City of Norman, OK

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

City Council Agenda

Tuesday, February 28, 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

Awards and Presentations

3 GID-1112-60 CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 18, 2012
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF FEBRUARY 2, 2012
CITY COUNCIL STUDY SESSION MINUTES OF FEBRUARY 7, 2012
CITY COUNCIL MINUTES OF FEBRUARY 14, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 14, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 14, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 14, 2012
CITY COUNCIL FINANCE COMMITTEE MINUTES OF FEBRUARY 15, 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 18 Finance Committee Minutes
February 2 BACA minutes
February 7 Study Session Minutes
February 14 CC Minutes
February 15 Finance Committee Minutes

4 P-1112-12 PROCLAMATION NO. P-1112-12: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING MONDAY, MARCH 12, 2012, AS GIRL SCOUT DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-12 proclaiming Monday, March 12, 2012, as Girl Scout Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Attachments: Girl Scout Week

5 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 6 through Item 23 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:

6 O-1112-21 CONSIDERATION OF ORDINANCE NO. O-1112-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR, LOUNGE, OR TAVERN WITH LIVE ENTERTAINMENT IN PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT; LYING WITHIN LOTS 1 AND 2, BLOCK 23, ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (300 EAST MAIN STREET)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-21 upon First Reading by title.

ACTION TAKEN: _____

Attachments:
- Text File O-1112-21
- O-1112-21 Joy's Palace
- O-1112-21 Joy's Palace Location Map
- Joy's Palace Special Use Staff Report
- Joy's Palace Pre-Development Summary
- 2-9-12 PC Minutes - Joy's Palace

7 O-1112-22 CONSIDERATION OF ORDINANCE NO. O-1112-22 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING THE ALLEY RIGHT-OF-WAY ABUTTING LOTS 1, 2, 3, 4, AND THE SOUTH 100 FEET OF LOT 34, BLOCK 7, CLASSEN/MILLER ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (325 EAST KEITH STREET)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-22 upon First Reading by title.

ACTION TAKEN: _____

Attachments:
- Text File O-1112-22
- O-1112-22 Closing Alley on Keith
- O-1112-22 Long Location Map
- Staff Memo Long Closure
- Letter of Request Long Closure
- Radius Map Long Closure
- Long-Kiacz Alley Closure Staff Report
- Long Easement Non-Objections
- 2-9-12 PC Minutes - Long Alley

8 O-1112-23 CONSIDERATION OF ORDINANCE NO. O-1112-23 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 FEET SOUTH OF TECUMSEH ROAD)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-23 upon First Reading by title.

ACTION TAKEN: _____

Attachments: Text File O-1112-23
O-1112-23 Fountain View North
Fountain View North PUD Narrative revised 1-25-12
O-1112-23 Location Map
Fountain View Rezone Staff Report
2-9-12 PC Minutes - Fountain View North

9 AP-1112-14 CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BICYCLE ADVISORY COMMITTEE
TERM: 02-28-12 TO 02-13-13: DAVID HUDDLESTON, 771 NEBRASKA STREET

NORMAN HOUSING AUTHORITY
TERM: 11-21-12 TO 11-21-15: MIKE MCDANEL, 2620 ACACIA COURT
TERM: 11-21-12 TO 11-21-15: JEFF CUMMINS, 4401 BERRY FARM ROAD

PUBLIC SAFETY OVERSIGHT COMMITTEE
TERM: 02-10-12 TO 02-10-15: MARY SUE SCHNELL, 4106 COVENTRY LANE (WARD 3)
TERM: 02-10-12 TO 02-10-15: DAVID WILSON, 408 EGRET LANE (WARD 8)
TERM: 02-10-12 TO 02-10-15: DON HOLYFIELD, 3406 HILLVIEW DRIVE (AT LARGE)

ANIMAL SHELTER OVERSIGHT COMMITTEE
JENNIFER KIDNEY, CITIZEN

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. David Huddleston will fill the unexpired vacancy left by Paul Minnis, Jennifer Kidney will replace Sandra Rose who has resigned, and Mike McDanel, Jeff Cummins, Mary Sue Schnell, David Wilson, and Don Holyfield are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

10 RPT-1112-30 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JANUARY 31, 2012, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Attachments: Finance Investment Report January 31, 2012

11 RPT-1112-29 SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JANUARY, 2012, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

12 RPT-1112-28 SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

INFORMATION: The Public Safety Committee was established through Ordinance No. O-0708-32 adopted March 11, 2008. The ordinance provides that the Citizen's Public Safety Oversight Committee shall review the expenditure of revenues collected to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports to Council. In accordance therewith, the above-described item appears on City Council's agenda as a matter of permanent record.

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

ACTION TAKEN: _____

Attachments: Part 1 PSOC Report
Part 2 PSOC Report

13 K-1112-84 CONSIDERATION OF BID NO. 1112-29, CONTRACT NO. K-1112-84 WITH SILVER STAR CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF $1,425,555.70; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $82,560; PERFORMANCE BOND NO. B-1112-17; STATUTORY BOND NO. B-1112-18; MAINTENANCE BOND NO. MB-1112-22; AND RESOLUTION NO. R-1112-28 FOR THE 2012 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $1,425,555.70 to Silver Star Construction Company, Inc. as the lowest and best bidder meeting specifications; approve Contract No. K-1112-84, Change Order No. One increasing the contract by $82,560, and the performance, statutory, and maintenance bonds; authorize execution of the contract and change order; direct the filing of the bonds; and adopt Resolution No. R-1112-28.

ACTION TAKEN: _____

Attachments:
- Text File K-1112-84
- 1 Bid Tab Urban Asphalt Rehab FYE 2012
- List of Locations
- Location MAP Projects 2012
- K-1112-84
- K-1112-84 Change One
- B-1112-17
- B-1112-18
- MB-1112-22
- R-1112-28
- Silver Star PR

14 K-1112-85 CONSIDERATION OF BID NO. 1112-30, CONTRACT NO. K-1112-85 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $790,420; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $85,307; PERFORMANCE BOND NO. B-1112-19; STATUTORY BOND NO. B-1112-20, MAINTENANCE BOND NO. MB-1112-23, AND RESOLUTION NO. R-1112-54 FOR THE 2012 URBAN CONCRETE REHABILITATION BOND PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $790,420 to Central Contracting Services, Inc. as the lowest and best bidder meeting specifications; approve Contract No. K-1112-85, Change Order No. One increasing the contract amount by $85,307, and the performance, statutory, and maintenance bonds; authorize execution of the contract and change order; direct the filing of the bonds; and adopt Resolution No. R-1112-54.

ACTION TAKEN: _____

Attachments:
- Text File K-1112-85
- 1 Bid Tab Urban Concrete FYE 2012
- List of locations
- Location Map
- K-1112-85
- Change Order K-1112-85
- B-1112-19
- B-1112-20
- MB-1112-23
- R-1112-54
- Central Contracting PR

15 FP-1011-6 CONSIDERATION OF A FINAL PLAT FOR LAS COLINAS ADDITION, SECTION 1, (FORMERLY KNOWN AS FOUNTAIN VIEW ADDITION, SECTION 2), ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRED CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS ADJACENT TO 48TH AVENUE N.W. (GENERALLY LOCATED ONE-HALF MILE SOUTH OF TECUMSEH ROAD ON THE EAST SIDE OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to approve or reject the final plat for Las Colinas Addition, Section 1, (formerly known as Fountain View Addition, Section 2) and the deferral of sidewalk and drainage improvements adjacent to 48th Avenue N.W.; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, acceptance of a cash surety securing the public improvements, and receipt of a Certificate of Deposit in the amount of $78,520 for the deferral of street and drainage improvements adjacent to 48th Avenue N.W. within 10 days after approval and a traffic impact fee the amount of $1,707.58; and direct the filing of the final plat.

ACTION TAKEN: _____

Attachments:
- Text File FP-1011-6
- Location Map
- Staff Report
- Final Plat-Fountain View-Sec 2
- Final Plat-Las Colinas Section 1
- Prelim Plat-Fountain View
- SMC Request-Final Plats
- SMC Request-Deferral Req
- Parks Board Minutes
- Planning Comm Mts

16 FP-1011-7 CONSIDERATION OF A FINAL PLAT FOR LAS COLINAS ADDITION, SECTION 2, (FORMERLY KNOWN AS FOUNTAIN VIEW ADDITION, SECTION 3) AND THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-HALF MILE SOUTH OF TECUMSEH ROAD AND ONE-THIRD MILE EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to approve or reject the final plat for Las Colinas Addition, Section 2 (formerly Fountain View Addition, Section 3); and, if approved, accept the public dedications within the plat and authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City of Norman Development Committee's acceptance of require public improvements and receipt of traffic impact fees in the amount of $981.58; and direct the filing of the final plat.

ACTION TAKEN: _____

Attachments: Text File FP-1011-7
Location Map
Staff Report
FP-Fountain View
FP-Las Colinas
PP-Fountain View
Applicant Request
Parks Board Minutes
PC Minutes

17 EN-1112-8

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-8 FOR LOT 21, BLOCK 2, COBBLESTONE WEST ADDITION, SECTION II. (4700 12TH AVENUE S.E.)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1112-8; and, if approved, direct the filing with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments:
Text File EN-1112-8
Clerk Memo for 12th Encroachment
Letter of request - Lam
Exhibits 12th Encroachment
Location map 12th Encroachment
Consent
Utilities Memo
Public Works Memo
Letters from Utilities

18 K-0809-46 Amd 1

AMENDMENT NO. ONE TO CONTRACT NO. K-0809-46: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ALLTEL COMMUNICATIONS, L.L.C., D/B/A VERIZON WIRELESS FOR THE LEASE OF A MONOPOLE TOWER SITE LOCATED AT THE STREET MAINTENANCE FACILITY AT 668 EAST LINDSEY STREET.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0809-46 with Alltel Communications d/b/a Verizon Wireless; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Attachments:
Text File K-0809-46 Amd 1
Amdmt 1 K-0809-46

19 K-1112-48 CO#1

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-48: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CIMARRON CONSTRUCTION COMPANY FOR THE FYE 2010 DRAINAGE PROJECTS DECREASING THE CONTRACT AMOUNT BY $5,795.30 AND FINAL ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Motion to approve or reject Change Order No. One to Contract No. K-1112-48 with Cimarron Construction Company decreasing the contract amount by $5,795.30; and, if approved, authorize the execution of the contract, accept the project, and direct final payment in the amount of $72,908.59 to Cimarron Construction Company.

ACTION TAKEN: _____

Attachments: Text File K-1112-48 CO #1
Change Order
Final Payment

20 K-1112-101

CONTRACT NO. K-1112-101: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CHEMICAL RECLAMATION SERVICES, L.L.C., IN THE AMOUNT OF $75,000 TO PROVIDE A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT TO BE HELD APRIL 14, 2012, AT THE LLOYD NOBLE CENTER PARKING LOT AND PERFORMANCE BOND B-1112-26.

ACTION TAKEN: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1112-101 with Chemical Reclamation Services, L.L.C., in the amount of $75,000 and Performance Bond No. B-1112-26; and, if approved, authorize the execution of the contract and direct the filing of the performance bond.

ACTION TAKEN: _____

Attachments: Text File K-1112-101
Contract K-1112-101
Performance Bond B-1112-26
HHW Requisition

21 K-1112-116 CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF $5,000 FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS TO BE USED BY THE NORMAN OFFICE OF EMERGENCY MANAGEMENT TO PROVIDE PUBLIC OUTREACH AND EDUCATION DURING THE ANNUAL MEDIEVAL FAIR BEING HELD MARCH 30 THROUGH APRIL 1, 2012, APPROVAL OF CONTRACT NO. K-1112-116, AND ADOPTION OF RESOLUTION NO. R-1112-115 APPROPRIATING FUNDS.

ACTION NEEDED: Motion to accept or reject a grant in the amount of $5,000 from the National Association of County and City Health Officials to be used by the Norman Office of Emergency Management to provide public outreach and education during the annual Medieval Fair being held March 30 through April 1, 2012; if accepted, approve Contract No. K-1112-116, authorize execution of the contract, and adopt Resolution No. R-1112-115 appropriating funds.

ACTION TAKEN: _____

Attachments: Text File K-1112-116 Grant FD
K-1112-116
R-1112-115

22 GID-1112-61 CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $55,596.58 REGARDING JACOB HUNT VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2011-01174A.

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 $55,596.58 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Attachments: Text File WCC Hunt
Attachment 1 Hunt
Court Award
Requisitions

23 R-1112-114 RESOLUTION NO. R 1112-114: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $6,575 FROM THE CAPITAL FUND BALANCE TO FULFILL THE REMAINDER OF THE DESIGN SERVICES PROVIDED BY GARVER, L.L.C. FOR TRAFFIC SIGNAL IMPROVEMENTS AT REAGAN ELEMENTARY SCHOOL LOCATED ON THE EAST SIDE OF 24TH AVENUE S.E., NORTH OF HIGHWAY 9.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-114.

ACTION TAKEN: _____

Attachments: Text File R-1112-114
R-1112-114
W ork Order-Garver

24 R-1112-112 RESOLUTION NO. R-1112-112: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONFIRMING THE AUTHORITY OF THE CITY MANAGER TO MANAGE THE DOWNTOWN PARKING LOT LOCATED BETWEEN CRAWFORD AVENUE AND JONES STREET SOUTH OF GRAY STREET (121 NORTH PETERS AVENUE) BY MAKING AT LEAST SEVENTY-EIGHT (78) SPACES AVAILABLE FOR SPECIFIED TIME PERIODS FOR USE BY THE GENERAL PUBLIC THAT MIGHT BE PATRONIZING DOWNTOWN RETAIL BUSINESSES IN ACCORDANCE WITH A DEED RESTRICTION AGREED UPON WHEN THE CITY PURCHASED THE DOWNTOWN PARKING LOT PROPERTY, AND BY ENTERING INTO LEASE AGREEMENTS FOR UP TO TWENTY-SIX (26) SPACES WITH BUSINESSES OR INDIVIDUALS WHO DESIRE TO RESERVE A SPACE OR SPACES FOR EXTENDED TIME PERIODS.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-112.

ACTION TAKEN: _____

Attachments: Text File R-1112-112
Resolution for Parking Lot
Lease Agreement Downtown Parking Lot
Lottery Polices & Procedures
LeasedSpacesRevised(2-13-12)

25 R-1112-95

RESOLUTION NO. R-1112-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1112-3**, 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 MIXED USE DESIGNATION (OFFICE AND/OR RESIDENTIAL USES) AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-95, Land Use Plan Amendment No. LUP-1112-03; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Attachments: Text File R-1112-95
R-1112-95 RCB Bank
RCB Location Map - Color
RCB Bank 2025 Staff Report
1-12-12 PC Minutes - Village at Oakhurst

26 O-1112-20

ORDINANCE NO. 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)

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-20 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-20 upon Final Reading as a whole.

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
- Markwell Protest
- 1-12-12 PC Minutes - Village at Oakhurst

27 PP-1112-8 CONSIDERATION OF A PRELIMINARY PLAT FOR THE VILLAGE AT OAKHURST, A PLANNED UNIT DEVELOPMENT. (LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

ACTION NEEDED: Motion to approve or reject the Preliminary Plat for the Village at Oakhurst, a Planned Unit Development.

ACTION TAKEN: _____

Attachments:
- Text File PP-1112-8
- Attachment A
- Village at Oakhurst Location Map
- Staff Report
- Village at Oakhurst Prelim Plat
- Village at Oakhurst Prelim Site Plan
- Village at Oakhurst Transportation Impacts
- Village at Oakhurst Pre-Development Summary
- Village at Oakhurst Greenbelt Summary
- Village at Oakhurst GES
- 1-12-12 PC Minutes - Villages at Oakhurst
- Agenda Item

28 O-1112-24

ORDINANCE NO. O-1112-24: 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 TAKEN: Motion to adopt or reject Ordinance No. O-1112-24 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-24 upon Final Reading as a whole.

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

29 O-1112-29 ORDINANCE NO. O-1112-29: 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 TAKEN: Motion to adopt or reject Ordinance No. O-1112-29 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-29 upon Final Reading as a whole.

ACTION TAKEN: _____

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

30 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.

31 Adjournment

City of Norman, OK

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

Master

File Number: GID-1112-60

File ID:	GID-1112-60	**Type:**	Minutes	**Status:**	Draft
Version:	1	**Reference:**	Item No 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	02/14/2012
File Name:	Minutes			**Final Action:**	

Title: CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL FINANCE COMMITTEE MINUTES OF JANUARY 18, 2012
CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF FEBRUARY 2, 2012
CITY COUNCIL STUDY SESSION MINUTES OF FEBRUARY 7, 2012
CITY COUNCIL MINUTES OF FEBRUARY 14, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF FEBRUARY 14, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF FEBRUARY 14, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF FEBRUARY 14, 2012
CITY COUNCIL FINANCE COMMITTEE MINUTES OF FEBRUARY 15, 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:

Agenda Date: 02/28/2012

Agenda Number: 3

Attachments: January 18 Finance Committee Minutes, February 2 BACA minutes, February 7 Study Session Minutes, February 14 CC Minutes, February 15 Finance Committee Minutes

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 of $125,000 for this budget year
- NERS - Actuary report shows a deficiency of $245,173 to meet actuarial level for retirees on defined benefit plan; 28% unfunded plan ratio. Current employees are on defined contribution plan.
- Actuary recommends an annual contribution of approximately $35,000 for 10 years. Committee approved a contribution of $35,718 for this budget year.
- 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
  - Committee recommends funding $8,500 - Have to amend existing contract with Food & Shelter.
  - Committee wants a report to see how services were received
- 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
- Dillingham – 20% of utilities cost being passed to CC Historical Society, Sooner Theatre, Firehouse Art Center, and Santa Fe Depot beginning FYE 13 budget year. Different for these agencies as they have fund raising capabilities.
- Ezzell – other agencies different than CCFI Neighborhood Centers in the services they provide to citizens
- Mayor – agrees
- Dillingham – agrees – Sooner Theatre generates more revenue
- Committee recommends funding just CCFI Neighborhood Centers at original amount of $90,000 for FYE 12 budget year
- 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
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

February 2, 2012

The City Council Business and Community Affairs Committee of the City of Norman, Cleveland County, State of Oklahoma, met at 9:00 a.m. in the Conference Room on the 2nd day of February 2012, and notice and agenda of the meeting were posted in the Municipal Building at 201 West Gray and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

PRESENT:	Councilmembers Lockett, Quinn, Spaulding, and Chairman Ezzell
ABSENT:	None
OTHERS PRESENT:	Councilmember Carol Dillingham, Ward Four Councilmember Roger Gallagher, Ward One Councilmember Tom Kovach, Ward Two Mayor Cindy Rosenthal Mr. Roger Brown, Norman Public Schools Mr. Frank Gophold, Architect for University North Park Tax Increment District Developer Mr. Brad Goodman, University North Park Tax Increment District Developer Mr. Bob Goins, Architectural Review Board Member Ms. Joy Hampton, The Norman Transcript Mr. Dale Hickman, Attorney Mr. Rick McKinney, Architectural Review Board Member Mr. Mike Mormon, Architectural Review Board Member Mr. Sean Rieger, Norman Builders Association Mr. Tony Tyler, Tyler Outdoor Signs Mr. Don Wood, Norman Economic Development Coalition Executive Director Mr. John Woods, Chamber of Commerce Director
STAFF PRESENT:	Mr. Jeff Bryant, City Attorney Ms. Susan Connors, Director of Planning and Community Development Mr. Ken Danner, Subdivision Manager Mr. Anthony Francisco, Director of Finance Mr. Steve Lewis, City Manager Mr. Ken Komiske, Director of Utilities Mr. Doug Koscinski, Current Planning Manager Mr. Shawn O'Leary, Director of Public Works Mr. Wayne Stenis, Planner II Ms. Kathryn Walker, Assistant City Attorney Ms. Syndi Runyon, Administrative Technician IV

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

Item 3, being:

DISCUSSION REGARDING POSSIBLE AMENDMENTS TO THE SIGN CODE FOR OFF-PREMISE SIGNS (ELECTRONIC SIGNS ON I-35)

Ms. Susan Connors, Director of Planning and Community Development, said staff prepared an amendment to Section 18-601 of the Sign Code to allow off-premise digital signs. She said staff had also met with members of the sign industry, Mr. Bill Hickman, Attorney, and Mr. Tony Tyler, Tyler Outdoor Signs, who suggested additional changes. She said Mr. Hickman proposed that owners of non-conforming billboards located anywhere in the community be allowed to convert those signs to digital. She said there are 15 billboards along the interstate and all of them are non-conforming because of distance separation. She said off-premise signs are required to be 1,000 feet apart and many of them are 600 feet apart. She said the Sign Code has certain conditions that need to be met in order to update non-conforming signs. She said changes would have to be made to the non-conforming section of the Sign Code to allow the existing non-conforming signs to be changed to digital.

Chairman Ezzell asked if off-premise sign discussion was related to variance only and Mr. Jeff Bryant, City Attorney, said proposed Sign Code criteria focuses more on color and copy of digital signs, not structure or size. He said if billboards were replaced with digital signs, the structure of the sign would have to be changed, which is not consistent with the current code. He said that section of the Sign Code would have to be amended or Council could decide if they want non-conforming signs to be upgraded to digital. He said the whole idea of non-conforming signs is to allow the sign company to recoup their investment until it gets to the point that the sign is deteriorated or the company has recouped their investment then remove the non-conforming sign. He said the City would need to amend the section so it is not focused on color and copy only, but structural changes as well that would still allow the sign to be non-conforming.

Chairman Ezzell asked about the status of discussions of on-premise signs and Ms. Connors said the Business and Community Affairs Committee had asked staff to focus solely on off-premise signs for this meeting. She said there has been no discussion with the industry regarding on-premise signs.

Chairman Ezzell said it seemed that, along I-35, the principle non-conformity issue is distance and Ms. Connors agreed. She said there is one sign that is located in an agricultural zoned area and new billboards are only allowed in industrial or commercial zoned areas, but that sign was grandfathered in. She said there are four very old existing signs that were grandfathered in.

Chairman Ezzell asked if staff had concerns regarding the proposed changes to allow conversion and Ms. Connors said no, but there would need to be additional Sign Code amendments. Chairman Ezzell asked what the next step should be and Ms. Connors said the proposed amendments would be forwarded to the Planning Commission then to City Council for approval. Chairman Ezzell instructed staff to move forward.

Mr. Tony Tyler, Tyler Outdoor Sign Company, asked if the Sign Ordinance could be placed on the next Committee agenda as the public had not seen the language moving forward to the Planning Commission. Mr. Roger Brown, Norman Public Schools, said he is interested in discussing digital signs being allowed on school property. Chairman Ezzell said that would be an on-premise sign issue and the Sign Ordinance going to the Planning Commission is for proposed amendments to off-premise signs. He asked that discussion regarding on-premise signs be placed on the next agenda. He said off-premise signs on I-35 should continue to move forward. He said the proposed amendments for off-premise signs will be reviewed by the Planning Commission in March then move onto a Council Study Session prior to being placed on the Council agenda for approval. He said there is still opportunity for continued input while keeping the proposed amendments on track to be approved.

Item 3, continued:

Items submitted for record

1. Memorandum dated January 26, 2012, from Doug Koscinski, AICP, Manager, Current Planning Division, via Susan Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee
2. Memorandum dated January 30, 2012, from Susan Connors, AICP, Director of Planning and Community Development, to Business and Community Affairs Committee

Item 2, being:

PRESENTATION FROM THE UNIVERSITY NORTH PARK ARCHITECTURAL REVIEW BOARD REGARDING IMPLEMENTATION OF THE DESIGN STANDARDS.

Ms. Kathryn Walker, Assistant City Attorney, introduced members of the University North Park Architectural Review Board (UNPARB) and provided a brief background of the board creation. She said the UNP area was approved by City Council as a Planned Unit Development (PUD) in 2002. The PUD narrative called for an Architectural Review Committee (ARB) to be created and was amended in August and December 2006. Criteria recognized the creation of the ARB was to review for development in the University North Park Tax Increment Finance District (UNPTIF). In the PUD ordinance, the ARB was given control over design and materials and final authority regarding exterior colors. She said the ARB meets regularly to review plats, which is a detailed review.

Mr. Rick McKinney, ARB Member, highlighted the ARB's background and history. He said board members were appointed in 2003 and were involved in the initial selection of the developer and have been intimately involved in the process for the past nine years. He distributed pictures of existing structures in the UNPTIF as well as pending projects including Alliance Bank and North Park Shops II, which will include Chipotle Restaurant and Starbucks.

Mr. McKinney said development has accelerated in the last 18 months and the ARB has begun to meet every two weeks. He said everything goes through Mr. Frank Gophold, Architect for the Developer, who then distributes the plans to the architects. He said the architects have a set of guidelines on what is to be distributed to the ARB for review. He said once in a while the ARB will get initial preliminary concepts that may be rejected multiple times before a final plan is accepted. He said when Embassy Suite's plans were reviewed, the board rejected the plans four times and encouraged the architect to rotate the site plan 90 degrees to place the conference center nearer to the bulk of the parking and the hotel entrance to the front, closer to the interstate. Mr. McKinney said every plan is reviewed a minimum of three times and those reviews include lighting; landscaping; graphics; pedestrian circulation; American with Disabilities Act (ADA) access; signage on the buildings; exposure of vertical elements to the interstate; materials; heights within the parapet; vehicular circulation; and parking.

Chairman Ezzell said the ARB seems to be the backstop and everything is reviewed by the board. He said he understands and appreciates the competing pressures the ARB is under for maximum design aesthetics and appearance versus the developer wanting the most cost efficient savings for their project. He said one question commonly asked of Council is why the Academy Sports building does not have the same architectural standards as the Target building. Mr. McKinney said the ARB is unified in feeling the development should have some variety with similar materials, but not all buildings be red brick. He said the ARB reviewed four elevation markups when Academy showed interest in building in the UNPTIF. He said Academy's first renderings had red and blue racing stripes all around their building and the ARB rejected the plan. He said Academy settled for a red and blue accent on the front of their building. He said the ARB made Academy add brick to the sides of the building and screen walls on the back delivery areas. He said, at that time, Academy was sending everything electronically and the ARB approved the electronic images; however, and the materials approved did not look as white as the color actually turned out to be. He said Academy is noticeable because it is isolated from the other buildings so there is not context around it, no buffers, no smaller shops, etc., so it makes the building seem larger and whiter.

Item 2, continued:

Chairman Ezzell said 99% of the community is never going to understand and appreciate the amount of work the ARB puts into the project. He said the concerns and criticisms received by Council is the development does not look like it should. He said most people would say the development is being built significantly under the promised expectations when it first came to Council. He said the project does not look anything like the renderings at that time as far as design aesthetics and components. He said every new development seems to have less in design standards and appearance than the one that came before it. He said everyone believes that each building should look like the Target building and operate under the assumption that the only reason it is not is because of cost. He said Council is receiving pressure to take over responsibilities of the ARB or to create a Zoning Overlay District (ZOD) that will in essence, force the standards that meet the expectations that have been created. He said, personally, he did not think the Academy development is up to par from a design standpoint of the promised expectations that were built and created surrounding it. He asked the ARB what assistance the Council could give them. He asked if it would be helpful or hurtful to create a ZOD where the ARB could tell developers that the ARB's hands are tied on design standards.

Mr. McKinney said he has heard, "We are not getting what we were promised," so many times. He asked what that meant because the buildings that are there comply with materials, shapes, forms, canopies, etc. Councilmember Gallagher said variety is great, but the idea of uniformity means upgrade or above the normal and asked how to marry variety with an upgraded style. He said people complain the development on the east side looks like any other shopping center, very normal, and was expected to be something superior. Mr. McKinney said beauty is in the eye of the beholder and everyone in the room would have a different opinion of what is attractive or cohesive. He said the ARB has worked hard to use guidelines to direct their decisions and the guidelines allow the ARB latitude to blend different shapes and materials. He said he did not see a problem or conflict with variety. He said Embassy Suites is a very contemporary building and the ARB encouraged the developer to add brick stair towers on the sides and Target is contemporary with traditional materials of diamond brick pattern. He said the North Park Shops II will have contemporary design and add brick with diamond patterns. He said a bank is coming on board that will have granite veneer and the ARB supports those designs. He said the Life Style Center has morphed into a Village Center and will be extremely scrutinized as it is developed because the ARB is looking to entice national tenants of a higher quality.

Councilmember Kovach said he did not believe beauty is in the eye of the beholder. He said there are measurable, quantifiable elements to aesthetics. He said Council was shown renderings before the project was approved that look very different than what is taking shape. He said there are no arches and there had been more brick work in the drawings. He said the University of Oklahoma (OU) has a style to their buildings that is varying, but have a certain level of aesthetic quality. He said OU has achieved a blending of styles that is not seen in the UNPTIF. He said business owners have contacted him and said, "Please do not let them degrade the east side of the development anymore." He said they feel there is a diminishing level of architectural quality going into the very area where the highest end development will eventually go. He said the ARB is paid by the developer and one of the developer's architects is on the board and asked how the ARB balances the pressure when the public is expecting something they are not getting. Mr. McKinney said the board members were appointed by the OU Foundation and, to date, have been funded by the OU Foundation, but the developer on the board has never caused any conflict or made a difference in the board's opinion. He feels there has not been a conflict of interest. He said having a developer on the board is one of the Foundation's prerogatives, but the ARB treats every project the same no matter who the developer may be. Mr. McKinney said for two years there was no activity in the UNPTIF and the developer was anxious to get something started and brought projects to the ARB that were lesser quality than what council feels is in the development now and the ARB rejected them.

Chairman Ezzell said everyone has the upmost respect for the individual members of the ARB and their qualifications, but he has heard speculation that they may be too nice. He asked again if a ZOD would be beneficial and what the pros and cons would be that clearly define Council's expectations from a design standpoint. Mr. McKinney said the set of guidelines drafted by Mr. Frank Gophold, Architect for the Developer, and the development team are very comprehensive, but there are some small details that could be tightened. He said if a standard is not written in the guidelines it is hard to push developers in that direction. He said the guideline compares to any guideline he has ever worked with and felt it is not deficient, is not biased to the developer, and establishes a quality that incoming architects and designers feel to be a benchmark, and developers challenge those standards. He said Chuy's Restaurant came in with a design, but refused to acknowledge design standards required near the future park site so they were rejected. He said he did not believe a ZOD is necessary. He said he would like to hear a mandate from the Business and Community Affairs Committee on what the ARB should be doing. He said the ARB will listen and incorporate that into what they do, but felt that nothing could be better than the guidelines already in use. He said, in his opinion, a ZOD would be another layer of protection and control that he does not believe is necessary.

Chairman Ezzell felt that everything should look like Target or close to it. He asked how much trouble it would it be for the ARB to bring forth a couple ideas on what needs to be tightened in the guidelines. Mr. McKinney said the design elements for canopies is not covered in detail and the ARB is working with Mr. Gophold to draft a tighter standard to become part of the guidelines. He said the ARB has also added tighter criteria for signage on the back of the buildings, but by and large the guidelines cover the allowable materials, expectations of the parapet heights, variations in the walls.

Mr. McKinney said retail is a challenge and most retailers want to lease a rectangular box. He said if it has an L shape, it creates problems for the retailer in merchandising. He said the ARB challenges retailers to not send a box design. He said the ARB asks for variation, higher walls, projections for shadow lines, material changes, landscaping, etc. He said there are diagrams in the guidelines that give the ARB fuel to comment on those designs.

Chairman Ezzell asked if there is anything the ARB feels they need to do differently as they move forward in the process. Mr. McKinney said the public could be better informed about what the ARB does, how they go about doing it, what the guidelines are, etc. He said he thinks everyone in town has an opinion or an impression of what they were promised, what they expected, and what the guidelines are. He said he takes issue with all buildings looking like Target as he does not think that is the right approach.

Councilmember Dillingham said there is a public expectation that the development should resemble Target more, that it should have a university vibe, and use more brick. She said she tries to educate constituents that trees only grow as fast as they grow because one of the things constituents constantly comment on is the level of landscaping. She said Council was shown diagrams with enhanced pockets of landscaping that included public seating areas or those types of amenities that are not yet created largely because the project has not reached the Life Style Center area stage of development. She said the Life Style Center was to be the spectacular piece and for the most part the ARB is trying to maintain a cohesive feel, but may be scaling down on some of the added architectural features. She said height dimensions are missing, which is a huge architectural element and the development needs more of that. She said it does cost more money and some developers will say no, but that is the risk taken if a ZOD is created as well. She said she would be leery of Council being the arbiters, but Council does need to be conscious of public expectations that buildings should more resemble Target, have enhanced landscaping with public amenities like seating areas, a water feature, and differentiation in architectural features.

Mayor Rosenthal agreed with Councilmember Dillingham that part of the problem is public expectation. She said she is not qualified to substitute her judgment or the contents of the design guidelines implemented by professional architects and designers who have the ability that Council does not. She said she would encourage the ARB to come forward with any of the tweaks that Council can help by adding their

Item 2, continued:

support. She said, unfortunately, the City remains with the expectation that the UNPTIF will suddenly resemble Utica Square and Utica Square is a mature project that has been in existence for 35 years, which is not the case here. She said the UNPTIF is a build-out over time project and part of the problem with Academy is that it is by itself and is an unfinished work. She said it is important for the Committee to affirm what the ARB is doing and it is unfortunate that it has been suggested that the ARB is not independent. She said she had the opportunity to walk through one of the projects with the ARB and get an appreciation of what the process is like. She said they are operating in the best interests of the community in the work they are doing. She did not think a ZOD was the way to go and the City has been working on other parts of the planning and zoning process to make sure things move smoothly and to add another layer of regulation over a book that is already comprehensive is not in the community's best interest. She did feel the City could do more to educate the public about the development, but said developers should be encouraged to add gates, amenities, and place making elements now rather than at the end because those types of things will go a long way toward completing the picture.

Mr. Bob Goins, ARB member, said he could not agree more and asked how that should take place. He asked if the Council sees that as the ARB's responsibility to work with the developer or should these directions come from Council. Chairman Ezzell said he agrees with much of what the Mayor said and although, he was not concerned about the ARB's independence, he was concerned about the pressure the ARB is under to balance the economics versus the aesthetics. He said if the project does not get some of the elements discussed within a reasonable time span, meaning as soon as possible, Council will have no choice but to look at creating a ZOD. He said it is not the Council's preference, but Council is trying to illustrate where this will lead if the project does not get the improvements. He agreed it is not the ARB's responsibility to do that specifically. He said Council is trying to make suggestions about what Council thinks needs to be done a little bit better and what needs to be accelerated in the process. He said the reality is that Council is the one ultimately responsible for everything related to that project.

Mr. Goins said the word "expectations" has come up quite a bit in the conversation and most of those expectations seem to be largely in reference to the design. He said he gets a lot of questions about the quality of the stores. He said design is critical, but there are issues other than design. He said the ARB has been very sensitive to the expectations for the level of stores. He said he also has questions about where the park and a more efficient interstate are that were promised. He said those things would greatly enhance the development if they could be moved along. Chairman Ezzell agreed and said that is where Council is heading. He said Council knows they cannot impact the issue of retail stores as that is dictated by the mark of economics, population per capita, disposable income, etc. He said Council is not focused on who the tenants are. He said Council is focused on things they can control such as what the project looks like and the public benefits located in the project. He said that is where Council has opportunities to make a spectacular effect and hopes that is the message delivered today.

Mr. Brad Goodman, representing the developer, assured the Committee the developer has not forgotten any of the amenities, but were put on hold because of the economy. He said the ARB has worked through issues with the tenants in spite of the economy. He said when a tenant comes to the ARB to discuss building in Norman then discovers how much it will cost to design and build, they say they can build in Moore for half of what Norman is charging. He said the developer has put some things on hold, but plans to move forward when the economy gets better. Chairman Ezzell said now is time to reopen that dialogue.

Councilmember Quinn felt that Mr. Goins brought up a good point about the park and he believes that needs to get going and said that is something the Council will focus attention on for the positive side of the development rather than looking for the negative. He said the fact that Academy came in when the economy was bottomed out, shows the positive things going on in the development. He said he would like to see a list of the things the ARB would like Council to support.

Item 2, continued:

Mr. McKinney said the ARB uses a Life Style Center guideline, which is different than a Convenience Center guideline. He said everything in the development today, other than the hotels, is a Convenience Center and that is why there are discount shops, Target, etc., but within the Convenience Center there are sidewalks with inlaid pavers in a grid pattern, cast iron powder coated benches, and waste receptacles. There are seating areas along these patterned concrete sidewalks with historic lamp posts. He said the ARB has required that of every developer. He said when the ARB ramps up to the increased design guideline for the Village Center, these amenities will be enhanced and increased. He agreed the park will be the generator of spectacular because the park will be spectacular and when the park is built, he believes it will generate the entire corridor to be the spectacular that everyone has been promised.

Mr. John Woods, Norman Executive Director of the Norman Chamber of Commerce, said he was happy the ARB held Chuy's Restaurant to the standards of their guidelines. He said if the ARB continues to do that with every development, that is not a bad thing in the sense that Chuy's is still coming to the community in another location. He said everything new in Norman is not going to go into just one area so it is good to have high standards and the Chamber encourages that. Mr. McKinney said Chuy's Restaurant in Texas looks like an added on hacienda with Christmas lights strung and the ARB liked that retail festivity near the park, but Chuy's refused to recognize and respect a $5 million park. He said everyone's vision is that there would be restaurants with outdoor patios and wrought iron fences and people could walk around the lake, but instead Chuy's wanted the backdoor to their kitchen and dumpster right next to the park. He said the ARB asked them to flip their floor plan, but they refused. Mr. Goodman said they would not change their floor plan because they wanted interstate visibility, not a park relationship, and the ARB is not particularly interested in interstate visibility. The ARB wants the project to look good from the interstate but is not interested in pulling people in from the interstate. Mr. McKinney said Chuy's is a regional chain and as the project brings in the higher quality tenants, the pressure that will come against the ARB, the developer, and the City trying to stretch the rules will increase and the ARB is prepared for that.

Item 1, being:

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

Ms. Walker said on December 1, 2011, Mr. Mark Nuttle, Economic Development Legal Counsel, spoke to the Committee about what he thought were important issues for a successful Economic Development Trust and staff was told to incorporate those changes into the trust document. She said the main change was made to the makeup of the Public Trust Authority (PTA) Board of Trustees. She said there would be five trustees all appointed by a majority vote of City Council. Three of them would be nominated by the Mayor, one representative would be nominated by the Norman Economic Development Coalition (NEDC), and one representative would be nominated by the Norman Chamber of Commerce and all would need to be approved by Council. She said the three that would be nominated by Council would be required to have expertise in finance, accounting, legal issues, or banking.

Councilmember Gallagher said he has concerns about the qualifications for the trustees. He said there needs to be more discussion on the makeup of the Trust and feels not having a Councilmember appointed is a big mistake. He said Council will be responsible to the public for the Trust and for Council not to have any control over the board is a mistake. He said Council would be giving a private entity the ability to use public funds with little or no control. Chairman Ezzell agreed there needs to be more discussion and with the concept of Council having board representation. He said it is important for someone with Council's perspective to be involved in the discussions as long as it does not dominate or control the board. He said there could be two Councilmembers to a seven member board. He said further discussion of this item will be tabled to the next meeting.

Item 1, continued:

Chairman Ezzell said as the process moves forward and a trust agreement is finalized and submitted for Council's approval, it is only the first step in creating the tools in the tool box. The second step will be determining how the group is going to become a meaningful participant in discussions and activities. He said an unfunded trust authority does not have much ability to do anything, but getting the trust authority created and in place is an important step.

Items submitted for record

1. Memorandum dated December 28, 2011, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Business and Community Affairs Committee

Item 4, being:

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 10:07 a.m.

ATTEST:

City Clerk

Mayor

COUNCIL STUDY SESSION MINUTES

February 7, 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 7th day of February, 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 Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
ABSENT:	None

DISCUSSION REGARDING CITY OF NORMAN TRANSPORTATION IMPROVEMENTS

- PREVIEW OF COMPREHENSIVE TRANSPORTATION PLAN SURVEY RESULTS
- HISTORY OF FEDERAL TRANSPORTATION FUNDS RECEIVED
- REGIONAL TRANSPORTATION IMPROVEMENT PLAN
- FEDERAL FISCAL YEAR 2013-1016 PROJECTS
- POTENTIAL GENERAL OBLIGATION BOND PROJECTS

Mr. Shawn O'Leary, Director of Public Works, said Staff's goal is to help Council understand what the Transportation Improvement Plan (TIP) is, how it relates to the City's Capital Improvement Plan (CIP), and all that might relate to a possible bond election in June 2012, for transportation projects.

Mr. O'Leary highlighted pertinent results of the 2011Comprehensive Transportation Plan (CTP) survey prepared by ETC Institute. He said citizens were dissatisfied with the flow of traffic on streets, particularly during rush hour traffic; parking downtown and Campus Corner; availability of on-street bike lanes; traffic calming devices; east to west travel; availability of pedestrian walkways; traffic signal timing; and condition of roadways. He said the City will need to decide which three of the perceptions are the most important over the next ten years and what should City government focus on.

The survey asked which three current transportation issues were the most important over the next ten years. He said approximately 90% of citizens are in support of improvements in traffic; eliminating bottlenecks and traffic congestion; improving maintenance of streets, highways, and bridges; improving major roads around the edge of Norman; adding improvements without widening existing roads; and constructing and repairing sidewalks.

The survey asked which three sections of roadway should receive attention first. Mr. O'Leary said several sections of roadways are congested and have high incidents of accidents and, according the survey, the top three are Porter Avenue from Robinson Street to Alameda Street; Robinson Street between 24th Avenue N.W. and 36th Avenue N.W.; and Lindsey Street, west of Berry Road.

Mr. O'Leary said the survey asked if a bond issue included funding to address the top three choices, how likely would you be to vote in favor of the issue. He said 80% stated they would be extremely likely or somewhat likely to vote in favor of a bond issue. He said the City does not get 80% on very many bond elections or elections in general.

Mr. O'Leary said only 33% of those surveyed have ridden a bicycle in the past year. He said of those that do ride bicycles, 57% felt that riding on City streets is not very safe.

He said results of the survey indicate that transportation needs are a high priority, there is appetite for a potential bond issue to fund major transportation improvements projects; and multi-modal transportation.

Mr. O'Leary highlighted transportation federal funds through the years. He said the first funding was in the 1970's for the Federal Aid Urban System (FAUS) providing funding support for cities and counties based on population. He said Norman received approximately $700,000 per year, which even then, was not enough for major projects. He said in 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) was signed into law. He said the ISTEA provided funding for congestion mitigation and came with greater flexibility on how money was spent. He said this was the beginning of the Transportation Enhancement Program through which the City of Norman rehabilitated the Norman Depot, constructed Legacy Trail, and the Downtown Streetscape Project.

Mr. O'Leary said in 1998, the Transportation Equity Act for the 21st Century (TEA-21) was signed into law. He said this act focused on safety programs; intelligent transportation systems; economic growth and development; and environmental protection controls. He said the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) came into law in 2005, providing more funding to states that paid more gas taxes than other states. In 2010, the SAFETEA-LU provided funding in the amount of $547,146,429 for the State of Oklahoma. He said $22,000,000 was allocated to the Association of Central Oklahoma Governments (ACOG), which is the share of dollars that produces the Transportation Improvement Plan (TIP). He said funding depends on Oklahoma's ability to rank and compete in the region and Norman is very dependent on federal funding. He said if Norman continues to compete for federal funding and had a bond election, the City could do numerous transportation projects.

Mr. O'Leary said Norman is a part of the Regional Transportation Improvement Plan (RTIP) and it is important to be a part of that plan. He said the RTIP is a four year program and projects must tie back and be identified in the Regional Transportation Study, Encompass 2035. He said Federal law requires that all Metropolitan Planning Organizations (MPOs) prepare a TIP for their designated region. He said the Oklahoma TIP is prepared annually by ACOG in its role as the MPO for transportation planning within the Central Oklahoma region. The document is prepared under the guidance of the Intermodal Transportation Technical and Policy Committees, and is submitted to the Governor, the Federal Transit Administration and the Federal Highway Administration through the Oklahoma Department of Transportation.

Mr. O'Leary said the RTIP has $22,000,000 available per year with 10% set aside for cost overruns and 10% set aside for safety projects (safety project receive 100% funding while other projects share cost at 80%/20%). He said only ACOG members within Encompass 2035 are eligible to apply for the funding, but no single local government can receive more than 50% of the total funding. He said funding is guaranteed during the first year for budgeting and the second through fourth years are not budgeted, but it tends to be consistent in the ranking and rating process.

Mr. O'Leary highlighted the ACOG TIP process timeline. He said project selection criteria is reviewed and modified between June and September. In November, the application process begins and there are 22 projects in the 2012 application packet. In December, applications are submitted to ACOG; in April ACOG submits the TIP to ODOT; in September the Oklahoma Transportation Commission approves the State Transportation Improvement Plan (STIP) then submits it to the Federal Highway Administration (FHWA) for approval. On October 1st, funds become available for projects included in the first year.

Mr. O'Leary said City Council must endorse the projects by resolution, in which the City agrees to provide engineering design services, right-of-way acquisition, relocation of utilities, and local match of 20% of construction costs. He said Staff then works to merge the TIP into the City's Capital Improvements Plan (CIP). Councilmember Lockett asked what the funding percentages were when you add in those costs and Mr. O'Leary said approximately a 50/50 share.

Mr. Angelo Lombardo, Traffic Engineer, said ACOG recognizes nine different types of projects in the TIP process and the projects get rated and ranked by weight of the project. He said categories of projects included in the evaluation are as follows:

- Widening, including railroad/highway grade separations
- New construction
- Intersection/Safety Improvements
- Resurfacing, Reconstruction, Rehabilitation, Restoration
- Bridge improvements
- Transit, Park-and-Ride, High Occupancy Vehicle Lanes
- Independent Bicycle and Pedestrian Facilities/Projects
- Carpool/Vanpool Administration
- Safety Projects

Mr. Lombardo said the weighing factors consist of average daily traffic; projects with higher volume of traffic and capacity; accident severity; air quality; surface condition; recurring congestion corridor; and project readiness, which are all key to the process. He said ACOG will review all applications for accuracy and create a master list that includes all the projects in order of score. Mr. Lombardo said the City basically looks at the availability of funds for a particular year and determines what projects can be completed. He said any project that the City does not elect to choose will be considered the following year by carrying out the same TIP process. Mr. Lombardo said over the past 20 years, the City of Norman has obtained nearly $80 million dollars by participating in the TIP process.

Mr. Lombardo highlighted the TIP process overview 2013-2016 application cycles, stating 22 projects have been submitted to ACOG, including the seven potential bond projects. He said 19 projects have been selected totaling $34,745,894 of the $85,320,000 available funding which is 36% of the total available funding. He said the projects that were submitted but not included in the TIP are as follows:

- Franklin Road Bridge Replacement – west of 12th Avenue N.W.
- 36th Avenue N.W. – from Tecumseh Road to Indian Hills Road
- Rock Creek Road – at 12th Avenue N.W. and Trailwoods Drive

Mr. O'Leary said the federal fiscal year begins October 1 and ends September 30, of each year whereas the City's fiscal year is from July 1 to June 30. Mr. O'Leary and Mr. Lombardo highlighted the TIP projects for Federal Fiscal Years 2011-2016, including the scope and total project cost for each. The update included whether the project was currently under construction; scheduled for bid; the design was complete or incomplete; whether a construction contract has been awarded; if the project is a phased project, whether a phase is currently completed and when the next phase is scheduled; and whether the project was being considered as a potential bond project.

Mr. Lombardo highlighted the potential bond projects beginning with the 12th Avenue S.E. from Cedar Lane to State Highway 9 which is scheduled in FYE 2014, and said the federal share is 80% or $2,204,800 but the project is waiting on funds for design.

Mr. O'Leary said there are two (2) potential bond projects slated for FYE 2015, beginning with the Lindsey Street Conceptual Plan. He said a Request for Proposal (RFP) was issued to 62 firms on December 17, 2011, seven (7) proposals were received, four (4) engineering firms were interviewed, and Staff selected Cabbiness Engineering and Garver Engineering, both being local firms. Mr. O'Leary said Mayor Rosenthal, Councilmember Kovach, and Staff met with Lindsey Street property owners on January 19, 2012, and data gathering, field surveys, and concept design is currently being performed. He said Mr. Steve Lewis, City Manager, approved the contract on January 25, 2012, and a Design Charrette will be conducted on March 1, 2012, followed by a Public Meeting scheduled on March 12, 2012. The Lindsey Street Conceptual Plan is scheduled for discussion at a Council conference on March 13, 2012, and tentatively a bond election ordinance would be on Council's agenda for first reading on April 10, 2012.

Mr. Lombardo said the Main Street west of 36th Avenue N.W. Bridge Replacement Project is another potential bond project slated for FYE 2015. He said the project is currently under design and federal funding will be approximately $2,422,508. He said another potential bond project for FYE 2016 is 24th Avenue east north of Lindsey Street to Robinson Street and said the federal funding will be approximately $7,022,800, but the project is waiting on funds for design.

Mr. O'Leary said there are eight (8) General Obligation (GO) Bond projects scheduled for FYE 2012-2016, which total $71.6 million without federal funding but lowers significantly to $38.2 million with federal funding. He said the potential GO Bond projects are combined Storm Water and Transportation Improvements and Staff will provide a list of options for Council to consider. Mr. O'Leary said combining the street and drainage improvements together allows Staff to access more federal funds and another key factor to take into account is that the particular corridors, i.e., Lindsey Street, Main Street, etc., will only be disrupted one time as opposed to completing a drainage project only to return to the area in a year or two to perform a street improvement or interchange project. The GO Bond Projects include:

Storm Drainage and Street Widening Projects

1. West Main Street Bridge
2. Lindsey Street from 24th Avenue S.W. to Berry Road
3. Franklin Road Bridge

Street Widening Projects

4. Cedar Lane from 12th Avenue S.E. to 1/2 mile from 24th Avenue
5. 12th Avenue S.E. from Cedar Lane to Highway 9
6. 24th Avenue S.E. from Lindsey Street to Robinson Street
7. 36th Avenue N.W. from Tecumseh Road to Indian Hills Road

8. Alameda Street Safety Project

Councilmember Gallagher asked if improvements to McGee Drive will be included in the GO Bond projects and Mr. O'Leary said yes it is in the scope of work. Mr. O'Leary said the Lindsey Street project includes improvements to McGee Street and is a $21.5 million project but with federal funding of approximately $8.5 million the total project cost will be $13,033,110.

Councilmember Kovach asked Staff to address why this proposed project for Lindsey Street will accomplish what project(s) in the past have not and Mr. O'Leary said rain water is discharged to a very large drainage area at Lindsey Street and McGee Drive. He said it will take a very large drainage system to deplete the rain water away in order to resolve the drainage issue(s). He said a proposed drainage system will begin at the Lindsey Street and McGee Drive area, with some of the water discharging slightly east to Imhoff Creek which is existing drainage. Mr. O'Leary said the majority of the rain water would be directed west, south, and then west again to the I-35 corridor. He said while Oklahoma Department of Transportation (ODOT) is performing work along I-35, Staff will continue to discuss and work to have an additional drainage system inserted into the I-35 corridor so that the water run-off will discharge directly underground to the South Canadian River. Mr. O'Leary said this is a concept that has never been discussed before. Past discussions always involved directing the water run-off to Imhoff, Merkle, and/or Normandy Creek further impacting those overburdened streams. Councilmember Kovach said this drainage project will also assist with the current flooding issues along Briggs Street and Wiley Road because the proposed drainage system will direct the water run-off down Briggs Street which does not currently have any storm water facilities.

Mr. O'Leary said ODOT will also bring $155 million in improvements to Norman over the next three to five years with projects such as the I-35 South Corridor project that will include a noise wall; Main Street, State Highway 9, and Lindsey Street interchange improvements; and lighting for the South Canadian River Bridge. He said additional ODOT

projects include widening State Highway 9 from 24th Avenue S.E. to 72nd Avenue S.E. to four lanes and at some sections widening to five lanes; improvements to Classen Boulevard and Imhoff Road; Robinson Street and 12th Avenue N.E.; Kennedy Elementary Safe Routes to School project; and three (3) transportation enhancement projects which have not been completely approved, i.e., State Highway 9 Legacy trail extension, downtown streetscape, and 24th Avenue N.W. and 36th Avenue N.W. Legacy Trail Extension.

Mr. O'Leary said the next steps will be to discuss GO Bond projects and schedule election date(s) and a public outreach campaign. He said the TIP has a direct relation to the City's Capital Improvements Plan (CIP) and Council will discuss the CIP, as well as the merging of the TIP and CIP at the Council Conference scheduled on February 28, 2012.

Mayor Rosenthal asked about funding for the downtown streetscape and Legacy Trail and Mr. O'Leary said if the application is approved the City's share would be 50% which has been budgeted. Mayor Rosenthal felt there is a great desire among the downtown business community to see the completion of the downtown streetscape on the west side of the railroad tracks and Mr. O'Leary believed the City had a very strong application which was favorably received but is now pending due to final negotiations.

Items submitted for the record

1. PowerPoint presentation entitled "Transportation Improvement Plan, City Council Study Session February 7, 2012"

The meeting adjourned at 7:10 p.m.

ATTEST:

City Clerk

Mayor

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

February 14, 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 14th day of February, 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 Ezzell, Gallagher, Griffith, Kovach, Lockett, Quinn, Spaulding, Mayor Rosenthal
ABSENT:	Councilmember Dillingham

The Pledge of Allegiance was led by students of Community Christian School.

* * * * *

Item 3, being:

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

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 Quinn;

Items submitted for the record
1. Text File No. GID-1112-48 dated January 30, 2012, by Brenda Hall, City Clerk
2. City Council Study Session minutes of January 17, 2012
3. City Council Community Planning and Transportation Committee minutes of January 25, 2012
4. City Council Conference minutes of January 24, 2012
5. City Council minutes of January 24, 2012
6. Norman Utilities Authority minutes of J January 24, 2012
7. Norman Municipal Authority minutes of January 24, 2012
8. Norman Tax Increment Finance Authority minutes of January 24, 2012
9. City Council Special Session minutes of January 31, 2012
10. City Council Oversight Committee minutes of February 1, 2012

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

YEAS:	Councilmembers 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.

* City Council Finance Committee minutes were withdrawn by Staff.

* * * * *

Item 4, being:

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

Councilmember Quinn moved that the Mayor be allowed to present Citizenship Awards to students from Community Christian School, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record
1. Text File No. GID-1112-47 dated January 30, 2012, by Brenda Hall, City Clerk

Participants in discussion
1. Mayor Rosenthal and Councilmember Quinn presented Citizenship Awards to students Sarah Beebe, Zach Beebe, Amariah Edwards, Shelby Elliott, Zoe Keith, Hope King, Jonathan King, Alex Laffin, Maitlyn McCaskill, Reid Rasnic, Ryan Rasnic, Kelsey Schallhorn, Landon Schmidt, Rosie Scott, Cole Snowden, Sayre Stapleton, and Libby Williams.
2. Ms. Rhonda Bergstrasser, Second Grade Teacher at Community Christian School, said these second, fourth, and sixth grade students were selected as representatives of good citizens of Community Christian School

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

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

The Mayor declared the motion carried and the Mayor was allowed to present Citizenship Awards to students from Community Christian School,

* * * * *

Item 5, being:

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.

Councilmember Kovach moved that receipt of Proclamation No. P-1112-11 proclaiming the month of February, 2012, as Black History Month in the City of Norman be acknowledged, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. P-1112-11 dated February 3, 2012, by Carol Coles, Administrative Assistant
2. Proclamation No. P-1112-11

Participants in discussion
1. Ms. Kay Ham, Chairman, and Ms. Cheryl Wattley, Member of the Human Rights Commission, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1112-11 proclaiming the month of February, 2012, as Black History Month in the City of Norman, a vote was taken with the following result:

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

The Mayor declared the motion carried and receipt of Proclamation No. P-1112-11 proclaiming the month of February, 2012, as Black History Month in the City of Norman was acknowledged.

* * * * *

Item 6, being:

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.

Councilmember Quinn moved that Resolution No. R-1112-108 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1112-108 dated January 31, 2012, by Brenda Hall, City Clerk
2. Resolution No. R-1112-108

Participants in discussion
1. Ms. Denise Kueny, President of the Norman Sooner Rotary Club, and Ms. Celeste Scott, Executive Director of Elementary Education for Norman Public Schools, accepted the proclamation and thanked the Council

and the question being upon adopting Resolution No. R-1112-108, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-108 was adopted.

* * * * *

Item 7, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 8 through Item 22 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 8 through Item 22, a vote was taken with the following result:

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

The Mayor declared the motion carried and Item 8 through Item 22 were placed on the consent docket by unanimous vote.

* * * * *

Item 8, being:

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)

Councilmember Kovach moved that Ordinance No. O-1112-20 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1112-20 dated December 19, 2012, by Doug Koscinski, Current Planning Manager
2. Ordinance No. O-1112-20 with Exhibit A, site plan, and Exhibit B, PUD Narrative dated December 12, 2011, and revised January 5, 2012, prepared by Sean Paul Rieger, the Rieger Law Group, with Exhibit A, Proposed Preliminary Plat' Exhibit B, Proposed Preliminary Site Development Plan; Exhibit C, Proposed Open Space Areas; and Exhibit D, Plan of uses in each area of the Site
3. Location map
4. Staff report dated January 12, 2012, recommending approval
5. Cross Section through North Property Line
6. Preliminary Site Development and Landscaping Plan
7. Existing Office Park Plan
8. Vicinity Plan
9. Protest area map with 53.1% within notification area
10. Letter of protest filed January 6, 2012, from Kimberly Baxter to City of Norman Planning Commission
11. Letter of protest filed January 6, 2012, from Bob and Debbie Rollins, Concerned Citizens and Property Owners, to Whom It May Concern
12. Letter of protest filed January 9, 2012, from Allen Ahlert, Director, Manufacturing Engineering, Hitachi Computer Products, Inc., to City Clerk, City of Norman
13. Letter of protest filed January 9, 2012, from Peter and Betty E. Douglas to Norman City Planning Commission
14. Letter of protest filed January 9, 2012, from Devin Grunder to Norman City Council
15. Petition of protest filed January 9, 2012, containing 65 signatures
16. Petition of protest filed January 9, 2012, containing 9 signatures
17. Letter of protest filed January 6, 2012, from Connie Armstrong to City of Norman Planning Commission
18. Letter of protest filed January 9, 2012, from James D. Mayer to City of Norman Planning Commission
19. Letter of protest filed January 9, 2012, from Lance Steele to City of Norman Planning Commission
20. Letter of protest filed January 9, 2012, from Tanya M. Szafranski to City of Norman Planning Commission
21. Letter of protest filed January 9, 2012, from April Minson to City of Norman Planning Commission
22. Letter of protest filed January 9, 2012, from Joyce Collard to City of Norman Planning Commission
23. Letter of protest filed January 9, 2012, from Maria G. Alexander to City of Norman Planning Commission
24. Letter of protest filed January 9, 2012, from Dee Fisher to City of Norman Planning Commission
25. Letter of protest filed January 9, 2012, from William C. Smith to City of Norman Planning Commission
26. Letter of protest filed January 9, 2012, from Susan Craig to City of Norman Planning Commission
27. Letter of protest filed January 9, 2012, from Nancy Hogue to City of Norman Planning Commission
28. Letter of protest received January 9, 2012, from Helen A. Patrick to City of Norman Planning Commission
29. Letter of protest filed January 9, 2012, from Allison H. Patrick to City of Norman Planning Commission

Item 8, continued:

Items submitted for the record, continued

30. Letter of protest filed January 9, 2012, from Steven Collins to City of Norman Planning Commission
31. Letter of protest filed January 9, 2012, from Kristi S. Wright to City of Norman Planning Commission
32. Letter of protest filed February 7, 2012, from Paula Pasterick
33. Pertinent excerpts from Planning Commission minutes of January 12, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-20 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-20 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 9, being:

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.

Councilmember Kovach moved that Ordinance No. O-1112-24 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. O-1112-24 dated January 26, 2012, by Ken Komiske, Director of Utilities
2. Ordinance No. O-1112-24
3. Legislatively notated copy of Ordinance No. O-1112-24
4. City Council Study Session minutes of January 3, 2012
5. Pertinent excerpts from City Council Conference minutes of January 24, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-24 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-24 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 10, being:

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.

Councilmember Kovach moved that Ordinance No. O-1111-29 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. O-1112-29 dated January 31, 2011, by Leah Messner, Assistant City Attorney
2. Ordinance No. O-1112-29
3. Legislatively notated copy of Ordinance No. O-1112-29
4. City Council Oversight Committee minutes of October 5, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-29 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-29 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 11, being:

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.

Councilmember Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $170,741 be awarded to Petroleum Marketers Equipment Company, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1112-113 and Change Order No. One decreasing the contract amount by $36,524 be approved; the Mayor be authorized 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 Resolution No. R-1112-107 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. K-1112-113 dated January 31, 2012, by Mike White, Fleet Superintendent
2. Bid record dated January 19, 2012, for the CNG Slow Fill Station Expansion
3. Engineers Estimate for CNG Expansion Expenses showing original costs and revised January 24, 2012
4. Contract No. K-1112-113
5. Change Order No. One to Contract No. K-1112-113
6. Resolution No. R-1112-107
7. Purchase Requisition No. 0000196944 dated January 31, 2012, in the amount of $134,217 to Petroleum Marketers Equipment Company, L.L.C.

Item 11, continued:

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

YEAS:	Councilmembers 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 $170,741 was awarded to Petroleum Marketers Equipment Company, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1112-113 and Change Order No. One decreasing the contract amount by $36,524 were approved; the Mayor was authorized 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 Resolution No. R-1112-107 was adopted.

* * * * *

Item 12, being:

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.

Councilmember Kovach moved that a donation of ten (10) modular workstations valued at $2,200 to be used by the Police Department be accepted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. GID-1112-46 dated January 24, 2012, by Deputy Chief Maisano
2. Invoice No. 439147-0 dated January 5, 2012, in the amount of $2,200 from Copelin's Office Center

and the question being upon accepting a donation of ten (10) modular workstations valued at $2,200 to be used by the Police Department, a vote was taken with the following result:

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

The Mayor declared the motion carried and a donation of ten (10) modular workstations valued at $2,200 to be used by the Police Department was accepted.

* * * * *

Item 13, being:

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.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. One to Contract No. K-0910-185 with the Association of Central Oklahoma Governments (ACOG) extending the contract until June 30, 2012, be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Quinn;

Items submitted for the record
1. Text File No. K-0910-185, Amendment No. One, dated January 24, 2012, by Charlie Thomas, Capital Projects Engineer
2. Amendment No. One to Contract No. K-0910-185

Item 13, being:

and the question being upon approved Amendment No. One to Contract No. K-0910-185 with ACOG extending the contract until June 30, 2012, a vote was taken with the following result:

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

The Chairman declared the motion carried and Amendment No. One to Contract No. K-0910-185 with ACOG extending the contract until June 30, 2012, approved; and the execution thereof was authorized.

* * * * *

Item 14, being:

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.

Councilmember Kovach moved that Amendment No. Two to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of $49,000 be approved, the execution thereof be authorized, and $49,000 be appropriated 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), which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. K-1011-49, Amendment No. Two, dated January 1, 2012, by Mike White Fleet Superintendent with attached cost breakdown
2. Amendment No. Two to Contract No. K-1011-49

and the question being upon approved Amendment No. Two to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of $49,000 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and Amendment No. Two to Contract No. K-1011-49 with the Oklahoma Department of Commerce accepting funds in the amount of $49,000 approved, the execution thereof was authorized and $49,000 was appropriated 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).

* * * * *

Item 15, being:

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.

Councilmember Kovach moved that Change Order No. Two to Contract No. K-1011-152 with Rudy Construction Company increasing the contract amount by $23,680.15 be approved, the execution thereof be authorized; the project be accepted; final payment in the amount of $22,040.28 be directed to Rudy Construction Company; and $5,640.23 be appropriated 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), which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. K-1011-152, Change Order No. Two, dated February 1, 2012, by Angelo Lombardo, Traffic Engineer, with attached table summarizing adjustments
2. Change Order No. Two to Contract No. K-1011-152
3. Detailed Cost and Payment Itemization

and the question being upon approving Change Order No. Two to Contract No. K-1011-152 with Rudy Construction Company increasing the contract amount by $23,680.15 and upon the subsequent authorization, acceptance, directive, and appropriation, a vote was taken with the following result:

YEAS:	Councilmembers 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-1011-152 with Rudy Construction Company increasing the contract amount by $23,680.15 approved; the execution thereof was authorized; the project was accepted; final payment in the amount of $22,040.28 was directed to Rudy Construction Company; and $5,640.23 was appropriated 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).

* * * * *

Item 16, being:

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.

Acting as the Norman Utilities Authority, Trustee Kovach moved that the project be accepted and payment in the amount of $299,840 to Standard Roofing Company, Inc., be directed, which motion was duly seconded by Trustee Quinn;

Items submitted for the record
1. Text File No. K-1112-52, Final, dated February 6, 2012, by Matthew Smith, Facility Maintenance Superintendent
2. Invoice No. 11387-88 dated January 25, 2012, in the amount of $299,840 from Standard Roofing Company, Inc.
3. Photographs showing before and after roof replacement for the Storm Water Holding Ponds Blower Building at the Wastewater Treatment Plant, Chemical Mixing Building, and Lab/Filter Building at the Water Treatment Plant, and the North Primary Clarifier Pump Stations at the Wastewater Treatment Plant
4. Purchase Order No. 211794 dated January 31, 2012, in the amount of $299,840 to Standard Roofing Company, Inc.

Item 16, continued:

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

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

The Chairman declared the motion carried and the project accepted; and payment in the amount of $299,840 to Standard Roofing Company, Inc., was directed.

* * * * *

Item 17, being:

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.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1112-112 with Cardinal Engineering, Inc., in an amount not-to-exceed $75,750 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Quinn;

Items submitted for the record
1. Text File No. K-1112-112 dated January 24, 2012, by Charlie Thomas, Capital Projects Engineer
2. Contract No. K-1112-112 with Attachment A, Scope of Services
3. Purchase Requisition No. 0000195737 dated January 3, 2012, in the amount of $75,750 to Cardinal Engineering, Inc.

Participants in discussion
1. Mr. Charlie Thomas, Capital Projects Engineer

and the question being upon approving Contract No. K-1112-112 with Cardinal Engineering, Inc., in an amount not-to-exceed $75,750 and upon the subsequent authorization, a vote was taken with the following result:

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

The Chairman declared the motion carried and Contract No. K-1112-112 with Cardinal Engineering, Inc., in an amount not-to-exceed $75,750 approved; the authorization thereof was authorized.

* * * * *

Item 18, being:

CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $23,082.73 REGARDING BOBBY ALAN ANDERSON VS. CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2011-06004A.

Councilmember Kovach moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of $23,082.73 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. GID-1112-49 dated January 28, 2012, by Jeanne Snider, Assistant City Attorney with Attachment 1, cost breakdown
2. Workers Compensation Court Case No. WCC-2011-06004A filed January 19, 2012
3. Purchase Requisition No. 0000196698 dated January 25, 2012, in the amount of $10,901.25 to Bobby Anderson and Woodson Law Offices

Item 18, continued:

Participants in discussion, continued

4. Purchase Requisition No. 0000196700 dated January 25, 2012, in the amount of $444.13 to Workers' Compensation Administrative Tax Fund
5. Purchase Requisition No. 0000196701 dated January 25, 2012, in the amount of $166.55 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000196703 dated January 25, 2012, in the amount of $140 to Workers' Compensation Court
7. Purchase Requisition No. 0000196704 dated January 25, 2012, in the amount of $125.70 to Cleveland County Court Clerk

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

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

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized, and payment of claims in the amount of $23,082.73 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 19, being:

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.

Councilmember Kovach moved that the City Attorney's recommendation be approved, compliance with the Workers' Compensation Court Order be authorized, and payment of claims in the amount of $15,020.60 which will constitute judgment against the City of Norman be directed, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record

1. Text File No. GID-1112-51 dated February 6, 2012, by Jeanne Snider, Assistant City Attorney with Attachment 1, cost breakdown
2. Workers Compensation Court Case No. WCC-2010-10063J filed January 31, 2012
3. Purchase Requisition No. 0000197138 dated February 6, 2012, in the amount of $14,360 to Jeff E. Woods and Richard Bell
4. Purchase Requisition No. 0000197141 dated February 6, 2012, in the amount of $287.20 to Workers' Compensation Administrative Tax Fund
5. Purchase Requisition No. 0000197143 dated February 6, 2012, in the amount of $107.70 to Special Occupational Health and Safety Fund
6. Purchase Requisition No. 0000197144 dated February 6, 2012, in the amount of $140 to Workers' Compensation Court
7. Purchase Requisition No. 0000197145 dated February 6, 2012, in the amount of $125.70 to Cleveland County Court Clerk

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

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

The Mayor declared the motion carried and the City Attorney's recommendation approved; compliance with the Workers' Compensation Court Order was authorized, and payment of claims in the amount of $15,020.60 which will constitute judgment against the City of Norman was directed.

* * * * *

Item 20, being:

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.

Councilmember Kovach moved that Resolution No. R-1112-96 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. R-1112-96 dated January 20, 2012, by Linda Price, Revitalization Manager
2. Resolution No. R-1112-96 with Exhibit A, Enhanced Code Compliance Areas, Initial Areas, 2002, and Areas Added November, 2007, and Exhibit B, Proposed Urban Proactive Areas
3. Pertinent excerpts from City Council Conference minutes of January 24, 2012

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

and the question being upon adopting Resolution No. R-1112-96, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-96 was adopted.

* * * * *

Item 21, being:

RESOLUTION NO. 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.

Councilmember Kovach moved that Resolution No. R-1112-106 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. R-1112-106 dated January 25, 2012, by Steve Hardeman, Utilities Superintendent
2. Resolution No. R-1112-106

and the question being upon adopting Resolution No. R-1112-106, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-106 was adopted.

Item 22, being:

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.

Councilmember Kovach moved that Resolution No. R-1112-110 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. R-1112-110 dated January 31, 2012, by Mike White, Fleet Superintendent, with attached cost breakdown dated February 14, 2012
2. Resolution No. R-1112-110

and the question being upon adopting Resolution No. R-1112-110, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-110 was adopted.

* * * * *

Item 23, being:

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.

Councilmember Griffith moved that Resolution No. R-1112-100 be adopted, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. R-1112-100 dated January 24, 2012, by Suzanne Krohmer, Budget Manager
2. Resolution No. R-1112-100
3. Finance Committee minutes of January 18, 2012

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

and the question being upon adopting Resolution No. R-1112-100, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-100 was adopted.

* * * * *

Item 24, being:

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.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid with a true interest cost of 0.825% be awarded to Hutchinson, Shockey, Erley as the lowest and best bidder meeting specifications; which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. GID-1112-52 dated February 7, 2012, by Anthony Francisco, Director of Finance
2. Ordinance No. O-1112-26
3. Notice of bids

Participants in discussion
1. Mr. Anthony Francisco, Director of Finance
2. Mr. Grant Delozier, 1641 High Circle, asked questions
3. Mr. Nate Ellis, the Public Finance Law Group, L.L.C., 5657 North Classen Boulevard, Suite 100, Oklahoma City
4. Mr. Steve Lewis, City Manager
5. Ms. Brenda Hall, City Clerk

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

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

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid with a true interest cost of 0.825% be awarded to Hutchinson, Shockey, Erley as the lowest and best bidder meeting specifications.

* * * * *

Item 25, being:

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.

Councilmember Kovach moved that Ordinance No. O-1112-26 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1112-26 dated February 3, 2012, by Anthony Francisco, Director of Finance
2. Ordinance No. O-1112-26
3. Notice of bids

Item 25, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1112-26 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-26 was Introduced, read, and adopted upon First Reading by title.

Ordinance No. O-1112-26 having been Introduced, read, and adopted upon First Reading by title in the previous motion, Councilmember Kovach moved that Ordinance No. O-1112-26 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1112-26 upon Second Reading, section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-26 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Emergency Section No. 10 be approved, which motion was duly seconded by Councilmember Quinn; and the question being upon approving Emergency Section No. 10, a vote was taken with the following result:

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

The Mayor declared the motion carried and Emergency Section No. 10 was approved.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1112-26 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1112-26 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-26 was adopted upon Final Reading as a whole.

* * * * *

Item 26, being:

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.

Councilmember Kovach moved that all bids meeting specifications be accepted and the bid with a true interest cost of 0.948% be awarded to Hutchinson, Shockey, Erley as the lowest and best bidder meeting specifications, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. GID-1112-53 dated February 7, 2012, by Anthony Francisco, Director of Finance
2. Ordinance No. O-1112-27
3. Notice of bids

and the question being upon accepting all bids meeting specifications and upon the following awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications accepted; and t the bid with a true interest cost of 0.948% was awarded to Hutchinson, Shockey, Erley as the lowest and best bidder meeting specifications.

* * * * *

Item 27, being:

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.

Councilmember Kovach moved that Ordinance No. O-1112-27 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. O-1112-27 dated February 3, 2012, by Anthony Francisco, Director of Finance
2. Ordinance No. O-1112-27
3. Notice of bids

and the question being upon the Introduction and adoption of Ordinance No. O-1112-27 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-27 was Introduced, read, and adopted upon First Reading by title.

