# City of Norman, OK

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

# City Council Meeting

**Tuesday, July 24, 2012**

**6:30 PM**

**Municipal Building Council Chambers**

## City Council

***Mayor Cindy Rosenthal***
***Council Member Roger Gallagher***
***Council Member Tom Kovach***
***Council Member Hal Ezzell***
***Council Member Greg Jungman***
***Council Member Dave Spaulding***
***Council Member Jim Griffith***
***Council Member Linda Lockett***
***Council Member Chad Williams***

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

1 **Roll Call**

2 **Pledge of Allegiance**

3 GID-1213-4 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF JULY 10, 2012
CITY COUNCIL MINUTES OF JULY 10, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF JULY 10, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF JULY 10, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JULY 10, 2012

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

ACTION TAKEN: _____

***Attachments:*** July 10 Conference Minutes
July 10 CC Minutes

4 P-1213-2 PROCLAMATION NO. P-1213-2: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING TUESDAY, AUGUST 7, 2012, AS "NATIONAL NIGHT OUT" IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-2 proclaiming Tuesday, August 7, 2012, as "National Night Out" in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

***Attachments:*** National Night Out Proclamation

## 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 27 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-1112-44 CONSIDERATION OF ORDINANCE NO. O-1112-44 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 38, 39, 40, 41, AND 42, BLOCK 4, STATE UNIVERSITY ADDITION TO NORMAN CLEVELAND COUNTY, OKLAHOMA, IN THE MUD, MIXED USE DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF BOYD STREET AND MONNETT AVENUE)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-44 upon First Reading.

ACTION TAKEN: _____

***Attachments:*** Text File O-1112-44
O-1112-44 MB Real Estate
MB Real Estate Location Map
Concept Design MB Real Estate
MB Real Estate II PD 12-16 on 4.26.12
Staff Report O-1112-44
MB Real Estate GES
Item 11 - Protest Map and letters
6-14-12 PC Minutes - MB Real Estate

7 **O-1112-45** CONSIDERATION OF ORDINANCE NO. O-1112-45 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 25, 26, AND 27, BLOCK 1, FLOYD ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE R-2, TWO-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (930 ELM AVENUE)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-45 upon First Reading by title.

ACTION TAKEN: _____

***Attachments:*** Text File O-1112-45
O-1112-45 823 Properties
823 Properties Location Map
823 Properties Staff Rpt
Proposed Site Development Plan 930 Elm
PD 12-14 823 Properties - Elm and Hoover
Protest Map and letter
6-14-12 PC Minutes - 823 Properties

8 **O-1213-4** CONSIDERATION OF ORDINANCE NO. O-1213-4 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE III, SECTION 19-303 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION REGARDING THE PLACEMENT OF DUMPSTER AND/OR COMPACTOR ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE OR MULTI-FAMILY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-4 upon First Reading by title.

ACTION TAKEN: _____

***Attachments:*** Text File O-1213-4
O-1213-4 Dumpster Placement-Annotated
O-1213-4 Dumpster Placement-Clean

9 **RPT-1213-2** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JUNE 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 Director's Investment Report June

10 **RPT-1213-3** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JUNE, 2012, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

11 **K-1213-3** CONSIDERATION OF BID NO. 1112-62, CONTRACT NO. K-1213-3 WITH OPES, INC. IN THE AMOUNT OF $169,269.25; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $13,730.75; PERFORMANCE BOND NO. B-1213-5, STATUTORY BOND NO. B-1213-6, MAINTENANCE BOND NO. MB-1213-3, AND RESOLUTION NO. R-1213-3 FOR FYE 2013 CONCRETE PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $169,269.25 to OPES, Inc., approve Contract No. K-1213-5, Change Order No. One increasing the contract by $11,730.35, Performance Bond No. B-1213-5, Statutory Bond No. B-1213-6, and Maintenance Bond No. MB-1213-3, authorize execution of the contract and change order, direct the filing of the bonds, and adopt Resolution No. R-1213-3.

ACTION TAKEN: _____

***Attachments:*** Text File K-1213-3
Bid List
Project Table-2013 Concrete Project
K-1213-3
Change Order No. One K-1213-3
Perf B-1213-5
Stat B-1213-6
MB-1213-3
R-1213-3
OPES PR

12 **K-1213-1** CONSIDERATION OF BID NO. 1213-1; CONTRACT NO. K-1213-1 WITH NASH CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF $1,335,307; PERFORMANCE BOND NO. B-1213-1; STATUTORY BOND NO. B-1213-2; MAINTENANCE BOND NO. MB-1213-1; AND RESOLUTION NO. R-1213-1 FOR THE 2013 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $1,335,307 to Nash Construction Company, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-1 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds, and adopt Resolution No. R-1213-1.

ACTION TAKEN: _____

***Attachments:*** Text File K-1213-1 Nash
Bid Tabulation FYE13
Urban Asphalt Locations FYE13
K-1213-1
Perf B-1213-1
Stat B-1213-2
MB-1213-1
R-1213-1
MAP Proj UrbanAsphalt FYE13
PR Nash

13 **K-1213-2** CONSIDERATION OF BID NO. 1213-2; CONTRACT NO. K-1213-2 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF $481,460.25; PERFORMANCE BOND NO. B-1213-3; STATUTORY BOND NO. B-1213-4, MAINTENANCE BOND NO. MB-1213-2, AND RESOLUTION NO. R-1213-2 FOR THE 2013 URBAN CONCRETE 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 $481,460.25 to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; approve Contract No. K-1213-2 and the performance, statutory, and maintenance bonds; authorize execution of the contract, direct the filing of the bonds; and adopt Resolution No. R-1213-2

ACTION TAKEN: _____

***Attachments:*** Text File K-1213-2
Bid Tabulation FYE 2013
Urban Concrete Locations FYE13
K-1213-2
Perf B-1213-3
Stat B-1213-4
MB-1213-2
R-1213-2 RDNJ
MAP FYE 2013 URBAN CONCRETE LOCATIONS
PR RDNJ

14 **E-1213-3** CONSIDERATION OF GRANTING EASEMENT NO. E-1213-3 TO OKLAHOMA GAS & ELECTRIC COMPANY (OG&E) FOR SERVICE TO THE WATER RECLAMATION FACILITY (WRF).

ACTION NEEDED: Motion to grant or deny Easement No. E-1213-3; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

***Attachments:*** Text File E-1213-3
E-1213-3

15 E-1213-5 CONSIDERATION OF EASEMENT NO. E-1213-5, A PUBLIC UTILITY EASEMENT DONATED BY SHAZ INVESTMENT GROUP, LLC FOR THE SOUTHEAST BISHOP INTERCEPTOR PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-5; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

***Attachments:*** Text File E-1213-5
E-1213-5

16 E-1213-6 CONSIDERATION OF TEMPORARY EASEMENT NO. E-1213-6, A TEMPORARY CONSTRUCTION EASEMENT DONATED BY SHAZ INVESTMENT GROUP, L.L.C., FOR THE SOUTHEAST BISHOP INTERCEPTOR PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-6; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

***Attachments:*** Text File E-1213-6
E-1213-6

17 FP-1213-1 CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION IX, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 3, BLOCK 2; AND A PORTION OF PARKLAND OF A REPLAT OF LOT 1, BLOCK 2, UNIVERSITY NORTH PARK ADDITION, SECTION 1; AND A REPLAT OF A PORTION OF LOT 1, BLOCK 1, OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION IV, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF THE PUBLIC DEDICATIONS CONTAINED THEREIN. (LEGACY PARK - GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE N.W. AT LEGACY PARK DRIVE)

ACTION NEEDED: Motion to approve or reject the final site development plan and final plat for University North Park Addition, Section IX, a Planned Unit Development (Legacy Park); 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 and direct the filing of the final site development plan and final plat.

ACTION TAKEN: _____

***Attachments:*** UNP IX Location Map
UNP-IX Staff Report
Final Plat UNP Section IX
UNP Section IX Final Site Plan
Revised Prelim Plat UNP Section IX
7-12-12 PC Minutes - UNP IX

18 LL-1213-1 LIMITED LICENSE NO. LL-1213-1: LIMITED LICENSE TO PLACE THREE (3) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY YMCA FOR THE 11TH ANNUAL TIE-DYE TRI ON SEPTEMBER 16, 2012.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-1 to place three (3) ground banners within the public rights-of-way pursuant to a request from the Cleveland County YMCA.

ACTION TAKEN: _____

***Attachments:*** Text File Limited License
Application YMCA
YMCA Tie-Dye Tri

19 **SC-1213-2**

SPECIAL CLAIM NO. SC-1213-2: A CLAIM IN THE AMOUNT OF $7,504.38 SUBMITTED BY SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA FOR DAMAGES INCURRED TO A FIBER OPTIC CABLE AT 36TH AVENUE N.W. AND STERLING STREET N.W. DURING A DRAINAGE MAINTENANCE PROJECT.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1213-2; and, if approved, direct payment in the amount of $7,504.38 contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

ACTION TAKEN: _____

***Attachments:*** Text File Claim ATT
Memo from Clerk ATT
Claim ATT

20 **K-0910-185 Amd #2**

AMENDMENT NO. TWO 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, 2013, FOR PHASE 2 OF THE CANADIAN RIVER WASTELOAD ALLOCATION STUDY.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. Two to Contract No K-0910-185; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

***Attachments:*** Text File Amd 2 K-0910-185
Amendment No. 2
K-0910-185

21 **K-1213-31** CONTRACT NO. K-1213-31: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ALTERNATIVE DISPUTE RESOLUTION SYSTEM OF THE STATE OF OKLAHOMA TO PROVIDE A DISPUTE MEDIATION PROGRAM FOR THE CITY OF NORMAN THROUGH JUNE 30, 2013.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-31 with the Alternative Dispute Resolution System of the State of Oklahoma through June 30, 2013; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

***Attachments:*** Text File Dispute Mediation

K-1213-31

22 **K-1213-37** CONTRACT NO. K-1213-37: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE BOARD OF CLEVELAND COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA, FOR A COOPERATIVE INTERLOCAL AGREEMENT FOR THE MAINTENANCE, CONSTRUCTION, AND REPAIR OF SECTION LINE ROADS WITHIN THE CITY OF NORMAN THROUGH JUNE 30, 2013.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-37 with the Board of Cleveland County Commissioners, Cleveland County, Oklahoma; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

***Attachments:*** Text File O-1112-37

K-1213-37 Interlocal With County

23 **K-1213-38** CONTRACT NO. K-1213-38: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF $25,196.50 FOR STATE AID PROJECT NO. SSP-114A (099)SS, STATE JOB NO. 20266(04)(05)(06) FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E. TO 36TH AVENUE S.E. AND ADOPTION OF RESOLUTION NO. R-1213-20.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-38 with ODOT; and, if approved, adopt Resolution No. R-1213-20 and authorize the execution of the contract and resolution; and direct payment in the amount of $25,196.50 to ODOT.

ACTION TAKEN: _____

***Attachments:*** Text File K-1213-38
K-1213-38
Location Map 24th to 36th
PR ODOT 24th to 36th

24 **K-1213-39** CONTRACT NO. K-1213-39: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF $36,168.10 FOR STATE AID PROJECT NO. SSP-114B (108)SS, STATE JOB NO. 20266(07)(08)(09) FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 36TH AVENUE S.E. TO 72ND AVENUE S.E. AND ADOPTION OF RESOLUTION NO. R-1213-21.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-39 with ODOT; and, if approved, adopt Resolution No. R-1213-21 and authorize the execution of the contract and resolution; and direct payment in the amount of $36,168.10 to ODOT.

ACTION TAKEN: _____

***Attachments:*** Text File K-1213-39
K-1213-39
Location Map
PR ODOT

25 **K-1213-41** CONTRACT NO. K-1213-41: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE 89'ER DAY PARADE COMMITTEE IN THE AMOUNT OF $5,000 FOR COSTS ASSOCIATED WITH THE 89'ER DAY PARADE TO BE HELD IN APRIL 2013.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-41 with the 89'er Day Parade Committee in the amount of $5,000; and, if approved, authorize execution thereof.

ACTION TAKEN: _____

***Attachments:*** Text File 89er day
89er Day Contract.PDF
Letter of Reqeust 89'er day
Pert Excerpts Finance Comm Minutes
89er Day Parade PR

26 **K-1213-42** CONTRACT NO. K-1213-42: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE FIREHOUSE ART CENTER, INC., IN THE AMOUNT OF $60,000 FOR THE OPERATION OF THE FIREHOUSE ART CENTER LOCATED AT 444 SOUTH FLOOD AVENUE.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-42 with the Firehouse Art Center, Inc., in the amount of $60,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

***Attachments:*** Text File FAC
Firehouse Art Center Contract
Pert Excerpts Finance Comm Minutes

27 K-1213-43 CONTRACT K-1213-43: CONSIDERATION OF A REQUEST FOR FUNDING FROM THE PERFORMING ARTS STUDIO AND APPROVAL OF CONTRACT NO. K-1213-43 IN THE AMOUNT OF $3,000.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-43 with the Performing Arts Studio in the amount of $3,000; and, if approved, authorize execution thereof.

ACTION TAKEN:_____

***Attachments:*** Text File Performing Arts
The Performing Arts Studio FY13 K-1213-43
Letter of request PAS
Pert Excerpts Finance Comm Minutes
Performing Arts Studio PR

**Non-Consent Items**

28 K-1213-46 PUBLIC HEARING REGARDING A GRANT IN THE AMOUNT OF $13,636 TO THE CITY OF NORMAN AND CLEVELAND COUNTY FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE (DOJ/BJA) THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM WITH NORMAN'S PORTION OF $11,636 TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR TRAINING AND TO PURCHASE EQUIPMENT, APPROVAL OF CONTRACT NO. K-1213-46, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to close the public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject a grant in the amount of $13,636 from DOJ/BJA through the JAG Program to be used by the Police Department; and, if accepted, approve Contract No. K-1213-46; authorize the execution thereof; increase Other Revenue/JAG Grant (022-0000-331.13-33) by $13,636; appropriate $13,636 into Project No. GP0016, JAG Grant designating $6,436 to Professional Services/Workshops and Seminars (022-6017-421.46-04); $2,500 to Plant and Operating Equipment/Firearms (022-6017-421.51-16); $2,700 to Telecommunication Equipment/Personal Computer (022-6017-421.53-02), and $2,000 to Miscellaneous Pass-Thru Refunds (022-6017-421.47-54); and direct payment in the amount of $2,000 to Cleveland County upon receipt of invoices.

ACTION TAKEN: _____

***Attachments:*** Text File JAG

Award Letter 1.pdf

29 R-1112-144 RESOLUTION NO. R-1112-144: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE; AND PROVIDING FOR NOTICE AND HEARING THEREOF (GARAGE AT 503 WEST DAWS STREET)

ACTION NEEDED: Motion to approve or reject the directive that Staff abate the nuisance as outlined in Resolution No. R-1112-144 as required by law.

ACTION TAKEN: _____

***Attachments:*** Text File 503 W Daws
Resolution 503 W. Daws
Summary 503 W. Daws
Memo 503 W. Daws
503 W Daws June 12
503 W Daws July 12

30 **O-1112-37** ORDINANCE NO. O-1112-37: 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 SOUTHWEST QUARTER OF SECTION 16, 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 RE, RESIDENTIAL ESTATES DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE).

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-37 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-37 upon Final Reading as a whole.

ACTION TAKEN: _____

***Attachments:*** Text File O-1112-37
Cobblestone Request for postponement
O-1112-37 Shannon
Cobblestone PUD Location Map
Cobblestone PUD Narrative
Cobblestone Creek Prelim Plat
Cobblestone Creek Prelim Site Dev Plan
Cobblestone Creek PUD Staff Report Revd
Protest-Support map and letter
6-14-12 PC Minutes - Cobblestone

31 PP-1112-15 CONSIDERATION OF A PRELIMINARY PLAT FOR COBBLESTONE CREEK ADDITION. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. ONE-HALF MILE SOUTH OF CEDAR LANE ROAD)

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

ACTION TAKEN: _____

***Attachments:*** Text File Prelim Cobblestone
Attachment A
Cobblestone Prelim Request for Postponement
Cobblestone Plat Location Map
Staff Report
Prelim Plat Cobblestone
Prelim Site Dev Plan Cobblestone
Cobblestone Transportation
6-14-12 PC Minutes - Cobblestone

32 O-1112-41 ORDINANCE NO. O-1112-41: 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 SCHOOL ON PROPERTY CURRENTLY ZONED I-1, LIGHT INDUSTRIAL DISTRICT, AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 BROCE DRIVE)

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-41 upon Final Reading as a whole.

ACTION TAKEN: _____

***Attachments:*** Text File O-1112-41
O-1112-41 Community Christian School
CCS Location Map
CCS Staff Rpt
CCS Site Devel Plan
CCS Plan
PD 12-10 Community Christian School - Broce Drive
Item 8 - Protest Map and letter
6-14-12 PC Minutes - CCS

33 O-1112-42 ORDINANCE NO. O-1112-42: 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 28, TOWNSHIP 9 NORTH, RANGE 1 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE A-2, RURAL AGRICULTURAL DISTRICT, AND REMOVE THE SAME FROM THE A-1, GENERAL AGRICULTURAL DISTRICT, OF SAID CITY; AND TO GRANT SPECIAL USE FOR A RIDING ACADEMY AND PUBLIC STABLE ON SAID PROPERTY TO BE ZONED A-2, RURAL AGRICULTURAL DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (8809 ALAMEDA DRIVE)

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-42 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-42 upon Final Reading as a whole.

ACTION TAKEN: _____

***Attachments:*** Text File O-1112-42
O-1112-42 Jennifer Ladd
Ladd Location Map
Jennifer Ladd Riding Stable Staff Rpt
Ladd Site Plan
Ladd PD 12-05
Item 9 - Protest Map and letter
6-14-12 PC Minutes - Ladd

34 O-1112-43 ORDINANCE NO. O-1112-43: 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 NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD)

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-43 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-43 upon Final Reading as a whole.

ACTION TAKEN: _____

***Attachments:*** Text File O-1112-43
Brookhaven 41 Rezone Location
Brookhaven 41 Cies Staff Rpt
Brookhaven 41 PUD Narrative
Brookhaven 41 Prelim Site Dev Plan
6-12-14 PC Minutes - Brookhaven 41

35 PP-1112-19 CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR BROOKHAVEN NO. 41 ADDITION. (GENERALLY LOCATED SOUTH AND WEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD)

ACTION NEEDED: Motion to approve or reject the revised preliminary plat for Brookhaven No. 41 Addition.

