City of Norman, OK

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

City Council Agenda

Tuesday, February 14, 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-1112-48

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 17, 2012
CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 18, 2012
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF JANUARY 25, 2012
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 24, 2012
CITY COUNCIL MINUTES OF JANUARY 24, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 24, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 24, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 24, 2012
CITY COUNCIL SPECIAL SESSION MINUTES OF JANUARY 31, 2012
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF FEBRUARY 1, 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 17 Study Session minutes
January 18 Finance Committee Minutes
January 24 Conference Minutes
January 24 CC Minutes
January 25 CPTC Minutes
January 31 Special Session minutes
February 1 Oversight Minutes

Awards and Presentations

4 GID-1112-47 PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM COMMUNITY CHRISTIAN SCHOOL.

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Community Christian School.

ACTION TAKEN: _____

5 P-1112-11 PROCLAMATION NO. P-1112-11: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2012, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-11 proclaiming the month of February, 2012, as Black History Month in the City of Norman.

ACTION TAKEN: _____

Attachments: Black History Month

6 R-1112-108 RESOLUTION NO. R-1112-108: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, COMMENDING AND EXTENDING APPRECIATION TO NORMAN SOONER ROTARY CLUB AND NORMAN PUBLIC SCHOOLS FOR THEIR COLLABORATIVE LITERACY PROJECT BENEFITTING CHILDREN IN RURAL COLIMA, MEXICO, THE CITY OF NORMAN'S SISTER CITY.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-108.

ACTION TAKEN: _____

Attachments: Colima Literacy Resolution

7 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 8 through Item 22 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:

8 O-1112-20 CONSIDERATION OF ORDINANCE NO. O-1112-20 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 SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

ACTION TAKEN: Motion to Introduce and adopt Ordinance No. O-1112-20 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File O-1112-20
O-1112-20 RCB Bank
Village at Oakhurst PUD Narrative
Village at Oakhurst Location Map
RCB Bank Rezoning Staff Report
Village at Oakhurst Cross Section
Village at Oakhurst Landscaping
Village at Oakhurst Office Park Plan
Village at Oakhurst Vicinity Plan
VillageAtOakhurst_Protest Map
Village at Oakhurst Protest Letters
Protest Letter Pasterick
1-12-12 PC Minutes - Village at Oakhurst

9 O-1112-24 CONSIDERATION OF ORDINANCE NO. O-1112-24 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTIONS 10-701, 10-702, AND 10-703 TO THE CODE OF THE CITY OF NORMAN TO DEFINE GRAY WATER AND ALLOW FOR ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS WHILE PROVIDING A PENALTY SHOULD IT BE USED NOT IN ACCORDANCE WITH SAID PROVISIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-24 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File O-1112-24
O-1112-24
O-1112-24 Annotated
January 3 2012 SS Minutes
Pert Excepts January 24 Conf Minutes

10 O-1112-29 CONSIDERATION OF ORDINANCE NO. O-1112-29 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 13-101, AND ARTICLE VIII, SECTION 13-2802, OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING CONDITIONS FOR LICENSE/PERMIT ISSUANCE AND PROVISIONS FOR HOURS OF OPERATION FOR DOOR-TO-DOOR PEDDLERS AND SOLICITORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-29 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File O-1112-29
O-1112-29 (Permit Issuance) Annotated
O-1112-29 (Permit Issuance) Clean
October 5 Oversight Minutes

11 K-1112-113 CONSIDERATION OF BID NO. 1112-40, CONTRACT NO. K-1112-113 WITH PETROLEUM MARKETERS EQUIPMENT COMPANY, L.L.C., IN THE AMOUNT OF $170,741, CHANGE ORDER NO. ONE DECREASING THE CONTRACT AMOUNT BY $36,524 AND RESOLUTION NO. R-1112-107 FOR THE COMPRESSED NATURAL GAS SLOW FILL EXPANSION EQUIPMENT LABOR PACKAGE.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $170,741 to Petroleum Marketers Equipment Company, L.L.C., as the lowest and best bidder meeting specifications; approve Contract No. K-1112-113 and Change Order No. One decreasing the contract amount by $36,524; authorize the Mayor to execute the contract and change order and to sign Performance Bond No. B-1112-43, Statutory Bond No. B-1112-44, and Maintenance Bond No. MB-1112-39 contingent upon the City Attorney's approval; and adopt Resolution No. R-1112-107.

ACTION TAKEN: _____

Attachments: Text File K-1112-113
Bid No. 1112-40 Bid Record.pdf
ENGINEERS ESTIMATE.pdf
K-1112-113
Change Order 1 K-1112-113
R-1112-107
Petroleum Marketers PR

12 GID-1112-46 CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF TEN (10) MODULAR WORKSTATIONS VALUED AT $2,200 DONATED FROM COPELIN'S OFFICE CENTER TO BE USED BY THE NORMAN POLICE DEPARTMENT.

ACTION NEED: Motion accept or reject a donation of ten (10) modular workstations valued at $2,200 to be used by the Police Department.

ACTION TAKEN: _____

Attachments: Text File Donation
GID-1112-46 Donation from Copelins Office Center.pdf

13 K-0910-185 Amd #1

AMENDMENT NO. ONE TO CONTRACT NO. K-0910-185: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) EXTENDING THE CONTRACT UNTIL JUNE 30, 2012, FOR PHASE II OF THE 2008 CANADIAN RIVER WASTELOAD ALLOCATION STUDY.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. One to Contract No K-0910-185 with the Association of Central Oklahoma Governments (ACOG) extending the contract until June 30, 2012; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Text File Amend 1 K-0910-185
Amend 1 K-0910-185

14 K-1011-49 Amd #2

AMENDMENT NO. TWO 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 $49,000 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.

ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of $49,000: and, if approved, authorize the execution thereof and appropriate $49,000 from the Capital Fund Balance (050-0000-253.50-00) to Project TR0085, CNG ARRA Expansion, designating $24,432 to Construction (022-9503-435.61-01) and $24,568 to Materials (022-9503-435.63-01).

ACTION TAKEN: _____

Attachments: Text File Amend 2 K-1011-49
Amendment 2 K-1011-49

15 K-1011-152 CO2

CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-152: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RUDY CONSTRUCTION COMPANY INCREASING THE CONTRACT AMOUNT BY $23,680.15 FOR THE JEFFERSON - LONGFELLOW SAFE ROUTES TO SCHOOL PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-1011-152 with Rudy Construction Company increasing the contract amount by $23,680.15; and, if approved, authorize the execution thereof, accept the project, direct final payment in the amount of $22,040.28 to Rudy Construction Company, and appropriate $5,640.23 from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0072, Jefferson-Longfellow Safe Routes to School Infrastructure Project, Construction (050-9082-431.61-01).

ACTION TAKEN: _____

Attachments: Text File Final K-1011-152
Attachment No. 1- CO2-SRTS (K-1011-152)
Change Order 2 K-1011-152
SRTS-Final Quantities

16 K-1112-52 Final

CONSIDERATION OF FINAL ACCEPTANCE AND PAYMENT OF CONTRACT NO. K-1112-52 BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND STANDARD ROOFING COMPANY, INC., FOR THE ROOF REPLACEMENT PROJECT AT THE WATER TREATMENT PLANT LAB/FILTER, AND CHEMICAL BUILDINGS AND THE WASTEWATER TREATMENT PLANT NORTH PRIMARY CLARIFIER PUMP STATIONS AND STORM WATER HOLDING PONDS BLOWER BUILDING.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject the project; and, if accepted, direct payment in the amount of $299,840 to Standard Roofing Company, Inc.

ACTION TAKEN: _____

Attachments: Text File Final K-1112-52
Invoice.pdf
K-1112-25 before and after roofs.pdf
Purchase Order

17 K-1112-112 CONTRACT NO. K-1112-112: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CARDINAL ENGINEERING, INC. IN AN AMOUNT NOT-TO-EXCEED $75,750 TO PROVIDE ON-CALL ENGINEERING SERVICES FOR THE PENDLETON DRIVE AREA WATERLINE REPLACEMENT PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1112-112 with Cardinal Engineering, Inc., in an amount not-to-exceed $75,750; if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Text File K-1112-112
K-1112-112
PR Cardinal

18 GID-1112-49 CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $23,802.62 REGARDING BOBBY ALAN ANDERSON VS CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2011-06004A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $23,802.62 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Text File WCC Anderson
Attachment 1 Anderson
Order - Anderson
Requisitions - Anderson

19 GID-1112-51 CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $14,360 REGARDING JEFF E. WOODS VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-10063J.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $14,360 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Text File WCC Woods
Attachment 1 - Award Table
Court Order - Woods
PR Woods

20 R-1112-96 RESOLUTION NO. R-1112-96: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DIRECTING CITY STAFF TO EXPAND THE PROACTIVE CODE ENFORCEMENT PROGRAM CITYWIDE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-96.

ACTION TAKEN: _____

Attachments: Text File R-1112-96
R-1112-96 Proactive Code Enforcement
Exhibit A - 2002
Exhibit B - Citywide Code Enforcement
Pert excerpts from Januay 24 Conf Minutes

21 R-1112-106 RESOLUTION NO. 1112-106: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, RECOGNIZING THE IMPORTANCE OF NORMAN'S WATER RESOURCES AND ACKNOWLEDGING WATER PRODUCED AT THE WASTEWATER TREATMENT FACILITY CAN AND IS RECLAIMED FOR BENEFICIAL USE AND HEREBY DECLARING THE NAME OF THE WASTEWATER POLLUTION CONTROL FACILITY BE CHANGED TO THE WATER RECLAMATION FACILITY OF NORMAN, OKLAHOMA.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-106.

ACTION TAKEN: _____

Attachments: Text File R-1112-106
Water Reclamation Facility

22 R-1112-110 RESOLUTION NO. R-1112-110: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $23,550 FROM THE COMPRESSED NATURAL GAS FACILITY CONSTRUCTION ACCOUNT TO UTILIZE ELIGIBLE GRANT FUNDS.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-110.

ACTION TAKEN: _____

Attachments: Text File R-1112-110
ARRA Revised Grant Funds Table.pdf
R-1112-110

Non-Consent Items

23 R-1112-100 RESOLUTION NO. R-1112-100: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $1,421,968 FROM THE GENERAL FUND BALANCE TO MAKE MID-YEAR BUDGET APPROPRIATIONS AS RECOMMENDED BY THE CITY COUNCIL FINANCE COMMITTEE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-100.

ACTION TAKEN: _____

Attachments: Text File R-1112-100
R-1112-100
January 18 Finance Committee Minutes

24 GID-1112-52 CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012A, IN THE AMOUNT OF $290,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

INFORMATION: Bids will be opened on February 14, 2012, at 11:00 a.m. and Staff will provide a recommendation at the City Council meeting.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of _____ to _____ as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 2012(A)
Ordinance Authorizing Bond Issuance 2012
O-1112-26 2012(A)
13 Minutes of Sale of Bonds-2012A

25 O-1112-26 ORDINANCE NO. O-1112-26: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012A, IN THE SUM OF $290,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-26 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-26 upon Second Reading section by section

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 10.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-26 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: Text File O-1112-26
Ordinance Authorizing Bond Issuance 2012
O-1112-26 2012(A)
13 Minutes of Sale of Bonds-2012A

26 GID-1112-53

CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012B, IN THE AMOUNT OF $15,000,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

INFORMATION: Bids will be opened on February 14, 2012, at 11:00 a.m. and Staff will provide a recommendation at the City Council meeting.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of _____ to _____ as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 2012(B)
Ordinance Authorizing Bond Issuance 2012
O-1112-27-2012B
13 Minutes of Sale of Bonds-2012B

27 O-1112-27 ORDINANCE NO. O-1112-27: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012B, IN THE SUM OF $15,000,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-27 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-27 upon Second Reading section by section

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 10.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-27 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: Text File O-1112-27
Ordinance Authorizing Bond Issuance 2012
O-1112-27-2012B
13 Minutes of Sale of Bonds-2012B

28 GID-1112-54

CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012C, IN THE AMOUNT OF $3,035,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

INFORMATION: Bids will be opened on February 14, 2012, at 11:00 a.m. and Staff will provide a recommendation at the City Council meeting.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of _____ to _____ as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 2012(C)
Ordinance Authorizing Bond Issuance 2012
O-1112-28 2012(C)
13 Minutes of Sale of Bonds-2012C

29 O-1112-28 ORDINANCE NO. O-1112-28: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012C, IN THE SUM OF $3,035,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-28 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-28 upon Second Reading section by section

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 10.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-28 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments: Text File O-1112-28
Authorizing Bond Issuance 2012
O-1112-28 2012(C)
13 Minutes of Sale of Bonds-2012C

30 K-1112-114 CONTRACT NO. K-1112-114: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CAROLLO ENGINEERS, INC. IN THE AMOUNT OF $280,000 TO PREPARE PHASE I OF THE 2060 STRATEGIC WATER SUPPLY PLAN.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1112-114 with Carollo Engineers, Inc., in the amount of $280,000; and, if accepted authorize the execution thereof.

ACTION TAKEN: _____

Attachments: Text File K-1112-114
K-1112-114
PR Carollo

31 R-1112-109 RESOLUTION NO. R-1112-109: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING A CHARTER REVIEW COMMISSION FOR THE PURPOSE OF CONDUCTING A TARGETED REVIEW OF THE NORMAN CITY CHARTER AND TO REPORT ITS FINDINGS TO THE CITY COUNCIL.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-109.

ACTION TAKEN: _____

Attachments: Text File R-1112-109
R-1112-109 (Charter Review Commission)
May 18, 2010 SS Minutes
November 1 Special Session minutes
December 13, 2011 Conference Minutes

32 **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.

33 **Adjournment**

City of Norman, OK

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

Master

File Number: GID-1112-48

File ID:	GID-1112-48	**Type:**	Minutes	**Status:**	Draft
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	01/30/2012
File Name:	Minutes			**Final Action:**	

Title:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL STUDY SESSION MINUTES OF JANUARY 17, 2012
CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 18, 2012
CITY COUNCIL COMMUNITY PLANNING AND TRANSPORTATION COMMITTEE MINUTES OF JANUARY 25, 2012
CITY COUNCIL CONFERENCE MINUTES OF JANUARY 24, 2012
CITY COUNCIL MINUTES OF JANUARY 24, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF JANUARY 24, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF JANUARY 24, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JANUARY 24, 2012
CITY COUNCIL SPECIAL SESSION MINUTES OF JANUARY 31, 2012
CITY COUNCIL OVERSIGHT COMMITTEE MINUTES OF FEBRUARY 1, 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: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 3

Attachments: January 17 Study Session minutes, January 18 Finance Committee Minutes, January 24 Conference Minutes, January 24 CC Minutes, January 25 CPTC Minutes, January 31 Special Session minutes,

February 1 Oversight Minutes

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:

Text of Legislative File GID-1112-48

CITY COUNCIL STUDY SESSION MINUTES

January 17, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a study session at 5:36 p.m. in the Municipal Building Conference Room on the 17th 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, Spaulding, Mayor Rosenthal
ABSENT:	Councilmembers Ezzell and Quinn

DISCUSSION REGARDING TOWING SERVICES FOR THE CITY OF NORMAN POLICE DEPARTMENT PROVIDED BY OUTSIDE CONTRACTORS.

Mr. Jim Maisano, Deputy Police Chief, said the Police Department (PD) works in partnership with wrecker services in the community. He said the PD calls for a wrecker for impounds or when an owner does not have a preference on a wrecker service. He said the PD wants to ensure that when they partner with a wrecker service in the community, efficient service is provided. He said the PD is currently working to improve the wrecker policy and is seeking Council's input.

Deputy Chief Maisano said the PD conducts about 3,500 impounds or no owner preference calls per year and 60% of those calls are requests for impounds. He said wrecker services are regulated by Title 47, Oklahoma State Law, Section 595, Oklahoma Administrative Code (OAC). He said City of Norman ordinances do not regulate towing and wrecker services; however, cities are allowed to establish local policies and ordinances to govern their use of wrecker and towing services.

Title 47, Chapter 72, Section 952, states:

- Unless otherwise regulated by the governing body of the political subdivision, the wrecker vehicle used to perform wrecker or towing services requested by the political subdivision of this state for removal of a vehicle from public property for reasons listed in Section 955 of this title shall be from the licensed wrecker or towing service (through the State) whose location is nearest to the vehicle to be towed;
- Requests for service may be alternated or rotated among all such licensed wrecker and towing services which are located within a reasonable radius of each other;
- Allows for competitive bid for selection of a single wrecker service;
- The police chief or sheriff shall keep rotation logs on all requested tows and logs shall be available for public inspection upon request; and
- Exception to maintain logs include insufficient licensed wrecker or towing services to rotate such services and services are contracted after a competitive bid process.

Deputy Chief Maisano said the PD has a wrecker policy outlining regulations for wrecker and towing services that was last revised in October 1985. He said wrecker requirements were incorporated into the policy from State law and impound yard requirements were also incorporated into a City ordinance. In 1985, the PD wrecker policy initially used tow call districts whereas the City of Norman has the prerogative to geographically divide the City into wrecker districts and retain the prerogative to utilize a rotation system. He said problematic issues were identified within the current policy that consist of no designated Department Wrecker Coordinator; no procedure for a wrecker company to request to be added to rotation; no procedure for formal administrative review; no standard for call response time by wreckers; no criminal history or driving record checks are done on wrecker drivers; some definitions within the policy are not the same as State law; towing service insurance required coverage amount is incorrect; and the required equipment list is not current with State law. Deputy Chief Maisano said currently, wrecker and towing services have

unequal rotations as one wrecker service gets all vehicles from an assigned call. He said State law, which directs the Department of Public Safety, allows the use of one wrecker service per vehicle so if there is a four vehicle crash; the PD would dispatches the next four wreckers in rotation to pick up those vehicles.

Deputy Chief Maisano said the PD currently uses five wrecker companies in the City's rotation that consist of L&A Wrecker 1, L&A Wrecker 2, Quick Wrecker, Quality Wrecker, and A&A Towing Services. He said L&A Wrecker 1 and 2 and Quick Wrecker have one main office and the owners sub-divided into three companies. He said the PD currently assigns one wrecker company in a rotation no matter how many vehicles are being impounded. He said Quality Wrecker has 12 tow trucks with 10 full-time drivers. L&A Wrecker 1 and 2 and Quick Wrecker have 18 tow trucks, 10 full-time drivers, and 8 part-time drivers and drivers perform for all three companies. He said one driver may perform several tows for Norman using a truck from the different services. A&A Towing Service has 6 tow trucks, 3 full-time drivers, and 4 part-time drivers.

Deputy Chief Maisano said the PD wants to address customer service impact on citizens. He said, currently, if a citizen wants to pick up their vehicle they have to come to the PD, obtain the wrecker impound release which requires payment of any delinquent parking tickets and posting a bond through Municipal Court, then they must travel to the wrecker company to get their vehicle. He said occasionally, the citizen is transported to the hospital and all personal property in the vehicle is turned over to a third party of the wrecker company. He said the PD would like to streamline the process by allowing more of this process to be done through the wrecker companies to minimize the citizen's travel time.

Deputy Chief Maisano said wrecker drivers are not currently required to submit an annual review of their driving record or criminal history. He said taxi drivers obtain a driver's license from the PD that requires background and driving records checks and the PD would like to use the same criteria in the wrecker policy.

Deputy Chief Maisano highlighted other communities' wrecker policies in regard to required response time and vehicle release methods. He said the Cleveland County Sheriff's Office divides the County into three districts and each of those districts conduct competitive bidding for one wrecker service for each district. The University of Oklahoma (OU) also participates in a competitive bid process and uses one wrecker service for the OUPD and OU Parking Services.

Deputy Chief Maisano highlighted suggested modifications to Norman's wrecker policy as follows:

- Improve accountability by wrecker services for timely, quality, and professional service;
- Allow citizens to address all issues with vehicle recovery at one location;
- Clarify language in the wrecker policy, including modifications to incorporate current language from State law; and
- Require an annual Wrecker Driver's License that would include an annual review of driving and criminal records.

Deputy Chief Maisano said improving and updating the Wrecker Policy could consist of consideration of implementing a competitive bid process for a single wrecker service, identifying a Wrecker Service Coordinator within the PD, and including in any contract a procedure for collection of the PD's administrative fees by the contracted wrecker company.

Councilmember Dillingham asked if Staff had sought input from current wrecker service providers regarding the proposed policy and Deputy Chief Maisano said there had been discussions with wrecker companies in 2008 when Staff began working on a policy. He said, at that time, there were mixed feelings about competitive bidding vs. the rotation system. Councilmember Dillingham asked if wrecker services on Norman's rotation list only work in Cleveland County or in the metro as a whole. Deputy Chief Maisano said the wrecker companies provide various services and contract with different businesses and are not limited to the City of Norman. Councilmember Dillingham said she wants Norman to have the best service, but does not want to put anyone out of business and asked why the PD

is recommending a single provider rather then using multiple vendors. Deputy Chief Maisano said if the PD goes with annual competitive bidding, the City will have one wrecker service to address issues or complaints from citizens making it easier to monitor the company. He said response time requirements would also be addressed using one company as they would be required to have a certain number of drivers available at all times. Councilmember Kovach asked if all of the wrecker services in Norman had the equipment to tow larger capacity equipment such as fire trucks or sanitation trucks. Deputy Chief Maisano said the current and proposed wrecker policy requires wrecker companies to have six tow trucks with one medium size wrecker and one large size wrecker to tow larger pieces of equipment such as semi trucks, but the City's Fleet Maintenance Division tows its own vehicles.

Councilmember Kovach said, as far as criminal and driving records, he did not want to disadvantage drivers who have paid their dues and are trying to be a better citizen and asked what type of restrictions the PD is looking at placing on the criminal history. Deputy Chief Maisano said the PD wants to use the same restrictions currently in place for taxi drivers, which include no felony offenses being committed within the previous 10 years, drivers cannot be a registered sex offender, murderer, and/or aggravated assault would be exempt forever.

Councilmember Kovach asked Deputy Chief Maisano to elaborate on vehicle inspection requirements and Deputy Chief Maisano said that all wreckers would be inspected annually to make sure they have the proper equipment required by State law and to make sure all wenches work properly, etc.

Councilmember Spaulding asked how the City would regulate and compensate wrecker companies for collecting City fees and Deputy Chief Maisano said that would be addressed as part of the competitive bidding process. Councilmember Spaulding said if the City has a contract with a wrecker service and decides to terminate that contract, what is the time period from termination of the contract to approving a contract with another company and Mr. Rick Knighton, Assistant City Attorney, said a new contract would have to be obtained through the bidding process. Councilmember Spaulding asked what the City would do in that interim and Councilmember Dillingham felt that could be addressed and established in the wrecker policy as well.

Councilmember Spaulding asked if response time is currently a big problem or a regular occurrence and Deputy Chief Maisano said it is a regular occurrence, but he did not have the statistical data available this evening. Councilmember Spaulding felt that having a single provider could place a burden on one company. Councilmember Griffith asked what services the City is expecting out of a single bid option and Deputy Chief Maisano they want to require a minimum of two drivers during night hours and a minimum of four drivers during the day hours; have a 20 minute response time within the urban area and a 35 minute response time for far east Norman; wrecker companies would collect the City's administrative fees; and provide any special services such as indoor storage, access to lifts, etc., when needed.

Councilmember Lockett asked what effect a single vendor will have on the smaller companies that do not get the bid and how much notice those wrecker companies will get before they are no longer used. Councilmember Dillingham said she shares these concerns and asked if the policy criteria was implemented within the next 60 days would any company currently on rotation be disqualified and Deputy Chief Maisano said he did not believe it would affect any of the wrecker companies currently on rotation.

Mayor Rosenthal felt the goals of response time, driver record review, and minimum performance standards were very appropriate, but said she was aware of cities that use a bid process and contract with more than one company. Deputy Chief Maisano said those cities use zones and PD Staff had reviewed using zones, but it is difficult to divide the City equitably due to heavily populated urban areas versus less populated rural areas.

Councilmember Spaulding felt that contracting with wrecker services would be similar to the City's Code Enforcement abatement contracts. He said Code Enforcement Staff may be able to give input regarding their process, which he felt was fair and equitable. Deputy Chief Maisano said if the City continues to use a rotation system, the City would update their policy and, if wrecker services agree to all conditions, they would fill out an application requesting to be on the rotation schedule.

Councilmember Kovach felt that wrecker companies or other qualifying businesses should have input before Council made a decision on whether or not the services should be competitively bid. Mayor Rosenthal suggested Staff gain additional information on rotation system versus an unlimited number of contractual arrangements. She said she would like the City Council Oversight Committee to review the findings and make recommendations to Council. Councilmember Dillingham agreed and said she would also like the zone concept be reviewed and felt that option would enable the PD to have more consistency from wrecker services.

Councilmember Gallagher suggested PD Staff move forward with the policy proposals and bring a draft back to Council. Mayor Rosenthal said there seemed to be support and consensus on response times and record review and the only question is the option of a single bid, zones, or continuance of peer rotation system. She said Council wants to hear from wrecker companies regarding those options and Staff should go forward with updating the policy in regards to the other goals. Councilmember Dillingham asked for clarity in terms of addressing citizen's issues with retrieving vehicles. Councilmembers agreed with going forward with policy proposals and meeting with wrecker companies for their input on competitive bidding, using a zone system, or continuing with a rotation system.

Councilmember Spaulding was concerned about potential problems with wrecker companies collecting City fees and Mr. Keith Humphrey, Police Chief, said it can be problematic, if allowed, but felt there was a way to set up a formal system for fees to be collected by wrecker companies, not drivers. He said more information can be obtained through discussions with the wrecker companies.

Items submitted for the record

1. PowerPoint presentation entitled, "Wrecker Policy, Norman City Council Study Session dated January 17, 2012"

The meeting adjourned at 6:23 p.m.

ATTEST:

City Clerk

Mayor

FINANCE COMMITTEE MINUTES
January 18, 2012

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 18th 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:	Members Dillingham, Ezzell, Gallagher, and Griffith
ABSENT:	Member Quinn
OTHERS PRESENT:	Cindy Rosenthal, Mayor Tom Kovach, Council Member Linda Lockett, Council Member Dave Spaulding, Council Member Steve Lewis, City Manager Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Linda Price, Revitalization Manager Ken Komiske, Utilities Director Joy Hampton, Norman Transcript

DISCUSSION REGARDING MID-YEAR BUDGET REVIEW

A. Major Fund Summaries (FYE 2011) Actual, FYE 2012 Projections

Presentation by Anthony Francisco with handout.

- Sales Tax on budget – 4.6% increase budgeted in FYE 2012 – currently 4.9 increase
- Use tax, permit revenues , and interest earned down
- Franchise tax is up – exceptionally hot summer increased electric power usage
- General Fund revenues updated
- Net Revenue Stabilization Fund – by ordinance, transfer minimum of 3% of expenditures over 3 years into fund
  - General Fund net operating difference if losses continue
  - Assumptions: all budgeted expenditures spent
  - Attrition savings were $1.8 million – we projected $1 million in FYE 12 and $200 thousand in FYE 13-17.
- Public Safety Sales Tax Fund
- Water Fund – user fee revenues higher due to exceptionally hot summer; FYE 12 budget assumed water rate increase

- Wastewater Funds
  - Sewer Maintenance Fund - on projection with $5 fee charged per customer; Interfund transfer to Capital Project carryover
  - New Development Excise Tax Fund – revised revenues, decrease about ½ from projected budget; low new building revenues; assumed – Treatment Plant Revenue Bond sale
  - Sewer Sales Tax Fund - projected to be drawn down for wastewater treatment plant expansion; project has been postponed, but is in final design phase
- Sanitation Fund – rate increase passed – should be fine

B. Appropriation Requests Norman Economic Development Coalition (NEDC) and Outside Agencies, Norman Employees Retirement System (NERS), etc.

- NEDC has asked that contribution be increased – restore to original amount
- NERS - Actuary report shows a deficiency of $245,173 to meet actuarial level for retirees on defined combined plan; 28% unfunded plan ratio. Current employees are on defined contribution plan.
- Actuary recommends an annual contribution of approximately $235,000 for 10 years
- Food & Shelter for Friends is requesting $8,500 to hire a monitor for their cafeteria facility to be open on cold weekends and nights for homeless people in Norman, this service would end around March 15 of this year.
  - This was discussed in the ECHO 2015 meeting in December
  - Have to amend existing contract with Food & Shelter
  - Committee wants a report to see how services were received
  - Committee recommends taking to Council next Tuesday
- Anthony Francisco asked if Committee recommends funding of other outside agencies Council has funded in the past at reduced rate of FYE 12 or restore to original amount: Center for Children & Families, Inc, 89er Day Parade, Firehouse Art Center, Historical House, and Sooner Theatre
- Ezzell – Would like for City to match the donations of employees to United Way Fund each year; contributions have ranged from $28,000 to not more than $40,000 per year
- Kovach – supportive of match , put a cap on amount
- Lockett – concerned, other projects/services to fund are needed, too
- Mayor – Increase funding should be through Social & Voluntary Services Committee
- Dillingham – have to make sure United Way is providing direct services to our citizens and set cap
- Gallagher – put a cap or earmark and specified for certain use – only way he would support
- Ezzell – cap of $50,000 and limit to 1, 2, 3 programs
- Mayor – should consider transportation needs for citizens – most have no means to make it to agencies they need service from
- Dillingham – wants more information from United Way; allocation committee makes appropriate decisions to agencies – agrees transportation is an issue
- Ezzell – restrict to direct program support; get donor restriction language from legal staff and bring back to Committee and discuss social services in general

- Dillingham – have to consider within our fiscal constraints, what is a responsible approach to social services
- Francisco – what I'm hearing is the Committee is saying to invite outside agencies and United Way to the February meeting for the FYE 13 budget process

C. "Rainy Day" Fund Appropriation

- Francisco – By ordinance Council has 3 years to fund – Council directed a deposit of $120,000 last year
- Mayor – wants a minimum contribution of $1,500,000
- Kovach – wants to defer rainy day appropriation until end of fiscal year 2012
- Francisco recapped what fund can be used for:
  - A declared federal or state disaster
  - General Fund balance falls below 1%
  - A one-time event/disaster to City, not declared by federal or state
- Francisco - Ordinance requires Council will make review at mid-year and determine any appropriations
- Ezzell – Projecting $2 million – need to make commitment for $1.5 contribution to Rainy Day Fund with restored outside agencies funding and add United Way – 3% of expenditures is approximately $3 million
- Dillingham – wants to commit to $1.5 million – expenditures are down – more stable – protect rainy day fund
- Kovach – wants to fund only 1/3 now and maybe more at year end
- Mayor – should live up to commitment and fund Rainy Day Fund
- Lockett – supportive of appropriation now
- Gallagher – wants 1/3 ($1 million) or ½ ($1.5 million) now
- Griffith – supportive of appropriation
- Ezzell – bring fund up to $1.5 million and send to Council

Items submitted for the record

1. Mid-Year Budget Review Highlights and Fund Summaries, Exhibits A through I, prepared by Anthony Francisco, Finance Director
2. Outside Agency Requests Multi-Year Review prepared by Suzanne Krohmer, Budget Manager
3. Letter from Dean Actuary to Norman Employees Retirement System
4. Letter dated September 28, 2011 to City of Norman from George Wilson, Chairperson, Norman Economic Development Coalition
5. Letter to Mayor Rosenthal & City Council dated January 19, 2012 from April Doshier, Executive Director

DISCUSSION REGARDING FYE 2013 OUTSIDE AGENCY REQUESTS AND BUDGET PROCESS

Included in discussion item above.

DISCUSSION REGARDING REVENUE/EXPENDITURE REPORT

No discussion.

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated December 31, 2011.

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

Steve Lewis informed Committee they were working on a new format for the open positions report.

City has received many applications for the Development Coordinator position. Wide range of professionals have responded to the request for applications. Will have staff members and Chamber people involved in the interview process.

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated January 11, 2012

MISCELLANEOUS DISCUSSION

No discussion.

The meeting adjourned at 6:58 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

January 24, 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 24th 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, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
TARDY:	Councilmember Dillingham
ABSENT:	Councilmember Ezzell

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Item 1, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-83 WITH SILVER STAR CONSTRUCTION COMPANY, INC., INCREASING THE CONTRACT AMOUNT BY $80,034 FOR THE 2005 URBAN ASPHALT REHABILITATION BOND PROJECT.

Mr. Shawn O'Leary, Director of Public Works, said the Norman General Obligation Bond (GOB) Election was held in March 2005, for voter approval of the Urban Asphalt Rehabilitation Bond Program. He said all bond projects were completed in five years under the program budget of $10,950,000. City Council requested that staff develop a supplemental program of street maintenance in neighborhoods to utilize the remaining funds and 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 locations on neighborhood streets. He said staff recommends approval of Change Order No. One to Contract No. K-1112-83 with Silver Star Construction Company, Inc, in the amount of $80,034. He said, if approved, construction would begin in March 2012 and be completed by December 31, 2012.

Items submitted for the record

1. Text File No. K-1112-83 dated November 7, 2011, from Greg Hall, Street Maintenance Superintendent
2. Change Order No. One to Contract No. K-1112-83

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Item 2, being:

DISCUSSION REGARDING CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-150 WITH 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 I.

Mr. O'Leary said the Town of Hall Park was annexed by the City of Norman on October 1, 2003, but at the time of the annexation, the City was not aware there was a dam that had been constructed in 1930 and needed repairs.

The Oklahoma Water Resources Board (OWRB) notified the City that they had identified the easternmost dam north of Robinson Street and west of 24th Avenue N.E. was rated as a high hazard dam due to the proximity of residential structures downstream. They stated if the dam were to fail, loss of life could occur. The notification also included a request that an inspection report be submitted annually for the dam.

Item 2, continued:

Mr. O'Leary said the September 16, 2009, inspection report stated the dam and spillway were in poor condition; trees on the embankment were in excess of three feet in diameter; the trees should be immediately removed and the dam filled to provide a stable embankment; and a formalized maintenance and Emergency Action Plans should be developed.

In October 2010, the Park Maintenance Division removed most of the vegetation from the dam, but did not remove the larger tree stumps to avoid weakening the dam. The tree stump removal was done by a private contractor using methods recommended by OWRB. In November 2010, Wilson and Company, Inc., was hired to do a scope of work study that included design of the dam embankment and emergency spillway; preparation of conceptual plans and cost estimates for a primary spillway; review of the Operation and Maintenance Manual prepared by the City of Norman; and an Emergency Action Plan prepared by the City in conjunction with Wilson and Company, Inc.

Mr. O'Leary said Contract No. K-1011-150 in the amount of $297,976 was awarded to Railroad Yard, Inc., and Contract No. K-1011-150 and Change Order No. One decreasing the contract amount by $67,622.70 was approved on August 8, 2011, to reduce the project cost to allow the project to be constructed with available funds.

Mr. O'Leary said the project was substantially completed before the project time expired and the only remaining work was the placement of sod which could not be completed due to wet conditions. The contractor was given an additional 13 calendar days to complete the project. He said the project was complete and the contract amount reduced by $9,388.67. Staff is recommending approval of the project and final payment in the amount of $2,500.

Mr. O'Leary said, in addition, there is a pre-existing minor drainage problem north of the newly constructed emergency spillway with several depressions in the area holding one to two inches of storm water after a rainfall event. The area was not included in the Hall Park Lake Dam Improvement Project and staff recommends the savings of $9,388.67 be transferred to the Greenbelt Drainage Project to be used by the Parks and Recreation department to correct the drainage problem.

Mayor Rosenthal said there had been neighborhood concerns regarding the type of sod being laid and how it is being replanted. She asked if Bermuda grass is being used and said the neighborhood felt this type of grass is very invasive and not appropriate. Mr. Bob Hanger, Stormwater Engineer, said the area was laid with Bermuda which is typical on a dam; however, staff will meet with the Hall Park Neighborhood Association regarding landscaping options such as planting trees to beautify the area. He said the OWRB requires trees be planted 30 feet from the dam. Mr. Jud Foster, Director of Parks and Recreation, said the Neighborhood Association has a copy of the landscaping plan and he believes the neighborhood association will donate some of the trees.

Items submitted for the record

1. Text File No. K-1011-150, Change Order No. 2, dated January 9, 1012, by Bob Hanger, Stormwater Engineer
2. Change Order No. Two to Contract No. K-1011-150

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Item 3, being:

DISCUSSION REGARDING PROPOSED ORDINANCE NO. O-1112-24 ALLOWING FOR USE OF GRAY WATER.

Mr. Ken Komiske, Director of Utilities, said the State introduced House Bill 1575 that would have allowed and regulated the use of gray water for the first time in Oklahoma; however, original language was substituted prior to adoption and the adopted language only added a definition of gray water as follows:

A. "Gray water" means 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, untreated municipal wastewater limited to wastewater captured from municipal splash pads, and water used by Fire Departments for cleaning equipment and vehicles. Gray water shall not include wastewater from kitchen sinks, kitchen dishwashers, or laundry water from the washing of material soiled with human excreta, such as diapers.

B. The definition of gray water in subsection A of this section shall apply *only in municipalities enacting ordinances regulating the use of gray water* within the limits of their municipal boundaries.

Mr. Komiske said the statute allows municipalities to develop their own regulations for gray water. The issue of Norman allowing for and regulating the use of gray water was discussed at the City Council Study Session on January 3, 2012, and staff was instructed to draft ordinance language. He said Ordinance No. O-1112-24 would codify the definition of gray water set forth in the statutory provision and would allow a private residential user to discharge up to 250 gallons of gray water per day for the purposes of household gardening, composting or landscape irrigation, provided that the resident takes certain steps to ensure the gray water is utilized in a safe manner.

Mr. Komiske said conditions of the gray water system would include the system be constructed so that if blockage, or plugging occurred, gray water can be directed into the sewage collection system or septic tank; any storage tank for gray water must be covered; the gray water system cannot be located in a floodway; there must be a five foot vertical separation from top of ground to groundwater table; pressure piping must be identified as non-potable; gray water can not run off property; minimize the potential for contact with people or pets; no ponding; no spraying; no discharge to watercourse; not be applied directly to edible food crops; does not contain hazardous chemicals such as home photo labs, cleaning car parts, etc.; and gray water usage does not change the design of treatment facilities, such as septic systems.

Mr. Komiske said gray water may contain fats; oils; grease; hair; lint; soaps; cleansers; fabric softeners and other chemicals; elevated levels of chlorides, sodium and sulfates; and may have a high pH (is alkaline) that may be harmful to some plants. He said there are devices (pumps/filters, etc.) to help extract some of these items from the water before applying the water to landscaping and there is a lot of information to be found on websites. He said, in general, native plants, desert-adaptive plants, and drought resistant plants do better with gray water irrigation.

Mayor Rosenthal said the ordinance does not allow for any runoff from the property and gray water cannot be discharged into a waterway. She said if a property is located along a creek, is the ordinance effectively stating that the resident cannot install a gray water system and Mr. Komiske said the system will be self-policing as residents will not need a permit to discharge gray water, but staff believes citizens that do make use of the system will do the right thing and be conscientious. He said there are provisions where staff can inspect complaints of violations and enact similar fines issued for erosion control violations. Mayor Rosenthal felt additional guidance would be helpful to citizens that may want to install a gray water system with respect to property slopes or proximity to a creek. Councilmember Kovach asked if a supplementary guide could be developed for citizens with inquiries and Mr. Komiske said it was possible. He said the Environmental Control Advisory Board (ECAB) would probably volunteer to produce brochures and provide education. He said there is also a great deal of information on websites that can be incorporated into a brochure for Norman that would have more specific information. Mayor Rosenthal felt public education would be a great tool, especially for citizens already engaged in the use of "rain barrels."

Items submitted for the record

1. Memorandum dated January 13, 2012, from Ken Komiske, Director of Utilities, to Honorable Mayor and Councilmembers
2. Draft Ordinance No. O-1112-24
3. PowerPoint presentation entitled, "Gray Water," Norman Utilities Authority
4. City Council Study Session minutes of January 3, 2012

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Item 4, being:

DISCUSSION REGARDING POTENTIAL EXPANSION OF PROACTIVE CODE ENFORCEMENT.

Ms. Linda Price, Revitalization Manager, said in 2002, City Council appointed a Core Area Coalition to address code violation problems in the core area of Norman and the group recommended proactive or enhanced code enforcement. In September, 2002, City Council unanimously approved a resolution to initiate an enhanced Code Enforcement Program in two targeted areas on a trial basis. In 2003, staff recommended expanding the program to other areas and make the two previously trial based areas permanent. Council agreed; however, budget issues led to a reduction in staff and the expansion was not pursued. In October 2007, 12 new areas for proactive code enforcement were approved by Council and in July 2008, staff recommended additional proactive areas which followed in January and September, 2009, with a recommendation to expand the program further.

Ms. Price said proactive code enforcement allows inspectors to drive through all designated areas and initiate action on violations as well as respond to citizen complaints. Currently, if the area is not proactive, no action can be taken by inspectors when they see a violation unless there has been a citizen complaint.

Ms. Price said on December 7, 2011, the City Council Oversight Committee discussed a proposal to conduct citywide proactive code compliance. She said staff will focus on urban residential areas as opposed to rural areas; however, staff will work in rural areas, but it would not be the primary focus. She said staff will address residential subdivisions in the rural area so if they receive a complaint, the inspector would work the entire subdivision proactively. She said staff will address violations in non-urban areas when discovered and continue to work citizen complaints.

Ms. Price said the City of Norman conducted a survey of 20 peer cities regarding their code enforcement regulations. Ms. Price said six Oklahoma cities responded to the survey of which Broken Arrow was the only city that is not proactive in any way while cities in other states were proactive in residential areas. She said out of the seventeen cities that responded in Oklahoma, Texas, Colorado, Kansas, and Missouri, all were proactive.

Ms. Price said in 2009, the City of Norman conducted a citizen survey regarding citywide issues and code enforcement was addressed in the survey. She said the highest priorities were getting rid of junk and debris on private property, mowing and weeds, and exterior maintenance of residential property.

Ms. Price said citywide proactive areas in Norman would encompass 60th Avenue on the west to 36th Avenue on the east and all of that area would be initially driven through within a month to six weeks of Council approval. If Council approves a resolution to expand the program, staff would provide an education program for citizens and, after the education process, the City would initiate the program.

Councilmember Kovach asked if there were different code regulations for rural areas and Ms. Price said there are State statutes that prohibit the City from abating certain types of violations in land zoned agricultural. Councilmember Kovach asked if commercial properties would be exempt and Ms. Price said they are currently

exempt and Councilmember Kovach asked if staff is proposing that commercial properties continue to be exempt. Ms. Price said staff had not taken that into consideration, but that decision would come from Council. She said although commercial property is currently exempt from proactive enforcement, violations are worked on a complaint basis. She said there have been issues with absentee property owners so it would be nice to work non-critical violations proactively. Councilmember Kovach suggested that commercial properties be proactively enforced. Councilmembers Gallagher and Griffith agreed. Councilmember Dillingham said if the City proactively enforces commercial property, the City needs to educate the property owners as soon as possible. Councilmember Kovach suggested a press release be issued.

Councilmember Spaulding asked if the City takes in consideration vacant properties property owners being overseas and Ms. Price said many people that know they are going to be out of State have someone maintain the property because they want the property watched over and to make sure the grass is mowed. She said there has not been a great deal of problems with vacant properties. She said the City's goal is not to find violations and abate them, but to bring properties into compliance.

Councilmember Spaulding asked the average cost of an abated property and Ms. Price said she did not know, but the minimum cost for most lots is $236, which is the cost charged to the property owner, not the actual abatement cost. Councilmember Spaulding asked if it was fair to say that very few abated violations exceed $1,000 and Ms. Price said yes, probably 10% or less.

Councilmember Gallagher asked about the logistics for long term enforcement and having enough employees to expand the proactive area. Ms. Price said instead of focusing on driving specific proactive areas every week, staff would be able to stop for any violation seen. She felt that once staff identified repeat violators time management would improve. She said staff is confident they can handle the expansion and are excited at the prospect because it will be a more equitable process and they can work violations without a complaint.

Mayor Rosenthal said there seemed to be a consensus to include commercial properties and monitor staff resources required to effectively do their job. Mayor Rosenthal asked staff to prepare a resolution and bring information about the education process to the City Council Oversight Committee for review.

Items submitted for the record

1. Memorandum dated January 13, 2012, from Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. PowerPoint presentation on the potential expansions of Proactive Code Enforcement

The meeting adjourned at 6:12 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL
COMMUNITY PLANNING AND TRANSPORTATION
COMMITTEE MINUTES

January 25, 2012

The City Council Community Planning and Transportation Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Conference Room on the 25th 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 Gallagher, Kovach, Lockett, and Chairman Dillingham
ABSENT:	None
OTHERS PRESENT:	Mayor Rosenthal Councilmember Jim Griffith Mr. Greg Hall, Street Superintendent Mr. Rick Knighton, Assistant City Attorney Mr. Steve Lewis, City Manager Mr. Angelo Lombardo, Traffic Engineer Mr. Shawn O'Leary, Director of Public Works Ms. Karla Chapman, Administrative Technician
OTHER GUESTS PRESENT:	Mr. Zac Abbott, Ward 4 Council Candidate Mr. Jimmy Adair, Downtown Merchant Mr. Stephen Koranda, Norman Convention and Visitors Bureau Ms. Janice Oak, Progressive Independence

UPDATE AND DISCUSSION REGARDING THE DOWNTOWN PARKING LOT.

Chairman Dillingham said the City continues to work with small business owners, private citizens, employers, and the Norman Downtowners Association and have a general feeling of goodwill between the Cleveland County Commissioners, as they are interested in exploring a cooperative downtown parking lot. She said the key debate will be over the location of a proposed downtown parking lot, but she felt it can certainly be something to overcome. Chairman Dillingham said in the meantime the City needs to decide how best to manage the Gray Street Parking Lot and expand it appropriately.

Mr. Shawn O'Leary, Director of Public Works, said tonight's presentation overview will include information on the 2003 Parking Study; history of the Gray Street parking lot; parking demand over time; parking management options and Staff recommendations; and a possible parking lot expansion.

2003 Parking Study
Mr. O'Leary said in 2003, the City hired Carter & Burgess, Inc., now Jacobs Engineering, to conduct a parking study for downtown Norman and the campus corner areas. During the same time, Norman had made major efforts either completed or underway to include the restoration of the Railway Depot; extension of Legacy Trail along the railroad corridor; update of the Comprehensive Land Use Plan; and the consideration of a central location for a new Norman Public Library. Mr. O'Leary said the parking study was to identify a parking strategy for Norman and the goals included outlining the City's needs for mitigation of existing parking deficiencies and to meet future parking demand.

Mr. O'Leary said the 2003 Parking Study determined there was a shortage of parking during peak periods on typical weekdays and a shortage of convenient parking would increase with future planned development. He said the Study also revealed the demand for parking is not uniform, i.e., deficient in core areas and plentiful in peripheral areas; the current rates for metered parking are low; and there is a shortage of long-term parking spaces. He noted the 2003 rates for metered parking have not changed and the current rate for metered parking is $0.25 per hour. Mr. O'Leary said the 2003 Parking Study also revealed eight of the 41 Central Business District (CBD) blocks were observed to have parking deficiencies to include the County Courthouse, City Hall, and the Post Office and the demand in the eight CBD blocks exceeds supply by 375 spaces. He noted there were parking spaces available, but they were three or more blocks away. Staff recommendations from the 2003 Parking Study included:

- Increase parking supply in the CBD and Campus Corner;
- Change parking meter rates to have more time limits and to generally increase rates;
- Establish a parking enterprise fund to manage parking related revenues and expenditures;
- Implement parking validation program in CBD;
- Promote remote parking and opportunities for additional transit service;
- Develop surface parking lot on Gray Street between Peters Avenue and Crawford Avenue;
- Alternate location identified as the Bank One/American First Abstract site – located south of Main Street;
- Add more metered on-street parking; and
- Develop a multi-level parking structure on the site of the new surface parking lot once a positive revenue stream has been established.

Councilmember Kovach asked Staff if there will be a cost to change parking meter rates and Mr. Angelo Lombardo, Traffic Engineer, said it will be a nominal cost, but the cost(s) can be absorbed with the City's operating budget. Mr. O'Leary felt $0.25 per hour rate is a national low, but raising the hourly rate would initially be disliked by citizens.

Gray Street Parking Lot

Mr. O'Leary said the Parking Lot was completed in January 2007, and has been operating for five (5) years. He said the construction of the Parking Lot including land, was approximately $1.1 million, and has 104 spaces available to the public. He said the Parking Lot has the potential for 48 additional parking spaces with the removal of the current Facility Maintenance Building which is located on the northwest end of the Parking Lot. He said the cost to demo the existing Facility Maintenance Building, along with the installation of paving, lighting, signage, and striping will cost approximately $100,000.

Mr. O'Leary said the Parking Lot expansion is possible because of the purchase of the Gray Street property; formerly the Service Experts building and if Council decides to demo the current Facility Maintenance building located on Gray Street, the Facility Maintenance Division would be relocated to the recently purchased Gray Street property. Councilmember Kovach asked the cost of the former Service Experts building and Mr. O'Leary said it was in the $1 million range. Mr. O'Leary said the current Facility Maintenance building has reached its useful life and while more space will be available at the former Service Experts building it will need to be adapted/constructed for Facility Maintenance use. He said the City would most likely need to hire a contractor to demolish the current Facility Maintenance building, but the Street Division could install the additional parking lot, spaces, etc., similar to the work they did on the current Parking Lot in 2006-2007. Mr. Steve Lewis, City Manager, said Ms. Brenda Hall, City Clerk, is currently preparing to bring forward the Facility Maintenance building removal option as part of the FYE 2013 Budget and Staff has received informal bids to determine a cost estimate.

Councilmember Kovach asked if the current Facility Maintenance building is used only for storage or did the Facility Maintenance employees actually have offices in the building. Mr. Lewis said it is mostly used for warehousing commodities, i.e., paper towels, toilet paper, cleaning supplies, etc., but also includes office(s) and a shop area where minor work can be performed. Councilmember Kovach asked whether the Facility Maintenance division could utilize the old Juvenile Services Inc., (JSI) building located on Gray Street when the Police Department moves their storage from the JSI building to the Smalley Center located on Lindsey Street. He felt if Facility Maintenance could be relocated to the JSI building, rather than the former Service Experts building, then possibly Municipal Court could utilize the former Service Experts building. He asked if there was another function planned for the JSI building and Staff said the JSI building will probably need to be demolished because of deterioration. Mayor Rosenthal said Facility Maintenance will gain efficiencies if they relocate to the former Service Experts building because they will be closer to the City's main complex.

Mr. O'Leary said it was always the City's intention to eventually make the Parking Lot a paid parking lot. He said in April 2007, Staff confirmed that 31 parking spaces could potentially be leased according to merchant requests, but Council felt it was not necessary at the time. Mr. O'Leary said the Vista Building was vacated in late 2008 for major structural repairs which decreased the Parking Lot demand. He said since the Vista Building re-opened in 2011, the Parking Lot is near capacity and 50% of the lot is occupied by long term users, i.e., more than three hours.

Mr. O'Leary said Parking Service Officers (PSO) from the Norman Police Department (NPD) monitored parking at the Parking Lot between December 1, and December 15, 2011. The vehicles parked in the lot were counted during three different times of the day, 9:00 a.m., noon, and 3:00 p.m. He said tires were also chalk-marked during the 9:00 a.m. and noon counts to help determine the length of their stay. Mr. O'Leary said Staff determined 60% of the 104 spaces are full by 9:00 a.m. and parking demand reaches 90% by the noon hour. He said parking demand is highest in the afternoon reaching 94% during the 3:00 p.m. count and long term parkers, i.e., those parking for more than three hours, account for almost half of the total count.

Councilmember Kovach asked how many of the downtown businesses are open at 9:00 a.m. and Chairman Dillingham felt at least one-third of the businesses were open by 9:00 a.m., e.g., barbers, food establishments, banks, etc.

Parking Management Options

Mr. O'Leary said with Council direction, the removal of the existing Facility Maintenance building would allow the current Parking Lot to expand from 104 parking spaces to 154 spaces in the future. He said options for the Parking Lot, including expansion, could include:

- Free with unrestricted time
- Free with limited time (using signage)
- Permit only
- Permit/Free
- Permit/Hourly
- Permit fees
- Parking meters (25 or ¼ of the lot)
- Pay and display
- Pay in-lane

Mr. O'Leary said based on previous data collection and recent observations, 50 parking spaces of the 104 existing parking spaces could be leased, leaving the remaining 54 existing spaces to be open for public parking. He said the leased spaces would be located within the existing parking lot towards the back by the mural/wall, which would make it easier to install parking signage, control, and enforce.

Permit/Lease Fees
Mr. O'Leary said a portion of the Parking Lot could be designated for leased/permit parking only, stating fees could be collected from permit holders on a regular basis, i.e., monthly, semi-annually, or annually, and Council may want to consider reducing fees in exchange for a longer term lease. He said implementing a permit/lease fee(s) system would cost approximately $1,000 and include signage, permit application forms, informational brochures, and permits. He provided a slide depicting what a permit might look like stating a customer would hang the permit from their visor or rear-view mirror.

Multi-Meter Systems
Mr. O'Leary said the remainder of the Parking Lot could be available for public parking which might be controlled by a Multi-Meter Pay by Space (PBS) system or by a Multi-Meter Pay and Display (PAD) system. He said both Multi-Meter PBS and PAD systems are very modern, hourly parking systems and both accept payment in the form of cash, credit card, or cell phone. Mr. O'Leary said Duncan Parking Technologies provided quotes/specs to Staff for the PBS and PAD Multi-Meter systems, but a bid process would be established if Council desires to implement either of these systems. A Multi-Meter Pay and Display (PAD) system would cost approximately $31,104 for two units. He said basically a driver would park, pay at the machine, retrieve a receipt, and return to the vehicle to display the receipt. A Multi-Meter Pay by Space (PBS) system would cost approximately $22,091 for two units. He said with the PBS system, the driver would park and pay based upon the parking space number. He said both methods would work on the honor system and would not have any on-premises staffing, but would require Parking Services Officer (PSO) enforcement.

Mr. O'Leary said PSO Staff currently has two (2) Handheld Enforcement Devices (HED) but the HEDs would need to be upgraded if Council decided to implement either the Multi-Meter PBS or PAD systems. He said an HED upgrade would be a one-piece, lightweight, handheld system with software specifically configured for operational needs, so that citation(s) can be issued quickly and easily, making the process take a fraction of the time required with manual processes. Mr. O'Leary said the AutoCITE X3 HED upgrades would costs approximately $18,613 per unit, including training and paper stock. He said the HED upgrade would also include a lithium battery with a built-in camera and would automatically issue citation(s) from the unit.

Mr. O'Leary said the anticipated parking lot revenue for the 50 lease/permit parking spaces would be approximately $26,000 per year and discounts could be offered to those leasing spaces on a long-term lease, for example a year lease could be 25 to 30 percent less per month than a monthly lease. Initially, the remaining parking would be 54 spaces and the anticipated revenue is estimated to be $28,080 per year. The future remaining parking, once the Facility Maintenance building is removed, is predicted to be 104 parking spaces and the anticipated revenue is estimated to be $54,080 per year.

Councilmember Kovach asked if the multi-meter systems are portable in case the City should install a parking garage at some point in the future and Mr. O'Leary said yes they can be moved. Mr. O'Leary said the multi-meter systems and HEDs are also expandable and can be applied to areas on Main Street, Asp Avenue, etc., which meets the consistency request concerning parking meters.

Mr. O'Leary said Staff presented parking management options to the Norman Downtowners Association on May 13, 2010, and the following comments were offered:

- Permit spaces may not be ideal
- Parking on Main Street?
- Options for variable parking time limits
- Need long-term spaces
- Need 21st Century pay in lane system
- Need consistency
- 24-hour enforcement?
- Need a survey of usage after 6:00 p.m.
- Locate permit spaces closest to Gray Street
- Need increased/better enforcement
- More sales tax downtown
- Need a strategy for all of downtown
- Attract and accommodate users
- Reduced rate for merchants?
- Should evening users pay to park?

Staff Recommendations

Mr. O'Leary said Staff recommends the Multi-Meter Pay by Space (PBS) system and said it offers the most flexibility to be adapted to on-street use, should the downtown parking system be expanded to including parking on Main Street as well. He said this would afford users consistency for the parking controls both on-street and off-street. Further, Staff recommends a portion of the lot be reserved for permit parking and also recommends handheld enforcement devices (HED) because they simplify the tasks associated with enforcement.

Mr. O'Leary said assuming funds are available to cover the system costs, the permit parking could be implemented along with two (2) Multi-Meter PBS units within six (6) months. He said assuming that the use of the lot does not change once fees are implemented, the cost associated with the entire system could be entirely recovered within 12 months. Mr. O'Leary requested direction from the Committee regarding a strategy to meet the increased parking lot demand. He also requested guidance regarding a decision on revenue collection system and identifying additional funding sources for implementation of management system and/or expansion of the lot.

Chairman Dillingham said the expansion of the Parking Lot could be a "phased" project. She felt that nationally, most cities charge for parking and they charge more than $0.25 per hour. She suggested moving forward with implementing lease/permit parking for 30 to 31 spaces, but possibly waiting for the next budget year to demolish the current Facility Maintenance building. Councilmember Lockett said she agreed with Chairman Dillingham and said the City should implement paid parking. Chairman Dillingham felt the biggest issue will be public relations, i.e., if the City charges for the Parking Lot the citizens will want to know what the City's intentions are for Main Street parking. Councilmember Kovach wondered if merchants could "police" their merchant parking spaces and Chairman Dillingham said yes, but it can be difficult for merchants to enforce. Councilmember Kovach requested Staff research other cities in reference to the meter fee rate and said he liked the concept of having two-hour meters. He felt the two-hour time limit would be more convenient versus a one-hour time limit for citizens/customers, but wondered if the City has enough Staff to enforce. Mr. Lewis said adjustments may need to be made, but there is enough Staff to put into effect a two-hour parking enforcement.

Councilmember Kovach said Mr. Brad Goodman, downtown merchant/property owner, believes there is a condition of the purchase agreement that exists pertaining to the downtown parking and asked Staff to provide the agreement to Council. He also requested Staff address Mr. Goodman's concerns, along with a list of items the City can or can not do and/or should or should not do. Mr. Rick Knighton, Assistant City Attorney, said Staff will prepare a list and Mr. O'Leary said the agreement, although well intended, is not very clear. Mr. O'Leary said the agreement is a matter of interpretation and he could not quote the exact language, but felt the general principle states that the purchase of the property for the Parking Lot was contingent upon making spaces available for *customers* in order to generate business and sales tax. Chairman Dillingham said another factor to consider is whether a tenant of a building can argue that they are a customer of the landlord. She felt the 50 proposed leased spaces would give a very safe interpretation unless there is a strict covenant in the agreement that states the majority or (substantially) all of the parking lot must be used for customer parking.

Mayor Rosenthal felt the City needed an immediate response for retailers and restaurant owners who are very concerned about what is happening at the Parking Lot. She said since the City will need to budget the Multi-Meter PBS system, she felt the City should immediately implement permit parking at the Parking Lot, as well as consistently enforcing a two-hour parking limit both on Main Street and in the Parking Lot. She said Norman needs a consistent downtown parking plan and Mr. Stephen Koranda, Norman Convention and Visitors Bureau (NCVB) Director, stated he agreed. Councilmember Kovach asked what blocks will be included in the downtown metered parking spaces and Mayor Rosenthal felt the immediate response needs to be on both Main Street and Gray Street between the railroad tracks and Porter Avenue. Councilmember Kovach said he also felt the lease permit parking and/or employees should walk the furthest and it made sense to accommodate and make parking most convenient for the customer(s). He wondered if the proposed 50 lease permit spaces was a little high and requested the lease permit spaces be installed on the row abutting Gray Street.

Mayor Rosenthal felt discussions with the County concerning a shared parking lot needs to start in earnest and needs to include citizens from the Downtowners Association, recommending Mike Tower and Jimmy Adair. She said the County is considering property immediately north of the County Courthouse/Annex Building to perhaps construct a parking lot and it is not the City's intention to turn all of the downtown area into a parking lot because that defeats the economic draw. Mayor Rosenthal said the City needs to collaborate with the County in terms of hopefully not tearing down building(s) but instead find a central location for a downtown parking lot.

Items submitted for the record

1. PowerPoint Presentation entitled, "Downtown Parking Lot Update, City Council Community Planning and Transportation Committee," dated January 25, 2012

MISCELLANEOUS DISCUSSION.

Chairman Dillingham said the Cleveland Area Rapid Transit (CART) Lloyd Noble shuttle was down a little, but was probably due to the nicer weather and people were walking more.

Items submitted for the record

1. Cleveland Area Rapid Transit Ridership Totals for the Month of December 2011

The meeting adjourned at 6:30 p.m.

_____ _____

City Clerk Mayor

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

January 24, 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 24th 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, Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
ABSENT:	None

The Pledge of Allegiance was led by students from All Saints Catholic School Green Team

* * * * *

Item 3, being:

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

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

Items submitted for the record
1. Text File No. GID-1112-50 dated January 9, 2012, by Brenda Hall, City Clerk
2. City Council Study Session minutes of January 3, 2012
3. City Council Business and Community Affairs Committee minutes of January 5, 2012
4. City Council Conference minutes of January 10, 2012
5. City Council minutes of January 10, 2012
6. Norman Utilities Authority minutes of January 10, 2012
7. Norman Municipal Authority minutes of January 10, 2012
8. Norman Tax Increment Finance Authority minutes of January 10, 2012

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

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

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

* * * * *

Item 4, being:

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

Mayor Rosenthal and Councilmember Quinn presented Citizenship Awards to students J. Michael Bond, Annie Bragg, Rachel Chan, Isabella Curling, Vishesh Dabhi, Anthony Davis, Rosie Gatch, Abby Hickman, Hannah Hoefer, Hayden Meiser, Jenny Sherry, Tanner Wade, Paige Whalin, Kyleigh Willis, and Andy Ziebro. Ms. Pam Brown, Green Team Leader from All Saints Catholic School, said the students were selected as representatives of good citizens of All Saints Catholic School and members of the Green Team.

Items submitted for the record
1. Text File No. GID-1112-44 dated January 9, 2012, by Carol Coles, Administrative Assistant

* * * * *

Item 5, being:

PROCLAMATION NO. 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.

Councilmember Kovach moved that receipt of Proclamation No. P-1112-10 proclaiming Saturday, February 18, 2012, as Mardi Gras in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. P-1112-10 dated January 12, 2012
2. Proclamation No. P-1112-10

Participants in discussion
1. Ms. Aimee Rook, Mardi Gras Chair, and Mr. Ed Kearns, Mardi Gras Organizer, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1112-10 proclaiming Saturday, February 18, 2012, as Mardi Gras in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1112-10 proclaiming Saturday, February 18, 2012, as Mardi Gras in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 6, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 7 through Item 20 excluding Item 18 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 7 through Item 20 excluding Item 18, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 7 through Item 20 excluding Item 18 were placed on the consent docket by unanimous vote.

* * * * *

Item 7, being:

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

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-1112-13 dated January 17, 2012, by Brenda Hall, City Clerk

and the question being upon confirming the appointments, 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 appointments were confirmed.

* * * * *

Item 8, being:

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

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

Items submitted for the record
1. Text File No. RPT-1112-23 dated January 9, 2012, by Anthony Francisco, Finance Director
2. Finance Director's Investment Report of December 31, 2011

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

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

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

* * * * *

Item 9, being:

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

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

Items submitted for the record
1. Text File No. RPT-1112-25 dated January 9, 2012, by Carol Coles, Administrative Assistant
2. Monthly Departmental Reports for the month of December, 2011

Participants in discussion
1. Mr. Jeff Bryant, City Attorney
2. Mr. Steve Lewis, City Manager

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

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

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

* * * * *

Item 10, being:

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 2005 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $905,600 be awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-83, Change Order No. One increasing the contract amount by $80,034, and the performance, statutory, and maintenance bonds be approved; execution of the contract and change order be authorized; the filing of the bonds be directed; and Resolution No. R-1112-52 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. K-1112-83 dated November 7, 2011, by Greg Hall, Street Superintendent
2. Tabulation of bids dated November 17, 2011, for Urban Asphalt Pavement Rehabilitation Bond Projects, Additional Project Locations
3. List of locations
4. Contract No. K-1112-83
5. Change Order No. One to Contract No. K-1112-83
6. Performance Bond No. B-1112-15
7. Statutory Bond No. B-1112-16
8. Maintenance Bond No. MB-1112-21
9. Resolution No. R-1112-52
10. Location map
11. Purchase Requisition No. 0000195842 dated January 6, 2012, in the amount of $985,634 to Silver Star Construction Company, Inc.

Item 10, continued:

and the question being upon accepting all bids meeting specifications and upon the subsequent awarding of the bid, approval, authorization, directive, and adoption, 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 all bids meeting specifications accepted; the bid in the amount of $905,600 be awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting specifications; Contract No. K-1112-83, Change Order No. One increasing the contract amount by $80,034, and the performance, statutory, and maintenance bonds were approved; execution of the contract and change order were authorized; the filing of the bonds was directed; and Resolution No. R-1112-52 was adopted.

* * * * *

Item 11, being:

CONSIDERATION OF NORMAN RURAL CERTIFICATE OF SURVEY NO. COS-1112-3 FOR LOHMAN LANDING AND EASEMENT NO. E-1112-13. (GENERALLY LOCATED ONE-FOURTH MILE SOUTH OF INDIAN HILLS ROAD AND WEST OF BLUE LAKE DRIVE)

Councilmember Kovach moved that 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 be approved, Easement No. E-1112-13 be accepted, and the filing of the certificate of survey and easement to the Cleveland County Clerk be directed subject to completion of the private road, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. COS-1112-3 dated November 10, 2011, by Ken Danner, Development Manager
2. Location map
3. Norman Rural Certificate of Survey No. COS-1112-3
4. Easement No. E-1112-13
5. Private Access Easement
6. Cross Access Easement
7. Declaration of Property Owners Association, Covenants and Restrictions for Lohman Landing
8. Staff Report dated December 8, 2011, recommending approval
9. Letter dated November 30, 2011, from Rodger Whited, PLS, Pollard and Whited Surveying, Inc., to City of Norman Planning Commission and Staff Members
10. Greenbelt Comments dated September 19, 2011
11. Greenbelt Enhancement Statement, Case No. CGC-11-20, dated September 2, 2011
12. Pertinent excerpts from Planning Commission minutes of December 8, 2011

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

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

The Mayor declared the motion carried and 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 approved; Easement No. E-1112-13 was accepted, and the filing of the certificate of survey and easement with the Cleveland County Clerk was directed subject to completion of the private road.