Item 25, continued:

Ordinance No. O-1112-27 having been Introduced, read, and adopted upon First Reading by title in the previous motion, Councilmember Kovach moved that Ordinance No. O-1112-27 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn;

Participants in discussion
1. Mr. Jeff Bryant, City Attorney
2. Mr. Nate Ellis, the Public Finance Law Group, L.L.C., 5657 North Classen Boulevard, Suite 100, Oklahoma City
3. Mr. Anthony Francisco, Director of Finance

and the question being upon adopting Ordinance No. O-1112-27 upon Second Reading, section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-27 was adopted upon Second Reading section by section.

Thereupon, Councilmember Kovach moved that Emergency Section No. 10 be approved, which motion was duly seconded by Councilmember Quinn; and the question being upon approving Emergency Section No. 10, a vote was taken with the following result:

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

The Mayor declared the motion carried and Emergency Section No. 10 was approved.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1112-27 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Griffith; and the question being upon adopting Ordinance No. O-1112-27 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-27 was adopted upon Final Reading as a whole.

* * * * *

Item 28, being:

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.

Councilmember Ezzell moved that all bids meeting specifications be accepted and the bid with a true interest cost of 0.942% be awarded to Hutchinson, Shockey, Erley as the lowest and best bidder meeting specifications;

Items submitted for the record
1. Text File No. GID-1112-54 dated February 7, 2012, by Anthony Francisco, Director of Finance
2. Ordinance No. O-1112-27
3. Notice of bids

Item 28, continued:

and the question being upon accepting all bids meeting specifications and upon the following awarding of the bid, a vote was taken with the following result:

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

The Mayor declared the motion carried and all bids meeting specifications accepted; and the bid with a true interest cost of 0.942% be awarded to Hutchinson, Shockey, Erley as the lowest and best bidder meeting specifications.

* * * * *

Item 29, being:

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.

Councilmember Kovach moved that Ordinance No. O-1112-28 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Quinn;

Items submitted for the record
1. Text File No. O-1112-28 dated February 3, 2012, by Anthony Francisco, Director of Finance
2. Ordinance No. O-1112-28
3. Notice of bids

and the question being upon the Introduction and adoption of Ordinance No. O-1112-28 upon First Reading by title, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-28 was Introduced, read, and adopted upon First Reading by title.

Ordinance No. O-1112-28 having been Introduced, read, and adopted upon First Reading by title in the previous motion, Councilmember Kovach moved that Ordinance No. O-1112-28 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1112-28 upon Second Reading, section by section, a vote was taken with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-28 was adopted upon Second Reading section by section.

Item 29, continued:

Thereupon, Councilmember Kovach moved that Emergency Section No. 10 be approved, which motion was duly seconded by Councilmember Quinn; and the question being upon approving Emergency Section No. 10, a vote was taken with the following result:

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

The Mayor declared the motion carried and Emergency Section No. 10 was approved.

Thereupon, Councilmember Kovach moved that Ordinance No. O-1112-28 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Quinn; and the question being upon adopting Ordinance No. O-1112-28 upon Final Reading as a whole, the roll was called with the following result:

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

The Mayor declared the motion carried and Ordinance No. O-1112-28 was adopted upon Final Reading as a whole.

* * * * *

Item 30, being:

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.

Acting as the Norman Utilities Authority, Trustee Griffith moved that Contract No. K-1112-114 with Carollo Engineers, Inc., in the amount of $280,000 be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Quinn;

Items submitted for the record
1. Text File No. K-1112-114 dated February 3, 2012, by Mark Daniels, Utilities Engineer
2. Contract No. K-1112-114 with Task Order No. One, Certification, Attachment 1, Scope of Work and Final Fee Estimate
3. Purchase Requisition No. 0000197304 dated February 9, 2012, in the amount of $280,000 to Carollo Engineers, Inc.

Participants in Discussion
1. Mr. Ken Komiske, Director of Utilities

Thereupon, Councilmember Kovach moved that Contract No. K-1112-114 with Carollo Engineers, Inc., in the amount of $280,000 be postponed until March 13, 2012, which motion was duly seconded by Councilmember Gallagher;

Participants in Discussion
1. Mr. Ken Komiske, Director of Utilities
2. Mr. Steve Lewis, City Manager
3. Mr. Bobby Stevens, Post Office Box 6226, made comments
4. Ms. Jacy Crosbie, 204 Mountain Oaks Drive, asked questions
5. Mr. Fred Pope, 1501 Navajo Road, asked questions
6. Ms. Mary Francis, 850C Cardinal Creek Condos, made comments

Item 30, continued:

and the question being upon postponing K-1112-114 with Carollo Engineers, Inc., in the amount of $280,000 until March 13, 2012, a vote was taken with the following result:

YEAS:	Trustees Ezzell, Gallagher, Kovach, Lockett, and Spaulding
NAYES:	Trustees Griffith, Quinn, Chairman Rosenthal

The Chairman declared the motion carried and Contract No. K-1112-114 with Carollo Engineers, Inc., in the amount of $280,000 was postponed until March 13, 2012.

* * * * *

Item 31, being:

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.

Councilmember Kovach moved that Resolution No. R-1112-109 be adopted, which motion was duly seconded by Councilmember Griffith

Items submitted for the record
1. Text File No. R-1112-109 dated February 9, 2012, by Leah Messner, Assistant City Attorney
2. Resolution No. R-1112-109
3. City Council Study Session minutes of May 18, 2010
4. City Council Special Session minutes of November 1, 2011
5. City Council Conference minutes of December 13, 2011

Participants in discussion
1. Mr. Jeff Bryant, City Attorney
2. Mr. Fred Pope, 1501 Navajo Road, made comments
3. Ms. Sylvia Martin, Post Office Box 430, made comments
4. Ms. Mary Francis, 850C Cardinal Creek Condos, made comments

Thereupon Councilmember Gallagher moved that Resolution No. R-1112-109 be amended to read as follows:

> 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 FINDING TO THE CITY OF COUNCIL.
>
> * * *
>
> § 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 to include by not be limited to on the following:

* * *

which motion was duly seconded by Councilmember Ezzell;

Participants in discussion
1. Mr. Jeff Bryant, City Attorney

Item 31, continued:

and the question being upon amending Resolution No. R-1112-109 as stated above, a vote was taken with the following result:

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

The Mayor declared the motion failed and Resolution No. R-1112-109 was not amended as stated above

and the question being upon adopting Resolution No. R-1112-109, a vote was taken with the following result:

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

The Mayor declared the motion carried and Resolution No. R-1112-109 was adopted.

* * * * *

MISCELLANEOUS DISCUSSION

Council Representation. Mr. Benjamin Carter, 800 Bass Court, said he was here this evening to speak about certain Councilmembers' lack of respect for the integrity and reputation of our city. He said our community is not made up of one person's ideology but of several perspectives, the affluent and the indigent; the literate and the illiterate; the communal bodies and the isolationists; and the liberals and the conservatives. He said a public body does not wish to be judged by one person's comments. Council's words are powerful because they can help citizens see what is needed in our community but these words can also do much harm. He said members of this Council have acted without regard or remorse of how it affects other people. He said it is embarrassing to read the newspaper or watch the City Council meeting and see a blatant disregard for City policies. He said our citizens are fighting to be equally recognized and represented in their communities. He said when citizens are freezing in the cold because they are currently unable to fend for themselves, they rely on their community represented by their City government for support and help. He urged City Council and all Norman citizens to take action and protest against members of City Council who have caused irreversible damage to the City of Norman's reputation. He said now was the time to ask these Councilmembers to step down and remove themselves from office.

Mr. Bobby Stevens, Post Office Box 6226, said he had spoken many times to Council but he had never singled any one person out or made them look bad because he does not believe in doing that.

Councilmember Spaulding said he received a letter last week from Mr. Carter to a City official. He said several accusations were made and Mr. Carter had reiterated those accusations at tonight's meeting. He said the letter alleged that he had a lack of compassion for Norman's gay population and Norman's homeless population. He said he had made his beliefs and intentions clear in the September 10, 2010, City Council meeting regarding the Gay Lesbian Bisexual Transgender History Proclamation. He said he did not get personal but there had been name-calling directed to himself and his family. He said it was simply false to say that he lacked compassion for the homosexual population because he had compassion for everyone including gay people. He said he was a Christian and his faith has taught him that God loves everyone. He said at the end of the day, City government is not important and what was important was the afterlife. He might not support a homosexual's lifestyle or agenda but he has compassion for them. He said the accusation that he lacked compassion for the homeless population and their children was ridiculous. He said Mr. Carter does not know anything about him or his life and cannot make these judgments. He said although he did not support the government spending City tax dollars to help the homeless, he personally has helped many people and given money to homeless people and resents the accusations. He said he would pass regarding the suggestion that he resign and if Mr. Carter wanted to organize a recall process, go ahead and do it.

Miscellaneous Discussion, continued:

Council Representation, continued
Mr. Mike Milligan, 2313 Rockwood Lane, said he had known Councilmember Spaulding for many years and knew him to be a compassionate person. He said he appreciates everything Councilmember Spaulding has done and encouraged him to be who he is.

Ms. Sally Carter, 703 Ash Lane, said she was Vincent Carter's mother and that Vincent had done many good works for the homeless. She said he also makes generous donations to prevent child abuse in Oklahoma because he has compassion and concern about the wellbeing of the Norman community. She said Norman citizens have compassion and concern and have no right to question the ethics and ability of the people who address them. She said Council is here to serve the people.

*

Traffic Congestion at Lincoln Elementary School. Mr. Will Mattoon, 225 North Peters Avenue, said there was a parking issue around Lincoln Elementary School and the prime culprit is the Norman School District for not providing adequate off-street parking. He said he had written to Dr. Joe Siano, Superintendent of Norman Public Schools, and provided a copy of that letter to City Council. He said Lincoln School was located between Classen Boulevard on the west, Ponca Avenue on the east, Duffy on the north, and Ferrill on the south and during school hours Ferrill becomes a one-way street. He said there are thirteen family units on the south side of Ferrill and all are affected by this traffic situation because the street is totally blocked when the school lets out. He said this is a serious safety issue because fire trucks and ambulances cannot get through during this time. He provided pictures of various parking problems on the east, north, and south sides of the school. He has asked the Traffic Division to post signs and the Police Department to cite people that were illegally parked but has had no response. He said all citizens were entitled to equal protection and he asked Council to urge City Staff to enforce the parking laws.

Items submitted for the record
Letter dated December 13, 2011, from William H. Mattoon, the Huntington Investment Corporation, to Dr. Joe Siano, Superintendent, Norman Public Schools

Mr. Bobby Stevens, Post Office Box 6226, said this gentleman had waited patiently through the entire meeting this evening to get his five minutes. He said there should not be a time limit on something like this and Staff should address this traffic problem.

Ms. Ginger Hall, 2700 24th Avenue N.E., said she had known Mr. Mattoon for many years and he was a very well respected attorney. She said there were real safety issues at Lincoln School and several other schools and the Police Department should be enforcing the parking violations.

Councilmember Gallagher said he lives by a grade school and parents park as close to the school as possible to be able to see their children exit the school because they wanted them to be safe. He said these parking problems exist in all schools and asked the City Manager to look at the issue and provide some sort of solution. He said Mr. Mattoon has a good point about this being a real safety issue.

Mayor Rosenthal said she would like to add her support about looking at the parking problems at schools. She said she has raised this issue in the past and there have not been many good options. She said Council needs to look at this again because so many parents drive their children to school rather than let them walk and it creates incredible congestion.

*

Gray Water Ordinance. Ms. Jacy Crosbie, 224 Mountain Oaks Drive, asked what the penalty for violating the Gray Water Ordinance.

Mayor Rosenthal said the public hearing for this item will be taken up on February 28, 2012.

Councilmember Gallagher said the fine for violations to the Gray Water Ordinance is a $50 minimum and $750 maximum.

*

Non-Discrimination Clause. Mr. Stephen Tyler Holman, 1020 South College Avenue, said the City of Salina, Kansas, had voted to include a Non-Discrimination Policy in their Handbook and urged Norman to do the same.

*

Miscellaneous Discussion, continued:

Decorum to the Public. Mr. Bobby Stevens, Post Office Box 6226, said when a citizen came to speak to City Council about a legitimate issue, Council should answer them and be respectful.

Mayor Rosenthal reminded everyone that Council Chambers was a place of decorum and the intent is to listen to everyone and not make personal accusations but rather to try to do what is best as we all see the future and well-being of this community as first and foremost in our minds. She said Council all shares that commitment.

*

Ethics Policy. Ms. Mary Francis, 850C Cardinal Creek Condos, said Ms. Jeanette Coker had raised issues of ethical misconduct by herself during the time she served on the Enforcement Authority and later the City Attorney had determined no wrongdoing. She said because she felt so strongly about her ethics, she had recently resigned as Co-Chair of the Norman League of Women Voters because she had decided to support specific candidates for upcoming elections.

*

Proactive Code Compliance. Mr. Rhett Jones, 211 East Main Street, asked what areas in Norman had not been covered by Proactive Code Compliance before adoption of the new resolution.

Ms. Susan Connors, Director of Planning and Community Development, said currently there were twelve areas in the City located near the downtown area included in the existing Proactive Code Enforcement and tonight's action allowed officers to include the entire city. In the past, Code officers could not take action in an area that was not included in the proactive code compliance area unless a complaint was made by citizens. The new resolution allows every issue to be worked when they were seen by officers.

*

Street Lights on East Main Street. Mr. Rhett Jones, 211 East Main Street, said there are street lights out on East Main Street and asked who was responsible.

Mr. Steve Lewis, City Manager, said Oklahoma Gas and Electric Company (OG&E) was responsible for those street lights and this issue would be reported to the City of Norman Action Center for follow-up.

*

Chromium 6. Councilmember Kovach said there was a recent letter to the editor in the Norman Transcript regarding test results for Chromium 6. He said he sits on the Chromium 6 Committee and believes the public should be fully apprised of the situation. He said there are hundreds of tests conducted throughout the year although Chromium 6 was a specific situation with much public concern. He said the tests showed that Norman was still well within legal limits and none of the wells were shut down. He said the City should release all of these results to alleviate speculation.

*

Valentine's Day – Shop Norman. Councilmember Quinn wished everyone a Happy Valentine's Day and urged everyone to "Shop Norman."

*

Bond Rating. Mr. Steve Lewis, City Manager, said for the past two weeks analysts had been reviewing the City's facilities and financial statements and they had confirmed that the City had a Double A Bond Rating which was very good.

*

Sales Tax for February. Mr. Steve Lewis, City Manager, said the City recently received the check for February sales tax which was for transactions occurring during the Christmas season and it showed an increase of 5.67% over totals from February, 2011.

*

Miscellaneous Discussion, continued:

Fire Station No. 9. Mr. Steve Lewis, said bids had been received for construction of Fire Station No. 9 at 3001 East Alameda Street. He said nine bids had been received and Staff is looking at all the bids and specifications and hopefully can use some value engineering to save some of the expense. He said the contract should be coming forward in March with a projected completion time a year from approval of the construction contract.

*

Daddy-Daughter Dance. Mayor Rosenthal congratulated the Parks and Recreation Department for another successful Daddy-Daughter Event. She said she and husband went to dinner for Valentine's Day at a local restaurant on the same night and the dance created a significant economic multiplier because there were many dads who took their daughters out to dinner. She said this was a wonderful community event.

*****

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

The Mayor declared the motion carried and the meeting was adjourned at 9:53 p.m.

ATTEST:

City Clerk Mayor

FINANCE COMMITTEE MINUTES

February 15, 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 15th day of February, 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 Ezzell, Gallagher, Griffith, and Chair Quinn
ABSENT:	Member Dillingham
OTHERS PRESENT:	Cindy Rosenthal, Mayor Linda Lockett, Council Member Steve Lewis, City Manager Anthony Francisco, Finance Director Suzanne Krohmer, Budget Manager Ken Komiske, Utilities Director Mark Daniels, Utilities Engineer Steve Hardeman, Utilities Superintendent Jud Foster, Parks & Recreation Director James Briggs, Park Planner Jeff Bryant, City Attorney Carol Coles, Administrative Assistant Michael Graves, Garver Engineering Shane Smith, Garver Engineering Jennifer Heavner Baker, Executive Director, Sooner Theatre Nicki Kraisky, Business Manager, Sooner Theatre Charles Hollingsworth, Co-Chair, 89er Day Parade Rick Fry, Executive Director, Performing Arts Center Douglas Shaw Elder, Executive Director, Firehouse Art Center Teresa Capps, Chair, Social & Voluntary Services Kristin Collins, United Way Kathy Holder, United Way Kathleen Wilson, Executive Director, Aging Services, Inc. (Kiwanis Kruiser) Judith Wilkins, WW Oversight Committee James Burleson, WW Oversight Committee Jayna Andrews, WW Oversight Committee

DISCUSSION REGARDING OUTSIDE AGENCY FUNDING REQUESTS

Mayor – requested that Finance Committee minutes from January 18, 2012 be pulled from Council agenda last night to have staff check and verify that the Committee had recommended that CCFI funding be made whole for FYE 12.

Anthony Francisco – stated there are 2 ways to handle this since it was not on the appropriation list at the Council meeting, transfer from another account or make a separate appropriation. With a transfer it does not require Council action. Committee was in agreement to make payment to CCFI/Neighborhood Centers of approximately $10,000 through a transfer of available appropriations.

Aging Services Inc. – operates the Kiwanis Kruiser to provide transportation for the elderly. They are requesting $7,500 for FYE 13.

Center for Children and Families, Inc. – no presentation. They are requesting $90,000 for FYE 13 which is an increase of $10,000 over FYE 12 contribution.

Cleveland County Historical Society – no presentation. They are requesting $35,000 for FYE 13, an increase of $3,500 over FYE 12.

Firehouse Art Center – presentation by Douglas Shaw Elder, Executive Director, told of the programs they conduct for young people and the schools they work with. They are requesting $60,000 for FYE 13, an increase of $6,000 over FYE 12.

Performing Arts Studio – presentation by Rick Fry, Executive Director. One of the functions is hosting of the Amtrak passengers and providing coffee for them in the mornings. They are requesting $3,000 for FYE 13, an increase of $300 over FYE 12.

Social & Voluntary Services Commission – presentation by Teresa Capps, Chairman. Social and Voluntary Services Commission is made up of Norman citizens from all professions and service is voluntary. They are requesting $112,500 for FYE 13, same as FYE 12. SVS audits agencies that receive funding from them. They had 20 proposals for funding from agencies, totaling over $200,000, making it very difficult to choose which receive funding.

Ezzell - Should the additional $8,500 for Food & Shelter for Friends for winter services be included in the SVS total? No, this was a one-time funding from the Council.

Ezzell – wants to increase SVS funding back to FYE 10 levels or consider higher funding.

Griffith – agrees with increase for SVS funding.

Mayor – suggests having SVS come back to Council with new request for funding.

Francisco – wants clarification from Committee as to whether staff is to add $125,000 to FYE 13 budget or wait until after SVS has come back with new funding proposal. Consensus of committee to wait for new proposal.

Sooner Theatre – presentation by Jennifer Baker, Executive Director. She thanked City for help with building improvements. Talked about various programs, both new and old. They have hired a Studio Director which has helped to increase attendance. They are requesting $65,274 for FYE 13, same as this year.

89er Day Parade – presentation by Charles Hollingsworth, Co-Chair. They are requesting $5,000 for FYE 13, an increase of $500 over FYE 12.

Ezzell – brought up the idea at the January Finance Committee to have the City of Norman match employee's contributions to the United Way. Asked if City had ever participated – answer was no. He introduced Kristin Collins with United Way. There are no public institutions in the 12 companies that currently have an employee donation match program.

Mayor – believes we should give thru SVSC.

Lockett – spoke against giving to United Way through matching program – prefers to give through SVSC.

Consensus of Committee to study the idea and bring to next meeting.

Items submitted for the record

1. Aging Services Inc. FYE 12 Annual Report as of February 3, 2012
2. Center for Children & Families, Inc. narrative report and financial report
3. Cleveland County Historical Society Annual Report
4. Firehouse Art Center 2012 Organization Annual Report
5. Performing Arts Studio Report to City of Norman Finance Committee
6. Social and Voluntary Services Commission Funding for FYE 12
7. Sooner Theatre of Norman, Inc. 2011-12 Finance Report
8. 89er Day Parade Funding Request for FYE 12

DISCUSSION REGARDING WASTEWATER SYSTEM CAPITAL PROGRAM & FUNDING

Jayna Andrews, Judith Wilkins, and Jim Burleson, members of the Wastewater Oversight Committee were in attendance. Their opinion is that the funds have been well-spent. Agree with project development of expanded Lift Station D and South Side Wastewater Treatment Plant.

Ken Komiske, Utilities Director, made presentation.

- PowerPoint presentation detailed Wastewater Master Plan development, years 1998 through 2001.
- Wastewater Master Plan implementation began in 2001 and continues today.

- Report reflected funds budgeted and spent on the wastewater system.
- Have to do a TMDL which will take about 2 years to complete.

Current capacity issues at South Plant –
- South Plant is rated for 12 MGD and we are currently at 11 MGD.
- When a system is at 90% capacity, must start planning on building/expanding facilities.
- Regulatory needs are falling behind.
- In July 2013, disinfection requirements have to be met.
- Rate increase is needed no matter what alternate/scenario is chosen.

Items submitted for the record
1. PowerPoint presentation prepared by Utilities Department

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 January 31, 2012.

DISCUSSION REGARDING REPORT ON OPEN POSITIONS

No discussion.

Items submitted for the record
1. City of Norman/Human Resources Department Recruitment and Selection Report dated February 8, 2012

MISCELLANEOUS DISCUSSION

No discussion.

The meeting adjourned at 7:44 p.m.

ATTEST:

City Clerk

Mayor

City of Norman, OK

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

Master

File Number: P-1112-12

File ID:	P-1112-12	**Type:**	Proclamation	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	02/17/2012
File Name:	Girl Scout Day			**Final Action:**	

Title: PROCLAMATION NO. P-1112-12: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING MONDAY, MARCH 12, 2012, AS GIRL SCOUT DAY IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1112-12 proclaiming Monday, March 12, 2012, as Girl Scout Day in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 4

Attachments: Girl Scout Week

Project Manager: Brenda Hall, City Clerk

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-1112-12

Proclamation

P-1112-12

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING MARCH 12, 2012, AS GIRL SCOUT DAY IN THE CITY OF NORMAN.

§ 1. WHEREAS, Monday, March 12, 2012, marks the 100th anniversary of Girl Scouts of the United States of America founded by Juliette Gordon Low on March 12, 1912, in Savannah, Georgia; and

§ 2. WHEREAS, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with courage, confidence, and character to make the world a better place; and

§ 3. WHEREAS, more than 760 Girl Scouts in the Norman area are developing the skills and leadership experiences that will serve them throughout their lives so that they may contribute to their community; and

§ 4. WHEREAS, there are more than 340 registered adults and 95 lifetime members in the Norman area who are supporting Girl Scouts through their volunteer time, service, and leadership; and

§ 5. WHEREAS, Girl Scouting takes an active role in increasing girls' awareness of the opportunities in math, science, sport, technology, and many fields of interest that can expand their horizons; and

§ 6. WHEREAS, Girl Scouts in Oklahoma is actively addressing the needs of girls in our state through a leadership program that builds self-esteem and confidence to address the challenges for girls including drop-out rates, births to teens, obesity, and poverty; and

§ 7. WHEREAS, the State of Oklahoma acknowledges and applauds the efforts of Girl Scouts in our state, and as Girl Scouts, celebrates its 100th year of providing leadership and making the future women of Oklahoma confident and skilled leaders of tomorrow; and

§ 8. WHEREAS, the Girl Scouts in the City of Norman will join millions of Girl Scout members nationwide and thousands of girls in Oklahoma to celebrate this American tradition and welcome girls from every background to join.

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

§ 9. Do hereby proclaim Monday, March 12, 2012, as Girl Scout Day in the City of Norman and applaud the commitment Girl Scouting has made to support the leadership development of girls in our State and the City of Norman.

PASS AND APPROVED this 28th 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-1112-21

File ID:	O-1112-21	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 6	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/30/2012
File Name:	O-1112-21 Joy's Palace Special Use			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-21 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A BAR, LOUNGE, OR TAVERN WITH LIVE ENTERTAINMENT IN PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT; LYING WITHIN LOTS 1 AND 2, BLOCK 23, ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (300 EAST MAIN STREET)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-21 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 6

Attachments: O-1112-21 Joy's Palace, O-1112-21 Joy's Palace Location Map, Joy's Palace Special Use Staff Report, Joy's Palace Pre-Development Summary, 2-9-12 PC Minutes - Joy's Palace

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	02/09/2012					

1	Planning Commission	02/09/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council	Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council

Text of Legislative File O-1112-21

Body

BACKGROUND: The applicant, Joy Shalberg, currently operates a private "event center" where individuals may rent the facility and contract for food and beverage service with anyone who has a catering license. She is requesting a Special Use in order to operate the facility as a public establishment which would serve alcoholic beverages and provide live entertainment to the general public. Bar use with Live Entertainment is only allowed as a Special Use under the existing C-3 zoning district. The establishment will still be available for rent for a variety of events: private parties, receptions, fundraisers, concerts/live entertainment, festivals and specially approved events in or around the business. In order to control the distribution of alcohol in and around the business per state requirements the bartenders and bar staff must be hired through a business with bar and live entertainment authorization. The applicant will provide the lessee a list of state approved bartenders from which they can hire to staff their event.

STAFF RECOMMENDATION: As an "event center" similar use has occurred at this location, but on a limited basis and only for private parties. Granting this request will allow the owner to run events under her own name, open to the general public. Granting of this request should not impact any of the neighbors as this establishment has been in business for about a year but without the requested Special Use permitting live entertainment and serving of alcohol. The proposed use of this facility fits with the character of an emerging "entertainment district" currently in this area. Several new businesses, restaurants, galleries, and arts and entertainment venues have opened in this area. Parking is available in the city parking lot one block north at the corner of Crawford Avenue and Gray Street as well as on-street parking on Main Street. Staff supports this request for Special Use. The Planning Commission, by a vote of 7-0, supported this request at their February 9, 2012 meeting.

O-1112-21

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 PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT; LYING WITHIN LOTS 1 AND 2, BLOCK 23, ORIGINAL TOWN OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (300 EAST MAIN STREET)

§ 1. WHEREAS, Joy Shalberg, d/b/a Joy's Palace, the lessee of the hereinafter described property, has made application for Special Use for a Bar, Lounge, or Tavern with Live Entertainment, in the C-3, Intensive Commercial District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such special use; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such special use.

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to grant Special Use for a Bar, Lounge, or Tavern with Live Entertainment, to wit:

Lots 1 and 2, Block 23, ORIGINAL TOWN OF NORMAN, Cleveland County, Oklahoma, according to the recorded plat thereof.

§ 5. Severability: If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____day of _____, 2012.

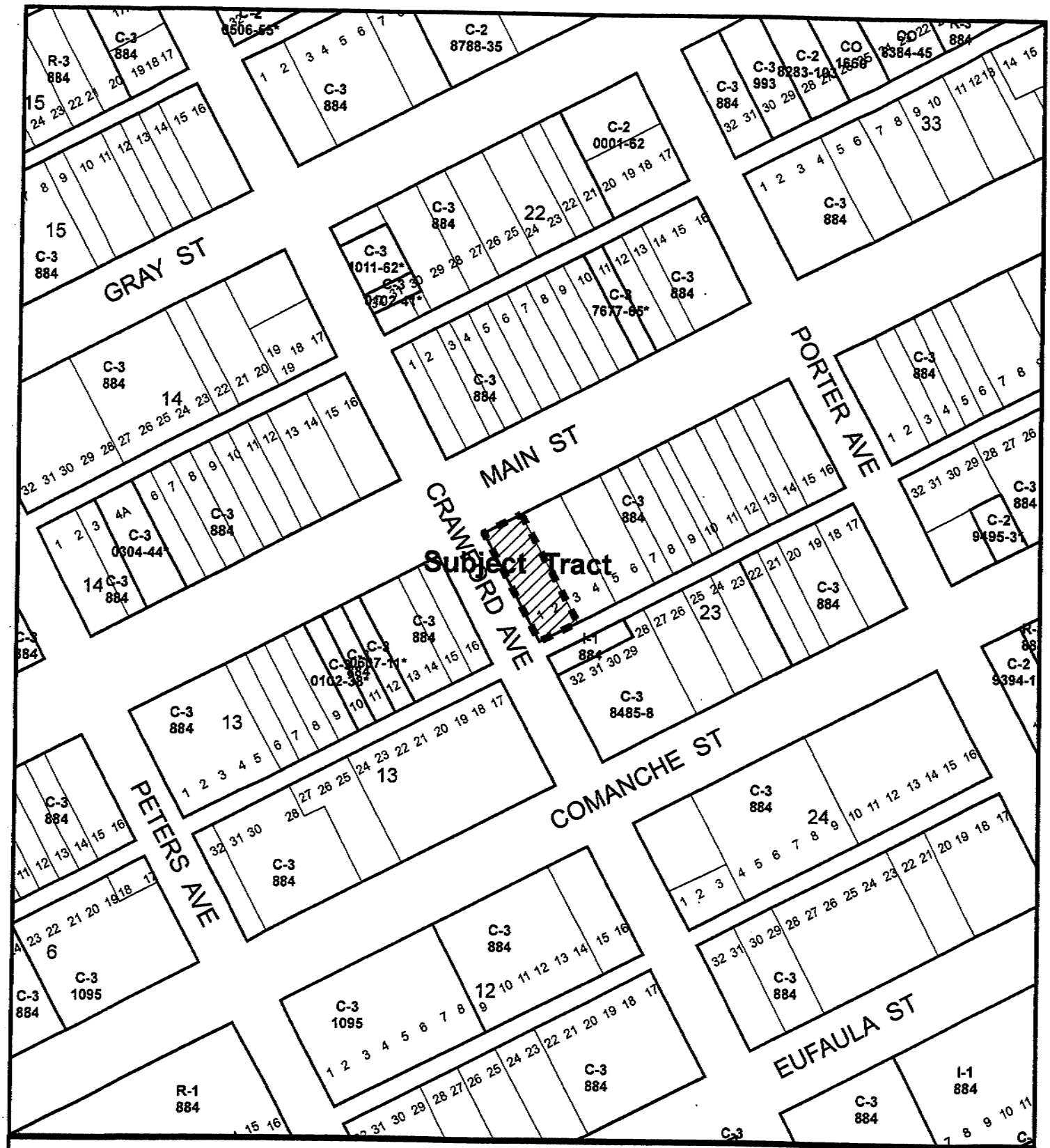
_____
Mayor

NOT ADOPTED this _____day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk



Location Map

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

N W E S

January 17, 2012

0 75 150 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-21 ITEM NO. 7

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Joy Shalberg dba Joy's Palace
REQUESTED ACTION	Special Use for a Bar, Lounge or Tavern with Live Entertainment
EXISTING ZONING	C-3, Intensive Commercial District
SURROUNDING ZONING	North: C-3 East: C-3 South: I-1 & C-3 West: C-3
LOCATION	300 East Main Street
SIZE	6,950 sq. ft.
PURPOSE	Events, Private Parties, Live Entertainment
EXISTING LAND USE	Commercial
SURROUNDING LAND USE	North: Commercial East: Commercial South: Commercial West: Commercial
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The applicant, Joy Shalberg, currently operates a private "event center" where individuals may rent the facility and contract for food and beverage service with someone who has a catering license. She is requesting a Special Use in order to serve alcoholic beverages and provide live entertainment to the general public at the establishment "Joy's Palace" already in business at the above noted location. Bar use with Live Entertainment is only allowed as a Special Use under the existing C-3 zoning district.

ANALYSIS: The applicant would like to lease/host open events to the general public and serve and sell alcohol. The establishment will also be available for rent for a variety of events: private parties, receptions, fundraisers, concerts/live entertainment, festivals and specially approved events in or around the business. In order to control the distribution of alcohol in and

around the business per state requirements the bartenders and bar staff must be hired through a business with bar and live entertainment authorization. The applicant will provide the lessee a list of state approved bartenders from which they can hire to staff their event.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Commercial uses do not require parkland dedication.

- **PUBLIC WORKS** The property is platted. This Special Use will not require any modification to the site which would alter the plat or require additional public improvements.

STAFF RECOMMENDATION: As an "event center" similar use has occurred at this location, but on a limited basis and only for private parties. Granting this request will allow the owner to run events under her own name, open to the general public. Granting of this request should not impact any of the neighbors as this establishment has been in business for about a year but without the requested Special Use permitting live entertainment and serving of alcohol. The proposed use of this facility fits with the character of an emerging "entertainment district" currently in this area. Several new businesses, restaurants, galleries and arts and entertainment venues have opened in this area. Parking accommodations can be addressed by utilizing the city parking lot one block north at the corner of Crawford Avenue and Gray Street as well as on-street parking on Main Street. Staff supports this request for Special Use.

Applicant	The Palace, LLC
Location	Generally located at the southeast corner of Main Street and Crawford Avenue
Case Number	PD 11-34
Time	6:00-6:30 PM

Attendee	Stakeholder	Address	Phone
Joy Shalberg	Applicant	300 East Main Street	405-887-3474
Ken Danner	City Staff		366-5458
Jane Hudson	City Staff		366-5344

Application Summary. The applicant has requested approval of Special Use for the above noted site. The request for Special Use must go through Predevelopment prior to Planning Commission and City Council.

Applicant's Opportunity. The applicant would like to rent/host open events to the public and serve, sell alcohol. The applicant is open to renting the space for fundraisers, concerts, festivals, and specially approved events in or around the business. In addition, the applicant would like to allow a renter to have live entertainment at their event, should they desire to do so. In order to control the distribution of alcohol in and around the business per the state alcohol license the applicant will hire their own bartenders.

Neighbors' Questions/Comments. There were no neighbors in attendance.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 9, 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 9th day of February 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 Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

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. 7, being:
ORDINANCE NO. O-1112-21 – JOY SHALBERG, DBA JOY'S PALACE, REQUESTS SPECIAL USE FOR A BAR, LOUNGE OR TAVERN WITH LIVE ENTERTAINMENT FOR PROPERTY CURRENTLY ZONED C-3, INTENSIVE COMMERCIAL DISTRICT, LOCATED AT 300 EAST MAIN STREET.

PRESENTATION BY STAFF:
1. Mr. Koscinski reported that the applicant currently operates an event center. They rent the hall out for private functions. Typically you would hire a caterer or someone with a liquor license to provide food and/or beverage service for your event. The applicant would like to own the liquor license and provide the food and drink. That is a bar under our ordinance and requires a special use. The property is zoned C-3 and is located on Main Street. Parking in the area is an issue, but there is no parking required on the site based on the existing zoning. There are other similar uses in the area. This is on the corner of Main and Crawford. North across the street is the 300 block of downtown with a variety of food service establishments, some of which also serve liquor. Further east on the south side of the road are a variety of retail uses. There are several bars in the area, so this would not be an incompatible use. There were no filed protests on this request.

2. Mr. Boeck asked if there is a kitchen in the facility. Mr. Koscinski responded there is not, and it will essentially operate as a catered establishment, but the owner would carry her own licenses.

3. Ms. Pailes asked whether people are allowed to take drinks outside if a bar has a patio. Mr. Koscinski indicated there are State requirements for separation, although Norman's ordinances do not. They typically want a fence or rail of some sort.

PRESENTATION BY THE APPLICANT:
1. Joy Shalberg, 300 E. Main Street – I do have a liquor license at the present time.

2. Ms. Pailes asked about drinks being allowed outside the facility. Ms. Shalberg responded that she has not allowed it in the past. They are planning to section the entry off to make a patio area, with a wrought iron railing around both sides, but allowing traffic to flow on both sides of the railing on both sides, and with some nice plants.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Chris Lewis moved to recommend approval of Ordinance No. O-1112-21 to the City Council. Dave Boeck seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-21 to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-22

File ID:	O-1112-22	**Type:**	Zoning Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	01/30/2012
File Name:	O-1112-22 Long Alley Closure			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-22 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING THE ALLEY RIGHT-OF-WAY ABUTTING LOTS 1, 2, 3, 4, AND THE SOUTH 100 FEET OF LOT 34, BLOCK 7, CLASSEN/MILLER ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; , AND PROVIDING FOR THE SEVERABILITY THEREOF. (325 EAST KEITH STREET)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-22 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 7

Attachments: O-1112-22 Closing Alley on Keith, O-1112-22 Long Location Map, Staff Memo Long Closure, Letter of Request Long Closure, Radius Map Long Closure, Long-Kiacz Alley Closure Staff Report, Long Easement Non-Objections, 2-9-12 PC Minutes - Long Alley

Project Manager: Doug Koscinski, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	02/09/2012					

1	Planning Commission	02/09/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council	Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council

Text of Legislative File O-1112-22

Body

BACKGROUND: The owners of both properties abutting the said right-of-way have submitted a request to close a one-hundred foot (100') section of alley right-of-way. The south ninety feet (90') of the right-of-way adjacent to the east side of Lot 34, Block 7 of Classen-Miller Addition was vacated and discontinued by City Council with the adoption of Ordinance No. 947 on June 14, 1955. The procedure at that time only required action by City Council, and did not involve vacation by District Court. The applicants are requesting this closing to include/verify the existing ninety foot (90') vacation and include an additional ten feet (10') for a total closure of one-hundred feet (100'). Should the Council approve this request, the entire request would be followed by a District Court action to permanently vacant the easement and grant title to abutting owners.

All franchised utilities were contacted to assess the impact on their facilities if the right-of-way was closed. OG&E has overhead utilities in the area, and they have requested that the owners reserve an easement to allow OG&E to access their utilities. That reservation will be made when the application to vacate is finalized at District Court. The Utilities Department was informed of the request to close the right-of-way and that City Council had previously vacated the right-of-way except for the north ten feet (10'). The applicants are willing to grant an easement five feet (5') in width each side from center of the existing sanitary sewer line for a total of ten feet (10') including language for the right to access the sewer taps if at such time as the current sewer line became unusable and the taps needed to be tied onto a new sewer main. Because there are no facilities that Public Works maintains in the alley right-of-way, Public Works staff does not object to the closure and vacation.

RECOMMENDATION: The right-of-way was originally platted as part of the Classen-Miller Addition in the early 1900's. Staff supports the request to close this one-hundred foot (100') portion of the right-of-way subject to granting of an easement covering the existing sanitary sewer and the right of access for servicing the sewer taps in the event the main is replaced by the method of pipe bursting and the taps need to be connected to the new main. The Planning Commission, by a vote of 7-0, supported this request at their February 9, 2012 meeting.

O-1112-22

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CLOSING THE ALLEY RIGHT-OF-WAY ABUTTING LOTS 1, 2, 3, 4, AND THE SOUTH 100 FEET OF LOT 34, BLOCK 7, CLASSEN/MILLER ADDITION, TO THE CITY OF NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (325 EAST KEITH STREET)

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

§ 1. That, pursuant to Resolution Number R-8182-66, James and Gloria Long and Lavon Kiacz, owners of the subject property, have petitioned the City to have the alley right-of-way abutting Lots 1, 2, 3, 4, and the south 100 feet of Lot 34, Block 7, CLASSEN/MILLER ADDITION closed; and,

§ 2. That, also pursuant to Resolution Number R-8182-66, the proper notice has been given, and the maps, memorandums and other items required by said Resolution have been presented to this Council; and

§ 3. That, also pursuant to Resolution Number R-8182-66, a public hearing has been held regarding said closing; and

§ 4. That, the alley right-of-way abutting Lots 1, 2, 3, 4, and the south 100 feet of Lot 34, Block 7, CLASSEN/MILLER ADDITION herein after described, to wit:

> That portion of the alley abutting the West 50 feet of Lot 1, 2, 3, 4, and the South 100 feet of Lot 34, Block 7, CLASSEN/MILLER ADDITION to Norman, Cleveland County, Oklahoma; according to the recorded plat thereof (325 East Keith Street).

is hereby closed.

§ 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

ADOPTED this _____ day of

_____, 2010.

_____
(Mayor)

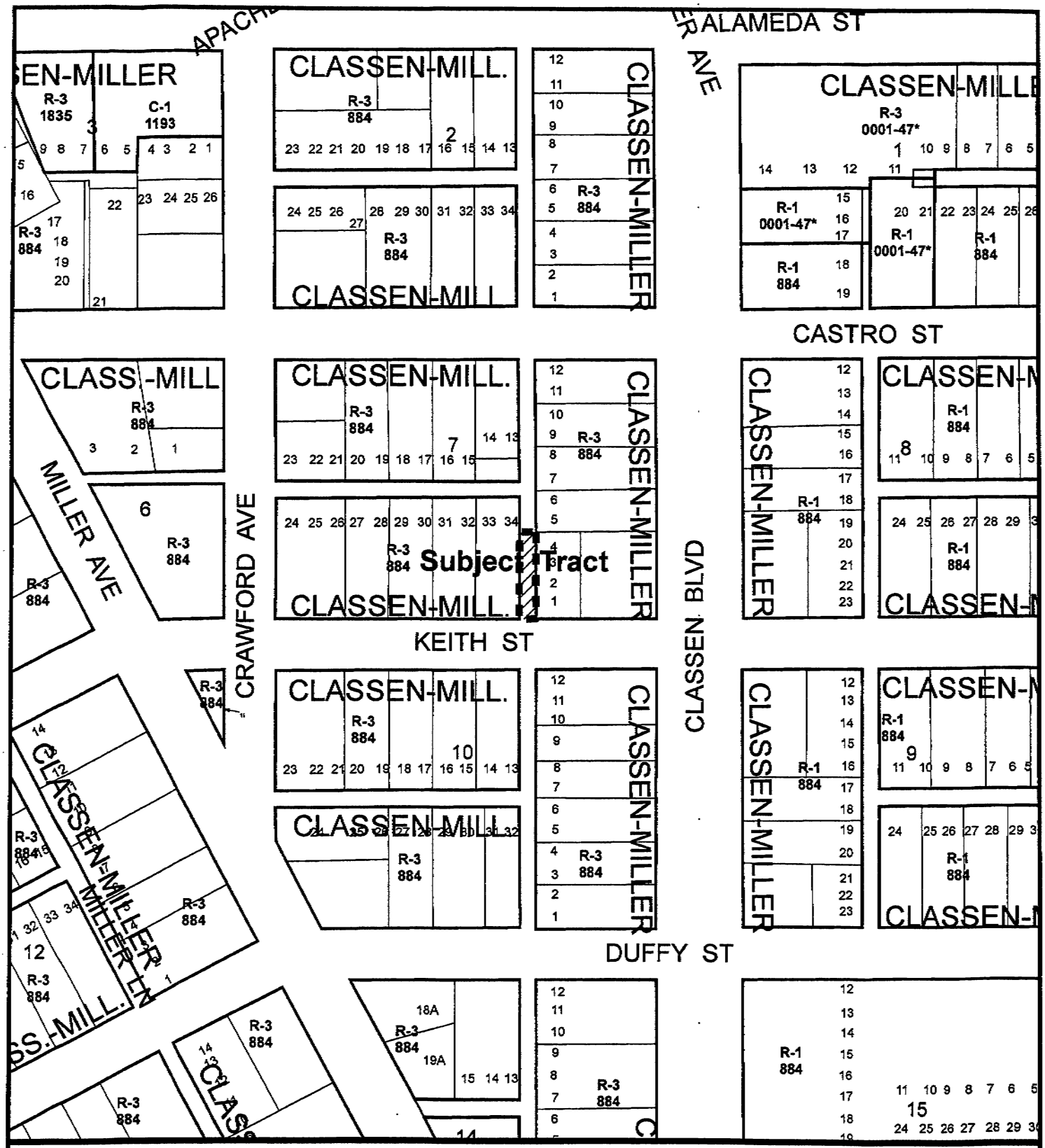
ATTEST:

_____
(City Clerk)

NOT ADOPTED this _____day of

_____, 2010.

_____
(Mayor)



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 17, 2012

0 75 150 Ft.

Subject Tract

Zoning

7-3

office memorandum

DATE: January 5, 2012

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

FROM: Brenda Hall, City Clerk

SUBJECT: Request to Close Easement and Right-of-Way in Classen/Miller Addition

I am receipt of a request to close an easement and right-of-way in a portion of an alley abutting the west fifty feet of Lots 1, 2, 3, and 4, and the south 100 feet of Lot 34, Block 7, Classen/Miller Addition.

In accordance with Resolution No. R-8182-66, I am forwarding the request; location map; radius map; and certified ownership list to your office and requesting that your office send notice to the furnished list of property owners and have the necessary ordinance prepared. If further action is needed from my office, please notify me.

BH:smr
attachments

FELLERS SNIDER
ATTORNEYS AND COUNSELLORS AT LAW
FELLERS SNIDER BLANKENSHIP BAILEY & TIPPENS, P.C.

OKLAHOMA CITY ■ TULSA

Blaine Nice
Of Counsel

DIRECT: (405) 232-0621
BNice@FellersSnider.com

January 5, 2012

Ms. Brenda Hall
City Clerk
City of Norman
201 West Gray St.
P.O. Box 370
Norman, OK 73070

Re: *Petition to Close Easement/Right-of-Way on Classen/Miller Addition, Section 7*

Dear Ms. Hall:

1. The undersigned Applicants, James R. and Gloria J. Long and Lavon Kiacz are the owners of all the land on both sides of the easements, described below, which are proposed for closing.

2. It is in the best interest of both the undersigned and the City of Norman to release, close, and subsequently vacate, and close the right to reopen in district court the following described easements:

> That portion of the alley abutting the West Fifty (50) Feet Lot One (1), Two (2), Three (3), Four (4) and the South One Hundred (100) Feet of Lot Thirty-Four (34), and Block Seven (7), of Classen/Miller Addition to Norman, Cleveland County, Oklahoma, according to the recorded plat thereof (hereinafter referred to as the "subject property");

3. If there are any utility lines or facilities in, on, under, or over any part(s) of subject property, Applicants will cause same to be respected and protected, as required by law.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-5-12

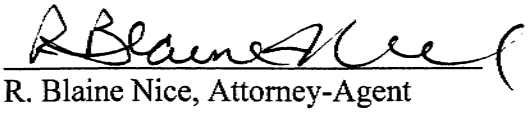
4. Copies of ownership lists, certified by bonded abstractor, reflecting all owners of record, according to County Treasurer records, a property within 300 feet in any direction of the above-described subject property are submitted herewith. A map which is attached to each copy of said ownership list shows the location of the ownership lines for each owner of record whose name appears on the ownership list.

5. Enclosed is a check for the required filing fee of $400.00.

6. Action by the Board of County Commissioners of Cleveland County is not necessary. The undersigned will pay the cost of newspaper publication of the required notice.

WHEREFORE, pursuant to Resolution 8182-66, as amended, of the City of Norman, the undersigned Applicants request official closing of the above-described subject property, by enactment of an ordinance by the City Council of the City of Norman.

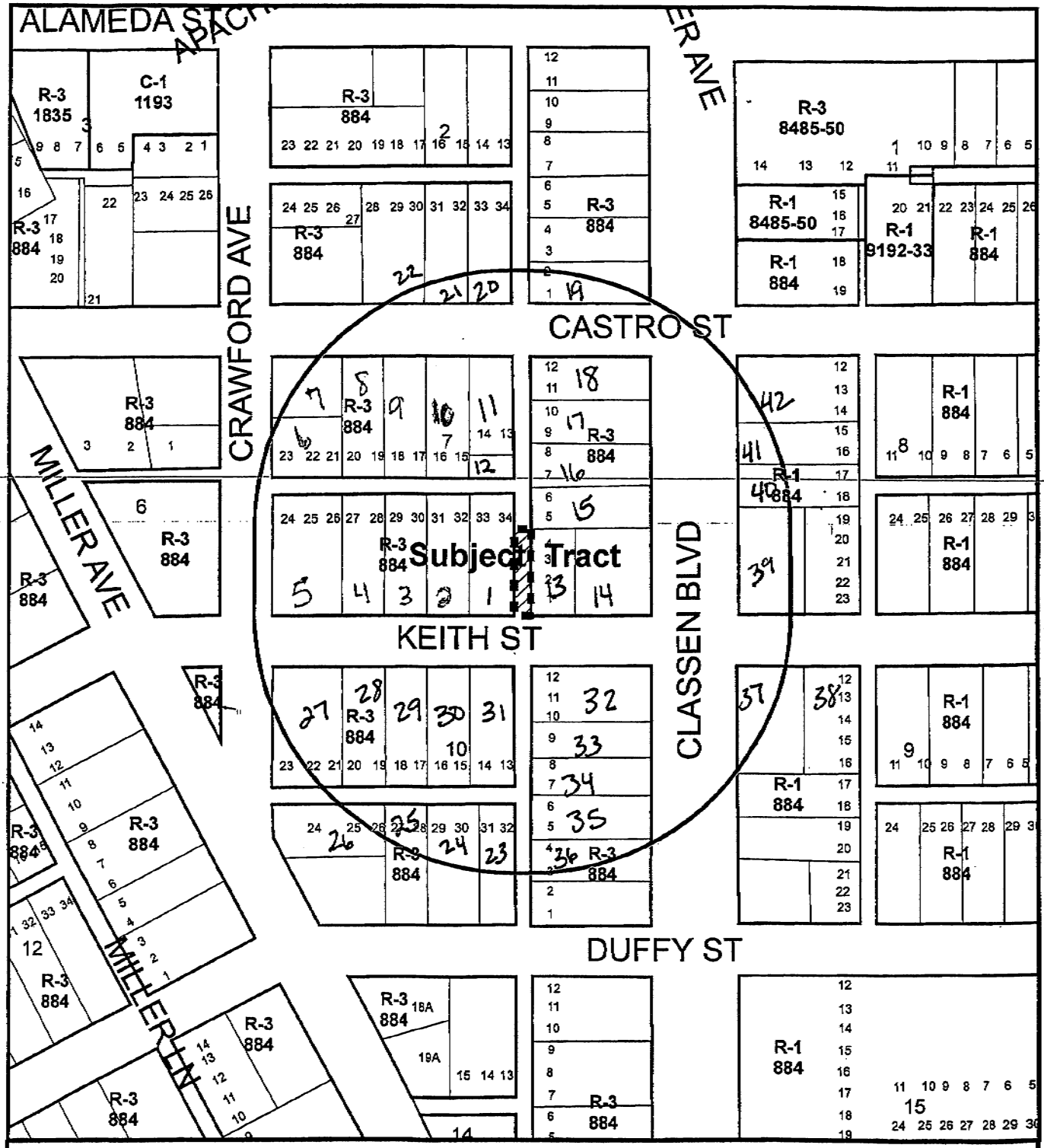
Applicants:
Lavon Kiacz and Jim and Gloria Long

By: 

R. Blaine Nice, Attorney-Agent
Fellers, Snider, Blankenship,
Bailey & Tippens
100 N. Broadway, Suite 1700
Oklahoma City, OK 73102
Telephone: 405-232-0621
Facsimile: 405-232-9659

Enclosures

40367-582971



Radius 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

0 75 150 Feet

December 28, 2011

Subject Tract
Radius
Parcels
Notification Area

ORDINANCE NO. O-1112-22 ITEM NO. 8

STAFF REPORT

GENERAL INFORMATION

APPLICANT	James & Gloria Long and Lavon Kiacz
REQUESTED ACTION	Close right-of-way (alley) abutting Lots 1-4 and Lot 34, Block 7, Classen/Miller Addition

BACKGROUND. The owners of both properties abutting the said right-of-way have submitted a request to close a one-hundred foot (100') section of alley right-of-way. The south ninety feet (90') of the right-of-way adjacent to the east side of Lot 34, Block 7 of Classen-Miller Addition was vacated and discontinued by City Council with the adoption of Ordinance No. 947 on June 14, 1955. The procedure at that time only required action by City Council, and did not involve vacation by District Court. The applicants are requesting this closing to include/verify the existing ninety foot (90') vacation and include an additional ten feet (10') for a total closure of one-hundred feet (100'). Should the Council approve this request, the entire request would be followed by a District Court action to permanently vacant the easement and grant title to abutting owners.

DISCUSSION. All franchised utilities were contacted to assess the impact on their facilities if the right-of-way was closed; there have been no objections. The vacation of a right-of-way is a process and the request for closure is the first step in the process to remove right-of-way from a filed plat. The closure is followed by an appeal to District Court to vacate the right-of-way.

The Utilities Department was informed of the request to close the right-of-way and that City Council had previously vacated the right-of-way except for the north ten feet (10'). The applicants are willing to agree to an easement five feet (5') in width each side from center of the existing sanitary sewer line for a total of ten feet (10') including language for the right to access the sewer taps if at such time as the current sewer line became unusable and the taps needed to be tied onto a new sewer main. The Public Works Department was notified and since there are no facilities that Public Works maintains in the right-of-way, Public Works staff does not object to the closure and vacation.

RECOMMENDATION. The right-of-way was originally platted as part of the Classen-Miller Addition in the early 1900's. Staff supports the request to close this one-hundred foot (100') portion of the right-of-way subject to granting of an easement covering the existing sanitary sewer and the right of access for servicing the sewer taps in the event the main is replaced by the method of pipe bursting and the taps need to be connected to the new main.

PO Box 321
Oklahoma City, Oklahoma 73101-0321
405-553-3000
www.oge.com

OG&E

OG&E Electric Services
An OGE Energy Corp. Company

FEBRUARY 3, 2012

CITY OF NORMAN
ATTN: KEN DANNER
DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

RE: **Applicant: James R. & Gloria J. Long and Lavon Kiacz**
Lots 1-4, 34, Block 7, Classen/Miller Addition
Petition to close Easement/right-of-way
325 East Keith a/k/a Resolution No. R-9192-66

Mr. Danner;

Available records show OG&E Electric Services has overhead facilities in the area the applicant is requesting to close. I spoke to the applicant's attorney about the concern OG&E has in obtaining access to service the two poles on the property. At present, the owner at 325 East Keith has storage buildings, fencing and landscaping completely around what was formerly the platted alley. In addition, a section was added onto the house that is also in the former alley. OG&E has several concerns about damages to the owner's property, if we had to replace the poles. We are suggesting that language be included in the final resolution that protects OG&E from having to pay above what is normal and reasonable damage to the property, if we ever had to enter, to service in whatever manner the poles. The attorney plans to talk to his client about these concerns.

If language can be added to the final resolution that addresses our concerns, then OG&E does not object to the closing of the right-of-way as described above. If you have any further questions, or if I can provide you with any other information, please contact me at (405) 553-5174.

Sincerely,

Timothy J. Bailey

Timothy J. Bailey
Right-Of-Way Agent

Jane Hudson

From: Ken Danner
Sent: Wednesday, February 01, 2012 10:28 AM
To: Jane Hudson
Subject: FW: Request to Close Easement @ 325 E. Keith AKA: Resolution No. R-9192-66
Attachments: 4195_001.pdf; 325 E. KEITH EASEMENT CLOSING.jpg

For the file.

From: Thad Peterson [mailto:TPeterson@okcoop.org]
Sent: Wednesday, February 01, 2012 10:25 AM
To: Ken Danner
Subject: FW: Request to Close Easement @ 325 E. Keith AKA: Resolution No. R-9192-66

Ken,

OEC has no objection to the easement closure @325 E Keith – Resolution number R-9192-66.

242 24th Ave NW
PO Box 1209
Norman OK 73070
Ph. [405] 321-2024

OEC
OKLAHOMA ELECTRIC COOPERATIVE

Thad Peterson
Supervisor of Engineering Services

Office: 405-217-6625
Mobile: 405-641-7372
Fax: 405-217-6933
tpeterson@okcoop.org

Your Touchstone Energy® Cooperative

www.okcoop.org

From: Drew Norlin [mailto:Drew.Norlin@NormanOK.gov]
Sent: Wednesday, February 01, 2012 10:13 AM
To: baileytj@oge.com; tn0418@att.com; Jim Speck; jodie.finney@cox.com; jsullivan@oneok.com; Randy F. Harrell; Thad Peterson
Cc: Ken Danner
Subject: Request to Close Easement @ 325 E. Keith AKA: Resolution No. R-9192-66

To All

Please contact Ken Danner regarding this request to **close an easement** along the west side of the existing property with your approval or disapproval as soon as possible. Ken would like to have your responses before the end of the day tomorrow (February 2, 2012), if possible. His email address is ken.danner@NormanOK.gov or call him at 366-5458.

Thanks
Drew Norlin, Subdivision Development Coordinator
City of Norman Engineering /Public Works
(405) 366-5459 phone
(405) 366-5418 fax
drew.norlin@NormanOK.gov

Jane Hudson

From: Ken Danner
Sent: Thursday, February 02, 2012 8:37 AM
To: Jane Hudson
Subject: FW: Request to Close Easement @ 325 E. Keith AKA: Resolution No. R-9192-66

From AT&T for the file.

From: Drew Norlin
Sent: Thursday, February 02, 2012 8:27 AM
To: Ken Danner
Subject: FW: Request to Close Easement @ 325 E. Keith AKA: Resolution No. R-9192-66

Thanks
Drew Norlin, Subdivision Development Coordinator
City of Norman Engineering /Public Works
(405) 366-5459 phone
(405) 366-5418 fax
drew.norlin@NormanOK.gov

From: HAYES, TERRI L [mailto:tn0418@att.com]
Sent: Thursday, February 02, 2012 8:26 AM
To: Drew Norlin
Subject: RE: Request to Close Easement @ 325 E. Keith AKA: Resolution No. R-9192-66

Hello Drew,
I have no objections to this.
Terri

From: Drew Norlin [mailto:Drew.Norlin@normanok.gov]
Sent: Wednesday, February 01, 2012 10:13 AM
To: balleytj@oge.com; HAYES, TERRI L; Jim Speck; jodie.finney@cox.com; jsullivan@oneok.com; Randy F. Harrell; Thad Peterson
Cc: Ken Danner
Subject: Request to Close Easement @ 325 E. Keith AKA: Resolution No. R-9192-66

To All

Please contact Ken Danner regarding this request to **close an easement** along the west side of the existing property with your approval or disapproval as soon as possible. Ken would like to have your responses before the end of the day tomorrow (February 2, 2012), if possible. His email address is ken.danner@NormanOK.gov or call him at 366-5458.

Thanks
Drew Norlin, Subdivision Development Coordinator
City of Norman Engineering /Public Works
(405) 366-5459 phone
(405) 366-5418 fax
drew.norlin@NormanOK.gov

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 9, 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 9th day of February 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 Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

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:
ORDINANCE NO. O-1112-22 – JAMES & GLORIA LONG AND LAVON KIACZ (FELLERS SNIDER) REQUEST CLOSURE OF THE ALLEY ABUTTING LOTS 1, 2, 3, 4, AND THE SOUTH 100 FEET OF LOT 34, BLOCK 7, OF CLASSEN/MILLER ADDITION.

PRESENTATION BY STAFF:
1. Mr. Danner reported this is located west of Classen Boulevard on the north side of Keith Street, between 321 and 325 East Keith. It is a 20' alley right-of-way. The request has been made to close 100' of this alley. In 1951 there was an unimproved surfaced alley through this area. In 1955 there was a request to vacate that portion of the alley. City Council adopted Ordinance No. 947 to vacate the alley. To our knowledge, it was never taken to District Court, and the attorney for the applicant's want to make sure that the process includes the 90' plus the 10' so it can also go to District Court for the judge to determine what to do with the property. The City has a sanitary sewer within the right-of-way, and we have requested that an easement be provided for that sewer, and accessibility to the taps if we ever have to do rehabilitation on the sewer. We have received the same request from OG&E and ONG. Originally they had objected to that request for closure, but as long as their utilities are protected by easements they would remove their objection. Most of the time when a request is taken forward to District Court is when the easements are worked out. Staff is not objecting to the closure. There is no longer a need for any type of surface and it is not utilized as an alley. Staff recommends approval, as long as the utilities are protected.

PRESENTATION BY THE APPLICANT:
1. Blaine Nice, 100 N. Broadway, Oklahoma City, representing the applicants – This is a little unusual. 90' of this alley had been vacated. Now the ordinance says that City Council closes it and then you go to District Court to vacate the right to ever reopen it. Arguably, we could just do the 10' and then ask the judge to do the whole 100', because it has already been done. Out of an abundance of caution – there's not enough back-up material and we're not certain of the background on some of that. We thought it would be better to go forward and close the entire 100'. The applicants agree to reserve the right for the sewer line. I talked to Mr. Bluejacket of ONG this afternoon because they filed an objection. They just realized they have a line in there, but we've agreed that we will reserve that. They've got to locate that line. OG&E has an overhead line and we're going to reserve an easement for them. On one side, the Longs have some wooden steps that encroach onto the alley; it doesn't encroach on any of the utilities. On the other side, there are a couple of small out buildings that encroach into the alley by a few feet. Ms. Kiacz has recently sold the property and the encroachments became an issue and it was requested that it be cleaned up.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Diana Hartley moved to recommend approval of Ordinance No. O-1112-22 to the City Council. Cynthia Gordon seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-22 to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: O-1112-23

File ID:	O-1112-23	**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:**	01/30/2012
File Name:	O-1112-23 Fountain View North Rezoning			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1112-23 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 FEET SOUTH OF TECUMSEH ROAD)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-23 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 8

Attachments: O-1112-23 Fountain View North, Fountain View North PUD Narrative revised 1-25-12, O-1112-23 Location Map, Fountain View Rezone Staff Report, 2-9-12 PC Minutes - Fountain View North

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	02/09/2012					
1	Planning Commission	02/09/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council

Text of Legislative File O-1112-23

Body

BACKGROUND: The applicant hopes to develop this tract for smaller single-family dwellings that would be marketed to "active adults" who would like to own a home with minimal yards and maintenance. The community would be gated and the interior street would be private. Each home is on its own lot, with some of the units attached. There is a community building, with amenities, centrally located in one of the common areas. Those areas have been designed to detain stormwater and eventually accommodate vegetative filtration, and provide the opportunity for trails around the different open spaces.

The particulars of this PUD include:

1. USE Other than the community amenities associated with the clubhouse, only single-family dwellings are permitted in this subdivision. Family Day Care homes are specifically prohibited by the PUD narrative. Seventy-two homes will be constructed, which yields a density of 4.75 dwelling units per gross acre, well within the 3-6 typically seen in single family areas.

2. OPEN SPACE Several common lots comprise 3.949 acres of open space area, which yields twenty-six percent common open space, far in excess of the 10-15 percent suggested by the PUD ordinance. Trails will be constructed around the detention ponds within some of the common lots.

3. LOT DESIGN Individual lots are clustered in groups of four to six homes, which will share a common driveway. Attached units are permitted as shown on the Site Development Plan. Non-zero side yards will be at least five feet in width, with front and rear building setbacks at least ten feet (unless impacted by a larger utility easement). Garages should maintain a twenty foot setback, to accommodate guest parking. Because of the large amount of open space, the individual lots are relatively small, with the smallest lots around 2800-3000 square feet. A relatively high coverage factor of 75% is proposed, to allow more building flexibility.

4. HOME DESIGN Homes will be at least 1000 square feet of living space (not including garages), and will be limited to two stories in height. Masonry will comprise at least 50 percent of the exterior.

5. SALES TRAILER The PUD would allow one sales trailer to be placed near the entrance, which could remain for up to twelve months.

6. PHASES The PUD narrative states that phasing is unknown at this time, which is not a concern due to the relatively small number of lots.

STAFF RECOMMENDATION: This development offers a smaller single-family alternative housing type near an area of larger lots, meeting the broad goal of neighborhood diversity. No negative impacts are expected should this development be approved. Staff recommends approval of this PUD rezoning request, including the PUD narrative and preliminary Site Development Plan. The Planning Commission, by a vote of 7-0, supported this request at their February 9, 2012 meeting.

O-1112-23

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 15, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 FEET SOUTH OF TECUMSEH ROAD)

§ 1. WHEREAS, Sassan Moghadam, the owner of the hereinafter described property, have made application to have the same placed in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District; and

§ 2. WHEREAS, said application has been referred to the Planning Commission of said City and said body has, after conducting a public hearing as required by law, considered the same and recommended that the same should be granted and an ordinance adopted to effect and accomplish such rezoning; and

§ 3. WHEREAS, the City Council of the City of Norman, Oklahoma, has thereafter considered said application and has determined that said application should be granted and an ordinance adopted to effect and accomplish such rezoning.

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the PUD, Planned Unit Development District, and to have the same removed from the A-2, Rural Agricultural District, to wit:

A tract of land lying in the NW/4 of Section 15, T9N, R3W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the NW/C of said NW/4; THENCE South 00°19'40" East, along the West line of said Section 15 a distance of 330.00 feet to the POINT OF BEGINNING;
THENCE North 89°36'51"East a distance of 307.84 feet;
THENCE South 00°19'40" East a distance of 283.00 feet;
THENCE North 89°36'51" East a distance of 254.27 feet;

THENCE South 00°19'40" East a distance of 215.47 feet;
THENCE North 89°36'51" East a distance of 88.03 feet;
THENCE South 00°19'40" East a distance of 491.53 feet;
THENCE South 89°36'51" West a distance of 80.43 feet;
THENCE South 00°36'24" East a distance of 215.04 feet;
THENCE North 89°30'43" West a distance of 182.82 feet;
THENCE North 89°46'56" West a distance of 198.92 feet;
THENCE South 89°32'06" West a distance of 189.04 feet to a point on the West line of said Section 15;
THENCE North 00°19'40" West along said West line a distance of 1200.42 feet to the POINT OF BEGINNING.

.

Said tract containing 14.888 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 Planned Unit Development (PUD) Narrative approved February 9, 2012, the Site Development Plan (Exhibit B) and supporting documentation submitted by the applicant and 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

FOUNTAIN VIEW NORTH ADDITION

Norman, Oklahoma

SASSAN K. MOGHADAM

Developer

A PLANNED UNIT DEVELOPMENT
APPLICATION FOR REZONING AND
PRELIMINARY DEVELOPMENT
PLAN/PLAT

Submitted 9 January 2012
Revised 25 January 2012

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G. Traffic Circulation and Access

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Residential Community
B. Open Space and Green Space
C. Traffic Access/Circulation/ Sidewalks

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A. Proposed Preliminary Plat
B. Proposed Site Development Plan
C. Proposed Open Space Diagram

I. INTRODUCTION

This Planned Unit Development (the "**PUD**") is being submitted for the development of the Fountain View North Addition (the "**Addition**"), a gated community in the City of Norman, Oklahoma. The Addition encompasses approximately 14.89 acres located generally on the east side of 48th Ave. NW, a short distance south of West Tecumseh Road. This PUD is intended to provide for greater flexibility in the careful design of the residential lots, homes, open space, utilities, drainage, recreational amenities, and circulation within the Addition. Upon completion, the PUD will provide more sustainable and environmentally friendly designs for open areas than would otherwise be attainable under conventional practices and regulations of the development guidelines of the City of Norman.

The PUD is intended to allow that necessary flexibility in order to create a distinctive open space and environmentally friendly development. Therefore, flexibility in the design and construction of roads and lot sizes is critical. This efficient compaction of developed areas within the property will allow for large amounts of natural open space.

This PUD will enhance the R-1 zoning provisions to allow for planning guidelines as further set forth herein. This PUD District will allow the necessary flexibility to create a highly desirable open-space community featuring high quality residential units, enhanced open space areas, and circulation patterns on the private road surrounding the central common open areas. The intent of the plans will allow for a gated community that focuses on the needs of mature residents for small lots of minimal yard areas within a highly secure gated facility, and with common area exterior maintenance throughout the Addition.

In order to accomplish these goals, the applicant hereby requests a rezoning of the Property. The rezoning being requested is for a Planned Unit Development (PUD). The Applicant is submitting a Rezoning Application, Preliminary Site Development Plan and Preliminary Plat for approval.

II. PROPERTY DESCRIPTIONS; EXISTING CONDITIONS

A. Location

Fountain View North Addition is bordered on the west by 48th Avenue NW. To the west, across 48th Ave. NW is raw land zoned A-2 Rural Agricultural and covered by the ten mile flat conservation area and flood plain. To the north of the Addition is a single family home site on the corner of 48th Avenue NW and West Tecumseh Road. To the east of the Addition are several large tracts of unplatted single family home sites. To the south of the Addition are two R-1 single family residential additions recently approved and now under construction.

B. Existing Land Use and Zoning

The Property is currently six different smaller parcels zoned A-2 Rural Agricultural, and has previously been occupied by six different residential homes, all but two of which have been removed and leveled. The property is unplatted and each of the previous parcels were created by deed divisions and not through platting.

The Property is currently designated Floodplain on Norman 2025, however that designation has been eliminated to the south of this Addition as far south as Rock Creek Road and Ashton Grove Addition, as the flood plain areas have been recognized to not affect or cover these areas in this Addition or to the south. The property is eligible for 2025 amendment to current urban service area due to the ongoing extension of sanitary sewer and water service to this area of Norman, and due to extensive residential single family development now occurring immediately to the south of this Addition.

C. Elevation and Topography

The Property primarily consists of relatively minimal slope land, and therefore presents a good opportunity to carefully design and implement development methodologies that will allow tightly compact residential housing lots around large open space common areas. The end result of such strategies will be additional open space and a more natural and beautified residential experience in a sustainable framework. No portion of the Property is in the 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to better illustrate the detention requirements that are required and the solutions planned. This Addition is intended to be designed and developed substantially under similar principals of sustainable low impact development as has been previously and successfully done in recent developments in northwest Norman by this developer and residential subdivision designer. Such strategies include large amounts of open space and

detention areas in the center of the Addition that will provide efficiency in filtration of runoff water and decrease in velocity of runoff as it travels through the Addition and beyond.

A goal will be to nurture drainage areas to grow and develop into ideal drainage and filtration mechanisms within the Property. Such filtration will provide much more improved quality of water runoff than would be provided from runoff through improved artificial surfaces. In addition, the natural systems encompassing large areas of permeable natural ground where the water is drained toward and collected will allow some of the storm water to naturally filter back into the ground aquifer.

The significant care and focus on the drainage plan will feature large interior natural areas that will capture the storm water within the Property. In order to best accomplish this, lots will be planned densely in the residential lot areas of the Addition such that it will allow for the large natural areas, which also serve as open space for recreation.

E. Utility Services

Many of the required utility systems for the project (including water, gas, telephone, and electric) are currently being developed in relatively nearby proximity to the Property, particularly to the immediate south of this Addition in the residential subdivisions being built currently.

F. Fire Protection Services

Fire protection services will be provided by the City of Norman Fire Department and by developer installed fire hydrants at locations per the City of Norman regulations for such.

G. Traffic Circulation and Access

The Addition will be served with primary vehicular access to the Property by way of the immediately adjacent 48th Avenue NW right of way. The Addition will be a gated Addition with a gated entry and approach design that conforms to the City of Norman's gated entry requirements, and will feature internal private streets.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Single-Family Residential Community

The Addition, as put forth on the proposed Preliminary Plat on **EXHIBIT A**, will consist of residential housing with 72 residential lots within 14.89 acres in the Planned Unit Development, which will result in a density of roughly 4.75 lots per acre.

1. Residential Lots

The Uses permitted on the residential lots shall be as put forth under the R-1 Single Family Dwelling District in the City of Norman Zoning Ordinance, 22:421.1, except that a Family Day Care Home shall not be an allowed use.

Homes in the Addition will be standard construction, single family homes. The proposed Preliminary Site Development Plan is as shown on the attached **EXHIBIT B**. The site development plan features a tightly compact design of residential single family lots with certain homes planned to be attached at a zero setback side yard lot line, and other perimeters of the lots to maintain minimal setback yards as shown on the preliminary site development plan. Where not shown as zero lot lines, the side yard setback will be a minimum of five (5) feet, but with the allowance for chimney stacks to protrude into the setbacks. The rear and front yard setbacks shall be a minimum of ten (10) feet, except where there is an easement that is deeper in dimension and in such case the easement depth shall be the setback. Garages will be set back twenty feet to allow for guest parking.

Uncovered patios may extend to the property lines, except where conflicts with utility easements. Houses will be of standard wood frame construction, and will not exceed two stories in height above grade.

The minimum square foot area requirements for homes in the Addition shall be 1,000 square feet. This minimum figure is for living space and is exclusive of garages, covered and open porches, basements, detached structures, and breezeways.

The principal exterior of any residential structure shall be at least fifty percent (50%) masonry or stone. Each residence may include a two car garage.

Coverage of building and impervious areas on each lot shall be allowed up the areas as shown on the Preliminary Site Development Plan submitted herewith. This includes building coverages on each lot of floor area of the

residential dwelling structure up to 75% of the lot area. Total impervious area may be up to 85% of the lot area. While the individual lot coverages are on the upper end, they are offset substantially by way of the vast green space and open areas in the Addition, which account for 53.1% of the total area of the Addition.

No improvements on any lot in the Addition may be issued a permit by the City of Norman unless and until all such improvements to be permitted have been approved in writing by the applicable Property Owners Association "POA" architectural review committee.

2. Signage

The entrance to the Addition, as located at the section line road of 48th Avenue NW, may contain entryway signs and associated walls, fences and decorative features that will identify the Addition. The signs will conform to current City signage requirements (16 square feet per sign, for a total of 32 square feet). The signs may be lighted and landscaped with appropriate vegetation and planters designed so as not to interfere with traffic sight lines.