ACTION TAKEN: _____

***Attachments:*** Text File Prelim Brookhaven
Attachment A-Brookhvn 41
Location Map Brookhaven 41 Prelim
Revised Prelim Plat Brookhaven 41
Prelim Site Dev Plan Brookhaven 41
Commercial Site Plan Brookhaven 41
Brookhaven 41 Plat Staff Report
Brookhaven 41 Transportation
PD 12-19 Cies Brookhaven
Brookhaven 41 GES
6-12-14 PC Minutes - Brookhaven 41

**36 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.**

**37 Adjournment**

# City of Norman, OK

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

## Master

### File Number: GID-1213-4

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| **File ID:** | GID-1213-4 | **Type:** | Minutes | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 3 | **In Control:** | City Council |
| **Department:** | City Clerk Department | **Cost:** | | **File Created:** | 07/17/2012 |
| **File Name:** | Minutes | | | **Final Action:** | |

**Title:** APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL CONFERENCE MINUTES OF JULY 10, 2012
CITY COUNCIL MINUTES OF JULY 10, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF JULY 10, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF JULY 10, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JULY 10, 2012

ACTION NEEDED: Acting as the City Council, Norman Utilities Authority, Norman Municipal Authority, and Norman Tax Increment Finance Authority, motion to acknowledge receipt of the minutes and direct the filing thereof.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 3

**Attachments:** July 10 Conference Minutes, July 10 CC Minutes

**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 GID-1213-4

COUNCIL CONFERENCE MINUTES

July 10, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in a conference at 5:30 p.m. in the Municipal Building Conference Room on the 10th day of July, 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.

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|---|---|
| PRESENT: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| ABSENT: | None |

Item 1, being:

DISCUSSION REGARDING CHANGE ORDER NO. THREE TO CONTRACT NO. K-1011-2 WITH URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $44,784.50 FOR THE FYE 2010 SEWER MAINTENANCE PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

In 2001, the citizens of Norman approved a five dollar per month sewer maintenance fee for the systematic replacement of aged and deteriorated sewer lines throughout the City's wastewater collection system. The Norman Utilities Authority (NUA) approved K-1011-2 with Urban Contractors, L.L.C., on July 13, 2010, in the amount of $1,570,100, and funding from the Sewer Maintenance Project FYE 2010 (SMP10) (WW0055).

The NUA approved Change Order No. 1 in the amount of $69,250 on June 14, 2011, to fund approximately 1,100 linear feet (LF) of improvements along Red Oaks Drive and on October 11, 2011, the NUA approved Change Order No. 2 in the amount of $63,150 to fund approximately 700 LF of sewer replacement along Berry Road.

Construction began in September 2010 and was completed on June 8, 2012. During construction, the Sewer Line Maintenance Division requested assistance for sewer system defects not in the project area, consisting of approximately:

1. 5,400 feet in multiple locations in Hall Park;
2. More than 250 feet north of Melrose Drive between Garrison and Mercedes;
3. About 400 feet along both 12th Avenue N.E. and Sequoyah Trail;
4. Almost 700 feet along Tecumseh Road west of Flood Avenue; and
5. About 740 feet along Parkland Way south of Westwood Park

The cumulative increase in change orders for the project is $177,184.50 or about 11% over the original contract amount of $1,570,000, which is largely due to the replacement of an eight-inch pipe.

Mr. Charlie Thomas, Capital Projects Engineer, said all project improvements are satisfactory and as-built plans are in hand. He said this project replaced approximately 30,325 feet of sewer line, twenty (20) manholes, and over 510 service connections.

Council adopted Resolution No. R-1112-55 on November 8, 2011, delegating administrative authority to the City Manager or his designee, at his discretion, to approve change order requests that result in adjustments up to forty thousand dollars (40,000) or 10% of any contract, whichever is less. Since Change Order No. 3 to Contract No. K-1112-2 is 44,784.50, Council approval is needed.

Item 1, continued:

Items submitted for the record

1. Text File No. K-1011-2 dated June 25, 2012
2. Change Order No. Three to Contract No. K-1011-2, with Attachment 1, FYE 2009 Sewer Maintenance Project – Final Reconciliation

Item 2, being:

DISCUSSION REGARDING THE CREATION OF THE NORMAN ECONOMIC DEVELOPMENT ADVISORY BOARD.

The creation of the Norman Economic Development Authority (NEDA) was approved by Council on June 12, 2012, after a series of meetings with the Business and Community Affairs (BACA) Committee as well as the full Council. BACA identified the creation of a public trust authority to facilitate potential economic development incentives as a priority in August 2011, and also by Council at its Planning Retreat in September 2011.

Ms. Kathryn Walker, Assistant City Attorney, said Staff presented a draft ordinance creating the Norman Economic Development Advisory Board to the BACA Committee on July 5, 2012. She said the draft ordinance would create the Economic Development Advisory Board (EDAB) as an appointive board to the City consisting of seven (7) members nominated and appointed by City Council. At least four (4) of the board members must possess suitable and appropriate knowledge and/or experience in the areas of economics, business, finance, law, policy analysis, and community development. The Norman Economic Development Coalition (NEDC) Executive Director or his or her designee will also serve in ex-officio capacity to ensure adequate collaboration and communication with NEDC about particular projects or policies affecting NEDC's operation. As with other City Boards and Commissions, any Board member could be removed by a majority vote of Council. Ms. Walker said EDAB would elect its own Chairperson and Vice Chairperson and will not be authorized to expend any City funds except as may be authorized and appropriated by City Council.

Ms. Walker said EDAB would make recommendations to Council regarding proposed economic development policies and programs; make recommendations to Council regarding requests for City funded incentives for private businesses as proposed by NEDC; aid Council in developing strategies and plans for promoting economic development in the City of Norman; investigate and report on economic development issues as assigned by Council; serve as a forum for economic development policy discussion and education; and assist in identifying assets, resources, and incentives appropriate for furthering economic development within the City of Norman. The Board must follow the Open Meeting Act and must have at least four members present to take any action.

Ms. Walker said with Council's approval, the draft ordinance will go forward for adoption and the appointment process can begin. She said economic development incentive thresholds need to be formulated and asked whether or not those thresholds should be developed by Staff or EDAB.

Councilmember Kovach asked what would happen if a EDAB member had a financial stake in a proposed project and Ms. Walker said they would be required to follow the Norman Ethics Policy, so in that situation, the conflict would have to be disclosed and in certain situations they would have to step away from the table and not vote or participate in discussion.

Item 2, continued:

Mayor Rosenthal said, generally, a person can only serve on one statutorily created board at a time, but there is exception language in the draft ordinance that states members of EDAB shall not be disqualified from service on EDAB due to service on other City of Norman Boards or Commissions. Councilmember Kovach said that exception was placed in the ordinance because BACA felt EDAB would only meet on an as needed basis and he is comfortable there would be no conflict with someone serving on another Board as well as EDAB. Councilmember Jungman said the Reapportionment Commission does not meet often and there is no exception for their members and Mr. Jeff Bryant, City Attorney, said the Reapportionment Commission is designated by Charter so it is harder to change language. Councilmember Spaulding said he did not have a problem with the exception language. Councilmember Williams asked if the language was placed in the draft ordinance just because EDAB would not meet often and Councilmember Kovach said it was partially due to the specific criteria of Board members. Mr. Bryant said discussion behind the language included allowing broader citizen involvement and recruiting members that fit criteria even though they are currently serving on a Board/Commission. Councilmember Ezzell said he supports the exception language for those reasons because EDAB may never meet if the City does not get a project that involves NEDA participation.

Mayor Rosenthal said Staff is requesting guidance on the development of economic incentive thresholds and asked if Staff or EDAB should develop policy recommendations. Councilmember Griffith asked if incentive thresholds could vary based on the project proposed and Ms. Walker said yes. Councilmember Griffith said as projects are brought forward, incentives could be discussed as there might be options to incentivize whether the project moves forward. Councilmember Ezzell said he would like maximum flexibility; however, Council should define minimum criteria thresholds so EDAB will not waste their time if the project is below a particular threshold. He said the State Quality Jobs Act Program requires minimum salary, wage, or benefit requirements and it is Council's position to say whether or not they believe the State's Quality Jobs Act threshold may be too low for the City to use as their threshold. Mayor Rosenthal agreed this should be a policy decision by Council. She said there are other issues that need to be taken into consideration such as infrastructure impact. She was concerned that with the absence of that guidance, EDAB could go into a direction not embraced by Council. Councilmember Kovach agreed with Councilmember Ezzell and Mayor Rosenthal. Councilmember Gallagher felt the City's threshold should closely relate with NEDC's in order to avoid conflict with NEDC. Councilmember Ezzell said establishing a threshold for City incentives should not be construed as working against NEDC, but just as a threshold to decide when the City would participate.

Councilmember Kovach said Council has not set thresholds for jobs in the University North Park Tax Increment District (UNPTIF) so Council could discuss that and consider having the same threshold for both. Mr. Bryant said there is general language in the UNPTIF that echoes the State Quality Jobs Act threshold; however, Council can set a higher threshold. Councilmember Jungman asked the amount of the State threshold and Mr. Anthony Francisco, Finance Director, said he believed it was an average wage of $35,000. Councilmember Jungman said a family of four with an average income of less than $49,000 can qualify for low income housing assistance through Housing and Urban Development (HUD) and he is concerned that Council not incentivize jobs that are eligible for federal housing benefits. Mayor Rosenthal agreed this is an important consideration and more information is needed.

Councilmember Ezzell said tonight's discussion is whether or not to move forward with the ordinance creating EDAB. Mayor Rosenthal said she thought BACA had desired to have goals and thresholds articulated in the ordinance. She felt there is no urgency to move forward with the ordinance at this time without those.

Item 2, continued:

Councilmember Kovach asked how long Staff needed for research and Mr. Steve Lewis, City Manager, said Staff could have information to present to Council in August. He said it could take two or three meetings to work through a comprehensive policy. Councilmember Ezzell asked if that meant the information would be ready for BACA for their scheduled meeting of August 1st or at Council Conference or Study Session. Mr. Lewis said it would be Council's purview as to which meeting they would want the information presented. Councilmember Kovach suggested the topic continue to be discussed by BACA with recommendations to Council and Councilmembers concurred.

Items submitted for the record

1. Memorandum dated July 5, 2012, from Ms. Kathryn Walker, Assistant City Attorney, through Mr. Jeff Bryant, City Attorney, to Honorable Mayor and Council Members
2. Draft Ordinance amending Article I, Sections 4-101 and 4-105; and adding Article XXII, Sections 4-2201 through 4-2204 of Chapter 4 of the Code of the City of Norman to Provide for the Creation of the Economic Development Advisory Board
3. PowerPoint presentation entitled, "Economic Development Advisory Board," Council Conference, July 10, 2012

The meeting adjourned at 6:15 p.m.

ATTEST:

City Clerk

Mayor

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

July 10, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 10th day of July, 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, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| ABSENT: | None |

The Pledge of Allegiance was led by Mayor Rosenthal.

* * * * *

Item 3, being:

VOLUNTEER RECOGNITION RECEPTION MINUTES OF JULY 3, 2012
CITY COUNCIL MINUTES OF JULY 3, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF JULY 3, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF JULY 3, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JULY 3, 2012

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

Items submitted for the record
1. Text File No. GID-1213-3 dated June 29, 2012, by Brenda Hall, City Clerk
2. Volunteer Recognition Reception minutes of July 3, 2012
3. City Council minutes of July 3, 2012
4. Norman Utilities Authority minutes of July 3, 2012
5. Norman Municipal Authority minutes of July 3, 2012
6. Norman Tax Increment Finance Authority minutes of July 3, 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, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

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

* * * *

Item 4, being:

PROCLAMATION NO. P-1213-1: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING THE MONTH OF JULY, 2012, AS WATER'S WORTH IT™ MONTH IN THE CITY OF NORMAN.

Councilmember Kovach moved that receipt of Proclamation No. P-1213-1 proclaiming the month of July, 2012, as WATER'S WORTH IT™ Month in the City of Norman be acknowledged and the filing thereof be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. P-1213-1 dated June 29, 2012, by Debra Smith, Environmental Services Coordinator
2. Proclamation No. P-1213-1

Item 4, continued:

Participants in discussion

1. Ms. Amanda Nairn, Chair, Environmental Control Advisory Board, accepted the proclamation and thanked the Council

and the question being upon acknowledging receipt of Proclamation No. P-1213-1 proclaiming the month of July, 2012, as WATER'S WORTH IT™ Month in the City of Norman and upon the subsequent directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and receipt of Proclamation No. P-1213-1 proclaiming the month of July, 2012, as WATER'S WORTH IT™ Month in the City of Norman acknowledged; and the filing thereof was directed.

* * * * *

Item 5, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 6 through Item 52 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 6 through Item 52, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Item 6 through Item 52 were placed on the consent docket by unanimous vote.

* * * * *

Councilmember Jungman asked that he be allowed to abstain from voting on Item 13 and Item 30 through Item 51 due to a conflict of interest. Thereupon, Councilmember Kovach moved that Councilmember Jungman be allowed to abstain from voting on Item 13 and Item 30 through Item 51 due to a conflict of interest, which motion was duly seconded by Councilmember Griffith; and the question being upon allowing Councilmember Jungman to abstain from voting on Item 13 and Item 30 through Item 51 due to a conflict of interest, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Councilmember Jungman was allowed to abstain from voting on Item 13 and Item 30 through Item 51 due to a conflict of interest.

* * * * *

Item 6, being:

CONSIDERATION OF ORDINANCE NO. O-1112-37 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 SOUTHWEST QUARTER OF SECTION 16, 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 RE, RESIDENTIAL ESTATES DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE)

Councilmember Kovach moved that Ordinance No. O-1112-37 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-1112-37 dated April 17, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1112-37
3. Location map
4. Cobblestone Creek PUD Narrative submitted April 9, 2012 and revised May 3 and May 14, 2012, by Tim Shannon, Owner/Operator of CCDG, L.L.C.
5. Preliminary plat
6. Preliminary site development plan
7. Staff Report dated June 14, 2012, recommending approval
8. Protest area map
9. Letter of protest filed June 8, 2012, from Thomas and Janice Merker to the City of Norman, City Clerk
10. Letter of support filed April 25, 2012, from Stephen Rogers to Norman Planning Commission
11. Pertinent excerpts from Planning Commission meeting of June 14, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-37 upon First Reading by title, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Ordinance No. O-1112-37 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 7, being:

CONSIDERATION OF ORDINANCE NO. O-1112-41 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO GRANT SPECIAL USE FOR A SCHOOL ON PROPERTY CURRENTLY ZONED I-1, LIGHT INDUSTRIAL DISTRICT, AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 BROCE DRIVE)

Councilmember Kovach moved that Ordinance No. O-1112-41 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-1112-41 dated May 15, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1112-41
3. Location map
4. Staff Report dated June 14, 2012, recommending approval
5. Site development plan
6. Community Christian School layout plan
7. City of Norman Predevelopment Summary Case No. PD 12-10 dated April 26, 2012, for Community Christian School for property located on the south side of Broce Drive just east of North Interstate Drive
8. Protest area map
9. Letter of protest filed May 29, 2012, from Gail Armstrong, President, CAA Development Corporation, to City of Norman, City Clerk
10. Pertinent excerpts from Planning Commission minutes of June 14, 2012

Item 7, continued:

and the question being upon the Introduction and adoption of Ordinance No. O-1112-41 upon First Reading by title, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Ordinance No. O-1112-41 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 8, being:

CONSIDERATION OF ORDINANCE NO. O-1112-42 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE A-2, RURAL AGRICULTURAL DISTRICT, AND REMOVE THE SAME FROM THE A-1, GENERAL AGRICULTURAL DISTRICT, OF SAID CITY; AND TO GRANT SPECIAL USE FOR A RIDING ACADEMY AND PUBLIC STABLE ON AID PROPERTY TO BE ZONED A-2, RURAL AGRICULTURAL DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (8809 ALAMEDA DRIVE)

Councilmember Kovach moved that Ordinance No. O-1112-42 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-1112-42 dated May 15, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1112-42
3. Location map
4. Staff Report dated June 14, 2012, recommending approval
5. Site plan
6. City of Norman Predevelopment Summary Case No. PD 12-05 dated March 22, 2012, for Jennifer Ladd for property located at 8809 Alameda Drive
7. Protest area map
8. Letter dated June 11, 2012, from Stephen and JoAnita Weichbrodt to Norman Planning Commission Secretary
9. Letter dated May 24, 2012, from Jeff Tompkins, Supervisor, Land Resources Group, United States Department of Interior Bureau of Reclamation, to Mr. Andy Sherrer, Chairman, Norman Planning Commission
10. Pertinent excerpts from Planning Commission minutes of June 14, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-42 upon First Reading by title, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Ordinance No. O-1112-42 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 9, being:

CONSIDERATION OF ORDINANCE NO. O-1112-43 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD)

Councilmember Kovach moved that Ordinance No. O-1112-43 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-1112-43 dated May 15, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1112-43
3. Location map
4. Staff Report dated June 14, 2012, recommending approval
5. Brookhaven PUD Addition Design Statement and PUD Report dated May 14, 2012, and revised May 29, 2012, prepared by Clour Planning & Engineering Services
6. Preliminary Site Development Plan
7. Pertinent excerpts from Planning Commission minutes of June 14, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1112-43 upon First Reading by title, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Ordinance No. O-1112-43 was Introduced, read, and adopted upon First Reading by title.

* * * * *

Item 10, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

BICYCLE ADVISORY COMMITTEE
TERM: 07-10-12 TO 02-13-13: MICHELLE CARR, 1319 ANN ARBOR DRIVE

ENVIRONMENTAL CONTROL ADVISORY BOARD
TERM: 07-10-12 TO 10-27-12: ODETTE HORTON, 318 COLLEGE AVENUE

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

Items submitted for the record

1. Text File No. AP-1213-7 dated July 2, 2012, by Brenda Hall, City Clerk

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

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

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

* * * * *

Item 11, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS TO THE STRATEGIC WATER SUPPLY CITIZENS COMMITTEE AS FOLLOWS:

BOB THOMPSON, WARD ONE
MATTHEW LEAL, WARD TWO

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

Items submitted for the record
1. Text File No. AP-1213-6 dated July 2, 2012, by Brenda Hall, City Clerk

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

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

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

* * * * *

Item 12, being:

SUBMISSION OF THE NORMAN REGIONAL HEALTH SYSTEM 2013 BUDGET.