* * * * *

Item 12, being:

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

Councilmember Kovach moved that Consent to Encroachment No. EN-1112-5 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. EN-1112-5 dated January 18, 2012, by Leah Messner, Assistant City Attorney
2. Memorandum dated November 15, 2011, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Subdivision Manager; and Ken Komiske, Director of Utilities
3. Letter of request filed November 15, 2011, from Casey Evans, Information Tech Specialist II, Center for Economic Management and Research, Price College of Business, University of Oklahoma, to the Honorable James Griffith and fellow City Councilmembers
4. Mortgage Inspection Certificate dated June 9, 2011, by D. Mike Dossey, VMI Inspection, Inc.
5. Consent to Encroachment No. EN-1112-5
6. Memorandum dated December 5, 2011, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
7. Memorandum dated January 17, 2012, from Ken Danner, Subdivision Development Manager, to Kathryn Walker, Assistant City Attorney
8. Letter dated December 9, 2011, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner, Development Coordinator
9. Email dated December 6, 2011, from Terri L. Hayes, AT&T/Manager OSP Planning and Design Engineer, Norman, to Drew Norlin, Assistant Development Coordinator
10. Letter dated October 26, 2011, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Casey D. Evans
11. Letter dated October 27, 2011, from Rich McKinney, Field Technician III, Oklahoma Natural Gas, a Division of ONEOK, to Mr. Casey Evans
12. Letter dated January 13, 2012, from Jodie Finney, Construction Service Support Specialist II, Cox Communications, to Mr. Casey Evans

and the question being upon approving Consent to Encroachment No. EN-1112-5 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. EN-1112-5 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 13, being:

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

Councilmember Kovach moved that Consent to Encroachment No. EN-1112-6 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. EN-1112-6 dated December 27, 2011, by Leah Messner, Assistant City Attorney
2. Memorandum dated December 1, 2011, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Subdivision Manager; and Ken Komiske, Director of Utilities
3. Letter of request filed December 1, 2011, from Michael G. Travis, to Brenda Hall, City Clerk, and Norman City Council

Item 13, continued:

Items submitted for the record, continued

4. Location maps
5. Consent to Encroachment No. EN-1112-6
6. Memorandum dated December 19, 2011, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
7. Memorandum dated December 30, 2011, from Ken Danner, Subdivision Development Manager, to Kathryn Walker, Assistant City Attorney
8. Letter dated December 9, 2011, from Shannon Davis, Operations Supervisor, Oklahoma Natural Gas, a Division of ONEOK, to Mr. Ken Danner, Subdivision Manager
9. Letter dated December 9, 2011, from Thad Peterson, Supervisor of Engineering Services, Oklahoma Electric Cooperative, to Ken Danner, Development Coordinator
10. Letter dated December 9, 2011, from Timothy J. Bailey, Right-of-Way Agent, OG&E Electric Services, to Ken Danner, Development Coordinator
11. Pertinent excerpts from City Council minutes of November 14, 1989

and the question being upon approving Consent to Encroachment No. EN-1112-6 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. EN-1112-6 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 14, being:

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

Councilmember Kovach moved that Consent to Encroachment No. EN-1112-7 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record

1. Text File No. EN-1112-7 dated January 12, 2012, by Leah Messner, Assistant City Attorney
2. Memorandum dated January 4, 2012, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Doug Koscinski, Current Planning Manager; Ken Danner, Subdivision Manager; and Ken Komiske, Director of Utilities
3. Letter of request dated January 3, 2012, from J.W. Dansby, P.E., Civil and Environmental Engineer, to Ms. Brenda Hall, City Clerk
4. Location maps
5. Consent to Encroachment No. EN-1112-7
6. Memorandum dated January 12, 2012, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
7. Memorandum dated January 17, 2012, from Ken Danner, Subdivision Development Manager, to Kathryn Walker, Assistant City Attorney

and the question being upon approving Consent to Encroachment No. EN-1112-7 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. EN-1112-7 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 15, being:

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.

Councilmember Kovach moved that a donation in the amount of $1,500 from OEC Foundation to be used to purchase child passenger safety seats for the Police Department be accepted, Donation/Organization (010-0000-365.13-73) be increased by $1,500, and $1,500 be appropriated to Other Supplies/Materials, Child Passenger Seats (010-6022-441.31-25), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. GID-1112-41 dated January 12, 2012, by Sergeant Jennifer Newell

and the question being upon accepting a donation in the amount of $1,500 from OEC Foundation to be used to purchase child passenger safety seats for the Police Department and upon the subsequent increase and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and a donation in the amount of $1,500 from OEC Foundation to be used to purchase child passenger safety seats for the Police Department accepted; Donation/Organization (010-0000-365.13-73) was increased by $1,500 and $1,500 was appropriated to Other Supplies/Materials, Child Passenger Seats (010-6022-441.31-25).

* * * * *

Item 16, being:

LIMITED LICENSE NO. LL-1112-9: A 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.

Councilmember Kovach moved that 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 be approved and the issuance thereof be authorized, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. LL-1112-9 dated January 10, 2012, by Wayne Stenis, Planner II
2. Letter of request dated January 9, 2012, from Simon H. Rudnick, 2012 Romance Book Sale Co-Chair, Friends of the Norman Library, to Brenda Hall, City Clerk
3. Application for Limited License dated January 9, 2012, from Friends of the Norman Library for four signs
4. Location map
5. Limited License No. LL-1112-9

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

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

The Mayor declared the motion carried and 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 approved; and the issuance thereof was authorized.

* * * * *

Item 17, being:

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.

Councilmember Kovach moved that 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 be approved; the execution thereof be authorized; the project be accepted; final payment in the amount of $2,500 be directed to the Railroad Yard, Inc.; and $9,389 be transferred from Project No. DR0058, Hall Park Dam Repair, Construction (050-9968-431.61-01) to Project No. PR0126, Hall Park Green Belt Drainage, Construction (050-9985-452.61-01), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. K-1011-150, Change Order No. Two, dated January 9, 2012, by Bob Hanger, Stormwater Engineer
2. Change Order No. Two to Contract No. K-1011-150

and the question being upon approving 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 upon the subsequent authorization, acceptance, directive, and transfer, 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 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 approved; the execution thereof was authorized; the project was accepted; final payment in the amount of $2,500 was directed to the Railroad Yard, Inc.; and $9,389 was transferred from Project No. DR0058, Hall Park Dam Repair, Construction (050-9968-431.61-01) to Project No. PR0126, Hall Park Green Belt Drainage, Construction (050-9985-452.61-01).

* * * * *

Item 18, being:

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.

Councilmember Kovach moved that Contract No. K-1112-104 with Food and Shelter for Friends in the amount of $8,500 be approved, the execution thereof be authorized, and $8,500 be appropriated from the General Fund Balance (010-0000-253.20-00) to Miscellaneous Services/Contributions, Organization (010-1087-411.47-41), which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. K-1112-104 dated January 19, 2012, by Carol Coles, Administrative Assistant
2. Letter of request dated January 18, 2012, from April Doshier, Executive Director, Food and Shelter, to Mayor Rosenthal and City Council
3. Contract No. K-1112-104
4. Article entitled "Not Yours to Give" by Colonel David Crockett, compiled by Edward S. Ellis

Participants in discussion
1. Ms. Linda Price, Revitalization Manager
2. Mr. Mark Campbell, 1320 Garfield Avenue, proponent
3. Mr. Luke Salazar, 1325 East Lindsey Street, asked questions
4. Ms. Jayne Crumpley, 423 Elm Avenue, proponent
5. Ms. Jeanette Coker, 620 East Main Street, protestant
6. Mr. Fred Pope, 1501 Navajo Road, protestant
7. Mr. Stephen Tyler Holman, 1020 South College Avenue, proponent

Item 18, continued:

and the question being upon approving Contract No. K-1112-104 with Food and Shelter for Friends in the amount of $8,500 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and K-1112-104 with Food and Shelter for Friends in the amount of $8,500 approved; the execution thereof was authorized and $8,500 was appropriated from the General Fund Balance (010-0000-253.20-00) to Miscellaneous Services/Contributions, Organization (010-1087-411.47-41).

* * * * *

Item 19, being:

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.

Councilmember Kovach moved that Resolution No. R-1112-78 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. R-1112-78 dated November 15, 2011, by Captain Darry Stacey
2. Resolution No. R-1112-78

Participants in discussion
1. Mr. Keith Humphrey, Police Chief

and the question being upon adopting Resolution No. R-1112-78, 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-1112-78 was adopted.

* * * * *

Item 20, being:

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.

Councilmember Kovach moved that Resolution No. R-1112-102 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. R-1112-102 dated January 17, 2012, by Susan Atkinson, Historic District Officer
2. Resolution No. R-1112-102

Participants in discussion
1. Ms. Linda Price, Revitalization Manager

Item 20, continued:

and the question being upon adopting Resolution No. R-1112-102, 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-1112-102 was adopted.

* * * * *

Item 21, being:

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.

Councilmember Kovach moved that Resolution No. R-1112-103 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. R-1112-103 dated January 18, 2012, by Anthony Francisco, Director of Finance
2. Resolution No. R-1112-103

Participants in discussion
1. Mr. Anthony Francisco, Director of Finance
2. Mr. Al Atkins, 1613 Sunrise Street, asked questions

and the question being upon adopting Resolution No. R-1112-103, 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-1112-103 was adopted.

* * * * *

Item 22, being:

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.

Councilmember Kovach moved that Resolution No. R-1112-104 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. R-1112-104 dated January 18, 2012, by Anthony Francisco, Director of Finance
2. Resolution No. R-1112-104

Item 22, continued:

and the question being upon adopting Resolution No. R-1112-104, 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-1112-104 was adopted.

* * * * *

Item 23, being:

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.

Councilmember Ezzell moved that Resolution No. R-1112-105 be adopted, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. R-1112-105 dated January 18, 2012, by Anthony Francisco, Director of Finance
2. Resolution No. R-1112-105

and the question being upon adopting Resolution No. R-1112-105, 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-1112-105 was adopted.

* * * * *

Item 24, being:

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)

Ordinance No. O-1112-17 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 10, 2012, Councilmember Quinn moved that Ordinance No. O-1112-17 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Griffith;

Item 24, continued:

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
6. Reduced version of the full scale preliminary plat received January 24, 2012

Participants in discussion
1. Mr. Rodger Whited, Whited and Pollard Surveying, Inc., 2514 Tee Drive, engineer representing the applicant

and the question being upon adopting Ordinance No. O-1112-17 upon Second Reading section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-17 was adopted upon Second Reading section by section.

Thereupon, Councilmember Dillingham moved that Ordinance No. O-1112-17 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1112-17 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-17 was adopted upon Final Reading as a whole.

* * * * *

Item 25, being:

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).

Councilmember Quinn moved that the preliminary plat for Cottonwood Creek Addition be approved, which motion was duly seconded by Councilmember Dillingham;

Items submitted for the record
1. Text File No. PP-1112-6 dated November 10, 2011, by Ken Danner, Subdivision Manager with Attachment A, Traffic Table for Preliminary Plat for Cottonwood Creek Addition
2. Location map
3. Preliminary plat
4. Preliminary development map
5. Staff Report dated December 8, 2011, recommending approval
6. Development Review Form, Transportation Impacts, dated November 28, 2011, reviewed by David R. Riesland, P.E., Assistant City Traffic Engineer
7. Letter dated November 7, 2011, from Rodger Whited, PLS, Pollard and Whited Surveying, Inc., to City of Norman Planning Commission and Staff Members
8. Predevelopment Summary Case No. PD11-24 for Lohman Investments, L.L.C., for property located on the east side of 24th Avenue N.W. approximately one-half mile south of Indian Hills Road
9. Greenbelt Comments dated September 19, 2011
10. Greenbelt Enhancement Statement Case No. GBC 11-20 dated September 2, 2011
11. Pertinent excerpts from Planning Commission minutes of December 8, 2011
12. Reduced version of the full scale preliminary plat received January 24, 2012

Item 25, continued:

and the question being upon approving the preliminary plat for Cottonwood Creek Addition, 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 preliminary plat for Cottonwood Creek Addition was approved.

* * * * *

Item 26, being:

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)

Ordinance No. O-1112-18 having been Introduced and adopted upon First Reading by title in City Council's meeting of January 10, 2012, Councilmember Gallagher moved that Ordinance No. O-1112-18 be rejected, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. O-1112-18 dated November 10, 2011, by Doug Koscinski, 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 January 24, 2012, containing 12.1% 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
9. Letter filed January 23, 2012, to Diana Hartley, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailes, Andy Scherrer, Zev Trachtenberg, Jim Gasaway, Steve Lewis, Roger Gallagher, Tom Kovach, Hal Ezzell, Carol Dillingham, Dave Spaulding, James Griffith, Linda Lockett, and Dan Quinn
10. Newspaper article published by the *Norman Transcript* on January 21, 2012, entitle Bar Proposal Sparks Residents' Queries
11. Petition of protest received January 24, 2012, containing 54 names
12. Petition of protest received January 24, 2012, from parents who have children attending Our House Day Care Center containing 28 names

Participants in discussion

1. Mr. Jeffrey Tisdale, 2401 Ridgewood Street, Houston, Texas, applicant
2. Mr. James Fullingim, Fire Chief
3. Ms. Susan Connors, Director of Planning and Community Development
4. Mr. Jeff Bryant, City Attorney
5. Mr. Keith Humphrey, Police Chief
6. Ms. Brenda Hall, City Clerk
7. Ms. Ann Groff, 806 Mockingbird Lane, proponent
8. Mr. Stephen Tyler Holman, 1020 South College Avenue, made comments
9. Ms. Joyce Collard, 1820 Oakhill Drive, proponent
10. Ms. Rebecca Bowen, 4350 Hunters Glen Road, proponent
11. Ms. Suzanne Potter, 1906 Texas Street, proponent
12. Mr. Bill McClure, 1612 Hazelwood Drive, proponent
13. Mr. Neil Moore, 1906 Texas Street, proponent

Item 26, continued:

Participants in discussion, continued
14. Mr. Charles Cabot, Victoria, Texas, proponent
15. Mr. Phil Carlson, 1200 Louisiana, proponent
16. Mr. Gary Griffis, 316 West Himes Street
17. Mr. Robert Green, 1217 Charleston Court
18. Mr. John Gifford, 2105 Virginia Street, proponent
19. Mr. Mark Campbell, 1320 Garfield Avenue, asked questions

and the question being upon rejecting Ordinance No. O-1112-18, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-18 was rejected.

* * * * *

Item 27, 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.

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

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
5. Memorandum dated January 4, 2012, from Steve Lewis, City Manager, to Honorable Mayor and City Councilmembers with Attachment A, Memorandum dated August 30, 2001, from Anthony Francisco, Director of Finance, to Honorable Mayor and Councilmembers; Attachment B-1, Resolution No. R-0708-78; Attachment B-2, Resolution No. R-0506-151; Attachment B-3, Sewer Sales Tax Capital Fund Summary, Fund 323; Attachment B-4, Attachment C, Planning Level Costs for Little River Wastewater Treatment Plant (from 2001 City of Norman Wastewater Master Plan); Attachment D-1, Pertinent Excerpts from Wastewater Oversight Annual Report 2011; Attachment E-1, City Council Finance Committee minutes of May 15, 2008; Attachment F-1, Excerpt from letter dated July 19, 2011, from the City Attorney's office to Mr. Don Holyfield

Participants in discussion
1. Mr. Anthony Francisco, Director of Finance

Item 27, continued:

and the question being upon discussing the reports, a vote was taken with the following result:

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

*Councilmember Spaulding was absent from the Chambers during the vote.

The Mayor declared the motion carried and the reports were discussed.

* * * * *

Due to a medical emergency the meeting was adjourned during discussion of Item 27. Further discussion of Item 27 will be taken up during a Special Session on Tuesday, January 31, 2012.

* * * * *

ADJOURNMENT

There being no further business, Councilmember Kovach 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, Quinn, Spaulding, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 10:15 p.m.

ATTEST:

City Clerk Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

January 31, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the City Council Chambers of the Norman Municipal Building on the on the 31st 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 Dillingham,, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
ABSENT:	Councilmember Ezzell

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Discussion of this item was interrupted in City Council's meeting of January 24, 2012, due to a medical emergency and the meeting was adjourned. The item will continued this evening to allow Council and the citizens further discussion.

* * * * *

Item 3, being:

CONTINUED DISCUSSION REGARDING REPORTS ENTITLED "COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDED JUNE 30, 2011," AND THE "NORMAN TAX INCREMENT FINANCE AUTHORITY FINANCIAL STATEMENT FOR THE 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," 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 ACKNOWLEDGING THE RECEIPT THEREOF.

Councilmember Dillingham having moved in City Council's meeting of January 24, 2012, that the reports be discussed, which motion having been duly seconded by Councilmember Kovach and the item having been unanimously approved by City Council, discussion was continued.

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
5. Memorandum dated January 4, 2012, from Steve Lewis, City Manager, to Honorable Mayor and City Councilmembers with Attachment A, Memorandum dated August 30, 2001, from Anthony Francisco, Director of Finance, to Honorable Mayor and Councilmembers; Attachment B-1, Resolution No. R-0708-78; Attachment B-2, Resolution No. R-0506-151; Attachment B-3, Sewer Sales Tax Capital Fund Summary, Fund 323; Attachment B-4, Attachment C, Planning Level Costs for Little River Wastewater Treatment Plant (from 2001 City of Norman Wastewater Master Plan); Attachment D-1, Pertinent Excerpts from Wastewater Oversight Annual Report 2011; Attachment E-1, City Council Finance Committee minutes of May 15, 2008; Attachment F-1, Excerpt from letter dated July 19, 2011, from the City Attorney's office to Mr. Don Holyfield

Participants in discussion

1. Mr. Anthony Francisco, Director of Finance
2. Mr. Mike Gibson, auditor from Cole and Reed
3. Mr. Bert Fletcher, auditor from Cole and Reed
4. Mr. Steve Lewis, City Manager
5. Mr. Jeff Bryant, City Attorney
6. Mr. Ken Komiske, Director of Utilities
7. Mr. Steve Lucas, 804 Fairway Drive, asked questions
8. Ms. Joy Hampton, The Norman Transcript, 225 East Comanche Street, asked questions
9. Ms. Judith Wilkins, 1100 West Symmes Street, made comments
10. Mr. Jim Stanley, 3922 Pine Tree Circle, asked questions
11. Mr. Bobby Stephens, Post Office Box 6226, made comments
12. Mr. Zac Abbott, 106 Castro Street, asked questions

* * * * *

MISCELLANEOUS DISCUSSION

Landlord Registration Program. Ms. Jayne Crumpley, 423 Elm Avenue, asked Council to consider creating a landlord registration program. She said this program has been discussed in the past and asked that the idea be reviewed again because it is a health and safety issue. She said the Police Department is presently looking at bringing forth a crime free multi-housing program and landlord registration could tie into this program very well.

Mr. Stephen Tyler Holman, 1020 South College Avenue, said he agreed and that there was a problem in Norman with slumlords and there was no solution at present.

Mayor Rosenthal said she would ask Councilmember Ezzell and the Business and Community Affairs Committee to look at the issue of landlord registration.

*

Changes to Ward Boundaries. Mr. Stephen Tyler Holman, 1020 South College Avenue, said the City Council Election would be in April and many ward boundaries had changed recently affecting many people who were unaware of the situation. He had sent out mass emails and left messages on Facebook to those he knew to inform them of the upcoming election. He said he did not know if there had been enough notice given to people in the affected neighborhoods but he would like to see as many people participate as possible. He ran for City Council for Ward Seven and was dismayed to see such a low voter turnout. He urged the City and the newspapers to work on notifying the citizens of the changes.

Councilmember Gallagher said after the wards changed he lost Royal Oaks Addition. He said Mr. Holman had an excellent point and he has talked to several citizens who said they had not been notified where to vote. He asked if it was possible to print out a brief postcard to be sent out to all citizens whose wards had changed or to print the information on utility bills.

Mr. Steve Lewis, City Manager, said there good comments were made this evening about the changes to the ward boundaries and he and the City Clerk would consult with the appropriate person at the County Election Board to bring together some information to send out to citizens who had been moved to a different ward.

Councilmember Dillingham said she has been trying to take care of the changing ward boundaries in her own ward and would appreciate any help from staff.

*

City Money in Local Banking Establishments. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, said she was not a member of the Occupy Group but this group had respectfully addressed the City Council a few weeks ago and suggested that all of the City finances be transferred to a local Oklahoma bank or credit union. She said she had worked at a credit union for 20 years and their certificate rates are really good. She said credit unions are non-profit; member-owned; exist solely to serve their membership; have a wide range of services; and have federally insured funds. She suggested that the next time the City has a certificate ready to mature to check with a credit union. She said if the City of Norman does not meet the eligibility of a credit union, there were several local banks that could be used. She said someone would have to do some research and the transfer could not be done all at one time but it would be worth trying.

Councilmember Gallagher said it would be beneficial for the City to look at Ms. Crosbie's idea because if we were going to "Shop Norman," the most critical part is the keeping of our money. He said he knew this could not be done overnight but would like to make a gradual shift to some of local financial firms to strengthen the City of Norman.

Mr. Steve Lewis, City Manager, said Mr. Gallagher was discussing a more long-term option but in the immediate issue, in terms of the banking service agreement, Staff is going through the process of reviewing the proposals that had been received and costing out the services because the City pays on a transaction basis for these services. He said the discussion about the location of our investments would be properly framed after the Finance Committee reviewed the City's investment policies because those policies outline the types of institutions to invest in, their location, and the balancing of the portfolio.

*

Animal Welfare. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, said a very nice brochure about pet licensing had been presented with an application included. She suggested that this brochure be put on the City's website to remind citizens that pet licenses are due. Additionally, she said low cost vaccinations for animals would be provided at the Animal Welfare Center on Saturday, February 11, 2012, from 12:00 p.m. to 4:00 p.m. She suggested this information be put on the City's website as well.

*

Miscellaneous Discussion, continued:

Budget Information. Mr. Bobby Stephens, Post Office Box 6226, said he wished the City would spend more time explaining to the public when they make budget appropriations and transfers.

*

Wrecker Services. Mr. Bobby Stephens, Post Office Box 6226, said he owned part of a wrecker company on the east side of town and would be glad to be of service to the City. He thanked Chief Humphrey, Deputy Chief Maisano, and Lieutenant Arnold for providing information about our wrecker policy at the recent study session and looking into issues with wrecker services. He said it was hard to work in Norman as a small Wrecker business because an impoundment yard must be located on property zoned I-1, Light Industrial District, and a wrecker business could not get on rotation unless they owned six trucks.

*

Comprehensive Annual Finance Report (CAFR). Councilmember Kovach provided an organizational chart of the City of Norman on a PowerPoint slide. He explained that at the top of the chart is the citizens, second is the City Council and third is City Staff. He said it is too bad we have gotten to a place where asking questions is looked at with a jaundiced eye. He said Council is supposed to ask those questions as elected representatives of the people and it was important to do this in an open forum. He suggested the CAFR documents be submitted to City Council a few weeks earlier to allow Council time to review the documents in a timely manner and ask questions before they accept it and then holding a study session to allow discussion. He said he was disappointed that Council was not told about the questions from the State Auditor's Office.

Councilmember Dillingham said tonight was a culmination of what has been going on with this Council for at least five years. She said there is a high commitment of citizen participation and transparency in Norman. She said Council had asked Mr. Francisco to make the budget a little more user friendly and he had responded with one of the best introductions to a municipal budget that she had seen and the website had increased communication with the citizens. She said Council had wanted to make a larger commitment to citizen understanding of the budget process and staff had devoted extra time to do this by conducting a Municipal Budget Series. She hoped this would be done again in the near future. She said the City has a staff that is very open and accessible. She said with this discussion, Council and Staff had taken the time to make sure the public understands the difference between our budget process that is based on assumptions and the CAFR and audit which is a backward look. She said the City of Norman is lucky to have citizens who participate for many years on committees like the Wastewater and Public Safety Oversight Committees and she thanked everyone for their input and participation. She said City Council is the citizens' representatives and citizens have to rely on Council to make good decisions with their vote.

Councilmember Griffith expressed his gratitude to Mr. Francisco and the Finance Department for an incredibly thorough response to the questions posed to them. He said the answers have helped him immensely in understanding some very complex issues dealing with the budget.

Councilmember Quinn wished Mr. Francisco well after the issue at the last Council meeting and recognized it is hard to please all of Council and the citizens and said he did a great job this evening.

Mayor Rosenthal said there is no question that the citizens are front and center in City of Norman government and representation is an educational process. She said Council is often called upon to make a decision based on the knowledge they obtain from experience in this position. She quoted Councilmember Ezzell who said "We are elected to exercise our good judgment on how funds are to be used on behalf of the citizens." She said it is important to recognize that many of these funds have long histories and some of that will be reviewed at the Finance Committee meeting where past representatives had to make good decisions with the citizens' money to keep us moving forward and accountable to the citizens.

*

Food and Shelter for Friends. Councilmember Kovach said City Council approved emergency funding for Food and Shelter for Friends on January 24, 2012, to be used to provide emergency shelter to the homeless. He read an email from a thankful homeless citizen. He said the $8,500 was immediately put to use, lives were changed, and people were helped. He said this was the public's money and he wanted the public to know their money was very well spent.

*

Miscellaneous Discussion, continued:

Loss of Father. Councilmember Quinn said he had recently discovered his father had passed away at home and had contacted 9-1-1 with the Fire Department being the first responders. He commended the firemen for being extremely sensitive and professional followed very closely by the Police Department and because this death was an unattended death, an investigation had been conducted. He said this investigation had been performed by two police officers in the midst of a very stressful situation and he commended them. He said he is sure they are representative of everyone in the department and they were extremely professional.

*

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

*

Robinson and Interstate 35 Interchange. Mr. Steve Lewis, City Manager, said bids had been opened by the Oklahoma Department of Transportation (ODOT) a few weeks ago for the I-35 and Robinson Street Interchange Project and the bid had come in at approximately $2.7 million which was $373,000 lower than the engineer's estimate. He said the ODOT Board would be voting on this item on February 6th. He said the I-35 and Interstate Drive intersection carries 46,000 cars per day and held a Level of Service F. He said this improvement should raise the Level of Service to a Level C. He said the project is also being funded by the Association of Central Oklahoma Governments (ACOG) and Tax Increment Finance (TIF) funds. He said this project was a partnership between the Public Works Department and officials who serve on the ACOG Board to put together the financial resources needed to bring the improvements forward.

Mayor Rosenthal said she appreciated this news about lowering the level of service for this intersection.

*

Federal Funding. Mr. Steve Lewis, City Manager, said over the next five years, the City will receive approximately $30.8 million from federal sources which is very important because the City cannot meet our local needs without these funding sources. He said in the February 7, 2012, Study Session, City Council will be discussing these recent funding decisions made by ACOG and the possibility of submitting a ballot and proposition to our voters some time this year.

*

Drought Conditions. Mr. Steve Lewis, City Manager, said recently drought specialists reported a normal November and a very average December; however, you have to go back 44 years to find a drier year in the central Oklahoma area. He said the 2011 calendar year came in as the seventh driest year ever. He said many of our citizens have never experienced a drought of this severity and it is important to think about the future. He said this has been described as "water anxiety" and we are trying to move forward to "water security."

* * * * *

ADJOURNMENT

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

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

The Mayor declared the motion carried and the meeting was adjourned at 7:30 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

February 1, 2012

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:35 p.m. in the City Council Conference Room on the 1st day of February, 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Dillingham, Kovach, Spaulding and Chairman Griffith
ABSENT:	None
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Councilmember Linda Lockett, Ward Seven Mr. Bobby Stevens, B&C Towing Company Ms. Chris Stevens, B&C Towing Company Mr. Mark Young, A&A Towing Service
STAFF PRESENT:	Mr. Keith Humphrey, Police Chief Mr. Rick Knighton, Assistant City Attorney Mr. Steve Lewis, City Manager Mr. Jim Maisano, Deputy Police Chief Ms. Linda Price, Revitalization Manager Ms. Syndi Runyon, Administrative Assistant IV

DISCUSSION REGARDING THE CITY OF NORMAN POLICE DEPARTMENT WRECKER TOWING POLICY AND TOWING SERVICES PROVIDED BY OUTSIDE CONTRACTORS.

Mr. Jim Maisano, Deputy Police Chief, said Council met in a Study Session on January 17, 2012, to discuss amendments to the City of Norman Police Department's Wrecker Service Policy. Council requested additional information and asked staff to meet with local wrecker companies for input.

Deputy Chief Maisano said the Norman Police Department's (PD) Wrecker Policy outlining regulations for wrecker and towing services was last revised in October 1985. He said problems identified within the current policy consisted of no designated Department Wrecker Coordinator; no procedure for a wrecker company to request to be added to rotation; no procedure for formal administrative review; no standard for call response time by wreckers; no criminal history or driving record checks are done on wrecker drivers; some definitions within the policy are not the same as State law; towing service insurance required coverage amount is incorrect; and the required equipment list is not current with State law.

Deputy Chief Maisano said the new policy outlines a procedure to utilize either a wrecker rotation system or a competitive bid process; however, after further review and meeting with wrecker companies, staff believes continuation of the use of a wrecker rotation system is the best option at this time. He said both options are included in the wrecker policy so that additional corrections would not be necessary should a change in the process be needed in the future. He said modifications to the policy include:

- Annual inspections for each wrecker service in the wrecker rotation
- Wrecker drivers will be licensed through the City of Norman with criminal and driving records checked
- A response time has been established, which all current wrecker companies agree to be reasonable
- Wrecker company owners will be limited to one spot on the rotation to ensure a fair rotation schedule
- An administrative policy has been developed to address issues when any wrecker company on the rotation does not comply with the Wrecker Service Policy

Deputy Chief Maisano said the PD currently uses five wrecker companies in the City's rotation that consist of L&A Wrecker 1, L&A Wrecker 2, Quick Wrecker, Quality Wrecker, and A&A Towing Services. He said L&A Wrecker 1 and 2 and Quick Wrecker have one main office and the owners sub-divided into three companies. He said under the modified policy, L&A Wrecker 1, L&A Wrecker 2, and Quick Wrecker will be considered as one company and be on the rotation schedule one time for more equitability in the rotation.

Deputy Chief Maisano said the PD currently assigns one wrecker company per vehicle in the rotation no matter how many vehicles are being impounded. He said the new policy will allow one wrecker service to be dispatched to one incident instead of per vehicle to be towed. He said the wrecker companies agreed this would be a best practice policy since all the vehicles involved in one accident would be towed to one location, which could benefit insurance companies, citizens, and the PD.

Deputy Chief Maisano said another issue that had been discussed is the collection of City administrative fees by wrecker companies to make the process of retrieving a vehicle from impound more convenient for citizens; however, after discussions with the wrecker companies several questions were raised that need to be researched. Staff decided this issue is too complicated to pursue at this time and needs additional research into legal issues and a comprehensive policy before addressing it in the future.

Deputy Chief Maisano believes the modifications to the Wrecker Service Policy is a move in a positive direction and will help ensure that wrecker services providing their services in the community are doing so in a safe and efficient manner. He said the policy allows the PD to partner with local wrecker companies who desire to be part of the wrecker rotation in a fair and consistent manner which promotes local business for both large and small wrecker companies.

Councilmember Kovach asked about the wrecker company's response to limiting the rotation to 'per owner" and Deputy Chief Maisano said L&A Wrecker 1 and 2 and Quick Wrecker have three rotations at this time and were not in favor of the new regulation. They indicated they have had that rotation schedule since the mid 1980's. Deputy Chief Maisano said he spoke with the Department of Public Safety (DPS) who licenses wrecker services and they allow a wrecker company owner to be on their rotation one time. The DPS said a municipality can have their own regulations and can stipulate that only wrecker companies with 20 wreckers can be on the rotation if they choose. He said A&A Towing Company and Quality Wrecker Service welcome the new regulations. Councilmember Kovach asked Mr. Rick Knighton, Assistant City Attorney, if the City could be accused of discriminating against a company because of ownership if each wrecker company meets the minimum standards. Mr. Knighton said he did not believe so because in the Court system, economic discrimination by a City does not have to be justified. Deputy Maisano said the proposed policy reads that a corporation where a licensed owner, as licensed by the DPS, can be on the City rotation one time and there is no legal requirement for the wreckers to be on rotation as it is strictly done on a voluntary basis.

Councilmember Kovach asked the timeframe for initiating the new procedures and Deputy Chief Maisano said the new regulations could go into effect the first of March or April. He said the PD will send letters to wrecker companies who can then apply to be placed on rotation. Chairman Griffith agreed the procedures should be expedited as soon as possible. He said the City should continue to work on issues regarding wrecker companies collecting fees for the City.

Councilmember Spaulding asked if there had been strong opposition from the owners on any of the proposed regulations and Deputy Chief Maisano said the only issue met with any negativity was the one owner being on rotation more than one time.

Councilmember Gallagher asked how many wrecker companies in Norman would not be used under the new policy and Deputy Chief Maisano said there are five companies licensed with DPS and they are all currently on rotation. He said the City adopts the new regulations, there will be three companies on rotation. Councilmember Gallagher asked if all the companies had the necessary equipment to move any size vehicle and Deputy Chief Maisano said yes, but the City has not inspected the equipment, which will be part of the new process. Councilmember Gallagher asked what standards would be used for the inspections and Deputy Chief Maisano said the standards are based on State statutes.

Councilmember Gallagher said there had been discussion in the Study Session regarding wrecker companies collecting an administrative fee of $20 for the City and asked why the fee was charged. Deputy Chief Maisano said when a vehicle is impounded, the PD is required to run a records check on the tag three times to make sure it is not a stolen vehicle so the fee covers staff's time. Councilmember Gallagher asked if the fee applied if the vehicle was not being impounded and Deputy Chief Maisano said no.

Councilmember Gallagher said given the number of trains passing through Norman it is possible for wrecker companies to be delayed and asked how the City would determine a wrecker company is meeting the required 90% compliance on response time. Deputy Chief Maisano said staff discussed train and inclement weather delays with the wrecker companies and the company owners recommended the response times that were placed in the policy.

Councilmember Gallagher asked about the driver's record checks and asked what would constitute denial of a license and Deputy Chief Maisano said the PD would follow the same guidelines used for taxi drivers such as a felony convictions, registered sex offenders, etc.

Councilmember Spaulding asked if a new wrecker company started business would they just fill out the application form and be placed on rotation and Deputy Chief Maisano said yes, if they meet all the minimum qualifications.

Councilmember Gallagher asked what kind of liability insurance the companies have to carry and Deputy Chief Maisano said there is a state statute limit, which is significant coverage amounts, and the new policy will refer to the statute instead of listing dollar amounts. Councilmember Gallagher asked if that freed the City from liability in case of damage to a vehicle or injury to a person. Mr. Knighton said damages or injury would have to be reviewed on a case by case basis, but it would be assumed that the wrecker company would be liable.

Mr. Bobby Stevens, B&C Towing Company, said his company is not on rotation because he does not have enough equipment or an impound yard, but he is pleased that the City has taken the time to review the wrecker policy. He asked if a vehicle owner would be able to choose a wrecker service if there vehicle was inoperable and blocking the roadway or if the City would call a company on rotation. Deputy Chief Maisano said citizens would have the right to choose a company if they wished. Mr. Stevens said he would probably never have an impound yard, but was hoping that in the future the City Council would approve a special permit for towing companies that do not have an impound yard to be on rotation. He said some vehicles do not need to be impounded and can be towed to the owner's home. Deputy Chief Maisano said his only concern would be City employees making recommendations for a particular service. He said if the vehicle owner does not have a towing company in mind, the PD will check the rotation schedule and use the next available company.

Chairman Griffith requested the wrecker policy be reviewed at a City Council Study Session as soon as possible then be placed on a Council agenda. Councilmember Gallagher asked staff to address questions asked tonight, in writing, prior to Council review.

Items submitted for the record

1. Memorandum dated January 30, 2012, from Keith L. Humphrey, Chief of Police, to Steve Lewis, City Manager
2. Norman Police Department Wrecker Services Standard Operating Procedure
3. City Council Study Session minutes of January 17, 2012
4. PowerPoint presentation entitled, "Wrecker Policy, Norman City Council Study Session dated January 17, 2012"

MISCELLANEOUS DISCUSSION.

Ms. Linda Price, Revitalization Manager, said provided Councilmembers a brief review of an education process for Proactive Code Enforcement that will now include commercial properties. She said information will be placed on the City's website, a press release will be printed in the Norman Transcript, and information will be placed on Channel 20. She said staff will contact the Downtowner's Association, the Campus Corner Merchants Association, and the Chamber of Commerce. She felt there would not be much change as there are very few violations regarding commercial properties. She said the City will implement Proactive Code Enforcement thirty days after Council approves the resolution and staff will begin the education process during that thirty day period. Councilmembers hoped the citywide enforcement will alleviate concerns from current proactive area property owners that feel they are being singled out.

Councilmember Gallagher said he called to complain about the Grandy's property on Main Street and was told the bank owned the property and there was nothing the City could do as the property was in the process of being sold and the building would be demolished. He asked if this type of problem would be solved more quickly through citywide proactive code enforcement. He asked why the City could not have contacted the bank or the new owner for compliance. Ms. Price said she could not guarantee the process would speed up in that type of situation because there was a problem with ownership. She said the new owners did not have possession of the property and the bank was foreclosing so neither would do anything with the property. She said staff had expected a faster resolution to the problem as the new owners had obtained a building permit and staff believed demolition would occur soon; however, the process took longer than anticipated. She said she did not believe the process would be quicker, but said the City will always try to work with property owners on compliance.

Councilmember Gallagher said a house had burned down on Surrey or Sunrise and there is a porta potty in the front yard. He said the PD checked on it and said it is not being used so it is not an immediate health hazard. He said no one is working on the house and there is a commercial dumpster in the driveway as well. He asked if there was some way the City could have the porta potty and dumpster removed. He asked if they were still there because the owners were coming back to do more work on the house. Ms. Price said she did not know if more work was going to be done. She said contractors had worked on the house for quite some time and if the owner has an active building permit they can legally have the commercial dumpster at the location for trash and debris. She said she would check on the building permit status. She said the City does not govern porta potties, but if the company name is on the unit, the City can call the company to see what the status of that rental may be. Councilmember Griffith asked her to update him on the status of the building permit and porta potty. Councilmember Gallagher asked if there is a time limit on how long a commercial dumpster can stay on a property and Ms. Price said there is an ordinance that limits that to two weeks if they do not have an active building permit and Mr. Lewis said an active building permit is the key.

Councilmember Gallagher asked what department handled the commercial dumpster fees and Ms. Price said the Sanitation Department; however, there are other companies that rent dumpsters. She said if the Sanitation Departments sees a commercial dumpster on their route that is not theirs they will contact Code Enforcement if there is an issue. Councilmember Gallagher asked if out of state companies need a permit to place a commercial dumpster on property and Ms. Price said no.

Mr. Steve Lewis, City Manager, said staff is working on the Proactive Code Enforcement resolution for Council's approval on February 14, 2012.

The meeting adjourned at 6:12 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-1112-47

File ID:	GID-1112-47	**Type:**	Award	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	01/30/2012
File Name:	Mayor's Citizenship Awards CCS			**Final Action:**	

Title: PRESENTATION OF THE MAYOR'S CITIZENSHIP AWARDS TO STUDENTS FROM COMMUNITY CHRISTIAN SCHOOL.

ACTION NEEDED: Allow the Mayor to present Citizenship Awards to students from Community Christian School.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 4

Attachments:

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:

Text of Legislative File GID-1112-47

City of Norman, OK

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

Master

File Number: P-1112-11

File ID:	P-1112-11	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	02/03/2012
File Name:	P-1112-11 Black History Month			**Final Action:**	

Title: PROCLAMATION NO. P-1112-11: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2012, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-11 proclaiming the month of February, 2012, as Black History Month in the City of Norman.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 5

Attachments: Black History Month

Project Manager: Carol Coles, Administrative Assistant

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File P-1112-11

P-1112-11

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF FEBRUARY, 2011, AS BLACK HISTORY MONTH IN THE CITY OF NORMAN.

§ 1. WHEREAS, in 1926, Dr. Carter G. Woodson established the observance of African American History Week for the purpose of revealing and honoring the contributions, achievements, and involvement of African American people in the development of American democracy; and

§ 2. WHEREAS, this year's national theme "Black Women in American Culture and History" honors African American women and the myriad of roles they played in the shaping of our nation; and

§ 3. WHEREAS, Ada Lois Sipuel Fisher challenged education inequality and was a key figure in the Civil Rights movement in Oklahoma and in national, state and local history; and

§ 4. WHEREAS, Clara Luper was a civic leader, school teacher, and a pioneering leader in the American Civil Rights Movement by challenging segregation in Oklahoma; and

§ 5. WHEREAS, African Americans have played a central role in Norman's history and have contributed to the vitality of our community; and

§ 6. WHEREAS, Black History Month encourages unity and promotes the American ideal of equal education, social, and economic opportunity for all citizens.

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

§ 7. Do hereby proclaim the month of February, 2012, as Black History Month in the City of Norman and invite all citizens to join me in celebrating the diversity and character of our community.

PASSED AND APPROVED this 14th day of February, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

THE CITY OF NORMAN OKLAHOMA
RECREATION EDUCATION RESEARCH HEALTH INDUSTRY

City of Norman, OK

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

Master

File Number: R-1112-108

File ID:	R-1112-108	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 6	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	01/31/2012
File Name:	R-1112-108 Grant for Colima from Rotary Club			**Final Action:**	

Title: RESOLUTION NO. R-1112-108: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, COMMENDING AND EXTENDING APPRECIATION TO NORMAN SOONER ROTARY CLUB AND NORMAN PUBLIC SCHOOLS FOR THEIR COLLABORATIVE LITERACY PROJECT BENEFITTING CHILDREN IN RURAL COLIMA, MEXICO, THE CITY OF NORMAN'S SISTER CITY.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-108.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 6

Attachments: Colima Literacy Resolution

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:

Text of Legislative File R-1112-108

Resolution

R-1112-108

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, COMMENDING AND EXTENDING APPRECIATION TO NORMAN SOONER ROTARY CLUB AND NORMAN PUBLIC SCHOOLS FOR THEIR COLLABORATIVE LITERACY PROJECT BENEFITTING CHILDREN IN RURAL COLIMA, MEXICO, THE CITY OF NORMAN'S SISTER CITY.

§ 1. WHEREAS, in December, 2011, the Norman Sooner Rotary Club received notification that a grant from Rotary International had been approved; and

§ 2. WHEREAS, the matching grant will provide an estimated 3,500 books that will be distributed to schools and individual children in Colima, Mexico; and

§ 3. WHEREAS, students from Norman Public Schools made 1,250 bookmarks to be placed in books given to individual children in poor and underserved areas in Colima, Mexico; and

§ 4. WHEREAS, a sister-city relationship was established on August 12, 1997, between the Cities of Norman and Colima in order to share ideas and encourage exchanges between their citizens and to provide opportunities for cultural, professional, and business exchanges and international experiences to our citizens, students, and youth to broaden their perspective; and

§ 5. WHEREAS, this collaborative project between Norman Sooner Rotary Club and Norman Public Schools will benefit Norman's Sister City, Colima, Mexico.

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

§ 6. On behalf of the entire citizenry of Norman, commends and extends appreciation to Norman Sooner Rotary Club and Norman Public Schools for their literacy project benefitting children in rural Colima, Mexico.

PASSED and ADOPTED this 14th day of February, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1112-20

File ID:	O-1112-20	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	12/19/2011
File Name:	O-1112-20 RCB Bank Rezone			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-20 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 SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

ACTION TAKEN: Motion to Introduce and adopt Ordinance No. O-1112-20 upon First Reading by title.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 8

Attachments: O-1112-20 RCB Bank, Village at Oakhurst PUD Narrative, Village at Oakhurst Location Map, RCB Bank Rezoning Staff Report, Village at Oakhurst Cross Section, Village at Oakhurst Landscaping, Village at Oakhurst Office Park Plan, Village at Oakhurst Vicinity Plan, VillageAtOakhurst_Protest Map, Village at Oakhurst Protest Letters, Protest Letter Pasterick, 1-12-12 PC Minutes - Village at Oakhurst

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	01/12/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council					
1	Planning Commission	01/12/2012					

Text of Legislative File O-1112-20

Body

RCB Bank has submitted a request for a Planned Unit Development in order to add multi-family uses to the uses allowed under the existing CO, Suburban Office Commercial District. Although the intent of the request is to allow for apartment development, the PUD language permits the site to be used for either multi-family apartments or office uses currently allowed under the existing zoning, as well as the addition of several "special uses" enumerated under both RM-6 and CO. The site will not be intensely developed, and a large buffer will separate all uses from the abutting single-family homes.

The particulars of this PUD include:

1. **USE** The applicant states that multi-family uses will comply with the RM-6, Medium Density Zoning District regulations, and office uses will follow the CO, Suburban Office regulations. Several "special uses" within the RM-6 category have been added, including "church," "child care center" and "convalescent or nursing home." Under the CO category, "mixed building" has been identified as an allowed "special use" which allows two-story mixed use buildings, with apartments above office (or other allowed) use. No special uses have been identified on the Preliminary Site Development Plan,

2. **OPEN SPACE** The detention pond north of the large church/office building at the eastern end of the tract is included within the commonly owned lot that contains 3.65 acres. That lot exceeds the minimum 10-15% of open space expected in all PUDs. The site plan indicates additional undeveloped areas within the apartment complex containing at least 2.86 acres, plus additional open areas throughout the remaining area of approximately 2.7 acres. The total amount of open space exceeds the required minimum.

3. **BUFFERS** The "buffer area" along the north side of this tract is at least 25 feet wide (at the west end) widening to 250 feet at the eastern end. That area is unencumbered by buildings or parking. Berms and hedges will be installed at the northern end of each north-south roadway to minimize any nighttime impact from headlights shining onto the abutting residences.

4. **PARKING** Adequate parking will be provided for each separate use. Parking along the northern roadway has been placed on the south side of that roadway, again to minimize any nighttime impacts from headlights.

5. **SITE PLAN/DESIGN** The apartment units have been oriented east-west to minimize their visual impact. While three-story buildings are allowed, the units at the northern end of each building will be restricted to two stories in height. Those units are shown to be no closer than seventy feet to the rear property line of any nearby residence, with most units much farther away.

6. **PHASES** No phasing plan has been identified. The common area, including the detention pond, must be included in the first phase.

7. **IMPACTS** The current zoning of the tract is CO, which allows three and a half story buildings. Those buildings could be as close as twenty feet to the rear property line of the abutting single family homes. This PUD has self-imposed a two story limitation for all structures at the north end of the tract, and indicates a minimum separation of seventy-five feet from the north property line. The newly adopted Commercial Lighting Standards will require that full cut-off light fixtures be used in this development.

8. **TRAFFIC** Most traffic will access Imhoff Avenue, which will be minimally impacted according to the Traffic Engineer. Residential use typically results in lower traffic generation than office use.

This PUD establishes effective safeguards that should minimize adverse impacts on nearby single-family residences. The applicant does propose to keep the ability to develop any legitimate office or related use within the property (which could occur today, without additional controls) while adding the ability to develop a multi-family project on the tract. From a traffic perspective, adding residential uses does not increase any impacts. An apartment complex will provide a visual barrier from the industrial use on Imhoff Road as effectively as an office complex would. The open space that is proposed will provide additional buffering for the residences, while preserving the natural drainage that flows through that area. Staff is able to support this request for a PUD, and recommends approval. This rezoning request received protests which calculated to 53.1% of the surrounding area, which will necessitate a super majority approval by the City Council to approve this request. The Planning Commission, by a vote of 8-2 at their January 12, 2012 meeting, recommended approval of this request.

O-1112-20

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 SOUTHEAST QUARTER OF SECTION 4, TOWNSHIP 8 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE))

§ 1. WHEREAS, RCB Bank, the owner of the hereinafter described property, has made application to have the same placed in the PUD, Planned Unit Development District, and to have the same removed from the CO, Suburban Office 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 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 PUD, Planned Unit Development District, and to remove the same from the CO, Suburban Office Commercial District, to wit:

Being a Part of the SE/4, Section 4, Township 8 North, Range 2 West of the INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, more particularly described as follows:
BEGINNING at the SW/C of said SE/4, THENCE North 00°51'24" West along the West Line of said SE/4 a distance of 695.91 feet;
THENCE South 90°00'00" East a distance of 1249.28 feet;
THENCE South 00°00'00" West a distance of 16.39 feet;
THENCE North 90°00'00" West a distance of 10.00 feet;
THENCE South 00°00'00" West a distance of 55.11 feet;
THENCE South 90°00'00" East a distance of 10.00 feet;
THENCE South 00°00'00" West a distance of 521.86 feet;
THENCE South 45°06'40" West a distance of 36.86 feet;
THENCE South 01°14'58" East a distance of 50.00 feet to a point on the South line of said SE/4;

THENCE South 88°45'02" West a distance of 490.60 feet to a point, said point being the Southeast Property Corner of the filed final plat of Crimson Creek Addition (as filed in Book 21, Page 53);
THENCE along the property line of said final plat the following 5 courses:
1) THENCE North 01°14'58" West a distance of 209.59 feet;
2) THENCE North 46°14'04" West a distance of 147.64 feet to a point on a non-tangent curve;
3) THENCE along a curve to the right have a radius of 175.00 feet (said curve subtended by a chord which bears 83°31'56" West a distance of 221.27 feet) with an arc length of 239.53 feet;
4) THENCE South 43°46'08" West a distance of 189.67 feet;
5) THENCE North 01°14'58" East a distance of 209.59 feet to a point on the South line of said SE/4;
THENCE South 88°45'02" West along said South line a distance of 265.68 feet to the POINT of BEGINNING.

Said tract contains 16.46 acres, more or less.

§ 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 Development Plan (Exhibit A), and the PUD Narrative (Exhibit B) approved by the Planning Commission on January 12, 2012, and supporting documentation submitted by the applicant, approved by the Planning Commission, and made a part hereof.

§ 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.

_____
Mayor

NOT ADOPTED this _____day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

THE VILLAGE AT OAKHURST ADDITION

NORMAN, OKLAHOMA

OWNER: RCB BANK

APPLICATION FOR 2025 PLAN CHANGE
PLANNED UNIT DEVELOPMENT
PRELIMINARY PLAT

12 December 2011
Revised 5 January 2012

PREPARED BY:

THE RIEGER LAW GROUP
Attn: Sean Paul Rieger
S.P. Rieger, PLLC
136 Thompson Drive
Norman, Oklahoma 73069-5245

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I. INTRODUCTION

This VILLAGE AT OAKHURST ADDITION project (the "**Addition**") is proposed as a Planned Unit Development of roughly 19.44 acres, in Ward 1 of the City of Norman (see attached **EXHIBIT A**). The Addition lies on the north side of Imhoff Road, between Classen Boulevard and 24th Ave. SE. The Addition will provide the development of different uses, including medium density residential, office, and churches.

II. PROPERTY DESCRIPTON/GENERAL SITE CONDITIONS

A. Location

The Addition lies on the north side of Imhoff Road, between Classen Boulevard and 24th Ave. SE.

B. Existing Land Use and Zoning

The property is currently zoned CO, Suburban Office Commercial District. The site is currently undeveloped land, with Crimson Creek Addition, Section 1 abutting the property and including two office buildings and associated parking. No buildings or habitable structures exist within the property being proposed under this PUD. Norman 2025 currently has the Property covered with Office designation. This PUD seeks to amend that to allow for medium density residential. To the south of the Property is the Crimson Creek Addition, Section 1, immediately abutting it, and then across Imhoff Road is Hitachi. To the north of the Property is the Oakhurst Addition, Section 12. To the west of the Property is raw farmland, zoned A-2. To the east of the Property is Oakhurst Avenue and across Oakhurst is undeveloped land that is zoned a PUD and 2025 planned medium density residential. The Addition lies within the Norman School District.

C. Elevation and Topography

The site consists of varied slopes and topography. No portion of the site is in the FEMA 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are required and the solutions planned.

E. Utility Services

Many of the required utility systems for the project (including water, sewer, gas, telephone and electric) are currently located adjacent to, or in near proximity to, the boundaries of the Property. Many of the services exist along Imhoff Road and extend to the existing offices in the Crimson Creek Addition Section 1.

F. Fire Protection Services

Fire Protection services will be provided by the City of Norman Fire Department and by Owner provided building sprinkler systems if required by building codes in individual structures.

G. Traffic Circulation and Access

Primary vehicular access to the site would be provided by way of the section line right of way of East Imhoff Road that borders the Property on the south. The drives and access corridors within the Property will be private and will feature cross-access easements to the extent necessary to provide cross traffic.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

The Addition is planned to accommodate generally three different types of uses, being office, medium density residential, and church. The Exhibits attached hereto are incorporated herein by reference and further depict the development criteria for each section. The PUD site plan may be amended to allow for the different uses, as identified below, to be developed anywhere within the Addition, so long as each use is separated by the other with reasonable buffering as necessary to distinguish the different areas. Each distinct section of different uses within the Addition is discussed separately below.

A. Medium Family Residential District

This area of the PUD is as planned on the attached Preliminary Site Development Plan, **EXHIBIT B** hereto, and is shown as Area One on the attached **EXHIBIT D** hereto.

1. Uses; Lot Design

The purpose for the PUD is to extend the RM-6, Medium Density Apartment District, zoning provision and apply its provisions from the City of Norman zoning code, unless as amended herein (to the extent of any contradiction between the provisions of this PUD and the City Zoning Ordinance, this PUD controls):

a. Uses permitted: In addition to any of the uses permitted as a matter of right under RM-6 district, this PUD shall also allow for the following special uses:

i. Church, temple, or other place of worship;
ii. Child care center;
iii. Off-street parking, per the provisions of Sec 22:422.3.3(i);
iv. Office buildings, per the provisions of Sec 22:422.3.3(k);
v. Convalescent home, rest home, nursing home, or assisted living center.

b. Height: Structures may not exceed three stories, or fifty (50) feet, whichever is greater. However, residential structures located along the rear north side of the Addition may not exceed two stories in height or thirty (30) feet, whichever is greater.

c. Density: The residential portion of the Addition may be developed to a density of anywhere between a range of 12 to 20 units per acre. The preliminary plans include approximately 148 residential units, but may be adjusted upward or downward within the allowed density so long as all other regulations are met (such as, but not limited to, height, building setbacks, coverage, etc.).

d. Impervious Area: the total amount of impervious area, including all building footprints and paved areas shall not cover more than seventy (70) percent of lot area.

e. Accessory Buildings: Accessory buildings such as a common area clubhouse and related uses are allowed and may contain uses consistent with, but not limited to, office, fitness, game room, library, lounge, meeting room, swimming accessory buildings, model unit, maintenance and equipment rooms, etc. Accessory building wall heights may not exceed the height of the principal structures and shall be in harmony with the adjacent buildings. These accessory building uses may be accommodated in the area shown as Areas One and Three on the attached **EXHIBIT D** hereto..

f. Athletic and recreational courts and facilities are allowed as support uses within the residential district.

2. Parking

Parking may be accommodated by way of common area parking lots within the district, and/or by way of parallel parking along the private streets within this residential area.

B. Office District

This area of the PUD is as shown on the attached Preliminary Site Development Plan, **EXHIBIT B** hereto, and is shown as Areas Two and Three on the attached **EXHIBIT D** hereto.

1. Uses; Lot Design

The purpose for the PUD is to extend the CO, Suburban Office Commercial District zoning provision and apply its provisions from the

City of Norman zoning code, unless as amended herein (to the extent of any contradiction between the provisions of this PUD and the City Zoning Ordinance, this PUD controls):

g. Uses permitted: In addition to any of the uses permitted as a matter of right under CO district, this PUD shall also allow for the following special uses:
    i. Mixed buildings, per the provisions of Sec 22:423.1.3(c), including the restriction of only two-story structures are allowed as a mixed building;
    ii. Off-street parking, per the provisions of Sec 22:423.1.3(e).

a. Height: Structures may not exceed three and one half stories, or fifty (50) feet, whichever is greater.
b. Front Yard: All buildings shall be set back from the street right of way along Imhoff Road and Oakhurst Avenue at least twenty five (25) feet.
c. Rear Yard: The minimum rear yard shall be fifteen (15) feet, or the depth of the utility easement, whichever is greater. However, the rear yard building setback for buildings along the rear of the Addition, as adjacent to the residential addition of Oakhurst Addition, Section 12, shall be set back a minimum of fifty (50) feet from the property line.
d. Side Yard: the minimum width for side yards shall be five (5) feet.

2. Dumpster and Trash Enclosures

In the residential area, a trash compactor and its enclosure may be located on site to facilitate resident trash removal. Any dumpster enclosure will be built of masonry to match the building exteriors in the Addition. Within any office areas, dumpsters may be shared between multiple property occupants, sites, and uses.

C. Miscellaneous Development Criteria

1. Site Plan and Final Plat

The preliminary site development plans for the office and medium density residential areas currently submitted with this PUD may be further refined once final site development plans are submitted with final plat. As the PUD process is intended to foster innovative and creative design, the applicant may exercise flexibility in the design and layout of the site plans within the Addition.

2. Amenities

a. Park land will be provided as private park land within the Addition, and so long as such private park land is in excess of the amount that

would have been required of public park land, then there will be no public requirement of park land or fee in lieu of

b. Open space and green space areas are located throughout the Addition. Open green space totals over approximately 10.66 acres, or over approximately 55% of the total site area.

3. Signage

All signage shall be in conformance with the City of Norman's sign codes, as amended from time to time, and comply with applicable district regulations.

Signs may be lit and landscaped with appropriate vegetation and planter boxes designed so as not to interfere with traffic sight lines.

4. Fencing; buffering

Fencing will be constructed around the entire perimeter of the residential portion of the Addition. Fencing may be constructed in other areas of the PUD as well in the discretion of the Owner. Construction material may be of masonry, metal/iron, or wood, or any combination thereof, and other materials as compatible with the building structures.

The development of the PUD shall provide buffering along the northern edge as it abuts the Oakhurst residential addition. Such Buffer shall be a minimum of twenty five (25) feet in width and shall include landscaped berms with trees and hedges located to buffer headlights and other intrusions from the parking areas of the residential community.

5. Traffic access/circulation/parking and sidewalks

The access to the PUD will be from East Imhoff Road. Landscape buffers will accommodate all City of Norman traffic division sight triangle requirements. All internal drives and streets will have adequate circulation provided for the fire department and City Waste Management Services.

All sidewalks will be at least four feet (4') wide and provide adequate access to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided generally along the Imhoff Road section line road that abuts the Addition, constructed to City of Norman Standards.

6. Lighting

All exterior lighting shall be installed in conformance with the City of Norman lighting ordinance, and so as to prevent blinding glare into vehicular roadways and residential windows.

EXHIBIT A
Proposed Preliminary Plat

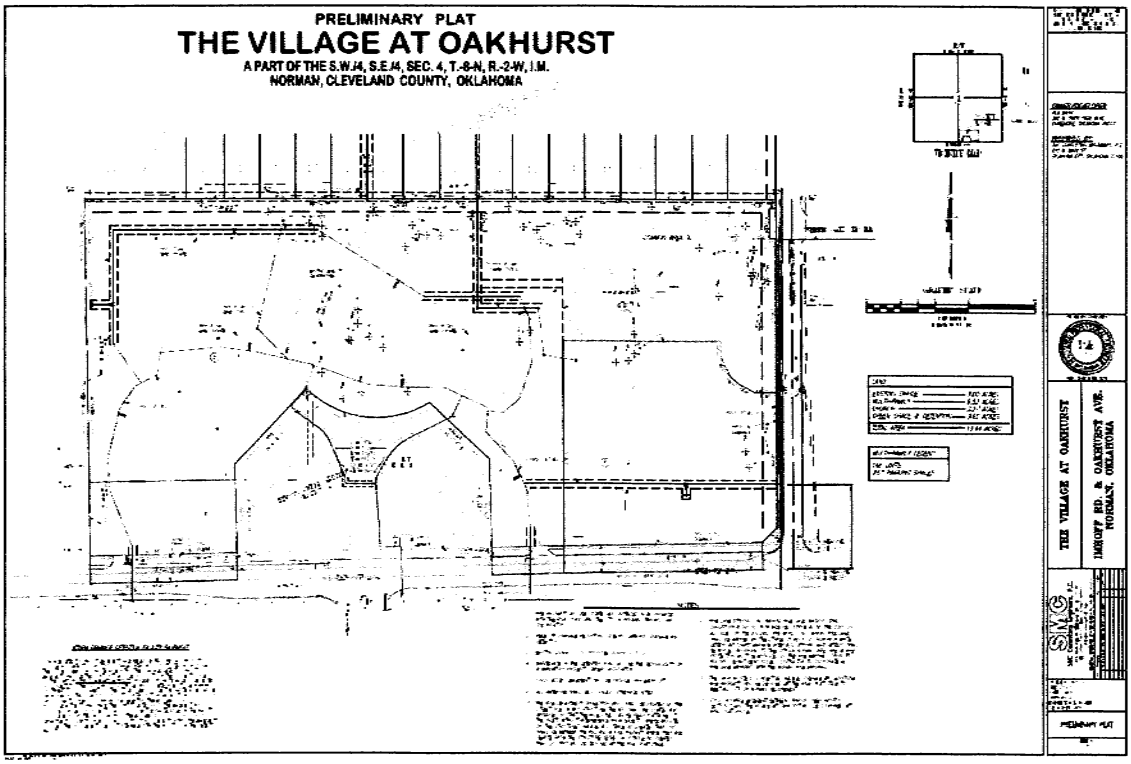


EXHIBIT B

Proposed Preliminary Site Development Plan

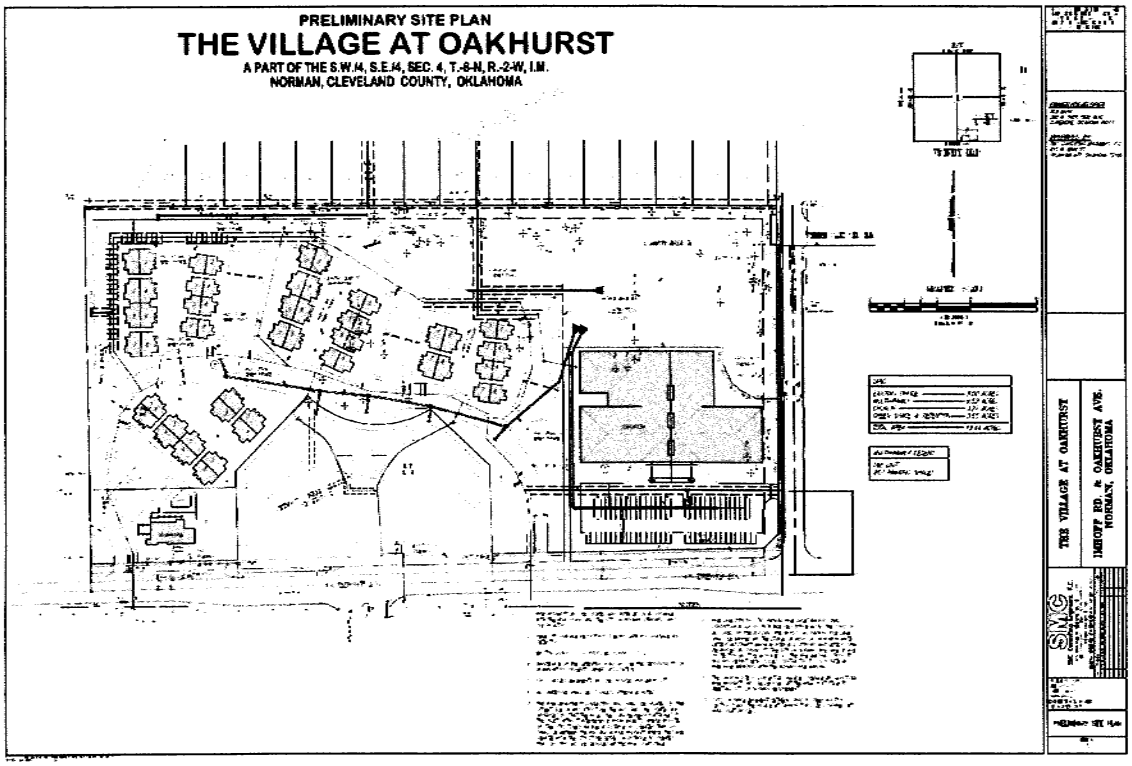


EXHIBIT C
Proposed Open Space Areas

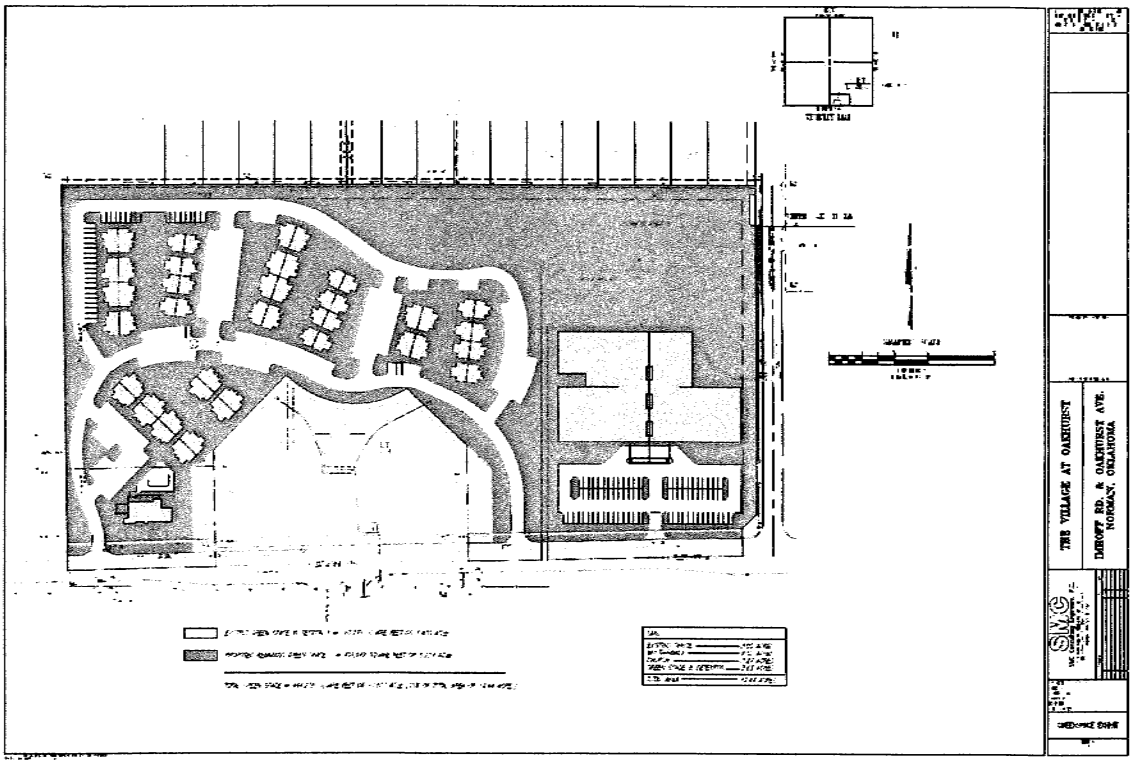
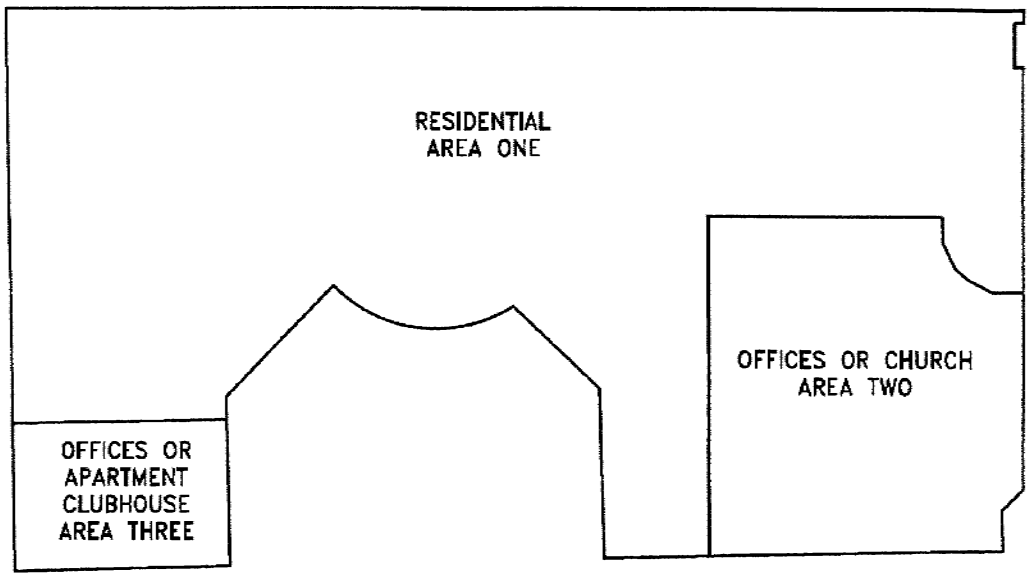
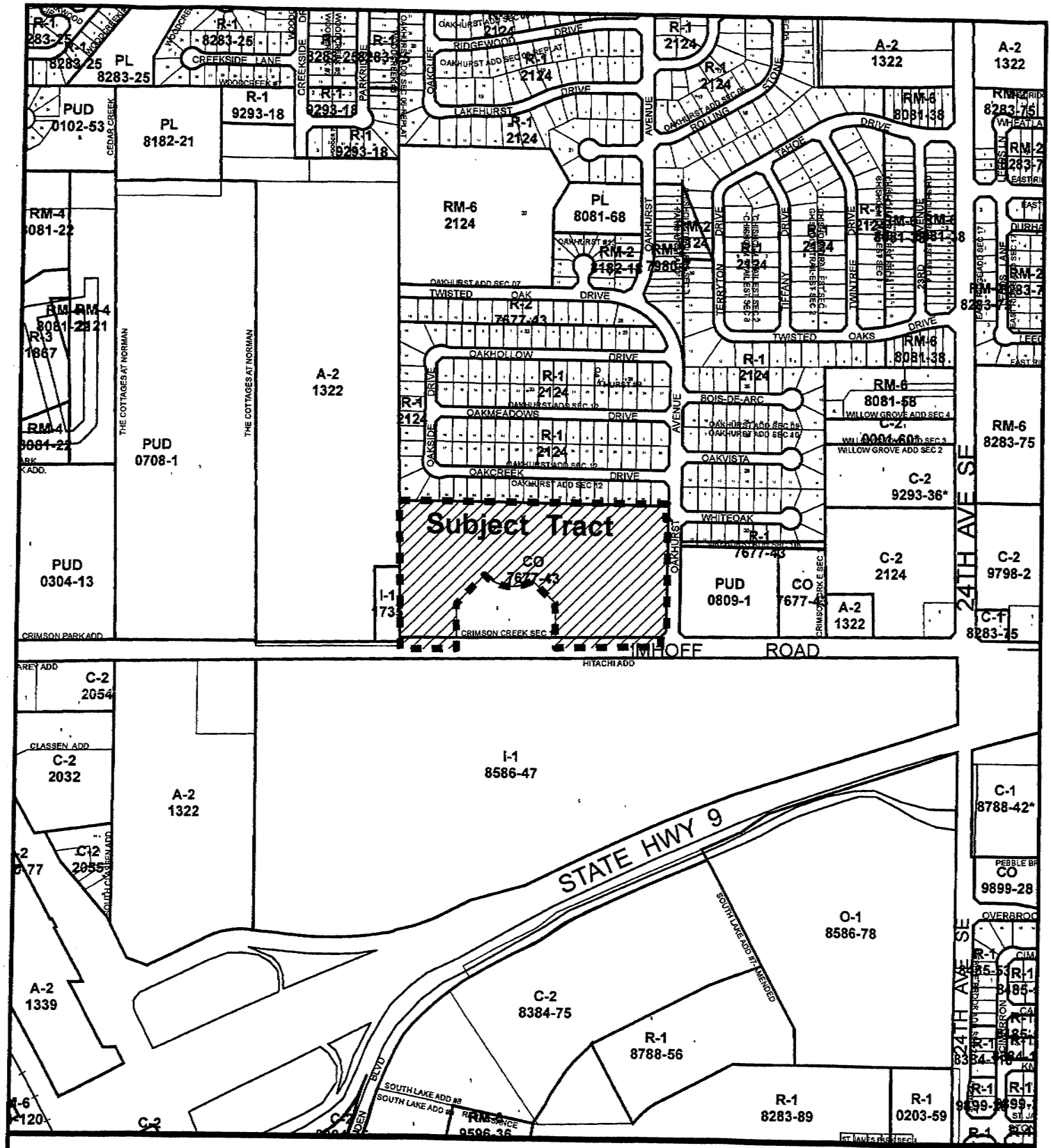


EXHIBIT D

Plan of uses in each area of the Site

THE VILLAGE AT OAKHURST
NORMAN, OKLAHOMA





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.