3. Fencing

A fence will be constructed along the lot lines of the residential lots that abut the borders of the Addition in this gated community. Construction material may be a combination of masonry, metal/iron, and/or wood, so long as the design of all such fencing is approved by the applicable Property Owners Association "POA" architectural review committee prior to installation. Construction of fencing may be phased along with the development of the PUD.

The streetscape along 48th Avenue, as it faces the home sites north of the entryway shall feature the fencing as required and landscaping as necessary to provide adequate screening along the arterial, all as installed per the Greenspace Exhibit C hereto.

4. Amenities

The Addition is planned to feature large private interior open spaces with walking trails. These trails are planned to be of varying widths and styles, from unpaved natural type with minimal artificial improvement to constructed trails of hard paved surface.

Park land will be provided as required per the City of Norman ordinances. The proposed parkland will be private park land within the Addition, containing far in excess of the required acreage.

Block 5 within the Addition, may be used for a common area clubhouse facility. Such facility may include uses typical with common homeowner neighborhood association clubhouse facilities, such as but not limited to, swimming pools, office, fitness center, meeting rooms, party rooms, kitchen, restrooms, storage areas, equipment rooms, parking lots, recreational uses, game rooms, and the like.

5. Sales Trailers

The Developer shall have the option of placing no more than one temporary trailer (manufactured unit will meet City code) will be allowed for use by sales representatives for the new homes being built in the Addition. Any such facility will have a reasonable parking area for customers per City specifications. The trailer will be removed 12 months from the date it is placed on the Addition. The trailer will be located within 500 feet of the Addition entrance.

6. **Drive lanes**

The drive lanes from the interior private street into each garage and driveway on each lot shall provide for cross access by right of easement across each lot as necessary for each lot to fully access the private streets of circulation in the Addition.

The Property Owners Association in the Addition shall be vested with the right to prohibit parking along certain areas of the interior streets.

B. Open space and green space

Large open space areas are located throughout the center of the middle of the Addition. Open space totals roughly 8.042 acres in the 14.89 acre Addition, or roughly 53.1% of the Addition land area.

A homeowners association will be formed in order to provide a tool to manage the common areas of the Addition and to provide heightened governance of the residents and construction within the Addition. Common lots within the subdivision total 3.949 acres, roughly 26% of the Addition.

Any lighting over any common area will be shielded from adjacent single-family homes and will have 20-foot tall poles. Decorative street lights will be allowed, at the option of the Developer, within the PUD, in the common areas, and along the streets of the PUD.

C. Traffic access/circulation/sidewalks

Primary vehicular access to the Property will be provided by way of the adjacent 48th Avenue NW right-of-way. The entry at 48th Avenue will be gated with controlled access. The gated entryway will be designed according to City of Norman standards and will accommodate turnaround space for vehicles to return to 48th Avenue NW without entering the gates if necessary.

Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. All internal streets will have adequate circulation necessary for the fire department and City Waste Management Services.

A five-foot wide City sidewalk will be provided along 48th Avenue NW, constructed to City of Norman Standards.

D. Development Phasing

Market demand will be the determining factor in the number of units constructed and phases of such.

EXHIBIT A
Proposed Preliminary Plat

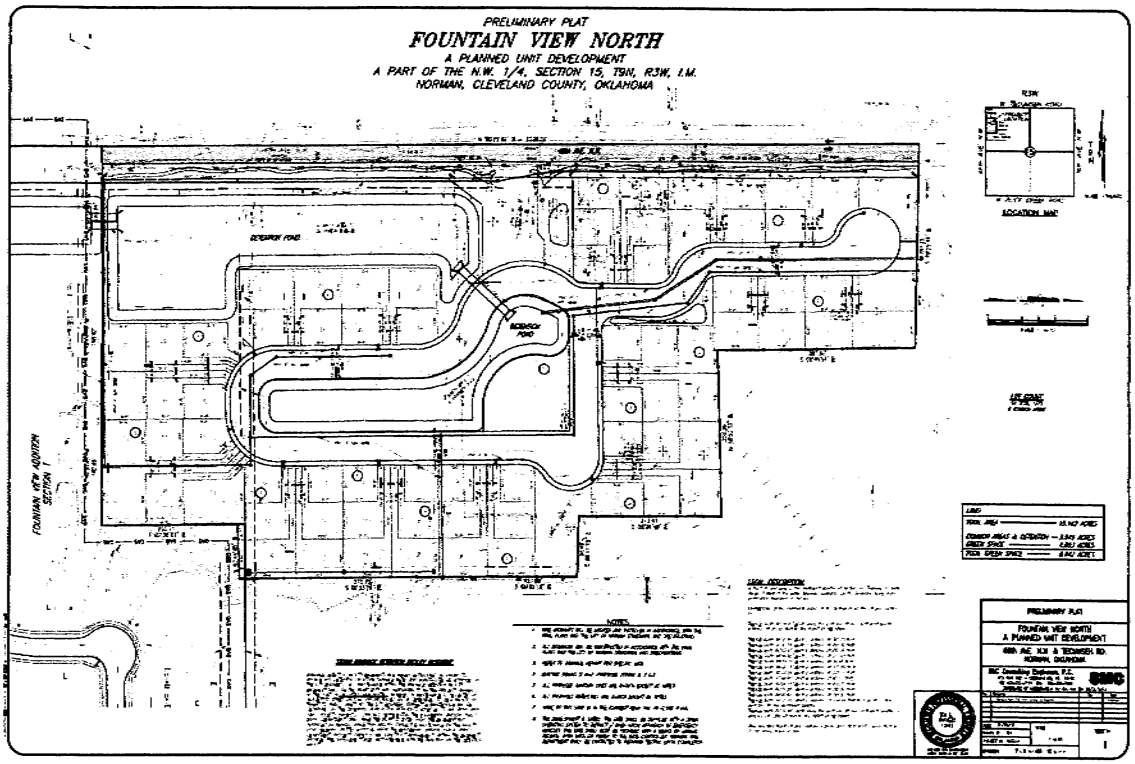


EXHIBIT B

Site Development Plan

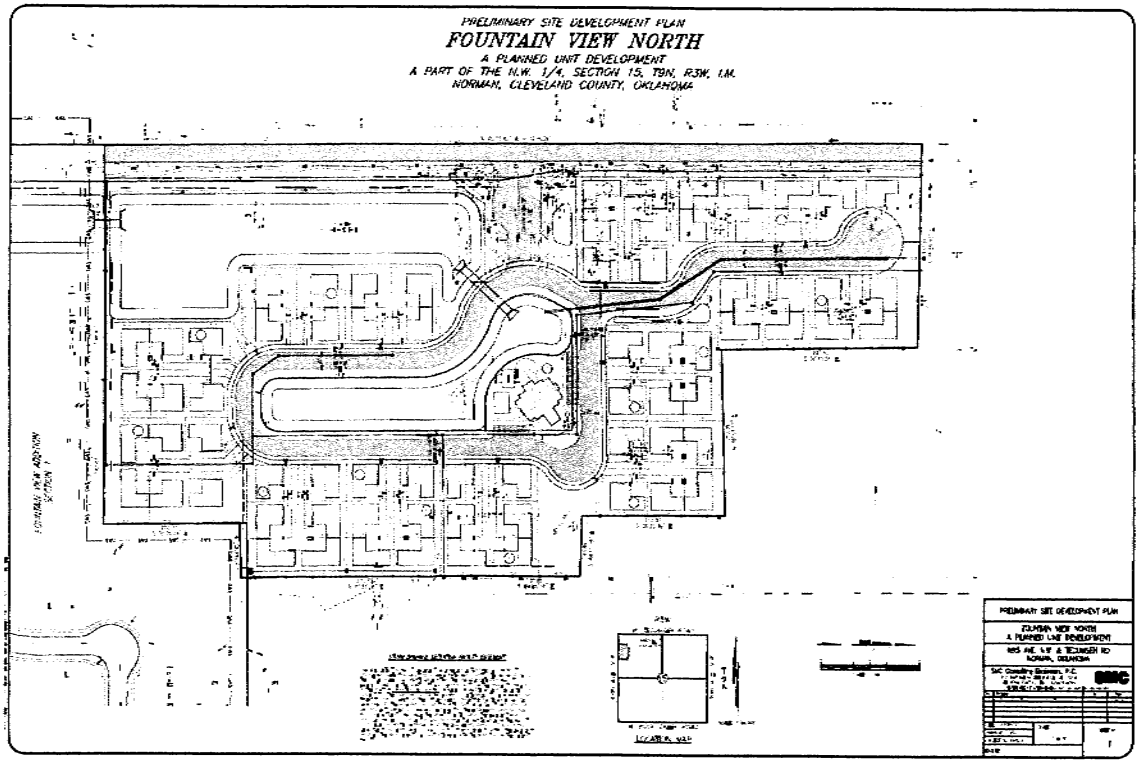
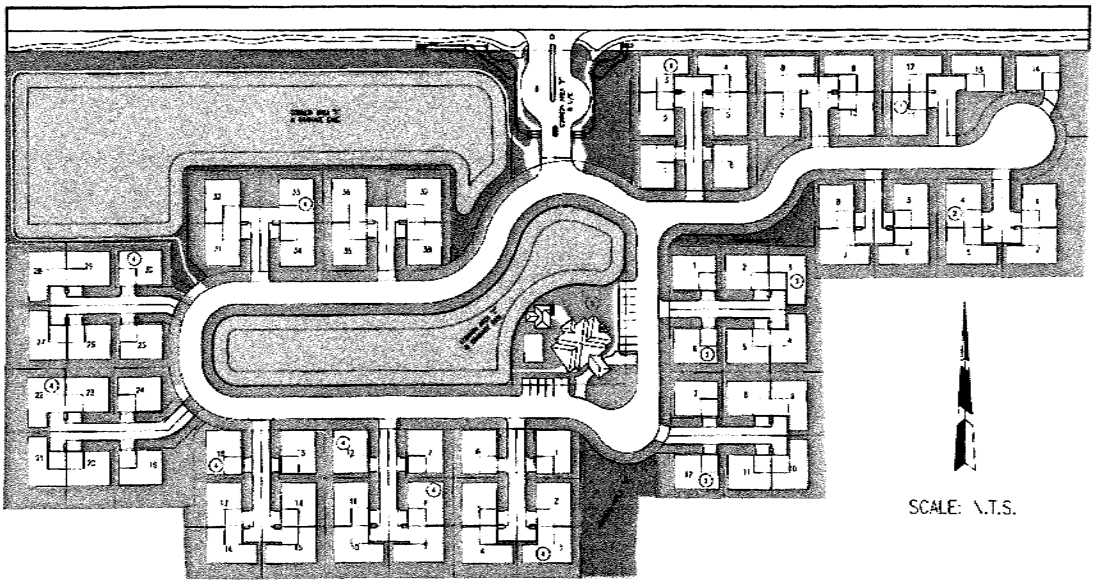


EXHIBIT C
Proposed Open Space Diagram



SCALE: N.T.S.

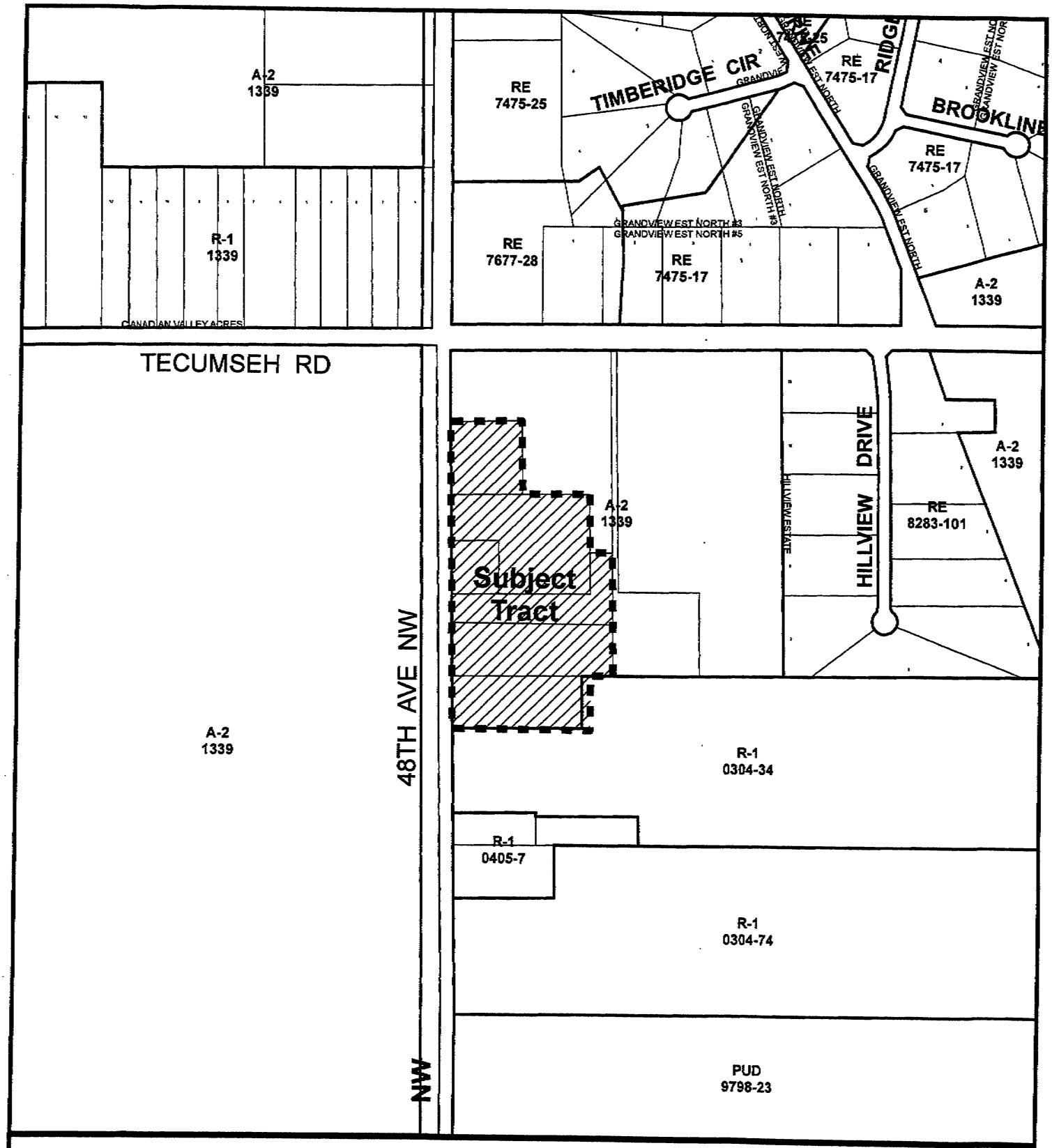
LAND	
TOTAL AREA	15.142 ACRES
COMMON AREAS & DETENTION	3.949 ACRES
GREEN SPACE	4.093 ACRES
TOTAL GREEN SPACE	8.042 ACRES

GREENSPACE EXHIBIT
FOUNTAIN VIEW NORTH
A PLANNED UNIT DEVELOPMENT
NORMAN, OKLAHOMA

DETENTION POND

COMMON AREA
GREEN SPACE

GREEN SPACE



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 17, 2012

0 250 500 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-23 ITEM NO. 9b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Sassan Moghadam
REQUESTED ACTION	Rezoning to PUD, Planned Unit Development District
EXISTING ZONING	A-2, Rural Agricultural District
SURROUNDING ZONING	North: A-2 East: A-2 South: R-1 West: A-2
LOCATION	East of 48th Avenue N.W. approximately 330 feet south of Tecumseh Road
SIZE	15.142 acres more or less
PURPOSE	Active Adult Community
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Single-Family Dwelling East: Single-Family Dwellings South: (proposed) Single-Family Dwellings West: Vacant farmland

SYNOPSIS: The applicant hopes to develop this tract for smaller single-family dwellings that would be marketed to "active adults" who would like to own a home with minimal yards and maintenance. The community would be gated and the interior street would be private. That road would provide access to all of the homes, which are either detached or attached single-family units. Each home is on an individual lot. There is a central community building, with amenities, located in one of the common areas. Those areas will have been designed to detain stormwater and eventually accommodate vegetative filtration, and provide the opportunity for trails around the different open spaces.

ANALYSIS: The particulars of this PUD include:

1. USE Other than the community amenities associated with the clubhouse, only single-family dwellings are permitted in this subdivision. Family Day Care homes are specifically prohibited by the PUD narrative. Seventy-two homes will be constructed,

which yields a density of 4.75 dwelling units per acre, well within the 3-6 typically seen in single family areas.

2. OPEN SPACE Several common lots comprise 3.949 acres of open space area, which yields twenty-six percent common open space, far in excess of the 10-15 percent suggested by the PUD ordinance. Trails will be constructed around the detention ponds within some of the common lots.

3. LOT DESIGN Individual lots are clustered in groups of four to six homes, which will share a common driveway. Attached units are permitted as shown on the Site Development Plan. Non-zero side yards will be at least five feet in width, with front and rear building setbacks at least ten feet (unless impacted by a larger utility easement). Garages should maintain a twenty foot setback, to accommodate guest parking. Because of the large amount of open space, the individual lots are relatively small, with the smallest lots around 2800-3000 square feet. A relatively high coverage factor of 75% is proposed, to allow more building flexibility.

4. HOME DESIGN Homes will be at least 1000 square feet of living space (not including garages), and will be limited to two stories in height. Masonry will comprise at least 50 percent of the exterior.

5. SALES TRAILER The PUD would allow one sales trailer to be placed near the entrance, which could remain for up to twelve months.

6. PHASES The narrative states that phasing is unknown at this time, which is not a concern due to the relatively small number of lots.

ALTERNATIVES/ISSUES:

- **IMPACTS** The proposed use is smaller single-family dwellings, which will complement the newer nearby subdivisions currently under development. According to the traffic analysis, 43 peak hour trips are expected, which all directly access 48th Avenue. No adverse traffic impacts are expected.

- **ACCESS** The subdivision will be gated, and the gate design meets the city standard for private gates.

- **SITE PLAN** The design of the plat only resulted in seven lots directly abutting 48th Avenue, where the highest impact from road noise would occur. A large open space/detention pond provides a buffer for all the other lots which have their rear yards oriented to the west. The home sites are small "lot clusters" which share a driveway. Each driveway connects to a curvilinear street which surrounds a large central open space.

OTHER AGENCY COMMENTS:

- **PARK BOARD** Private park land is proposed within the subdivision. At the time of building permit issuance, each lot owner will contribute to the community park fund.

- **PUBLIC WORKS** The internal roads have been designed as local streets, with 26 feet of pavement.

STAFF RECOMMENDATION: This development offers a smaller single-family alternative housing type near an area of larger lots, meeting the broad goal of neighborhood diversity. No negative impacts are expected should this development be approved. Staff recommends approval of this PUD rezoning request, including the PUD narrative and preliminary Site Development Plan.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

FEBRUARY 9, 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 9th day of February 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 Andy Sherrer called the meeting to order at 6:30 p.m.

* * *

Item No. 1, being:
ROLL CALL

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

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

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Item No. 9, being:
CONSIDERATION OF A REQUEST SUBMITTED BY SASSAN MOGHADAM FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 FEET SOUTH OF TECUMSEH ROAD.

9A. RESOLUTION NO. R-1112-111 – SASSAN MOGHADAM REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-04) FROM FLOODPLAIN DESIGNATION TO LOW DENSITY RESIDENTIAL DESIGNATION FOR 14.89 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 FEET SOUTH OF TECUMSEH ROAD.

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

9B. ORDINANCE NO. O-1112-23 – SASSAN MOGHADAM REQUESTS REZONING FROM A-2, RURAL AGRICULTURAL DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR 14.89 ACRES OF PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 330 LINEAL FEET SOUTH OF TECUMSEH ROAD.

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

9C. PP-1112-9 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY SASSAN MOGHADAM (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW NORTH ADDITION, A PLANNED UNIT DEVELOPMENT, TO THE CITY COUNCIL.

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

PRESENTATION BY STAFF:
1. Mr. Koscinski reported we included the first item as almost perfunctory. We have new flood maps that essentially stop the floodplain at 48th Avenue. Obviously, the adoption of those maps didn't affect our long-range plan, so we've added this item simply to clarify the record. As you can see, it doesn't address all of the floodplain on the Plan map, but the maps indicate it is no longer in a floodplain. The actual rezoning is for a Planned Unit Development of single-family homes on very small lots with reduced building setbacks. Current zoning is A-2. They are proposing a PUD. They are individual homes on individual lots. There are still two remaining homes on the property that will be removed, but the rest of the structures have been cleared from the site. North of the site there is a large existing home, fairly close to Tecumseh Road on a fairly large tract. To the east is a very large home on a very large tract, with a big barn. To the south will be a couple of hundred homes of standard single-family development. When Ashton Grove developed, they put in a lift station which remedied a capacity problem, which has allowed all these subdivisions to start developing. Across the street is State school land that is currently being leased for farm purposes. Staff believes that this is an acceptable use. The density is 4.75, which is slightly high, but still well within the single-family range. The roads will be private and it is a gated subdivision. There is a fair amount of open space, with about a 4-acre common area, with more green area in the plat. It is far in excess of what would have been required under a standard PUD guidance. Building setbacks are variable; there is a 20' setback

for any garage. There is some on-site parking for visitors. Staff recommends approval of the Plan change, the rezoning, and the preliminary plat. There were no filed protests on this request.

PRESENTATION BY THE APPLICANT:

1. Sean Rieger, 136 Thompson Drive, representing the applicant – Mr. Koscinski introduced this pretty thoroughly. A-2 zoning is the current zoning, but don't be mistaken about that – this is all shifting to developed areas of Norman with Fountain View Section 1 to the south, Ten Mile Flats to the west. There are two additions being built right now that are fully platted and will be occupied and in use in no time. Our addition is right to the north. Several of the homes have been removed in anticipation of development. There is large open space on this. This is designed to be an adult, gated community with minimal yards and minimal maintenance, with a central community space and a central building, behind a gated entrance. The gated entrance will be per the City of Norman design. If you add up all the green space and detention areas, it is 54% open space, which is simply enormous for an addition. Here is a graphic of the site plan. The gated entry comes off 48th Avenue. There is a large clubhouse in the middle with the homes spinning around it. There are common driveways into the homes. Some of the homes are attached. These folks will not want large lots – they want very minimal maintenance on their properties. The private street circulates around the interior. This is a nice compliment to what is happening around it, with a much different type of use. Staff supports the proposed use of smaller single-family dwellings which will compliment the newer nearby subdivisions currently under development. No adverse traffic impacts. No negative impacts. No protests. Only a couple people came to Pre-Development. Richard McKown has done a lot of work on this subdivision. He sent these into me just a little while ago, and I thank Larry for putting them on the screen with only about 15 minutes of time to spare. This gives you a much closer detailed look at what is being proposed here through Richard's designs. You see how some of them are connected and some of them are free-standing. There is a really nice design coming off of 48th Avenue into this development.

2. Ms. Pailes commented that in driving out there and looking at the development to the south, the detention ponds parallel 48th Avenue and they're full. On the corner is a private home that has a pond, which is also full. There is no creek running into this and it looks like those bodies of water are basically ground water and that is the water table. It looks like a very high water table. Places in Norman that have been built on a high water table there have been problems with unstable foundations and problems with sewer pipes backing up.

3. Tom McCaleb – Ms. Pailes is correct. That is the water table. This area has been studies a lot in the last several years. They didn't know exactly where the water table was until they started digging and found it. They have also encountered some other strata in the development that they've had to accommodate. Where the bottom of the detention pond was previously planned is the water table, so it was designed perfectly. The water table maintained that level throughout last summer with no rain. They have had only one experience where they had water that came from high on a hill; that has been captured into a conduit. Almost all the sewer is in place. When sewer was installed along 48th Avenue, they had to dewater all the time. No other problems have been encountered on the development.

4. Ms. Hartley asked about the requirement for a fee in lieu of park land. Mr. Rieger responded that residential developments are required to do one of three things: 1) dedicated public park space, 2) pay fee in lieu of, or 3) provide private park land.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

Curtis McCarty moved to recommend approval of Resolution No. R-1112-111, Ordinance No. O-1112-23, and approval of the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, to the City Council. Dave Boeck seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1112-111, Ordinance No. O-1112-23, and approval of the Preliminary Plat for FOUNTAIN VIEW NORTH ADDITION, A Planned Unit Development, to the City Council, passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: AP-1112-14

File ID:	AP-1112-14	**Type:**	Appointment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	02/21/2012
File Name:	Appointments			**Final Action:**	

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

BICYCLE ADVISORY COMMITTEE
TERM: 02-28-12 TO 02-13-13: DAVID HUDDLESTON, 771 NEBRASKA STREET

NORMAN HOUSING AUTHORITY
TERM: 11-21-12 TO 11-21-15: MIKE MCDANEL, 2620 ACACIA COURT
TERM: 11-21-12 TO 11-21-15: JEFF CUMMINS, 4401 BERRY FARM ROAD

PUBLIC SAFETY OVERSIGHT COMMITTEE
TERM: 02-10-12 TO 02-10-15: MARY SUE SCHNELL, 4106 COVENTRY LANE (WARD 3)
TERM: 02-10-12 TO 02-10-15: DAVID WILSON, 408 EGRET LANE (WARD 8)
TERM: 02-10-12 TO 02-10-15: DON HOLYFIELD, 3406 HILLVIEW DRIVE (AT LARGE)

ANIMAL SHELTER OVERSIGHT COMMITTEE
JENNIFER KIDNEY, CITIZEN

INFORMATION: In accordance with the Mayor's request, the above-described item is submitted for City Council's consideration. David Huddleston will fill the unexpired vacancy left by Paul Minnis, Jennifer Kidney will replace Sandra Rose who has resigned, and Mike McDanel, Jeff Cummins, Mary Sue Schnell, David Wilson, and Don Holyfield are reappointments.

ACTION NEEDED: Motion to confirm or reject the appointments.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 9

Attachments:

City of Norman, OK

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

Master

File Number: RPT-1112-30

File ID:	RPT-1112-30	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	02/13/2012
File Name:	Finance Director's Investment Report 01/31/12			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JANUARY 31, 2012, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 10

Attachments: Finance Investment Report January 31, 2012

Project Manager: Anthony Francisco, Director of 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 RPT-1112-30

DATE: 02-Feb-12

TO: City Council

FROM: Anthony Francisco, Director of Finance
PREPARED BY: Clint Mercer, Chief Accountant

SUBJECT: Breakdown of Interest Earnings by Fund

	MONTHLY COMPARISON				ANNUAL COMPARISON			
FUND	MONTHLY BUDGETED INTEREST EARNINGS FYE12	MONTHLY INTEREST EARNINGS January 2011	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE12-YTD	INTEREST EARNINGS YTD FYE12	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$8,333	$5,692	-31.69%	9.12%	$58,333	$40,319	-30.88%	8.57%
PUBLIC SAFETY SALES TAX FUND	N/A	$5,891	100.00%	9.44%	N/A	$43,410	100.00%	9.22%
ROOM TAX FUND	$250	$113	-54.64%	0.18%	$1,750	$1,045	-40.26%	0.22%
CAPITAL PROJECTS FUND	$12,500	$12,675	1.40%	20.30%	$87,500	$107,031	22.32%	22.74%
SINKING FUND	$2,083	$4,693	125.28%	7.52%	$14,583	$18,051	23.78%	3.84%
G.O. BOND FUND	$167	$125	-25.20%	0.20%	$1,167	$912	-21.81%	0.19%
WESTWOOD FUND	$625	$22	-96.54%	0.03%	$4,375	$3,424	-21.74%	0.73%
WATER FUND	$10,000	$11,225	12.25%	17.98%	$70,000	$79,063	12.95%	16.80%
WASTEWATER FUND	$8,333	$5,806	-30.33%	9.30%	$58,333	$46,413	-20.43%	9.86%
HALLPARK FUND	N/A	$0	100.00%	0.00%	N/A	$0	100.00%	0.00%
DEVELOPMENT EXCISE	$16,667	$7,902	-52.59%	12.66%	$116,667	$64,040	-45.11%	13.61%
SEWER SALES TAX	$6,250	$5,169	-17.30%	8.28%	$43,750	$41,322	-5.55%	8.78%
SANITATION FUND	$2,500	$646	-74.15%	1.04%	$17,500	$3,355	-80.83%	0.71%
PARKLAND FUND	$1,250	$914	-26.85%	1.46%	$8,750	$7,212	-17.58%	1.53%
TRUST & AGENCY FUNDS	N/A	$4	100.00%	0.01%	N/A	$31	100.00%	0.01%
TAX INCREMENT DISTRICT	$1,458	$46	100.00%	0.07%	$10,208	$5,526	100.00%	1.17%
SPECIAL GRANTS FUND	N/A	$825	100.00%	1.32%	N/A	$3,517	100.00%	0.75%
CLEET FUND	N/A	$15	100.00%	0.02%	N/A	$127	100.00%	0.03%
HOUSING	N/A	$0	100.00%	0.00%	N/A	$0	100.00%	0.00%
SITE IMPROVEMENT FUND	N/A	$30	100.00%	0.05%	N/A	$244	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	$317	100.00%	0.51%	N/A	$2,956	100.00%	0.63%
SEIZURES	$42	$316	658.83%	0.51%	$292	$2,632	802.42%	0.56%
	$70,458	$62,428	-11.40%	100.00%	$493,208	470,628	-4.58%	100.00%

City funds are invested in interest bearing accounts and investment securities, as directed by the City's Investment Policy. Rates of return on these investments relate directly to current Treasury and Money Market rates. Total funds on deposit of $ 118.34 million as of 1/31/12 are represented by working capital cash balances of all City funds of approximately $ 75.57 million, outstanding encumbrances of $16.83 million, General Oblig.ation Bond proceeds of $4.72, NUA revenue bond proceeds of $11.47 million, NMA bond proceeds of $3.96 million, and UNP TIF reserve amounts of $5.79 million.

INVESTMENT BY TYPE

January 31, 2012

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	NUA REV. FD.				$0.00	$0.00	$0.00
BANK OF AMERICA	GEN'L DEP.			0.25%	$2,726.16	$17,278,345.69	$17,278,345.69
BANK OF AMERICA	WARRANTS PAYABLE				$0.00	($1,108,057.08)	($1,108,057.08)
BANK OF AMERICA	PAYROLL				$0.00	($2,312,179.63)	($2,312,179.63)
BANK OF AMERICA	COURT BOND REFUNDS				$0.00	$272,090.14	$272,090.14
BANK OF AMERICA	INSURANCE CLAIMS				$0.00	($320,803.27)	($320,803.27)
BANK OF AMERICA	HALLPARK			0.01%	$0.80	$96,663.50	$96,663.50
**Subtotal					$2,726.96	$13,906,059.35	$13,906,059.35
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$0.36	$312,960.05	$312,960.05
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$33.65	$3,644,308.59	$3,644,308.59
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$0.53	$313,461.04	$313,461.04
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$54.08	$11,152,414.40	$11,152,414.40
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	$15.81	$5,152,555.36	$5,152,555.36
REPUBLIC BANK UNP TIF	MONEY MKT.			0.60%	$287.30	$640,861.33	$640,861.33
FIRST FIDELITY	MONEY MKT.			0.30%	$21.11	$0.00	$0.00
BANK OF AMERICA	MONEY MKT.			0.25%	$3.90	$416,611.81	$416,611.81
BANK OF AMERICA	MONEY MKT.			0.02%	$11.91	$547,368.67	$547,368.67
BANK OF AMERICA - Drinking W	MONEY MKT.			0.25%	$47.02	$0.00	$0.00
BANK OF AMERICA - Clean Wate	MONEY MKT.			0.25%	$0.16	$785.12	$785.12
BANK OF AMERICA-2008A	MONEY MKT.			0.25%	$161.50	$762,907.52	$762,907.52
BANK OF AMERICA-2008B	MONEY MKT.			0.25%	$355.17	$1,677,780.95	$1,677,780.95
BANK OF AMERICA-2010	MONEY MKT.			0.25%	$593.03	$2,274,445.67	$2,274,445.67
**Subtotal					$1,585.53	$26,896,460.51	$26,896,460.51
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$0.00	$5,006,055.80	$5,006,055.80
**Certificate of Deposit							
FIRST FIDELITY BANK	CD	09/30/11	03/31/12	0.30%	$62.50	$250,000.00	$250,000.00
GREAT NATIONS BANK	CD	09/30/11	09/30/12	0.65%	$135.42	$250,000.00	$250,000.00
**Subtotal					$197.92	$500,000.00	$500,000.00
**U.S. Treasury Securities/Agency Securities							
FHLB	3133XWD71	12/31/09	02/28/12	1.24%	5,172.68	5,000,000.00	$5,003,800.00
FHLB	3133XWD71	12/31/09	02/28/12	1.25%	5,196.26	5,000,000.00	$5,003,800.00
US T-Note	912828KP4	12/31/09	05/15/12	1.31%	6,539.41	6,000,000.00	$6,014,732.18
US T-Note	912828KP4	12/31/09	05/15/12	1.31%	7,357.44	6,750,000.00	$6,782,570.33
FHLB	3133XTS49	03/31/10	06/20/12	1.30%	107.99	100,000.00	$100,689.00
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	4,215.48	8,000,000.00	$8,186,320.00
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	131.58	100,000.00	$101,387.00
US T-Note	912828MN7	05/20/11	02/15/13	0.48%	2,833.72	7,500,000.00	$7,594,650.00
FFCB	31331JBV4	06/30/11	02/21/13	0.49%	762.12	2,000,000.00	$2,029,680.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.60	2,000,000.00	$2,103,660.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,484.75	4,000,000.00	$4,072,760.00
FFCB	31331KET3	05/20/11	09/23/13	0.80%	3,314.66	5,000,000.00	$5,053,350.00
US T-Note	912828KV1	06/30/11	05/31/14	0.76%	2,157.23	3,500,000.00	$3,662,155.00
FNMA	31398A3G5	08/31/11	09/08/14	1.50%	1,264.95	3,000,000.00	$3,062,370.00
FAMCA	31315PSG5	09/29/11	03/14/14	1.50%	900.18	2,000,000.00	$2,047,820.00
FNMA	3136FPAB3	11/30/11	08/18/15	0.96%	2,007.86	2,500,000.00	$2,607,075.00
FNMA	31398A3T7	11/30/11	09/21/15	1.00%	1,675.69	2,000,000.00	$2,084,340.00
FNMA	3136FTBJ7	09/30/11	09/30/15	1.05%	4,375.00	5,000,000.00	$5,005,650.00
FFCB	3133KS92	11/30/11	11/16/15	1.17%	2,440.45	2,500,000.00	$2,510,500.00
U.S. STRIPS (Hallpark)	912833KC3	06/09/04	05/15/14	5.12%	445.64	79,860.00	$131,262.12
**Subtotal					57,917.69	72,029,860.00	$73,158,570.62
TOTAL					62,428.10	118,338,435.66	$119,467,146.28

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

City of Norman, OK

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

Master

File Number: RPT-1112-29

File ID:	RPT-1112-29	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	02/13/2012
File Name:	Monthly Department Report January, 2012			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JANUARY, 2012, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 11

Attachments:

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 RPT-1112-29

City of Norman, OK

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

Master

File Number: RPT-1112-28

File ID:	RPT-1112-28	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	City Manager Department	**Cost:**		**File Created:**	02/13/2012
File Name:	Citizen's Public Safety Oversight Comm Annual Report			**Final Action:**	

Title: SUBMISSION OF THE CITIZEN'S PUBLIC SAFETY OVERSIGHT COMMITTEE ANNUAL REPORT.

INFORMATION: The Public Safety Committee was established through Ordinance No. O-0708-32 adopted March 11, 2008. The ordinance provides that the Citizen's Public Safety Oversight Committee shall review the expenditure of revenues collected to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports to Council. In accordance therewith, the above-described item appears on City Council's agenda as a matter of permanent record.

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

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 12

Attachments: Part 1 PSOC Report, Part 2 PSOC Report

Project Manager: Carol Coles, Administraive 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 RPT-1112-28

City of Norman, Oklahoma
Citizen's Public Safety Oversight Committee
Annual Report
2011

Introduction

On May 13, 2008, a special election was held in the City of Norman providing for the assessment of a sales tax of one half of one percent (.5%) in addition to the present City and State sales tax for staffing of forty-one (41) additional Police personnel and thirty (30) additional Fire personnel. The additional sales tax was also to be used for vehicles and equipment for such personnel, acquiring, constructing and equipping two new fire stations. The proposition was approved with a vote of 8,301 in favor to 4,307 opposed.

Creation and Purpose

The Ordinance calling the election provided for the establishment of a Citizens Public Safety Oversight Committee (CPSOC) to review the expenditures of such monies and submit recommendations to the City Council regarding such expenditures. Further the CPSOC was to review the expenditures of revenues collected to determine if such funds were expended for the purposes specified and monitor the successful implementation of community oriented policing concepts. The Ordinance called for the committee to issue reports on their findings to the City Council and the public on an annual basis or as requested by Council. (See Appendix A and B).

The concept of community oriented policing (COP) was first implemented by the Norman Police Department in 1993. Soon after the implementation of this philosophy, the department observed success in partnering with the community and addressing problems. Problem solving became a proactive task rather than a reactive one. However, over the next fifteen years, the department's COP approach was weakened by inadequate staffing levels, increasing population and calls for service.

Membership

The Norman City Council in its meeting of February 10, 2009, appointed the Citizen's Public Safety Oversight Committee. The members of the committee are: Chair David Wilson, members Don Allen, Keith Allen, W.E. Duff, Malaka Elyazgi, George Henderson, Don Holyfield, Emily Meazell and Vice Chair Mary Sue Schnell.

Meeting Schedule – (see Appendix C for Corresponding Agendas)

January 13, 2011	Monthly Meeting
February 10, 2011	Monthly Meeting
March 10, 2011	Monthly Meeting
April 14, 2011	Monthly Meeting
May 12, 2011	Monthly Meeting
June 9, 2011	Monthly Meeting
July 14, 2011	Monthly Meeting
August 11, 2011	Monthly Meeting
September 8, 2011	Monthly Meeting
October 13, 2011	Meeting Cancelled
November 10, 2011	Monthly Meeting
December 8, 2011	Monthly Meeting

Discussion Items

Topics of discussion involved Public Safety Sales Tax revenues and expenses for each month with Finance Director Anthony Francisco. Detailed financial information is included under the Financial Report section of this document.

Lt. David Teuscher with members of the Command Staff and the committee discussed the Community Policing Role in the school system through the TEAM Program; the application of Community Oriented Policing Philosophy with University of Oklahoma students; COP discussion with members of the Academy Class of 2010; the Police Department's communication needs and long term capital project needs. (See Appendix C, D & E)

Chief Fullingim and the committee discussed land acquisition for future fire stations; opening of Fire Station No. 8; the Fire Department's capital equipment and improvement needs; timeline for Fire Station No. 9 and Fire Academies held with updates on progress of fire recruit training.

Accomplishments

The Committee continued its work meeting monthly to review revenue and expenditures reports as well as monitoring the successful revitalization of the community oriented policing philosophy. The Committee has tracked and supported the Norman Police Department T.E.A.M. program which is in partnership with the Norman Public School System. T.E.A.M. stands for Teaching, Educating and Mentoring and is a kindergarten through high school grade based curriculum that can be taught by Norman Police Officers. T.E.A.M. program continues to be a proactive effort to make schools and communities safer, promote responsible citizenship, and encourage positive character traits. Working together, the Police Officer, the classroom teacher and school official decide when it is most appropriate to incorporate a T.E.A.M. lesson that will assist in classroom instruction. The program was expanded this year to include all schools. Both Washington Elementary and Jackson Elementary have committed to participating in the entire TEAM curriculum for this school year.

This year the Committee followed the start of the Norman Police Citizens' Police Academy program. This program was developed by the Norman Police Department to allow citizens to learn about police functions, police operations, and the organization of the police system in the City of Norman. The Committee followed the program from its start to the first academy graduation in November.

The purpose of the revenues collected through the Public Safety Sales Tax included staffing, vehicles and equipment for the Police Department. Year three of the plan called for an additional nine Police personnel to be added to the force. The Committee reports that nine recruits have completed the Police Academy and Field Training and are now on solo assignments.

The Committee participated in the Grand Opening of Fire Station No. 8 in May 2011. The Committee discussed the smoke alarm program initiated by the Fire Department. The bid documents and site plan have been approved for Fire Station No. 9. The Committee reports that one Fire Academy was held in 2011 and 15 Firefighters from Public Safety Sales Tax graduated. The Committee heard presentations from both Police and Fire regarding long term capital needs of the departments.

Financial Report

On May 13, 2008, the citizens of Norman voted on and approved a temporary 7-year, one-half percent (0.5%) Public Safety Sales Tax (PSST) in order to increase the number of police officers and firefighters, and to construct and equip two new fire stations. The new sales tax began October 1, 2008 and will terminate on September 30, 2015. The City received its first sales tax remittance from the Oklahoma Tax Commission on December 18, 2008. After 37 months of collection, $24,223,976 has been collected from the PSST. An additional $1,121,989 has been collected from the related Public Safety Use Tax (a sales tax levied on purchases made outside of the city for use within the city). Interest earned from investing the taxes have earned the PSST Fund an additional $130,855. For the first 37 month period, the total expenditures from PSST funds are $19,418,126 (see Appendix F for a revenue and expenditure analysis by month).

During the course of 2011, the PSST Oversight Committee had ongoing discussions of the personnel and hiring practices that the City of Norman has undertaken to implement the Staffing Plan in the PSST Ordinance. The concern raised by a member of the Committee was that supervisory personnel were being hired in the Police Department with PSST funds. The personnel that have been funded by the PSST has been in line with a staffing plan set forth in the PSST Ordinance and the City has made steady progress towards adding the 71 (total) additional personnel authorized in the PSST Ordinance. The Committee's discussion included detailed information on the position titles of the personnel that had been hired, and of the fact that supervisory personnel were anticipated to be included in the personnel authorized by the PSST Ordinance. The Committee also discussed the delays that routinely occur in filling positions in public safety areas, due primarily to the rigorous recruitment, selection and background analyses involved in hiring public safety personnel. After six months of discussion (February through July, 2011 meetings), the Committee voted unanimously at the July, 2011 meeting to support its previous endorsements of the City of Norman's hiring practices related to the temporary Public Safety Sales Tax.

As illustrated below, as of December 31 of each year, the City of Norman has followed the approved Staffing Plan in adding personnel to the budgeted workforce, and is proceeding on pace with adding personnel as anticipated by the PSST Ordinance.

Total Public Safety Personnel
Public Safety Sales Tax Staffing Plan

	Firefighters	Commissioned Police Officers
FY 2008	0	0
FY 2009	0	12
FY 2010	15	9
FY 2011	0	9
FY 2012	15	5
FY 2013	0	2
FY 2014	0	2
FY 2015	0	2
Total	30	41

Total Public Safety Personnel

	Firefighters		Commissioned Police Officers	
	Budgeted	Filled 12/31	Budgeted	Filled 12/31
FY 2008	127	120	134	125
FY 2009	127	123	146	127
FY 2010	142	126	155	156
FY 2011	142	135	164	159
FY 2012	157	129*	169	165
FY 2013				
FY 2014				

* [14 additional General Fund funded firefighters were hired on January 3, 2012]

Findings and Conclusions

The Committee reports that City staff has been responsive to information requests and guidance as such requests have been made. Public Safety Sales Tax expenditures have been extensively reviewed by the committee and the committee finds such expenditures have been made in accordance with the Ordinance establishing the parameters for such expenditures.

Looking Forward to 2012

In the future, the committee will continue monitoring activities designated in the COP Five Year Plan and the COP Annual Work Plan as well as monitoring expenditures and revenues associated with the Public Safety Sales Tax collections. The Committee looks forward to the completion of Fire Station No. 9 and staffing of this station. The Committee also looks forward to the expansion of the TEAM Program with the Norman Public Schools to include more schools as well as other community outreach COP activities.

Finally, the Committee would like to express its appreciation to Mayor Rosenthal, Councilmember Dillingham and former Mayor Pro Tem Cubberley who have attended our meetings and provided insightful background and counsel during this reporting period.

The Citizen's Public Safety Oversight Committee 2011 Annual Report was approved at the CPSOC meeting on February 9, 2012 with the recommendation that it be forwarded to City Council as required by Ordinance 0-0708-32.

Don Holyfield, Chair
Citizen's Public Safety Oversight Committee

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING THE CALLING AND HOLDING OF A SPECIAL ELECTION IN SAID CITY OF NORMAN, STATE OF OKLAHOMA, (THE CITY), ON THE 13TH DAY OF MAY, 2008, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTION OF APPROVING OR REJECTING ORDINANCE NO. O-0708-32 OF THE CITY OF NORMAN, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF ONE HALF OF ONE PERCENT (.5%) IN ADDITION TO PRESENT CITY AND STATE SALES TAXES UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (.5%) SALES TAX TO BE USED FOR STAFFING OF ADDITIONAL POLICE PERSONNEL AND ADDITIONAL FIRE PERSONNEL IN ACCORDANCE WITH THE STAFFING PLAN ADOPTED HEREIN, VEHICLES AND EQUIPMENT FOR SUCH PERSONNEL, ACQUIRING, CONSTRUCTING, AND EQUIPPING TWO FIRE STATIONS IN THE CITY OF NORMAN, OKLAHOMA, AND THEN FOR SUCH OTHER LAWFUL PURPOSES AS SPECIFIED HEREIN; TO BECOME EFFECTIVE ON THE 1ST DAY OF OCTOBER, 2008, AND TERMINATE ON 30th DAY OF SEPTEMBER, 2015; PROVIDING EXEMPTIONS EXEMPTED FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; PROVIDING SEVERABILITY OF PROVISIONS; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSE AS PROVIDED BY LAW; FIXING EFFECTIVE DATE; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. Proposition. That the Mayor of the City of Norman, Oklahoma, or in her absence or incapacity, the duly qualified Mayor Pro Tem, be and hereby is authorized and directed to call a special election to be held in the City of Norman, Oklahoma, on the 13th day of May, 2008, for the purpose of submitting to the registered, qualified voters of said City of Norman, Oklahoma, for their approval or rejection the following proposition:

PROPOSITION

"SHALL ORDINANCE NO. O-0708-32 PROVIDING FOR THE ASSESSMENT OF A SALES TAX OF ONE HALF OF ONE PERCENT (.5%) IN ADDITION TO THE PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE ONE HALF OF ONE PERCENT (.5%) TO BE USED, TO THE EXTENT FEASIBLE FROM THE REVENUES GENERATED HEREBY, FOR STAFFING OF FORTY-ONE (41) ADDITIONAL POLICE PERSONNEL AND THIRTY (30) ADDITIONAL FIRE PERSONNEL IN ACCORDANCE WITH THE STAFFING PLAN ADOPTED HEREIN, VEHICLES AND EQUIPMENT FOR SUCH PERSONNEL, ACQUIRING, CONSTRUCTING, AND EQUIPPING TWO FIRE STATIONS IN THE VICINITY OF 36TH AVENUE NORTHWEST AND TECUMSEH STREET AND IN THE VICINITY OF EAST ALAMEDA AND EAST 36TH AVENUE IN THE CITY OF NORMAN, OKLAHOMA, ALL TO BE OWNED EXCLUSIVELY BY THE CITY OF NORMAN AND THEN FOR SUCH OTHER LAWFUL PURPOSES OF THE CITY BE APPROVED; AND PROVIDING THAT SUCH ADDITIONAL ONE HALF OF ONE PERCENT (.5%) SHALL BEGIN TO BE LEVIED ON OCTOBER 1, 2008, AND CEASE TO BE LEVIED ON SEPTEMBER 30, 2015?"

§ 2. That such call for said election shall be by Special Election Proclamation and Notice, signed by the Mayor or Mayor Pro Tem and attested to by the City Clerk, setting forth the proposition to be voted on; that the ballots set forth in the proposition be voted upon substantially as set out in Section 1 hereof; and that the returns of said election shall be made to and canvassed by the Cleveland County Election Board.

§ 3. That the number and location of the polling places and the persons who conduct the elections shall be the same as the regular polling places and persons prescribed and selected by the Cleveland County Election Board for elections in the City of Norman, Oklahoma.

§ 4. That the Special Election Proclamation and Notice of even date, a copy of which is on file with the City Clerk and which is incorporated herein by reference, calling such special election is hereby approved in all respects, and that the Mayor or Mayor Pro Tem is hereby authorized to execute said special election proclamation on behalf of the City, and the City Clerk is hereby authorized to

attest and affix the seal of said City to said Special Election Proclamation and Notice and cause a copy of said Special Election Proclamation and Notice to be published as required by law, and a copy thereof delivered to the Cleveland County Election Board.

§ 5. That the City Clerk shall serve or cause to be served, a copy of this Ordinance and a copy of the Special Election Proclamation and Notice of Election upon the office of the Cleveland County Election Board, not less than sixty (60) days prior to the date of the election.

§ 6. Citation and codification. This Ordinance shall be known and cited as the Norman Sales Tax Ordinance of 2008, and the same shall be codified and incorporated into the Code of Ordinances of the City of Norman, Oklahoma (the "City").

§ 7. Tax imposed. It is hereby imposed a sales tax of one half of one percent (.5%) (in addition to any and all other sales taxes now in force) to be levied upon the gross receipts derived from all sales taxable under the Oklahoma Sales Tax Code.

§ 8. Effective date and termination. This Ordinance shall become and be effective on and after the 1st day of October, 2008, subject to approval of a majority of the registered voters of the City of Norman voting on the same in the manner prescribed by law. This Ordinance and the sales tax referenced herein shall terminate and cease to be levied seven (7) years from the effective date of this Ordinance, or on the 30th day of September, 2015 provided that this tax, at the discretion of the then sitting City Council, may be submitted to the registered voters of the City of Norman for re-approval prior to the expiration of the tax.

§ 9. Purposes of revenues. The proceeds of the one half of one percent (.5%) sales tax levied and assessed by this Ordinance shall be used, to the extent feasible from the revenues generated hereby, as follows:

> First, for staffing of forty-one (41) additional police personnel and thirty (30) additional fire personnel in accordance with the staffing plan adopted herein, vehicles and equipment for such personnel, acquiring, constructing, and equipping two fire stations in the vicinity of 36th Avenue Northwest and Tecumseh Street and in the vicinity of East Alameda and East 36th Avenue in the City of Norman, Oklahoma, all to be owned exclusively by the City of Norman and for the promotion of community relations through a philosophy of community policing which promotes a partnership and interaction between public safety personnel and the citizens of the City of Norman, and then for such other purposes as may be adopted by Council in accordance with criteria specified in section 13 below, provided it is not the intention that revenue generated from this additional tax levy be utilized to create inequities in the City of Norman Compensation system among public safety and nonpublic safety personnel.

§10. Establishment of Citizens Public Safety Oversight Committee. A Citizens Public Safety Oversight Committee shall be established to review the expenditures of such monies and submit recommendations to Council regarding such expenditures.

§11. Appointment and number of members. Members of the Citizens Public Safety Oversight Committee shall be appointed by the Mayor of the City of Norman upon approval by a majority of the City Council. The Committee shall consist of one member from each Ward and one member at-large. The Citizens Public Safety Oversight Committee shall not be current City employees, officials, contractors or vendors of the City.

§12. Purposes of Citizens Public Safety Oversight Committee. The Citizens Public Safety Oversight Committee shall review the expenditure of revenues collected pursuant to this Ordinance to determine if such funds are expended for the purposes specified in the Ordinance, monitoring the successful implementation of community policing concepts, and issuing reports on their findings to the City Council and the public on an annual basis or as requested by Council, and may review and make recommendations on such other issues related to Public Safety as may be assigned to it by Council.

§13. Staffing Plan. Revenues collected hereunder shall be expended first for the staffing, compensation and equipping of police and fire personnel over the period of the tax in accordance with the Staffing Plan set forth herein, and the excess for such other public needs as may be identified and budgeted by Council after evaluation considering at least one of the following criteria: projects or expenditures that enhance public safety services; projects or expenditures that enhance emergency management capabilities; projects or expenditures that provide direct services to the citizens; projects or expenditures that help ensure long term financial stability of the City; and/or projects or expenditures that provide for continuity of existing City services.

Year of Tax	Additional Police Personnel	Additional Fire Personnel
1	12	0
2	9	15
3	9	0
4	5	15
5	2	0
6	2	0
7	2	0
Total added Personnel	41	30

§14. Subsisting state permits. All valid and subsisting permits to do business issued by the Oklahoma Tax Commission pursuant to the Oklahoma Sales Tax Code are, for the purpose of this Ordinance, hereby ratified, confirmed and adopted in lieu of any requirement for an additional City permit for the same purpose.

§15. Payment of tax. The tax herein levied shall be paid at the time and in the manner and in the form prescribed for the payment of state sales tax under the Oklahoma Sales Tax Code.

§16. In addition to current taxes. The tax levied hereby is in addition to any and all other sales taxes levied or assessed by the City. Provided, however, that those provisions of Article IV of Chapter 8 (Sales Tax) of the Code of Ordinances, of the City of Norman, Oklahoma, not inconsistent herewith, shall apply to the sales tax levied and assessed by this Ordinance. For the purpose of this Ordinance, references in the Code of Ordinances to specific provisions of the Oklahoma Sales Tax Code shall deem to be referenced to said statutory provisions, as amended.

§17. Amendment. The citizens of the City of Norman, Oklahoma, by their approval of this Ordinance at the election hereinabove provided for, hereby authorize the City by Ordinance duly enacted to make any such administrative and technical changes or additions in the method and manner of administration and enforcing this Ordinance as may be necessary or proper for efficiency and fairness except that the purpose, rate and limitation of time for collection of the tax herein provided shall not be changed without the approval of the qualified electors of the City as provided by law. Prior to approval of such amendatory Ordinance, the Oversight Committee established pursuant to Section 10 herein shall review and make recommendation to the Council regarding the amendment.

§18. Provisions cumulative. Provisions hereof shall be cumulative and in addition to any and all other taxing provisions of City Ordinances.

§19. Exclusion from "Non-dedicated" UNP TIF revenues. The additional tax authorized under this Ordinance shall not be considered a "non-dedicated" tax as contemplated in the Norman University North Park Project Plan, and accordingly no revenues generated from this additional tax levied on retail sales occurring within the Increment District shall be considered part of the Sales Tax Increment apportioned to the University North Park Tax Increment Finance District.

§20. 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 11th day of March, 2008.

Mayor

ATTEST:

City Clerk

NOT ADOPTED this _____ day of _____, 2008.

Mayor

Resolution

R-0809-125

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING COMMUNITY ORIENTED POLICING (COP) IN ORDER TO IDENTIFY POLICING PRIORITIES OF THE COMMUNITY AND CREATE A STRATEGY FOR DEVELOPING PROCESSES FOR THOSE PRIORITIES.

§ 1. WHEREAS, on May 13, 2008, a special election was held in the City of Norman for a proposed temporary increase in the city sales tax by one half of one percent (.5%).

§ 2. WHEREAS, one purpose of the revenues was for the promotion of community relations through a philosophy of community policing which promotes partnership and positive interaction between the public safety personnel and the citizens of the City of Norman.

§ 3. WHEREAS, the Citizens Public Safety Oversight Committee (CPSOC) was established to review expenditures, monitor the successful implementation of community policing concepts and issue reports on their findings to the City Council and the public at least annually, or as frequently as the committee deems appropriate, or as requested by Council, and make recommendations on other issues related to public safety as may be assigned by Council.

§ 4. WHEREAS, the City of Norman, Oklahoma, desires to establish Community Oriented Policing (COP) to assist the Police Department in identifying policing priorities and develop processes to achieve implementation of community policing.

§ 5. WHEREAS, that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

§ 6. WHEREAS, it is believed that the development of identified activities that focus on all City departmental efforts will assist in the achievement of Community Oriented Policing.

§ 7. WHEREAS, the Norman City Council encourages future City Councils to fully evaluate and seek reconsideration, as appropriate, of the Public Safety Tax (which expires on September 30, 2015) at least one (1) year prior to its expiration.

Appendix B

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

§ 8. That the Norman City Council and the Citizens Public Safety Oversight Committee shall assist the Police Department in identifying the policing priorities of the community and suggest processes to address those priorities.

§ 9. That the Police Department will prepare a Five Year Implementation Plan in order to set forth the strategies and activities to successfully implement community policing concepts based on the priorities and policies established by the Norman City Council and CPSOC.

§10. That the Police Department will prepare an Annual Work Plan (AWP), consistent with the five (5) year plan on the basis of intended results, strategies, budget, and the formation of community partners. The AWP will provide detailed activity planning and set out what will be accomplished during the year. The AWP shall contain:

a. Expected outcomes;

b. Activities to be carried out towards the achievement of the expected outcomes;

c. The time frame (by calendar quarter) for undertaking the planned activities; and

d. Identification of those responsible for implementing components of the plan.

PASSED AND ADOPTED this 28th day of April, 2009.

Mayor

ATTEST:

City Clerk

City of Norman, Oklahoma
2009
Norman's Rededication to Community Oriented Policing

The Norman Police Department

In September 1919, the City of Norman ("the City") received its charter and the Norman Police Department became the primary law enforcement agency for the City. All early documents indicate that the department's manpower at the time was in the single digits-employing one to four officers. As the population of the City has changed over the years, so has the Norman Police Department. Currently, the department consists of 147 commissioned and 55 civilian personnel, for a total of 202 employees.

All 202 employees are assigned to one of three bureaus: Patrol, Criminal Investigations and Staff Services. The Patrol Bureau is responsible for such things as responding to calls for service, investigating and taking appropriate action regarding traffic activity, criminal activity, and unusual circumstances. In addition, the Patrol Bureau is responsible for the apprehension of offenders, recovery of stolen property, and preparation of reports and presentation of court testimony. The department's Criminal Investigations Bureau is responsible for the investigation of criminal activity, collection and preservation of crime scene evidence, apprehension of offenders, recovery of stolen property, and preparation of reports. The Criminal Investigations Bureau also manages the presentation of evidence to the prosecutor's office and presentation of court testimony. The Staff Services Bureau is responsible for records, communications, training, personnel services, animal welfare, and fiscal management. In 2009, the total budget for the department is approximately $17M (excluding capital projects).

Initial Community Policing Efforts

The concept of community oriented policing ("COP") was first implemented by the Norman Police Department in 1993. The department's focus was becoming more committed to providing the highest quality of police service by working in partnership with the community to create permanent solutions to problems and enhance the quality of life in Norman. Soon after the implementation of this philosophy, the department observed success in partnering with the community and addressing problems. Problem solving became a proactive task rather than a reactive one. However, over the next fifteen years, the department's COP approach was weakened by declining staffing levels, increasing population and calls for service.

Recent Events

On May 13th, 2008, a special election was held in the City of Norman which proposed a temporary increase in the city sales tax by one half of one percent (.5%). Voters approved the proposition and it became effective on October 1, 2008. The approval of this additional tax, in part, will be used to staff additional police personnel, which in turn will allow COP to be reinstated in the community. With the enactment of this temporary public safety sales tax, a Citizen's Public Safety Oversight Committee was established to review the expenditures of the new monies and submit recommendations to the City Council regarding these expenditures. Members of the Citizen's Public Safety Oversight Committee are appointed by the Mayor upon approval by a majority of the City Council.

The Citizen's Public Safety Oversight Committee reviews the expenditures of revenues collected pursuant to the ordinance to determine if such funds are expended for the purposes specified in the ordinance. In addition, the Committee monitors the successful implementation of community policing concepts. Further, the City Council encourages the Citizens Oversight Committee to seek input and issue reports on their findings to the City Council and the public at least annually, or as frequently as the Committee deems appropriate or as requested by the Council. The Committee may review and make recommendations on such other issues related to Public Safety as may be assigned by the City Council.

In order to be successful, the COP mission and goals must be redefined to meet the current needs of the City of Norman. The City Council Oversight Committee along with members of the department recommend that the creation of a safe, diverse and inclusive community should be the paramount goal. The implementation of the COP philosophy is an opportunity to create positive interactions between the police department and the community.

Universal Principles of COP

Community policing is best described as a philosophy, managerial style, and organizational strategy. The goals of community policing are to promote better police-community partnerships and more proactive problem solving with the community. Community policing can help solve a wide range of community problems and issues involving crime control, crime prevention, and fear of crime.

In addition to Community Oriented Policing (COP), community policing is referred to by several names such as Community Problem Solving, Neighborhood Policing, and Problem-Based Policing. In order to be effective, community policing must be based on collaboration between police and citizens in a non-threatening and cooperative spirit. COP requires that police listen to citizens, take seriously how citizens perceive problems and issues, and seek to solve problems which have been identified. A fundamental assumption of the community policing approach is that the community is more likely than the police to recognize and understand public safety needs. Effective community policing can result in enhanced quality of life in neighborhoods, reduction of the fear of

crime, greater respect for law and order, increased crime control and crime prevention, and greater citizen satisfaction with police services.

Community policing represents a continuation of established traditions of policing in the United States. It flows from the following fundamental values:

- The police department believes that the prevention of crime is its number one priority.
- The police department involves the community in the delivery of its services.
- The police department holds itself accountable to the community it serves.
- The police department upholds three dimensions of equity: equal access to police services, equal treatment of all individuals under the U.S. Constitution, and equal distribution of police services and resources.

Research shows that community policing programs follow ten (10) underlying principals:

1. Crime prevention is the responsibility of the whole community.
2. The police and the community share ownership, responsibility, and accountability for the prevention of crimes.
3. Police effectiveness is a function of crime control, crime prevention, problem solving, community satisfaction, quality of life, and community engagement.
4. Mutual trust between the police and the community is essential for effective policing.
5. Crime prevention must be a flexible, long-term strategy in which the police and community collectively commit to resolving the complex and chronic causes of the crime.
6. Community policing requires knowledge, access and mobilization of community resources.
7. Community policing can only succeed when police administration and government officials enthusiastically support its principles and tenets.
8. Community policing depends on decentralized, community-based participation in decision-making.
9. Community policing allocates resources and services, which is based on analysis, identification and projection of patterns and trends, rather than incidents.
10. Community policing requires an investment in training with a special emphasis on: problem analysis and problem solving, facilitation, community organization, communication, mediation and conflict resolution, resource identification and use, networking and linkages, and cross-cultural competency.

It is a common misconception that COP is "soft on crime." This is not the case. Officers continue to make arrests and issue citations. However, the emphasis must shift with COP from activity indicators to long term solutions for problems. COP is also not "social work" or a cosmetic solution. The implementation of the COP philosophy merely formalizes and promotes community building and community-based problem solving which includes strong law enforcement components. COP must also not be viewed as a

passing fad. In order to be effective, COP must be adopted as a philosophical change in the way the police interact with the public.

Norman's Desired COP Philosophy

The purpose of this COP statement is to unify community efforts, build alignment and loyalty among the Police Department staff, communicate our COP stance to the entire organization and the community, and finally to empower employees to set correct priorities and make correct decisions.

In addition to defining the principles and values of COP, the Police Department and Council Oversight Committee developed a vision of COP for Norman. It is the position of the group that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

The mission of community oriented policing is to enhance the quality of service to Norman by developing a partnership based on trust using community relations, problem identification/solutions, and crime prevention. These partnerships must be permanent relationships of trust between the police and the community that must be developed and maintained to establish a network of resources to help in the problem identification and problem solving process. These relationships of trust enable law enforcement to gain greater access to valuable information from the community that could lead to the solution and prevention of crimes. Trust must be achieved before the police can assess the needs of the community and develop the close ties that will create community support. Community partnerships require an adoption of a policing perspective that exceeds the standard/traditional law enforcement emphasis. It is well understood that these partnerships will not happen overnight and will require an ongoing effort to be maintained.

The first element in working towards community oriented policing is the formation of community partnerships. Partnerships between police and community stakeholders are needed in order to carefully examine the characteristics of problems in neighborhoods and apply appropriate remedies. The group has identified community stakeholders such as the University of Oklahoma, other Norman educational institutions, social service agencies, businesses, the media, law enforcement, elected and appointed civic officials, property owners associations, neighborhood watches and members of the community as entities that must work together to ensure the success of community oriented policing.

Another element of community oriented policing that must be in place for the program to become effective is problem solving. Problem solving must be implemented in a proactive method to identify problems, educate all parties involved, and assign resources to solve those problems. Problem solving will require statistical analysis of data to

produce feedback and evaluate the effectiveness of the solution. It is acknowledged that the results from this element may not be observed for several years after re-start-up.

The police must also enact a public information outreach to the community concerning community oriented policing programs, activities and opportunities. The police will in turn use these opportunities to develop partnerships to help identify and solve public safety issues. It is expected that the police will partner with Norman's diverse population to accomplish the expectations. The police must also open lines of communication from the youth to the elderly to address community concerns. The police will be able to then implement proactive crime prevention and increase the police visibility in the community, especially in neighborhoods.

Geographically based policing or the use of "beats" will allow for officers to be assigned to a specific area and remain as the primary person in the area. This will allow the officer to gain knowledge of that area and provide for accountability for the area. By remaining in one geographic location, officers are better able to act as liaisons for citizens with other city departments and give the community a clear understanding of whom to contact for COP issues. In addition, geographically based policing provides an opportunity for officers to focus on specific crime "hot spots" and adapt solutions. Officers should be continually evaluated on both their proactive and reactive programs.

Recruitment of new departmental personnel should be aimed at attracting new employees who are well suited to a COP philosophy. All commissioned and civilian departmental members will be COP knowledgeable, although some may have greater responsibilities. All department personnel, sworn and civilian, will be given initial and ongoing COP training. Their work plans, performance reviews, and performance measures will clarify expectations for employees under the COP philosophy. The entire organizational structure of the department will be structured to support COP.

The Citizens Oversight Committee should determine the mechanisms for measuring whether or not the benchmarks are being met, and if they should be adjusted based on their evaluations and public input. In order to facilitate this process, any needs should be directed to the City Manager and Council. The evaluation should be included in all reports. Our community's support of the COP program is essential to make it an enduring endeavor despite any changes in administration and political makeup of the Council. This can only be achieved by meeting the needs and expectations of the public. In order to achieve this, it is imperative for the Citizens Oversight Committee to create a means for public input and interaction.

Action

To achieve its goals the Norman Police Department will prepare a Five Year Implementation Plan to set forth the strategies and activities to successfully implement community policing concepts. Further, the Norman Police Department will prepare an Annual Work Plan consistent with the Five Year Implementation Plan on the basis of intended results, strategies, budget and the formation of community partners. The

Annual Work Plan will provide detailed activity planning and accomplishments such as expected outcomes and activities, a time frame and identification of those responsible for implementation of all components of the Annual Work Plan.

Conclusion

Community oriented policing requires the police and the community to work together in partnership to solve community problems. Communication must be open and continuous with the youth of Norman and all other members of the community talking to police. COP allows for a better understanding of police duties and gives the citizens a greater voice in setting police priorities while improving the quality of life for the community. The partnerships created by community oriented policing will be permanent and help ensure a safe, diverse and inclusive city.

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Citizens Public Safety Oversight Committee
201 W. Gray
Study Session Room
January 13, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of January 13, 2011 Meeting

3. Approval of Minutes of December 9, 2010 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of TEAM Program.

6. Establish Topics for Next Agenda – Meeting to be held on February10, 2011.

7. Miscellaneous Discussion.

8. Adjournment

APPENDIX C

Citizens Public Safety Oversight Committee
201 W. Gray
Study Session Room
February 10, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of February 10, 2011 Meeting

3. Approval of Minutes of January 13, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of Resolution to Norman Public Schools Emphasizing the Importance of the TEAM Program.

6. Discussion of Programs to Reach Out to OU Students.

7. Discussion of Land Acquisition for the next Two Fire Stations.

8. Discussion of Citizen's Public Safety Oversight 2010 Annual Report.

9. Establish Topics for Next Agenda – Meeting to be held on March 10, 2011.

10. Miscellaneous Discussion.

11. Adjournment

Citizens Public Safety Oversight Committee
201 W. Gray
Study Session Room
March 10, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of March 10, 2011 Meeting

3. Approval of Minutes of February 10, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Community Oriented Policing Discussion with Members of the Academy Class of 2010.

6. Discussion of Expression of Appreciation for Collaboration with Norman Public Schools to Implement the TEAM Program.

7. Discussion of Recommendation to City Council for Consideration of Acquiring Sites for Two Additional Fire Stations.

8. Establish Topics for Next Agenda – Meeting to be held on April 14, 2011.

9. Miscellaneous Discussion.

10. Adjournment

Citizens Public Safety Oversight Committee
201 W. Gray
Study Session Room
April 14, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of April 14, 2011 Meeting

3. Approval of Minutes of March 10, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of Expression of Appreciation for Collaboration with Norman Public Schools to Implement the TEAM Program.

6. Presentation of Capital Budget Process – Anthony Francisco, Director of Finance.

7. Establish Topics for Next Agenda – Meeting to be held on May 12, 2011.

8. Miscellaneous Discussion.

9. Adjournment

Citizens Public Safety Oversight Committee
Fire Station No. 8
3901 36th Avenue NW
May 12, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of May 12, 2011 Meeting

3. Approval of Minutes of April 14, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion with City Attorney concerning Public Safety Sales Tax Expenditures.

6. Presentation Relative to the City's Communication and Fire Department Capital Equipment and Improvement Needs.

7. Establish Topics for Next Agenda – Meeting to be held on June 9, 2011.

8. Miscellaneous Discussion.

9. Tour of Fire Station No. 8.

10. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
June 9, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of June 9, 2011 Meeting

3. Approval of Minutes of May 12, 2011 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Continued discussion of Public Safety Sales Tax Expenditures.

6. Establish Topics for Next Agenda – Meeting to be held on July 14, 2011.

7. Miscellaneous Discussion.

8. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
July 14, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of July 14, 2011 Meeting

3. Approval of Minutes of June 9, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Introduction of Police Chief Keith Humphrey.

6. Communication to Three Majors in the Norman Police Department.

7. Discussion of Public Safety Sales Tax Expenditures.

8. Establish Topics for Next Agenda – Meeting to be held on August 11, 2011.

9. Miscellaneous Discussion.

10. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
August 11, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of August 11, 2011 Meeting

3. Approval of Minutes of July 14, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Establish Topics for Next Agenda – Meeting to be held on September 8, 2011.

6. Miscellaneous Discussion.

7. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
September 8, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of September 8, 2011 Meeting

3. Approval of Minutes of August 11, 2011 Meeting

4. Monthly Updates

    - Finance
    - Fire Department
    - Police Department

5. Establish Topics for Next Agenda – Meeting to be held on October 13, 2011.

6. Miscellaneous Discussion.

7. Adjournment

CANCELLED

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
October 13, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of October 13, 2011 Meeting

3. Approval of Minutes of September 8, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of Public Safety Sales Tax Surplus.

6. Discussion of TEAM Program and Police Officers in Schools.

7. Establish Topics for Next Agenda – Meeting to be held on November 10, 2011.

8. Miscellaneous Discussion.

9. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
November 10, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of November 10, 2011 Meeting

3. Approval of Minutes of September 8, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of Public Safety Sales Tax Surplus.

6. Discussion of TEAM Program and Police Officers in Schools.

7. Establish Topics for Next Agenda – Meeting to be held on December 8, 2011.

8. Miscellaneous Discussion.

9. Adjournment

Citizens Public Safety Oversight Committee
City Hall
201 W. Gray Street
December 8, 2011
4:00 p.m.

AGENDA

1. Call to Order

2. Approval of Agenda of December 8, 2011 Meeting

3. Approval of Minutes of November 10, 2011 Meeting

4. Monthly Updates

   - Finance
   - Fire Department
   - Police Department

5. Discussion of TEAM Program and Police Officers in Schools.

6. Discussion and Consideration of Resolution regarding Public Safety Sales Tax Surplus.

7. Establish Topics for Next Agenda.

8. Miscellaneous Discussion.

9. Adjournment

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

September 2009

APPENDIX D

A Message from the Chief of Police

Dear Norman Citizens:

As we enter a renewed commitment to the Community Oriented Policing philosophy at the Norman Police Department we will strengthen partnerships in neighborhoods, business districts, schools, and individual citizens to address crime and quality of life issues in Norman. The Public Safety Sales Tax will allow the police department to obtain the manpower to provide time for officers to get to know the citizens better and the time to identify and resolve problems. We have enjoyed input from citizens, City Council, the Citizen's Public Safety Oversight Committee, and department employees on what they want the police department to prioritize during the next five years.

Community Oriented Policing requires that citizens assist in problem solving by evaluating neighborhood problems, as well as, how the neighborhood can help the police. Criminal activity or other problems that affect the quality of life should be reported. Public safety problems cannot be solved for the long term without citizens input and assistance. By working together, we can make a positive difference in Norman.

This implementation plan provides you with the opportunity to review our goals and hold us accountable. We need your feedback. We know your expectations are high. So are ours.

Thank you for your interest and your support.

Sincerely,
Phil Cotten
Chief of Police

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OUR MISSION:

To maintain and enhance the quality of life in the City of Norman by protecting life, liberty, property, and keeping the peace.

In pursuit of our mission, Norman Police Employees value:

Integrity	by conducting ourselves ethically.
Accountability	by accepting responsibility for our work and actions.
Mutual Respect	by recognizing individual rights and human dignity.
Service Attitude	by providing exceptional service in a courteous, dependable and efficient manner.
Partnerships	by working with the community to create permanent solutions to problems.