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

Items submitted for the record
1. Text File No. RPT-1213-1 dated May 31, 2012, by Brenda Hall, City Clerk
2. Norman Regional Hospital Health System FYE 2013 Budget Presentation

Participants in discussion
1. Mr. David Whitaker, Chief Executive Officer, Norman Regional Hospital
2. Mr. Ken Hopkins, Chief Financial Officer, Norman Regional Hospital

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

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

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

* * * * *

Item 13, being:

CONSIDERATION OF A REQUEST FROM THE NORMAN HOUSING AUTHORITY TO WAIVE THE FEE IN THE AMOUNT OF $9,810.39 IN LIEU OF TAXES PAYMENT FOR 2011.

Councilmember Kovach moved that the request from the Norman Housing Authority to waive the fee in the amount of $9,810.39 in lieu of taxes payment for 2011 be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. GID-1213-2 dated May 12, 2012, by Brenda Hall, City Clerk
2. Letter of request dated January 20, 2012, from Karen Canavan, Executive Director, Norman Housing Authority, to Mayor Cindy S. Rosenthal
3. Computation of Payments in Lieu of Taxes for Fiscal Year Ended June 30, 2011, for the Norman Housing Authority prepared by the United States Department of Housing and Urban Development Office of Public and Indian Housing

Item 13, continued:

and the question being upon approving the request from the Norman Housing Authority to waive the fee in the amount of $9,810.39 in lieu of taxes payment for 2011, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and the request from the Norman Housing Authority to waive the in the amount of $9,810.39 fee in lieu of taxes payment for 2011 was approved.

* * * * *

Item 14, being:

EASEMENT NO. E-1213-1: A PERMANENT DRAINAGE EASEMENT DONATED BY IDEAL HOMES OF NORMAN, L.P., TO ALLOW ACCESS AND MAINTAIN A DRAINAGE CONCRETE FLUME IN CONNECTION WITH RED CANYON RANCH ADDITION, SECTION 2. (GENERALLY LOCATED AT THE NORTHWEST CORNER OF TECUMSEH ROAD AND 12TH AVENUE N.E.)

Councilmember Kovach moved that Easement No. E-1213-1 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-1 dated June 28, 2012, by Ken Danner, Subdivision Manager
2. Easement No. E-1213-1
3. Legal Description
4. Location map
5. Final Plat

and the question being upon accepting Easement No. E-1213-1 and upon the subsequent directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Easement No. E-1213-1 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 15, being:

EASEMENT NO. E-1213-2: A PERMANENT DRAINAGE EASEMENT DONATED BY SWEETGRASS COMMUNITIES, L.L.C., TO ALLOW ACCESS AND MAINTAIN A DRAINAGE CONCRETE FLUME IN CONNECTION WITH RED CANYON RANCH ADDITION, SECTION 2. (GENERALLY LOCATED AT THE NORTHWEST CORNER OF TECUMSEH ROAD AND 12TH AVENUE N.E.)

Councilmember Kovach moved that Easement No. E-1213-2 be accepted and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. E-1213-2 dated June 28, 2012, by Ken Danner, Subdivision Manager
2. Easement No. E-1213-2
3. Legal Description
4. Location map
5. Final Plat

Item 15, continued:

and the question being upon accepting Easement No. E-1213-2 and upon the subsequent directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Easement No. E-1213-2 accepted; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 16, being:

CONSIDERATION OF A FINAL PLAT FOR MISSION NORMAN ADDITION AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (2525 EAST LINDSEY STREET)

Councilmember Kovach moved that the final plat for Mission Norman Addition be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. FP-1011-5 dated August 10, 2010, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated September 9, 2010, recommending approval
5. Final site plan
6. Preliminary plat
7. Pertinent excerpts from Planning Commission minutes of September 9, 2010

and the question being upon approving the final plat for Mission Norman Addition and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and the final plat for Mission Norman Addition approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final plat was directed.

* * * * *

Item 17, being:

CONSIDERATION OF A FINAL PLAT FOR SOUTH LAKE ADDITION, SECTION 12, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE EAST SIDE OF CLASSEN BOULEVARD/U.S. HIGHWAY 77 SOUTH OF RENAISSANCE DRIVE)

Councilmember Kovach moved that the final plat for South Lake Addition, Section 12, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of traffic impact fees in the amount of $107,191.73; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Griffith;

Item 17, continued:

Items submitted for the record

1. Text File No. FP-1112-1 dated June 21, 2011, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated July 14, 2011, recommending approval
5. Site plan
6. Preliminary plat
7. Pertinent excerpts from Planning Commission minutes of July 14, 2011

and the question being upon approving the final plat for South Lake Addition, Section 12, and upon the subsequent acceptance, authorization, receipt, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and the final plat for South Lake Addition, Section 12, approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements and receipt of traffic impact fees in the amount of $107,191.73, and the filing of the final plat was directed.

* * * * *

Item 18, being:

CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR THE TECUMSEH PROJECT ADDITION, A PLANNED UNIT DEVELOPMENT, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ONE-HALF MILE WEST OF 36TH AVENUE N.W. ON THE SOUTH SIDE OF TECUMSEH ROAD).

Councilmember Kovach moved that the final site development plan and final plat for Tecumseh Project Addition, a Planned Unit Development, be approved; the public dedications contained within the plat be accepted; the Mayor be authorized to sign the final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements; and the filing of the final site development plan and final plat be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. FP-1112-18 dated March 20, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated April 12, 2012, recommending approval
5. Final site development plan
6. Preliminary plat
7. Pertinent excerpts from Planning Commission minutes of April 12, 2012

and the question being upon approving the final plat for Tecumseh Project Addition and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and the final plat for Tecumseh Project Addition approved; the public dedications contained within the plat were accepted, the Mayor was authorized to sign the final site development plan and final plat and subdivision and maintenance bonds subject to the City Development Committee's acceptance of all required public improvements, and the filing of the final site development plan and final plat was directed.

* * * * *

Item 19, being:

CONSIDERATION OF CONSENT TO ENCROACHMENT NO. EN-1112-10 FOR LOT 20, BLOCK 1, CASTLEROCK ADDITION, SECTION 3. (4132 NICOLE PLACE)

Councilmember Kovach moved that Consent to Encroachment No. EN-1112-10 be approved and the filing thereof with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. EN-1112-10 dated June 29, 2012, by Leah Messner, Assistant City Attorney
2. Consent to Encroachment No. EN-1112-10
3. Memorandum dated May 15, 2012, from Brenda Hall, City Clerk, to Jeff Bryant, City Attorney; Jane Hudson, Current Planning Manager; Ken Danner, Subdivision Manager; and Ken Komiske, Director of Utilities
4. Letter of request dated May 11, 2012, to City of Norman City Clerk's Office
5. Mortgage Inspection Certificate/Survey
6. Release of Right-of-Way Agreement filed with the Cleveland County Clerk on September 3, 2004, Book 3885, pages 1180-1182, with Exhibit "A," legal description
7. Memorandum dated May 21, 2012, from Jane Hudson, Principal Planner, to Leah Messner, Assistant City Attorney
8. Memorandum dated May 31, 2012, from Jim Speck, Capital Projects Engineer, to Brenda Hall, City Clerk
9. Memorandum dated June 14, 2012, from Ken Danner, Development Coordinator, to Leah Messner, Assistant City Attorney
10. Letter dated May 23, 2012, from Timothy J. Bailey, Right-of-Way Agent, OG&E, to Ken Danner, Development Coordinator
11. E-mail dated May 22, 2012, from Terri L. Hayes, AT&T, to Drew Norlin, Subdivision Development Coordinator
12. E-mail dated May 31, 2012, from Thad Peterson, Oklahoma Electric Cooperative, to Ken Danner
13. Letter dated June 4, 2012, from Randy Harrell, Team Leader, Oklahoma Natural Gas, to Mr. Craig Parrott, 4132 Nicole Place

and the question being upon approving Consent to Encroachment No. EN-1112-10 and upon the subsequent directive, a vote was taken with the following result:

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

The Mayor declared the motion carried and Consent to Encroachment No. EN-1112-10 approved; and the filing thereof with the Cleveland County Clerk was directed.

* * * * *

Item 20, being:

AMENDMENT NO. TWO TO CONTRACT NO. K-0910-53: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER, L.L.C., INCREASING THE CONTRACT AMOUNT BY $72,700 TO PROVIDE ADDITIONAL ENGINEERING DESIGN SERVICES FOR THE WATER RECLAMATION FACILITY ENERGY AND SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) IMPROVEMENTS PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Amendment No. Two to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by $72,700 be approved; the execution thereof be authorized, and $72,700 be appropriated from the Wastewater Fund Balance, (032-0000-253.00-00) to Project No. WW0052, SCADA, Design (032-9911-432.62-01), which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. K-0910-53, Amendment No. Two, dated June 25, 2012, from Charlie Thomas, Utilities Engineer
2. Amendment No. Two to Contract No. K-0910-53
3. Purchase Order No. 178731 dated October 2, 2009, in the amount of $364,000 adding Change Order No. One in the amount of $49,700 and Change Order No. Two in the amount of $72,700 for a total contract amount of $486,400 to Garver Engineers, L.L.C.

Item 20, continued:

and the question being upon approving Amendment No. Two to Contract No. K-0910-53 with Garver, L.L.C. increasing the contract amount by $72,700 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

The Chairman declared the motion carried and Amendment No. Two to Contract No. K-0910-53 with Garver, L.L.C., increasing the contract amount by $72,700 approved; the execution thereof was authorized and $72,700 was appropriated from the Wastewater Fund Balance, (032-0000-253.00-00) to Project No. WW0052, SCADA, Design (032-9911-432.62-01).

* * * * *

Item 21, being:

CHANGE ORDER NO. THREE TO CONTRACT NO. K-1011-2: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND URBAN CONTRACTORS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $44,784.50 FOR THE FYE 2010 SEWER MAINTENANCE PROJECT AND FINAL ACCEPTANCE OF THE PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Change Order No. Three to Contract No. K-1011-2 with Urban Contractors, L.L.C., increasing the contract amount by $44,784.50 be approved; the execution thereof be authorized; the project be accepted; and final payment in the amount of $52,707.96 to Urban Contractors, L.L.C., be directed, which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. K-1011-2, Change Order No. Three, dated June 25, 2012, from Charlie Thomas, Utilities Engineer
2. Change Order No. Three to Contract No. K-1011-2
3. Purchase Order No. 190050 dated August 5, 2010, in the amount of $1,570,100 adding Change Order No. One in the amount of $69,250, Change Order No. Two in the amount of $63,150, and Change Order No. Three in the amount of $44,784.50 for a total contract amount of $1,747,284.50; and subtracting partial payments totaling $1,694,576.54, leaving a final balance of $52,707.96

and the question being upon approving Change Order No. Three to Contract No. K-1011-2 with Urban Contractors L.L.C., increasing the contract amount by $44,784.50 and upon the subsequent authorization, acceptance, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Trustees Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal |
| NAYES: | None |

The Chairman declared the motion carried and Change Order No. Three to Contract No. K-1011-2 with Urban Contractors, L.L.C., increasing the contract amount by $44,784.50 approved; the execution thereof was authorized, the project accepted, and final payment in the amount of $52,707.96 to Urban Contractors, L.L.C. was directed.

* * * * *

Item 22, being:

CONTRACT NO. K-1213-4: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICES, AND WILDLIFE SERVICES IN THE AMOUNT OF $12,500 FOR THE CONTROL OF AQUATIC RODENTS.

Councilmember Kovach moved that Contract No. K-1213-4 with the United States Department of Agriculture, Animal and Plant Health Inspection Services, and Wildlife Services in the amount of $12,500 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-4 dated May 25, 2012, by Greg Hall, Streets Superintendent
2. Contract No. K-1213-4
3. Purchase Requisition No. 0000203804 dated July 2, 2012, in the amount of $12,500 to the United States Department of Agriculture, Animal and Plant Health Inspection Services, and Wildlife Services

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

and the question being upon approving Contract No. K-1213-4 with the United States Department of Agriculture, Animal and Plant Health Inspection Services, and Wildlife Services and upon the subsequent authorization, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Contract No. K-1012-4 with the United States Department of Agriculture, Animal and Plant Health Inspection Services, and Wildlife Services in the amount of $12,500 approved; and the execution thereof was authorized.

* * * * *

Item 23, being:

CONTRACT NO. K-1213-5: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND INFRASTRUCTURE MANAGEMENT SERVICES, INC., (IMS) IN AN AMOUNT NOT-TO-EXCEED $39,934 TO DEVELOP A PAVEMENT MANAGEMENT PROGRAM FOR THE CITY OF NORMAN THROUGH JUNE 30, 2013.

Councilmember Kovach moved that Contract No. K-1213-5 with IMS in an amount not-to-exceed $39,934 be approved and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-5 dated June 5, 2012, by Greg Hall, Streets Superintendent
2. Contract No. K-1213-5 with Appendix A, Project Outline
3. Purchase Requisition No. 0000203806 dated July 2, 2012, in the amount of $39,934 to IMS

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

and the question being upon approving Contract No. K-1213-5 with IMS in an amount not-to-exceed $39,934 and upon the subsequent authorization, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Contract No. K-1012-5 with IMS in an amount not-to-exceed $39,934 approved; and the execution thereof was authorized.

* * * * *

Item 24, being:

CONTRACT NO. K-1213-6: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (ACOG) TO PROVIDE FUNDING IN THE AMOUNT OF $10,000 AS A PART OF THE UNIFIED PLANNING WORKS PROGRAM (UPWP) FOR THE COLLECTION OF TRAFFIC DATA AND THE PREPARATION OF TRAVEL TIME/DELAY STUDIES AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-6 with ACOG to provide funding in the amount of $10,000 as part of the UPWP Program be approved; the execution thereof be authorized; and upon reimbursement of the funds Special Revenue Fund Balance (022-0000-253.20-00) be increased by $10,000 and $10,000 be appropriated to Maintenance Supplies/Traffic Signal Parts (022-5023-429.32-12), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-6 dated June 26, 2012, by Angelo Lombardo, Traffic Engineer
2. Contract No. K-1213-6 with Exhibit A, Federal-Aid Eligibility Certification; Exhibit B, Addendum to Form FHWA-1273, Required Contract Provisions; Exhibit C, Nondiscrimination of Employees; Exhibit D, Oklahoma Department of Transportation Disadvantaged Business/Women's Business Enterprise Policy Statement; and Exhibit E, Certification for Federal-Aid Contracts

and the question being upon approving Contract No. K-1213-6 with ACOG in the amount of $10,000 and upon the subsequent authorization, increase and appropriation, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Contract No. K-1012-6 with ACOG to provide funding in the amount of $10,000 as part of the UPWP Program approved; the execution thereof authorized; and upon reimbursement of the funds Special Revenue Fund Balance (022-0000-253.20-00) was increased by $10,000 and $10,000 was appropriated to Maintenance Supplies/Traffic Signal Parts (022-5023-429.32-12) approved; and the execution thereof was authorized.

* * * * *

Item 25, being:

CONSIDERATION OF A REQUEST FOR FUNDING FROM THE CENTER FOR CHILDREN AND FAMILIES, INC., AND APPROVAL OF CONTRACT NO. K-1213-28 IN THE AMOUNT OF $90,000.

Councilmember Kovach moved that Contract No. K-1213-28 with the Center for Children and Families, Inc., in the amount of $90,000 be approved, and the execution thereof be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1213-28 dated June 12, 2012, by Leah Messner, Assistant City Attorney
2. Letter of request dated June 7, 2012, from Katie Fitzgerald, MSW, Executive Director, Center for Children and Families, Inc.
3. Contract No. K-1213-28
4. Purchase Requisition No. 0000203809 dated July 2, 2012, in the amount of $90,000 to the Center for Children and Families, Inc.
5. Finance Committee minutes of March 14, 2012

and the question being upon approving Contract No. K-1213-28 with the Center for Children and Families, Inc., in the amount of $90,000 and upon the subsequent authorization, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Contract No. K-1213-28 with the Center for Children and Families, Inc., in the amount of $90,000 approved; the execution thereof was authorized.

* * * * *

Item 26, being:

CONTRACT NO. K-1213-30: A MAINTENANCE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION FOR FEDERAL-AID PROJECT NO. SEC1702Y-114A(191)HP, JOB NO. 09034(05) FOR THE INSTALLATION OF HIGHWAY LIGHTING ALONG I-35 FROM INDIAN HILLS ROAD SOUTH TO MAIN STREET AND ADOPTION OF RESOLUTION NO. R-1213-13.

Councilmember Kovach moved that Contract No. K-1213-30 with ODOT be approved, Resolution No. R-1213-13 be adopted, and the execution of the contract and resolution be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-30 dated June 26, 2012
2. Contract No. K-1213-30
3. Resolution No. R-1213-13
4. Roadway Lighting Phasing map

and the question being upon approving Contract No. K-1213-30 with ODOT and upon the subsequent adoption and authorization, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Contract No. K-1213-30 with ODOT approved; Resolution No. R-1213-13 was adopted and the execution of the contract and resolution was authorized.

* * * * *

Item 27, being:

CONTRACT NO. K-1213-33: A CONTRACT BY AND BETWEEN THE UNIVERSITY OF OKLAHOMA (OU)/CART IN THE AMOUNT OF $460,500 FOR TRANSPORTATION SERVICES THROUGH JUNE 30, 2013.

Councilmember Kovach moved that Contract No. K-1213-33 with OU/CART be approved, the execution of the contact be authorized, and payment in the amount of $460,500 to OU/CART be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-33 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-33 with Addendum A, Bus Stops, Benches & Shelters by Route

and the question being upon approving Contract No. K-1213-33 with OU/CART and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Contract No. K-1213-33 with OU/CART approved; the execution of the contract was authorized and payment in the amount of $460,500 was directed.

* * * * *

Item 28, being:

CONTRACT NO. K-1213-35: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MCCLAIN BANK TO SUBORDINATE A LIEN REGARDING FUNDS FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM FOR PROPERTY LOCATED AT 1213 ERIE AVENUE.

Councilmember Kovach moved that Contract No. K-1213-35 with State Farm Bank be approved, the execution of the contract be authorized, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-35 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-35

and the question being upon approving Contract No. K-1213-35 with State Farm Bank and upon the subsequent authorization, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Contract No. K-1213-33 with State Farm Bank approved and the execution of the contract was authorized.