N W E S

January 5, 2012

0 300 600 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-20 ITEM NO. 8b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	RCB Bank
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	CO, Suburban Office Commercial
SURROUNDING ZONING	North: R-1, Single Family Dwelling District East: R-1 and PUD South: I-1, Light Industrial District West: I-1 and A-2
LOCATION	Northwest corner of Oakhurst Avenue and Imhoff Road
SIZE	16.44 acres more or less
PURPOSE	Apartment and Office Development
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: single-family dwellings East: vacant South: manufacturing plant (computers) West: vacant

SYNOPSIS: The applicant has requested approval of a Planned Unit Development in order to add multi-family uses to the uses allowed under the existing CO, Suburban Office Commercial District. Although the intent of the request is to allow for apartment development, the PUD language permits the site to be used for either multi-family apartments or office uses currently allowed under the existing zoning, as well as the addition of specific "special uses" enumerated under both RM-6 and CO. The site will not be intensely developed, and a large buffer will separate all uses from the abutting single-family homes.

ANALYSIS: The particulars of this PUD include:

1. USE The applicant states that multi-family uses will comply with the RM-6, Medium Density Zoning District regulations, and office uses will follow the CO, Suburban Office regulations. Several "special uses" within the RM-6 category have been added, including "church," "child care center" and "convalescent or nursing home." Under the CO category, "mixed building" has been identified as an allowed "special use" which allows two-story mixed use buildings, with apartments above office (or other allowed) use. No special uses have been identified on the Preliminary Site Development Plan,

2. OPEN SPACE A specific common area, which includes the detention facility for the entire tract, is proposed north of the large church/office building at the eastern end of the tract, and contains 3.65 acres. PUDs are expected to provide 10-15% open space, which, in this case, calculates to 1.64 - 2.47 acres. The site plan indicates additional undeveloped areas within the apartment complex containing at least 2.86 acres, plus additional open areas throughout the remaining area of approximately 2.7 acres. The open spaces exceed the required minimum.

3. BUFFERS The "buffer area" along the north side of this tract is at least 25 feet wide (at the west end) widening to 250 feet at the eastern end. That area is unencumbered by buildings or parking, and will remain open. Berms and hedges will be installed at the northern end of each north-south roadway to minimize any nighttime impact from headlights shining onto the abutting residences.

4. PARKING Adequate parking will be provided for each separate use. Parking along the northern roadway has been placed on the south side of that roadway, again to minimize any nighttime impacts from headlights.

5. SITE PLAN/DESIGN The apartment units have been oriented east-west to minimize their visual impact. While three-story buildings are allowed, the units at the northern end of each building will be restricted to two stories in height. Those units are shown to be no closer than seventy feet to the rear property line of any nearby residence, with most units much farther away.

6. PHASES No phasing plan has been identified. The common area, including the detention pond, must be included in the first phase.

ALTERNATIVES/ISSUES:

- **IMPACTS** The current zoning of the tract is CO, which allows three and a half story buildings. Those buildings could be as close as twenty feet to the rear property line of the abutting single family homes. This PUD has self-imposed a two story limitation for all structures at the north end of the tract, and indicates a minimum separation of seventy-five feet from the north property line. The newly adopted Commercial Lighting Standards requires full cut-off fixtures for this development.

- **TRAFFIC** Most traffic will access Imhoff Avenue, which will be minimally impacted according to the Traffic Engineer. Residential use typically results in lower traffic generation than office use.

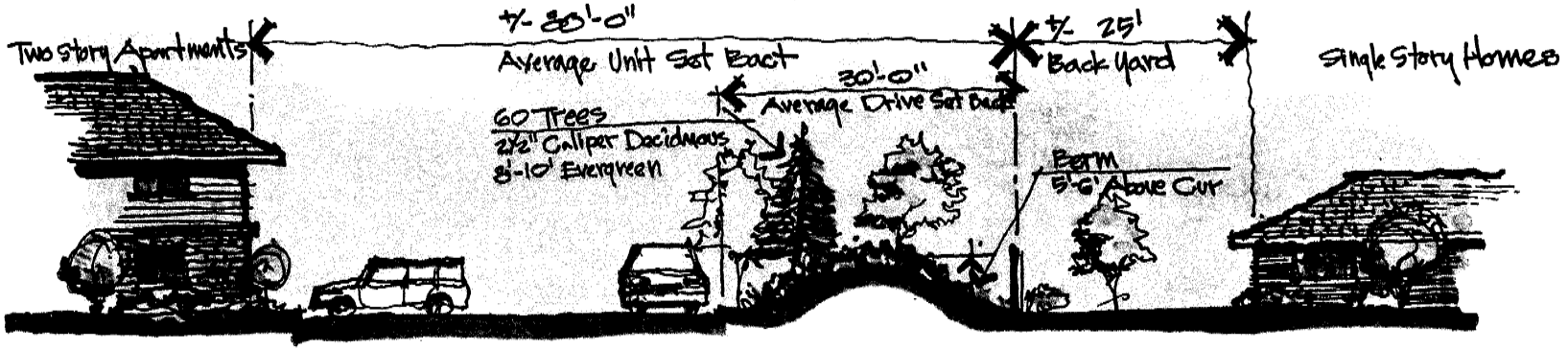
- **SITE PLAN** The Site Development Plan is preliminary, and may be modified with a future final plat. Whatever is constructed will comply with the height and setback limitations imposed by the PUD.

OTHER AGENCY COMMENTS:

- **PARK BOARD** The Park Board recommended that a fee in-lieu-of parkland dedication be paid whenever a final plat is submitted.

- **PUBLIC WORKS** The open space area and detention pond have been reviewed, and are adequate to accommodate the anticipated stormwater on this site.

STAFF RECOMMENDATION: This PUD establishes effective safeguards that should minimize adverse impacts on nearby single-family residences. The applicant does propose to keep the ability to develop any legitimate office or related use within the property (which could occur today, without additional controls) while adding the ability to develop a multi-family project on the tract. From a traffic perspective, adding residential uses does not increase any impacts. An apartment complex will provide a visual barrier from the industrial use on Imhoff Road as effectively as an office complex would. The open space that is proposed will provide additional buffering for the residences, while preserving the natural drainage that flows through that area. Staff is able to support this request for a PUD, and recommends approval.



CROSS SECTION THRU NORTH PROPERTY LINE

0 10 20 40

THE MCKINNEY PARTNERSHIP
3800 West Main
Suite 200
Norman, Oklahoma
73072
405.360.1400 p
405.364.8287 f
tmparch.com

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Seal:

Project:

The Village at Oakhurst
Norman, Oklahoma

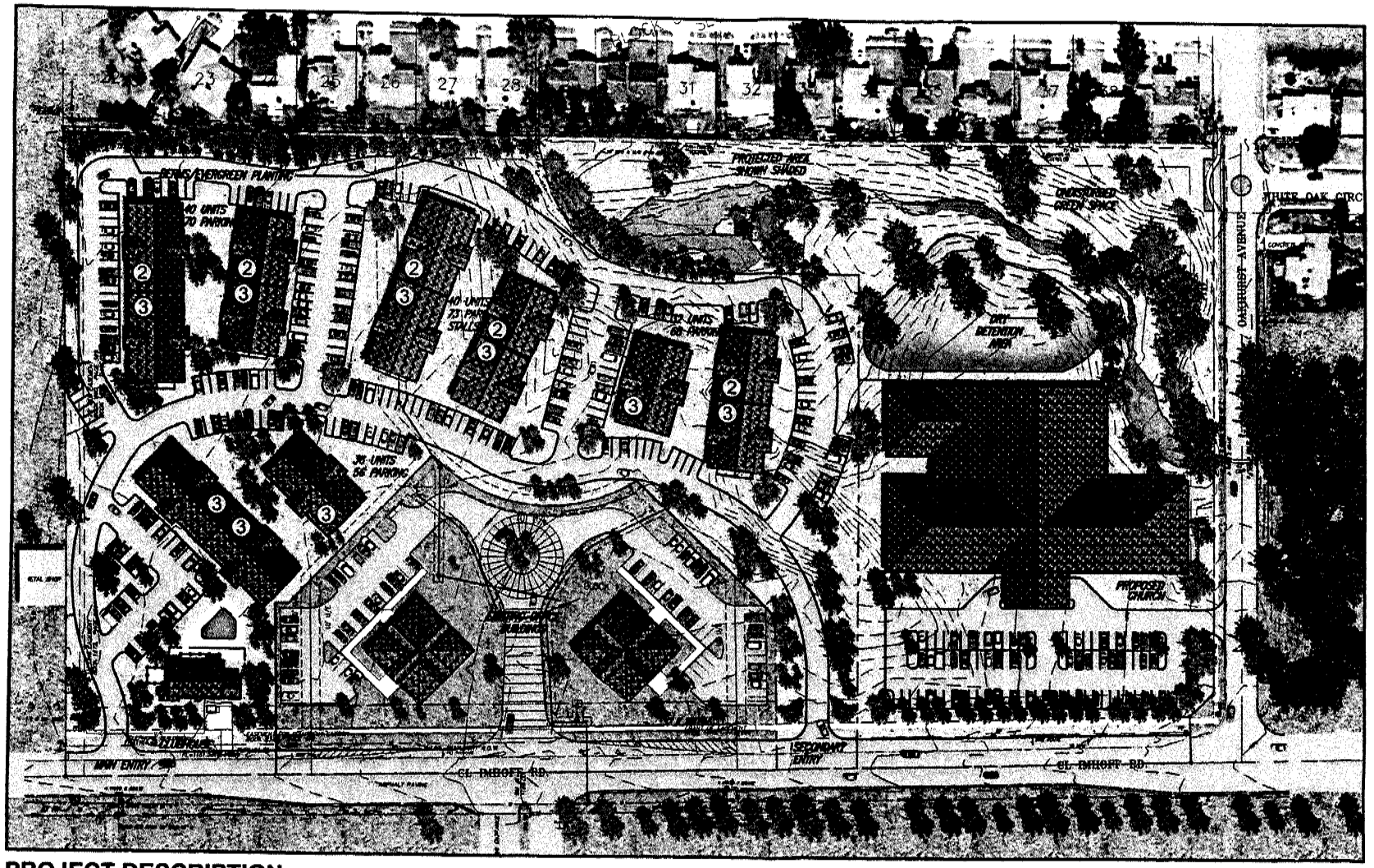
Issue Date:
01/05/12

Revisions:

Project Number:
CM061511

Sheet Title:
SECTION

Sheet Number:
A4.0



PROJECT DESCRIPTION

- Planned Unit Development Compliant with uses allowed in RM-6 and O-1 Zoning
- +/- 16.08 Acre Tract
- Two and Three Story Units with Sloped Roofs to Match the Surrounding Neighborhoods
- Maximum of Two Story Units Near North Residential Properties, Indicated by (2)
- Low Level Sharp Cut Off Lighting To Comply with City Ordinance
- Evergreen and 5' Bermed Landscaping Along North Drive Per Plan
- Landscaping Per City of Norman Requirements with Irrigation System
- No Multifamily Unit Windows Will Face North
- 148 Two Bedroom Units & One Clubhouse
- Parking Required: 267 Parking Shown: 267
- Traffic Assessment - No Increase Compared to Current O-1 Zoning Traffic Generation Per Study
- Dense Plantings at Ends of Drives Approaching Residential

PRELIMINARY SITE DEVELOPMENT AND LANDSCAPING PLAN

0 50 100 200

THE MCKINNEY PARTNERSHIP
3600 West Main
Suite 200
Norman, Oklahoma
73072
405.360.1400 p
405.364.8287 f
tmpartch.com

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Seal:

Project:

The Village at Oakhurst
Norman, Oklahoma

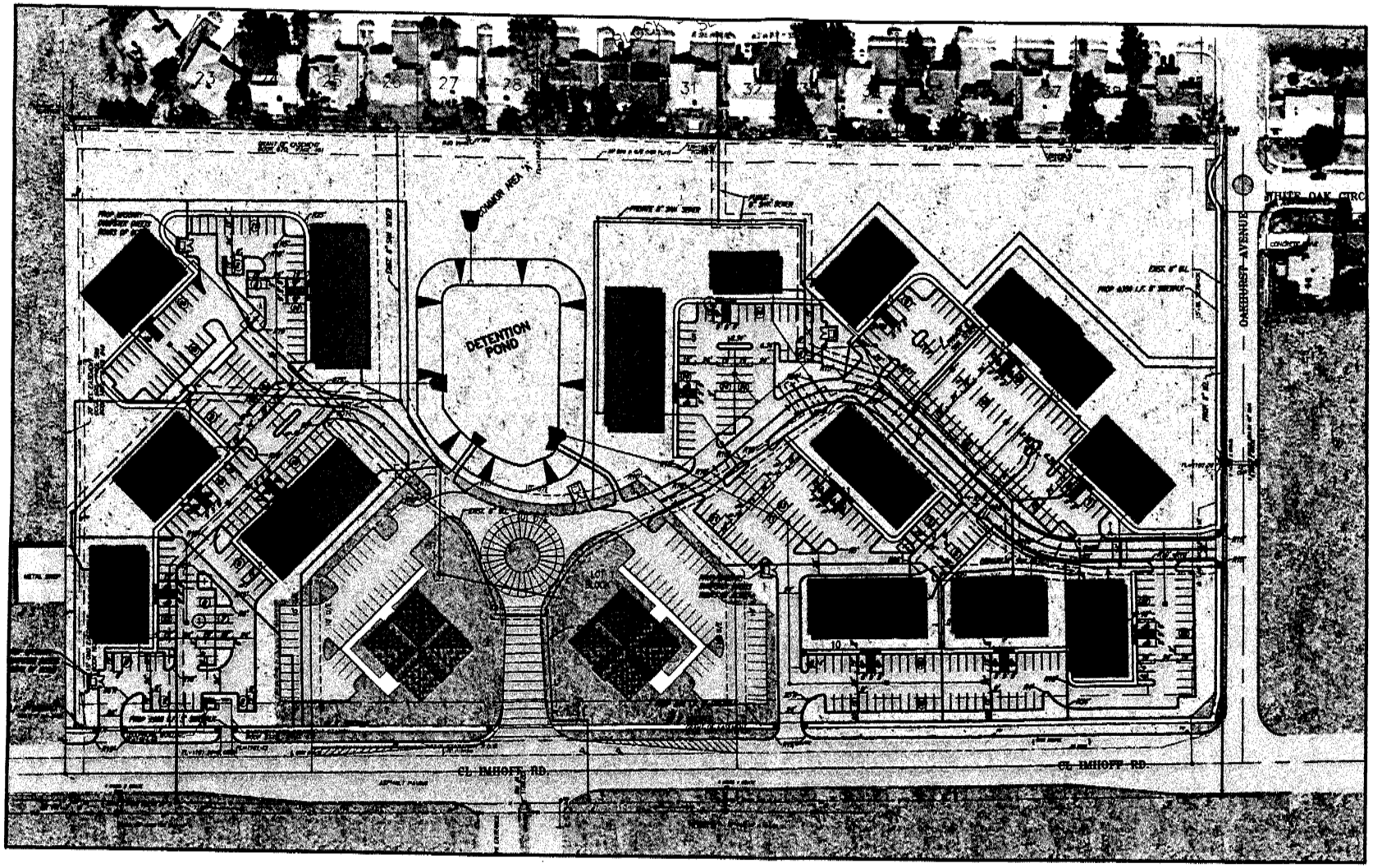
Issue Date: 01/05/12

Revisions:

Project Number: CM061011

Sheet Title: PRELIMINARY SITE DEVELOPMENT AND LANDSCAPING PLAN

Sheet Number: A2.0



EXISTING OFFICE PARK PLAN

0 50 100 200

THE MCKINNEY PARTNERSHIP
3600 West Main
Suite 200
Norman, Oklahoma
73072
405.360.1400 p
405.364.8287 f
tmparch.com

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Seal:

Project:

The Village at Oakhurst
Norman, Oklahoma

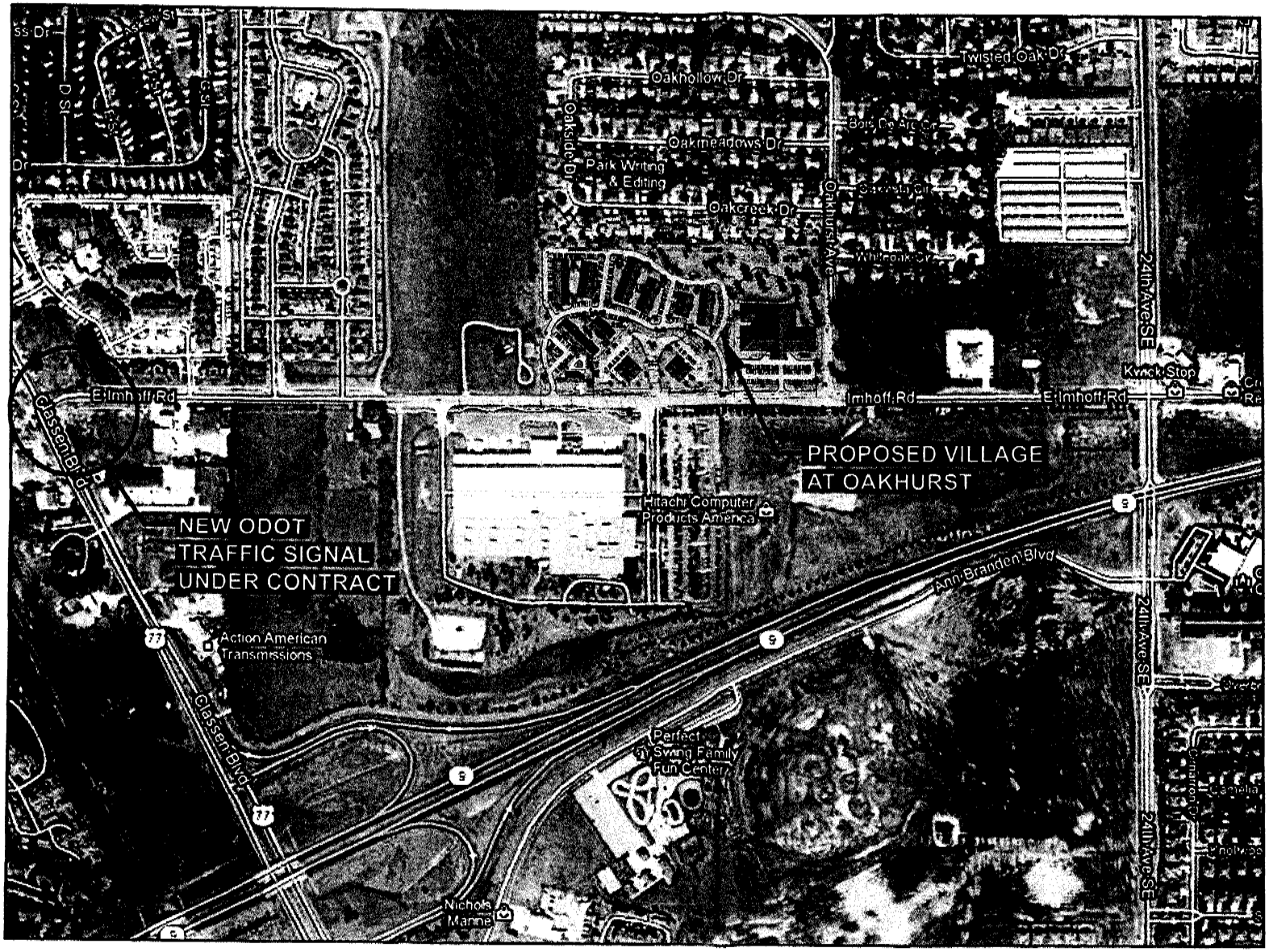
Issue Date:
01/05/12

Revisions:

Project Number:
CM061511

Sheet Title:
PROPOSED OFFICE PARK PLAN

Sheet Number:
A3.0



VICINITY PLAN

0 200 400 800

THE MCKINNEY PARTNERSHIP
3600 West Main
Suite 200
Norman, Oklahoma
73072
405.360.1400 p
405.364.8287 f
tmparch.com

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Seal:

Project:

The Village at Oakhurst
Norman, Oklahoma

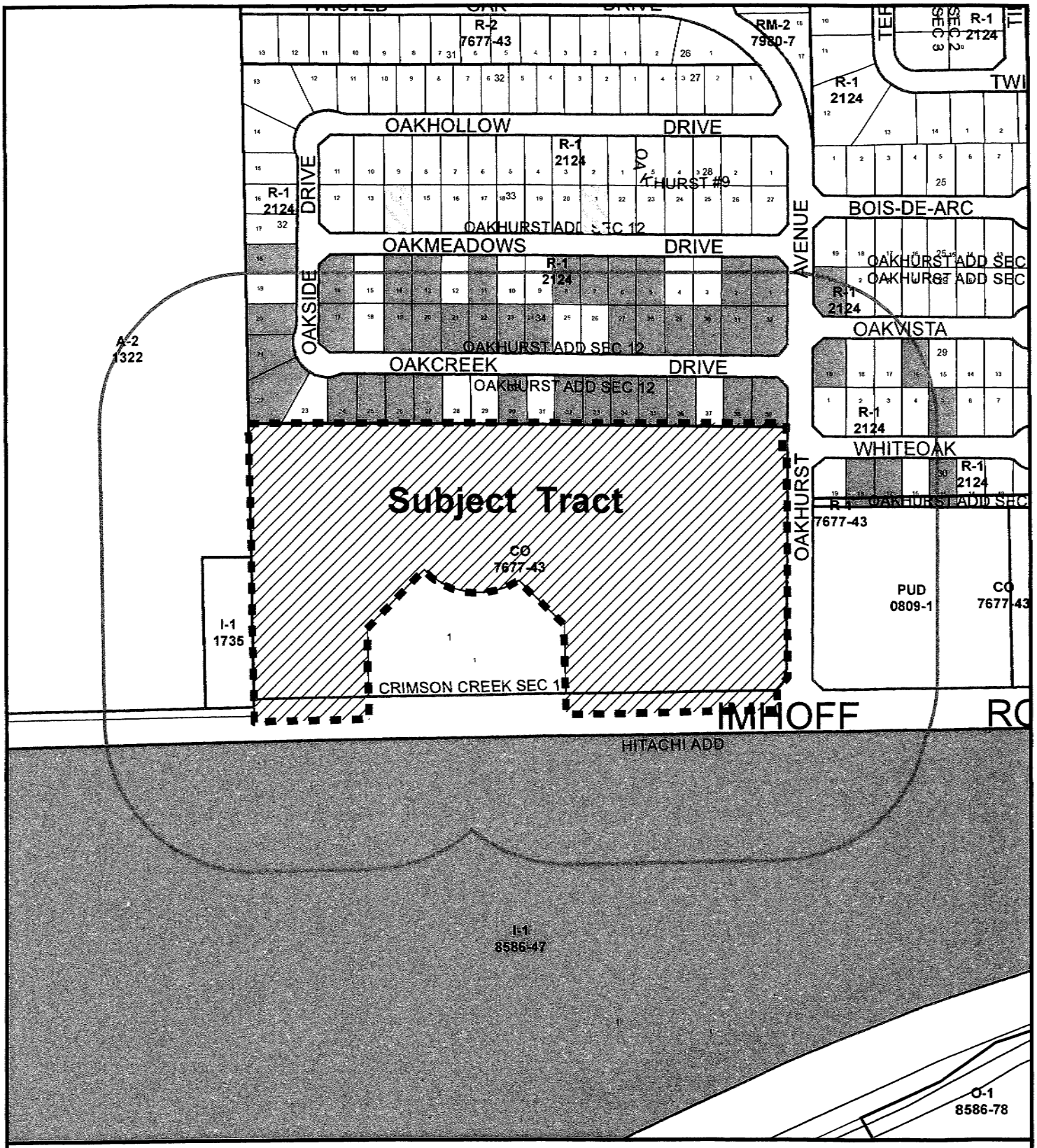
Issue Date:
01/05/12

Revisions:

Project Number:
CM061511

Sheet Title:
VICINITY PLAN

Sheet Number:
A1.0



Protest Map

53.1% Protest Within Notification Area

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.

N
W E
S

Scale: 1" = 300'
January 11, 2012

Subject Tract

Protest

Notification Area

Protest Outside
Notification Area

8-23

Kimberly Baxter
2132 Oakside Dr.
Norman, OK. 73071

January 5, 2012

City of Norman
Planning Commission
201 West Gray, Bldg. A
Norman, OK 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-6-12 TK

Dear Sirs and Madams:

I am preparing this letter to formally protest the re-zoning of the property located at the Northwest corner of Oakhurst at Imhoff. This tract is currently zoned Co, Suburban Office Commercial District to act as a buffer between the existing Oakhurst neighborhood to the North and Hitachi to the South. There are currently 2 office buildings on this property and I believe it needs to remain zoned as is.

The proposed re-zoning to Mixed use Designation and PUD would have a harmful impact to the residents who live in the Oakhurst neighborhood to the north and reduce the quality of their lives. Apartment complexes have inherent problems such as increased traffic, noise, light, crime, vandalism and litter because apartments dwellers generally rent for the short term. Also, apartment complexes bring down the property value of the surrounding area because of the above stated reasons and make it harder for residents of the surrounding neighborhood to sell their property. Would you buy a house with a two-three story apartment complex 6-10 feet off the property line? Would you choose to have one go in behind you in order for the developer to be able to sell his property?

There are currently **three** apartment complexes already located in this neighborhood and 2 student housing complexes 2/3 of a mile to the West of this neighborhood. In what way would adding another apartment complex to this neighborhood be beneficial to residents of the Oakhurst neighborhood?

I trust the City leaders to make the right decision concerning this re-zoning request. Norman should continue to be thought of as a forward thinking community that balances the needs of businesses as well as its citizens and voting against the re-zoning would reflect that and show that Norman continues to value its neighborhoods and their residents.

Sincerely,

Kimberly Baxter

RECEIVED
JAN 06 2012
Development Services
Division

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-6-12

Jan. 4, 2012

To Whom It May Concern:

We are writing this letter in protest of the proposed rezoning of the area on the northwest corner of Imhoff Road and Oakhurst Avenue. Our property at 1922 Oakcreek Drive is adjacent to this area.
Some strong concerns that we have are: the additional amount of traffic that will be added to the already congested streets and intersections in this area, as there are already other large apartment complexes, offices, and businesses here; the detrimental drop in our property value due to construction of such rental properties; and last, but not least, the natural creek (forest area) view behind our property will be diminished.

We are strongly opposed to the rezoning of this area.

Sincerely,

Bob and Debbie Rollins
Concerned Citizens and Property Owners
1922 Oakcreek Dr., Norman

HITACHI
Inspire the Next

Hitachi Computer Products (America), Inc.
Oklahoma Manufacturing Division
1800 E. Imhoff Road, Norman, OK 73071-1202
Tel: (405) 360-5500 Fax: (405) 573-1226

January 9, 2012

City Clerk, City of Norman
201 West Gray, Bldg A
Norman, OK, 73069

Greetings.

This letter formally protests the rezoning of the property at the Northwest corner of the intersection of East Imhoff Road and Oakhurst Avenue from current CO (Suburban Office Commercial District) to PUD (Planned Unit Development District).

The current proposal which adds residential apartments close to Hitachi Computer Products (America), Inc. (HICAM) raises concerns for increased security risk. HICAM perceives the security risk to be greatest at night. Commercial Offices might promote higher population and traffic during the day, but residential apartments present the extra people and traffic at night.

HICAM would view the rezoning as more acceptable if HICAM's facility were fully fenced and gated, but that is not currently the case.

HICAM has experienced recent incidents that would likely increase if there were more nearby apartments.

- Cars driving fast on access loop around the building
- Cars spinning tires and doing "donuts" in parking lot
- Bus and limousine parking in HICAM lot waiting to pickup passengers at apartments
- Individuals parking to borrow wireless internet access
- Break-in to employee vehicles

Going forward, HICAM fears that nearby residents will complain about noise from truck traffic which is forecasted to continually increase.

HICAM's site selection was based on the property across the road being commercial, not residential.

HICAM believes that the developers have made sincere efforts to design the development to be visually pleasing and less intrusive to HICAM's operations. The inclusion of apartments, however, will increase security risk for HICAM, and that will increase HICAM's cost by forcing HICAM to install fencing. HICAM's position is that CO zoning remains the best choice for this property.

Thank you for considering these views.

Sincerely,

Allen Ahlert

Allen Ahlert
Director, Manufacturing Engineering

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12 DM

Peter A. and Betty E Douglas
2014 Oakcreek Dr.
Norman, OK 73071

Norman City Planning Commission
201-A Cherry Street
P. Ol Box 370
Norman, OK 73070

Protest Rezoning Request
NW Corner Oakhurst & Imhoff

As a resident living within 350 feet of the proposed zoning change, we wish to protest said changes. We have been residents of this area since 1992. In spite of the growth of the community the south end of the Oakhurst addition has remained a relatively serene and quiet neighborhood. As a sign of community growth the city has installed several traffic circles and numerous speed bumps to slow the traffic down. While helping it has certainly not solved the problem of noise and excessive traffic. I would expect that the request would include an entrance on Oakhurst Dr. Our property includes a 6 feet high chain link fence which would have clear sight to for all traffic and occupants.

In the past some of the property has been cleared revealing terrain that is difficult to drain and susceptible to standing pool providing habitat for mosquitos and other creatures that need a wet environment.

Wuth an entrance on Oakhurst traffic choices would be to use Oakhurst as a shortcut to Lindsay ST rather than Imhoff to 12th SE there is a traffic problem already Environmentally twice each y ear a flock of Canadian Geese use the property and that of Hitachi to the south as overnight stops on their North and South Migration.

We respectfully request that the planning commission exercise sound judgement in denying the request for zoning changes.

Sincerely

1/5/12
Peter Douglas

1/5/2012
Betty E. Douglas

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12 gm

Dear Norman City Council

I am writing this letter to protest the recent rezoning request made by RCB Bank, owner of the land south of the Oakhurst edition. RCB Bank has requested amendment of the Norman 2025 Land Use and Transportation Plan from Office Designation to Mixed Use District, to PUD, Planned Unit Development District, for property generally located at the northwest corner of Imhoff Road and Oakhurst Avenue. RCB Bank is planning to turn this land into a 3 story apartment complex which would overlook the tops of many 1 story homes in Oakhurst. This complex will significantly lower the property value for many families within this neighborhood at a time when the housing markets are still recovering and families are relying on their homes value more than ever.

I truly think this is a bad idea. Not only will this have a significant financial affect to many households within the community but it will also affect the privacy of many homeowners backing up to the field. Every one of the homes backing up to the proposed complex are 1 story homes and to have a 3 story apartment complex hovering over their homes and yards will completely destroy any privacy they now have.

Please reconsider your decision and the effects it will have on the local community of Oakhurst.

Sincerely,

Devin Grunder
1913 Oakcreek Dr
Norman, OK 73071

1-405-306-2829

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12 mk

PETITION OF PROTEST

We, the under signed, protest the request by RCB Bank for rezoning from the current C-O designation to PUD designation, to allow for the development of a 150 unit apartment complex, of the western side of the 16.44 acres of land at the northwest corner Oakhurst Avenue and East Imhoff Road in the city of Norman, OK.

NAME OF PROTESTER	ADDRESS OF PROTESTER	SIGNATURE OF PROTESTOR
Irwin Bingham	2001 Oak Creek Drive	Irwin D. Bingham
Rodger Gilchrist	2005 Oak Creek Dr	Rodger Gilchrist
Jim Meeks	1926 Oak Creek D	Jim Meeks
Judy Meeks	1926 Oak Creek Dr	Judy Meeks
Andrew Marsh	2013 Oakcreek Drive	Andrew Marsh
David Glaze	2006 Oakcreek Dr.	David Glaze
Twyla Fields	1917 Oak Creek Dr	Twyla D. Fields
MELISSA BURZETTE	2128 OAKSIDE DR	Melissa Burzette
Linda Lemke	2100 Oakvista	L. Lemke
Calvin Lemke	2100 OAKVISTA CIR	Calvin Lemke
Felina Rivera-Brown	2112 Oak Vista Cir.	Felina Rivera-Brown
Whonie Staffal	2104 Whiteoak Cir	Whonie Staffal
Ginger Gardner	2116 Whiteoak Cir	Ginger Gardner
Thomas Stafford	2108 Whiteoak Cir.	Thomas Stafford
amber sherrill	same ↑	amber sherrill
MICHAEL D GARDNER	2116 whiteoak circle	Michael D Gardner
DAVE ANDERSON	2117 white oak cir	Dave Anderson
Jon Hughes	2014 Oakmeadows Dr	Jon Hughes
Leota Mallow	1926 OAKMEADOWS DR.	Leota Mallow
Carolyn Yback	1906 OAKMEADOWS DR	CAROLYN YBACK

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

PETITION OF PROTEST

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NAME OF PROTESTER	ADDRESS OF PROTESTER	SIGNATURE OF PROTESTOR
John D. Griffin	2002 Oakcreek	
Denise Griffin	2002 Oakcreek	Denise Griffin
Dustin Bingham	2001 Oakcreek	
Devin Grunder	1913 Oakcreek Dr	
Sharon Stanley	1910 Oakcreek Dr	Sharon Stanley
Kathleen Park	1901 Oakcreek	Kathleen Park
ROBERT RIVERA	1808 OAKCREEK	Robert Rivera
Kymberly Baxter	2132 Oakside Dr	
Dustin Nunn	2132 Oakside Dr	
Kris Kesler	2124 Oakside Dr	
Myranna Kesler	2124 Oakside Dr.	Myranna Kesler
James D. Mayer	1812 Oakcreek Dr.	
DR. NORM PARK	1901 OAKCREEK DR.	Dr. Norm Park
Nancy A. Stine	1815 Oakcreek Dr.	Nancy A. Stine
Joseph G. Stine	1815 Oakcreek Dr	
Kassity King	1905 Oakcreek Dr	
Arthur P. King II	1905 Oakcreek Dr	
Steven Collins	1816 Oakcreek Dr	
RAY + DONNA RUTLEDGE	1909 OAKCREEK DR	
Emily Robertson	1919 Oakcreek Dr	Emily Robertson
Dayla Bingham	1807 Oakcreek Dr	

PETITION OF PROTEST

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NAME OF PROTESTER	ADDRESS OF PROTESTER	SIGNATURE OF PROTESTOR
Doris Lieberman	1820 Oakcreek Dr	Doris Lieberman
Judith M Coughlin	2119 Oakside Dr	Judith M Coughlin
Dan Ha	2116 OAKSIDE DR	Dan Ha
Velma Knight	1816 Oakmeadows DR	Velma Knight
	1817 Oakmeadow Dr.	
DAVID WEISS	1816 OAKmeadows Dr	David Weiss
Julie Berry	1817 Oak Meadows Dr.	Julie Berry
Don Carver	1918 Oakmeadows	Don Carver
Matt Campbell	1921 Oakmeadows Dr	
Anna Campbell	1921 Oakmeadows Dr	Anna Campbell
	1922 Oakmeadows Dr	
Jan V Day	2018 Oakmeadows	Jan V Day
Cindy Baker	2017 Oakcreek Dr.	
DANIEL BAKER	2017 OAKCREEK DR.	
Peter Douglas	2014 Oakcreek Dr	
Pattipeg Harjo	1808 Oakcreek Dr.	Pattipeg Harjo
Ruth Mojica	1918 Oakcreek Dr	Ruth Mojica
Eugene Hilderbrandt	1918 Oakcreek Dr.	EUGENE HILDERBRANDT
Bobby Rollins	1922 OAKCREEK DR	Bobby Rollins
Debbie Rollins	1922 Oakcreek Dr	Debbie Rollins
Dale Swaim	1925 OAKCREEK DR	Dale Swaim

PETITION OF PROTEST

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NAME OF PROTESTER	ADDRESS OF PROTESTER	SIGNATURE OF PROTESTOR
Sharlean Reser	2109 Dakrista Cir	Sharlean Reser
William Reser	"	William Reser
Elfriede Wofford	2002 Oakmeadow Dr.	Elfriede Wofford

PETITION OF PROTEST

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NAME OF PROTESTER	ADDRESS OF PROTESTER	SIGNATURE OF PROTESTOR
Brenda Dee Fisher	1520 Oakcliff Rd	Fisher
Connie Armstrong	1819 Rolling Stone Dr.	
Joyce Collard	1820 Oakhill Dr.	J. Collard
Nancy Hogue	1612 Rolling Stone	NANCY Hogue
William C. Smith	1718 Oakcliff Rd.	
Maria G. Alexander	1922 Oakhill Dr.	Maria G. Alexander
April Minson	1525 Oakhurst Ave	April Minson
Tanya M. Szafranski	2019 Allenhurst Street	
Lance Steele	2019 Allenhurst Street	

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

This is a formal protest to the request of RCB Bank for rezoning from the current CO designation to PUD for the tract of land at the northwest corner of Oakhurst Avenue and East Imhoff Road (subject tract).

This protest is based on the following items:

1. The current rezoning request is similar to one made by Oklahoma Development Group at the April 10, 2003 Planning Commission meeting. The Planning Commission unanimously recommended denying that request. Most members stated the current zoning designation, CO, offers the best buffer between the Hitachi plant to the south and the Oakhurst neighborhood to the north.
2. If a 148 unit apartment complex (as proposed in the preliminary plat) is constructed on the subject tract then the market values of the homes at the south end of the Oakhurst neighborhood will decline.
3. The increase in automobile traffic due to this development would represent an undue burden to all the neighboring properties to the subject tract.
4. The Oakhurst neighborhood already has three apartment complexes located within it. In addition, two new complexes have been built nearby (around the intersection of Imhoff and Classen). We are becoming a little apartment community! We do not want any more apartments in our area. Enough is enough!
5. Apartment dwellers in Norman tend to be college-aged students and thus live a lifestyle that tends to conflict with the quiet, peaceful Oakhurst neighborhood. Because of the transient lifestyle apartment dwellers live they do not have the same investment in a neighborhood that homeowners do.

I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Connie Armstrong

Name of Protestor (please print)

1819 Rolling Stone Drive

Address of Protestor (please print)

Connie Armstrong

Signature of Protestor

FILED IN THE OFFICE OF THE CITY CLERK ON 1-6-12

1-5-2012

Date

I moved into the Oakhurst neighborhood in 2003. I use the term neighborhood lightly. I feel like I live in "The Hood." I've seen drug deals, had two dogs poisoned, and just last week heard gunshots near my house. We don't need any new apartments, we need to eliminate some that are already there such as Dutch Hollows

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

James D. Mayer

Name of Protestor (please print)

1812 Oakcreek Drive

Address of Protestor (please print)

James D. Mayer

Signature of Protestor

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

January 9, 2012

Date

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Lance Steele

Name of Protestor (please print)

2019 Allenhurst Street

Address of Protestor (please print)

Signature of Protestor

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

1/9/12

Date

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Tanya M. Szafranski

Name of Protestor (please print)

2019 Allenhurst Street

Address of Protestor (please print)

Tanya M. Szafranski

Signature of Protestor

9 January 2012

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

April Minson

Name of Protestor (please print)

1525 Oakhurst Ave Norman OK 73071

Address of Protestor (please print)

April Minson

Signature of Protestor

FILED IN THE OFFICE OF THE CITY CLERK ON 1-9-12

1-9-12

Date

City of Norman Planning Commission,

This is a formal protest to the request of RCB Bank for rezoning from the current CO designation to PUD for the tract of land at the northwest corner of Oakhurst Avenue and East Imhoff Road (subject tract).

This protest is based on the following items:

1. The current rezoning request is similar to one made by Oklahoma Development Group at the April 10, 2003 Planning Commission meeting. The Planning Commission unanimously recommended denying that request. Most members stated the current zoning designation, CO, offers the best buffer between the Hitachi plant to the south and Hwy. 9 and the Oakhurst neighborhood to the north.
2. I seem to recall that a few years ago that the City was reluctant to do PUDs or zoning changes without a current buyer for the property as in this situation.
3. Oakhurst is a residential area where people of all ages live and many are older citizens that are retired and plan to stay here.
4. I don't want to see the continuation of these projects spreading all the way east to 24th, especially in relation to the new elementary school, as traffic also will be increased on 24th SE and all roads leading to it.
5. If a 148 unit apartment complex (as proposed in the preliminary plat) is constructed on the subject tract then the market values of the homes in Oakhurst neighborhood will decline.
6. The increase in automobile traffic due to this development would represent an undue burden to all the neighboring properties to the subject tract. This many apartment renters will add more to the traffic than an office complex as their trips are more often and include night time.
7. The Oakhurst neighborhood already has three apartment complexes located within it. In addition, two new complexes have been built nearby (near and at the intersection of Imhoff and Classen). We are becoming a little apartment community. We do not want any more apartments in our area. Enough is enough.
8. Apartment dwellers in Norman tend to be college-aged students and thus live a lifestyle that tends to conflict with the quiet, peaceful Oakhurst neighborhood. Because of the transient lifestyle apartment dwellers live, they do not have the same investment in a neighborhood as do single-family residents.
9. I would not have purchased my property 20 years had I known that the zoning could be changed so drastically. I personally know 30+ residents who have lived in Oakhurst for at least 40 years and look forward to the protections that the current zoning has as they continue to stay in their homes.

I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Joyce Collard
Name of Protester (please print)

Joyce Collard
Signature of Protester

1820 Oakhill Dr.
Address of Protester (please print)

January 9, 2012
Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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3. The increase in automobile traffic due to this development would represent an undue burden to all the neighboring properties to the subject tract.
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5. Apartment dwellers in Norman tend to be college-aged students and thus live a lifestyle that tends to conflict with the quiet, peaceful Oakhurst neighborhood. Because of the transient lifestyle apartment dwellers live they do not have the same investment in a neighborhood that homeowners do.

I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Maria G. Alexander

Name of Protestor (please print)

1922 Oakhill Dr.

Address of Protestor (please print)

Maria G. Alexander

Signature of Protestor

Jan 9, 2012

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Dee Fisher

Name of Protestor (please print)

1520 Oakcliff Rd

Address of Protestor (please print)

Signature of Protestor

1-9-12

Date

There are over 1,000 residents in the apartments on the corner of Imhoff and Classen. Hitachi has over 400 employees that also drive on Imhoff. We do not want the additional traffic more apartments would bring. We already have a great deal of rental property in the Oakhurst addition which has lowered our property values and increased crime. We do NOT want any more apartments.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

William C. Smith

Name of Protestor (please print)

1718 Oakcliff Rd

Address of Protestor (please print)

William C Smith

Signature of Protestor

1-9-2012

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Susan Craig

Name of Protestor (please print)

1926 Oakhill Drive
Norman, OK 73071

Address of Protestor (please print)

Susan Craig 1/7/12

Signature of Protestor

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Nancy Hogue

Name of Protestor (please print)

1612 Rolling Stone Drive

Address of Protestor (please print)

Nancy Hogue

Signature of Protestor

January 8, 2012

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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2. If a 148 unit apartment complex (as proposed in the preliminary plat) is constructed on the subject tract then the market values of the homes at the south end of the Oakhurst neighborhood will decline.
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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Helen A. Patrick

Name of Protestor (please print)

1812 Elmhurst Dr, Norman 73071

Address of Protestor (please print)

Helen A Patrick

Signature of Protestor

Jan 6, 2012

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

Allison H. Patrick

Name of Protestor (please print)

1812 Elmhurst Dr. Norman 73071

Address of Protestor (please print)

Allison H Patrick

Signature of Protestor

6 January 2012

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12

City of Norman Planning Commission

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2. If a 150 unit apartment complex (as proposed in the preliminary plat) is constructed on the subject tract then the market values of the homes at the south end of the Oakhurst neighborhood will decline.
3. The increase in automobile traffic due to this development would represent an undue burden to all the neighboring properties to the subject tract.
4. The Oakhurst neighborhood already has three apartment complexes located within it. In addition, two new complexes have been built nearby (around the intersection of Imhoff and Classen). We are becoming a little apartment community! We do not want any more apartments in our area. Enough is enough!
5. Apartment dwellers in Norman tend to be college-aged students and they live a lifestyle that tends to conflict with the quiet, peaceful Oakhurst neighborhood. Because of the transient lifestyle apartment dwellers live they do not have the same investment in a neighborhood that homeowners do.

I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

[redacted]

Name of Protestor (please print)

[redacted]

Address of Protestor (please print)

[redacted]

Signature of Protestor

FILED IN THE OFFICE OF THE CITY CLERK ON 1/9/12

1/9/12

Date

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I strongly urge the Planning Commission to recommend to the City Council that this rezoning request be denied.

KRISTI D. WRIGHT

Name of Protestor (please print)

3108 ALLENHURST, NORMAN, OK 73071

Address of Protestor (please print)

Signature of Protestor

1/9/12

Date

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-9-12 MC

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2-7-12

Feb 2012

Re: The request by RCB Bank for rezoning the current C-O designation to PUD on the N.W. corner of Imhoff and Oakhurst

As a resident of the Oakhurst area for almost 24 years, I am distressed to hear of the 2-3 story apartment complexes (8) they want to build. We absolutely DO NOT NEED even one more apartment Complex on this side of Norman.

I believe it is the intention of the powers that be to make Southeast Norman a non-single family home residential area, and replace it with all Oklahoma University student buildings, etc. It is unfair to families of modest income trying to raise children in a home-friendly environment.

Please reconsider this terrible zoning plan.

Oakhurst Resident

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JANUARY 12, 2012

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 12th day of January 2012. 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.

Chairman Gasaway welcomed new member Dave Boeck to the Planning Commission.

* * *

Item No. 1, being:
ROLL CALL

MEMBERS PRESENT	Dave Boeck Cynthia Gordon Tom Knotts Chris Lewis Curtis McCarty Roberta Pailes Andy Sherrer Jim Gasaway
MEMBERS ABSENT	Diana Hartley

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 Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY RCB BANK FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

8A. RESOLUTION NO. R-1112-95 – RCB BANK REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-03) FROM OFFICE DESIGNATION TO MIXED USE DESIGNATION (OFFICE AND/OR RESIDENTIAL USES) FOR 16.44 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report

8B. ORDINANCE NO. O-1112-20 – RCB BANK REQUESTS REZONING FROM CO, SUBURBAN OFFICE COMMERCIAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR 16.44 ACRES OF PROPERTY LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. PUD Narrative
4. Vicinity Plan
5. Site & Landscaping
6. Existing Office Park
7. Cross Section

8C. PP-1112-8 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY RCB BANK (SMC CONSULTING ENGINEERS, P.C.) FOR THE VILLAGE AT OAKHURST, A PLANNED UNIT DEVELOPMENT, LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Plan
6. Pre-Development Summary
7. Greenbelt Commission Comments
8. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:
1. Mr. Koscinski reported there are three related items: a Plan change, a rezoning to PUD, and the preliminary plat that would accompany that rezoning. The tract is currently designated Office, and has been since the 1985 General Plan which was adopted in the 60s. That zoning and most of those designations came about when IBM proposed a major industrial factory south of Highway 9 at this location. Obviously, there is no IBM facility there at this point. Most of the zonings have remained for years as the Council granted compatible zonings that would work around that. This is one of those tracts that has carried that designation for these many years. The tract would become a mixed use. There are details within the PUD, which outline both a mixture of uses: offices and church and possibly a daycare and some other uses, but they specifically ask for the ability to do a mixed-use building if the market would support that as well.

There are two criteria that have to be addressed in order to do a Plan change. One is that there must be some significant changes in the area that would support this sort of a change. Immediately west of here you can see two of the recent apartment complexes that were built. Immediately west of this site is a vacant tract that I think somewhere in the future

someone will ask for. This one is designated for office use and it is the Traffic Engineer's opinion that changing the office designation to an apartment designation would not have any worse traffic impacts, in fact probably slightly less than it would under an office category. Obviously, the patterns are different and the destinations may be different, but the volumes would be less in his opinion. The second is that there not be any adverse impacts that would result by making this change. Essentially, what the Plan was trying to do is mitigate the impacts of this large industrial use. At this point we have Hitachi here and this is still a very effective buffer, whether it is multi-family or office, from the lower density uses farther north.

Specifically, they've asked for a PUD to implement that. I'll let the applicant explain the PUD further. Essentially, it calls for some design controls and mitigating factors that I think would help protect the neighborhood which are certainly not in place today; specifically, height limitations, setbacks, and quite a bit of open space are all proposed as part of this PUD, which would help mitigate any development by providing a buffer that would vary in size from about 25' at one end to about 200' at the other end. There would be no development there, essentially vacant undeveloped and would remain in its natural state, other than a detention pond that would be constructed as part of the facility. The site itself is predominantly vacant at this point. There are some very nice existing office buildings that were developed under the original office zoning; they will remain. To the north there are single-family homes that back up to this proposal. The tract to the east of Oakhurst Avenue is still vacant. South is Hitachi; it's a major factory and employer in Norman and has been there for many years and will not likely move and just went through a major expansion. West is an old industrial building, built very close to the property line. Further west you can see some of the new apartments that were built. Oakhurst Avenue provides access into the neighborhood, and there would be a driveway into one of the office buildings at the corner, which can't get access off Imhoff because of the proximity to the intersection. The buffer area will have additional enhancements to protect the neighborhood, and the applicant will address those.

We did receive a substantial protest, partly because of Hitachi and numerous residents north of this area, totaling 53% protest. That protest officially does not mandate that the Planning Commission do anything different, but it does warrant the City Council to have a positive vote of at least seven votes in order to pass this. It technically has no legal impact on your recommendation.

Staff did support the request. We believe it provides a better buffer than the existing zoning with the limitations that are in the PUD, as opposed to the current CO zoning.

2. Mr. Gasaway asked the differences in the height requirements between the CO zoning and the PUD. Mr. Koscinski responded that the current CO zoning allows 3-1/2 story buildings. In theory they could be as close as 20' to the north property boundary. The PUD imposes a limitation of two-story buildings at the northern edge of this tract, and has established a variable setback, but it is at least 70-75' away from the property boundary, so a more substantial barrier and a limitation on height to two stories, at least at the northern end. Those are the major differences.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, attorney for the applicant – You're going to hear from several of us tonight. First you're going to hear from Tom McCaleb, the engineer. Then you're going to hear from Tony Bragg, the architect, and then I'll close it out with some comments as to the PUD. I'm going to ask you, first, to think back to some of the other projects we've done. I want you to think back to the Tecumseh Road Project, where we had the office park. This reminds me a little bit of that, in that we had one large user across the street – St. Mark's Church – protesting, and we had a neighborhood behind it protesting. Very similar to what you see tonight – one large user across the street protesting, and the neighborhood behind us protesting. At that hearing, if you'll recall, I believe it was Commissioner Pailes who said that she heard a lot of fear in that protest. We're seeing that in the letters that have been presented to you. What I ask you to do tonight, before the others get up and speak to you and before I present it as well, is I simply ask that you will

listen to see if we have addressed the impacts as to how this may affect the neighboring properties, and if we have done that successfully I'll ask you to please support us with a recommendation for approval. But, first, let me bring up Tom McCaleb to talk about the traffic, the drainage, and the infrastructure.

2. Tom McCaleb, engineer for the applicant – This project is 16.44 acres, located as indicated at the northwest corner of Imhoff and Oakhurst Avenue. The site is presently zoned CO. A preliminary plat was approved for this tract in July of 2005. That plat expired in July 2011, so here we are. We're requesting approval of a revised preliminary plat with a rezoning request for a low-density apartment/office/church. This land is no longer owned by the previous developer. That's significant. My client is RCB Bank out of Claremore, Oklahoma. They don't want to own the land either. But this tract fell into financial problems and the bank had to capture its assets. My instructions from the client were to provide a plan that they can sell to the right buyer. I was not handcuffed, but given an opportunity to do the following: 1) put together a professional team to design a plan; 2) make sure the plan is compatible with the neighbors on the perimeters; 3) solicit input from the adjoining neighbors; 4) provide more than adequate open space; 5) design privacy; 6) solve engineering problems consisting of drainage, traffic, and utilities; and 7) make sure that after approval from the Planning Commission and the City Council the site is marketable. To that end, we've assembled the group that Sean just mentioned: Sean, as a PUD author; Rick McKinney's group as designers. We've had local real estate people involved in the marketability of land. We have traffic engineering consultants here, Wayne Russell, who did the traffic impact analysis. And I'm the design civil engineer. We have a site plan that meets all of the above.

This is the site – very clearly identified with the previous application that was offices and some were built. They're existing and they're well done architecturally. In addition, the traffic study that we prepared, we submitted to the Traffic Engineer. That study was reviewed by the City's Traffic Engineer, prepared by Mr. Russell, and it was determined with this study that the traffic impact with this development is less than the traffic impact with all offices. That's because it's a very low-density project. And that has been submitted, as I said, to the Traffic Engineer, reviewed, tweaked, and approved. The results of the low-density plan had revealed that the traffic impact will be less than the office that's presently zoned. That's significant. One of the concerns that Hitachi had was traffic impact analysis – we've addressed that issue and it works. Also, the City of Norman was awarded recently a traffic signal project at Classen. This was a concern. Here are the construction plans. That project is designed, approved, bid, and awarded to Shell Construction to build it. This project was awarded on or about last October. That's also a concern that Hitachi had and some of the others. Previous work on this area of Imhoff Road – when is that going to happen? Is it going to happen? What's the status? The status is, yes, yes, yes, and this year. Our firm prepared the drainage/detention study for this project. The report was prepared, submitted to the City to have all the runoff calculated, determined what is going to happen. Here's the report. It's approved. It documents that when this project is built that the drainage goes to this detention pond and discharges out to the drainage ways, and the discharge will be less than the current historic discharge from this site. That's what the report says. The site also will have a looped water line system. It will connect to the mains on Imhoff, and this system has been submitted to the staff for review and it will provide more than adequate fire protection and for use for domestic purposes. The sanitary sewer system as designed with this plan has been submitted to the staff. Staff has reviewed the proposed design and has endorsed this design.

Please look at the plan and look at the internal design criteria – how the traffic moves, how it wanders in and wanders out – very curvilinear, serpentine – not straight. The driveways have been positioned so that they don't interfere with the driveways across the street. Presently there is an access point that is existing and lines up with the drive across the street at Hitachi. Hitachi didn't want to have traffic intermixed with their traffic, and so we have located only two driveways – one way down here and one way over here, and this traffic takes care of all the traffic from the apartments. The only other access is over on Oakhurst that serves the church. A

driveway similar to this is approved on the current site plan for the offices. You can see how the driveways are spaced with the existing facilities for Hitachi, and so we stayed away from those, and it functions.

We had a Preliminary Development meeting on this project on October 27, 2011. Many of the neighbors showed up and gave their opinions why they did not want this apartment to be here. The development team requested input from the group to enable a modification that could be made to secure their endorsement. Several comments were given at that meeting. Some were: we want it to be architecturally pleasing; we want a pond that's natural, not a concrete pit like Crimson apartments – that's what we did; don't like parking for the apartments against the neighbors – we moved them back; no Section 8 or student housing – it's not Section 8; what do the elevations look like – Mr. Bragg will show you that in a few minutes; traffic impact on Imhoff increases – no, it doesn't; fencing along Lot 22 and 27 – what's that going to look like? – you can see we've got a substantial buffer. Mr. Bragg will also address that. Worried about after hours issues – drinking, theft, etc. Invited previous owner to join homeowners association and it never worked – that guy is not involved, we've got a different owner. Car headlights not to shine in the apartments – Mr. Bragg will talk about that. Line of sight of windows. We've addressed all those issues. These came up at the PD meeting. One comment made was you're not going to submit a rezoning in November are you? Our response was, we will not make a November submission if we can meet with you neighbors and work out some compromises. There was an agreement that we could meet and therefore not make a November submittal. We did not make a November submittal. This is January; we turned it in during December. After several days, we received no contact from anybody. Mr. Rieger began calling, trying to get a meeting with the neighbors, left messages. It didn't happen. We gave up on the neighborhood giving us a meeting. We turned to Hitachi. Hitachi graciously met with us to work out their issues. They were concerned about traffic. They were concerned about additional residents being there, and they were concerned with their own security of their facility. Right in this area they have an attractive nuisance called a baseball field, and they were concerned about people coming over there and getting in their baseball field and maybe having harm crossing Imhoff. That was some of their concerns, protecting their own security and Mr. Rieger will talk about that in a few minutes. We went ahead and incorporated every comment that was made at the preliminary development meeting, even though we didn't have a subsequent meeting. We moved it back. We prepared the line of sight. We moved several items around, in particular the clubhouse. We made sure that the pond is going to be natural. We have all of this open space left natural and we're going to leave it alone. We oriented all the buildings with only two stories on the north perimeter. Three stories are not on that way. And we have all the angled parking buffered so that the headlights don't shine to the north. The McKinney design team did all that and made several attempts to mitigate those issues and try to accommodate all the concerns that we wrote in our notes at the meeting. It's a good plan. Only the right buyer will purchase this low-density facility. It's upscale. It has over 50% open space. And it has received recommendation from staff for approval. Right now I'll ask Mr. Bragg, from McKinney Architects, to discuss the site plan.

3. Tony Bragg, McKinney Partnership Architects – Actually, Tom has already said everything, so I have very little to add onto it. As Tom discussed, and I think you can see on the site plan, we've indicated two-story buildings that front onto the north side. The pre-development process is great, because the design team is able to formally listen to the neighborhood and respond to their concerns – try to mitigate it. We've worked on many, many projects prior to this process where it was more informal, and I think it's a great process and the design team has listened and tried to mitigate everything in here. We've increased all these buffers and we've got some hard numbers that go along with that. I'll be able to show you a section here in a second. As Doug had mentioned, the closest proximity is this building right here, but we have an average distance or setback from the property line on these three buildings of about 98 feet. Significantly, we get much higher down in this zone. As Tom mentioned, it is a very low-density development. We've been involved in many other projects of much, much higher density. We

have worked with Tom and Sean in creating this looped driveway to mitigate speed, to address some of the concerns with the headlights coming in here. We have a single-loaded parking off of this street. We intend to have a solid north wall so we don't have views coming out of these units into the adjoining neighborhood. And, obviously, again, we've addressed a lot of greenspace in this project. I think our notes indicate that we've got more landscaping and we're also – let me show you this drawing here – we just kind of reference these buildings here to have a better picture. Building C is the closest one. The averages are fairly high for all of these buildings. This section right here will show you that – again, looking at this 80 foot distance is a little short for those three buildings put together. Here's the existing homes in the neighborhood. What we're indicating here is probably plus/minus 25' back yard. What we propose to do is to berm this area up 5 to 6 feet high, plant them with a mixture of deciduous and evergreen type trees, and again orienting our parking so that all the parking that comes up this loop road is pointing south. Again, two story buildings, very much in character with the residence, and we've got a significant setback. I remember seeing some of the discussion topics from the Pre-Development meeting, where there was a significant concern for having these buildings right up against our property line. We've worked pretty hard to pull these buildings to the south and maintain this buffer and increase it as much as we can. One of the other changes, too, was to kind of bow this road down to increase some more buffers. I believe one of our initial concepts had this coming straight across. It was our intent to address that, mitigate the concerns that we heard from the neighbors, and address every concern that we heard. This particular drawing is a little hard to read, but in essence what we've done is taken an aerial photo and indicated where the existing trees are in this kind of orange color. So that kind of gives you a sense of what the existing planting is, at least based on the aerial photo, so that we've increased the amount of landscaping that we would be having to modify with this project. We've got significant amount of plantings on all of the perimeters. We certainly intend to abide by all of the City of Norman requirements. That's about what I have to say.

