, Oklahoma. The proposed subdivision is in the NW1/4 of Sec.1,T9N,R3W. It is located approximately 1/2 mile east and 1063 ft. south of the intersection of Indian Hills Road and 24th Avenue NW.

Items attached include: (1) The City application form for a COS, (2) The COS drawing, (3) Legal Descriptions, (4) Surveyor's Report, (5) City Acceptance sheet, (6) WQPZ Grant Of Easement, (7) Private Access Easement, (8) Cross Access Easement and (9) Property Owners Association, Covenants & Restrictions which include provisions for a Water Quality Protection Zone (WQPZ).

This proposed subdivision has already gone through the Norman Greenbelt Commission meeting and the Pre-Development Information Meeting as required by the City. All went well in both meetings.

**"Lohman Landing"** will consist of three (3) single family residential tracts containing at least 10 acres each. This is the east 30 acres more or less of the total 62 acres (+/-) owned by the applicant. Access will be from a private road extending west from Blue Lakes Addition in the NE1/4 of Sec.1,T9N,R3W.

I hereby request, on behalf of the developer, that the City of Norman allow a variance in the width of the private road paving. The standard width is 20' but because the road only services three (3) tracts it is generally accepted that the width can be less. I request that the paving be 15' wide because of this reason. This has been reviewed and accepted by City Staff.

All homes will be individually designed and built on site. All will be served by individual sanitary sewer systems approved by ODEQ. Water service will be provided by the existing water lines in Blue Lakes Addition. It is understood that the present water lines in Blue Lakes Addition are not adequate for fire protection. In the event that future extensions or upgrade of the city water mains allow the construction of water lines adequate for fire protection within the subdivision it will be allowed if the city and all land owners in the subdivision are in agreement.

The current "PRELIMINARY" FEMA Flood Insurance Rate Map (FIRM), dated September 30, 2011, shows a flood plain with a Zone AE designation on each side of Little River. This is illustrated on the Preliminary Plat. The "Preliminary" FIRM is subject to approval by the City of Norman in the near future. This FIRM has been used because it does have Base Flood Elevations (BFE's). The current FIRM only shows a Zone A which is an estimated flood plain with no BFE's determined. No buildings will be allowed in the 100 year flood plain. All homes will be at least two (2) feet above the 100 year flood elevation (BFE).

The current zoning is A-2, Rural Agricultural District. This zoning is appropriate and standard for a "Norman Rural Certificate Of Survey Subdivision".

A Water Quality Protection Zone (WQPZ) is shown on the COS drawing. The Property Owners Association and Covenants & Restrictions are attached to and made a part of the COS. This starts on Sheet 9 of 15 and goes through Sheet 15 of 15. All the requirements for the protection and maintenance of the WQPZ are set forth in these sheets which will be filed with the other portions of the COS shown on Sheet 1 through 8. Note that all fifteen (15) sheets of the COS will be filed as one (1) instrument, in the County Clerk's records, thereby making all COS & WQPZ stipulations readily available and unmistakable.

If you have any questions or concerns about this "Norman Rural Certificate Of Survey Subdivision" application, please call me at (405)366-0001, fax me at (405)366-1114, or you can email me at [pwsurvey@sbcglobal.net](mailto:pwsurvey@sbcglobal.net).



Respectfully,

Rodger Whited, PLS

## **Greenbelt Commission Meeting – September 19, 2011**

GBC Application 11-20 (Planning Commission Item # 11-20)

Applicant: John Lohman  
Location: South of Indian Hills Road on the east side of 24<sup>th</sup> Avenue NW  
Proposal: Certificate of Survey – Lohman Landing COS, 30 acres and Preliminary Plat – Cottonwood Creek, 32 acres

### **Greenbelt Commission Final Comments - GBC 11-20**

- Although the applicant stated he is not open to the idea of granting any easements for public trails or greenways the Commission commended the applicant on his efforts to keep open space intact as well as adhering to the requirements of the WQPZ (Water Quality Protection Zone) to not impact the existing stream corridor with construction of single family homes or accessory elements in the development.

The following sections of the Greenbelt ordinance support the Greenbelt Commissions comments and finding that the applicant's development meets the following criteria.

### **Sec. 4-2026. Specific Principles, Purposes and Goals of the Greenbelt System**

- (a) 2. The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.
- (a) 8. Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.
- (d) 2. Protect environmentally sensitive areas of the City and serve as a wildlife habitat;
- (d) 3. Serve as a storm water management resource for urban run-off and regional detention needs;

### **Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements**

- (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.
- (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.
- (j) Permeable ground surfaces have been preserved to the extent possible. (o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.
- (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- (s) Riparian buffers are incorporated into the Greenbelt System.

Pre-Development Case No. PD 11-24

Greenbelt Case No. ABC 11-20

Date: September 2, 2010

**NORMAN GREENBELT ENHANCEMENT STATEMENT**

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement was developed to aid the Commission in assessing new developments to insure that green space and trail opportunities are included, whenever possible.

*As part of your application and submittal for a Pre-Development Meeting, the City of Norman ordinances require that you complete this Greenbelt Enhancement Statement to address the Greenbelt Commission's review and leave it with City of Norman staff at the same time you submit the required information for a Pre-Development Meeting.*

*Attached are copies of the three (3) applicable sections of the adopted Greenbelt Ordinance, Sections 4-2023A, 4-2026 and 4-2028, these guidelines will be your reference while completing this Enhancement Statement, please see pages 4-8.*

At the time you submit your application for a Pre-Development Meeting, you will be provided with the date of the Pre-Development Meeting and the date of the next Greenbelt Commission Meeting. You are urged to attend the Greenbelt Commission Meeting where you will be given an opportunity to present information, discuss your proposed development, and to answer questions the Greenbelt Commission might have regarding your submittal. Based upon the review and discussion at the Greenbelt Commission Meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will be recorded and provided to you after the meeting minutes have been prepared. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application to them for consideration of your proposed development. Should you have any questions about this process or any of the below questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5322.

**Greenbelt Enhancement Statement for Proposed Developments**

Applicant Name: John Lohman Date: August 29, 2011

Contact Person: Rodger Whited with Pollard & Whited Surveying, Inc.  
Telephone/Fax/Email: phone: (405)366-0001 Email: pwsurvey@sbcglobal.net

Name of Development Cottonwood Creek Area (Acres): 32 acres (+/-) Residential Estate Subdv.  
-AND- Lohman Landing Area (Acres): 30 acres (+/-) Certificate Of Survey Subdv.

General Location: On the east side of 24th Avenue NW,  
approximately 2 tenths of a mile (1053 ft.) south of Indian Hills Road

Type of Development: Residential X Commercial      Industrial      Other     

1C9N3WGreenbelt Enhancement Stmt.doc

1. Briefly explain the kind of development, types of buildings/uses, or character of your proposal.  
 \*This Greenbelt Enhancement Statement is for two (2) residential developments adjoining each other in the NW1/4 of Sec.1,T9N,R3W.  
 \*The first is a Residential Estate subdivision consisting of seven (7) Lots containing at least 2 acres each. Presently Zoned A-2 with proposed RE Zoning.  
 \*The second subdivision is a Norman Rural Certificate Of Survey Subdivision (COS) consisting of three (3) residential tracts of at least 10 acres each. The existing A-2 Zoning on the COS will remain unchanged.  
 \*The proposed RE subdivision and the COS subdivision will all be single family custom built structures.

2. Does your proposed development or project incorporate open space(s)?  
 Yes  No

Please check what type(s) of open space is proposed within your development:

Park:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input type="checkbox"/> Private
Open Space:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private
Detention Pond:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input type="checkbox"/> Private
Parking Lot Landscape:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input type="checkbox"/> Private
Floodplain/Creek:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private

Other: a WQPZ Easement will be created for the Little River floodplain. This will create a natural open space that will enhance the possibilities for greenbelt amenities.

If the above noted areas are accessible via some other arrangement please explain.  
 See Item 4 below

3. Does the open space for this development include some kind of trail or path that meets the definitions contained in 4-2023A of the attached guidelines? (Indicate all that are applicable.)

Public Sidewalks (4-5' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Natural Trails (compacted earth 8-10' wide)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Parkway Trails (durable surface 6-8' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Neighborhood Trails (durable or paved, 6-10' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Community Wide Trails (paved, 10-12' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Specialized Trails (equestrian, water, etc)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other _____		

4. Identify schools, recreational areas (parks, playgrounds), commercial sites, or other public open spaces within 1/2 mile of your proposed development. (If there are no such areas within the 1/2 mile radius please state such and skip question 5.)

\* Hidden Lake Estates, located south of the RE subdv., has platted Public Access Easements. These were platted, but never developed, for access to the lake located in Hidden Lake Estates.

5. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking. (If there is no such connectivity please state such.)

\* If the Public Access Easements in Hidden Lake Estates were built then they would connect to the proposed RE subdv. by the WQPZ floodplain easement and/or other designated easements of a similar nature.

6. Please check, from the following (or make a list), the geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails, per the attached guidelines.

Storm water channels  X

Detention ponds  X

Floodplains  X

Stream bank/Riparian corridors  X

Utility Easements \_\_\_\_\_

Abandoned/Active RR corridors \_\_\_\_\_

Other:  a WQPZ Easement will be created that will cover the entire Little River floodplain.

This will offer more opportunities for greenbelts, trails and other amenities.

How will your development incorporate those elements noted into greenbelts and trails?

\* The floodplain noted is along Little River. The floodplain does cross the entire square mile that the proposed developments are a part of. The flood plain will separate the two (2) proposed developments allowing the entire floodplain to be a buffer area between the developments and Little River.

7. If, after reviewing the above questions, you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly below. (Any comments you feel will help the Commission understand your intent to develop the area.)

There are no existing Greenbelt areas adjacent or near the proximity of these proposed developments.

The proposed Residential Estate (RE) and Norman Rural Certificate Of Survey Subdivision (COS) does have the floodplain of Little River crossing them. The proposed developments are on the outer limits of the City of Norman, OK and are currently zoned A-2. The changing of the zoning to RE and creation of a COS does place the area under more control by the city than leaving it agricultural. (ie: WQPZ Easement)

The floodplain does offer the opportunity (if the RE and COS are developed) to create the conditions where affirmative obligations may be promoted to better protect the natural conditions and resources along the floodplain. This would enhance the conditions favorable to maintaining the water quality for Lake Thunderbird. (ie: WQPZ Easement for all of the Little River floodplain)

Signature of Applicant or Contact Person:  Rodger Whited (Rodger Whited)   
**GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):**

**VOTE BY COMMISSION:** \_\_\_\_\_

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 8, 2011**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 8<sup>th</sup> day of December 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Diana Hartley  
Tom Knotts  
Chris Lewis  
Curtis McCarty  
Roberta Pailles  
Andy Sherrer  
Zev Trachtenberg  
Jim Gasaway

MEMBERS ABSENT

Cynthia Gordon

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Doug Kosciński, Manager, Current Planning  
Division  
Ken Danner, Subdivision Development  
Manager  
Roné Tromble, Recording Secretary  
Jane Hudson, Planner II  
Kathryn Walker, Asst. City Attorney  
Larry Knapp, GIS Analyst

\*\*\*

Item No. 2, being:

**CONSENT DOCKET**

Chairman Gasaway announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:

**APPROVAL OF THE NOVEMBER 10, 2011 REGULAR SESSION MINUTES AND NOVEMBER 10, 2011 STUDY SESSION MINUTES**

Item No. 4, being:

**FP-1112-10 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY THE FALLS AT BROOKHAVEN, L.L.C. (CLOUR PLANNING & ENGINEERING SERVICES) FOR THE FALLS AT BROOKHAVEN ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36<sup>TH</sup> AVENUE N.W. AND ROCK CREEK ROAD.**

Item No. 5, being:

**FP-1112-11 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY THE UNIVERSITY OF OKLAHOMA FOUNDATION, INC. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK CORPORATE CENTER ADDITION SECTION TWO, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. APPROXIMATELY ½ MILE SOUTH OF TECUMSEH ROAD.**

Item No. 6, being:

**FP-1112-12 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UTC AREA SIX, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION V, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 2, BLOCK 2, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND NORTH OF MOUNT WILLIAMS DRIVE.**

Item No. 7, being:

**PP-1112-5 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION, GENERALLY LOCATED SOUTH OF FRANKLIN ROAD BETWEEN 36<sup>TH</sup> AVENUE N.W. AND 48<sup>TH</sup> AVENUE N.W.**

Item No. 8, being:

**COS-1112-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR LOHMAN LANDING, GENERALLY LOCATED IN APPROXIMATELY THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST.**

\*

Chairman Gasaway asked if any member of the Planning Commission wished to remove any item from the Consent Docket. There being none, he asked if anyone in the audience wished to remove any item from the Consent Docket. There being none, he turned to the Planning Commission for discussion.

*Chris Lewis moved to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Diana Hartley seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailes, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Cynthia Gordon

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

\* \* \*

Item No. 8, being:

**COS-1112-3 – CONSIDERATION OF A NORMAN RURAL CERTIFICATE OF SURVEY SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR LOHMAN LANDING, GENERALLY LOCATED IN APPROXIMATELY THE SOUTHEAST ¼ OF THE NORTHWEST ¼ OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Certificate of Survey
3. Staff Report
4. Letter from the Surveyor
5. Greenbelt Commission Comments
6. Greenbelt Enhancement Statement

The Rural Certificate of Survey for LOHMAN LANDING, with a variance in the private road width from 20' to 15', was recommended for approval to the City Council on the Consent Docket by a vote of 8-0.

\* \* \*



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: EN-1112-5**

**File ID:** EN-1112-5

**Type:** Encroachment

**Status:** Consent Item

**Version:** 1

**Reference:** Item No. 12

**In Control:** City Council

**Department:** Legal Department

**Cost:**

**File Created:** 01/18/2012

**File Name:** Encroachment 2701 Tioga Circle

**Final Action:**

**Title:** CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-5 FOR LOT 22, BLOCK 2, SEQUOYAH TRAILS ADDITION. (2701 TIOGA CIRCLE)

**ACTION NEEDED:** Motion to approve or reject Consent to Encroachment No. EN-1112-5; and, if approved, direct the filing thereof with the Cleveland County Clerk.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 12

**Attachments:** City Clerk Memo, Homeowner request, Consent 1112-5, Memo from Utility Dept, Public Works Response Tioga Circle, Utilities Responses Tioga Circle

**Project Manager:** Leah Messner, Assistant City Attorney

**Entered by:** denise.johnson@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File EN-1112-5

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Mr. Casey Evans requesting a Consent to Encroach upon a City of Norman utility easement for a fence.

**DISCUSSION:** The application for the consent to encroach concerns the encroachment upon a City of Norman utility easement for a fence. The fence encroachment is 4-5 feet into the

utility easement at the back southeast side of the property.

Staff has reviewed the application and the “hold harmless” clause. From a legal perspective it protects the City’s concerns with respect to damage to the property owner’s property should the City or other authorized entity be required to perform work within its easement.

The benefit to having a consent to encroach on file is that it is evidence of the property owners’ understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owners’ property in the event such maintenance has to be performed within the easement.

**STAFF RECOMMENDATION:** Based upon the above and foregoing, the City Attorney’s office is forwarding the above Consent to Encroach for Council consideration.



# office memorandum

DATE: November 15, 2011

TO: Jeff Bryant, City Attorney  
Doug Koscinski, Current Planning Manager  
Ken Danner, Subdivision Manager  
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk 

SUBJECT: Consent to Encroachment No. 1112-5

An Encroachment Request was filed in my office today for permission to encroach on a utility easement located in Lot 22, Block 2, Sequoyah Trails Addition, a/k/a as 2701 Tioga Circle, for a fence. The applicant states the fence has been built and he recently discovered he needed an encroachment agreement. The applicant has also submitted letters of agreement from OG&E and OEC. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item

This item will be scheduled as an agenda item on December 27, 2011, and the information must be received in my office by December 12, 2011. If there is a problem in meeting that timeframe, please advise.

smr  
attachments

2701 Tioga Circle  
Norman, OK 73071  
November 15, 2011

The Honorable James Griffith and fellow City Council Members  
City of Norman (Attn: City Council)  
201 West Gray Building A  
Norman, OK 73069

Dear Council Member James Griffith and fellow City Council Members,

I am writing to ask you and your fellow city council member for permission of encroachment upon an easement located on my property in the Sequoyah Trails addition, section 17, township 9 north, range 2 west, Norman, Cleveland County, Oklahoma. The physical address is 2701 Tioga Circle Norman, OK 73071.

In September, I was informed that a fence that had been built on my property required a permit that a local fencing company, Army Fence and Deck, had not obtained prior to building. Also, a complaint had been made about the debris left from the removal of the previous fence and placement of the new fence, had not been removed immediately by Army Fence and Deck. The original fence was a wood fence which had been ripped from its base in the heavy downburst that Norman experienced earlier in the year. The fence was upgraded to an all cedar fence with steel posts along all sides except for the side facing the Sequoyah Trails road, basically the south side of the property. The south fence was upgraded to a partial brick and cedar fence with a footing for aesthetic purposes. Despite the aesthetic upgrade, the fence helps diminish the disturbance from a very busy Sequoyah Trails. A large number of cars coming into the Sequoyah Trails addition enter from 9<sup>th</sup> street off of Rock Creek Rd and pull onto Sequoyah Trails. 9<sup>th</sup> street runs into the southeast portion of my property, causing light to flood into all of the bedroom windows of my home. Also, the noise of passerby cars was quite large as well, which has been diminished due to the new fence. I was given 14 days to go to the City of Norman and obtain such a permit and to explain why the debris had not been removed.

I immediately called Army Fence and Deck, demanding that the debris was removed and asked why they had not obtained a permit. Army Fence and Deck explained that they thought that the cement and brick layer would have obtained that permit since the above wooden fence did not require one. The brick layer was Clay McGregor who had been suggested by the owner of Army Fence and Deck. The debris was removed within 7 days by Clay McGregor and Army Fence and Deck. I went to the City of Norman to obtain a permit, but was informed that my south fence went 4-5 feet into an easement on the back southeast side of my property, and that they would not be able to grant me a permit without further approval. I spoke with the woman in the city's office, and she told me that I had two options: obviously, I could tear down the last 5 feet of the fence and place a wood fence with no brick and a permit could be granted, or if I wanted to appeal the city council, they could grant me approval for my fence to remain and a permit would be granted. I chose the second option and that is why I have chosen to write you and your fellow city council members.

The woman at the office for the City of Norman explained to me that an appeal to city council would be costly and that the best approach to getting the city council's approval would be to contact all

FILED IN THE OFFICE  
OF CITY CLERK  
11-15-11

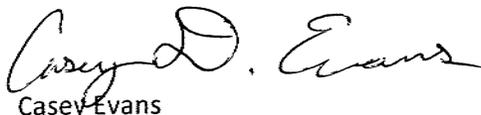
of the companies that have equipment running through the easement on my property and having them right a letter of no objection to the wood and brick fence that I have on my property, which I have done. Army Fence and Deck, the company that built the fence, had contacted OKIE prior to building the fence to mark all power lines on my property, so I began contacting all of the companies that might have been affected with the placement of my fence. I contacted OGE who sent an engineer out in the next few weeks to look at the fence. He called my cellular telephone upon inspection of the property and stated that the fence was fine where it was located and that their utility lines would not be affected by the placement of the fence. He informed Timothy Bailey, the Right-of-Way Agent for OGE, who wrote me a letter of no objection, granting permission to build a fence in the utility easement as far as OGE was concerned. I contacted Oklahoma Natural Gas, which sent out a Field Technician III, Rich McKinney, to look at the property. He stated that the placement of the fence was of no concern to ONG as well. He did the same as the OGE power company and sent me a letter of no objection for a brick and wood fence on my property. Copies of both letters have been placed in this envelope for your records. The only other company whose flag I remember seeing was Cox Communications, so I called them as well. After many long hours on the phone, I touched base with an individual who stated that they have no manner of writing such letters and that most property owners are held to the fact that if a fence has to be moved due to utility work that Cox Communications will in fact do so and will replace the fence, but it may not be to exact previous condition. He stated that so long as I have contacted OKIE that there should be no problem with the placement of the fence.

I decided to go ahead and re-contact OKIE to see just what was in the easement along the east border of my property, since up to now, I was operating from memory. OKIE scheduled an appointment with a contract company called USIC to locate the utilities on my property. Warren Finch, the USIC contractor, came out to the house and located all of the utilities. The only utility Mr. Finch located on the southeast side of my property by the fence was OGE, which had already provided a letter. ONG is actually located on my neighbor's property to the east and not on my property at all. Cox Communication lines could not be found on my property except in the very northeast corner of the property, which is completely opposite the brick fence. Mr. Finch left me his contact number in case anyone on the city council would like to confirm, which is (405) 620-1780. Again, his name is Warren Finch.

I hope that this letter meets your satisfaction to grant me approval for encroachment upon an easement. I believe that the fence that Army Fence and Deck built is an improvement to my property and the surrounding area, and does no harm to any of the utilities in the area, which I have done my best to prove.

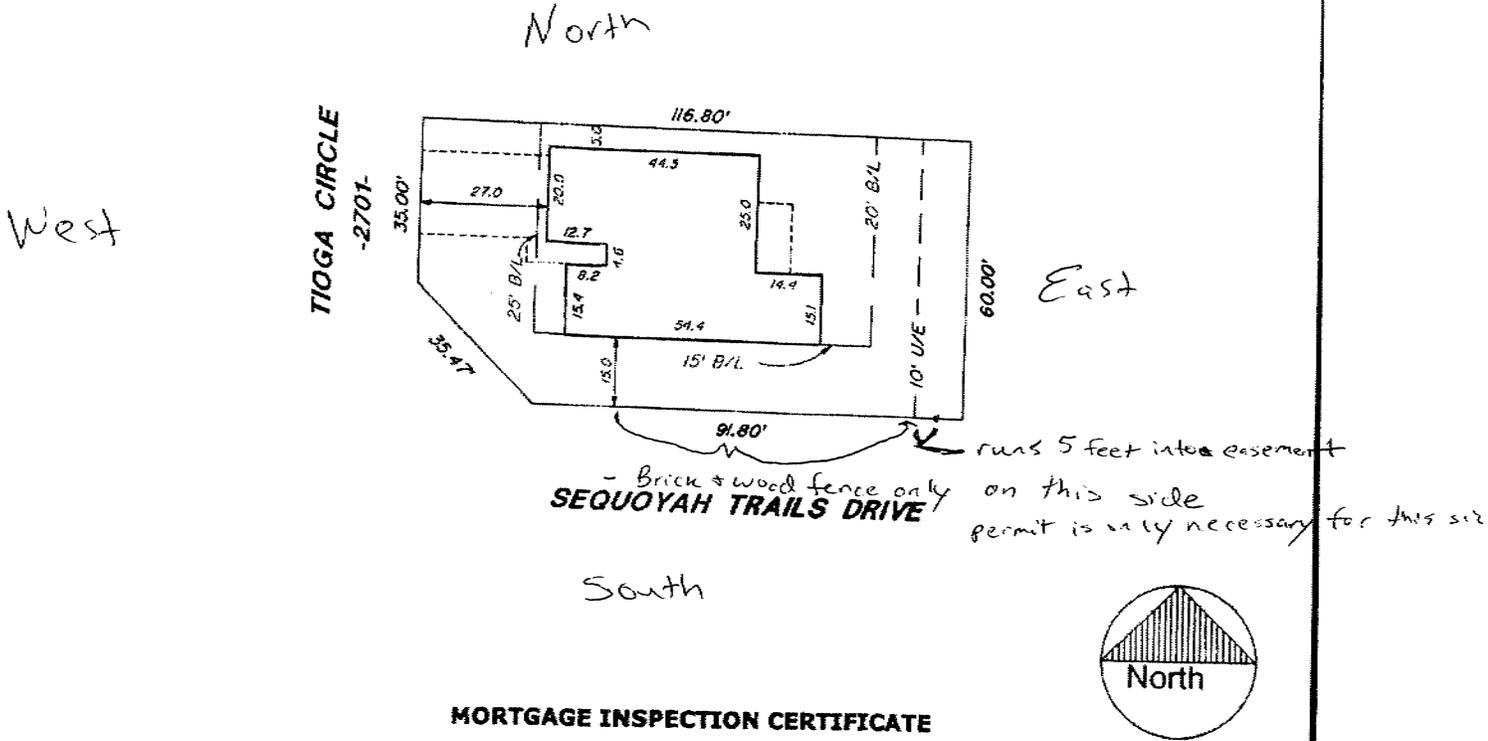
Thank you so much for your time, help, and consideration.

Sincerely,



Casey Evans  
Information Tech Specialist II  
Center for Economic Management and Research  
Price College of Business  
The University of Oklahoma  
(405) 496-0491

NOTE: According to the Flood Insurance Rate Map (FIRM) Community Panel Number 40027C0195 H, dated September 26, 2008, the subject property is located in ZONE X, which is not in a flood hazard area..  
 NOTE: The Easements of record filed in Book 336, Page 430, Book 397, Page 250, Book 397, Page 251 and in Book 397, Page 252 do not cross the subject property....The Blanket Assignment recorded in Book 3089, Page 505 affects the Quarter Section, however as of date of survey there is no visible evidence of lines crossing the subject property.



**MORTGAGE INSPECTION CERTIFICATE**

I, D. Mike Dossey, a Registered Land Surveyor, do hereby certify that a careful inspection has been made under my supervision on the following described property, to wit:

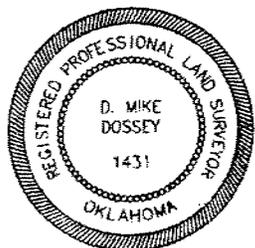
Lot Twenty-Two (22), in Block Two (2), of SEQUOYAH TRAILS ADDITION, to Norman, Cleveland County, Oklahoma according to the recorded plat thereof.

Physical Address: 2701 Tioga Circle, Norman, Oklahoma 73071

as shown on the annexed plat hereto and there are no encroachments of dwelling structure except if shown hereon; and the above inspection shows all recorded plat easements and other such easements as have been disclosed and furnished by the title insurer. The Mortgagee's inspection has been prepared for identification purpose for the Mortgagee in connection with a new loan and mortgage and is not intended or represented to be a land or property line survey. No corners were set. Do not use this drawing for establishing fence or building lines. This inspection was made for loan purposes only and no other responsibility is hereby extended to the land owner or occupant. Dated at Oklahoma City, Oklahoma on this 9th of June, 2011.