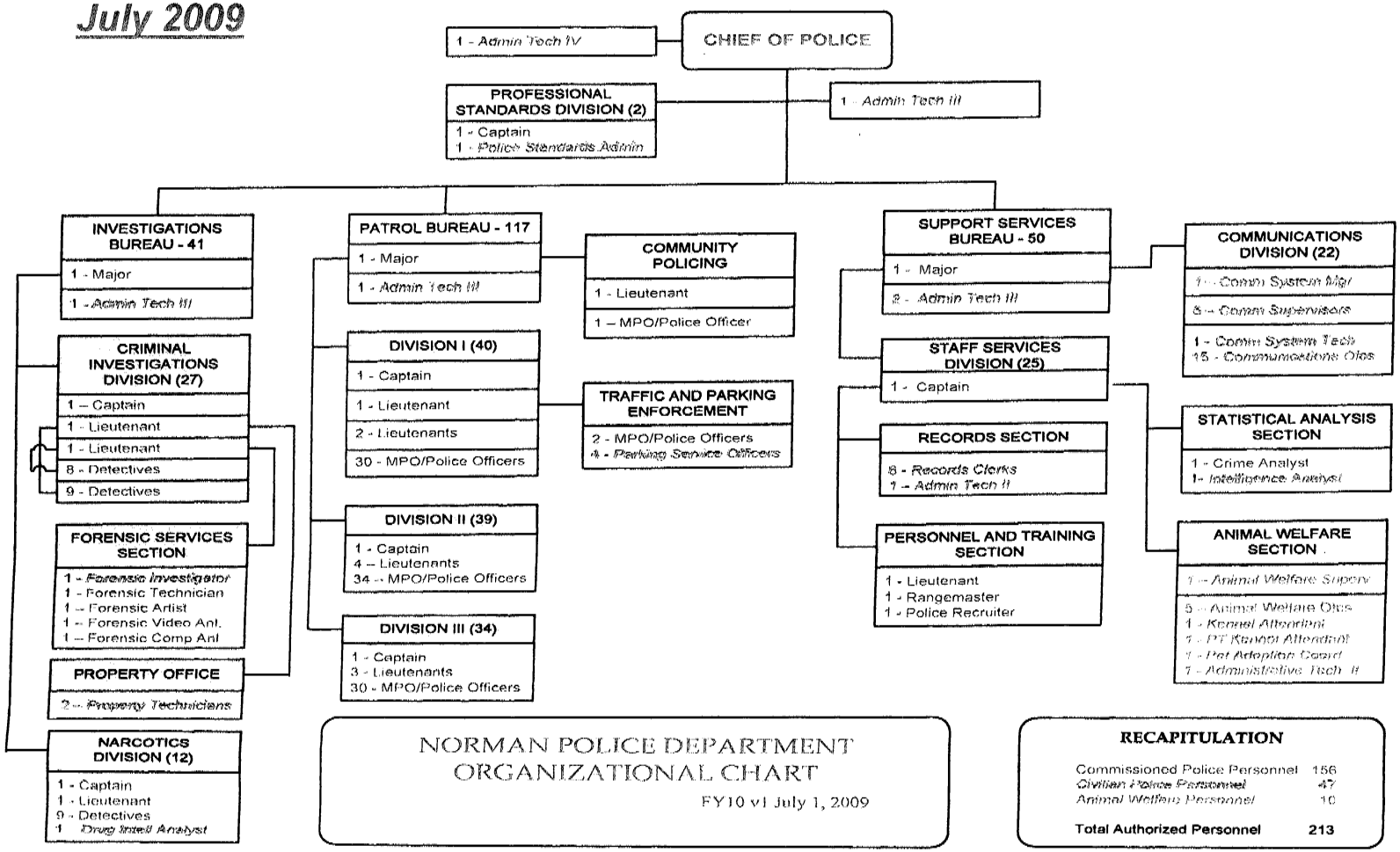
HISTORY

In September 1919, the City of Norman ("the City") received its charter and the Norman Police Department became the primary law enforcement agency for the City. All early documents indicate that the department's manpower at the time was in the single digits-employing one to four officers. As the population of the City has changed over the years, so has the Norman Police Department. Currently, the department is authorized 156 commissioned and 57 civilian personnel, for a total of 213 employees serving over 108,000 Norman citizens and visitors to our community.

The concept of community oriented policing ("COP") was first implemented by the Norman Police Department in 1993. The department's focus became committed to providing the highest quality of police service by working in partnership with the community to create permanent solutions to problems and enhance the quality of life in Norman. Soon after the implementation of this philosophy, the department observed success in partnering with the community and addressing problems. Problem solving became a proactive task rather than a reactive one. However, over the next fifteen years, the department's COP approach was weakened by declining staffing levels, increasing population and calls for service.

On May 13th, 2008, a special election was held in the City of Norman which proposed a temporary increase in the city sales tax by one half of one percent (.5%). Voters approved the proposition and it became effective on October 1, 2008. The funds generated from this additional tax, in part, are being used to staff additional police personnel. The additional manpower will help to return the agency to a proactive state and move toward the full implementation of the COP philosophy.

Organization Chart
July 2009



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12-34-

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING COMMUNITY ORIENTED POLICING (COP) IN ORDER TO IDENTIFY POLICING PRIORITIES OF THE COMMUNITY AND CREATE A STRATEGY FOR DEVELOPING PROCESSES FOR THOSE PRIORITIES.

§1. WHEREAS, on May 13, 2008, a special election was held in the City of Norman for a proposed temporary increase in the city sales tax by one half of one percent (.5%).

§2. WHEREAS, one purpose of the revenues was for the promotion of community relations through a philosophy of community policing which promotes partnership and positive interaction between the public safety personnel and the citizens of the City of Norman.

§3. WHEREAS, the Citizens Public Safety Oversight Committee (CPSOC) was established to review expenditures, monitor the successful implementation of community policing concepts and issue reports on their findings to the City Council and the public at least annually, or as frequently as the committee deems appropriate, or as requested by Council, and make recommendations on other issues related to public safety as may be assigned by Council.

§4. WHEREAS, the City of Norman, Oklahoma, desires to establish Community Oriented Policing (COP) to assist the Police Department in identifying policing priorities and develop processes to achieve implementation of community policing.

§5. WHEREAS, that COP should be implemented as a philosophy which permanently and positively changes the police department's interaction with the community. This positive interaction will lead to the creation of a safe, diverse and inclusive community. By working together, the Norman Police Department and the citizens of Norman can develop creative solutions to contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

§6. WHEREAS, it is believed that the development of identified activities that focus on all City departmental efforts will assist in the achievement of Community Oriented Policing.

§7. WHEREAS, the Norman City Council encourages future City Councils to fully evaluate and seek reconsideration, as appropriate, of the Public Safety Tax (which expires on September 30, 2015) at least one (1) year prior to its expiration.

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

§8. That the Norman City Council and the Citizens Public Safety Oversight Committee shall assist the Police Department in identifying the policing priorities of the community and suggest processes to address those priorities.

§9. That the Police Department will prepare a Five Year Implementation Plan in order to set forth the strategies and activities to successfully implement community policing concepts based on the priorities and policies established by the Norman City Council and CPSOC.

§10. That the Police Department will prepare an Annual Work Plan (AWP), consistent with the five (5) year plan on the basis of intended results, strategies, budget, and the formation of community partners. The AWP will provide detailed activity planning and set out what will be accomplished during the year. The AWP shall contain:

Expected outcomes; activities to be carried out towards the achievement of the expected outcomes;
The time frame (by calendar quarter) for undertaking the planned activities; and
Identification of those responsible for implementing components of the plan.

Approved by the Norman City Council on April 28, 2009

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Norman's Definition of Community Oriented Policing:

A philosophy based on the concept that Norman police officers and Norman citizens work together in creative ways to help solve contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay.

Mission of Community Oriented Policing:

Enhance the quality of service to the community of Norman by developing a partnership based on trust using community relations, problem identification / solutions, and crime prevention.

Vision of Community Oriented Policing:

The community oriented policing philosophy permanently and positively changes the police department's interaction with the community. The community's positive interaction with the police department is necessary in order to create a safe, diverse and inclusive community.

Goal of Community Oriented Policing:

The goal of community policing in Norman is to reduce crime and disorder by carefully examining the characteristics of problems in neighborhoods and then applying appropriate problem solving remedies.

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Objective 1 - Community Assessment and Readiness

Community Assessment and Readiness is primarily discovering the community's needs, that is, identifying problems in need of a solution. These assessments also involve identifying resources that can be brought into play to solve problems.

GOAL	ACTIONS	Responsible Parties*	Time Frame
1. A Assess the needs and desires of the Community in reference to policing in the community.	1. Develop a comprehensive strategy to identify and engage the Big Six (police, citizens, civic officials, businesses, community agencies and media) to work together to ensure the success of COP.	City Council / City Manager / **Chief of Police** / All Police Employees	FYE 2010
	a. Implement a strategy for soliciting and analyzing formal and informal feedback from the community (on-line or written surveys, focus groups or ward meetings, etc).	**Chief of Police** / Bureau Commanders / Division Staff to include: Patrol Officers, Detectives	FYE 2010
	2. Schedule quarterly meetings (council wards) to address community issues and concerns with members of the public.	Chief of Police / Bureau Commanders / **Division Staff** to include: Patrol Officers, Detectives	Ongoing
	3. Gather data, trends and analyze problems identified by the community.	**Police Crime Analyst**	FYE 2010
	4. Prioritize issues and problems in need of resolution and establish actions plans.	Chief of Police / **Bureau Commanders** / Division Staff to include: Patrol Officers, Detectives	FYE 2010

*Position/office in BOLD indicates the lead or owner of this action.

The implementation of community oriented policing will require members of the community to be educated in the philosophy. The initial group that must be addressed will be the members of the Norman Police Department. Other groups will be addressed and educated to make the philosophy a community staple. A public information outreach will also be developed and implemented to cast the philosophy to a broad based audience.

GOAL	ACTIONS	Responsible Parties	Time Frame
2. A Provide initial training in the COP philosophy to all Norman Police Department personnel.	1. Develop and present initial COP training to all NPD Field Training Officers.	**Office of Community Policing**	**Completed**
	2. Structure and implement a training plan to provide line officers and supervisors information on how to optimize COP.	**Office of Community Policing**	FYE 2010
	3. Provide initial COP training to all NPD commissioned personnel.	**Office of Community Policing** / NPD Supervisors	FYE 2010
	4. Provide initial COP training to all non-commissioned personnel.	**Office of Community Policing** / NPD Supervisors	FYE 2010
2. B Supply all Norman Police Department personnel with continuing education on COP related activities and programs.	Provide Continuing Education classes for COP related topics.	**Office of Community Policing**	Ongoing

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GOAL	ACTIONS	Responsible Parties	Time Frame
2. C Provide COP philosophy, crime prevention and crime identification training to City of Norman Management Team and selected city employees.	1. Develop and present COP philosophy related training to the City's Management Team.	City Manager and **Chief of Police**	FYE 2010
	2. Provide COP related training to selected groups within the City of Norman workforce.	City Manager, Chief of Police and **Office of Community Policing**	
	a. Initial training for Sanitation and Code Enforcement Personnel.		FYE 2010
	b. Additional training to Parks personnel and other areas that are identified.		FYE 2011
2. D Present the COP philosophy to the City Council.	Prepare a COP presentation to be presented to City Council at a scheduled Council meeting.	Chief of Police and **Office of Community Policing**	**Completed**
2. E Present the COP philosophy to the Citizen Public Safety Oversight Committee.	Present COP presentation to CPSOC.	Chief of Police and **Office of Community Policing**	**Completed**
2. F Offer COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.	1. Develop a training program to address the COP philosophy, crime prevention and crime identification for selected groups.	**Office of Community Policing**	Ongoing
	2. Deliver COP related training to community groups when requested.	Office of Community Policing / **Selected NPD Personnel**	Ongoing

Objective 3 – Community Partnership

The implementation of the Community Oriented Policing philosophy will require the Norman Police Department to work in partnership with members of the community. This partnership will work to help develop effective responses to public safety related problems including crime, fear of crime, social and physical disorder and neighborhood decay.

GOAL	ACTIONS	Responsible Parties	Time Frame
3. A Work in partnership with the community and community groups to address public safety issues.	1. Develop a presentation to be used to address the COP philosophy, crime prevention and crime identification for selected community groups.	**Office of Community Policing**	FYE 2010
	2. Schedule quarterly meetings (council wards) to address community issues and concerns with members of the public.	**Office of Community Policing** / Selected NPD personnel / Beat, Ward, Sector and entire City groups and organizations	FYE 2010 / Ongoing
	3. Increase the officer's availability to attend meetings with the community.	Chief of Police / Bureau Commanders / **Division Staff**	Ongoing
	4. Identify areas in which children, kindergarten through 12th grade, could be provided safety information and direct contact with Public Safety personnel through safety educational programs.	**Office of Community Policing** / Selected NPD personnel	Ongoing
3. B Develop and implement a plan to assist officers with efforts to network with public and private agencies within Norman.	1. Have personal contact with every business in the City of Norman.	**Beat / Sector Officers and Supervisors**	FYE 2011
	2. In-service or shift level training on available resources in the community.	**Division Staff**	

OBJECTIVE: 3 *Community Partnership (continued)*

GOAL	ACTIONS	Responsible Parties	Time Frame
3. C Develop and implement new programs that would assist in building partnerships and educating the community in COP.	1. Develop a Citizen's Police Academy.	Chief of Police / **Support Services Bureau** / Office of Community Policing	FYE 2012

COMMUNITY ORIENTED POLICING
FIVE YEAR IMPLEMENTATION PLAN
2009-2014

Objective 4 - Problem Identification and Solutions

Problem identification and solution is a vital part of the Community Oriented Policing philosophy. Once public safety problems are identified by the community and police they must be addressed to help improve the community's way of life. Both the community and the police must identify, research, address and monitor public safety problems.

GOAL	ACTIONS	Responsible Parties	Time Frame
4. A Implement the concept of problem identification and solution using the COP philosophy.	1. Educate officers on problem identification and solution concept.	Office of Community Policing / **Support Services Bureau**	FYE 2010/ **Ongoing**
	2. Develop department, bureau and division goals that prioritize problem solving efforts.	**Chief of Police** / Bureau Commanders / Division Staff	FYE 2010
	3. Develop employee performance expectations that prioritize problem identification / solution. Evaluation parameters should reflect qualitative as well as quantitative measures appropriate to COP.	Chief of Police / **Bureau Commanders** / Division Staff	FYE 2011
	4. Conduct Beat analysis to evaluate and determine the need for realignment of patrol beats. This process should be based on geographic size, number of people in the area, number of crimes reported and calls for service.	**Support Services Bureau** / Patrol Bureau	FYE 2010
	5. Address issues that meet the "broken windows" concept in beats/wards.	**All Police Employees** / Code Enforcement	FYE 2011

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OBJECTIVE: 4 *Problem Identification and Solutions (continued)*

GOAL	ACTIONS	Responsible Parties	Time Frame
	6. Develop a "point of contact" list of resources for all officers.	**Office of Community Policing**	FYE 2011
	7. Schedule quarterly meetings (council wards) to address community issues and concerns with members of the public.	Chief of Police / Bureau Commanders / **Division Staff** / COP Office / Selected NPD personnel / Beat, Ward, Sector and entire City groups and Organizations	Ongoing

Objective 5 – Image and Recruiting

The image of the Norman Police Department is a vital asset which the department must monitor and always focus on improving. The image of the department is one that directly affects the recruiting of new employees and the department's ability to approach the community and other groups.

GOAL	ACTIONS	Responsible Parties	Time Frame
5. A Improve Norman Police Department's image.	1. Educate officers on better customer service techniques and options.	Office of Community Policing / **NPD Training Division**	FYE 2010/ **Ongoing**
	2. Develop and implement a public information and new recruiting image improvement video.	NPD Staff / Office of Community Policing / **NPD Recruiting Staff**	FYE 2011 / **Ongoing**
	3. Evaluate image improvements both on a professional appearance and a professional conduct level.	NPD Staff / Office of Community Policing / NPD Uniform Committee / NPD Awards Committee / **Division Staff** (counseling and evaluation process)	**Ongoing**
5. B Improve NPD recruitment and selection guidelines.	Develop a plan to address the need to revise hiring and promotional criteria to reflect the department wide commitment to COP.	**Support Services Bureau**	FYE 2010

Objective 6 – Monitoring and Adjustment of the Implementation Plan

Continual monitoring of a strategic plan is necessary to ensure that goals are met , track progress over time, and evaluate the need for adjustments, and gauge whether the work carried out is moving the organization up the maturity path (devoting more time to strategic issues versus tactical issues).

GOAL	ACTIONS	Responsible Parties	Time Frame
6. A Continual Monitoring of the strategic plan.	1. Develop an Annual Work Plan.	Chief of Police / **Command Staff / CPSOC**	July 1 each year
	2. Develop and implement a system to measure COP's impact on crime, fear of crime and disorder.	Chief of Police / **Command Staff**	FYE 2010
	3. Review of activities, plans and goals.	Chief of Police / Command Staff / **Division Personnel /CPSOC**	Quarterly
	4. Annual review of long term goals, acceptance within the community and alignment with external events.	Chief of Police / **Command Staff / CPSOC**	June each year
6. B Complete a Community Policing Self Assessment Survey Tool sponsored by Department of Justice and the Police Executive Research Forum.	1. Measure the extent to which Community Policing has been institutionalized within an agency.	Chief of Police/ **Office of Community Policing**	FYE 2010
	2. Review community partnership, problem solving and organizational transformation.	**Office of Community Policing**	FYE 2010

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Community Oriented Policing

APPENDIX E

2010-2011 Annual Work Plan Updated June 30, 2011

Introduction

Community Oriented Policing (COP) is based on the concept that Norman police officers and Norman citizens work together in creative ways to help solve contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay. The City of Norman made a major commitment to revitalizing the COP philosophy in the police department and the community. That commitment included adopting a five year implementation plan that consists of objectives such as community assessment and readiness, education, partnership and community engagement, problem identification and solution, image and recruiting improvement, and a monitoring component. As a continuation of this commitment the police department will also establish annual work plans to ensure that the goals of the five year plan are accomplished in a timely fashion.

The specific goals for the Annual Work Plan for 2010-2011 fiscal year are:

1. **Assess the needs and desires of the community in reference to policing in the community.**
2. **Provide all Norman Police Department personnel with continuing education on COP related activities and programs.**
3. **Provide COP philosophy, crime prevention and crime identification training to selected city employees.**
4. **Offer and deliver COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.**
5. **Work in partnership with the community and community groups to address public safety issues.**
6. **Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.**
7. **Implement the concept of problem identification and solution using the COP philosophy.**
8. **Continual improvement of the Norman Police Department's image.**
9. **Continual monitoring of the strategic plan.**

Goal 1: Assess the needs and desires of the community in reference to policing in the community.

Success defined: Feedback from customers through community meetings and a potential independent survey instrument that would be used to assess the customer's perception of what police priorities should be in the next fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	1. Schedule meetings in different geographical or demographical areas. A tentative agenda as follows: • Deliver updates on current status of COP. • Deliver updates of hiring, training and other issues related to the Public Safety Sales Tax. • Discuss Crime Prevention and Crime Identification as requested. 2. Document concerns and summarize information. 3. Identify resources and responsible parties to address the concerns identified. 4. Provide information obtained to the correct police employees (i.e. beat officers) to increase their knowledge base of the customer's desires and concerns.	February May	Chief Cotten Major Ritchie Lt. Teuscher	Complete	OU Student Night Out National Night 2010 Shred-A-Thon Car Seat Check Ammunition Destruction Pharmaceutical Take Back Chautauqua Area Meeting December 14, 2010 Ward Meetings upon invitation Ward 5 Ward 1, 2

Start a partnership with the University of Oklahoma in researching a cost effective and validated survey to assist in collecting feedback from the community.	1. Identify or create a validated survey that is cost effective to help collect feedback from the community. 2. Document and summarize the feedback obtained from the survey. 3. Supply information to members of the department and use data in goal setting as well as prioritizing response.		Lt. Teuscher	**Move to future AWP**	This survey should focus on the following areas: a. Police response times b. Police crime prevention efforts c. Police presence in neighborhoods d. Traffic enforcement efforts e. Over-all satisfaction of the police services

Goal 2: Provide all Norman Police Department personnel with continuing education on COP related activities and programs.

Success defined: Employees should use their training to better deliver quality services to the community. This training should also help employees in dealing with problems or potential problems that are identified in the community.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Structure and implement a training plan to provide non-commissioned personnel with additional customer service training.	1. Develop or implement a course outline. 2. Coordinate with all Bureau Commanders in order to schedule training. 3. Provide eight (8) hours of training to all non-commissioned personnel.	June	Lt. Lehenbauer	**Complete**	Verbal Judo Other City Departments have signed up to participate.
Structure and implement a training plan to provide all commissioned personnel with training associated with racial profiling.	1. Develop or implement a course outline. 2. Coordinate with all Bureau Commanders in order to schedule training. 3. Provide eight (8) hours of training to commissioned personnel.	In Service 2011	Sgt. Anderson MPO Vincent	**Complete**	Perspectives in Profiling
Structure and implement a training plan to provide selected personnel with presentation development and delivery skills.	1. Develop a four (4) hour course outline, content and PowerPoint. 2. Coordinate with all Bureau Commanders in order to schedule training.	June	Capt. Praizner Sgt. Newell Sgt. Smith	**Complete Feb 17**	**T.E.A.M. concept** **8 hour course**

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Goal 3: Provide COP philosophy, crime prevention and crime identification training to selected City of Norman employees.

Success defined: Select a Crime Prevention Officer to assist in training selected groups in areas of COP, Prevention, as other related topics. Selected groups can use the information they receive to understand the goals of COP and reasons for its implementation. Both the police and the selected groups can use the partnerships to improve crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Dedicate and select a Crime Prevention Officer to join the Office of Community Policing.	1. Open a Crime Prevention Officer position. 2. Selected a qualified officer. 3. Provide advanced training in areas of COP and Crime Prevention.	August	Chief Cotten Major Ritchie Major Maisano	**Complete July 29**	**Sgt. Tim Smith**
Give COP related training to selected groups within the City of Norman workforce. This years training should focus on Parks and Recreation.	1. Revise presentation. 2. Schedule time for presentations. 3. Deliver presentations.	June	Major Ritchie, Lt. Teuscher, Sgt. Newell Sgt. Smith	**Complete May**	

Goal 4: Offer COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and addresses crime prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Provide COP related training to all groups when requested and proactively deliver a minimum of two presentations this year.	1. Revise and update presentations. 2. Use calendar to schedule events. 3. Deliver presentations.	June	Lt. Teuscher Sgt. Newell Sgt. Smith	**Complete**	OU Student Night Out OG&E
Continue with the Adopt-A-Cop program.			Major Ritchie Major Maisano Captain Praizner Lt. Green Lt. Teuscher Sgt. Smith	**Complete May**	Two Detectives and four Patrolmen dedicated. Research other options for FYE 2012

12-52.

Goal 5: Work in partnership with the community and community groups to address public safety issues.

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Make a presentation available to address the COP philosophy, crime prevention and crime identification for selected groups.	1. Use the COP calendar to schedule presentations when requested. 2. Deliver presentation as requested.	Continuing	Lt. Teuscher, Sgt. Newell Sgt. Smith	Complete	OU Student Night Out OG&E Parks and Recreation
Research additional ways which safety educational programs can be implemented more efficiently in the school systems when requested.	1. Research additional ways for the department to become more involved in school systems.	June	Captain Foster Lt. Teuscher Sgt. Smith	Complete	T.E.A.M. April start dates Norman North High School Longfellow Middle School Whittier Middle School Alternative Education Lincoln Elementary Roosevelt Elementary
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1			Complete	OU Student Night Out National Night 2010 Shred-A-Thon Car Seat Check Ammunition Destruction Pharmaceutical Take Back Chautauqua Area Meeting December 14, 2010 Ward Meetings upon invitation Ward 5 Ward 1, 2

Goal 6:	**Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.**

Success defined: Research and develop ways to accomplish all Norman businesses receiving one on one contact with a Norman Police Officer focusing on partnership building and resource sharing. This interaction will be a benefit to both customers and police employees.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Research, develop and start planning stages for personal one on one contact with every business in the City of Norman.	1. Develop and implement a plan to accomplish this with current manpower. 2. Establish point of contacts for businesses, update BID and/or alarm information. 3. Make information obtained available for officers. 4. Provide resource information to officers through shift level training opportunities.	June	Chief Cotten Major Maisano Major Ritchie Major Younger All commissioned personnel	In Progress	Captain Gibson

Goal 7: Implement the concept of problem identification and solution using the COP philosophy

Success defined: Continued philosophy change from reactive approaches to proactive approaches.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1			Complete	OU Student Night Out National Night 2010 Shred-A-Thon Car Seat Check Ammunition Destruction Pharmaceutical Take Back Chautauqua Area Meeting December 14, 2010 Ward Meetings upon invitation Ward 5 Ward 1, 2
Develop employee performance expectations that prioritize problem identification / solutions. Evaluated parameters should reflect qualitative as well as quantitative measures appropriate to COP.	1. Develop performance expectations for commissioned personnel that focus on problem identification and solution as well as partnership building.	May	Major Younger Captain Praizner	Complete	LPO Completed Oct 2010 Second project (Counseling and Evaluation Forms) identified and scheduled for AWP 2012
Structure a training plan to provide personnel with Problem Oriented Police training to include the "broken window" concept.	1. Develop a four (4) hour course outline, content and PowerPoint.	June	Lt. Arnold MPO Hopkins	**Move to future AWP**	

Goal 8: Continued improvement of the Norman Police Department's image

Success defined: A continued goal of positive and proactive interaction with customers. Positive feedback from the customer survey especially in over-all satisfaction would be desired.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Continue public relations campaign emphasizing on positive police interaction with children and business owners.	1. Distribution of COP posters and pamphlets to all schools by beat officers.	September	Lieutenants	**Complete**	
	2. Distribute COP related information and develop partnership stickers to present to business owners during visits.	June	Lieutenants	**In Progress**	
	3. Launch a new web site that emphasizes COP and recruiting.	January	Major Younger	**Moved to future AWP**	
	4. Develop and implement a recruiting and image improvement video.	June	Lt. Teuscher MPO Vincent	**Complete May**	

12-56-

Goal 9: Continual monitoring of the strategic plan.

Success defined: All goals and issues are addressed and complete by the end of fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Develop an Annual Work Plan.	1. Create goals that will be achieved during FYE 2012. 2. Assign tasks to personnel to be completed. 3. Follow up with assigned personnel to ensure tasks will be completed on time.	June	Chief Humphrey, Major Ritchie, Major Maisano, Major Younger, Lt. Teuscher	**Complete**	
Review of activities, plans and goals.	1. Ensure that activities, plans and goals that were planned for FYE 2011 have been completed.	June	Chief Humphrey, Major Ritchie, Captains, Lieutenants, Lt. Teuscher	**Complete**	
Annual review of long term goals.	1. Review goals completed as well as future goals to ensure that Community Policing stays on schedule.	June	Chief Humphrey, Major Maisano, Major Ritchie, Major Younger, Lt. Teuscher	**Complete**	

Community Oriented Policing

2011-2012 Annual Work Plan

Introduction

Community Oriented Policing (COP) is based on the concept that Norman police officers and Norman citizens work together in creative ways to help solve contemporary community problems related to public safety including crime, fear of crime, social and physical disorder, and neighborhood decay. The City of Norman made a major commitment to revitalizing the COP philosophy in the police department and the community. That commitment included adopting a five year implementation plan that consists of objectives such as community assessment and readiness, education, partnership and community engagement, problem identification and solution, image and recruiting improvement, and a monitoring component. As a continuation of this commitment the police department will also establish annual work plans to ensure that the goals of the five year plan are accomplished in a timely fashion.

The specific goals for the Annual Work Plan for 2011-2012 fiscal year are:

1. **Assess the needs and desires of the community in reference to policing in the community.**
2. **Provide all Norman Police Department personnel with continuing education on COP related activities and programs.**
3. **Provide COP philosophy, crime prevention and crime identification training to selected city employees.**
4. **Offer and deliver COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.**
5. **Work in partnership with the community and community groups to address public safety issues.**
6. **Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.**
7. **Develop and implement new programs that would assist in building partnerships and educating the community in COP.**
8. **Implement the concept of problem identification and solution using the COP philosophy.**
9. **Continual improvement of the Norman Police Department's image.**
10. **Continual monitoring of the strategic plan.**

Goal 1: Assess the needs and desires of the community in reference to policing in the community.

Success defined: Feedback from customers through community meetings and a potential independent survey instrument that would be used to assess the customer's perception of what police priorities should be in the next fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	1. Schedule meetings in different geographical or demographical areas. A tentative agenda as follows: • Deliver updates on current status of COP. • Deliver updates of hiring, training and other issues related to the Public Safety Sales Tax. • Discuss Crime Prevention and Crime Identification as requested. 2. Document concerns and summarize information. 3. Identify resources and responsible parties to address the concerns identified. 4. Provide information obtained to the correct police employees (i.e. beat officers) to increase their knowledge base of the customer's desires and concerns.	February May	Major Ritchie Lt. Teuscher		

12-69.

Start a partnership with the University of Oklahoma in researching a cost effective and validated survey to assist in collecting feedback from the community.	1. Identify or create a validated survey that is cost effective to help collect feedback from the community. 2. Document and summarize the feedback obtained from the survey. 3. Supply information to members of the department and use data in goal setting as well as prioritizing response.	June	Lt. Teuscher		This survey should focus on the following areas: a. Police response times b. Police crime prevention efforts c. Police presence in neighborhoods d. Traffic enforcement efforts e. Over-all satisfaction of the police services

12-61

Goal 2: Provide all Norman Police Department personnel with continuing education on COP related activities and programs.

Success defined: Employees should use their training to better deliver quality services to the community. This training should also help employees in dealing with problems or potential problems that are identified in the community.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Structure and implement a training plan to provide selected personnel with presentation development and delivery skills.	1. Develop a four (4) hour course outline, content and PowerPoint. 2. Coordinate with all Bureau Commanders in order to schedule training.	June	Sgt. Newell Sgt. Smith		**T.E.A.M. concept**
Structure a training plan to provide personnel with Problem Oriented Police training to include the "broken window" concept.	1. Develop a four (4) hour course outline, content and PowerPoint.	June	Sgt. Smith Sgt. Newell		P.O.P. Training

12-82-

Goal 3: Provide COP philosophy, crime prevention and crime identification training to selected City of Norman employees.

Success defined: Select a Crime Prevention Officer to assist in training selected groups in areas of COP, Prevention, as other related topics. Selected groups can use the information they receive to understand the goals of COP and reasons for its implementation. Both the police and the selected groups can use the partnerships to improve crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Give COP related training to selected groups within the City of Norman workforce. This years training should focus on Traffic Control.	1. Schedule time for presentations. 2. Deliver presentations.	June	Lt. Teuscher, Sgt. Newell Sgt. Smith		

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12-63-

Goal 4: Offer COP philosophy, crime prevention and crime identification training to civic groups, educational institutions, social service agencies, businesses, the media and other members of the community.

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and addresses crime prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Provide COP related information to all groups when requested and proactively deliver a minimum of two presentations this year.	1. Revise and update presentations as needed. 2. Use calendar to schedule events. 3. Deliver presentation as requested.	June	Lt. Teuscher, Sgt. Newell Sgt. Smith		

12-64-

Goal 5: Work in partnership with the community and community groups to address public safety issues.

Success defined: Education of customers on the philosophy and goals of COP as well as to improve partnerships for crime awareness and prevention.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Make a presentation available to address the COP philosophy, crime prevention and crime identification for selected groups.	1. Use the COP calendar to schedule presentations when requested. 2. Deliver presentation as requested.	Continuing	Lt. Teuscher, Sgt. Newell Sgt. Smith		
Continue the T.E.A.M. concept and partnerships with school systems.	1. Schedule presentations with principals, counselors and teachers.	Continuing	Lt. Teuscher Sgt. Smith Sgt. Newell		
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1				

12-85-

Goal 6: Develop and research a plan to assist officers with efforts to network with public and private agencies within Norman.

Success defined: Research and develop ways to accomplish all Norman businesses receiving one on one contact with a Norman Police Officer focusing on partnership building and resource sharing. This interaction will be a benefit to both customers and police employees.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Continue goal of personal one on one contact with every business in the City of Norman.	1. Develop and implement a plan to accomplish this with current manpower. 2. Establish point of contacts for businesses, update BID and/or alarm information. 3. Make information obtained available for officers. 4. Provide resource information to officers through shift level training opportunities.	June	Major Maisano Major Ritchie Major Younger All commissioned personnel	In Progress	Captain Gibson

12-66-

Goal 7: Develop and implement new programs that would assist in building partnerships and educating the community in COP.

Success defined: Implementation of the Norman Police Department's Citizens' Police Academy.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Citizens' Police Academy	1. Develop and implement a plan to organize a Citizens' Academy. 2. Establish guidelines and standards for enrollment. 3. Establish schedule, topics and curriculum.	January	Lt. Teuscher Sgt. Smith		

Goal 8: Implement the concept of problem identification and solution using the COP philosophy

Success defined: Continued philosophy change from reactive approaches to proactive approaches.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Community interaction meetings to address community issues and concerns with members of the public.	Same as in Goal 1				
Continued development of employee performance expectations that prioritize problem identification / solutions. Evaluated parameters should reflect qualitative as well as quantitative measures appropriate to COP.	1. Develop performance expectations for commissioned personnel that focus on problem identification and solution as well as partnership building.	January	Major Younger Captain Praizner	In Progress	
Structure a training plan to provide personnel with Problem Oriented Police training to include the "broken window" concept.	1. Develop a four (4) hour course outline, content and PowerPoint.	June	Sgt. Smith Sgt. Newell		P.O.P. Training

Goal 9: Continued improvement of the Norman Police Department's image

Success defined: A continued goal of positive and proactive interaction with customers. Positive feedback from the customer survey especially in over-all satisfaction would be desired.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Continue public relations campaign emphasizing on positive police interaction with children and business owners.	1. Distribution of new COP posters and pamphlets to all schools by beat officers.	September	Lieutenants		
	2. Distribute COP related information and develop partnership stickers to present to business owners during visits.	June	Lieutenants		
	3. Continued development of a new web site that emphasizes COP and recruiting.	January	Major Younger IT Department	In Progress	

Goal 10: Continual monitoring of the strategic plan.

Success defined: All goals and issues are addressed and complete by the end of fiscal year.

Project Activity	Action Steps	Target Date for Completion	Persons Responsible	Status Update	Comments
Develop an Annual Work Plan.	1. Create goals that will be achieved during FYE 2012. 2. Assign tasks to personnel to be completed. 3. Follow up with assigned personnel to ensure tasks will be completed on time.	June	Major Ritchie, Major Maisano, Major Younger Lt. Teuscher		
Review of activities, plans and goals.	1. Ensure that activities, plans and goals that were planned for FYE 2011 have been completed.	June	Major Ritchie, Captains Lieutenants		
Annual review of long term goals.	1. Review goals completed as well as future goals to ensure that Community Policing stays on schedule.	June	Major Maisano Major Ritchie Major Younger		

12-70-

Public Safety Sales Tax Fiscal Year End 2012 Financial Report

		Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Fiscal Year To Date	Multi-Year To Date
	Revenues:														
	Public Safety Sales Tax	$686,219	$670,717	$ 682,239	$ 751,388	$ 674,310	$ 663,926							$ 4,128,799	$24,223,976
	Public Safety Use Tax	$ 23,151	$ 30,478	$ 25,605	$ 178,892	$ 29,642	$ 27,631							$ 315,399	$ 1,121,989
	Investment/Interest	$ 5,354	$ 4,824	$ 5,502	$ 6,243	$ 9,397	$ 6,198							$ 37,518	$ 130,855
	Total Revenue	**$714,724**	**$706,020**	**$ 713,347**	**$ 936,523**	**$ 713,348**	**$ 697,755**	$ -	$ -	$ -	$ -	$ -	$ -	**$ 4,481,717**	**$25,476,821**
	Expenditures:														
Patrol	Salaries & Benefits	$127,602	$187,129	$ 113,501	$ 119,543	$ 141,502	$ 233,837							$ 923,114	$ 3,943,942
	Supplies & Materials	$ 11	$ 30,155	$ 15,545	$ 13,549	$ 11,531	$ 12,201							$ 82,992	$ 260,782
	Services & Maintenance	$ 3,611	$ 3,575	$ 3,224	$ 13,211	$ 733	$ 1,040							$ 25,394	$ 87,866
	Internal Services	$ 423	$ 2,046	$ 5,441	$ 2,878	$ 3,057	$ 4,383							$ 18,229	$ 18,229
	Capital Equipment	$ -	$ 26,796	$ 369	$ 5,144	$ 150	$ 15,527							$ 47,986	$ 834,305
Staff Services	Salaries & Benefits	$ -	$ -	$ -	$ -	$ -	$ -							$ -	$ -
	Supplies & Materials	$ -	$ -	$ -	$ -	$ -	$ -							$ -	$ -
	Services & Maintenance	$ 75	$ 1,939	$ -	$ -	$ 300	$ -							$ 2,314	$ 12,341
	Capital Equipment	$ -	$ -	$ -	$ -	$ -	$ -							$ -	$ -
Criminal Investigations	Salaries & Benefits	$ 35,089	$ 49,581	$ 33,931	$ 37,653	$ 37,134	$ 57,112							$ 250,499	$ 925,808
	Supplies & Materials	$ -	$ 464	$ 312	$ 170	$ 280	$ 96							$ 1,321	$ 4,911
	Services & Maintenance	$ -	$ -	$ -	$ 777	$ 532	$ -							$ 1,309	$ 4,774
	Internal Services	$ 20	$ 168	$ 821	$ 257	$ 254	$ 274							$ 1,794	$ 1,794
	Capital Equipment	$ -	$ -	$ -	$ -	$ -	$ -							$ -	$ 85,355
Special Investigations	Salaries & Benefits	$ 15,929	$ 25,865	$ 18,286	$ 19,040	$ 17,517	$ 27,262							$ 123,899	$ 373,014
	Supplies & Materials	$ -	$ 347	$ 547	$ 667	$ 180	$ 203							$ 1,945	$ 7,094
	Services & Maintenance	$ -	$ 194	$ 174	$ 769	$ -	$ -							$ 1,137	$ 2,748
	Internal Services	$ 8	$ 36	$ 278	$ 128	$ 128	$ 159							$ 737	$ 737
	Capital Equipment	$ -	$ 30,054	$ -	$ 2,828	$ -	$ -							$ 32,882	$ 77,179
	Sub-Total Police	$182,768	$358,348	$ 192,429	$ 216,613	$ 213,299	$ 352,094	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,515,552	$ 6,654,833
Fire	Salaries & Benefits	$102,543	$136,193	$ 84,513	$ 86,925	$ 92,216	$ 150,961							$ 653,351	$ 1,635,458
	Supplies & Materials	$ 61	$ 409	$ 487	$ 235	$ 86	$ 70							$ 1,350	$ 28,778
	Services & Maintenance	$ 1,886	$ 1,399	$ 1,499	$ 284	$ 1,061	$ 1,415							$ 7,545	$ 28,073
	Internal Services	$ 103	$ 103	$ 1,813	$ 673	$ 673	$ 673							$ 4,038	$ 4,524
	Capital Equipment	$ -	$ 1,996	$ 2,409	$ 53,358	$ 134,829	$ 256							$ 192,848	$ 1,500,184
	Transfer to CIP	$ -	$ -	$ -	$ -	$ -	$ 501,750	$ -	$ -	$ -	$ -	$ -	$ -	$ 501,750	$ 6,492,150
	CIP FUND Expenditures	$ -	$104,717	$ 54,897	$ 46,014	$ 1,116	$ 52,111							$ 258,856	$ 3,074,125
	Sub-Total Fire	$104,594	$244,818	$ 145,619	$ 187,490	$ 229,981	$ 707,237	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,619,738	$12,763,292
	Total Expenditures	**$287,362**	**$603,166**	**$ 338,048**	**$ 404,103**	**$ 443,281**	**$1,059,331**	$ -	$ -	$ -	$ -	$ -	$ -	**$ 3,135,290**	**$19,418,126**
	Net Total	**$427,363**	**$102,854**	**$ 375,299**	**$ 532,419**	**$ 270,068**	**$ (361,576)**	$ -	$ -	$ -	$ -	$ -	$ -	**$ 1,346,427**	**$ 6,058,695**

City of Norman, OK

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

Master

File Number: K-1112-84

File ID:	K-1112-84	**Type:**	Contract	**Status:**	Agenda Ready
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$1,508,115.70	**File Created:**	01/30/2012
File Name:	K-1112-84 Urban Asphalt Rehabilitation FYE 2012			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1112-29, CONTRACT NO. K-1112-84 WITH SILVER STAR CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF $1,425,555.70; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $82,560; PERFORMANCE BOND NO. B-1112-17; STATUTORY BOND NO. B-1112-18; MAINTENANCE BOND NO. MB-1112-22; AND RESOLUTION NO. R-1112-28 FOR THE 2012 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $1,425,555.70 to Silver Star Construction Company, Inc. as the lowest and best bidder meeting specifications; approve Contract No. K-1112-84, Change Order No. One increasing the contract by $82,560, and the performance, statutory, and maintenance bonds; authorize execution of the contract and change order; direct the filing of the bonds; and adopt Resolution No. R-1112-28.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 13

Attachments: 1 Bid Tab Urban Asphalt Rehab FYE 2012, List of Locations, Location MAP Projects 2012, K-1112-84, K-1112-84 Change One, B-1112-17, B-1112-18, MB-1112-22, R-1112-28, Silver Star PR

Project Manager: Greg Hall, Street Superintendent

Entered by: patsy.sayers@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-84

Body

BACKGROUND: In the Norman General Obligation Bond Election of March 2010, voters approved the Urban Asphalt Rehabilitation Bond Program. All bond projects are to be completed in five years under the approved program budget of $8,250,000. This improvement program involves the deep patching, milling and repaving of 14 locations on neighborhood asphalt streets. A list of locations is attached.

The project is funded in Account No. 050-9401-431.61-01 as Project Nos. BP0332, BP0333, and BP0334. Bid specifications and documents were advertised on December 29, 2011 and January 05, 2012. Eight (8) paving contractors received a set of documents. If approved, the base bid for this project will complete the FYE 2012 locations in the 2010 Urban Asphalt Pavement Rehabilitation Bond Program.

DISCUSSION: The bid opening was conducted on January 19, 2012, and five (5) contractors submitted bids. The lowest bid in the amount of $1,425,555.70 was submitted by Silver Star Construction Company, Inc. of Moore, OK. The low bid is below the engineer's estimate of $1,508,114.50 by $82,558.80 (5.5% percent). The average of the five (5) bids is $1,745,900.75. Silver Star Construction Company, Inc. has previously worked for the City of Norman, and the firm received favorable references from other cities on similar projects, including the City of Moore, OK. If approved, construction will begin on these projects in March 2012 and be completed by June 30, 2012.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid No. 1112-29 for the 2012 Urban Asphalt Rehabilitation Bond Projects be awarded to the low bidder, Silver Star Construction Company, Inc. in the amount of $1,425,555.70.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1112-29, Contract No. K-1112-84, Performance Bond No. B-1112-17, Statutory Bond No. B-1112-18, and Maintenance Bond No. MB-1112-22 be approved.

RECOMMENDATION NO. 3: Staff further recommends that Resolution No. R-1112-28 be adopted authorizing Silver Star Construction Company, Inc. as project agent.

RECOMMENDATION NO. 4: Staff further recommends that Change Order No. 1 in the amount of $82,560 be approved. If approved, this Change Order will utilize all of the funds collected for this portion of the 2010 Bond Program. The contract amount will be increased by 5.5% for a total amount of $1,508,115.70. The additional locations were determined using the City's Pavement Management System.

CITY OF NORMAN
TABULATION OF BIDS
URBAN ASPHALT PAVEMENT REHABILITATION
FYE 2012 LOCATIONS

Bid No. 1112-29
Bid Opening: January 19, 2012

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

BIDDER	BID PRICE
Silver Star Construction Company, Inc.	$ 1,425,555.70
Moore, OK	
Haskell Lemon Construction Co.	$ 1,587,089.25
Oklahoma City, Oklahoma	
T. J. Campbell Construction Co.	$ 1,724,323.60
Oklahoma City, OK	
Schwarz Paving Co.	$ 1,971,470.20
Oklahoma City, OK 73127	
Rudy Construction Co.	$ 2,021,065.00
Oklahoma City, OK	

Engineer's Estimate $ 1,508,114.50

RECOMMENDATION:

Staff recommends the bid be awarded to Silver Star Construction Company, Inc., as the lowest and best bidder meeting all specifications in the amount of $ 1,425,555.70.

Forwarded by:

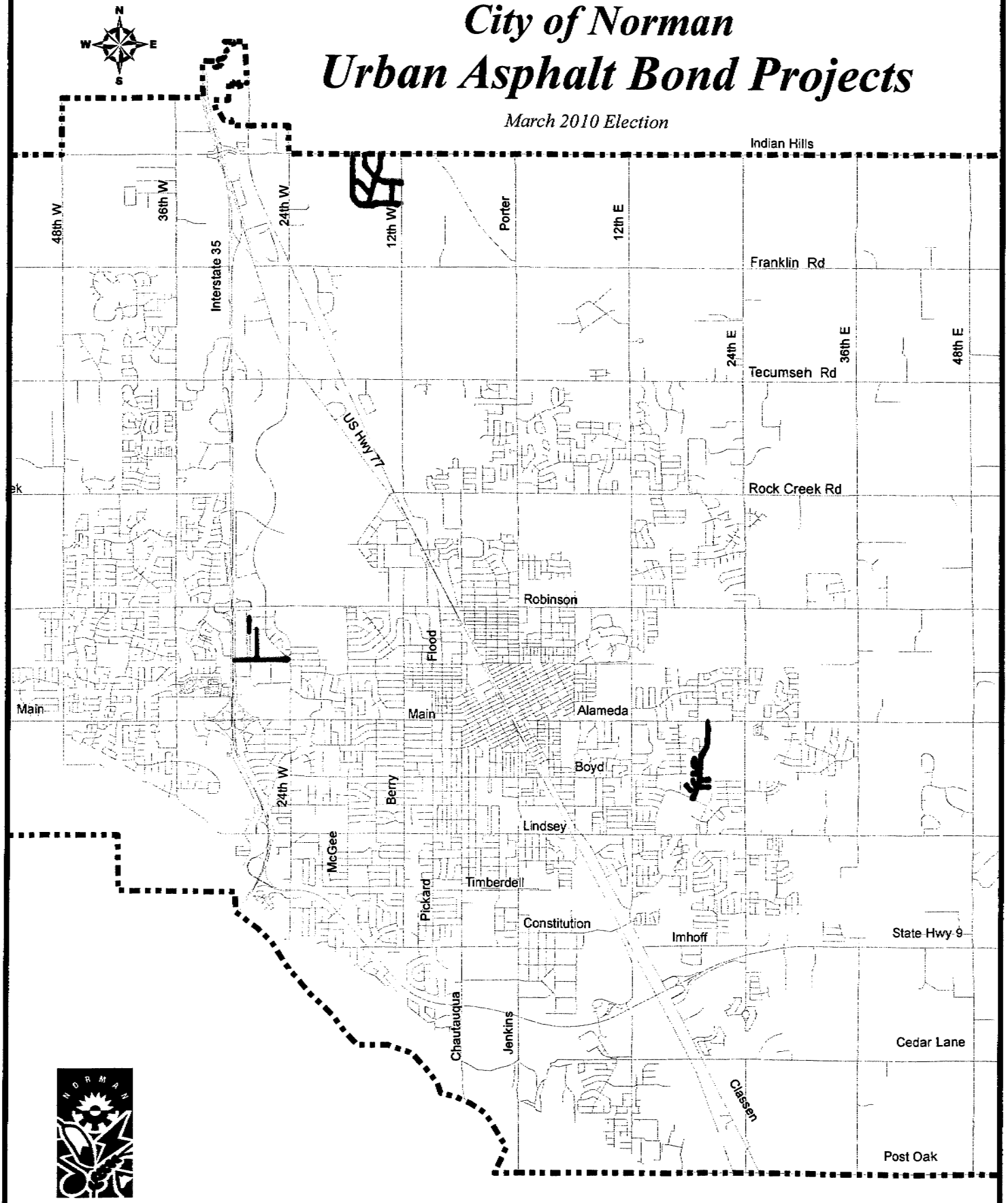
Greg Hall, Street Superintendent

ps

URBAN ASPHALT PAVEMENT REHABILITATION 2010 BONDS		
	Bid 1112-29	K-1112-84
PROJ #	STREET NAME	LOCATION
BP 0332	Vicksburg Avenue	Alameda Street - Beaumont Drive
BP 0332	Aiken Court	Vicksburg Avenue - East 1800 Block
BP 0332	Shelby Court	East 1800 Block - East 1900 Block
BP 0332	Wilmington Court	Vicksburg Avenue - East 2000 Block
BP 0332	Yorktown Circle	Vicksburg Avenue - East 1700 Block
BP 0332	Vicksburg Circle	Vicksburg Avenue - South 300 Block
BP 0332	Vicksburg Village Addition	(Six Streets)
BP 0333	Boardwalk	24th Avenue NW - Interstate
BP 0333	26th Avenue NW	Tee - Westport; 600 Block
BP 0333	Wall Street	Boardwalk - Tee Drive
BP 0333	Fowler Addition	(Three Streets)
BP 0334	Blue Lake Drive	Indian Hills Road - 12th Avenue NW
BP 0334	Spring Mill Road	Indian Hills Road - Blue Lake Drive
BP 0334	Sleepy Hollow Road	Blue Lake Drive - Willow Brook Lane
BP 0334	Willow Brook Lane	12th Avenue N.W. - Indian Hills Road
BP 0334	Shady Lane	Blue Lake Drive - Spring Mill Road
BP 0334	Blue Lake's Addition	(Five Streets)
	Urban Asphalt Pavement Maintenance	YEAR 2012 LOCATIONS

City of Norman
Urban Asphalt Bond Projects

March 2010 Election



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.

FYE 2011-2012 Projects

CONTRACT

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

WITNESSETH

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

URBAN ASPHALT PAVEMENT REHABILITATION FYE 2012 PROJECTS

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

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

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

(DOLLARS:)
One Million, Four Hundred and Twenty Five thousand, Five Hundred and Fifty Five and seventy cents

(NUMERALS) $ 1,425,555.70

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:

l) 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 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and continuously complete the same by June 30, 2012.

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) <u>The sworn, notarized statement below must be signed and notarized before this Contract will become effective.</u>

STATE OF <u>Oklahoma</u>)
) ss:
COUNTY OF <u>McClain</u>)

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

Silver Star Construction Company Inc.
Contractor

Subscribed and sworn to before me this <u>26th</u> day of <u>January</u>, 2012.

Notary Public

BOB CRAWLEY
Notary Public in and for the
State of Oklahoma
Commission #01019643
My Commission expires 11/20/2013

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 24th day of January 2012, and the _____ day of _____, 2012.

(Corporate Seal) (where applicable)

Principal

Signed: _____

ATTEST:
Authorized Representative

_____
Corporate Secretary (where applicable)

Title: President: Silver Star Construction Co. Inc.

Address: 2401 S. Broadway, Moore, OK. 73160

Telephone:405-793-1725

CITY OF NORMAN:

Approved as to form and legality this 17 day of February 2012.

_____
City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Contract No. K-1112-84
Page 4 of 5

CONTRACT AFFIDAVIT

STATE OF Oklahoma)
) ss:
COUNTY OF Mclain)

That Steve Shawn, of lawful age, being first duly sworn, on oath says that he is the Agent authorized by the Firm of Silver Star Construction Co, Inc. to submit the above Contract to the City of Norman, Oklahoma.

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

By _____ president
Contractor

Subscribed and sworn to before me this 26th day of January, 2012.

_____
Notary Public

My Commission Expires:

11-20-13

BOB CRAWLEY
Notary Public In and for the
State of Oklahoma
Commission #01019643
My Commission expires 11/20/2013

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

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

CONTRACT NO.: K-1112-84

PROJECT: URBAN ASPHALT PAVEMENT REHABILITATION PROJECTS

PROJECTS NOS.: BP0344

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

ORIGINAL CONTRACT AMOUNT: $ 1,425,555.70

(Increase) this change order 0

DESCRIPTION	DECREASE	INCREASE
See Page 3 – Change Order Detail	-0-	$ 82,560.00

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

NET CHANGE $ 82,560.00

REVISED CONTRACT AMOUNT $ 1,508,115.70

CONTRACTOR: _____ DATE: 1-30-12

PROJECT MGR.: _____ DATE: 1/30/12

CITY ATTORNEY: _____ DATE: 2/17/12

ACCEPTED BY: _____ DATE: _____
(Mayor)

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

Contract No.:	K-1112-84	Project Mgr.: Greg Hall
Project Account Number:	050-9401-431.61-01	Street Superintendent
Project No. BP0344		P.O. Box 370
		405-329-2524

Change Order No. 1 Applies To:

URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS

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

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

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

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

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

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

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

DETAILED COST ITEMIZATION

ORIGINAL CONTRACT:

URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS

CHANGE ORDER NO. 1 to Contract No. K-1112-84
Applied To: Project Nos.: BP0344

Streets:

PROJ #	STREET	LOCATION
	Kansas Street	Flood Avenue – University Blvd
	Daws Street	Webster Avenue – Flood Avenue
	Barbour Avenue	Nebraska Street – Dakota Street
BP0344	**Westfield Manor**	

Original Bid Proposal and Pay Item Numbers

SILVER STAR CONSTRUCTION CO.					
URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS					
BID 1112-29 – FYE 2012 LOCATIONS					
ITEM	**DESCRIPTION**	**UNIT**	**UNIT PRICE**	**QUANTITY**	**TOTAL PRICE**
1	**Mobilization**	**L.SUM**	**$ 1,500.00**	**1**	**$ 1,500.00**
11	**Tack Oil**	**GAL**	**$ 2.30**	**23**	**$ 52.90**
12	**Superpave, Type S3 (PG 64-22 OK)**	**TON**	**$ 54.40**	**466**	**$ 25,350.40**
13	**Superpave, Type S4 (PG 64-22 OK)**	**TON**	**$ 53.90**	**953**	**$ 51,366.70**
14	**1.5 to 1.75 in. Edge Mill**	**L.F.**	**$ .70**	**1,300**	**$ 910.00**
15	**1.5 to 2.0 in. Full Mill**	**S.Y.**	**$ 1.30**	**2,600**	**$ 3,380.00**
					$ 82,560.00

Bond # 87C000399

PERFORMANCE BOND

Known all men by these presents, that Silver Star Construction Company Inc. as PRINCIPAL, and Ohio Casualty Insurance Co Corporation organized under the laws of the State of Ohio and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Million Five Hundred Eight Thousand One Hundred Fifteen & 70/100 DOLLARS, ($1,508,115.70) for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

URBAN ASPHALT PAVEMENT REHABILITATION FYE 2012 PROJECTS

has entered into a written CONTRACT (K-1112-84) with THE CITY OF NORMAN, dated January 24,, 2012, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the _____day of _____, 20___ and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the day of_____, 20___.

Silver Star Construction Company Inc.
Principal

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal
Signed: _____
Authorized Representative

Title: _____

Address: _____

_____

Telephone: _____

(Corporate Seal) (where applicable)

ATTEST:

_____

Surety: Ohio Casualty Insurance Co

Signed: _____
Authorized Representative

Printed: Patricia Lee
Authorized Representative

Title: Attorney In Fact

Address: 420 Maple, Yukon, Ok 73099

Telephone: 405-354-5201

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF McClain)

The foregoing instrument was acknowledge before me this 20th day of February, 2012, by Tim Caudle Vice President (Name and Title), of Stuer Star Construction, a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 20th day of February, 2012.

BOB CRAWLEY
Notary Public in and for the
State of Oklahoma
Commission #01019643
My Commission expires 11/20/2013

Bob Crawley
Notary Public

My Commission Expires:
11-20-13

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20__.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 20 day of February, 2012

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Bond # 87C000399

STATUTORY BOND

Known all men by these presents that Silver Star Construction Company Inc. as PRINICPAL, and Ohio Casualty Insurance Co, a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of One Million Five Hundred Eight Thousand One Hundred Fifteen & 70/100 DOLLARS ($ 1,508,115.70), or the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

URBAN ASPHALT PAVEMENT REHABILITATION FYE 2012 PROJECTS

has entered into a written CONTRACT (K-1112-84) with THE CITY OF NORMAN, dated January 24, 2012, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the _____day of _____, 20___, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the_____ day of _____, 20___.

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Silver Star Construction Co.
Principal

Signed:
Authorized Representative

Title: Vice President

Address: 2401 S. Broadway
Moore, OK 73160

(Corporate Seal) (where applicable)

Surety: Ohio Casualty Insurance Co.

ATTEST:

Signed:
Authorized Representative

Printed: Patricia Lee
Authorized Representative

Title: Attorney in Fact

Address: 420 Maple, Yukon, Ok 73099

Telephone: 405-354-5201

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF McClain)

The foregoing instrument was acknowledge before me this 20th day of February, 20 12 by Tim Cowley Vice President (Name and Title), of Silver Star Construction a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 20th day of February, 2012.

BOB CRAWLEY
Notary Public in and for the
State of Oklahoma
Commission #01019643
My Commission expires 11/20/2013

Notary Public

My Commission Expires:
11-20-13
Commission No. 01019643

Statutory Bond No. B-1112-18
Page 2 of 3

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 20 day of February, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____
City Clerk

_____
Mayor

THIS POWER OF ATTORNEY IS NOT VALID UNLESS IT IS PRINTED ON RED BACKGROUND.

4909627

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

THE OHIO CASUALTY INSURANCE COMPANY
FAIRFIELD, OHIO
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company (the "Company"), an Ohio corporation, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint **DOY DAVIS, EDITH M. CUSEY, PATRICIA LEE, ADELAIDA SUTTON, MIKE VINCENT, ALL OF THE CITY OF YUKON, STATE OF OKLAHOMA**

, each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations in the penal sum not exceeding **ONE MILLION AND 00/100********** DOLLARS ($ 1,000,000.00**********) each, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the President and attested by the Secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE IV - Officers: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bond, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary.

Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

By the following instrument the Chairman or the President has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article IV, Section 12 of the By-laws, David M. Carey, Assistant Secretary of The Ohio Casualty Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

That the By-law and the Authorization set forth above are true copies thereof and are now in full force and effect.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of The Ohio Casualty Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania, this 6th day of October, 2011.

THE OHIO CASUALTY INSURANCE COMPANY

By _____
David M. Carey, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA SS
COUNTY OF MONTGOMERY

On this 6th day of October, 2011, before me, a Notary Public, personally came David M. Carey, to me known, and acknowledged that he is an Assistant Secretary of The Ohio Casualty Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of The Ohio Casualty Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

By _____
Teresa Pastella, Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of The Ohio Casualty Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article IV, Section 12 of the By-Laws of The Ohio Casualty Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of The Ohio Casualty Insurance Company at a meeting duly called and held on the 15th day of February, 2011:

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this 24th day of January, 2012.

13-19
Gregory W. Davenport, Assistant Secretary

Not valid for mortgage, note, loan, letter of credit, bank deposit, currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-610-832-8240 between 9:00 am and 4:30 pm EST on any business day.

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 1/24/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER	CONTACT NAME: Edie Cusey
Wesco Insurance Agency, Inc 420 Maple P.O. Box 850300 Yukon OK 73085-0300	PHONE (A/C, No, Ext): (405) 354-5201 FAX (A/C, No): (405) 350-6829 E-MAIL ADDRESS: ecusey@wescoinsurance.com PRODUCER CUSTOMER ID #: 00001801

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC #
Silver Star Construction Company, Inc. 2401 South Broadway Moore OK 73160	INSURER A: Bituminous Fire & Marine Ins	20109
	INSURER B: Great American Insurance Co	
	INSURER C: Bituminous Casualty Corp.	20095
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 11/12 GLAUWCUM **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR X GL3086 & GL2784 Ext LIAB X GL4665 &GL4667 AI GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC	X	X	CLP3553832	5/19/2011	5/19/2012	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 100,000 $ 5,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS X MCS90	X	X	CAP3553831	5/19/2011	5/19/2012	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident) G0X22878W Waiver of Pollution coverage form CA	$ 1,000,000 $ $ $ $ $
B	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DEDUCTIBLE X RETENTION $ 10,000	X	X	TTU5578139-06	5/19/2011	5/19/2012	EACH OCCURRENCE AGGREGATE	$ 5,000,000 $ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		WC3553830	5/19/2011	5/19/2012	X WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ 1,000,000 $ 1,000,000 $ 1,000,000
A	GL4665-AI completed ops GL4667 AI - ongoing ops			CLP3553832	5/19/2011	5/19/2012		

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Urban Asphalt Pavement Rehabilitation, Norman, Okla. New street construction.
City of Norman is shown as Additional Insured

CERTIFICATE HOLDER

City of Norman
P. O. Box 370
Norman, OK 73070

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Patricia Lee/EDIE Patricia Lee

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CITY OF NORMAN Bond # 87C000399

MAINTENANCE BOND

Know all men by these presents that Silver Star Construction Company Inc. as Principal, and Ohio Casualty Insurance Co a corporation organized under the laws of the State of Ohio, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of One Million Five Hundred Eight Thousand One Hundred Fifteen & 70/100 DOLLARS ($1,508,115.70), such sum being in force for a period of one year from the date of acceptance of the below described improvements by the City Council, and thereafter for the sum of Two Hundred Twenty Six Thousand Two Hundred Seventeen &36/100 DOLLARS ($ 226,217.36), such sum being not less than fifteen percent (15%) of the total price of said improvement for a period of 4 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

URBAN ASPHALT PAVEMENT REHABILITATION FYE 2012 PROJECTS

has entered into a written CONTRACT (K-1112-84) with the CITY OF NORMAN, dated 24th January2012 for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

NOW, THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of five (5) years from the date of the written final acceptance by the CITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

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

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

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

(Corporate Seal) (where applicable)

ATTEST: _____

Corporate Secretary (where applicable)

Principal Signed: _____
Authorized Representative

Title: Vice President

Address: 2401 S. Broadway
Moore, Ok 73160

Telephone: 405-793-1725

(Corporate Seal) (where applicable)
Surety: Ohio Casualty Insurance Co

ATTEST:

Signed: _____
Authorized Representative

Printed: Patricia Lee
Authorized Representative

Title: Attorney in Fact

Address: 420 Maple, Yukon, Ok 73099

Telephone: 405-354-5201

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF McClain)

The foregoing instrument was acknowledge before me this 2nd day of February, 20 12 by Tim Caudle Vice Pres. (Name and Title), of Silver Star Construction a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 2nd day of February, 20 12.

_____
Notary Public

My Commission Expires:
11-20-13

BOB CRAWLEY
Notary Public in and for the
State of Oklahoma
Commission #01019543
My Commission expires 11/20/2013

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 20 day of February, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Resolution

R-1112-28

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING SILVER STAR CONSTRUCTION COMPANY, INC., AS PROJECT AGENT FOR THE 2012 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Silver Star Construction Company, Inc., for the 2012 Urban Asphalt Pavement Rehabilitation Bond Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Silver Star Construction Company, Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Silver Star Construction Company, Inc., to purchase materials which are in fact used for the 2012 Urban Asphalt Pavement Rehabilitation Bond Project,; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Silver Star Construction Company, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 28th day of February, 2012, did appoint Silver Star Construction Company, Inc., who is involved with the 2012 Urban Asphalt Pavement Rehabilitation Bond Project, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the construction of the 2012 Urban Asphalt Pavement Rehabilitation Bond Project.

PASSED AND ADOPTED THIS 28th day of February, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000196849

REQUISITION BY: PSAYERS

STATUS: DIVISION APPROVAL
REASON: K-1112-84 ASPHALT REHABILITATION FYE 2012 PROJ

DATE: 1/27/12

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 5647 SILVER STAR CONSTRUCTION CO

DELIVER BY DATE: 6/30/12

1	BP 0332 VICKSBURG VILLAGE ADD'N 6 LOCATIONS COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	472628.00	DOL	1.0000	472628.00
2	BP 0333 FOWLER ADD'N E LOCATIONS COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	434817.76	DOL	1.0000	434817.76
3	BP 0334 BLUE LAKE ADD'N 5 LOCATIONS COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	518109.94	DOL	1.0000	518109.94
4	BP 0344 WESTFIELD MANOR - ENCUMBERING PURCHASE ORDER - K-1112-84 - AGENDA ITEM FOR FEBRUARY 28, 2012 - COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	82560.00	DOL	1.0000	82560.00

REQUISITION TOTAL: 1508115.70

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05094014316101	Capital Projects Construction	BP0332 Vicksburg Village Addn	100.00	472628.00
2	05094014316101	Capital Projects Construction	BP0333 Fowler Addition	100.00	434817.76
3	05094014316101	Capital Projects Construction	BP0334 Blue Lake Addition	100.00	518109.94
4	05094014316101	Capital Projects Construction	BP0344 Westfield Manor Addn	100.00	82560.00
					1508115.70

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MEMO FOR TRANSFERS APPROVED BY THE CITY MANAGER
HAS BEEN APPROVED.

City of Norman, OK

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

Master

File Number: K-1112-85

File ID:	K-1112-85	**Type:**	Contract	**Status:**	Agenda Ready
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$875,727.00	**File Created:**	01/27/2012
File Name:	K-1112-85 2012 Urban Concrete Rehab Project			**Final Action:**	

Title: CONSIDERATION OF BID NO. 1112-30, CONTRACT NO. K-1112-85 WITH CENTRAL CONTRACTING SERVICES, INC. IN THE AMOUNT OF $790,420; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $85,307; PERFORMANCE BOND NO. B-1112-19; STATUTORY BOND NO. B-1112-20, MAINTENANCE BOND NO. MB-1112-23, AND RESOLUTION NO. R-1112-54 FOR THE 2012 URBAN CONCRETE REHABILITATION BOND PROJECT.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $790,420 to Central Contracting Services, Inc. as the lowest and best bidder meeting specifications; approve Contract No. K-1112-85, Change Order No. One increasing the contract amount by $85,307, and the performance, statutory, and maintenance bonds; authorize execution of the contract and change order; direct the filing of the bonds; and adopt Resolution No. R-1112-54.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 14

Attachments: 1 Bid Tab Urban Concrete FYE 2012, List of locations, Location Map, K-1112-85, Change Order K-1112-85, B-1112-19, B-1112-20, MB-1112-23, R-1112-54, Central Contracting PR

Project Manager: Greg Hall, Street Superintendent

Entered by: patsy.sayers@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-85

Body

BACKGROUND: In the Norman General Obligation Bond Election of March 2010, voters approved the Urban Concrete Rehabilitation Bond Program. All bond projects are to be completed in five years under the approved program budget of $4,500,000. Six neighborhoods including 96 streets were identified for the FYE 2012 program. A list of locations is attached.

The project is funded in Account No. 050-9393-431.61-01 as Project Nos. BP0335 through BP0340. Bid specifications and documents were advertised on December 29, 2011 and January 05, 2012. Nine (9) paving contractors received a set of documents. If approved, the base bid for this project will complete the FYE 2012 locations in the 2010 Urban Concrete Pavement Rehabilitation Bond Program.

DISCUSSION: The bid opening was conducted on January 19, 2012, and eight (8) contractors submitted bids. The lowest bid in the amount of $790,420 was submitted by Central Contracting Services, Inc. of Norman, OK. The low bid is below the engineer's estimate of $875,725.80 by $85,305.80 (9.75% percent). The average of the eight (8) bids is $1,055,968.65. Central Contracting Services, Inc. has previously worked for the City of Norman and the firm received favorable references from other cities on similar projects. If approved, construction will begin on these projects in March 2012 and be completed by June 30, 2012.

RECOMMENDATION NO. 1: Staff has reviewed the bids and recommends that Bid No. 1112-30 for the 2012 Urban Concrete Rehabilitation Bond Project, be awarded to the low bidder, Central Contracting Services, Inc. in the amount of $790,420.00.

RECOMMENDATION NO. 2: Staff further recommends that, upon approval of Bid No. 1112-30, the following contract and bonds be approved:

Contract No. K-1112-85
Performance Bond No. B-1112-19
Statutory Bond No. B-1112-20
Maintenance Bond No. MB-1112-23

RECOMMENDATION NO. 3: Staff further recommends that, upon approval of Contract No. K-1112-85, that Resolution No. R-1112-54 be adopted authorizing Central Contracting Services, Inc. as project agent.

RECOMMENDATION NO. 4: Staff further recommends that Change Order No. 1 in the amount of $85,307 be approved. If approved, this Change Order will utilize all of the funds collected for this portion of the 2010 Bond Program, FYE 2012 projects. The contract amount

will be increased by 9.75% for a total amount of $875,727. The additional funding will be used to perform more repairs within the Castlerock Addition, BP0336 that have failed since the original estimate was prepared.

CITY OF NORMAN
TABULATION OF BIDS
URBAN CONCRETE PAVEMENT REHABILITATION
FYE 2012 LOCATIONS

Bid No. 1112-30
Bid Opening: January 19, 2012

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

BIDDER	BID PRICE
Central Contracting Services, Inc.	$ 790,420.00
Norman, OK 73071	
RDNJ, Inc. dba A-Tech Paving	$ 798,172.95
Edmond, OK 73083	
Rudy Construction Co.	$ 945,093.70
Oklahoma City, OK	
Nash Construction Co.	$ 963,657.00
Oklahoma City, OK 73129	
SAS Services, Inc.	$1,067,009.20
Oklahoma City, OK 73119	
Silver Star Construction Company, Inc.	$ 1,125,400.00
Moore, OK	
T. J. Campbell Construction Co.	$ 1,149,497.10
Oklahoma City, OK 73155	
Schwarz Paving Co., Inc.	$ 1,614,499.25
Oklahoma City, OK 73127	

Engineer's Estimate $ 875,725.80

RECOMMENDATION:

Staff recommends the bid be awarded to Central Contracting Services, Inc., as the lowest and best bidder meeting all specifications in the amount of $ 790,420.00.