4. Mr. McCarty asked whether the fence Mr. Bragg mentioned would be a masonry fence, wood fence, or whether that has been decided. Mr. Rieger responded that in the narrative they said it could be masonry, wood, or metal, so it can be any one of those.

5. Mr. Knotts asked if the berm is the full length of the fence, or just in the close areas. Mr. Bragg stated it is only where those three initial buildings abut against the property line.

6. Sean Rieger – What I want to also point out is you see the 2 and 3 right there on the tops of the housing units. Two story is right there, so we've tried to carry it down where it's only two story across the north, and then it can only be three story south of that. So we only can have two story, and those two stories are 80+ -- really about 100 feet away from the nearest house – so a long way away.

I want to talk to you a little bit about why this is a reasonable zoning request. This has been a troubled property. As Mr. Koscinski said, it is a property that got put into the Office Designation long ago when IBM had that area of Norman targeted for use. Back in 1977 is when this was put into a CO designation. 34 years ago is when that occurred. In 1977 a preliminary plat had been approved with that zoning, but by 1982 it had expired. Nothing had happened. 2003 a zoning request came to change it to multi-family. And, as we have found, multi-family has been the push repeatedly on Imhoff in this area. You approved several of them. That rezoning was brought for this site. It was denied and a number of the protest letters that you received mentioned that zoning. And I'm going to show it to you. It was denied. It was very different than what's in front of you tonight. It was much more intense. It did not have the buffering we're proposing. And it was quite a different project. It was denied. In 2005 somebody came and did give it a shot again for an office park, and you approved a preliminary plat. Two office buildings were subsequently built. They're there; very nice office buildings. But, in all candor, one half of one of them has never been leased. It's empty. It has sat empty all this time. There's a good tenant or two in one of them, but it's been sporadic the

rest of the buildings and nothing else happened on the property, and eventually the preliminary plat for the remainder of the tract expired because nothing was happening – the market was not accepting of it, and the market has been very limiting accepting of even the two that were built. So as a 20-acre office park, it failed. Then it went into foreclosure and it ultimately rested with the bank. Not even bought on the auction block by anybody. So there comes a point when you wonder if the zoning is simply not going to work with that property. There are certainly times when the zoning is simply misapplied or has outlived its day. That really is what has happened here.

This property is not out on the periphery; it's not a property that is far out on the ring where it is just not ready to be put into play yet. It's right there, surrounded by all of the infrastructure that we need. And I want to show you that. This is a broad view of Norman 2025, but you see the property right there in the middle – see that big X? See all those fire hydrants and sewer lines and water lines. Everything all around it. This is an infill property. This is not one out on the ring. Why has it been repeatedly skipped over? Why has it been tried to be platted and failed? Why have two preliminary plats expired? Gone into foreclosure. Office building sat vacant. Because the office has not worked. It has not worked on this site. But what has worked is multi-family. You see it – the dark yellow – all along Imhoff here. You see the brown all over this area. A number of multi-family projects have worked, have been successful. But what's happening with multi-family? Well, now they're going out on the ring. Look right there on the far right corner of that property. That's the Links project; that's pretty far out on the ring. Big golf course development; they had to come up with a significant sewer solution for the south end of Norman, extending the services into this area. That was pretty controversial as to whether we should extend that far south, but that's what has happened. All the while, properties like this are getting skipped over because their zonings are simply not compatible with what the market is demanding.

What has happened to office zoning in this area? Well, there's a big player in office zoning in this area and it's the crown jewel of our community – it's the University of Oklahoma – it's the South Research Campus. They're now on their fifth Partners Place building on the south campus, and they're not stopping. I'm glad they're not. It's growing well and it's doing well, but it has tremendous amounts of office space being put into that location and they're leasing to a number of different private party companies. A 20-acre office park over here has never been successful, I don't think ever will be now with the added influx of this area. What has happened to office is in this area of Norman it has moved to the south campus. In other areas of Norman, as you approved on Tecumseh – and again, a zoning that I think has a lot of similarities to this one – has moved to the I-35 area and the hospital areas – areas where there is immediate access to I-35 or north Norman or some major institution that needs supporting offices next to it. That's what has happened to the office market. It has left this site, if it ever was even at this site. So we have a property that the zoning is not working. And this bank, who has taken it back, has to figure out what to do with that. Our community also, as a partner in properties, has to figure out what to do with this zoning. We want zonings to work. We certainly want properties to be available to be used.

We understand that a transition between Hitachi and the neighborhood is needed. You must have a transition when you have those extremely different users – big manufacturing facility on the south side of the street and then north of us an R-1, Single Family neighborhood. Probably should be some sort of a buffer. Well, office has been the one that's been in place since 1977; it has failed repeatedly. A multi-family serves just as well as a buffer between different uses. The staff report tells us that. We've seen that many times. It doesn't come down to whether the use is arbitrarily right or wrong. I think it comes down to whether we have designed it properly to fit in that particular setting. I think you've seen from Mr. Bragg and Mr. McCaleb that we've designed a significant amount of protection, both to the north and to the south, so we've protected them from any negative impact. I want to show you why we believe this is important.

Norman 2025 had policies that are really dead on on this type of a discussion. If you look at the Norman 2025 Plan, it sets forth goals and policies for our community. It says that we want

to affirmatively and responsibly manage the location of growth in Norman based on available public services and the environmental suitability of the land for development. And it goes on to set forth some policies: 1) "Accommodate a projected year 2025 population of 137,000 people ..." We're only at about, I think, 110,000-115,000 – we've got a long way to go, but that's the projected population. There will be more people. They must live somewhere. Where are they going to live? Are we going to continue to put them out on the ring, or are we going to find some infill properties that will work for that. Certainly 2025 recognizes that infill properties are a good use for that. Under #2 policy: "Promote a compact urban area by directing development into areas within or in proximity to the existing infrastructure-serviced areas." 6. "Guide development into locations where the land use is most cost-effectively served by urban level services." And 8 – I didn't write this; our community wrote this – "Support infill development on properties that have been skipped over with the urban area." That's our community that adopted that plan. That's what we have in front of us tonight – a property that has been skipped over repeatedly but, at the same time, has been approached repeatedly by a particular use that it's not zoned for, but that we're seeking tonight.

The Zoning Code itself says that "The regulations contained herein are necessary to encourage the most appropriate uses of land ..." Well, certainly, I think the market has an aspect of that. Is it appropriate? It's probably inappropriate if the market simply won't accept it as it is.

This is the 2003 zoning that was mentioned often in the protest letters. It's important for us to not just say that this particular type of zoning was rejected in 2003. Let's see specifically what was rejected in 2003. If you look at this plan, it has a number of differences from us. First and foremost, it is much more dense. This plan was 272 units of multi-family. We're proposing 148. One hundred forty-eight units is a density of 9 units per acre; that's really quite small density. You can have single-family R-1 up to 6 units per acre. So 9 units per acre is quite small. This was a much more dense project. You can see, in fact, it pressed all the way up into these open space areas with a large apartment block. You can see they had an apartment block right here. I think that was probably three stories – I wasn't able to confirm that, but if it is 3 stories or 2 it looks directly out onto these houses. You see what we did was orient them east and west; we have no views into the neighborhood. Our views are east and west. We're not going to look down onto these homes. Very adamantly we're clear about that. This one did. This one had large expanses of parking lot lined all up against that neighborhood – cars pulling up, shining lights right into the neighborhood as they parked. We don't. We have only a few parking spaces along this rear edge. We have a curved road that slows them down, and the only parking spaces back there focus south into the apartment structure. This one had large apartment blocks right along Imhoff Road facing directly over at Hitachi. We've been very clear about that. We knew that we had constraints to the north and to the south. To the north, we knew that we had to provide a substantial buffer of landscape. To the south, we knew that we had to be responsible citizens as neighbors to Hitachi. One of the things they told us very clearly was they did not want residential next to them. Residential and large industrial I think somewhat fear each other – there certainly are instances where large industrial has come into the nuisance lawsuits and things like that. We decided to pull the residences back. In fact, the initial plans for this had residences all the way down to here. We changed that. We said, and wrote in the PUD, that this can only be the office/clubhouse – the administrative part of the area. It cannot be residences. We're going to use that as a buffer to shield Hitachi from any of the residences. Another thing that can be done, and I'll talk about this a little later, is we can do some leasing requirements with the leasing of the apartment complex to make sure that people are aware that they are across the street from an industrial building. So this was a much different proposal that got rejected in 2003 than what's before you tonight. It's a good plan. Mr. Bragg and Mr. McCaleb have taken you through all the specifics that make it a good plan.

The open space is incredible. I don't think I've ever stood in front of you with a 55% open space. That's enormous. I can recall just recently – in the last 3 or 4 months – I happened to be at the Greenbelt Commission at a hearing when there was another apartment complex in front of the Commission that night. It's one that came through here recently, and the Greenbelt

Commission asked that applicant, "Would you mind giving us 30% open space? Have you considered that?" That applicant, I recall, frankly, turned to me and was quite offended that somebody asked for 30% open space. This one is proposing 55%. This applicant knew that to go to this zoning they had to go to an extraordinarily restrained level of development; they did that – 55% green space. Unheard of. Mr. Bragg showed you the cross section. I want to read specifically real quick from the actual report of the Pre-Development hearing where the neighbors said, "We would like what ever you could do to protect our homes from headlights and noise. A berm and a fence with an area including as much natural landscaping as possible is preferred." "What is the setback between the apartments and the housing ...?" This was the discussion that night. Very much. We gave them that buffer. We moved the headlights so none of them go north – they only go south. We responded directly and specifically to the concerns and we addressed any potential impact. Then the question from the neighbors was traffic. Will it increase? Well, you've heard now from staff that actually, because we're only down at 148 units for this multi-family – very, very restrained – it's actually going to be less traffic on Imhoff than the office development would create. Hitachi has told us, of course, they fear the residents. I think it was in their letter. I appreciate Hitachi's letter. At the end, though, that said, they complimented our design – our planning. They recognized that we worked very hard to plan this in a way that was responsible. If I read the letter correctly, and Mr. Ahlert is here tonight to talk about it, it talked about the fear of simply more people in the area – more residents and what they might do to them. Trespass. Issues like that. We can deal with that. We can deal with that in several ways. One of the ways we dealt with that, and one that you see on the screen there – our apartment unit – the closest one – really the only one that dips down that far, is about as close as the closest one over from the Cottages. They're relatively similar distances. At the Cottages we dealt with this, back when we zoned it, and required the Cottages to put provisions within their leases that said you are going to live across the street from Hitachi. You are going to live across the street from a manufacturing facility. You recognize that. You accept that. You understand that. The Cottages does that. So that we have no problems with anybody later on going to Hitachi and saying, "Hey, I've got a problem with your truck noise." No, you don't; you signed a lease that said you knew it was across the street. We can protect them from that. We've done it before. It has worked. We have a good history in Norman of actually having even single-family across the street from industrial. You see on the upper left was Astellas. To the south is the addition that has been there a long time, and I think has been quite successful. You see on the upper right is Alba, and you see the addition to the west of it. Most recently you see Sysco and the additions just immediately across the street to the east and one that is immediately across the street to the north, zoned and preliminary platted as apartments – right across the street from Sysco. Same discussion. Sysco had the same concerns. I remember that one very vividly. That was a hard-fought battle. Sysco had the same concerns and immediately thereafter expanded their facility right there across the street. It has not realized into being a problem in these situations. I understand the fear, but the reality is it has not become a problem and we have successfully done it.

A couple more slides. I'll close with Greenbelt Commission, thankfully, was very highly complimentary of this project. I'll read a quote from their report: "The Commission would like to commend the developer for proposing the design of the balconies and doors of the apartments to face away from the abutting residential area." And they went on to find that we had met many of their criteria; I'll just highlight a few of them – "Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized." "Permeable ground surfaces have been preserved to the extent possible." "Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation." It was a good discussion that night. We weren't asked for more open space – 55% was enough.

Staff has supported this. Staff has looked at it closely. The report in front of you – we were obviously very pleased with – it went on and on and on about how this was going to be acceptable. "The restrictions imposed on the proposed development by the PUD are more severe than what would automatically be allowed under the current CO zoning, in particular height and setbacks." And then they closed by saying, "The PUD establishes effective

safeguards that should minimize adverse impacts on nearby single-family residences." "From a traffic perspective, adding residential uses does not increase any impacts. An apartment complex will provide a visual barrier from the industrial use on Imhoff Road as effectively as an office complex would. The open space that is proposed will provide additional buffering for the residences, while preserving the natural drainage that flows through that area. Staff is able to support this request ... and recommends approval."

It's a good project. It has a large protest. So did one other one we were here in front of you recently. You recommended approval on that one, because you rightfully, I think, saw that we had met the concerns of the particular impacts. We had designed to meet those obligations. We've done it here. This property is under the wrong zoning right now. Clearly. This history proves that to us. It needs to be put into the right zoning and a zoning that we have accommodated responsibly. I thank you very much for you time and listening to me go on. We're happy to answer any questions you have. We also have the traffic engineer here.

7. Mr. Gasaway asked, since this property is currently up for sale, what assurances would there be to the neighbors that, if this sells, a plan even similar to this nature might really happen. Mr. Rieger said they talked about that at a meeting the other day with the broker, and said you realize you won't be able to come back for anything else on this project. You're going to have to do that. And he certainly said I realize that. The PUD, as we've stated many times in other proposals, gives them that protection. The PUD gives them that buffer. The PUD gives them the height restriction. The PUD gives them the open space. The PUD gives the areas in which you can do what you can do. The PUD, in the City of Norman, gives them all the protections they need and the assurances that that is what would be built. If they try to build anything different, it won't be permitted. If they try to come back to you for something different, the neighbors will be notified, and I have no doubt they'll be here for that discussion.

8. Mr. Lewis asked for clarification on the fence on the north side. Mr. Bragg responded that the PUD narrative may address that, but basically we've left it open but it does require an opaque fence. We will comply with all the City of Norman requirements. I would have to look at the PUD narrative to make sure that we've addressed it, but it would be my understanding a mixture of opaque fence, whether it's masonry or iron, and the berm in conjunction with that, and the landscaping along there. That is our intent. Mr. Lewis commented that what he is trying to clarify and make a part of the record is, when I'm looking at the berm, it shows me no fence. If I were a homeowner that backed up to this development, even though I believe it is a wonderfully designed development, and I didn't see a fence that was going to keep the noise at a minimum or the headlights at a minimum as they come around that corner, what could assure me that there is going to be a fence there and what is it going to be? Mr. Rieger explained that he had talked with Mr. Koscinski about this. Actually we went back and forth on edits to the PUD, and what he requested was that we write that there would be a buffer so that it prohibits light and noise from going across that border. So as to how that manifests itself in specific type of fence, we left it flexible, but what is written is that we have to provide the buffer so it blocks the light and the noise. Mr. Lewis questioned if it may be a buffer and not a solid wall -- a berm. Ms. Connors clarified that she reads the PUD to say that you have to have a fence around the entire perimeter and provide buffering in addition to that for 25 feet along the northern edge. Mr. Rieger added that they left the type of fence flexible. Yes, it has a fence.

9. Mr. Lewis commented, with regard to Hitachi's concerns, and what was done with the Cottages, in your statement you had mentioned we could include a restriction in regards to the leases that are in the apartment complex to say you live across the street from a commercial entity. There will be trucks coming and going. You can't complain. That's part of living here. There's a huge difference between could and will, and I'm hoping you can make a part of the record that in this Planned Unit Development that will be a part of the leases that are constructed or designed so that there will be assurance for Hitachi in regards to that there won't be any negative impact to them. Mr. Rieger stated he will make that a part of the record. We

did that at the Cottages and we'll do it again tonight. Yes. Any leasing on that property must include the provision that they are on notice that they are across the street from an industrial manufacturing facility.

10. Mr. Lewis said he had concerns about the several apartment complexes in this neighborhood. There's several very high-quality apartment complexes, however there are some that are of concern to the safety. One homeowner, in their protest letter, mentioned hearing gunshots just recently. What assurance do we have that RCB Bank, when they broker this deal to someone, we will see high-quality apartments go in there? That we will see residents that won't be Section 8, and will be a development that will be something that will enhance the neighborhood, as opposed to distract from it? Mr. Rieger replied that the primary assurance you have is the density. The density is so low here, at 9 units per acre, and only 148 units, that in order to meet your economic expectation of that density, we're not talking about a volume action here. You're going to have to do a pretty high-end development to make that work. Because the construction cost is probably not a lot different between a very high-end one and otherwise. But usually apartment complexes, if they're going to the route of a fairly low level of tenant, they're going to be probably doing as many units as possible – much more dense than this. I would also say that I would conjecture probably that's many times usually an older apartment complex that has those problems. I don't know that we've had that on any of the newer complexes around town. Certainly not in this area. The trend very much, as you've seen, has been some very high-end apartment complexes. This particular one, they're talking about a boutique apartment. There's a particular firm they're dealing with right now that is looking at this, but they won't approach it until they see that there's really a legitimate chance that it can be zoned. Mr. Lewis commented what I'm hearing and understanding is that we're looking at approximately 16.44 acres and 51% green space, a return on investment would almost mandate that these apartments be a very high quality and attract the caliber of tenants that are going to be able to afford certain types of rents that will be able to maintain this apartment complex.

11. Mr. Knotts asked whether this will be a gated community. Mr. Rieger said it is not. Mr. Knotts pointed out that the PUD Narrative states fencing will be constructed around the entire perimeter of the residential area. Mr. Rieger clarified that it is not a gated entry, but the fence will be around the perimeter of the residential areas, not including the driveways.

12. Ms. Pailes asked about the management of the open space. Mr. Rieger said he believes that management of open space, by City ordinances, would require a property owners association of some kind to be developed here. The POA ordinance is a very lengthy ordinance now, passed in 2008, I believe. It says there must be a POA established. There's actually funding requirements in them now as to the open space. Management requirements. It's pretty extensive, and it just went into effect in the last three years. We would fall under that. We would have to put forth a property owners association to protect these areas.

13. Ms. Pailes asked about the exterior appearance of the project. Mr. Rieger indicated they did not write that into the PUD as a requirement, but I think it's anticipated to be masonry. Tony and Rick McKinney did some preliminary drawings. You can kind of start to see it right there -- a masonry bottom with some different textures on top.

14. Ms. Pailes commented that fences don't do much for noise. Noise falls off with distance. Landscaping and fencing don't have much effect. Mr. Rieger responded that I remember when I took acoustics in architectural school, and one of the things that does is solid barriers. The berm is really intended in a lot of ways to bounce that noise up. If you see on the cross section, that berm is intended to help tremendously with noise. It would bounce that up. Just as you see along highways, you see berms and solid sound walls. So solid forms do tend to block.

15. Ms. Gordon asked whether the berm would have any potential impact on drainage into the neighbors' back yards. Mr. McCaleb responded that they will be picking it up on the south side of the berm in a pipe and run it back to the east. So the water that might be bermed up will be collected and piped so there won't be a drainage impact.

16. Mr. Gasaway asked what they have discussed with Hitachi about their security concerns. Mr. Rieger said they have discussed fencing. Hitachi has said they don't have a fence around their property. I'm not sure when or if they anticipate fencing their property. Hitachi was somewhat blunt with us, frankly, in that they said they would prefer this property probably stay empty. There are going to be more people on Imhoff Road – on this property, as Mr. Koscinski said – and probably on the property immediately west of this. That property is owned by an older gentleman; I think it's likely at some point that property will be put into play. There are going to be more people on this property. I think, at some point, Hitachi probably has to simply deal with fencing. Other industrial areas have. It's impossible for me to stand here and say that I'm going to somehow keep people off their property. I can't promise that. There's a lot of things I can promise you in a PUD – that one I can't promise you. I'm pretty sure in telling you there's going to be more people on Imhoff when these properties develop. And I, frankly, don't believe that residential persons are going to be more of trespassers than other folks are. The traffic that's going to come down that street is going to trespass unless there is security put up.

17. Ms. Gordon said she was a little surprised with the traffic study that said there would be less of an impact with the residential than office. Would it be fair to say that would really apply to the daytime, but after 5:00 you're obviously going to get quite a bit more traffic, because offices close usually at 5:00 or 6:00?

Wayne Russell, 3917 Emaline Drive – When we look at the traffic issues, the studies that we take are done throughout the nation and a federal publication and they consider traffic during the peak hours of the roadway, which is 7:00 to 9:00 in the morning and 4:00 to 6:00 in the afternoon. They also give a daily traffic rate as well. So you can generally assume about 10% of the traffic that's there for the day will be there at the peak hour, which in most places would be the p.m. peak hour. So your concern is for traffic after the peak hour? Ms. Gordon clarified that it seems a bit disingenuous to say that traffic is actually going to be less, when at night clearly there's going to be significantly more traffic with residential than there would be with offices, since most offices close at 5:00 or 6:00. Mr. Russell responded that the premise of doing a traffic study is really to see if the roadway will handle it, and that's why you do it at peak hour, because that's when there are the most cars on the roadway. So you might be right on that with apartments versus an office park that generally will clear out after 5:00.

18. Mr. Knotts asked whether the fence along the north perimeter is intended to replace the residential fence. Mr. Rieger said there is an existing fence. To the extent that that fence needs to be replaced, our commitment would be to do so. There is an existing fence there, though. So if that fence is sufficient, I don't know that it would be a need to have double fencing. Mr. Knotts commented that if you're building a separate fence and you come off of the residential fence five feet or something like that you leave a major headache in between. Mr. Rieger responded that you don't want double fencing of a no-man's land. Sometimes people don't want you to put another fence immediately up against theirs, either. The intent is we have to have a fence. It's their fence. I can't go tear it down unless they give me the permission to. But my client certainly wouldn't want to put one up right next to it if they don't want that, either. We have to have a fence. You don't want a dead-man's land in between. So I think there would be a dialogue is what I'm saying. We have to have a fence. We're committed to that; the PUD requires it. Mr. Koscinski commented that, in practice, what often happens is the existing fence remains. In the future, if that fence disappears or if some condition of this PUD mandates it, as the fence is either replaced or eliminated, they would be responsible for owning and maintaining the future fence – and installing – unless some other arrangement is arrived at

as part of this process. But the existing fence, if it is adequate, could remain for an indefinite period. But there is a fencing requirement. I know there are a couple of houses that have no fence, for instance. They would be required to install such a fence. Mr. Knotts asked if the existing residential fence could be the north fence. Mr. Koscinski responded that it could be the fence for a period of time. At some point in the future all those fences are going to rot and fall down.

The meeting recessed briefly from 7:42 to 7:50 p.m.

AUDIENCE PARTICIPATION:

1. Allen Ahlert, 1605 Sandpiper Lane, representing Hitachi – Hitachi is located across Imhoff from this proposed area. I sent a letter in to protest the development – or the change in zoning. This area has always been zoned office. It was office when Hitachi selected this site. Our business plans have always been based on that expectation that these were offices. Going forward, our future plans are also based on this being office. From that standpoint, we would prefer that it remain with that zoning. A second concern is we will add more truck traffic in the future. We expect our business to expand, and we will have more truck traffic, so we don't want to offend residents there so, again, the concern of complaints from future residents is there for us. We don't want that to worry about – residents complaining about our truck noise. The third item is the largest concern, and that is security. Since more apartments have moved into the area, we have had more people coming onto our property. We've always welcomed residents to come over and use the facility, walk their dogs, or use the baseball area. We've never had objections to those. But recently we've had more traffic like cars coming into our parking lot, doing donuts, driving very fast. We have limousines coming to park as they wait to pick up residents at the apartments. With the more residents close by, we've had more incidents that we did not like. So adding more residents at this location is – we're sure to have more traffic and the only way we can prevent this going forward is to build the gates and build the fences. That's just an added cost that we don't want to bear, so that's our main concern is security and additional costs for us to do business there.

2. Lance Steele, 2019 Allenhurst Street – My main concern is probably in line with most of the other people that are in the neighborhood. I'm concerned about increased traffic in the area. I'm concerned about increased noise pollution. We've had to deal with noise from students and other people living in other apartment complexes nearby. The apartment complexes that have been put up on the south part have increased traffic. When I come home, I don't always use Imhoff Road, but when I do I notice a higher amount of traffic. I'm most concerned about noise and student influence. I know that student influence is, of course, part of the fact that Norman is a college town, and being a college town has many benefits, but we have had to deal with increased noise at night, student traffic, that sort of thing, people going way too fast through the neighborhood, and security issues as well. I'm also concerned about the house prices – how another apartment complex will affect house prices in the neighborhood. Thank you.

3. James Daniels, 2018 Oakmeadows Drive – Probably most of my concerns will be addressed later on with some of our other residents. The one thing that I wanted to think about was – and I accept the fact that they will probably be high-end apartments in this area. But the other apartments that we do have trouble with in our area at one time were high-end. And attrition and entropy will sometimes and in the future what will these apartments be? And also the traffic is my main concern.

4. Allison Patrick, 1812 Elmhurst Drive – I would like to compliment RCB's briefing team. First of all, the quality of their presentation. However, I think they made several rather invalid assumptions. First of all, they indicated the traffic on Imhoff would not be increased to an intolerable rate. However, in the Oakhurst neighborhood, there are only two entrances and/or

exits to that neighborhood for the entire population. One is on south Oakhurst; the other is on north Oakhurst. The south Oakhurst, of course, feeds into Imhoff; north Oakhurst feeds into Lindsey. To believe that there would not be a traffic increase on Oakhurst and have an increase and the impact of traffic on the entire neighborhood is terribly naïve. It was indicated before that there are already three apartment complexes in the Oakhurst Addition – the Twisted Oak apartment complex, which is well known to Norman PD, the Dutch Hollow apartment complex, which is again well known to Norman PD, and the apartment complex directly west of Dutch Hollow, from which Julie Buskin was kidnapped and murdered. Apartment complexes do not have a good reputation in that neighborhood. They indicated a conversation with the neighbors next to the apartment complex, but this apartment complex will affect the entire neighborhood, not just the neighbors immediately adjacent to the development. Mr. McCaleb indicated that in his conversations with the residents they indicated they wanted no student housing, no Section 8 housing. Mr. McCaleb indicated there would be no Section 8 housing. He didn't indicate anything about student housing. And again I think, really, we've had our fill of apartments. We really don't need any more. Thank you.

5. Calvin Lemke, 2100 Oakvista Circle – Living on Oakhurst Avenue itself has become quite a scary thing since the inception of The Cottages and the Crimson Park because of the increased traffic through our neighborhood. We have speed humps installed; that does not slow down traffic that is coming from these places. This is coming through there 50 and 60 miles an hour at night. You can hear the cars bumping over the jumps and it's quite a concern for all the children in the area. If we put in 148 more units, how much more traffic is that going to add to Oakhurst? Thank you.

6. Maria Alexander, 1922 Oakhill Drive – I have lived in the Oakhurst Addition for 34 years. We have tried very hard to keep our neighborhood nice. We started a neighborhood association which sponsors different activities for the neighborhood children. Many of us are senior citizens who have no desire to move. All we want is to live a quiet, peaceful life. The Oakhurst neighborhood already has three apartment complexes located within it and you've already heard that almost all three of them – two of them for sure are big problems and the police presence is out there constantly. There is always something wrong. Due to the current issues, real estate people will tell you that it makes our neighborhood hard to market to prospective buyers. If a 148 unit apartment complex is constructed on the subject tract, then the market values of the homes in Oakhurst neighborhood will decline. I don't want to see the continuation of these projects spreading all the way east on Imhoff to 24th Southeast, especially in relation to the new elementary school on 24th Avenue S.E. just north of Imhoff. I ask you please to make a recommendation to the City Council to deny this project and keep the zoning the same. One more apartment complex will put us over the edge. Thank you.

7. Dee Fisher, 1520 Oakcliff Road – I'm one of the officers of the Oakhurst Neighborhood Association, which is voluntary – it's not a mandatory homeowners organization. It is a neighborhood of families and children, and at one time there were many lovely older homes. And they have declined, just like the apartments have around us. I moved there in 1976. What I hear are two concerns today, and certainly this was a very well-planned presentation. But we're talking about two things: profit and community. I'm speaking for community, because this is my home where I live and these streets that I travel on every day and I know what the traffic is and I know what the conditions are much more than the people that may have developed this plan or hope to sell it. So it's a big concern to me. We have had increased crime since I moved there the last few years. As we all know, there have been two murders in the apartment complex on the north end. The policemen – we have a great rapport with them and they come and they're very helpful, but we have a high number of break-ins and the homeowners in the north end will tell you they feel very strongly that it is people walking over from the apartments on the north end and also the south end and breaking in their homes, kicking in the doors. I know one young man that serves in the National Guard and his home has

been broken into twice, and of course he had the typical flatscreen and computers that are so profitable. When he goes to drill, he never knows when he comes home what's going to be left when he gets back. There is a lot of traffic on that street. The corner of Classen and Imhoff – those apartments – you can say however many units there will be, but that doesn't guarantee how many people will actually be living there, driving cars, visiting. That corner alone there's over 1,200 residents. Hitachi, which is a great neighbor of our community, and we're grateful that they're there. However, they have over 400 employees. They do not permit their employees to smoke on the grounds, so if they want to smoke they get into their car and drive to where? Oakhurst, and they park at the entrance of Oakhurst for their smoke break. I agree with the comments that have been made before me and I strongly do not want more apartments in our neighborhood. We do not need them or want them.

8. Connie Armstrong, 1819 Rolling Stone Drive – One of the things I heard the attorney speak of was fear. Well, let me tell you about my fear. My property buts up against the concrete drainage ditch there. I have heard gunshots on more than one occasion. I have had two dogs poisoned – my lab with arsenic, who died, and my white German shepherd, who has been poisoned with methamphetamines. It is not uncommon for me to see drug trafficking in the drainage ditch. When I asked the police officers when they come out where the problem is, they tell me the apartments. This neighborhood has had enough apartments. I'm asking you, please, not to recommend this to the City Council. Thank you.

9. Joyce Collard, 1820 Oakhill Drive – I've lived in Oakhurst for 20 years. If I had known that this drastic change could have happened around me, I probably wouldn't have bought there. I do agree with everything that was said before me, and I experienced those things. I do have a couple of questions perhaps of the bank representatives. I wanted to know how many bedrooms would be in each unit – we mentioned 148 units, but I didn't know how many bedrooms that would be. I'm glad we're mentioning students. I have nothing against students. My kids and my grandkids have been college students. But they do have a different lifestyle that isn't always compatible. Also, I wanted to know perhaps why a traffic study wasn't done on Oakhurst and 24th Avenue S.E., especially with the new school going in there. And with the traffic on Imhoff and other close areas, students are just going to have different needs and different traveling needs and coming and going needs. They're going to have visitors day and night. About the Pre-Development meeting – we did meet with them. Several neighbors came out. All of our concerns at that time were not presented here tonight. I know of one neighbor that was called about the second meeting after they made some changes, and he said he did not return the call. No one called me. No one called anyone else that I know of that was there. So we didn't have a chance to meet with them again. So I wanted you to know that. Also, the timing of the submission to the Council – I mean, we appreciate it didn't go forward in November. Then it came – we saw the notice in the paper in – I think it was a day or two before or after Christmas Day and a lot of us were, of course, very busy, as we all are at Christmas. Some of our neighbors were away. I had some time to devote to this – not as much as I would have, and not as much as our other neighbors would have. So we would have had, probably, this room filled tonight if we had more notice about that. I am concerned about the fence thing. You were saying that we would not have a fence, or the proposed complex would not have to have a fence? Then in the end I thought they said if the neighborhood, or the neighbors – or the residents that are there in the houses, that fence would count toward it? When we hear about trees, that makes me happy. But I've visited some PUDs here in Norman, and just this week I visited the one that's behind the Edge apartments on Classen. I think you get to it from the end of Stinson. It's immediately west of the railroad tracks. It's just right in there – you have to know how to get to it to find it. And I remember hearing the discussion when those went in, and seeing it on TV and seeing it in the paper and they talked about trees, trees, trees. They're not there now. And apparently they just have to be planted; they don't have to be taken care of, replaced, maintained. There's two spindly little trees there that do nothing. So to talk about trees tonight I think is very disingenuous. I think these student-oriented complexes

should be closer to campus. It would save a lot of the parking problems that I know the OU campus has. If somehow they could be on campus, closer to campus, it would be so much better. I do plead with you to not recommend this for the City Council.

10. Emily Robertson, 1819 Oakcreek Drive – I just want to agree with all my neighbors. This isn't what we want. I don't think it will be beneficial to our property values or anything around it. I experience the same frustrations they do from other apartment complexes and people roaming through and things like that. I bought a little over a year ago into this neighborhood because I liked that open space. I liked the neighborhood values that it had. I liked that I saw there was going to be a little parade for the 4th of July with the neighborhood kids. This will just ruin our neighborhood and we don't want it. Thank you.

11. James D. Mayer, 1812 Oakcreek Drive – A lot of people have addressed the issues that concern me. On your map, my home is denoted the lot marked 25. So if you could look at the lots, this development has a tremendous impact on my home. My primary concerns are this: first off, I'm nearing the end of my career. Within 5 or 6 years I would like to sell the property. I can imagine the reaction of a potential buyer coming in and looking through my south windows and seeing that development. I'd probably end up selling it to an investment company for substantially less than I could sell it to an individual. Anyone who is familiar with Norman would realize that apartments tend to draw students and they would shy away from buying the property. So, literally, it would take away from my retirement. That is my single biggest investment. I've lived there 20 years. I've tried to maintain and increase the value of the home by keeping it up. I have an engineering concern. That cross section that's up there now my foundation sits 2-1/2 to 3 feet below the grade of the subject tract. Mr. McCaleb had mentioned that they were going to French drain the water from the south side of that berm. What about the water from the crest to the north side? It comes rolling down the slope in the back yard. There's an 8" sanitary sewer main that services the 18 homes on the south side of my street, and now you're going to pipe in 150 units of apartments – 148, plus a church, plus the two existing office buildings. We had back-ups there. And, again, my foundation is 2-1/2 to 3 feet below the level of the manhole cover. There are several homes there, from 22 to 27 – those homes sit below grade. I tried to bring it up to City staff; they told me that the 8" main would handle it. There's an 8" main that services 36 homes on the north side of my street and the south side of Oakmeadows. To me it just doesn't make any sense. I don't think I want students in apartments behind my house. I think that is going to be a noise issue no matter what kind of berming, what kind of fencing, or non-fencing – my 15 year old fence – I'm tempted to go cut it down now and let them put it up for me. Just an idea. Another big thing people have talked about is that our neighborhood area already has three apartments. This would be a fourth and for the size of our neighborhood I can't come up with another neighborhood that has that big of impact, plus the two on the west of Imhoff and Classen. We're surrounded and, certainly, that devalues my home. I encourage this Commission to recommend denial for these reasons. Thank you.

12. Nancy Stine, 1815 Oakcreek Drive – I'm really nervous. Usually I only talk to people about rose rocks we have at the Rose Rock Museum in Noble. Hopefully I won't faint or anything. The only thing about the crime in apartments that I have to question – well, when my grandson stayed with us and going to OU, he was coming home late at night a cop stopped him as he was going past one of those complexes – one of the apartment complexes, and he said what are you doing – what are you doing out so late? And he said I just came home from the engineering building. And he said, well, son, you shouldn't be out this late, it's dangerous in this neighborhood. And come to find out, the reason the cop was there, a man had just been stabbed. Now maybe these really beautiful, nice, high-class apartments there wouldn't be that kind of crime. I don't know. I'm just telling you what happened. Are there so few vacancies of housing that we really need apartments in Norman? Are the houses really selling? I don't even know. I don't know that much about real estate. Of course, it would help that bank out.

Hitachi – I'm all for supporting them. They're wonderful people. They're kind people. They're good people. They're wonderful neighbors and I just think highly of them, so anything we can do to make them happy, I think I'm for that. And their landscaping – oh, it's made wonders in that neighborhood. I'm sure you may have seen it. All those pear trees and everything. It's wonderful what they've done. What about single family dwellings in that area? If we're going to fill the spaces – if Hitachi is willing to have single families – how would that fit in that area? One more thing. Oh, the traffic. Well if they were put in, would the City be willing to put in a traffic signal at 12th and Imhoff, because that, I'm telling you, it's getting dangerous already. I know those are expensive, but it's something that is needed. One other question was addressing the church – do we know there really would be a church and, if so, what kind would it be?

13. Bob Rollins, 1922 Oakcreek Drive – This apartment complex is going to be right in my back yard. When we bought the property where we're at, it was college students that lived there and they were not very welcomed in the neighborhood. They were so happy to see us buy it and be calmed down. We have elderly people in the neighborhood that can't afford to sell and get out of it; they're 84, 85 years old and they're on fixed incomes and the property values are going down. They don't have a choice. I can sell mine and buy another one. But who is going to maintain these properties? If you'll go around Norman and look at some of these apartment buildings after 5, 10, 15 years, they're run down – they're trashy. What's that going to do to our property values? Imhoff and Classen is a bad intersection. Glad to see that they're going to get a signal out there. What would happen for the commercial end – have offices there when they get a light there? Would that improve it? Sure, they've got protected left turns to get in and out of that if they have office buildings there. And at 24th and Imhoff, they're going to have to have a traffic light there. They're going to have that school right up the street. That's going to carry a lot more traffic. So people trying to get out of Oakhurst Addition on the south end, if they don't go to Classen, where it's going to be very busy and very congested every morning, they're going to have to go the other way. You know, he says 80 to 100 feet from our property – how fast does a bullet travel from those apartments to your back yard? The last thing I'll leave you with is how would you like to have this built in your back yard? Thank you very much.

14. Sean Rieger – There were several questions about traffic. The traffic study on Oakhurst and 24th. I'm going to ask our traffic engineer to talk about the constraints of a traffic study, what is a study, and what it is not.

15. Wayne Russell explained that the traffic studies are done in pretty strict conformance with the City of Norman's requirements and they're very explicit. They define an area that the traffic will be studied by and that's agreed to before we do the study. One of the things that you find with traffic, if you get very far away from any development, you get very little traffic in an intersection a mile away from that. If traffic goes to an intersection, some turn right, some turn left, some go straight and it disperses it by a third, so you might end up with a third at an intersection right next to this development going north. Well, by the time it gets to another intersection north, it will split again. So that's why the areas are defined, and they do that so that you can study areas that are close to the developments that will be most affected. And if we can make the traffic work there, by the time they get a mile away, they should work there. They shouldn't cause problems that aren't already existing in another intersection. Does that answer the question? Chairman Sherrer said there had been questions specifically about whether there was a study done for 24th or Oakhurst Drive, in particular. I know most of the traffic work was done on Imhoff, which is obviously the main road. Mr. Russell explained the requirements were to look at the intersections from 24th to Classen on Imhoff. We looked at Hitachi Drive that goes into the office space and the intersections on both sides. We also looked at the intersection of Imhoff and Oakhurst.

16. Sean Rieger – I think there were other questions about bedroom count. 148 two-bedroom units. They're all basically two-bedroom units. Pretty small, actually. You get to the Edge Apartments, you've got three bedrooms and even four-bedroom units in some of those.

17. Chairman Sherrer noted there was a question on the berm, and what would happen on the draining to the north. I think it was addressed to the south. Mr. McCaleb responded that we're picking up the water on the south side and taking it and discharging it. Anything that hits on the north side of the berm is just from the berm forward, which isn't much.

18. Chairman Sherrer said there was a question regarding the church. Are there any imminent plans regarding who that might be, what that might be?

Mr. Rieger explained that the PUD calls for the corner site to be either office, which already is allowed, or church. So actually the corner site is no change, because the current CO zoning allows either office or church. We're showing it as a church because we think that's a good market right now for a possible small church site. We do not have a particular church lined up. I think the kind lady asked about what type of denomination. We obviously have no idea.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Knotts -- One of the things that you learn is that the more eyes you have in an area, the safer it is. The idea of the vandalism that might go on at Hitachi or in that wide open space that it is now, I think kind of is diminished by the number of eyes that would be put into that area. So I don't know that that argument really flies.

2. Mr. McCarty – After reviewing this proposed site plan, versus the current zoning, I see a lot of benefits to the residents. I know it's tough to say, but the setbacks, the directions the buildings face, the height that they're allowed – I think they've spent a lot of time as this team making this site work better than the office complex that was proposed here in the CO zoning. So of the two, if I lived there, I would be much happier with the proposed site plan than the offices. I know zoning changes are never fun for anybody, because it's change in your area. People don't like for change to occur. I believe what they have done is more beneficial than the office complex preliminary plat that was approved prior to this new design. So, therefore, I'm in support of this tonight.

3. Ms. Pailes – It's hard to know what to do. I feel like our role on the Planning Commission is to be the ears for the public and the goal is to hold what's best for the community, and that's not a real obvious thing ever. This is a very nice looking plan. One of the things that didn't come out as obvious is the area on the west – those first four units – the topography is much higher than Oakhurst. It slopes a lot, so that even the two-story building built there is going to loom over the neighborhood. It's going to be higher – not because it's a tall building, but simply because the land is much higher. I assume that they've dealt with the drainage issues that arise from that – I don't actually know. They've done everything they could architecturally to not make the buildings look into the back yards at Oakhurst, but just because of the topography, they are going to be kind of looming. The setback is generous in terms of what is required, but 80 feet is the width of my front yard. So, while that's more generous than is required, it's still very much right in your back yard. So I find those things as something I would not appreciate. I would find those as impacting negatively my residential area. I think they're right – if you put a light at Classen, everybody will avoid it by going up Oakhurst. So the formal traffic plan is fine; in terms of how people actually behave, I think there is probably a legitimate concern. Now, the main thing that the public has addressed are things that we can't help. In essence the problem is absentee apartment owners. The problem is people who own them and live elsewhere and just don't maintain them. The Planning Commission can't deal with that – that's not our charge. This looks like it's likely to be the same thing. It's very hard to look at this and say this is going to be a great thing that's going to be maintained, because we just don't know. It's essentially for sale.

It's very hard to reassure the neighborhood on that issue. I'm torn. I usually try to listen hard to the neighborhoods, and I'm kind of torn. Because the upside is so extensive. And maybe this is a failure of large-scale planning. Maybe there are too many apartments in this area. Maybe that's a failure of our large-scale planning, because it sure does impact an area.

4. Mr. Gasaway – I'm going to make several comments that will probably confuse everybody on where I'm really coming from, because it has confused me a little bit. I want to talk about several thoughts that have come into my mind this evening. When I came tonight, I had absolutely no idea what to think. I've driven by there, spent some time in the area, and I can absolutely see both sides. It is not the purpose of this Commission or City Council, nor the City of Norman, to help this bank sell the property. The purpose of the Planning Commission is to help try to find something that will work on that property – that is definitely part of our mission. There are several difficulties with this property. Several things have been proposed there – things that have not necessarily been objectionable to the neighbors aren't sellable to people that want to buy the property. One thing I need all of you to understand is we cannot make this property remain vacant. I know it's always nice when you buy a property and the property behind you is vacant for an acre or two – that's always real nice to live there. But you need to buy property with the understanding that sometime something is going to go in there. I honestly don't know what the best thing to do is. Currently, it's zoned commercial office – some offices look nice. Sometimes they don't look nice. There's nothing that prevents, under the current zoning, somebody from coming in and putting the back of a 3-1/2 story office building facing your homes. We can't stop that. That's what it's currently zoned. There's not a good solution here. That wouldn't be a good solution. I'm not sure, from your standpoint, that this is much better – I don't know. Mr. McCaleb mentioned several things that the bank had asked him to examine in setting up this plan. One of the things he said was that the bank said we want something that will make the residents satisfied. I don't think this plan does, but I don't think what it's currently zoned would, either, and that's the problem. I am really undecided because probably, if you all had not come tonight, I would have voted in favor of this. But because of your strong objections – and I understand that you're very concerned about security in your neighborhood, because it has been an issue for many years – so I think my vote will be in favor of the neighbors.

5. Mr. Boeck – I've been thinking a lot tonight. I'm an architect. I've worked on a lot of projects in Norman. I teach at the University. My vision for Norman is to grow in a way that's organic and that's sustainable. One of the things that Sean brought up is the fact that, as you start building things out farther and farther, it takes a lot of utilities, building of roads, building fire stations, building police stations. So the issue of jumping over properties that weren't zoned right, when they're perfectly capable of being sustainable in a way that they've already got all of the infrastructure and they're close to town, they're easy to access, is a struggle because I agree with all of you in terms of impact on your neighborhood. But one of the things I think about is Dr. Bethel's office building behind Norman Regional Hospital in a residential neighborhood. That had a huge impact. The existing zoning, if anyone were to build anything, would have a huge negative impact. What the architects have done with this project – I don't know if it's just the architects, or the whole team – but their development sensitivity, in terms of the way they designed this, is applauded by me just because I see they did everything they could – the only thing that's left open is what exactly it's going to look like when it gets done. But to have the parking, the drives, the scale of the buildings at the north end scaled down to create something that has the lowest amount of impact that you can have for the residents on the next street north has been as well thought out as I can think it could be. Again, there are lots of open-ended questions here in terms of what it's going to look like – how it's going to end up. This is a college town and there are lots of students here and everybody makes money and stays in Norman because it is a college town. I live in a single-family residential neighborhood where I know that at least six or eight of the houses in there have eight to ten cars in front of them because their dads bought the house to live there. I don't complain too much because I teach

at OU and I wouldn't be teaching if there weren't students there. So this is rambling, but to me there is a struggle here, but I see this as probably as good an attempt to make a project work in a sensitive way as I've seen. It's still tough.

6. Mr. Lewis – Quite frankly, I live in Ward 1. Many of you know me. I campaigned in Ward 1 with Roger. This is a tough decision. What I see is we have a complex that is going to cost multi-million dollars to develop in the way that they have put it on paper and the McKinney Partnership has proposed it to whoever buys it. It's rare that Tom and I ever agree, but I would have to say the more eyes that you have in that area, potentially, the decrease in crime that you potentially may have. I think about the upkeep of the property. If I were a businessperson, which I am, and I looked at return on investments, which I do on a daily basis, and I look at investing multi-million dollars in this type of property, and then I compare it to other properties around Norman, having lived here now 16 years, am I going to let that property depreciate and become in disrepair in a matter of 15 or 20 years? Most likely not. If I look at Post Oak Apartments over on Highway 9 – if I look at what used to be Oaktree Commons – both of those complexes are well over 15 years old and they're still very well maintained, because they're still income-generating properties. I also look at what the piece of land used to be zoned, or is currently zoned commercial office. I look at the number of offices that are proposed there and the number of parking spaces that are proposed there. If currently we're looking at this new preliminary site development at 148 two-bedroom units, just by rough math you might say we're going to have between 375 and 400 automobiles there. As I was listening to several of my colleagues on the Commission, as well as many constituents in the audience speak, I was just doing a rough count of the number of parking spaces that are on the current map that we have for the existing proposed office space, and I count well in excess of 450 spaces. One of my fellow Commissioners said it would be nice that when we buy a piece of property if we had greenspace behind us we could control what happens to that property. Unfortunately, that's not the case. Behind my house was absolutely open greenspace. Now I have neighbors that abut right up next to me. I wish I could control what happened to that piece of property, but the reality is, unless I own that piece of property, I cannot control it. This is definitely a very difficult decision for me. When I came in I thought great new development, investment in the City of Norman, definitely something I'm going to support. After listening to heartfelt pleas from homeowners in the Oakhurst development, I've had to go back and forth. If I were a homeowner in Oakhurst dealing with the two and three significant apartment complexes that are there, the increase in the crime in that area, would I really want another apartment complex? But then I have to shift my eyes over to The Cottages and over to Crimson Park – I believe that's the name of that complex – and then I look at the quality of those apartment complexes and chances are the quality that they will maintain, not only for that area but also for Oakhurst for probably 20 to 25 years out. Now, I'm probably not the youngest person on this Commission, but I'm thinking in 25 years I will be well into retirement and may not even still be here, but there will be an apartment complex next to me that is still being maintained and giving a return on investment and keeping property values up. It challenges me sometimes to think that, yes, in deed, when we have certain complexes that we look at, yes those can deter from property values, because they have been placed into Section 8. I think we have confidence here, from Mr. McCaleb, that this will not be turned into Section 8 housing. So as the owner of a property, then I would be more inclined to maintain it because I would want to have residents come and live there and live there safely. Again, this is one I'm going to be torn on and I'll probably know the answer when I get down to it. But I appreciate very much the homeowners from Oakhurst showing up and voicing their comments and voicing their concerns so that we, as an overall Commission, can make a very informed decision and a very informed recommendation to City Council.

7. Mr. Boeck – I'm thinking about this in terms of the security of the neighborhood, and I think it's ironic. I've been involved in a lot of projects where neighborhoods complained about industrial development, and we've got Hitachi across the street, who have been in Norman and

been a model resident for 30 years – 40 years – and the neighborhood feels secure about them, with all the shipping that goes on, with the expansion that they're doing. And this is one of those deals where we don't like change – and this is still tough. But it seems like in this situation what we've got is a neighborhood that's secure because something that normally is not a congenial fit with residential is right there and been successful being there for as long as it's been there, even in expanding. That just says a little bit about the fact that whatever we have go in needs to be a strong, good development – which I feel, hearing the people that are involved in the development tonight talk about what they're trying to do, it still on one side leaves me with – I still don't know the unknown – what it's going to be like in 15-20 years if the people that buy it live up to what these visionaries are trying to do with this project. So it's a tough solution, but I see just in having Hitachi in that neighborhood for as long as they've been there, and being able to exist with that neighborhood shows that sometimes what seems on the surface to be non-compatible can work. And when you have the smaller scale residential development that they're talking about here, versus large office scale development, to me that is a positive thing about what they're trying to do with this.

8. Chairman Sherrer – Just a few comments I'd like to make as well. First of all, I think this is an exciting time in this part of town. With Ronald Reagan Elementary School opening up here in the near future, I think this is a place where people are going to want to move towards. I think it's an exciting time for this part of Norman, both the Oakhurst Addition and just in general in that area. I think that's an important thing to note. Because I think people will want to move here, and thinking along the lines of the 2025 Plan, which obviously says let's look for ways to define these properties that are not on the outskirts that we can utilize the existing infrastructure, it makes a lot of sense to me to find a solution where we can actually empower those people that want to move into the area and to find a place for them to live to actually get to enjoy this part of Norman. So, to me, that alone provides a residential need, I think, in the area that probably supersedes the office part that has not proven over the last few years to be something that has manifested itself. Frankly, I think Commissioner McCarty first of all stated that this is a solution that's better than where we stand today for the neighborhood. And, although I think there are certainly some things that you could argue and could question, I think you could always do that on any project. I think this project provides a better solution, with the buffer, with the size, the height of the actual buildings that were proposed to be built. I think that the overall nature of the project, as far as the people that have put it together, I think speaks highly from their reputation within the community, and I think that is important to note, too, as this moves forward. I appreciate the things that have been said today. This is something, I think, that really protects the neighborhood in a better way and it provides a more marketable opportunity for this area to be utilized here in the near future. With that, I will be voting yes for this project tonight.

Curtis McCarty moved to recommend approval of Resolution No. R-1112-95, Ordinance No. O-1112-20, and approval of the Preliminary Plat for THE VILLAGE AT OAKHURST, A Planned Unit Development, to the City Council. Dave Boeck seconded the motion.

9. Mr. Knotts – I'd like to make one last comment. I'm a former resident of Oakhurst Addition. I lived on Amhurst for 12 years. I backed up to a wide open space that actually was, I think, a right-of-way utility easement behind my house. Just as this area would be backing up to what was basically undeveloped. And then behind that, east of my house, there was an apartment complex or several. If you have that open space, people have a tendency to roam and I had several people come over my fence because there was no definition of the property. I think that this plan, although as you said the idea of always having an open space really sounds good, it really doesn't function well if you don't have some structure. And I think this plan really offers a real nice solution to it.

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

YEAS	Dave Boeck, Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Andy Sherrer
NAYES	Roberta Pailes, Jim Gasaway
ABSENT	Diana Hartley

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1112-95, Ordinance No. O-1112-20, and approval of the Preliminary Plat for THE VILLAGE AT OAKHURST, A Planned Unit Development, to the City Council, passed by a vote of 6-2.

* * *

City of Norman, OK

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

Master

File Number: O-1112-24

File ID:	O-1112-24	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	01/26/2012
File Name:	O-1112-24 Gray Water			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-24 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTIONS 10-701, 10-702, AND 10-703 TO THE CODE OF THE CITY OF NORMAN TO DEFINE GRAY WATER AND ALLOW FOR ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS WHILE PROVIDING A PENALTY SHOULD IT BE USED NOT IN ACCORDANCE WITH SAID PROVISIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-24 upon First Reading by title.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 9

Attachments: Text File O-1112-24, O-1112-24, O-1112-24 Annotated, January 3 2012 SS Minutes, Pert Excepts January 24 Conf Minutes

Project Manager: Ken Komiske, Director of Utilities

Entered by: kathryn.walker@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 O-1112-24

Body

BACKGROUND: During the last legislative session, House Bill 1575 was introduced that

would have allowed and regulated the use of gray water for the first time in Oklahoma. The original language was substituted prior to adoption, and the adopted language only added a definition of gray water to Section 2-6-107 in Title 27A. The adopted language reads:

A. "Gray water" means 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 and water used by Fire Departments for cleaning equipment and vehicles. Gray water shall not include wastewater from kitchen sinks, kitchen dishwashers, or laundry water from the washing of material soiled with human excreta, such as diapers.

B. The definition of gray water in subsection A of this section shall apply *only in municipalities enacting ordinances regulating the use of gray water* within the limits of their municipal boundaries. (*Emphasis* added).

Essentially, the Legislature allowed the municipalities to develop their own regulations for gray water. The issue of Norman allowing for and regulating the use of gray water was discussed at the City Council Study Session on January 3, 2012. A draft of Ordinance No. O-1112-24 was presented at the City Council Conference on January 24, 2012 and Staff was instructed to move the ordinance forward to Council for enactment.

DISCUSSION: Ordinance No. O-1112-24 would codify the definition of gray water set forth in the statutory provision quoted above. The ordinance would allow a private residential user to discharge up to 250 gallons of gray water per day for the purposes of household gardening, composting or landscape irrigation, provided that the resident takes certain steps to ensure the gray water is utilized in a safe manner. If gray water is not discharged in accordance with the provisions of the ordinance, a property owner could be charged and fined in Municipal Court.

Staff envisions conducting a public education campaign in conjunction with the Environmental Control Advisory Board (ECAB) to ensure residents who wish to use their gray water do so in a manner that is consistent with the provisions of the ordinance.

STAFF RECOMMENDATION: Staff recommends adoption of O-1112-24 upon Second Reading.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTIONS 10-701, 10-702, AND 10-703 TO THE CODE OF THE CITY OF NORMAN TO DEFINE GRAY WATER AND ALLOW FOR ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS WHILE PROVIDING A PENALTY SHOULD IT BE USED NOT IN ACCORDANCE WITH SAID PROVISIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 10-701 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 10-701 General Provisions.

(a) *Use of Gray Water Permitted.* Private residential gray water may be discharged in accordance with the provisions herein.

(b) *Definition of Gray Water:* 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 and water used by fire departments for cleaning equipment and vehicles. Gray water shall not include wastewater from kitchen sinks, kitchen dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers.

§ 2. That Section 10-702 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 10-702 Requirements.

A maximum of 250 gallons per day of private residential gray water originating from a residence may be discharged for the household gardening, composting or landscape irrigation of the resident if:

(a) A constructed gray water distribution system provides for overflow into the sewer system or on-site wastewater treatment and disposal system;

(b) A gray water storage tank is covered to restrict access and to eliminate habitat for mosquitoes or other vectors;

(c) A gray water system is sited outside of a floodway;

(d) Gray water is vertically separated at least five (5) feet above the groundwater table;

(e) Gray water pressure piping is clearly identified as a nonpotable water conduit;

(f) Gray water is used on the site at a location that does not allow for any runoff from the property;

(g) Gray water is applied in a manner that minimizes the potential for contact with people or domestic pets;

(h) Ponding is prohibited, application of gray water is managed to minimize standing water on the surface and to ensure that the hydraulic capacity of the soil is not exceeded;

(i) Gray water is not sprayed;

(j) Gray water is not discharged to a waterway; and

(k) The system does not allow for rainwater to be introduced into the sewer system.

§ 3. That Section 10-703 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Section 10-703 Penalty for Violation.

(a) Any person convicted of violating the provisions pertaining to gray water discharge shall be punished by a fine of not less than fifty dollars ($50.00) nor more than seven hundred and fifty dollars ($750.00) for each violation or failure to comply.

(b) Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any citation or complaint or information filed.

§ 4. 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, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day of

_____, 2012.

_____

Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day of

_____, 2012.

_____

Cindy Rosenthal, Mayor

ATTEST:

_____

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADDING SECTIONS 10-701, 10-702, AND 10-703 TO THE CODE OF THE CITY OF NORMAN TO DEFINE GRAY WATER AND ALLOW FOR ITS USE IN ACCORDANCE WITH SPECIFIC PROVISIONS WHILE PROVIDING A PENALTY SHOULD IT BE USED NOT IN ACCORDANCE WITH SAID PROVISIONS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Section 10-701 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 10-701 General Provisions.

(a) *Use of Gray Water Permitted.* Private residential gray water may be discharged in accordance with the provisions herein.

(b) *Definition of Gray Water:* 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 and water used by fire departments for cleaning equipment and vehicles. Gray water shall not include wastewater from kitchen sinks, kitchen dishwashers or laundry water from the washing of material soiled with human excreta, such as diapers.

§ 2. That Section 10-702 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Sec. 10-702 Requirements.

A maximum of 250 gallons per day of private residential gray water originating from a residence may be discharged for the household gardening, composting or landscape irrigation of the resident if:

(a) A constructed gray water distribution system provides for overflow into the sewer system or on-site wastewater treatment and disposal system;

(b) A gray water storage tank is covered to restrict access and to eliminate habitat for mosquitoes or other vectors;

(c) A gray water system is sited outside of a floodway;

(d) Gray water is vertically separated at least five (5) feet above the groundwater table;

(e) Gray water pressure piping is clearly identified as a nonpotable water conduit;

(f) Gray water is used on the site at a location that does not allow for any runoff from the property;

(g) Gray water is applied in a manner that minimizes the potential for contact with people or domestic pets;

(h) Ponding is prohibited, application of gray water is managed to minimize standing water on the surface and to ensure that the hydraulic capacity of the soil is not exceeded;

(i) Gray water is not sprayed;

(j) Gray water is not discharged to a waterway; and

(k) The system does not allow for rainwater to be introduced into the sewer system.

§ 3. That Section 10-703 of Chapter 10 of the Code of the City of Norman shall be added to read as follows:

Section 10-703 Penalty for Violation.

(a) Any person convicted of violating the provisions pertaining to gray water discharge shall be punished by a fine of not less than fifty dollars ($50.00) nor more than seven hundred and fifty dollars ($750.00) for each violation or failure to comply.

(b) Each day that a violation or failure to comply exists shall constitute a separate and distinct offense, and any one (1) or more of such offenses may be set out in any citation or complaint or information filed.

§ 4. 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, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day of _____ 2012.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

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 Paddack 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:

_____ _____

City Clerk Mayor

Item 3, being:

DISCUSSION REGARDING PROPOSED ORDINANCE NO. O-1112-24 ALLOWING FOR USE OF GRAY WATER.

Mr. Ken Komiske, Director of Utilities, said the State introduced House Bill 1575 that would have allowed and regulated the use of gray water for the first time in Oklahoma; however, original language was substituted prior to adoption and the adopted language only added a definition of gray water as follows:

A. "Gray water" means 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, untreated municipal wastewater limited to wastewater captured from municipal splash pads, and water used by Fire Departments for cleaning equipment and vehicles. Gray water shall not include wastewater from kitchen sinks, kitchen dishwashers, or laundry water from the washing of material soiled with human excreta, such as diapers.

B. The definition of gray water in subsection A of this section shall apply *only in municipalities enacting ordinances regulating the use of gray water* within the limits of their municipal boundaries.

Mr. Komiske said the statute allows municipalities to develop their own regulations for gray water. The issue of Norman allowing for and regulating the use of gray water was discussed at the City Council Study Session on January 3, 2012, and staff was instructed to draft ordinance language. He said Ordinance No. O-1112-24 would codify the definition of gray water set forth in the statutory provision and would allow a private residential user to discharge up to 250 gallons of gray water per day for the purposes of household gardening, composting or landscape irrigation, provided that the resident takes certain steps to ensure the gray water is utilized in a safe manner.

Mr. Komiske said conditions of the gray water system would include the system be constructed so that if blockage, or plugging occurred, gray water can be directed into the sewage collection system or septic tank; any storage tank for gray water must be covered; the gray water system cannot be located in a floodway; there must be a five foot vertical separation from top of ground to groundwater table; pressure piping must be identified as non-potable; gray water can not run off property; minimize the potential for contact with people or pets; no ponding; no spraying; no discharge to watercourse; not be applied directly to edible food crops; does not contain hazardous chemicals such as home photo labs, cleaning car parts, etc.; and gray water usage does not change the design of treatment facilities, such as septic systems.

Mr. Komiske said gray water may contain fats; oils; grease; hair; lint; soaps; cleansers; fabric softeners and other chemicals; elevated levels of chlorides, sodium and sulfates; and may have a high pH (is alkaline) that may be harmful to some plants. He said there are devices (pumps/filters, etc.) to help extract some of these items from the water before applying the water to landscaping and there is a lot of information to be found on websites. He said, in general, native plants, desert-adaptive plants, and drought resistant plants do better with gray water irrigation.

Mayor Rosenthal said the ordinance does not allow for any runoff from the property and gray water cannot be discharged into a waterway. She said if a property is located along a creek, is the ordinance effectively stating that the resident cannot install a gray water system and Mr. Komiske said the system will be self-policing as residents will not need a permit to discharge gray water, but staff believes citizens that do make use of the system will do the right thing and be conscientious. He said there are provisions where staff can inspect complaints of violations and enact similar fines issued for erosion control violations. Mayor Rosenthal felt additional guidance would be helpful to citizens that may want to install a gray water system with respect to property slopes or proximity to a creek. Councilmember Kovach asked if a supplementary guide could be developed for citizens with inquiries and Mr. Komiske said it was possible. He said the Environmental Control Advisory Board (ECAB) would probably volunteer to produce brochures and provide education. He said there is also a great deal of information on websites that can be incorporated into a brochure for Norman that would have more specific information. Mayor Rosenthal felt public education would be a great tool, especially for citizens already engaged in the use of "rain barrels."

City of Norman, OK

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

Master

File Number: O-1112-29

File ID:	O-1112-29	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	01/31/2012
File Name:	O-1112-29 Hours of Operation - Solicitor Peddler - conditions added to issuance of permits			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-29 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING ARTICLE I, SECTION 13-101, AND ARTICLE VIII, SECTION 13-2802, OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING CONDITIONS FOR LICENSE/PERMIT ISSUANCE AND PROVISIONS FOR HOURS OF OPERATION FOR DOOR-TO-DOOR PEDDLERS AND SOLICITORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-29 upon First Reading by title.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 10

Attachments: Text File O-1112-29, O-1112-29 (Permit Issuance) Annotated, O-1112-29 (Permit Issuance) Clean, October 5 Oversight Minutes

Project Manager: Leah Messner, Assistant City Attorney

Entered by: denise.johnson@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File O-1112-29

Body

BACKGROUND: The Norman City Council adopted amendments to the Ordinances

regulating Soliciting, Peddling, and Temporary Food in April and August 2011. Subsequent to these amendments, the City Council Oversight Committee met on October 5, 2011 to discuss the collection of sales tax from transient vendors. The Oversight Committee recommends an amendment to Chapter 13 that would require all applicants for City permits and/or licenses to be current regarding any sales tax, Municipal Court fees or fines, utility bills, or any other amount properly due and owing to the City of Norman.

In addition, the Police Department and City Clerk's Office have received numerous complaints regarding solicitors and peddlers knocking on doors late into the evening. For that reason, staff suggests amending the ordinance to include hours of operation requirements for door-to-door solicitors and peddlers.

DISCUSSION: The first of the proposed changes is in Chapter 13, §13-101. The following language has been added in the attached draft as (c): A permit shall not be issued to an applicant that owes outstanding sales tax, Municipal Court fees or fines, utility bills, or any other amount properly due and owing to the City of Norman. By adding this language, applicants for any City license and/or permit regulated by Chapter 13 will be required to become current on any of the above taxes, fines, fees, bills, or other costs prior to the grant of a license. In this way, if transient vendors fail to remit sales taxes on an earlier sales trip to Norman and return for another solicitors' permit, the Clerk's Office will have the authority to deny that permit until any back taxes are paid.

The second of the proposed changes is in Chapter 13, §13-2802. The following language has been added in the attached draft: "Door-to-door peddlers and solicitors may only operate from the hours of 9:00 am to 8:00 pm or sunset whichever is earlier." With the addition of this language, residents could not be disturbed in their homes before 9:00 am or after 8:00 pm or sunset whichever is earlier. If a door-to-door solicitor or peddler were to violate these hours of operation, they could be cited.

STAFF RECOMMENDATION: Based upon the above and foregoing discussion, it is the staff recommendation that Ordinance O-1112-29 be adopted.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 13-101 AND ARTICLE VIII, SECTION 13-2802 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING CONDITIONS FOR PERMIT ISSUANCE AND PROVISIONS FOR HOURS OF OPERATION AND CONDITIONS FOR DOOR-TO-DOOR PEDDLERS AND SOLICITORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Sections 13-101, 13-2802 and 13-2806 of Article XXVIII of Chapter 13 of the Code of the City of Norman shall be amended to read as follows:

Sec. 13-101. Application for License.

(a) All persons required to procure a license under the provisions of this chapter shall submit an application for such license to the Clerk or his representative.

(b) Such application shall be upon forms provided by the Clerk, and shall be accompanied by:

(1) An affidavit to be sworn to by the applicant;

(2) A disclosure of all information necessary to comply with the applicable article of this chapter;

(3) Any other information which the Clerk shall find to be reasonably necessary to the fair administration of this chapter; and

(4) The full amount of the applicable fees.

(c) A license/permit shall not be issued to an applicant that owes outstanding sales tax, Municipal Court fees or fines, utility bills, or any other amount properly due and owing to the City of Norman.

Sec. 13-2802. – Regulations for Operation.

No peddler or solicitor shall enter any premises or attempt to peddle or solicit where the owner or occupant of such premises has indicated his desire not to be contacted for sales or solicitations by the placing of a "NO SOLICITORS" sign on those premises, and such entrance or attempt to peddle or solicit shall constitute a trespass upon private property.