Inspection No: 2111079  
 Buyer: Evans.....1101246  
 Title Company: Cleveland County Abstract

*D. Mike Dossey*  
 Registered Land Surveyor



**VMI Inspection, Inc.**

Mortgage Inspections • ALTA/ACSM • Elevations

1530 SW 89<sup>th</sup> St., Suite C-2 Oklahoma City, Oklahoma 73159  
 (405) 691-0077 (405) 691-0023 Fax  
 www.vmisurvey.com - surveys@vmisurvey.com  
 CA-4853 Expires: 06-30-2011

CONSENT  
Consent to Encroachment No. 1112-5

WHEREAS, the City of Norman, Cleveland County, is in possession of a utility easement on the land described as follows, to-wit:

Lots 22, Block 2, Sequoyah Trails Addition to the City of Norman, Cleveland County, Oklahoma, a/k/a 2701 Tioga Circle,

AND WHEREAS, the owner of the above-described property requests that a fence be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City has been requested to consent in writing for a fence on the property being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said fence on the property being within and upon the utility easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf;
2. The property owner will be responsible for the cost the City incurs to remove any or all of the fence, if needed, to facilitate maintenance or repair of the City's utilities;
3. The property owner will be responsible for the cost to repair or replace any or all of the fence for such repairs;
4. The property owner waives and releases any claims against the City for any damages to any or all of the fence and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's utility facilities within the easement areas;
5. By encroaching on said easement, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and/or Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of the fence in the easement.
6. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, or Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

The consent is limited to the fence, as indicated in the application, being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this \_\_\_\_ day of January, 2012.

THE CITY OF NORMAN, OKLAHOMA

\_\_\_\_\_  
Mayor

ATTEST:

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

On this \_\_\_\_\_ day of January, 2012, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

My Commission Expires:

\_\_\_\_\_  
Notary Public

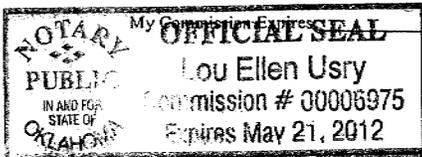
OWNERS:

By: Casey D. Evans  
Casey Evans

On this 19<sup>th</sup> day of January, 2012, before me personally appeared Casey Evans to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

\_\_\_\_\_  
Notary Public



The City of Norman  
Post Office Box 370  
Norman, OK 73070



Date: December 5, 2011  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1112-5  
Lot 22, Block 2, Sequoyah Trails Addition  
(2701 Tioga Circle)

The lot located at 2701 Tioga Circle (Lot 22, Block 2, Sequoyah Trails Addition) has a platted 10-foot wide utility easement (U/E) along the eastern boundary. The owner requests a consent to encroach for an existing fence along the southern property line that extends approximately 5 feet into the platted U/E. There is an 8-inch sewer line located east of the eastern property line in the U/E on the adjacent property.

Currently, there are no utilities owned and maintained by the City located in this portion of the U/E along the eastern property line. However, circumstances may arise in which the City will need to install utilities within this portion of the U/E or use this U/E for access to perform maintenance on the sewer main located in the U/E on the east side of the eastern property line.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements filed of record on the consent document. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, piercing or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove any fence, curb, landscaping, building, and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair or replace any fence, curb, or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the improvements located within the U/E caused by a failure or repair and maintenance of the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the consent document. Please advise if you have any questions.

Cc: Jeff Bryant  
Ken Danner  
Ken Komiske  
Mark Daniels  
David Hager



# office memorandum

**Date:** January 17, 2012  
**To:** Kathryn Walker, Assistant City Attorney  
**From:** Ken Danner, Subdivision Development Manager *K.D.*  
**Subject:** Consent to Encroach  
Lot 22, Block 2, Sequoyah Trails Addition,  
2701 Tioga Circle

Public Works staff does not oppose the fence within the rear 10-foot utility easement. We do yield to the Utilities Department regarding any possible sanitary sewer mains within the easement. The City and utility companies should be held harmless in the course of maintaining their facilities. Responses from the utility companies are attached.

If you have further questions, please feel free to contact me.

KD/pj

Reviewed by: Shawn O'Leary, Director of Public Works *S.O.*

cc: Brenda Hall, City Clerk  
Ken Komiske, Director of Utilities



December 9, 2011

Ken Danner  
Development Coordinator  
City of Norman Public Works Department  
P.O. Box 370  
Norman OK 73070

Re: Request for consent to encroach the 10' rear yard utility easement located on Lot 22, Block 2, Sequoyah Trails Addition a/k/a 2701 Tioga Circle (Consent to Encroach No. 1112-5)

Dear Ken:

OEC has **NO** facilities at this location and therefore has **NO** objection to this request. Please feel free to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Thad Peterson', is written over a horizontal line.

Thad Peterson  
Supervisor of Engineering Services  
Oklahoma Electric Cooperative  
(405) 217-6625

TP/sc

**Drew Norlin**

---

**From:** HAYES, TERRI L [tn0418@att.com]  
**Sent:** Tuesday, December 06, 2011 11:43 AM  
**To:** Drew Norlin  
**Subject:** RE: Lot 22, Block 2, Sequoyah Trails Addition--a/k/a 2701 Tioga Circle--Consent to Encroach No. 1112-5

Drew,  
I have no objection to this "as built" encroachment request.

Respectfully,  
Terri Hayes  
ATT/Mgr OSP PLANNING AND DESIGN ENGINEER-NORMAN  
(405) 636-3770

---

**From:** Drew Norlin [mailto:Drew.Norlin@normanok.gov]  
**Sent:** Tuesday, December 06, 2011 11:01 AM  
**To:** HAYES, TERRI L; Jim Speck; jodie.finney@cox.com; Thad Peterson  
**Cc:** Ken Danner  
**Subject:** Lot 22, Block 2, Sequoyah Trails Addition--a/k/a 2701 Tioga Circle--Consent to Encroach No. 1112-5

To All

Please contact Ken Danner regarding this consent to encroach the 10' rear yard utility easement for the proposed construction of a brick and wood fence per the attached drawing with your approval or disapproval as soon as possible. His email address is [ken.danner@NormanOK.gov](mailto:ken.danner@NormanOK.gov) or call him at 366-5458.

Thanks  
Drew Norlin, Assistant Development Coordinator  
City of Norman Engineering /Public Works  
(405) 366-5459 phone  
(405) 366-5418 fax  
[Drew.norlin@ci.norman.ok.us](mailto:Drew.norlin@ci.norman.ok.us)



**OG&E Electric Services**  
An OGE Energy Corp. Company

OCTOBER 26 2011

CASEY D. EVANS  
2701 TIOGA CIRCLE  
NORMAN, OK. 73071

DESCRIPTION OF WORK: **Permission to build a fence in a utility easement**  
LEGALS OF WORK LOCATION: **2701 Tioga Circle**  
**Lot 22, Block 2, SEQUOYAH TRAILS ADDITION**

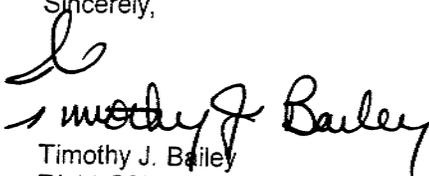
Mr. Evans;

It is our understanding you are requesting permission to install a concrete base for a fence line in a 10' platted utility easement located along the back side of your property. OG&E's has underground facilities in this easement. OG&E does not object to the proposed fence line, provided the applicant abides by the city of Norman guidelines for the work described, and does the following:

- 1.) Notify "Call-Okie" at 840-5032 at least 48 hours before digging to have all lines marked.
- 2.) If equipment is involved and is as high as the lowest OG&E overhead wire, approximately 18 feet, and it will be operating within 10 feet of our wire, you should call OG&E construction at 553-5143, to have wires covered.
- 3.) Call OG&E construction at 553-5143 two days before trenching closer than **five feet to a electric pole, or to an underground line.**
- 4.) OG&E will not be held responsible for damaging a private line in a (public/platted) easement.
- 5.) OG&E would need to be reimbursed ahead of time for the cost of relocating any facilities.

Should local service be disrupted to any OG&E customer because of work performed during the installation of the fence, you and your contractor will be responsible for any costs incurred by OG&E to restore service. Obtaining a permit from the city of Norman or beginning the above referenced work constitutes acceptance of the terms of this letter. If you have any questions, or if I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,



Timothy J. Bailey  
Right-Of-Way Agent



**OKLAHOMA NATURAL GAS**  
A DIVISION OF ONEOK

October 27<sup>th</sup>, 2011

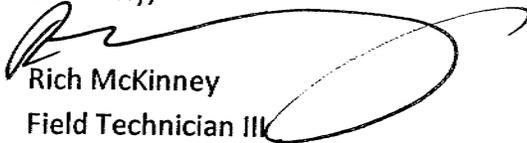
Mr. Casey Evans  
2701 Tioga Circle  
Norman, OK 73071

LETTER OF NO OBJECTION FOR A BRICK AND WOOD FENCE LOCATED IN THE SEQUOYAH TRAILS ADDITION, BEING A PART OF SECTION 17, TOWNSHIP 9 NORTH, RANGE 2 WEST, NORMAN, CLEVELAND COUNTY, OKLAHOMA. 2701 TIOGA CIRCLE, NORMAN, OKLAHOMA.

Oklahoma Natural Gas does not object to the location of the brick and wood fence located at 2701 Tioga Circle, in Norman. Nor do we find any conflict with our easement. However, we do have a natural gas service line which extends across the back easement.

Because of this service line in the area, we request that Okie One-Call System (840-5032 or 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation. Should our facilities be damaged as a result, you and/or your contractor will be liable for any cost related to the repair. These costs could include a cost calculation for gas loss should any occur.

Sincerely,



Rich McKinney  
Field Technician III  
Oklahoma Natural Gas



January 13, 2012

Mr. Casey Evans  
2701 Tioga Circle  
Norman, Oklahoma 73071

Attn: Casey Evans

Re: Application for a Revocable Permit for site construction/installation of new brick and wood fence located in the Sequoyah Trails Addition, being a part of Section 17, Township 9 North, Range 2 West, Norman, Cleveland County, Oklahoma 2701 Tioga Circle, Norman, Oklahoma.

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman granting a revocable permit for site construction/installation of new brick and wood fence located in the Sequoyah Trails Addition, being a part of Section 17, Township 9 North, Range 2 West, Norman, Cleveland County, Oklahoma 2701 Tioga Circle, Norman, Oklahoma, in and or around the utility easements and right of way.

Prior to beginning any digging and/or trenching activities, please call OKIE-ONE 1-800-522-6543 for exact location of our facilities. Cost to repair ANY Cox Communications facility damage caused during construction of this project will be the responsibility of the damaging party. If any future repairs are necessary Cox Communications is not responsible for any damages to any structures placed on or in the utility easements.

If you have any question or concerns, please feel free to contact our office at (405) 600-6336 or email [jodie.finney@cox.com](mailto:jodie.finney@cox.com). I apologize for you not being able to get in touch with someone on the issue prior. In the future please feel free to call or email myself directly.

Sincerely,

*Jodie Finney*

Jodie Finney  
Construction Service Support Specialist II



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: EN-1112-6**

<b>File ID:</b> EN-1112-6	<b>Type:</b> Encroachment	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 13	<b>In Control:</b> City Council
<b>Department:</b> Legal Department	<b>Cost:</b>	<b>File Created:</b> 12/27/2011
<b>File Name:</b> Encroachment 2800 Rampart Road		<b>Final Action:</b>

**Title:** CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-6 FOR LOT 7, BLOCK 3, KINGSTON HILLS ADDITION, SECTION 1. (2800 RAMPART ROAD).

**ACTION NEEDED:** Motion to approve or reject Consent to Encroachment No. EN-1112-6; and, if approved, direct the filing thereof with the Cleveland County Clerk.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2011, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 13

**Attachments:** Clerk Memo, Owner's Request with maps, Consent 1112-6, Utilities Memo, Public Works Memo, Utility Companies' Responses, Pert Excerpts CC Minutes Nov 14, 1989

**Project Manager:** Leah Messner, Assistant City Attorney

**Entered by:** denise.johnson@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File EN-1112-6

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by Michael G. Travis requesting a Consent to Encroach into a City of Norman utility easement at the above-described property.

**DISCUSSION:** The application for a Consent to Encroach concerns the encroachment upon a City of Norman utility easement for a temporary structure which sits on skids and can be

moved. Mr. Travis also mentioned in his request that a portion of the residential structure also encroaches into the utility easement. Consent to Encroachment No. 8990-6 was approved by City Council on November 14, 1989, for the residential encroachment.

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective, it protects the City's concerns with respect to damage to the property owner's property should the City or other authorized entity be required to perform work within its easement.

The benefit to having a consent to encroach on file is that it is evidence of the property owner's understanding that, while the City is allowing him to encroach upon the easement, the City is not liable and will not be responsible for damage to his property in the event such maintenance has to be performed within the easement.

**RECOMMENDATION:** Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.



DATE: December 1, 2011

TO: Jeff Bryant, City Attorney  
Doug Koscinski, Current Planning Manager  
Ken Danner, Subdivision Manager  
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk *BH*

SUBJECT: Consent to Encroachment No. 1112-6

An Encroachment Request was filed in my office today for permission to encroach on a utility easement located 2800 Rampart road for an existing temporary structure and a portion of the residential structure. I am forwarding the letter of request, site plan, and aerial photo. The application fee has been paid. Mr. Travis states he has spoken with Jim Speck, Capital Projects Engineer, and Ken Danner, Subdivision Manager, and Mr. Danner has waived the requirement for a lot survey because the structure encroaching most of the easement is temporary, which my Staff has confirmed. Please forward your recommendations and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

It is anticipated that this encroachment will be scheduled as an agenda item on January 10, 2012, and the information must be received in my office by December 27, 2011. If there is a problem in meeting that timeframe, please advise.

smr  
attachments

office memorandum

November 29, 2011

**Michael Travis**

2800 Rampart Road

Norman, OK 73071

Phone: 405-802-6053

**Brenda Hall, City Clerk**

**and**

**Norman City Council**

City of Norman

P.O. Box 370 - 201 West Gray

Norman, OK 73070

Phone: 405-366-5406

---

**Ms. Hall and Norman City Council,**

I am writing to request that you consider allowing encroachment of a temporary structure in the easement of my property.

The structure is on skids and is in the only location possible on my property. Unfortunately the house on the property encroaches on the easement as well, which makes all available yard space of any size easement.

The structure sits to the side of the house on the South and the only utility in the easement it encroaches on is the City Sewer line.

I have spoken with Jim Speck of the City Sewer Works Department who sent a crew out to my property to evaluate the placement of the structure. Mr. Speck has no issues with the placement due to the fact that the structure is on skids.

In addition, I have spoken with Ken Danner of the City Planning Department who stated that because the structure is temporary and clearly shown on aerial photos in the possession of the city, no survey will be required.

I respectfully urge you to allow the structure to remain where it is and grant consent to encroach.

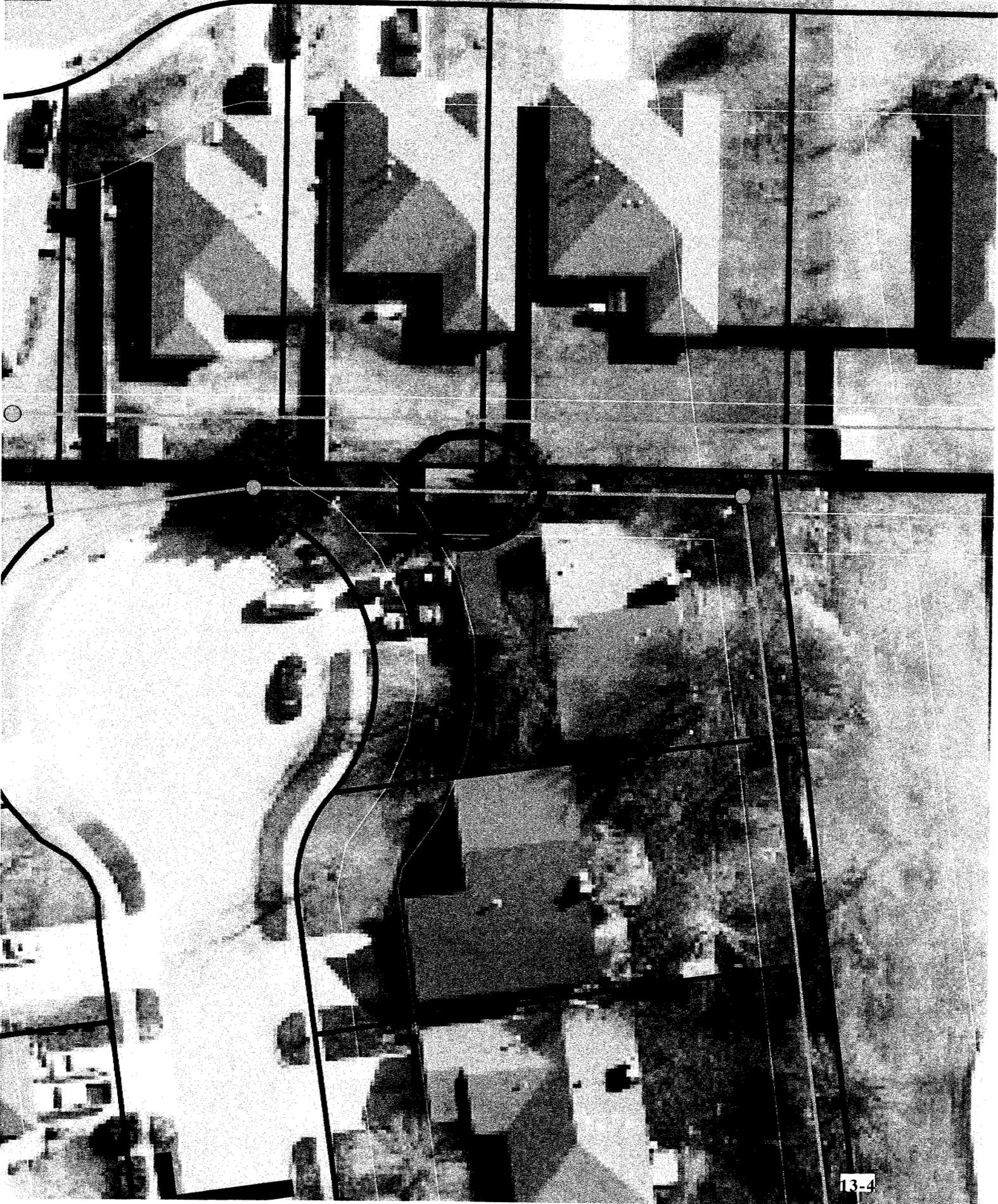
Sincerely,

Michael G. Travis

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FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 12-1-11





**CONSENT**  
Consent to Encroachment No. 1112-6

WHEREAS, the City of Norman, Cleveland County, is in possession of a utility easement on the land described as follows, to-wit:

Lot 7, Block 3, Kingston Hills Addition, Section 1, Cleveland County, Norman, Oklahoma a/k/a 2800 Rampart Road

AND WHEREAS, the owner of the above-described property requests that a moveable temporary structure and portion of the residence be allowed to encroach upon an existing utility easement;

AND WHEREAS, the City has been requested to consent in writing for a moveable temporary structure and portion of the residence on the property being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said moveable temporary structure and portion of the residence on the property being within and upon the utility easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf; and
2. The property owner will be responsible for the cost the City incurs to move the temporary structure or any or all of the portion of the residence if needed, to facilitate maintenance or repair of the City's utility easement; and
3. The property owner will be responsible for the cost to repair or replace any or all of the temporary structure or portion of the residence, for such repairs.
4. The property owner waives and releases any claims against the City for any damages to the moveable temporary structure and portion of the residence caused by any excavation by the City for purposes of maintaining or replacing the City's utility facilities within the easement area.
5. By encroaching on said easement, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of the moveable temporary structure or any or all of the portion of the residence.
6. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and Cox Communications, Inc. facilities resultant from any current future construction may carry possible financial charges to the property owner.

The consent is limited to the moveable temporary structure and portion of the residence, as indicated in the application, being located within the utility easement and the City does not authorize or consent to the construction or location of any other structure(s) of a temporary or permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing utility easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said utility easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this \_\_\_\_ day of \_\_\_\_\_, 2012.

THE CITY OF NORMAN, OKLAHOMA

\_\_\_\_\_  
Mayor

ATTEST:

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

The City of Norman  
Post Office Box 370  
Norman, OK 73070

On this \_\_\_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

My Commission Expires: \_\_\_\_\_  
Notary Public

OWNER:

\_\_\_\_\_  
Michael G. Travis

On this \_\_\_ day of \_\_\_\_\_, 2012, before me personally appeared \_\_\_\_\_ to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



# office memorandum

Date: December 19, 2011  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1112-6  
2800 Rampart Road

The lot located at 2800 Rampart Road has a platted 17-foot wide utility easement (U/E) along the southern boundary. The owner currently has a portable storage building located in the easement and wishes to obtain a Consent to Encroach for the building.

Currently, there is an 8-inch sewer main located within the 17 U/E. The portable building is constructed on skids. However, should a situation arise in which the building would need to be moved, possible damage could occur to the building. Additionally, the relocation of the building would require additional time and effort should maintenance to the sewer line be necessary.

The Utilities Department objects to all encroachments on utility easements unless the applicant agrees to certain requirements being filed of record on the property deed. A recommendation to approve is forwarded only when the applicant agrees to the following:

1. The property owner will be responsible for the cost to repair any damages to the City's utilities caused by any excavation, or other construction activities conducted by the property owner or his agents.
2. The property owner will be responsible for the cost the City incurs to remove and/or relocate the building and any other structure if needed to facilitate maintenance or repair of the City's utilities.
3. The property owner will be responsible for the cost to repair the building or any other structure after such repairs.
4. The property owner will waive and release any claims against the City for any damages to the related improvements caused by the City for purposes of maintaining or replacing the City's utilities within the easement area.

The Utilities Department can approve the encroachment application if the above requirements are filed of record on the deed. Please advise if you have any questions.

Cc: Ken Danner  
Ken Komiske  
Mark Daniels  
David Hager



# office memorandum

**Date:** December 30, 2011  
**To:** Kathryn Walker, Assistant City Attorney  
**From:** Ken Danner, Subdivision Development Manager *KD*  
**Subject:** Consent to Encroach  
Lot 7, Block 3, Kingston Hills Addition, Section I  
2800 Rampart Road

Public Works/Engineering staff does not oppose the encroachment of a storage building within the 17' utility and drainage easement. The fact is it is on skids and could be moved if maintenance had to be performed on the City owned utilities. The City does have a storm sewer within the easement. Staff recommends a hold harmless clause be included in the Consent to Encroach reflecting the maintenance of the storm sewer. City Council, on November 14, 1989, approved Consent to Encroach No. 8990-6 for the existing house.

The utility companies do not object but desire a condition on the consent to encroach that they will be held harmless in the course of maintaining their facilities, if any.

If you have any further questions, please feel free to contact me.

pj

Reviewed by: Shawn O'Leary, Director of Public Works *SO*

cc: Brenda Hall, City Clerk  
Ken Komiske, Director of Utilities



## OKLAHOMA NATURAL GAS

A DIVISION OF ONEOK

December 9<sup>th</sup>, 2011

Mr. Ken Danner  
Subdivision Manager  
City of Norman  
P.O. Box 370  
Norman, OK 73070

Dear Mr. Danner:

### LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT

THIS REQUEST IS FOR A PROPOSED PORTABLE BUILDING TO BE PLACED ON THE SOUTHEAST CORNER OF THE PROPERTY LOCATED AT 2800 RAMPART ROAD, NORMAN, OK 73071.

The legal description for 2800 Rampart Road located in the Northern Hills Addition : SW ¼ of Section 16, Township 9 North, and Range 2 West.

Oklahoma Natural Gas Company does not object to the City of Norman issuing a permit for the purpose described above.

We do have a natural gas distribution main running across the west easement of the property and we have natural gas service lines in the area. Because of this, if any maintenance needs to be done to our main or service lines and it becomes necessary to have the portable building moved, all cost associated with the move and replacement will be incurred by the homeowner. We also request that the OKIE ONE CALL SYSTEM (840-5032 OR 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation.

Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur.

Sincerely,

Shannon Davis  
Operations Supervisor



December 9, 2011

Ken Danner  
Development Coordinator  
City of Norman Public Works Department  
P.O. Box 370  
Norman OK 73070

Re: Request for consent to encroach the 17' side yard utility easement located on Lot 7, Block 3,  
Kingston Hills Addition a/k/a 2800 Rampart (Consent to Encroach No. 1112-5)

Dear Ken:

OEC has **NO** objection to this request. Please feel free to contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Thad Peterson', is written over a white background.

Thad Peterson  
Supervisor of Engineering Services  
Oklahoma Electric Cooperative  
(405) 217-6625

TP/sc

PO Box 321  
Oklahoma City, Oklahoma 73101-0321  
405-553-3000  
www.ogs.com

**OG&E**

**OG&E Electric Services**  
An OGE Energy Corp. Company

DECEMBER 9, 2011

CITY OF NORMAN  
ATTN: KEN DANNER  
DEVELOPMENT COORDINATOR  
NORMAN PLANNING COMMISSION  
P. O. BOX 370  
NORMAN, OK. 73070

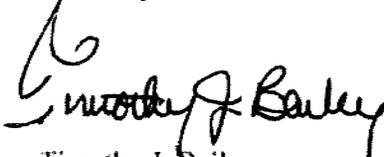
**RE: Applicant: Michael G. Travis  
Lot 7, Block 3, Kingston Hills Addition  
Temporary encroachment into a 17' utility easement  
Encroachment No. 1112-6**

Mr. Danner:

Available records show OG&E Electric Services has no facilities located in the 17' utility easement the applicant is requesting to encroach in, with an above ground structure. OG&E does not object to the encroachment.

If you have any further questions, or if I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,



Timothy J. Bailey  
Right-Of-Way Agent

Item 28, being:

CONTRACT NO. K-8990-13: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA HIGHWAY SAFETY OFFICE FOR A GRANT TO EXTEND THE NORMAN ALCOHOL ENFORCEMENT PROJECT FROM OCTOBER, 1989, THROUGH SEPTEMBER, 1990.

Councilmember Maffucci moved that Contract No. K-8990-13 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Miller;

Items submitted for the record

1. Memorandum dated October 26, 1989, from David T. Boyett, Chief of Police, to Ron Wood, Interim City Manager
2. Contract No. K-8990-13/Oklahoma Highway Safety Office, Contract No. 90-02-03/E/13
3. Budget Summary
4. Budget Details
5. Activity/Milestone
6. General Contractual Provisions
7. Attachment A, Justification for Use of R.I.D. (Remove Intoxicated Driver) Funds to Purchase Computer Equipment
8. Highway Safety Office, Project Director's Report

Participants in discussion:

1. Mr. Dave Boyett, Chief of Police
2. Mr. Ron Wood, Acting City Manager

and the question being upon approving Contract No. K-8990-13 and upon the subsequent authorization, a vote was taken with the following result:

YEAS: Councilmembers Burcham, Crocker, Fife, Maffucci, Miller, Nations, Olivas, Thompson, Mayor Reynolds

NAYES: None

The Mayor declared the motion carried and Contract No. K-8990-13 approved; and the execution thereof was authorized.