Forwarded by:

Greg Hall, Street Superintendent

ps

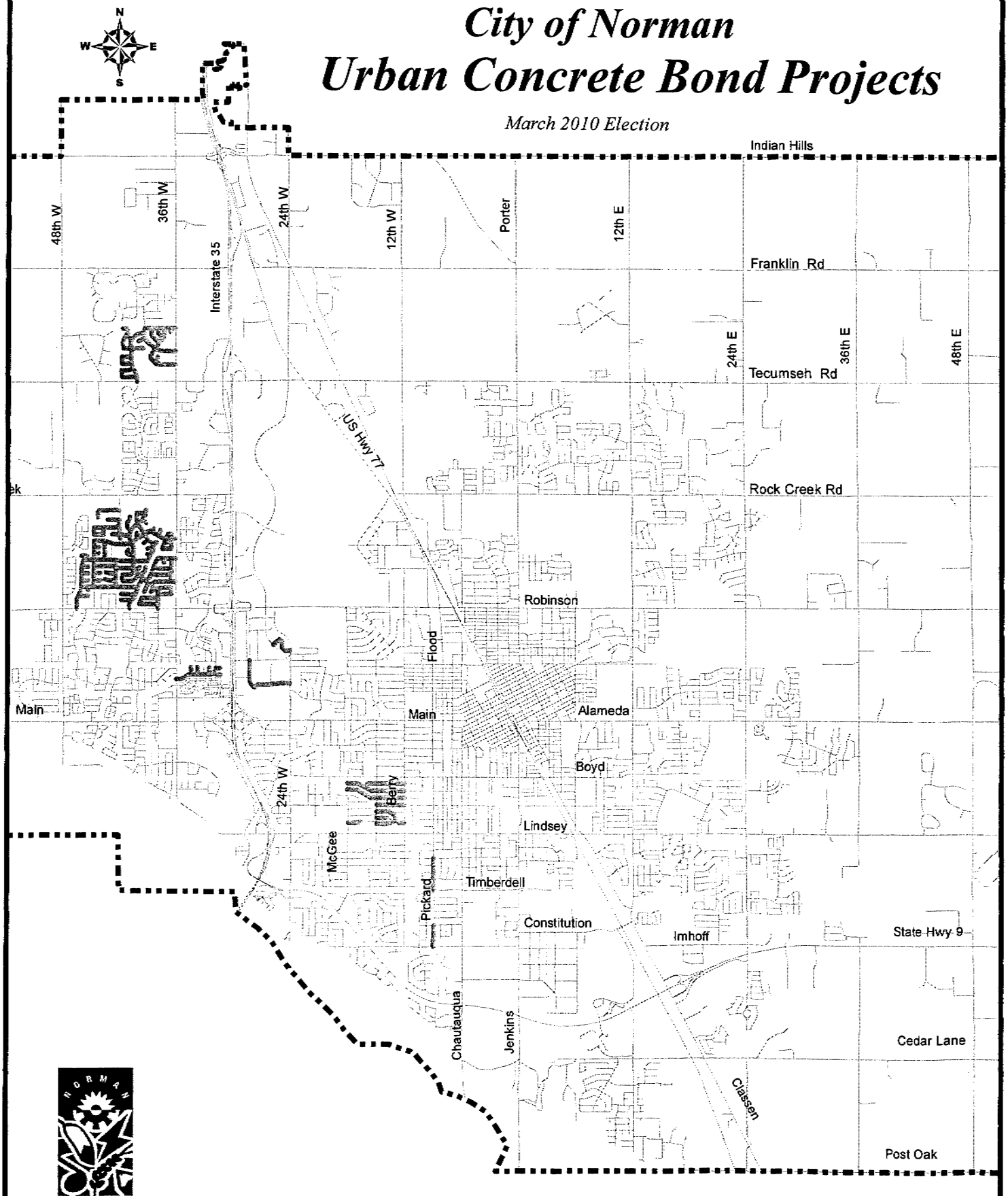
	Bid No. 1112-30	K-1112-85
Proj #	Location	
BP 0335-1	Rambling Oaks Drive	36th Avenue West - Tall Oaks Circle
BP 0335-2	Starbrook Court	Rambling Oaks Drive - North 500 Block
BP 0335-3	Bonita Circle	Rambling Oaks Drive - North 500 Block
BP 0335-4	Cheswick Court	Rambling Oaks Drive - North 500 Block
BP 0335-5	Bent Oak Circle	Rambling Oaks Drive - 3100 Block
BP 0335-6	Tall Oaks Circle	Rambling Oaks Drive - 3100 Block
BP 0335-0	Starbrook Addition	Six Locations
BP 0336-1	Bridgeport Road	36th Avenue NW - Brownwood Lane
BP 0336-2	Nicole Circle	Castlerock Road - West 3800 Block
BP 0336-3	Stonehurst Street	Castlerock Road - Drawbridge Lane
BP 0336-4	Drawbridge Lane	Castlerock Road - Stonehurst Street
BP 0336-5	Knights Bridge Street	Castlerock Road - Wood Castle St
BP 0336-6	Wood Castle Street	Castlerock Road - Knights Bridge Street
BP 0336-7	Buckingham Drive	36th Avenue NW - Bridgeport Road
BP 0336-8	Castlerock Road	Tecumseh Road - Brownwood Lane
BP 0336-9	Nicole Place	Castlerock Road - North 4100 Block
BP 0336-10	Wellington Place	Buckingham Drive - North 3900 Block
BP 0336-11	Brownwood Lane	Bridgeport Road - 36th Avenue N.W.
BP 0336-12	Worthington Drive	Bridgeport Road - Buckingham Drive
BP 0336-13	Pleasant Grove	Bridgeport Road - Buckingham Drive
BP 0336-14	MilfoRoad Place	Bridgeport Road - North 4000 Block
BP 0336-15	Moor Drive	Nicole Place - Castlerock Road
BP 0336-16	Brunswick Lane	Brownwood Lane - West 3900 Block
BP 0336-0	Castlerock Addition	Sixteen Locations
BP 0337-1	Brookhaven Boulevard	Robinson Street - North to Danfield Lane
BP 0337-2	Braden Drive	Bellwood Drive - Glenbrook Drive
BP 0337-3	Pembroke Drive	Burlington Drive - Barwick Drive
BP 0337-4	Barwick Drive	Brookhaven Boulevard - Pembroke Drive
BP 0337-5	Devon Court	N 1700 Block - Barwick Drive
BP 0337-6	Warwick Court	South to Brookhaven Boulevard
BP 0337-7	Waverly Court	South to Brookhaven Boulevard
BP 0337-8	Bellwood Drive	Bristol Drive - Braden Drive
BP 0337-9	Glenbrook Drive	Brookhaven Boulevard - Braden Drive
BP 0337-10	Burlington Drive	Brookhaven Boulevard - 36th Avenue NW
BP 0337-11	Windover Drive	Barwick Drive - Pembroke Drive
BP 0337-12	Barwick Court	Barwick Drive - Pembroke Drive
BP 0337-13	Danfield Drive	Northridge Road - Danfield Lane
BP 0337-14	Danfield Lane	Brookhaven Boulevard - Danfield Drive
BP 0337-15	Evesham Court	Danfield Drive - West 3900 Block
BP 0337-16	Stoneleigh Place	Danfield Drive - West 3900 Block
BP 0337-17	Calais Court	Danfield Drive - West 3700 Block

Proj #	Location	
BP 0337-18	Wyndam Place	Danfield Drive - West 3800 Block
BP 0337-19	Hidden Hill Road	Winding Ridge Road - 36th Avenue NW
BP 0337-20	Windermere Drive	Hidden Hill Road - North 1900 Block
BP 0337-21	Banbury Court	Hidden Hill Road - North 1900 Block
BP 0337-22	Alderbrook Street	Hidden Hill Road - North 1900 Block
BP 0337-23	Guilford Court	Hidden Hill Road - North 1900 Block
BP 0337-24	Abbotsford Lane	Guilford Lane - Guilford Lane
BP 0337-25	Rosebrook	Brookhaven Boulevard - North 1900 Block
BP 0337-26	Wyckham Place	Brookhaven Boulevard - North 2100 Block
BP 0337-27	Northhampton Drive	Brookhaven Boulevard - Grandview Avenue
BP 0337-28	Northhampton Court	Grandview Avenue - West 4200 Block
BP 0337-29	Grandview Avenue	Pebblecreek Road - North 1900 Block
BP 0337-30	Hillside Drive	Grandview Avenue - West 4300 Block
BP 0337-31	Pebblecreek Road	Grandview Avenue - West 4100 Block
BP 0337-32	Brookfield Drive	Trophy Drive - Grandview Avenue
BP 0337-33	Trophy Drive	Brookfield Drive - Brookfield Drive
BP 0337-34	Bristol Drive	Bellwood Circle - Brookhaven Boulevard
BP 0337-35	Burlington Place	Brookhaven Boulevard - South 1300 Block
BP 0337-36	Bingham Place	Brookhaven Boulevard - South 1300 Block
BP 0337-37	Brookdale Drive	Robinson Street - North to Brookhaven Boulevard
BP 0337-38	Stratford Lane	Brookdale Drive - West 3900 Block
BP 0337-39	Coventry Lane	Brookdale Drive - West 3900 Block
BP 0337-40	Briarcrest Drive	Broad Acres Drive - East to Brookdale Drive
BP 0337-41	Waverly Drive	Warwick Drive East to Brookhaven Boulevard
BP 0337-42	Warwick Drive	Waverly Drive East to Brookhaven Boulevard
BP 0337-43	Oxford Way	Winding Ridge Road East to Brookhaven Boulevard
BP 0337-44	Northridge Road	Winding Ridge Road East to Danfield Drive
BP 0337-45	Charing Cross Court	Brookhaven Boulevard - North 2200 Block
BP 0337-46	Valley Ridge Road	Briarcrest Drive North to Hidden Hill Road
BP 0337-47	Valley Vista	Valley Ridge Road - West 4200 Block
BP 0337-48	Brookview	Valley Ridge Road - West 4200 Block
BP 0337-49	Balmoral Court	Winding Ridge - West 4400 Block
BP 0337-50	Saint Andrews Court	Winding Ridge - West 4400 Block
BP 0337-51	Winding Ridge Road	Briarcrest Drive - Hidden Hill Road
BP 0337-52	Cedar Hill Road	Northridge Road - Hidden Hill Road
BP 0337-53	Winding Ridge Circle	Winding Ridge Road - West 4400 Block
BP 0337-54	Green View Circle	Winding Ridge Road - West 4400 Block
BP 0337-55	Broad Acres Drive	Robinson Street - Northridge Road
BP 0337-56	Beckett Court	Broad Acres Drive - West 4500 Block
BP 0337-57	Briarcrest Circle	Briarcrest Drive - North 1300 Block

Proj #	Location	
BP 0337-58	Alexander Court	Broad Acres Drive - West 4400 Block
BP 0337-59	Greenfield Circle	Broad Acres Drive - West 4500 Block
BP 0337-60	Polo Ridge Circle	Broad Acres Drive - West 4500 Block
BP 0337-61	Chukkar Court	Northridge Road - W 4500 Block
BP 0337-0	Brookhaven Addition	61 Locations
BP 0338-1	26th Avenue N W	Hemphill Drive - North 600 Block
BP 0338-2	Hemphill Drive	24th Avenue N.W. - 26th Avenue N.W.
BP 0338-3	Fairway Court	24th Avenue N.W. - Fairway Drive
BP 0338-0	Park Central Addition	Three Locations
BP 0339-1	Pickard Avenue	Timberdell Road - Elmwood Drive
BP 0339-2	Pickard Avenue	Imhoff Road - Lakewood Drive
BP 0339-0	Pickard Avenue South of Lindsey	Two Locations
BP 0340-1	Leslie Lane	Berry Road - Cruce Street
BP 0340-2	Cruce Street	Berry Road - McGee Drive
BP 0340-3	Caddell Lane	Berry Road - McGee Drive
BP 0340-4	Brooks Street	Berry Road - Wylie Road
BP 0340-5	Avondale Drive	Berry Road - McGee Drive
BP 0340-6	Oakwood Drive	McGee Drive - Lindale Drive
BP 0340-7	Lindale Avenue	Wylie Road - Avondale Drive
BP 0340-8	Lancaster Circle	McGee Drive - West 1600 Block
BP 0340-0	Hetherington Heights Addition	Eight Locations
	Urban Concrete	YEAR 2012 (96 Locations)

City of Norman
Urban Concrete Bond Projects

March 2010 Election



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.

FYE 2011-2012 Projects

CONTRACT

THIS CONTRACT made and entered into this____day of_____, 2012, by and between as Party of the First Part, hereinafter designated as the CONTRACTOR, and the City of Norman, a municipal corporation, hereinafter designated as the CITY, Party of the Second Part.

WITNESSETH

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

URBAN CONCRETE PAVEMENT REHABILITATION 2010 BOND PROJECT
FYE 2012 PROJECT LOCATIONS

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) SEVEN HUNDRED NINETY THOUSAND FOUR HUNDRED TWENTY (DOLLARS);

(NUMERALS) ($ 790,420.00).

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 10 days following receipt of a NOTICE-TO-PROCEED, and prosecute the same vigorously and continuously, and continuously complete the same by June 30, 2012.

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 Cleveland)

James L. Tipken, 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.

CENTRAL CONTRACTING SERVICES, INC.

James L Tipken
Contractor

Subscribed and sworn to before me this _____ day of _____, 20___.

Sara N Switzer
Notary Public

TARA N. SWITZER NOTARY 07006632 EXP. 7/12/15 PUBLIC STATE OF OKLAHOMA

Contract No. K-1112-85

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)

CENTRAL CONTRACTING SERVICES, INC.

Principal

Signed: James L Tipken

Title: James L. Tipken, President

Address 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

ATTEST:
Authorized Representative
James L Tipken
Corporate Secretary (where applicable)

CITY OF NORMAN:

Approved as to form and legality this 17 day of February 2012.

City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20___.

ATTEST:

City Clerk

Mayor

CONTRACT AFFIDAVIT

STATE OF Oklahoma)
) ss:
COUNTY OF Cleveland)

James L. Tipken, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of Central Contracting Services, Inc. to submit the above Contract to the City of Norman, Oklahoma.

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

CENTRAL CONTRACTING SERVICES, INC.

James L Tipken
Contractor

Subscribed and sworn to before me this _____ day of _____, 20___.

Sara N. Switzer
Notary Public

TARA N. SWITZER NOTARY 07006632 EXP. 7/12/15 PUBLIC STATE OF OKLAHOMA

My Commission Expires:

July 12, 2015

Commission No. 07006632

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

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

CONTRACT NO.: K-1112-85

PROJECT: URBAN CONCRETE PAVEMENT REHABILITATION PROJECTS

PROJECTS NOS.: BP0336

CONTRACTOR: CENTRAL CONTRACTING SERVICES, INC
17301 S. Sunnylane
Norman, OK 73071

ORIGINAL CONTRACT AMOUNT: $ 790,420.00

(Increase) this change order 0

DESCRIPTION	DECREASE	INCREASE
See Page 3 – Change Order Detail	-0-	$ 85,307.00

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

NET CHANGE	$ 85,307.00
REVISED CONTRACT AMOUNT	$ 875,727.00

CONTRACTOR: _____ DATE: 01-26-12

PROJECT MGR.: _____ DATE: 1/26/12

CITY ATTORNEY: _____ DATE: 2/7/12

ACCEPTED BY: _____ DATE: _____
(Mayor)

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

Contract No.:	K-1112-85	Project Mgr.: Greg Hall
Project Account Number:	050-9393-431.61-01	Street Superintendent
Project No. BP0336		P.O. Box 370
		405-329-2524

Change Order No. 1 Applies To:
URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS

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

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

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

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

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

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

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

DETAILED COST ITEMIZATION

ORIGINAL CONTRACT:

URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS

CHANGE ORDER NO. 1 to Contract No. K-1112-85
Applied To: Project Nos.: BP0336

Streets:

PROJ #	STREET
BP0336	Castlerock Addition

Original Bid Proposal and Pay Item Numbers

CENTRAL CONTRACTING SERVICES, INC.					
URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECTS					
BID 1112-30					
ITEM	DESCRIPTION	UNIT	UNIT PRICE	QUANTITY	TOTAL PRICE
9	Remove Concrete Pavement	S.Y.	$ 5.00	2,029	$ 10,145.00
11	Compact Existing Subgrade (4)	S.Y.	$ 1.00	2,029	$ 2,029.00
12	Centerline Striping Striping (Double Yellow)	L.F.	$ 4.00	6	$ 24.00
14	Install Reinforcement Steel (6)	LB	$ 0.65	100	$ 65.00
16	3000 PSI Concrete 7" Pavement (10)	S.Y.	$ 36.00	2,029	$ 73,044.00
	TOTAL INCREASE				$ 85,307.00

PERFORMANCE BOND

Known all men by these presents, that Central Contracting Services, Inc. as PRINCIPAL, and American Safety Casualty Insurance Company Corporation organized under the laws of the State of Oklahoma and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Eight Hundred Seventy Five Thousand Seven Hundred Twenty Seven DOLLARS, ($ 875,727.00), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

URBAN CONCRETE PAVEMENT REHABILITATION 2010 BOND PROJECT
FYE 2012 PROJECT LOCATIONS

has entered into a written CONTRACT (K-1112-85) with THE CITY OF NORMAN, dated _____, 20___, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

Performance Bond No. B 1112-19
Page 1 of 4

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), and the _____day of _____, 20___ and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the day of_____, 20___.

Central Contracting Services, Inc.
Principal

(Corporate Seal) (where applicable)

ATTEST:

James L Tipken
Corporate Secretary (where applicable)

Principal Signed: James L Tipken
Authorized Representative

Title: James L. Tipken, President

Address: 17301 S. Sunnylane
Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal) (where applicable)

ATTEST:
Diana Blackmon

Surety: American Safety Casualty Insurance Company

Signed: Tina E Switzer
Authorized Representative

Printed: Tina E. Switzer
Authorized Representative

Title: Attorney-in-Fact

Address: 909 S. Meridian, Ste. 700
Oklahoma City, OK 73108

Telephone: 405-568-3008

Performance Bond No. B 1112-19
Page 2 of 4

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)
) ss:
COUNTY OF Cleveland)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by James L. Tipken, President (Name and Title), of Central Contracting Services, Inc., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this _____ day of _____, 20____.

Sara N. Switzer
Notary Public

TARA N. SWITZER NOTARY 07006632 EXP. 7/12/15 PUBLIC STATE OF OKLAHOMA

My Commission Expires:
July 12, 2015

Performance Bond No. B 1112-19
Page 3 of 4

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20__.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 17 day of February, 2012

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Performance Bond No. B 1112-19
Page 4 of 4

STATUTORY BOND

Known all men by these presents that Central Contracting Services, Inc. as PRINICPAL, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as Surety, are held and firmly bound unto the State of Oklahoma in the sum of Eight Hundred Seventy Five Thousand Seven Hundred Twenty Seven DOLLARS ($ 875,727.00), or the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

URBAN CONCRETE PAVEMENT REHABILITATION 2010 BOND PROJECT
FYE 2012 PROJECT LOCATIONS

has entered into a written CONTRACT (K-1112-85) with THE CITY OF NORMAN, dated _____, 20__, for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the _____day of_____, 20___ , and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative on the_____ day of _____, 20___.

(Corporate Seal) (where applicable)

ATTEST:

James L Tipken

Corporate Secretary (where applicable)

Principal: Central Contracting Services, Inc.

Signed: James L Tipken

Authorized Representative

Title: James L. Tipken, President

Address: 17301 S. Sunnylane

Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal) (where applicable)

Surety: American Safety Casualty Insurance Company

ATTEST:

Diana Blackmon

Signed: Tina E. Switzer

Authorized Representative

Printed: Tina E. Switzer

Authorized Representative

Title: Attorney-in-Fact

Address: 909 S. Meridian, Ste. 700
Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)

) ss:

COUNTY OF Cleveland)

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by James L. Tipken, President (Name and Title), of Central Contracting Services, Inc., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this _____ day of _____, 20___.

Sara N Switzer

Notary Public

My Commission Expires:
July 12, 2015

TARA N. SWITZER NOTARY PUBLIC 07006632 EXP. 7/12/15 STATE OF OKLAHOMA

Statutory Bond No. B-1112-20
Page 2 of 3

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 17 day of February, 2012

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

NUMBER

OKC615080

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that American Safety Casualty Insurance Company has made, constituted and appointed, and by these presents does make, constitute and appoints

Tina E. Switzer, Barbara M. Paske, Tara N. Switzer, Tracy L. Kyle, Cynthia A. Harrell of Oklahoma City, OK

its true and lawful attorney-in-fact, for it and its name, place, and stead to execute on behalf of the said Company, as surety, bonds, undertaking and contracts of suretyship to be given to

ALL OBLIGEES

provided that no bond or undertaking or contract of suretyship executed under this authority shall exceed in amount the sum of

*** THREE MILLION*** ($3,000,000.00) DOLLARS***

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company of the 6th day of August, 2009.

RESOLVED, that the President in conjunction with the Secretary or any Assistant Secretary may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the Company, to execute and deliver and affix the seal of the Company to bands, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any power of attorney previously granted to such persons.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the company when: (i) when signed by the President or any Vice-President and attested and sealed (if a seal is required) by any Secretary or Assistant Secretary or (ii) when signed by the President or any Vice-President or Secretary or Assistant Secretary, and counter-signed and sealed (if a seal is required) by a duly authorized attorney-in-fact or agent; or (iii) when duly executed and sealed (if a seal is required) by one or more attorney-in-fact or agents pursuant to and within the limits of the authority evidenced by the power of attorney issued by the Company to such person or persons.

RESOLVED FURTHER, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the Company; and such signature and seal when so used shall have the same force and effects as though manually affixed.

IN WITNESS WHEREOF, American Safety Casualty Insurance Company has caused its official seal to be hereunto affixed, and these presents to be signed by its President and attested by its Secretary this 6th day of August, 2009

Attest:

Ambuj Jain

Joseph D. Scollo, Jr.

STATE OF GEORGIA)
)
COUNTY OF COBB)

On this 6th day of August, 2009, before me personally came Joseph D. Scollo, Jr., to me known, who, being by me duly sworn, did depose and say that he is the President of American Safety Casualty Insurance Company, the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to the said instrument is such corporate seal; that is was so affixed by order of the Board of Directors of said corporation and that he signed his name thereto by like order.

JAMI BAILEY
Notary Public, Hall Co., GA
My Commission Expires Aug. 13, 2012

Jami Bailey, Notary Public

I, the undersigned, Secretary of American Safety Casualty Insurance Company, an Oklahoma corporation, DO HEREBY CERTIFY, that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore that the Resolution of the Board of Directors, set forth in the said Power of Attorney, is now in force.

Signed and sealed in the City of Atlanta, in the State of Georgia Dated this ___day of _____.

Ambuj Jain

ORIGINALS OF THIS POWER OF ATTORNEY ARE PRINTED WITH RED NUMERICAL NUMBERS
DUPLICATES SHALL HAVE THE SAME FORCE AND EFFECT AS AN ORIGINAL ONLY WHEN ISSUED IN CONJUNCTION WITH THE ORIGINAL

CITY OF NORMAN
MAINTENANCE BOND

Know all men by these presents that Central Contracting Services, Inc. as Principal, and American Safety Casualty Insurance Company, a corporation organized under the laws of the State of Oklahoma, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto THE CITY OF NORMAN, a Municipal Corporation of the State of Oklahoma, herein called CITY, in the sum of Eight Hundred Seventy Five Thousand Seven Hundred Twenty Seven Thousand DOLLARS ($875,727.00), such sum being in force for a period of one year from the date of acceptance of the below described improvements by the City Council, and thereafter for the sum of One Hundred Thirty One Thousand Three Hundred Fifty Nine and 05/100 DOLLARS ($131,359.05), such sum being not less than fifteen percent (15%) of the total price of said improvement for a period of 4 year(s) thereafter, for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

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

URBAN CONCRETE PAVEMENT REHABILITATION 2010 BOND PROJECT
FYE 2012 PROJECT LOCATIONS

has entered into a written CONTRACT (K-1112-85) with the CITY OF NORMAN, dated _____, 20__ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by references as if fully set forth; and,

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

NOW, THEREFORE, if the PRINCIPAL shall keep and maintain, subject to normal wear and tear, the construction, except for defects not occasioned by improper workmanship, materials, or failure to protect new work until it is accepted, and if the PRINCIPAL shall promptly repair, without notice from the CITY or expense to the CITY any and all defects arising from improper workmanship, materials, or failure to protect new work until it is accepted; all for a period of five (5) years from the date of the written final acceptance by the CITY, then this obligation shall be null and void. Otherwise, this obligation shall remain in full force and effect at all times.

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

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

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

(Corporate Seal) (where applicable)

ATTEST:

James L Tipken

Corporate Secretary (where applicable)

Principal: Central Contracting Services, Inc.

Signed: James L Tipken

Authorized Representative

Title: James L. Tipken, President

Address: 17301 S. Sunnylane

Norman, OK 73071

Telephone: 405-895-6250

(Corporate Seal) (where applicable)

ATTEST:

Diana Blackmon

Surety: American Safety Casualty Insurance Company

Signed: Tina E A

Authorized Representative

Printed: Tina E. Switzer

Authorized Representative

Title: Attorney-in-Fact

Address: 909 S. Meridian, Ste. 700

Oklahoma City, OK 73108

Telephone: 405-568-3008

CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma)

) ss:

COUNTY OF Cleveland)

The foregoing instrument was acknowledge before me this _____ day of _____, 20__, by James L. Tipken, President (Name and Title), of Central Contracting Services, Inc. a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this _____ day of _____, 20___.

Tara N. Switzer

Notary Public

TARA N. SWITZER NOTARY 07006632 EXP. 7/12/15 PUBLIC STATE OF OKLAHOMA

My Commission Expires:
July 12, 2015

Maintenance Bond No. MB-1112-23

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

PARTNERSHIP ACKNOWLEDGEMENT

STATE OF _____)
) ss:
COUNTY OF _____)

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

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

CITY OF NORMAN

Approved as to form and legality this 17 day of February, 2012

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Maintenance Bond No. MB-1112-23
Page 3 of 3

Resolution

R-1112-54

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING CENTRAL CONTRACTING SERVICES, INC., AS PROJECT AGENT FOR THE 2012 URBAN CONCRETE PAVEMENT REHABILITATION BOND PROJECT.

§ 1. WHEREAS, the City of Norman, Oklahoma, does hereby acknowledge that the tax-exempt status of this political subdivision is a significant factor in determining the agreed contract price bid by Central Contracting Services, Inc., for the 2012 Urban Concrete Pavement Rehabilitation Bond Project; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Central Contracting Services, Inc., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Central Contracting Services, Inc., to purchase materials which are in fact used for the 2012 Urban Asphalt Concrete Rehabilitation Bond Project,; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Central Contracting Services, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 28th day of February, 2012, did appoint Central Contracting Services, Inc., who is involved with the 2012 Urban Concrete Pavement Rehabilitation Bond Project, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the construction of the 2012 Urban Concrete Pavement Rehabilitation Bond Project.

PASSED AND ADOPTED THIS 28th day of February, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000196844

STATUS: DIVISION APPROVAL

REQUISITION BY: PSAYERS
REASON: K-1112-85 CONCRETE REHABILITATION FYE 2012 PROJ
DATE: 1/27/12

SHIP TO LOCATION: LINDSEY STREET YARD
SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES
DELIVER BY DATE: 6/30/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	BP 0335 STARBROOK ADD'N 6 LOCATIONS COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	42754.00	DOL	1.0000	42754.00	
2	BP 0336 CASTLEROCK ADD'N SIXTEEN STREETS CHG ORD COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	263448.00	DOL	1.0000	263448.00	
3	BP 0337 BROOKHAVEN ADD'N 61 STREETS COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	178142.00	DOL	1.0000	178142.00	
4	BP 0338 PARK CENTRAL ADD'N THREE STREETS COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	195425.00	DOL	1.0000	195425.00	
5	BP 0339 PICKARD AVE SO OF LINDSEY 2 LOCATIONS COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	53444.00	DOL	1.0000	53444.00	
6	BP 0340 HETHERINGTON HEIGHTS ADD'N 8 LOCATIONS - ENCUMBERING PURCHASE ORDER - K-1112-85 - AGENDA ITEM FOR FEBRUARY 28, 2012 - COMMODITY: CONSTRUCTION SERVICES, TR SUBCOMMOD: CONCRETE	142514.00	DOL	1.0000	142514.00	

REQUISITION TOTAL: 875727.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	05093934316101	Capital Projects Construction	BP0335 Starbrook Addition	100.00	42754.00
2	05093934316101	Capital Projects Construction	BP0336 Castlerock Addition	100.00	263448.00
3	05093934316101	Capital Projects Construction	BP0337 Brookhaven Addition	100.00	178142.00
4	05093934316101	Capital Projects Construction	BP0338 Park Central Addition	100.00	195425.00
5	05093934316101	Capital Projects Construction	BP0339 Pickard S of Lindsey	100.00	53444.00

PURCHASE REQUISITION NBR: 0000196844

STATUS: DIVISION APPROVAL

REQUISITION BY: PSAYERS
REASON: K-1112-85 CONCRETE REHABILITATION FYE 2012 PROJ
DATE: 1/27/12

SHIP TO LOCATION: LINDSEY STREET YARD
SUGGESTED VENDOR: 2892 CENTRAL CONTRACTING SERVICES
DELIVER BY DATE: 6/30/12

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

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
6	05093934316101	Capital Projects Construction	BP0340 Heatherington Heights Adn	100.00	142514.00

875727.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MEMO FOR TRANSFERS APPROVED BY CITY MANAGER
HAS BEEN SIGNED.

City of Norman, OK

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

Master

File Number: FP-1011-6

File ID:	FP-1011-6	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	08/11/2010
File Name:	Final Plat Las Colinas Addition, Section 1,			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR LAS COLINAS ADDITION, SECTION 1, (FORMERLY KNOWN AS FOUNTAIN VIEW ADDITION, SECTION 2), ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND APPROVAL OF DEFERRED CONSTRUCTION OF STREET AND DRAINAGE IMPROVEMENTS ADJACENT TO 48TH AVENUE N.W. (GENERALLY LOCATED ONE-HALF MILE SOUTH OF TECUMSEH ROAD ON THE EAST SIDE OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to approve or reject the final plat for Las Colinas Addition, Section 1, (formerly known as Fountain View Addition, Section 2) and the deferral of sidewalk and drainage improvements adjacent to 48th Avenue N.W.; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, acceptance of a cash surety securing the public improvements, and receipt of a Certificate of Deposit in the amount of $78,520 for the deferral of street and drainage improvements adjacent to 48th Avenue N.W. within 10 days after approval and a traffic impact fee the amount of $1,707.58; and direct the filing of the final plat.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 15

Attachments: Location Map, Staff Report, Final Plat-Fountain View-Sec 2, Final Plat-Las Colinas Section 1, Prelim Plat-Fountain View, SMC Request-Final Plats, SMC Request-Deferral Req, Parks Board Minutes, Planning Comm Mts

Project Manager: Ken Danner, Subdivision 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	09/09/2010	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department					
1	Planning Commission	09/09/2010					

Text of Legislative File FP-1011-6

Body

BACKGROUND: This item is a final plat for Las Colinas Addition, Section 1, (formerly known as Fountain View Addition, Section 2) and is generally located one half mile south of Tecumseh Road on the east side of 48th Avenue N.W.

City Council, at its meeting of September 28, 2004, adopted Ordinance No. O-0304-74 and O-0405-7 placing this property in the R-1 single family residential zoning classification. City Council, at its meeting of May 11, 2010, approved the preliminary plat for Fountain View Addition. Planning Commission, at its meeting of September 9, 2010, approved the final plat for Fountain View Addition, Section 2. This property consists of 26.80 acres with seventy-four (74) single-family lots.

DISCUSSION: Staff has reviewed the required public improvement construction plans. Public improvements for this property consist of water mains (including offsite) with fire hydrants; sanitary sewers mains (including offsite); street paving; sidewalks, and drainage. These improvements are under construction.

Approximately 660 feet of 48th Avenue N.W. will be required to be constructed to City standards as a half width collector street (minor arterial). Section 19-602 B 1.2 (a)(b)(c) and (d) of the City Code establishes a method of deferring public street improvements under the following situation: (a) where incompatible grades exist; (b) where there are inadequate or a lack of connecting facilities; (c) where construction of the improvement would not immediately function for its intended use; or (d) where such improvement would be replaced by a planned future project. The developer is required to post a certificate of deposit with the City in a special account to be used with a future paving project or at such time as development occurs adjacent to the property. Staff has observed over the years that gap paving or "piecemeal" paving has been less than effective for arterial streets. There have been times over the years paving improvements have been constructed and then replaced because they did not fit in the overall design of the street. Because of this short length of pavement, staff is recommending deferral until future development occurs.

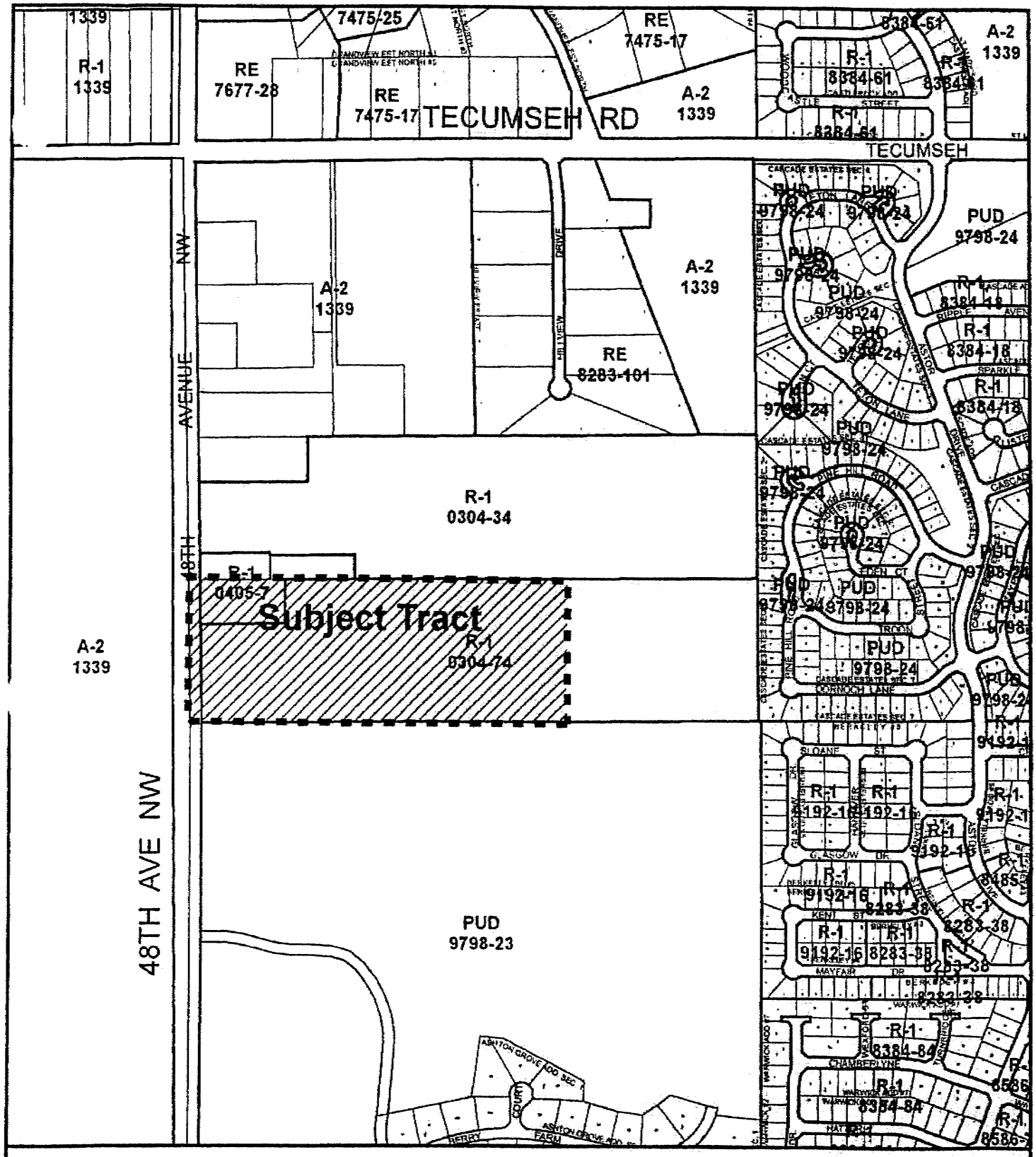
The owner/developer has negotiated a parkland fee for Las Colinas, Sections 1 and 2 with staff and has paid the parkland fees in the amount of $9,170.

The final plat is consistent with the approved preliminary plat. The developer has made a request through his engineer to change the name of the final plat from Fountain View Addition, Section 2, to Las Colinas Addition, Section 1. Staff is not opposed to this request and can change the name of the subdivision files to reflect that change.

Declaration of Covenants, Conditions, and Restrictions has been reviewed by City Legal staff. A copy will be provided to the City Clerk.

RECOMMENDATION: A traffic impact fee in the amount of $1,707.58 will be required prior to the filing of the final plat. Open space lots, detention facilities and the 48th Avenue N.W. right-of-way will be maintained by a mandatory Property Owners Association. As with previous final plats, Fountain View Addition, Section 1, and Las Colinas Addition, Section 1, should be conditioned that the plats must be filed of record with the Cleveland County Clerk at the same time. The owner of Fountain View Addition, Section 1, has agreed to provide cross access from Las Colinas Additions, Sections 1 and 2, into Fountain View Addition, Section 1, as a secondary emergency access. At this time, the secondary access cannot be physically constructed due to the relocation of a major ONEOK gas main. The owner of Las Colinas Additions, Sections 1 and 2, has agreed to permit no more than the allowable 100 residential lots.

Based upon the above information, Staff recommends acceptance of the public dedications contained therein. The City Development Committee will ensure completion of all required public improvements or bonds and will recommend that the Mayor sign the final plat and bonds subject to receipt of a Certificate of Deposit in the amount of $78,520 for deferral of paving and drainage improvement and $1,707.58 for traffic impact fees.



Location Map

Map Produced by the City of Norman Geographic Information System. (405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N W E S

Subject Tract

Zoning

August 31, 2010

0 300 600 Ft.

15-1

FINAL PLAT ITEM NO. 7

STAFF REPORT

ITEM: Consideration of a Final Plat for FOUNTAIN VIEW ADDITION, SECTION 2 (REAPPROVAL).

LOCATION: Generally located on the east side of 48th Avenue NW and approximately 2,000 feet south of West Tecumseh Road.

INFORMATION:

1. Owner. Southwest Capitol Group, LLC.
2. Developer. Southwest Capitol Group, LLC.
3. Engineer. SMC Consulting Engineers P.C.

HISTORY:

1. June 12, 1962. City Council adopted Ordinance No. 1320 annexing and placing this property in A-2 zoning classification.
2. December 4, 2003. The Norman Board of Parks Commissioners recommended fee in lieu of park land requirements.
3. December 11, 2003. Planning Commission, on a vote of 5-2, recommended to City Council that a portion of this property be placed in R-1 and removed from A-2 zoning classification.
4. December 11, 2003. Planning Commission, on a vote of 5-2, recommended approval of the preliminary plat for Windstone Farms Addition. The preliminary plat consisted of the northern portion of the property.
5. January 22, 2004. City Council postponed Ordinance No. O-0304-34 indefinitely.

HISTORY (cont'):

6. May 5, 2004. Flood Plain Permit Committee approved Flood Plain Permit No. 366 relating to the 1979 flood map for this area as adopted by City Council. The 1997 FEMA maps do not impose flood plain on this property. Therefore, the flood plain permit relates to the City's authorization. With the adoption of the September 26, 2008, DFIRM, this property does not contain flood plain.

7. May 6, 2004. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the enlarged preliminary plat for Windstone Farms Addition.

8. May 13, 2004. A rezoning request and preliminary plat were postponed at the request of the applicant.

9. June 10, 2004. A rezoning request and preliminary plat were postponed at the request of the applicant.

10. July 8, 2004. Planning Commission, on a vote of 8-0, recommended to City Council that a portion of this property be placed in R-1 and removed from A-2 zoning classification.

11. July 8, 2004. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Windstone Farms Addition be approved.

12. July 20, 2004. Flood Plain Permit Committee approved the amended Flood Plain Permit No. 366.

13. August 5, 2004. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the revised preliminary plat for Windstone Farms Addition that now includes two (2) additional parcels.

14. August 12, 2004. Planning Commission, on a vote of 6-2, recommended to City Council that a portion of this property be placed in R-1 and removed from RE and A-2 zoning classification.

15. August 12, 2004. Planning Commission, on a vote of 6-2, recommended to City Council that the preliminary plat for Windstone Farms Addition be approved.

16. September 28, 2004. City Council adopted Ordinance No. O-0304-34 placing a portion of this property in R-1 and removing it from RE and A-2 zoning classifications.

HISTORY (cont'):

17. September 28, 2004. City Council adopted Ordinance No. O-0304-74 placing a portion of this property in R-1 and removing it from A-2 zoning classification.

18. September 28, 2004. City Council adopted Ordinance No. O-0405-7 placing a portion of this property in R-1 and removing it from RE and A-2 zoning classifications.

19. September 28, 2004. City Council approved the preliminary plat for Windstone Farms Addition.

20. October 14, 2004. Planning Commission, on a vote of 7-0, postponed the final plats for Fountain View Addition, Sections 1 and 2, for one (1) month.

21. November 10, 2004. Planning Commission, on a vote of 8-0, postponed the final plats for Fountain View Addition, Sections 1 and 2, indefinitely at the request of staff.

22. November 20, 2006. Referendum Petition was finally resolved in the courts. The rezoning and preliminary plat were upheld upon this date.

23. November 20, 2009. The approval of the preliminary plat became null and void.

24. April 8, 2010. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition (a/k/a Windstone Farms Addition) be approved.

25. May 11, 2010. City Council approved the preliminary plat for Fountain View Addition subject to the requirement of detention facilities.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. An off plat sanitary sewer main will be installed to the south.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Staff recommends deferral of sidewalks adjacent to 48th Avenue NW.

IMPROVEMENT PROGRAM (con't):

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with plans and City drainage standards. Privately-owned detention facilities will be installed parallel to 48th Avenue NW within the development. The proposal will be the use of retention to use as an amenity for the development. A major drainage structure under 48th Avenue NW is the requirement of Fountain View Addition, Section 1 and Fountain View Addition, Section 2.

6. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. An off-plat twelve-inch (12") water main will need to be extended and connected to an existing twelve-inch (12") main parallel to West Tecumseh Road.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. Street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat, final plat and memorandum recommending deferral of street and sidewalk improvements are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of 74 single family residential lots and several open space lots. The open space lots, including the detention/retention ponds and 48th Avenue NW right-of-way, will be maintained by a mandatory Property Owners Association. There was an existing oil well on this property. It has been properly plugged and the final plat provides a 45-foot radius for the plugged well. As with previous final plats within the urban area, staff is recommending that approvals of the final plats for Fountain View Addition, Section 1 and Fountain View Addition, Section 2, be conditioned that the plats must be filed of record with the Cleveland County Clerk at the same time. However, if either owner/developer obtains an easement from the other owner/developer for a public access and constructs a secondary access, this will eliminate a single access development with too many lots located within the development and allow the development to proceed. Staff recommends approval of deferred construction for paving and sidewalks for 48th Avenue NW and approval of the final plat for Fountain View Addition, Section 2.

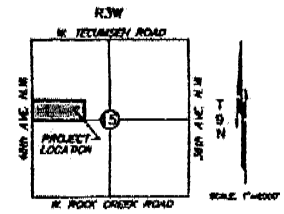
ACTION NEEDED: Recommend approval or disapproval of deferral of sidewalks and paving in connection with 48th Avenue NW and approve or disapprove the final plat for Fountain View Addition, Section 2 .

ACTION TAKEN: _____

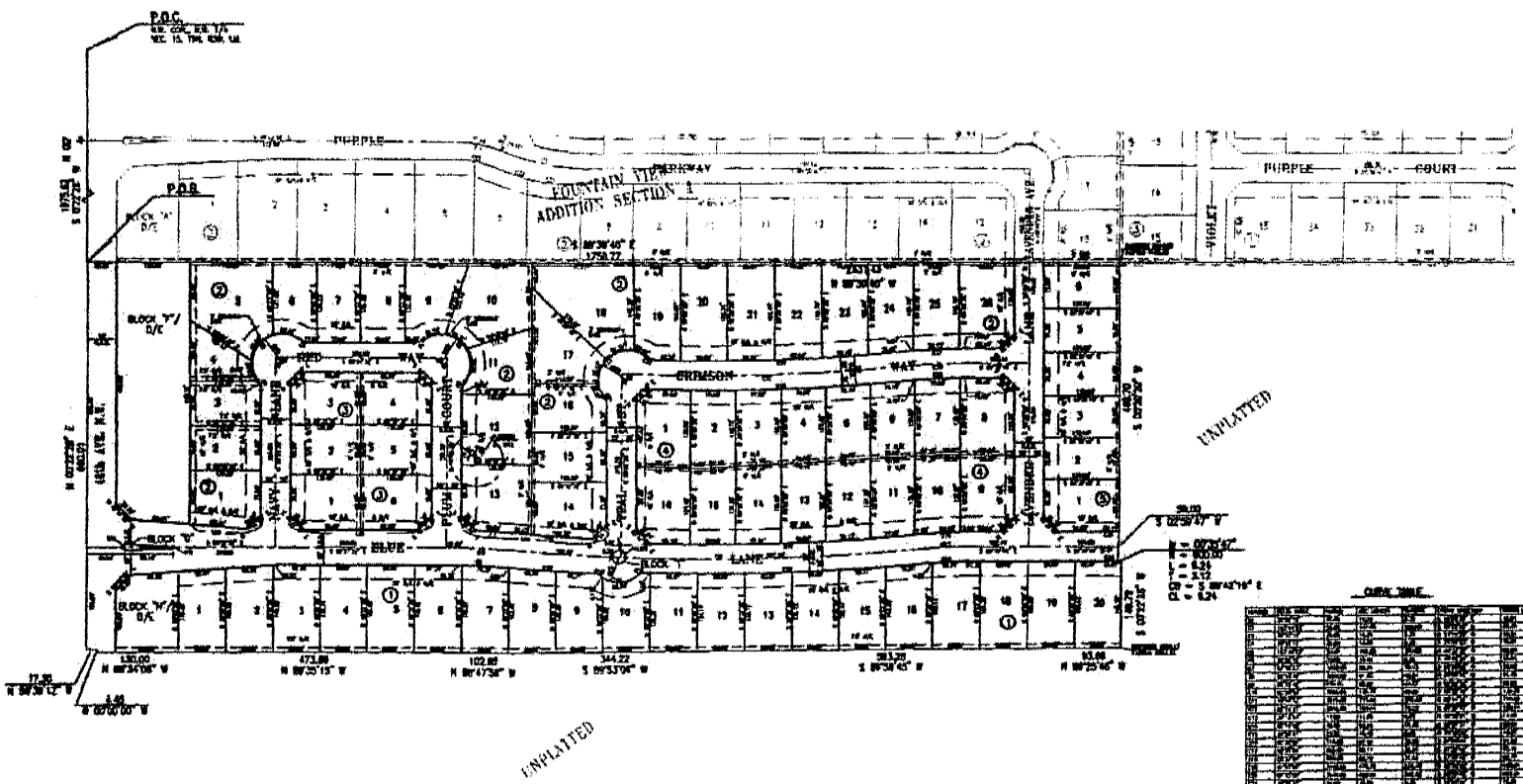
FINAL PLAT

FOUNTAIN VIEW ADDITION SECTION 2

A PART OF THE S. 1/2 OF THE N.W. 1/4, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

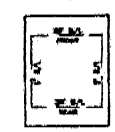


LOCATION MAP



SCALE: 1" = 100'

TYPICAL BUILDING SETBACKS



TOTAL LOTS = 74 RESIDENTIAL LOTS

CURVE TABLE

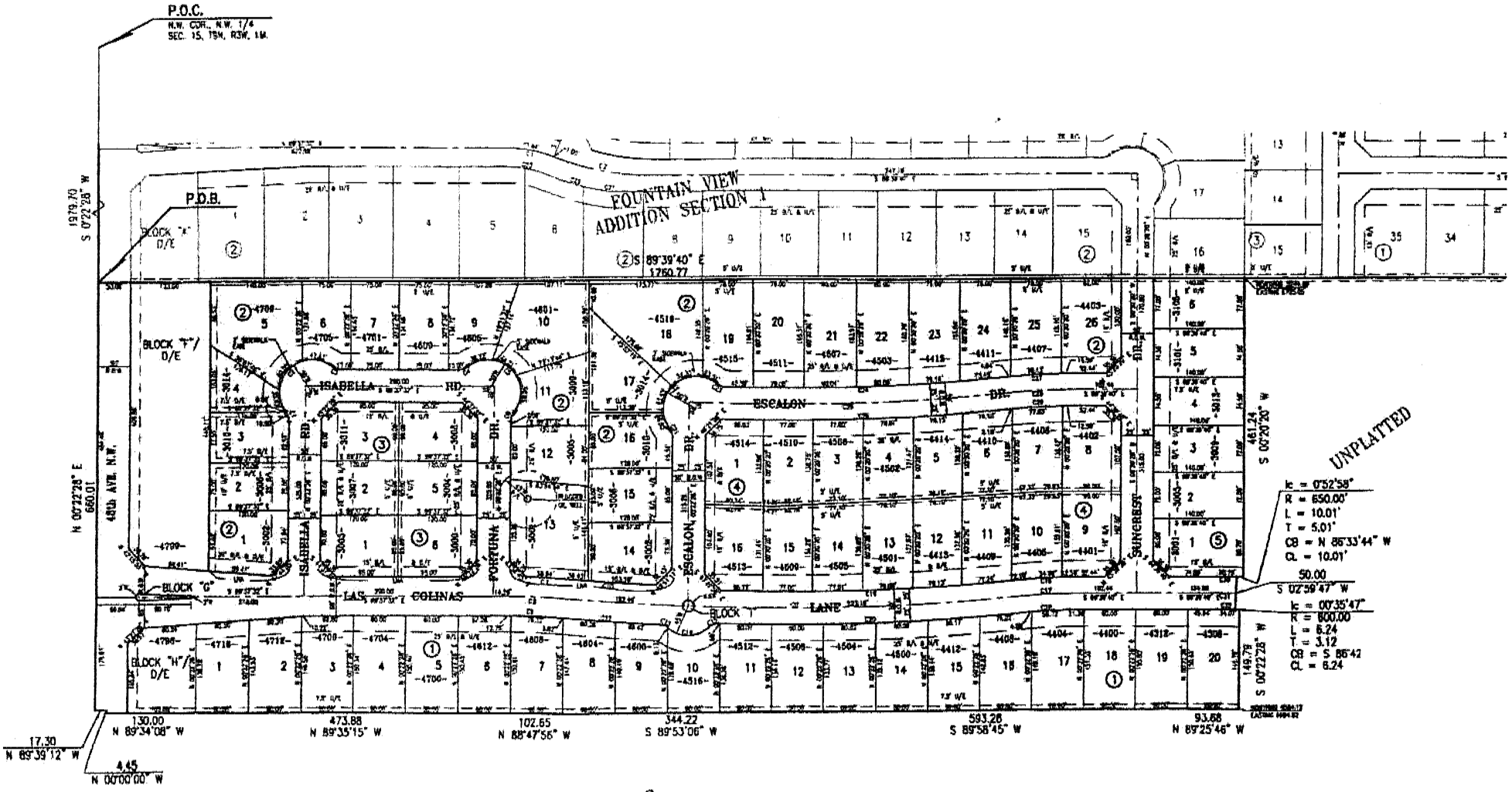
NOTE: THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.

FOUNTAIN VIEW ADDITION SECTION 2
FINAL PLAT
SHEET 1 OF 2

FINAL PLAT

LAS COLINAS ADDITION SECTION 1

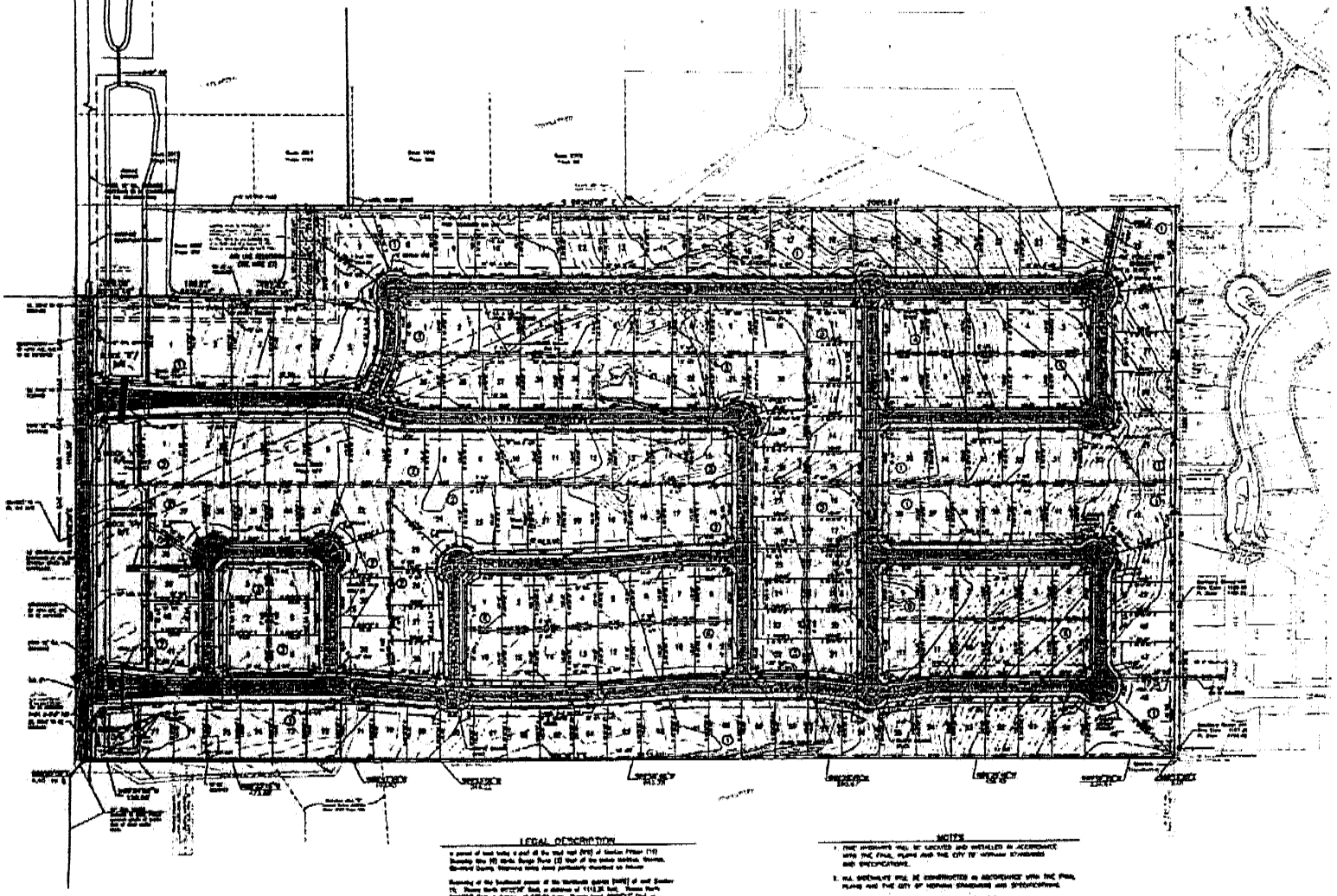
A PART OF THE S. 1/2 OF THE N.W. 1/4, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

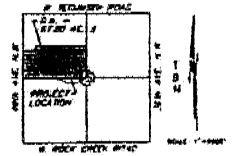


PRELIMINARY PLAT

FOUNTAIN VIEW ADDITION

A PART OF THE N 1/2 OF S 1/2, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





LOCATION MAP

OWNER / DEVELOPER

OWNER / DEVELOPER

LEGAL DESCRIPTION

NOTES

PRELIMINARY PLAT

FOUNTAIN VIEW ADDITION

48TH AVE N.W. & W. TECUMSEH ROAD
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.

SMC

1

7-7

15-8

SMC
Your Civil Engineering Solution

Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106
405-232-7715
FAX 405-232-7659
www.smcokc.com

Civil Engineering
Land Development
Storm Water Management

Tom L. McCaleb
Terence L. Haynes
Christopher D. Anderson
Ole M. Marcussen

January 18, 2012

Ken Danner
Development Coordinator
City of Norman
P.O. Box 370
Norman, OK 73070

Re: Las Colinas Addition Sections 1 and 2 Final Plats
SMC No. 5134

Dear Mr. Danner:

The applicant is requesting the final plats for Las Colinas Sections 1 and 2 be placed on the City Council agenda for final approval. These plats were formally known as Fountain View Section 2 and 3.

Please place the approval of this item on the next available City Council agenda.

Sincerely,

SMC Consulting Engineers, P.C.

Tom L. McCaleb, P.E.

Cc: Shawn O'Leary
Anthony Mirzaie
John Horn

SMC
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Oklahoma City, OK 73106
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Civil Engineering
Land Development
Storm Water Management

Tom L. McCaleb
Terence L. Haynes
Christopher D. Anderson
Ole M. Marcussen

January 24, 2012

Mr. Todd McLellan, P.E.
Development Engineer
City of Norman
P.O. Box 370
Norman, OK 73070

Re: 48th Avenue NW deferred cost
Las Colinas Addition Section 1
Norman, Oklahoma
SMC No. 5134.00

Dear Mr. McLellan:

The deferred cost for 48th Avenue NW for Las Colinas Addition Section 1 is as follows:

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	COST/UNIT	COST
100	6" Curb and Gutter	L.F.	519.00	$10.00	$5,190.00
101	2" Type "S5" Asphaltic Concrete	S.Y.	1,357.00	$12.50	$16,962.50
102	4" Type "S3" Asphaltic Concrete	S.Y.	1,137.00	$17.50	$19,897.50
103	3" Type "S3" Asphaltic Concrete	S.Y.	1,370.00	$15.00	$20,550.00
104	6" Modified Subgrade (14% CKD)	S.Y.	1,370.00	$5.00	$6,850.00
105	6'x6" Concrete Flume	L.F.	43.00	$15.00	$645.00
106	Remove Existing asphalt pavement	S.Y.	1,685.00	$5.00	$8,425.00
				Total	**$78,520.00**

If you have any questions, please call.

Sincerely,

SMC Consulting Engineers, P.C.

Ole M. Marcussen, P.E.

cc: Westpoint Group
file

Adv. Bd/Bdg/Parks/Mic

NORMAN BOARD OF PARKS COMMISSIONERS
August 5, 2004

The Norman Board of Parks Commissioners of the City of Norman, Cleveland County, State of Oklahoma, met in the City Council Chambers on the 5th day of August, 2004 at 6:00 p.m. and notice and agenda of the meeting were posted at the Norman Public Library, and 201 West Gray Street, Building C, 24 hours prior t the beginning of the meeting.

ITEM 1, being:

ROLL CALL

Present:	Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn
Absent:	Commissioners Amer and Marley
City Officials Present:	Jud Foster, Director of Parks and Recreation Jim Polston, Park Planner

---

ITEM 2, being:

APPROVAL OF THE JULY 1, 2004 REGULAR MEETING MINUTES

Commissioner Ferrier made the motion and Commissioner Brigham seconded to approve the July 1, 2004 regular meeting minutes. The vote was taken with the following results:

YEAH:	Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn
NAY:	None

ITEM 3, being:

APPROVAL OF THE AGENDA

The motion was made by Commissioner Brockhaus and seconded by Commissioner Wynn to approve the agenda. The vote was taken with the following results:

YEAH:	Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn
NAY:	None

ITEM 4, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE CHARDONNAY AT THE VINEYARD ADDITION

The CHARDONNAY AT THE VINEYARD ADDITION is part of Section 17, Township 9 north, Range west of the Indian Meridian and is located on the east side of Porter Avenue, south of Tecumseh Road.

There are 58 lots of R-1 Zoning in the addition for a total required parkland dedication of 0.3471 acı Parkland Development Fees will generate $3,975 for development of the Neighborhood Park in this area a $3,975 for Community Park Development when the addition is completed.

There is a proposed 3.39-acre park site for this section of town. The land at that site, dedicated by t Vineyard Developer is to satisfy parkland requirements of the Vineyard additions as well as other additio within the same Section of town. As a result there is still sufficient land at this site to accommodate t park land requirement for the CHARDONNAY AT THE VINEYARD ADDITION.

Staff recommends that Park Board make a land decision for the CHARDONNAY AT THE VINEYARD ADDITION.

The motion was made by Commissioner Ferrier and seconded by Commissioner Wynn to accept a land decision for the Chardonnay at the Vineyard Addition. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

ITEM 5, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE WINDSTONE FARMS ADDITION

Windstone Farms Addition is located in a part of Section 15 Township 9 North, Range 3 West of the Indie Meridian and is located south of Tecumseh Road and just east of 48th Ave NW.

Park Board reviewed Windstone Addition in November of 2008 and again in May of 2004. In 2008 contained 67 single-family residential lots for a total required parkland dedication of .4388 acres. In 2004 was re-platted to include 180 single-family residential lots for a total required parkland dedication of 1.17 acres.

It is now being re-platted again with some additional lots. The Windstone Farms addition now contains 2(single-family residential lots which generates a parkland requirement of 1.3100 acres. When all buildir permits have been issued it will generate $15,000 in Neighborhood Park Development Fees and $15,000 i Community Park Development Fees.

The last time this addition was re-platted, staff took the opportunity to negotiate a pedestrian acce between two lots in the northeast corner that will allow access to the Roosevelt School land. Residents wi be able to access the park located in the Cascade Addition by using this easement and the school lan Roosevelt school has given permission for access between the Cascade Addition and Windstone Farn Addition.

The Cascade Park site is in excess of two acres larger than required for that addition, making it comfortabl able to handle the population of Windstone Farms addition.

Staff recommends Park Board maintain the fee-in-lieu of land decision previously made for the addition, with the money used to develop the existing Cascade site.

The motion was made by Commissioner Wynn and seconded by Commissioner Campbell to accept a fee-in-lieu of land decision for the Windstone Farms addition. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

ITEM 6, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE HIGHLAND VILLAGE ADDITION

Highland Village Addition is located in a part of Section 18 Township 9 North, Range 2 West of the Indian Meridian and is located north of Rock Creek Road and west of Porter Ave.

Park Board looked at this plat in February of 2001. At that time the plat was divided into two sections wit one section containing a private park and the other containing a public park.

Highland Village is now being re-platted as one undivided plat that contains a total of 360 R-1 single-fami residential lots requiring a parkland dedication of 2.3580 acres. This development will also yield $27,000 i Neighborhood Park Development Fees and $27,000 in Community Park Development fees once all buildin permits have been issued.

The developer is showing a site, which contains approximately 8.9 acres (excluding the detention pond). This site is of sufficient size to satisfy the parkland requirements of this development and also the parkla requirements for Tecumseh Ridge, Poppy Grove and Hawthorne Estates additions, where we have collecte fees-in-lieu of land.

Staff recommends accepting land for this addition

The motion was made by Commissioner Campbell and seconded by Commissioner Wynn to accept a land decision for the Highland Village addition. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

ITEM 7, being:

MISCELLANEOUS

Jud Foster discussed the need to update park rental policies and rental fees. Dennis Brigham, Bob Campbell, Marsha Ferrier and Joan Goth agreed to serve on a sub-committee to meet and update these items.

Marsha Ferrier asked where we stood on the Ruby Grant Property. Jud Foster stated that the city counci had sent a letter to the OU Foundation expressing their interest to sit down and negotiate the land purchase. A letter has been received back from the OU Foundation stating that they were interested in doing so.

ITEM 8, being:

ADJOURNMENT

The motion was made by Commissioner Ferrier and seconded by Commissioner Wynn to adjourn. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

Passed and approved this 2 day of Sept 2004

JR Goth

Joan Goth, Chairperson

Item No. 2, being:
CONSENT DOCKET
Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE AUGUST 26, 2010 REGULAR SESSION MINUTES AND AUGUST 26, 2010 STUDY SESSION MINUTES

Item No. 4, being:
FP-1011-4 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR COMMERCE PARKWAY ADDITION SECTION 2, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED APPROXIMATELY 700 FEET NORTH OF MARKET PLACE ON THE WEST SIDE OF THE I-35 FRONTAGE ROAD.

Item No. 5, being:
FP-1011-5 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MISSION NORMAN, INC. (CORNERSTONE SURVEYING) FOR MISSION NORMAN ADDITION, LOCATED AT 2525 E. LINDSEY STREET.

Item No. 6, being:
FP-1011-6 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SKS1, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 1 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 7, being:
FP-1011-7 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 2 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 8, being:
FP-1011-8 -- CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 3 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

*

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

Jim Gasaway moved to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Andy Sherrer seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: FP-1011-7

File ID:	FP-1011-7	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	08/11/2010
File Name:	Final Plat Las Colinas, Section 2			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR LAS COLINAS ADDITION, SECTION 2, (FORMERLY KNOWN AS FOUNTAIN VIEW ADDITION, SECTION 3) AND THE ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-HALF MILE SOUTH OF TECUMSEH ROAD AND ONE-THIRD MILE EAST OF 48TH AVENUE N.W.)

ACTION NEEDED: Motion to approve or reject the final plat for Las Colinas Addition, Section 2 (formerly Fountain View Addition, Section 3); and, if approved, accept the public dedications within the plat and authorize the Mayor to sign the final plat and subdivision and maintenance bonds subject to the City of Norman Development Committee's acceptance of require public improvements and receipt of traffic impact fees in the amount of $981.58; and direct the filing of the final plat.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 16

Attachments: Location Map, Staff Report, FP-Fountain View, FP-Las Colinas, PP-Fountain View, Applicant Request, Parks Board Minutes, PC Minutes

Project Manager: Ken Danner, Subdivision 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	09/09/2010	Recommended for Adoption at a subsequent City Council Meeting	City Clerk Department	Pass

Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Clerk Department

1	Planning Commission	09/09/2010

Text of Legislative File FP-1011-7

Body

BACKGROUND: This item is a final plat for Las Colinas Addition, Section 2 (formerly known as Fountain View Addition, Section 3) and is generally located one half mile south of Tecumseh Road and one-third of a mile east of 48th Avenue N.W.

City Council, at its meeting of September 28, 2004, adopted Ordinance No. O-0304-74 placing this property in the R-1 single-family residential zoning classification. City Council, at its meeting of May 11, 2010, approved the preliminary plat for Fountain View Addition. Planning Commission, at its meeting of September 9, 2010, approved the final plat for Fountain View Addition, Section 3. This property consists of 13.28 acres with forty (40) single-family lots.

DISCUSSION: Staff has reviewed the required public improvement construction plans. Public improvements for this property consist of water mains (including offsite) with fire hydrants; sanitary sewers mains (including offsite); street paving; sidewalks, and drainage (including detention pond). Section 1 property owners within this development will contribute to the maintenance of the detention facilities. The above improvements are under construction.

The owner/developer has negotiated parkland fees for Las Colinas, Sections 1 and 2 with staff and has paid the parkland fees in the amount of $9,170.

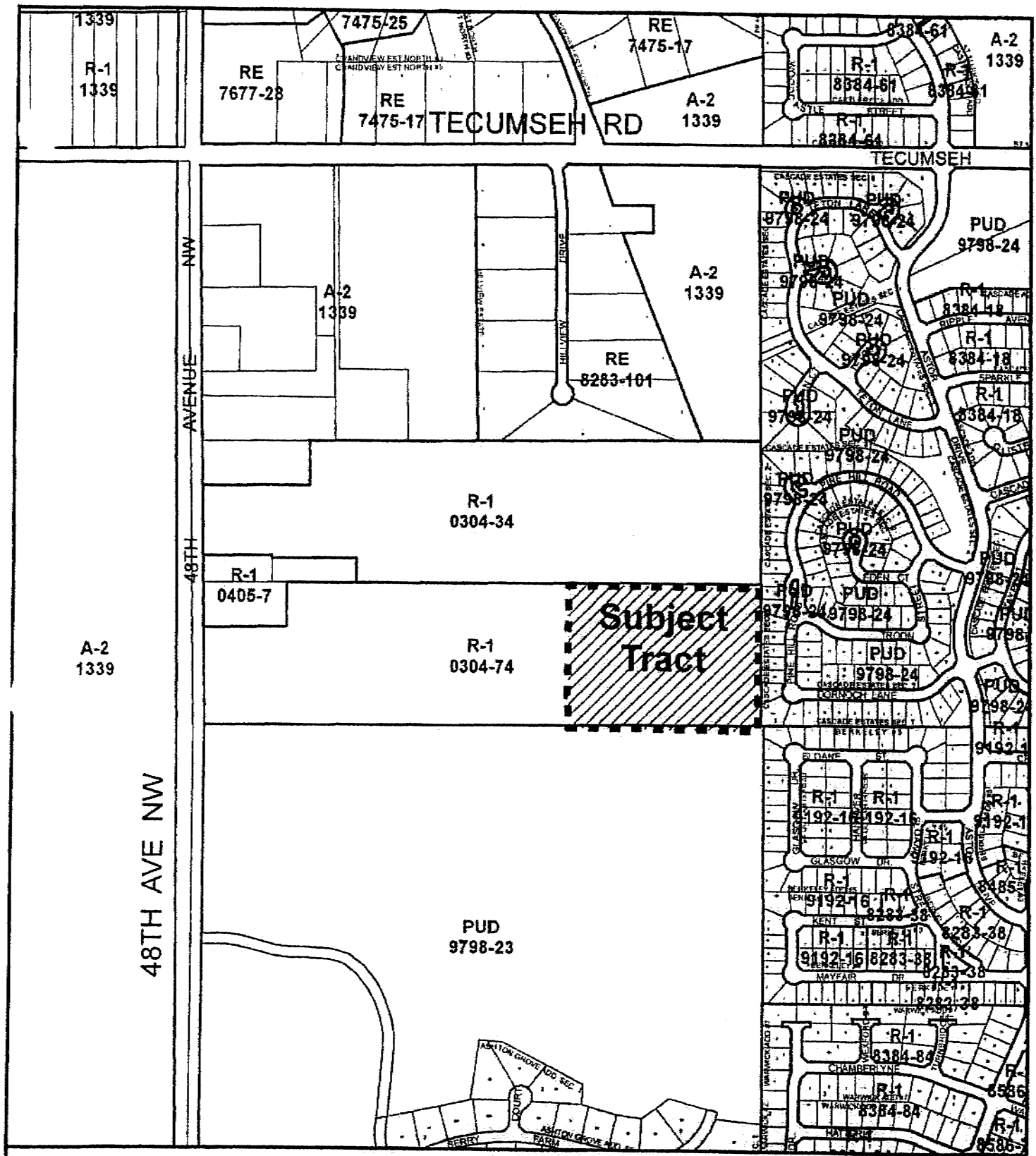
The final plat is consistent with the approved preliminary plat. City Council approved the preliminary plat with conditions detention would be required and storm water from Cascade Estates Additions would be conveyed through this property. Detention is located within Las Colinas Addition, Section 1. The developer has made a request through his engineer to change the name of the final plat from Fountain View Addition, Section 3, to Las Colinas Addition, Section 2. Staff is not opposed to this request and can change the name of the subdivision files to reflect that change.

Declaration of Covenants, Conditions, and Restrictions has been reviewed by City Legal staff. A copy will be provided to the City Clerk.

RECOMMENDATION: A traffic impact fee in the amount of $981.58 will be required prior to the filing of the final plat. Off plat open space lots, detention facilities including the 48th Avenue N.W. right-of-way will be maintained by a mandatory Property Owners Association. As with previous final plats, Fountain View Addition, Section 1, and Las Colinas Addition, Section 2, should be conditioned that the plats must be filed of record with

the Cleveland County Clerk at the same time. The owner of Fountain View Addition, Section 1, has agreed to provide cross access from Las Colinas Additions, Sections 1 and 2, into Fountain View Addition, Section 1, as a secondary emergency access. At this time, the secondary access cannot be physically constructed due to the relocation of a major ONEOK gas main. The owner of Las Colinas Additions, Sections 1 and 2, has agreed to permit no more than the allowable 100 residential lots.

Based upon the above information, Staff recommends acceptance of the public dedications contained therein and authorizes the Mayor to sign the final plat, subdivision bonds/cash sureties, and maintenance bonds for Las Colinas Addition, Section 2, subject to completion and the City Development Committee's acceptance of the public improvements and receipt of $981.58 for traffic impact fees.



Location Map

Map Produced by the City of Norman
Geographic Information System
(405) 366-5436
The City of Norman assumes no responsibility for errors or omissions in the information presented.

N
W E
S

August 31, 2010

0 300 600 Ft

Subject Tract

Zoning

FINAL PLAT ITEM NO. 8

STAFF REPORT

ITEM: Consideration of a Final Plat for FOUNTAIN VIEW ADDITION, SECTION 3 (REAPPROVAL).

LOCATION: Generally located on the east side of 48th Avenue NW and approximately 2,000 feet south of West Tecumseh Road.

INFORMATION:

1. Owner. Southwest Capitol Group, LLC.
2. Developer. Southwest Capitol Group, LLC.
3. Engineer. SMC Consulting Engineers P.C.

HISTORY:

1. June 12, 1962. City Council adopted Ordinance No. 1320 annexing and placing this property in A-2 zoning classification.
2. December 4, 2003. The Norman Board of Parks Commissioners recommended fee in lieu of park land requirements.
3. December 11, 2003. Planning Commission, on a vote of 5-2, recommended to City Council that a portion of this property be placed in R-1 and removed from A-2 zoning classification.
4. December 11, 2003. Planning Commission, on a vote of 5-2, recommended approval of the preliminary plat for Windstone Farms Addition. The preliminary plat consisted of the northern portion of the property.
5. January 22, 2004. City Council postponed Ordinance No. O-0304-34 indefinitely.

HISTORY (cont'):

6. May 5, 2004. Flood Plain Permit Committee approved Flood Plain Permit No. 366 relating to the 1979 flood map for this area as adopted by City Council. The 1997 FEMA maps do not impose flood plain on this property. Therefore, the flood plain permit relates to the City's authorization. With the adoption of the September 26, 2008, DFIRM, this property does not contain flood plain.

7. May 6, 2004. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the enlarged preliminary plat for Windstone Farms Addition.

8. May 13, 2004. A rezoning request and preliminary plat were postponed at the request of the applicant.

9. June 10, 2004. A rezoning request and preliminary plat were postponed at the request of the applicant.

10. July 8, 2004. Planning Commission, on a vote of 8-0, recommended to City Council that a portion of this property be placed in R-1 and removed from A-2 zoning classification.

11. July 8, 2004. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Windstone Farms Addition be approved.

12. July 20, 2004. Flood Plain Permit Committee approved the amended Flood Plain Permit No. 366.

13. August 5, 2004. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended fee in lieu of park land for the revised preliminary plat for Windstone Farms Addition that now includes two (2) additional parcels.

14. August 12, 2004. Planning Commission, on a vote of 6-2, recommended to City Council that a portion of this property be placed in R-1 and removed from RE and A-2 zoning classification.

15. August 12, 2004. Planning Commission, on a vote of 6-2, recommended to City Council that the preliminary plat for Windstone Farms Addition be approved.

16. September 28, 2004. City Council adopted Ordinance No. O-0304-34 placing a portion of this property in R-1 and removing it from RE and A-2 zoning classifications.

17. September 28, 2004. City Council adopted Ordinance No. O-0304-74 placing a portion of this property in R-1 and removing it from A-2 zoning classification.

HISTORY (cont'):

18. September 28, 2004. City Council adopted Ordinance No. O-0405-7 placing a portion of this property in R-1 and removing it from RE and A-2 zoning classifications.

19. September 28, 2004. City Council approved the preliminary plat for Windstone Farms Addition.

20. October 14, 2004. Planning Commission, on a vote of 7-0, postponed the final plats for Fountain View Addition, Sections 1 and 2, for one (1) month.

21. November 10, 2004. Planning Commission, on a vote of 8-0, postponed the final plats for Fountain View Addition, Sections 1 and 2, indefinitely at the request of staff.

22. November 20, 2006. Referendum Petition was finally resolved in the courts. The rezoning and preliminary plat were upheld upon this date.

23. November 20, 2009. The approval of the preliminary plat became null and void.

24. April 8, 2010. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Fountain View Addition (a/k/a Windstone Farms Addition) be approved.