* * * * *

Item 29, being:

CONTRACT NO. K-1213-36: A CONTRACT BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY, THE OKLAHOMA WATER RESOURCES BOARD AND THE UNITED STATES GEOLOGICAL SURVEY IN THE AMOUNT OF $5,600 FOR THE MUSTANG ROAD AND INTERSTATE 35 (I-35) GAUGING STATIONS ALONG THE SOUTH CANADIAN RIVER THROUGH JUNE 30, 2013.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Contract No. K-1213-36 with the Oklahoma Water Resources Board and the United States Geological Survey in the amount of $5,600 through June 30, 2013, be approved and the execution thereof be authorized, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. K-1213-36 dated June 27, 2012, from Mark Daniels, Utilities Engineer
2. Contract No. K-1213-36

Participants in discussion
1. Mr. Bobby Stevens, Post Office Box 6226, asked questions
2. Mr. Ken Komiske, Director of Utilities

and the question being upon approving Contract No. K-1213-36 with Oklahoma Water Resources Board and the United States Geological Survey in the amount of $5,600 through June 30, 2012, and upon the subsequent authorization, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Trustees Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal |
| NAYES: | None |

The Chairman declared the motion carried and Contract No. K-1213-36 with the Oklahoma Water Resources Board and the United States Geological Survey in the amount of $5,600 through June 30, 2012, approved; and the execution thereof was authorized.

* * * * *

Item 30, being:

CONTRACT NO. K-1213-7: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE METROPOLITAN FAIR HOUSING COUNCIL, INC., IN THE AMOUNT OF $20,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND THE HOME PARTNERSHIP PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-7 with the Metropolitan Fair Housing Council, Inc., be approved, execution of the contract be authorized, and payment in the amount of $20,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-7 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-7
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203885 dated July 3, 2012, in the amount of $20,000 to Metropolitan Fair Housing, Inc.

and the question being upon approving Contract No. K-1213-7 with Metropolitan Fair Housing, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-7 with Metropolitan Fair Housing, Inc., approved; execution of the contract was authorized and payment in the amount of $20,000 was directed.

* * * * *

Item 31, being:

CONTRACT NO. K-1213-8: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COMMUNITY AFTER SCHOOL PROGRAM, INC., IN THE AMOUNT OF $8,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-8 with Community After School Program, Inc., be approved, execution of the contract be authorized, and payment in the amount of $8,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-8 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-8
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203859 dated July 3, 2012, in the amount of $8,000 to Community After School Program, Inc.

and the question being upon approving Contract No. K-1213-8 with Community After School Program, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-8 with Community After School Program, Inc., approved; execution of the contract was authorized and payment in the amount of $8,000 was directed.

* * * * *

Item 32, being:

CONTRACT NO. K-1213-9: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC., FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) IN THE AMOUNT OF $400 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM

Councilmember Kovach moved that Contract No. K-1213-9 with Central Oklahoma Community Action Agency, Inc., for the RSVP Program be approved, execution of the contract be authorized, and payment in the amount of $400 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-9 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-9
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203860 dated July 3, 2012, in the amount of $400 to Central Oklahoma Community Action Agency, Inc.

and the question being upon approving Contract No. K-1213-9 with Central Oklahoma Community Action Agency, Inc., for the RSVP Program and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-9 with Central Oklahoma Community Action Agency, Inc., for the RSVP Program approved; execution of the contract was authorized and payment in the amount of $400 was directed.

* * * * *

Item 33, being:

CONTRACT NO. K-1213-10: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC., FOR THE NORMAN TRANSITIONAL HOUSING PROGRAM IN THE AMOUNT OF $20,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-10 with Central Oklahoma Community Action Agency, Inc., be approved, execution of the contract be authorized, and payment in the amount of $20,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-10 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-10
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203860 dated July 3, 2012, in the amount of $20,000 to Central Oklahoma Community Action Agency, Inc.

and the question being upon approving Contract No. K-1213-10 with Central Oklahoma Community Action Agency, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-10 with Central Oklahoma Community Action Agency, Inc., approved; execution of the contract was authorized and payment in the amount of $20,000 was directed.

* * * * *

Item 34, being:

CONTRACT NO. K-1213-11: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND CENTRAL OKLAHOMA COMMUNITY ACTION AGENCY, INC., FOR THE FOOD CLOSET IN THE AMOUNT OF $10,620 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-10.

Councilmember Kovach moved that Contract No. K-1213-11 with Central Oklahoma Community Action Agency, Inc., for the Food Closet in the amount of $10,620 be approved, execution of the contract be authorized, Resolution No. R-1213-10 be adopted, and payment in the amount of $10,620 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-11 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-11
3. Resolution No. R-1213-10
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203860 dated July 3, 2012, in the amount of $10,620 to Central Oklahoma community Action Agency, Inc.

and the question being upon approving Contract No. K-1213-11 with Central Oklahoma Community Action Agency, Inc., for the Food Closet in the amount of $10,620, and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-11 with Central Oklahoma Community Action Agency, Inc., for the Food Close in the amount of $10,620 approved; execution of the contract was authorized, Resolution No. R-1213-10 was adopted, and payment in the amount of $10,620 was directed.

* * * * *

Item 35, being:

CONTRACT NO. K-1213-12: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND HEALTH FOR FRIENDS, INC., IN THE AMOUNT OF $14,500 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-11.

Councilmember Kovach moved that Contract No. K-1213-12 with Health for Friends, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-11 be adopted, and payment in the amount of $14,500 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-12 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-12
3. Resolution No. R-1213-11
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203861 dated July 3, 2012, in the amount of $14,500 to Health for Friends, Inc.

and the question being upon approving Contract No. K-1213-12 with Health for Friends, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-12 with Health for Friends, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-11 was adopted, and payment in the amount of $14,500 was directed.

* * * * *

Item 36, being:

CONTRACT NO. K-1213-13: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND PROGRESSIVE INDEPENDENCE, INC., IN THE AMOUNT OF $4,100 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-12.

Councilmember Kovach moved that Contract No. K-1213-13 with Progressive Independence, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-12 be adopted, and payment in the amount of $4,100 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-13 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-13
3. Resolution No. R-1213-12
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203862 dated July 3, 2012, in the amount of $4,100 to Progressive Independence, Inc.

and the question being upon approving Contract No. K-1213-13 with Progressive Independence, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-13 with Progressive Independence, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-12 was adopted, and payment in the amount of $4,100 was directed.

* * * * *

Item 37, being:

CONTRACT NO. K-1213-14: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FOOD AND SHELTER FOR FRIENDS, INC., IN THE AMOUNT OF $10,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-14 with Food and Shelter for Friends, Inc., be approved, execution of the contract be authorized, and payment in the amount of $10,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-14 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-14
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203864 dated July 3, 2012, in the amount of $10,000 to Food and Shelter for Friends, Inc.

and the question being upon approving Contract No. K-1213-14 with Food and Shelter for Friends, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-14 with Food and Shelter for Friends, Inc., approved; execution of the contract was authorized and payment in the amount of $10,000 was directed.

* * * * *

Item 38, being:

CONTRACT NO. K-1213-15: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND UNIVERSITY OF OKLAHOMA (OU)/CART IN THE AMOUNT OF $25,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-15 with OU/CART be approved, execution of the contract be authorized, and payment in the amount of $25,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-15 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-15
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203865 dated July 3, 2012, in the amount of $25,000 to OU/CART

and the question being upon approving Contract No. K-1213-15 with OU/CART and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-15 with OU/CART approved; execution of the contract was authorized and payment in the amount of $25,000 was directed.

* * * * *

Item 39, being:

CONTRACT NO. K-1213-16: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND AGING SERVICES OF CLEVELAND COUNTY, INC., IN THE AMOUNT OF $4,800 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-16 with Aging Services of Cleveland County, Inc., be approved, execution of the contract be authorized, and payment in the amount of $4,800 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-16 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-16
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203866 dated July 3, 2012, in the amount of $4,800 to Aging Services of Cleveland County, Inc.

and the question being upon approving Contract No. K-1213-16 with Aging Services of Cleveland County, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-16 with Aging Services of Cleveland County, Inc., approved; execution of the contract was authorized and payment in the amount of $4,800 was directed.

* * * * *

Item 40 being:

CONTRACT NO. K-1213-17: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FULL CIRCLE SENIOR ADULT DAY CENTER, INC., IN THE AMOUNT OF $1,850 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-19.

Councilmember Kovach moved that Contract No. K-1213-17 with Full Circle Senior Adult Day Center, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-19 be adopted, and payment in the amount of $1,850 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-17 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-17
3. Resolution No. R-1213-19
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203867 dated July 3, 2012, in the amount of $1,850 to Full Circle Senior Adult Day Center, Inc.

and the question being upon approving Contract No. K-1213-17 with Full Circle Senior Adult Day Center, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-17 with Full Circle Senior Adult Day Center, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-19 was adopted, and payment in the amount of $1,850 was directed.

* * * * *

Item 41, being:

CONTRACT NO. K-1213-18: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND COMMUNITY SERVICES BUILDING, INC., IN THE AMOUNT OF $24,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-14.

Councilmember Kovach moved that Contract No. K-1213-18 with Community Services Building, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-14 be adopted, and payment in the amount of $24,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-18 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-18
3. Resolution No. R-1213-14
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203868 dated July 3, 2012, in the amount of $24,000 to Community Services Building, Inc.

and the question being upon approving Contract No. K-1213-18 with Community Services Building, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-18 with Community Services Building, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-14 was adopted, and payment in the amount of $24,000 was directed.

* * * * *

Item 42, being:

CONTRACT NO. K-1213-19: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BETHESDA, INC., IN THE AMOUNT OF $1,900 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-15.

Councilmember Kovach moved that Contract No. K-1213-19 with Bethesda, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-15 be adopted, and payment in the amount of $1,900 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-19 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-19
3. Resolution No. R-1213-15
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203869 dated July 3, 2012, in the amount of $1,900 to Bethesda, Inc.

and the question being upon approving Contract No. K-1213-19 with Bethesda, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-19 with Bethesda, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-15 was adopted, and payment in the amount of $1,900 was directed.

* * * * *

Item 43, being:

CONTRACT NO. K-1213-20: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MEALS ON WHEELS OF NORMAN, INC., IN THE AMOUNT OF $12,500 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-20 with Meals on Wheels of Norman, Inc., be approved, execution of the contract be authorized, and payment in the amount of $12,500 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-20 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-20
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203871 dated July 3, 2012, in the amount of $12,500 to Meals on Wheels of Norman, Inc.

and the question being upon approving Contract No. K-1213-20 with Meals on Wheels of Norman, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-20 with Meals on Wheels of Norman, Inc., approved; execution of the contract was authorized and payment in the amount of $12,500 was directed.

* * * * *

Item 44, being:

CONTRACT NO. K-1213-21: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THUNDERBIRD CLUBHOUSE BOARD, INC., IN THE AMOUNT OF $1,675 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-21 with Thunderbird Clubhouse Board, Inc., be approved, execution of the contract be authorized, and payment in the amount of $1,675 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-21 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-21
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203872 dated July 3, 2012, in the amount of $1,675 to Thunderbird Clubhouse Board, Inc.

and the question being upon approving Contract No. K-1213-21 with Thunderbird Clubhouse Board, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-21 with Thunderbird Clubhouse Board, Inc., approved; execution of the contract was authorized and payment in the amount of $1,675 was directed.

* * * * *

Item 45, being:

CONTRACT NO. K-1213-22: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE UNITED WAY OF NORMAN IN THE AMOUNT OF $5,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-16.

Councilmember Kovach moved that Contract No. K-1213-22 with United Way of Norman, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-16 be adopted, and payment in the amount of $5,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-22 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-22
3. Resolution No. R-1213-16
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203873 dated July 3, 2012, in the amount of $5,000 to United Way of Norman, Inc.

and the question being upon approving Contract No. K-1213-22 with United Way of Norman, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-22 with United Way of Norman, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-16 was adopted, and payment in the amount of $5,000 was directed.

* * * * *

Item 46, being:

CONTRACT NO. K-1213-23: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE AMONG FRIENDS ACTIVITY CENTER, INC., IN THE AMOUNT OF $2,600 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-23 with Among Friends Activity Center, Inc., be approved, execution of the contract be authorized, and payment in the amount of $2,600 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-23 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-23
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203875 dated July 3, 2012, in the amount of $2,600 to Among Friends Activity Center, Inc.

and the question being upon approving Contract No. K-1213-23 with Among Friends Activity Center, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-23 with Among Friends Activity Center, Inc., approved; execution of the contract was authorized and payment in the amount of $2,600 was directed.

* * * * *

Item 47, being:

CONTRACT NO. K-1213-24: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE CENTER FOR CHILDREN AND FAMILIES, INC., IN THE AMOUNT OF $3,850 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-24 with the Center for Children and Families, Inc., be approved, execution of the contract be authorized, and payment in the amount of $3,850 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-24 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-24
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203876 dated July 3, 2012, in the amount of $3,850 to the Center for Children and Families, Inc.

and the question being upon approving Contract No. K-1213-24 with the Center for Children and Families, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-24 with the Center for Children and Families, Inc., approved; execution of the contract was authorized and payment in the amount of $3,850 was directed.

* * * * *

Item 48, being:

CONTRACT NO. K-1213-25: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BRIDGES, INC., IN THE AMOUNT OF $1,850 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-17.

Councilmember Kovach moved that Contract No. K-1213-25 with Bridges, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-17 be adopted, and payment in the amount of $1,850 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-25 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-25
3. Resolution No. R-1213-17
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203877 dated July 3, 2012, in the amount of $1,850 to Bridges, Inc.

and the question being upon approving Contract No. K-1213-25 with Bridges, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-25 with Bridges, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-17 was adopted, and payment in the amount of $1,850 was directed.

* * * * *

Item 49, being:

CONTRACT NO. K-1213-26: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND BIG BROTHERS AND BIG SISTERS OF OKLAHOMA, CLEVELAND COUNTY, IN THE AMOUNT OF $3,375 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-26 with Big Brothers and Big Sisters of Oklahoma, Inc., be approved, execution of the contract be authorized, and payment in the amount of $3,375 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-26 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-26
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203878 dated July 3, 2012, in the amount of $3,375 to Big Brothers and Big Sisters, Inc.

and the question being upon approving Contract No. K-1213-26 with Big Brothers and Big Sisters of Oklahoma, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-26 with Big Brothers and Big Sisters of Oklahoma, Inc., approved; execution of the contract was authorized and payment in the amount of $3,375 was directed.

* * * * *

Item 50, being:

CONTRACT NO. K-1213-27: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND EAST MAIN PLACE, INC., IN THE AMOUNT OF $12,000 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM.

Councilmember Kovach moved that Contract No. K-1213-27 with East Main Place, Inc., be approved, execution of the contract be authorized, and payment in the amount of $12,000 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-27 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-27
3. Public Service Contracts for the 1213 CDBG Program Year
4. Purchase Requisition No. 0000203863 dated July 3, 2012, in the amount of $12,000 to East Main Place, Inc.

and the question being upon approving Contract No. K-1213-27 with East Main Place, Inc., and upon the subsequent authorization and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-27 with East Main Place, Inc., approved; execution of the contract was authorized and payment in the amount of $12,000 was directed.

* * * * *

Item 51, being:

CONTRACT NO. K-1213-34: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND MIDDLE EARTH CHILD DEVELOPMENT CENTER, INC., IN THE AMOUNT OF $1,300 AS AGREED UPON IN THE 38TH YEAR CDBG PROGRAM AND ADOPTION OF RESOLUTION NO. R-1213-18.

Councilmember Kovach moved that Contract No. K-1213-34 with Middle Earth Child Development Center, Inc., be approved, execution of the contract be authorized, Resolution No. R-1213-18 be adopted, and payment in the amount of $1,300 be directed, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-34 dated June 25, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-34
3. Resolution No. R-1213-18
4. Public Service Contracts for the 1213 CDBG Program Year
5. Purchase Requisition No. 0000203879 dated July 3, 2012, in the amount of $1,300 to Middle Earth Child Development Center, Inc.

and the question being upon approving Contract No. K-1213-34 with Middle Earth Child Development Center, Inc., and upon the subsequent authorization, adoption, and directive, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |
| ABSTAIN: | Councilmember Jungman |

The Mayor declared the motion carried and Contract No. K-1213-34 with Middle Earth Child Development Center, Inc., approved; execution of the contract was authorized, Resolution No. R-1213-18 was adopted, and payment in the amount of $1,300 was directed.

* * * * *

Item 52, being:

RESOLUTION NO. R-1213-22: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING THE NINE-ONE-ONE EMERGENCY TELEPHONE FEE RATE FOR CALENDAR YEAR 2013.

Councilmember Kovach moved that Resolution No. R-1213-22 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-22 dated July 2, 2012, by Brenda Hall, City Clerk
2. Letter dated June 21, 2012, from John G. Johnson, Executive Director, 9-1-1 Association of Central Oklahoma Governments, to City Council/Board of Trustees/City Clerks and County Commissioners
3. Resolution No. R-1213-22

Participants in discussion
1. Ms. Jeanette Coker, 620 East Main, asked questions
2. Ms. Jennifer Gray, Telecommunications Administrator

and the question being upon adopting Resolution No. R-1213-22, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and Resolution No. R-1213-22 was adopted.

* * * * *

Item 53, being:

CONSIDERATION OF A PRELIMINARY PLAT FOR EAGLE CLIFF SOUTH ADDITION. (GENERALLY LOCATED ON THE WEST SIDE OF 12TH AVENUE S.E. APPROXIMATELY ONE-HALF MILE SOUTH OF CEDAR LANE ROAD).

Councilmember Kovach moved that the preliminary plat for Eagle Cliff South Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. PP-1112-13 dated April 17, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Project Traffic Impacts
2. Location map
3. Preliminary plat
4. Staff Report May 10, 2012, recommending approval
5. Greenbelt Commission meeting minutes of April 16, 2012
6. Greenbelt Enhancement Statement dated April 9, 2012
7. Predevelopment Summary Case No. PD 12-11 dated April 26, 2012, for Eagle Cliff Limited Partnership for property located on the west side of 12th Avenue S.E., approximately 1/2 mile south of Cedar Lane
8. Pertinent excerpts from Planning Commission minutes of May 10, 2012

Participants in discussion
1. Mr. Tom McCaleb, SMC Consulting Engineers, P.C., engineer representing the applicant

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

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and the preliminary plat for Eagle Cliff South Addition was approved.