\* \* \* \* \*

Item 29, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. 8990-6 FOR LOT 7, BLOCK 3, KINGSTON HILLS ADDITION, SECTION ONE. (2800 RAMPART ROAD)

Councilmember Thompson moved that Consent to Encroachment No. 8990-6 be approved, which motion was duly seconded by Councilmember Nations;

Items submitted for the record

1. Memorandum dated November 8, 1989, from Jeff F. Raley, City Attorney, to The Honorable Mayor and Councilmembers
2. Consent to Encroachment No. 8990-6
3. Surveyor's Certificate
4. Location map
5. Letter received October 16, 1989, from Joy W. Couch and Dawson W. Couch to Mary Hatley, City Clerk
6. Memorandum dated November 2, 1989, from Terry L. Bentley, Acting City Engineer, and Ken Danner, Development Coordinator, to Jeanie LeBlanc-Butts, Assistant City Attorney
7. Memorandum dated October 19, 1989, from Larry L. Lawhon, AICP, Senior Planner, to Mary Hatley, City Clerk
8. Memorandum dated October 16, 1989, from Mary Hatley, City Clerk, to Jeff Raley, City Attorney; Doug Koscinski, Principal Planner; and Ken Danner, Development Coordinator
9. Letter dated October 26, 1989, from Charles J. Scharnberg, Attorney; Southwestern Bell Telephone, to Mr. Ken Danner, Development Coordinator, City of Norman
10. Letter dated October 26, 1989, from Bill Geyer, Chief Technician, Multimedia Cablevision, Inc., to Mr. Ken Danner, The City of Norman, Oklahoma, Engineering Division

Item 29, continued:

11. Letter dated October 24, 1989, from Ralph Sparks, Norman District Manager, Oklahoma Gas and Electric Company, to Mr. Ken Danner, Development Coordinator, The City of Norman
12. Letter dated October 23, 1989, from C. E. Burns, Area Operating Superintendent, Oklahoma Natural Gas, to Mr. Ken Danner, City of Norman
13. Letter dated October 20, 1989, from Paul W. Enouen, P. E., Engineering Manager, Oklahoma Electric Cooperative, to Mr. Ken Danner, City of Norman

Participants in discussion

1. Mr. Doug Koscinski, Principal Planner
2. Ms. Joy Couch, 2800 Rampart Road, applicant

and the question being upon approving Consent to Encroachment No. 8990-6, a vote was taken with the following result:

YEAS: Councilmembers Burcham, Crocker, Fife, Maffucci, Miller, Nations, Olivas, Thompson, Mayor Reynolds

NAYES: None

The Mayor declared the motion carried and Consent to Encroachment No. 8990-6 was approved.

\* \* \* \* \*

Item 30, being:

CONTRACT NO. K-8990-14: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND RON WOOD, CITY MANAGER, FOR THE CITY OF NORMAN.

Councilmember Maffucci moved that Contract No. K-8990-14 with Ron Wood, City Manager, for the City of Norman be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Thompson;

Items submitted for the record

1. Memorandum dated November 9, 1989, from Finance Committee to Mayor and Councilmembers
2. Contract No. K-8990-14

Participants in discussion

1. Mr. Ron Wood, Acting City Manager
2. Mr. Jeff F. Raley, City Attorney
3. Ms. Sylvia Martin, Post Office Box 2850, made comments

Thereupon, Councilmember Fife moved that Section 3(A) of Contract No. K-8990-14 be amended as follows:

A. In the event the City Manager's contract is terminated by the City, the City agrees to pay to the City Manager within fourteen (14) days of such termination a lump sum cash payment equal to three (3) months base salary less deductions required by law which shall include any accrued vacation and holidays; provided, however, that if the City Manager is convicted of any criminal act excluding misdemeanor offenses, the City may terminate his employment immediately. . .

which motion was duly seconded by Councilmember Olivas;

Participants in discussion

1. Mr. Ron Wood, Acting City Manager

and the question being upon amending Section 3(A) of Contract No. K-8990-14 as stated above, a vote was taken with the following result:

YEAS: Councilmembers Burcham, Crocker, Fife, Maffucci, Miller, Nations, Olivas, Thompson, Mayor Reynolds

NAYES: None



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: EN-1112-7**

<b>File ID:</b> EN-1112-7	<b>Type:</b> Encroachment	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 14	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 01/12/2012
<b>File Name:</b> Encroachment for Natural Water Company		<b>Final Action:</b>

**Title:** CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-7 FOR LOTS 1 AND 2, BLOCK 1, PRESIDENTIAL NO. 6 ADDITION. (2451 VAN BUREN AVENUE)

**ACTION NEEDED:** Motion to approve or reject Consent to Encroachment No. EN-1112-7; and, if approved, direct the filing thereof with the Cleveland County Clerk

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 14

**Attachments:** Clerk Memo Natural Water, Letter of Request Natural Water, Maps Natural Water, Encroachment Natural Water, Utilities Memo Natural Water, Public Works Memo - Natural Water

**Project Manager:** Leah Messner, Assistant City Attorney

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File EN-1112-7

Body

**BACKGROUND:** An encroachment request has been filed in the office of the City Clerk by J. W. Dansby, P.E. of Dansby Engineering, PLC, on behalf of Natural Water Company requesting a Consent to Encroach into a City of Norman drainage easement at the above-described property.

**DISCUSSION:** The application for a consent to encroach concerns the encroachment upon a

City of Norman drainage easement while the process of vacating the easement is proceeding through the normal procedures. Natural Water Company wishes to remove the existing detention facilities and replace it with a building. The consent is requested at this time in order to allow a building permit to be issued while the vacation of the easement is in process.

Staff has reviewed the application and the "hold harmless" clause. From a legal perspective, it protects the City's concerns with respect to damage to the property owners' property should the City or other authorized entity be required to perform work within its easement.

The benefit to having a consent to encroach on file is that it is evidence of the property owners' understanding that, while the City is allowing them to encroach upon the easement, the City is not liable and will not be responsible for damage to the property owners' property in the event such maintenance has to be performed within the easement.

**RECOMMENDATION:** Based upon the above and foregoing, the City Attorney's office is forwarding the above Consent to Encroach for Council consideration.



DATE: January 4, 2012

TO: Jeff Bryant, City Attorney  
Doug Koscinski, Current Planning Manager  
Ken Danner, Subdivision Manager  
Ken Komiske, Director of Utilities

FROM: Brenda Hall, City Clerk

SUBJECT: Request for Consent to Encroachment No. 1112-7

An encroachment request was filed in my office today for permission to encroach on a drainage easement in Lots 1 and 2, Block 1, Presidential No. 6 Addition, 2451 Van Buren Avenue, for construction of a building for Natural Water Company. The applicant states Natural Water Company will file to vacate the easement in the near future, the detention facilities will be removed, and a building will be constructed on a portion of the easement. The applicant also states that granting the encroachment will allow a building permit to be issued during the process of vacating the easement. I am forwarding the letter of request, site plans, and depiction of lots as platted. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

This item will be scheduled as an agenda item on January 24, 2012, and the information must be received in my office by January 9, 2012. If there is a problem in meeting that timeframe, please advise.

smr  
attachments

office memorandum

Dansby Engineering PLC  
Civil and Environmental Engineers

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Ms. Brenda Hall  
City Clerk  
City of Norman  
P.O. Box 370  
Norman, Ok. 73070

1/3/2012

Re: Project No. 1168  
Consent to Encroach on Drainage Easement  
Natural Water Company  
2451 Van Buren Avenue  
Norman, Oklahoma 73072

Dear Ms. Hall:

This purpose of this letter is to request permission to encroach onto a drainage easement that is shown on Lots 1 and 2 Block 1 of Presidential No. 6 Addition to the City of Norman. The legal description for the drainage easement is shown on the attached plat.

Natural Water Company is paying a fee in lieu of providing on site detention for this project. Consequently, this easement is no longer needed and will be formally vacated over the next few months. The detention facilities will be removed and a building will be placed in the area as shown on the attached site plan. Granting permission to encroach will allow a building permit to be issued while the vacation of the easement is in process.

Three attachments are provided.

1. Natural Water Company Site Plan
2. Larger scale of Site Plan that shows the detention area.
3. Large scale of detention easement on the plat that shows the legal description for the D.E.

If you have any questions, please call.

Sincerely,

J.W. Dansby P.E.  
Civil and Environmental Engineer



1

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2202 Westpark Drive Suite B, Norman, Oklahoma 73069  
Telephone/Fax: (405) 321-4049 Email: [jwdansby@email.com](mailto:jwdansby@email.com)







CONSENT  
Consent to Encroachment No. 1112-7

WHEREAS, the City of Norman, Cleveland County, is in possession of a drainage easement on the land described as follows, to-wit:

Lots 1 and 2, Block 1, Presidential No. 6 Addition to the City of Norman, Cleveland County, Oklahoma, a/k/a 2451 Van Buren Avenue,

AND WHEREAS, the owner of the above-described property requests that a building be allowed to encroach upon an existing drainage easement;

AND WHEREAS, the City has been requested to consent in writing for a building on the property being located at the requested location;

NOW, THEREFORE, the City of Norman does hereby consent to said building on the property being within and upon the drainage easement with the following conditions:

1. The property owner be responsible for the cost of repairs for any damages to the City's drainage easement caused by any excavation or other construction activities conducted on their behalf;
2. The property owner will be responsible for the cost the City incurs to remove any or all of the building, if needed, to facilitate maintenance or repair of the City's drainage easement;
3. The property owner will be responsible for the cost to repair or replace any or all of the building for such repairs;
4. The property owner waives and releases any claims against the City for any damages to any or all of the building and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's drainage facilities within the easement areas;

The consent is limited to the building, as indicated in the application, being located within the drainage easement and the City does not authorize or consent to the construction or location of any other structure(s) of a permanent nature within the easement. Further, this Consent is given with the understanding that the property owner is responsible for any and all direct and consequential damages resulting from the granting of this consent with entry to or upon the existing drainage easement as required at any time in the future.

The City, or any other entity so authorized, shall not be held responsible for any and all direct or consequential damages to encroaching improvements resulting from entry, by the City or any other entity so authorized, upon said drainage easement, for any purpose associated with the maintenance, construction, relocation, etc. of any utility located within the said easement.

IN WITNESS WHEREOF, the undersigned has executed this consent this \_\_\_\_ day of January, 2012.

THE CITY OF NORMAN, OKLAHOMA

\_\_\_\_\_  
Mayor

ATTEST:

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

On this \_\_\_\_\_ day of January, 2012, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_, to me to be known to be the identical persons who executed the same as their free and voluntary act and deed of such municipal corporation, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

NATURAL WATER COMPANY, Owner

By: \_\_\_\_\_  
J. W. Dansby, P.E.  
Dansby Engineering PLC

By: \_\_\_\_\_  
Name: Ty Hartwig  
Title: Owner

On this \_\_\_\_ day of January, 2012, before me personally appeared \_\_\_\_\_ and \_\_\_\_\_ to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_



# office memorandum

Date: January 12, 2012  
To: Brenda Hall, City Clerk  
From: Jim Speck, Capital Projects Engineer JS  
Re: Consent to Encroach 1112-7  
Lots 1 & 2, Block 1, Presidential No. 6 Addition  
2451 Van Buren Avenue

Currently, Lots 1 & 2, Block 1, Presidential No. 6 Addition, has a 35 foot drainage/detention easement running along the southern property line. The owner requests construction of a building, which would extend into the platted easement several feet. There is also a sanitary sewer line located across the front on these lots that is located in a separate 10 foot Utility Easement which overlaps into the drainage/detention easement.

Therefore, the Utilities Department has no objection to the encroachment as shown providing there is no encroachment into the Utilities Easement.

Cc: Jeff Bryant  
Ken Danner  
Ken Komiske  
Mark Daniels  
David Hager



# office memorandum

**Date:** January 17, 2012  
**To:** Kathryn Walker, Assistant City Attorney  
**From:** Ken Danner, Subdivision Development Manager *KD*  
**Subject:** Consent to Encroach  
Lots 1 and 2, Block 1, Presidential No. 6 Addition,  
2451 Van Buren Avenue

Public Works Department, Engineering Division does not object to the encroachment of a proposed building within a detention pond/drainage easement. It has been determined by Engineering staff that a fee in lieu of detention would best serve the City because of its location in the lower basin of the South Canadian River. As a result, that portion of the encroachment would not be in conflict with the drainage.

Utility companies were not notified since this encroachment is located in a drainage easement.

If you have further questions, please feel free to contact me.

KD/pj

Reviewed by: Shawn O'Leary, Director of Public Works *SO*

cc: Brenda Hall, City Clerk  
Ken Komiske, Director of Utilities  
Greg Hall, Street Superintendent



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: GID-1112-41**

<b>File ID:</b> GID-1112-41	<b>Type:</b> Donation	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 15	<b>In Control:</b> City Council
<b>Department:</b> Police Department	<b>Cost:</b> \$1,500.00	<b>File Created:</b> 01/12/2012
<b>File Name:</b> Donation of \$1,500 from OEC Foundation		<b>Final Action:</b>

**Title:** CONSIDERATION OF ACCEPTANCE OF A DONATION IN THE AMOUNT OF \$1,500 FROM THE OKLAHOMA ELECTRIC COOPERATIVE (OEC) FOUNDATION TO BE USED TO PURCHASE CHILD PASSENGER SAFETY SEATS FOR THE NORMAN POLICE DEPARTMENT AND BUDGET APPROPRIATION.

**ACTION NEEDED:** Motion to accept or reject a donation in the amount of \$1,500 from the OEC Foundation to be used to purchase child passenger safety seats for the Police Department; and, if accepted, increase Donations/Organization (010-0000-365.13-73) by \$1,500 and appropriate \$1,500 to Other Supplies/Materials, Child Passenger Seats (010-6022-421.31-25).

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 15

**Attachments:**

**Project Manager:** Sergeant Jennifer Newell

**Entered by:** kathy.lamar@normanok.gov

**Effective Date:**

**History of Legislative File**

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

**Text of Legislative File GID-1112-41**

Body

**BACKGROUND:** Sergeant Jennifer Newell submitted an application to the Oklahoma Electrical Cooperative (OEC) Foundation requesting grant funds to purchase child passenger safety seats. The Norman Police Department is currently the only resource for free child seats

in Cleveland County without income requirements. The Cleveland County Health Department, Oklahoma Department of Human Services and Central Oklahoma Community Action Agency occasionally have child passenger safety seats; however, there are many guidelines to be followed to give car seats, including income verification and Social Security cards for everyone in the family.

For the past year, Safe Kids Oklahoma through funding by the Oklahoma Highway Safety Office (OHSO) has provided the City of Norman Police Department with many child passenger safety seats. After the Safe Kids budget was cut by over 60% by OHSO, they had to discontinue providing the child seats for many permanent fitting stations.

This grant will allow the City of Norman to provide as many as 33 child passenger safety seats for families in need. Being able to provide families with child seats, when they do not have one or the one they have is not safe, is the most important part of the program.

**DISCUSSION:** Section 8.111 of Chapter 8 of the City Code states that all donations valued above \$250 to be received by the City of Norman, whether in the form of monies or any other thing of value, shall be required to be accepted by the Council of the City of Norman prior to any use or disbursement of such monies or thing of value by or to any City operation or cause.

**STAFF RECOMMENDATION:** It is recommended that City Council accept the donation of \$1,500 from the OEC Foundation, deposit the funds into Contributions and Organizations (010-0000-365.13-73), and appropriate the funds into Other Supplies/Materials/Child Car Seats (010-6022-421.31-25).



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: LL-1112-9**

<b>File ID:</b> LL-1112-9	<b>Type:</b> Limited License	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 16	<b>In Control:</b> City Council
<b>Department:</b> Planning and Community Development Department	<b>Cost:</b>	<b>File Created:</b> 01/10/2012
<b>File Name:</b> Limited License Romance Book Sale	<b>Final Action:</b>	

**Title:** LIMITED LICENSE NO. LL-1112-9: LIMITED LICENSE TO PLACE FOUR (4) SIGNS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE FRIENDS OF THE NORMAN LIBRARY FOR THE ROMANCE BOOK SALE.

**ACTION NEEDED:** Motion to approve or reject Limited License No. LL-1112-9 to place four (4) signs within the public rights-of-way pursuant to a request from the Friends of the Norman Library for the Romance Book Sale; and, if approved, authorize the issuance thereof.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 16

**Attachments:** Letter of Request Friends of the Library, Friends of Library Application, Location Map Library, Library Romance Book Sale

**Project Manager:** Wayne Stenis, Planner II

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File LL-1112-9

Body

**BACKGROUND:** Section 18-308 states:

**Festival or Public Event Banners.**

*Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.*

**DISCUSSION:** The Friends of the Public Library, a 501(c)(3) organization, holds several book sales throughout the year, each one emphasizing a different category. The funds benefit the public library. On February 11 of this year, they are hosting a Romance Books Sale. They have requested approval to place four 2' by 4' signs at various locations around the library stating "Book Sale Today." The signs will be in use on the day of the sale.

A copy of the letter of request, with the specified locations, is attached for reference. The locations are identical to those previously used, and are acceptable.

**RECOMMENDATION:** The locations are acceptable and will not impact any designated sight triangles if properly placed. Staff has prepared the license in accordance with their request, and presents it to the Council for consideration. Additional conditions may be attached by Council. Other than the stipulated time frame and placement, staff has not suggested any, and does not oppose granting this limited license.

Friends of the Norman Library  
P.O. Box 6308  
Norman, OK 73070

9 January 2012

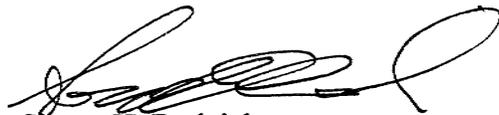
Brenda Hall  
City Clerk  
City of Norman  
Norman, Oklahoma

Dear Ms. Hall:

The Friends of the Norman Library, a 501(c)(3) organization whose sole purpose is the support of the Norman Public Library, will conduct a romance book sale February 11, 2012 at the library. The purpose of this event is to offer used books for purchase by the public. All proceeds are used for the benefit of the Norman Public Library. We request a Limited License to place four yard sign type signs at various locations around the library on February 11, 2012. The placement of the signs is delineated on the attached map obtained from the City Planning Department. Sizes of the signs are also specified on the map.

Thank you for your assistance in this matter. If there are any questions you may contact me at 360-4346. Any correspondence should be sent to my personal mailing address: P.O. Box 720335, Norman, Ok. 73070.

Sincerely yours,



Simon H. Rudnick  
2012 Romance Book Sale Co-chair

APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN

Date 9 JANUARY 2012

Name of Applicant FRIENDS OF THE NORMAN LIBRARY

P.O. BOX 6308

Address NORMAN, OK. 73070-6308 Telephone Number (405) 360-4346

Number of <sup>SIGNS</sup> Banners 4

Location of Banners/Signs (If list is lengthy you may attach separate sheet or map)

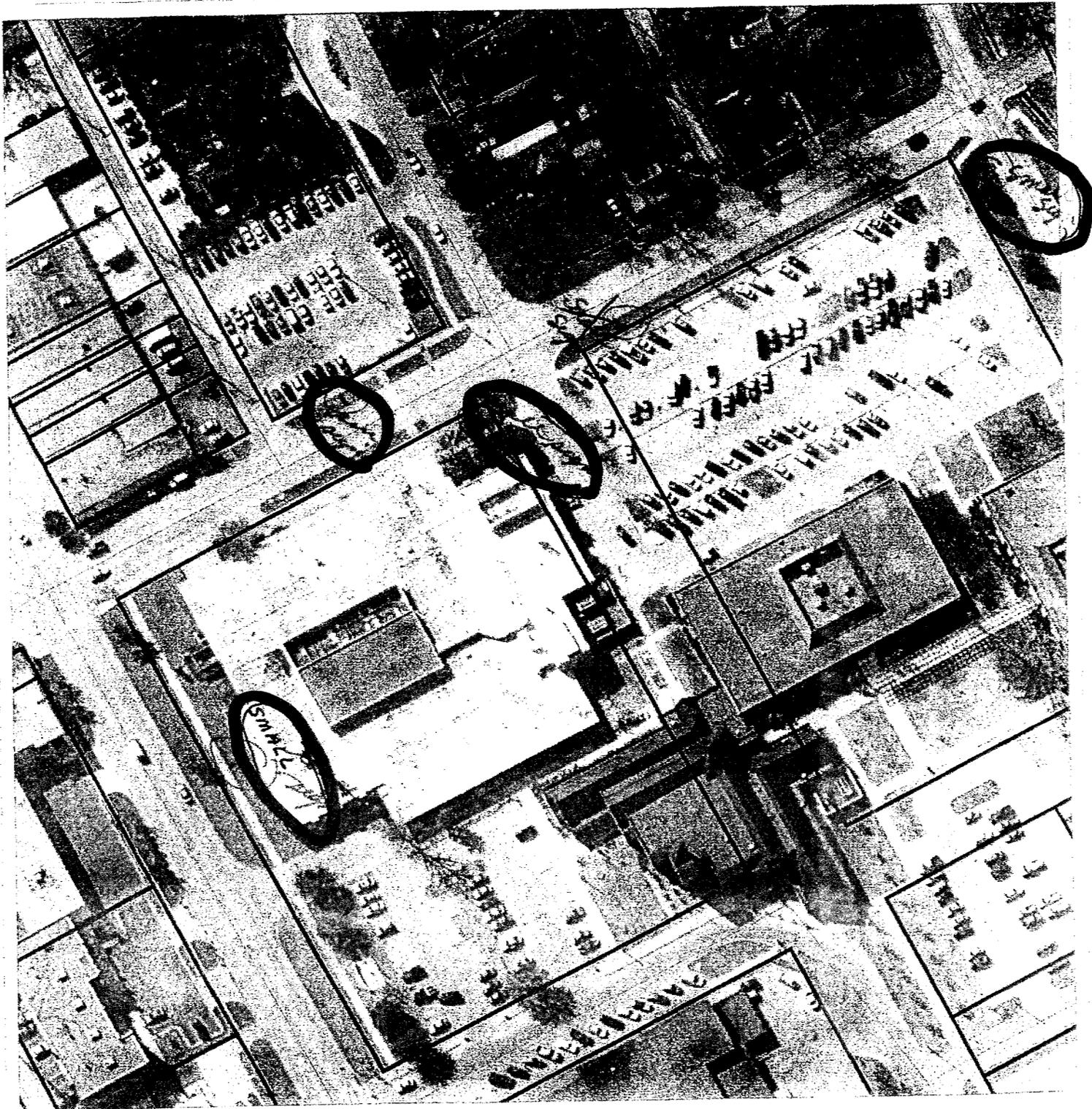
SEE ATTACHED CHART

Banner/Sign Size 2' X 4'

Type of Banner/Sign YELLOW COROPLAST ON WIRE STANTIONS

Wording of Banner/Sign BOOK SALE TODAY

Duration of Use FEBRUARY 11, 2012



# Pioneer Library

225 N Webster

- Norman\_bnd
- Cline
- Parcel



1 Inch = 100 Feet  
 September 18, 2003

Map produced by the City of Norman  
 Geographic Information System  
 (405) 360-5436

The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.

**LIMITED LICENSE TO PLACE FOUR (4) SIGNS  
WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT  
TO A REQUEST FROM THE FRIENDS OF THE  
NORMAN LIBRARY FOR THE ROMANCE BOOK  
SALE.**

An Application has been filed by the Friends of the Norman Library for a Limited License to four (4) signs within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to February 11, 2012.

Any special conditions which may be imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved in Open Meeting this 24th day of January, 2012.

CITY OF NORMAN

\_\_\_\_\_  
Mayor

ATTEST:

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



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: K-1011-150 CO#2**

<b>File ID:</b> K-1011-150 CO#2	<b>Type:</b> Contract	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 17	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 01/09/2012
<b>File Name:</b> K-1011-150 Change Order and Final	<b>Final Action:</b>	

**Title:**  
CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-150: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE RAILROAD YARD, INC., DECREASING THE CONTRACT AMOUNT BY \$9,388.67 AND ADDING 13 CALENDAR DAYS FOR THE HALL PARK LAKE DAM IMPROVEMENT PROJECT, PHASE 1, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET TRANSFER.

**ACTION NEEDED:** Motion to approve or reject Change Order No. Two to Contract No. K-1011-150 with the Railroad Yard, Inc., decreasing the contract amount by \$9,388.67 and adding 13 calendar days; and, if approved, authorize the execution thereof, accept the project, direct final payment in the amount of \$2,500 to the Railroad Yard, Inc., and transfer \$9,389 from Project No. DR0058, Hall Park Dam Repair, Construction (050-9968-431-61-01) to Project No. PR0126, Hall Park Greenbelt Drainage, Construction (050-9985-452-61-01).

**ACTION TAKEN:**  
 \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 17

**Attachments:** Change Order K-1011-150

**Project Manager:** Bob Hanger, Stormwater Engineer

**Entered by:** pam.jones@normanok.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

**Text of Legislative File K-1011-150 CO#2**

body

**BACKGROUND:** The Town of Hall Park was incorporated in 1960 and within the original city limits of Hall Park is a lake originally built in 1930. Hall Park was annexed into the City of Norman on October 1, 2003. On the lake is a dam that was in need of repair at the time of annexation. The City of Norman was notified on January 3, 2009 by the Oklahoma Water Resources Board (OWRB) requesting that the easternmost dam north of Robinson Street and west of 24th Avenue NE be inspected because it is rated as a “high hazard” dam due to the proximity of residential structures downstream. The OWRB defines a high hazard dam as one that if the dam were to fail, loss of life could occur downstream. The notification from OWRB required an inspection report be submitted annually for this dam. City staff partnered with an engineering expert on high hazard dams to prepare the first inspection report on September 16, 2009. The report stated the following:

1. Dam and spillway are in poor condition.
2. Trees on the embankment are in excess of 3-feet in diameter.
3. Trees should be immediately removed and the dam filled and regraded to provide stable embankment.
4. A formalized maintenance plan should be developed.
5. An Emergency Action Plan should be developed.

In response to this report, staff proposed a capital project for Phase 1 of the proposed improvements to the Hall Park Dam in the FYE 2011 Capital Budget, which was approved by City Council. Phase 2 recommendations were postponed at that time.

In October, 2010, the City of Norman Parks and Recreation Department removed most of the vegetation from the dam but did not remove the larger tree stumps to avoid any weakening of the dam. The tree stump removal was accomplished by the Hall Park Lake Dam Improvement Project.