Door-to-door peddlers and solicitors may only operate from the hours of 9:00 am to 8:00 pm or sunset whichever is earlier.

§ 2. 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, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTION 13-101 AND ARTICLE VIII, SECTION 13-2802 OF CHAPTER 13 OF THE CODE OF THE CITY OF NORMAN BY ADDING CONDITIONS FOR PERMIT ISSUANCE AND PROVISIONS FOR HOURS OF OPERATION AND CONDITIONS FOR DOOR-TO-DOOR PEDDLERS AND SOLICITORS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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(1) An affidavit to be sworn to by the applicant;

(2) A disclosure of all information necessary to comply with the applicable article of this chapter;

(3) Any other information which the Clerk shall find to be reasonably necessary to the fair administration of this chapter; and

(4) The full amount of the applicable fees.

(c) A license/permit shall not be issued to an applicant that owes outstanding sales tax, Municipal Court fees or fines, utility bills, or any other amount properly due and owing to the City of Norman.

Sec. 13-2802. – ~~Invitation required to enter posted premises.~~ Regulations for Operation.

No peddler or solicitor shall enter any premises or attempt to peddle or solicit where the owner or occupant of such premises has indicated his desire not to be contacted for sales or solicitations by the placing of a "NO SOLICITORS" sign on those premises, and such entrance or attempt to peddle or solicit shall constitute a trespass upon private property.

Door-to-door peddlers and solicitors may only operate from the hours of 9:00 am to 8:00 pm or sunset whichever is earlier.

§ 2. 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, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

NOT ADOPTED this _____ day

of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

CITY COUNCIL OVERSIGHT COMMITTEE MINUTES

October 5, 2011

The City Council Oversight Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:35 p.m. in the City Council Conference Room on the 5th day of October, 2011, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmember Spaulding and Chairman Griffith
ABSENT:	Councilmembers Dillingham and Kovach
OTHERS PRESENT:	Mr. Roger Gallagher, Ward One Councilmember Ms. Linda Lockett, Ward Seven Councilmember Mr. Anthony Francisco, Director of Finance Ms. Brenda Hall, City Clerk Ms. Syndi Runyon, Administrative Assistant IV

DISCUSSION REGARDING SALES TAX COLLECTION FOR TRANSIENT VENDORS.

Ms. Brenda Hall, City Clerk, said City Council adopted amendments to the ordinances regulating Solicitor/Peddler and Temporary Food permits adding a one day permit to each license classification. She said during the discussions, some Councilmembers raised concerns whether or not transient vendors are remitting sales tax for sales in Norman and asked that this be discussed in a future Oversight Committee meeting. She said the current ordinances for Solicitor/Peddler and Temporary Food permits require vendors to submit proof that sales tax has been paid prior to permits being renewed. She said in the Special Event Ordinance, confirmation of sales tax compliance has been difficult because Staff is not dealing directly with the vendors. She said the event host is required to submit a list of vendors including name, address, and sales tax permit information, but many of the vendors are transient out-of-state vendors who do not have an Oklahoma Sales Tax Permit and the Oklahoma Tax Commission (OTC) will not issue them a number since they only sell in Norman once or twice a year. OTC allows out-of-state vendors to report sales and pay sales tax under a "casual permit" and their reports are tied to their social security number, which the City does not have.

Ms. Hall said she contacted OTC and discovered they have a Special Events Enforcement Division that works specifically with special events. Under this program, OTC issues a Special Event Permit to the event host no later than 20 days prior to the date of the event along with the blank tax remittance forms for each vendor to report sales. The vendor must remit sales tax within 15 days following the conclusion of the event. The event host is required to supply OTC with a list of vendors including name, address, telephone number, and sales tax permit number, if the vendor has one. If a vendor has a sales tax number, they may choose to remit sales tax under their sales tax number rather than under the special event permit. If the event host does not submit a report for a specific vendor on the list provided to them, OTC will send that vendor a notice that they were listed as a vendor for the event and remittance of sales tax is required immediately. Ms. Hall said this process will make it easier for City Staff to verify sales tax remittance since the reports provided by OTC are earmarked with the name of the event and the reports are submitted directly to the Special Events Enforcement Division. She said City Staff will work with event hosts to ensure this process is being used for Norman's special events.

Ms. Hall said many of the special events in Norman such as May Fair, Medieval Fair, etc. operate under the OTC Special Event Permit, but report of sales is basically done through an honor system in that vendors are expected to honestly report actual sales. She said there is no way for OTC or the City to verify that actual sales are being reported, only that sales are reported and sales tax is being paid on those sales. Councilmember Gallagher asked the percentage of vendors that comply and Ms. Hall said, according to OTC, many events are participating 100%.

Chairman Griffith asked if there had been any circumstance where a vendor had obtained a thirty day permit and renewed that permit before they were required to submit proof of sales tax and Ms. Hall said the requirements are fairly new and that scenario has not happened yet, but the vendor would have to submit a receipt from OTC or a copy of their report submitted online. Ms. Hall said one example would be Sooner Bloomers, a company that sells flowers and plants twice a year in the Sooner Mall parking lot. She said they had obtained two thirty day permits in May 2011, and applied for two thirty day permits in September 2011, so they had to submit proof that sales tax was paid on the sales made during the last permit period prior to another permit being issued. The vendor complied without hesitation.

Councilmember Spaulding asked if vendors obtaining a one day permit to sell on University of Oklahoma (OU) home football game days are required to show proof they have remitted sales tax before they can renew the permit and said, if so, that seemed to be overreaching to him. Ms. Hall said the one day permits were added to the ordinances in August 2011, so this football season is the first time the one day permits have been issued. She said the City is not trying to deter businesses from selling in Norman and Staff will work with vendors as the City realizes that sales tax reports are only submitted once a month. She said the one day vendors selling on home game days could be required to submit proof of remittance within 30 days after the football season has ended or, definitely, prior to obtaining any future permits in Norman. She said the ultimate goal is to ensure sales tax is being paid by vendors selling products in Norman.

Councilmember Gallagher asked how compliant the Norman Music Festival has been and Ms. Hall said there are two segments to the Festival and all vendors registered with the Dustbowl Arts Market had 100% compliance. She said Dustbowl Arts Market had the majority of small vendors selling. She said the majority the vendors selling downtown during the Music Festival are local permanent businesses selling outside and they report sales tax regularly. She said transient vendors are the most difficult to track since they do not have sales tax permit numbers. Councilmembers asked if the City could require social security numbers if the vendor does not have a sales tax permit in order to follow up on compliance and Ms. Hall said it is not required by ordinance and people are generally hesitant to give those numbers. Councilmembers asked if it would even be legal to require social security numbers in lieu of sales tax permit numbers and Ms. Hall said she would want to verify through the City Attorney's Office that the information would be protected under the Open Records Act. Chairman Griffith felt it would not be unreasonable to ask for social security numbers if the information is protected.

Ms. Hall said current provisions included in the ordinances for solicitor/peddler and temporary food permits ensure sales tax is remitted as vendors are required to show proof of sales tax payment before a permit can be renewed; however, current Code provisions are specific to those permits. In light of this, Staff recommends the Committee consider an ordinance amendment to Chapter 13, Licenses and Occupations, to add a blanket provision that would cover all City permits/licenses that states "no license/permit will be issued or renewed if the applicant has outstanding liabilities or sales tax for the City of Norman." She said the City has always required proof that delinquent sales tax has been paid prior to renewals for businesses that hold annual licenses, but there has never been anything in writing to fall back on so if a business were to challenge the

requirement, the City would have no option but to renew the license. Chairman Griffith asked Ms. Hall to define "liability" and Ms. Hall said it would be a broad description and could include a water bill or Municipal Court fine, basically any liability to the City. The Committee felt the language would be acceptable.

Chairman Griffith asked the Committee if they wanted to bring the amendment forward to City Council in a Conference or Study Session and they all agreed.

Ms. Hall said Staff would prepare an ordinance amendment for Chapter 13 and bring it forward in a Conference or Study Session before officially placing on Council's agenda for action.

Items submitted for the record

1. Memorandum dated September 29, 2011, from Brenda Hall, City Clerk, to Honorable Mayor and City Councilmembers
2. Oklahoma Tax Commission Special Events Enforcement

MISCELLANEOUS DISCUSSION.

Chairman Griffith said he would like Councilmembers to think about issues they would like the Oversight Committee to discuss in the future and forward those ideas to the City Clerk or himself to be prioritized and scheduled for the Committee's review. Ms. Hall said items currently scheduled to be discussed are moving alley side solid waste collection to street side collection, reviewing data on speed feedback signs, bullying, and problems with construction trucks traveling in neighborhoods.

The meeting adjourned at 6:13 p.m.

City of Norman, OK

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

Master

File Number: K-1112-113

File ID:	K-1112-113	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$134,217.00	**File Created:**	01/31/2012
File Name:	K-1112-113 CNG Slow Fil Equipment Pkg			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1112-40, CONTRACT NO. K-1112-113 WITH PETROLEUM MARKETERS EQUIPMENT COMPANY, L.L.C., IN THE AMOUNT OF $170,741, CHANGE ORDER NO. ONE DECREASING THE CONTRACT AMOUNT BY $36,524 AND RESOLUTION NO. R-1112-107 FOR THE COMPRESSED NATURAL GAS SLOW FILL EXPANSION EQUIPMENT LABOR PACKAGE.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $170,741 to Petroleum Marketers Equipment Company, L.L.C., as the lowest and best bidder meeting specifications; approve Contract No. K-1112-113 and Change Order No. One decreasing the contract amount by $36,524; authorize the Mayor to execute the contract and change order and to sign Performance Bond No. B-1112-43, Statutory Bond No. B-1112-44, and Maintenance Bond No. MB-1112-39 contingent upon the City Attorney's approval; and adopt Resolution No. R-1112-107.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 11

Attachments: Text File K-1112-113, Bid No. 1112-40 Bid Record.pdf, ENGINEERS ESTIMATE.pdf, K-1112-113, Change Order 1 K-1112-113, R-1112-107, Petroleum Marketers PR

Project Manager: Mike White Fleet Superintendent

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 K-1112-113

Body

BACKGROUND: On July 1, 2010, the City of Norman received an ARRA grant in the amount of $945,000 from the Oklahoma Department of Commerce (ODOC) to construct a CNG fueling facility with public access. Phase I of the City's CNG fueling facility is substantially complete and opened for service to city vehicles and the general public on Monday, January 9, 2012.

On August 30, 2011 city staff was notified by ODOC staff that additional ARRA funds are available to Oklahoma agencies with active grant projects provided that the funds are spent by March 31, 2012. City staff and our project design firm of Small Arrow Engineering, LLC prepared a request for supplemental funds in September 2011. On January 10, 2012, City Council accepted the additional grant amount of $435,365.85 approved for the City of Norman CNG Facility expansion with no required local match.

The proposed expansion project will complete Phase II of the CNG station and will provide redundancy for the City of Norman during emergency operations. If a power outage occurs following this expansion project, the CNG Fueling Facility will continue to provide our city and general public customers with compressed natural gas.

The proposed additional grant project includes the following items:

- 8 dual hose slow fill posts
- 72 HP natural gas drive 4-stage compressor
- Defueling dispenser
- Equipment Installation Labor Package

DISCUSSION: Bid No. 1112-40 was opened on January 19, 2012, with two (2) vendor bids from Petroleum Marketers Equipment and Red Stone Construction Services received for completion of various site components of the slow fill station expansion. The apparent low bidder was Petroleum Marketers Equipment with a total bid of $170,471 which was 86.7% above the Engineer's estimate of $91,335. The bid from Red Stone Construction was $193,405 which is 111.7% above the Engineer's estimate.

Several site package items were identified by the City's design consultant, Small Arrow Engineering, LLC, for re-evaluation using value engineering. Negotiations were entered into with Petroleum Marketers Equipment to try to complete the project within budget. Some of the changes include reductions in the No. of slow fill post settings, amount of saw cutting of trenches, elimination of sub meter, substitution of less expensive gas house regulator, elimination of emergency shutdown device (ESD) connections and use of different electrical subcontractor. These changes will not diminish the operating standards for the station.

Change Order No. 1 to Contract No. K-1112-113 is a result of these negotiations, which now reflects a total site bid package cost of $134,217, which is 47% over the Engineer's estimate. Other cost savings using City forces have been identified which will close the funding gap on this project.

If Council approves this bid, the City's Expansion of the CNG Fueling Station is projected to be completed by the end of March 2012.

Based upon the evaluation of these bids, staff finds that Petroleum Marketers Equipment, Oklahoma City, with an adjusted bid amount of $134,217 to be qualified to complete the various components of the CNG station site package.

Slow Fill CNG Expansion Site Labor Package will be paid from account No. : 022-9503-435.61-01 TR0085 (ARRA Grant Reimbursable Construction); 100% of the site package costs are reimbursable to the City of Norman from ODOC.

RECOMMENDATION NO. 1: Staff recommends Bid No. 1112-40 be awarded to the lowest and most suitable bidder, Petroleum Marketers Equipment, in the amount of $170,471.

RECOMMENDATION NO. 2: Staff recommends approval of Contract No. K-1112-113. The vendor has stated that once Council approval has been made of the contract, they will attain the necessary Maintenance, Performance, and Statutory bonds.

RECOMMENDATION NO. 3: Staff further recommends approval of Resolution No. R-1112-107 granting tax-exempt status to Petroleum Marketers.

RECOMMENDATION NO. 4: Staff recommends approval of Change Order No. 1 to Contract No. K-1112-113 decreasing the contract amount by $36,524 from $170,741 to $134,217.

BID RECORD
City of Norman

BID: 1112-40

TITLE: City of Norman CNG Slow Fill Station Expansion

DATE: 01/19/2012

BIDDER NAME	Total Base Bid:				
1. Red Stone Constr.	$193,405.00	$	$	$	$
2. Petroleum Marketers Equipment	$170,741.00	$	$	$	$
3.	$	$	$	$	$
4.	$	$	$	$	$
5.	$	$	$	$	$
6.	$	$	$	$	$
7.	$	$	$	$	$
8.	$	$	$	$	$
9.	$	$	$	$	$
10.	$	$	$	$	$
11.	$	$	$	$	$
12.	$	$	$	$	$
13.	$	$	$	$	$

Received and Opened by: Fred Cable

Date: 1-19-12

ENGINEERS ESTIMATE: CNG EXPANSION EXPENSES

MATERIALS:	$12,100	Tulsa Gas Technologies
	$55,250	Greenfield Compression
	$196,800	Arrow Engine
	$9,942	HG Flake
	$66,374	City of Norman ($17,100 for Greg Hall)
DESIGN:	$34,000	Small Arrow
CONSTRUCTION:	$18,450	Tulsa Gas Technologies
	$114	Norman Transcript
	$91,335	Out – To – bid
TOTAL:	$484,365	

REVISED (1-24-2012)

MATERIALS:	$12,100	Tulsa Gas Technologies
	$34,000	Greenfield Compression
	$196,800	Arrow Engine
	$9,942	HG Flake
	$44,742	City of Norman ($17,100 for Greg Hall)
DESIGN:	$34,000	Small Arrow
CONSTRUCTION:	$18,450	Tulsa Gas Technologies
	$114	Norman Transcript
	$134,217	Petroleum Marketers
TOTAL:	$484,365	

CONTRACT

THIS CONTRACT made and entered into this 19 day of January , 2012 by and between Petroleum Marketers Equip. LLC 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:

City of Norman CNG Slow Fill Station Expansion Package

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) one hundred seventy thousand seven hundred forty one DOLLARS);

(NUMERALS) ($ 170,741.00).

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.

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 Tile 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 5 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously.

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 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.

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 Oklahoma)

Gerald E. Schmitz, 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.

Contractor

Subscribed and sworn to before me this 19th day of January, 2012.

Jeannie Blehm

My Commission Expires: 08/03/15
Commission # 99011085

JEANNIE BLEHM NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA OKLAHOMA COUNTY

Notary Public

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the _____ day of _____ 20___, and the _____ day of _____,20___.

(Corporate Seal) (where applicable)

Principal

ATTEST:

Signed: _____ MANAGER

Authorized Representative

_____ Title:

_____

Corporate Secretary (where applicable)

Address

_____

Telephone:_____

CITY OF NORMAN:

Approved as to form and legality this 3 day of February 20 12.

_____

City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20___.

ATTEST:

_____ _____

City Clerk Mayor

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO.: 1

DATE: January 24, 2012

BID NO.: 1112-40
CONTRACT NO. : K-1112-113

SUBMITTED BY: Mike White

PROPOSAL: City of Norman CNG Slow Fill Station Expansion

CONTRACTOR: Petroleum Marketers Equipment, LLC

2010 Exchange Ave.

Oklahoma City, OK 73108

ORIGINAL CONTRACT AMOUNT $ 170,741

Increase this change order 0 Calendar days

DESCRIPTION	DECREASE	INCREASE
See Page 3-Change Order Detail	$36,524	

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

NET CHANGE $ -36,524

REVISED CONTRACT AMOUNT $ 134,217

CONTRACTOR: _____ DATE: 1/26/12

DEPARTMENT HEAD: _____ DATE: 2/2/12

CITY ATTORNEY: _____ DATE: 2/3/12

ACCEPTED BY: _____ DATE: _____
(Mayor)

CHANGE ORDER DETAIL
CHANGE ORDER NO. 1
City of Norman
P.O. Box 370
405-292-9709
Cleveland Co., Oklahoma

Bid No.: 1112-40 CONTRACT NO. K-1112-113
Project Account Number: 022-9503-435.61-01 TR0085

Change Order No. 1 Applies To: Bid Items C03, C04A, C05, C06, C08 and C010.

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 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

ORIGINAL CONTRACT: City of Norman CNG Slow Fill Station Equipment Installation Package

CHANGE ORDER NO. 1 to Bid No. 1112-40 CONTRACT NO. K-1112-113

Applied To: CNG Slow Fill Station Expansion – Original Bid was to install 13 slow fill posts and a micro-motion submeter. This quantity will be reduced to 8 slow fill posts without the submeter. This also will result in reduced amounts of stainless steel piping, saw cutting and reduced electrical components and connections. In addition, a substitution of house line regulators will result in further cost reductions. All these reductions in quantities and cost are itemized below:

ITEM	DESCRIPTION	UNIT	UNIT COST	QUANTITY	DECREASE
C03	Set Slow Fill Posts	Each	796	5	$ 3,980
C04A	Saw Cutting Trenches	LF	2.40	250	$ 600
C05	Supply/Install Submeter	LS	1	0	$ 13,625
C06	Install ½" Stainless Steel	LS	1	23,117	$ 5,800
C08	Steel House Line & Regulator	LS	1	12,782	$ 1,384
C010	Electrical Connections / ESD	LS	1	37,740	$ 11,135
			NET DECREASE		**$ 36,524**

Resolution

R-1112-107

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING PETROLEUM MARKETERS EQUIPMENT COMPANY, L.L.C., AS PROJECT AGENT FOR THE COMPRESSED NATURAL GAS SLOW FILL EXPANSION EQUIPMENT LABOR PACKAGE.

§ 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 Petroleum Marketers Equipment Company, L.L.C., for the Compressed Natural Gas Slow Fill Expansion Equipment Labor Package for the City of Norman; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Petroleum Marketers Equipment Company, L.L.C., 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, Petroleum Marketers Equipment Company, L.L.C., to purchase materials which are in fact used for the Compressed Natural Gas Slow Fill Expansion Equipment Labor Package or the City of Norman; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Petroleum Marketers Equipment Company, L.L.C., 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 14th day of February 2012, did appoint Petroleum Marketers Equipment Company, L.L.C., who is involved with the Compressed Natural Gas Slow Fill Expansion Equipment Labor Package for the City of Norman, 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 Compressed Natural Gas Slow Fill Expansion Equipment Labor Package for the City of Norman.

PASSED AND ADOPTED THIS 14th day of February, 2012.

ATTEST: _____ Mayor

_____
City Clerk

PURCHASE REQUISITION NBR: 0000196944

STATUS: DIVISION APPROVAL

REQUISITION BY: SHAMILTON
REASON: CNG EXPANSION CONSTRUCTION WORK
DATE: 1/31/12

SHIP TO LOCATION: FLEET MANAGEMENT
SUGGESTED VENDOR: 1623 PETROLEUM MARKETERS EQUIPMENT
DELIVER BY DATE: 1/31/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	CNG EXPANSION SITE WORK PER BID 1112-40 COMMODITY: CONSTRUCTION SERVICES, GE SUBCOMMOD: CONSTRUCTION, GENERAL (BA	134217.00	EA	1.0000	134217.00	

REQUISITION TOTAL: 134217.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	02295034356101	Capital Projects Construction	TR0085 CNG ARRA Expansion	100.00	134217.00
					134217.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

City of Norman, OK

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

Master

File Number: GID-1112-46

File ID:	GID-1112-46	**Type:**	Donation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	Police Department	**Cost:**		**File Created:**	01/24/2012
File Name:	Donation of Modular Workstations			**Final Action:**	

Title: CONSIDERATION OF THE ACCEPTANCE OF A DONATION OF TEN (10) MODULAR WORKSTATIONS VALUED AT $2,200 DONATED FROM COPELIN'S OFFICE CENTER TO BE USED BY THE NORMAN POLICE DEPARTMENT.

ACTION NEED: Motion accept or reject a donation of ten (10) modular workstations valued at $2,200 to be used by the Police Department.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 12

Attachments: Text File Donation, GID-1112-46 Donation from Copelins Office Center.pdf

Project Manager: Deputy Chief Maisano

Entered by: kathy.lamar@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 GID-1112-46

Body

BACKGROUND: The Oklahoma Electric Cooperative (OEC) recently remodeled their office building on Northwest 24th Avenue. OEC removed several modular workstations from their building during the remodel project and traded-in those units at Copelin's Office Center.

Copelin's Office Center indicated that the resale of the used units is limited and selling is often difficult since they cannot be sold as individual parts and some parts do not interchange between different styles. Copelin's Office Center would like to donate the modular

workstations to the Norman Police Department which can be utilized within various work areas.

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 the used modular workstations be accepted as donated equipment to be used by the Norman Police Department.

Copelin's OFFICE CENTER
425 West Main St
Norman, OK 73069

Norman Phone 405.364.7011 Fax 405.321.6476
Okc Phone 405.235.7367 Fax 405.235.7371

INVOICE

INV NUMBER	DATE	ACCT NUMBER	PG
439147-0	01/05/12	3226	1

Fed ID # 73-1283709

Sold to:
DONATION

NORMAN OK 73069-

DONATION
CITY OF NORMAN/POLICE DEP
201 W GRAY
NORMAN OK 73069

Terms	P.O. NUMBER	Order Writer	SALESMAN	CODE
Net 10 End of Month Sold	ED C.	112	70	CHARGE

Stock Number	Description	Unit	Back Ordered Quantity	Shipped Quantity	Net Price	Extended Price
CUBICAL-UC	USED WITH WORK STATION	EA		5	300.000	1500.00
CUBICAL-UC	USED WITH WORK STATION	EA		2	200.000	400.00
CUBICAL-UC	USED WITH OUT WORKSTATION	EA		3	100.000	300.00

A finance charge of 1.75% per month charged on balance past 30 days.
Returns must be processed within 10 days.
THANK YOU

SubTotal	2200.00
Tax	
Total	2200.00

We Appreciate Your Business
Copelin's Office Center LLC

City of Norman, OK

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

Master

File Number: K-0910-185 Amd #1

File ID:	K-0910-185 Amd #1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	01/24/2012
File Name:	Amd #1 K-0910-185 w/ACOG Wasteload Allocation			**Final Action:**	

Title: AMENDMENT NO. ONE TO CONTRACT NO. K-0910-185: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) EXTENDING THE CONTRACT UNTIL JUNE 30, 2012, FOR PHASE II OF THE 2008 CANADIAN RIVER WASTELOAD ALLOCATION STUDY.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. One to Contract No K-0910-185 with the Association of Central Oklahoma Governments (ACOG) extending the contract until June 30, 2012; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 13

Attachments: Text File Amend 1 K-0910-185, Amend 1 K-0910-185

Project Manager: Charlie Thomas, Capital Projects Engineer

Entered by: Ellen.Usry@NormanOK.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-0910-185 Amd #1

Body

BACKGROUND: On June 22, 2010, the Norman Utilities Authority (NUA) approved Contract No K-0910-185 with the Association of Central Oklahoma Governments (ACOG) to coordinate a study of the Canadian River as required by our Oklahoma Department of

Environmental Quality (ODEQ).

The NUA has partnered, through ACOG, with other communities which discharge to the Canadian River to study impacts on the river water quality. A consultant was selected who has completed a plan for sampling and testing, the Quality Assurance Project Plan (QAPP). EPA, Region 6, in Dallas, approved the QAPP on March 25, 2010. Beginning July 1, 2011, the consultants collected field samples for testing from selected sites along the river. They submitted an interim report of modeling progress during October 2011. Comments were furnished and it is currently being finalized.

DESCRIPTION: ACOG is only allowed by its charter to contract for a single fiscal year. Therefore, the contract needs renewal for Fiscal year Ending (FYE) 2012, or through June 30, 2012. By that date all work should be complete and the project closed. The only change by Amendment 1 is the time extension.

RECOMMENDATION: Recommend NUA approve Amendment No. 1 to Contract No. K-0910-185 and authorize the execution thereof.

FIRST AMENDMENT TO THE AGREEMENT
CONTRACT K-0910-185
BETWEEN
ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS
AND
THE NORMAN UTILITIES AUTHORITY

THIS FIRST AMENDMENT is made and entered into this _____ day of _____ 2012, by and between the ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (hereinafter "ACOG") and THE NORMAN UTILITIES AUTHORITY (hereinafter "NUA").

WITNESSETH:
WHEREAS, ACOG and NUA have previously entered into a certain "AGREEMENT BETWEEN ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS AND THE NORMAN UTILITIES AUTHORITY," dated June 22, 2010 (the "Original Agreement"), whereby NUA agreed to make certain payments and funding available to ACOG for performance of certain tasks as set forth in said Original Agreement; and;

WHEREAS, ACOG and NUA desire to extend the term of the Original Agreement for an additional period of time.

NOW, THEREFORE, for and in consideration of all the foregoing and all the mutual agreements and covenants contained herein, the parties to this First Amendment do hereby agree as follows:

1. EXTENSION OF CONTRACT TERM; EFFECTIVE DATES. The Original Contract is hereby amended and extended for an additional period of time, from July 1, 2011 through June 30, 2012, inclusive.

2. OTHER TERMS AND CONDITIONS. Except for the duration of the Original Agreement, which is revised and extended pursuant to Paragraph 1 hereof, all other terms, conditions and provisions set forth in the Original Agreement of June 22, 2010, in its entirety with all attachments shall remain unchanged and are incorporated by reference as though fully set forth herein. The parties shall continue to perform their obligations described in the Original Agreement in accordance with the new time for performance stated in Paragraph 1 hereof.

AGREED TO by and between the parties the day and year first above appearing.

APPROVED:

Association of Central Oklahoma Governments

By: _____
Executive Director, ACOG
John G. Johnson

ATTEST Tracy G. Care

Title: Assistant to Exec. Dir.

NORMAN UTILITIES AUTHORITY: APPROVED as to form and legality this 6 day of February, 2012.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this ____ day of _____, 20____

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

City of Norman, OK

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

Master

File Number: K-1011-49 Amd #2

File ID:	K-1011-49 Amd #2	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$49,000.00	**File Created:**	02/01/2012
File Name:	Amd 2 K-1011-49 w/ODOC - CNG Grant			**Final Action:**	

Title: AMENDMENT NO. TWO 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 $49,000 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.

ACTION NEEDED: Motion to approve or reject Amendment No. Two to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of $49,000: and, if approved, authorize the execution thereof and appropriate $49,000 from the Capital Fund Balance (050-0000-253.50-00) to Project TR0085, CNG ARRA Expansion, designating $24,432 to Construction (022-9503-435.61-01) and $24,568 to Materials (022-9503-435.63-01).

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 14

Attachments: Text File Amend 2 K-1011-49, Amendment 2 K-1011-49

Project Manager: Mike White, Fleet Superintendent

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 K-1011-49 Amd #2

Body

BACKGROUND: On July 1, 2010, the City of Norman received an ARRA grant in the amount of $945,000 from the Oklahoma Department of Commerce (ODOC) to construct a CNG fueling facility with public access. Phase I of the City's CNG fueling facility is substantially complete and opened for service to city vehicles and the general public on Monday, January 9, 2012.

On August 30, 2011 city staff was notified by ODOC staff that additional ARRA funds are available to Oklahoma agencies with active grant projects provided that the funds are spent by March 31, 2012. City staff and our project design firm of Small Arrow Engineering, LLC prepared a request for supplemental funds in September 2011. On November 7, 2011, ODOC informed city staff that the additional grant amount approved for the City of Norman CNG Facility expansion is $435,365.85 with no required local match.

On January 10, 2012, City Council approved the contract modification submitted by ODOC and accepted additional grant funds in the amount of $435,365.85; however, on January 17, 2012, city staff was notified that an error was made by ODOC staff when preparing the said contract modification. ODOC staff has submitted a revised contract modification raising the additional grant funds to $484,365.85. The additional $49,000 includes funds that were originally intended for a mobile CNG cascade trailer, but now will allow for any overruns or contingencies that are encountered for the construction activities during Phase II. The total contract modification of $484,365.85 will be 100% reimbursable to the City of Norman with no local match required.

The proposed expansion project will complete Phase II of the CNG station and will provide redundancy for the City of Norman during emergency operations. If a power outage occurs following this expansion project, the CNG Fueling Facility will continue to provide our city and general public customers with compressed natural gas.

The proposed additional grant project includes the following items:

- 8 dual hose slow fill posts
- 72 HP natural gas drive 4-stage compressor
- Defueling dispenser

The additional compressor will serve as a backup for both of the current CNG compressors during power outages. The defueling system will remove CNG from vehicles as a safety precaution when repairs are taking place inside the fleet maintenance building, as opposed to venting the gas directly into the atmosphere.

Phase I of the CNG Fueling Facility provided twelve (12) slow fill post dispensers capable of fueling twenty four (24) city vehicles and servicing the City of Norman for eight (8) years

before an expansion will be needed. Phase II of the CNG Project will increase the number of slow fill posts to twenty (20) dispensers capable of fueling forty (40) city vehicles and servicing the City of Norman for fifteen (15) years minimum before an expansion of the CNG Fueling Facility will be required. Design standards will match those previously developed for the CNG Facility.

DISCUSSION: Funding from this ARRA grant is awarded on a 100% reimbursement basis following the submission of invoices to ODOC and documentation of paid expenses. All invoices and paid expenses must be submitted to ODOC by March 31, 2012 in order to receive reimbursement.

The ARRA grant funds will be used to reimburse the Special Fund for CNG Facility accounts for Construction (No. 022-9503-435.61-01), Design (No. 022-9503-435.62-01) and Materials (No. 022-9503-435.63-01) within Capital Improvement Project No. TR0085.

Grant Funding Breakdown:

(1) Staff proposes to set aside $17,100 of these ARRA grant funds to purchase materials needed for additional in-house concrete paving at the CNG facility. The Public Works Street Division will provide in-kind labor and equipment for this operation, similar to the Phase I project.

(2) Additional material purchases by unit price in the amount of $252,842 are proposed through Bid Number 1011-63 with each of the following vendors: Tulsa Gas Technologies, Greenfield, HG Flake and Arrow Engine. Each vendor provided the same CNG equipment for Phase I of the CNG facility through a competitive bidding process and by award of the City Council.

(3) Amendment No. 1 to Engineering Contract No. K-1011-121 with Small Arrow Engineering, LLC in the amount of $34,000 will provide the additional design services needed for Phase II of the CNG Facility.

(4) Change Order No. 2 to Contract No. K-1011-182 with Tulsa Gas Technologies (TGT) in the amount of $18,450 will provide construction services for Phase II of the CNG Facility.

(5) City staff and Small Arrow Engineering, LLC prepared bids for the remainder of the construction services and installation of equipment needed in the amount of $134,217 on the CNG Facility expansion. Bids were opened on Thursday, January 19, 2012. On February 14, 2012, Council will be asked to award a contract for the remaining construction portion of the project. The additional construction work must be completed before the March 31, 2012 grant deadline.

(6) Staff proposes to set aside $27,756 to be used for any additional security or networking

systems needed at the station or extra material expenses that arise.

RECOMMENDATION 1: It is recommended that City Council approve and the Mayor be authorized to sign Amendment No. 2 of Contract No K-1011-49 accepting additional ARRA grant funding in the amount of $484,365.85. If approved, the total ARRA grant amount increases to $1,429,365.85. A cost and grant breakdown for the complete CNG Fueling Facility is attached.

RECOMMENDATION 2: It is recommended that Council authorize an appropriation of $49,000 from the Capital Fund balance (050-0000-253.50-00) designating $24,432 to Project No. TR0085, CNG ARRA Expansion, Construction (022-9503-435.61-01) and $24,568 to Materials (022-9503-432.63-01) to pay expenditures for Phase II of the CNG Fueling Facility, on the basis that all expenditures will be completely reimbursed to the City through the ARRA grant.

CNG Fueling Facility
Cost Breakdown
2/14/12

	Previous Established Budget 7/12/2011	Updated Budget 2/14/2012	% Increase/Decrease
ACOG Grant (Slow Fill Facility)	$200,000	$200,000	0%
ARRA Grant (Fast Fill Facility)	$921,450	$1,429,365.85	51%
CITY SHARE /ACOG	$242,740	$242,740	0%
CITY SHARE /ARRA	$287,843	$264,293	-8%
City Share Subtotal	$530,583 (32%)	$507,033 (24%)	(-8%)
Total Project Cost	**$1,652,033**	**$2,136,398.85**	**29%**

MODIFICATION #1

CONTRACT MODIFICATION

Contracting Agency:	Oklahoma Department of Commerce State of Oklahoma
Contract Number:	14220 SSEP 09
Contractor:	City of Norman
Contract Title:	Stimulus State Energy Program (SSEP)
Funding Period:	April 1, 2009 through March 31, 2012
Type of Modification:	___ Change in Contract Period
	___ Change in Contract Terms
	X Change in Contract Amount

	Allocation	Total Match	Total
Amount:	$ 945,000.00	$105,000.00 =	$1,050,000.00
Amount of Increase:	+$ 484,365.85	+$ 0.00 =	+$ 484,365.85
New Contract Amount:	$1,429,365.85	$105,000.00 =	$1,534,365.85

Source of Funds: Department of Energy

Funds from Fiscal Year 2009

APPROVED FOR CONTRACTOR

Signature

Cindy Rosenthal, Mayor
Typed Name & Title

Date

OKLAHOMA DEPARTMENT OF COMMERCE

Vaughn Clark, Director
Community Development

Date

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 3/1/12

City of Norman, OK

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

Master

File Number: K-1011-152 CO2

File ID:	K-1011-152 CO2	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	02/01/2012
File Name:	Change Order No. 2 K-1011-152 Jefferson-Longfellow			**Final Action:**	

Title: CHANGE ORDER NO. TWO TO CONTRACT NO. K-1011-152: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND RUDY CONSTRUCTION COMPANY INCREASING THE CONTRACT AMOUNT BY $23,680.15 FOR THE JEFFERSON - LONGFELLOW SAFE ROUTES TO SCHOOL PROJECT, FINAL ACCEPTANCE OF THE PROJECT, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject Change Order No. Two to Contract No. K-1011-152 with Rudy Construction Company increasing the contract amount by $23,680.15; and, if approved, authorize the execution thereof, accept the project, direct final payment in the amount of $22,040.28 to Rudy Construction Company, and appropriate $5,640.23 from the Capital Fund Balance (050-0000-253.20-00) to Project No. TR0072, Jefferson-Longfellow Safe Routes to School Infrastructure Project, Construction (050-9082-431.61-01).

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 15

Attachments: Text File Final K-1011-152, Attachment No. 1-CO2-SRTS (K-1011-152), Change Order 2 K-1011-152, SRTS-Final Quantities

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: julie.shelton@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-1011-152 CO2

Body

BACKGROUND: On May 31, 2011, City Council approved Contract No. K-1011-152 with Rudy Construction Company in the amount of $183,517.06 for the construction of infrastructure improvements near Jefferson and Longfellow Schools in association with the Jefferson-Longfellow Safe Routes to School Project Number SRS-155F(710)ST. On July 26, 2011, City Council approved Change Order No. 1 that modified the traffic-calming element of the project by substituting flashing school beacons for the originally planned speed tables and decreased the amount of that contract by $1,972.61, down to $181,544.45. The reimbursable infrastructure grant to do this project is $198,900, and required that the City of Norman up-front the funds for all construction and material testing activities.

This project provided the following safety enhancements to Jefferson Elementary School, Lincoln Elementary School, and Longfellow Middle School:

- Sidewalk and ramp improvements in vicinity of Jefferson and Longfellow Schools
- Lighted crosswalk warning system at Main Street and Cockrel Avenue
- School zone beacons with integrated radar speed feedback units on Gray Street
- Bicycle racks delivered to Longfellow School
- Mast arm flashers to replace conventional school beacons on Classen Boulevard - Porter Avenue corridor near Longfellow and Lincoln Schools
- New school beacons on Ponca Avenue and Findlay Avenue near Longfellow School

DESCRIPTION: The contractor actually began work on July 5, 2011 and completed construction on September 30, 2011. A final inspection was conducted on November 3, 2011 by representatives of the Federal Highway Administration, Oklahoma Department of Transportation, H.W. Lochner Engineers Inc., City of Norman, and Rudy Construction Company. A punch list was developed and final work was completed and accepted by the City. All work was in conformance with the construction specifications and city standards.

Change Order No. 2 (Final) increases the contract amount by $23,680.15 and establishes a revised contract fee of $205,224.60. It adds two new pay items, which were not included in the plans, and reconciles the original and as-built quantities. Most of these changes were required by ODOT due to slight location changes in the field and the typical field changes inherent in sidewalk and ramps construction. These changes allowed for more sidewalks to be constructed. The original design plans for the project did not anticipate many of the changes because a comprehensive survey was not a part of the contract in order to keep the costs down.

The affected pay items and explanations of the changes are as follows:

Item No. 3 - Combined Curb & Gutter (6" Barrier) - An additional 111 linear feet of 6"

curb and gutter was required due to overruns necessary to make ramps and driveways handicap-accessible in accordance with the American with Disabilities Act (ADA). The total quantity of curb and gutter on the project increased from 61 linear feet to 172 linear feet. The change in quantity increases the cost of this item by $2,331.

Item No. 4 - 4" Concrete Sidewalk - An additional 16.64 square yards of 4" thick sidewalk were required due to overruns needed to make sidewalks ADA compliant. The total quantity of 4" concrete sidewalk increased from 1,146 square yards to 1,162.64 square yards. The change in quantity increases the cost of this item by $657.28.

Item No. 5 - 6" Concrete Sidewalk - An additional 284.23 square yards of 6" thick sidewalk were required for overruns at certain alleyway and driveway locations to make them ADA compliant. The total quantity of 6" concrete sidewalk increased from 62 square yards to 346.23 square yards. The change in quantity increases the cost of this item by $15,916.88.

Item No. 6 - Tactile Warning Device - New - The field elimination of a planned tactile warning device allowed for a total quantity decrease from 260 square feet to 228 square feet. The change in quantity of tactile warning devices decreases the cost of this item by $1,376.

Item No. 7 - Valve Boxes Adjust to Grade - It was necessary to adjust the grade of more valve boxes than anticipated by the plans. The total quantity to adjust valve boxes to grade increased from 1.00 to 4.00. The change in quantity increases the cost of this item by $225.

Item No. 8 - Removal of Concrete Pavement - The overruns associated with making alleyway and driveway locations ADA compliant resulted in similar overruns for this pay item. The total quantity of concrete removal increased from 73 square yards to 306.78 square yards. The change in quantity increases the cost of this item by $1,168.90.

Item No. 9 - Removal of Sidewalk - Similarly, the overruns associated with making ramps and sidewalks ADA compliant resulted in overruns for this pay item. The total quantity of sidewalk removal increased from 549 square yards to 891.33 square yards. The change in quantity increases the cost of this item by $1,711.65.

Item No. 10 - Structural Concrete - There was a slight increase in the amount of placed structural concrete used in the footings of the high mast arms and signs. The total quantity of structural concrete increased from 9.60 cubic yards to 10.47 cubic yards. The change in quantity increases the cost of this item by $478.50.

Item No. 11 - Reinforcing Steel - There was a slight decrease in the total amount of reinforcing steel used in the concrete footings. The total quantity of reinforcing steel decreased from 1,422 pounds to 1,420 pounds. The change in quantity decreases the cost of this item by $3.86.

Item No. 16 - 5/C Traffic Signal Electrical Cable - More electrical cable was needed than anticipated by the plans. This was due to the field changes to the proposed locations of the mast arm beacon poles and the addition of 6 pull boxes to move electrical service to these poles and the lighted crosswalk warning system. The total quantity of electrical cable increased from 160 linear feet to 296 linear feet. The change in quantity increases the cost of this item by $380.80.

Item No. 19 - (PL) Traffic Items *(11 Speed Tables)* - By Change Order No. 1, the planned speed tables were eliminated. The change removed $30,250 lump sum cost of this item.

Item No. 19 - (PL) Traffic Items - *(2 School Beacons integrated with Radar Speed Feedback Units)* By Change Order No. 1, the proposed speed tables on Gray Street were replaced by school zone flashers integrated with radar speed feedback units. The installed cost of these beacons was $28,277.39.

New Item - 2" PVC Conduit, Trenched - This new pay item was for the use of trenched conduit to protect the wire associated with providing electrical service to the mast arm poles and the lighted crosswalk warning system. 48 linear feet of conduit was installed at the approved price of $5.00 per linear foot. The quantity of this new pay item increases the cost of the project by $240.

New Item - Type 1 Pull Boxes - This new pay item was used for pull boxes needed to extend electrical service to the mast arm poles and the lighted crosswalk warning system. Six pull boxes were installed at the approved price of $325 each. The quantity of this new pay item increases the cost of the project by $1,950.

RECOMMENDATION NO 1: Staff recommends approval of Change Order No. 2 (Final) to Contract No. K-1011-152 with Rudy Construction Company increasing the revised contract amount by $23,680.15 and establishing a new contract fee of $205,224.60.

If approved, $212,618.95 will have been spent for the project including engineering ($29,000), material testing ($1,208), advertising ($130.72), and construction expenses associated with Traffic Control Division's installation of new school zone beacons as part of the traffic-calming component of the project ($6,066.63). Only the grant amount of $198,900 will be reimbursable ($42,718.95 will not).

If approved, the final cost distribution for this project is $42,718.95 (17.7%) by the City; $198,900 (82.3%) by ODOT for a total of $241,618.95.

RECOMMENDATION NO. 2: Staff also recommends that Council authorize an appropriation of $5,640.23 from the Capital fund balance to cover the expenses... This money

will not be reimbursable. Table 1 is attached which summarizes these adjustments to the affected accounts:

RECOMMENDATION NO. 3: Staff recommends final acceptance of Contract No. K-1011-152 and final payment to Rudy Construction Company in the amount of $22,040.28 which includes $9,641.28 currently held in retainage.

Change Order No. 2 - K-1011-152
Jefferson-Longfellow SRTS Infrastructure Project
Table Summarizing Adjustments

PROJECT NAME	LOSING ACCOUNT	GAINING ACCOUNT	AMOUNT
Jefferson-Longfellow Safe Routes to School Infrastructure Project	050-0000-253.20-00 (Capital Fund Balance)	050-9082-431.61-01 (Construction Acct.) Project No. TR-0072	$5,640.23

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 2 DATE: January 9, 2012

CONTRACT NO.: K-1011-152 SUBMITTED BY: Michael Rayburn

PROJECT: FYE 2011 Jefferson-Longfellow Safe Routes to School Infrastructure Project

CONTRACTOR: Rudy Construction Company
(Name)
P.O. Box 14575

Oklahoma City, OK 73113

Original Completion Date Sept. 8, 2011

Previous Completion Date Sept. 30, 2011 ORIGINAL CONTRACT AMOUNT $ 183,517.06

(Increase) this change order 0 Calendar days

New Completion Date Sept. 30, 2011 PRESENT CONTRACT AMOUNT $181,544.45

DESCRIPTION	DECREASE	INCREASE
See Page 3 This Change Order is based entirely on unit prices	$ 1,379.86	$25,060.01

Note: This change order is based completely on the unit prices from the original contract. There are two new items.

NET CHANGE $ 23,680.15

REVISED CONTRACT AMOUNT $ 205,224.60

CONTRACTOR: _____ DATE: 1-17-12

ARCH./ENGINEER: Michael D. Rayburn DATE: 1-17-12

CITY ATTORNEY: _____ DATE: 2/2/12

ACCEPTED BY: _____ DATE: _____
(Mayor)

CHANGE ORDER DETAIL
CHANGE ORDER NO. 2
City of Norman
Cleveland Co., Oklahoma

Project Name FYE 2011 Jefferson-Longfellow Safe Routes to School Infrastructure Project

Design Engineer Michael Rayburn
Address/Phone: 201-A West Gray
Norman, OK 73069
405-217-7713

Project Account Number 050-9082-431.61-01
Project Number TR-0072
Contract No. K-1011-152

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. All change orders shall contain a unit price and total for each of the following items:
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 (Continued)

PROJECT NAME FYE 2011 Jefferson-Longfellow Safe Routes to School Infrastructure Project

Item	Description	Decrease	Increase
609(B) 0383	COMBINED CURB & GUTTER (6" BARRIER)		$ 2,331.00
610(A) 0602	4" CONCRETE SIDEWALK		$ 657.28
610(A) 0605	6" CONCRETE SIDEWALK		$15,916.88
610(I) 4610	TACTILE WARNING DEVICE-NEW	$ 1,376.00	
612(E) 0647	VALVE BOXES ADJUST TO GRADE		$ 225.00
619(B) 4727	REMOVAL OF CONC. PAVEMENT		$ 1,168.90
619(B) 4792	REMOVAL OF SIDEWALK		$ 1,711.65
804(A) 2915	STRUCTURAL CONCRETE		$ 478.50
804(B) 2916	REINFORCING STEEL	$ 3.86	
834(A) 8207	5/C TRAFFIC SIGNAL ELECTRICAL CABLE		$ 380.80
NEW	2" PVC CONDUIT, TRENCHED		$ 240.00
NEW	TYPE 1 PULL BOXES		$ 1,950.00
	Net Increase		**$23,680.15**

JEFFERSON-LONGFELLOW SAFE ROUTES TO SCHOOL INFRASTRUCTURE PROJECT NUMBER SRS-155F(710)ST

RUDY CONSTRUCTION CO.
CONTRACT NO. K-1011-152

ITEM NO.	EST. QTY.	UNIT	DESCRIPTION	UNIT PRICE	ITEM TOTAL	1ST CLAIM		2ND CLAIM		FINAL CLAIM		FINAL QUANTITY	FINAL COST	FINAL QTY. CHANGE
						CLAIM QTY.	CLAIM AMT.	CLAIM QTY.	CLAIM AMT.	CLAIM QTY.	CLAIM AMT.			
1	1.0	LSUM	Clearing and Grubbing	$ 3,000.00	$ 3,000.00	1.00	$ 3,000.00		$ -		$ -	1.00	$ 3,000.00	0.00
2	1406.0	SY	Solid Slab Sodding	$ 2.10	$ 2,952.60		$ -	1,406.00	$ 2,952.60		$ -	1,406.00	$ 2,952.60	0.00
3	61.0	LF	Combined Curb & Gutter (6" Barrier)	$ 21.00	$ 1,281.00	166.00	$ 3,486.00	6.00	$ 126.00		$ -	172.00	$ 3,612.00	111.00
4	1146.0	SY	4" Concrete Sidewalk	$ 39.50	$ 45,267.00	1,166.02	$ 46,057.79	(3.38)	$ (133.51)		$ -	1,162.64	$ 45,924.28	16.64
5	62.0	SY	6" Concrete Sidewalk	$ 56.00	$ 3,472.00	346.23	$ 19,388.88		$ -		$ -	346.23	$ 19,388.88	284.23
6	260.0	SF	Tactile Warning Device - New	$ 43.00	$ 11,180.00	220.00	$ 9,460.00	8.00	$ 344.00		$ -	228.00	$ 9,804.00	-32.00
7	1.0	EA	Valve Boxes Adjust to Grade	$ 75.00	$ 75.00	4.00	$ 300.00		$ -		$ -	4.00	$ 300.00	3.00
8	73.0	SY	Removal of Conc. Pavement	$ 5.00	$ 365.00	306.78	$ 1,533.90		$ -		$ -	306.78	$ 1,533.90	233.78
9	549.0	SY	Removal of Sidewalk	$ 5.00	$ 2,745.00	884.53	$ 4,422.65	6.80	$ 34.00		$ -	891.33	$ 4,456.65	342.33
10	9.6	CY	Structural Concrete	$ 550.00	$ 5,280.00	10.47	$ 5,758.50		$ -		$ -	10.47	$ 5,758.50	0.87
11	1422.0	LB	Reinforcing Steel	$ 1.93	$ 2,744.46	1,420.00	$ 2,740.60		$ -		$ -	1,420.00	$ 2,740.60	-2.00
12	1.0	LSUM	(PL) Remove & Reset Traf.Signal Equip.	$ 3,489.00	$ 3,489.00		$ -	1.00	$ 3,489.00		$ -	1.00	$ 3,489.00	0.00
13	1.0	EA	Remove & Reset Existing Signs	$ 150.00	$ 150.00		$ -	1.00	$ 150.00		$ -	1.00	$ 150.00	0.00
14	4.0	EA	Pole & 20' TS Mst. Arm (G.Stl.)	$ 3,403.00	$ 13,612.00		$ -	1.00	$ 3,403.00	3.00	$ 10,209.00	4.00	$ 13,612.00	0.00
15	1.0	LSUM	(SP)Lighted Crosswalk Warning System	$38,236.00	$ 38,236.00		$ -	1.00	$38,236.00		$ -	1.00	$ 38,236.00	0.00
16	160.0	LF	5/C Traffic Signal Electrical Cable	$ 2.80	$ 448.00		$ -	296.00	$ 828.80		$ -	296.00	$ 828.80	136.00
17	6.0	EA	Traffic Stripe (Plastic)(Words)	$ 220.00	$ 1,320.00		$ -	6.00	$ 1,320.00		$ -	6.00	$ 1,320.00	0.00
18	1.0	LSUM	Construction Traffic Control	$ 2,650.00	$ 2,650.00	1.00	$ 2,650.00		$ -		$ -	1.00	$ 2,650.00	0.00
19	1.0	LSUM	(PL) Traffic Items	~~$30,250.00~~	~~$ 30,250.00~~		$ -		$ -		$ -	-	$ -	0.00
C.O.#1	1.0	LSUM	(PL) Traffic Items	$28,277.39	$ 28,277.39		$ -	1.00	$28,277.39		$ -	1.00	$ 28,277.39	0.00
20	2.0	EA	10-Ft. Bicycle Rack	$ 1,000.00	$ 2,000.00	2.00	$ 2,000.00		$ -		$ -	2.00	$ 2,000.00	0.00
21	1.0	LSUM	(PL) Bollards	$ 900.00	$ 900.00	1.00	$ 900.00		$ -		$ -	1.00	$ 900.00	0.00
22	1.0	LSUM	Mobilization	$ 8,500.00	$ 8,500.00	1.00	$ 8,500.00		$ -		$ -	1.00	$ 8,500.00	0.00
23	1.0	LSUM	Construction Staking Level II	$ 3,600.00	$ 3,600.00		$ -	1.00	$ 3,600.00		$ -	1.00	$ 3,600.00	0.00
New	48.0	LF	2" PVC Conduit, Trenched	$ 5.00	$ 240.00		$ -		$ -	48.00	$ 240.00	48.00	$ 240.00	48.00
New	6.0	EA	Type 1 Pull Boxes	$ 325.00	$ 1,950.00		$ -		$ -	6.00	$ 1,950.00	6.00	$ 1,950.00	6.00
			TOTAL	orig.contract	~~$ 183,517.06~~		$110,198.32		$82,627.28		$ 12,399.00		$ 205,224.60	
				rev.contract	$ 181,544.45									
			Retainage (5%)				$ 5,509.92		$ 4,131.36					
			Payment				$104,688.40		$78,495.92					

FINAL PAYMENT **$22,040.28** (includes $9,641.28 in retainage)

City of Norman, OK

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

Master

File Number: K-1112-52 Final

File ID:	K-1112-52 Final	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**	$299,840.00	**File Created:**	02/06/2012
File Name:	Final Accpt K-1011-52 Standard Roofing			**Final Action:**	

Title: CONSIDERATION OF FINAL ACCEPTANCE AND PAYMENT OF CONTRACT NO. K-1112-52 BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND STANDARD ROOFING COMPANY, INC., FOR THE ROOF REPLACEMENT PROJECT AT THE WATER TREATMENT PLANT LAB/FILTER, AND CHEMICAL BUILDINGS AND THE WASTEWATER TREATMENT PLANT NORTH PRIMARY CLARIFIER PUMP STATIONS AND STORM WATER HOLDING PONDS BLOWER BUILDING.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject the project; and, if accepted, direct payment in the amount of $299,840 to Standard Roofing Company, Inc.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 16

Attachments: Text File Final K-1112-52, Invoice.pdf, K-1112-25 before and after roofs.pdf, Purchase Order

Project Manager: Matthew Smith, Facility Maintenance Superintendent

Entered by: brenda.hall@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-1112-52 Final

Body

BACKGROUND: The Norman Utilities Authority, in its meeting of October 25, 2011, approved Contract No. K-1112-52 with Standard Roofing Company, Inc., in the amount of $299,840 for the replacement of the Water Treatment Plant Lab/Filter and Chemical Building

roofs and the Wastewater Treatment Plant North PC Pump Station and Storm Holding Buildings. The scope of work for each roof included removal of the existing roofs down to the concrete decks and replacing them with cold process built-up asphalt roofs. The current roofs at the Water Treatment Plant were approximately 30 years old and the roofs at the Wastewater Treatment Plant were over 10 years old.

DISCUSSION: The roofs were completed at the end of January 2012, final inspections were made on February 2, 2012, and all work meets all bid specifications. Upon formal acceptance of the project, the contractor will provide a two-year maintenance warranty on the installation and the manufacturer will provide a 20-year warranty on materials. The manufacturer will perform all maintenance and repair required during the warranty period as well as respond to any leakage, within 48 hours. Inspection of the roofs will be conducted by the manufacturer the second, fifth, tenth, and fifteenth year of the warranty and an executive summary of those findings will be provided to the City.

Funds were budgeted in the FYE 2012, Capital Budget - Water Fund, Project No. WA0303, WTP Laboratory and Chemical Building Roof, Construction (031-9939-462.61-01) in the amount of $325,000 for the replacement of the roofs at the Water Treatment Plant facility and the Wastewater Fund, Project No. WW0066, WWTP North PC Pump Stations Roofs, Construction (032-9677-432.61-01) in the amount of $39,000 and Project No. WW0067, Storm Holding Blower Bldg., Construction (032-9677-432.61-01) in the amount of $24,000 for the replacement of the roofs at the Wastewater Treatment Plant.

STAFF RECOMMENDATION: Staff recommends that the roof replacement project at the Water Treatment Plant Lab/Filter, and Chemical Buildings and the Wastewater Treatment Plant North Primary Clarifier Pump Stations and Storm Water Holding Ponds Blower Buildings be accepted and payment in the total amount of $299,840 be authorized.

INVOICE

STANDARD ROOFING CO., INC.

Remit: P.O. Box 60150, Okla. City, Ok. 73146-0150
Delivery: 19 N.W. 16th., Okc, Ok. 73103 Office (405) 236-8401
Fax (405) 236-0620

SOLD TO:
City of Norman
Attn: Accounts Payable
201-C West Gray Street
Norman, Ok. 73068

JOB LOCATION:
3000 E. Robinson
Norman, Oklahoma

INVOICE NUMBER:	11782 DW
INVOICE DATE:	1/25/2012
OUR ORDER NO.	11387-88
CUSTOMER NO.	1171
CUSTOMER FAX	292-9701

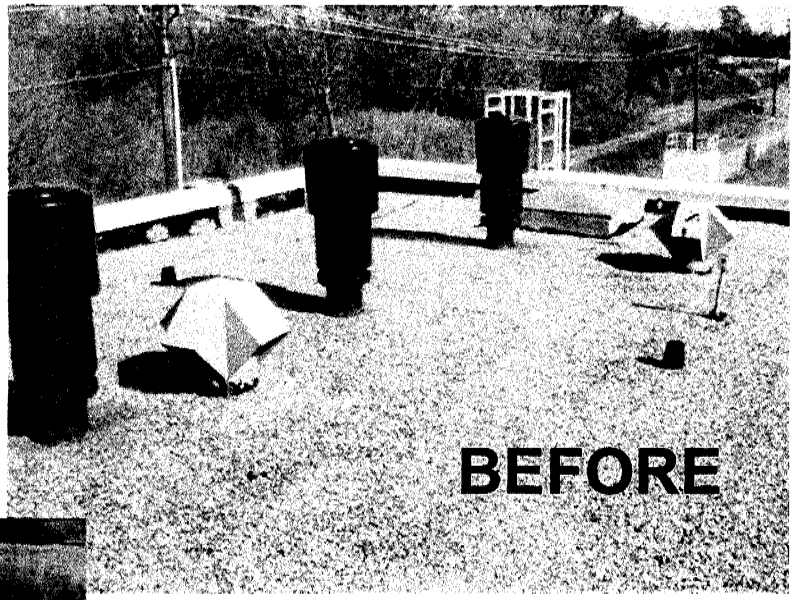
TERMS: **Net 30 Days**

QUANITY	DESCRIPTION	UNIT PRICE	AMOUNT
	Contract No. K-1112-52 Water Treatment Plant Lab, Filter, and chemical Buildings, Waste Water NPC Pump Stations and Storm Holding Roof Replacement Projects.		299,840.00
	AMOUNT DUE THIS INVOICE		**$299,840.00**

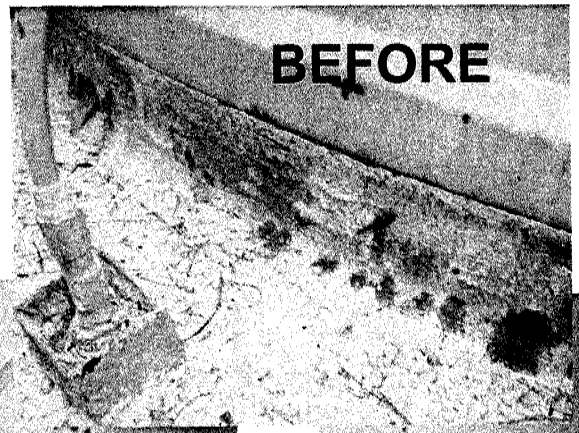
THANK YOU FOR YOUR BUSINESS

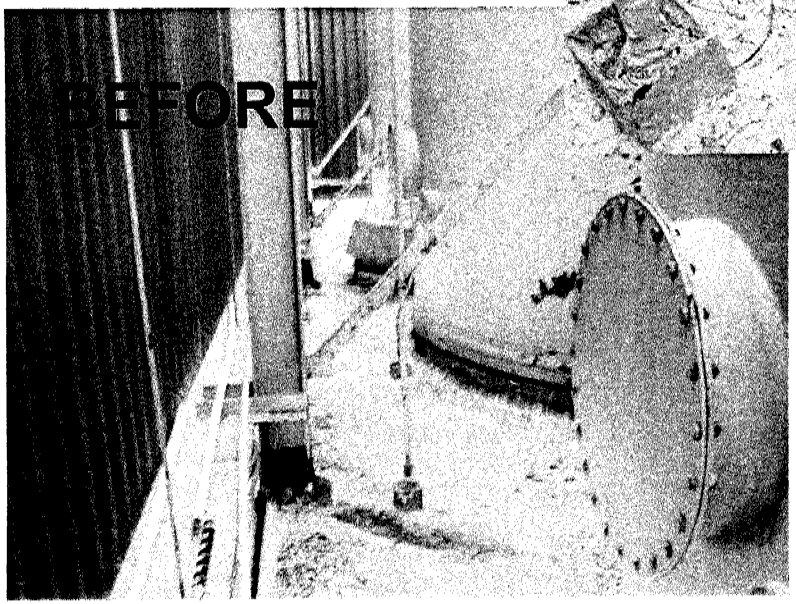
(2)

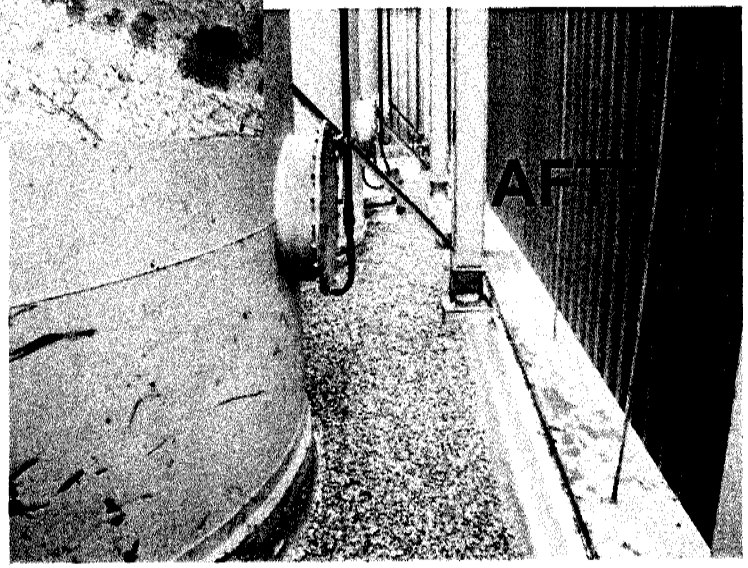
STORM WATER HOLDING PONDS BLOWER BUILDING WASTEWATER TREATMENT PLANT



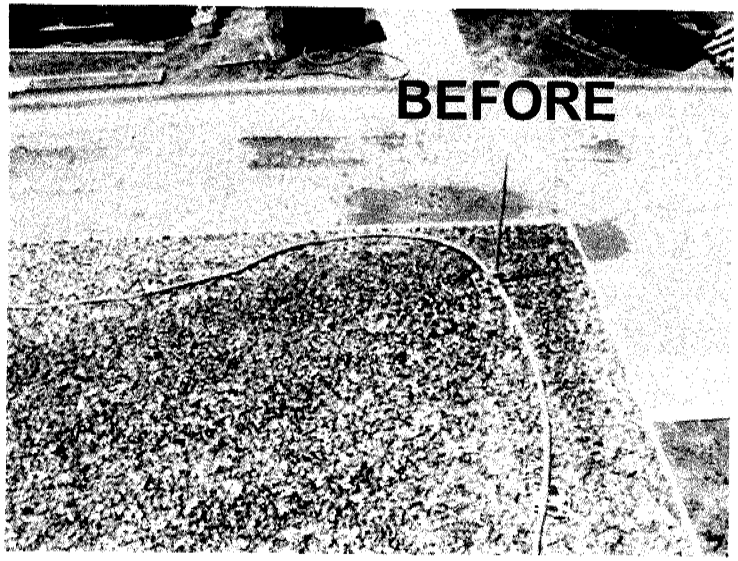
CHEMICAL MIXING BUILDING WATER TREATMENT PLANT



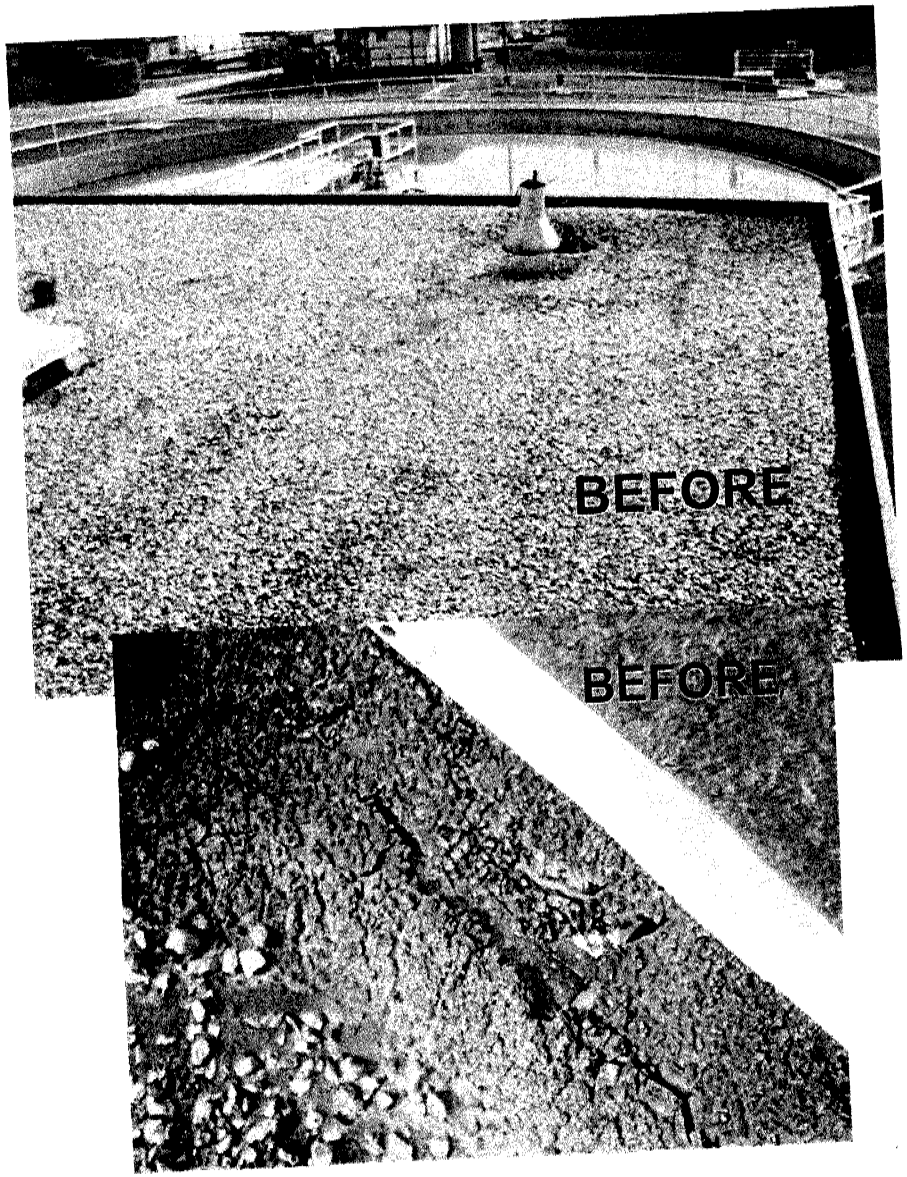




LAB/FILTER BUILDING WATER TREATMENT PLANT



NORTH PRIMARY CLARIFIER PUMP STATIONS WASTEWATER TREATMENT PLANT



PURCHASE ORDER

The City of NORMAN

INVOICE TO:
City of Norman
BUILDING MAINTENANCE
121 N PETERS
NORMAN, OK 73069

P.O. #: 211794
DATE: 01/31/12

VENDOR #
10349

STANDARD ROOFING CO INC
19 NW 16TH STREET
OKLAHOMA CITY, OK 73103

SHIP TO:
City of Norman
BUILDING MAINTENANCE
121 N PETERS
NORMAN, OK 73069

DELIVER BY:	SHIP VIA:	F.O.B.	TERMS
10/31/11	BEST WAY	DESTINATION	NET

CONFIRM BY

FREIGHT

ACCOUNT NO.
SEE BELOW

REQUISITIONED BY

REQ. NO.