* * * * *

Item 54, being:

CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR MILLIGAN INDUSTRIAL TRACT ADDITION AND A REQUEST FOR AN EXEMPTION FROM THE WATER QUALITY PROTECTION ZONE (WQPZ) STANDARDS AND AN EXEMPTION FROM PAVING IMPROVEMENTS FOR ROCK CREEK ROAD. (GENERALLY LOCATED ON THE NORTH SIDE OF ROCK CREEK ROAD ON THE EAST SIDE OF THE RAILROAD TRACKS)

Councilmember Kovach moved that the revised preliminary plat for Milligan Industrial Tract Addition and a request for an exemption from the WQPZ Standards and an exemption from paving improvements for Rock Creek Road be approved, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. PP-1112-18 dated May 15, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Traffic Impact Table
2. Section 19-601. – Variations and Section 19-602. – Exception for issuing a building permit from the City of Norman Subdivision Regulations
3. Location map
4. Aerial photo of Milligan Industrial Tract Addition
5. Site plan
6. Lake Thunderbird Drainage Area with location of Milligan Industrial Tract Addition
7. History of final plats for properties surrounding Milligan Industrial Tract Addition
8. Preliminary plat
9. Staff Report June 14 2012, recommending disapproval
10. Site plan
11. Letter requesting variance to WQPZ requirements dated May 14, 2012, from Cindy Milligan, Milligan Trucking, L.L.C., to City of Norman
12. Letter dated April 13, 2012, from Ross C. Morris, Morris Engineering and Surveying, to City of Norman
13. Letter requesting variance for deferral of public improvements dated May 14, 2012, from Cindy Milligan, Milligan Trucking, L.L.C., to City of Norman
14. Pertinent excerpts from Planning Commission minutes of June 14, 2012

Participants in discussion

1. Mr. Ross Morris, Morris Engineering and Surveying
2. Mr. Mike Milligan, Milligan Trucking, L.L.C., applicant
3. Mr. Shawn O'Leary, Director of Public Works
4. Mr. Jeff Bryant, City Attorney
5. Mr. Harold Heiple, 218 East Eufaula, representing Forest Lumber Company, proponent
6. Mr. Steve Ellis, 633 Reed Avenue, made comments
7. Mr. Bobby Stevens, Post Office Box 6226, proponent

Thereupon, Councilmember Kovach moved to amend the revised preliminary plat for Milligan Industrial Tract Addition to allow the exemption of WQPZ Standards and to require the paving improvements for Rock Creek Road, which motion was duly seconded by Councilmember Ezzell;

Participants in discussion

1. Mr. Shawn O'Leary, Director of Public Works
2. Mr. Mike Milligan, Milligan Trucking, L.L.C., applicant

Councilmember Ezzell withdrew his second and Councilmember Gallagher seconded the motion to amend the revised preliminary plat for Milligan Industrial Tract Addition to allow the exemption of WQPZ Standards but to require the paving improvements for Rock Creek Road; and the question being upon amending the revised preliminary plat to allow the exemption of WQPZ Standards but to require the paving improvements for Rock Creek Road, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Gallagher, Kovach, Lockett, Mayor Rosenthal |
| NAYES: | Councilmembers Ezzell, Jungman, Griffith, Spaulding, Williams |

The Mayor declared the motion failed and the revised preliminary plat for Milligan Industrial Tract Addition was not amended to allow the exemption of WQPZ Standards but to require the paving improvements for Rock Creek Road.

Item 54, continued:

and the question being upon approving the revised preliminary plat for Milligan Industrial Tract Addition and a request for an exemption from the WQPZ Standards and an exemption from paving improvements for Rock Creek Road, a vote was taken with the following result:

| | |
|---|---|
| YEAS: | Councilmembers Ezzell, Gallagher, Kovach, Lockett, Spaulding, and Williams |
| NAYES: | Councilmember Griffith, Jungman, Mayor Rosenthal |

The Mayor declared the motion carried and the revised preliminary plat for Milligan Industrial Tract Addition and a request for an exemption from the WQPZ Standards and an exemption from paving improvements for Rock Creek Road was approved.

* * * * *

MISCELLANEOUS DISCUSSION

Animal Shelter. Ms. Ann Gallagher, 1522 East Boyd, said she recently visited the Norman Animal Shelter and Oklahoma City (OKC) Animal Shelter in search of a puppy to replace her dog that had passed away. She said she would like to applaud the Norman Animal Shelter. She said the OKC Shelter is a very large, impressive building from the outside; however, she said the conditions on the inside are abhorrent. She said many of the dogs were obviously very ill and she was told there was a Parvo outbreak at the shelter, but they were continuing to allow dogs to be adopted. She said the OKC Staff was not very helpful or knowledgeable. She said at the Norman Animal Shelter she was greeted by a friendly staff that was very helpful and accommodating and she adopted two dogs. She thanked the citizens of Norman for their support of the recent bond issue to build a new animal shelter.

*

Preliminary Plats. Ms. Joy Hampton, Norman Transcript, 225 West Comanche Street, voiced concerns that other property owners along Rock Creek Road will ask for their fees to be returned after the approval of Item 54 exempting roadway improvements on Rock Creek Road.

Mayor Rosenthal said Council would have to consider that if there is a request.

Mr. Bobby Stevens, Post Office Box 6226, said he is a little confused about roadway improvement fees. He said there is a Bond Election coming up asking voters to improve roadways and asked if the City would give money back to developers that have paid roadway improvement fees if the bond issue passes.

*

Water Quality and Development. Mr. Chris Applegate, 622 North Jones Avenue, Apt. 2, said water quality is important and he was happy when the WQPZ ordinance was adopted. He said Lake Thunderbird does not currently pass multiple Environmental Protection Agency (EPA) standards and it is imperative to try to protect the water source. He said there had been mention of a hardship for the owner of the 2.4 acres known as Milligan Industrial Tract Addition, but felt development has created a hardship for all citizens in the City of Norman. He said to see the WQPZ watered down and not protecting the citizens saddens him. He asked Council to uphold the WQPZ Standards in future decisions.

Mr. Mark Campbell, Post Office Box 3053, said Council read a "Water's Worth It" proclamation tonight, but it seems to him that water is worth it until it is inconvenient, it is worth it when you are running for office, but not when you are serving.

Mr. Bobby Stevens, Post Office Box 6226, said he believes in water quality, but a railroad runs along Mr. Milligan's 2.4 acres and wondered what studies would show about runoff from the railroad tracks.

Councilmember Gallagher said Staff needs to check out Mr. Milligan's comments regarding junk appliances and other debris that are in the creek behind his land from surrounding businesses. He asked Staff to make a special effort to have the owners clean up the debris and trash. He also suggested the City do a study on the cost of dredging Lake Thunderbird to help with sediment issues.

Councilmember Kovach said he takes water quality seriously, but stands by his comments and vote tonight because this was an anomalous situation. He said there are many steps the community needs to take to address water quality and one step would be to ban the use of fertilizers that contain phosphates. He said there are readily available alternatives at the same price so it would not be a burden to citizens.

Miscellaneous Discussion, continued:

Water Quality and Development, continued.
Councilmember Spaulding said Lake Thunderbird is in Ward Five and he takes his children there to fish and walk along the shoreline. He said the assumption that he does not care about water quality is simply not true. He feels that because you stand for one cause does not mean you disregard another.

Councilmember Williams said he did not run his campaign on water quality but that does not mean it is not important to him. He said he did run his campaign on protecting family, protecting homes, and protecting small businesses and other businesses in the community and made his decision to vote yes on Mr. Milligan's item based on that. He said he did not want that to be misconstrued that water quality not important to those Councilmembers who voted to approve Mr. Milligan's request.

Mr. Chris Applegate, 622 North Jones Avenue, Apt. 2, said there had been discussion tonight regarding Norman regulations making it too difficult for small businesses to establish themselves in the City, but he would argue with that. He said he has been attending the City's meetings regarding high density development and small businesses are looking for 2,000 square feet or less of space to move and high density buildings, which if designed right, can accommodate those businesses. He said University North Park is growing with lots of small businesses along with larger retail stores. He said Campus Corner has several small businesses and so do many of the strip malls throughout Norman.

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Whispering. Mr. Mark Campbell, Post Office Box 3053, said he is concerned about City Councilmembers whispering to the City Attorney while he is being asked his opinion on an agenda item. He felt it was not fair to Councilmembers who are not sitting near the City Attorney because they do not have that same access to the City Attorney. He said the audience is asked to listen to everything in the Council Chambers, but they cannot listen to what they cannot hear. He said this may be a Point of Order.

Councilmember Gallagher assured Mr. Campbell that the whispering is mostly innocuous comments and not anything hidden or something that needed to be shared with the public.

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Norman Economic Development Authority (NEDA). Mr. Jim Stanley, 3922 Pine Tree Circle, said he attended the City Council Conference at 5:30 p.m. regarding discussion of a NEDA Advisory Board. He said the City has a Norman Economic Development Coalition that provides good incentives and he is concerned about NEDA's impact on existing businesses and how they can compete. He felt there is no fairness or equality.

*

Public Safety. Mr. Bobby Stevens, Post Office Box 6226, thanked the Norman Fire Department for keeping the City safe during the Fourth of July fireworks display and many small grass fires in the City. He thanked the Police Department and Sheriff's Department for keeping inebriated citizens off the roads during the holiday.

*

Sales Tax. Mr. Steve Lewis, City Manager, said the City's Fiscal Year 2012 ended with a 4.8% increase in sales tax over the previous year. He said Fiscal Year 2013 began with an increase of 5.6% over last year.

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Water Conservation. Mr. Steve Lewis, City Manager, said the City is on voluntary water conservation mode. He said last year around this time, the City began a mandatory odd/even water rationing rotation program, which ran for 66 days. He said during that time, the City purchased Oklahoma City emergency water and the City has not had to purchase water this year, which is partially due to the construction of new wells. He said the downside is that, last week, the City used approximately 1.8 million more gallons of water than a year ago. He said water consumption and capacity is rising and that is something the City will continue to address.

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Robinson Street Underpass. Mr. Steve Lewis, City Manager, announced that the Robinson Street Underpass will open at 6:30 a.m. on Wednesday, July 11, 2012.

*

Miscellaneous Discussion, continued:

Household Hazardous Waste. Mr. Steve Lewis, City Manager, said the City is continuing to work on choosing a new date for the Hazardous Household Waste Event that was cancelled in April due to the tornado. He said a date should be set soon and the public will be notified.

*

Highway Bill. Mr. Steve Lewis, City Manager, said the City of Norman, the Association of Central Oklahoma Governments (ACOG), and the Oklahoma Department of Transportation (ODOT) are reviewing President Obama's new Highway Bill, MAP 21, which is a two year $105 billion Bill. He believes the Bill will be very beneficial to Norman and the State.

*

Ward Three Council Seat. Mayor Rosenthal said it had been requested that she allow some latitude in miscellaneous discussion to discuss the Councilmember Ezzell's announcement of his resignation from Council because he had purchased a residence outside of Ward Three. She said this discussion is not on the agenda; therefore, it is not appropriate for Council to take any formal action. She said Staff would like direction on how to proceed with a selection process.

Councilmember Ezzell said moving out of Ward Three makes him ineligible to remain Ward Three's Councilmember and his resignation will be effective July 31st. He said his resignation letter has been misconstrued and he wishes to clear that up. He said Charter language states a majority of remaining Councilmembers appoint someone to fill the vacancy until the next election which will be in March 2013. In his resignation letter, he made a recommendation to Council to consider Mr. Robert Castleberry for the position and some people felt he was hand picking his successor which is not the case. He said he is recommending that Council consider Mr. Castleberry as a person who has expressed interest in the seat and is well qualified with a good history of service to the City. He said there has been some advocacy for a public process and while he supports a public aspect, he does not support the creation of a body of citizens from Ward Three to make that recommendation to Council. He feels that Ward Three is too large to select a small group of citizens to represent the entire Ward. He encouraged anyone who has an interest in the seat to submit an application. He urged Council to be mindful that Ward Three should not be without representation and considers Council well qualified to vet the applications.

Councilmember Kovach said he agrees with Councilmember Ezzell that it would be difficult to find a group of five or six citizens from Ward Three to make recommendations to Council. He said it was too cumbersome a process in the short time allowed. He said there is a precedent for how appointees are used to fill a vacancy in office with the whole idea being that the vacancy will come up for election. He said the reason for an appointee is to make sure citizens are not left without representation. He said the Charter is clear that the replacement is the duty of Council to select. He said the Charter is a legal foundation for all City laws and was voted on by the public and it is the public's choice to have that Charter. If the process was not in the Charter he would not feel comfortable creating a process. He suggested Council take applications from any interested, qualified (by Charter definition) resident of Ward Three through July 21st or 22nd. He said Council could then review the applications or resumes and select five candidates to interview.

Councilmember Spaulding said he agreed with Councilmembers Ezzell and Kovach and felt that was the appropriate way to proceed.

Councilmember Jungman said some of the conversation regarding Councilmember Ezzell's resignation and recommendation took place via e-mail among all Council. He said during the Oklahoma Municipal League training for new Councilmembers he attended, he was cautioned that this situation could be an Open Meeting Act violation and asked the City Attorney for his advice. Mr. Jeff Bryant, City Attorney, said that was a good point and in prior years, the City had held training sessions with Councilmembers regarding the parameters of when Council discussions should happen and restrictions of the Open Meeting Act. He said Council cannot come together, either electronically or on a conference call, without having a meeting. He said all discussions and deliberations need to be in a public meeting, properly posted. He said Staff would send informational materials to Council as a refresher.

Councilmember Jungman said he had received several messages from constituents who believe Council should provide a public selection process involving the residents of Ward Three.

Councilmember Jungman said Section 2-103(A)(7)(b) of the Ethics Policy states that an elected City official shall not use his office to endorse or oppose any candidate for office and asked if that was in play here and what advice the City Attorney could provide. Mr. Bryant said the Charter provision supersedes any Code provision and the Charter provision is pretty clear that the remaining Councilmembers have the obligation to select the replacement person so there would be no violation of the Ethics Policy.

Miscellaneous Discussion, continued:

Ward Three Council Seat, continued.
Councilmember Williams said he agrees with the public application process with Council selecting five top candidates to interview. He said Ward 8 citizens chose him to represent them so he felt comfortable in representing them in a selection process. He said he also likes the timeframe Councilmember Kovach suggested.

Mayor Rosenthal suggested a different timeframe. She said during the summer season many people are on vacation and out of town. She said a new Councilmember would be seated August 14th so applications could be accepted through July 23rd or 24th. She suggested once the applications have been narrowed down to five candidates, the City could hold a meet and greet reception for the public to become acquainted with candidates then Council would be prepared to appoint someone on August 14th. Councilmember Kovach asked when the interviews and reception should take place and Mayor Rosenthal said July 25th for interviews with a reception scheduled for the following week. Councilmember Kovach said that timeframe is agreeable to him and if it is agreeable to Council, it may be appropriate to ask Staff to place information on the City's website; in the Norman Transcript; on Channel 20; Facebook; and Twitter so as many people are notified as possible.

Councilmember Ezzell thanked the citizens of Ward Three for the opportunity to serve them for three terms. He says goodbye with mixed emotions and deep regret as it was unanticipated that he would not fulfill his third term. He said he will miss representing his constituents.

Councilmember Spaulding bid Councilmember Ezzell a heartfelt adieu.

*

Welcome. Councilmember Gallagher welcomed Councilmembers Jungman and Williams. He said he missed their swearing-in ceremony due to his brother's passing.

Councilmembers Spaulding, Griffith, and Lockett welcomed Councilmembers Jungman and Williams to Council.

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Thank You. Councilmember Gallagher thanked Councilmembers and Staff for their sympathy cards as they were greatly appreciated. He encouraged anyone with older relatives who had served in a war to take the time to listen to their stories.

Councilmembers Kovach and Williams expressed their sympathy to Councilmember Gallagher's loss.

Councilmember Griffith expressed his condolences to Councilmember Gallagher and said his father was a bombardier pilot in World War II.

*

High Density. Councilmember Gallagher encouraged citizens to attend the high density development meetings because they are being held to garner public opinion. He said high density development will affect quality of life, neighborhoods, and public safety.

Councilmember Lockett thanked the City Manager and Staff for allowing public input regarding high density development meetings and felt the meetings are very open to any public comments whether positive or negative.

*

Community Development Block Grant (CDBG) Funding. Councilmember Spaulding said he had previously spoken about taking taxpayer's dollars and giving it to charities. He has always felt that taking care of the needy should fall mainly to churches. He wondered what it says, as a Nation, about how we treat our neighbors who cannot help themselves, be it children, elderly, mentally disabled, or animals. He said he has progressed to think it is a little more appropriate for municipalities to help fund charities although he has fundamental issues on the selection process of the charity.

Councilmember Griffith said he is really grateful the City was able to contribute to the various organizations throughout Norman that help those that cannot help themselves. He said the job of civic leaders is to provide a healthy community and oversee that community.

Councilmember Williams said he has a different opinion on charities than Councilmember Spaulding, but he respects different opinions and having an open ear to everybody is what is important.

*

Shop Norman. Councilmember Griffith repeated the words of Councilmember Quinn, "Shop Norman" and "Buy Norman."

* * * * *

ADJOURNMENT

There being no further business, Councilmember Kovach 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, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal |
| NAYES: | None |

The Mayor declared the motion carried and the meeting was adjourned at 11:02 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-1213-2

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | P-1213-2 | **Type:** | Proclamation | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 4 | **In Control:** | City Council |
| **Department:** | Police Department | **Cost:** | | **File Created:** | 07/06/2012 |
| **File Name:** | National Night Out | | | **Final Action:** | |

**Title:** PROCLAMATION NO. P-1213-2: A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING TUESDAY, AUGUST 7, 2012, AS "NATIONAL NIGHT OUT" IN THE CITY OF NORMAN.

ACTION NEEDED: Motion to acknowledge receipt of Proclamation No. P-1213-2 proclaiming Tuesday, August 7, 2012, as "National Night Out" in the City of Norman and direct the filing thereof.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 4

**Attachments:** National Night Out Proclamation

**Project Manager:** Sergeant Jennifer Newell, Neighborhood Watch

**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-1213-2

P-1213-2

A PROCLAMATION OF THE MAYOR OF THE CITY OF NORMAN, OKLAHOMA, PROCLAIMING TUESDAY, AUGUST 7, 2012, AS "NATIONAL NIGHT OUT" IN THE CITY OF NORMAN.

§ 1. WHEREAS, the National Association of the Town Watch is sponsoring the 29th annual edition of an important nationwide crime and drug prevention event on Tuesday, August 7, 2012, called "National Night Out"; and

§ 2. WHEREAS, "National Night Out" provides a unique opportunity for Norman to join forces with thousands of other communities across the country in promoting cooperative police/community crime and drug prevention efforts; and

§ 3. WHEREAS, Neighborhood Watch Associations play a vital role in assisting the Norman Police Department through joint crime prevention efforts in Norman and are supporting "National Night Out" locally; and

§ 4. WHEREAS, it is essential that all citizens of Norman be aware of the importance of crime prevention programs and the impact that their participation can have on reducing crime and drug abuse in Norman; and

§ 5. WHEREAS, police/community partnerships and neighborhood safety and awareness cooperation are the important themes of the "National Night Out" program.