On November 23, 2010, City Council awarded an engineering design contract for this project to Wilson & Company, Inc. of Norman, Oklahoma for a fee not-to-exceed \$42,885.25.

The general scope of work in the engineering contract included:

1. Design dam embankment and emergency spillway;
2. Prepare conceptual plans and cost estimates for primary spillway;
3. Review the Operation and Maintenance Manual prepared by the City of Norman; and
4. Jointly prepare the Emergency Action Plan with the City of Norman.

Bid documents and specifications for the FYE 2011 Hall Park Lake Dam Improvement Project, Phase 1, were advertised according to state law. Eight (8) contractors received the bid

documents and five (5) bids were received on June 9, 2011. The low bidder was The Railroad Yard, Inc., of Stillwater, Oklahoma, who submitted a bid of \$297,976. The engineer's estimate was \$303,613.99.

On July 26, 2011 City Council approved Contract No. K-1011-150 for the Hall Park Lake Dam Improvements, Phase I, to the Railroad Yard, Inc. in the amount of \$297,976 and Change Order No. 1, which decreased the contract amount by \$67,622.70 changed the total contract amount to \$230,353.30. Change Order No. 1 was negotiated by staff in order to reduce costs by using less expensive sod, reducing the quantity of sod, reducing the quantity of unclassified excavation, and reducing the quantity of machine-placed riprap.

The Hall Park Lake Dam Improvements, Phase 2, may consist of the construction of a primary spillway, which is a piped conduit through the dam. There is a possibility that the OWRB will forego this requirement because it could damage the integrity of this 80-year-old dam. In addition, the lake would have to be drained which would kill many fish. Staff is currently negotiating this issue with the OWRB.

**DISCUSSION:** Construction of the improvements to the Hall Park Lake dam commenced on Monday, August 15, 2011 and was completed on Friday, November 18, 2011. The project was substantially completed before the project time expired on November 5, 2011. The only remaining work was the placement of sod which could not be completed due to wet conditions. For this reason, the contractor was given an additional 13 calendar days to complete the project.

The project was completed \$9,388.67 under the contract amount of \$230,353.30 reducing the final contract amount to \$220,964.63. A decrease Change Order No. 2 (final) is recommended for approval with a final payment amount of \$2,500 to be submitted to the Railroad Yard, Inc.

In addition, there is a pre-existing minor drainage problem north of the newly constructed emergency spillway. There are several depressions in this area that hold one to two inches of storm water after a rainfall event. This area was not included in the Hall Park Lake Dam Improvement Project. Staff recommends that the remaining balance of \$9,388.67 be transferred from the Hall Park Lake Dam Improvement Project to the Hall Park Greenbelt Drainage Project to be used by the Parks and Recreation Department to correct the drainage problem. This drainage project will improve the maintenance and usability of this area and reduce the possibility of mosquito breeding.

**RECOMMENDATION NO. 1:** Staff recommends that Change Order No. 2 (final) decreasing the contract amount by \$9,388.67, be approved.

**RECOMMENDATION NO 2:** Staff further recommends that the FYE 2011 Hall Park Lake

Dam Improvement Project, Phase 1, be accepted.

**RECOMMENDATION NO. 3:** Staff further recommends approval of transferring the remaining funds in the amount of \$9,388.67 from Project No. DR0058, FYE 2011 Hall Park Lake Dam Improvement Project, Phase 1, Construction, (050-9968-431.61-01) to Project No. PR0126, Hall Park Greenbelt Drainage Project, Construction (050-9985-452.61-01).

**RECOMMENDATION NO. 4:** Staff further recommends that final payment in the amount of \$2,500 to The Railroad Yard, Inc. be approved.

CHANGE ORDER SUMMARY  
 CITY OF NORMAN  
 CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 2 (Final) DATE: December 5, 2011

CONTRACT NO.: K-1011-150 SUBMITTED BY: Bob Hanger

PROJECT: FYE 2011 Hall Park Lake Dam Improvement Project, Phase I

CONTRACTOR: The Railroad Yard, Inc.  
P.O. Box 2283  
Stillwater, Oklahoma 74076

Original Completion Date : November 5, 2011

Previous Completion Date: November 5, 2011 ORIGINAL CONTRACT AMOUNT \$ 297,976.00

(Increase) this change order 13 Calendar days

New Completion Date November 18, 2011 PRESENT CONTRACT AMOUNT \$ 230,353.30

DESCRIPTION	DECREASE	INCREASE
See attached "Change Order Detail" Note: This change order is based on <u>unit prices</u> from the original contract.	\$9,388.67	

NET CHANGE \$ 9,388.67

REVISED CONTRACT AMOUNT \$ 220,964.63

CONTRACTOR: Bill Anderson The Railroad Yard, Inc. DATE: 12-21-11

ARCH/ENGINEER: Bob Hanger DATE: 1-4-12

CITY ATTORNEY: [Signature] DATE: 1/12/12

ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 (Mayor)

CHANGE ORDER DETAIL  
CHANGE ORDER NO. 2 (Final)  
City of Norman  
Cleveland Co., Oklahoma

Project Name FYE 2011 Hall Park Lake Dam Improvement Design Engineer Bob Hanger  
Project, Phase 1

Account Number 050-9968-431-6101 Project No. DR0058

Contract No. K-1011-150

- A. Change Orders or addenda to public construction contracts of One Million Dollars (\$1,000,000.00) or less shall not exceed a fifteen percent (15%) cumulative increase in the original contract amount.
- B. Change orders or addenda to public construction contracts of over One Million Dollars (\$1,000,000.00) shall not exceed the greater of One Hundred Fifty Thousand Dollars (\$150,000.00) or a ten percent (10%) cumulative increase in the original contract amount.
- C. Change orders or cumulative change orders which exceed the limits of subsection A or B of this section shall require a readvertising for bids on the incomplete portions of the contract.
- G.
1. All materials with cost per item;
  2. Itemization of all labor with number of hours per operation and cost per hour;
  3. Itemization of all equipment with the type of equipment, number of each type, cost per hour for each type, and number of hours of actual operation for each type;
  4. Itemization of insurance cost, bond cost, social security, taxes, workers' compensation, employee fringe benefits and overhead cost; and
  5. Profit for the contractor.
- H. 1. If a construction contract contains unit pricing, and the change order pertains to the unit price, the change order will not be subject to subsection A or B of this section.
2. When the unit price change does not exceed Ten Thousand Dollars (\$10,000.00), the unit price change order computation may be based on an acceptable unit price basis in lieu of cost itemization as required in paragraphs 1,2,3,4 and 5 of subsection G of this section.
- I. Alternates or add items bid with the original bid and contained in the awarded contract as options of the awarding public agency shall not be construed as change orders under the provisions of the Public Competitive Bidding Act of 1974.

**DETAILED COST ITEMIZATION**  
**Change Order No. 2 (final)**  
**To FYE 2011 Hall Park Lake Dam Improvement Project**  
**Phase 1**

**The Railroad Yard, Inc.**

	Description	Decrease	Increase
1	Material Testing	0	
2	Traffic Control	0	
3	Construction Staking	0	
4	Site Clearing	0	
5	Tree Stump Removal	0	
6	Unclassified Excavation		
	1333.30 cy x \$7.96/cy =		\$ 10,613.07
7	Borrow		
	1005 cy x \$12.00/ cy =	\$ 12,060.00	
8	Erosion Control	0	
9	Silt Fence		
	340 LF x \$4.00/LF =	\$ 1,360.00	
10	Straw Bale Barriers	0	
11	Construction Access Rock Rip Rap	0	
12	Rock Check Dams	\$ 1,700.00	
13	Sod		
	6158 sy x \$4.30/sy =		\$ 26,479.40
14	Fertilizer		
	.11733 Ton x \$937.50 / Ton =	\$ 110.00	
15	Structural Concrete		
	30 cy x \$190.00/cy =	\$ 5,700.00	
16	Rebar	0	
17	4" PVC Pipe		
	20 LF x \$10.00/LF =		\$ 200.00
18	Aggregate Sand		
	33.78 cy x \$64.80/cy =	\$ 2,188.94	
19	12" Rock Rip Rap		
	351.70 cy x \$66.00/cy =	\$ 23,212.20	
20	Concrete Cut Off Wall		
	1.75 cy x \$200.00/cy =	\$ 350.00	
21	Mobilization	0	
	Sub-Total	\$ 46,681.14	\$ 37,292.47
	Total Decrease	\$ 9,388.67	



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: K-1112-104**

<b>File ID:</b> K-1112-104	<b>Type:</b> Contract	<b>Status:</b> Consent Item
<b>Version:</b> 1	<b>Reference:</b> Item No. 18	<b>In Control:</b> City Council
<b>Department:</b> City Manager Department	<b>Cost:</b> \$8,500.00	<b>File Created:</b> 01/19/2012
<b>File Name:</b> K-1112-104 FSFF Emergency Shelter	<b>Final Action:</b>	

**Title:** CONTRACT NO. K-1112-104: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FOOD AND SHELTER FOR FRIENDS TO PROVIDE FUNDING IN THE AMOUNT OF \$8,500 TO PROVIDE TEMPORARY EMERGENCY SHELTER SERVICES AND BUDGET APPROPRIATION.

**ACTION NEEDED:** Motion to approve or reject Contract No. K-1112-104 with Food and Shelter for Friends in the amount of \$8,500; and, if approved, authorize the execution thereof and appropriate \$8,500 from the General Fund Balance (010-0000-253.20-00) to Miscellaneous Services/Contributions, Organization (010-1087-411.47-41).

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 18

**Attachments:** Request from Food and Shelter, K-1112-104

**Project Manager:** Carol Coles, Administrative Assistant

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File K-1112-104

Body

**BACKGROUND:** Funding for social service agencies of \$112,500 was established in the Fiscal Year 2011-2012 City of Norman budget adopted on June 14, 2011. After review of applications for funding by the Social and Voluntary Serves Commission (SVSC), recommendations for expenditure of these funds were forwarded to Council and approved at

the October 25, 2011 Council meeting. Food and Shelter for Friends was one of the recipient agencies, receiving \$15,000 for utilities and insurance costs.

**DISCUSSION:** At its December meeting, the Oversight Committee to End Chronic Homelessness (ECHO) discussed the issue of how to raise awareness of homelessness including the need for additional shelter beds. A wide-ranging discussion on the increased demand for assistance was had. Agencies are receiving many inquiries from families with children and the chronically homeless that are living on the street. Food and Shelter alone receives between 40 and 50 calls every day asking for help. It was emphasized that although the chronic homeless are often the most visible, they number around 50. The balance of the 619 homeless include 201 families with children (313 children age 17 or under) and 105 single adults. Some of the homeless are in emergency housing and some may be staying with family.

The Salvation Army is looking to expand its operation, but the process is slow. Food and Shelter also plans to build 4 new emergency units on site using Rotary Club funding that will be provided over the next two years. For the immediate winter, Food and Shelter discussed its desire to make its existing facility available at night for the coldest winter months, but funding for a staff person to monitor the shelter during the evening hours was not currently available.

On January 18, 2012, Council received a letter from Food and Shelter requesting funding in the amount of \$8,500 for the purpose of staffing the shelter so it could be open during the evening hours (5:00 p.m. - 8:00 a.m.) for the remainder of the winter until March 15, 2012. This request was discussed by the City Council Finance Committee at its meeting on January 18, 2012 and support was expressed for additional funding for this limited purpose. It is being presented to Council without SVSC review because the need is time sensitive as we are already in the winter months.

The attached contract would provide this funding and is identical to the contracts entered into with other social service agencies. If funded, Food and Shelter for Friends will be visited a minimum of once during the fiscal year by SVSC members. The members will visit each workplace and meet with agency staff. They inquire about future trends, what special challenges are ahead for the organization and how partnerships with others doing work in this field can be established. They evaluate and form an overall impression of the organization as well as determine contract compliance.

**RECOMMENDATION:** Pursuant to Council's direction at the January 18, 2012 Finance Committee meeting, Staff recommends approval of this contract and appropriation of \$8,500 from General Fund Balance (010-0000-253.20-00) to Miscellaneous Services/Contributions-Organization (010-1087-411.47-41).



## Food and Shelter

104 West Comanche Street Norman, OK 73069-5609  
info@foodandshelterinc.org p: 405.360.4954 f: 405.360.2144

January 18, 2012

Mayor Rosenthal and City Council  
City of Norman  
P.O. Box 370  
Norman, Oklahoma 73069

OFFICE OF  
CITY MANAGER  
JAN 18 2012

Dear Mayor and Members of the City Council,

On behalf of Food and Shelter, I respectfully request your assistance in meeting a critical need of the men and women who live on the streets of Norman. Each night, dozens of men and women sleep in campsites scattered throughout our city. Last night, temperatures dropped to nearly 20 degrees. Because there are many women and men who cannot or will not receive services from Salvation Army, Food and Shelter would like to offer a warm alternative.

This program would be offered throughout the rest of the winter months. Our cafeteria will be offered as a warming site for men and women who live on the streets. We will have cots available for sleeping and access to restrooms. The major expense to Food and Shelter will be the cost of a monitor to supervise throughout the night. This monitor will be available to maintain the facility in a safe and secure manner.

If Food and Shelter is to offer this service to the City of Norman throughout the rest of winter which would end approximately March 15<sup>th</sup>, we would need to pay an individual from 5:00 p.m. until 8:00 a.m. This person would be a temporary contract worker of the agency. The cost to Food and Shelter for the remaining days of winter will be approximately \$8,500. Unfortunately, Food and Shelter does not have any funds available to provide this service without support from the City of Norman.

We are certainly available to answer additional questions regarding this project. You can contact me by phone or email anytime. My office number is 405-360-4954 extension 100 and my email address is [adoshier@foodandshelterinc.org](mailto:adoshier@foodandshelterinc.org).

Thank you for your consideration and your diligent service to our community.

Sincerely,

April Doshier  
Executive Director

FUND DISBURSEMENT AGREEMENT

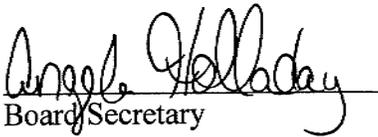
This Agreement is made and entered into this 24th day of January, 2012, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "CITY" and **Food and Shelter for Friends**, party of the second part, and hereinafter referred to as "THE ORGANIZATION", witnesseth:

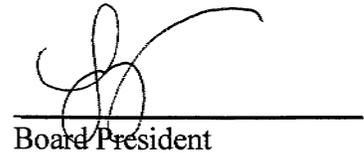
- A. WHEREAS Resolution No. R-8384-39 of the Council of The City of Norman authorizes funding for certain social service organizations operating in the City of Norman, and said funding being for the purpose of encouraging the development and existence of such organizations to provide programs and services to improve and enhance the lives of the citizens of Norman;
- B. THAT IN CONSIDERATION for the performance by The Organization of the covenants and agreements as specified herein, the City, covenants and agrees:
  - 1. To disperse upon the request of The Organization the sum of **\$8,500.00** dollars for the purpose of fulfilling the covenants and conditions made by the organization as stated herein;
  - 2. To conduct a periodic review of the operations of The Organization;
    - (a) Such review will consist of one scheduled review, which shall be made, in writing from site visits, as the City deems necessary.
    - (b) The findings of the City from the review shall be in written form and submitted to the City Manager or his designate and a copy shall also be provided The Organization.
    - (c) In making such reviews, the City shall include:
      - (1) particular appraisals as to whether performance goals as stated in this contract are being satisfactorily attained. Findings relating to expenditures of The Organization to ensure funds are being expended in a reasonable and necessary manner toward the attainment of the performance goals. Any of funds not so expended shall be unsatisfactory.

- C. THAT IN CONSIDERATION for the performance of the covenants and agreements of the City as stated herein, The Organization covenants and agrees:
1. To satisfactorily attain the performance goals as set forth in this contract;
  2. To expend funds granted by City in a reasonable and necessary manner toward the attainment of such performance goals.
  3. To actively seek other funding sources that, in subsequent years, will replace the amount of funding that is provided in this agreement.
- D. IT IS FURTHER UNDERSTOOD and agreed by both parties:
1. That in the event The Organization is dissolved, then all such funds not yet expended on the date of dissolution shall immediately revert back to the City and The Organization shall immediately deliver such unexpended funds to the City;
  2. That in the event the performance of The Organization is unsatisfactory, as specified herein, either in attaining performance goals or mishandling of funds then such actions shall be considered a substantial and material breach of this agreement, and any unexpended funds, from the date of notice of such breach by the City to The Organization, shall immediately revert back to the City and The Organization shall immediately deliver such unexpended funds to the City;
  3. That in the event the performance of The Organization is unsatisfactory, as specified herein, in attaining performance goals, the City shall have the option to waive the minimum requirement necessary to be satisfactory. It is understood that SUCH A WAIVER BY THE CITY SHALL ONLY APPLY TO THE PARTICULAR UNSATISFACTORY REVIEW AND THAT THE MINIMUM REQUIREMENTS WILL NOT BE FOREVER WAIVED AND SUCH REQUIREMENTS SHALL APPLY IN ALL SUBSEQUENT REVIEWS.
  4. That funding pursuant to this agreement by the City is for the purpose of providing funding for the time specified by this agreement WITH THE UNDERSTANDING THAT THE ORGANIZATION WILL ACTIVELY SEEK FUNDING FROM OTHER SOURCES TO BE USED IN SUBSEQUENT YEARS TO DISPLACE THE FUNDING PROVIDED IN THIS AGREEMENT.
- E. IT IS FURTHER UNDERSTOOD and agreed by both parties that The Organization is a separate entity from the City and The Organization is solely responsible for its actions and that The Organization agrees to indemnify and save harmless the City from all fines, suits, proceedings, claims, demands, actions, loss, and expense from liability

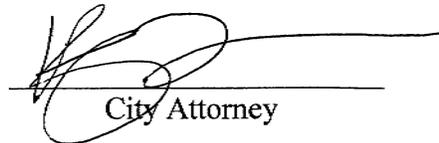
of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with The Organization's management, operation and services.

- F. THERE are no other terms, either express or implied, than those expressly stated herein, and those expressly stated in the "Performance Goals".
- G. IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first above written.
- H. It is further understood and agreed that in consideration for the funds granted by the City to The Organization that they will attain the following performance goals:  
Funds will be used for **temporary emergency shelter services as provided in the attached letter dated January 18, 2012 from Food and Shelter for Friends.**

  
Board Secretary

  
Board President

Approved as to form and legality this 24th day of January, 2012.

  
City Attorney

Approved by the City Council of the City of Norman this 24th day of January, 2012.

ATTEST:

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

\_\_\_\_\_  
Mayor



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: R-1112-78**

<b>File ID:</b> R-1112-78	<b>Type:</b> Resolution	<b>Status:</b> Consent Item
<b>Version:</b> 4	<b>Reference:</b> Item No. 19	<b>In Control:</b> City Council
<b>Department:</b> Police Department	<b>Cost:</b> \$132,097.00	<b>File Created:</b> 11/15/2011
<b>File Name:</b> R-1112-78 State Seizure Appropriation		<b>Final Action:</b>

**Title:** RESOLUTION NO. R-1112-78: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$132,097 FROM THE STATE SEIZURE FUND BALANCE TO PURCHASE A NEW CRIMINAL INTERDICTION VEHICLE, THREE POLICE CANINES, AND RELATED EQUIPMENT.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-78

ACTION TAKEN: \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 19

**Attachments:** R-1112-78

**Project Manager:** Captain Darry Stacy

**Entered by:** kathy.lamar@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-1112-78

body

**BACKGROUND:** The mission of the Norman Police Special Investigations Division is to protect the lives, liberty, property, and peace of the citizens of Norman by bringing to justice those involved in the illicit manufacture, possession, distribution, sale, or use of drugs. An important part of this mission is the Criminal Interdiction Program. Criminal Interdiction Officers regularly seize large amounts of illicit drugs and drug proceeds. Maintaining quality and reliable equipment is imperative for safe, effective, and efficient investigations. A valuable tool in this process is the use of police canines. There is currently one canine assigned in the evening shift, one to the afternoon shift, and one to the Special Investigations

Division. There is presently a need to add one canine for the Patrol Division and replace two canines that recently died due to medical issues (one in Special Investigations and one in Patrol).

**DISCUSSION:** The appropriation requested for the Special Investigations Division will fund a new Criminal Interdiction vehicle which is specifically designed for canine transportation, three police canines, and related equipment for care and protection. These needs are directly related to and used in the enforcement of controlled dangerous substance laws by the Special Investigations Division. The costs for these items are \$25,000 for three canines; \$7,190 for the related equipment; \$66,207 for the new vehicle (\$31,765 for the vehicle and \$34,442 for the build out of police and canine equipment required to meet job specifications); and \$33,700 for specialized criminal interdiction equipment for the vehicle for a total cost of \$132,097. The vehicle specifications, related equipment, and build out costs were obtained from the Fleet Management Division of the Public Works Department. The current interdiction vehicle which has over 92,000 miles on it will be placed into operational use by the new canine officer in the Patrol Bureau. To avoid an increase in the overall number of fleet vehicles in the police department, another unit is being removed from use.

**RECOMMENDATION:** It is recommended that \$132,097 be appropriated from the State Seizure Fund Balance account (025-0000-253.20-00) to Plant & Operating Equipment/Crime Prevention expenditure account (025-6038-421.51-20) to purchase the requested equipment and canines.

# Resolution

R-1112-78

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$132,097 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE A NEW CRIMINAL INTERDICTION VEHICLE, THREE POLICE CANINES, AND RELATED EQUIPMENT.

- § 1. WHEREAS, an important part of the Norman Police Special Investigations Division is the Criminal Interdiction Program; and
- § 2. WHEREAS, maintaining quality and reliable equipment is imperative for safe, effective, and efficient investigations; and
- § 3. WHEREAS, the operational goal of the Norman Police Department is to have six dual trained (narcotics and patrol) police canines and presently there are three; and
- § 4. WHEREAS, the present Criminal Interdiction vehicle has 92,000 miles on it and a new Criminal Interdiction vehicle is required which is specifically designed for canine transportation; and
- § 5. WHEREAS, it is requested that funding be appropriated from the Seizures and Restitution Fund Balance to purchase a new Criminal Interdiction vehicle, three police canines, and related equipment.

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

- § 6. That the following appropriation be made for the reasons stated above:

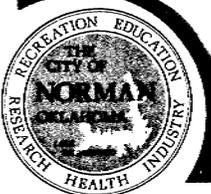
Account Name	Losing Account	Gaining Account	Amount
Plant and Operating Equipment/ Crime Prevention	025-0000-253.20-00	025-6038-421.51-20	\$132,097

PASSED AND ADOPTED this 24th day of January, 2012.

\_\_\_\_\_  
Mayor

ATTEST:

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





# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

File Number: R-1112-102

File ID: R-1112-102      Type: Resolution      Status: Consent Item

Version: 1      Reference: Item No. 20      In Control: City Council

Department: Planning and Community Development Department      Cost: \$12,200.00      File Created: 01/17/2012

File Name: R-1112-102 Appropriation Special Revenue Fund      Final Action:

**Title:** RESOLUTION NO. R-1112-102: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$12,200 FROM THE SPECIAL GRANTS FUND BALANCE FOR EDUCATION/OUTREACH PROJECTS FUNDED BY A CERTIFIED LOCAL GOVERNMENTS (CLG) GRANT.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-102.

ACTION TAKEN:

\_\_\_\_\_

Notes: January 24, 2012, City Council Agenda

Agenda Date: 01/24/2012

Agenda Number: 20

**Attachments:**

Project Manager: Susan Atkins, Historic District Planner

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

### Text of Legislative File R-1112-102

Body

**BACKGROUND:** On April 26, 2011, Council approved the 2011-2012 Application for Funding from the Oklahoma State Historic Preservation Office (SHPO) for the Certified Local Governments (CLG) program. The CLG Program is part of the US Department of the Interior program for the development and support of local historic preservation programs. The City was first approved as a CLG city in 1998. This is our thirteenth year of funding.

**DISCUSSION:** Designation as a CLG city includes recognition of Norman's historic preservation efforts and entitles the City to apply for a portion of the education/outreach funding set aside by the SHPO out of each year's budget.

In February 2011, SHPO notified City staff that \$12,200 in funding was available for the 2011-2012 CLG program year. On August 9, 2011, the City of Norman received SHPO approval for Federal FY 2011 CLG Project Number 11-612. The contract budget includes two projects: a wood window restoration workshop for members of the public and final production of a short video promoting historic downtown Norman. The contract includes project descriptions and a budget including the documentation of required matching funds. The CLG program requires a 60/40 in-kind matching formula. For \$12,200 in CLG funds, the City must document \$8,133 as an in-kind match. Matching activities include staff time spent on historic preservation activities and partial funding of the two projects utilizing \$2,200 from General Fund Account 10-4080-419.40-03, Professional Services/Consultant-Planning/Development.

**RECOMMENDATION:** Staff recommends receipt of \$12,200 into the Special Grant Fund revenue account SHPO/CLG Grant (022-0000-334.13-26) when reimbursement is received from SHPO. Also, staff recommends appropriation of \$12,200 from Special Grants Fund Balance (022-0000-253.20-00) into Professional Services/Consultant-Other (022-4046-464.40-09).

# Resolution

R-1112-102

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING \$12,200 FROM THE SPECIAL GRANTS FUND BALANCE FOR EDUCATION/OUTREACH PROJECTS FUNDED BY A CERTIFIED LOCAL GOVERNMENTS (CLG) GRANT.

- § 1. WHEREAS, the City of Norman was the first City approved to receive funding from the Oklahoma State Historic Preservation Office (SHPO) for the Certified Local Governments (CLG) thirteen years ago; and
- § 2. WHEREAS, this program is part of the United States Department of the Interior program for the development and support of local historic preservation programs; and
- § 3. WHEREAS, designation as a CLG city includes recognition of Norman's historic preservation efforts and entitles the City to apply for a portion of the education/outreach funding set aside by the SHPO out of each year's budget; and
- § 4. WHEREAS, In February, 2011, SHPO notified City Staff that \$12,200 in funding was available for the 2011-2012 CLG program year and when reimbursement is received from SHPO, it is recommended that the funds be receipted in to the Special Grant Fund.

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

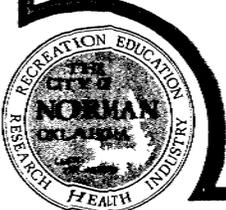
- § 5. That \$12,200 be appropriated from the Special Grant Fund Balance (022-0000-253.20-00) to Professional Services/Consultant-Other (022-4046-464.40-09) to pay for two projects.

PASSED AND ADOPTED this 24th day of January, 2012.