REQ. DATE

LINE#	QUANTITY	UOM	ITEM NO. AND DESCRIPTION	UNIT COST	EXTENDED COST
1	1.00	EA	WATER TREATMENT PLANT ROOFS (LAB/FILTER AND CHEMICAL BUILDINGS)	252610.0000	252610.00
2	1.00	EA	WASTEWATER TREATMENT PLANT ROOFS (NORTH PRIMARY CLARIFIER PUMP STATION BUILDING)	29000.0000	29000.00
3	1.00	EA	WASTEWATER TREATMENT PLANT ROOFS (STORM WATER HOLDING PONDS BLOWER BUILDINGS) CONTRACT NO. K-1112-52 CONTINGENT UPON CITY COUNCIL APPROVAL 10/25/11	18230.0000	18230.00
				SUB-TOTAL	299840.00
				TOTAL	299840.00

City of Norman, OK

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

Master

File Number: K-1112-112

File ID:	K-1112-112	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$75,750.00	**File Created:**	01/24/2012
File Name:	K-1112-112 Cardinal Engineering Pendleton Water Line			**Final Action:**	

Title: CONTRACT NO. K-1112-112: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CARDINAL ENGINEERING, INC. IN AN AMOUNT NOT-TO-EXCEED $75,750 TO PROVIDE ON-CALL ENGINEERING SERVICES FOR THE PENDLETON DRIVE AREA WATERLINE REPLACEMENT PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1112-112 with Cardinal Engineering, Inc., in an amount not-to-exceed $75,750; if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 17

Attachments: Text File K-1112-112, K-1112-112, Purchase Requisition

Project Manager: Charlie Thomas, Capital Projects Engineer

Entered by: charlie.thomas@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-1112-112

Body

BACKGROUND: The Pendleton Drive Area Waterline Replacement Project (WA0187) provides for replacement of about 10,000 feet of ductile iron (D.I.) water line with C900 PVC in the Prairie Creek Addition. The D.I. pipe is not compatible with the acidic soil and is failing, causing water outages, water loss and damage to driveways, streets, and yards.

On August 25, 2009, the Norman Utilities Authority (NUA) approved Contract No. K-0910-62 with Cardinal Engineering for on-call engineering services. A request-for-proposal (RFP) process was completed at that time. The Pendleton Waterline Project is the type of basic engineering work that the on-call contract is meant to address. Because the not-to-exceed amount of this particular scope of services is above $25,000, this new additional contract is needed.

DESCRIPTION: Staff intends to employ Cardinal to perform on-call engineering services associated with the design of the Pendleton Drive Area water line replacement. All work is in strict accordance with the terms and conditions of the on-call contract and at the contract rates.

Contract No. K-1112-112, attached, authorizes the work and is not to exceed $75,750. The Fiscal Year Ending (FYE) 2012 budget includes $130,700 to design the Pendleton Area Waterline Replacement project (Account 031-9360-462.62-01, WA0187).

RECOMMENDATION: Staff recommends approval of Contract No. K-1112-112 with Cardinal Engineering, Inc., in an amount not- to-exceed $75,750 to provide on-call engineering services in accordance with Contract No. K-0910-62.

K-1112-112

CARDINAL
ENGINEERING
www.cardinalengineers.com

January 16, 2012

Mr. Charlie Thomas, P.E.
Capital Projects Engineer
Norman Utilities Authority
201 West Gray
Norman, OK 73069

RE: Prairie Creek Water Line Project
On-Call Engineering Scope of Services & Estimated Fee

Dear Mr. Thomas:
This letter represents a proposed scope of services and estimated fee schedule for anticipated surveying drafting and bidding services for the above referenced project.

Please reference **Attachment A - "Scope of Services"** for a detailed description of services recommended to be provided under this proposal. The Scope of Services will be provided for the following estimated base fees:

TASK	DESCRIPTION		
2490	DESIGN SURVEY	$16,000	estimate
2590	RECORD DRAWINGS	$4,500	estimate
3670	WATER LINE DESIGN	$40,000	estimate
3940	BID DOCUMENTS & BID ADMINISTRATION	$3,500	estimate
2790	CONSTRUCTION ADMINISTRATION	$4,000	estimate
	CONTINGENCY	$7,000	estimate
9000	REIMBURSABLE EXPENSES*	$750	estimate
	TOTAL =	**$75,750**	**estimate**

* Direct costs will be reimbursed on a cost plus 15% basis. Hourly rates will be invoiced according to the fee schedule in the existing "On-call Contract".

If you have any questions, please call. If approved, please sign and return one original.

Sincerely,

William R. Swain, P.E., P.L.S.
Cardinal Engineering, Inc.

IN WITNESS WHEREOF, ENGINEER and AUTHORITY have executed this instrument.

DATED this _____ day of _____, 2012.

Cardinal Engineering, Inc. (ENGINEER)

ATTEST:

By: _____
William R. Swain, P.E., PLS
Title: Principal

_____
STEVEN K. LEMKE, V.P.
(printed/typed name and title)

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 3rd day of February, 2012.

_____
City Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 2012.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____
Title: Chairman Secretary

ATTACHMENT A
SCOPE OF SERVICES

Cardinal Engineering has responded to an urgent request by the Utilities Department to prepare water line construction documents to replace approximately 10,000 lineal feet of ductile iron water line that is failing due to highly corrosive soils. The project is bound by 36th Avenue NW on the west, West Rock Creek Road on the north, Brookhaven Creek on the East, and Crossroads Boulevard on the south. The following are detailed descriptions of the anticipated tasks identified in the estimated fee:

2490 DESIGN SURVEY
Lemke Land Surveying (a Division of Cardinal Engineering) will provide a baseline survey of the project area from ROW to ROW. The survey will be sufficient for the preparation of Plan & Profile sheets. No ROW acquisition is anticipated or included in the fee estimate. No additional boundary work, property line staking, or easement searches are included in the estimate.

2590 RECORD DRAWINGS
At the completion of the project, a field survey will be conducted to locate all surface features (e.g. water valves, hydrants, etc.) of the completed project. This survey, along with any contractor noted adjustments to buried components will be the basis for the preparation of as-built documents. These documents will be delivered in pdf format, Autocad format, and hard copy as requested by the City.

3670 WATER LINE DESIGN
Cardinal Engineering will prepare water line plans, specifications, and details necessary for the permitting and construction of the water line replacement project. The plans are anticipated to include Plan & Profile sheets for approximately 10,000 lineal feet of replacement water line. The general scope of the project is to construct a new water line on the opposite site of the road as much as is practical and reverse the long-services/short-services. It is anticipated that the line will be PVC and will be installed primarily by the boring of driveways.

3940 BID DOCUMENTS & BID ADMINISTRATION
Cardinal Engineering will prepare all documents necessary for the advertising, bidding and award of the project. Cardinal Engineering will assist the City as requested in facilitating pre-bid meetings, bid tabulations, bid award recommendations, etc.

3970 CONSTRUCTION ADMINISTRATION
Cardinal Engineering will perform various bid administration tasks including: submittal review, progress meeting attendance, RFI review & response, progress payment review, final inspection, etc.

SPECIFIC EXCLUSIONS FROM THE SCOPE OF SERVICES:

- **Construction Staking** – All construction surveying services are excluded from this fee estimate.

PURCHASE REQUISITION NBR: 0000195737

REQUISITION BY: WEBB G

STATUS: ALL ITEMS ON ORDER
REASON: ON CALL ENGINEERING SERVICES

DATE: 1/03/12

SHIP TO LOCATION: P W - UTILITIES DIRECTOR

SUGGESTED VENDOR: 1512 CARDINAL ENGINEERING INC

DELIVER BY DATE: 1/31/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	DESIGN SERVICES FOR PRARIE CREEK COMMODITY: ARCHITECTURAL AND ENGINEE SUBCOMMOD: DESIGNING SERVICES	75750.00	DOL	1.0000	75750.00	

REQUISITION TOTAL: 75750.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03193604626201	Capital Projects Design	WA0187 Hot Soils - Pendleton	100.00	75750.00
					75750.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-0910-62 - PROFESSIONAL ENGINEERING SERVICES APPROVED 8-25-09.

City of Norman, OK

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

Master

File Number: GID-1112-49

File ID:	GID-1112-49	**Type:**	Court Order	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$23,802.62	**File Created:**	01/28/2012
File Name:	WCC Anderson			**Final Action:**	

Title: CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $23,802.62 REGARDING BOBBY ALAN ANDERSON VS CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2011-06004A.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $23,802.62 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 18

Attachments: Text File WCC Anderson, Attachment 1 Anderson, Order - Anderson, Requisitions - Anderson

Project Manager: Jeanne Snider, 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 GID-1112-49

Body

BACKGROUND: Bobby Alan Anderson is a Firefighter who filed Workers' Compensation Case No. WCC 2011-06004A on June 8, 2011, alleging a left elbow injury on January 22, 2011 when pulling attached wood while fighting a fire. Although he was released to duty on March 29, 2011, he injured his left elbow again on May 11, 2011 while lifting a patient onto a cot. A trial was held on January 13, 2012, and the Court awarded Mr. Anderson $22,206.25.

The Court Order is being presented to Council for consideration. It is recommended that the City comply with this Order.

DISCUSSION: Mr. Anderson began his employment with the City as a Firefighter on September 16, 1991. He injured his left elbow while fighting a fire on January 22, 2011. After treatment and release, he reinjured his elbow on May 11, 2011 while lifting a person on a cot. He returned to work on August 23, 2011.

Nature of Claim. Mr. Anderson filed this Workers' Compensation Claim for injuries to his left elbow on June 8, 2011. There is no question that Mr. Anderson was injured on the job. The issues presented at trial were the issues of nature and extent of his injuries. Nature and extent is determined by the trial judge based on the claimant's testimony and expert medical evidence. The Workers' Compensation Court Judge is free to accept either doctors' opinion or find anywhere within the range of competent medical evidence presented. Permanent Partial Disability ("PPD") is a factual determination made by the Workers' Compensation Court trial judge based upon the evaluating doctors' opinions regarding the extent of permanent partial impairment.

Treatment. Mr. Anderson was initially placed on conservative treatment. However, after a period of injections and physical therapy without improvement, he was referred to Dr. David Bobb who performed surgery to repair the extensor carpi radialis brevis tendon in the left elbow.

On October 31, 2011, Mr. Anderson was valuated by Dr. Stephen Wilson, who opined 24% PPD to his left elbow. Dr. Wilson issued an amended report on January 3, 2012 to opine a 36% PPD to the left elbow stating that his original report dated October 31, 2011 contained a typographical error. This amended rating equates to $31,977 PPD. On December 6, 2011, Mr. Anderson was evaluated by the City's doctor, Dr. LeRoy Young, who opined 5% PPD to his left elbow. This rating equates to $5,329.50. The trial judge is free to make a ruling within the range of the medical evidence presented at the time of trial. Therefore, the City's maximum exposure to compensate Mr. Anderson for his injury is $31,977.

Court Award. This case was heard by the Workers' Compensation Court on January 13, 2012. After hearing the Claimant's testimony and considering the expert medical evidence, the Court entered its Order on January 19, 2012. The Court opined that Claimant sustained 25% PPD to the left elbow. The Court's findings are set out in Paragraph No. 3 of the Order, as follows:

"THAT as a result of said injury, claimant sustained 25 percent permanent partial disability to the LEFT ARM (ELBOW) (SURGERY-LEFT LATERAL EPICONDYLECTOMY-WEAKNESS-LOSS OF FUNCTION), for which claimant is entitled to compensation for 68.75 weeks at $323 per week, or the total amount of $22,206.25 of which 14 weeks have accrued and shall be paid in a lump sum of $4,522."

As can be noted in Paragraph No. 3 of the Court's Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rates over a period of time. Mr. Anderson's weekly wage PPD rate is $323. In this instance, a portion of the award has accrued and an additional six weeks will accrue for processing and placing on the Council Agenda.

If approved by Council, Mr. Anderson and his attorney will be paid the accrued lump sum amount and attorney's fee. (*See* Attachment No. 1)

The City will incur additional costs and Workers' Compensation filing fees in the total amount of $750.78 as set out in Paragraph Nos. 6 and 7 of the Order, plus Cleveland County filing fee of $125.70.

The total cost of this Order to $23,082.62.

RECOMMENDATION: The issues tried on January 13, 2012, were the nature and extent of Mr. Anderson's injuries. The Award is within the medical evidence submitted in that it is slightly higher than one-half the difference between the medical evaluations. In light of the years of service to the City and the surgery, it is not anticipated a more favorable ruling for the City could be achieved by further litigation. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined in Attachment No. 1. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the Order to the property tax rolls would, in effect, reimburse the City's Workers' Compensation Fund over the next three years.

ATTACHMENT NO. 1

BOBBY ALAN ANDERSON
WCC 2011-06004 A
(Left Elbow)

DESCRIPTION	AMOUNT
PPD (25% Left Elbow)	$22,206.25
Lump Sum Payment:	
Accrued 14 weeks @ $323 (per Order)	$ 4,522.00
Add'l 6 @ $323 weeks for City Council/Finance Processing	$ 1,938.00
Total Lump Sum to Claimant	**$ 6,460.00**
Attorney's Fee (per Order)	$ 4,441.25
Total Lump Sum to Claimant & Attorney	**$ 10,901.25**
Balance to be paid in weekly payments until paid	**$ 11,305.00**

The balance of the Order, $11,305, will be paid in 35 weekly payments of $323/week until paid in full. Payments begin the week ending of March 9, 2012 through the week ending November 16, 2012.

Also, as noted, in Paragraph Nos. 6 & 7 of the Order, the City will incur additional costs, fees and filing fee in Cleveland County as follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax	$ 444.13
Special Occupational Health & Safety Fund Tax	$ 166.55
Filing Fee (Workers' Comp Court)	$ 140.00
Filing Fee (Cleveland County District Court)	$ 125.70
Total costs & fees to the City of Norman	**$ 876.38**

The total cost of this Order to the City would be $23,082.63.

BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
January 19, 2012
Robert L. Tharp
COURT CLERK

In re claim of:

BOBBY ALAN ANDERSON
Claimant

CITY OF NORMAN &/or NORMAN FIRE DEPARTMENT
Respondent

CITY OF NORMAN (OWN RISK #10970) &/or CITY OF NORMAN (OWN RISK #10970)
Ins. Carrier

Court Number: 2011-06004A

Claimant's Social Security Number: xxx-xx-2962

ORDER DETERMINING COMPENSABILITY AND AWARDING PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 13th day of JANUARY, 2012, this cause came on for consideration pursuant to regular assignment and hearing on JANUARY 12, 2012, before JUDGE WILLIAM R FOSTER, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, WILLIAM E WOODSON and respondent CITY OF NORMAN and CITY OF NORMAN (OWN RISK #10970; and respondent NORMAN FIRE DEPARTMENT and CITY OF NORMAN (OWN RISK #10970) appeared by counsel, JEANNE SNIDER.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT on JANUARY 22, 2011, claimant was employed by the above named respondent and such employment was subject to and covered by the provisions of the Workers' Compensation Act of the State of Oklahoma; and on said date claimant sustained accidental personal injury to the LEFT ARM (ELBOW) arising out of and in the course of claimant's employment.

- 2 -

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at $323.00 per week for permanent partial disability.

-3 -

THAT as a result of said injury, claimant sustained 25 percent permanent partial disability to the LEFT ARM (ELBOW)(SURGERY - LEFT LATERAL EPICONDYLECTOMY - WEAKNESS - LOSS OF FUNCTION), for which claimant is entitled to compensation for 68.75 weeks at $323.00 per week, or the total amount of $22,206.25 of which 14 weeks have accrued and shall be paid in a lump sum of $4,522.00.

- 4 -

THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury.

- 5 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of $4,522.00 and pay the balance of said award at the rate of $323.00 per week until the total award of $22,206.25 (less attorney fee) has been paid to claimant.

- 6 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of $166.55, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay $444.13 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 7 -

THAT pursuant to Title 85 O.S. Section 368, a final award fee of one hundred forty dollars ($140.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 8 -

THAT the sum of $4,441.25 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/S/ William R Foster L

WILLIAM R FOSTER, JUDGE

mw/CRichardson

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: KURT W GOODWIN
307 E EUFAULA ST
NORMAN, OK 73069-

Respondent's Attorney: R BLAINE NICE
PO BOX 370
NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

WORKERS' COMPENSATION COURT OF OKLAHOMA OFFICIAL SEAL

Court Clerk
January 19, 2012

PURCHASE REQUISITION NBR: 0000196698

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP AWARD

REQUISITION BY: DJOHNSON

DATE: 1/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: BOBBY ANDERSON & WOODSON &

DELIVER BY DATE: 2/15/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP AWARD ANDERSON V. CON; 2011-06004A (LEFT ELBOW) CONTINGE NT UPON COUNCIL APPROVAL ON 2-14-12. MAKE CHECK P AYABLE TO BOBBY ANDERSON AND WOODSON & GOODWIN IN THE AMOUNT OF $10,901.25, LUMP SUM & ATTORNEY FEE. SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	10901.2500	10901.25	

REQUISITION TOTAL: 10901.25

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	10901.25
					10901.25

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO BOBBY ANDERSON & WOODSON & G
OODWIN. SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000196700

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP ADMIN TAX FUND
DATE: 1/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION
DELIVER BY DATE: 2/15/12

1	WORKERS COMP ADMIN TAX FUND ANDERSON V. CON; WCC 2011-06004A (LEFT ELBOW) CONT INGENT UPON COUNCIL APPROVAL ON 2-14-12. SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	444.1300	444.13	2267

REQUISITION TOTAL: 444.13

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	444.13
					444.13

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000136701

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP SPEC OCCU & HEALTH TAX FUND DATE: 1/25 12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN DELIVER BY DATE: 2.15/12

1	WORKERS COMP SPEC OCCU & HEALTH TAX FUND ANDERSON V. CON; WCC 2011-06004A (LEFT ELBOW); CON TINGENT UPON COUNCIL APPROVAL ON 2-14-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	166.5500	166.55	1950

REQUISITION TOTAL: 166.55

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	043300241521135	Other Salary Spec Occ Health & Safety		100.00	166.55
					166.55

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000196703

STATUS: DIVISION APPROVAL
REQUISITION BY: DJOHNSON REASON: WORKERS COMP FILING FEE DATE: 1/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT DELIVER BY DATE: 2/15/12

1	WORKERS COMP FILING FEE ANDERSON V. CON; WCC 2011-06004A (LEFT ELBOW); CON TINGENT UPON COUNCIL APPROVAL ON 2-14-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000190704

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE
DATE: 1/25/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK
DELIVER BY DATE: 2/15/12

1	WORKERS COMP FILING FEE CLEVELAND COUNTY ANDERSON V. CON; WCC 2011-06004A (LEFT ELBOW); CON TINGENT UPON COUNCIL APPROVAL ON 2-14-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00 EA	125.7000	125.70	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee		100.00	125.70
					125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

City of Norman, OK

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

Master

File Number: GID-1112-51

File ID:	GID-1112-51	**Type:**	Court Order	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$14,360.00	**File Created:**	02/06/2012
File Name:	WCC Court Order Jeff E. Woods			**Final Action:**	

Title: CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $14,360 REGARDING JEFF E. WOODS VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2010-10063J.

ACTION NEEDED: Motion to approve or reject the City Attorney's recommendation; and, if approved, authorize compliance with the Workers' Compensation Court Order and direct payment of claims in the amount of $14,360 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 19

Attachments: Text File WCC Woods, Attachment 1 - Award Table, Court Order - Woods, PR Woods

Project Manager: Jeanne Snider, Assistant City Attorney

Entered by: denise.johnson@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-1112-51

Body

BACKGROUND: Jeff Woods is a Sanitation Worker I who filed Workers Compensation Case No. WCC 2010-10063 J on September 1, 2010, alleging injury to his left shoulder, neck, body (ribs) and consequential depression.

The case proceeded through the normal litigation process and a trial was held on January 12, 2012. The Court entered its Order on January 31, 2012. The Court Order is being presented

to City Council at this time. It is recommended that this Order be accepted.

DISCUSSION: Mr. Woods began his employment with the City of Norman on February 5, 2007 as a Sanitation Worker in the Sewer Line Maintenance Division of the Utilities Department. He separated from employment on November 16, 2010.

Previous Case WC 2008-04572 A - Left Shoulder
This case was tried before the Workers' Compensation Court on September 24, 2008 for injury to his left shoulder when the driver of a sanitation truck pulled forward and Mr. Woods attempted to hang onto the truck and, as a result, pulled his left shoulder. The Court awarded Mr. Woods $34,680 or 24% PPD to the left shoulder and $7,225 or 5% PPD for psychological overlay for a total of $41,905. This award was paid in a lump sum which included weeks accrued plus a commuted amount (25% of total claim) with the balance paid weekly at $289/week. This claim has paid out.

Current Case WC 2010-10063 J - Left Shoulder, Body (ribs) and Depression
On July 6, 2010, a load of compost from another truck fell on Mr. Woods injuring his left shoulder, neck, body (ribs) and there was an additional claim for depression.

Mr. Woods was initially seen on July 6, 2010 at Norman Regional Hospital and was referred to Norman Regional Occupational Medicine. He was seen on July 8, 2010 at NROM by Dr. Kevin Penwell who diagnosed right rib contusion and left shoulder contusion noting that he had a pre-existing injury to the left shoulder. He was placed on modified duties and was given a splint to wear which limited the use of the left arm. On July 15, 2010, Mr. Woods was given a full and unrestricted job release. Thereafter, on April 11, 2011, Mr. Woods began seeing Dr. David Bobb. After several appointments and being presented a surgical option, Mr. Woods elected to return to work with no restrictions as he was able to function with his shoulder "as is." Therefore, Dr. Bobb completed a Form 5, Physician's Report on Release and Restrictions, releasing Mr. Woods to work with no restrictions.

On June 15, 2011, Mr. Woods was evaluated by Dr. Hugh G. McClure for a PPD rating to his left shoulder, neck and for depression. Dr. McClure opined 30% PPD rating over and above his previous rating of 24%. There was no impairment to the cervical spine or psychological overlay due to this particular injury. This percentage equates to $53,010, maximum exposure. He also opined that continuing medical and prescription medications would be necessary. On August 9, 2011, Mr. Woods was evaluated by Dr. LeRoy Young who opined that Mr. Woods had no PPD to the cervical spine, left shoulder, ribs, or for psychological overlay as a result of this incident, but all are pre-existing.

The case was heard by the Workers' Compensation Court on January 12, 2012. The only issue for trial was the nature and extent of permanent partial disability to the left shoulder, neck, body, and possible psychological overlay. This is determined by the trial judge based on the claimant's testimony and expert medical evidence. The Workers' Compensation Court

Judge is free to accept either doctors' opinion or find anywhere within the competent medical evidence presented.

The Court Order entered on January 31, 2012, reflected the opinion of the Court that Mr. Woods sustained 8% PPD to the left shoulder. The Court's findings are set out in Paragraph No. 3 as follows:

"THAT as a result of said injury, claimant sustained 8 percent permanent partial disability to the LEFT SHOULDER (objective medical evidence/anatomical abnormality, loss of range of motion) over and above pre-existing 24% disability, for which claimant is entitled to compensation for 40 weeks at $359 per week, or the total amount of $14,360 of which 40 weeks have accrued and shall be paid in a lump sum of $14,360." (See Attachment 1)

As can be noted in Paragraph No. 3 of the Court Order, PPD compensation is expressed in terms of "weeks" of compensation with an accompanying "weekly wage rate." Workers' Compensation awards are normally paid at the weekly rate over a period of time. Mr. Woods' weekly wage rate is $359.

If approved by Council, Mr. Woods and his attorney will be paid the entire award in a lump sum, which includes the attorneys' fee.

The City will incur additional costs and Workers' Compensation filing fees in the total amount of $534.90 as set out in Paragraph Nos. 7 and 8 of the Order, plus Cleveland County filing fee of $125.70.

The total cost of this Order to $15,020.60.

DHS - Oklahoma Centralized Support Registry

Mr. Woods is in arrears in the amount of $16,835.80 for child support payments. DHS has advised the City Attorney's office that they will accept a $10,000 lump sum payment from this award to be applied toward the arrearage. The City of Norman will not be responsible for the balance of $6,835.80.

RECOMMENDATION: The primary issue tried on January 12, 2012, was the nature and extent of PPD. While the Order equated to less than one-third of the difference in the doctors' opinions, the amount was within the range of the medical evidence provided at trial. Therefore, it is not anticipated a more favorable ruling for the City could be achieved by further litigation. It is recommended that the City move forward to comply with this Order.

Acceptance of the Order would require the payments as outlined. The Order would be certified to the Cleveland County District Court to be placed on the property tax rolls for collection over the next three years in accordance with 85 O.S. § 313, 51 O.S. § 159, and 62 O.S. § 361, *et seq.* Certifying the Order to the property tax rolls would, in effect, reimburse

the City's Workers' Compensation Fund over the next three years.

JEFF E. WOODS
WCC 2010-10063 J
(Left shoulder, neck, body, depression)
Attachment No. 2

DESCRIPTION	AMOUNT
PPD (8% Left Elbow)	$14,360.00
Less Lump Sum Payment to DHS	$10,000.00
Balance of Funds due Claimant and his Attorney	$ 4,360.00
Less Attorney's Fee (per Order)	$ 2,872.00
Total Sum Due to Claimant	$ 1,488.00

As noted, in Paragraph Nos. 7 & 8 of the Order, the City will incur additional costs, fees and filing fee in Cleveland County as follows:

DESCRIPTION	AMOUNT
Workers' Compensation Admin Fund Tax	$ 287.20
Special Occupational Health & Safety Fund Tax	$ 107.70
Filing Fee (Workers' Comp Court)	$ 140.00
Filing Fee (Cleveland County District Court)	$ 125.70
Total costs & fees to the City of Norman	**$ 660.60**

The total cost of this Order to the City would be $15,020.60

BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
January 31, 2012
Robert L. Tharp
COURT CLERK

In re claim of:

JEFF E WOODS
Claimant

CITY OF NORMAN
Respondent

CITY OF NORMAN (OWN RISK #10970)
Ins. Carrier

Court Number: 2010-10063J

Claimant's Social Security Number: xxx-xx-1509

ORDER AWARDING THE NATURE AND EXTENT OF PERMANENT PARTIAL DISABILITY BENEFITS

1-12-12

Now on this 30th day of JANUARY, 2012, this cause came on for consideration pursuant to regular assignment and hearing on JANUARY 12, 2012, before JUDGE CLARENCE KENT ELDRIDGE, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, NICOLE LYNN BELL APPEARING FOR RICHARD A BELL and respondent and insurance carrier appeared by counsel, RICKEY J KNIGHTON II.APPEARING ROR REBECCA R FRAZIER.

The Court having considered the evidence and records on file, and being well and fully advised in the premises FINDS AND ORDERS AS FOLLOWS:

- 1 -

THAT on JANUARY 27, 2011 an order was entered herein finding that on JULY 6, 2010 claimant sustained an accidental personal injury to the LEFT SHOULDER arising out of and in the course of claimant's employment, which order established all jurisdictional issues herein.

- 2 -

THAT at time of injury, claimant's wages were sufficient to establish the rates of compensation at $717.00 per week for temporary total disability and $359.00 per week for permanent partial disability.

-3 -

THAT as a result of said injury, claimant sustained 8 percent permanent partial disability to the LEFT SHOULDER (objective medical evidence / anatomical abnormality, loss of range of motion) over and above pre-existing 24% disability, for which claimant is entitled to compensation for 40 weeks at $359.00 per week, or the total amount of $14,360.00 of which 40 weeks have accrued and shall be paid in a lump sum of $14,360.00.

- 4 -

THAT claimant's request for continuing medical maintenance is DENIED.

- 5 -

THAT respondent and/or insurance carrier shall pay all reasonable and necessary medical expenses incurred by claimant as a result of said injury through the date of this order.

- 6 -

THAT respondent or insurance carrier shall pay claimant the award herein in lump sum of $14,360.00 (less attorney fee).

- 7 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of $107.70, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay $287.20 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 8 -

THAT pursuant to Title 85 O.S. Section 368, a final award fee of one hundred forty dollars ($140.00) is taxed as a cost in this matter, and shall be paid by respondent to the Court Administrator.

- 9 -

THAT the sum of $2.872.00 shall be deducted from the award herein and paid in lump sum to claimant's attorney as a fair and reasonable attorney fee; within twenty (20) days from the date of filing of this order, respondent or insurance carrier shall comply herewith.

BY ORDER OF:

/S/ Kent Eldridge

CLARENCE KENT ELDRIDGE, JUDGE

lw/KAmos

A copy of the above and foregoing Court Order was mailed, by regular or Certified United States Mail, on this filed stamped date to:

Claimant's Attorney: RICHARD A BELL
PO BOX 1529
NORMAN, OK 73070-1529

Respondent's Attorney: REBECCA R FRAZIER
ASSISTANT CITY ATTORNEY
P O BOX 370
NORMAN, OK 73070-

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

Robert L. Sharp

WORKERS' COMPENSATION COURT OFFICIAL SEAL OF OKLAHOMA

Court Clerk
January 31, 2012

PURCHASE REQUISITION NBR: 0000197138

STATUS: DEPARTMENT APPROVAL
REASON: WORKERS COMP COURT AWARD

REQUISITION BY: DJOHNSON

DATE: 2/06/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: JEFF E. WOODS & RICHARD BELL

DELIVER BY DATE: 2/15/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP COURT AWARD WOODS V. CON 2010-10063 J (LEFT SHOULDER,NECK BODY /DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2-14-12. SEPARATE CHECK; RETURN CHECK TO LEGAL. CHECK PAYABLE TO JEFF E. WOOD & RICHARD A. BELL IN THE AMOUNT OF $4,360. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	4360.0000	4360.00	

REQUISITION TOTAL: 4360.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152131	Other Salary Orders/Settlements		100.00	4360.00
					4360.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO JEFF E. WOODS & RICHARD A. BELL IN THE AMOUNT OF $4,360. SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000197141

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP ADMIN TAX FUN

DATE: 2/06/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2207 WORKMANS COMPENSATION

DELIVER BY DATE: 2/15/12

1	WORKERS COMP ADMIN TAX FUND WOODS V. CON 2010-10033J (LEFT SHOULDER/NECK/BODY/ DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2-14-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	287.2000	287.20	2207

REQUISITION TOTAL: 287.20

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	043300241521133	Other Salary Administration Fund		100.00	287.20
					287.20

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000197143

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP SPEC OCCU & HEALTH TAX FUND

DATE: 2/08/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN

DELIVER BY DATE: 2/15/12

1	WORKERS COMP SPEC OCCUP & HEALTH TAX FUND WOODS V. CON; 2010-10063J (LEFT SHOULDER/NECK BODY /DEPRESSION) SEPARATE CHECK; RETURN CHECK TO LEGAL	1.00	EA	107.7000	107.70	1950

COMMODITY: INSURANCE, ALL TYPES
SUBCOMMOD: WORKER'S COMPENSATION

REQUISITION TOTAL: 107.70

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	107.70
					107.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000197144

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON
REASON: WORKERS COMP FILING FEE
DATE: 2/08/12

SHIP TO LOCATION: LEGAL DEPARTMENT
SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT
DELIVER BY DATE: 2/15/12

1	WORKERS COMP FILING FEE WOODS V. CON; 2010-10063J (LEFT SHOULDER/NECK/BODY /DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2 -15-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	140.0000	140.00	2268

REQUISITION TOTAL: 140.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154704	Miscellaneous Services Other Filing Fees		100.00	140.00
					140.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000197145

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON — REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE — DATE: 2/06/12

SHIP TO LOCATION: LEGAL DEPARTMENT — SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK — DELIVER BY DATE: 2/15/12

1	WOREKRS COMP CLEVELAND COUNTY FILING FEE WOODS V. COM; 2010-10063J (LEFT SHOULDER/NECK/BODY /DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2 -14-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	125.7000	125.70	434

REQUISITION TOTAL: 125.70

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024154703	Miscellaneous Services District Court Filing Fee		100.00	125.70
					125.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

City of Norman, OK

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

Master

File Number: R-1112-96

File ID:	R-1112-96	**Type:**	Resolution	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/20/2012
File Name:	R-1112-96 Proactive Code Enforcement Citywide			**Final Action:**	

Title: RESOLUTION NO. R-1112-96: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DIRECTING CITY STAFF TO EXPAND THE PROACTIVE CODE ENFORCEMENT PROGRAM CITYWIDE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-96.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 20

Attachments: Text File R-1112-96, R-1112-96 Proactive Code Enforcement, Exhibit A - 2002, Exhibit B - Citywide Code Enforcement, Pert excerpts from Januay 24 Conf Minutes

Project Manager: Linda Price, Revitalization Manager

Entered by: linda.price@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-1112-96

Body

BACKGROUND: In 2002 the City Council approved initiation of a proactive code compliance program in two areas of Norman centered by the two local historic districts. The initial program was on a trial basis, but the areas were approved to be permanent in 2003.

The ability to work proactively in those areas reduced the number of violations significantly as

residents became aware of the codes and the proactive approach. Because of the success of the program, staff held discussions about the potential to expand based on numerous and ongoing complaints in certain areas, and requests from citizens to be included in the program. Chronic problems in each of these areas led to frustration from compliant residents who do not understand why we don't continue to check properties unless they call in again.

Consideration was given to the size of the areas, the location of the areas in relationship to the districts covered by each Code Compliance Inspector, and the location in relationship to Ward boundaries. In 2007 twelve (12) additional areas were approved to be added for proactive compliance. In 2009 Staff made a recommendation to expand the program further, but that did not occur.

DISCUSSION: Proactive enforcement allows for Code Compliance Inspectors to initiate action on violations as well as respond to complaints. At this time the inspectors can only initiate action on violations in those areas designated as proactive. In a comparative analysis of seventeen (17) comparable cities in Oklahoma, Texas, Colorado, Kansas, and Missouri, only one city was not proactive at all. Most of the cities' code enforcement inspectors work citywide in residential areas when violations are found and still respond to citizen complaints as well.

Staff is recommending that the Council authorize citywide proactive code enforcement, focusing on urban residential areas; addressing rural residential subdivisions proactively as needed, addressing other violations in non-urban areas when discovered, and to continue to address complaints received.

RECOMMENDATION: Previous citizen forums in 2002 and 2007 on Code Compliance have been supportive of citywide proactive enforcement. Staff recommends approval of Resolution No. R-1112-96 to allow citywide proactive code enforcement.

Resolution

R-1112-96

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, DIRECTING CITY STAFF TO EXPAND THE PROACTIVE CODE ENFORCEMENT PROGRAM CITYWIDE.

§ 1. WHEREAS, the City of Norman initiated proactive code enforcement in limited areas in 2002 and expanded to more areas in 2007; and

§ 2. WHEREAS, limited areas previously designated, attached hereto as Exhibit "A" continue to need proactive code compliance; and

§ 3. WHEREAS, the Council of the City of Norman has determined that expanding proactive code enforcement citywide would benefit the community and be more equitable.

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

§ 4. That the Council of the City of Norman hereby formally adopts a policy for proactive code enforcement citywide; and

§ 5. Further, that the City Manager of the City of Norman is directed to establish a proactive code enforcement program with a focus on urban areas, delineated on the attached map designated as Exhibit "B", with rural residential subdivisions as needed and other non-urban area violations when discovered; and

§ 6. Further, that staff will continue to address complaints citywide as received; and

§ 7. Further that this expansion will become effective thirty days after approval.

PASSED AND ADOPTED this 14th day of February, 2012

ATTEST: _____ Mayor

_____
City Clerk

Exhibit A - Resolution No. R-1112-96

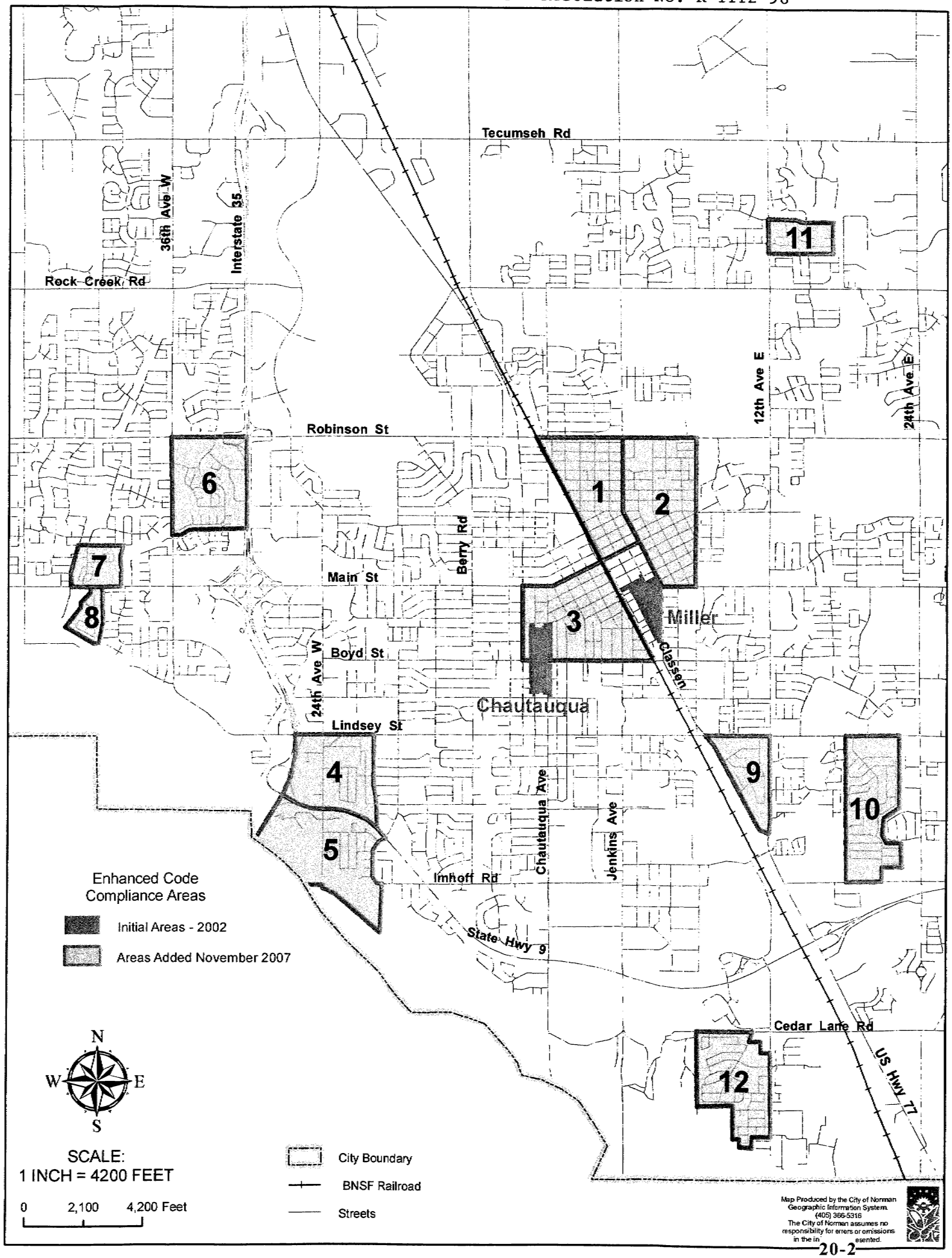
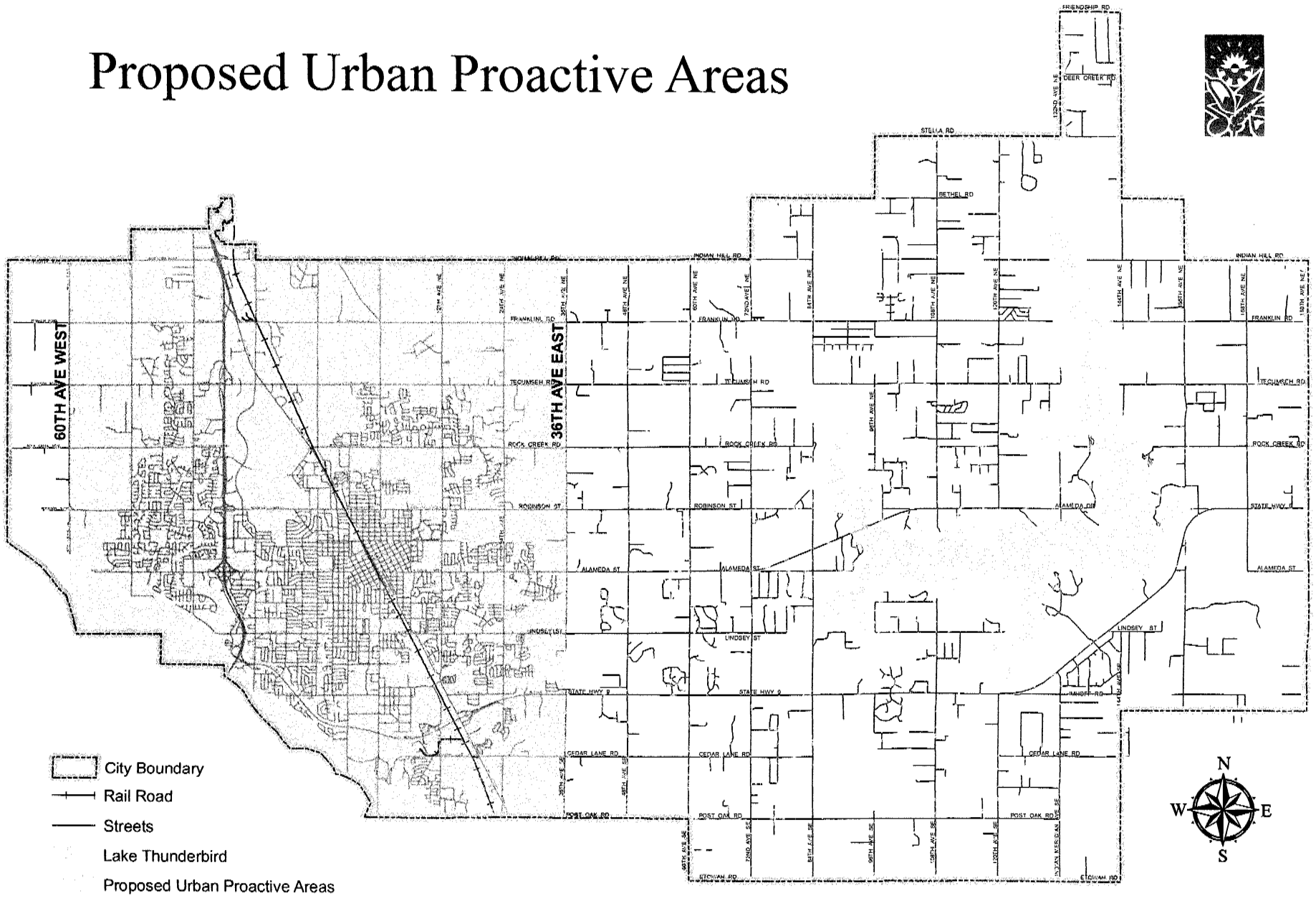


Exhibit B - Resolution No. R-1112-96

Proposed Urban Proactive Areas



Items submitted for the record

1. Memorandum dated January 13, 2012, from Ken Komiske, Director of Utilities, to Honorable Mayor and Councilmembers
2. Draft Ordinance No. O-1112-24
3. PowerPoint presentation entitled, "Gray Water," Norman Utilities Authority
4. City Council Study Session minutes of January 3, 2012

* * * * *

Item 4, being:

DISCUSSION REGARDING POTENTIAL EXPANSION OF PROACTIVE CODE ENFORCEMENT.

Ms. Linda Price, Revitalization Manager, said in 2002, City Council appointed a Core Area Coalition to address code violation problems in the core area of Norman and the group recommended proactive or enhanced code enforcement. In September, 2002, City Council unanimously approved a resolution to initiate an enhanced Code Enforcement Program in two targeted areas on a trial basis. In 2003, staff recommended expanding the program to other areas and make the two previously trial based areas permanent. Council agreed; however, budget issues led to a reduction in staff and the expansion was not pursued. In October 2007, 12 new areas for proactive code enforcement were approved by Council and in July 2008, staff recommended additional proactive areas which followed in January and September, 2009, with a recommendation to expand the program further.

Ms. Price said proactive code enforcement allows inspectors to drive through all designated areas and initiate action on violations as well as respond to citizen complaints. Currently, if the area is not proactive, no action can be taken by inspectors when they see a violation unless there has been a citizen complaint.

Ms. Price said on December 7, 2011, the City Council Oversight Committee discussed a proposal to conduct citywide proactive code compliance. She said staff will focus on urban residential areas as opposed to rural areas; however, staff will work in rural areas, but it would not be the primary focus. She said staff will address residential subdivisions in the rural area so if they receive a complaint, the inspector would work the entire subdivision proactively. She said staff will address violations in non-urban areas when discovered and continue to work citizen complaints.

Ms. Price said the City of Norman conducted a survey of 20 peer cities regarding their code enforcement regulations. Ms. Price said six Oklahoma cities responded to the survey of which Broken Arrow was the only city that is not proactive in any way while cities in other states were proactive in residential areas. She said out of the seventeen cities that responded in Oklahoma, Texas, Colorado, Kansas, and Missouri, all were proactive.

Ms. Price said in 2009, the City of Norman conducted a citizen survey regarding citywide issues and code enforcement was addressed in the survey. She said the highest priorities were getting rid of junk and debris on private property, mowing and weeds, and exterior maintenance of residential property.

Ms. Price said citywide proactive areas in Norman would encompass 60th Avenue on the west to 36th Avenue on the east and all of that area would be initially driven through within a month to six weeks of Council approval. If Council approves a resolution to expand the program, staff would provide an education program for citizens and, after the education process, the City would initiate the program.

Councilmember Kovach asked if there were different code regulations for rural areas and Ms. Price said there are State statutes that prohibit the City from abating certain types of violations in land zoned agricultural. Councilmember Kovach asked if commercial properties would be exempt and Ms. Price said they are currently

exempt and Councilmember Kovach asked if staff is proposing that commercial properties continue to be exempt. Ms. Price said staff had not taken that into consideration, but that decision would come from Council. She said although commercial property is currently exempt from proactive enforcement, violations are worked on a complaint basis. She said there have been issues with absentee property owners so it would be nice to work non-critical violations proactively. Councilmember Kovach suggested that commercial properties be proactively enforced. Councilmembers Gallagher and Griffith agreed. Councilmember Dillingham said if the City proactively enforces commercial property, the City needs to educate the property owners as soon as possible. Councilmember Kovach suggested a press release be issued.

Councilmember Spaulding asked if the City takes in consideration vacant properties property owners being overseas and Ms. Price said many people that know they are going to be out of State have someone maintain the property because they want the property watched over and to make sure the grass is mowed. She said there has not been a great deal of problems with vacant properties. She said the City's goal is not to find violations and abate them, but to bring properties into compliance.

Councilmember Spaulding asked the average cost of an abated property and Ms. Price said she did not know, but the minimum cost for most lots is $236, which is the cost charged to the property owner, not the actual abatement cost. Councilmember Spaulding asked if it was fair to say that very few abated violations exceed $1,000 and Ms. Price said yes, probably 10% or less.

Councilmember Gallagher asked about the logistics for long term enforcement and having enough employees to expand the proactive area. Ms. Price said instead of focusing on driving specific proactive areas every week, staff would be able to stop for any violation seen. She felt that once staff identified repeat violators time management would improve. She said staff is confident they can handle the expansion and are excited at the prospect because it will be a more equitable process and they can work violations without a complaint.

Mayor Rosenthal said there seemed to be a consensus to include commercial properties and monitor staff resources required to effectively do their job. Mayor Rosenthal asked staff to prepare a resolution and bring information about the education process to the City Council Oversight Committee for review.

Items submitted for the record

1. Memorandum dated January 13, 2012, from Linda R. Price, Revitalization Manager, to Honorable Mayor and Councilmembers
2. PowerPoint presentation on the potential expansions of Proactive Code Enforcement

The meeting adjourned at 6:12 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: R-1112-106

File ID:	R-1112-106	**Type:**	Resolution	**Status:**	Consent Item
Version:	3	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	01/25/2012
File Name:	R-1112-106 Water Reclamation Facility			**Final Action:**	

Title: RESOLUTION NO. 1112-106: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, RECOGNIZING THE IMPORTANCE OF NORMAN'S WATER RESOURCES AND ACKNOWLEDGING WATER PRODUCED AT THE WASTEWATER TREATMENT FACILITY CAN AND IS RECLAIMED FOR BENEFICIAL USE AND HEREBY DECLARING THE NAME OF THE WASTEWATER POLLUTION CONTROL FACILITY BE CHANGED TO THE WATER RECLAMATION FACILITY OF NORMAN, OKLAHOMA.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-106.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 21

Attachments: Text File R-1112-106, Water Reclamation Facility

Project Manager: Steve Hardeman, Utilities Superintendent

Entered by: Loretta.englett@NormanOK.gov **Effective Date:**

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File R-1112-106

Body

BACKGROUND: The City of Norman long recognized the importance of cleaning wastewater before returning it to the environment by funding and building the first wastewater treatment plant in 1943 naming it 'Wastewater Pollution Control Facility'. The emphasis at that time was to control pollution as a method to protect the environment. Since then, Norman's Pollution Control Facility has won numerous awards from the Environmental

Protection Agency and Oklahoma Department of Environmental Quality. The Plant continues to meet ever-increasing permit regulations and serves as an example of stellar operations and a premiere education facility for colleges, universities, and tour groups.

DISCUSSION: The citizens of Norman have long recognized the importance of recycling yard waste, aluminum, glass, paper, and household products. They also recognize the importance of sustaining our water resources for the future. Reclaiming wastewater is a beneficial tool to communities by enhancing the environment and reducing the increasing demands on the fresh water system. Water recycling (reclamation) is the reuse of treated wastewater for beneficial reuse in the environment, agriculture, landscape irrigation, industrial processes, and other areas. To better recognize the importance of our wastewater treatment plant and the success of effectively treating wastewater and to encourage beneficial use of treated effluent, it is proposed to rename the facility 'Norman Water Reclamation Facility'.

STAFF RECOMMENDATION: That City Council adopt Resolution No. R-1112-106.

R-1112-106

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, RECOGNIZING THE IMPORTANCE OF NORMAN'S WATER RESOURCES AND ACKNOWLEDGING WATER PRODUCED AT THE WASTEWATER TREATMENT FACILITY CAN AND IS RECLAIMED FOR BENEFICIAL USE AND HEREBY DECLARING THE NAME OF THE WASTEWATER POLLUTION CONTROL FACILITY BE CHANGED TO THE WATER RECLAMATION FACILITY OF NORMAN, OKLAHOMA.

§ 1. WHEREAS, citizens of Norman have long recognized the importance of recycling yard waste, aluminum, glass, paper, and household products and sustaining our water resources for the future; and

§ 2. WHEREAS, water recycling (reclamation) is the reuse of treated wastewater for beneficial reuse in the environment, agriculture, landscape irrigation, industrial processes, and other areas; and

§ 3. WHEREAS, reclaiming wastewater is a beneficial tool to communities by enhancing the environment and reducing the increasing demands on the fresh water system; and

§ 4. WHEREAS, the Norman Wastewater Pollution Control Facility located at 3500 South Jenkins Avenue was first constructed in 1943 with the vision of being one of Oklahoma's premier treatment facilities and has continued to increase the quality of the effluent waters discharged to the Canadian River; and

§ 5. WHEREAS, over its 68 year history, the treatment facility has been honored with awards for outstanding service from the Environmental Protection Agency (EPA), Oklahoma Water and Pollution Control Association, and other agencies; and

§ 6. WHEREAS, advancements in treatment technology have given the facility the ability to supply the Jimmy Austin Golf Course at the University of Oklahoma a reliable reclaimed water supply for irrigation over the past sixteen (16) years and to reclaim water for treatment purposes through the treatment plant site; and

§ 7. WHEREAS, the State of Oklahoma and the Oklahoma Department of Environmental Quality recognize the beneficial use of reclaimed treated wastewater and are drafting state regulations to monitor uses; and

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

§ 8. That the City Council of the City of Norman, Oklahoma, on behalf of the entire citizenry, recognizes all the beneficial uses of reclaimed wastewater and hereby declares the name of Norman's Wastewater Pollution Control Facility to be the Water Reclamation Facility of Norman Oklahoma, and any previously approved ordinances and legal documents for the Wastewater Treatment Facility will still be applicable to Norman's Water Reclamation Facility.

PASSED AND ADOPTED this 14th day of February, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1112-110

File ID:	R-1112-110	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$23,550.00	**File Created:**	01/31/2012
File Name:	R-1112-110 Budget Transfer			**Final Action:**	

Title: RESOLUTION NO. R-1112-110: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $23,550 FROM THE COMPRESSED NATURAL GAS FACILITY CONSTRUCTION ACCOUNT TO UTILIZE ELIGIBLE GRANT FUNDS.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-110.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 22

Attachments: Text File R-1112-110, ARRA Revised Grant Funds Table.pdf, R-1112-110

Project Manager: Mike White, Fleet Superintendent

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-1112-110

Body

BACKGROUND: 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 CNG fueling facility with public access. Phase I of the City's CNG fueling facility is substantially complete and opened for service to city vehicles and the general public on Monday, January 9, 2012.

DISCUSSION: On January 10, 2012, City Council approved a contract modification submitted by ODOC and accepted additional grant funds in the amount of $435,365.85. The

CNG facility expansion provides an opportunity for staff to fully recover the original grant amount of $945,000. Originally, the cost breakdown allowed the recovery of $921,450 of eligible items for Phase I that could be claimed as reimbursable leaving an eligible amount unclaimed of $23,550. With the expansion of the station, the City is able to increase its purchase of items that can be listed as grant eligible and therefore 100% reimbursable. The new cost and grant breakdown for the complete CNG Fueling Facility is attached.

RECOMMENDATION: It is recommended that City Council approve a transfer of funds in the amount of $23,550 from the CNG Facility Construction City Match account (050-9381-435.61-01) within the Capital Fund into the CNG Facility Construction ARRA Eligible account (022-9503-435.61-01) within the Special Grants Fund.

From:

050-9381-435.61-01 TR0071	CNG Fast Fill	($22,095)
050-9381-435.61-01 TR0078	CNG Slow Fill	($1,455)

To:

022-9503-435.61-01 TR0085	CNG ARRA Expansion	$23,550

CNG Fueling Facility
Cost Breakdown
2/14/12

	Previous Established Budget 7/12/2011	Updated Budget 2/14/2012	% Increase/Decrease
ACOG Grant (Slow Fill Facility)	$200,000	$200,000	0%
ARRA Grant (Fast Fill Facility)	$921,450	$1,429,365.85	51%
CITY SHARE /ACOG	$242,740	$242,740	0%
CITY SHARE /ARRA	$287,843	$264,293	-8%
City Share Subtotal	$530,583 (32%)	$507,033 (24%)	(-8%)
Total Project Cost	**$1,652,033**	**$2,136,398.85**	**29%**

Resolution

R-1112-110

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, TRANSFERRING $23,550 FROM THE COMPRESSED NATURAL GAS (CNG) FACILITY CONSTRUCTION ACCOUNT TO UTILIZE ELIGIBLE GRANT FUNDS.

§ 1. WHEREAS, the CNG facility expansion has provided an opportunity for staff to fully recover the original grant amount awarded by the Oklahoma Department of Commerce in the amount of $945,000; and

§ 2. WHEREAS, originally, the cost breakdown allowed the recovery of $921,450 of eligible items for Phase I that could be claimed as reimbursable leaving an eligible amount unclaimed of $23,550; and

§ 3. WHEREAS, with the expansion of the station, the City is able to increase the purchase of items that can be listed as grant eligible and therefore 100% reimbursable.

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

§ 4. Staff is requesting the following transfers for the reason as stated above:

Gaining Account Name	Losing Account	Gaining Account	Amount
Project No. TR0085, CNG Fast Fill Station, Construction (Special Grants Fund)	050-9381-435.61-01 Project No. TR0071 CNG Fast Fill Station, Construction	022-9503-435.61-01	$22,095
Project No. TR0085, CNG Fast Fill Station, Construction (Special Grants Fund)	050-9381-435.61-01 Project No. TR0078 CNG Slow Fill Station, Construction	022-9503-435.61-01	$ 1,455

PASSED AND ADOPTED this 14th day of February, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

City of Norman, OK

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

Master

File Number: R-1112-100

File ID:	R-1112-100	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$1,421,968.00	**File Created:**	01/24/2012
File Name:	R-1112-100 Mid Year Budget Appropriation			**Final Action:**	

Title: RESOLUTION NO. R-1112-100: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $1,421,968 FROM THE GENERAL FUND BALANCE TO MAKE MID-YEAR BUDGET APPROPRIATIONS AS RECOMMENDED BY THE CITY COUNCIL FINANCE COMMITTEE.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-100.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 23

Attachments: Text File R-1112-100, R-1112-100, January 18 Finance Committee Minutes

Project Manager: Suzanne Krohmer, Budget Manager

Entered by: suzanne.krohmer@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-1112-100

Body

BACKGROUND: On January 18, 2012 the Norman City Council Finance Committee addressed several appropriation requests during the mid-year budget review discussion. Appropriation requests from Norman Economic Development Coalition (NEDC), Norman Employees Retirement System (NERS) and the "Rainy Day" Fund appropriation were all reviewed and discussed.

DISCUSSION: On October 4, 2011 the City Clerk filed a request from NEDC to restore

their annual contractual amount of $125,000 from the Fiscal Year Ending (FYE) 2012 budget amount of $118,750. In FYE 2011, a 5% contractual reduction was accepted by NEDC to help with our budget reductions. Because budget conditions are improving, an increase of $6,250 has been approved by the Finance Committee for a mid-year adjustment.

In fiscal year 2011, Council directed staff to prepare a formal policy in Ordinance form codifying the City's reserve policies and complying with Governmental Accounting Standards Board Statement # 54. Direction was given to establish a separate "Rainy Day Fund" which could not be used except in unusual circumstances. The Ordinance (effective July 27, 2011) establishes a Net Revenue Stabilization of "Rainy Day Fund", which would have minimum fund balance of three percent (3%) of annual budgeted General Fund expenses, a target fund balance of four and a half percent (4.5%) of General Fund expenses and a maximum fund balance of six percent (6%) of annual General fund expenses. The Ordinance also requires a minimum General Fund Operating Reserve fund balance of three percent (3%) of General Fund expenses and would require that the two percent (2%) Emergency Reserve allocation be included in future year budgets. Under the Ordinance, Net Revenue Stabilization Fund balance could only be appropriated for expenditure by the City Council if at least one of three circumstances is met:

1.) The General Fund Operating Reserve fund balance is projected to fall below one percent (1%) of budgeted expenditures.

2.) A natural or man-made disaster has occurred; AND the City of Norman has spent or obligated to spend the two percent Emergency Reserve account in the General Fund

3.) A major one-time or capital expenditure has been necessitated, such as for major repairs to or replacement of City of Norman facilities.

On June 28, 2011, City Council approved Ordinance O-1011-58 which amends Article VIII, Sections 8-103 and 8-104 of Chapter 8 of the Code of the City of Norman to create the Net Revenue Stabilization Fund and the requirements to maintain Net Revenue Stabilization Fund Balances.

In FYE 2012 there was a transfer of $120,000 from the General Fund to the Net Revenue Stabilization Fund. The Finance Committee agreed to raise this balance with an additional $1,380,000 to bring the balance up to $1,500,000.

In March 2011, the Finance Department received an actuarial valuation of the Norman Employees Retirement System covering retired employees. Dean Actuaries, LLC of Dallas recommended contributing a 10-year amortization amount of $35,718. The present value of the benefits as of January 1, 2011 was $861,427 with $616,254 funded, leaving a deficit of $245,173. The Finance Committee agreed to help fund the deficit by adding $35,718 each year for the next ten years to the budget.

STAFF RECOMMENDATION: By the Finance Committee's direction, staff recommends the following budget adjustments and transfers:

Amount: $6,250
Losing Account: General Fund Balance (Account Number 010-0000-253.20-00)
Gaining Account: Norman Economic Development Coalition
(Account Number 010-1001-411.47-65)

Amount: $1,380,000
Losing Account: General Fund Balance (Account Number 010-0000-253.20-00)
Gaining Account: Rainy Day Transfer from General Fund
(Account Number 011-0000-391.19-10)

Amount: $35,718
Losing Account: General Fund Balance (Account Number 010-0000-253.20-00)
Gaining Account: City Share/Retirement-Employee
(Account Number 010-1001-411.29-02)

Resolution

R-1112-100

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $1,421,968 FROM THE GENERAL FUND BALANCE TO MAKE MID-YEAR BUDGET APPROPRIATIONS AS RECOMMENDED BY THE CITY COUNCIL FINANCE COMMITTEE.

§ 1. WHEREAS, On January 18, 2012, the City Council Finance Committee addressed several appropriation requests during the mid-year budget review discussion and three have been recommended; and

§ 2. WHEREAS, in FYE 2011, a 5% contractual reduction ($6,250) from $125,000 to $118,500 had been accepted by Norman Economic Development due to budget constraints and they have submitted a request that the original contract be restored; and

§ 3. WHEREAS, On June 28, 2011, Ordinance No. O-1011-58 was adopted establishing the Rainy Day Fund and the Finance Committee agreed to increase the fund to $1,500,000 by adding $1,380,000 to the balance of $120,000; and

§ 4. WHEREAS, the Finance Department received an actuarial valuation of the Norman Employees Retirement System covering retired employees in March, 2011, and the Retirement Actuary Consultant has recommended that the City contribute a 10-year amortization amount of $35,718.

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

§ 5. That the following appropriations be made for reasons as stated above:

Account Name	Losing Account	Gaining Account	Amount
Miscellaneous Services/NEDC	010-0000-253.20-00	010-1001-411.47-65	$ 6,250
Interfund Transfers/Rainy Day Transfer from General Fund	010-0000-253.20-00	011-0000-391.19-10	$1,380,000
City Share/Retirement-Employee	01-0000-253.20-00	010-1001-411.29-02	$ 35,718

PASSED AND ADOPTED this 14th of February, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

FINANCE COMMITTEE MINUTES
January 18, 2012

The City Council Finance Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 5:30 p.m. in the Municipal Building Study Session Room on the 18th 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:	Members Dillingham, Ezzell, Gallagher, and Griffith
ABSENT:	Member Quinn
OTHERS PRESENT:	Cindy Rosenthal, Mayor Tom Kovach, Council Member Linda Lockett, Council Member Dave Spaulding, Council Member Steve Lewis, City Manager Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Linda Price, Revitalization Manager Ken Komiske, Utilities Director Joy Hampton, Norman Transcript

DISCUSSION REGARDING MID-YEAR BUDGET REVIEW

A. Major Fund Summaries (FYE 2011) Actual, FYE 2012 Projections

Presentation by Anthony Francisco with handout.

- Sales Tax on budget – 4.6% increase budgeted in FYE 2012 – currently 4.9 increase
- Use tax, permit revenues , and interest earned down
- Franchise tax is up – exceptionally hot summer increased electric power usage
- General Fund revenues updated
- Net Revenue Stabilization Fund – by ordinance, transfer minimum of 3% of expenditures over 3 years into fund
  - General Fund net operating difference if losses continue
  - Assumptions: all budgeted expenditures spent
  - Attrition savings were $1.8 million – we projected $1 million in FYE 12 and $200 thousand in FYE 13-17.
- Public Safety Sales Tax Fund
- Water Fund – user fee revenues higher due to exceptionally hot summer; FYE 12 budget assumed water rate increase

- Wastewater Funds
  - Sewer Maintenance Fund - on projection with $5 fee charged per customer; Interfund transfer to Capital Project carryover
  - New Development Excise Tax Fund – revised revenues, decrease about ½ from projected budget; low new building revenues; assumed – Treatment Plant Revenue Bond sale
  - Sewer Sales Tax Fund - projected to be drawn down for wastewater treatment plant expansion; project has been postponed, but is in final design phase
- Sanitation Fund – rate increase passed – should be fine

B. Appropriation Requests Norman Economic Development Coalition (NEDC) and Outside Agencies, Norman Employees Retirement System (NERS), etc.