25. May 11, 2010. City Council approved the preliminary plat for Fountain View Addition subject to the requirement of detention facilities.

26. May 13, 2010. Planning Commission, on a vote of 7-0, postponed the final plat for Fountain View Addition, Section 1.

27. June 10, 2010. Planning Commission, on a vote of 6-0, postponed indefinitely the final plat for Fountain View Addition, Section 1.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. An off plat sanitary sewer main will be installed to serve this development.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Staff recommends deferral of sidewalks adjacent to 48th Avenue NW.

IMPROVEMENT PROGRAM (con't):

5. Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with plans and City drainage standards. This portion of the property will use the detention facility located in Section 2. They will be included in the Property Owner's Association for the responsibility of maintaining any common areas.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards.

7. Water Mains. Water mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. An off-plat 12-inch water main will need to be extended and connected to an existing 12-inch main parallel to West Tecumseh Road. An eight-inch (8") water main will connect to an existing water line in Cascade Addition, Section 7, a Planned Unit Development and will provide a looped system.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. Street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, preliminary plat and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: This property consists of 40 single family residential lots and several open space lots. The off plat open space lots, detention facilities including the 48th Avenue NW right-of-way, will be maintained by a mandatory Property Owners Association. As with previous final plats within the urban area, staff is recommending that approvals of the final plats for Fountain View Addition, Section 1 and Fountain View Addition, Section 2, be conditioned that the plats must be filed of record with the Cleveland County Clerk at the same time. However, if either owner/developer obtains an easement from the other owner/developer for a public access and constructs a secondary access, this will eliminate a single access development and allow the development to proceed. Staff recommends approval of the final plat for Fountain View Addition, Section 3.

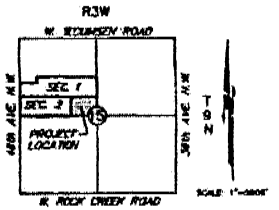
ACTION NEEDED: Approve or disapprove the final plat for Fountain View Addition, Section 3.

ACTION TAKEN: _____

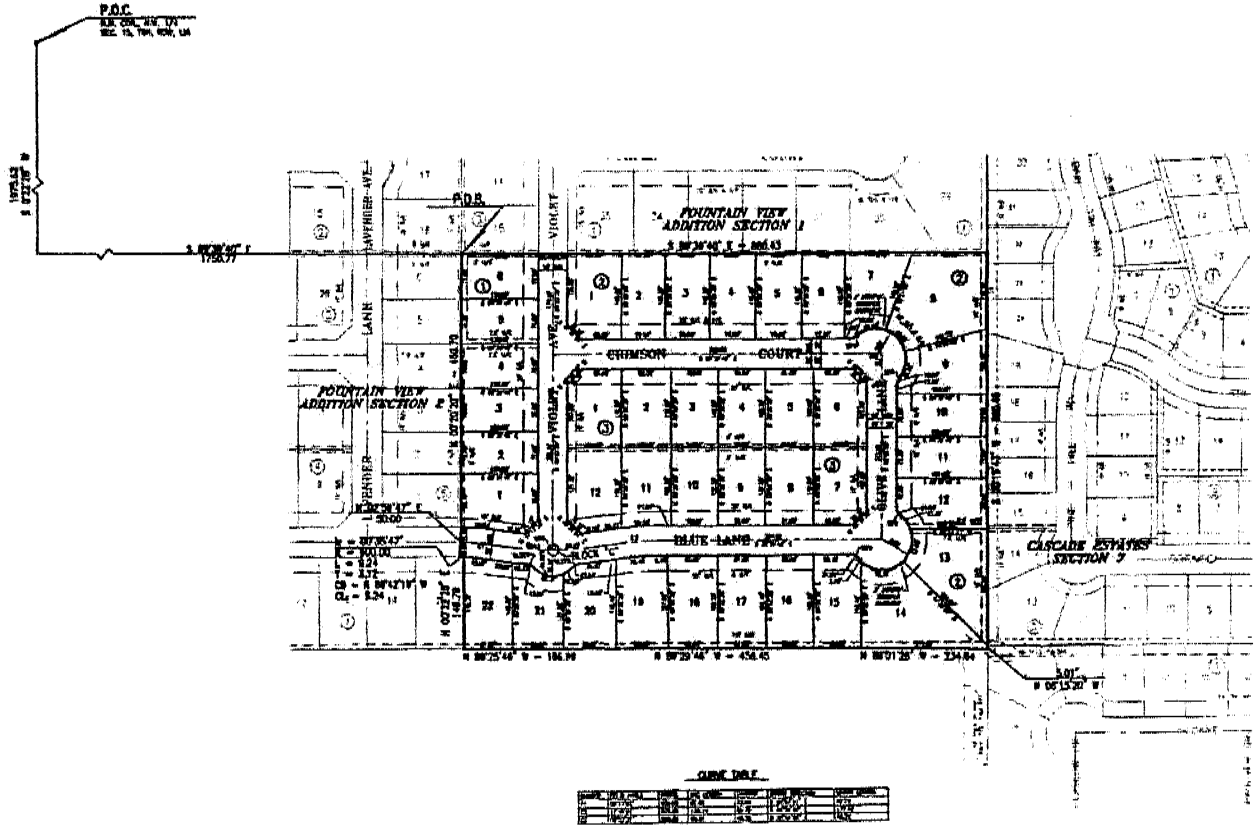
FINAL PLAT

FOUNTAIN VIEW ADDITION SECTION 3

A PART OF THE S. 1/2 OF THE N.W. 1/4, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



LOCATION MAP



SCALE: 1" = 100'

TYPICAL BUILDING SETBACKS

TOTAL LOTS = 40 RESIDENTIAL LOTS

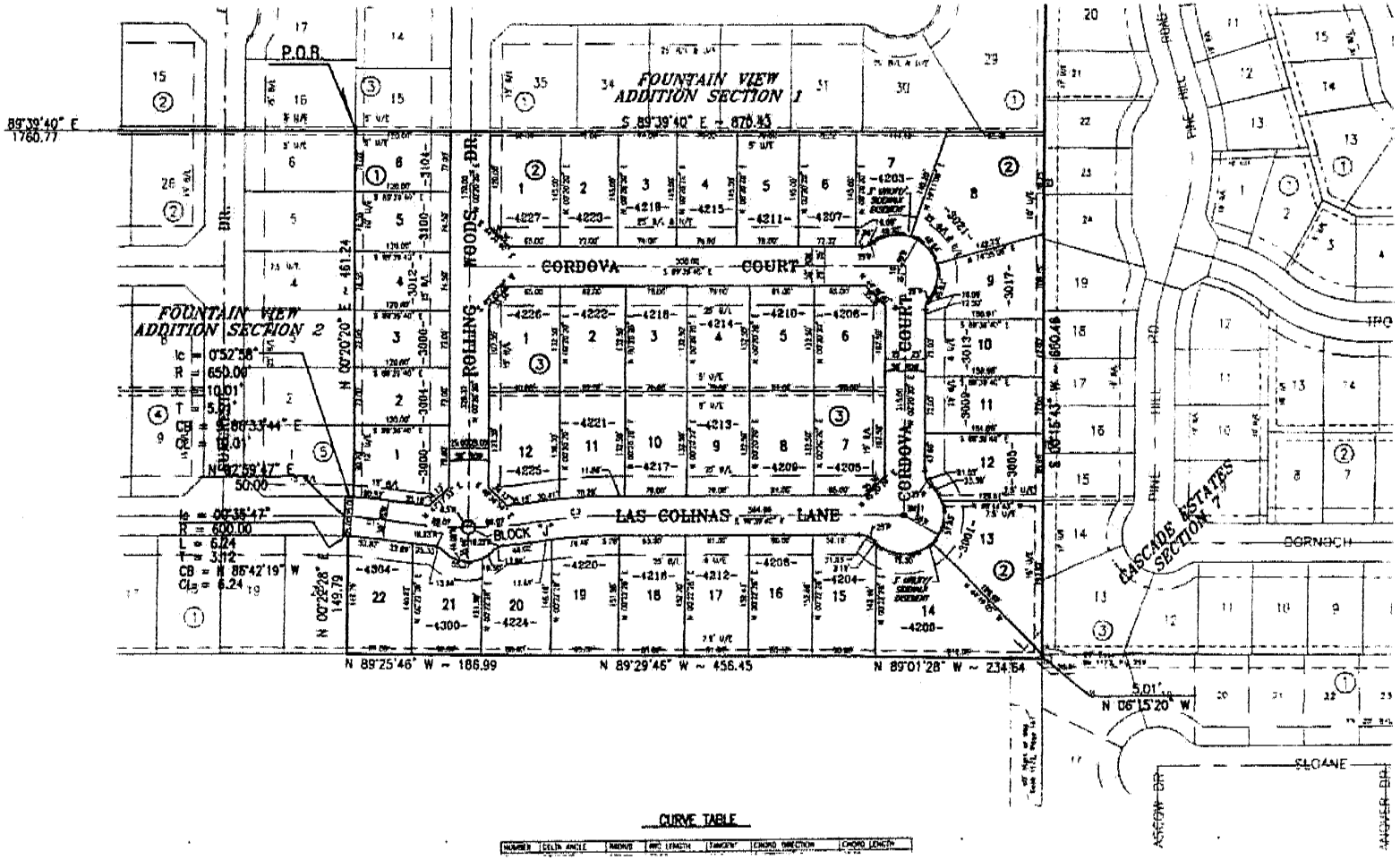
NOTE: THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.

FOUNTAIN VIEW ADDITION SECTION 3
FINAL PLAT
SHEET 2 OF 3

FINAL PLAT

LAS COLINAS ADDITION SECTION 2

A PART OF THE S. 1/2 OF THE N.W. 1/4, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



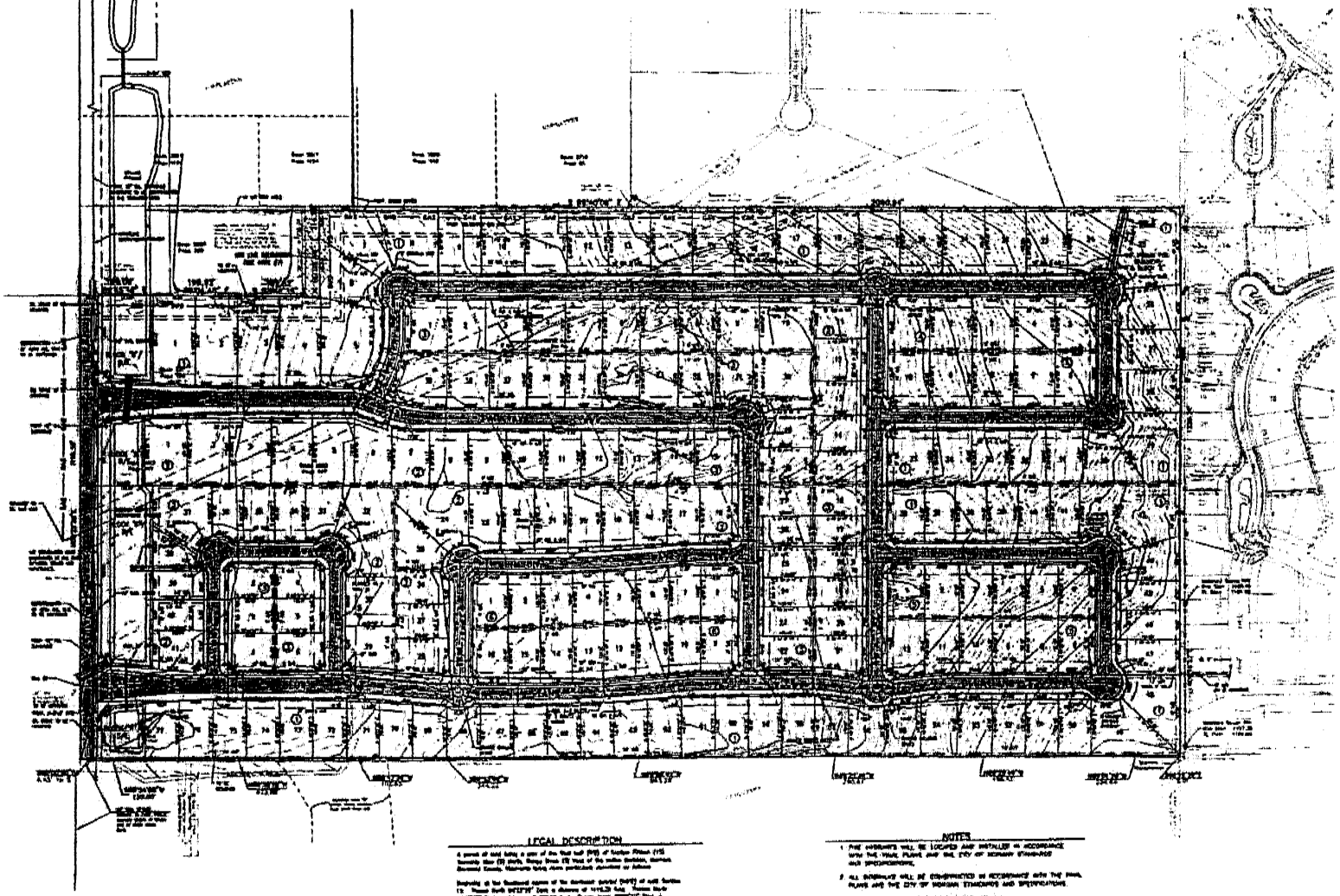
CURVE TABLE

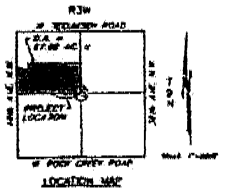
NUMBER	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD DIRECTION	CHORD LENGTH

PRELIMINARY PLAT

FOUNTAIN VIEW ADDITION

A PART OF THE N 1/2 OF S 1/2, SECTION 15, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





LOCATION MAP

OWNER / DEVELOPER

OWNER / DEVELOPER

LEGAL DESCRIPTION

NOTES

PRELIMINARY PLAT
FOUNTAIN VIEW ADDITION
48TH AVE. N.W. & W. TECUMSEH ROAD NORMAN, OKLAHOMA
SMC Consulting Engineers, P.C. SMC

8-7

16-8

SMC
Your Civil Engineering Solution

Consulting Engineers, P.C.
815 West Main
Oklahoma City, OK 73106
405-232-7715
FAX 405-232-7859
www.smcokc.com

Civil Engineering
Land Development
Storm Water Management

Tom L. McCaleb
Terence L. Haynes
Christopher D. Anderson
Ole M. Marcussen

January 18, 2012

Ken Danner
Development Coordinator
City of Norman
P.O. Box 370
Norman, OK 73070

Re: Las Colinas Addition Sections 1 and 2 Final Plats
SMC No. 5134

Dear Mr. Danner:

The applicant is requesting the final plats for Las Colinas Sections 1 and 2 be placed on the City Council agenda for final approval. These plats were formally known as Fountain View Section 2 and 3.

Please place the approval of this item on the next available City Council agenda.

Sincerely,

SMC Consulting Engineers, P.C.

Tom L. McCaleb, P.E.

Cc: Shawn O'Leary
Anthony Mirzaie
John Horn

Adv. Bd of Bds of Parks/Rec

NORMAN BOARD OF PARKS COMMISSIONERS
August 5, 2004

The Norman Board of Parks Commissioners of the City of Norman, Cleveland County, State of Oklahoma, met in the City Council Chambers on the 5th day of August, 2004 at 6:00 p.m. and notice and agenda of the meeting were posted at the Norman Public Library, and 201 West Gray Street, Building C, 24 hours prior t the beginning of the meeting.

ITEM 1, being:

ROLL CALL

Present:	Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn
Absent:	Commissioners Amer and Marley
City Officials Present:	Jud Foster, Director of Parks and Recreation Jim Polston, Park Planner

---

ITEM 2, being:

APPROVAL OF THE JULY 1, 2004 REGULAR MEETING MINUTES

Commissioner Ferrier made the motion and Commissioner Brigham seconded to approve the July 1, 2004 regular meeting minutes. The vote was taken with the following results:

YEAH:	Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn
NAY:	None

ITEM 3, being:

APPROVAL OF THE AGENDA

The motion was made by Commissioner Brockhaus and seconded by Commissioner Wynn to approve the agenda. The vote was taken with the following results:

YEAH:	Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn
NAY:	None

ITEM 4, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE CHARDONNAY AT THE VINEYARD ADDITION

The CHARDONNAY AT THE VINEYARD ADDITION is part of Section 17, Township 9 north, Range west of the Indian Meridian and is located on the east side of Porter Avenue, south of Tecumseh Road.

There are 53 lots of R-1 Zoning in the addition for a total required parkland dedication of 0.3471 ac Parkland Development Fees will generate $3,975 for development of the Neighborhood Park in this area a $3,975 for Community Park Development when the addition is completed.

There is a proposed 3.39-acre park site for this section of town. The land at that site, dedicated by t Vineyard Developer is to satisfy parkland requirements of the Vineyard additions as well as other additio within the same Section of town. As a result there is still sufficient land at this site to accommodate t park land requirement for the CHARDONNAY AT THE VINEYARD ADDITION.

Staff recommends that Park Board make a land decision for the CHARDONNAY AT THE VINEYARD ADDITION.

The motion was made by Commissioner Ferrier and seconded by Commissioner Wynn to accept a land decision for the Chardonnay at the Vineyard Addition. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

ITEM 5, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE WINDSTONE FARMS ADDITION

Windstone Farms Addition is located in a part of Section 15 Township 9 North, Range 3 West of the India Meridian and is located south of Tecumseh Road and just east of 48th Ave NW.

Park Board reviewed Windstone Addition in November of 2008 and again in May of 2004. In 2008 contained 67 single-family residential lots for a total required parkland dedication of .4388 acres. In 2004 was re-platted to include 180 single-family residential lots for a total required parkland dedication of 1.17 acres.

It is now being re-platted again with some additional lots. The Windstone Farms addition now contains 2(single-family residential lots which generates a parkland requirement of 1.3100 acres. When all buildir permits have been issued it will generate $15,000 in Neighborhood Park Development Fees and $15,000 i Community Park Development Fees.

The last time this addition was re-platted, staff took the opportunity to negotiate a pedestrian acce between two lots in the northeast corner that will allow access to the Roosevelt School land. Residents wi be able to access the park located in the Cascade Addition by using this easement and the school lan Roosevelt school has given permission for access between the Cascade Addition and Windstone Farn Addition.

The Cascade Park site is in excess of two acres larger than required for that addition, making it comfortabl able to handle the population of Windstone Farms addition.

Staff recommends Park Board maintain the fee-in-lieu of land decision previously made for the addition, with the money used to develop the existing Cascade site.

The motion was made by Commissioner Wynn and seconded by Commissioner Campbell to accept a fee-in-lieu of land decision for the Windstone Farms addition. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

ITEM 6, being:

CONSIDERATION OF PARKLAND DEDICATION REQUIREMENTS FOR THE HIGHLAND VILLAGE ADDITION

Highland Village Addition is located in a part of Section 18 Township 9 North, Range 2 West of the Indian Meridian and is located north of Rock Creek Road and west of Porter Ave.

Park Board looked at this plat in February of 2001. At that time the plat was divided into two sections wit one section containing a private park and the other containing a public park.

Highland Village is now being re-platted as one undivided plat that contains a total of 360 R-1 single-fami residential lots requiring a parkland dedication of 2.3580 acres. This development will also yield $27,000 i Neighborhood Park Development Fees and $27,000 in Community Park Development fees once all buildin permits have been issued.

The developer is showing a site, which contains approximately 8.9 acres (excluding the detention pond). This site is of sufficient size to satisfy the parkland requirements of this development and also the parkla requirements for Tecumseh Ridge, Poppy Grove and Hawthorne Estates additions, where we have collecte fees-in-lieu of land.

Staff recommends accepting land for this addition

The motion was made by Commissioner Campbell and seconded by Commissioner Wynn to accept a land decision for the Highland Village addition. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

ITEM 7, being:

MISCELLANEOUS

Jud Foster discussed the need to update park rental policies and rental fees. Dennis Brigham, Bob Campbell, Marsha Ferrier and Joan Goth agreed to serve on a sub-committee to meet and update these items.

Marsha Ferrier asked where we stood on the Ruby Grant Property. Jud Foster stated that the city counci had sent a letter to the OU Foundation expressing their interest to sit down and negotiate the land purchase. A letter has been received back from the OU Foundation stating that they were interested in doing so.

ITEM 8, being:

ADJOURNMENT

The motion was made by Commissioner Ferrier and seconded by Commissioner Wynn to adjourn. The vote was taken with the following results:

YEAH: Chairman Goth and Commissioners Brigham, Brockhaus, Campbell, Dickerson, Ferrier and Wynn

NAY: None

Passed and approved this 2 day of Sept 2004

JR Goth

Joan Goth, Chairperson

Item No. 2, being:
CONSENT DOCKET
Chairman Trachtenberg announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. He read the items recommended for inclusion on the Consent Docket, as follows:

Item No. 3, being:
APPROVAL OF THE AUGUST 26, 2010 REGULAR SESSION MINUTES AND AUGUST 26, 2010 STUDY SESSION MINUTES

Item No. 4, being:
FP-1011-4 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY HALLBROOKE DEVELOPMENT GROUP ONE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR COMMERCE PARKWAY ADDITION SECTION 2, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED APPROXIMATELY 700 FEET NORTH OF MARKET PLACE ON THE WEST SIDE OF THE I-35 FRONTAGE ROAD.

Item No. 5, being:
FP-1011-5 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY MISSION NORMAN, INC. (CORNERSTONE SURVEYING) FOR MISSION NORMAN ADDITION, LOCATED AT 2525 E. LINDSEY STREET.

Item No. 6, being:
FP-1011-6 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SKS1, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 1 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 7, being:
FP-1011-7 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 2 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

Item No. 8, being:
FP-1011-8 -- CONSIDERATION OF A FINAL PLAT SUBMITTED BY SOUTHWEST CAPITAL GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR FOUNTAIN VIEW ADDITION, SECTION 3 (REAPPROVAL), GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. APPROXIMATELY 2,000 FEET SOUTH OF WEST TECUMSEH ROAD.

*

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

Jim Gasaway moved to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote. Andy Sherrer seconded the motion.

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

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

Recording Secretary Roné Tromble announced that the motion, to place approval of Item Nos. 3 through 8 on the Consent Docket and approve by one unanimous vote, passed by a vote of 9-0.

* * *

City of Norman, OK

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

Master

File Number: EN-1112-8

File ID:	EN-1112-8	**Type:**	Encroachment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Legal Department	**Cost:**		**File Created:**	02/13/2012
File Name:	Encroachment 4700 12th Avenue SE			**Final Action:**	

Title: CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-8 FOR LOT 21, BLOCK 2, COBBLESTONE WEST ADDITION, SECTION II. (4700 12TH AVENUE S.E.)

ACTION NEEDED: Motion to approve or reject Consent to Encroachment No. EN-1112-8; and, if approved, direct the filing with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 17

Attachments: Clerk Memo for 12th Encroachment, Letter of request - Lam, Exhibits 12th Encroachment, Location map 12th Encroachment, Consent, Utilities Memo, Public Works Memo, Letters from Utilities

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 EN-1112-8

Body

BACKGROUND: An encroachment request has been filed in the office of the City Clerk by Mr. Gary L. Lam requesting a Consent to Encroach upon a City of Norman utility easement for a pool and deck.

DISCUSSION: The application for the consent to encroach concerns the encroachment upon a City of Norman utility easement for a pool and deck. The pool and deck encroachment is

six feet into the utility easement at the west side of the property.

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

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

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

office memorandum

DATE: January 13, 2012

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

FROM: Brenda Hall, City Clerk BH

SUBJECT: Consent to Encroachment No. 1112-8

An Encroachment Request was filed in my office today for permission to encroach onto six feet of a utility easement for a pool and deck in Lot 21, Block 2, Cobblestone West Addition, Section II, a/k/a 4700 12th Avenue S.E. I am forwarding the letter of request, lot survey, final plat, and aerial photo with drawing depicting where pool and deck will encroach into easement. The application fee has been paid. After the information has been received from the Planning Department, Public Works Department, and Utilities Department and a determination has been made on whether to recommend approval or denial, please forward your recommendation and Consent to Encroachment Form, if needed, to my office in order that it may be scheduled as an agenda item.

It is anticipated that this encroachment will be scheduled as an agenda item on February 28, 2012, and the information must be received in my office by February 13, 2012. If there is a problem in meeting that timeframe, please advise

BH:smr
attachments

Gary L. Lam
4700 12th Avenue S.E.
Norman, OK 73072
(405) 701-5577

January 6, 2012

To whom it may concern:

I would like to build a pool in my back yard, but I am limited on footage by a Utility Easement.

Please see attached Consent to Encroachment, Exhibit "A" and Exhibit "B".

Thank you for your consideration of my request.

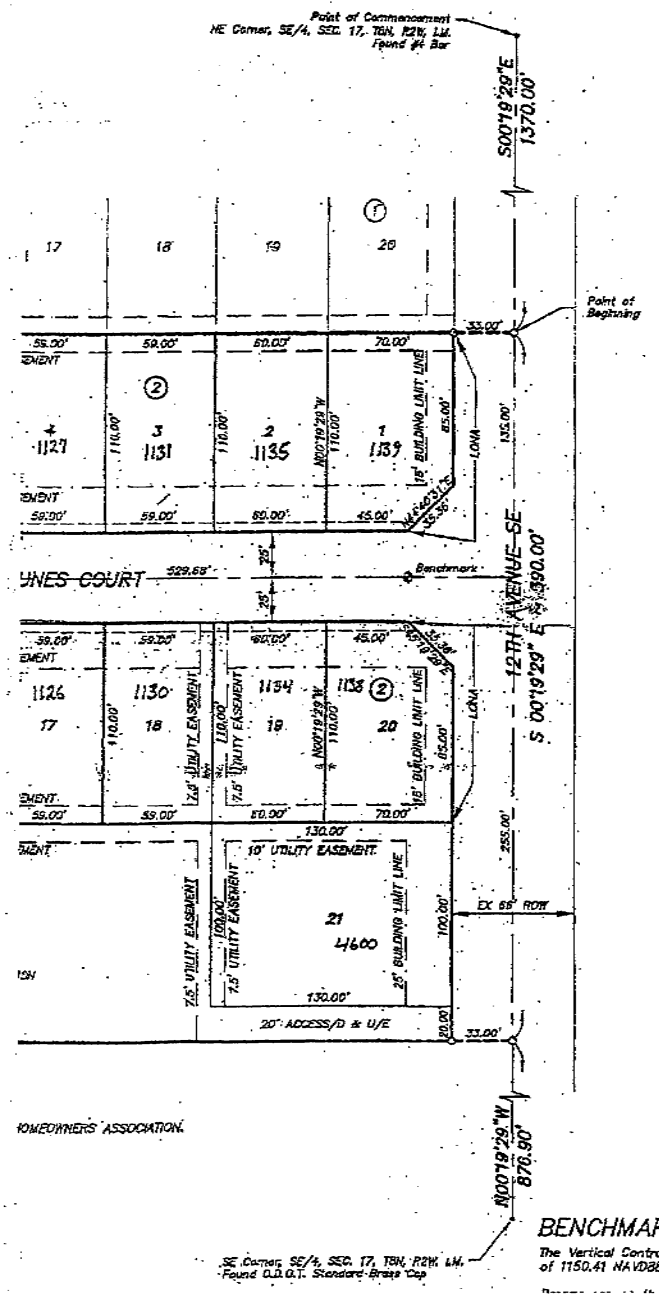
I look forward to hearing from you in the near future.

Sincerely,

Gary L. Lam

FILED IN THE OFFICE
OF THE CITY CLERK
ON 1-13-12

Exhibit "A"



LEGEND

~1234~	PHYSICAL STREET ADDRESS
●	PROPERTY CORNER FOUND
○	PROPERTY CORNER SET (Set 1/2" Iron Rod unless otherwise noted)
— — —	EASEMENT LINE
———	LOT LINE
———	PROPERTY LINE
— · —	BUILDING LIMIT LINE
LONA	LIMITS OF NO ACCESS

NORTH

50' 0 50' 100'
SCALE FEET
1" = 50'

THE BASIS OF BEARING FOR THIS SURVEY IS GRID BEARING WHICH IS DERIVED FROM THE OKLAHOMA STATE PLANE COORDINATE SYSTEM (NAD83, 1993) OKLAHOMA SOUTH ZONE.

Surveying By: Kelly J. Henderson PLS #1395 of

LEMKE LAND SURVEYING, INC.

A CARDINAL COMPANY
3226 BART CONNER DRIVE
NORMAN, OK 73072
PH.(405)366-8541
FAX(405)366-8540
CA # 2054 EXP.DATE 6/30/06
http://www.LEMKE-LS.com

Engineering By: William R. Swain PE #15841 of

Cardinal ENGINEERING, Inc.

3226 Bart Conner Drive
Norman, Oklahoma 73072
(405) 579-0665 Fax (405) 366-8540

BENCHMARK

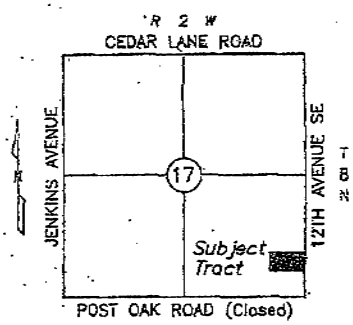
The Vertical Control was derived from NGS Station "A 143" having an elevation of 1150.41 NAVD88.

Exhibit "A"

FINAL PLAT OF COBBLESTONE WEST SECTION II

A FINAL PLAT OF PART OF THE SOUTHEAST 1/4, SECTION 17, T8N, R2W, I.M.

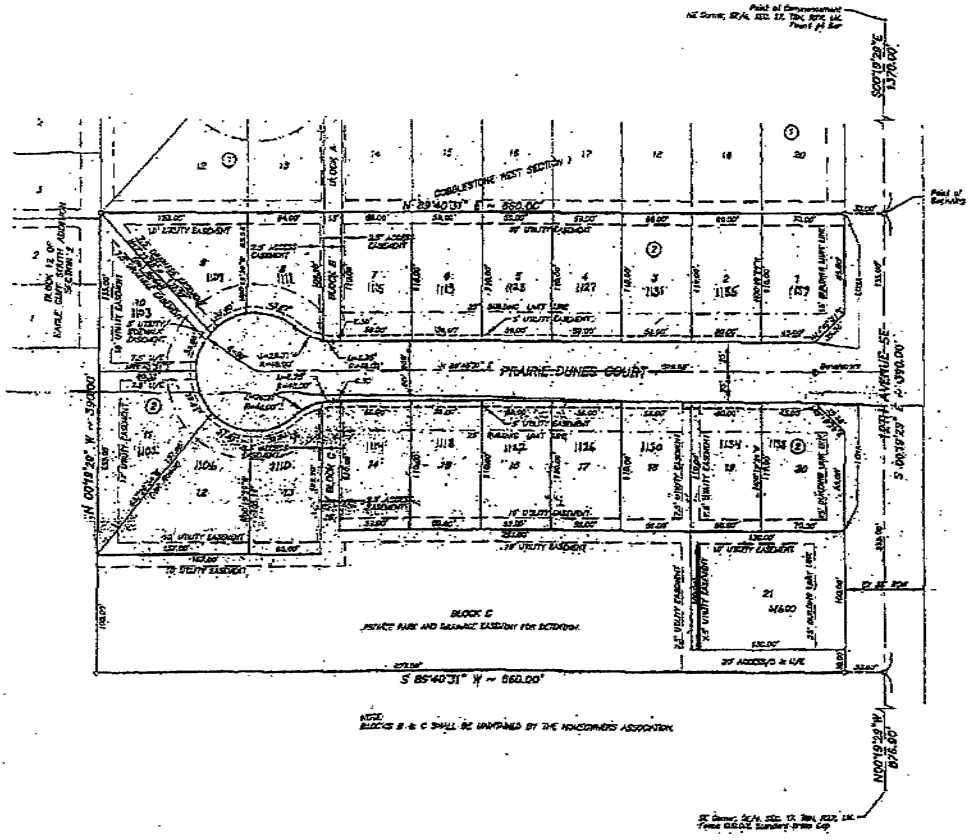
Norman, Cleveland County, Oklahoma

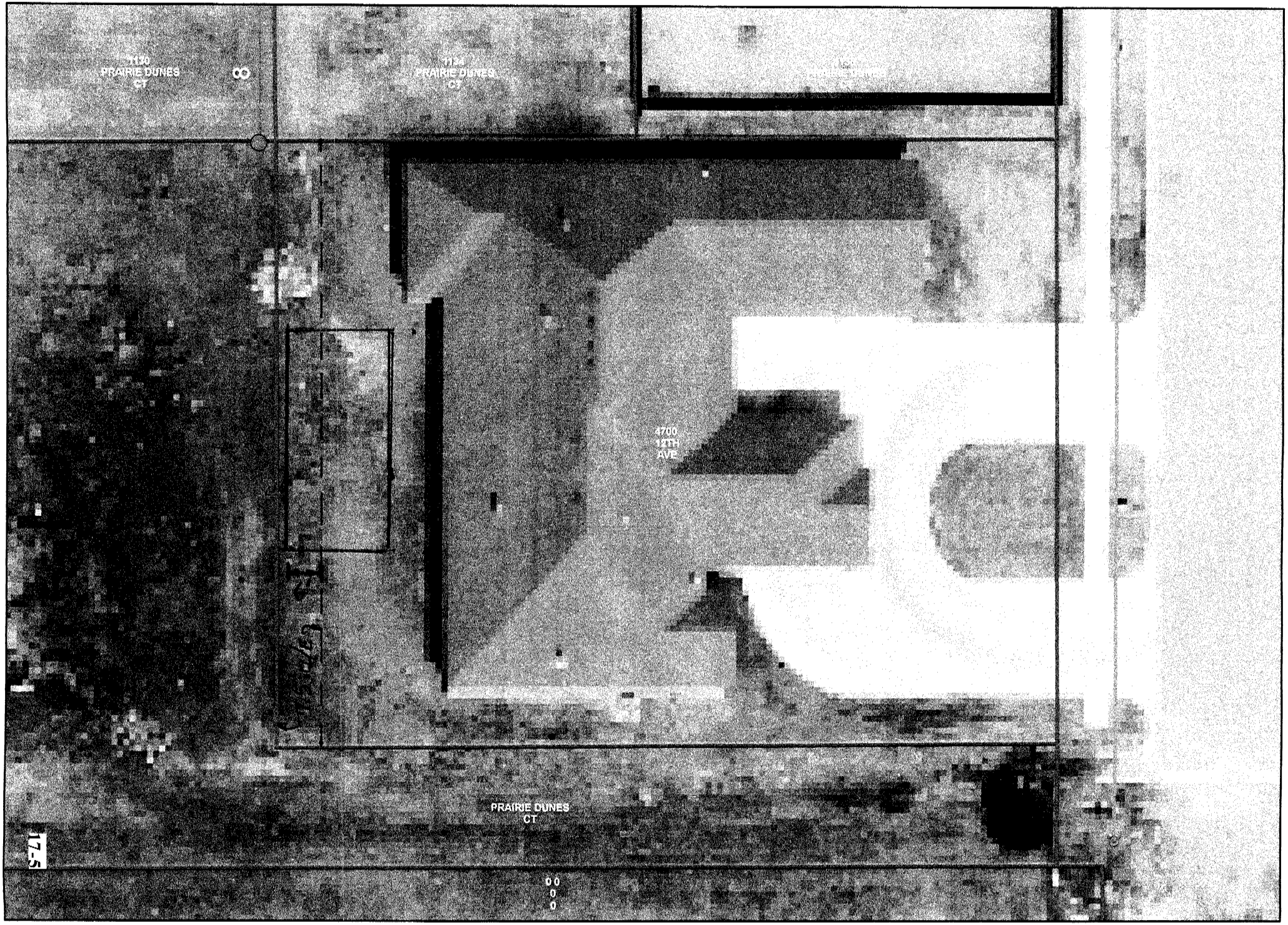


LOCATION MAP

Doc#:P 2007 22
Bk&Pg:PL 21 129
Filed:06-20-2007 SW
12:11:40 PM PL
Cleveland County, OK

#22
STATE OF OKLAHOMA
COUNTY OF CLEVELAND
FILED FOR RECORD
June 20 20 07 at 12:11:40 pm
Book 21 Page 129
TAMMY HOWARD, County Clerk
By [signature] Deputy





Map produced by the City of Norman
Geographic Information System.

The city of Norman assumes no
responsibility for errors or omissions
in the information presented.

N

1 inch = 20 feet

CONSENT

Consent to Encroachment No. 1112-8

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

Lot 21, Block 2, Cobblestone West Addition, Section II, a/k/a 4700 12th Avenue, S.E.,

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

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

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

1. The property owner be responsible for the cost of repairs for any damages to the City's utility easement caused by any excavation or other construction activities conducted on their behalf;

2. The property owner will be responsible for the cost the City incurs to remove any or all of the pool or deck, if needed, to facilitate maintenance or repair of the City's utilities;

3. The property owner will be responsible for the cost to repair or replace any or all of the pool or deck for such repairs;

4. The property owner waives and releases any claims against the City for any damages to any or all of the pool and deck and related improvements caused by any excavation by the City for purposes of maintaining or replacing the City's utility facilities within the easement areas;

5. By encroaching on said easement, the property owner releases Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, and/or Cox Communications, Inc. of responsibility to repair, rebuild, or maintain any of the pool or deck in the easement.

6. Damages to Oklahoma Electric Cooperative, Oklahoma Gas & Electric, Oklahoma Natural Gas, AT&T Southwest, or Cox Communications, Inc. facilities resultant from any current/future construction may carry possible financial charges to the property owner.

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

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

IN WITNESS WHEREOF, the undersigned has executed this consent this _____ day of February, 2012.

THE CITY OF NORMAN, OKLAHOMA

_____
Mayor

ATTEST:

_____
City Clerk

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

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

_____
Notary Public

My Commission Expires:

_____

OWNER:

By: _____
Gary L. Lam

On this ____ day of February, 2012, before me personally appeared Gary L. Lam to me to be known to be the identical person(s) who executed the same as his/her free and voluntary act and deed for the uses and purposes therein set forth.

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

_____
Notary Public

My Commission Expires: _____

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

office memorandum

Date: February 13, 2012

To: Brenda Hall, City Clerk

From: Jim Speck, Capital Projects Engineer JS

Re: Consent to Encroach 1112-8
Lot 21, Block 2, Cobblestone West Addition, Section II
(4700 12th Avenue SE)

The lot located at 4700 12th Avenue SE (Lot 21, Block 2, Cobblestone West Addition, Section II) has a platted 7.5-foot wide utility easement (U/E) along the rear (western) boundary. The owner requests construction of a swimming pool and deck in the proximity of the west property line. The pool is shown to be installed 1.5 feet off of the west property line, and would, therefore, encroach six (6) feet into the U/E.

There are no City utilities located on the property within the platted easement but there is an 8-inch sewer main & manhole located a few feet west of the western property line in the northeast corner of Block C in a platted U/E. The manhole is located a few feet west of the northwest corner Lot 21. The construction, as shown, is located an acceptable distance from the sewer manhole.

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

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

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

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

office memorandum

DATE: February 14, 2012

TO: Leah Messner, Assistant City Attorney

FROM: Ken Danner, Subdivision Development Manager K.D.

SUBJECT: Consent to Encroach
Lot 21, Block 2, Cobblestone West Section II
4700 12th Avenue S.E.

Public Works/Engineering staff does not oppose the proposed swimming pool and decking encroaching approximately six feet into a 7.5 foot utility easement. We do yield to the Utilities Department regarding any possible sanitary sewer mains that might be located within the easement. The City and /or utility companies should be held harmless in the course of maintaining their facilities if located within the utility easement. Attached are responses from the utility companies.

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

KD/pj

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

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

OKLAHOMA ELECTRIC COOPERATIVE

Your Touchstone Energy® Partner

January 19, 2012

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

Re: Request for consent to encroach the 7.5' rear yard utility easement located on Lot 21, Block 2, Cobblestone West Addition -- a/k/a 4700 12th Ave SE (Consent to Encroach No. 1112-8)

Dear Ken:

OEC has **NO** objection to this request. Please feel free to contact me if you have any questions.

Respectfully,

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

TP/sc

OG&E

PO Box 321
Oklahoma City, Oklahoma 73101-0321

JANUARY 18, 2012

KEN DANNER, DEVELOPMENT COORDINATOR
NORMAN PLANNING COMMISSION
P. O. BOX 370
NORMAN, OK. 73070

RE: **Applicant: Gary L. Lam**
Consent to encroach in 7.5' utility easement
Lot 21, Block 2, Cobblestone West Addition, Section II
4700 12th Avenue SE
Encroachment No. 1112-8

Mr. Danner;

Available records show OG&E Electric Services has no facilities in the utility easement located along the west side of the above mentioned lot. OG&E does not object to the encroachment with the installation of a pool and deck. If you should have any other questions, please contact me at 553-5174.

Sincerely,

Timothy J. Bailey
Right-Of-Way Agent

17-10

Drew Norlin

From: HAYES, TERRI L [tn0418@att.com]
Sent: Tuesday, February 14, 2012 9:39 AM
To: Drew Norlin
Subject: RE: FW: Lot 21, Block 2, Cobblestone West Addition--a/k/a 4700 12th Avenue S.E.--Consent to Encroach No. 1112-8

Drew,
Sorry about the delay, no excuse to be given. I forgot to respond after I looked this up. I have no objection to this.
Have a great day,
Terri

From: Drew Norlin [mailto:Drew.Norlin@normanok.gov]
Sent: Monday, February 13, 2012 4:25 PM
To: HAYES, TERRI L
Subject: FW: FW: Lot 21, Block 2, Cobblestone West Addition--a/k/a 4700 12th Avenue S.E.--Consent to Encroach No. 1112-8

Terri

Have you had a chance to look at this consent to encroach?

Thanks
Drew Norlin, Subdivision Development Coordinator
City of Norman Engineering /Public Works
(405) 366-5459 phone
(405) 366-5418 fax
drew.norlin@NormanOK.gov

From: Drew Norlin
Sent: Tuesday, January 17, 2012 2:54 PM
To: baileytj@oge.com; HAYES, TERRI L (tn0418@att.com); Jim Speck; JODIE FINNEY (jodie.finney@cox.com); jsullivan@oneok.com; Randy F. Harrell; Thad Peterson
Cc: Ken Danner
Subject: FW: Lot 21, Block 2, Cobblestone West Addition--a/k/a 4700 12th Avenue S.E.--Consent to Encroach No. 1112-8

To All

Please contact Ken Danner regarding this consent to encroach the 7.5' rear yard utility easement with a pool and deck per the attached drawing with your approval or disapproval as soon as possible. His email address is ken.danner@NormanOK.gov or call him at 366-5458.

Thanks
Drew Norlin, Subdivision Development Coordinator
City of Norman Engineering /Public Works
(405) 366-5459 phone
(405) 366-5418 fax
drew.norlin@NormanOK.gov

January 18th, 2012

OKLAHOMA NATURAL GAS
A DIVISION OF ONEOK

Mr. Ken Danner
Subdivision Manager
City of Norman

Mr. Gary L. Lam
4700 12th Avenue S.E.
Norman, OK 73072

Dear Mr. Danner:

LETTER OF NO OBJECTION FOR A REVOCABLE PERMIT

THIS REQUEST IS FOR A PERMISSION TO ENCROACH ONTO SIX FEET OF A UTILITY EASEMENT FOR A POOL AND DECK IN LOT 21, BLOCK 2, COBBLESTONE WEST ADDITION, SECTION II. THE POOL AND DECK TO BE LOCATED ON THE WEST SIDE OF PROPERTY AT 4700 12TH AVENUE S.E., NORMAN OK 73072

The legal description for 4700 12TH Avenue S.E is located in the Cobblestone West Addition Section II is: SE ¼ of Section 17, Township 8 North, and Range 2 West.

Oklahoma Natural Gas Company does not object to the City of Norman issuing a permit for the purpose described above.

We do have a natural gas distribution main on the east side of 12th Avenue S.E and we have natural gas service lines in the area. Because of this, we request that the OKIE ONE CALL SYSTEM (840-5032 OR 1-800-522-6543) be contacted a minimum of forty-eight (48) hours before any excavation.

Should our facilities be damaged as a result of your installation, you and/or your contractor will be liable for any costs for repairs. These costs could include a cost calculation for gas loss should any occur.

Sincerely,

Randy Harrell
Team Leader

625 N. Berry Road • Norman, OK 73069-7541
(405) 366-2407 • Fax (405) 366-2440
www.ong.com

17-12

February 14, 2012

Gary L. Lam
4700 12th Avenue SE
Norman, Oklahoma 73072

Attn: Gary Lam

Re: Application for a Revocable Permit to erect, construct and maintain a new pool, in the right of way of 4700 12th Avenue SE, Norman, Oklahoma 73072.

To Whom It May Concern:

Cox Communications, has no objection to the City of Norman granting revocable permit erect, construct and maintain a new pool, in the right of way 4700 12th Avenue SE, Norman, Oklahoma 73072, over, under, or on a portion of the public right of way or utility easements.

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

If you have any question or concerns, please feel free to contact our office at (405) 600-6336 or email jodie.finney@cox.com.

Sincerely,

Jodie Finney

Jodie Finney
Right-of-Way

CC: Drew Norlin – City of Norman, Engineering Subdivision Coordinator
Ken Danner – City of Norman, Subdivision Manager

City of Norman, OK

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

Master

File Number: K-0809-46 Amd 1

File ID:	K-0809-46 Amd 1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	02/16/2012
File Name:	Amend 1 K-0809-46 w/Alltell dba Verizon			**Final Action:**	

Title: AMENDMENT NO. ONE TO CONTRACT NO. K-0809-46: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND ALLTEL COMMUNICATIONS, L.L.C., D/B/A VERIZON WIRELESS FOR THE LEASE OF A MONOPOLE TOWER SITE LOCATED AT THE STREET MAINTENANCE FACILITY AT 668 EAST LINDSEY STREET.

ACTION NEEDED: Motion to approve or reject Amendment No. One to Contract No. K-0809-46 with Alltel Communications d/b/a Verizon Wireless; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 18

Attachments: Amdmt 1 K-0809-46

Project Manager: Jennifer Gray,Telecommunications Administrator

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-0809-46 Amd 1

Body

BACKGROUND: On April 28, 2009, Contract No. K-0809-46 with Alltel Communications, L.L.C., was approved by City Council. This contract allowed Alltel Communications to construct a monopole tower on City property at the Street Maintenance Facility (668 East Lindsay Street) and then lease that space on the tower from the City. Since the tower was installed in 2009, two additional carriers have begun to lease the facilities from the City as well.

DISCUSSION: Since Council's approval of Contract No. K-0809-46 in 2008, the corporate structure of Alltel Communications has changed. Alltel has requested that the contract be amended to reflect these updates. Additionally, because of additional carriers also using the monopole tower, it is now prudent to identify and reserve a specific space for Alltel to insure the carriers don't interfere with each other's signals.

Amendment No. 1 to Contract No. K-0809-46 recognizes that the Lessee is now Alltel Communications d/b/a (doing business as) Verizon Wireless and updates the notice address and other items related to corporate structure. It also designates a specific portion of the monopole for Alltel's use. Finally, the amendment adds a provision to address how Alltel's rights under the lease would be affected if the City granted an interest in the property to a third party without also assigning the lease.

RECOMMENDATION: Staff recommends approval of Amendment No. One to Contract No. K-0809-46 with Alltel Communications d/b/a Verizon Wireless.

Lessee Site Name: OU – City Maintenance Yard
Lessee Site No: 102319

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT TO LEASE AGREEMENT (the "**Amendment**") is made and entered into this ____ day of _____, 2011, by and between the **City of Norman** ("**Lessor**"), and **Alltel Communications, LLC d/b/a Verizon Wireless** ("**Lessee**"). Lessor and Lessee are at times collectively referred to hereinafter as the "**Parties**" or individually as the "**Party**."

RECITALS:

WHEREAS, Lessor and Lessee entered into a Lease Agreement dated April 28, 2009 (the "**Agreement**"), pursuant to which Lessee leases from Lessor space on Lessor's tower and a parcel of ground space (collectively the "**Leased Premises**") located on Lessor's property at 668 East Lindsey Street, Norman, Cleveland County, Oklahoma 73069 (the "**Property**");

WHEREAS, the Parties desire to amend the Agreement to, among other things, establish the location of Lessee's equipment on Lessor's tower on the Property.

NOW THEREFORE, in consideration of the premises and the mutual undertakings herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. The parties agree that Lessee shall have the exclusive right to attach up to nine (9) antennas and associated equipment to Lessor's tower at 115 feet above ground level. Lessor agrees that it will not allow any other party to attach equipment to the tower between 120 feet and 110 feet, which space Lessor agrees is exclusively reserved for Lessee's use.

2. There is no rent increase associated with this Amendment.

3. Article XIII of the Agreement, is hereby amended to reflect the notice address for Lessee to be as follows:

Lessee: Alltel Communications, LLC
d/b/a Verizon Wireless
ATTN: Network Real Estate
180 Washington Valley Road
Bedminster, NJ 07921

4. Article XXII of the Agreement, is hereby deleted in its entirety and replaced with the following:

> LESSEE represents that it is a limited liability company in good standing in the State of Delaware, and qualified to do business in the State of Oklahoma.

5. The following is hereby added to the Agreement as Article XXVII:

> If LESSOR elects, during the Term to grant to a third party, by easement or other legal instrument, an interest in and to that portion of the Property occupied by LESSEE, or a larger portion thereof, for the purpose of operating and maintaining communications facilities or the management thereof, with or without an assignment of this Agreement to the third party, LESSEE shall have the right of first refusal to meet any bona fide offer of transfer on the same terms and conditions of the offer. If LESSEE fails to meet the bona fide offer within thirty (30) days after written notice thereof from LESSOR, LESSOR may grant the easement or interest in the Property, or portion thereof, to the third party in accordance with the terms and conditions of the third party offer.

6. Any capitalized term used, but not defined, in this Amendment is deemed to have the meaning ascribed to that term in the Agreement. In the event of any conflict between the terms and provisions of the Agreement and those of this Amendment, the terms and provisions of this Amendment shall control. Except as specifically modified by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect.

7. Lessor and Lessee each hereby warrant to the other that the person executing this Amendment on behalf of the warranting Party has the full right, power and authority to enter into, and execute, this Amendment on that Party's behalf, and that no consent from any other person or entity is necessary as a condition precedent to the legal effect of this Amendment.

Lessee Site Name: OU – City Maintenance Yard
Lessee Site No: 102319

IN WITNESS WHEREOF, Lessor and Lessee have executed this Amendment effective as of the day and year first above written.

LESSOR:

City of Norman

By: _____
Name: Cindy Rosenthal
Title: Mayor

Date: _____

ATTEST: _____
City Clerk

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 7/20/11

LESSEE:

Alltel Communications, LLC
d/b/a Verizon Wireless

By: _____
Hans F. Leutenegger
Area Vice President Network

Date: 8/22/2011

City of Norman, OK

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

Master

File Number: K-1112-48 CO#1

File ID:	K-1112-48 CO#1	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	02/03/2012
File Name:	Final & CO #1 K-1112-48 FYE 2010 Drainage Proj			**Final Action:**	

Title: CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-48: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CIMARRON CONSTRUCTION COMPANY FOR THE FYE 2010 DRAINAGE PROJECTS DECREASING THE CONTRACT AMOUNT BY $5,795.30 AND FINAL ACCEPTANCE OF THE PROJECT.

ACTION NEEDED: Motion to approve or reject Change Order No. One to Contract No. K-1112-48 with Cimarron Construction Company decreasing the contract amount by $5,795.30; and, if approved, authorize the execution of the contract, accept the project, and direct final payment in the amount of $72,908.59 to Cimarron Construction Company.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 19

Attachments: Change Order, Final Payment

Project Manager: Bob Hanger, Stormwater Engineer

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File K-1112-48 CO#1

body

BACKGROUND: The FYE 2010 Drainage Projects consist of two separate projects. Project No. 1, Merkle Creek Tributary Channel Improvements Project, is located about 800 feet north of West Main Street and 600 feet east of 24th Avenue N.W. (behind Big Lots) along a tributary of Merkle Creek. The project extends 1540 feet from Crestmont Street to

Merkle Drive. This project was recommended by the Street Superintendent and will correct erosion problems along the flow line of the drainage channel. Instead of the traditional concrete lined channel, staff elected to use Bermuda sod and Turf Reinforcement Mat (TRM) to stabilize the flow line. TRM is a Low Impact Development (LID) design standard included in the City's recently adopted Storm Water LID Manual. The TRM stabilizes the Bermuda sod allowing it to resist erosion and has an added benefit of being less expensive than concrete.

Project No. 2, Sooner Dialysis Center Storm Water Improvements Project, is located at 1561 North Porter Avenue, in Sutton Place Addition, Section 4. This project will correct a long-standing flooding problem (1986) on Wilderness Drive and Sandpiper Lane. Previously, storm water drained from Sutton Place Addition, Section 4 (3.29 acres) onto Wilderness Drive via a concrete flume and during a heavy rain event it would cause street flooding on Wilderness Drive and Sandpiper Lane. The project corrected this problem by constructing a drainage inlet and storm sewer pipe from the concrete drainage flume west to Porter Avenue, which drains the storm water away from Wilderness Drive. The FYE 2010 Drainage Projects were designed by the City's Storm Water Engineer, thus saving the cost of private engineering services or about $30,000.

Bid documents and specifications were advertised according to state law. Six (6) contractors received the bid documents and three (3) bids were received on September 8, 2011. The low bidder, Cimarron Construction Company from Oklahoma City, submitted a bid $179,440, (Project No. 1, Merkle Creek Tributary Channel Improvements Project, $135,370 and Project No. 2, Sooner Dialysis Center Storm Water Improvements Project $44,070). On October 11, 2011 City Council awarded Contract No. K-1112-48, FYE 2010 Drainage Projects, to Cimarron Construction Company in the amount of $179,440.

DISCUSSION: Construction commenced on Monday, October 24, 2011 and was completed on Friday, January 13, 2012. The projects were completed $5,795.30 under the contract amount of $179,440. Therefore, the final contract amount is $173,644.70. A decrease change order (Change Order No. 1-final) is recommended for approval. The final payment to Cimarron Construction Company in the amount of $72,908.59 is also recommended for approval.

RECOMMENDATION NO 1: Staff recommends that the FYE 2010 Drainage Projects be accepted.

RECOMMENDATION NO. 2: Staff further recommends that Change Order No. 1 (final) decreasing the contract amount by $5,795.30, be approved.

RECOMMENDATION NO. 3: Staff further recommends final payment to Cimarron Construction Company in the amount of $72,908.59 be approved.

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 1 (Final) DATE: January 13, 2012

CONTRACT NO. K-1112-48 SUBMITTED BY: Bob Hanger

PROJECT: FYE 2010 Drainage Project

CONTRACTOR: Cimarron Construction Company
7409 N.W. 85th Street
Oklahoma City, Oklahoma 73132

Original Completion Date : January 7, 2012

Previous Completion Date: January 7, 2012 ORIGINAL CONTRACT AMOUNT $ 179,440.00

(Increase) this change order 6 Calendar days

New Completion Date January 13, 2012 PRESENT CONTRACT AMOUNT $ 179,440.00

DESCRIPTION	DECREASE	INCREASE
See attached "Change Order Detail" Note: This change order is based on unit prices from the original contract.	$11,809.30	$6,014.50

NET CHANGE $5,795.30 $

REVISED CONTRACT AMOUNT $ 173,644.70

CONTRACTOR: Don Mally DATE: 2-8-12

ARCH./ENGINEER: Bob Hanger DATE: 2-8-12

CITY ATTORNEY: [signature] DATE: 2/17/12

ACCEPTED BY: _____ DATE: _____
(City Manager)

CHANGE ORDER DETAIL
CHANGE ORDER NO. 2 (Final)
City of Norman
Cleveland Co., Oklahoma

Project Name FYE 2010 Drainage Project Design Engineer Bob Hanger

Account Number 050-9968-431-6101 Project No. DR0057

Contract No. K-1112-48

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

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

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

G.

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

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

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

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

DETAILED COST ITEMIZATION
Change Order No. 1 (final)
To FYE 2010 Drainage Project

Cimarron Construction
Project No. 1- Merkle Creek Channel Improvements

	Description	Decrease	Increase
1	Bonds		
2	Insurance		
3	Clearing and Grubbing		
4	Backfill (Embankment)		
	105 cy @ $15.00 cy =		$ 1,575.00
5	Unclassified Exc.		
	50 cy @ $15.00 cy =		$ 750.00
6	4" Top Soil		
	139 sy @ $1.00 sy =		$ 139.00
7	Erosion Control		
8	Bermuda Sod		
	139 sy @ $2.00 sy =		$ 278.00
9	Structure No. 1		$ 2,805.00
10	Structure No. 2		
11	Mobilization		
12	Construction Staking		
13	Concrete Removal		
14	Material Testing		
15	Turf Reinforcement Mat (Enkamat)		
	476 sy @ $7.00 sy=	$ 3,332.00	
16	Turf Reinforcement (Scour Stop)		
	$59.58 sy @ $60.00 sy=	$ 3,574.80	
	Sub-Total	$ 6,906.80	$ 5,547.00
	Project No. 1 Total Decrease	**$ 1,359.80**	

DETAILED COST ITEMIZATION
Change Order No. 1 (final)
To FYE 2010 Drainage Project

Cimarron Construction
Project No. 2- Sooner Dialysis Center

	Description	Decrease	Increase
1	Bonds		
2	Insurance		
3	Erosion Control		
4	Bermuda Sod		
	185 sy @ $3.00 sy =	$ 555.00	
5	Mobilization		
6	Construction Staking		
7	Sidewalk Removal & Replacement		
	8.50 lf @ $55.00 lf =		$ 467.50
8	Asphalt Removal & Replacement		
	20.00 sy @ $125.00 sy=	$ 2,500.00	
9	Curb & Gutter Removal & Replacement		
	65.40 sy @ $20.00 sy=	$ 1,308.00	
10	Material Testing		
11	Irrigation System Repair		
12	18" RCP		
13	Structure No. 1		
14	Structure No. 3		
15	Structure No. 4		
16	Structure No. 2		
17	6" Waterline Lowering		
	Sub-Total	$ 4,903.00	$ 467.50
	Project No. 2 Total Decrease	**$ 4,435.50**	
	Total Decrease Project Nos. 1 & 2	**$ 5,795.30**	

APPLICATION AND CERTIFICATE FOR PAYMENT

PROJECT: FYE Drainage Project 2010
TO: CITY OF NORMAN:

ENGINEER: City of Norman - Bob Hanger
CONTRACTOR: Cimarron Construction Company
APPLICATION DATE: February 8, 2012 APPLICATION NO. Three - Final
PERIOD FROM: 1/01/2012 TO: 1/31/2012

CHANGE ORDER SUMMARY

NONE	Change Orders approved	ADDITION $	DEDUCTIONS $
IN PREVIOUS MONTHS BY Owner—	ORIGINAL CONTRACT SUM		179,440.00
TOTAL	Net change by Change Orders	$	(5,795.30)
Subsequent Change Orders Number Approved 1 -Final Date 1-13-2012	CONTRACT SUM TO DATE	$	173,644.70
	TOTAL COMPLETED & STORED TO DATE	$	173,644.70
	RETAINAGE 0 %	$	0.00
	TOTAL EARNED LESS RETAINAGE	$	173,644.70
(5,795.30)	LESS PREVIOUS CERTIFICATES FOR	$	(100,736.11)
TOTALS	PAYMENT	$	72,908.59

Net change by Change Orders $ (5,795.30)

The undersigned Contractor certifies that the work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by him for work for which previous Certificates for Payment were issued and payments received from the Owner, and that the current payment shown herein is now due.

CONTRACTOR:
By: Don G Jones Pres. Date: 2-08-2012

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Inspector certifies to the Owner that to the best of the Inspector's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED. $

INSPECTOR:
BY: _____

CITY OF NORMAN
BY: B Hanger
2-9-12

PO 206593

City of Norman
Purchasing Division
P.O. Box 370
Norman, OK 73070

AFFIDAVIT

State of Oklahoma

County of Oklahoma

PO No. _____

Invoice No. Three - Final

Amount $ 72,908.59

In accordance with the Constitution of the State of Oklahoma Title 74, Section 3109-3110, and Title 62, Section 310.9, this form must be completed and Submitted before any invoice over $12,500.00 can be processed for payment.

The undersigned CONTRACTOR, of lawful age, being duly sworn, on oath says that this invoice or claim is true and correct and that (s)he is authorized to submit the invoice pursuant to an approved Contract. Affidavit further states that the work as shown by this invoice have been completed in accordance with the plans, specifications furnished the Affidavit. Affidavit further states that (s)he has made no payment, given, or donated or agreed to pay, give or donate, either directly or indirectly, to any elected official, officer or employee of the City of Norman, or money or any other thing of value to obtain payment of the invoice or procure award of this Contract order pursuant to which an invoice is submitted.

Cimarron Construction Company
Company Name

[signature]
By: Architect, Contractor, Supplier, Engineer or Supervisory Official

Subscribed and sworn to before me this 8th day of February, 2012.

[signature]
Notary Public
(or officer having power to administer oaths)

My Commission Expires:
January 28, 2013
01000820

GINA HALL
Notary Public
State of Oklahoma
Commission # 01000820 Expires 01/28/13

19-6

City of Norman, OK

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

Master

File Number: K-1112-101

File ID:	K-1112-101	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$75,000.00	**File Created:**	02/07/2012
File Name:	Contract K-1112-101 Household Hazardous Waste Collection			**Final Action:**	

Title: CONTRACT NO. K-1112-101: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND CHEMICAL RECLAMATION SERVICES, L.L.C., IN THE AMOUNT OF $75,000 TO PROVIDE A HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT TO BE HELD APRIL 14, 2012, AT THE LLOYD NOBLE CENTER PARKING LOT AND PERFORMANCE BOND B-1112-26.

ACTION TAKEN: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-1112-101 with Chemical Reclamation Services, L.L.C., in the amount of $75,000 and Performance Bond No. B-1112-26; and, if approved, authorize the execution of the contract and direct the filing of the performance bond.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 20

Attachments: Contract K-1112-101, Performance Bond B-1112-26, HHW Requisition

Project Manager: Debra Smith, Environmental Services Coordinator

Entered by: gay.webb@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-1112-101

Body

BACKGROUND: The Norman Utilities Authority budgeted $84,000 in the Fiscal Year Ending (FYE) 2012 budget to provide the citizens of Norman an environmentally sound

method for disposal of household-generated hazardous waste. Staff developed a Request for Proposal (RFP) to be distributed to firms experienced in conducting household hazardous waste (HHW) collection events.

DESCRIPTION: Request for Proposal No. RFP-1112-38 was sent to five (5) firms on December 21, 2011. Three (3) firms submitted technical and cost proposals on January 13, 2012 in accordance with the RFP. The Review Committee, consisting of three staff members, evaluated the firms based on their technical proposal. Cost proposals were then evaluated and the Committee selected Chemical Reclamation Services, LLC as the most qualified proposer.

The FYE 12 budget appropriated funds for the project in Other Business Services (account no. 032-5543-432.41-99). The HHW Collection Event will be conducted on April 14, 2012 in the Lloyd Noble Center parking lot. Based on past history, staff anticipates participation of 1000-1200 households at an estimated cost of $60 per household. Thus, we estimate that between $60,000 and $72,000 could be expended for this event. The amount of last year's event was $68,432. Although staff does not anticipate going over $75,000, in the event of greater participation than previous years, a follow-up change order will be necessary to cover the increased amount.

RECOMMENDATION: Staff recommends that the NUA authorize the Chairman to sign, upon approval of the City Attorney, Contract No. K-1112-101 in the amount of $75,000 with Chemical Reclamation Services, LLC.

HHW Collection Event
Agreement for Professional Services

This AGREEMENT, made and entered into this _____ day of _____, between the NORMAN UTILITIES AUTHORITY, a public trust in the State of Oklahoma hereinafter called "Authority", and CHEMICAL RECLAMATION SERVICES, LLC hereinafter called "Contractor";

WHEREAS, Authority will sponsor a Household Hazardous Waste Collection Event to provide a safe, convenient place where citizens of Norman can dispose of stored household pollutants and other non-regulated wastes on April 14, 2012; and

WHEREAS, Contractor has knowledge and experience in collecting, identifying, packaging, labeling, hauling, recycling, treating, incinerating, and/or disposing of said pollutants; and

Now, THEREFORE, in consideration of the promises containing herein, the parties hereto agree as follows:

1.0 Scope of Services: Contractor shall perform in a good and professional manner the services identified in the Authority's *Scope of Services*. Any conflict between the terms of this Agreement and the terms of the *Scope of Service*, the *Technical Proposal,* or *Cost Proposal* and any addenda will be governed by the terms of this Agreement.

1.1 Contractor shall have present at the collection site, employees or agents of Contractor (as described in the Technical Proposal) trained in the identification of hazardous and acutely hazardous wastes as defined by Federal law or regulations, and such materials and equipment as necessary to unload, handle, containerize, label, weigh, manifest, load, and transport such wastes from the Household Hazardous Waste Collection Event in a manner conforming to State and Federal laws and regulations.

1.2 All wastes must be weighed and removed from the collection site (or secured) by 6 p.m. on the day of the collection event. Waste manifests showing the waste type, weight of waste and container, container size (or volume), and point of destination shall be provided to Authority prior to transporting wastes off-site. A summary report shall be submitted within 30 calendar days following the collection event. Final waste manifests shall be submitted within 90 calendar days following the collection event

1.3 Contractor shall only accept household wastes from residents of the Norman Community. The Authority shall make this determination.

1.4 Unless the Contractor and the Authority mutually agree, the following items will not be accepted by the Contractor for disposal:

(a) Radioactive materials (as regulated by D.O.T. or the Nuclear Regulatory Commission).
(b) Explosives (as defined by the Bureau of Alcohol, Tobacco, and Firearms) including: organic peroxides (unstable), and picric acid.
(c) Polychlorinated Biphenyls (PCB's).
(d) Compressed gases (aerosol containers are acceptable).
(e) Biological or infectious wastes.
(f) All Poison A compounds as listed in the Hazardous Materials Table of 49 CFR 172.101.
(g) All materials listed as forbidden in the Hazardous Materials table of 49 CFR 172.101.

1.5 Contractor will take title to the waste once accepted by a Contractor's employee at the collection site. Contractor will act as the generator of the waste.

2.0 Warranty: Contractor warrants that it understands the currently known hazards and suspected hazards which are presented to persons, property, and the environment by the transportation, treatment, and disposal of hazardous wastes. Contractor further warrants that it will perform all services under this Agreement in a safe, efficient, and lawful manner using industry-accepted practices, and in full compliance with all applicable State and Federal laws governing its activities under this Agreement, and that it is under no legal restraint or order which would prohibit transfer of possession or title of collected wastes to Contractor or prohibit the servicing of such waste or Contractor's performance of services under this Agreement.

3.0 Indemnification: Contractor shall indemnify, hold harmless, and defend the Authority from and against any and all liabilities, claims, penalties, fines, forfeitures, suits and the cost and expenses incidental thereto (including cost of defense, settlement, and reasonable attorney's fees) which may be alleged against the Authority or which the Authority may incur, become responsible for, or pay out as a result of death or bodily injury to any person, destruction, or damage to any property, contamination of or adverse effects on the environment, or any violation or alleged violation of governmental laws, regulations orders, to the extent that such damage was caused by Contractor or Contractor's agents' negligence, willful or intentional act or omission, breach of contract or a failure of Contractor's warranties to be true, accurate, or complete.

4.0 Insurance: Contractor shall procure and maintain at its expense, at least the following insurance:

4.1 Comprehensive General Liability with personal injury not less than $125,000 per person, property damage limits of not less than $125,000 per occurrence and total aggregate amount of not less than $5,000,000.

4.2 Automobile Liability with personal injury not less than $125,000 per person, property damage limits of not less than $125,000 per accident and total aggregate amount of not less than $1,000,000.

4.3 Worker's Compensation Insurance in accordance with statutory requirements and Employer's Liability Insurance with limits of not less than $125,000 for each occurrence.

4.4 Pollution Control Liability with an aggregate amount of not less than $3,000,000 per accident.

4.5 Consultant Environmental Liability with an aggregate amount of not less than $5,000,000 per accident.

4.6 Contractor shall furnish certificates of insurance listing the City of Norman and the University of Oklahoma as insured; the certificate shall include a provision that such insurance shall not be canceled without at least thirty (30) days written notice to the City of Norman.

5.0 Payment Terms:

5.1 Compensation. Contractor shall provide all services in this Agreement at the unit prices stated in the Cost Proposal. Contract amount will not exceed $75,000.00 unless agreed to in writing by Authority. Contractor understands that they will be paid for the actual pollutants collected, either cost per pound or cost per unit for each pollutant or waste stream collected. Contractor shall submit an itemized list of all pollutants collected, by weight and by container size, and multiplied by the specified unit price in the Cost Proposal for that waste stream.

5.2 Approval of Payment. The Authority shall not pay Contractor until fully executed Uniform Hazardous Waste Manifests for all waste and a report summary have been received and accepted by the Authority. The Uniform Hazardous Waste Manifests shall serve as notification that the Household Pollutants were received and properly disposed of by Contractor. The report shall summarize the number of participants, the type and quantity (by weight) of waste, and method of disposal. All invoices not contested in writing with ten (10) business days of receipt of all required information are deemed acceptable by the Authority as true and accurate and are payable in full.

6.0 Independent Contractor: Contractor is and shall perform this Agreement as an independent contractor and, as such, shall have and maintain complete control over all its employees and operations. Neither Contractor nor anyone employed by it shall be, represent, act, purport to act, or be deemed to be the agent, representative, employee, or servant of the Authority.

7.0 Delegation and Subcontracting: Contractor may not, without the prior written consent of the Authority, delegate or subcontract the performance of the work, or any portion thereof, which is by this Agreement undertaken by Contractor.

8.0 Uncontrollable Forces: Neither the Authority nor Contractor shall be considered to be in default of this Agreement if delays in or failure of performance shall be due to forces which are beyond the control of the parties.

9.0 Notice: Any notice, demand, or request required by or made pursuant to this Agreement shall be deemed properly made if personally delivered in writing or deposited in the United States mail, postage prepaid, to the address specified below.

To:	Authority	Contractor
	Norman Utilities Authority	Chemical Reclamation Services, LLC
	Debra Smith	(wholly owned by PSC Env. Serv.)
	P.O. Box 370	405 Powell Street
	Norman, OK 73070	Avalon, TX 76623

9.1 Nothing contained in this Article shall be construed to restrict the transmission of routine communications between representatives of Contractor and the Authority.

10.0 Integration and Modification: This Agreement includes the Scope of Services, Technical Proposal, Performance Bond, and Cost Proposal, as attached, and represents the entire and integrated Agreement between the Parties; and supersedes all prior negotiations, representations, or agreements pertaining to the scope of services herein, either written or oral. This Agreement may be amended only by a written instrument signed by each of the parties.

11.0 Severability: If any portion of this Agreement shall be construed by a court of competent jurisdiction as unenforceable, such portion shall be severed here from, and the balance of this Agreement shall remain in force and effect.

12.0 Waiver: No waiver of the terms, conditions and/or covenants of this Agreement shall be binding and effective unless the same shall be in writing signed by the parties. No waiver by either party of any provision or condition of this Agreement shall be construed or deemed to be a waiver of any other provision or condition of this Agreement, or a waiver of a subsequent breach of the same provision or condition, unless such waiver be so expressed in writing signed by the parties.

13.0 Assignment: The Authority may not assign this Agreement or any provision hereof without the prior written consent of Contractor, which consent may be withheld.

14.0 Section Headings: Headings of particular sections are inserted only for convenience and are in no way to be construed as a part of this Agreement or as a limitation of the scope of the sections to which they refer.

15.0 Governing Law: The validity, interpretation and performance of this Agreement, and the legal relations of the parties, shall be governed by and construed in accordance with the laws of the State of Oklahoma.

IN WITNESS WHEREOF. The Parties have executed this Agreement.

DATED this _____ day of _____, 201___.

NORMAN UTILITIES AUTHORITY

Authority

_____
Chairman

_____
Date

ATTEST

_____
Secretary

Seal

Contractor

John Lewis O'Brien Vice President
Title

1/26/12
Date

ATTEST

Secretary

Seal

APPROVED as to form and legality this 13 day of February, 2012.

City Attorney

PERFORMANCE BOND

Know all men by these presents that Chemical Reclamation Services, LLC as PRINCIPAL, and Lexon Insurance Company, a corporation organized under the laws of the State of Texas, and authorized to transact business in the State of Oklahoma, as SURETY, are held and firmly bound unto NORMAN UTILITIES AUTHORITY, a Public Trust of the State of Oklahoma, herein called AUTHORITY, in the sum of seventy five thousand dollars ($75,000), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

HOUSEHOLD HAZARDOUS WASTE COLLECTION EVENT
NORMAN, OKLAHOMA

has entered into a written CONTRACT (K-1112-101) with the AUTHORITY, dated _____ for the erection and construction of this PROJECT, that CONTRACT being incorporated herein by reference as if fully set forth.