ATTEST:

\_\_\_\_\_  
Mayor

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





# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: R-1112-103**

**File ID:** R-1112-103

**Type:** Resolution

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 21

**In Control:** City Council

**Department:** City Council Finance  
Committee

**Cost:**

**File Created:** 01/18/2012

**File Name:** R-1112-103 Sale of Bonds Library

**Final Action:**

**Title:** RESOLUTION NO. R-1112-103: A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR NORMAN PUBLIC LIBRARY IMPROVEMENTS TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.

**ACTION NEEDED:** Motion to adopt or reject Resolution No. R-1112-103.

**ACTION TAKEN:**

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 21

**Attachments:** R-1112-103 Sale Date Resolution 2012A

**Project Manager:** Anthony Francisco, Finance Director

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-1112-103

Body

**BACKGROUND:** On September 14, 1999, the voters of Norman approved the issuance of \$290,000 in general obligation bonds (GO Bonds) to replace carpeting and to make other improvements to the Norman Public Library building in the Municipal Complex. At that time, it was deemed that it would not be efficient to incur issuance expenses for such a small

amount, and the improvements were made from allocations from the City's capital budget. Since that time, the carpeting in the Library has continued to wear and to be stained, and further carpet replacements and other improvements are needed. In Council study session discussions, it was determined that these bonds could efficiently be combined with the sale of other general obligation bonds and provide funds for carpet replacement and Library renovations that the voters approved in 1999.

On March 2, 2010, the voters of Norman approved the issuance of a total of \$19,000,000 in general obligation bonds to resurface and reconstruct streets throughout Norman. \$4,000,000 of these authorized bonds were sold on August 10, 2010, and the improvements paid for by those bonds are nearing completion. The remainder of the projects contemplated in the 2010 street resurfacing program would be paid for with the proceeds of this proposed \$15,000,000 second sale of bonds.

On November 8, 2011, the voters of Norman approved the issuance of \$3,035,000 in general obligation bonds to pay for the renovation and expansion of the Norman Animal Shelter.

**DISCUSSION:** The attached Resolutions R-1112-103 (Library), R-1112-104 (Street Resurfacing) and R-1112-105 (Animal Shelter) would set a sale date of February 14, 2012 for the competitive sale of the GO Bonds, as directed by Oklahoma statutes. The Resolutions would also reaffirm the appointments of Bank of Oklahoma as Registrar/Paying Agent for the bonds; Municipal Finance Services and First Southwest Company as Financial Advisors for the bond issuances; and Public Finance Law Group and Floyd Law Firm as Bond Counsel for the transactions.

Subsequent to the competitive sale of the bonds, the Council will consider Ordinances approving the indebtedness, approving the underwriter and the reselling prices of the bonds.

**RECOMMENDATION:** It is recommended that the Resolutions be approved.

**RESOLUTION AUTHORIZING SALE OF BONDS**

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN CITY HALL, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 24<sup>TH</sup> DAY OF JANUARY, 2012, AT 6:30 P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2012 having been given in writing to the Clerk of the municipality on November 15, 2011, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon, Mayor \_\_\_\_\_ introduced the proposed municipal resolution set forth hereinbelow, which was read in full by the Clerk or Deputy Clerk and upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, said Resolution was adopted by the following vote:

AYE:

NAY:

The Resolution was thereupon signed by the Mayor or Vice Mayor, attested by the City Clerk or Deputy Clerk, sealed with the seal of said municipality, and is as follows:

[Remainder of Page Left Blank Intentionally]

**RESOLUTION NO. R-1112-103**

**A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR NORMAN PUBLIC LIBRARY IMPROVEMENTS TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.**

WHEREAS, the issuance of bonds by The City of Norman, Oklahoma, in the sum of Two Hundred Ninety Thousand Dollars (\$290,000) for library improvements within the City has been duly authorized at an election held on September 14, 1999, for that purpose; and

WHEREAS, the City Council of said City pursuant to Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended, hereby deems it beneficial at the present time to sell and issue \$290,000 of said general obligation bonds.

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

SECTION 1. That the \$290,000 general obligation bonds of said municipality voted on the 14<sup>th</sup> day of September, 1999, shall be offered for purposes of sale as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended, and shall be called "General Obligation Bonds, Series 2012A".

SECTION 2. That the General Obligation Bonds, Series 2012A in the aggregate amount of \$290,000 of The City of Norman, Oklahoma, shall be offered for sale and bids shall be received in the form of sealed bids, facsimile bids, electronic (Parity®) bids or similar secure electronic bids in the office of the Finance Director at the Norman Municipal Complex, Building C, 201 West Gray, in Norman, Oklahoma 73069, on the 14<sup>th</sup> day of February, 2012, at 11:00 o'clock A.M., Central Time, and that said bonds shall become due \$290,000 on March 1, 2014. The City Council will convene at 6:30 P.M. at said location and date to consider the bids and take action to award the bonds.

SECTION 3. That BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, is hereby designated as Paying Agent/Registrar for said Bonds and the Mayor or Vice-Mayor is authorized to execute an agreement for such services.

SECTION 4. Municipal Finance Services, Inc., and First Southwest Company are hereby designated as Financial Advisors and the Financial Advisor Services Agreement (K-

9697-37) dated September 10, 1996, as amended by an Amendment to Financial Advisor Services Agreement dated October 10, 2006, previously entered into by the City with Municipal Finance Services, Inc., and First Southwest Company, pertaining to the bonds, is hereby ratified and confirmed. The Public Finance Law Group PLLC, Oklahoma City, Oklahoma, and Floyd Law Firm, P.C., Norman, Oklahoma, are hereby designated as Bond Counsel and the Response to Proposal Request for Bond Counsel Services dated July 20, 1992 (K-9293-45), as amended by an Amendment to Bond Counsel Engagement Letter dated October 10, 2006, and as further amended by an Amendment to Bond Counsel Engagement Letter dated March 28, 2007, previously entered into by the City with The Public Finance Law Group PLLC and Floyd Law Firm, P.C., pertaining to the bonds, is hereby ratified and confirmed.

SECTION 5. That the Preliminary Official Statement pertaining to the Bonds is deemed by the City Council to be “near final” in accordance with the requirements of Rule 15c2-12 of the Securities and Exchange Commission promulgated pursuant to the Securities and Exchange Act of 1934, as amended. The City Council further authorizes distribution of the Preliminary Official Statement by the Financial Advisor in connection with the sale of the Bonds.

SECTION 6. That the City Clerk is hereby ordered to cause notice of the sale of said Bonds to be given as required by state law.

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PASSED AND APPROVED THIS 24<sup>TH</sup> DAY OF JANUARY, 2012.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

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

STATE OF OKLAHOMA            )  
  ) SS  
COUNTY OF CLEVELAND        )

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma, hereby certify that the foregoing is a true and complete copy of a Resolution calling for the sale of Bonds adopted by the governing body of said municipality and Transcript of Proceedings of said governing body had at a regular meeting thereof duly held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the public notice given to the City Clerk of Norman, Oklahoma, and of public notice posted in prominent public view at the City Hall, 201 West Gray, in said City at least twenty-four (24) hours prior to the meeting wherein said Resolution was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 24<sup>th</sup> day of January, 2012.

(SEAL)

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



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: R-1112-104**

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<b>File ID:</b> R-1112-104	<b>Type:</b> Resolution	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 22	<b>In Control:</b> City Council
<b>Department:</b> Finance Department	<b>Cost:</b>	<b>File Created:</b> 01/18/2012
<b>File Name:</b> R-1112-104 Sale of Bonds Street Resurfacing		<b>Final Action:</b>

**Title:** RESOLUTION NO. R-1112-104: A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR STREET RESURFACING TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.

**ACTION NEEDED:** Motion to adopt or reject Resolution No. R-1112-104.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 22

**Attachments:** R-1112-104 Sale Date Resolution 2012B

**Project Manager:** Anthony Francisco, Director of Finance

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

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Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-1112-104

Body

**BACKGROUND:** On September 14, 1999, the voters of Norman approved the issuance of \$290,000 in general obligation bonds (GO Bonds) to replace carpeting and to make other

improvements to the Norman Public Library building in the Municipal Complex. At that time, it was deemed that it would not be efficient to incur issuance expenses for such a small amount, and the improvements were made from allocations from the City's capital budget. Since that time, the carpeting in the Library has continued to wear and to be stained, and further carpet replacements and other improvements are needed. In Council study session discussions, it was determined that these bonds could efficiently be combined with the sale of other general obligation bonds and provide funds for carpet replacement and Library renovations that the voters approved in 1999.

On March 2, 2010, the voters of Norman approved the issuance of a total of \$19,000,000 in general obligation bonds to resurface and reconstruct streets throughout Norman. \$4,000,000 of these authorized bonds were sold on August 10, 2010, and the improvements paid for by those bonds are nearing completion. The remainder of the projects contemplated in the 2010 street resurfacing program would be paid for with the proceeds of this proposed \$15,000,000 second sale of bonds.

On November 8, 2011, the voters of Norman approved the issuance of \$3,035,000 in general obligation bonds to pay for the renovation and expansion of the Norman Animal Shelter.

**DISCUSSION:** The attached Resolutions R-1112-103 (Library), R-1112-104 (Street Resurfacing) and R-1112-105 (Animal Shelter) would set a sale date of February 14, 2012 for the competitive sale of the GO Bonds, as directed by Oklahoma statutes. The Resolutions would also reaffirm the appointments of Bank of Oklahoma as Registrar/Paying Agent for the bonds; Municipal Finance Services and First Southwest Company as Financial Advisors for the bond issuances; and Public Finance Law Group and Floyd Law Firm as Bond Counsel for the transactions.

Subsequent to the competitive sale of the bonds, the Council will consider Ordinances approving the indebtedness, approving the underwriter and the reselling prices of the bonds.

**RECOMMENDATION:** It is recommended that the Resolutions be approved.

**RESOLUTION AUTHORIZING SALE OF BONDS**

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN CITY HALL, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 24<sup>TH</sup> DAY OF JANUARY, 2012, AT 6:30 P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2012 having been given in writing to the Clerk of the municipality on November 15, 2011, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon, Mayor \_\_\_\_\_ introduced the proposed municipal resolution set forth hereinbelow, which was read in full by the Clerk or Deputy Clerk and upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, said Resolution was adopted by the following vote:

AYE:

NAY:

The Resolution was thereupon signed by the Mayor or Vice Mayor, attested by the City Clerk or Deputy Clerk, sealed with the seal of said municipality, and is as follows:

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**RESOLUTION NO. R-1112-104**

**A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR STREET RESURFACING TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.**

WHEREAS, the issuance of bonds by The City of Norman, Oklahoma, in the sum of Fifteen Million Dollars (\$15,000,000) for street resurfacing within the City has been duly authorized at an election held on March 2, 2010, for that purpose; and

WHEREAS, the City Council of said City pursuant to Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended, hereby deems it beneficial at the present time to sell and issue \$15,000,000 of said general obligation bonds.

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

SECTION 1. That the \$15,000,000 general obligation bonds of said municipality voted on the 2<sup>nd</sup> day of March, 2010, shall be offered for purposes of sale as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended, and shall be called "General Obligation Bonds, Series 2012B".

SECTION 2. That the General Obligation Bonds, Series 2012B in the aggregate amount of \$15,000,000 of The City of Norman, Oklahoma, shall be offered for sale and bids shall be received in the form of sealed bids, facsimile bids, electronic (Parity®) bids or similar secure electronic bids in the office of the Finance Director at the Norman Municipal Complex, Building C, 201 West Gray, in Norman, Oklahoma 73069, on the 14<sup>th</sup> day of February, 2012, at 11:00 o'clock A.M., Central Time, and that said bonds shall become due \$3,750,000 on March 1, 2014 and \$3,750,000 annually each year thereafter until paid. The City Council will convene at 6:30 P.M. at said location and date to consider the bids and take action to award the bonds.

SECTION 3. That BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, is hereby designated as Paying Agent/Registrar for said Bonds and the Mayor or Vice-Mayor is authorized to execute an agreement for such services.

SECTION 4. Municipal Finance Services, Inc., and First Southwest Company are hereby designated as Financial Advisors and the Financial Advisor Services Agreement (K-

9697-37) dated September 10, 1996, as amended by an Amendment to Financial Advisor Services Agreement dated October 10, 2006, previously entered into by the City with Municipal Finance Services, Inc., and First Southwest Company, pertaining to the bonds, is hereby ratified and confirmed. The Public Finance Law Group PLLC, Oklahoma City, Oklahoma, and Floyd Law Firm, P.C., Norman, Oklahoma, are hereby designated as Bond Counsel and the Response to Proposal Request for Bond Counsel Services dated July 20, 1992 (K-9293-45), as amended by an Amendment to Bond Counsel Engagement Letter dated October 10, 2006, and as further amended by an Amendment to Bond Counsel Engagement Letter dated March 28, 2007, previously entered into by the City with The Public Finance Law Group PLLC and Floyd Law Firm, P.C., pertaining to the bonds, is hereby ratified and confirmed.

SECTION 5. That the Preliminary Official Statement pertaining to the Bonds is deemed by the City Council to be “near final” in accordance with the requirements of Rule 15c2-12 of the Securities and Exchange Commission promulgated pursuant to the Securities and Exchange Act of 1934, as amended. The City Council further authorizes distribution of the Preliminary Official Statement by the Financial Advisor in connection with the sale of the Bonds.

SECTION 6. That the City Clerk is hereby ordered to cause notice of the sale of said Bonds to be given as required by state law.

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PASSED AND APPROVED THIS 24<sup>TH</sup> DAY OF JANUARY, 2012.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

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





# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: R-1112-105**

**File ID:** R-1112-105

**Type:** Resolution

**Status:** Non-Consent Items

**Version:** 1

**Reference:** Item No. 23

**In Control:** City Council

**Department:** City Council Finance  
Committee

**Cost:**

**File Created:** 01/18/2012

**File Name:** R-1112-105 Sale of Bonds Animal Shelter

**Final Action:**

**Title:** RESOLUTION NO. R-1112-105: A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR THE NORMAN ANIMAL SHELTER RENOVATION TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.

**ACTION NEEDED:** Motion to adopt or reject Resolution No. R-1112-105.

**ACTION TAKEN:**

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 23

**Attachments:** R-1112-105 Sale Date Resolution 2012C

**Project Manager:** Anthony Francisco, Director of Finance

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File R-1112-105

Body

**BACKGROUND:** On September 14, 1999, the voters of Norman approved the issuance of \$290,000 in general obligation bonds (GO Bonds) to replace carpeting and to make other improvements to the Norman Public Library building in the Municipal Complex. At that time,

it was deemed that it would not be efficient to incur issuance expenses for such a small amount, and the improvements were made from allocations from the City's capital budget. Since that time, the carpeting in the Library has continued to wear and to be stained, and further carpet replacements and other improvements are needed. In Council study session discussions, it was determined that these bonds could efficiently be combined with the sale of other general obligation bonds and provide funds for carpet replacement and Library renovations that the voters approved in 1999.

On March 2, 2010, the voters of Norman approved the issuance of a total of \$19,000,000 in general obligation bonds to resurface and reconstruct streets throughout Norman. \$4,000,000 of these authorized bonds were sold on August 10, 2010, and the improvements paid for by those bonds are nearing completion. The remainder of the projects contemplated in the 2010 street resurfacing program would be paid for with the proceeds of this proposed \$15,000,000 second sale of bonds.

On November 8, 2011, the voters of Norman approved the issuance of \$3,035,000 in general obligation bonds to pay for the renovation and expansion of the Norman Animal Shelter.

**DISCUSSION:** The attached Resolutions R-1112-103 (Library), R-1112-104 (Street Resurfacing) and R-1112-105 (Animal Shelter) would set a sale date of February 14, 2012 for the competitive sale of the GO Bonds, as directed by Oklahoma statutes. The Resolutions would also reaffirm the appointments of Bank of Oklahoma as Registrar/Paying Agent for the bonds; Municipal Finance Services and First Southwest Company as Financial Advisors for the bond issuances; and Public Finance Law Group and Floyd Law Firm as Bond Counsel for the transactions.

Subsequent to the competitive sale of the bonds, the Council will consider Ordinances approving the indebtedness, approving the underwriter and the reselling prices of the bonds.

**RECOMMENDATION:** It is recommended that the Resolutions be approved.

**RESOLUTION AUTHORIZING SALE OF BONDS**

PURSUANT TO THE LEGAL NOTICE AS IS REQUIRED BY THE OKLAHOMA OPEN MEETING ACT INCLUDING THE POSTING OF NOTICE AND AGENDA AS IS REQUIRED BY THE TERMS THEREOF, THE MAYOR AND THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA (THE "CITY") MET IN REGULAR SESSION IN CITY HALL, 201 WEST GRAY, IN NORMAN, OKLAHOMA, ON THE 24<sup>TH</sup> DAY OF JANUARY, 2012, AT 6:30 P.M.

PRESENT:

ABSENT:

Notice of the schedule of regular meetings of the governing body of the municipality for the calendar year 2012 having been given in writing to the Clerk of the municipality on November 15, 2011, and public notice of this meeting having been posted in prominent public view at City Hall, 201 West Gray, in Norman, Oklahoma, at least twenty-four (24) hours prior to this meeting, excluding Saturdays, Sundays and State designated legal holidays, all in compliance with the Oklahoma Open Meeting Act.

(OTHER PROCEEDINGS)

Thereupon, Mayor \_\_\_\_\_ introduced the proposed municipal resolution set forth hereinbelow, which was read in full by the Clerk or Deputy Clerk and upon motion by \_\_\_\_\_, seconded by \_\_\_\_\_, said Resolution was adopted by the following vote:

AYE:

NAY:

The Resolution was thereupon signed by the Mayor or Vice Mayor, attested by the City Clerk or Deputy Clerk, sealed with the seal of said municipality, and is as follows:

[Remainder of Page Left Blank Intentionally]

**RESOLUTION NO. R-1112-105**

**A RESOLUTION FIXING THE AMOUNT OF GENERAL OBLIGATION BONDS FOR THE NORMAN ANIMAL SHELTER RENOVATION TO MATURE EACH YEAR; FIXING THE TIME AND PLACE THE BONDS ARE TO BE SOLD; DESIGNATING A PAYING AGENT/ REGISTRAR; RATIFYING A LEGAL SERVICES AGREEMENT AND A FINANCIAL ADVISOR SERVICES AGREEMENT WITH RESPECT TO THE ISSUANCE OF THE BONDS; APPROVING THE PRELIMINARY OFFICIAL STATEMENT AND DISTRIBUTION THEREOF AND AUTHORIZING THE CLERK TO GIVE NOTICE OF SAID SALE AS REQUIRED BY LAW AND FIXING OTHER DETAILS OF THE ISSUE.**

WHEREAS, the issuance of bonds by The City of Norman, Oklahoma, in the sum of Three Million Thirty-Five Thousand Dollars (\$3,035,000) for remodeling, equipping, furnishing and expanding the City's animal shelter facilities within the City has been duly authorized at an election held on November 8, 2011, for that purpose; and

WHEREAS, the City Council of said City pursuant to Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended, hereby deems it beneficial at the present time to sell and issue \$3,035,000 of said general obligation bonds.

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

SECTION 1. That the \$3,035,000 general obligation bonds of said municipality voted on the 8<sup>th</sup> day of November, 2011, shall be offered for purposes of sale as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended, and shall be called "General Obligation Bonds, Series 2012C".

SECTION 2. That the General Obligation Bonds, Series 2012C in the aggregate amount of \$3,035,000 of The City of Norman, Oklahoma, shall be offered for sale and bids shall be received in the form of sealed bids, facsimile bids, electronic (Parity®) bids or similar secure electronic bids in the office of the Finance Director at the Norman Municipal Complex, Building C, 201 West Gray, in Norman, Oklahoma 73069, on the 14<sup>th</sup> day of February, 2012, at 11:00 o'clock A.M., Central Time, and that said bonds shall become due \$750,000 on March 1, 2014 and \$750,000 annually each year thereafter until paid, except that the last installment shall be for \$785,000. The City Council will convene at 6:30 P.M. at said location and date to consider the bids and take action to award the bonds.

SECTION 3. That BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, is hereby designated as Paying Agent/Registrar for said Bonds and the Mayor or Vice-Mayor is authorized to execute an agreement for such services.

SECTION 4. Municipal Finance Services, Inc., and First Southwest Company are hereby designated as Financial Advisors and the Financial Advisor Services Agreement (K-9697-37) dated September 10, 1996, as amended by an Amendment to Financial Advisor Services Agreement dated October 10, 2006, previously entered into by the City with Municipal Finance Services, Inc., and First Southwest Company, pertaining to the bonds, is hereby ratified and confirmed. The Public Finance Law Group PLLC, Oklahoma City, Oklahoma, and Floyd Law Firm, P.C., Norman, Oklahoma, are hereby designated as Bond Counsel and the Response to Proposal Request for Bond Counsel Services dated July 20, 1992 (K-9293-45), as amended by an Amendment to Bond Counsel Engagement Letter dated October 10, 2006, and as further amended by an Amendment to Bond Counsel Engagement Letter dated March 28, 2007, previously entered into by the City with The Public Finance Law Group PLLC and Floyd Law Firm, P.C., pertaining to the bonds, is hereby ratified and confirmed.

SECTION 5. That the Preliminary Official Statement pertaining to the Bonds is deemed by the City Council to be “near final” in accordance with the requirements of Rule 15c2-12 of the Securities and Exchange Commission promulgated pursuant to the Securities and Exchange Act of 1934, as amended. The City Council further authorizes distribution of the Preliminary Official Statement by the Financial Advisor in connection with the sale of the Bonds.

SECTION 6. That the City Clerk is hereby ordered to cause notice of the sale of said Bonds to be given as required by state law.

PASSED AND APPROVED THIS 24<sup>TH</sup> DAY OF JANUARY, 2012.

THE CITY OF NORMAN, OKLAHOMA

(SEAL)

\_\_\_\_\_  
Mayor

ATTEST:

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

STATE OF OKLAHOMA            )  
  ) SS  
COUNTY OF CLEVELAND        )

I, the undersigned, the duly qualified and acting Clerk of The City of Norman, Oklahoma, hereby certify that the foregoing is a true and complete copy of a Resolution calling for the sale of Bonds adopted by the governing body of said municipality and Transcript of Proceedings of said governing body had at a regular meeting thereof duly held on the date therein set out, insofar as the same relates to the introduction, reading and adoption thereof as the same appears of record in my office.

I further certify that attached hereto are true and complete copies of the public notice given to the City Clerk of Norman, Oklahoma, and of public notice posted in prominent public view at the City Hall, 201 West Gray, in said City at least twenty-four (24) hours prior to the meeting wherein said Resolution was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 24<sup>th</sup> day of January, 2012.

(SEAL)

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



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: O-1112-17**

<b>File ID:</b> O-1112-17	<b>Type:</b> Zoning Ordinance	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 24	<b>In Control:</b> City Council
<b>Department:</b> Planning and Community Development Department	<b>Cost:</b>	<b>File Created:</b> 11/10/2011
<b>File Name:</b> O-1112-17 Lohman Rezoning	<b>Final Action:</b>	

**Title:** ORDINANCE NO. O-1112-17: 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 NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RE, RESIDENTIAL ESTATES DWELLING 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 EAST SIDE OF 24TH AVENUE N.W. ONE-QUARTER MILE SOUTH OF INDIAN HILLS ROAD)

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1112-17 upon Second Reading section by section

**ACTION TAKEN:** \_\_\_\_\_

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1112-17 upon Finald Reading section by section

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 10, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 24

**Attachments:** O-1112-17 Lohman, Location Map - Lohman  
Cottonwood Creek, Staff Report  
Lohman/Cottonwood Creek, 12-8-11 PC Minutes -  
Lohman/Cottonwood Creek

**Project Manager:** Doug Kosciński, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

**History of Legislative File**

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/08/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
	<b>Action Text:</b> Recommended for Adoption at a subsequent City Council Meeting to the City Council						
1	Planning Commission	12/08/2011					
1	City Council	01/10/2012	Introduced and adopted on First Reading by title only				
	<b>Action Text:</b> Introduced and adopted on First Reading by title only						
1	City Council	01/10/2012					

**Text of Legislative File O-1112-17**

Body

**BACKGROUND:** The applicant, John Lohman, is seeking to divide his 62-acre parcel into two separate developments. Both of these developments will accommodate single-family homes. The eastern portion of the development consists of a 30 acre Certificate of Survey (COS), named Lohman Landing, and contains three lots. It will retain its existing A-2 zoning. The western portion of the tract involves a rezoning request from A-2 to RE, Residential Estates zoning district, for an area consisting of 32 acres, named Cottonwood Creek Addition.

The preliminary plat for Cottonwood Creek Addition shows seven lots. Lots 1-5 and Lot 7 are at least 2 acres in size and lot 6 is approximately 17 acres. Cottonwood Creek has a portion of Tributary G of the Little River running across the east side of the development. This area of the Little River will be protected with an overlay easement labeled the Water Quality Protection Zone (WQPZ). The WQPZ requires a portion of the development to remain open and undisturbed. Lot 6 of Cottonwood Creek Addition contains this portion of the required WQPZ for this development. The remaining area of the WQPZ overlay of Little River is included within the previously mentioned COS.

The development has one access point on/off 24th Avenue NW, which has been approved by the City's Traffic Engineer. The interior street will be public and constructed to City standards. Limits of no access are provided along 24th Avenue NW for the lots backing up to the public street, in order to prevent the construction of conflicting driveways. Public water and sanitary sewer are not available for this development. Private systems will be utilized for each lot.

**RECOMMENDATION:** An existing RE development abuts this request to the south. Blue Lakes Estates is a similar residential development that is located further east. The 2025 Land

Use and Transportation Plan designation for this area is Very Low Density Residential; the Residential Estates zoning district is the appropriate zoning category for that designation. By unanimous vote, the Planning Commission supported this rezoning request at their December 8, 2011, meeting. No protests were filed against this request. Staff recommends approval of this rezoning request.

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 NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RE, RESIDENTIAL ESTATES DWELLING 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 EAST SIDE OF 24TH AVENUE N.W. ONE-QUARTER MILE SOUTH OF INDIAN HILLS ROAD)

- § 1. WHEREAS, Lohman Investments, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the RE, Residential Estates Dwelling District, and to have the same removed from the A-2, Rural Agricultural District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the RE, Residential Estates Dwelling District, and to have the same removed from the A-2, Rural Agricultural District, to wit:

A tract of land in the NW/4 of Section 1, Township 9 North, Range 3 West of the Indian Meridian, Cleveland County, Oklahoma, said tract further described as follows:

BEGINNING at a point on the West line of said NW/4, said point being 1053.20' South 00°17'18"East of the NW/C of said NW/4, said POINT OF BEGINNING also described as the NW/C of the tract of land described on the Warranty Deed in Book 4574, Page 624;

Thence South 89°31'14" East on the North line of said Deed, for a distance of 1340.66 feet;

Thence South 03°32'40" East for a distance of 1038.10 feet to the South line of said Deed;

Thence North 89°34'39" West on said South line for a distance of 1399.61 feet to the West line of said NW/4, also being the NW/C of Hidden Lake Estates, Section 4;

Thence North 00°17'18" West on the West line of said NW/4 for a distance of 1037.02 feet to the POINT OF BEGINNING, containing 32.6 acres more or less and subject to easements, rights-of-way and other land use regulations.