- NEDC has asked that contribution be increased – restore to original amount
- NERS - Actuary report shows a deficiency of $245,173 to meet actuarial level for retirees on defined combined plan; 28% unfunded plan ratio. Current employees are on defined contribution plan.
- Actuary recommends an annual contribution of approximately $235,000 for 10 years
- Food & Shelter for Friends is requesting $8,500 to hire a monitor for their cafeteria facility to be open on cold weekends and nights for homeless people in Norman, this service would end around March 15 of this year.
  - This was discussed in the ECHO 2015 meeting in December
  - Have to amend existing contract with Food & Shelter
  - Committee wants a report to see how services were received
  - Committee recommends taking to Council next Tuesday
- Anthony Francisco asked if Committee recommends funding of other outside agencies Council has funded in the past at reduced rate of FYE 12 or restore to original amount: Center for Children & Families, Inc, 89er Day Parade, Firehouse Art Center, Historical House, and Sooner Theatre
- Ezzell – Would like for City to match the donations of employees to United Way Fund each year; contributions have ranged from $28,000 to not more than $40,000 per year
- Kovach – supportive of match , put a cap on amount
- Lockett – concerned, other projects/services to fund are needed, too
- Mayor – Increase funding should be through Social & Voluntary Services Committee
- Dillingham – have to make sure United Way is providing direct services to our citizens and set cap
- Gallagher – put a cap or earmark and specified for certain use – only way he would support
- Ezzell – cap of $50,000 and limit to 1, 2, 3 programs
- Mayor – should consider transportation needs for citizens – most have no means to make it to agencies they need service from
- Dillingham – wants more information from United Way; allocation committee makes appropriate decisions to agencies – agrees transportation is an issue
- Ezzell – restrict to direct program support; get donor restriction language from legal staff and bring back to Committee and discuss social services in general

- Dillingham – have to consider within our fiscal constraints, what is a responsible approach to social services
- Francisco – what I'm hearing is the Committee is saying to invite outside agencies and United Way to the February meeting for the FYE 13 budget process

C. "Rainy Day" Fund Appropriation

- Francisco – By ordinance Council has 3 years to fund – Council directed a deposit of $120,000 last year
- Mayor – wants a minimum contribution of $1,500,000
- Kovach – wants to defer rainy day appropriation until end of fiscal year 2012
- Francisco recapped what fund can be used for:
  - A declared federal or state disaster
  - General Fund balance falls below 1%
  - A one-time event/disaster to City, not declared by federal or state
- Francisco - Ordinance requires Council will make review at mid-year and determine any appropriations
- Ezzell – Projecting $2 million – need to make commitment for $1.5 contribution to Rainy Day Fund with restored outside agencies funding and add United Way – 3% of expenditures is approximately $3 million
- Dillingham – wants to commit to $1.5 million – expenditures are down – more stable – protect rainy day fund
- Kovach – wants to fund only 1/3 now and maybe more at year end
- Mayor – should live up to commitment and fund Rainy Day Fund
- Lockett – supportive of appropriation now
- Gallagher – wants 1/3 ($1 million) or ½ ($1.5 million) now
- Griffith – supportive of appropriation
- Ezzell – bring fund up to $1.5 million and send to Council

Items submitted for the record

1. Mid-Year Budget Review Highlights and Fund Summaries, Exhibits A through I, prepared by Anthony Francisco, Finance Director
2. Outside Agency Requests Multi-Year Review prepared by Suzanne Krohmer, Budget Manager
3. Letter from Dean Actuary to Norman Employees Retirement System
4. Letter dated September 28, 2011 to City of Norman from George Wilson, Chairperson, Norman Economic Development Coalition
5. Letter to Mayor Rosenthal & City Council dated January 19, 2012 from April Doshier, Executive Director

DISCUSSION REGARDING FYE 2013 OUTSIDE AGENCY REQUESTS AND BUDGET PROCESS

Included in discussion item above.

DISCUSSION REGARDING REVENUE/EXPENDITURE REPORT

No discussion.

Items submitted for the record

1. Summary of Major Funds-General; Capital; Westwood; Water; Wastewater; Sewer Maintenance; New Development Excise; Sewer Sales Tax; and Sanitation Fund Revenue Sources vs. Budget, Financial Report dated December 31, 2011.

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

Steve Lewis informed Committee they were working on a new format for the open positions report.

City has received many applications for the Development Coordinator position. Wide range of professionals have responded to the request for applications. Will have staff members and Chamber people involved in the interview process.

Items submitted for the record

1. City of Norman/Human Resources Department Recruitment and Selection Report dated January 11, 2012

MISCELLANEOUS DISCUSSION

No discussion.

The meeting adjourned at 6:58 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-1112-52

File ID:	GID-1112-52	**Type:**	Bid	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	City Council Finance Committee	**Cost:**	$290,000.00	**File Created:**	02/07/2012
File Name:	Awarding Bid 2012A GO Bonds			**Final Action:**	

Title:

CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012A, IN THE AMOUNT OF $290,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

INFORMATION: Bids will be opened on February 14, 2012, at 11:00 a.m. and Staff will provide a recommendation at the City Council meeting.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of _____ to _____ as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 24

Attachments: Text File Bid 2012(A), 13 Minutes of Sale of Bonds-2012A, Ordinance Authorizing Bond Issuance 2012, O-1112-26 2012(A)

Project Manager: Anthony Francisco, Director Finance

Entered by: Ellen.Usry@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-1112-52

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 indebtedness 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.

On January 24, 2012, the Council approved Resolutions R-1112-103, R-1112-104 and R-1112-105, setting a date of February 14, 2012 for the competitive sale of the Series 2012A, 2012B and 2012C General Obligation Bonds, and appointing Bank of Oklahoma as registrar/paying agent for the bonds.

DISCUSSION: Public notice of the sale of the Series 2012A, 2012B and 2012C General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids were received today (February 14, 2012) for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. In order to complete the bond sale in a timely fashion to continue to move the Animal Shelter and other approved projects in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinances also authorize the Mayor or Mayor Pro Tem and other City officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about March 12, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

ORDINANCE AUTHORIZING THE ISSUANCE 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 14TH DAY OF FEBRUARY, 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 Rosenthal introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

PRESENT:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

PRESENT:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. 0-1112-26

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012A, IN THE SUM OF $290,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

WHEREAS, on the 14th day of September, 1999, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $290,000 for the purpose of purchasing equipment and furnishings in connection with the existing public library to be owned exclusively by The City of Norman, Oklahoma (Proposition No. 2); and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 11489 votes, of which 5773 were in favor of and 5693 were against the issuance of said bonds, and 23 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 2 cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $290,000 of library improvement bonds as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Two Hundred Ninety Thousand Dollars ($290,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012A", shall be dated March 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$290,000	maturing on	March 1, 2014	at		%

Such interest payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012A

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	March 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on

or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Two Hundred Ninety Thousand Dollars ($290,000) and is issued for the purpose of purchasing equipment and furnishings in connection with the existing public library to be owned exclusively by The City of Norman, Oklahoma under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012A of The City of Norman, Oklahoma.

Date of Registration
and Authentication

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

_____
Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the

Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2012, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012A Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with ant interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated February 14, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate library improvements, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14th day of February, 2012.

(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 an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City 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 Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

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 14TH DAY OF FEBRUARY, 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)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $290,000 of General Obligation Bonds, Series 2012A, maturing $290,000 on March 1, 2014, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____ upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(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 the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012A, taken at a regular meeting thereof duly held on the date therein set out, 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 bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1112-26

File ID:	O-1112-26	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$290,000.00	**File Created:**	02/03/2012
File Name:	O-1112-26 Library Improvements 2012(A)			**Final Action:**	

Title: ORDINANCE NO. O-1112-26: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012A, IN THE SUM OF $290,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-26 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-26 upon Second Reading section by section

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 10.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-26 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 25

Attachments: Text File O-1112-26, Ordinance Authorizing Bond Issuance 2012, 13 Minutes of Sale of Bonds-2012A, O-1112-26 2012(A)

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:

Text of Legislative File O-1112-26

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 indebtedness 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.

On January 24, 2012, the Council approved Resolutions R-1112-103, R-1112-104 and R-1112-105, setting a date of February 14, 2012 for the competitive sale of the Series 2012A, 2012B and 2012C General Obligation Bonds, and appointing Bank of Oklahoma as registrar/paying agent for the bonds.

DISCUSSION: Public notice of the sale of the Series 2012A, 2012B and 2012C General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids were received today (February 14,

2012) for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. In order to complete the bond sale in a timely fashion to continue to move the Animal Shelter and other approved projects in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinances also authorize the Mayor or Mayor Pro Tem and other City officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about March 12, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

ORDINANCE AUTHORIZING THE ISSUANCE 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 14TH DAY OF FEBRUARY, 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 Rosenthal introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

PRESENT:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

PRESENT:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. 0-1112-26

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012A, IN THE SUM OF $290,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

WHEREAS, on the 14th day of September, 1999, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $290,000 for the purpose of purchasing equipment and furnishings in connection with the existing public library to be owned exclusively by The City of Norman, Oklahoma (Proposition No. 2); and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 11489 votes, of which 5773 were in favor of and 5693 were against the issuance of said bonds, and 23 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 2 cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $290,000 of library improvement bonds as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Two Hundred Ninety Thousand Dollars ($290,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012A", shall be dated March 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$290,000	maturing on	March 1, 2014	at		%

Such interest payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012A

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	March 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on

or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Two Hundred Ninety Thousand Dollars ($290,000) and is issued for the purpose of purchasing equipment and furnishings in connection with the existing public library to be owned exclusively by The City of Norman, Oklahoma under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012A of The City of Norman, Oklahoma.

Date of Registration
and Authentication

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

_____
Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the

Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2012, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012A Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with ant interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated February 14, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate library improvements, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14th day of February, 2012.

(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 an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City 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 Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

City Clerk

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 14TH DAY OF FEBRUARY, 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)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $290,000 of General Obligation Bonds, Series 2012A, maturing $290,000 on March 1, 2014, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____ upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(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 the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012A, taken at a regular meeting thereof duly held on the date therein set out, 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 bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: GID-1112-53

File ID:	GID-1112-53	**Type:**	Bid	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	City Council Finance Committee	**Cost:**	$15,000,000.00	**File Created:**	02/07/2012
File Name:	Awarding Bid GO Bonds 2012B			**Final Action:**	

Title:

CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012B, IN THE AMOUNT OF $15,000,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

INFORMATION: Bids will be opened on February 14, 2012, at 11:00 a.m. and Staff will provide a recommendation at the City Council meeting.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of _____ to _____ as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 26

Attachments: Text File Bid 2012(B), Ordinance Authorizing Bond Issuance 2012, O-1112-27-2012B, 13 Minutes of Sale of Bonds-2012B

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:

Text of Legislative File GID-1112-53

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 indebtedness 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.

On January 24, 2012, the Council approved Resolutions R-1112-103, R-1112-104 and R-1112-105, setting a date of February 14, 2012 for the competitive sale of the Series 2012A, 2012B and 2012C General Obligation Bonds, and appointing Bank of Oklahoma as registrar/paying agent for the bonds.

DISCUSSION: Public notice of the sale of the Series 2012A, 2012B and 2012C General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids were received today (February 14, 2012) for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. In order to complete the bond sale in a timely fashion to continue to move the Animal Shelter and other approved projects in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinances also authorize the Mayor or Mayor Pro Tem and other City officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about March 12, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

ORDINANCE AUTHORIZING THE ISSUANCE 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 14TH DAY OF FEBRUARY, 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 Rosenthal introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

PRESENT:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

PRESENT:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. O-1112-27

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012B, IN THE SUM OF $15,000,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

WHEREAS, on the 2nd day of March, 2010, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $19,000,000 for the purpose of reconstructing, repairing, improving and rehabilitating existing streets, roads, and intersections in The City of Norman, Oklahoma (Proposition No. 1); and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 12624 votes, of which 8170 were in favor of and 4454 were against the issuance of said bonds, and 151 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 1 cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $15,000,000 in such street resurfacing and reconstruction bonds, as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Fifteen Million Dollars ($15,000,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012B", shall be dated March 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$3,750,000	maturing on	March 1, 2014	at		%
$3,750,000	maturing on	March 1, 2015	at		%
$3,750,000	maturing on	March 1, 2016	at		%
$3,750,000	maturing on	March 1, 2017	at		%

Such interest payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012B

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	March 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Fifteen Million Dollars ($15,000,000) and is issued for the purpose of reconstructing, repairing, improving and rehabilitating existing streets, roads, and intersections in The City of Norman, Oklahoma under Section 27, Article 10, of the

Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012B of The City of Norman, Oklahoma.

Date of Registration
and Authentication

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

_____
Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2012, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012B Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with ant interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange

Commission. The notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated February 14, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate streets, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14th day of February, 2012.

(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 an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City 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 Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

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 14TH DAY OF FEBRUARY, 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)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $15,000,000 of General Obligation Bonds, Series 2012B, maturing $3,750,000 on March 1, 2014 and $3,750,000 annually each year thereafter until paid, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____ upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(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 the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012B, taken at a regular meeting thereof duly held on the date therein set out, 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 bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1112-27

File ID:	O-1112-27	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$15,000,000.00	**File Created:**	02/03/2012
File Name:	O-1112-27 Street Improvements 2012(B)			**Final Action:**	

Title: ORDINANCE NO. O-1112-27: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012B, IN THE SUM OF $15,000,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-27 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-27 upon Second Reading section by section

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 10.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-27 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 27

Attachments: Text File O-1112-27, Ordinance Authorizing Bond Issuance 2012, O-1112-27-2012B, 13 Minutes of Sale of Bonds-2012B

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:

Text of Legislative File O-1112-27

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 indebtedness 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.

On January 24, 2012, the Council approved Resolutions R-1112-103, R-1112-104 and R-1112-105, setting a date of February 14, 2012 for the competitive sale of the Series 2012A, 2012B and 2012C General Obligation Bonds, and appointing Bank of Oklahoma as registrar/paying agent for the bonds.

DISCUSSION: Public notice of the sale of the Series 2012A, 2012B and 2012C General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids were received today (February 14,

2012) for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. In order to complete the bond sale in a timely fashion to continue to move the Animal Shelter and other approved projects in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinances also authorize the Mayor or Mayor Pro Tem and other City officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about March 12, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

ORDINANCE AUTHORIZING THE ISSUANCE 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 14TH DAY OF FEBRUARY, 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 Rosenthal introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

PRESENT:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

PRESENT:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. O-1112-27

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012B, IN THE SUM OF $15,000,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

WHEREAS, on the 2nd day of March, 2010, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $19,000,000 for the purpose of reconstructing, repairing, improving and rehabilitating existing streets, roads, and intersections in The City of Norman, Oklahoma (Proposition No. 1); and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 12624 votes, of which 8170 were in favor of and 4454 were against the issuance of said bonds, and 151 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on Proposition No. 1 cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $15,000,000 in such street resurfacing and reconstruction bonds, as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Fifteen Million Dollars ($15,000,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012B", shall be dated March 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$3,750,000	maturing on	March 1, 2014	at		%
$3,750,000	maturing on	March 1, 2015	at		%
$3,750,000	maturing on	March 1, 2016	at		%
$3,750,000	maturing on	March 1, 2017	at		%

Such interest payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012B

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	March 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Fifteen Million Dollars ($15,000,000) and is issued for the purpose of reconstructing, repairing, improving and rehabilitating existing streets, roads, and intersections in The City of Norman, Oklahoma under Section 27, Article 10, of the

Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012B of The City of Norman, Oklahoma.

Date of Registration
and Authentication

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT

_____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

_____
Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2012, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012B Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with ant interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange

Commission. The notices of material events will be provided by the City to the Municipal Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated February 14, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate streets, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14th day of February, 2012.

(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 an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City 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 Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

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 14TH DAY OF FEBRUARY, 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)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $15,000,000 of General Obligation Bonds, Series 2012B, maturing $3,750,000 on March 1, 2014 and $3,750,000 annually each year thereafter until paid, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____ upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(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 the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012B, taken at a regular meeting thereof duly held on the date therein set out, 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 bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: GID-1112-54

File ID:	GID-1112-54	**Type:**	Bid	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	City Council Finance Committee	**Cost:**	$3,035,000.00	**File Created:**	02/07/2012
File Name:	Awarding bid for GO Bonds 2012C			**Final Action:**	

Title:

CONSIDERATION AND AWARDING OF THE BID FOR THE CITY OF NORMAN, OKLAHOMA, GENERAL OBLIGATION BONDS, SERIES, 2012C, IN THE AMOUNT OF $3,035,000 TO THE BIDDER OFFERING THE LOWEST RATE OF INTEREST AND COMPLYING WITH THE NOTICE OF SALE AND INSTRUCTION TO BIDDERS.

INFORMATION: Bids will be opened on February 14, 2012, at 11:00 a.m. and Staff will provide a recommendation at the City Council meeting.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of _____ to _____ as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 28

Attachments: Text File Bid 2012(C), Ordinance Authorizing Bond Issuance 2012, O-1112-28 2012(C), 13 Minutes of Sale of Bonds-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:

Text of Legislative File GID-1112-54

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 indebtedness 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.

On January 24, 2012, the Council approved Resolutions R-1112-103, R-1112-104 and R-1112-105, setting a date of February 14, 2012 for the competitive sale of the Series 2012A, 2012B and 2012C General Obligation Bonds, and appointing Bank of Oklahoma as registrar/paying agent for the bonds.

DISCUSSION: Public notice of the sale of the Series 2012A, 2012B and 2012C General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids were received today (February 14, 2012) for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. In order to complete the bond sale in a timely fashion to continue to move the Animal Shelter and other approved projects in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinances also authorize the Mayor or Mayor Pro Tem and other City officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about March 12, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

ORDINANCE AUTHORIZING THE ISSUANCE 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 14TH DAY OF FEBRUARY, 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 Rosenthal introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

PRESENT:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

PRESENT:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. O-1112-28

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012C, IN THE SUM OF $3,035,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

WHEREAS, on the 8th day of November, 2011, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $3,035,000 for the purpose of remodeling, equipping, furnishing and expanding the City's animal shelter facilities all to be owned exclusively by The City of Norman, Oklahoma; and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 9237 votes, of which 7008 were in favor of and 2229 were against the issuance of said bonds, and 21 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on the Proposition cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $3,035,000 in such animal shelter improvement bonds, as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Three Million Thirty-Five Thousand Dollars ($3,035,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012C", shall be dated March 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$750,000	maturing on	March 1, 2014	at		%
$750,000	maturing on	March 1, 2015	at		%
$750,000	maturing on	March 1, 2016	at		%
$785,000	maturing on	March 1, 2017	at		%

Such interest payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012C

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	March 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Three Million Thirty-Five Thousand Dollars ($3,035,000) and is issued for the purpose of remodeling, equipping, furnishing and expanding the City's animal shelter facilities all to be owned exclusively by The City of Norman, Oklahoma

under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012C of The City of Norman, Oklahoma.

Date of Registration
and Authentication

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT _____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for

uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2012, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012C Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with ant interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The notices of material events will be provided by the City to the Municipal

Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated February 14, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate animal shelter facilities, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14th day of February, 2012.

(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 an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City 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 Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

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 14TH DAY OF FEBRUARY, 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)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $3,035,000 of General Obligation Bonds, Series 2012C, maturing $3,750,000 on March 1, 2014 and $750,000 annually each year thereafter until paid, except the last installment shall be for $785,000, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____ upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(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 the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012C, taken at a regular meeting thereof duly held on the date therein set out, 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 bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: O-1112-28

File ID:	O-1112-28	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 29	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$3,035,000.00	**File Created:**	02/03/2012
File Name:	O-1112-28 Animal Shelter 2012(C)			**Final Action:**	

Title: ORDINANCE NO. O-1112-28: AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012C, IN THE SUM OF $3,035,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-28 upon First Reading by title.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-28 upon Second Reading section by section

ACTION TAKEN: _____

ACTION NEEDED: Motion to approve Emergency Section No. 10.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt or reject Ordinance No. O-1112-28 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 29

Attachments: Text File O-1112-28, Authorizing Bond Issuance 2012, O-1112-28 2012(C), 13 Minutes of Sale of Bonds-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:

Text of Legislative File O-1112-28

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 indebtedness 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.

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On January 24, 2012, the Council approved Resolutions R-1112-103, R-1112-104 and R-1112-105, setting a date of February 14, 2012 for the competitive sale of the Series 2012A, 2012B and 2012C General Obligation Bonds, and appointing Bank of Oklahoma as registrar/paying agent for the bonds.

DISCUSSION: Public notice of the sale of the Series 2012A, 2012B and 2012C General Obligation Bonds was made in the *Norman Transcript* and other publications. As noted in the Notice to Bidders distributed pursuant to this Notice, bids were received today (February 14,

2012) for the Bonds and the bidder with the lowest true interest cost is recommended to be approved to purchase the Bonds. In order to complete the bond sale in a timely fashion to continue to move the Animal Shelter and other approved projects in the expeditious manner that is desired by the Council, the attached Ordinances are recommended to be approved on an emergency basis.

The Ordinances also authorize the Mayor or Mayor Pro Tem and other City officials to execute relevant documents to complete the bond sale. These documents include, without limitation, the following:

Continuing Disclosure Agreement;
Arbitrage Certification;
Non-Litigation Certification;
Official Statement/Prospectus

It is currently estimated that the sale of the bonds will close and the funds will be received on or about March 12, 2012.

RECOMMENDATION: It is recommended that the Ordinances be approved on an emergency basis and the Mayor or Mayor Pro Tem, City Clerk or Deputy City Clerk, City Manager, City Attorney and the Finance Director be authorized and empowered to execute the documents at the time of the closing of the sale or as necessary.

ORDINANCE AUTHORIZING THE ISSUANCE 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 14TH DAY OF FEBRUARY, 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 Rosenthal introduced an Ordinance, which was read in full by the Clerk, and upon motion by _____, seconded by _____, said Ordinance was adopted by the following vote:

PRESENT:

NAY:

and upon motion by _____, seconded by _____, the question of the emergency was ruled upon separately and approved with the following vote:

PRESENT:

NAY:

Said Ordinance was thereupon signed by the Mayor, attested by the Clerk, sealed with the seal of said municipality and is as follows:

ORDINANCE NO. O-1112-28

AN ORDINANCE PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS, SERIES 2012C, IN THE SUM OF $3,035,000 BY THE CITY OF NORMAN, OKLAHOMA, AUTHORIZED AT AN ELECTION DULY CALLED AND HELD FOR SUCH PURPOSE; PRESCRIBING FORM OF BONDS; PROVIDING FOR REGISTRATION THEREOF; APPROVING THE FORM OF A CONTINUING DISCLOSURE CERTIFICATE; PROVIDING FOR LEVY OF AN ANNUAL TAX FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME AND FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING EMERGENCY.

WHEREAS, on the 8th day of November, 2011, pursuant to notice duly given, an election was held in The City of Norman, Oklahoma, for the purpose of submitting to the registered qualified voters the question of the issuance of the bonds of said municipality in the amount of $3,035,000 for the purpose of remodeling, equipping, furnishing and expanding the City's animal shelter facilities all to be owned exclusively by The City of Norman, Oklahoma; and

WHEREAS, as shown by the canvass of the returns by the County Election Board of Cleveland County, Oklahoma, at said election there were cast by the registered qualified voters of said municipality 9237 votes, of which 7008 were in favor of and 2229 were against the issuance of said bonds, and 21 were mutilated, spoiled, or not voted ballots; and

WHEREAS, a lawful majority of the registered, qualified voters voting on the Proposition cast their ballots in favor of the issuance of said bonds, the issuance thereof has been duly authorized; and

WHEREAS, it is deemed advisable by the governing body of said municipality at this time to issue an aggregate principal amount of $3,035,000 in such animal shelter improvement bonds, as a single issue of general obligation bonds as authorized by Title 62, Oklahoma Statutes 2011, Sections 353 and 354, as amended.

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

Section 1. That there are hereby ordered and directed to be issued the bonds of said City in accordance with the form as hereinafter set out, in the aggregate amount of Three Million Thirty-Five Thousand Dollars ($3,035,000), which said Bonds shall be designated "General Obligation Bonds, Series 2012C", shall be dated March 1, 2012, and become due and payable and bear interest from their date until paid as follows:

$750,000	maturing on	March 1, 2014	at		%
$750,000	maturing on	March 1, 2015	at		%
$750,000	maturing on	March 1, 2016	at		%
$785,000	maturing on	March 1, 2017	at		%

Such interest payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013. The Bonds are issuable as registered Bonds in denominations of $1,000.00 or any whole multiple thereof.

Section 2. That each of said Bonds and the endorsements and certificates thereon shall be in substantially the following form:

[Remainder of Page Left Blank Intentionally]

No. _____ $_____

UNITED STATES OF AMERICA
STATE OF OKLAHOMA

THE CITY OF NORMAN, OKLAHOMA
GENERAL OBLIGATION BOND, SERIES 2012C

CUSIP	INTEREST RATE	DATED DATE	DUE
	_____%	March 1, 2012	

REGISTERED OWNER:

PRINCIPAL AMOUNT:

KNOW ALL PEOPLE BY THESE PRESENTS: That The City of Norman, Oklahoma, hereby acknowledges itself indebted to and for value received, promises to pay the principal amount set forth above to the person named below:

_____ or registered assigns (hereinafter called the "Registered Holder"), for the bond number(s) set forth above, together with interest thereon at the rate specified hereon, from the date hereof until paid, payable semi-annually on the 1st day of March and September of each year, commencing on the 1st day of March, 2013.

The principal of and interest on this Bond are payable in lawful money of the United States of America which, at the time of payment, shall be legal tender for the payment of public and private debts. Payments of interest hereon shall be paid by check of BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma (herein called the "Paying Agent/Registrar") payable to the order of the Registered Holder and mailed to the address shown in the Registration Record on or before the date on which each such payment is due. Payment of principal of this Bond shall be payable only upon surrender of this Bond to the Paying Agent/Registrar.

THE FULL FAITH, CREDIT AND RESOURCES of said City are hereby irrevocably pledged to the payment of this Bond.

THIS BOND is one of an issue of like date and tenor, except as to date of maturity, rate of interest, denomination, totaling the principal sum of Three Million Thirty-Five Thousand Dollars ($3,035,000) and is issued for the purpose of remodeling, equipping, furnishing and expanding the City's animal shelter facilities all to be owned exclusively by The City of Norman, Oklahoma

under Section 27, Article 10, of the Oklahoma Constitution and Statutes of the State of Oklahoma complementary, supplementary and enacted pursuant thereto.

No person shall be entitled to any right or benefit provided in this Bond unless the name of such person is registered by the Paying Agent/Registrar as the Registrar of the City on the Registration Record. This Bond shall be transferrable only upon delivery of this Bond to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, duly executed by the Registered Holder hereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. The Registrar shall not be required to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date. The name of the Registered Holder endorsed hereon shall be deemed the correct name of the owner of this Bond for all purposes whatsoever. The Registrar will keep the Registration Record open for registration of ownership of registered Bonds during its business hours. In the event of a change of Registrar for any reason, notice thereof shall be mailed, by registered or certified United States Mail, postage prepaid, to the Registered Holder at the address shown in the Registration Record, and such notice shall be effective on the date of mailing and sufficient as to all persons.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required to be done, precedent to and in the issuance of this Bond have been properly done, happened and been performed in regular and due form and time as required by law and that the total indebtedness of said City, including this Bond, and the series of which it forms a part, does not exceed any constitutional or statutory limitation; and that due provision has been made for the collection of an annual tax sufficient to pay the interest on this Bond as it falls due and also to constitute a sinking fund for the payment of the principal hereof at maturity.

IN WITNESS WHEREOF, said City has caused this Bond to be executed with the manual or facsimile signature of its Mayor, attested with the manual or facsimile signature of its Clerk, and sealed with a facsimile seal of the City this ____ day of _____, 20__.

(SEAL)

_____
Mayor

ATTEST:

_____
City Clerk

AUTHENTICATION CERTIFICATE

This Bond is one of the Bonds of the issue described in the Transcript of Proceedings prepared for this Bond issue and is one of the General Obligation Bonds, Series 2012C of The City of Norman, Oklahoma.

Date of Registration
and Authentication

BOKF, NA dba Bank of Oklahoma
Oklahoma City, Oklahoma

_____

_____
Authorized Officer

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

We, the undersigned, District Attorney and County Clerk, respectively, of said County, in said State, in which the within named City is situated, hereby certify that the within Bond is one of a series of Bonds issued by the within named City pursuant to law, and that the entire issue of said Bonds is within the debt limit imposed upon said City by the Constitution and laws of the State of Oklahoma.

WITNESS our respective official hands and the seal of said County this _____ day of _____, 2012.

_____
County Clerk, Cleveland County, Oklahoma

_____
District Attorney, District No. 21

(SEAL)

FORM OF ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer such Bond on the books kept for registration and transfer of the within Bond, with full power of substitution in the premises.

Dated: _____, ____. _____

Signature guaranteed by:

_____

STATE OF OKLAHOMA)
)SS
COUNTY OF CLEVELAND)

I, the undersigned, the duly qualified and acting Treasurer of the within named City, in said County and State, hereby certify that I have duly registered the within Bond in my office on this ___ day of _____, 2012.

WITNESS my hand the date above written.

_____
Treasurer

STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
BOND DEPARTMENT

_____, 2012.

I HEREBY CERTIFY that I have examined a certified copy of the record of proceedings taken preliminary to and in the issuance of the within Bond; that such proceedings and such Bond show lawful authority for the issue and are in accordance with the forms and method of procedure prescribed and provided by me for the issuance of Bonds of like kind; and that said Bond is a valid and binding obligation according to its tenor and terms, and, under the provisions of Title 62, Oklahoma Statutes 2011, Sections 11, 13 and 14, requiring the certificate of the Bond Commissioner of the State of Oklahoma thereon, is incontestable in any court in the State of Oklahoma unless suit thereon shall be brought in a court having jurisdiction of the same within thirty days from the date of this approval of said bond appearing in the caption hereto.

Attorney General, *Ex Officio*
Bond Commissioner of the State of Oklahoma

SECTION 3. That each of said Bonds shall be executed by manual or facsimile signature of the Mayor and have the facsimile corporate seal of said City imprinted thereon, and be attested by the Clerk of said City by manual or facsimile signature; that said officers be and are hereby authorized and directed to cause said Bonds to be prepared and to execute the same for and on behalf of said City; have the same registered by the Treasurer, endorsed by the District Attorney and County Clerk and presented to the Attorney General, *Ex Officio* Bond Commissioner, together with a certified transcript of all proceedings had in connection with their issue, for his approval and endorsement; that thereafter said Bonds shall be delivered to the purchaser upon payment of the purchase price thereof, which shall not be less than par and accrued interest. The proceeds derived from the sale of said Bonds shall be placed in a special fund and used solely for the purpose of providing funds for the purpose set out in the Bond in Section 2 hereof.

SECTION 4. Whenever any registered Bond or Bonds shall be exchanged for another registered Bond or Bonds of different denomination, the Registrar shall cancel the Bond or Bonds surrendered in such exchange on the face thereof and on the Registration Record. If the supply of registered Bonds for making exchanges shall have been exhausted, the Registrar shall cause additional registered Bonds to be prepared, at the expense of the City. The City covenants that upon request of the Registrar, its appropriate officers promptly will execute such additional registered Bonds on behalf of the City.

SECTION 5. The Paying Agent/ Registrar for all registered Bonds issued pursuant to this Ordinance shall be BOKF, NA dba Bank of Oklahoma, Oklahoma City, Oklahoma, which shall maintain a Registration Record for the purpose of registering the name and address of the Registered Holder of each registered Bond. The Registrar will keep the Registration Record open for registrations during its business hours. In the event of a change of Registrar, notice thereof shall be mailed, registered or certified United States Mail, postage prepaid, to the Registered Holder of each registered Bond. The name and address of the Registered Holder as the same appears on the Registration Record shall be conclusive evidence to all persons and for all purposes whatsoever and no person other than the Registered Holder shown on the Registration Record shall be entitled to any right or benefit in relation to the Bond so registered; provided, that the foregoing shall not apply to any successor by operation of law of such Registered Holder. Registered Bonds shall be transferrable only upon delivery of such Bonds to the Registrar, duly endorsed or accompanied by a written instrument of transfer in form satisfactory to the Registrar, executed by the Registered Holder thereof or his attorney duly authorized in writing, and such transfer registered on the Registration Record. If the Form of Assignment of such Bonds is exhausted, such Registered Bonds delivered to the Registrar for registration of transfer shall be canceled by the Registrar on the face thereof and the Registrar shall authenticate and deliver to the transferee Bonds in aggregate principal amount equal to the unpaid principal of the surrendered Bonds in new registered Bonds, in denominations of $1,000.00 or any multiple thereof. The Registrar shall not be obligated to make such transfer after the fifteenth (15^{th}) day preceding any interest payment date until after said latter date.

SECTION 6. There is hereby created and established a system of registration for

uncertificated registered public obligations with respect to the Bonds as provided in the Registered Public Obligations Act of Oklahoma, Title 62 Oklahoma Statutes 2011, Section 582(13)(b), whereby books shall be maintained on behalf of the City by the Depository Trust Company, New York, New York, for the purpose of registration of transfer of the uncertificated registered public obligations with respect to the Bonds which specify the persons entitled to the Bonds and the rights evidenced thereby shall be registered upon such books, and the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively) are hereby authorized and directed to execute such documents and instruments as may be required to implement the foregoing system of registration.

SECTION 7. That beginning in the year 2012, a continuing annual tax sufficient to pay the interest on said Bonds when due and for the purpose of providing a sinking fund with which to pay the principal of said Bonds when due shall be and is hereby ordered levied upon all taxable property of said City, in addition to all other taxes, said sinking fund to be designated "General Obligation Bonds, Series 2012C Sinking Fund". Said tax shall be and is hereby ordered certified, levied and extended upon the tax rolls and collected by the same officers in the same manner and at the same time as the taxes for general purposes in each of said years are certified, levied, extended and collected; that all funds derived from said tax shall be placed in said sinking fund, which, together with ant interest collected on same, shall be irrevocably pledged to the payment of the interest on and principal of said Bonds when and as the same fall due.

SECTION 8. A Continuing Disclosure Certificate, as a material inducement to the Purchaser(s) of the Bonds, in substantially the form of the draft thereof presented at the meeting at which this Ordinance is adopted and to be dated the date of initial delivery of the Bonds, is hereby authorized to be executed and delivered by the Mayor and Clerk (or in their absence or incapacity, the Vice-Mayor and Deputy Clerk, respectively). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Ordinance, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section. "Continuing Disclosure Certificate" shall mean that certain Continuing Disclosure Certificate executed by the City and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

The City hereby covenants and agrees for the benefit of the Bondholders to provide annual financial information on the City which shall include financial information customarily prepared by the City and which is publicly available, and to provide, in a timely manner, notice of events specified in paragraph (b)(5)(i)(C) of Rule 15c2-12 promulgated by the Securities and Exchange Commission. The notices of material events will be provided by the City to the Municipal

Securities Rulemaking Board via the Electronic Municipal Market Access System ("EMMA") @ www.emma.msrb.org.

SECTION 9. The Official Statement dated February 14, 2012, pertaining to the Bonds issued pursuant to this Ordinance is approved and the Official Statement was, as of its date and is as of this date, true and correct and does not, as of its date or as of the date hereof, contain any untrue or misleading statements of a material fact or omit to state any material fact which should be included therein because of the purpose for which the Official Statement is to be used, or which is necessary to make the statements therein not misleading in light of the circumstances under which they were made. The City authorizes the use of the Official Statement in connection with the sale of the Bonds by the purchasers thereof.

SECTION 10. That by reason of said City being without adequate animal shelter facilities, it is deemed and hereby declared necessary for the preservation of the public health, peace and safety that this Ordinance shall become operative immediately; wherefore, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED AND APPROVED this 14th day of February, 2012.

(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 an Ordinance authorizing the issuance of Bonds for the purpose therein set out, adopted by the governing body of said City 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 Ordinance was approved, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

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 14TH DAY OF FEBRUARY, 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)

It appearing that due and legal notice had been given that said City would offer for sale on this date and at this hour and at this place its $3,035,000 of General Obligation Bonds, Series 2012C, maturing $3,750,000 on March 1, 2014 and $750,000 annually each year thereafter until paid, except the last installment shall be for $785,000, the governing body proceeded to consider the bids received for the purchase of said Bonds. The following bids were received and considered by the governing body:

Bidders	True Interest Cost	Net Interest Cost	Premium

The governing body required each bidder to submit with his bid a sum in cash or its equivalent, equal to two percent (2%) of his bid and, after due consideration of all bids received by the governing body, a motion was made by _____ that the Bonds be awarded, sold and delivered to _____ upon fulfillment of the terms set out in said contract and bid for the purchase of said Bonds. Said motion was seconded by _____ and was adopted by the following vote:

AYE:

NAY:

(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 the proceedings of the governing body of said City at the time bids were received for the sale of its General Obligation Bonds, Series 2012C, taken at a regular meeting thereof duly held on the date therein set out, 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 bids were received, excluding Saturdays, Sundays and State designated legal holidays.

WITNESS my hand and seal this 14th day of February, 2012.

(SEAL)

_____
City Clerk

City of Norman, OK

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

Master

File Number: K-1112-114

File ID:	K-1112-114	**Type:**	Contract	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 30	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$280,000.00	**File Created:**	02/03/2012
File Name:	K-1112-114 2060 Strategic Water Supply Plan			**Final Action:**	

Title: CONTRACT NO. K-1112-114: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CAROLLO ENGINEERS, INC. IN THE AMOUNT OF $280,000 TO PREPARE PHASE I OF THE 2060 STRATEGIC WATER SUPPLY PLAN.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1112-114 with Carollo Engineers, Inc., in the amount of $280,000; and, if accepted authorize the execution thereof.

ACTION TAKEN: _____

Notes: February 14, 2012, City Council Agenda

Agenda Date: 02/14/2012

Agenda Number: 30

Attachments: Text File K-1112-114, K-1112-114, PR Carollo

Project Manager: Mark Daniels, Utilities Engineer

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:

Text of Legislative File K-1112-114

Body

Background: On November 21, 2011, the Norman Utilities Authority (NUA) forwarded Request for Proposal (RFP) 1112-35 to engineering consultants for preparation of the 2060 Strategic Water Supply Plan (the Plan). This project will update our previous plan prepared in 2001 and is budgeted in the FYE12 capital budget for $300,000 under Project WA0174, Water Supply Plan Update.

The NUA is currently unable to supply sufficient potable water to meet peak demands and is concerned about probable reduction of the MCL for Total Chromium (or Chromium 6). The goal of the Plan is to strengthen our knowledge of potential short and long-term water supply source(s) for our community and the Central Oklahoma region and begin implementation of a robust, economical water supply solution acceptable to the citizens of Norman.

The 2060 Strategic Water Supply Plan will need to consider the findings of the recent update of the Oklahoma Comprehensive Water Plan (OCWP), the Regional Raw Water Supply Study for Central Oklahoma, the Proposed Scissortail Reservoir Feasibility Study, the possible effects of the pending Garber Wellington Water Management Study, the pending EPA Toxicological Review of Hexavalent Chromium and the water reuse regulations to be promulgated by the Oklahoma Department of Environmental Quality (ODEQ). The Plan will also need to coordinate with and consider the findings of the ongoing Central Oklahoma Master Conservancy District (COMCD) Lake Thunderbird Reuse Study.

Discussion: Proposals were received on December 20, 2011 from seven firms including Alan Plummer and Associates, Carollo Engineers, CH2M Hill, Garver, L.L.C., C. H. Guernsey, HDR Engineering and Professional Engineering Consultants.

The proposal review committee consisted of three staff members and two citizens. Each committee member reviewed and rated the submitted proposals independently for (1) compliance with RFP requirements; (2) general qualifications of the firm; (3) proposed technical approach; (4) quality of references; and (5) qualifications of key personnel assigned to the project. After much discussion and deliberation, the committee selected Carollo Engineers, Inc. of Broomfield, Colorado (Carollo) teamed with TetraTech of Oklahoma City to prepare the Plan.

Staff has negotiated the work scope and cost with Carollo and recommends approval of Contract K-1112-114. The proposed work scope and tasks have been divided into two phases as identified in Attachment 1, Scope of Work.

Phase 1 generally includes development and screening of supply options, defining water demands and opportunities for conservation/reuse, preserving existing water supply sources, enhancing local supplies, considering outside water sources, and screening potential sources and selecting the most viable sources. Two public meetings and one council presentation are included in Phase 1. The negotiated lump sum cost for Phase 1 is $280,000. The estimated cost of specific tasks is identified in the scope of work; billings will be based on these costs.

Phase 2, if approved later by the NUA, includes compilation of approximately four water supply portfolios that meet the projected water demand, and evaluating each portfolio based on a weighted criteria matrix developed by the NUA. The portfolios will be refined through modeling to optimize the water supply sources for implementation. Several public presentations and/or public education workshops may be scheduled pursuant to the desires of

the NUA. The Phase 2 lump sum cost will be negotiated later.

Funds totaling $300,000 are available in Water Supply Plan Update Design (031-9196-462-62-01), Project WA0174 and are sufficient to fund Phase 1 of this project.

RECOMMENDATION: Staff recommends approval of Contract No. K-1112-114 with Carollo Engineers, Inc. for preparation of the 2060 Strategic Water Supply Plan (Phase 1) for $280,000.

AGREEMENT FOR PROFESSIONAL SERVICES

Project No. _____

This AGREEMENT made and entered into this _____ day of _____, 2012 by and between the Norman Utilities Authority (hereinafter "OWNER"), and Carollo Engineers, Inc., (hereinafter "ENGINEER").

WITNESSETH:

WHEREAS, the OWNER and the ENGINEER wish to enter into an Agreement (hereinafter "Agreement") for the furnishing of Engineering Services in connection with the Norman Utilities Authority, 2060 Strategic Water Supply Plan (hereinafter "Project"), and

WHEREAS, ENGINEER is qualified and prepared to perform the necessary professional services in connection with the Project.

NOW THEREFORE, in consideration of the mutual promises and covenants of the parties hereto, it is agreed as follows:

SECTION 1 - PROFESSIONAL SERVICES

1.1 ENGINEER shall provide professional engineering services in all phases of the Project to which this Agreement applies. The services furnished by the ENGINEER will be defined by Task Orders which will set forth the Engineer's Services, Time of Performance, and Payment.

1.2 It is intended that each Task Order, after execution by both parties shall become a supplement to and a part of this Agreement.

SECTION 2 - PAYMENT TO ENGINEER

2.1 As consideration for providing the services referred to in Section 1, the OWNER shall pay ENGINEER on the basis to be established in the Task Order for Services.

2.2 The ENGINEER is not responsible for damage or delay in performance caused by events beyond the control of ENGINEER. In the event ENGINEER's services are suspended, delayed or interrupted for the convenience of the OWNER or delays occur beyond the control of ENGINEER, an equitable adjustment in ENGINEER's time of performance and cost of ENGINEER's personnel and subcontractors shall be made.

2.3 OWNER reserves the right to direct revision of ENGINEER's services as may be necessary. When ENGINEER is directed to make revisions under this section of the agreement, ENGINEER shall advise OWNER of the probable costs involved in completing engineering services and the time of performance for such completion. Extra services also include those that are required for defense of claims, in which event ENGINEER shall bill OWNER on an hourly basis together with cost of material.

2.4 In the event OWNER and ENGINEER cannot agree on equitable compensation for services rendered in making revisions, then, at OWNER's option, ENGINEER shall either continue performance under the revised Agreement and an equitable

adjustment in ENGINEER's time of performance and cost of ENGINEER's personnel shall be made at completion of the revised work or ENGINEER shall not be obligated to continue performance under this Agreement.

2.5 If ENGINEER's work products require revisions prior to construction bidding due to ENGINEER's errors or omissions, the exclusive remedy will be limited to revisions made by ENGINEER without compensation.

2.6 The ENGINEER shall bill the OWNER monthly indicating the services performed and the cost of such services.

OWNER agrees to pay invoices within 45 days of their date. Payments not received by ENGINEER within 45 days shall be considered delinquent and subject to a finance charge of 1 percent per month for each month unpaid after the date of invoice. ENGINEER may suspend services should an invoice remain delinquent for 75 days from date of invoice.

2.7 All notices shall be made in writing and may be given by personal delivery or by mail. Notices sent by mail shall be addressed to the designated responsible person or office:

TO OWNER:

Norman Utilities Authority, Attn: Mark Daniels

201 W. Gray, Building C

Norman, OK 73069

mark.daniels@normanok.gov

TO ENGINEER:

Carollo Engineers, Inc., Attn: John Rehring

390 Interlocken Crescent, Suite 800

Broomfield, CO 80021

jrehring@carollo.com

and when so addressed, shall be deemed given upon deposit in the United States Mail, postage prepaid. In all other instances, notices and invoices shall be deemed given at the time of actual delivery.

All payments are to be mailed to:

Carollo Engineers, Inc.
P.O. Box 30835
Salt Lake City, UT 84130-0835

unless otherwise informed on the face of the invoice.

SECTION 3 - MISCELLANEOUS

3.1 The OWNER shall furnish the ENGINEER available studies, reports and other data pertinent to ENGINEER's services; obtain or authorize ENGINEER to obtain or provide additional reports and data as required; furnish to ENGINEER services of others required for the performance of ENGINEER's services hereunder, and ENGINEER shall be entitled to use and rely upon all such information and services provided by OWNER or others in performing ENGINEER's services under this Agreement.

3.2 The OWNER shall arrange for access to and make all provisions for ENGINEER to enter upon public and private property as required for ENGINEER to perform services hereunder.

3.3 Documents, including drawings and specifications, prepared by ENGINEER pursuant to this Agreement are not intended or represented to be suitable for reuse by OWNER or others for this Project or on any other project. Any reuse of

completed documents or use of partially completed documents without written verification or concurrence by ENGINEER for the specific purpose intended will be at OWNER's sole risk and without liability or legal exposure to ENGINEER; and OWNER shall indemnify and hold harmless ENGINEER from all claims, damages, losses and expenses, including attorney's fees arising out of or resulting therefrom.

3.4 During the performance of the Project under this Agreement, ENGINEER shall maintain the following insurance:

a. Worker's compensation insurance for ENGINEER's employees as required by Oklahoma Workers Compensation Statutes.

b. Comprehensive general liability insurance with a minimum of $100,000 per accident for bodily injury or death and $25,000 per occurrence for property damage.

c. Comprehensive automobile liability insurance with a minimum of $100,000 per accident for bodily injury or death and $25,000 for property damage.

d. Professional Liability (errors and omissions) insurance with a minimum policy value of $1,000,000.

ENGINEER shall furnish OWNER certificates of insurance that shall include a provision that such insurance shall not be canceled without at least thirty days written notice to OWNER. All Project subconsultant shall be required to include OWNER and ENGINEER as additional insured on their General Liability Insurance policies.

ENGINEER and OWNER each shall require its insurance carriers to waive all rights of subrogation against the other and its directors, officers, partners, commissioners, officials, agents and employees for damages covered by property insurance during and after the Project. A similar provision shall be incorporated into all contractual arrangements entered into by OWNER and shall protect OWNER and ENGINEER to the same extent.

SECTION 4 - LEGAL RELATIONS

4.1 The ENGINEER shall be responsible for professional negligence, which is failure to exercise skill and ability as ordinarily required of engineers under the same or similar circumstances. The ENGINEER shall not be responsible for warranties, guarantees, fitness for a particular purpose or breach of fiduciary duty and shall only indemnify for failure to perform in accordance with the generally accepted engineering and consulting standards.

4.2 OWNER and ENGINEER shall each defend, indemnify and hold harmless the other and their respective principals, directors, officers and employees from and against claims, loss, liability, suits and damages, including attorney's fees, caused in whole or in part by either party's negligent acts, errors or omissions, willful misconduct or OWNER's lawful responsibility respectively or, anyone directly or indirectly employed by either of them or anyone for whose acts they may be liable regardless of whether or not such claim, loss, liability or damage is caused in part by a party indemnified hereunder.

In the event that both OWNER's and ENGINEER's wrongful act or lawful responsibility is the proximate cause of any liability or damages, then in

such event, each party shall be liable for a portion of the damages and claim costs resulting therefrom equal to such party's comparative share of the total negligence or lawful responsibility for such damages and claim costs. Notwithstanding the foregoing, a party's defense obligation hereunder shall be limited to reimbursement of the other party's reasonable defense costs which are judicially determined to have been incurred as a result of the first party's negligence.

4.3 Hazardous materials or asbestos may exist at a site where there is no reason to believe they could or should be present. The ENGINEER and OWNER agree that the discovery of unanticipated hazardous materials or asbestos constitutes a changed condition mandating a renegotiation of ENGINEER's services.

4.4 The ENGINEER has no control over the cost of labor, materials, equipment or services furnished by others, or over Contractor's methods of determining prices, or other competitive bidding or market conditions, practices or bidding strategies. Cost estimates are based on ENGINEER's opinion based on experience and judgment. ENGINEER cannot and does not guarantee that proposals, bids or actual Project construction costs will not vary from cost estimates prepared by ENGINEER.

4.5 If the project involves construction of any kind, the parties agree that OWNER and ENGINEER shall be indemnified to the fullest extent permitted by law for all claims, damages, losses and expense including attorney's fees arising out of or resulting from Contractor's performance of work including injury to any worker on the job site except for the sole negligence of OWNER or ENGINEER. Both OWNER and ENGINEER shall be named as additional primary insured(s) by Contractor's General Liability and Builders All Risk insurance policies without offset and all Construction Documents and insurance certificates shall include wording acceptable to the parties herein with reference to such provisions.

4.6 ENGINEER shall not be responsible for the means, methods, techniques, sequences, or procedures of construction selected by contractors or the safety precautions and programs incident to the work of contractors and will not be responsible for Contractor's failure to carry out work in accordance with the Contract Documents.

4.7 The services to be performed by ENGINEER are intended solely for the benefit of the OWNER. No person or entity not a signatory to this Agreement shall be entitled to rely on the ENGINEER's performance of its services hereunder, and no right to assert a claim against the ENGINEER by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement or the performance of the ENGINEER's services hereunder.

4.8 The ENGINEER's instruments of service hereunder are the printed hard copy drawings and specifications issued for the Project, whereas electronic media, including CADD files, are tools for their preparation. As a convenience to the OWNER, the ENGINEER shall furnish to the OWNER both printed hard copies and electronic media. In the event of a conflict in their content, the printed hard copies shall take precedence over the electronic media.

Because data stored in electronic media form can be altered, inadvertently, it is agreed that the OWNER shall hold ENGINEER harmless from liability arising out of changes or modifications to ENGINEER's data in electronic media form in the OWNER's possession or released to others by the OWNER.

SECTION 5 - TERMINATION OF AGREEMENT

5.1 If this Agreement is terminated with or without cause, in either event, OWNER shall provide:

a. not less than five (5) working days' written notice of intent to terminate, and

b. an opportunity for good faith consultation prior to termination.

SECTION 6 - DISPUTE RESOLUTION

6.1 All claims, disputes, and other matters in controversy between OWNER and ENGINEER arising out of or in any way related to this Agreement will be submitted to Alternative Dispute Resolution (ADR) before, and as a condition precedent to other remedies provided by law. The method for resolving disputes will be agreed to between the parties and each party shall use its best efforts to reach a resolution.

SECTION 7 - ENTIRE AGREEMENT

7.1 This Agreement, including attachments incorporated herein by reference, represents the entire Agreement and understanding between the parties and any negotiations, proposals or oral agreements are intended to be integrated herein and to be superseded by this written Agreement. Any supplement or amendment to this Agreement to be effective shall be in writing and signed by the OWNER and ENGINEER.

SECTION 8 - GOVERNING LAW

8.1 This Agreement is to be governed by and construed in accordance with the laws of the State of Oklahoma.

IN WITNESS WHEREOF, duly authorized representatives of the parties have signed in confirmation of this Agreement, with effective date the day and year first above written.

CAROLLO ENGINEERS, INC.

By: _____
Vice President

By: _____
Vice President

NORMAN UTILITIES AUTHORITY

By: _____
Chairman

By: _____
Attorney

TASK ORDER NO. 1

NORMAN UTILITIES AUTHORITY

AND

CAROLLO ENGINEERS, INC.

This Task Order is issued by the OWNER and accepted by ENGINEER pursuant to the mutual promises, covenants and conditions contained in the Agreement between the above named parties dated the _____ day of _____, 2012, in connection with the Norman Utilities Authority, 2060 Strategic Water Supply Plan (Project).

PURPOSE

The purpose of this Task Order is to:

Conduct Phase 1 of the development of the Norman Utilities Authority 2060 Strategic Water Supply Plan, as part of a two-phase approach to evaluating long-term water supply options for the City of Norman.

ENGINEER'S SERVICES

As described in Attachment 1, Scope of Work.

TIME OF PERFORMANCE

As described in Attachment 1, Scope of Work.

PAYMENT

As described in Attachment 1, Scope of Work.

EFFECTIVE DATE

This Task Order No. 1 is effective as of the _____ day of _____, 2012.

IN WITNESS WHEREOF, duly authorized representatives of the OWNER and of the ENGINEER have executed this Task Order No. 1 evidencing its issuance by OWNER and acceptance by ENGINEER.

CAROLLO ENGINEERS, INC.

By: _____
Vice President

By: _____
Vice President

NORMAN UTILITIES AUTHORITY

Accepted this _____ day of _____, 2012

By: _____
Chairman

By: _____
Attorney

Carollo

Engineers...Working Wonders With Water®

CERTIFICATION

This is to certify that the undersigned, Michael W. Barnes, as Corporate Secretary and General Counsel for **Carollo Engineers, Inc.**, is authorized to state and certify: That by corporate policy approved by the Board of Directors on 02/07/2011, John Rehring, Vice President, and Vincent Hart, Vice President, are authorized to execute engineering service agreements for the usual and customary engineering business of the company.

Dated: February 1, 2012

Michael W. Barnes
Corporate Secretary & General Counsel

2700 Ygnacio Valley Road, Suite 300, Walnut Creek, California 94598
P. 925.932.1710 F 925.930.0208
30-8arollo.com

ATTACHMENT 1
SCOPE OF WORK

Norman Water Utilities Authority
2060 Strategic Water Supply Plan

FINAL February 4, 2012
Carollo Engineers, Inc.

This Scope of Work describes the work to be completed by Carollo Engineers, Inc. (ENGINEER) for the City of Norman Water Utilities Authority (CITY) to complete the 2060 Strategic Water Supply Plan. The Scope of Work will be completed in two phases, as described herein, with the scope of work and fee for the second phase to be determined based on the findings of the first phase.

PHASE 1: Development and Screening of Supply Options

Task 1: Phase 1 Project Management and Coordination

Purpose:
The purpose of this task is to guide and monitor the timely delivery of project deliverables, manage staffing, provide project coordination between ENGINEER and Subconsultant team members and the CITY, and to conduct project quality reviews. This task also includes coordination with local, state, and federal agencies.

Tasks:

1.1 Project Control and Reporting

ENGINEER will conduct budget and schedule monitoring and manage staffing. ENGINEER will prepare and submit a monthly invoice and status report based on the project progress. This report will contain the following elements:

- Work completed to date
- Deviations from the scope (if any)
- Updated Action/Decision Logs
- Budget reporting

ENGINEER will also conduct meetings or teleconferences with its Subconsultant as needed to maintain coordination of efforts in support of this scope of work.

1.2 Quality Management

ENGINEER will manage the quality of the project deliverables throughout the development of the project. This will include review of final deliverables by members of the ENGINEER senior staff.

1.3 Agency Coordination

ENGINEER shall coordinate with the following water management/permitting agencies to assess the implementation requirements for key water supply options. Coordination is anticipated to be needed between the ENGINEER, the CITY, and the following agencies as part of this scope of work:

- Oklahoma Water Resources Board (water rights/permits)
- Oklahoma Department of Environmental Quality (water reuse permitting)
- Central Oklahoma Master Conservancy District / Bureau of Reclamation (Lake Thunderbird augmentation and use)
- ACOG
- Oklahoma City Water Utilities Trust
- US Fish & Wildlife Service
- US Environmental Protection Agency

1.4 Bi-Monthly Coordination Meetings

Brief project progress meetings will be conducted between project team members on a bi-monthly basis via telephone conference call, unless held in person in conjunction with other project activities. These meetings will include discussion of work progress, coordination issues, CITY feedback, and resolution of issues related to the progression of the work.

1.5 Project Management Plan

ENGINEER will prepare a Project Management Plan including: project background and objectives; project team directory; project scope and schedule; cash flow projections; communication protocols; action item and decision log format; document standards; change management procedures; and quality management plan. The Draft Project Management Plan will be prepared and submitted for review prior to the Kickoff Workshop. Comments will be incorporated and a Final Project Management Plan prepared.

1,6 Kickoff Workshop

ENGINEER will conduct a Kickoff Workshop with CITY staff to review project goals and objectives, develop a unified vision for the end products and their use, scope of work, budget, and schedule as detailed in the draft Project Management Plan. The workshop will also include discussion of decision making methodology and decision models to be employed and initial identification of potential evaluation criteria for the source of supply options.

Deliverables:

- Monthly Project Updates
- Project Management Plan
- Decision Logs (as needed) from Bi-Monthly Coordination Meetings
- Kickoff Workshop materials

Assumptions:

- A maximum of 40 hours of agency coordination has been assumed for this scope of work.
- Bi-monthly coordination meetings will occur over a period of 5 months for a total of 10 meetings.

- If additional sources of supply beyond those listed in this scope of work are identified by the CITY or public participants for evaluation by ENGINEER, the Agreement will be modified for the additional level of effort as mutually agreed in writing by ENGINEER and the CITY.

Task 2: Basis of Planning

Purpose:
The purpose of this task is to develop the foundation for the evaluation of water supply alternatives and to define the key planning assumptions that will be used throughout the project. It includes updating previous water demand projections and development of criteria to be used in the preliminary screening process and the criteria and cost factors that will be used for detailed evaluation of potential water supply alternatives.

Tasks:2.1 Review Documents

ENGINEER will review previous planning documents prepared by the CITY and other agencies related to the preparation of the SWSP, as made available to the ENGINEER by the CITY. ENGINEER will develop a plan to integrate, update, and/or disregard information in these reports. Reports that will be reviewed, and on which foundational information and assumptions for this SWSP will be based as appropriate, will include the following:

- *Norman 2020 Land Use and Transportation Plan*, prepared by The Burnham Group, dated February 1997;
- *Norman 2025 Land Use and Transportation Plan*, as amended;
- *City of Norman Master Water Plan* prepared by CH2M HILL, dated October 1992;
- *2040 Strategic Water Supply Plan*, prepared by CDM/CH2M Hill dated February 2001;
- *Arsenic Study*, prepared by CH2M HILL, dated June 2002;
- *Water Treatment Plant Expansion Evaluation*, prepared by Carollo Engineers, dated May 2007;
- *Regional Raw Water Supply Study for Central Oklahoma*, prepared by CDM dated March 2009;
- *Proposed Scissortail Reservoir Feasibility Study*, prepared by CH Guernsey & Company dated August 2009;
- Staff reports providing water production, water consumption, metered water usage, and population projections
- The Central Oklahoma Master Conservancy District (COMCD) study of the potential of augmenting Lake Thunderbird with raw water from southeast Oklahoma, Kaw Lake in northern Oklahoma, the proposed Scissortail Reservoir near Ada, from the Canadian River and the possibility of discharging high quality effluent from the cities of Moore and Norman.
- EPA guidance on potential regulation of hexavalent chromium
- The South-Central Regional Assessment Special Study (also known as the Garber-Wellington Water Management Study)
- Norman Utilities Authority (NUA) Pending Water Rights for Lake Thunderbird
- Norman 2010 Sustainable Water Resources Forum presentations

2.2 Define Baseline Water Demand Projections through 2060

ENGINEER will review the demand projections developed in recent studies conducted by the CITY and the demand projections shown in the Oklahoma Comprehensive Water Plan's Central Regional Watershed Planning Report. Demand projections will be synthesized from available sources, with adjustments made to per-capita demands and service area population projections based on CITY staff direction and available information sources identified and provided by the CITY. This will include available projections or CITY estimates for conversion of existing domestic well users within the CITY limits to CITY potable water service. ENGINEER will make modifications to the annual and peak day demand projections at decade intervals through the planning period based on available input data, in consultation with CITY staff. Input data may be based on recent years' population and demand data and

trends. Initial projections will be updated from recent Norman studies, without additional conservation measures, to serve as baseline projections.

ENGINEER will develop estimates of the potential non-potable demand in Norman's service area that could be satisfied using Category 2 reuse water, using previously-developed maps of potential water reuse sites. Residential non-potable use will be excluded from the analysis, assuming that reuse will be targeted for major parks, institutional or process/industrial facilities, etc., rather than irrigation at individual homes. Those data will be used to determine the areas or "clusters" with largest potential non-potable demands in Norman's service area, so that estimates of the costs to implement a reuse distribution system can be made under subsequent tasks. Turf irrigation guidelines (range of annual demand, and maximum weekly and daily irrigation rates) will be developed in consultation with Oklahoma State University Extension staff or other sources. This non-potable demand will serve as the upper bound of potential reuse demand, recognizing that it will not be practical to extend reuse service to 100 percent of the non-potable demands. ENGINEER will develop a description of the permitting considerations and common implementation issues associated with reuse projects for the CITY's consideration.

2.3 Assess Opportunities for Water Conservation Savings

Opportunities for reductions in future per-capita water demands will be assessed in consultation with CITY staff and the CITY's 2011 Water Conservation Plan. Scenario I and Scenario II conservation levels as defined in the 2012 OCWP and the projected demand reductions for Cleveland County will be compared to existing and proposed conservation measures for Norman, to determine the potential savings . Implementation of Scenario I and Scenario II conservation will be assessed as demand management options to complement supply options in subsequent tasks of this scope of work. Estimates of the water demand reductions (annual and peak) associated with these two conservation scenarios will be coupled with an assumed "saturation" factor (e.g., the number or percent of Norman's customers implementing Scenario I or II) for each planning decade, to establish overall conservation saving estimates for each planning decade. Projections of conservation savings will made with the intent of providing adequate time for implementation.

2.4 Identify Uncertainties

ENGINEER will develop a draft list of key uncertainties that could affect the planning process for definitively identifying a reliable water supply portfolio. Examples of the types of uncertainties may include: permanent maximum annual yield for wells in the Garber-Wellington aquifer, maximum contaminant levels for hexavalent chromium in drinking water, yields of potential future reservoirs, etc. ENGINEER will develop strategies for incorporating and managing these uncertainties as part of subsequent alternatives evaluation and implementation analyses.

2.5 Develop Initial Screening and Detailed Evaluation Criteria for Water Supply Alternatives

In consultation with CITY staff and using input from Public Meeting #1 (see Task 7), ENGINEER will refine and finalize the economic and non-economic criteria (including triple bottom line elements of social, environmental, and economic benefits) to be used in evaluating and comparing the alternatives described. Performance measures will be developed for each criterion, in order to establish quantitative and qualitative ways of evaluating the degree to which each alternative satisfies each of the criteria. Up to 10 individuals (CITY staff and other CITY-designated stakeholders) will be asked to complete a paired comparison exercise to weight the importance of each criterion relative to the other criteria. This weighting may be done on an individual basis or as a group exercise. ENGINEER will review the criteria

with CITY staff to refine the list of criteria and determine which criteria will be used for initial screening of the alternatives, versus those that will also be used for detailed evaluation of the resulting short-listed alternatives.

2.6 Conduct Basis of Planning Workshop

ENGINEER will summarize the key planning assumptions and criteria that will be used throughout the project, for discussion with CITY staff in a facilitated Basis of Planning workshop. This workshop will provide an opportunity for CITY staff to review and make modifications to the basis of planning inputs before detailed alternatives development and evaluation commences. The results of this workshop will be documented in the Basis of Planning TM.

2.7 Prepare Basis of Planning TM (TM-1)

ENGINEER will develop a "Basis of Planning" TM (TM-1) that documents the findings, discussions, and decisions of this task. This TM will include a summary of the applicability of existing reports/data, the demand projections to be used in the plan, the planning horizon, the overall goals and objectives, cost assumptions, and the screening and evaluation criteria that will be used in the evaluation of water supply alternatives.

Deliverables:

- TM-1 Basis of Planning

Assumptions:

- CITY will provide a single set of consolidated comments on the TM in electronic format. Resulting edits will be documented by ENGINEER as part of integrating the TM into the Phase 1 Report under Task 8.
- Demand projections will be based on available projections of service area population or other data provided by the CITY, in combination with mutually-agreeable estimates of per-capita consumption.

Task 3: Characterize "Preserve Existing Water Supplies" Source Options

Purpose:

The purpose of this task is to inventory the CITY's existing water supply sources and identify improvements required to maintain the maximum supply capacity from these sources over the next 50 years. These sources will be characterized relative to the CITY's evaluation criteria (e.g., cost, yield, reliability, water quality and treatment needs, water rights, uncertainty analysis) to allow them to be compared to one another and to alternative sources of water supply. ENGINEER will develop mapping showing the relative locations of these sources, using data and information as available.

Tasks:

3.1 Develop Inventory of Existing Sources

The ENGINEER will compile information based on TM-1 and input from the CITY to develop an inventory of existing sources that the CITY is currently using to supply water demands in the service area. The inventory will include raw water supply wells, surface water withdrawals, reuse facilities (OU golf course) and any other non-potable supply sources currently utilized by the CITY. Existing potable water interconnects with the CITY of Oklahoma City will also be included in the inventory. The inventory of sources will include existing wells that have production capacity, but are inactive due to water quality. The inventory will also include wells that have been proposed and sited, but not placed into active

service. The inventory, which will be a listing of all current supply sources, shall be reviewed with the CITY for completeness and accuracy.

3.2 Characterize Existing Sources

Information will be obtained from the CITY, published information and other sources as appropriate to characterize all of the existing sources of supply included in the inventory developed under Task 3.1. From the available, existing data, the ENGINEER will:

Characterize the capacity of each source in terms of:

- Water rights
- Source yield or specific capacity
- Design capacity of the withdrawal equipment and conveyance system
- Average annual withdrawal and peak daily withdrawal
- Communicate with US Bureau of Reclamation to establish anticipated long term yield from Lake Thunderbird due to potential lake silting.

Characterize the reliability of each source in terms of:

- Total and firm capacity of the withdrawal facilities
- Availability of standby power
- Impact of seasonal climate and drought conditions upon the withdrawal capacity

Characterize the operational costs of each source in terms of:

- Variable cost of operation for power and chemicals where records by individual sources of supply are available
- Fixed cost of operation for labor, replacement parts and supplies where the costs have been allocated to the individual sources of supply
- Unit costs for bulk purchase of finished water.

Characterize the water quality of each source in terms of:

- Variability of arsenic, vanadium, selenium, chromium-6, and radionuclides, using available data provided by the CITY

The ENGINEER will summarize the data for each of the sources into tabular form to allow for the review and comparison of similar data for each source. The completed characterization of the existing sources will be reviewed with the CITY for completeness and accuracy. If there are data gaps to complete this analysis, ENGINEER will advise the CITY for additional sampling and testing.