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

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

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

IN WITNESS WHEREOF, the PRINCIPAL has caused these presents to be executed in its name and its corporate seal (where applicable) to be hereunto affixed by its duly authorized representative(s), on the _____ day of _____, 2011, and the SURETY has caused these presents to be executed in its name and its corporate seal to be hereunto affixed by its authorized representative(s) on the _____day of _____, 20 12.

(Corporate Seal) (where applicable)

ATTEST

_____

~~Corporate Secretary~~ (where applicable)

Chemical Reclamation Services, LLC

PRINCIPAL

Signed: _____

Authorized Representative

Deborah S. Huston, Secretary

Name and Title

Lexon Insurance Company

SURETY

Signed: Rhesa F. Boulton

Rhesa F. Boulton, Attorney-in-Fact

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 13 day of February, 2012.

_____

AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this _____ day of _____, 2012.

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman Secretary

POWER OF ATTORNEY

LX - 044595

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint: Scott D. Chapman, Rhesa F. Boulton, Elaine Lewis, **********

Rosalyn D. Hassell, Martha Silvas, Kevin McQuain, Justin McQuain **********

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed $ 6,500,000.00 Six million five hundred thousand dollars ********** dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Vice President, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 21st day of September, 2009.

LEXON INSURANCE COMPANY A TEXAS INSURANCE COMPANY

LEXON INSURANCE COMPANY

BY _____

David E. Campbell
President

ACKNOWLEDGEMENT

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/13

_____
Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Woodridge, Illinois this _____ Day of _____, 20_____ .

LEXON INSURANCE COMPANY A TEXAS INSURANCE COMPANY

_____
Donald D. Buchanan
Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties." 20-7

PURCHASE REQUISITION NBR: 0000197176

STATUS: DIVISION APPROVAL

REQUISITION BY: WEBB G
REASON: 2012 HHW COLLECTION EVENT
DATE: 2/07/12

SHIP TO LOCATION: P W - UTILITIES DIRECTOR
SUGGESTED VENDOR: 10291 CHEMICAL RECLAMATION SERVICES
DELIVER BY DATE: 3/31/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	2012 HHW COLLECTION EVENT - APRIL 14, 2012 COMMODITY: ENVIRONMENTAL AND ECOLOGI SUBCOMMOD: ENVIRONMENTAL SERVICES (N	75000.00	DOL	1.0000	75000.00	

REQUISITION TOTAL: 75000.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	03255434324199	Business Services Other Business Services		100.00	75000.00
					75000.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTRACT K-1112-101 CONTINGENT ON NUA APPROVAL
FEBRUARY 28, 2012

City of Norman, OK

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

Master

File Number: K-1112-116

File ID:	K-1112-116	**Type:**	Contract	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Fire Department	**Cost:**	$5,000.00	**File Created:**	02/14/2012
File Name:	Grant from Office of Emergency Management			**Final Action:**	

Title: CONSIDERATION OF THE ACCEPTANCE OF A GRANT IN THE AMOUNT OF $5,000 FROM THE NATIONAL ASSOCIATION OF COUNTY AND CITY HEALTH OFFICIALS TO BE USED BY THE NORMAN OFFICE OF EMERGENCY MANAGEMENT TO PROVIDE PUBLIC OUTREACH AND EDUCATION DURING THE ANNUAL MEDIEVAL FAIR BEING HELD MARCH 30 THROUGH APRIL 1, 2012, APPROVAL OF CONTRACT NO. K-1112-116, AND ADOPTION OF RESOLUTION NO. R-1112-115 APPROPRIATING FUNDS.

ACTION NEEDED: Motion to accept or reject a grant in the amount of $5,000 from the National Association of County and City Health Officials to be used by the Norman Office of Emergency Management to provide public outreach and education during the annual Medieval Fair being held March 30 through April 1, 2012; if accepted, approve Contract No. K-1112-116, authorize execution of the contract, and adopt Resolution No. R-1112-115 appropriating funds.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 21

Attachments: K-1112-116, R-1112-115

Project Manager: James Fullingim, Fire Chief

Entered by: devra.smith@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-1112-116

body

BACKGROUND: The City of Norman Citizens CORPS Council, administered by the Office of Emergency Management, participates with the Oklahoma Medical Reserve CORPS as the administrator for the Cleveland County Medical Reserve CORPS. During a recent application period Norman Emergency Management, as Coordinator for the Cleveland County Medical Reserve CORPS, applied for and received approval of a grant from the National Association of County and City Health Officials in the amount of $5,000.

DISCUSSION: The Medical Reserve Corps (MRC) program's main objective is establishing a system to identify, train, and organize medical and public health professionals, as well as volunteers to supplement and support on-going emergency response systems and personnel. The Cleveland County MRC is responsible for training local volunteers, conducting public outreach and participating in the local emergency planning effort. On agreement with the Oklahoma MRC Coordinator, Norman Emergency Management coordinates training, conducts planning meetings and manages the local MRC program. The funding provided will be to support the operations of the Cleveland County Medical Reserve CORPS. Expenditures will follow the guidance under the Homeland Security Grant Program, Citizens CORPS Programs. Priority of funding will go to public outreach and education; this grant will initially support an outreach effort during the annual Medieval Fair being held on March 30 - April 1, 2012. The MRC members will be dressed in period dress and they will be distributing literature about pandemic viruses and methods of dealing with them such as mass immunizations and inoculations. The funds will be used to rent a tent, pay for period dress, construct displays and print script messages, as well as support the volunteers with food and water and pay for labor. In December 2012, approval of the grant request was forwarded to the City of Norman. Necessary documentation was completed and returned for processing. In January 2012 the signed agreement and the check for the grant was received.

RECOMMENDATION: Based on the above and foregoing discussion, it is my recommendation that the City Council approve the acceptance of the grant in the amount of $5,000; receipt funds into Other Revenue: Emergency Management Grant (account 022-0000-331.13-60) and further appropriate said funds as follows:

022-9508-422.30-01	Office Supplies	$ 200.00
022-9508-422.31-06	Food & Beverage	$ 300.00
022-9508-422.31-99	Miscellaneous	$ 600.00
022-9508-422.40-99	Professional Services	$ 200.00
022-9508-422.45-99	Rentals & Leases	$2,200.00
022-9508-422.46-04	Prof. Workshops	$1,500.00

The expenditure and revenue accounts project number is GF0020

National Association of County and City Health Officials

AGREEMENT

National Association of County and City Health Officials
1100 17th Street, NW, 7th Floor, Washington, DC 20036-4636
(202)783-5550 FAX (202)783-1583

CONTRACT # MRC 12 333

This Agreement is entered into, effective as of the date of the later signature indicated below (the "Effective Date"), by and between the **National Association of County and City Health Officials** ("NACCHO"), with its principal place of business at 1100 17th St., N.W., 7th Floor, Washington, DC 20036, and **City of Norman, Oklahoma** ("Organization"), with its principal place of business at **City of Norman, Oklahoma 201 West Gray BLDG C Norman, Oklahoma 73069 United States.**

WHEREAS, NACCHO has received a grant from the Department of Health and Human Services (Grant Number: 5MRCSG101005-02, CFDA Number: 93.008) (the "Grant") to build the capacity of local Medical Reserve Corps ("MRC") units;

WHEREAS, pursuant to the terms of the Grant, NACCHO has agreed, among other things, to provide support to MRC units and to encourage these units to provide certain information to the Office of the Surgeon General's Office of the Civilian Volunteer Medical Reserve Corps ("OSG/OCVMRC");

WHEREAS, Organization either houses or is itself an MRC unit that is registered in good standing with the OSG/OCVMRC;

WHEREAS, pursuant to the terms of the Grant, NACCHO desires to provide funding to Organization in exchange for Organization agreeing, among other things, to undertake the activities indicated in their capacity building application or oversee such activities and to provide certain information to the OSG/OCVMRC.

NOW, THEREFORE, NACCHO and Organization, intending to be legally bound, in consideration of the promises and mutual covenants and obligations contained herein, hereby agree as follows:

1. ORGANIZATION'S OBLIGATIONS: In consideration for the payment described in Section 3, below, Organization agrees, during the Term of this Agreement, to be an MRC Unit in Good Standing by meeting the following criteria below. If Organization houses an MRC Unit, Organization will insure that the unit is an MRC Unit in Good Standing by meeting the following criteria below.
    a. Have 501c(3) or comparable status or be housed in an organization capable of and willing to receive federal funds on its behalf;
    b. Monitors and provide updates to the MRC Unit's profile on the MRC web site no less often than once every three months;
    c. Provides the OSG/OCVMRC with regular updates of programs and plans;
    d. Actively works towards National Incident Management System ("NIMS") compliance;
    e. Agrees to participate in MRC Unit Technical Assistance assessments;
    f. Utilizes capacity building award funds for approved purposes, and as indicated in their capacity building award application;
    g. Maintains Registered status with the OSG/OCVMRC; and

National Association of County and City Health Officials

AGREEMENT

National Association of County and City Health Officials
1100 17th Street, NW, 7th Floor, Washington, DC 20036-4636
(202)783-5550 FAX (202)783-1583

h. Agrees to participate in an evaluation review by NACCHO

2. TERM OF AGREEMENT: The term of the Agreement shall be begin on December 22, 2011 and shall continue until July 31, 2012 (the "Term").

3. PAYMENT FOR SERVICES: In consideration for the agreements by Organization set forth in Section 1, above, NACCHO shall pay Organization Five Thousand Dollars ($5,000). Payment will be made before the expiration of the Term of the Agreement.

4. REVISIONS AND AMENDMENTS: Any revisions or amendments to this Agreement must be made in writing and signed by both parties.

5. ASSIGNMENT: Organization may not assign this Agreement nor delegate any duties herein without the expressed written approval of NACCHO.

6. INTERFERING CONDITIONS: Organization shall promptly and fully notify NACCHO of any condition that interferes with, or threatens to interfere with, the successful carrying out of Organization's duties and responsibilities under this Agreement, or the accomplishment of the purposes thereof. Such notice shall not relieve Organization of said duties and responsibilities under this Agreement.

7. RESOLUTION OF DISPUTES: The parties shall use their best, good faith efforts to cooperatively resolve disputes and problems that arise in connection with this Agreement. Both parties will make a good faith effort to continue without delay to carry out their respective responsibilities under the Agreement while attempting to resolve the dispute under this section. If a dispute arises between the parties that cannot be resolved by direct negotiation, the dispute shall be submitted to a dispute board for a nonbinding determination. Members of the dispute board shall be the Director or Chief Executive Officer of the consultant, the Executive Director of NACCHO, and the Senior Staff of NACCHO responsible for this Agreement. The costs of the dispute board shall be paid by the consultant and NACCHO in relation to the actual costs incurred by each of the parties. The dispute board shall timely review the facts, Agreement terms and applicable law and rules, and make its determination. If such efforts fail to resolve the differences, the disputes will be submitted to arbitration in the District of Columbia before a single arbitrator in accordance with the then-current rules of the American Arbitration Association. The arbitration award shall be final and binding upon the parties and judgment may be entered in any court of competent jurisdiction.

8. ENTIRE AGREEMENT: This Agreement contains all agreements, representations, and understandings of the parties and supersedes and replaces any and all previous understandings, commitments, or agreements, oral or written.

9. PARTIAL INVALIDITY: If any part, term, or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law, that part, term or provision shall be restated to effectuate the parties' intentions, and the validity of the remaining portions or provisions shall not be

National Association of County and City Health Officials

AGREEMENT

National Association of County and City Health Officials
1100 17th Street, NW, 7th Floor, Washington, DC 20036-4636
(202)783-5550 FAX (202)783-1583

affected.

10. GOVERNING LAW: This Agreement shall be governed by and construed in accordance with the laws of the District of Columbia (without regard to its conflict of law rules).

11. COMPLIANCE WITH FEDERAL LAWS AND REGULATIONS: Organization's use of funds under this Agreement is subject to the directives of and full compliance with 45 C.F.R. Part 74 (Uniform Administrative Requirements for Awards and Subawards to Institutions of Higher Education, Hospitals, Other Non-Profit Organizations, and Commercial Organizations) and OMB Circular A-110 (Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations). It is the Organization's responsibility to understand and comply with all requirements set forth therein.

12. DEBARRED OR SUSPENDED ORGANIZATIONS: Pursuant to OMB Circular A-110, Organization certifies to the best of its knowledge that its is not presently and will execute no subcontract with parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689, "Debarment and Suspension."

13. AUDITING: Organization agrees to permit independent auditors to have access to its books, records and financial statements for the purpose of monitoring compliance with this contract.

14. NOTICE: All notices under this Agreement shall be in writing and shall be sent via facsimile and first class mail, postage prepaid, to the addresses below. Either party may update its address by providing written notice to the other party pursuant to the terms of this provision.

TO NACCHO:
National Association of County and City Health Officials
Attn: Moira Tsanga
1100 17th Street, N.W., 7th Floor
Washington, DC 20036
Tel. (202) 507-4272
Fax (202) 783-1583
Email: mtsanga@naccho.org

TO ORGANIZATION:
City of Norman, Oklahoma
David Grizzle
Emergency Management Coordinator
City of Norman, Oklahoma 201 West Gray BLDG C Norman, Oklahoma 73069 United States
Tel. **405-292-9780**

National Association of County and City Health Officials

AGREEMENT

National Association of County and City Health Officials
1100 17th Street, NW, 7th Floor, Washington, DC 20036-4636
(202)783-5550 FAX (202)783-1583

15. AUTHORITY TO BIND PARTY: Each party hereby represents and warrants that the person signing this Agreement on its behalf as the authority to bind such party.

ORGANIZATION:

Authorized Signature: **By:** _____

Date: _____

Name: **Cindy Rosenthal**
Title: **Mayor**

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 4/20/12

Organization: **City of Norman, Oklahoma**

Address: **City of Norman, Oklahoma 201 West Gray BLDG C Norman, Oklahoma 73069 United States**

Phone: **405-292-9780**
Fax: **405-292-9785**
EIN: **73-6005350**

NACCHO:

Authorized Signature: **By:** _____

Name: Pauline Roberts
Title: Director of Grants and Contracts **Date:** _____

Organization: National Association of County and City Health Officials

Address: 1100 17th Street, NW
7th Floor
Washington, DC 20036

Phone: 202-783-2490
Fax: 202-783-1583
EIN: 52-1426663

National Association of County and City Health Officials

AGREEMENT

National Association of County and City Health Officials
1100 17th Street, NW, 7th Floor, Washington, DC 20036-4636
(202)783-5550 FAX (202)783-1583

CERTIFICATION OF NON-DEBARMENT OR SUSPENSION

By my signature I attest that **City of Norman, Oklahoma** has not been debarred or suspended pursuant to OMB Circular A-110 and will not subcontract with parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Nonprocurement Programs in accordance with E.O.s 12549 and 12689 "Debarment and Suspension."

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
	Mayor
ORGANIZATION City of Norman	DATE SIGNED

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 4/20/12

Resolution

R-1112-115

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $5,000 FROM EMERGENCY MANAGEMENT GRANT FUND TO PAY COSTS TO PROVIDE PUBLIC OUTREACH AND EDUCATION DURING THE ANNUAL MEDIEVAL FAIR BEING HELD MARCH 30 THROUGH APRIL 1, 2012.

§ 1. WHEREAS, the Norman Office of Emergency Management recently received approval of a grant from the National Association of County and City Officials in the amount of $5,000; and

§ 2. WHEREAS, the funding is to be used to pay costs to provide public outreach, education, and the training of volunteers during the annual Medieval Fair; and

§ 3. WHEREAS, it is necessary to deposit those funds into Other Revenue/Emergency Management Grant Fund (022-0000-331.13-60)

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

§ 5. That the following appropriations be made for the reason as stated above:

Account Names	Losing Account	Gaining Account	Amount
Project No. GF0020, MR CORPS, NACCHO Grant 4 - General Suppl /Office	022-0000-331.13-60	022-9508-422.30-01	$ 200
Project No. GF0020, MR CORPS, NACCHO Grant 4 - Other Supplies Materials - Food & Beverage	022-0000-331.13-60	022-9508-422.31-06	$ 300
Project No. GF0020, MR CORPS NACCHO Grant 4 – Other Supplie /Materials – Miscellaneous	022-0000-331.13-60	022-9508-422.31-99	$ 600
Project No. GF0020, MR. CORPS NACCHO Grant 4, Professional Services/Other	022-0000-331.13-60	022-9508-422.40-99	$ 200
Project No. GF0020, MR CORPS NACCHO Grant 4, Professional Services/Other - Rentals and Lease	022-0000-331.13-60	022-9508-422.45-99	$2,200
Project No. GF0020, MR. CORPS NACCHO Grant 4 - Employee Travel/Workshops & Seminars	022-0000-331.13-60	022-9508-422.46-04	$1,500

PASSED AND ADOPTED this 28th day of February, 2012.

ATTEST: _____ Mayor

_____
City Clerk

City of Norman, OK

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

Master

File Number: GID-1112-61

File ID:	GID-1112-61	**Type:**	Court Order	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$53,850.00	**File Created:**	02/15/2012
File Name:	WCC Jacob Hunt			**Final Action:**	

Title: CONSIDERATION OF THE CITY ATTORNEY'S RECOMMENDATION FOR APPROVAL OF A COURT ORDER IN THE AMOUNT OF $53,850 REGARDING JACOB HUNT VS. THE CITY OF NORMAN, WORKERS' COMPENSATION COURT CASE NO. WCC-2011-01174A.

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 $53,850 which will constitute judgment against the City of Norman.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 22

Attachments: Attachment 1 Hunt, Court Award, Requisitions

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-1112-61

Body

BACKGROUND: Mr. Hunt began his employment with the City as a Police Officer on June 10, 2005. He was injured on June 19, 2010, during a high speed pursuit of a stolen vehicle on I-35. His unit rolled over at the I-35 and Lindsey Street exit. After surgery and physical therapy, he returned to work on February 10, 2011.

DISCUSSION:

Nature of Claim. Mr. Hunt filed this Workers' Compensation Claim for injuries to his left shoulder, neck, back, head and consequential psychological overlay due to a roll-over accident on June 19, 2010. There is no question that Mr. Hunt 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. Hunt was taken to the Norman Regional Health System Emergency Room where he was treated and released and an appointment made for an MRI. Thereafter, Mr. Hunt was seen by Dr. Mark Moses for his left shoulder and cervical spine. He was placed on conservative treatment. As his neck/cervical spine continued to improve, his left shoulder did not. Surgery was performed on his left shoulder on September 30, 2010. He was then given a series of physical therapy sessions and was released to full duty without restrictions on February 7, 2011.

On August 10, 2011, Mr. Hunt was evaluated by Dr. Lonnie Litchfield, who opined: 15% PPD to the head for chronic post concussion headaches; 26% to his cervical spine; 39% to his lumbar spine; 32% to his left shoulder and 8% consequential depression. These ratings equate to $215,400 PPD. On October 7, 2011, Mr. Hunt was evaluated by the City's doctor, Dr. LeRoy Young, who opined 6% PPD to his left shoulder and no impairment to the remaining body parts. Mr. Hunt was felt to have 5% pre-existing degenerative disc disease to the cervical spine and 6% pre-existing degenerative disc disease to the lumbar spine. This rating equates to $10,770. 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. Hunt for his injury is $215,400.

Court Award. This case was heard by the Workers' Compensation Court on February 5, 2012. After hearing the Claimant's testimony and considering the expert medical evidence, the Court entered its Order on February 6, 2012. The Court opined that the Claimant sustained 24% PPD to the left shoulder, 2% PPD to the head and 4% PPD to the cervical spine. The Court's findings are set out in Paragraph No. 5 of the Order, as follows:

"THAT as a result of said injury, claimant sustained 2 percent permanent partial disability to the HEAD, 4 percent permanent partial disability to the CERVICAL SPINE and 24 percent permanent partial disability to the LEFT SHOULDER (surgery), for which claimant is entitled to compensation for 150 weeks at $359.00 per week, or the total amount of $53,850.00 of which 52 weeks have accrued and shall be paid in a lump sum of $18,668.00."

As can be noted in Paragraph No. 5 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 rate over a period of time. Mr. Hunt's weekly wage PPD rate is $359. In this instance, a portion of the award has accrued and an additional four weeks will accrue for processing and placing on the Council Agenda.

If approved by Council, Mr. Hunt and his attorney will be paid the accrued lump sum amount and attorney's fee of $30,874. (*See* Attachment No. 1)

The City will incur additional costs and Workers' Compensation filing fee in the total amount of $1,620.88 as set out in Paragraph Nos. 9 and 10 of the Order, plus Cleveland County filing fee of $125.70.

The total cost of this Order to $55,596.58.

RECOMMENDATION: The issues tried on February 5, 2012 were the nature and extent of Mr. Hunt's injuries. The Award is within the medical evidence submitted in that it is well below one-third the difference between the medical evaluations. In light of the nature of the accident and the surgery to the left shoulder, 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. 2. 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.

JACOB HUNT
WCC 2011-01174 A
(Left shoulder, neck, back, head. Psychological overlay)
ATTACHMENT NO. 1

DESCRIPTION	AMOUNT
24% PPD to Left Shoulder	$ 43,080.00
2% PPD to Head	$ 3,590.00
4% PPD to Cervical Spine	7,180.00
Total PPD Awarded	$ 53,850.00
Lump Sum Payment:	
Accrued 52 weeks @ $359 (per Order)	$ 18,668.00
Add'l 4 @ $359 weeks for City Council/Finance Processing	$ 1,436.00
Total Lump Sum to Claimant	**$ 20,104.00**
Attorney's Fee (per Order)	$ 10,770.00
Total Lump Sum to Claimant & Attorney	**$ 30,874.00**
Balance to be paid in weekly payments until paid	**$ 22,976.00**

The balance of the Order, $22,976, will be paid in 64 weekly payments of $359/week until paid in full. Payments begin the week ending of March 9, 2012 through the week ending June 1, 2013.

Also, as noted, in Paragraph Nos. 9 & 10 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	$1,077.00
Special Occupational Health & Safety Fund Tax	$ 403.88
Filing Fee (Workers' Comp Court)	$ 140.00
Filing Fee (Cleveland County District Court)	$ 125.70
Total costs & fees to the City of Norman	**$1,746.58**

The total cost of this Order to the City would be $55,596.58.

BEFORE THE WORKERS' COMPENSATION COURT OF THE STATE OF OKLAHOMA

FILED
WORKERS' COMPENSATION COURT
STATE OF OKLAHOMA
February 6, 2012
Robert L. Tharp
COURT CLERK

In re claim of:

JACOB HUNT
Claimant

CITY OF NORMAN
Respondent

CITY OF NORMAN (OWN RISK #10970)
Ins. Carrier

Court Number: 2011-01174A

Claimant's Social Security Number: xxx-xx-1377

ORDER AWARDING THE NATURE AND EXTENT OF PERMANENT PARTIAL DISABILITY BENEFITS

Now on this 5th day of FEBRUARY, 2012, this cause came on for consideration pursuant to regular assignment and hearing on FEBRUARY 2, 2012, before JUDGE JOHN MICHAEL MCCORMICK, at Oklahoma City, Oklahoma, at which time claimant appeared in person and by counsel, GREG A BARNARD and respondent and insurance carrier 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 JUNE 19, 2010, 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 HEAD, CERVICAL SPINE, LUMBAR SPINE, LEFT SHOULDER with consequential PSYCHOLOGICAL OVERLAY arising out of and in the course of claimant's employment.

- 2 -

THAT claimant is a police officer who was involved in an auto accident injuring his HEAD, CERVICAL SPINE, LUMBAR SPINE and LEFT SHOULDER. Squad car caught on fire following high speed chase. Claimant suffered consequential PSYCHOLOGICAL OVERLAY as a result of event and injuries.

- 3 -

THAT at time of injury, claimant's wages were sufficient to establish the rate of compensation at $359.00 per week for permanent partial disability.

- 4 -

THAT temporary total disability is not at issue herein.

-5 -

THAT as a result of said injury, claimant sustained 2 percent permanent partial disability to the HEAD, 4 percent permanent partial disability to the CERVICAL SPINE and 24 percent permanent partial disability to the LEFT SHOULDER (surgery), for which claimant is entitled to compensation for 150 weeks at $359.00 per week, or the total amount of $53,850.00 of which 52 weeks have accrued and shall be paid in a lump sum of $18,668.00.

- 6 -

THAT claimant did not sustain permanent partial disability to the LUMBAR SPINE or due to PSYCHOLOGICAL OVERLAY.

- 7 -

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.

- 8 -

THAT respondent or insurance carrier shall pay claimant the accrued portion of the award herein in lump sum of $18,668.00 and pay the balance of said award at the rate of $359.00 per week until the total award of $53,850.00 (less attorney fee) has been paid to claimant.

- 9 -

THAT respondent or insurance carrier shall pay court costs; Special Occupational Health and Safety Fund Tax shall be paid in the sum of $403.88, representing three-fourths of one percent (0.75%). Respondent, if Own Risk, shall pay $1,077.00 to the Workers' Compensation Administration Fund, representing two percent (2%) of the permanent disability award herein.

- 10 -

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.

- 11 -

THAT the sum of $10,770.00 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/ John R. McCormick

JOHN MICHAEL MCCORMICK, JUDGE

pj/KAnderson

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: GREG A BARNARD
225 N PETERS
NORMAN, OK 73069-7232

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.

Robert L. Sharp

WORKERS' COMPENSATION COURT OF OKLAHOMA OFFICIAL SEAL

Court Clerk
February 6, 2012

PURCHASE REQUISITION NBR: 0000197519

STATUS: DIVISION APPROVAL
REQUISITION BY: DJOHNSON REASON: WORKERS COMP AWARD DATE: 2/15/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: JACOB HUNT & GREG BARNARD ✓ DELIVER BY DATE: 2/29/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	WORKERS COMP AWARD HUNT V. CON; WC 2011-01174A (L. SHOULDER, NECK, BACK, HEAD, DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2-28-12; MAKE CHECK PAYABLE TO JACOB HUNT AND GREG BARNARD; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	30874.0000	30874.00	

REQUISITION TOTAL: 30874.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152131 ✓	Other Salary Orders/Settlements		100.00	30874.00
					30874.00 ✓

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

MAKE CHECK PAYABLE TO JACOB HUNT AND GREG BARNARD;
SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000197520

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP ADMIN TAX FUND DATE: 2/15/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 2267 WORKMANS COMPENSATION ✓ DELIVER BY DATE: 2/29/12

1	WORKERS COMP ADMIN TAX FUND HUNT V. CON; WC 2011-01174A (LEFT SHOULDER, NECK, BACK, HEAD & DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2-28-12. SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	1077.0000	1077.00 ✓	2267

REQUISITION TOTAL: 1077.00

ACCOUNT INFORMATION

LINE #	ACCOUNT ✓		PROJECT	%	AMOUNT
1	04330024152133	Other Salary Administration Fund		100.00	1077.00
					1077.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL,

PURCHASE REQUISITION NBR: 0000197521

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP SPEC OCC & HEALTH TAX FUND DATE: 2/15/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 1950 SPECIAL OCCUPATIONAL HEALTH AN DELIVER BY DATE: 2/29/12

1	WORKERS COMP SPEC OCC & HEALTH TAX FUND HUNT V. CON; WC 2011-01174A (LEFT SHCULDER, NECK, BACK, HEAD, DEPRESSION) CONTINGENT UPON COUNCIL AP PROVAL ON 2-28-12; SEPARATE CHECK; RETURN CHECK TO LEGAL. COMMODITY: INSURANCE, ALL TYPES SUBCOMMOD: WORKER'S COMPENSATION	1.00	EA	403.8800	403.88	1950

REQUISITION TOTAL: 403.88

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	04330024152135	Other Salary Spec Occ Health & Safety		100.00	403.88
					403.88

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

SEPARATE CHECK; RETURN CHECK TO LEGAL.

PURCHASE REQUISITION NBR: 0000197522

REQUISITION BY: DJOHNSON

STATUS: DIVISION APPROVAL
REASON: WORKERS COMP FILING FEE

DATE: 2/15/12

SHIP TO LOCATION: LEGAL DEPARTMENT

SUGGESTED VENDOR: 2268 WORKERS' COMPENSATION COURT ✓

DELIVER BY DATE: 2/29/12

1	WORKERS COMP FILING FEE HUNT V. CON; WC 2011-01174A (LEFT SHOULDER, NECK, BACK, HEAD, DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2-28-12; 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: 0000197523

STATUS: DIVISION APPROVAL

REQUISITION BY: DJOHNSON REASON: WORKERS COMP CLEVELAND COUNTY FILING FEE ✓ DATE: 2/15/12

SHIP TO LOCATION: LEGAL DEPARTMENT SUGGESTED VENDOR: 434 CLEVELAND COUNTY COURT CLERK DELIVER BY DATE: 2/29/12

1	WORKERS COMP CLEVELAND COUNTY FILING FEE HUNT V. CON; WC 2011-01174A (LEFT SHOULDER, NECK, BACK, HEAD, DEPRESSION) CONTINGENT UPON COUNCIL APPROVAL ON 2-28-12; 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-1112-114

File ID:	R-1112-114	**Type:**	Resolution	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$6,575.00	**File Created:**	02/14/2012
File Name:	R-1112-114 Appropriating funds for Reagan Signals			**Final Action:**	

Title: RESOLUTION NO. R 1112-114: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $6,575 FROM THE CAPITAL FUND BALANCE TO FULFILL THE REMAINDER OF THE DESIGN SERVICES PROVIDED BY GARVER, L.L.C. FOR TRAFFIC SIGNAL IMPROVEMENTS AT REAGAN ELEMENTARY SCHOOL LOCATED ON THE EAST SIDE OF 24TH AVENUE S.E., NORTH OF HIGHWAY 9.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-114.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 23

Attachments: R-1112-114, W ork Order-Garver

Project Manager: Angelo Lombardo, Traffic Engineer

Entered by: michelle.rudder@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-1112-114

Body

BACKGROUND: Construction of a new elementary school on 24th Avenue SE was approved as part of a Norman Public Schools 2009 bond election. The name for the new school, to be called Reagan Elementary School, was selected on March 28, 2011. Staff met with Norman Public Schools and their architect to discuss the proposed project on April 1, 2011. At that time, it was determined that staff would prepare a traffic impact study to determine what, if any, off-site improvements would be necessary to support the location of the new school at the selected location. The groundbreaking for the new school was held on

May 19, 2011. Boundaries for the new school were approved on December 19, 2011. With the approval of these boundaries, the traffic study could be completed. The traffic study found that a traffic signal is warranted at one of the two school access points along 24th Avenue SE. This traffic signal will aid with vehicular traffic entering and exiting the school but will also assist students crossing from the west side of 24th Avenue SE to safely reach the school site on the east side of 24th Avenue SE. The study was completed on December 20, 2011.

On November 22, 2011, City Council approved Resolution R-1112-67 which was forwarded to both the Association of Central Oklahoma Governments (ACOG) and the Oklahoma Department of Transportation (ODOT) requesting federal funds to pay for 100% of the construction cost for the new traffic signal in Federal Fiscal Year 2013. Those requests were approved. In the resolution the City agrees to the terms and conditions of a federally funded project by stating its willingness to assume the responsibility for the preparation of engineering plans, the purchase of any additional right-of-way, the relocation of public utilities and funding of the local share of the construction cost, which normally is 20% but for this safety project will be 0%.

On August 25, 2009, City Council approved a series of multi-year on-call contracts for Engineering and Land Surveying Services. One of those contracts, Contract K-0910-54, is with Garver LLC of Norman. Staff received Work Order Number 4 from Garver LLC to design the traffic signal for Reagan Elementary School in the amount of $13,150 on January 25, 2012.

DISCUSSION: Staff met with officials from Norman Public Schools on January 10, 2012, to discuss the findings of the traffic impact study for Reagan Elementary School and the plans for moving forward. Norman Public Schools was notified of the need for the traffic signal and that staff was in the process of attempting to secure federal safety funds to pay for the installation of the signal (since approved). The relationship between the school system and the city was discussed from the standpoint of responsibility for the design of the traffic signal. Staff suggested that, in order to expedite the process, that the two parties should enter into an agreement to jointly fund the design and that the on-call contract with Garver LLC could also be utilized. At that meeting, Norman Public Schools agreed to fund one-half of the design fees with the City providing the other half. (See attached letter from Dr. Roger Brown, Assistant Superintendent.) To fulfill the remainder of the design services amount, an appropriation in the amount of $6,575 is requested from the Capital Fund Balance to Consultant Design (010-5023-429.40-02) in the traffic Control Division.

If approved, the design for the traffic signal can be accelerated which will provide the leverage necessary to move the installation up in the ACOG funding cycle. This will allow the signal to be installed as close to the opening of the new school as possible. Given this, the engineering plans and specifications for the traffic signal will be completed by April, 2012. Reagan Elementary School is scheduled to be opened in August 2012. Installation of the

traffic signal is scheduled to take place the end of December, 2012. In the interim, Norman Public Schools and City staff will closely monitor the traffic situation at the entrance of the new school.

STAFF RECOMMENDATION: Staff recommends that an appropriation in the amount of $6,575 be made to fund the City's share of the design services work order with Garver LLC. This appropriation should be from the Capital Fund Balance to Consultant Design (010-5023-429.40-02) in the Traffic Control Division. Funds for installation of the traffic signal have been approved by ACOG utilizing 100% Federal Safety Funds

Resolution

R-1112-114

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $6,575 FROM THE CAPITAL FUND BALANCE TO FULFILL THE REMAINDER OF THE DESIGN SERVICES PROVIDED BY GARVER, L.L.C., FOR TRAFFIC SIGNAL IMPROVEMENTS AT REAGAN ELEMENTARY SCHOOL LOCATED ON THE EAST SIDE OF 24TH AVENUE S.E. NORTH OF HIGHWAY 9.

§ 1. WHEREAS, Reagan Elementary School located on 24th Avenue S.E., is currently under construction and a traffic study was conducted which found that a traffic signal was warranted at one of the access points to allow traffic to enter and exit the school and assist students crossing the street; and

§ 2. WHEREAS, the Association of Central Oklahoma Governments (ACOG) approved 100% of the funding for the traffic signal construction costs; and

§ 3. WHEREAS, Garver, L.L.C., is currently under contract with the City to provide on-call engineering services and have prepared a work order in the amount of $13,150 for the design of the traffic signal at Reagan Elementary School; and

§ 4. WHEREAS, Norman Public Schools has agreed to fund one-half of the cost of the design contract and the Public Works Department is requesting an appropriation for the City's share of the cost.

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

§ 5. That the following appropriation be made for the reason as stated above:

Account Names	Losing Account	Gaining Account	Amount
Professional Services/Consultant Design	050-0000-253.20-00	010-5023-429.40-02	$6,575

PASSED AND ADOPTED this 28th day of February, 2012

_____
Mayor

ATTEST:

_____
City Clerk

NPS

February 9, 2012

Dear Mr. Riesland,

I am writing to confirm our agreement with the City of Norman concerning payment for the consultant that will be designing the traffic signal on 24th Avenue SE at Ronald Reagan Elementary School.

The Norman Public Schools has opened a purchase order for $13,200.00 to pay for the services of the consultant. The Norman Public Schools is paying all of the cost for services upfront with the understanding that after July 1, 2012 the City of Norman will reimburse the Norman Public Schools for half of the cost associated with the consultant services.

We appreciate the partnership with the City of Norman.

Sincerely,

Dr. Roger Brown
Assistant Superintendent
Norman Public Schools

Norman Public Schools ■ Administrative Services Center ■ 131 S. Flood ■ Norman, OK 73069 ■ (405) 364-1339 ■ FAX (405) 366-5851

Work Order No. 4
For Professional Engineering Services
City of Norman

In accordance with the Agreement for On-Call Engineering Services between City of Norman (Owner) and Garver, LLC, (Engineer) dated August 25, 2009 ("Agreement"), Owner and Engineer agree as follows:

1. **Specific Project Title:** Traffic Signal Design – 24th Avenue SE/Reagan Elementary North Entrance

2. **Description:** The Owner is proposing to install a traffic signal at the intersection of 24th Avenue SE and Reagan Elementary North Entrance. The Engineer will be responsible for the design and preparation of detailed construction plans. The plans will be to City of Norman and Oklahoma Department of Transportation Standards.

3. **Services of Engineer:** In accordance with the Master Agreement; and as described in this Work Order, the basic services include design and preparation of construction plans which will include traffic signal plan, pedestrian signals, phasing diagram, wiring diagram, street name sign details, permanent pavement markings at the intersection, and traffic control plan.

   More specifically, the Engineer will perform the following services:

   3.1. **Site Visit** – Engineer will conduct a site visit with the Owner to determine key issues such as location of the controller, power source, and Owner preferences. Existing marked and visible utility locations will be noted so they can be incorporated into the plans.

   3.2. **Preliminary Plans** – The Preliminary design phase submittal will include 60% construction plans and an opinion of probable construction cost for review by the Owner. This submittal will not include technical specifications. Plans will be developed to City of Norman and Oklahoma Department of Transportation (ODOT) Standards.

   3.3. **Plan-in-Hand Meeting** – The Engineer will attend a plan-in-hand meeting with the Owner and ODOT. Comments from this meeting will be incorporated into the final plans and minutes of the meeting will be provided to the Owner.

   3.4. **Final Plans** – Once the Engineer receives comments from the Preliminary Plans and Plan-in-Hand meeting, final design will begin. The final plans will include the construction plans and specifications, quantity calculations, and opinion of probable construction cost. The Engineer will also make any needed plan changes as a result of the Owners review.

4. **Project Deliverables:** The following will be submitted to the Owner, or others as indicated, by the Engineer:

   4.1. Ten copies of preliminary construction plans, quantity calculations, and opinion of probable cost.

   4.2. Minutes of the plan-in-hand meeting.

   4.3. Ten copies of final construction plans, quantity calculations, opinion of probable cost, and special provisions.

   4.4. Electronic copies of final construction plans, quantity calculations, opinion of probable cost, and special provisions.

5. **Extra Work:** The following items are not included within the scope of this agreement but such services are available from Engineer and will be considered as extra work:

   5.1. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.

   5.2. Submittals or deliverables in addition to those listed herein.

   5.3. Coordination or design of any utilities relocation.

   5.4. Preparation of a Storm Water Pollution Prevention Plan (SWPPP).

   5.5. Construction materials testing.

   5.6. Geotechnical testing.

   5.7. Surveying.

   5.8. Title II services.

   5.9. Construction administration and inspection.

   5.10. Front end sections of construction contract documents.

   5.11. Plans for temporary construction easement for the contractor's equipment and storage of material during construction.

   5.12. Environmental Handling and Documentation.

   The scope for Additional Services may be authorized at a later time under separate work orders to the Master Agreement.

6. **Owner's Responsibilities:** As indicated in Master Agreement, and:

   6.1. Furnish a copy of the traffic impact study showing turning movement counts

   6.2. Furnish base map and plans for the north driveway

   6.3. Contact one-call to locate utilities for the site visit

7. **Schedule:** Discounting unforeseen conditions and circumstances beyond the Engineer's control, and the time associated with Owner review, the Engineer shall complete the work in accordance with the schedule below:

Phase Description	Calendar Days
Site Visit/Meet with City	10 days from Notice to Proceed
Preliminary Plans	30 days from Notice to Proceed
Plan-In-Hand Meeting	Determined by Owner
Final Plans Plans	21 days after Preliminary Comments and Plan-In-Hand

8. **Payment to Engineer:**

   The Owner will pay the Engineer, for time spent on the project, at the rates shown in the Master Agreement, adjusted for two years of inflation in accordance with Article 3 of the Agreement for

Work Order No. 4
For Professional Engineering Services
City of Norman

On-Call Engineering Services executed the 25th day of August, 2009, for each classification of the Engineer's personnel plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel. The total amount paid to the Engineer under this agreement is estimated to be $13,150. The actual total fee may exceed this estimate if authorized in writing by the Owner.

Expenses other than salary costs that are directly attributable to performance of our professional services will be billed as follows:

- Direct cost for travel, long distance and wireless communications, outside reproduction and presentation material preparation, and mail/courier expenses.
- Direct cost plus 10 percent for subcontract/subconsultant fees.
- Charges similar to commercial rates for reports, plan sheets, presentation materials, etc.
- The amount allowed by the federal government for mileage with an additional $0.05 for survey trucks/vans.

The Owner will pay the Engineer on a monthly basis, based upon statements submitted by the Engineer to the Owner for the scope of services described in this agreement. Payments not received within 60 days of invoice date will be subject to a one percent monthly simple interest charge.

Any additional work beyond the scope of services defined in this Work Order, but requested by the Owner in writing, the Owner will pay the Engineer, for time spent on the project, at the rates shown in the Master Agreement, adjusted for two years of inflation, for each classification of the Engineer's personnel plus reimbursable expenses including but not limited to printing, courier service, reproduction, and travel.

9. **Subconsultants:** None.

10. **Other Amendments to Master Agreement:** None.

11. **Attachments:** Fee Estimate.

12. **Approval and Acceptance**

Approval and Acceptance of this Work Order, including attachments listed above, shall incorporate this document as part of the Agreement. Engineer is authorized to begin performance upon receipt of a copy of this Work Order signed by the Owner.

The Effective Date of the Work Order is _____, 2012.

Engineer:	Owner:
GARVER, LLC	CITY OF NORMAN
_____	_____
Signature	Signature
Glynn Fulmer	Shawn O'Leary
Vice President	Director of Public Works
Title	Title

Work Order No. 4 - Attachment
Traffic Signal Design
Garver Hourly Rate Schedule

Classification	Rates
Engineers / Architects	
E-1	$ 90.00
E-2	$ 111.00
E-3	$ 133.00
E-4	$ 154.00
E-5	$ 186.00
E-6	$ 239.00
Planners	
P-1	$ 111.00
P-2	$ 133.00
Designers	
D-1	$ 93.00
D-2	$ 133.00
Technicians	
T-1	$ 77.00
T-2	$ 101.00
Surveyors	
S-1	$ 45.00
S-2	$ 58.00
S-3	$ 80.00
S-4	$ 90.00
S-5	$ 128.00
2-Man Crew (Survey)	$ 160.00
3-Man Crew (Survey)	$ 202.00
2-Man Crew (GPS Survey)	$ 182.00
3-Man Crew (GPS Survey)	$ 234.00
Construction Observation	
C-1	$ 90.00
C-2	$ 108.00
C-3	$ 153.00
Administration	
X-1	$ 63.00
X-2	$ 69.00
X-3	$ 101.00

Work Order No. 4 - Attachment

City of Norman
Traffic Signal Design
24th Avenue SE/Reagan Elementary North Entrance

FEE SUMMARY

Title I Services	Estimated Fees
Traffic Signal Design	$13,150.00
Subtotal for Title I Services	**$13,150.00**

Work Order No. 4 - Attachment

City of Norman
Traffic Signal Design
24th Avenue SE/Reagan Elementary North Entrance

WORK TASK DESCRIPTION	E-6	E-5	E-4	E-3	E-2	E-1	X-2	MANHOUR SUBTOTALS
	$212.00	$186.00	$154.00	$133.00	$111.00	$93.00	$69.00	
	hr	hr	hr	hr	hr	hr	hr	
1. Preliminary Design								
Analyze Data	0	1	0	1	0	0	0	
Incorporation Existing Utilities in Base Map	0	1	0	2	0	0	0	
Signalization Plans	0	1	0	2	0	20	0	
Quantities & Opinion of Probable Cost	0	1	0	2	0	6	0	
Plan Review	0	4	0	2	0	1	0	
Plan Submittal and Corrections	0	1	0	2	0	8	0	
Subtotal - Preliminary Design	0	9	0	14	0	37	0	
2. Final Design								
Special Provisions	0	1	0	1	0	0	0	
Update Signalization Plans	0	1	0	1	0	2	0	
Update Quantities & Opinion of Probable Cost	0	1	0	1	0	2	0	
Plan Review	0	2	0	1	0	1	0	
Plan Submittal and Corrections	0	1	0	1	0	2	0	
Subtotal - Final Design	0	6	0	6	0	7	0	
7. Meetings								
Site Visit, Meeting with City, Denote Existing Utilities	0	5	0	0	5	0	0	
Plan-in-Hand Meeting	0	4	0	0	4	0	0	
Subtotal - Identify Critical Intersections	0	9	0	0	9	0	0	
8. Administration								
Contract Preparation, Invoicing & Project Management	0	2	0	0	0	0	3	
Subtotal - Administration	0	2	0	0	0	0	3	
Hours	0	26	0	19	9	44	3	101
Salary Costs	$0.00	$4,836.00	$0.00	$2,527.00	$998.00	$3,960.00	$207.00	$12,528.00

SUBTOTAL - SALARIES:		**$12,528.00**
DIRECT NON-LABOR EXPENSES		
Document Printing/Reproduction/Assembly	$385.00	
Postage/Freight/Courier	$20.00	
Office Supplies/Equipment	$8.00	
Travel Costs	$200.00	
SUBTOTAL - DIRECT NON-LABOR EXPENSES:		**$621.00**
SUBTOTAL:		**$13,150.00**
SUBCONSULTANTS FEE:		**$0.00**
TOTAL FEE:		**$13,150.00**

City of Norman, OK

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

Master

File Number: R-1112-112

File ID:	R-1112-112	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	02/16/2012
File Name:	R-1112-112 Downtown Parking Lot Lease			**Final Action:**	

Title: RESOLUTION NO. R-1112-112: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONFIRMING THE AUTHORITY OF THE CITY MANAGER TO MANAGE THE DOWNTOWN PARKING LOT LOCATED BETWEEN CRAWFORD AVENUE AND JONES STREET SOUTH OF GRAY STREET (121 NORTH PETERS AVENUE) BY MAKING AT LEAST SEVENTY-EIGHT (78) SPACES AVAILABLE FOR SPECIFIED TIME PERIODS FOR USE BY THE GENERAL PUBLIC THAT MIGHT BE PATRONIZING DOWNTOWN RETAIL BUSINESSES IN ACCORDANCE WITH A DEED RESTRICTION AGREED UPON WHEN THE CITY PURCHASED THE DOWNTOWN PARKING LOT PROPERTY, AND BY ENTERING INTO LEASE AGREEMENTS FOR UP TO TWENTY-SIX (26) SPACES WITH BUSINESSES OR INDIVIDUALS WHO DESIRE TO RESERVE A SPACE OR SPACES FOR EXTENDED TIME PERIODS.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 24

Attachments: Resolution for Parking Lot, Lease Agreement Downtown Parking Lot, Lottery Polices & Procedures, LeasedSpacesRevised(2-13-12)

Project Manager: Shawn O'Leary, Director of Public Works

Entered by: pam.jones@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File R-1112-112

Body

BACKGROUND: In 2003, The City of Norman hired Carter & Burgess, Inc. to conduct a parking survey for the Downtown and Campus Corner areas. The purpose of the study was to identify a parking strategy for these high traffic areas to ensure responsible development. Carter & Burgess ultimately determined that there was a shortage of parking during peak periods on typical weekdays and that the parking shortage would increase with planned development. They recommended increasing parking supply and increasing metered rates. In order to increase parking supply, Carter & Burgess recommended developing a surface parking lot on Gray Street between Peters and Crawford Streets to serve the downtown area.

This surface lot, commonly called the Downtown Parking Lot, was completed in January 2007, and it has 104 parking spaces that are available to the public. Currently, the City of Norman facility maintenance building is on the same lot as the Downtown Parking Lot, but, if the facility maintenance building were removed, the number of spots could be increased to 153.

In 2011, the City of Norman parking service officers conducted a traffic count at the Downtown Parking Lot in order to gauge usage of the lot. From December 1, 2011 to December 15, 2011, vehicles parked in the lot were counted at 9:00 am, 12:00 pm, and 3:00 pm each day. According to this survey, on average, 60% of the lot is full by 9:00 am, 90% of the lot is full by 12:00 pm, and 94% of the lot is full by 3:00 pm. Of these percentages, long term parkers account for almost half of the total count.

On January 25, 2012, staff presented an update on the Downtown Parking Lot to the City Council Planning and Transportation Committee. At that meeting, the Committee directed City Staff to move forward with changes in management of the parking lot and strict enforcement of the two-hour maximum in the lot and along Main Street.

DISCUSSION: In order to implement the above, the following actions were desired: draft a Resolution directing the City Manager to lease a portion of the parking lot to interested surrounding businesses for long term parking, draft a sample lease, sign and stripe the parking lot as necessary to create reserved leased parking and two-hour short term parking, and create a lottery system for the leased spaces in the case that supply exceeds the demand.

RESOLUTION

The attached Resolution, Resolution No. R-1112-112, confirms the authority of the City Manager to enter into long term leases with interested downtown businesses for 26 parking spaces in the Downtown Parking lot. The City of Norman purchased the property for the subject parking lot in November 2005. That purchase was conditioned on an agreement between the City and the Core Norman Land Trust, the Ivan Edsel Goodman Revocable Trust,

and Shelter Investments, LLC that the property would be used for community parking lot for the downtown Norman area. It requires that at least 78 parking spaces be provided for use by the general public when visiting the downtown area for a period of 10 years from the date of the purchase. For that reason, no more than 26 spaces, of the 104 in the lot, can be subject to a long term lease. If the Facility Maintenance building were removed, approximately 50 additional spaces would be available for long term leases. The Resolution also directs the City Manager (or his designee) to stripe and sign the downtown parking lot as necessary to preserve 78 spaces for short term parking and the remainder for long term lease parking. It also directs the City Manager to implement a lottery system for the leased spaces in case the demand exceeds the supply.

LEASE

The next item attached is a draft lease. The lease is for a one year term, and it allows a downtown business to lease a parking space or spaces from the City of Norman at a proposed rate of $35.00 per month or $420.00 per year per parking space. This figure is less than a rate of .25¢ per hour from 8:00 am to 5:00 pm Monday through Friday. So, 40 hours per week multiplied by .25¢ is $10.00 per week, and $10.00 multiplied by 52 weeks is $520.00 annually.

For comparison, City Staff has also researched parking rates in Norman and surrounding cities. In Norman, long-term parking rates range from $12.50/month to $75.00/month. The average rate in Norman, including downtown, for a surface parking lot is around $35.00/month or $420.00/year. Oklahoma City charges $7.00/day in one downtown garage and $2.00/first hour and $1.00/additional hour in two other garages. In addition, metered rates in Oklahoma City are $1.00/hour. Tulsa charges $1.00/hour for all metered parking. Lawrence, Kansas has a parking garage with spaces that are leased out at $192.00/year. In Ft. Collins, Colorado, all on-street parking is free, but it is also time-limited. The parking garages in Ft. Collins are free for the first hour and $1.00/additional hour. Santa Fe, New Mexico leases spaces on a monthly basis in multiple city lots and garages. Rates for these leases range from $47.25/month to $152.25/month depending on the location of the parking. Columbia, Missouri also leases spots in surface lots, uncovered garages, and covered garages. Lease rates range from $550.00 to $1,200 per year.

If the lessee chooses to terminate the lease prior to expiration of the lease term, the lessee must provide sixty days written notice to the City, and upon receipt of the notice, the City shall refund the remaining complete months of the lease term less a $25.00 processing fee. The lease also requires that the lessee use the site solely for the parking and storage of vehicles and the lessee must notify the City in writing of any concerns regarding damage to or defects with the parking lot. The lease also includes indemnification language requiring the lessee to indemnify and hold harmless the City of Norman from any claims arising from lessee's use of the parking lot. If the lessee violates any of the terms of the lease, and the City shall be entitled to take possession of the leased parking space(s).

IMPLEMENTATION PLAN

Resolution No. R-1112-112 directs the City Manager (or his designee) to stripe and sign the Downtown Parking Lot as necessary to preserve 78 spaces for short term parking and the remaining 26 spaces for long term lease parking. At the City Council Community Planning and Transportation Committee meeting of January 25, 2012, the Council members on the Committee indicated interest in allowing free short term parking in two hour increments. Based on that input, and if the proposed Resolution is adopted, City Staff will move forward with fabricating and installing appropriate two-hour parking signage and enforcing those limits. Resolution No. R-1112-112 also directs the City Manager (or his designee) to implement a lottery system for the leased spaces in order to ensure fairness if the demand for the leased spaces exceeds the supply. Draft Lottery Policies and Procedures are attached for Council's consideration.

CONCLUSION: Based upon the above and foregoing discussion, it is the staff recommendation that Ordinance Resolution No. R-1112-112 be adopted.

Resolution

R-1112-112

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA CONFIRMING THE AUTHORITY OF THE CITY MANAGER TO MANAGE THE DOWNTOWN PARKING LOT LOCATED BETWEEN CRAWFORD AVENUE AND JONES STREET SOUTH OF GRAY STREET (121 NORTH PETERS AVENUE) BY MAKING AT LEAST SEVENTY-EIGHT (78) SPACES AVAILABLE FOR SPECIFIED TIME PERIODS FOR USE BY THE GENERAL PUBLIC THAT MIGHT BE PATRONIZING DOWNTOWN RETAIL BUSINESSES IN ACCORDANCE WITH A DEED RESTRICTION AGREED UPON WHEN THE CITY PURCHASED THE DOWNTOWN PARKING LOT PROPERTY, AND BY ENTERING INTO LEASE AGREEMENTS FOR UP TO TWENTY-SIX (26) SPACES WITH BUSINESSES OR INDIVIDUALS WHO DESIRE TO RESERVE A SPACE OR SPACES FOR EXTENDED TIME PERIODS.

§ 1. WHEREAS, the City of Norman owns a public parking lot at 121 North Peters Avenue; and

§ 2. WHEREAS, the Norman City Council has reviewed the use and occupancy levels in this parking lot; and

§ 3. WHEREAS, the occupancy levels of the downtown parking lot indicate that half of the total users are long term parkers; and

§ 4. WHEREAS, numerous downtown businesses have expressed interest in leasing spaces in the downtown parking lot to provide employee parking; and

§ 5. WHEREAS, downtown area businesses provide essential employment opportunities and contribute to the character and unique identity of our community; and

§ 6. WHEREAS, the City Council recognizes the importance of having dedicated parking in the downtown area for employees of downtown businesses; and

§ 7. WHEREAS, the City Council wants to balance the parking needs of downtown area businesses by providing short term parking for customers and visitors to the downtown area; and

§ 8. WHEREAS, the City Council, in order to comply with the terms of the original land purchase for the Downtown Parking Lot, wishes to lease up to 26 reserved parking spaces in the downtown parking lot to surrounding businesses and leave at least 78 spaces for use by the general public; and

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

§ 9. That the City of Norman City Manager (or his designee) is directed to negotiate and enter into leases with downtown area businesses for up to 26 parking spaces in the downtown parking lot; and

§ 10. That the City of Norman City Manager (or his designee) is directed to stripe and sign the downtown parking lot as necessary to preserve at least 78 spaces for short term parking and up to 26 spaces for long term lease parking; and

§ 11. That the City of Norman City Manager (or his designee) is directed to implement a lottery system for the leased spaces in order to ensure fairness if the demand for the leased spaces exceeds the supply.

PASSED AND ADOPTED this _____ day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

LEASE AGREEMENT FOR PARKING SPACES IN MUNICIPAL PARKING LOT

This Contract is made and entered into this _____ day of _____, 2012, by and between the City of Norman, Oklahoma, a municipal corporation, hereinafter referred to as the "CITY" and _____, hereinafter referred to as "LESSEE".

WITNESSTH:

1. For and in consideration of the mutual covenants herein expressed and for good and valuable consideration, CITY does hereby lease parking lot space(s) designated as _____ to the LESSEE only and solely for the storage of vehicles at the City of Norman Parking Lot located at 121 N. Peters, Norman, Oklahoma.

2. The aforementioned space(s) is leased at the rate of $585.00 per year per space payable by LESSEE in advance on the first day of March _____.

3. This lease agreement shall be for term (normally one year) commencing on _____ and ending on February 28, _____. The parking space(s) is available for use by the LESSEE from Mondays to Fridays, from 8:00 am to 5:00 pm.

4. If LESSEE desires to terminate this lease agreement prior to February 28, ____, LESSEE must provide 60 days notice to the CITY in order to receive a refund for the remaining term of the lease. CITY shall issue LESSEE a refund for the remaining complete months of the lease term less a $25.00 processing fee, which shall be deducted from the refund amount.

5. The site shall be used solely for the parking and storage of vehicles.

6. LESSEE shall at all times use reasonable care in conducting activity in the parking spaces identified above and the surrounding area so as not to endanger any person and/or property of another lawfully thereon. LESSEE further agrees not to use or permit the premises leased to be used for any illegal purpose and not to permit any disturbance or annoyance detrimental to the premises.

7. The LESSEE shall notify the CITY, in writing, of any concerns regarding damage to or defects with the public parking spaces identified above.

8. That LESSEE shall indemnify and save harmless the CITY, and its officers and employees, from and against all suits, proceedings, claims, demands, actions, loss and expenses from liability of any kind (including but not limited to attorney fees for costs incurred in litigation) and from any person asserting the same arising or growing out of or in any way connected with LESSEE's use of the public parking space(s) identified above. In addition, the CITY shall not be liable for any damage or loss which may be sustained by the LESSEE or other person or for any other damage or injury resulting from the carelessness, negligence, or improper conduct on the part of any other lessee, its agents or assigns.

9. This lease agreement is neither assignable nor transferrable to any other parties.

10. If the LESSEE violates any of the terms of this lease agreement, the LESSEE shall become a tenant at sufferance and the CITY shall be entitled to re-enter and take possession immediately. In the event that the CITY incurs any expense in the enforcement of the terms and conditions of the lease agreement, the LESSEE shall be responsible for all administrative expenses, costs, court costs, and attorney fees in connection therewith.

11. This lease agreement sets forth the entire understanding between the parties and may not be changed or amended except in writing with the agreement of both parties.

12. This lease agreement shall be construed according to the laws of the State of Oklahoma, and all disputes shall be adjudicated by the courts of the State of Oklahoma.

13. All communications given pursuant to this lease agreement shall be in writing and shall be addressed to the parties at the addresses specified below.

If to CITY: Brenda Hall, City Clerk
201 W. Gray
Norman, OK 73069

If to LESSEE: _____
_____
_____

IN WITNESS HEREOF, the parties hereto have executed this contract on the day first above written.

_____
Lessee

_____
Steve Lewis, City Manager

Approved as to form and legality by the office of the City Attorney on this _____ day of _____, 2012.

_____
City Attorney

LOTTERY POLICIES AND PROCEDURES

The City of Norman is making up to 26 spaces available for lease in the Downtown Parking Lot at 121 N. Peters. Those spaces will be leased to interested Downtown area businesses and employees according to the following lottery process.

1. The City of Norman will advertise the spaces annually on the City of Norman website, Channel 20, and in a mailing to downtown businesses.

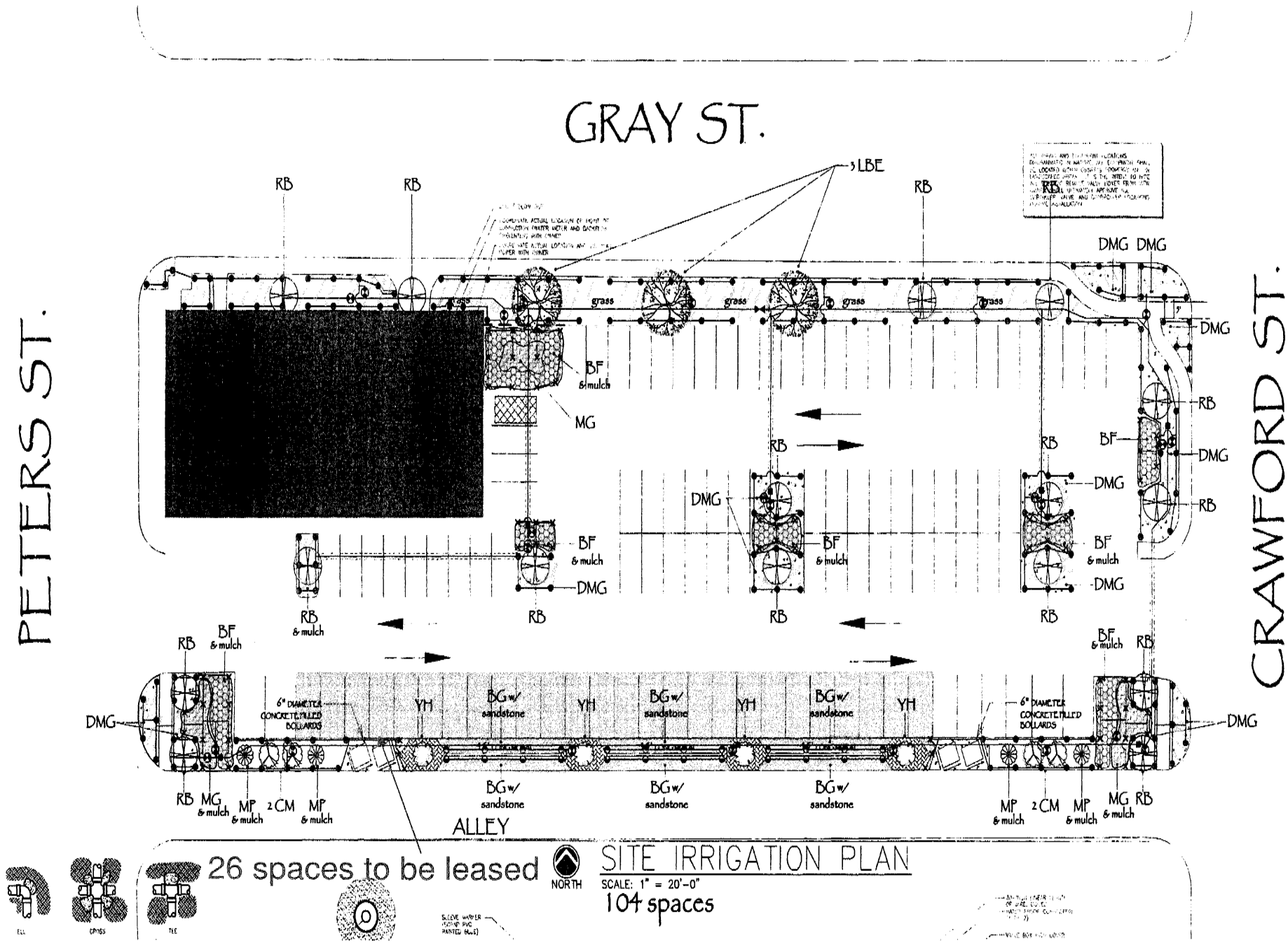
2. Interested potential lessees must submit an application for a leased space at the City Clerk's Office with contact information and number of spaces desired. Applications for spaces will be accepted up March 30, 2012 at 12:00 pm.

3. The City Clerk's Office will put all of the names into a bag and draw names one by one on the afternoon of March 30, 2012. If applicants are interested in multiple spaces, and there are spaces remaining after all interested parties are assigned a single space, a second round of names will be drawn. If there are interested parties whose names were not drawn, those names will be drawn again for order of priority on a waiting list. The City Clerk's Office will maintain the waiting list in case of a cancelled or unexecuted lease.

4. After the lottery is completed, the applicants will be notified that they were selected and be asked to come to the City Clerk's Office to execute the lease and pay the annual rent. Leases must be executed prior to April 6, 2012 or the space will be considered forfeited and the City Clerk's Office will contact an applicant on the waiting list.

5. After the leases are executed, City staff will provide reserved parking permits to each lessee for display in their vehicles.

6. The leases will expire on February 28, 2013, and the lottery will be held again for the next year's leases.


GRAY ST.
PETERS ST.
CRAWFORD ST.
ALLEY
3 LBE
RB
DMG
BF & mulch
MG
grass
YH
BG w/ sandstone
6" DIAMETER CONCRETE FILLED BOLLARDS
MP & mulch
2 CM
26 spaces to be leased
NORTH
SITE IRRIGATION PLAN
SCALE: 1" = 20'-0"
104 spaces
ELL
CROSS
TEE

City of Norman, OK

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

Master

File Number: R-1112-95

File ID:	R-1112-95	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 25	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	12/19/2011
File Name:	R-1112-95 RCB Bank 2025			**Final Action:**	

Title: RESOLUTION NO. R-1112-95: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1112-3**, 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 MIXED USE DESIGNATION (OFFICE AND/OR RESIDENTIAL USES) AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-95, Land Use Plan Amendment No. LUP-1112-03; and, if adopted, amend the NORMAN 2025 Land Use and Transportation Plan according thereto.

ACTION TAKEN: _____

Notes: February 28, 2012, City Council Agenda

Agenda Date: 02/28/2012

Agenda Number: 25

Attachments: R-1112-95 RCB Bank, RCB Location Map - Color, RCB Bank 2025 Staff Report, 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	Pass

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 R-1112-95

Body

RCB Bank has submitted a request to amend the NORMAN 2025 Land Use and Transportation Plan (LUP-1112-03) from Office Designation to Mixed Use Designation in order to allow a mixture of office and/or residential uses for 16.44 acres of property generally located at the northwest corner of Imhoff Road and Oakhurst Avenue. A companion rezoning request has been submitted for a Planned Unit Development that will add medium density residential uses in addition to the office uses currently allowed. Both the 2020 and 2025 Land Use Plans identified this tract as appropriate for office uses, and part of this area was developed with two office buildings, which are not included in the PUD. The vacant portion of the tract would be allowed to develop either as offices or multi-family, with part of the tract (the southeast portion) identified for possible mixed use (apartments above office). A large open space buffer is proposed between the new uses and the existing single-family homes that abut this tract to the north.

This tract had been designated for office use on an early 1985 Long Range Master Plan, and that designation was carried forward on both of the more recent 2020 and 2025 Land Use Plans. That designation provides a buffer between the single-family areas in the Oakhurst neighborhood and the industrial uses along the south side of Imhoff Road. Changing the land use designation from Office to a Mixed Use (to allow multi-family uses) would still provide a compatible buffer as originally conceived. The city's Traffic Engineer indicates that multi-family uses actually reduce the amount of traffic as opposed to office use, and Imhoff Road would not be negatively impacted by this proposal. The restrictions imposed on the proposed development by the PUD standards are more severe than what would automatically be allowed under the current CO zoning, in particular the allowed height and setbacks of buildings.

The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. There has been a change in circumstances resulting from properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest. Over the last several years, additional multi-family projects have been developed to the west of this location, indicating the demand for multi-family sites which are in reasonably close proximity to the University. The industrial plant on Imhoff Road has not generated additional demand for office uses in the area, and there are alternative office sites in the immediate area that can fill that need.

2. There is a determination that the proposed change would not result in adverse land use or traffic impacts to surrounding properties or the vicinity. The Traffic Report indicates that multi-family residential uses would not create additional traffic impacts on the neighborhood or Imhoff Road. The PUD request which accompanies this item proposes mitigating measures that will minimize any impacts on the existing single-family homes which abut this tract.

Traffic impacts would be reduced by the introduction of residential uses, and the PUD restrictions outlined in the companion rezoning item should minimize any visual impacts on the nearby residences. Staff believes that the amendment criteria have been met, and therefore supports this request to amend the Land Use Plan. The Planning Commission, by a vote of 8-2 at their January 12, 2012 meeting, recommended approval of this request.

Resolution

R-1112-95
LUP-1112-3

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN, **LAND USE PLAN AMENDMENT NO. LUP-1112-3**, 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 IN THE MIXED USE DESIGNATION (OFFICE AND/OR RESIDENTIAL USES) AND REMOVE THE SAME FROM THE OFFICE DESIGNATION FOR THE HEREINAFTER DESCRIBED PROPERTY. (NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

§ 1. WHEREAS, the Council of the City of Norman recognizes citizens' concerns about the future development of Norman; and

§ 2. WHEREAS, the City Council at its meeting of December 19, 2004, reviewed and adopted the NORMAN 2025 Land Use and Transportation Plan; and

§ 3. WHEREAS, RCB Bank has requested that the following described property be moved from the Office Designation and placed in the Mixed Use Designation (Office and/or Residential Uses), 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;

RECREATION EDUCATION THE CITY OF NORMAN OKLAHOMA RESEARCH HEALTH INDUSTRY

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.

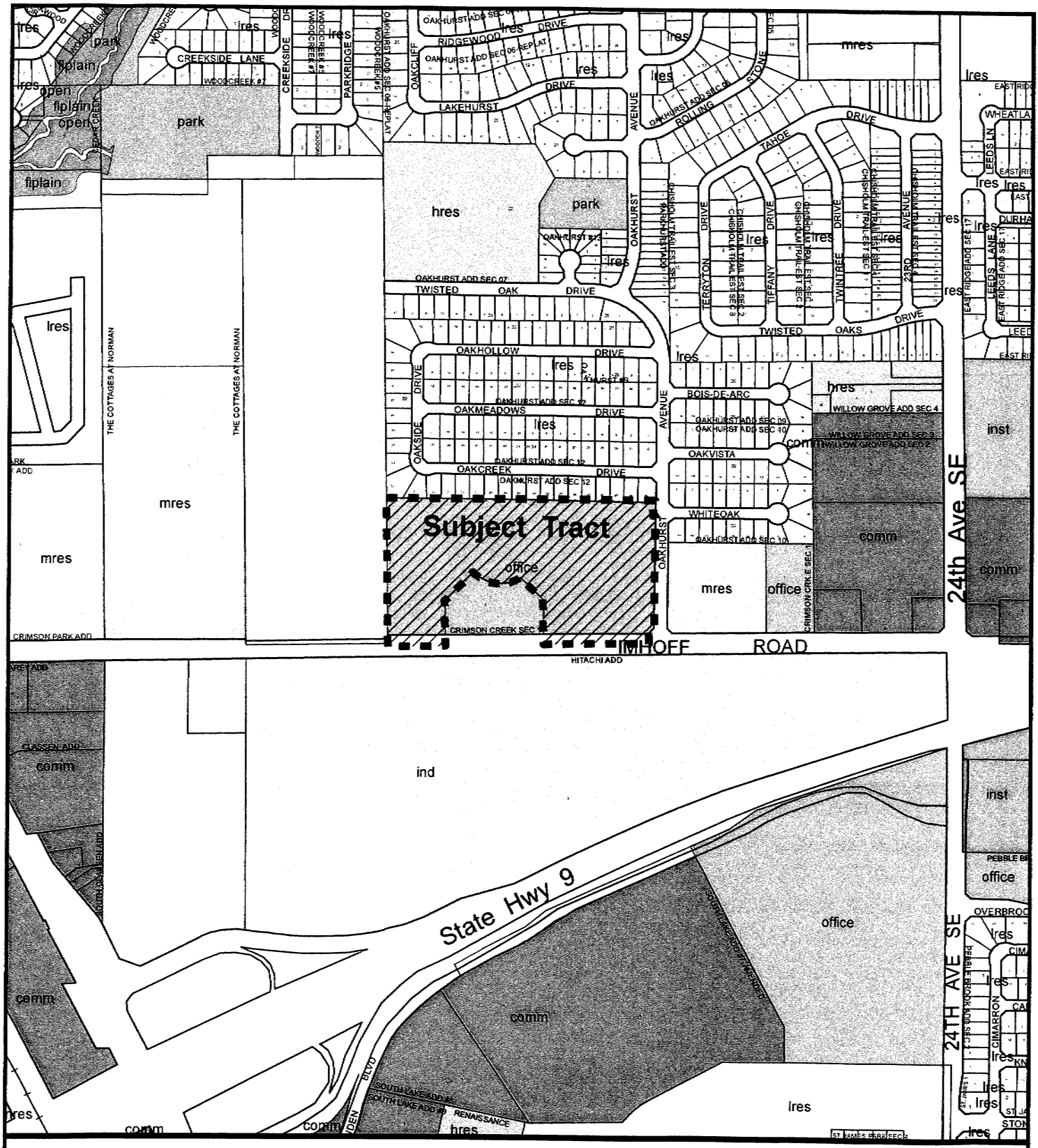
NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 4. That the Council of the City of Norman recognizes the need to control the future growth of the City of Norman; and, that after due consideration, has determined that the requested amendment is compatible with the adopted NORMAN 2025 Land Use and Transportation Plan and does hereby approve the requested amendment.

PASSED and ADOPTED this _____ day of _____, 2011.

ATTEST: _____ Mayor

_____
City Clerk



Location Map

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

N W E S

January 5, 2012

0 300 600 Ft.

Subject Tract

Zoning

25-3

RESOLUTION NO. R-1112-95 ITEM NO. 8a

STAFF REPORT

ITEM: 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 19.44 acres of property generally located at the northwest corner of Imhoff Road and Oakhurst Avenue.

SUMMARY OF REQUEST: A companion rezoning request has been submitted for a Planned Unit Development that will add medium density residential uses as allowed uses in conjunction with the office uses currently allowed. The 2020 and 2025 Land Use Plans identified this tract as appropriate for office uses, and part of this area was developed with two office buildings. The existing offices are not included in the PUD, and their plan designation would remain offices. The remainder of the tract would be allowed to develop either as offices or multi-family, with part of the tract (the southeast portion) identified as mixed use (apartments above office). A large open space buffer is proposed between the new uses and the existing single-family homes that abut this tract to the north.

STAFF ANALYSIS: This tract had been designated for office use on an early 1985 Long Range Master Plan, and that designation has been carried on both of the more recent 2020 and 2025 Land Use Plans. That designation provides a buffer between the single-family areas to the north and the industrial uses along the south side of Imhoff Road. Changing the land use designation from Office to a Mixed Use (to allow multi-family uses) would still provide a compatible buffer as originally conceived. The city's Traffic Engineer indicates that multi-family uses actually reduce the traffic impacts as opposed to office use, and Imhoff Road would not be negatively impacted by this proposal. 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.