§ 5. Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this \_\_\_\_\_ day of

NOT ADOPTED this \_\_\_\_\_ day of

\_\_\_\_\_, 2012.

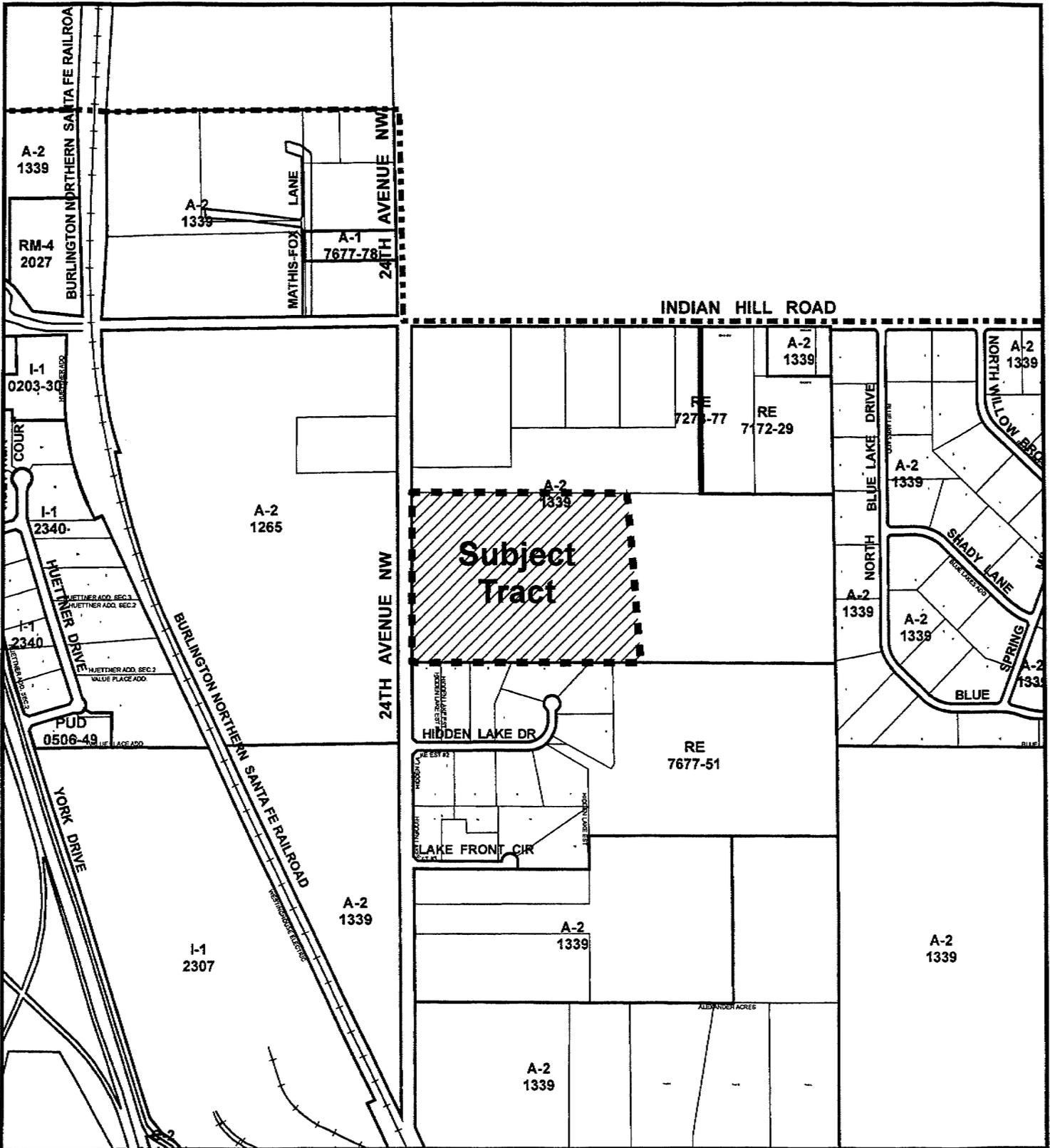
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor

ATTEST:

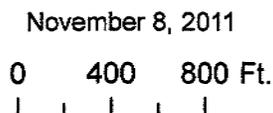
\_\_\_\_\_  
City Clerk

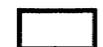


# Location Map



Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



-  Subject Tract
-  Zoning

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ORDINANCE NO. O-1112-17

ITEM NO. 9a

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Lohman Investments, L.L.C.
REQUESTED ACTION	Rezoning to RE, Residential Estate Dwelling District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2, Rural Agricultural East: A-2, Rural Agricultural South: RE, Residential Estate West: A-2, Rural Agricultural
LOCATION	East of 24 <sup>th</sup> Avenue N.W. and approximately ¼ mile south of Indian Hills Road
SIZE	32.6 acres, more or less
PURPOSE	Single Family Dwellings
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Residential East: Residential South: Residential West: Vacant
LAND USE PLAN DESIGNATION	Very Low Density Residential

**SYNOPSIS:** The applicant, John Lohman, owns a 62 acre parcel which he would like to divide into two separate developments. Both of these developments will accommodate single family homes. The first development was presented as Item 8 on the consent docket for this meeting, and consists of a 30 acre Certificate of Survey, named Lohman Landing, for three lots. The second application is for a rezoning request from A-2 to RE, Residential Estates zoning district, for an area consisting of 32 acres, named Cottonwood Creek Addition.

**ANALYSIS:** The preliminary plat for Cottonwood Creek Addition consists of 7 lots. Lots 1-5 and Lot 7 are at least 2 acres in size and lot 6 is approximately 17 acres. Cottonwood Creek has a portion of Tributary G of the Little River running across the east side of the development.

This area of the Little River is protected with an overlay of the Water Quality Protection Zone (WQPZ). The WQPZ requires a portion of the development to remain open and undisturbed. Lot 6 of Cottonwood Creek Addition contains this portion of the required WQPZ for this development. The remaining area of the WQPZ overlay of Little River is included within the previously mentioned COS.

**IMPACTS:**

- The development has one access point on/off 24<sup>th</sup> Avenue NW. The City's Traffic Engineer has approved the street location. The interior street will be public and constructed to City standards. Limits of no access are provided along 24<sup>th</sup> Avenue NW for the lots backing up to the public street, in order to prevent the construction of conflicting driveways.
- Per Section 19-701 of the City of Norman Subdivision Regulations this development is exempt from dedicating any public parkland.
- Public water and sanitary sewer are not available for this future development. Private systems will be utilized for each lot.

**RECOMMENDATION** An existing RE development abuts this request to the south, and it is similar to nearby residential development in the surrounding vicinity. The 2025 Land Use and Transportation Plan designation for this area is Very Low Density Residential; the Residential Estates zoning district is the appropriate zoning category for that designation. This proposal is in conformance with future growth identified in the 2025 Land Use Plan. Staff supports this rezoning request.

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 8, 2011**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 8<sup>th</sup> day of December 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

**ROLL CALL**

MEMBERS PRESENT

Diana Hartley  
Tom Knotts  
Chris Lewis  
Curtis McCarty  
Roberta Pailes  
Andy Sherrer  
Zev Trachtenberg  
Jim Gasaway

MEMBERS ABSENT

Cynthia Gordon

A quorum was present.

STAFF MEMBERS PRESENT

Susan Connors, Director, Planning &  
Community Development  
Doug Kosciński, Manager, Current Planning  
Division  
Ken Danner, Subdivision Development  
Manager  
Roné Tromble, Recording Secretary  
Jane Hudson, Planner II  
Kathryn Walker, Asst. City Attorney  
Larry Knapp, GIS Analyst

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Item No. 9, being:

**CONSIDERATION OF A REQUEST SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.**

**9A. ORDINANCE NO. O-1112-17 – LOHMAN INVESTMENTS, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO RE, RESIDENTIAL ESTATE DWELLING DISTRICT, FOR 32.6 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report

**9B. PP-1112-6 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR COTTONWOOD CREEK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Letter from the Surveyor
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

**PRESENTATION BY STAFF:**

1. Mr. Koscinski explained that this item is related to the Certificate of Survey which was approved on the Consent Docket for Lohman Landing, approximately 30 acres on the east side. There was no zoning involved with that application. The west half of the track, which is the subject of this item, is a rezoning request to an RE designation. The 2025 Plan for the area does provide for Very Low Density Residential, which is 2-acre lot size developments, and that is what the applicant has requested. What the map doesn't show is the very large floodplain. Both the Certificate of Survey and one of the lots within this subdivision are accounting for the floodplain, which is part of the headwaters of the Little River. There is a Water Quality Protection Zone in both agenda items that has been accounted for. The tract is essentially vacant. To the north of the site is also vacant. To the south is a development of 2-acre lots with private water wells and septic systems. To the west is vacant, with industrial designation along the interstate. Most of the lots are a little bit over 2-acre lots, except for Lot 6, which encompasses most of the Water Quality Protection Zone. There is a buildable area on Lot 6 near the road. The WQPZ is encumbered by an easement, so there should be no structures or impacts in that area. There is a single entrance onto 24<sup>th</sup> Avenue N.W. and the traffic engineer has approved the location, which gives good visibility. None of the lots would directly access 24<sup>th</sup> Avenue. There were no filed protests.

2. Mr. McCarty asked if the floodplain on the plat matches the updated FEMA study for the area. Mr. Koscinski indicated that it does.

3. Mr. Knotts asked whether there is provision for public access to the water quality protection zone for maintenance. Mr. Koscinski responded that he believes the covenants indicate the maintenance will be private. There is a drainage easement that could provide access.

4. Mr. Lewis had the same concern on this piece of property as on another piece of property, and that is if they drill the wells and, for whatever reason, those wells do not meet the

standards of water quality, then since we approved this tract of land as a development, the City of Norman would be obligated to run a City water line out to it. Mr. Koscinski said he is not aware how that encumbers the City with the responsibility. What we're doing is approving the subdivision. As a property owner or potential property owner, you may wish to investigate the water or the sewerability of that tract, but that's a private responsibility. Mr. Lewis asked that the City Attorney check into that.

5. Mr. Lewis commented, in regard to sewer systems, it looks like they're going to be using sanitary systems for each home and we're in a water quality protection zone. Mr. Koscinski responded that there is a water quality protection zone near here, but there are no septic systems in the water quality protection zone. Three lots touch the WQPZ, but all the others don't even come close to it and there's more than ample room on the other lots to keep their septic systems out of that area. The County will be responsible for approving those systems, so we would hope that they would correctly size them. Mr. Trachtenberg stated that issue came up in the Pre-Development meeting and they talked about running the lateral lines and undertook not to run those lines. Mr. Lewis asked if that will be addressed as part of the covenants. Is that something that's going to be mandated, that lateral lines are not going to be used and it's going to be the spray system? Mr. Koscinski said he is not familiar with what they're proposing at this point. The County could approve either system. Mr. Lewis reiterated that his concern would just be water quality.

6. Mr. Gasaway asked the City Attorney to address the question on the City's liability to provide water if the well water does not prove satisfactory. Ms. Walker indicated what would happen in that case is the homeowners could petition the City for a special assessment district, which is a mechanism provided under the Oklahoma Statutes to provide those kind of services to developments that were approved without them. We have developments out east that have explored this simply because they want to get off well water and that's the solution that is provided if your development is approved by the City and goes through the system with wells and, for whatever reason, they didn't work. I imagine that's the system that would be used. The job of laying water lines through a subdivision is borne by the developer. The assessment district is a way to assess those costs when it's not done through the development process.

**PRESENTATION BY THE APPLICANT:**

1. Roger Whited, Pollard & Whited Surveying and Pollard Engineering, 2514 Tee Drive, representing the applicant – The individual sewer systems will be aerobic. An open pond is a lagoon. An aerobic system is one where it is applied to the land. So there are no sewer lateral lines. I hope that answers the question about the sewer system.

2. Mr. Lewis asked if the sewage will be handled by either double tank or triple tank systems where the water coming out will be sprayed on the lawn. Mr. Whited said that is correct. There was a question about the possibility of bad wells. We have not drilled any wells on this site, but Hidden Lake Estates, immediately south of us, have individual water wells and apparently everything is okay there. I believe the question about bad water came from that area east of Little River, and there certainly may be a problem over there, but we anticipate no problem with this area west of Little River.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

Zev Trachtenberg moved to recommend approval of Ordinance No. O-1112-17, and approval of the Preliminary Plat for COTTONWOOD CREEK ADDITION to the City Council. Curtis McCarty seconded the motion.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Cynthia Gordon

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-17, and approval of the Preliminary Plat for COTTONWOOD CREEK ADDITION to the City Council, passed by a vote of 8-0.

\*\*\*



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: PP-1112-6**

<b>File ID:</b> PP-1112-6	<b>Type:</b> Preliminary Plat	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 25	<b>In Control:</b> City Council
<b>Department:</b> Public Works Department	<b>Cost:</b>	<b>File Created:</b> 11/10/2011
<b>File Name:</b> Cottonwood Creek Prelim	<b>Final Action:</b>	

**Title:** CONSIDERATION OF A PRELIMINARY PLAT FOR COTTONWOOD CREEK ADDITION. (GENERALLY LOCATED ON THE EAST SIDE OF 24TH AVENUE N.W. APPROXIMATELY ONE-FOURTH MILE SOUTH OF INDIAN HILLS ROAD).

**ACTION NEEDED:** Motion to approve or reject the preliminary plat for Cottonwood Creek Addition.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 25

**Attachments:** Attachment A, Cottonwood Creek Location Map, Cottonwood Creek Prelim Plat, Cottonwood Creek Prelim Dev Map, Cottonwood Creek Staff Report Prelim Plat, Cottonwood Creek Transportation Impacts, Cottonwood Creek Letter, PD 11-24 Lohman Investments LLC, Cottonwood Creek Greenbelt Comments, Cottonwood Creek GES, 12-8-11 PC Minutes - Lohman, Agenda Item-Cottonwood

**Project Manager:** Ken Danner, Subdivision Manager

**Entered by:** rone.tromble@normanok.gov

**Effective Date:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/08/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
<b>Action Text:</b> Recommended for Adoption at a subsequent City Council Meeting to the City Council							
1	Planning Commission	12/08/2011					

**Text of Legislative File PP-1112-6**

body

**BACKGROUND:** This item is a preliminary plat for Cottonwood Creek Addition, Residential Estates, and is generally located on the east side of 24th Avenue N.W. and approximately ¼ mile south of Indian Hills Road.

Planning Commission, at its meeting of December 8, 2011, recommended to City Council that this property be placed in RE, Residential Estates and removed from A-2, Rural Agricultural zoning classification. Also, Planning Commission recommended to City Council that the preliminary plat for Cottonwood Creek Addition, Residential Estates, be approved.

**DISCUSSION:** This property consists of 32.6 acres and seven (7) lots. Lots 1 through 5 and Lot 7 contain just above two (2) acres each, and Lot 6 contains 17.09 acres. This plat will allow one single family home on each lot. This property is expected to generate approximately 78 trips per day or eight (8) PM peak hour trips. As such, the trip generation potential for this development is well below the threshold for when a traffic impact study is required. Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. (See Attachment A).

A site visit was conducted on Thursday, November 10, 2011. During that visit, it was determined that the proposed point of intersection along 24th Avenue NW with the roadway that will service these six residential lots is such that sufficient sight distance will be available in either direction along 24th Avenue NW. The minimum sight distance requirement is 590 feet in either direction. Based upon observations, at least 700 feet of sight distance is available to both the north and south. As such, there are no traffic issues associated with this project.

Public improvements for this property consist of the following:

**Storm Sewers.** Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A detention facility will be employed. Storm water runoff will be conveyed to natural drainage outlets. Drainage easements will be defined on the final plat(s). The surveyor preparing the preliminary plat has provided the required open space for the Water Quality Protection Zone (WQPZ). That are will meet the requirements of adopted ordinance.

**Streets.** Interior street will be constructed in accordance with approved plans and City paving standards for Residential Estates. Twenty-fourth Avenue N.W. is classified as an all weather road. In accordance with Section 19-607 of the subdivision regulations if a residential estates

development does not access the section line road with private driveways from the individual lots, the development is excluded from public improvements.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

Limits of No Access. A note has been placed on the preliminary plat that 24th Avenue N.W. will have no access from the individual lots that are backing up to it.

Private improvements for this property consist of the following:

Sanitary Sewers. Individual sanitary sewer systems will be installed in accordance with the City and State Department of Environmental Quality standards.

Water Mains. Individual water wells will be installed in accordance with City and State Department of Environmental Quality standards.

Covenants. Covenants addressing the WQPZ have been submitted for staff's review.

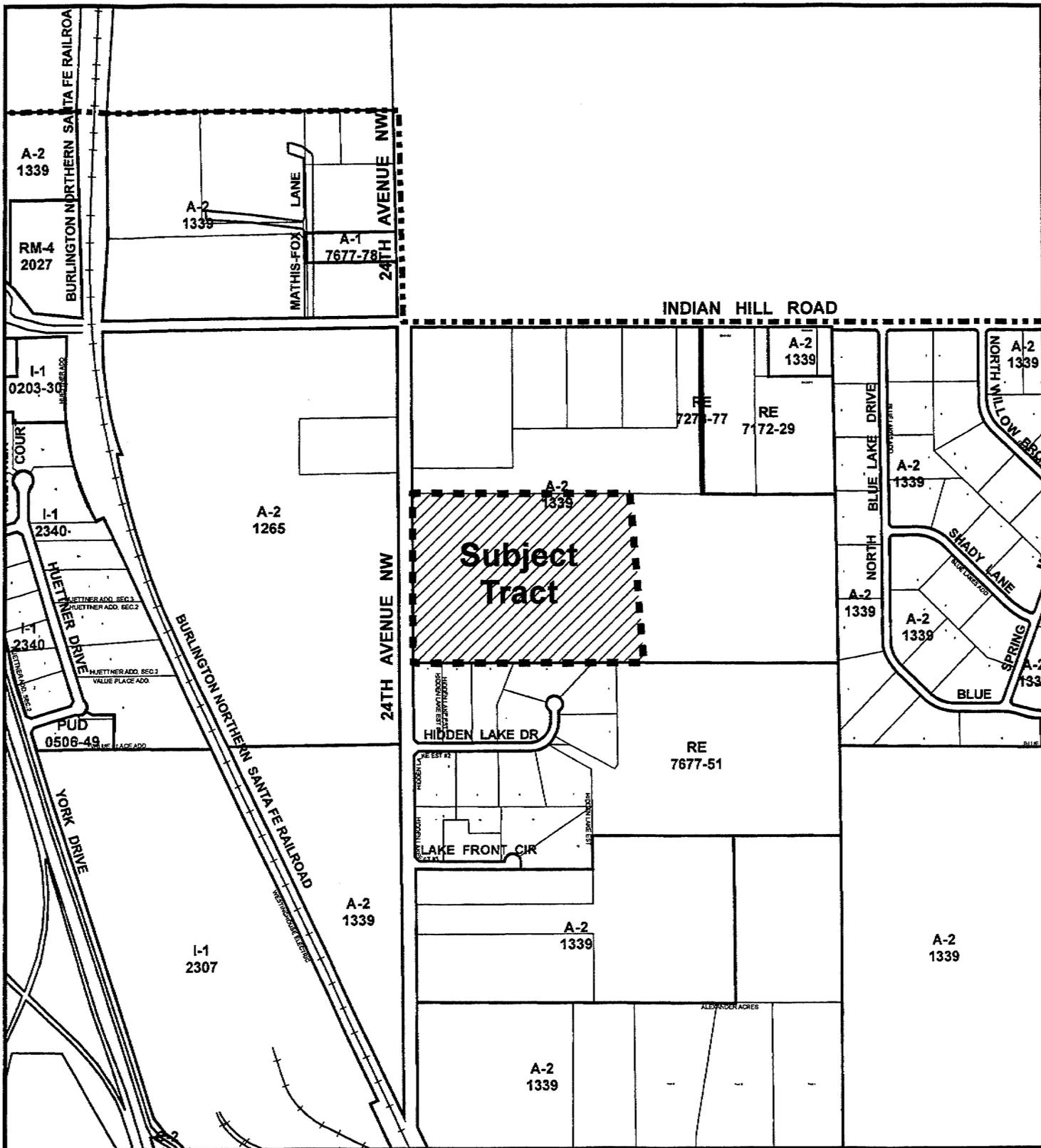
Fire Protection. Fire protection will be provided by the Norman Fire Department with the use of tanker trucks. Public water is not available.

**STAFF RECOMMENDATIONS:** Based upon the above information, staff recommends approval of the preliminary plat for Cottonwood Creek Addition, Residential Estates.

# ATTACHMENT A

## Traffic Table for Preliminary Plat for Cottonwood Creek Addition

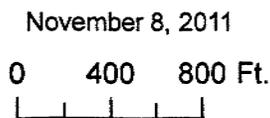
STREET	NO. OF LANES	EXISTING TRAFFIC (Veh/day)	PROJECTED TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
24th Avenue NW	2	870 (Est.)	78	948	17,100	5.09	5.54



# Location Map



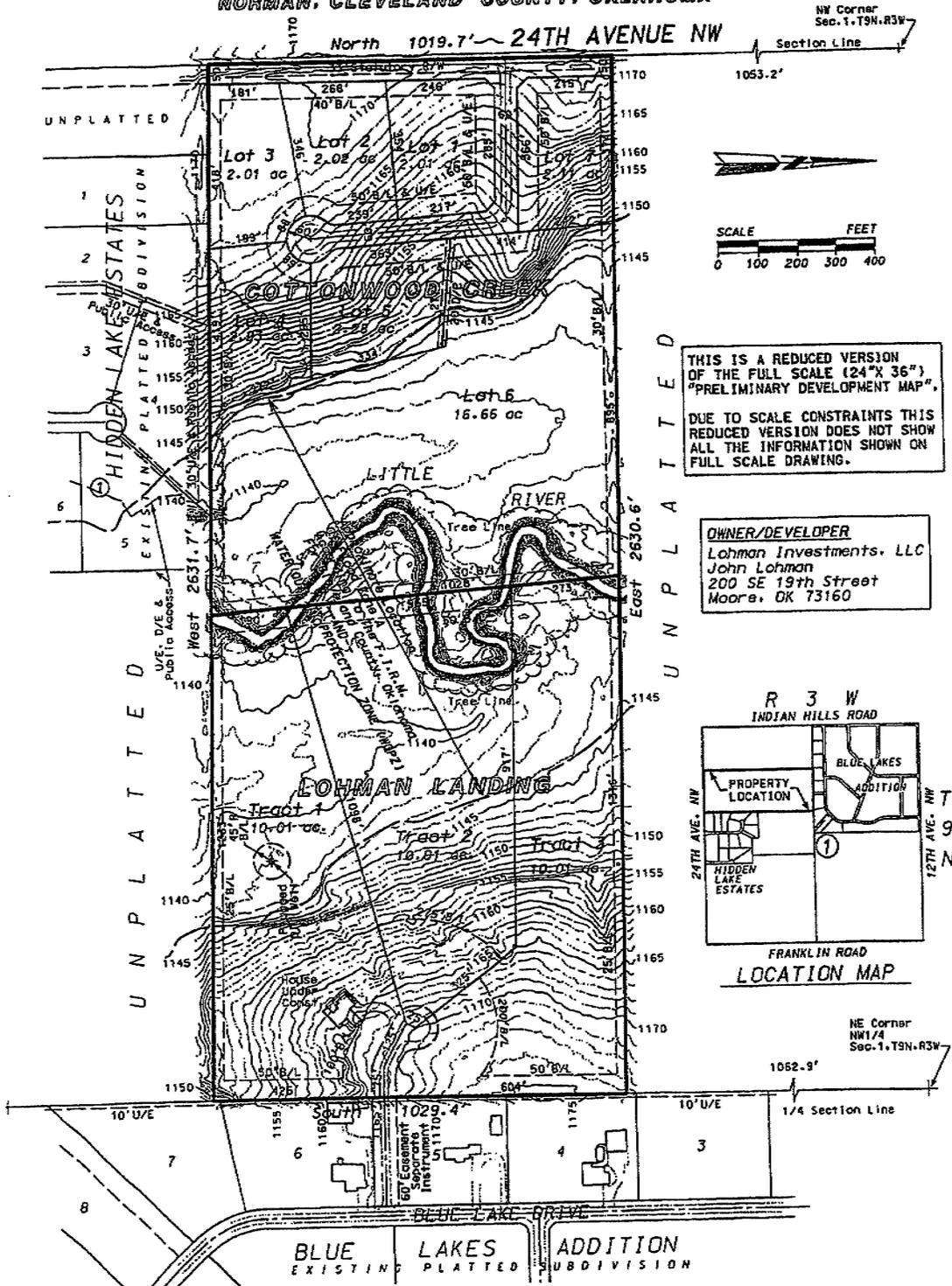
Map Produced by the City of Norman  
 Geographic Information System.  
 (405) 366-5316  
 The City of Norman assumes no  
 responsibility for errors or omissions  
 in the information presented.



- Subject Tract
- Zoning

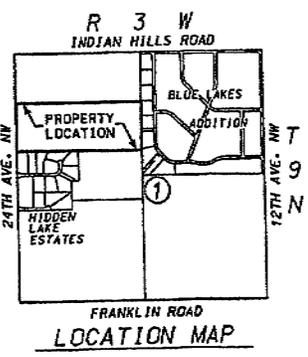


**PRELIMINARY DEVELOPMENT MAP**  
**COTTONWOOD CREEK and LOHMAN LANDING**  
**RESIDENTIAL ESTATE and CERTIFICATE OF SURVEY SUBDV.**  
 PART OF THE NW1/4 OF SECTION 1, T9N, R3W, I.M.  
 NORMAN, CLEVELAND COUNTY, OKLAHOMA



THIS IS A REDUCED VERSION OF THE FULL SCALE (24" X 36") "PRELIMINARY DEVELOPMENT MAP".  
 DUE TO SCALE CONSTRAINTS THIS REDUCED VERSION DOES NOT SHOW ALL THE INFORMATION SHOWN ON FULL SCALE DRAWING.