3.3 Assess Regulatory Impacts on Continued Use of Existing Sources

The ENGINEER will communicate with regulatory agencies (EPA and DEQ) to determine the current status of potential rulemaking for chromium-6 and to determine what, if any, maximum contaminant levels are being proposed. The ENGINEER in consultation with the CITY will establish potential maximum contaminant levels to be used to determine the effect upon the existing sources of supply. It is anticipated that up to three different potential maximum contaminant levels may be evaluated. Once the potential MCLs have been determined the ENGINEER will determine which wells will be affected at each level and prepare a tabulation listing each of the wells that exceeds the MCL and the capacity of the well. The total loss of supply created at each potential MCL evaluated will be summarized.

The ENGINEER will communicate with representatives of the Oklahoma Water Resources Board (OWRB) to determine the current status of the South-Central Regional Assessment Special Study and to determine if, and to what extent, temporary water rights under existing permits may be reduced. The ENGINEER in consultation with the CITY and based upon the results of communications with the OWRB will establish potential water rights that might be established upon completion of the study. It is anticipated that an expected and a worst case water right will be established for the purpose of evaluating the impact upon the existing groundwater supply. The ENGINEER will determine the reduction in supply that will be associated with each new allocation rate and the additional water rights that would need to be obtained to maintain the raw water supply potential.

3.4 Identify Improvements Needed for Continued Long-Term Use of Existing Sources

The ENGINEER will develop alternate treatment scenarios under this task to allow continued use of the existing supply wells to respond to future chromium-6 , arsenic and radionuclide MCLs as described in Task 3.3 and to use those wells having arsenic concentrations exceeding the current MCL that were taken out of service. The following considerations will be used to construct the alternatives:

- Location of treatment facilities at individual well sites, grouping of wells together for treatment at multiple locations or a central treatment facility to treat all of the wells
- Blending of well water with treated surface water to meet the MCL.
- Single or multiple stage treatment, as required to produce a finished water below the MCL
- Pumping of raw groundwater to natural tributaries to Lake Thunderbird and natural attention of heavy metals
- Pumping of raw groundwater to the existing treatment plant for blending with the surface water and treatment using the lime softening process.

The ENGINEER will rely upon the results of previous site specific studies of the removal of arsenic and chromium from the groundwater and published sources of information to determine the removal efficiency of the treatment processes proposed for inclusion in the alternatives. The ENGINEER will prepare a description for each alternative which will include the sources to receive treatment, the location of the treatment facilities, raw and finished water conveyance requirements, treatment processes and the projected finished water arsenic and chromium-6 concentrations. A planning level construction cost estimate will be developed for each alternative that includes the cost of all associated piping, treatment facilities, property acquisition and professional services.

Deliverables:

- Data and analyses for inclusion in TM-3 (under Task 5)

Assumptions:

- Source options will be assessed qualitatively for their potential susceptibility to possible future climate change, referencing supply and demand impacts identified in the 2012 OCWP. No calculations or estimates of climate change implications specific to Norman or the supply options considered herein will be developed under this scope of work.
- Operation and maintenance costs for the supply options will not be estimated, but will be qualitatively described to allow a relative comparison between options.

Task 4: Characterize "Maximize and Enhance Local Supplies" Options

Purpose:
The purpose of this task is to identify and develop options utilizing local sources of supply that are currently undeveloped or underdeveloped that could provide additional sources of raw water to increase the potable water supply or serve as a source of non-potable supply to offset the current and projected non-potable component of the potable water demand. Options will be characterized to assess yield, treatment needs, and and conceptual level cost estimates based on existing studies, experience, and literature data.

Tasks:

4.1 Storage and Supply Augmentation Options

(a) Capture of Spillage at Lake Thunderbird
ENGINEER will assist the CITY in determining the status of water above the conservation level as allocated or surplus water. The ENGINEER will review existing documentation regarding the CITY's existing water rights and allocation of water from Lake Thunderbird and applicable laws and regulations. ENGINEER, in coordination with the CITY, will communicate with OWRB and US Bureau of Reclamation (USBR) to summarize the water right issues associated with the capture and use of spillage water. If the results of this evaluation are favorable, the ENGINEER will coordinate with USBR and coordinate the use of USBR Lake Thunderbird model to quantify the spillage from the lake to develop conceptual level infrastructure to capture and convey the spillage volume for Norman's use.

(b) Lake Thunderbird Augmentation
It is understood that COMCD is currently completing a reuse feasibility study for Lake Thunderbird. The objective of this COMCD study is evaluate opportunities to augment Lake Thunderbird with a range of potential source waters. In consultation with the CITY, ENGINEER will communicate with COMCD to gather and summarize the findings of their study and identify how the findings could support Norman's long-term water supply needs. The objective is to leverage the findings and not repeat the efforts already completed under the COMCD study. ENGINEER will also coordinate with Bureau of Reclamation staff to use Reclamation's existing Lake Thunderbird yield model to develop a supply augmentation-vs.-yield curve for augmentation beyond the levels being investigated under the current COMCD augmentation study,

(c) Groundwater Recharge
ENGINEER will conceptually evaluate the potential for aquifer recharge for management of supplies, using existing or new Garber-Wellington wells to recharge source waters (options as characterized elsewhere in this scope of work) that are intermittently available or intermittently in excess of demand. Groundwater recharge and recovery will be evaluated for its potential role in augmenting or replacing the need for surface water storage facilities.

(d) New Eastside or Westside Reservoir
ENGINEER will review the 2040 SWSP to assess the feasibility of construction of an east side or west side reservoir to use in the capture of potential spillage from Lake Thunderbird, use of high salinity Canadian water as a blending source or for the storage of water from any other new source for the purpose of blending with existing sources or to augment existing sources to meet peak demands or in time of drought .

4.2 New Diversions from the Canadian River

(a) Alluvial Diversion Upstream or Downstream of Norman
ENGINEER will consider the use of the brackish water from the alluvium deposits along the Canadian River as a new source of raw water for potable water supply. ENGINEER will reevaluate and update information contained in previous studies to characterize this option for subsequent portfolio development and alternatives analysis. The ENGINEER will summarize this option in terms of potential sustainable yield, water quality, regulatory requirements, treatment requirements, property requirements, finished water conveyance, water rights, construction and operation costs and disposal of water treatment byproducts.

(b) New Canadian River Reservoir Upstream or Downstream of Norman
ENGINEER will evaluate the conceptual feasibility of a reservoir on the Canadian River upstream or downstream of the CITY's wastewater treatment outfall, using the reservoir feasibility study from the 2012 OCWP, available flow data from the OCWP or USGS, and the analyses conducted for alluvial diversions for guidance. Conceptual level costs will be based on an assumed unit cost based on other proposed reservoir site studies in the region.

4.3 Treated Effluent Reuse

(a) Indirect Potable Reuse via Supply Augmentation
In association with other Task 4 subtasks, ENGINEER will assess the potential for augmentation of surface water or groundwater potable supply sources with treated effluent from the existing and/or potential future North wastewater treatment plant (WWTP), in light of anticipated water quality and permitting requirements.

(b) Direct Nonpotable Reuse for Irrigation (from existing WWTP and/or potential future North WWTP)
ENGINEER will identify potential clusters of non-potable demand that could be served with effluent from the CITY's WWTP(s). ENGINEER will use the CITY's existing maps of potential non-potable water demand and estimates of unit demand rates to estimate the annual and peak demand of the clustered demands. ENGINEER will subsequently develop and characterize a reuse transmission grid for costing and planning purposes, to identify the potential treatment and transmission costs associated with increased treated effluent non-potable reuse in Norman.

4.4 Stormwater Capture and Reuse

ENGINEER will review the CITY's existing stormwater master plan to identify up to two potential storm sewer capture locations from which stormwater flows could be intercepted for reuse. ENGINEER will assess how such flows could be stored in a conceptually-sized retention pond, and pumped for reuse / supply augmentation (e.g., Lake Thunderbird augmentation, using stormwater not naturally tributary to the lake).

Deliverables:

- Data and analyses for inclusion in TM-3 (under Task 5)

Assumptions:

- Source options will be assessed qualitatively for their potential susceptibility to possible future climate change, referencing supply and demand impacts identified in the 2012 OCWP. No calculations or estimates of climate change implications specific to Norman or the supply options considered herein will be developed under this scope of work.

- Operation and maintenance costs for the supply options will not be estimated, but will be qualitatively described to allow a relative comparison between options.

Task 5: Characterize "Leverage Outside Water Sources" Source Options

Purpose:
The purpose of this task is identify and characterize for subsequent alternatives analysis options to increase the future potable water supply portfolio that utilize sources of raw or finished water that are produced from sources that are outside of the geographic and political boundaries of the CITY

Tasks:

5.1 Bulk Finished Water Purchase from Oklahoma City

ENGINEER will obtain from the CITY copies of the existing water supply agreements with Oklahoma City and obtain information about the size, location and capacity of the existing water supply connections between the Oklahoma City and City of Norman water systems. ENGINEER will determine the maximum quantity of water that can be obtained utilizing the existing bulk water supply agreement(s) and establish the maximum capacity of the connection for use in Norman's long term water supply need. If the existing infrastructure does not allow the maximum quantity of water to be purchased under the agreement, the ENGINEER will develop a conceptual plan of the improvements required for maximum utilization and prepare a preliminary schedule and cost estimate for implementation of the conceptual improvements. Utilizing the demand projections prepared in Task 3, the ENGINEER shall determine what portion of the projected demand can be satisfied by the existing agreement(s) and the future water supply deficit.

5.2 Bulk Raw Water Purchase—Southeast Oklahoma

The ENGINEER will review Regional Raw Water Supply Study for Central Oklahoma and any other more recent documents provided by the CITY which describe the proposed project, overall proposed project costs, the CITY's proposed allocation and costs, and the proposed schedule for the Southeast Oklahoma Raw Water Supply from the Atoka Reservoir. ENGINEER will utilize the future water supply deficit determined in Task 3 to determine the quantity of additional allocation that the CITY would need from this source to satisfy future demands over the planning period. ENGINEER will use information for the SE Oklahoma raw water cost contained in the existing Regional Raw Water Supply Study for Central Oklahoma to estimate the costs associated with the additional allocation.

5.3 Raw Water Supply from Scissortail Reservoir

The ENGINEER will review Proposed Scissortail Reservoir Feasibility Study and any other more recent documents from COMCD study which describe the proposed project, available raw water that could be allocated to the CITY to meet its future needs, project schedule and projected costs. The ENGINEER in consultation with the CITY will determine the CITY's reasonable participation in this source for the purpose of comparison with other potentially feasible outside sources of supply. Utilizing existing reports, cost estimates and pipeline cost estimates prepared by the CITY, the ENGINEER will estimate and document the available allocation, timing and costs of raw water purchase, conveyance and treatment for this alternative.

5.4 Raw Water Supply from Kaw Reservoir

ENGINEER will gather and summarize information from the COMCD Lake Thunderbird Augmentation study and summarize the feasibility and cost of raw water supply from Kaw Reservoir. The ENGINEER in consultation with the CITY will determine the CITY's reasonable participation in this source, with or without the participation of other municipalities, for the purpose of comparison with other potentially feasible outside sources of supply. . Project information will be developed to document the source information, preliminary transmission main sizing and route, treatment requirements, potential implementation time line and project costs.

5.5 Raw Water Supply from Other Potentially Available Sources

The ENGINEER will review the 2011 Oklahoma Comprehensive Water Plan to identify other potential outside sources of raw water supply from existing or proposed reservoirs that are not included in the tasks above(e.g., Tate Reservoir, Parker Reservoir). The ENGINEER will seek to identify sources which have been determined to have an available raw water supply capacity of at least 5 MGD and are located within a 50 mile radius of the CITY. The available capacity of each source will be determined based upon available information. If multiple sources fitting the criteria are identified, the ENGINEER will select the two most feasible sources in terms of distance from the CITY, quantity of water available for allocation to the CITY and level of treatment required. Project information will be developed for the two most feasible sources to document the source information, preliminary transmission main sizing and route, treatment requirements, potential implementation time line and project costs.

5.6 Prepare TM-3

ENGINEER will develop a Technical Memorandum (TM-3) that documents the findings, discussions, and decisions of the source characterization tasks (Tasks 3 through 5).

Deliverables:

- TM-3 Source Option Characterization

Assumptions:

- Source options will be assessed qualitatively for their potential susceptibility to possible future climate change, referencing supply and demand impacts identified in the 2012 OCWP. No calculations or estimates of climate change implications specific to Norman or the supply options considered herein will be developed under this scope of work.
- Operation and maintenance costs for the supply options will not be estimated, but will be qualitatively described to allow a relative comparison between options.
- The 2009 Regional Raw Water Supply Study for Central Oklahoma will be used as the basis for infrastructure unit costs. Those unit costs will be applied to other outside water supply source options as the basis for their estimated costs.
- CITY will provide a single set of consolidated comments on the TM in electronic format. Resulting edits will be documented by ENGINEER as part of integrating the TM into the Phase 1 Report under Task 8.

Task 6: Conduct Initial Source Screening

Purpose:

Conduct screening-level analysis to identify the source of supply and demand management (conservation) options that are most viable and best satisfy the CITY's criteria for water supply.

Tasks:

6.1 Conduct Screening of Source Options Using Screening Criteria

ENGINEER will review and evaluate each of the source of supply and demand management (conservation) options identified and characterized in Tasks 3 through 6 relative to the preliminary screening criteria that were developed in Task 3. ENGINEER will develop a draft recommendation for sources of supply that should be retained for further consideration and those that should be screened from further consideration. This evaluation will assess the relative merits of the supply options on the basis of the preliminary screening, such that the most feasible sources of supply relative to the CITY's criteria are retained for further evaluation.

6.2 Source Screening Workshop

ENGINEER will facilitate a Source Screening Workshop to review ENGINEER's recommendations, gather and incorporate CITY input, and determine the final list of source options that will be carried forward for more detailed analysis. It is anticipated that this screening process will result in no more than six (6) new options for source of supply, in addition to continued use of existing sources of supply.

Deliverables:

- Workshop materials and input to Phase 1 report (Task 8)

Assumptions:

- Source screening will be finalized using input received from the Source Screening Workshop

Task 7: Participate in Phase 1 Public Water Forum/Council Presentations

Purpose:

Assist CITY staff with presentations to public or local government meetings by providing technical data, charts, and brief descriptions of the work conducted under Phase 1 of this project.

Tasks:

7.1 Public Process Support

ENGINEER will attend and provide information and presentation materials to support two public meetings to be organized by the CITY. Public Meeting #1 will be designed to review potential source of supply, reuse, and conservation options and gather input on the criteria to be used in evaluating these options. Public Meeting #2 will include a review of the results of the screening and evaluation of these options and to gather public feedback regarding those results.

7.2 City Council Meeting Support

ENGINEER will attend and provide information and presentation materials to support one City Council or other stakeholder meeting to be organized by the CITY.

Deliverables:

- Public meeting / City Council meeting presentation/support materials

Assumptions:

- ENGINEER will support and attend meetings (public, City Council, stakeholders) as described in this task. Development of a public information plan or program may be provided as an additional service outside this scope of work at the CITY's discretion.
- CITY will provide a single set of consolidated comments on draft meeting materials in electronic format.

Task 8: Develop Phase 1 Source Evaluation Report

Purpose:
Document the process, assumptions, methods, and rationale used in developing the recommended short-list of water supply options.

Tasks:
8.1 Prepare Draft Phase 1 Report

Using the draft technical memoranda developed under previous tasks as sections of the report, with edits made based on CITY comments on those draft memoranda, a draft report will be compiled for the CITY's review and comment.

8.2 Prepare Final Phase 1 Report

CITY review comments on the draft report will be addressed as part of revising the draft report into the final report. ENGINEER will provide an electronic (PDF) copy as well as up to 20 sets of hard copy deliverables. Included in the Phase 1 Report will be overview maps of the existing and proposed water supply sources.

Deliverables:

- Draft and Final Phase 1 Source Evaluation Report

Assumptions:

- CITY will provide a single set of consolidated comments on the draft report in electronic format.
- Phase 1 Report will form the basis for Phase 2 analyses.

Time of Completion

ENGINEER agrees to complete the draft Phase 1 Report within 5 months from the notice-to-proceed date. ENGINEER agrees to complete the Final Phase 1 Report within 30 calendar days following receipt of consolidated electronic comments from CITY on the draft report.

Compensation

The aggregate total compensation for engineering services under Phase 1 (Tasks 1 through 8 of this Contract) shall not exceed a total lump sum fee of $280,000. Compensation for Phase 2 will be determined based on the results of Phase 1 and the required Phase 2 scope of work.

END OF PHASE 1 SCOPE OF WORK

Phase II scope of services and associated fee to be negotiated at a later date.

FINAL Fee Estimate - Norman 2060 Strategic Water Supply Plan - Phase 1
February 3, 2012

Task No.	Task Description	TOTAL HOURS	TOTAL FEE (LABOR + ODCs)
1	Phase 1 Project Management and Coordination	185	$ 36,370
1.1	Project Control and Reporting	39	$ 6,530
1.2	Quality Management	31	$ 6,710
1.3	Agency Coordination	37	$ 8,160
1.4	Bi-Monthly Coordination Meetings	38	$ 7,810
1.5	Project Management Plan	10	$ 1,570
1.6	Kickoff Workshop	30	$ 5,590
2	Basis of Planning	236	$ 42,520
2.1	Review Documents	39	$ 8,060
2.2	Define Baseline Water Demand Projections through 2060	46	$ 7,560
2.3	Assess Opportunities for Water Conservation Savings	39	$ 6,590
2.4	Identify Uncertainties	7	$ 1,460
2.5	Develop Initial Screening and Detailed Evaluation Criteria for Water Supply Alternatives	24	$ 4,270
2.6	Conduct Basis of Planning Workshop	15	$ 2,950
2.7	Prepare Basis of Planning TM (TM-1)	66	$ 11,630
3	Characterize "Preserve Existing Water Supplies" Source Options	298	$ 51,400
3.1	Develop Inventory of Existing Sources	31	$ 4,630
3.2	Characterize Existing Sources	44	$ 8,890
3.3	Assess Regulatory Impacts on Continued Use of Existing Sources	58	$ 10,800
3.4	Identify Improvements Needed for Continued Long-Term Use of Existing Sources	165	$ 27,080
4	Characterize "Maximize and Enhance Local Supplies" Source Options	369	$ 63,120
4.1	Storage and Supply Augmentation Options	143	$ 24,640
a	Capture of Spillage at Lake Thunderbird		
b	Lake Thunderbird Augmentation		
c	Groundwater Recharge		
d	New Eastside or Westside Reservoir		
4.2	New Diversions from the Canadian River	102	$ 17,620
a	Alluvial Diversion Upstream or Downstream of Norman		$ -
b	New Canadian River Reservoir Upstream or Downstream of Norman		$ -
4.3	Treated Effluent Reuse	75	$ 12,660
a	Indirect Potable Reuse via Supply Augmentation		$ -
b	Direct Nonpotable Reuse for Irrigation		$ -
4.4	Stormwater Capture and Reuse	49	$ 8,200
5	Characterize "Leverage Outside Water Sources" Source Options	249	$ 42,490
5.1	Bulk Finished Water Purchase from Oklahoma City	20	$ 3,040
5.2	Bulk Raw Water Purchase—SE Oklahoma	26	$ 4,630
5.3	Raw Water Supply from Scissortail Reservoir	19	$ 3,240
5.4	Raw Water Supply from Kaw Reservoir	19	$ 3,240
5.5	Raw Water Supply from Other Potentially Available Sources	52	$ 8,710
5.6	Prepare TM-3	113	$ 19,630
6	Conduct Initial Source Screening	72	$ 12,830
6.1	Conduct Screening of Source Options Using Screening Criteria	53	$ 9,510
6.2	Source Screening Workshop	19	$ 3,320
7	Participate in Public Water Forum/Council Presentations	78	$ 15,180
7.1	Public Process Support	61	$ 11,820
7.2	City Council Meeting Support	17	$ 3,360
8	Develop Draft and Final 2060 Strategic Water Supply Plan	93	$ 16,090
8.1	Prepare Draft Report	55	$ 10,100
8.2	Final Report	38	$ 5,990
	PROJECT TOTAL	$ 1,580	$ 280,000

PURCHASE REQUISITION NBR: 0000197304

STATUS: DIVISION APPROVAL

REQUISITION BY: MDANIELS
REASON: PREPARE 2060 WATER SUPPLY PLAN
DATE: 2/09/12

SHIP TO LOCATION: P W - UTILITIES DIRECTOR
SUGGESTED VENDOR: 9007 CAROLLO ENGINEERS PC
DELIVER BY DATE: 2/14/12

1	ENGINEERING STUDY OF WATER SUPPLIES COMMODITY: ENGINEERING SERVICES, PRO SUBCOMMOD: ENGINEER SERVICES, PROFES	280000.00	DOL	1.0000	280000.00

REQUISITION TOTAL: 280000.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03191964626201	Capital Projects Design	WA0174 Water Supply Plan Update	100.00	280000.00
					280000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

7 CONSULTANTS RESPONDED TO RFP 1112-35. CAROLLA TE
AMED WITH TETRATECH WAS SELECTED BY REVIEW COMMITT
EE

City of Norman, OK

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

Master

File Number: R-1112-109

File ID:	R-1112-109	**Type:** Resolution	**Status:** Non-Consent Items
Version:	1	**Reference:** Item No. 31	**In Control:** City Council
Department:	Legal Department	**Cost:**	**File Created:** 02/09/2012
File Name:	R-1112-109 Charter Review Commission		**Final Action:**

Title: RESOLUTION NO. R-1112-109: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING A CHARTER REVIEW COMMISSION FOR THE PURPOSE OF CONDUCTING A TARGETED REVIEW OF THE NORMAN CITY CHARTER AND TO REPORT ITS FINDINGS TO THE CITY COUNCIL.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-109.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/14/2012

Agenda Number: 31

Attachments: Text File R-1112-109, R-1112-109 (Charter Review Commission), May 18, 2010 SS Minutes, November 1 Special Session minutes, December 13, 2011 Conference Minutes

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 R-1112-109

Body

BACKGROUND: The City Council Oversight Committee has discussed the establishment of a Charter review process. The review process of the City's Charter would be for the purposes of determining whether it is sufficient in its current form or if it might be revised for the benefit of the citizens of the City of Norman. Resolution No. R-0910-123 establishing a Charter Review Commission ("CRC") was referred by the Oversight Committee to the full Council for discussion.

During its Study Session on May 18, 2010, Council discussed and recommended several changes be made to the Resolution. It was noted by Council members in its Study Session that moving forward with the CRC would require addition staff support during a time when the FYE 2011 budget was being considered that included potential layoffs. Council opted not to move forward for a vote on the resolution.

At its retreat on September 17, 2011, Council asked that Staff bring the Resolution back to Council for discussion. On November 1, 2011, the City Council at its Study Session again discussed the establishment of a Charter Review Commission and asked that the work of the last CRC be reviewed to determine what items were "left on the table" from that previous process. Those items were researched by the City Attorney's Office and presented to the City Council at its December 13, 2011, Conference.

At that Conference, after discussion among City Councilmembers, the City Council requested that the City Attorney's Office modify the Resolution creating a new Charter Review Commission and directing that Commission to review a targeted list of topics.

DISCUSSION: In accordance with Council's direction, the attached Resolution, Resolution No. R-1112-109, is forwarded to City Council for its consideration. The Resolution creates a Charter Review Commission comprised of thirteen registered voters residing in the City of Norman. Each Councilmember will appoint a citizen from his or her Ward, the Mayor will appoint an at large member, and the Council as a whole will appoint four additional at large members from a pool of applicants. Appointees to the Commission shall apply for appointment indicating particular skills, abilities, experience, education or other relevant factors that they believe will contribute to the charter review process and/or reflect the diversity of the residents of the City. No more than three members of a single Ward may serve on the Commission. The Commission will have a term of one year, and it will hold no more than one meeting per month. The Resolution requires that the Commission be staffed by no less than three City employees - the City Manager, the City Attorney, and the City Clerk or their designees.

The Resolution tasks the Commission with the following:

Review Article II, Section 1, of the City Charter to consider changing verbiage from "compensation" to "stipend" in regards to compensation of City Council members.

Review Article III, Section 1, of the City Charter to consider simplifying the process for removal of the City Manager.

Review Article III, Section 6, of the City Charter to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager.

Review Article III, Section 7, to consider requiring a City employee to take a leave of absence to run for partisan political office.

Review Article XVI, Section 2, to consider whether City Council should be empowered to increase utility rates not more than three percent (3%) annually without requiring a city wide vote.

Review Article XVII, Section 2, to consider whether employee compensation language needs to be modernized.

Review Article XX, Section 2, to consider amending or updating the Reapportionment Commission process or procedure.

Review whether or not there should be a required periodic review of the Charter within the Charter itself.

This list of items for review by the Commission stems from December 13, 2011, City Council Conference. However, after a recent discussion with Councilmember Kovach in order to clarify his suggested amendment to Article II, Section 1, the word "stipend" would replace the word "compensation" because the term "salary," as suggested in the December 13, 2011, minutes, does not appear in that Article. In addition, review of Article XVII, Section 2, has been included in the Resolution as it appears that section was intended to be included in the Resolution as an item "left on the table" even though it was not clearly enumerated in the minutes from the December 13, 2011, meeting.

The Commission is to determine if those sections of the Charter meet the current needs of the City or if those sections of the Charter should be amended to meet the City's current and/or future needs. In reviewing these sections, the Resolution also requires that the Commission educate the community about any proposed amendments by holding at least one public hearing per quarter.

The Resolution sets out the procedure for Charter Review Commission meetings. The meetings will be open to the public and minutes will be taken of all the meetings. The Commission may request to hear from persons with special expertise in order to educate themselves. The Commission must submit a Final Report of its findings to City Council upon completion of the review process.

CONCLUSION: Adoption of Resolution No. R-1112-109 will move forward the creation of a Charter Review Commission to review the issues outlined.

Resolution

R-1112-109

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING A CHARTER REVIEW COMMISSION FOR THE PURPOSE OF CONDUCTING A TARGETED REVIEW OF THE NORMAN CITY CHARTER AND TO REPORT ITS FINDINGS TO THE CITY COUNCIL.

§ 1. WHEREAS, the City of Norman is a home-rule municipal government with its Charter governing the City's municipal affairs; and

§ 2. WHEREAS, since its inception in April 1902, the City Charter has been amended a total of seventeen times with the City using charter committees on seven occasions, all of which were established as *ad hoc* committees; and

§ 3. WHEREAS the City of Norman City Council has studied the creation and mechanics of a Charter Review Commission ("Commission") in multiple public meetings to conduct this targeted review of the Charter; and

§ 4. WHEREAS, the Norman City Council heard and evaluated the information surrounding the creation of a Charter Review Commission at a study session on December 13, 2011; and

§ 5. WHEREAS, serving on the Charter Review Commission provides citizens an opportunity to directly participate in shaping the Charter to meet the City's needs.

§ 6. WHEREAS, the Norman City Council now desires to create a Commission for the purpose of reviewing the City's current Charter and making recommendations to the City Council for consideration of submission to the voters for amendment thereto; and

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

§ 7. *Creation & Purpose.* The City Council hereby establishes a Charter Review Commission to conduct a targeted review of the Norman City Charter and report its recommendations at a public meeting to the City Council on the following:

(a) Review Article II, Section 1 of the City Charter to consider changing verbiage from "compensation" to "stipend" in regards to compensation of City Council members.

(b) Review Article III, Section 1 of the City Charter to consider simplifying the process for removal of the City Manager.

(c) Review Article III, Section 6 of the City Charter to consider creating a mechanism under which the City Council could request information regarding a specific City Department from the City Manager.

(d) Review Article III, Section 7 to consider requiring a City employee to take a leave of absence to run for partisan political office.

(e) Review Article XVI, Section 2 to consider whether City Council should be empowered to increase utility rates not more than three percent (3%) annually without requiring a city wide vote.

(f) Review Article XVII, Section 2 to consider whether employee compensation language needs to be modernized.

(g) Review Article XX to consider amending or updating the Reapportionment Commission process or procedure.

(h) Review whether or not there should be a scheduled review of the Charter within the Charter itself.

§ 8. *Appointment, Composition and Timetable of the Commission.* The Commission will be organized as follows:

(a) The Commission will consist of thirteen (13) registered voters residing in the City of Norman.

(b) Appointees to the Commission shall apply for appointment indicating particular skills, abilities, experience, education or other relevant factors that they believe will contribute to the charter review process and/or reflect the diversity of the residents of the City.

(c) The City Councilmembers will each appoint an applicant from their respective Ward and the Mayor will appoint an applicant at large to serve on the Commission.

(d) The Council will then appoint four (4) additional at-large members from a pool of applicants. These applicants must possess broad experience and perspective in civic or other organizational governance and may by education, experience or training, come from the fields of the law, academia, or public administration/policy or other area of special expertise.

(e) The Commission will select from among its members a Chair and Vice-Chair.

(f) No more than three (3) members from the same Ward may serve on the Commission.

(g) The Commission's term will last no more than one year with the Commission holding no more than one meeting each month, provided that the term could be extended on a quarterly basis at the request of the Commission and upon approval of Council.

(h) If no amendments or revisions are recommended to the Council, the Commission shall be automatically dissolved after approval of its Final Report.

(i) The Commission shall be staffed by no less than three City employees – the City Attorney, City Manager, and the City Clerk, or their respective representatives. These City offices may provide additional support as they deem necessary and appropriate.

§ 9. *Duties.* The Commission is charged as follows:

(a) To review the sections of the City Charter as outlined in Section 7 of this Resolution and to consider whether those sections of the Charter meet the current needs of the City and whether those sections of the Charter should be amended to meet the City's current and/or future needs;

(b) To educate the community about the proposed amendments, the Charter and the review process by holding at least one public hearing each quarter to discuss various topics concerning the charter review process;

(c) To perform such other duties as the City Council directs by motion or resolution; and

(d) To create policies and procedures as guidelines for the functioning of the Commission in areas including but not limited to attendance, receiving public testimony, structure or format of meetings, frequency of public hearings.

§ 10. *Removal.*

(a) Commission members will be required to attend all meetings with absences at two consecutive meetings or three total meetings being grounds for removal from the Commission.

(b) Any member who is removed for absenteeism shall be replaced promptly.

(c) A vacancy shall be filled in the same manner as the original appointment.

(d) Any member may be removed by majority vote of the City Council without cause.

(e) Upon removal of any Commission members, the number of members on the Commission shall be no less than eleven (11) and no greater than thirteen (13).

§ 11. *Reporting & Recommendations.*

(a) All Commission meetings will be open to the public.

(b) The Commission will make the minutes of each meeting available to the City Council.

(c) At least once every quarter the Commission will hold a public hearing.

(d) In the event the Commission has interest in hearing from persons with special expertise on an issue, the Commission will be permitted to consult with various groups/experts throughout the duration of its term to educate themselves and/or the public about the City Charter and the review process.

(e) The Commission will not have advisory, ex-officio, or associate members.

(f) Once each quarter the Chair of the Commission will report to Council in a study session to update Council on the Commission's findings.

(g) Each final recommendation in the written Final Report shall be approved by a majority vote of a quorum of the Commission. A quorum of the Commission shall consist of two-thirds of the active members of the Commission. Members who do not approve a recommendation shall be entitled to prepare a minority report to be included with the Commission's Final Report.

(h) The Commission will also submit a Final Report of its findings to Council upon completion of the review process, subject to Section 2(g) of this Resolution, during a special Council meeting wherein the Commission presents its recommendations with Council voting section by section on whether to submit each recommendation to the voters.

PASSED AND ADOPTED this _____ day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL STUDY SESSION MINUTES

May 18, 2010

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 18th day of May, 2010, 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 Atkins, Butler Cubberley, Dillingham, Griffith, Kovach, Quinn, Mayor Rosenthal
ABSENT:	Councilmember Ezzell

DISCUSSION REGARDING A PROPOSED RESOLUTION ESTABLISHING THE CHARTER REVIEW COMMISSION.

Councilmember Dillingham said in November, 2004, an Ad Hoc Charter Review Committee reviewed several issues concerning the City Charter but none ever came to fruition and Councilmember Kovach and she felt these issues should be revisited and addressed. She said one issue is whether the City would benefit from establishing a citizen Charter Review Commission (CRC) to look at the entire charter. Councilmember Dillingham said the Oversight Committee (OC) held multiple public meetings and researched the procedures for establishing a charter review process to create a standard comprehensive review of the City's Charter.

Ms. Rebecca Frazier, Assistant City Attorney, highlighted the CRC development process and said the OC discussed the creation of a CRC; the Charter amendment process and any legal restrictions regarding charter amendments under the City Charter, as well as the Oklahoma State Constitution; and researched CRCs created by other cities. She said the OC developed a proposed resolution, a CR application, and the selection process for CRC members for Council.

Ms. Frazier said the legal standard for amending a municipal charter is codified in the Oklahoma State Statutes,
Article 18, Section 3, which states a municipal charter may only be amended by registered voters. The City's Charter Article XVII, Section 12, is more detailed stating amendments may be submitted to voters two ways, by either an initiative petition or by Council referral, but either approach must be at a general or special election that Council decides upon.

The OC looked at past City processes regarding charter amendments. Ms. Frazier said since April 1902, the Charter has had fourteen amendments; seven occasions Charter Committees were used, one occasion a Council Committee was utilized, and all eight Committees were established as ad hoc committees. She said most recently an ad hoc committee was appointed in November 2004, and submitted proposed charter revisions to Council in December 2005. The charter amendments were approved in a city wide vote; however, the ad hoc committee recommended additional charter amendments to Council in June 2005, which were not taken to a city wide vote.

The OC also looked at charter amendment processes used in Oklahoma City, Lawton, and Tulsa. Tulsa has additional requirements that required Council to create an ordinance that allows for "periodic review" of the charter and any amendments coming from a charter review must be submitted to voters every other year.

The OC looked at the legal standard for creating a CRC. There are no restrictions at the State level but at the City level there are requirements to serve on City boards and commissions. Members must reside in the City; be appointed only based on their fitness and ability to perform the duties of their position; not be members of the immediate family of an elected City official; not be a full-time City employee; not be a member of any other appointive board or commission; and not be confirmed by Council in the same meeting

in which that member is nominated unless the presiding officer otherwise obtains unanimous consent. She said the OC had a lot of flexibility when considering the creation of the CRC and researched approximately 15 to 20 cities nationwide. It was the consensus of the OC to create the CRC by a resolution that would cover five areas: purpose; appointment, composition, and timetable; duties; removal of members; and reporting and recommendations.

Councilmember Butler asked how much Staff support will be needed for the CRC and Mr. Steve Lewis, City Manager, said it will take a great deal of Staff support, with most emphasis placed on the City Attorney's Office. He said an active CRC may ask the City Attorney's Office a lot of questions concerning charter language and request information be researched in order to look at different approaches and solve problems. He said the City Clerk's Office will also play a large role in Staff support, as they will be tasked with completing and distributing agendas and minutes of the CRC meeting(s). Councilmember Dillingham said the OC recognized the initial CRC may require more Staff support during the first year as they undertake the policies and procedures on exactly how to operate a CRC in the City, but Staff mentioned they are willingly and ready to assist with the process.

Councilmember Kovach said OC discussions pertaining to the CRC have been ongoing for over a year and in the beginning he was asked to speak individually with Councilmembers about what they desired to see in regards to the Charter. He said in do so, suggestions were made and a mechanism was formed that would address the questions that would assist Council with controversial issues. He said the emphasis on public input was a large part of the OC consideration and requesting the CRC to submit a final report at a special Council meeting is significant to ensure any charter review work done would not be abandoned because of timing or controversy. Mayor Rosenthal said the qualifications start out very broad for the four at-large CRC members, which she is comfortable with, but then finish off stating the applicants "have education, experience or training in the fields of law...", and she felt that would disqualify a lot of people who may be interested in serving on a CRC. She felt the qualifications were too narrow. Councilmember Kovach said the idea was the nine CRC members appointed by the Mayor and Council would then choose the four at-large members, augmenting the CRC with members they felt would best serve the CRC. He said the OC wanted to charge the CRC to choose people who were experts and would possibly be more helpful in charter deliberations and he welcomed any Council suggestions to change, add, or delete any qualifications. He said this was an effort to limit the four at-large CRC members, <u>not</u> the CRC members appointed by the Mayor and Council. Councilmember Cubberley said as a whole, Council has been very successful in appointing members to boards and commissions and was uncomfortable with this idea. Councilmember Dillingham understood his concern and said this suggestion was largely on Staff's recommendation. She said after looking at a broad range of issues, some of the reported successes from commissions were for them to be able to make some choices and giving them a feeling of ownership in the process. She said it was absolutely OC's intent to determine a way the CRC would have ownership as representatives of the public, instead of the political assumption of what is, and what is not, going to happen in a charter review commission. She said if it is Council's desire to appoint all 13 CRC members that can be done as well. Councilmember Cubberley felt the political assumption would be present whether the CRC appoints the at-large members or not and felt Council should make all the CRC appointments. Mayor Rosenthal said she sees the virtue of allowing the CRC to select the at-large members, but felt in order to get the best balance of all applicants and their talents it would be best for Council to choose the at-large members. She suggested adding the clause "or other areas of special expertise," and Council agreed.

Councilmember Cubberley questioned the reference to Council voting on the CRC final report, specifically "each Councilmember votes on each recommendation individually," and wondered if the intent was to send the recommendations to the voters or simply approve the CRC report as a whole. He felt the CRC resolution should be more precise, because there could be a time when a Councilmember may not agree with all the CRC's recommendations, but at the same time feel the recommendations should be considered by the voters. Councilmember Dillingham said OC's objective was for Council to decide whether or not each individual CRC recommendation, not the entire report as a whole, should go to the voters and agreed the language should be clearer.

Councilmember Cubberley said it is obvious the CRC will be a tremendous effort requiring more support Staff to assist with the workload and suggested holding off adopting a resolution and appointing a CRC until after the budget process is complete, since Council is considering lay-offs. Councilmember Dillingham agreed and said the OC's thought was to wait until after the FYE 2011 budget process was complete and felt this would fit well, from a calendar and budget standpoint, with the fact there will be a decennial census and reapportionment next year.

Councilmember Atkins said the OC also considered any proposed amendments be phased into regularly scheduled elections so the voters could vote on an recommended charter changes without having to call a special election and bear those additional costs.

Mayor Rosenthal suggested giving Staff a more clear direction on the four at-large members and Councilmember Quinn asked why 13 members were needed. Council discussed and decided there should be 13 members total because of the amount of work to be done, to ensure quorums, and have an odd number for voting purposes. Councilmember Griffith said if Council were to appoint all 13 CRC members they could probably begin work more quickly than if the CRC appointed the four at-large members. He felt the process would be smoother and swifter if Council appointed all CRC members. Council agreed and requested Staff to amend section 19(d) of the proposed resolution to reflect the Councilmembers will appoint an applicant from their respective Ward and then give the Mayor a pool of applicants and the Mayor will recommend four additional at-large members for Council to appoint. Council also suggested the verbiage "shall by education...," be amended to "may by education," and add ..."or other areas of special expertise." Councilmember Cubberley also suggested Staff add verbiage in Section 12(h), Reporting and Recommendations, "whether to submit each recommendation to the voters."

Items submitted for the record

1. Memorandum dated May 13, 2010, from Oversight Committee, to Honorable Mayor and Councilmembers
2. Proposed Resolution No. R-0910-123
3. Charter Review Commission City of Norman Application
4. City of Norman Ethics Policy for City Council, Boards, Commissions, and Committees of the City of Norman
5. PowerPoint presentation entitled, "Creation of a Charter Review Commission," dated May 18, 2010
6. Excerpts from City Council Oversight Committee minutes of March 4, 2009; April 15, 2009; April 29, 2009; May 27, 2009; June 3, 2009; February 10, 2010; and April 7, 2010

The meeting adjourned at 6:30 p.m.

ATTEST:

_____ _____

City Clerk Mayor

CITY COUNCIL SPECIAL SESSION MINUTES

November 1, 2011

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Special Session at 5:30 p.m. in the Municipal Building Conference Room on the 1st day of November, 2011, 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 Dillingham, Gallagher, Griffith, Kovach, Lockett, Spaulding, Quinn, Mayor Rosenthal
ABSENT:	Councilmember Ezzell

Item 1, being:

DISCUSSION REGARDING A RESOLUTION ESTABLISHING A CHARTER REVIEW COMMISSION FOR THE PURPOSE OF REVIEWING THE NORMAN CITY CHARTER IN ITS ENTIRETY AND TO REPORT ITS FINDINGS TO THE CITY COUNCIL.

Mr. Jeff Bryant, City Attorney, said the City Council Oversight Committee had discussed the establishment of a Charter Review process in May 2010. The Committee wanted a standard, comprehensive review process of the City's Charter for the purpose of determining whether it is sufficient it its current form or if it might be revised for the benefit of the citizens of Norman. He said Resolution No. R-0910-123 would establish a Charter Review Commission (CRC) and was referred by the Oversight Committee prior to the full discussion by Council. During a Study Session on May 18, 2010, Council discussed the resolution and recommended several changes; however, it was noted that moving forward with the CRC would require additional Staff support during a time when the FYE 2011 Budget was being considered that included potential layoffs. It was also noted that there would be a reapportionment and decennial census in 2011, so Council opted not to move forward with the resolution at that time. Mr. Bryant said that in a Council Retreat on September 17, 2011, Council asked Staff to bring the resolution back for Council discussion in a future Study Session.

Mr. Bryant provided a brief history of the Charter amendment process and said any amendments to the Charter must be approved by voters. He said there had been 14 amendments to the Charter since April 1902, six Charter Committees, and one Council Committee. He said the last Committee was appointed in 2004 and some of their recommendations were approved in a citywide election in 2005.

Mr. Bryant said requirements to serve on City of Norman Boards and Commission consisted of the following:

- Reside in the City
- Be appointed only based on their fitness and ability to perform the duties of their position
- Not be members of the immediate family of an elected City official
- Not be a full time City employee
- Not be a member of any other appointive board or commission
- Not be confirmed by Council in the same meeting I which that member is nominated unless the presiding officer otherwise obtains unanimous consent

Mr. Bryant said the three requirements would be considered when formulating requirements for CRC appointees. He said the CRC would be created by resolution instead of ordinance and deferred to Councilmember Dillingham to explain why the Oversight Committee wanted it done that way. Councilmember Dillingham, who was Chair of the Oversight Committee when the resolution was created, said the Oversight Committee envisioned the first CRC being created by resolution so that the CRC itself could decide what the best process would be for review of the Charter. She said the Oversight Committee wanted the process to be as citizen driven as possible and to allow as much citizen input as possible so the CRC would not work for a year on recommendations only to have those recommendations not placed on a ballot.

Mr. Bryant discussed appointment of the members and said Councilmembers and the Mayor would each appoint a member from their Ward and four at-large members selected by Council from a pool of applicants. Councilmember Kovach said the Mayor's appointment would be at-large and not a Ward appointment as the Mayor is an at-large position but felt that the language was not clear on that. Mr. Bryant said the CRC would be comprised of 13 members with no more than three members from the same Ward and the CRC would select their own Chair and Vice-Chair. He said the CRC would meet for a one year period and be staffed with three City employees consisting of the City Manger, City Clerk, and City Attorney or their representatives.

Mr. Bryant said CRC duties would include reviewing the Charter; determining if it should be amended; establishing a standardized review process; educating the public about proposed amendments and the Charter review process; performing such other duties as Council directs by motion or resolution; and creating policies and procedures as guidelines for the functioning of the CRC.

Mr. Bryant said members must attend all meetings with limited absences of three total absences. He said removal of any member can be done by majority vote of Council without cause and if removal occurs, the CRC must remain no less than 11 members.

Mr. Bryant said all meetings will be open to the public with public hearings held at least once each quarter, all meeting minutes will be available to Council, and the CRC Chair will report findings to Council once a quarter. He said the CRC will create a final report that includes proposed amendments approved by majority vote of quorum (2/3 of active members) of the CRC. He said City Council would vote to accept the Final Report during a special meeting with each Councilmember voting on each recommendation individually.

Mayor Rosenthal said she would like clarification on voting on each recommendation individually as she envisioned some recommendations affecting multiple sections or recommendations being non-controversial and of a minor nature. Councilmember Kovach said the goal the Oversight Committee was trying to achieve was that all recommendations the CRC worked on for a year would actually get heard in public. He said he did not know how to do that more expeditiously and suggested "by section" instead of individually. Councilmember Dillingham agreed as long as every idea that comes forth from the CRC as a proposal for a Charter change gets reviewed in public and voted on by Council. Councilmember Kovach said it was expected that Council could weigh in on the quarterly reports to see if items could be bundled together. Councilmember Gallagher said even if there are a lot of recommendations, there should not be any reason to hurry. Ms. Brenda Hall, City Clerk, said she had reviewed previous recommendations and most of the recommendations came forward in the form of a report and, usually, if recommendations regarded cleanup of language, they were placed by related subject matter. Mr. Bryant asked if Council wanted to change the language and Mayor Rosenthal felt "section by section" would be more expeditious. Councilmembers discussed various alternatives and Mayor Rosenthal suggested language read, "the Commission presents its recommendations with Council voting on whether to submit each recommendation to the voters" and Councilmembers agreed with that suggestion.

Mayor Rosenthal said the reason Council postponed forming a CRC in May 2010, was due to staffing considerations and while the City does not currently face the problem of potential layoffs, Staff is working on some major, labor intensive projects. She said she is concerned about adding another major project when there is still low staffing in some departments and asked Councilmembers to consider the needs and timing of Staff. She asked if there was something that needed immediate attention and Councilmember Kovach said the Oversight Committee reviewed the Charter changes over a year before deciding to create the CRC. He said there were several items that were left on the table because the Committee only wanted to look at non-controversial items and there are items that have been pushed aside for years. He felt that there would be no need for legal staff to be at every meeting so it would not be overly burdensome to move forward. Councilmember Dillingham disagreed and said she felt it would be important for legal staff to attend each meeting. She said the work will be difficult and the CRC will need legal advice and staff support, but if staff is not available then the CRC should not be formed. Mr. Steve Lewis, City Manager, said the CRC would be research intensive and staff can do the job, but said with consideration to other ongoing projects he would ask Council's indulgence in assigning any new projects during the year the CRC is reviewing the Charter.

Mayor Rosenthal said she would feel more comfortable if the CRC was not restricted to a one year reporting requirement and suggested giving them additional time. Councilmember Lockett agreed and said Council has no idea how long it will take the CRC to get through the process and setting a time limit could impede their process. Councilmember Dillingham said the City Manager had recommended not leaving an open ended timeline so that there is completion and asked him how Council could deal with time concerns. Mr. Lewis said the Council could place language in the requirements for an extension and felt with quarterly reports, Council would have a better idea of how long an extension was needed. Councilmember Dillingham said the CRC's initial term could be one year provided however that time can be extended upon request of the Commissioners and approval of Council. Councilmember Kovach suggested quarterly extensions and Councilmembers agreed.

Mayor Rosenthal said in consideration of the impact on staff she would suggest that Section 9(g) be changed to read, "The Commission's term will last no more than one year with the Commission as a whole holding no more than one meeting each month." Councilmember Kovach asked how that would affect sub-committees and Mr. Bryant said that would depend of if the sub-committees would be staffed. Mr. Lewis said it was an assumption on his part that there would be a sub-committee. Councilmember Dillingham said having a sub-committee(s) could extend the process especially if legislative personnel were needed for meetings. She said she did not want to rush the process or overburden staff.

Councilmember Gallagher asked Mr. Harold Heiple, Attorney at Law, for input since he Chaired some of the previous commissions. Mr. Heiple felt the CRC is not needed because the Charter is the fundamental governing document of the City and needs to have continuity and not be changed constantly. He suggested appointing a standing Ad Hoc Committee to serve as needed. He said the Charter has been reviewed several times over the years and nothing magnanimous has ever been changed. He said the most controversial issue with the Charter is the proposal that utility rates be increased up to 5% without having to go to a vote of the people. He said citizens have referendum and initiative authority to change the Charter if they so choose.

Councilmember Dillingham said a standing committee is one of the options for the CRC; however, she believes this is a worthy project to allow citizens to decide how they want City to be governed. Councilmember Kovach said there have been issues brought up at various committee meetings that have to do with the Charter. He said if the CRC meets and decides to make no recommendations that is fine; however, there have been several Charter Commissions where citizens have spent time and effort to make recommendations that were never acted upon. He felt Council needed to give citizens the opportunity for input and not ignore the work and effort of previous committees.

Mayor Rosenthal asked the Council Oversight Committee to review the items "left on the table" that might be a more targeted charge so Council can review the broader charges in contrast to the narrower targeted charge to help them make a decision on whether or not a CRC should be formed. Councilmember Kovach asked if that information could be reviewed at a Study Session instead and Mayor Rosenthal said yes.

Items submitted for the record

1. Memorandum dated October 25, 2011, from Jeff H. Bryant, City Attorney, to Honorable Mayor and Councilmembers with amended draft Resolution No. R-0910-123
2. City Council Study Session minutes of May 18, 2010
3. Memorandum dated May 13, 2010, from Oversight Committee to Honorable Mayor and Councilmembers
4. Draft Resolution No. R-0910-123
5. PowerPoint presentation entitled, "Creation of a Charter Review Commission," Council Study Session, dated May 18, 2010

Item 2, being:

CONSIDERATION OF ADJOURNING INTO AN EXECUTIVE SESSION AS AUTHORIZED BY OKLAHOMA STATUTES TITLE 25 § 307(B)(3) TO DISCUSS THE POSSIBLE PURCHASE OF REAL PROPERTY LOCATED SOUTH AND WEST OF THE CANADIAN TRAILS PARK BETWEEN THE CANADIAN TRAILS ADDITION AND THE SOUTH CANADIAN RIVER, PRIMARILY IN THE SW QUARTER OF SECTION 7, TOWNSHIP 8 NORTH, RANGE 2 WEST, AND INCLUDES A SMALL PARCEL IN SECTION 12, TOWNSHIP 8 NORTH, RANGE 2 WEST, CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA.

Councilmember Quinn moved that the Special Session be adjourned out of and an Executive Session be convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(3) to discuss the possible purchase of real property located south and west of the Canadian Trails Park between the Canadian Trails Addition and the South Canadian River, primarily in the SW Quarter of Section 7, Township 8 North, Range 2 West, and includes a small parcel in Section 12, Township 8 North, Range 2 West, City of Norman, Cleveland County, Oklahoma, which motion was duly seconded by Councilmember Kovach; and the question being upon adjourning out of the Special Session and convening, the subsequent vote was taken with the following result:

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

Item 2, continued;

The Mayor declared the motion carried and the Special Session adjourned out of; and an Executive Session was convened into as authorized by Oklahoma Statutes Title 25 § 307(B)(3) in order to discuss the possible purchase of real property located south and west of the Canadian Trails Park between the Canadian Trails Addition and the South Canadian River, primarily in the SW Quarter of Section 7, Township 8 North, Range 2 West, and includes a small parcel in Section 12, Township 8 North, Range 2 West, City of Norman, Cleveland County, Oklahoma..

The City Council adjourned into Executive Session at 6:23 p.m. Mr. Steve Lewis, City Manager; Mr. Jeff Bryant, City Attorney; Ms. Susan Connors, Director of Planning and Community Development; Mr. Shawn O'Leary, Director of Public Works; and Mr. Jud Foster, Director of Parks and Recreation, were in attendance at the Executive Session.

Mayor Rosenthal acknowledged return to Open Session.

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

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

The Mayor declared the motion carried and the Special Session was reconvened at 6:55 p.m.

The Mayor said the possible purchase of real property located south and west of the Canadian Trails Park between the Canadian Trails Addition and the South Canadian River, primarily in the SW Quarter of Section 7, Township 8 North, Range 2 West, and includes a small parcel in Section 12, Township 8 North, Range 2 West, City of Norman, Cleveland County, Oklahoma, was discussed in Executive Session. No action was taken and no votes were cast.

* * * * *

Item 3, being:

ADJOURNMENT

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

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

The Mayor declared the motion carried and the meeting was adjourned at 6:56 p.m.

ATTEST:

City Clerk

Mayor

CITY COUNCIL CONFERENCE MINUTES

December 13, 2011

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 13th day of December, 2011, 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, Mayor Rosenthal
ABSENT:	Councilmember Ezzell

DISCUSSION REGARDING ESTABLISHING A CHARTER REVIEW COMMISSION.

Mr. Jeff Bryant, City Attorney, said Council discussed establishing a Charter Review Commission (CRC) at the Study Session meeting on May 18, 2010, and at the November 1, 2011, Study Session, Council discussed whether to move forward with establishing a CRC. He said Council requested Staff review the work of the last Committee and determine what items were "left on the table" from that previous process.

Mr. Bryant said the most recent Charter Committee was appointed by Council on November 9, 2004, and the Committee made recommendations relating to Municipal Elections which were forwarded to Council in January, 2005, which were approved by the voters on March 29, 2005. He said additional meetings began on January 12, 2005, to comprehensively review all other sections of the Charter and the Committee met eight (8) additional times. The Committee forwarded its report and recommendation dated June 16, 2005, to Council for consideration.

Mr. Bryant said the Committee unanimously recommended the changes to Article II, Section 1; Article III, Sections 1 and 6; Article IX – Hospital; and Article XVII – Miscellaneous Provisions, Section 2. The majority of the Committee recommended changes to Article XVI – Municipal Owned Utilities, Section 2, by a vote of 4 to 2, with Committee members Schindler and Hancock voting against that recommendation. The Committee also recommended that Article XVI be voted upon at a separate election from the other recommended Charter changes.

Mr. Bryant said Council discussed the recommendations of the Committee at the October 18, 2005, study session and the following recommendations were forwarded to Council for consideration to be included in the next municipal-wide election that was anticipated to he held March 7, 2006.

- Article III-City Manager – Section 1 & 6: simplify the removal process and clarify the Council's ability to request information regarding a particular City Department;
- Article IV-Hospital – clean up items;
- Article XVII-Miscellaneous Provisions – Section 2 – modernize employee compensation language.

Ordinance No. O-0506-18 amending the Charter and Ordinance No. O-0506-19 calling a Special Election for the voters to consider the Charter Amendments was scheduled for first reading on December 13, 2005, with second and final reading to be scheduled for December 27, 2005. The action was postponed to January 10, 2006.

Mr. Bryant said on January 10, 2006, four additional draft Charter Amendments were to be proposed by Councilmembers as amendments to the Ordinance; however, Council voted to postpone the item until February 28, 2006, to allow the additional proposals to be reviewed by the Committee.

Four (4) Councilmembers signed a three (3) page explanation of their collaborative effort concerning the following draft amendments:

- Article XVI, Section 2-Municipal Owned Utilities – mandatory utility rate review at least every three years for each utility;
- Article III, Section 7-Political Activity – City employee who runs for partisan political office must take a leave of absence during the campaign;
- Article III,-Section 4(b)-City Manager – Department Heads to be hired by annual renewable contracts approved by a majority of Council;
- Article III, Section 4(i)-City Manager – allowing budgeting of only 95% of projected revenues and establishing mandatory reserves.

The Committee met nine (9) additional times to discuss the additional proposals and a public hearing was held on the proposed amendments on March 1, 2006. The Committee issued an Interim Report on February 21, 2006, and a Final Report on March 15, 2006. The Committee Final Report recommended the following language changes:

- clarify the proposal to Article XVI, Section 2 – Utility Rate Review;
- by a vote of four (4) to two (2), felt no changes were needed in the current policy Article III, Section 7 – Political Activity;
- recommended substitute language because the proposal too broadly expanded the Council's role from a policy-making body in Article III, Section 4(b) – City Manager; and
- the Committee felt the Council, as a matter of policy, has the ability to set a reserve now and recommended language change "to preserve that type of input opportunity for future Councils" in the annual budgeting process.

Council formally received the Committee's Final Report at the City Council meeting of April 11, 2006, and Ordinance No. O-0506-18, containing the Committee recommendations was also brought forward at the same time. No additional amendments to the Ordinance were offered and Ordinance No. O-0506-18 was postponed indefinitely by a unanimous vote.

Mr. Bryant said the Council Oversight Committee reviewed the Charter again over a number of meetings and Council opted to submit to the voters on March 1, 2011, the following amendments which were approved:

- Article II-City Officers and Elections, Section 2 – change voter registration requirement to six (6) months to mirror state law;
- Article VII-City Parks, Section 2 – allow use of certain accumulated park land fees for community or neighborhood parks; and
- Article IX-Hospital – several sections to clean up language.

Mr. Bryant said the Charter was again amended on November 8, 2011, in Article II-City Officers and Elections, Sections 5 and 6, to allow the setting of election dates to comply with State law if municipal elections were to be conducted by the County Election Board.

Regarding Council's question of what was "left on the table," the following items were not forwarded to the voters for consideration: Article III-City Manager, Section 1 and 6, and Article XVII-Miscellaneous Provisions, Section 2. Mr. Bryant said none of the recommendations from the Committee regarding additional proposals offered by the four (4) Councilmembers on January 10, 2006, were offered in Ordinance No. O-0506-18, before it was postponed indefinitely by Council on April 11, 2006.

Council discussed and recommended several changes to Resolution No. R-0910-123 during its study session on November 1, 2011. Staff incorporated the recommendations and distributed a redraft for Council input.

Councilmember Kovach said the work done on the informational packet distributed to Council was very helpful and he appreciated Staff's efforts. He wanted to point out that several other issues came about from Council discussions to include the Reapportionment Commission and Council compensation language currently reads..."Council receives a *salary*..." instead of a *stipend;* therefore, one might argue a violation of minimum wage. Councilmember Kovach said the previous Charter Review processes really underscores why moving forward on an ordinance creating this discussion is important because so many issues/topics were brought forward, but then were dismissed behind the scenes over and over again. He felt the document that we base our government on should have as much public input as possible and be reviewed by a separate Commission.

Mayor Rosenthal said she also appreciated Staff's work and research for a very thorough Council packet on this topic, but she came to a very different conclusion after reviewing all the Charter review history. She stated there were over 20 Charter review meetings with a lot of public input and felt it was not correct to say the process was dismissed behind the scenes because Council took a public vote deciding to postpone the item indefinitely. Mayor Rosenthal felt most of the issues have been addressed, i.e., rainy day fund is now an ordinance, a review of the utilities is now being completed every year, etc., and she does not see the evidence to support a comprehensive review but would support a targeted review. Councilmembers Quinn and Griffith agreed a targeted review would be sufficient.

Councilmember Dillingham said an ordinance should be created stating the Charter will be looked at every 10 years, whether comprehensive or targeted. She said a Citizen Commission could be allowed to come up with a policy and procedure manual for how they as citizens want to be able to identify issues, bring forth citizens to discuss those issues, etc. Councilmember Dillingham said to do so would educate and involve more citizens in the Charter review process, but felt a comprehensive review was not needed at this time since a lot of the issues have been taken care of to date.

Councilmember Lockett felt an ordinance is not necessary because future Councils should be able to choose to review the Charter when they feel it is needed. She said this Council's desire should not be imposed upon future Councils and Councilmember Griffith agreed. Councilmember Kovach referred to the pertinent excerpts of the Charter Review Committee minutes where the same topics kept coming back up. He felt that the *easy* issues were taken care of, but there are important issues that still need to be resolved. Councilmember Kovach felt it is always difficult for a politician to have a controversial issue on the ballot while running for office at the same time and every year half of the Council is up for election. He said Council has the opportunity to develop a mechanism, i.e., an ordinance, to minimize that very problem. Councilmember Kovach felt this would not be imposing his will on any future Council, but rather allowing the people to look at the founding document and decide whether or not to make any necessary changes at that time.

Councilmember Dillingham felt an ordinance would not impose this particular Council's will on future Council(s) anymore than any other ordinance, but would guarantee citizens an opportunity and voice to work with the Charter in any manner the Council deems appropriate. Councilmember Kovach said when discussing Department Head contracts it can be argued that Council is actually needing to be able to evaluate the Department Heads in order to do Council's task of oversight. He said the current and future City Manager(s) should not have to go through this process each and every time and putting language in the Charter that clarifies the roles is important. Mayor Rosenthal felt Charter language allowing Council(s) to approve Department Head contracts would be a change of government and said it was not Council's job to review Department Heads. Councilmember Kovach said Council discussed and agreed at the Budget Retreat that Council should review the Department(s) as a whole and he felt that would also include the City Manager's evaluation of the Department(s). He said this type of work is not something that every new Council and/or City Manager should have to work through and the process should be laid out and clarified.

Mayor Rosenthal said there is a policy role and there is a managerial role. She felt if Council had the task of approving Department Head contracts, it would be a big change to the way and/or function of how Council/City Manager form of government operates. Councilmember Kovach agreed but said the topic of how to deal with an on-going problem has been discussed from Council to Council. He requested Legal Staff explore the framework of the proposed resolution and felt whatever solution is chosen would exemplify the fact that there are certain topics that need to be clarified in the Charter that would help City government run smoother without taking away the City Manager's role. Councilmember Quinn said if the same issues are continually being put off; it may be possible the issues are not supposed to be part of the Charter.

Council felt a targeted review, rather than a comprehensive review, of the Charter would be appropriate at this time. Mayor Rosenthal suggested posing to the Committee the question of whether language needed to be added to the Charter stating a comprehensive Charter review needed to be performed at least every 10 years. She agreed the language pertaining to the Reapportionment Commission needed to be updated and suggested the Committee include this in their review. Councilmember Griffith felt the Committee should also examine Article XVI, Section 2, Utility Rate, specifically a proposal of three percent without incurring the cost of an election. He felt it would free the Utilities Department to make modification(s) to the rates that would not burden the taxpayers but instead allow the Utilities Department to overcome some of the cost(s) incurred. Councilmember Kovach suggested having the Committee looking at the proposals left on the table from the previous Committee, except Articles 3, Sections 4(b) Department Head contracts, and Article 4(i) Mandatory Reserves, and Council agreed.

Mr. Jeff Bryant, City Attorney clarified that Council requested the Committee to review the following Charter sections:

- Article II, Section 1 – City Officers, change verbiage from *salary* to *stipend*;
- Article III, Section 1 - City Manager, simplify the removal process;
- Article III, Section 6 – Council review of Department Heads, clarify the Council's ability to request information regarding a particular City Department;
- Article III, Section 7 – Political Activity, City employee must take leave of absence if running for office;
- Article XX, Section 2 - Reapportionment Commission - Update/change language;
- Article XVI, Sections 2 – Utility Rate Review; study whether three percent rate increase without a public vote should be proposed; and
- Whether or not there should be a scheduled Charter review within the Charter itself.

Councilmember Quinn said the Charter has been very productive for the City and did not want to leave the impression that Council felt it needed to be completely revamped. Councilmember Gallagher said the Committee should look at the above mentioned items and also look seriously at the entire Charter. Mayor Rosenthal said that would be a comprehensive review, rather than a targeted review and felt Council already had consensus that is would be a targeted review at this time. She felt Council needed to direct the Committee to review the six or seven items mentioned above or direct them to do a line-by-line Charter review. Councilmember Dillingham suggested having the Committee conduct a targeted review, but agreed with Councilmember Kovach that the Committee should use the framework established in the draft resolution to determine whether any additional Charter amendments, additions, and/or deletions should be made.

Mayor Rosenthal requested Staff review Resolution No. R-0910-123 and revise it to indicate the targeted issues mentioned earlier. She wanted to clarify the "at large" language and asked whether the Councilmember(s) were to nominate applicants to the Mayor or nominate applicants from their respective Ward themselves. Council discussed and felt the Councilmember(s) should nominate applicants to the Mayor and then the Mayor will appoint the applicants at large to serve on the Commission.

Items submitted for the record

1. Memorandum dated December 7, 2011, from Mr. Jeff Harley Bryant, City Attorney, to Honorable Mayor and Council Members
2. Draft Resolution No. R-0910-123, Charter Review Commission with suggested changes from November 1, 2011
3. City Council Special Session minutes of November 1, 2011, including items submitted for the record, memorandum dated October 25, 2011, from Mr. Jeff H. Bryant, City Attorney, to Honorable Mayor and Council Members, and Resolution No. R-0910-123, Charter Review Commission
4. City Council Study Session minutes of May 18, 2010, including items submitted for the record, memorandum dated May 13, 2010, from the Oversight Committee to Honorable Mayor and Councilmembers with proposed Resolution No. R-0910-123, Charter Review Commission
5. Pertinent excerpts from City Council minutes of April 11, 2006, including items submitted for the record, memorandum dated March 15, 2006, from Mr. John Hancock, Charter Review Committee Co-Chair and Mr. Harold Heiple, Charter Review Committee Co-Chair, to the Honorable Mayor and Councilmembers and Charter Revision Ad Hoc Committee minutes of January 18, 2006, January 25, 2006, February 1, 2006, February 8, 2006, February 15, 2006, February 22, 2006, March 1, 2006, March 8, 2006, and March 15, 2006; and pertinent excerpts from City Council minutes of January 10, 2006
6. Pertinent excerpts from City Council minutes of February 28, 2006, including items submitted for the record, Charter Revision Ad Hoc Committee Interim Report dated February 21, 2006, and pertinent excerpts from City Council minutes of January 10, 2006
7. Letter dated January 18, 2006, from Councilmembers Rachel Butler-Ward 5, Cindy Rosenthal-Ward 4, Doug Cubberely-Ward 7, and Bob Thompson-Ward 1, to Ad Hoc Charter Review Committee Members
8. E-mail from dated January 10, 2006, from Councilmember Mandy Haws-Ward 8, to Councilmember Doug Cubberley and Councilmembers in reference to Charter Amendments
9. Four additional Charter Amendments submitted by Councilmember Kovach at the Oversight Committee meeting on January 10, 2006
10. Pertinent excerpts from City Council minutes of January 10, 2006
11. Pertinent excerpts from City Council minutes of December 27, 2005, including items submitted for the record, memorandum dated November 8, 2005, from Mr. Jeff Harley Bryant, City Attorney, to the Honorable Mayor and Council Members, and Proposed Ordinance No. O-0506-18
12. Memorandum dated June 16, 2005, from Mr. John Hancock, Charter Review Committee Co-Chair and Mr. Harold Heiple, Charter Review Committee Co-Chair, to the Honorable Mayor and Council Members
13. PowerPoint Presentation entitled, "Creation of a Charter Review Committee," dated December 14, 2011

The meeting adjourned at 6:17 p.m.

ATTEST:

City Clerk

Mayor