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

§ 6. Do hereby proclaim Tuesday, August 7, 2012, as the 29th annual "National Night Out" in the City of Norman and call upon all citizens of Norman to join the Norman Police Department and the National Association of the Town Watch by supporting and participating in this event.

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

_____
Mayor

ATTEST:

_____
City Clerk

# City of Norman, OK

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

## Master

### File Number: O-1112-44

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | O-1112-44 | **Type:** | Ordinance | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 6 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 05/15/2012 |
| **File Name:** | O-1112-44 MB Real Estate Rezone | | | **Final Action:** | |

**Title:** CONSIDERATION OF ORDINANCE NO. O-1112-44 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 38, 39, 40, 41, AND 42, BLOCK 4, STATE UNIVERSITY ADDITION TO NORMAN CLEVELAND COUNTY, OKLAHOMA, IN THE MUD, MIXED USE DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (NORTHWEST CORNER OF BOYD STREET AND MONNETT AVENUE)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-44 upon First Reading.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 6

**Attachments:** Text File O-1112-44, O-1112-44 MB Real Estate, MB Real Estate Location Map, Staff Report O-1112-44, MB Real Estate Design Concepts, MB Real Estate II PD 12-16 on 4.26.12, MB Real Estate GES, Item 11 - Protest Map and letters, 6-14-12 PC Minutes - MB Real Estate

**Project Manager:** Jane Hudson, 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 | 06/14/2012 | 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 | 06/14/2012 |

**Text of Legislative File O-1112-44**

Body

**BACKGROUND**: This rezoning request is for a change of zoning from R-3, Multi-Family Dwelling District, to MUD, Mixed Use Development District. The applicant is proposing a Mixed Use Development on a 0.4-acre parcel of land located at the northwest corner of Boyd Street and Monnett Avenue. The proposed uses in this development will include retail/commercial on the ground floor, with residential on the top two floors. The proposal consists of a ground level area of approximately 5,447 gross square feet of multiple tenant retail/commercial space, two upper floors consisting of residential apartments and a covered parking lot. In October of 2005 the property owner requested a Special Use for a parking lot on this parcel. At that time staff supported the Special Use request stating "This lot has remained vacant for many years, awaiting more intense redevelopment. The proposed parking lot will provide some needed parking for the Campus Corner area while it awaits a future, more intense use and will eliminate the unsightliness of a vacant lot".

The primary purpose of the MUD is to create an environment which permits a mix of housing types, commercial, businesses, offices, and institutional buildings in a pedestrian-oriented neighborhood with a sense of community and place.

Residential uses must comprise a minimum fifty percent of the gross building area but no more than seventy-five percent. The non-residential uses shall comprise a minimum of ten percent gross building area but no more than twenty-five percent. Open space shall comprise a minimum twenty percent of the gross land area of the development.

**COMMERCIAL**: The proposed project will include approximately 5,400 square feet of leasable retail space on the ground level with a zero lot line oriented to Boyd Street. The ground floor consists of five retail/commercial bays which could be divided depending on tenants' needs for leasable area.

**RESIDENTIAL**: The requirement for residential use in a mixed use development is that it consist of two types of housing, such as single-family attached, duplex, townhouse, condominiums or apartments. This development will consist of flats and lofts. The project would include two upper floors with a total of 13 residential units. There will be approximately 8,800 square feet on the second floor and 7,700 square feet of residential space on the third floor.

**PARKING**: The development will include 28 covered parking spaces on the north side of the development accessed from Monnett Avenue, as well as 8 open parking spaces on the west side of the building accessed from the alley. The covered parking area will be controlled access.

**OPEN SPACE**: The MUD requires a 20% open space area within the development. Through the design of elevated decks the applicant has achieved 35% open space. Open space decks have been designed at different levels to allow winter sun. The MUD zoning allows the development to move

toward the front property line of Boyd Street which allows a ten-foot setback off the rear property line.

**IMPACTS**: The MUD as a whole is not a gated development although the enclosed parking area has controlled access. The design and location of the controlled access is off of Monnett Avenue, located on the east side of the building. The development will utilize public streets and alleys for residents and services. The alley will be utilized by the Sanitation Division for solid waste container collection. Exterior lighting has not been submitted for review but will need to be reviewed for compliance with the lighting ordinance to reduce any impact on the adjacent residents.

**OTHER AGENCY COMMENTS**:

**PARKS BOARD**: The property is already platted and parkland is not required.

**PUBLIC WORKS AND UTILITIES**: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows for protection of the development. There is a possibility the applicant will be required to upgrade the water line from a six inch to an eight inch line. If that is determined, the Utilities Department will pay the cost difference to support a twelve inch water main. There is an existing twelve inch water main located at the corner of Boyd and Jenkins. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten-foot wide sidewalk along Boyd Street. This increase in the sidewalk will create a more pedestrian friendly area conveying the pedestrian activity to the University, Campus Corner and other retail businesses in the vicinity.

**STAFF RECOMMENDATION**: Although this request is not consistent with the 2025 Land Use designation, the proposal is in line with the retail/commercial activities within the Campus Corner area and its close proximity to the University. The applicant stated at the Pre-Development meeting there are approximately 30 units per acre which is the allowed density in the MUD Zoning District. The location of the proposal fronting Boyd Street, the close proximity to the University and the Campus Corner area makes this location appropriate for the density and the MUD zoning and staff supports the rezoning request to Mixed-Use Development District and recommends adoption of Ordinance No. O-1112-44. The Planning Commission, at their meeting on June 14, 2012, by a vote of 7-2, recommended approval of the requested rezoning from R-3 to MUD.

O-1112-44

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 38, 39, 40, 41, AND 42, BLOCK 4, STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE MUD, MIXED USE DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE R-3, MULTI-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE NORTHWEST CORNER OF BOYD STREET AND MONNETT AVENUE)

§ 1. WHEREAS, MB Real Estate II, the owner of the hereinafter described property, has made application to have the same placed in the MUD, Mixed Use Development District, and to have the same removed from the R-3, Multi-Family Dwelling 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 MUD, Mixed Use Development District, and to have the same removed from the R-3, Multi-Family Dwelling District, to wit:

Lots 38, 39, 40, 41, and 42, Block 4, STATE UNIVERSITY ADDITION, to Norman, Cleveland County, Oklahoma.

Said tract contains 0.40 acres, more or less

§ 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

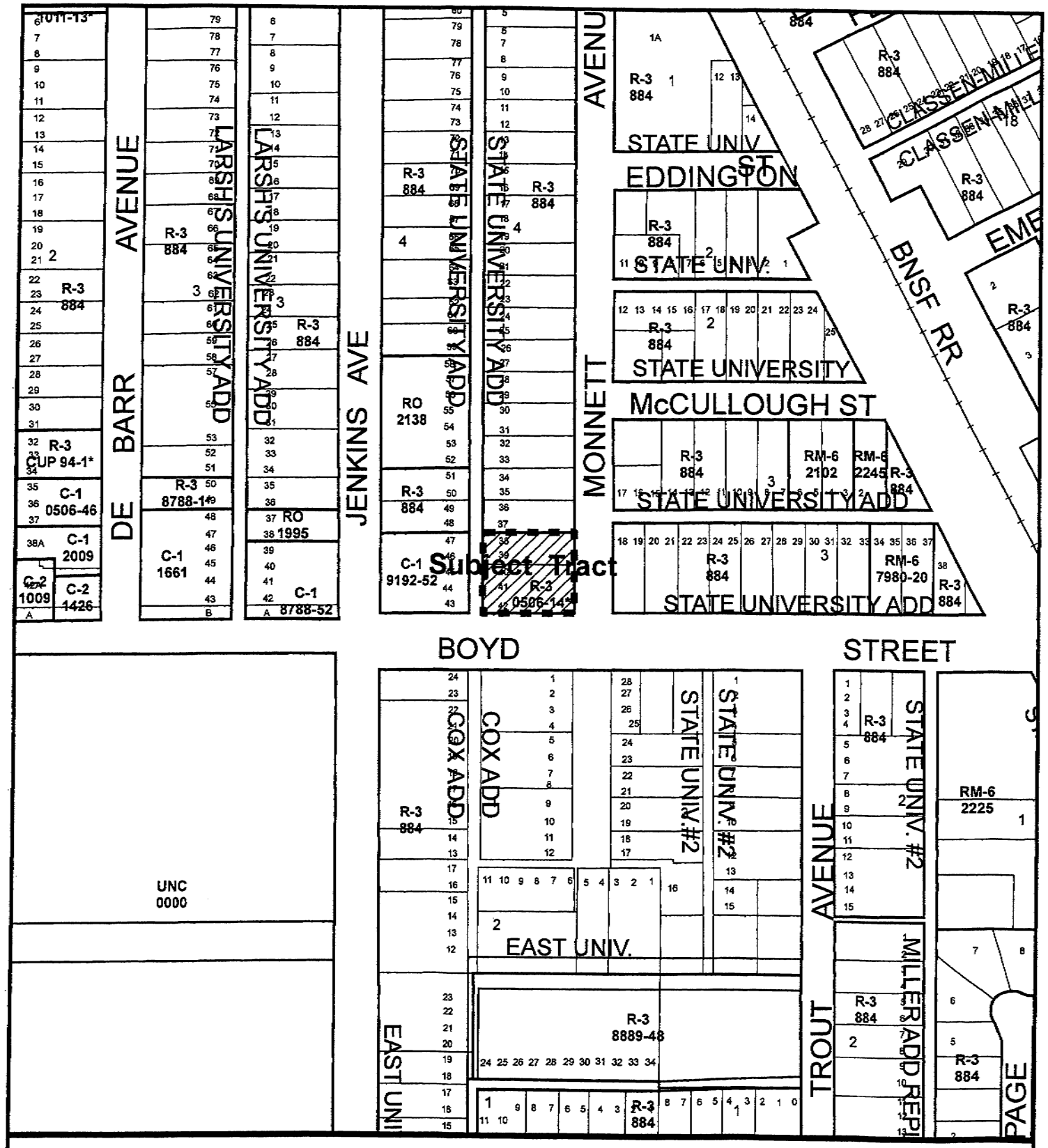
NOT ADOPTED this _____day of

_____, 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

April 11, 2012

0 100 200 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-44 | ITEM NO. 11b

## STAFF REPORT

### GENERAL INFORMATION

| | |
|---|---|
| APPLICANT | MB Real Estate, II |
| REQUESTED ACTION | Rezoning to Mixed-Use District (MUD) from R-3, Multi-Family Dwelling District |
| EXISTING ZONING | R-3, Multi-Family Dwelling District, with Special Use for a parking lot |
| SURROUNDING ZONING | North: R-3, Multi-Family Dwelling District<br>East: R-3, Multi-Family Dwelling District<br>South: R-3, Multi-Family Dwelling District (OU Energy Center)<br>West: C-1, Local Commercial District |
| LOCATION | Generally located on the northwest corner of Boyd Street and Monnett Avenue |
| SIZE | 0.4 Acre |
| PURPOSE | Mixed Use Development (Retail/commercial on the ground floor and residential on the upper floors.) |
| EXISTING LAND USE | Vacant |
| SURROUNDING LAND USE | North: Residential<br>East: Residential<br>South: OU Energy Center<br>West: Commercial |
| LAND USE PLAN DESIGNATION | Office (Requesting change to Mixed Use) |

**SYNOPSIS**: This rezoning request is for a change of zoning from R-3, Multi-Family Dwelling District to Mixed Use Development District. The applicant is proposing a Mixed Use Development, MUD, on a 0.4 acre parcel of land generally located at the northwest corner of Boyd Street and Monnett Avenue. The proposed uses in this development will include retail/commercial on the ground floor with residential uses on the top two floors. The proposal consists of a ground level area of approximately 5,447 gross square feet of multiple tenant retail/commercial space, two upper floors consisting of residential apartments and a covered

parking lot. In October of 2005 the owner requested a Special Use for a parking lot on this parcel. At that time staff supported the Special Use request stating "This lot has remained vacant for many years, awaiting more intense redevelopment. The proposed parking lot will provide some needed parking for the Campus Corner area while it awaits a future, more intense use, while eliminating the unsightliness of a vacant lot".

**ANALYSIS**:

MIXED USE DEVELOPMENT DISTRICT: The primary purpose of the MUD is to create an environment which permits a mix of housing types, commercial, businesses, offices, and institutional buildings in a pedestrian-oriented neighborhood with a sense of community and place.

Residential uses must comprise at a minimum fifty percent of the gross building area but no more than seventy-five percent. The non-residential uses shall comprise a minimum of ten percent gross building area but no more than twenty-five percent. Open space shall comprise a minim twenty percent of the gross land area of the development.

COMMERCIAL USE: The proposed project will include approximately 5,400 square feet of leasable retail space on the ground level with a zero lot line oriented to Boyd Street. The ground floor consists of five retail/commercial bays which could be flexibly divided depending on tenants needs for leasable area.

RESIDENTIAL USE: The requirements for residential use in a mixed use development is it consist of two types of housing such as single-family attached, duplex, townhouse, condominiums or apartments. This development will consist of flats and lofts. The project would include two upper floors with a total of 13 residential units. There will be approximately 8,800 square feet on the second floor and 7,700 square feet of residential space on the third floor.

PARKING: The development will include 28 covered parking spaces on the north side of the development access from Monnett Avenue as well as 8 open parking spaces on the west side of the building, accessed from the alley. The covered parking area will be controlled access.

OPEN SPACE: The MUD requires a 20% open space area within the development. Through the design of elevated decks the applicant has achieved 35% open space. Open space decks have been designed at different levels to allow winter sun. The MUD zoning allows the development to move toward the front property line of Boyd Street which allows a ten-foot setback off the rear property line.

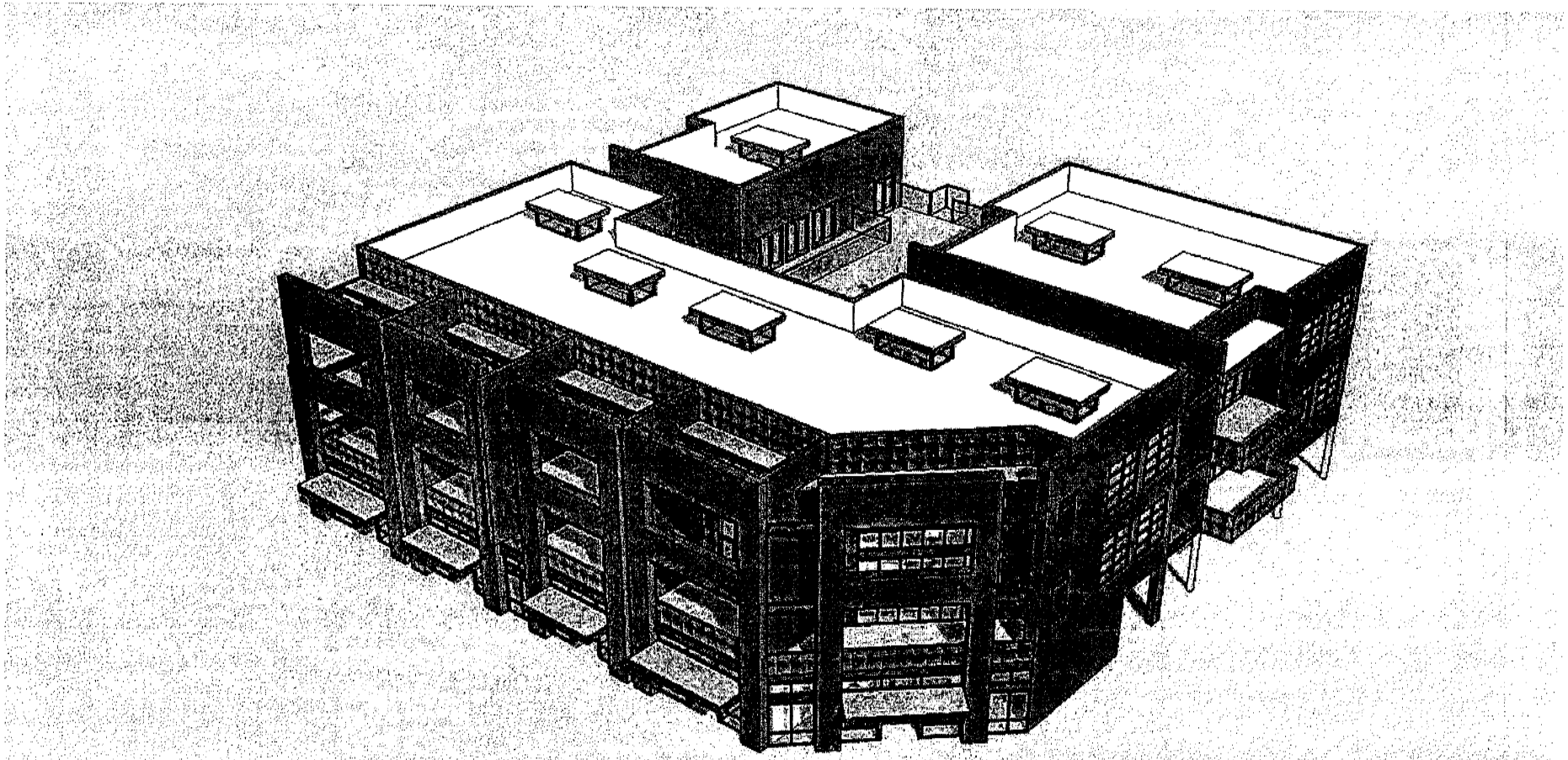
IMPACTS: The MUD as a whole is not a gated development although the enclosed parking area has a controlled access. The design and location of the controlled access is off of Monnett Avenue, located on the east side of the building. The development will utilize public streets and alleys for residents and services. The alley will be utilized by Sanitation Division for solid waste container collection. Exterior lighting has not been submitted for review. The exterior lighting will need to be reviewed for compliance with the lighting ordinance to reduce any impact on the adjacent residents.

**OTHER AGENCY COMMENTS**:

PARKS BOARD: The property is already platted and park land is not required.

PUBLIC WORKS AND UTILITIES: The development has access to existing utilities. The applicant needs to verify with the Fire Department that the current water lines will supply adequate water pressure and fire flows for protection of the development. There is a possibility the applicant will be required to upgrade the water line from a six inch to an eight inch line. If that is determined, the Utilities Department will pay the cost difference to support a twelve inch water main. There is an existing twelve inch water main located at the corner of Boyd and Jenkins. There is an existing eight inch sanitary sewer main that will serve the site. Per City standards the applicant will need to account for all runoff generated by this development so as to not impact adjacent properties. The applicant has stated the design and intent of the project is to install a new ten-foot wide sidewalk along Boyd Street. This increase in the sidewalk will create a more pedestrian friendly area conveying the pedestrian activity to the University, Campus Corner and other retail businesses in the area.