**OWNER/DEVELOPER**  
 Lohman Investments, LLC  
 John Lohman  
 200 SE 19th Street  
 Moore, OK 73160



**POLLARD & WHITED SURVEYING, INC.**  
 2514 Tee Drive Norman, OK 73069  
 405-366-0001  
 CA 2380 exp. 6-30-13

John Lohman, Preliminary Development Map
Preliminary RE and COS Subdivisions
Part of the NW1/4 of Sec. 1, T9N, R3W, I.M.
Norman, Cleveland County, Oklahoma
September 2, 2011
Drawn By: JP & RW
1A9N3W.dgn GPS/GR3 w/FC2200 Sheet 1 of 1

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PRELIMINARY PLAT

ITEM NO. 9b

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**STAFF REPORT**

**ITEM:** Consideration of a PRELIMINARY PLAT FOR COTTONWOOD CREEK, RESIDENTIAL ESTATES.

**LOCATION:** Generally located on the east side of 24<sup>th</sup> Avenue N.W. and approximately ¼ mile south of Indian Hills Road.

**INFORMATION:**

1. Owner. Lohman Investments, L.L.C.
2. Developer. Lohman Investments, L.L.C.
3. Surveyor. Pollard and Whited Surveying, Inc.

**HISTORY:**

1. October 21, 1961. City Council adopted Ordinance No. 1320 annexing this property into the City limits.
2. December 19, 1961. Planning Commission recommended to City Council that this property be placed in A-2 zoning classification.
3. January 23, 1962. City Council adopted Ordinance No. 1339 placing this property in the A-2 rural agricultural zoning district.
4. November 8, 2011. The applicant has submitted a request to the Planning Commission for placing this property in the RE, Residential Estates and removing it from A-2, Rural Agricultural zoning classification.

**IMPROVEMENT PROGRAM:**

1. Fire Hydrants. Fire protection will be provided by the Norman Fire Department. Public water is not available.
2. Permanent Markers. Permanent markers will be installed prior to City acceptance of street improvements.

3. Sanitary Sewers. Individual sanitary sewer systems will be installed in accordance with City and State Department of Environmental Quality standards.
4. Sidewalks. Sidewalks are not required in RE zoned developments.
5. Storm Sewers. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A detention facility will be employed. Storm water runoff will be conveyed to natural drainage outlets. Drainage easements will be defined on the final plat(s). The surveyor preparing the preliminary plat has provided the required open space for the Water Quality Protection Zone (WQPZ). That area will meet the requirements of adopted ordinance.
6. Streets. Interior street will be constructed in accordance with approved plans and City paving standards for Residential Estates. Twenty-fourth Avenue N.W. is classified as an all weather road. In accordance with Section 19-607 of the subdivision regulations if a residential estates development does not access the section line road with private driveways from the individual lots, the development is excluded from public improvements.
7. Water Mains. Individual water wells will be installed in accordance with City and State Department of Environmental Quality standards.
8. Covenants. Covenants address the WQPZ have been submitted for staff's review.
9. Limits of No Access. A note has been placed on the preliminary plat that 24<sup>th</sup> Avenue N.W. will have no access from the individual lots that are backing up to it.

**PUBLIC DEDICATIONS:**

1. Easements. All required easements will be dedicated to the City on the final plat.
2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.
3. Park Land Dedication. Park land dedication is not required for RE zoned development.

**SUPPLEMENTAL MATERIAL:** Copies of the location map and preliminary plat are included in the Agenda Book.

**STAFF COMMENTS AND RECOMMENDATION:** Staff recommends approval of the preliminary plat for Cottonwood Creek Residential Estates.

**ACTION NEEDED:** Recommend approval or rejection of the preliminary plat for Cottonwood Creek Residential Estates to City Council.

**ACTION NEEDED:** \_\_\_\_\_



# CITY OF NORMAN

## Development Review Form

### Transportation Impacts

DATE: November 28, 2011

STAFF REVIEW BY: David R. Riesland, P.E.  
Assistant City Traffic Engineer

PROJECT NAME: Cottonwood Creek

PROJECT TYPE: Residential

Owner:

Lohman Investments, LLC

Developer's Engineer:

Pollard and Whited Surveying, Inc.

Developer's Traffic Engineer:

None

**SURROUNDING ENVIRONMENT (Streets, Developments)**

Very low density and country residential and floodplain surrounds the project location on the east side of 24th Avenue NW with some industrial property on the west side of 24th Avenue NW.

**ALLOWABLE ACCESS:**

Proposed access is in accordance with Section 4018 of the City's Engineering Design Criteria.

**EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)**

24th Avenue NW: 2 lanes (existing and future). Speed Limit - 50 mph. Some sight distance limitations. No medians.

**ACCESS MANAGEMENT CODE COMPLIANCE:**

YES

NO

Proposed number of access points for the development is in compliance with what is allowed in the subdivision regulations.

**TRIP GENERATION**

	Total	In	Out
Weekday	78	39	39
A.M. Peak Hour	14	4	10
P.M. Peak Hour	8	5	3

**TRANSPORTATION IMPACT STUDY REQUIRED?**

YES

NO

The trip generation potential for this development is well below the threshold for when a traffic impact study is required. No negative impacts are anticipated.

**RECOMMENDATION:** APPROVAL

DENIAL

N/A

STIPULATIONS

*Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.*

The trip generation potential for this development is well below the threshold for when a traffic impact study is required. Traffic capacities on nearby arterial roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated.

A site visit was conducted on Thursday, November 10, 2011. During that visit, it was determined that the proposed point of intersection along 24th Avenue NW with the roadway that will service these six residential lots is such that sufficient sight distance will be available in either direction along 24th Avenue NW. The minimum sight distance requirement is 590 feet in either direction. Based upon observations, at least 700 feet of sight distance is available to both the north and south. As such, there are no traffic issues associated with this project.

# POLLARD & WHITED SURVEYING, INC.

2514 Tee Drive Norman, OK 73069  
office (405)366-0001  
fax (405)366-1114  
pwsurvey@sbcglobal.net

November 7, 2011

**City Of Norman Planning Commission**  
and City of Norman Staff Members  
201 W. Gray  
Norman, OK 73070

**Re: Application for Rezoning & Preliminary Plat  
for a proposed Residential Estate (RE) subdivision  
to be known as "Cottonwood Creek"  
in the NW1/4 of Sec.1,T9N,R3W, I.M.  
Norman, Cleveland County, Oklahoma**

## **To all interested parties,**

This letter is an explanation of the proposed (1) Rezoning and (2) Preliminary Plat that has been prepared in connection with a proposed **Residential Estate (RE Zone) subdivision** to be known as "**Cottonwood Creek**" to the City of Norman, Cleveland County, Oklahoma. Accompanying this letter is the Preliminary Plat for Cottonwood Creek which illustrates the proposed subdivision. The Rezoning Application and Ownership Research for rezoning are also accompanying this letter.

The proposed subdivision is located in the NW1/4 of Sec.1,T9N,R3W. The location can be generally described as: Located on the east side of 24th Avenue NW approximately 2 tenths of a mile (1053') south of Indian Hills Road.

The current zoning is A-2, Rural Agricultural District. The proposed rezoning to Residential Estate (RE) is in conformance with the Norman 2025 Land Use And Transportation Plan.

This proposed subdivision has already gone through the Norman Greenbelt Commission meeting and the Pre-Development Information Meeting as required by the City. All went well in both meetings.

"**Cottonwood Creek**" will consist of seven (7) residential platted lots containing at least 2 acres each. This is the west 32 acres more or less of the total 62 acres (+/-) owned by the applicant. Access will from one (1) entrance of a public street extending east from 24th Avenue NW. The one (1) entrance will be all that is allowed and there will not be any private drives or other vehicular entrances onto 24th Avenue NW. This one (1) entrance is shown on the Preliminary Plat and the Limits Of No Access (LNA) are labeled to eliminate any further access. The LNA will eliminate the possibility of future lot owners building additional drives connecting to 24th Avenue NW which would NOT be good for traffic flow.

All homes will be individually designed and built on site. All will be served by individual sanitary sewer systems approved by ODEQ. All will have individual water wells. In the event that future extensions of the city water mains allow the construction of water lines within the subdivision it will be allowed if the city and all land owners in the subdivision are in agreement.

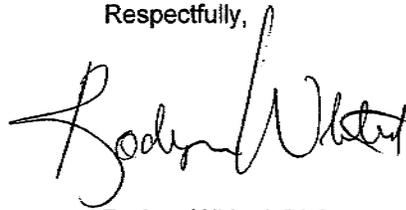
The current "PRELIMINARY" FEMA Flood Insurance Rate Map (FIRM), dated September 30, 2011, shows a flood plain with a Zone AE designation on each side of Little River. This is illustrated on the Preliminary Plat. The "Preliminary" FIRM is subject to approval by the City of Norman in the near future. This FIRM has been used because it does have Base Flood Elevations (BFE's). The current FIRM only shows a Zone A which is an estimated flood plain with no BFE's determined. No buildings will be allowed in the 100 year flood plain. All homes will be at least two (2) feet above the 100 year flood elevation (BFE).

A Water Quality Protection Zone (WQPZ) and a drainage easement to cover it will be created by the Final Plat and dedicated in the Owner's Certificate on the Final Plat for the total flood plain. All the requirements, such as leaving the natural vegetation undisturbed, will be set forth in the Covenants and Restrictions and Property Owner's Association (POA) which will be filed with the Final Plat.

The required notes, concerning the Water Quality Protection Zone (WQPZ), are shown on the Preliminary Plat. These include that there will be no clearing, grading, construction or disturbance of vegetation in the WQPZ except as allowed by the Director of Public Works.

If you have any questions or concerns about this Rezoning and Preliminary Plat application, please call me at (405)366-0001, fax me at (405)366-1114, or you can email me at [pwsurvey@sbcglobal.net](mailto:pwsurvey@sbcglobal.net).

Respectfully,

A handwritten signature in black ink, appearing to read "Rodger Whited". The signature is fluid and cursive, with a large initial "R" and "W".

Rodger Whited, PLS

<b>Applicant</b>	Lohman Investments LLC
<b>Location</b>	East side of 24 <sup>th</sup> Ave NW approx ½ mile south of Indian Hill Road
<b>Case Number</b>	PD11-24
<b>Time</b>	6:30—7:00 PM

---

<b>Attendee</b>	<b>Stakeholder</b>	<b>Address</b>	<b>Phone</b>
John Lohman	applicant	200 SE 19 <sup>th</sup> St Moore 73160	317-1226
Rodger Whited	Applicant's surveyor	2514 Tee Drive Norman	808-9007
Donna Jackson	Neighbor	5800 24 <sup>th</sup>	642-8007
Ron Stevens	Neighbor	2020 W Indian Hill Rd	364-7327
Glynda Baird	Neighbor	2711 NE 60 <sup>th</sup>	329-8496
Jane Hudson	City Staff		366-5344
Ken Danner	City staff		366-5458
Leah Messner	City staff		366-7748

**Application Summary.** Applicant is seeking a Preliminary Plat and Rural Certificate of Survey for this 62-acre parcel. He is also seeking to rezone a portion of the parcel to RE Residential Estates from the current A-2 Agricultural. The remaining portion would retain A-2 zoning. The *Norman 2025 Land Use Plan* designation for the entire 62 acres is Very Low Density Residential.

**Applicant's Opportunity.** The applicant is seeking to create two subdivisions. The first 32-acre parcel would consist of seven platted lots of roughly two acres each in size. This parcel would be zoned RE. The second subdivision would include three unplatted tracts with individual metes and bounds legal descriptions. The COS would be approximately 30 acres. The A-2 zoning would remain unchanged. Both subdivisions are served by individual water and sanitary sewer systems. Both parcels back up to a flood plain area which has an overlay of the WQPZ (Water Quality Protection Zone).

**Neighbors' Questions.**

**Lots established yet?**

**Applicant's surveyor.** We have done preliminary survey work but have not set the corners yet, so lots are not firmly established until we get through the predevelopment process.

**What will be sewage disposal system for these lots?**

**Applicant's Response.** Applicant stated that he prefers to use aerobic systems in general and that all these lots will have this type of system.

**How close to flood plain could lateral lines go?**

**Applicant's Response.** There will be no lateral lines used in the flood plain.

**What size will these houses be?**

**Applicant's Response.** They will be a minimum of 2500 square feet, custom-built on site. They will all have brick or masonry exteriors.

**Fence issues.** Neighbors were concerned that fence line was not in the right location relative to property lines.

**Applicant's Response.** Applicant directed his surveyor to proceed with final survey, pinning the subdivision's plat and the entrance drive. He also stated that the neighbors would be invited to be present when that survey is conducted.

## **Greenbelt Commission Meeting – September 19, 2011**

GBC Application 11-20 (Planning Commission Item # 11-20)

Applicant: John Lohman  
Location: South of Indian Hills Road on the east side of 24<sup>th</sup> Avenue NW  
Proposal: Certificate of Survey – Lohman Landing COS, 30 acres and Preliminary Plat – Cottonwood Creek, 32 acres

### **Greenbelt Commission Final Comments - GBC 11-20**

- Although the applicant stated he is not open to the idea of granting any easements for public trails or greenways the Commission commended the applicant on his efforts to keep open space intact as well as adhering to the requirements of the WQPZ (Water Quality Protection Zone) to not impact the existing stream corridor with construction of single family homes or accessory elements in the development.

The following sections of the Greenbelt ordinance support the Greenbelt Commissions comments and finding that the applicant's development meets the following criteria.

#### **Sec. 4-2026. Specific Principles, Purposes and Goals of the Greenbelt System**

- (a) 2. The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.
- (a) 8. Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.
- (d) 2. Protect environmentally sensitive areas of the City and serve as a wildlife habitat;
- (d) 3. Serve as a storm water management resource for urban run-off and regional detention needs;

#### **Sec. 4-2028. Guidelines for Evaluating Greenbelt Enhancement Statements**

- (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.
- (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.
- (j) Permeable ground surfaces have been preserved to the extent possible. (o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.
- (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.
- (s) Riparian buffers are incorporated into the Greenbelt System.

Pre-Development Case No. PD 11-24

Greenbelt Case No. ABC 11-20

Date: September 2, 2010

**NORMAN GREENBELT ENHANCEMENT STATEMENT**

The Norman City Council established the Norman Greenbelt Commission and charged the group with reviewing proposed developments in order to increase the preservation of beneficial green spaces and to identify trail system opportunities in new developments where appropriate. This Greenbelt Enhancement Statement was developed to aid the Commission in assessing new developments to insure that green space and trail opportunities are included, whenever possible.

**As part of your application and submittal for a Pre-Development Meeting, the City of Norman ordinances require that you complete this Greenbelt Enhancement Statement to address the Greenbelt Commission's review and leave it with City of Norman staff at the same time you submit the required information for a Pre-Development Meeting.**

**Attached are copies of the three (3) applicable sections of the adopted Greenbelt Ordinance, Sections 4-2023A, 4-2026 and 4-2028, these guidelines will be your reference while completing this Enhancement Statement, please see pages 4-8.**

At the time you submit your application for a Pre-Development Meeting, you will be provided with the date of the Pre-Development Meeting and the date of the next Greenbelt Commission Meeting. You are urged to attend the Greenbelt Commission Meeting where you will be given an opportunity to present information, discuss your proposed development, and to answer questions the Greenbelt Commission might have regarding your submittal. Based upon the review and discussion at the Greenbelt Commission Meeting, the Greenbelt Commission will make comments and recommendations about your proposal. Those comments and recommendations will be recorded and provided to you after the meeting minutes have been prepared. The comments and recommendations will also be forwarded to the Planning Commission and City Council as part of their agenda packets whenever you make an application to them for consideration of your proposed development. Should you have any questions about this process or any of the below questions, please feel free to contact the City of Norman Greenbelt Commission staff at 405-366-5322.

**Greenbelt Enhancement Statement for Proposed Developments**

Applicant Name: John Lohman Date: August 29, 2011

Contact Person: Rodger Whited with Pollard & Whited Surveying, Inc.  
Telephone/Fax/Email: phone: (405)366-0001 Email: pwsurvey@sbcglobal.net

Name of Development Cottonwood Creek Area (Acres): 32 acres (+/-) Residential Estate Subdv.  
-AND- Lohman Landing Area (Acres): 30 acres (+/-) Certificate Of Survey Subdv.

General Location: On the east side of 24th Avenue NW,  
approximately 2 tenths of a mile (1053 ft.) south of Indian Hills Road

Type of Development: Residential X Commercial  Industrial  Other

- Briefly explain the kind of development, types of buildings/uses, or character of your proposal.  
 \*This Greenbelt Enhancement Statement is for two (2) residential developments adjoining each other in the NW1/4 of Sec. 1, T9N, R3W.  
 \*The first is a Residential Estate subdivision consisting of seven (7) Lots containing at least 2 acres each. Presently Zoned A-2 with proposed RE Zoning.  
 \*The second subdivision is a Norman Rural Certificate Of Survey Subdivision (COS) consisting of three (3) residential tracts of at least 10 acres each. The existing A-2 Zoning on the COS will remain unchanged.  
 \*The proposed RE subdivision and the COS subdivision will all be single family custom built structures.

- Does your proposed development or project incorporate open space(s)?  
 Yes  No

Please check what type(s) of open space is proposed within your development:

Park:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input type="checkbox"/> Private
Open Space:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private
Detention Pond:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input type="checkbox"/> Private
Parking Lot Landscape:	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input type="checkbox"/> Private
Floodplain/Creek:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Public <input checked="" type="checkbox"/> Private

Other: a WQPZ Easement will be created for the Little River floodplain. This will create a natural open space that will enhance the possibilities for greenbelt amenities.

If the above noted areas are accessible via some other arrangement please explain.  
 See Item 4 below

- Does the open space for this development include some kind of trail or path that meets the definitions contained in 4-2023A of the attached guidelines? (Indicate all that are applicable.)

Public Sidewalks (4-5' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Natural Trails (compacted earth 8-10' wide)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Parkway Trails (durable surface 6-8' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Neighborhood Trails (durable or paved, 6-10' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Community Wide Trails (paved, 10-12' wide)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Specialized Trails (equestrian, water, etc)	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other _____		

- Identify schools, recreational areas (parks, playgrounds), commercial sites, or other public open spaces within 1/2 mile of your proposed development. (If there are no such areas within the 1/2 mile radius please state such and skip question 5.)

\* Hidden Lake Estates, located south of the RE subdv., has platted Public Access Easements. These were platted, but never developed, for access to the lake located in Hidden Lake Estates.

- Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking. (If there is no such connectivity please state such.)

\* If the Public Access Easements in Hidden Lake Estates were built then they would connect to the proposed RE subdv. by the WQPZ floodplain easement and/or other designated easements of a similar nature.

6. Please check, from the following (or make a list), the geographical and/or environmental factors in your development that might offer opportunities for greenbelts and trails, per the attached guidelines.

Storm water channels   X  

Detention ponds   X  

Floodplains   X  

Stream bank/Riparian corridors   X  

Utility Easements       

Abandoned/Active RR corridors       

Other: a WQPZ Easement will be created that will cover the entire Little River floodplain. This will offer more opportunities for greenbelts, trails and other amenities.

How will your development incorporate those elements noted into greenbelts and trails?

\* The floodplain noted is along Little River. The floodplain does cross the entire square mile that the proposed developments are a part of. The flood plain will separate the two (2) proposed developments allowing the entire floodplain to be a buffer area between the developments and Little River.

7. If, after reviewing the above questions, you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly below. (Any comments you feel will help the Commission understand your intent to develop the area.)

There are no existing Greenbelt areas adjacent or near the proximity of these proposed developments.

The proposed Residential Estate (RE) and Norman Rural Certificate Of Survey Subdivision (COS) does have the floodplain of Little River crossing them. The proposed developments are on the outer limits of the City of Norman, OK and are currently zoned A-2. The changing of the zoning to RE and creation of a COS does place the area under more control by the city than leaving it agricultural. (ie: WQPZ Easement)

The floodplain does offer the opportunity (if the RE and COS are developed) to create the conditions where affirmative obligations may be promoted to better protect the natural conditions and resources along the floodplain. This would enhance the conditions favorable to maintaining the water quality for Lake Thunderbird. (ie: WQPZ Easement for all of the Little River floodplain)

Signature of Applicant or Contact Person: Rodger Whited (Rodger Whited)  
**GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):**

**VOTE BY COMMISSION:** \_\_\_\_\_

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 8, 2011**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 8<sup>th</sup> day of December 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

**ROLL CALL**

**MEMBERS PRESENT**

Diana Hartley  
Tom Knotts  
Chris Lewis  
Curtis McCarty  
Roberta Pailles  
Andy Sherrer  
Zev Trachtenberg  
Jim Gasaway

**MEMBERS ABSENT**

Cynthia Gordon

A quorum was present.

**STAFF MEMBERS PRESENT**

Susan Connors, Director, Planning &  
Community Development  
Doug Kosciński, Manager, Current Planning  
Division  
Ken Danner, Subdivision Development  
Manager  
Roné Tromble, Recording Secretary  
Jane Hudson, Planner II  
Kathryn Walker, Asst. City Attorney  
Larry Knapp, GIS Analyst

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Item No. 9, being:

**CONSIDERATION OF A REQUEST SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.**

**9A. ORDINANCE NO. O-1112-17 – LOHMAN INVESTMENTS, L.L.C., REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO RE, RESIDENTIAL ESTATE DWELLING DISTRICT, FOR 32.6 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report

**9B. PP-1112-6 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY LOHMAN INVESTMENTS, L.L.C. (POLLARD & WHITED SURVEYING, INC.) FOR COTTONWOOD CREEK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF 24<sup>TH</sup> AVENUE N.W. AND APPROXIMATELY ¼ MILE SOUTH OF INDIAN HILLS ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Letter from the Surveyor
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

**PRESENTATION BY STAFF:**

1. Mr. Koscinski explained that this item is related to the Certificate of Survey which was approved on the Consent Docket for Lohman Landing, approximately 30 acres on the east side. There was no zoning involved with that application. The west half of the track, which is the subject of this item, is a rezoning request to an RE designation. The 2025 Plan for the area does provide for Very Low Density Residential, which is 2-acre lot size developments, and that is what the applicant has requested. What the map doesn't show is the very large floodplain. Both the Certificate of Survey and one of the lots within this subdivision are accounting for the floodplain, which is part of the headwaters of the Little River. There is a Water Quality Protection Zone in both agenda items that has been accounted for. The tract is essentially vacant. To the north of the site is also vacant. To the south is a development of 2-acre lots with private water wells and septic systems. To the west is vacant, with industrial designation along the interstate. Most of the lots are a little bit over 2-acre lots, except for Lot 6, which encompasses most of the Water Quality Protection Zone. There is a buildable area on Lot 6 near the road. The WQPZ is encumbered by an easement, so there should be no structures or impacts in that area. There is a single entrance onto 24<sup>th</sup> Avenue N.W. and the traffic engineer has approved the location, which gives good visibility. None of the lots would directly access 24<sup>th</sup> Avenue. There were no filed protests.

2. Mr. McCarty asked if the floodplain on the plat matches the updated FEMA study for the area. Mr. Koscinski indicated that it does.

3. Mr. Knotts asked whether there is provision for public access to the water quality protection zone for maintenance. Mr. Koscinski responded that he believes the covenants indicate the maintenance will be private. There is a drainage easement that could provide access.

4. Mr. Lewis had the same concern on this piece of property as on another piece of property, and that is if they drill the wells and, for whatever reason, those wells do not meet the

standards of water quality, then since we approved this tract of land as a development, the City of Norman would be obligated to run a City water line out to it. Mr. Koscinski said he is not aware how that encumbers the City with the responsibility. What we're doing is approving the subdivision. As a property owner or potential property owner, you may wish to investigate the water or the sewerability of that tract, but that's a private responsibility. Mr. Lewis asked that the City Attorney check into that.

5. Mr. Lewis commented, in regard to sewer systems, it looks like they're going to be using sanitary systems for each home and we're in a water quality protection zone. Mr. Koscinski responded that there is a water quality protection zone near here, but there are no septic systems in the water quality protection zone. Three lots touch the WQPZ, but all the others don't even come close to it and there's more than ample room on the other lots to keep their septic systems out of that area. The County will be responsible for approving those systems, so we would hope that they would correctly size them. Mr. Trachtenberg stated that issue came up in the Pre-Development meeting and they talked about running the lateral lines and undertook not to run those lines. Mr. Lewis asked if that will be addressed as part of the covenants. Is that something that's going to be mandated, that lateral lines are not going to be used and it's going to be the spray system? Mr. Koscinski said he is not familiar with what they're proposing at this point. The County could approve either system. Mr. Lewis reiterated that his concern would just be water quality.

6. Mr. Gasaway asked the City Attorney to address the question on the City's liability to provide water if the well water does not prove satisfactory. Ms. Walker indicated what would happen in that case is the homeowners could petition the City for a special assessment district, which is a mechanism provided under the Oklahoma Statutes to provide those kind of services to developments that were approved without them. We have developments out east that have explored this simply because they want to get off well water and that's the solution that is provided if your development is approved by the City and goes through the system with wells and, for whatever reason, they didn't work. I imagine that's the system that would be used. The job of laying water lines through a subdivision is borne by the developer. The assessment district is a way to assess those costs when it's not done through the development process.

**PRESENTATION BY THE APPLICANT:**

1. Roger Whited, Pollard & Whited Surveying and Pollard Engineering, 2514 Tee Drive, representing the applicant – The individual sewer systems will be aerobic. An open pond is a lagoon. An aerobic system is one where it is applied to the land. So there are no sewer lateral lines. I hope that answers the question about the sewer system.

2. Mr. Lewis asked if the sewage will be handled by either double tank or triple tank systems where the water coming out will be sprayed on the lawn. Mr. Whited said that is correct. There was a question about the possibility of bad wells. We have not drilled any wells on this site, but Hidden Lake Estates, immediately south of us, have individual water wells and apparently everything is okay there. I believe the question about bad water came from that area east of Little River, and there certainly may be a problem over there, but we anticipate no problem with this area west of Little River.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Zev Trachtenberg moved to recommend approval of Ordinance No. O-1112-17, and approval of the Preliminary Plat for COTTONWOOD CREEK ADDITION to the City Council. Curtis McCarty seconded the motion.*

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailles, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	None
ABSENT	Cynthia Gordon

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-17, and approval of the Preliminary Plat for COTTONWOOD CREEK ADDITION to the City Council, passed by a vote of 8-0.