The 2025 Plan identifies two criteria that must be examined before a land use change is approved.

1. *There has been a change in circumstances resulting from properties in the general vicinity which suggest that the proposed change will not be contrary to the public interest.* Over the last several years, additional multi-family projects have been developed to the west of this location, indicating the demand for multi-family sites which are in reasonably close proximity to the University. The industrial plant on Imhoff Road has not generated additional demand for office uses in the area, and there are alternative office sites in the immediate area that can fill that need.

2. *There is a determination that the proposed change would not result in adverse land use or traffic impacts to surrounding properties or the vicinity.* The Traffic Report indicates that multi-family residential uses would not create additional traffic impacts on the neighborhood or Imhoff Road. The PUD request which accompanies this item proposes mitigating measures that will minimize any impacts on the existing single-family homes which abut this tract.

STAFF RECOMMENDATION: The traffic impacts would be reduced by the introduction of residential uses, and the PUD restrictions outlined in the companion rezoning item should minimize any visual impacts on the nearby residences. Staff believes that the amendment criteria have been met, and therefore supports this request to amend the Land Use Plan.

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-1112-20

File ID:	O-1112-20	**Type:**	Zoning Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 26	**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: ORDINANCE NO. 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)

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-20 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-20 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 26

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, Markwell Protest, 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					
1	City Council	02/14/2012	Introduced and adopted on First Reading by title only		02/28/2012	02/28/2012	
	Action Text: Introduced and adopted on First Reading by title only						
1	City Council	02/14/2012					

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

ATTEST:

_____
City Clerk

NOT ADOPTED this _____day of _____, 2012.

_____
Mayor

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

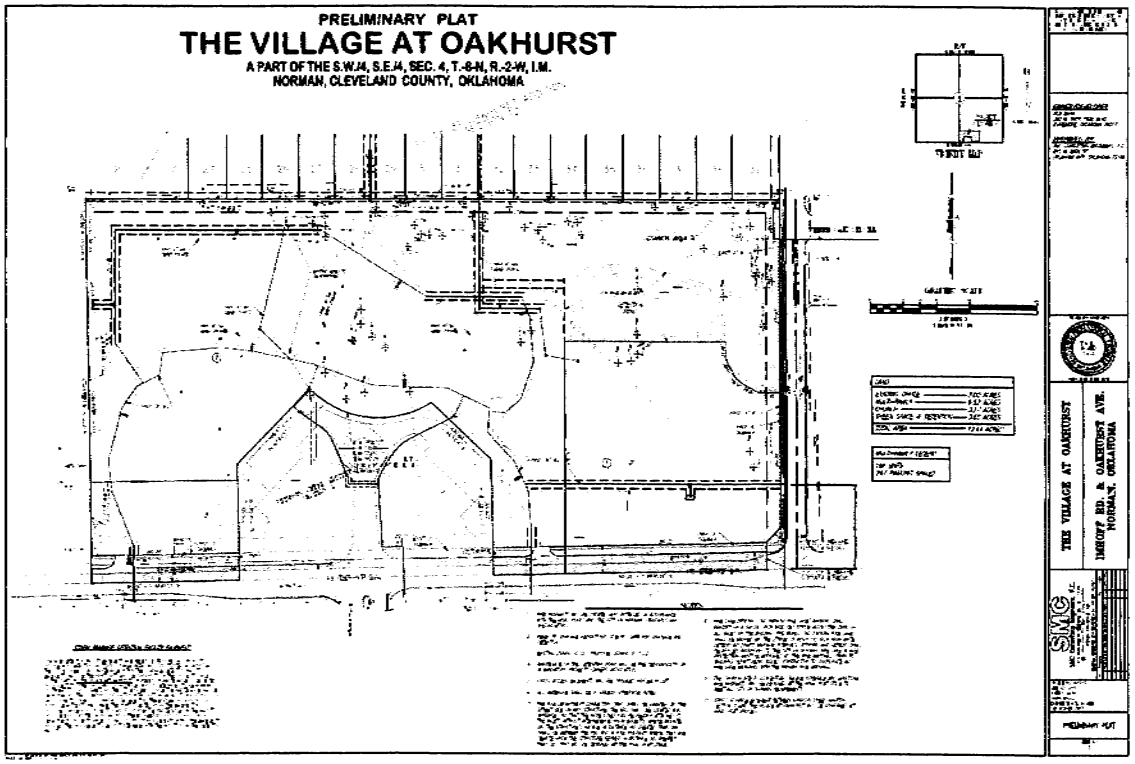


EXHIBIT B

Proposed Preliminary Site Development Plan

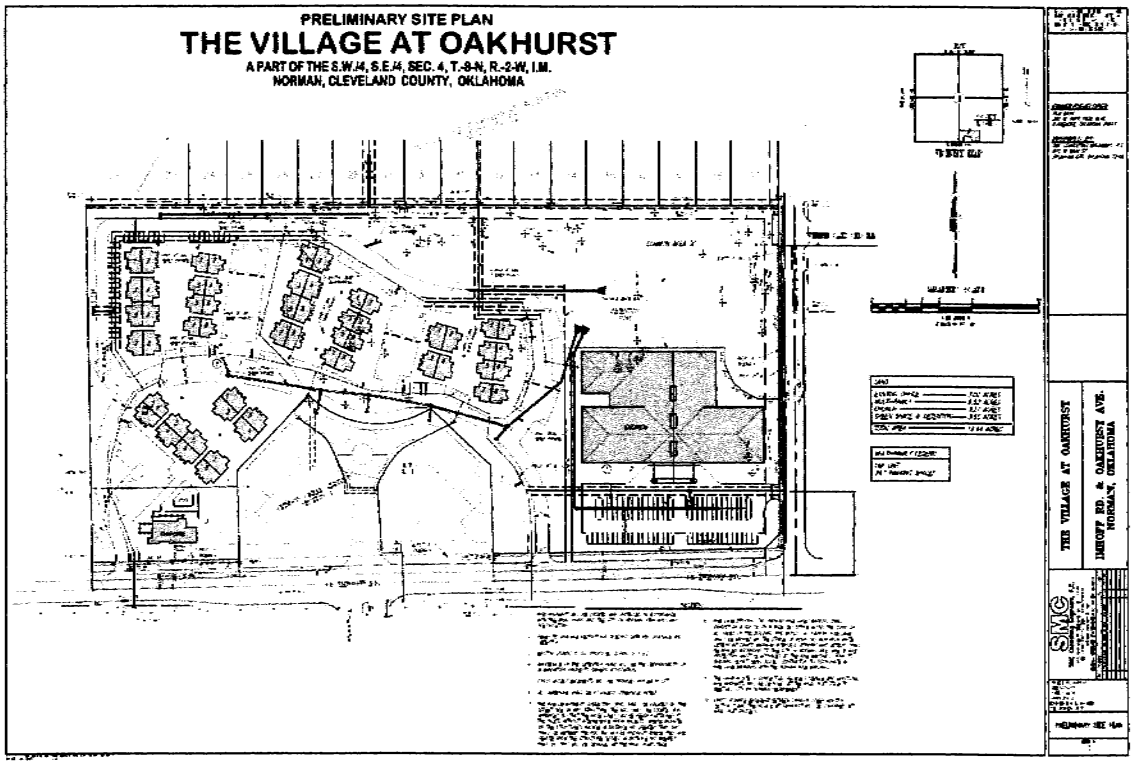


EXHIBIT C
Proposed Open Space Areas

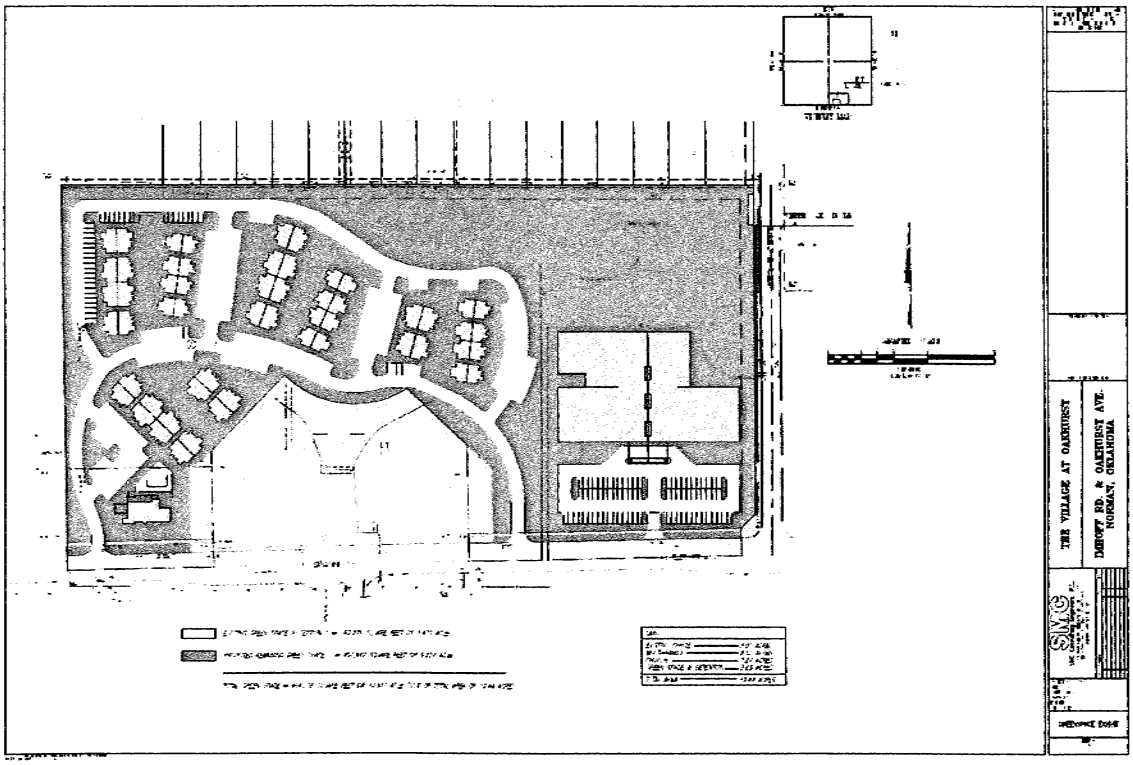
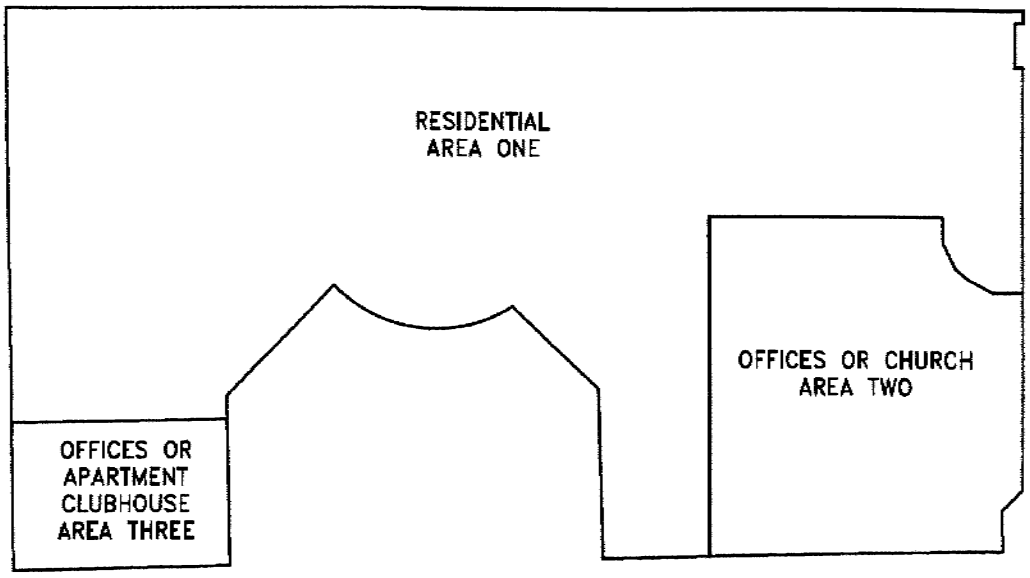
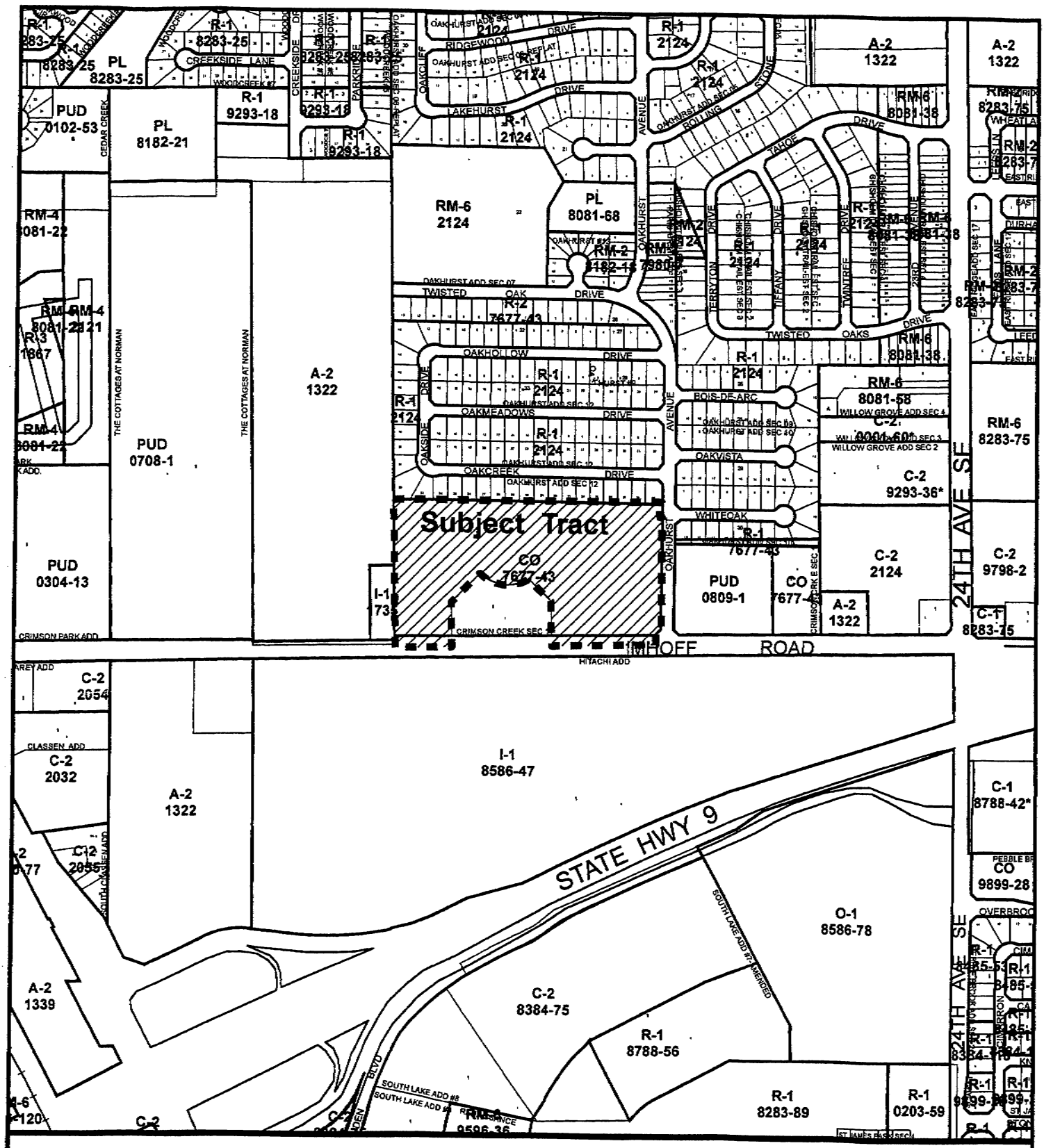


EXHIBIT D

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

26-15

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.

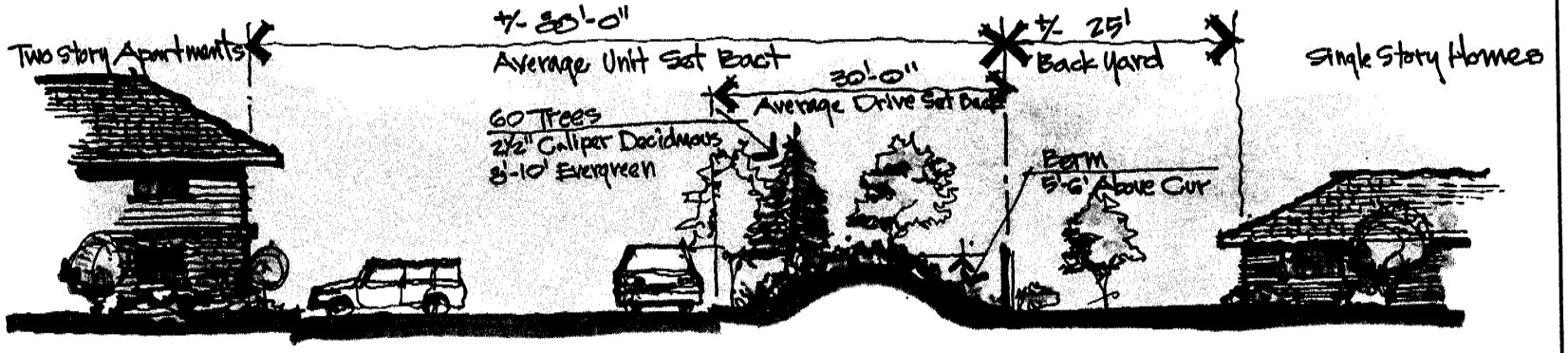
- **SITE PLAN** The Site Development Plan is preliminary, and may be modified with a future final plat. Whatever is constructed will comply with the height and setback limitations imposed by the PUD.

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

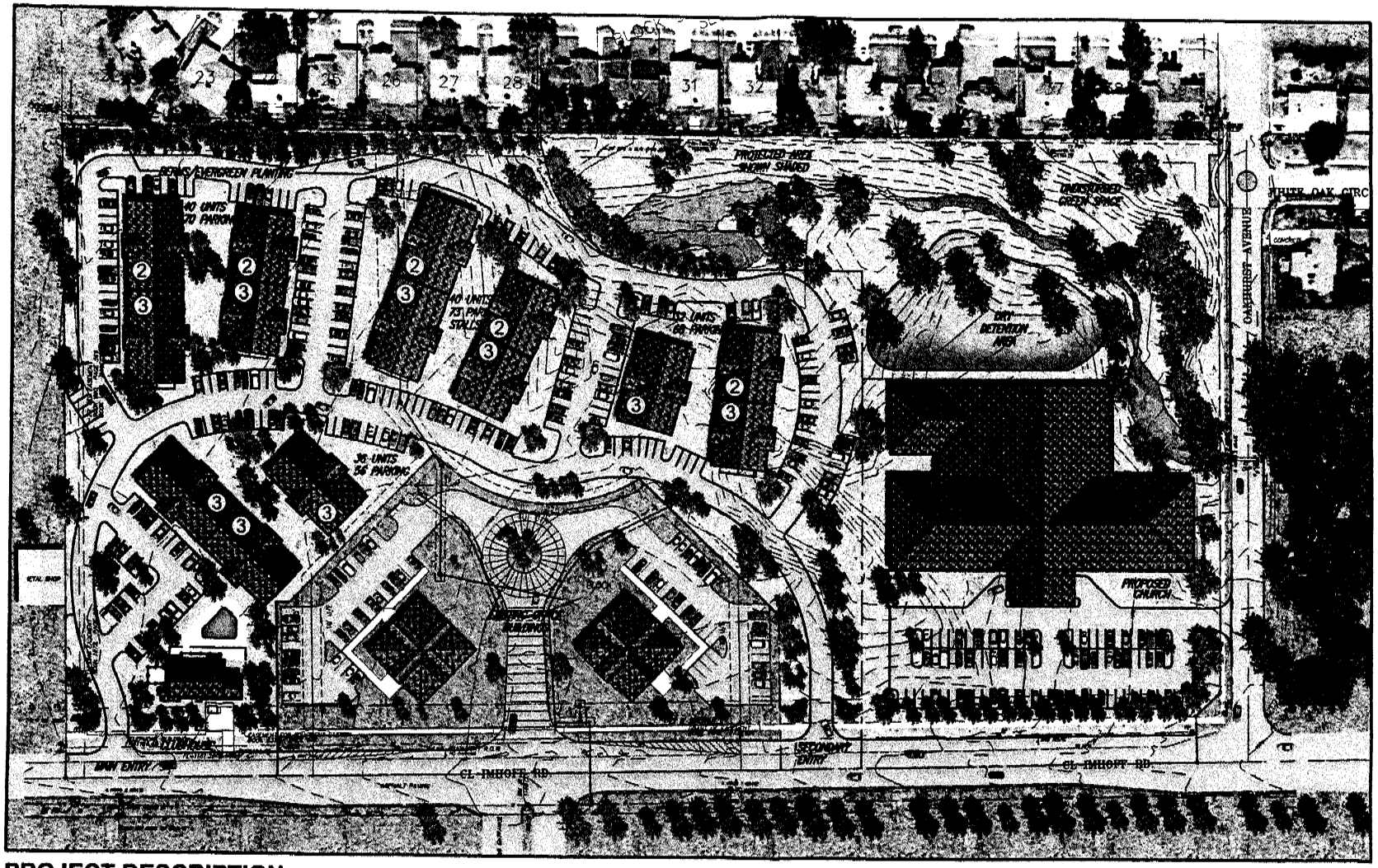
Issue Date: 01/05/12

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
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: PRELIMINARY SITE DEVELOPMENT AND LANDSCAPING PLAN

Sheet Number: A2.0

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tmparch.com

Seal:

Project:
The Village at Oakhurst
Norman, Oklahoma

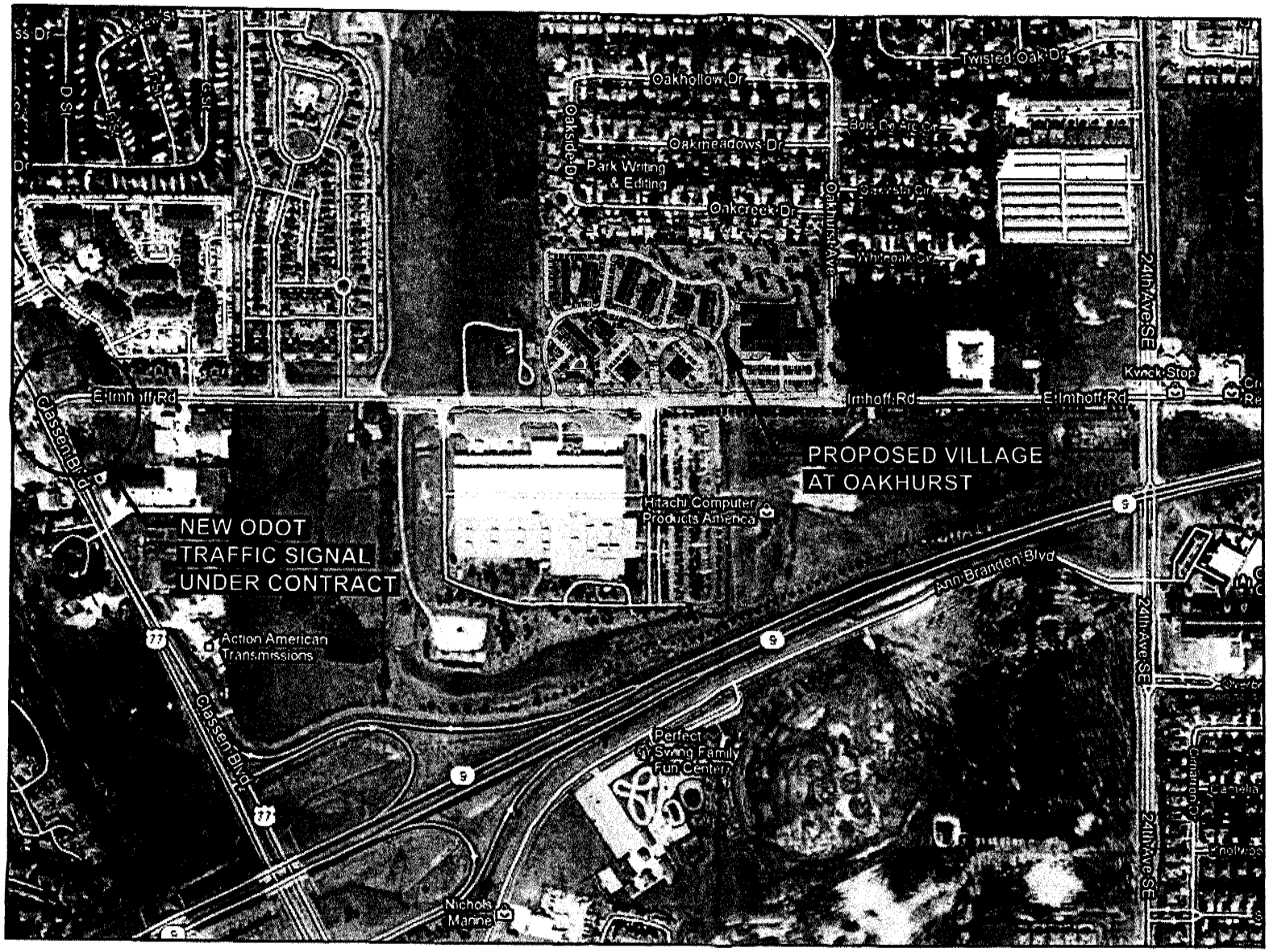
Issue Date:
01/09/12

Revisions:

Project Number:
CM01511

Sheet Title:
PROPOSED OFFICE PARK PLAN

Sheet Number:
A3.0



VICINITY PLAN

0 200 400 800

THE MCKINNEY PARTNERSHIP
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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

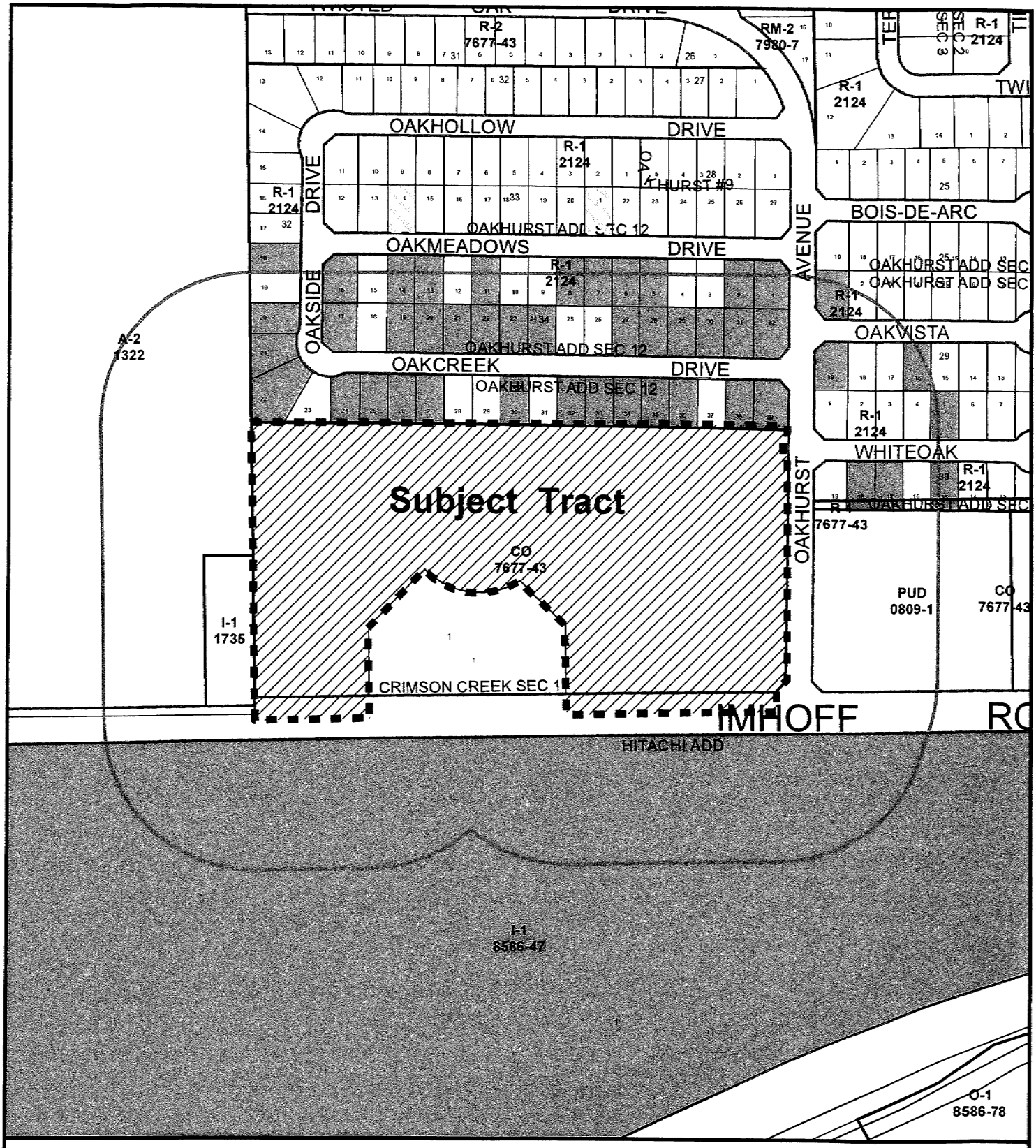
Issue Date: 01/09/12

Revisions:

Project Number: GM061911

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

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

26-24

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 SM

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.

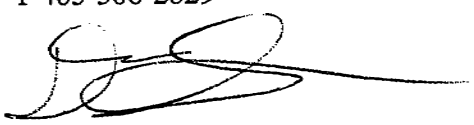
I truly think this is a bad idea. Not only will this have a significant financial affect to many households within the community but it will also affect the privacy of many homeowners backing up to the field. Every one of the homes backing up to the proposed complex are 1 story homes and to have a 3 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 pm

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
Dionne Stafford	2104 Whiteoak Cir	Dionne Stafford
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

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
John D. Griffin	2002 Oakcreek	
Denise Griffin	2002 Oakcreek	
Dustin Bingham	2001 Oakcreek	
Devin Grunder	1913 Oakcreek Dr	
Sharon Stanley	1910 Oakcreek Dr	
Kathleen Park	1901 Oakcreek	
ROBERT RIVERA	1808 OAKCREEK	
Kymberly Barta	2132 Oakside Dr	
Dustin Nunn	2132 Oakside Dr	
Kris Kesler	2124 Oakside Dr	
Myranna Kesler	2124 Oakside Dr.	
James D. Mayer	1812 Oakcreek Dr.	
DR. NORM PARK	1901 OAKCREEK DR.	
Nancy A. Stine	1815 Oakcreek Dr.	
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	
Dayla Bingham	1807 Oakcreek Dr	

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
Doris Lieberman	1820 Oakcreek Dr	Doris Lieberman
Judith M Coughlin	2119 Oakside Dr	Judith M Coughlin
[illegible]	2116 OAKSIDE DR	[illegible]
Velma Knight	1816 Oakmeadows DR	Velma Knight
[illegible]	1817 Oakmeadow Dr.	[illegible]
DAVID WEISS	1816 OAKMEADOWS DR	David Weiss
Julie Berry	1817 OakMeadows Dr.	Julie Berry
Don Carver	1918 Oakmeadows	Don Carver
Matt Campbell	1921 Oakmeadows Dr	[illegible]
Anna Campbell	1921 Oakmeadows Dr	Anna Campbell
[illegible]	1922 Oakmeadows Dr	[illegible]
James V Davis	2018 Oakmeadows	James V Davis
[illegible] Cyndy Baker	2017 Oakcreek Dr.	[illegible]
DANIEL BAKER	2017 OAKCREEK DR.	[illegible]
Peter Douglas	2014 Oakcreek Dr	Peter A Douglas
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
Sharleen Resor	2109 Dakwicza Cir	Sharleen Resor
William Resor	"	William Resor
Elfriede Wofford	2002 Oakmeadow Dr.	Elfriede Wofford

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
Brenda Dee Fisher	1520 Oakcliff Rd	Bfisher
Connie Armstrong	1819 Rolling Stone Dr.	
Joyce Collard	1820 Oakhill Dr.	J. Collard
Nancy Hogue	1612 Rolling Stone	NANCY Hogue
William C. Smith	1718 Oakcliffs Rd.	
Maria G. Alexander	1922 Oakhill Dr.	
April Minson	1525 Oakhurst Ave	
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 Hollow 26-34

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

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).

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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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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.

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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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.

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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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 1/7/10

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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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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I respectfully 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

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.

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 MK

Paula Pasterick
2039 Allenhurst St
Norman OK 73071-1413

OKLAHOMA CITY OK 730
06 FEB 2012 PM 5 L

City Clerk
201 West Gray St.
Norman OK 73069

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

Renee Markwell
1913 Oakhurst Ave.
Norman, OK 74855

February 11, 2012

City Clerk
201 West Gray St.
Norman, OK 73069

PROTEST LETTER FOR APPARTMENT COMPLEX: REFERENCE TO: The request by RCB Bank for rezoning the current C-O designation to PUD on the NW corner of Imhoff and Oakhurst.

Dear Sir or Madam:

Since I have been at my current address a college student was stalking me…I got the tag number and ran it so I have the persons name…I don't know what his intentions are…to steal or do bodily harm but never the less he was a student at OU with the OU decal displayed on his car…The person across the street is a peeking tom and I caught him staring…a young man in his twenties… he turned his lights off immediately…the neighbor down the street had a phallic symbol drawn on his garage door by some unknown person…the man next to me says he repossesses houses…he said to the west of us there is a section eight area and are some undesirables living there…he said he noticed a man who always lurks in the park across from us that is in-between the section eight area and our homes….I live in a nice neighborhood and would like to keep it that way, but slowly we are being invaded by undesirables.

Therefore I am against a student housing project of apartments…the student's party and some may study but the young adults now days are different. The have no concern with anyone but themselves…They have sex on their mind and booze…I don't want student apartments at Imhoff and Oakhurst…I am personally having difficulty with college students who live elsewhere let alone living down the block from me. Not all college students are bad seeds but who wants to take the chance…so there fore I am opposed to this zoning for this project for personal and safety reasons. It would be more conducive to have a business there to promote more jobs that the state, country needs…maybe the college students could get a job there after school. Makes more sense.

P.S. I am an ex-college student with 400 credit hours and I have several degrees. I am an ex-army officer who flew helicopters so if I think it is wrong then you know something is amiss with the project.

Sincerely,

Renee S. Markwell
405-778-1647

sorry for the red ink…ran out of black ink or almost all out

FILED IN THE OFFICE
OF THE CITY CLERK
ON 2-14-12

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.

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City of Norman, OK

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

Master

File Number: PP-1112-8

File ID:	PP-1112-8	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 27	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	12/19/2011
File Name:	Village at Oakhurst Preliminary Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR THE VILLAGE AT OAKHURST, A PLANNED UNIT DEVELOPMENT. (LOCATED AT THE NORTHWEST CORNER OF IMHOFF ROAD AND OAKHURST AVENUE)

ACTION NEEDED: Motion to approve or reject the Preliminary Plat for the Village at Oakhurst, a Planned Unit Development.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 27

Attachments: Attachment A, Village at Oakhurst Location Map, Staff Report, Village at Oakhurst Prelim Plat, Village at Oakhurst Prelim Site Plan, Village at Oakhurst Transportation Impacts, Village at Oakhurst Pre-Development Summary, Village at Oakhurst Greenbelt Summary, Village at Oakhurst GES, 1-12-12 PC Minutes - Villages at Oakhurst, Agenda Item

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	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 PP-1112-8

body

BACKGROUND: This item is a preliminary plat for The Village at Oakhurst Addition and is located at the northwest corner of the intersection of Oakhurst Avenue and Imhoff Road. This property consists of approximately 16.44 acres on two (2) developable lots. The proposal is multifamily and office/church.

Planning Commission, at its meeting of January 12, 2012, on a vote of 6-2 recommended to City Council amending the NORMAN 2025 Land Use and Transportation Plan from Office Designation to Mixed Use Designation (office and/or residential uses) and that this property be placed in the Planned Unit Development (PUD) and removed from CO, Suburban Office Commercial District zoning classification. Also, Planning Commission, at its meeting of January 12, 2012, on a vote of 6-2 recommended to City Council that the preliminary plat for The Village at Oakhurst Addition, a Planned Unit Development be approved.

On July 12, 2005, City Council approved the preliminary plat for Crimson Creek Addition on the same parcel. That plat included 19.28 acres, 4 lots and 16 commercial office buildings. One lot was developed in 2006 with two (2) commercial office buildings platted as Crimson Creek Addition, Section 1. The remainder of this plat expired on July 12, 2010.

DISCUSSION: The site plan for the proposed Village at Oakhurst project involves the development of apartments and a Church. There is a chance that some of the apartment units could be replaced with office space. The location of this project is proposed for the northwest corner of the intersection of Imhoff Road and Oakhurst Avenue. Primary access to the development will be from a series of driveways along Imhoff Road. Church access has been discussed along Imhoff, along Oakhurst, and along one of the other site driveways. Developer preference is to locate the Church driveway along Imhoff. However, driveway spacing will not meet City standards if the Church driveway is located along Imhoff Road. The current plan shows the driveway location along Oakhurst Avenue. Based on analysis provided, 118 apartment units, 6,000 square feet of office space, and a 40,000 square foot Church will generate approximately 1,356 trips per day or 191 PM peak hour trips. As such, the trip generation potential for this development is above the threshold for when a traffic impact study is required. The traffic capacity on the affected roadways exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities. (See Attachment A).

A traffic impact study was completed by Traffic Engineering Consultants and submitted for the subject development in December, 2011. The traffic study concluded that no off-site improvements are necessary in order to support the traffic that will be generated by the development as proposed. This development will add traffic to the improvements proposed for the Classen Boulevard intersection with Imhoff Road. A traffic impact fee on a per trip basis was previously calculated for improvements to the Classen Boulevard and Imhoff Road

intersection with the Crimson Park Apartments TIA. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that 96 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This equates to $14,030.86 in traffic impact fees to be collected with the final plat for this development.

Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

Sidewalks. Sidewalks will be constructed adjacent to Imhoff Road and Oakhurst Avenue.

Storm Sewers. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately-maintained detention facility will be utilized.

Streets. Oakhurst Avenue is existing and meets current standards. Imhoff Road will be constructed in accordance with approved plans and City paving standards.

Traffic Signal. The intersection of Classen Boulevard and Imhoff Road will be signalized with associated geometric improvements in the very near future. A traffic impact fee on a per trip basis was previously calculated for improvements to the Classen Boulevard and Imhoff Road intersection with the Crimson Park Apartments TIA. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that 96 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This equates to $14,030.86 in traffic impact fees to be collected with the final plat for this development.

Water Mains. There is an existing 12-inch (12") water main adjacent to Imhoff Road. An 8-inch (8") water main will be installed adjacent to Oakhurst Avenue. Interior water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

Park Land. A fee in lieu of park land will be negotiated with final platting. The Norman Board of Parks Commissioners recommended fee in lieu of park land.

RECOMMENDATIONS: Based on the above information, staff recommends approval of the The Village at Oakhurst Addition, a Planned Unit Development be approved subject to approval of R-1112-95 and Ordinance No. O-1112-20.

EXHIBIT A

TRAFFIC TABLE
FOR
PRELIMINARY PLAT ON
THE VILLAGE AT OAKHURST ADDITION

STREET	NO. OF LANES	PROPOSED DEVELOP-MENT (Veh/day)	EXISTING TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Imhoff Road	3	1,288	3,120	4,408	25,650	12.16	17.19
Oakhurst Avenue	2	68	2,398	2,466	17,100	14.02	14.42

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.

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January 5, 2012

0 300 600 Ft.

Subject Tract

Zoning

PRELIMINARY PLAT ITEM NO. 8c

STAFF REPORT

ITEM: Consideration of a preliminary plat for THE VILLAGE AT OAKHURST, A PLANNED UNIT DEVELOPMENT.

LOCATION: Located at the northwest corner of the intersection of Imhoff Road and Oakhurst Avenue.

INFORMATION:

1. Owners. RCB Bank.
2. Developer. RCB Bank.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. October 10, 1968. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in R-1 and removed from A-2 zoning classification.
2. December 17, 1968. City Council enacted Ordinance No. 2124 placing this property in R-1 and removing it from A-2 zoning classification.
3. February 3, 1977. Preliminary plat of Oakhurst Addition, Section 9, was submitted to the Park Board for review.
4. February 10, 1977. Planning Commission, on a vote of 8-0, recommended to City Council that this property be placed in CO and removed from R-1 and A-2 zoning classification.
5. February 10, 1977. Planning Commission, on a vote of 8-0, tabled the preliminary plat of Oakhurst Addition, Section 9.
6. March 1, 1977. City Council adopted Ordinance No. O-7677-43 placing this property in CO and removing it from A-2 and R-1 zoning classification.

7. March 10, 1977. Planning Commission, on a vote of 7-1, approved the preliminary plat for Oakhurst Addition, Section 9.

8. March 10, 1982. In accordance with the City Code, approval of the preliminary plat for Oakhurst Addition, Section 9, became null and void.

9. April 3, 2003. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended fee in lieu of park land.

10. April 10, 2003. Planning Commission, on a vote of 9-0, recommended to City Council that the Norman 2020 Land Use and Transportation Plan Amendment from Office designation to Medium Density Residential designation be denied.

11. April 10, 2003. Planning Commission, on a vote of 9-0, recommended to City Council that this property should not be placed in the PUD, Planned Unit Development District, and removed from CO zoning classification.

12. April 10, 2003. Planning Commission, on a vote of 9-0, recommended denial of the preliminary plat for Crimson Park Addition.

13. May 13, 2003. The applicant withdrew the land use change, rezoning and preliminary plat request.

14. June 9, 2005. Planning Commission, on a vote of 6-0, recommended to City Council that the preliminary plat for Crimson Creek Addition be approved.

15. July 12, 2005. City Council approved the preliminary plat for Crimson Creek Addition.

16. July 12, 2011. The approvals of the preliminary plat for Crimson Creek Addition became null and void.

17. January 12, 2012. The owner has made a request to amend the NORMAN 2025 Land Use and Transportation Plan from Office Designation to Mixed Use Designation (office and/or residential uses).

18. January 12, 2012. The owner has made a request to place this property in the Planned Unit Development (PUD) and remove it from CO, Suburban Office Commercial District zoning.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans and City Standards. Their locations have been approved by the Fire Department.

2. Sanitary Sewers. A sanitary sewer main will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

3. Sidewalks. Sidewalks will be required adjacent to Imhoff Road and Oakhurst Avenue.

4. Storm Sewers. Storm water run off will be conveyed to a proposed privately-maintained detention facility within this ownership.

5. Streets. Imhoff Road will be constructed in accordance with approved plans and City paving standards. Oakhurst Avenue is existing.

6. Water Mains. Water mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards. There is an existing 12-inch (12") water main adjacent to Imhoff Road.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plan and preliminary plat are included in the Agenda Book

STAFF COMMENTS AND RECOMMENDATION: The owners propose a mixture of commercial offices and multi-family apartments. One lot has been submitted as a possible church site for this property. Staff recommends approval of the request to waive alley requirements and approval of the preliminary plat for The Village at Oakhurst Addition, a Planned Unit Development.

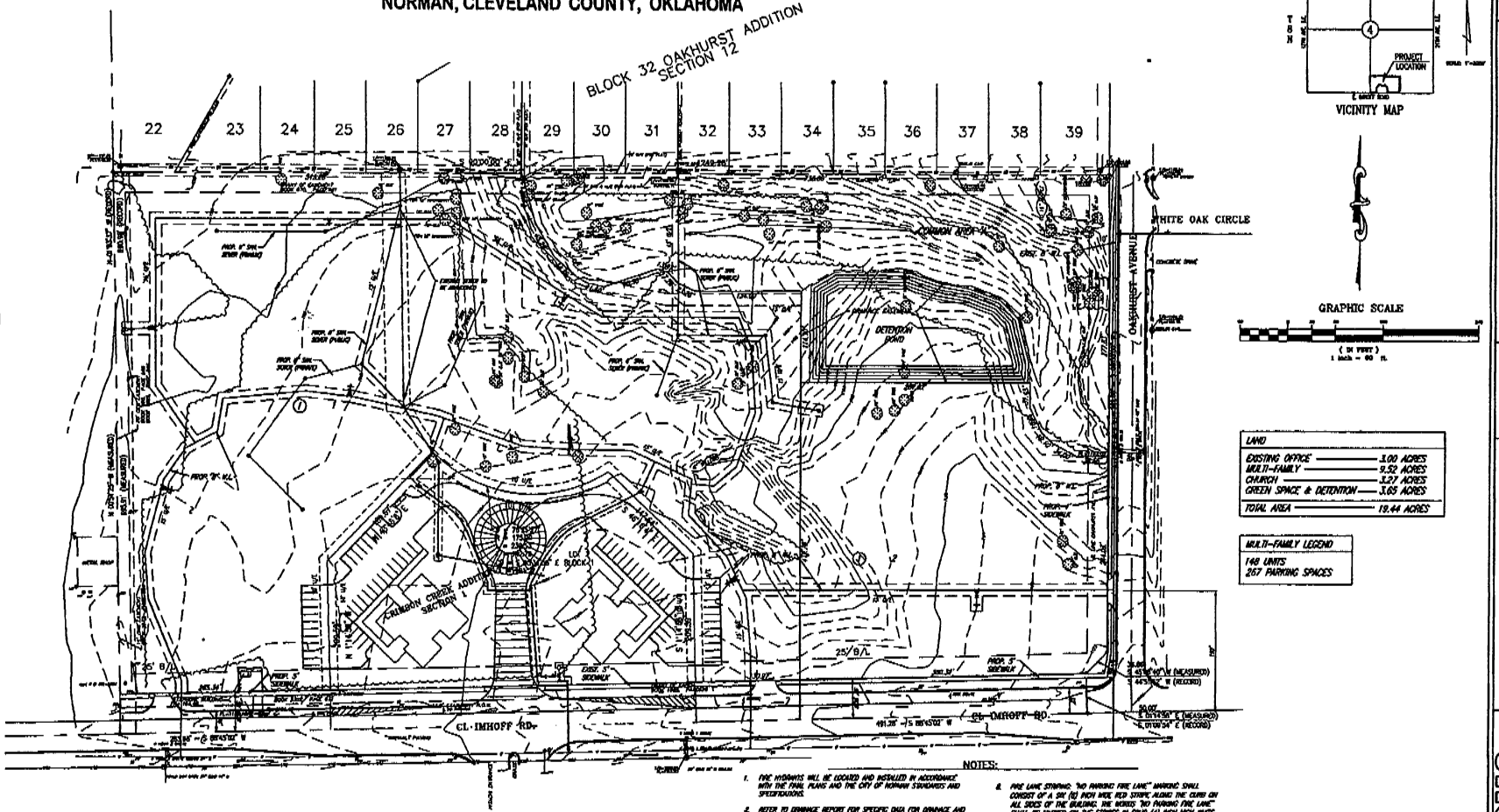
ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for The Village at Oakhurst, a Planned Unit Development, to City Council.

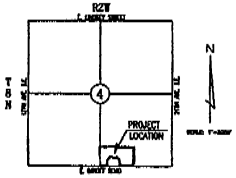
ACTION TAKEN:_____

PRELIMINARY PLAT

THE VILLAGE AT OAKHURST

A PART OF THE S.W./4, S.E./4, SEC. 4, T.-8-N, R.-2-W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





VICINITY MAP

GRAPHIC SCALE

LAND	
EXISTING OFFICE	3.00 ACRES
MULTI-FAMILY	9.52 ACRES
CHURCH	3.27 ACRES
GREEN SPACE & DETENTION	3.65 ACRES
TOTAL AREA	19.44 ACRES

MULTI-FAMILY LEGEND
148 UNITS
267 PARKING SPACES

STORM DRAINAGE DETENTION EASEMENT:

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY CONVEYED AS SHOWN TO PROVIDE FOR DETENTION OF STORM SURFACE WATER AND CONSTRUCTED AS APPROVED BY THE CITY ENGINEER. ALL MAINTENANCE WITHIN THE DRAINAGE DETENTION FACILITY EASEMENT SHALL BE THE RIGHT, DUTY AND RESPONSIBILITY OF THE PROPERTY OWNER(S) IN THE PLAT OF "THE VILLAGE AT OAKHURST". HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER UNUSUAL CIRCUMSTANCES AND IS DETERMINED TO BE A HAZARD OR THREAT TO PUBLIC SAFETY BY THE CITY ENGINEER, CORRECTIVE MAINTENANCE MAY BE PERFORMED BY THE GOVERNING JURISDICTION WITH COSTS ASSESSED TO AND BORNE BY/ON LAND PROPERTY OWNER(S). OFFICIALS REPRESENTING THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, SHALL HAVE THE RIGHT TO ENTER UPON THE EASEMENT FOR PURPOSES OF PERIODIC INSPECTION AND/OR CORRECTIVE MAINTENANCE OF THE FACILITY, UPON RECEIVING PRIOR APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT. PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED SAID IMPROVEMENT DOES NOT INTERFERE WITH THE FUNCTION OF THE DETENTION FACILITY.

NOTES:

1. FIRE HYDRANTS WILL BE LOCATED AND INSTALLED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
2. REFER TO DRAINAGE REPORT FOR SPECIFIC DATA FOR DRAINAGE AND DETENTION.
3. EXISTING ZONING IS C2. PROPOSED ZONING IS P.U.D.
4. MAINTENANCE OF THE DETENTION POND WILL BE THE RESPONSIBILITY OF A MANDATORY PROPERTY OWNERS ASSOCIATION.
5. CROSS ACCESS EASEMENTS WILL BE PROVIDED FOR EACH LOT.
6. ALL WATERLINE SHALL BE 6" UNLESS OTHERWISE NOTED.
7. THE FIRE DEPARTMENT CONNECTION (FDC) SHALL BE LOCATED ON THE STREET SIDE OF ANY STRUCTURE. THE FDC SHALL BE LOCATED AND ARRANGED SO THAT THE HOSE LINES CAN BE READILY ATTACHED TO THE INLETS WITHOUT INTERFERENCE FROM OBJECTS. WHERE MOUNTED ON THE STRUCTURE'S FACADE, A DISTANCE NO GREATER THAN 100' SHALL BE BETWEEN THE FDC AND A FIRE HYDRANT, WHERE THEY ARE REMOTE FROM THE STRUCTURE SERVED. A DISTANCE NO GREATER THAN 50'. THIS WILL BE DESIGNED AT THE FINAL PLAT STAGE.
8. FIRE LANE STRIPING, "NO PARKING FIRE LANE" MARKING SHALL CONSIST OF A SIX (6) INCH WIDE RED STRIPE ALONG THE CURB ON ALL SIDES OF THE BUILDING. THE WORDS "NO PARKING FIRE LANE" SHALL BE PAINTED ON THE STRIPES IN FOUR (4) INCH HIGH WHITE LETTERS AT 25-FT. MAXIMUM INTERVALS. STRIPING AND LETTERS SHALL BE APPLIED ACCORDING TO THE CITY OF NORMAN FIRE LANE & FIRE PROTECTION MUST BE APPROVED BY THE FIRE MARSHALL PRIOR TO BUILDING PERMIT BEING ISSUED. CONTRACTOR TO COORDINATE ALL FIRE LANE MARKINGS WITH THE NORMAN FIRE MARSHALL.
9. THE CHURCH SITE IS CONCEPTUAL. FACADE CHANGES AND ADDITIONAL FIRE HYDRANTS WILL BE DESIGNED AT THE FINAL PLAT STAGE TO MEET ALL CITY OF NORMAN REQUIREMENTS.
10. CROSS FLOWAGE EASEMENT BETWEEN CRIMSON CREEK ADDITION SECTION 1 AND THE VILLAGE AT OAKHURST WILL BE CONFIRMED AT FINAL PLAT PROCESS.

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OWNER/DEVELOPER:
RCB BANK
300 W. MAIN STREET BLVD.
CUSHING, OKLAHOMA 74017

PREPARED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN ST.
OKLAHOMA CITY, OKLAHOMA 73106

THE VILLAGE AT OAKHURST

IMHOFF RD. & OAKHURST AVE.
NORMAN, OKLAHOMA

SMC
SMC Consulting Engineers, P.C.

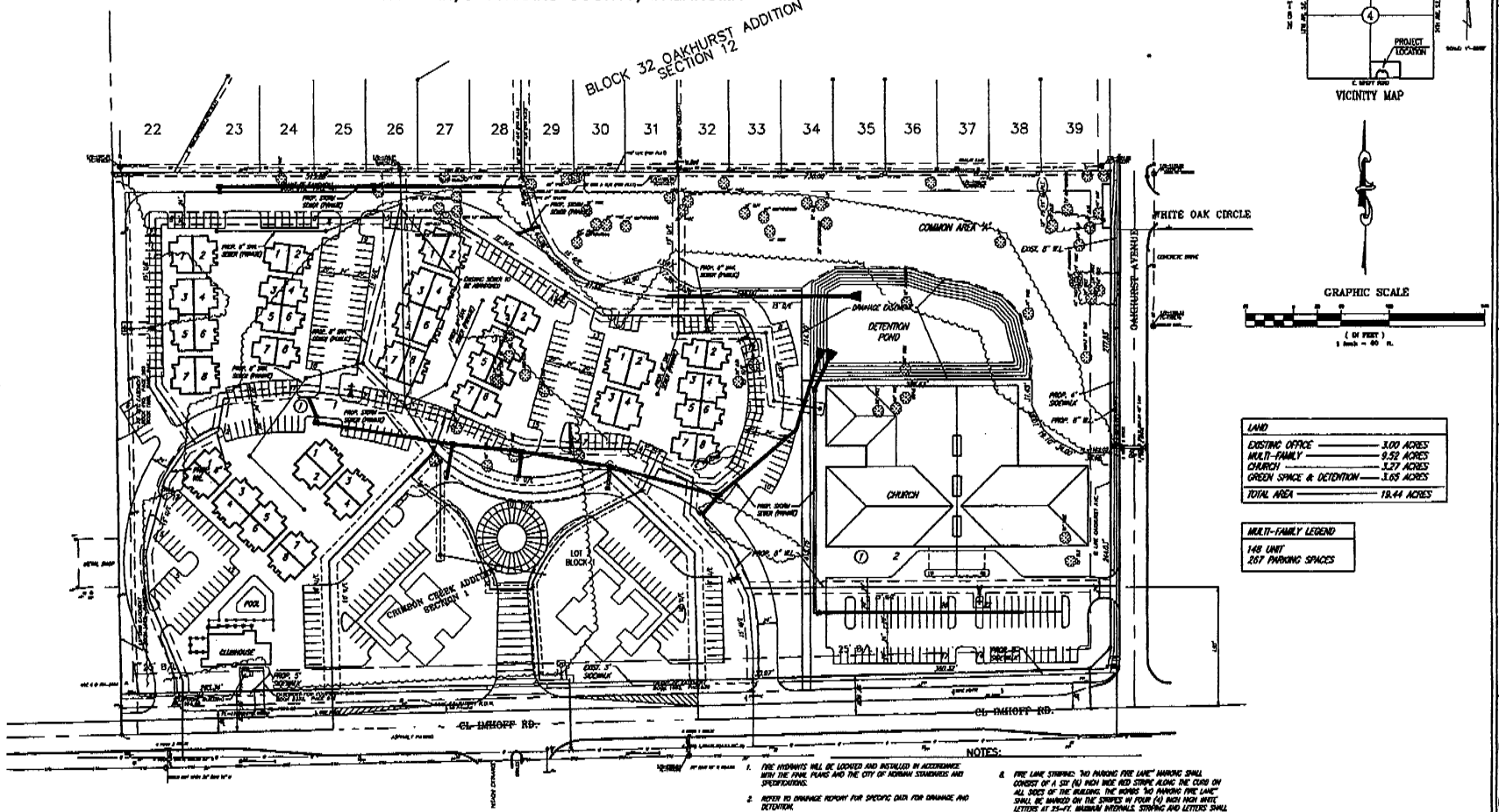
PRELIMINARY PLAT

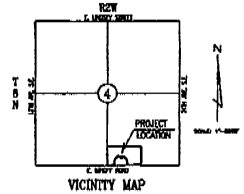
SHEET NO. 1

PRELIMINARY SITE PLAN

THE VILLAGE AT OAKHURST

A PART OF THE S.W./4, S.E./4, SEC. 4, T.-8-N, R.-2-W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





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MULTI-FAMILY LEGEND
148 UNIT
267 PARKING SPACES

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OWNER/DEVELOPER
RED BANK
300 W. MAIN PACE BLVD.
CLAREMORE, OKLAHOMA 74017

PREPARED BY:
SMC CONSULTING ENGINEERS, P.C.
815 W. MAIN ST.
OKLAHOMA CITY, OKLAHOMA 73106

THE VILLAGE AT OAKHURST

IMHOFF RD. & OAKHURST AVE.
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.

PRELIMINARY SITE PLAN

SHEET NO. 1

27-7

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: January 4, 2012

STAFF REVIEW BY: David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Village at Oakhurst Preliminary Plat **PROJECT TYPE:** Commercial-Office
Owner/Designer: RCB Bank Engineer: SMC Traffic Engineer: TEC

SURROUNDING ENVIRONMENT (Streets, Developments)
Low and medium density residential developments surround the project location with some office and commercial space to the east across Oakhurst Avenue. Industrial uses exist between Imhoff Road and Highway 9 to the south. The project fronts along Imhoff Road immediately west of Oakhurst Avenue. Imhoff Road is the main east/west roadway. The site is midway between Classen Boulevard and 24th Avenue SE.

ALLOWABLE ACCESS:
Proposed access is in accordance with Section 4018 of the City's Engineering Design Criteria. This criteria is not met if a Church driveway is introduced along Imhoff. The current plan shows the driveway along Oakhurst Avenue north of Imhoff Road.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Imhoff Road: 3 lanes (two eastbound and one westbound). Speed Limit - 35 mph. No sight distance problems. No medians.
Oakhurst Avenue: 2 lanes. Speed Limit - 25 mph. No sight distance problems. No medians.

ACCESS MANAGEMENT CODE COMPLIANCE: YES ■ NO ☐

Proposed number of access points along for the development is in compliance with what is allowed in the subdivision regulations. This assumes that a driveway for the Church is not located along Imhoff Road. Locating a Church driveway along Imhoff Road would result in a situation of non-compliance and would require a variance.

TRIP GENERATION

	Total	In	Out
Weekday	1,356	678	678
A.M. Peak Hour	103	44	59
P.M. Peak Hour	191	80	111

TRANSPORTATION IMPACT STUDY REQUIRED? YES ■ NO ☐

The trip generation potential for this development is above the threshold for when a traffic impact study is required. A traffic impact study was prepared by Traffic Engineering Consultants and submitted in December, 2011. No negative impacts are anticipated.

RECOMMENDATION: APPROVAL ■ DENIAL ☐ N/A ☐ STIPULATIONS ☐

Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

The traffic study concluded that no off-site improvements are necessary in order to support the traffic that will be generated by the development as proposed. This development will add traffic to the improvements proposed for the Classen Boulevard intersection with Imhoff Road. A traffic impact fee on a per trip basis was previously calculated for improvements to the Classen Boulevard and Imhoff Road intersection with the Crimson Park Apartments TIA. These fees of $146.52 per PM peak hour trip are applicable to this development as well. From the traffic study, it is expected that approximately 96 PM peak hour trips will utilize the Classen Boulevard intersection with Imhoff Road. This equates to $14,030.86 in traffic impact fees to be collected with the final plat for this development.

City of Norman Predevelopment **October 27, 2011**

Applicant RCB Bank

Location Northwest corner of Imhoff Road and Oakhurst Ave.

Case Number PD 11-25

Time 6:00-6:30 PM

Attendee	Stakeholder	Address	Phone
Sean Rieger	Applicant Spokesman	136 Thompson	329-6070
Tom McCaleb	Applicant Engineer	815 W Main	232-7715
Eric Fleske	Applicant Representative		
Rick McKinney	Applicant Architect		
Jane Hudson	City Staff		366-5344
Ken Danner	City Staff		366-5458
Blaine Nice	City Staff		217-5427
James Mayer	Neighbor	1812 Oakcreek Dr.	360-3903
Dale Swaim	Neighbor	1925 Oakcreek Dr.	364-1753
Ferne Swaim	Neighbor	1925 Oakcreek Dr.	364-1753
Steven Richichi	Neighbor	1925 Oakcreek Dr.	364-1753
John Griffin	Neighbor	2002 Oakcreek Dr.	243-8505
Denise Griffin	Neighbor	2002 Oakcreek Dr.	243-8505
Joyce Collard	Neighbor	1820 Oakhill Dr.	310-4939
Maria Alexander	Neighbor	1922 Oakhill Dr.	388-2070
Dee Fisher	Neighbor	1520 Oakcliff Rd.	329-2346
Connie Armstrong	Neighbor	1819 Rolling Stone Dr.	326-4161
Paula Rucker	Neighbor	1751 Imhoff Rd.	447-8479

Application Summary. The applicant, RCB Bank, owns a 19.44 acre parcel which currently has two office buildings on approximately 3 of the 19.44 acres. The intent is to develop a multi-family development and an office/institutional use (possibly a church) on the remaining 16 acres. The site is currently zoned CO, which allows office uses or some institutional uses, such as churches, libraries, and schools.

Applicant's Opportunity. This is the first leg of development for this proposal; we are proposing a PUD with diversified uses. We hope to include apartments, church/office use and the remaining area as open space. Depending on the demand for office use and church use the area currently designated for church use might be office but that is yet to be determined. The apartments will be both 2 and 3 story buildings. We have designed the location of the apartment buildings so there are no windows overlooking the residential area to the north. There will be no vehicle access points linking the area to Oakhurst.

Neighbors' Questions/Comments. How many units?

> **Applicant Spokesman Response.** 152 Units.

Neighbors' Questions/Comments. What is the setback between the apartments and the housing to the north?

> **Applicant Engineer Response.** There is a 79' (approximate) distance between the edge of the apartment building and the property line to the north.

Neighbors' Questions/Comments. How do you propose controlling the drainage onto the residential property to the north? In the past there have been flooding issues which impacted the neighbors to the north.

> **Applicant Engineer Response.** Drainage issues will be researched and addressed so we will not impact adjacent property owners.

Neighbors' Questions/Comments. With the addition of this development traffic will increase. How do you propose to mitigate the impact of traffic?

> **Applicant Spokesman Response.** The installation of signalization at Imhoff and Hwy 77 is approved. Installation is set to begin later this year, with completion 6-9 months later.

Neighbors' Questions/Comments. What type of barrier do you propose to place between the development and the property to the north?

> **Applicant Engineer Response.** What would you like? Fence, wall, landscape barrier? You tell me what I can do to help you. That is the purpose of this meeting.

> **Neighbors' Comments.** We would like what ever you can 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.

Neighbors' Questions/Comments. Can you guarantee this will not be Section 8 housing?

Applicant Engineer Response. I can tell you we do not have any plans for Section 8 housing in our PUD.

Greenbelt Commission Meeting – October 17, 2011

GBC Application 11-22 (Planning Commission Item #8b)

Applicant: RBC Bank
Location: North side of Imhoff Road on the west side of Oakhurst Avenue
Proposal: Preliminary Plat of 19 acres for multi-family and church/office use

Greenbelt Commission Final Comments - GBC 11-22

- The Commission requests the owner consider the opportunity to explore following guidelines to enhance greenbelt/open space areas.
    - (h) Landscaping required by the City has been planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.
    - (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.
    - (v) Cluster development has been utilized as a means to develop the Greenbelt System.
- 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.

The Commission finds that the applicant's development meets the following Greenbelt Ordinance criteria.

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

(a) Portions of the Greenbelt System are accessible to the general public.
(b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.
(d) Greenways connect neighborhoods to each other and to industrial and commercial areas.
(e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.
(f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.

(g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.
(j) Permeable ground surfaces have been preserved to the extent possible.
(o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.
(p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.
(t) The commercial developments have provided for pedestrian access.
(w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

Pre-Development Case No. PD 11-25 **Greenbelt Case No.** 11-22

Date: **10 October 2011**

NORMAN GREENBELT ENHANCEMENT STATEMENT

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

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

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

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

Greenbelt Enhancement Statement for Proposed Developments

Applicant Name: **RCB Bank** Date: **10-10-11**
Contact Person: **Sean Rieger, Atty for Applicant**
Telephone/Fax/Email: **ph-329-6070 / fx-329-7103 / email – sp@riegerllc.com**

Name of Development: **Crimson Creek Addition Section 2**
Area (Acres): **Total site is roughly 19 acres, roughly divided as follows:**
Office: 3.4 acres
Multi-family: 8.8 acres
Church: 3.3 acres (may be office as well)
Open space: 3.6 acres

General Location: **At the northwest corner of East Imhoff Road and Oakhurst Avenue, with frontage and access planned on north side of Imhoff Road.**

Type of Development: (please check) Residential _X_ Commercial ___ Industrial___ Other _X_
Zoning to allow for multifamily, CO-office, and church uses.

1. Briefly explain the kind of development, types of buildings/uses, or character of your proposal.
   - **Zoning to allow for multifamily of approximately 152 units on part of site, with other areas of site to accommodate existing office buildings and future office-institutional uses, including church. Site is already zoned CO, Suburban Office Commercial District, and thus already allows for the office and church uses.**

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

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

Park:	___ Yes _X_ No	___Public___Private
Open Space:	_X_ Yes___ No	___Public_X_Private
Detention Pond:	_(as required)_ Yes_ No	___Public_X_Private
Parking Lot Landscape:	_X_ Yes___ No	___Public_X_Private
Floodplain/Creek:	___ Yes_X_ No	___Public___Private
Other	_____	

   If the above noted areas are accessible via some other arrangement please explain.

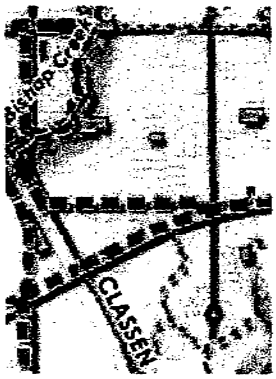
3. Does the open space for this development include some kind of trail or path that meets the definitions contained in 4-2023A of the attached guidelines? (Indicate all that are applicable.)

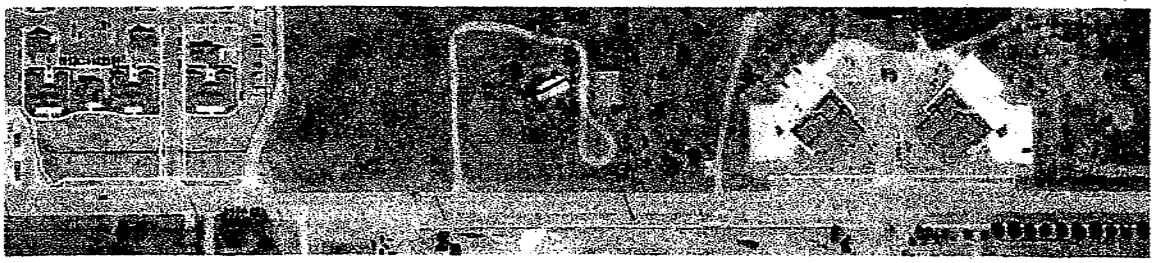
Public Sidewalks (4-5' wide)	___ Yes	_X_ No
Natural Trails (compacted earth 8-10' wide)	___ Yes	_X_ No
Parkway Trails (durable surface 6-8' wide)	___ Yes	_X_ No
Neighborhood Trails (durable or paved, 6-10' wide)	___ Yes	_X_ No
Community Wide Trails (paved, 10-12' wide)	___ Yes	_X_ No
Specialized Trails (equestrian, water, etc)	___ Yes	_X_ No

Other_____

4. Identify schools, recreational areas (parks, playgrounds), commercial sites, or other public open spaces within ½ mile of your proposed development. (If there are no such areas within the ½ mile radius please state such and skip question 5.)
   - **Oakhurst Park**
   - **Woodcreek Park**

5. Projects in close proximity to schools, recreational areas (parks, playgrounds), commercial sites, and residential neighborhoods should, ideally, allow connection points promoting non-motorized transportation between key areas. Please describe how the proposed development plan accommodates those using alternative transportation, such as walkers and bicyclists? Examples include sidewalks connecting key areas, designated bike paths, and bike parking. (If there is no such connectivity please state such.)
   - **The Development will feature a continuation of public sidewalks in the same manner as has been done in front of the existing offices on the site, and has been done along Imhoff Road in front of the Cottages development further west. The various uses on the site will connect via private sidewalks to the public sidewalks along Imhoff Road and thus have connection on to other areas in the City. This plan comports with the draft preliminary Greenbelt Master Plan, as shown below...**





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

   Storm water channels _____

Detention ponds __X__
Floodplains_____
Stream bank/Riparian corridors_____
Utility Easements_____
Abandoned/Active RR corridors_____
Other_____

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

- **The detention pond and open space areas will be private areas within the development and primarily utilized as important natural buffer space between the multifamily and office uses and the single family R-1 addition to the north.**

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

Signature of Applicant or Contact Person: _____

Sean Rieger, Atty for Applicant

GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

VOTE BY COMMISSION: _____

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

In performing its duties, the Greenbelt Commission shall take into account the considerations listed below.

Please check the areas that will apply to your development.

(Not all considerations will be applicable or feasible for each application.)

_X__ (a) Portions of the Greenbelt System are accessible to the general public.

_X__ (b) Greenways are established and provide connections to other existing and future components of the Greenbelt System.

___ (c) Existing easements (e.g. utility, pipeline, oil lease right of way, etc) may be used for Greenways where appropriate and where expressly approved by the easement grantor and grantee.

_X__ (d) Greenways connect neighborhoods to each other and to industrial and commercial areas.

_X__ (e) Greenways provide alternative routes to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking.

_X__ (f) Adverse impacts on existing topography, drainage patterns and natural vegetation are minimized.

_X__ (g) Developments between urbanized Norman and Lake Thunderbird include pedestrian and bike connectivity to adjacent parcels to allow for future connections to Lake Thunderbird.

___ (h) Landscaping required by the City has been planted in conformance with Norman Zoning regulations, including with local drought-resistant low maintenance plants, shrubs and trees.

___ (i) Vegetative buffers between neighborhoods and railway lines have been provided to enhance safety and reduce the effects of noise and air pollution.

_X__ (j) Permeable ground surfaces have been preserved to the extent possible.

___ (k) Ingress and egress to and from a development is designed to permit safe use by non-motorized traffic in and out of the development and across the ingress and egress provisions of the development.

___ (l) Fences abutting components of the Greenbelt System, and particularly those abutting green spaces, are of designs and materials that minimize their visual impact to the extent such fences are allowable under Norman City Code and not in conflict with

applicable national standards for utility facilities. Examples of acceptable open fences include such types as wrought iron, split rail, low picket fence with every other picket removed, and metal pickets.

___ (m) Water retention and detention storage facilities are designed in accordance with bioengineering principles and built with bioengineering materials.

___ (n) Detention facilities are integrated into the surrounding neighborhood as part of the Greenbelt System in as ecologically sound a method as possible.

_X_ (o) Storm water management design considers the potential for trail and green space preservation, enhancement and/or creation.

_X_ (p) The development layout is designed to preserve the health and diversity of wildlife affected by development in natural drainage corridor areas.

___ (q) The development layout is designed to minimize the intrusions of noise, trash and other things into the Greenbelt System that would negatively affect visitors' and users' experience of any impacted components of the Greenbelt System.

___ (r) To the extent possible, the development layout, as designed, does not impair the ability of riparian buffers from serving as corridors for wildlife movement.

___ (s) Riparian buffers are incorporated into the Greenbelt System.

_X_ (t) The commercial developments have provided for pedestrian access.

___ (u) Pavement is minimized when possible by, among other things, using shared parking areas and/or permeable parking surfaces where feasible and allowed under the Zoning Ordinance of the City of Norman and the City Engineering Design Criteria.

___ (v) Cluster development has been utilized as a means to develop the Greenbelt System.

_X_ (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

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.

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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:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	01/26/2012
File Name:	O-1112-24 Gray Water			**Final Action:**	

Title: ORDINANCE NO. O-1112-24: 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 TAKEN: Motion to adopt or reject Ordinance No. O-1112-24 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-24 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 28

Attachments: 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

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	02/14/2012	Introduced and adopted on First Reading by title only				

Action Text: Introduced and adopted on First Reading by title only

1 City Council 02/14/2012

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

ATTEST:

_____
Brenda Hall, City Clerk

NOT ADOPTED this _____ day of

_____, 2012.

_____
Cindy Rosenthal, Mayor

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:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 29	**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: ORDINANCE NO. O-1112-29: 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 TAKEN: Motion to adopt or reject Ordinance No. O-1112-29 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION TAKEN: Motion to adopt or reject Ordinance No. O-1112-29 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 02/28/2012

Agenda Number: 29

Attachments: O-1112-29 (Permit Issuance), O-1112-29 (Permit Issuance) Annotated, October 5 Oversight 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:

1	City Council	02/14/2012	Introduced and adopted on First Reading by title only
	Action Text:	Introduced and adopted on First Reading by title only	
1	City Council	02/14/2012	

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 remedy the delinquent status of any sales tax, Municipal Court fees or fines, utility bills, or 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 delinquent 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.

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

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(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. – ~~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.