**STAFF RECOMMENDATION**: Although this request is not consistent with the 2025 Land Use designation the proposal is in line with the retail/commercial activities within the Campus Corner area and its close proximity to the University. The applicant stated at the Pre-Development meeting there are approximately 30 units per acre. This is a small development with respect to the area but is on the higher end of density for the Norman area. However, with the location of the proposal fronting Boyd Street, the close proximity to the University and the Campus Corner area staff supports the rezoning request to Mixed-Use Development District and recommends adoption of Ordinance No. O-1112-44.

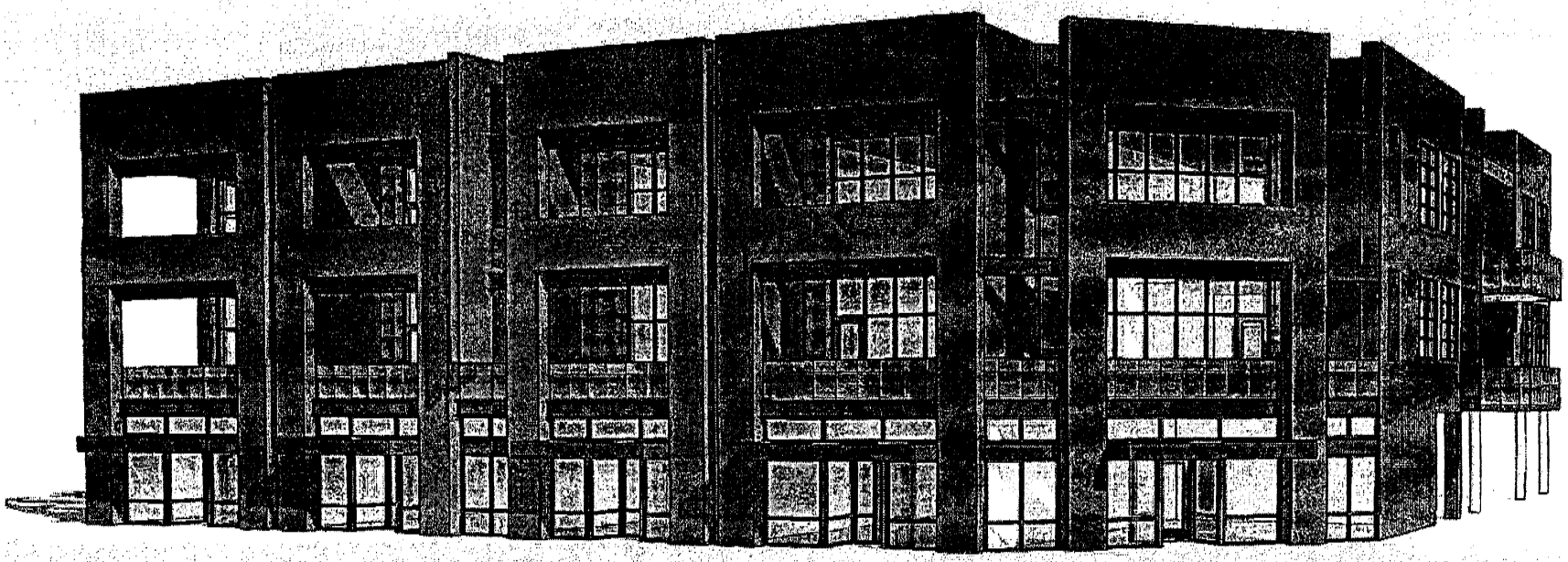


Overhead View from Southeast

MB Real Estate II
Concept Design 04/09/2012

Barrett L. Williamson ARCHITECTS

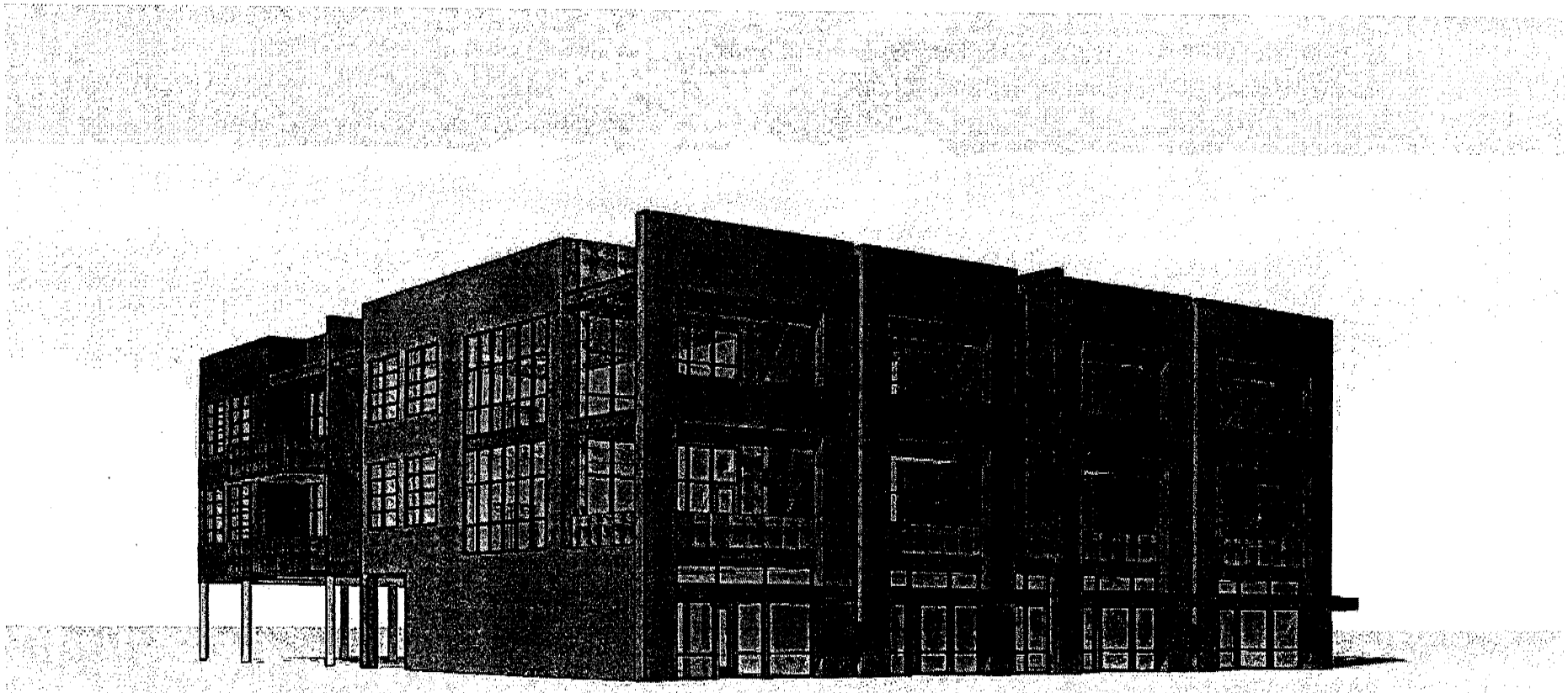
RED SUN CONSTRUCTION



View from Southeast

MB Real Estate II
Concept Design 04/09/2012

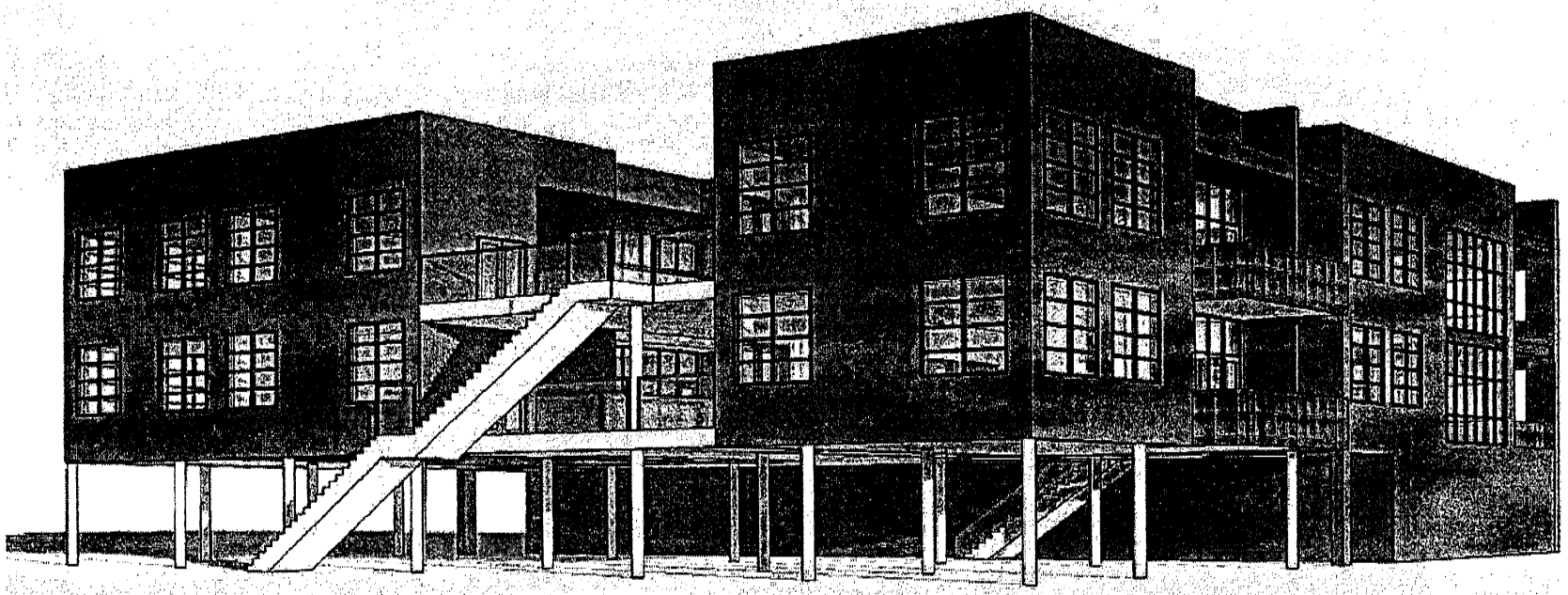
Barrett L. Williamson ARCHITECTS | RED SUN CONSTRUCTION



View from Southwest

MB Real Estate II
Concept Design 04/09/2012

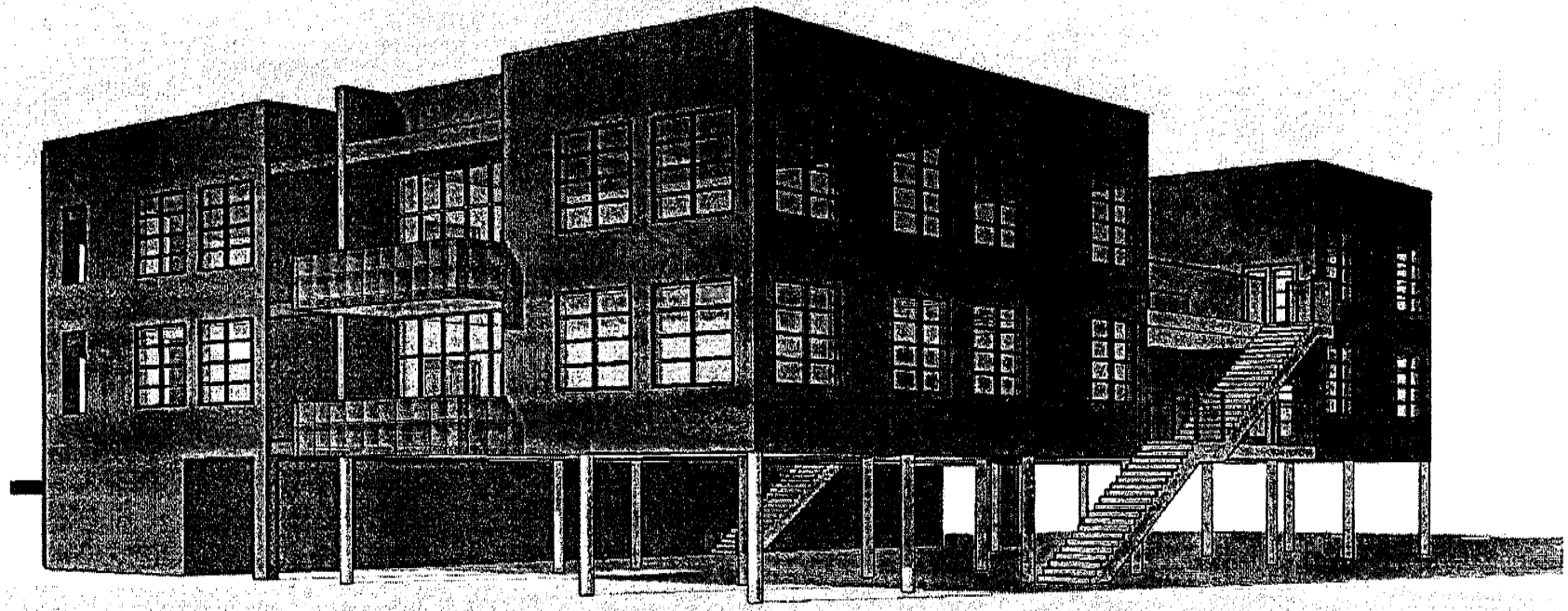
Barrett L. Williamson ARCHITECTS | RED SUN CONSTRUCTION



View from Northwest

MB Real Estate II
Concept Design 04/09/2012

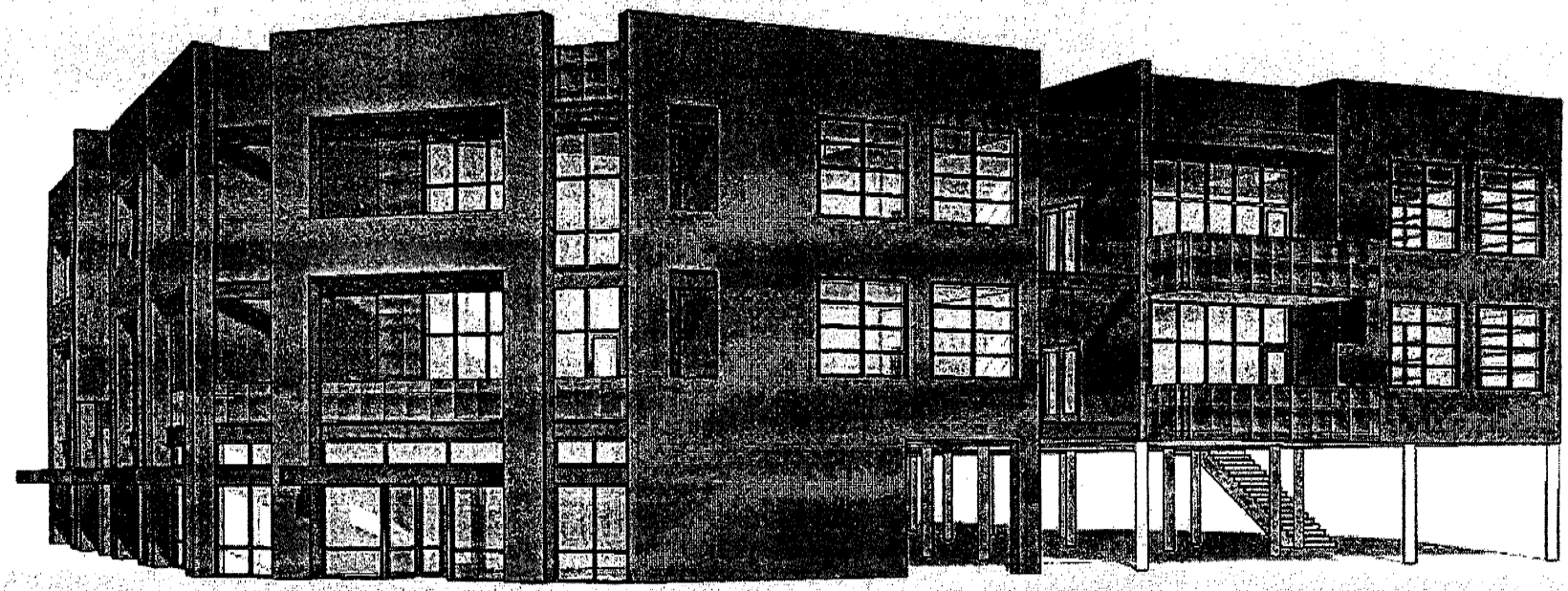
Barrett L. Williamson ARCHITECTS | RED SUN CONSTRUCTION



View from Northeast

MB Real Estate II
Concept Design 04/09/2012

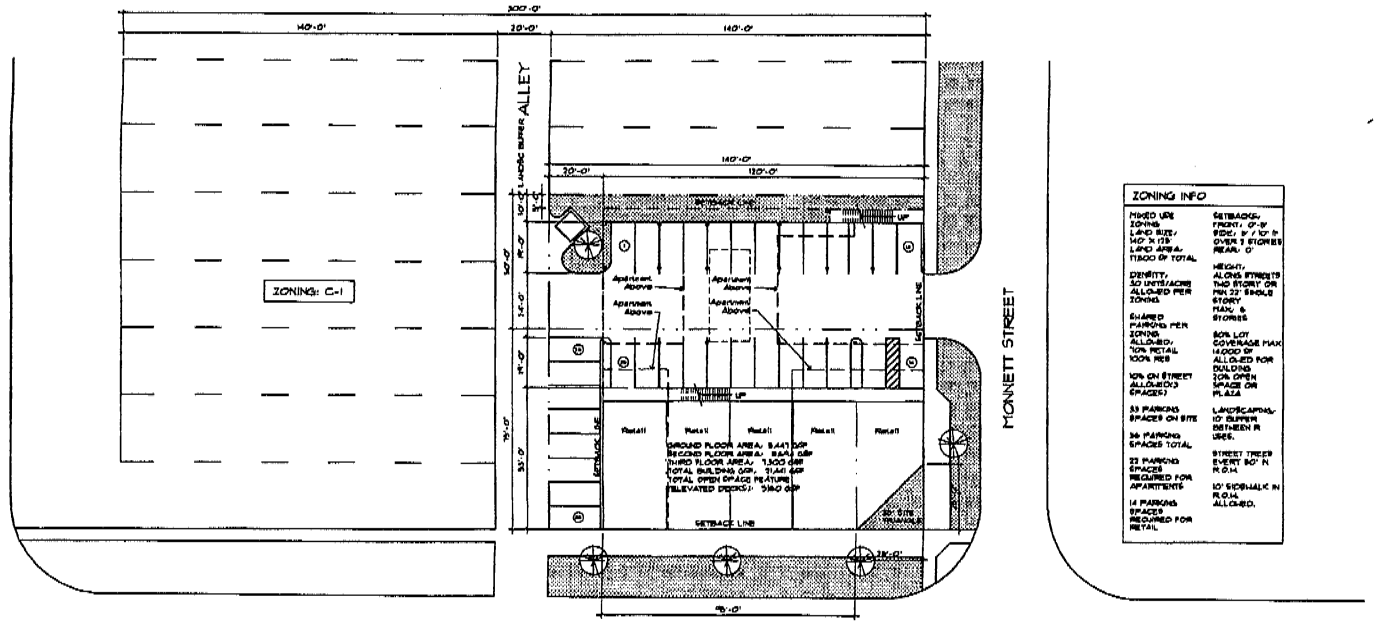
Barrett L. Williamson ARCHITECTS | RED SUN CONSTRUCTION



View from East Southeast

MB Real Estate II
Concept Design 04/09/2012

Barrett L. Williamson ARCHITECTS | RED SUN CONSTRUCTION




1 SITE PLAN - OPTION A (R-3)
SCALE: 1" = 20'-0" (@ 24" X 36")

ZONING INFO

MIXED USE ZONING
LAND SIZE: 140' X 175'
LAND AREA: 17500 SF TOTAL

DENSITY: 50 UNITS/ACRE ALLOWED PER ZONING

SHARED PARKING PER ZONING ALLOWED: 10% RETAIL 100% RES

10% ON STREET ALLOWED (3 SPACES)

33 PARKING SPACES ON SITE

36 PARKING SPACES TOTAL

23 PARKING SPACES REQUIRED FOR APARTMENTS

14 PARKING SPACES REQUIRED FOR RETAIL

SETBACKS: FRONT: 0'-8' SIDE: 9' / 10' IF OVER 2 STORIES REAR: 0'

HEIGHT: ALONG STREETS TWO STORY OR MIN 22' SHOULD STORY MAX: 6 STORIES

80% LOT COVERAGE MAX 14000 SF ALLOWED FOR BUILDING 30% OPEN SPACE OR PLAZA

LANDSCAPING: 10' BUFFER BETWEEN R USES.