\* \* \*



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: O-1112-18**

<b>File ID:</b> O-1112-18	<b>Type:</b> Zoning Ordinance	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 26	<b>In Control:</b> City Council
<b>Department:</b> Planning and Community Development Department	<b>Cost:</b>	<b>File Created:</b> 11/10/2011

**File Name:** O-1112-18 Tisdale Rezoning

**Final Action:**

**Title:** ORDINANCE NO. O-1112-18: 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 BAR, LOUNGE, OR TAVERN WITH LIVE ENTERTAINMENT IN APPROXIMATELY 12,340 SQUARE FEET OF PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LOCATED IN LOT 1, BLOCK 1, COLONIAL ESTATES "A", NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1321 EAST LINDSEY STREET, COLONIAL ESTATES SHOPPING CENTER)

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1112-18 upon Second Reading section by section

**ACTION TAKEN:** \_\_\_\_\_

**ACTION NEEDED:** Motion to adopt or reject Ordinance No. O-1112-18 upon Final Reading as a whole.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 10, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 26

**Attachments:** O-1112-18 Tisdale, O-1112-18 - Exhibit A, site plan, O-1112-18 - Exhibit B, letter from owner, Colonial Estates Location Map, Tisdale Special Use Staff Report, Tisdale Project Description, Tisdale Protest Map and letter of protest, 12-8-11 PC Minutes - Tisdale

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	12/08/2011	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
	Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council						
1	Planning Commission	12/08/2011					
1	City Council	01/10/2012	Introduced and adopted on First Reading by title only				
	Action Text: Introduced and adopted on First Reading by title only						
1	City Council	01/10/2012					

Text of Legislative File O-1112-18

Body

**BACKGROUND:** The applicant is seeking approval of a Special Use for a Bar with Live Entertainment in order to convert an existing vacant commercial space, containing about 12,000 square feet, into a Country Dance Hall. Although some food would occasionally be catered, they would primarily operate as a bar offering mixed beverages. The establishment will offer instruction in ballroom and country dancing, and will provide pool tables and big-screen televisions.

In January of this year, the Planning Commission reviewed a request for a different bar in this same shopping center, in an abutting location. The request at that time was for a computer gaming facility that would operate as a bar at night, and the Commission expressed concerns about some of the operational difficulties which could occur. Although the Commission did not support the request, the City Council unanimously approved the bar. The applicants have since dropped their proposal, withdrew from their lease, and have not proceeded with any alterations to the property. The owner of the shopping center has provided written confirmation that the previous request was terminated, and it is not their intention to allow two bars to operate in the shopping center.

The current request is for a larger facility (12,340 square feet versus 8,400 square feet), but a major portion of the space will be devoted to the dance floor. The facility will be limited to persons who must be twenty-one years old to enter, as the primary designation will be a bar serving mixed alcoholic beverages. As before, the principal on-site impact is the availability of parking. Shopping Centers must provide one parking space per 250 square feet of leasable area. In this case, there are more than thirty spaces in addition to the 439 spaces required for this 109,000 square foot center. The mix of retail uses in the eastern end of the center appears

to need fewer spaces than the amount that is provided. The applicant intends to operate from 8:00 PM to 2:00 AM, initially only from Wednesday to Sunday, which would minimize any daytime impacts on existing businesses. Bars can have negative off-site impacts, but this center has direct access to Lindsey Street, a major arterial, and most traffic is expected to utilize that roadway.

**STAFF RECOMMENDATION:** While bars can often be easily integrated into large shopping areas, (if there is an abundance of available or off-peak parking), off-site impacts can increase. Several neighbors attended the pre-development meeting, some of whom have now filed protests, citing concerns with the changing character of the shopping center and potential speeding on nearby streets. That protest amounts to an official filed protest of 0.7 percent. The Planning Commission, by a vote of 7-1, supported this request at their December 8, 2011, meeting. With the understanding that only one bar would be in operation in this shopping center, staff supports this request for a Special Use, as the impact should not be significantly different than the previously approved bar.

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 BAR, LOUNGE, OR TAVERN WITH LIVE ENTERTAINMENT IN APPROXIMATELY 12,340 SQUARE FEET OF PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, LOCATED IN LOT 1, BLOCK 1, COLONIAL ESTATES "A", NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (1321 EAST LINDSEY STREET, COLONIAL ESTATES SHOPPING CENTER)

- § 1. WHEREAS, Jeffrey Tisdale, the lessee of the hereinafter described property, has made application for Special Use for a Bar, Lounge, or Tavern with Live Entertainment in the C-2, General Commercial District; and
- § 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such special use; and
- § 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

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

- § 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Bar, Lounge, or Tavern with Live Entertainment, to wit:

Lot 1, Block 1, Colonial Estates "A", Norman, Cleveland County, Oklahoma, being more particularly described as the 12,340 square feet addressed as 1321 East Lindsey Street.

- § 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. The site shall be developed in accordance with the Site Plan (Exhibit A), and supporting documentation submitted by the applicant.

- b. Only one bar will be permitted within this shopping center, in accordance with the letter dated December 1, 2011, provided by the owner of the property and attached as Exhibit B.

§ 6. Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

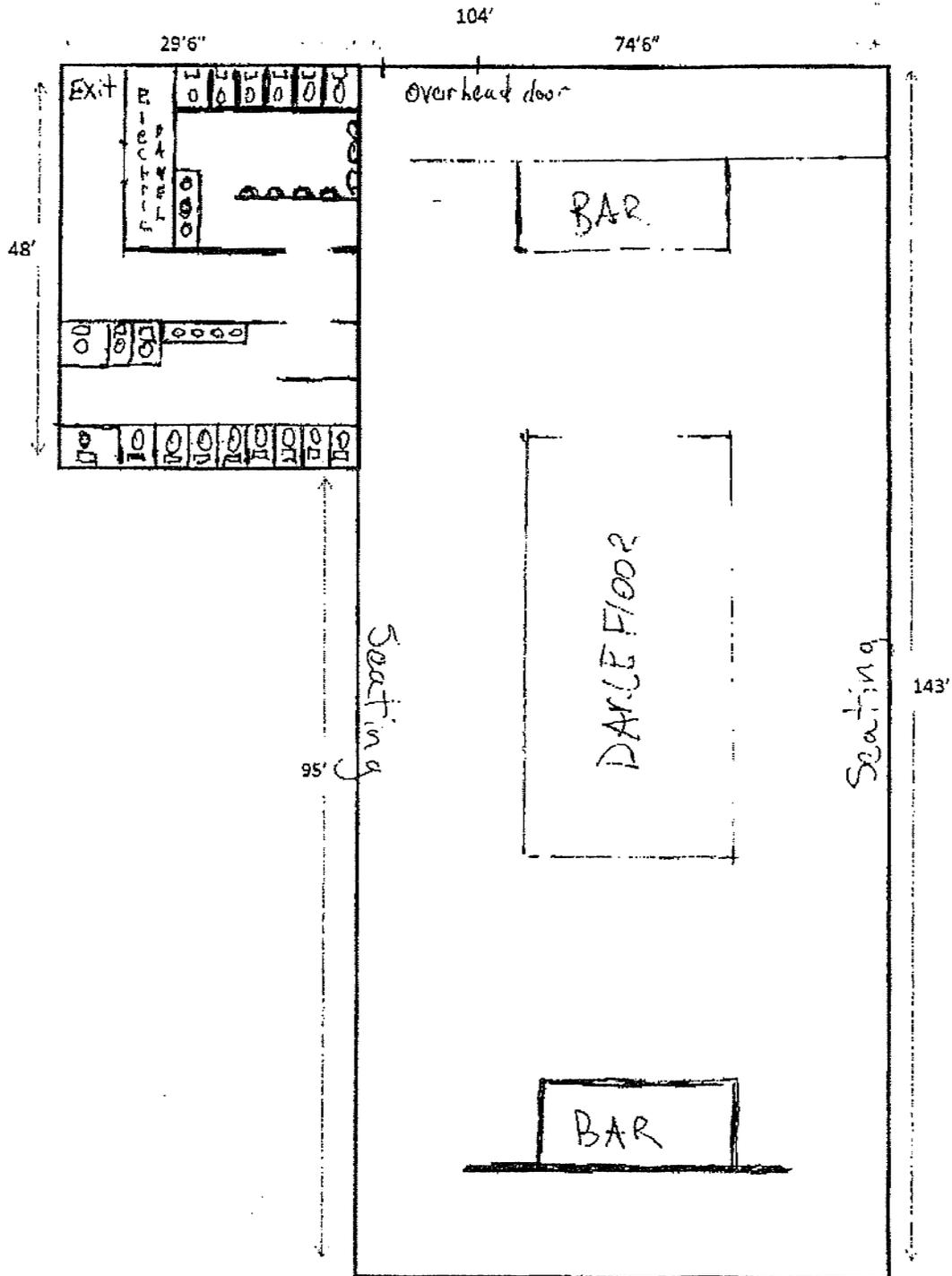
NOT ADOPTED this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor

ATTEST:

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



Colonial Estates  
1321 E. Lindsey St.  
Norman OK

Approx: 12,340 SF

**COLONIAL CAPITAL, LLC**  
**2731 South I-35 Service Road**  
**Moore, OK 73160**  
**Office (405) 366-0000 Fax (405) 703-4334**

December 1, 2011

City of Norman  
201 W. Gray St.  
Norman, OK 73069

Re: Special Use Permit- Colonial Estates

Dear City of Norman:

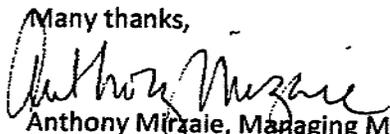
It is our understanding that Jeffrey Tisdale has applied for a Special Use Permit for the space located at 1321 E. Lindsey St. in the Colonial Estates Shopping Center and is currently going through the process of obtaining said permit. Please know we fully support Mr. Tisdale in his efforts to obtain this permit and are excited to welcome him as a tenant in our retail center as well as a member of the Norman business community.

We also understand that a similar permit was acquired earlier this year by a group, Lemmco, LLC, which was pursuing a space, 1317 E. Lindsey, within Colonial Estates. Unfortunately, Lemmco was unable to acquire financing for their endeavor and never opened for business. As you know, that permit remains in place.

Please know that, as owners of the retail center, we are willing to terminate the previous permit which was granted to Lemmco should Mr. Tisdale be approved for his permit. Mr. Tisdale is a proven operator with the ability to be successful in establishing a well-run facility and we feel that his use brings something new to our community which certainly fills a void in east Norman.

Please feel free to contact me with any questions or concerns directly at 366-0000.

Many thanks,

  
Anthony Mirzaie, Managing Member  
Colonial Capital, LLC



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ORDINANCE NO. O-1112-18

ITEM NO. 10

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**STAFF REPORT**

**GENERAL INFORMATION**

APPLICANT	Jeffrey Tisdale
REQUESTED ACTION	Special Use for a Bar, Lounge or Tavern With Live Entertainment
EXISTING ZONING	C-2, General Commercial District
SURROUNDING ZONING	North: R-3, Multi-Family East: C-1 and RM-6 South: C-2, General Commercial West: R-1, Single Family
LOCATION	1321 E. Lindsey Street (Colonial Estates Shopping Center)
SIZE	7.5 acres (entire shopping center)
PURPOSE	Bar with Dance Floor
EXISTING LAND USE	Vacant space within existing center
SURROUNDING LAND USE	North: Single-Family Dwellings East: Apartments South: Retail/Commercial West: Single-Family Dwellings
LAND USE PLAN DESIGNATION	Commercial
GROWTH AREA DESIGNATION	Current Urban Service Area

**SYNOPSIS:** The applicant would like to convert an existing vacant commercial space, containing about 12,000 square feet, into a Country Dance Hall that would offer instructions in ballroom and country dance. Although some food would be catered occasionally, they would primarily operate as a bar offering mixed beverages. Incidental activities would include pool tables and big-screen televisions.

**ANALYSIS:** In January of this year, the Planning Commission reviewed a request for a different bar in this same shopping center, in a nearby location. The request at that time was for a computer gaming facility that would operate as a bar at night, and the Commission expressed concerns about some of the operational difficulties which could occur. Although the Commission did not support the request, the City Council unanimously approved the bar. The applicants have since dropped their proposal, withdrew from their lease, and have not proceeded with any alterations to the property.

The current request is for a larger facility (12,340 square feet versus 8,400 square feet), but a major portion of the space will be devoted to the dance floor. The facility will be limited to persons who must be twenty-one years old to enter, as the primary designation will be a bar serving mixed alcoholic beverages. As before, the principal on-site impact is the availability of parking. Shopping Centers must provide one parking space per 250 square feet of leaseable area. In this case, there are more than thirty spaces in addition to the 439 spaces required for this 109,000 square foot center. The mix of retail uses in the eastern end of the center appears to need fewer spaces than the amount that is provided. The applicant intends to operate from 8:00 PM to 2:00 AM, initially only from Wednesday to Sunday, which would minimize any daytime impacts on existing businesses. Bars can have negative off-site impacts, but this center has direct access to Lindsey Street, a major arterial, and most traffic is expected to utilize that roadway.

**OTHER AGENCY COMMENTS:**

- **PARK BOARD** Commercial uses do not require parkland dedication.
- **PUBLIC WORKS** The property has already been platted. This Special Use will not require any modification to the site which would alter the plat or require additional public improvements.

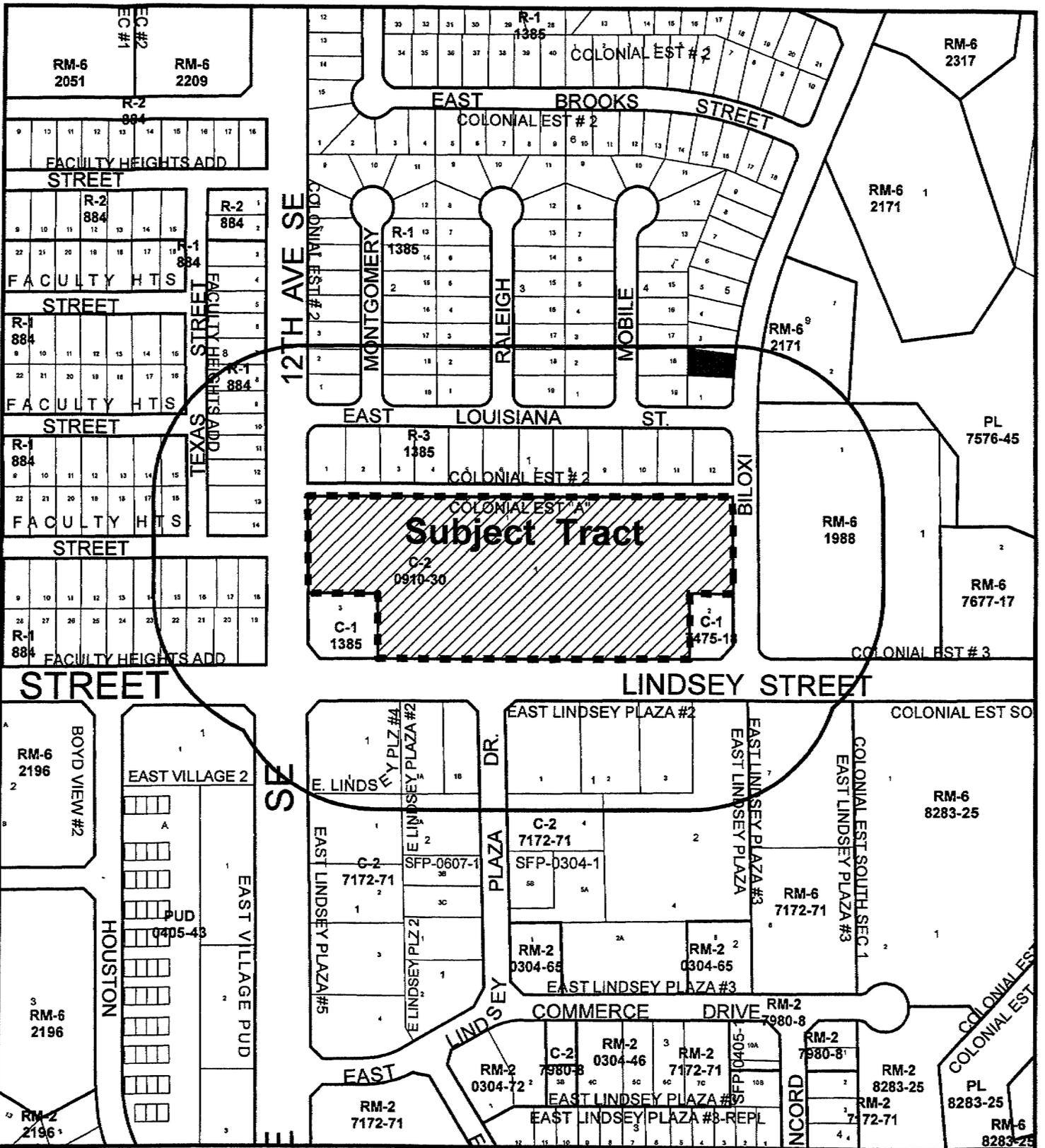
**STAFF RECOMMENDATION:** While bars can often be easily integrated into large shopping areas (if there is an abundance of available or off-peak parking), off-site impacts can increase. Several neighbors attended the pre-development meeting, some of whom have now filed protests, citing concerns with the changing character of the shopping center and potential speeding on nearby streets. Staff has asked for a letter from the leaser acknowledging that they do not intend to lease the previously approved bar should this request be approved, which they have verbally agreed to. With the understanding that only one bar would be in operation in this shopping center, staff supports this request for a Special Use, as the impact should not be significantly different than the previously approved bar.

Description of business at 1321 E. Lindsey St.

My business will be a Country dance hall which will include Ballroom and Country dance instruction. We will offer live music occasionally and will sale mixed beverages. We will also have pool tables and big screen televisions. We also would like to offer catered food to compliment our beverage service. Our hours of operation will at this time be Wednesday through Sunday 8pm to 2 am.

Sincerely  
Jeffrey Tisdale

405-360-7677

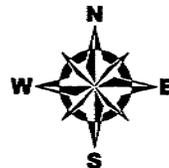


# Protest Map

0.7% Protest Within Notification Area

Map Produced by the City of Norman  
Geographic Information System.  
(405) 368-5316

The City of Norman assumes no  
responsibility for errors or omissions  
in the information presented.



Scale: 1" = 300'  
December 7, 2011

-  Subject Tract
-  Protest
-  Notification Area
-  Protest Outside Notification Area

November 26, 2011

Mr. Mrs. Charles Henson  
1034 Biloxi Drive  
Norman, OK 73071

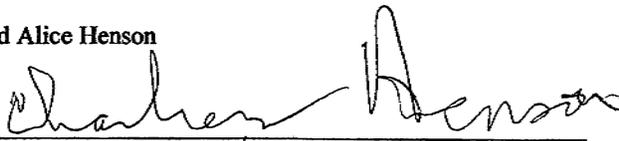
Norman Planning Commission  
201-A West Gray Street (P. O. Box 370)  
Norman, OK 73069 (73070)

To Whom It May Concern:

We as residents do not want a bar at the Colonial Estates at 1317 East Lindsey. We have lived here on Biloxi Drive for thirty nine (39) years and there has been more than enough mischievous goings on (proglers, loud passer bys, suspicious activities, ect.) without adding a bar that would create more problems. We feel this would encourage people to get drunk and drive, be loud, create problems, such as fights, and safety issues. Thus, we protest against the Special Use for a bar.

Thank you for your time and consideration.

Charles and Alice Henson

  
\_\_\_\_\_  
  
\_\_\_\_\_

FILED IN THE OFFICE  
OF THE CITY CLERK  
ON 11/29/11

**NORMAN PLANNING COMMISSION  
REGULAR SESSION MINUTES**

**DECEMBER 8, 2011**

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 8<sup>th</sup> day of December 2011. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

Chairman Jim Gasaway called the meeting to order at 6:30 p.m.

Item No. 1, being:

**ROLL CALL**

**MEMBERS PRESENT**

Diana Hartley  
Tom Knotts  
Chris Lewis  
Curtis McCarty  
Roberta Pailles  
Andy Sherrer  
Zev Trachtenberg  
Jim Gasaway

**MEMBERS ABSENT**

Cynthia Gordon

A quorum was present.

**STAFF MEMBERS PRESENT**

Susan Connors, Director, Planning &  
Community Development  
Doug Koscinski, Manager, Current Planning  
Division  
Ken Danner, Subdivision Development  
Manager  
Roné Tromble, Recording Secretary  
Jane Hudson, Planner II  
Kathryn Walker, Asst. City Attorney  
Larry Knapp, GIS Analyst

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Item No. 10, being:

**ORDINANCE NO. O-1112-18 – JEFFREY TISDALE REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN WITH LIVE ENTERTAINMENT IN APPROXIMATELY 12,340 SQUARE FEET OF PROPERTY CURRENTLY ZONED C-2, GENERAL COMMERCIAL DISTRICT, GENERALLY LOCATED IN COLONIAL ESTATES SHOPPING CENTER AT 1321 E. LINDSEY STREET.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Staff Report
3. Site Plan
4. Project Description

**PRESENTATION BY STAFF:**

1. Mr. Koscinski noted that we had a similar request in the same shopping center in January of this year that the Planning Commission looked at and the Council ultimately approved. We have now received a letter from the shopping center owner saying they really don't want two bars, so the first one will be eliminated – the approval will essentially evaporate because it won't be used. This is a new bar that is right next door to the prior approval. This is a different concept and will be a true bar; the other one had issues of age at different times of the day. This one is a bar with a dance hall with a variety of dance instruction. It is located in Colonial Estates Shopping Center, which is an existing shopping center at the northeast corner of 12<sup>th</sup> and Lindsey. North of the site is an alley with single family homes to the north. To the east of the shopping center is a variety of multi-family uses. South of Lindsey are commercial uses. Further west it transitions back to other residential uses with single-family and some duplexes. This application is for a use that is 20-30% larger than the last one. It will be a bar which will be limited to 21 year olds and older. There is no food service proposed. Staff supports the request. We did receive a protest within the notification area which was concern about traffic. Impacts from this bar are probably going to be the same or less as from the previous one. There are traffic impacts. They tend to be later at night. It has direct access to Lindsey and to 12<sup>th</sup> and that is where most of the traffic will come and go from.

**PRESENTATION BY THE APPLICANT:**

1. Jeffrey Tisdale, 2401 Ridgewood Street, Houston, Texas – The only thing that I saw was the analysis that I would be limited to 21 and older. I said I was going to allow 18 and up.
2. Mr. Gasaway indicated that would not affect our approval, but that would affect the Alcohol Beverage Control Board's issues with your liquor license.
3. Mr. Trachtenberg asked how this property is going to be managed. Mr. Tisdale indicated he will be keeping an eye on it.
4. Ms. Pailles asked where this is in the mall. It fronts on Lindsey and the exit goes out to the alley. Mr. Tisdale indicated that is correct. It runs kind of the depth of the building.
5. Mr. McCarty asked how it will be operated, and hours of operation. Mr. Tisdale said he plans to teach country and western dance lessons, along with ballroom. As far as the hours of operation, I'd probably open up at 6:00 and shut down at 2:00.
6. Mr. Knotts asked about any alley activity. Mr. Tisdale said he thinks that the back of the building should just be used as a fire exist only and for deliveries.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Chris Lewis moved to recommend approval of Ordinance No. O-1112-18 to the City Council. Diana Hartley seconded the motion.*

1. Mr. Lewis commented that any economic stimulus in Ward 1 is excellent.

2. Mr. McCarty asked, since this is a special use permit for a bar, does it have anything to do with the age allowed. Mr. Koscinski explained that one of staff's concerns with the previous request was that she did wish to operate with mixed ages. We were waiting for something from the State ABLE commission to clarify whether that's possible. They ultimately said that you could have young adults up to a certain time then move them out and become a full bar. That was a bit unusual. Most operations in Oklahoma, as you know, if it's a bar no one under 21 is allowed to enter the premises. There is no indication of food service here, so this would not operate as a restaurant that would have any reason for children to be in there. You don't need to make that a condition, because I think State law will control it.

3. Mr. Trachtenberg voiced enthusiastic support for this application, for all the reasons everyone has mentioned. Mr. Tisdale apparently runs other operations of this sort in other places, so I'm sure he's got lots of experience dealing with the neighborhood and making sure that over-enthusiastic patrons of the bar mind their manners when they leave and not intrude. And I think that would allay any of the worries that residents have about this.

4. Ms. Pailles commented this is basically where I live and that shopping center has some problems. It has loiterers and it has panhandlers and I don't know that this would actually help with that. In places where we have bars adjacent to neighborhoods, the neighborhoods end up in front of City Council all the time complaining about the bars – they have difficulty getting along. I kind of see part of our charge as noting things that are likely to be problems in the sense that they're likely to show up in front of City Council and maybe short-changing those. So I'll vote against it, partly because this is where I live. It's not what I'm hoping for, although that area sure needs improvement. There are lots of places in town that are begging for this kind of business, but I don't see this as the most appropriate place for that.

There being no further discussion, a vote on the motion was taken with the following result:

YEAS	Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer, Zev Trachtenberg, Jim Gasaway
NAYES	Roberta Pailles
ABSENT	Cynthia Gordon

Ms. Tromble announced that the motion, to recommend approval of Ordinance No. O-1112-18 to the City Council, passed by a vote of 7-1.

\* \* \*



# City of Norman, OK

Municipal Building Council  
Chambers  
201 West Gray Street  
Norman, OK 73069

## Master

**File Number: RPT-1112-21**

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<b>File ID:</b> RPT-1112-21	<b>Type:</b> Communication or Report	<b>Status:</b> Non-Consent Items
<b>Version:</b> 1	<b>Reference:</b> Item No. 27	<b>In Control:</b> City Council
<b>Department:</b> Finance Department	<b>Cost:</b>	<b>File Created:</b> 12/28/2011
<b>File Name:</b> Discussion of Audit	<b>Final Action:</b>	

**Title:** DISCUSSION REGARDING REPORTS ENTITLED "COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011," AS PREPARED BY THE CITY OF NORMAN FINANCE DEPARTMENT; AND "THE CITY OF NORMAN SINGLE AUDIT REPORT FOR THE YEAR ENDED JUNE 30, 2011," AND "NORMAN TAX INCREMENT FINANCE AUTHORITY FINANCIAL STATEMENT FOR THE YEAR ENDED JUNE 30, 2011" AS PREPARED BY THE FIRM OF COLE AND REED, P. C., FOR THE CITY OF NORMAN, OKLAHOMA, NORMAN UTILITIES AUTHORITY, NORMAN MUNICIPAL AUTHORITY, AND NORMAN TAX INCREMENT FINANCE AUTHORITY AND ACKNOWLEDGE RECEIPT THEREOF.

**ACTION NEEDED:** Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to discuss the reports.

**ACTION TAKEN:** \_\_\_\_\_

**Notes:** January 24, 2012, City Council Agenda

**Agenda Date:** 01/24/2012

**Agenda Number:** 27

**Attachments:**

**Project Manager:** Anthony Francisco, Finance Director

**Entered by:** Ellen.Usry@NormanOK.gov

**Effective Date:**

**History of Legislative File**

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	01/10/2012	Postponed		01/24/2012	01/24/2012	
	<b>Action Text:</b>		Postponed				
1	City Council	01/10/2012					