STREET TREES EVERY 50' N. R.O.W.

10' SIDEWALK IN R.O.W. ALLOWED.

MB REAL ESTATE II
PROPERTY DEVELOPMENT
MONNETT AND BOYD
NORMAN, OK

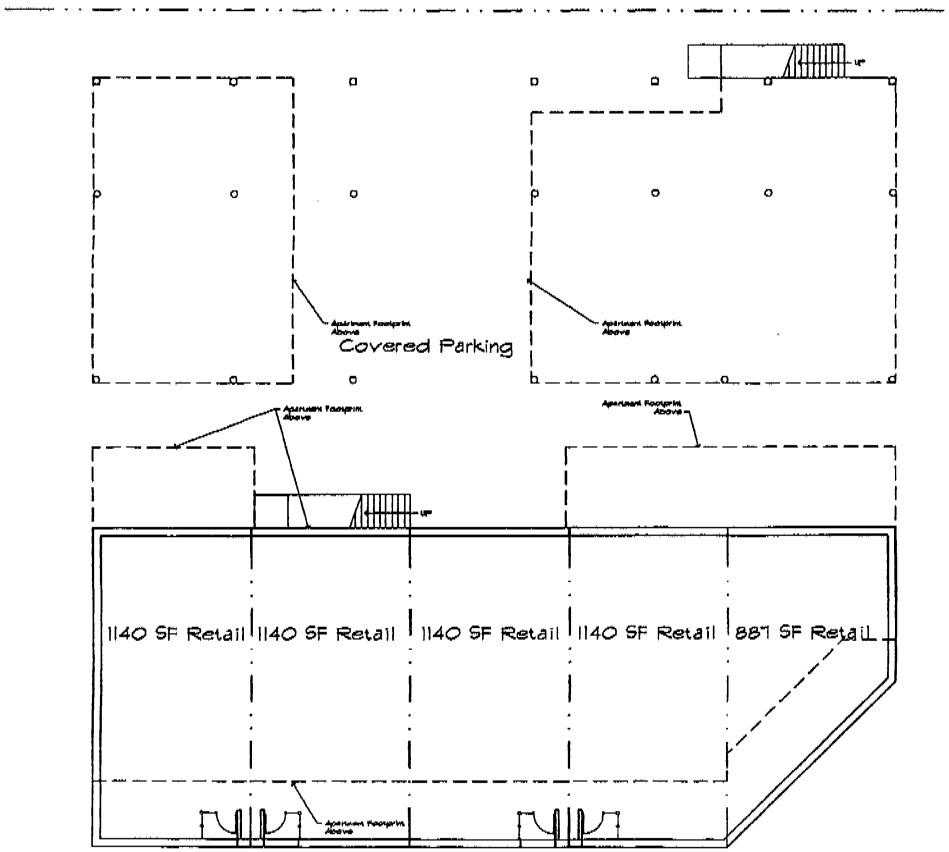
PRELIMINARY
NOT FOR CONSTRUCTION

Barrett L. Williamson
ARCHITECTS
- Architecture
- Historic Preservation
- Master Planning
- Interior Design

219 W. Boyd, Suite 203
Norman, Oklahoma
73069
tel: 405.360.1566
fax: 405.364.1567
OK CA No. 01771
Expires 06-30-13

M261
04/09/2012

RED SUN CONSTRUCTION
2401 W.LCOX AVE., STE. B
NORMAN, OK 73069
405.409.8427 - TEL
405.447-9617 - FAX




1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

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PROPERTY DEVELOPMENT
MONNETT AND BOYD
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PROJECT NUMBER
M261
ISSUE DATE
04/09/2012
REVISION DATE
SHEET TITLE
SHEET NUMBER

RED SUN CONSTRUCTION
2401 WILCOX AVE., STE. B
NORMAN, OK 73069
405.409.8627 - TEL
405.447-9617 - FAX

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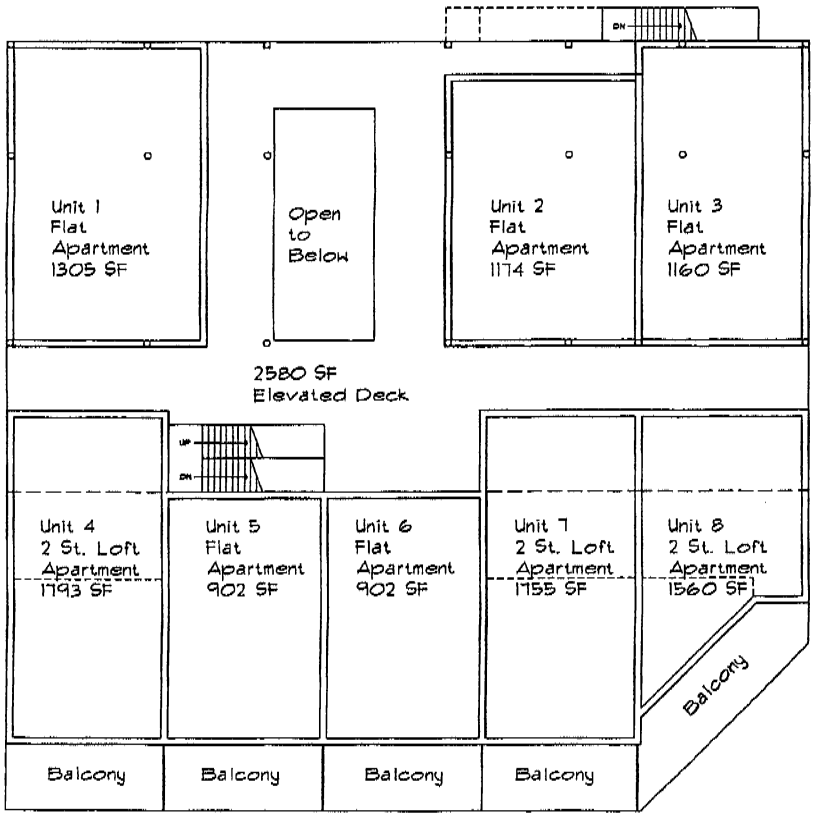


1 SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

**MB REAL ESTATE II**
**PROPERTY DEVELOPMENT**
MONNETT AND BOYD
NORMAN, OK

PRELIMINARY
NOT FOR CONSTRUCTION

Barrett L. Williamson
ARCHITECTS
- Architecture
- Historic Preservation
- Master Planning
- Interior Design

219 W. Boyd, Suite 203
Norman, Oklahoma
73069
tel: 405.360.1566
fax: 405.364.1567
OK CA No. 01771
Expires 06-30-13

PROJECT NUMBER
M261
ISSUE DATE
04/09/2012
REVISIONDATES
SHEET TITLE
SHEET NUMBER

RED SUN
CONSTRUCTION
2401 WH.COX AVE., STE. B
NORMAN, OK 73069
405.409.8627 - TEL
405.447-9617 - FAX

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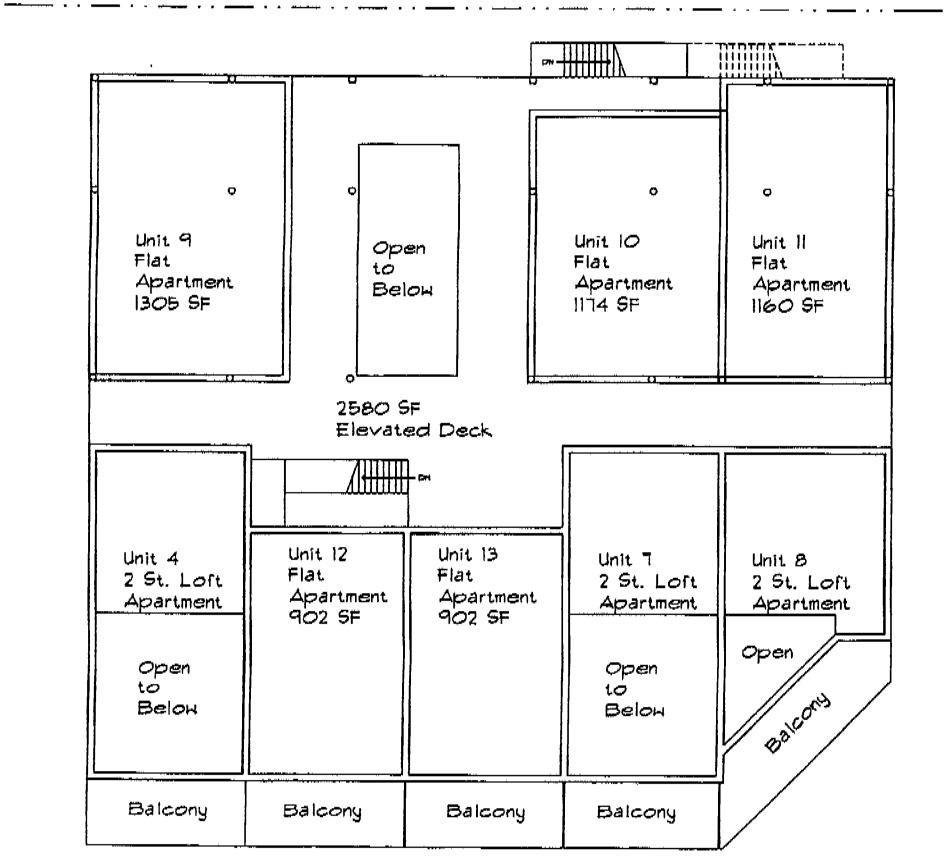


1 THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

MB REAL ESTATE II
PROPERTY DEVELOPMENT
MONNETT AND BOYD
NORMAN, OK

PRELIMINARY
NOT FOR CONSTRUCTION

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ISSUE DATE
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REVISION DATES

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**City of Norman Predevelopment** **April 26, 2012**

| | |
|---|---|
| **Applicant** | MB Real Estate II |
| **Location** | NW corner Boyd and Monnett |
| **Case Number** | PD 12-16 |
| **Time** | 5:30-6:00 PM |

| Attendee | Stakeholder | Address | email | phone |
|---|---|---|---|---|
| Barrett Williamson | Applicants' architect | 219 W. Boyd #203 | blw@blwarchitects.com | 360-1566 |
| Justin Gallas | Architecture staff | 219 W. Boyd #203 | jg@blwarchitects.com | 360-1566 |
| Don Hill | Applicants' contractor | Red Sun Construction | | |
| Victor and Elizabeth Jackson | Neighbors | 763 Jenkins | liz.jackson@sbcglobal.net | 360-8185 |
| John and Deema Edwards | Neighbors | 810 Monnett | | 329--3379 |
| Robbie J Ward | Neighboring owner | 1711 Oklahoma | rjward@yahoo.com | 659-9220 |
| Valli Powell Marti | Neighboring owner | 518 Macy | vpowell@ou.edu | 596-6835 |
| Dave Boeck | Interested citizen | 925 Schulze | dlb@ou.edu | 360-7996 |
| James Shelton | Neighbor | 914 Monnett | illegible | 579-0458 |
| Ty Hardiman | Interested citizen | 630 Miller | tyhardiman@mac.com | 833-4384 |
| Susan Atkinson | City staff | | | 366-5392 |

**Application Summary.** The applicants are seeking to rezone their property from R-3 Multi-Family to MUD Mixed Use for a combination of retail and residential. The *Norman 2025 Land Use and Transportation Plan* designation is Office.

**Applicant's Opportunity.** The applicants own a long-vacant 0.4-acre parcel (includes five lots) at the northwest corner of Boyd and Monett Streets. They are seeking to rezone the

parcel to allow development of a mix of retail and residential uses that will be pedestrian oriented given its close proximity to OU and other Campus Corner destinations. They believe a three-story building with a density close to 30 units per acre is the maximum height and density appropriate for this site and in this vicinity.

**Commercial Use**
The proposed project would include around 5,400 sf of leasable retail space on ground level with a zero lot line, oriented toward Boyd Street. These units could be flexibly divided depending on tenants' desires. As submitted, the proposal includes five retail bays. Project would widen existing five-foot wide sidewalk to ten feet. Retail bays would be street oriented with a high percentage of clear glazing. Applicant would be seeking boutique-niche retail type tenants. Neither bars nor restaurants would be allowable in this proposal. Architect emphasized that project would be built using high quality materials similar to work done by applicant on Asp Avenue in 2007.

**Parking**
The development would include covered parking for 28 cars on the north side, with 8 non-covered spaces on the west side of the building, accessed from the alley. The dumpster pad for this site would be screened and located in the northwest corner beside the alley parking. Covered parking will be controlled access.

**Residential Use**
The project would also include two upper floors for a total of 13 residential units, with 8800 sf on the 2nd floor and 7700 sf on the third. Three would be two-story units. The applicants intend to live on site. Each unit will receive light and air and will have a balcony but there will be no balcony opening onto the north side (neighborhood side). Access to second floor will be restricted to residents by keypad entry.

**Open Space and Setbacks**
MUD zoning requires 20% open space; applicants have achieved 35% through the use of elevated decks. Open space decks have been designed at different levels to allow winter sun to continue to project onto property to the north. MUD zoning allows the applicants to move development up to the front property line which allows a ten-foot setback off the rear property line (neighbor's south side property line.)

**Neighbors' Concerns**

**Encroachment on Neighborhood.**
Neighbors felt this development, set only ten feet off the nearest property line, would loom over the residential neighborhood to the north, given its three-story height. They stated that the neighborhood is mostly made up of 1 and 2-story houses. Some residents felt that people would be looking down into their bedrooms and back yards. Neighbors wondered if this went through, what would stop other developers from buying interior lots for commercial or other mixed used development?

**Parking.**
Neighbors worried that the additional parking lot would attract illegal parkers.

**Answer**. Architect explained that the covered parking area would be controlled access.

**Impact of Development on Alley.**
Neighbor was concerned that the alley in existing condition was not built to handle two-way traffic turning onto and off of Boyd Street. Another neighbor was concerned that the alley condition was already poor and had lots of speeding cars. They worried that the proposed development would make the alley situation worse.

**Impacts on Existing Infrastructure.**
Neighbors were concerned about additional stormwater runoff and load for the sanitary sewer system, as well as other utilities.

**Answers**. Architect explained applicant was required by City ordinance to process all runoff generated by the development into the existing storm sewer system. Contractor added that existing sanitary sewer and water lines, the electrical grid and gas lines in this location all had adequate capacity to accommodate this development.

**Existing Zoning.**
One neighbor stated he was fine with whatever the property owner could build with R-3 but would not support a conversion to MUD zoning.

Pre-Development Case No. PD 12-16 Greenbelt Case No._____

Date:_____

## 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: MB Real Estate II Date: 4/9/2012

Contact Person: Barrett Williamson Telephone/Fax/Email: 360.1566 blw@blwarchitects.com

Name of Development_____ Area (Acres) 40

General Location SW Corner of Monett & Boyd (W)

Type of Development (please check) Residential____ Commercial X Industrial____ Other____



Rev 6-19 8, 2011

1. Briefly explain the kind of development, types of buildings/uses, or character of your proposal.

3 story mixed use w/ Retail on ground level, & apartments above.

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 | ____ No | ____ Public | ____ Private |
| Open Space: | X Yes | ____ No | ____ Public | ____ Private |
| Detention Pond: | ____ Yes | ____ No | ____ Public | ____ Private |
| Parking Lot Landscape: | ____ Yes | ____ No | ____ Public | ____ Private |
| Floodplain/Creek: | ____ Yes | ____ No | ____ Public | ____ Private |

Other Elevated Deck over parking lot

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) | X Yes | ____ No |
| Natural Trails (compacted earth 8-10' wide) | ____ Yes | ____ No |
| Parkway Trails (durable surface 6-8' wide) | ____ Yes | ____ No |
| Neighborhood Trails (durable or paved, 6-10' wide) | ____ Yes | ____ No |
| Community Wide Trails (paved, 10-12' wide) | ____ Yes | ____ No |
| Specialized Trails (equestrian, water, etc) | ____ Yes | ____ No |

Other Wide sidewalks on Boyd & Monnett Streets (10')

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.)

Campus Corner, OU, legacy trail system.

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.)

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 _____
Floodplains_____
Stream bank/Riparian corridors_____
Utility Easements_____
Abandoned/Active RR corridors_____
Other linkage enhancement to Legacy Trails, RR corridor

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

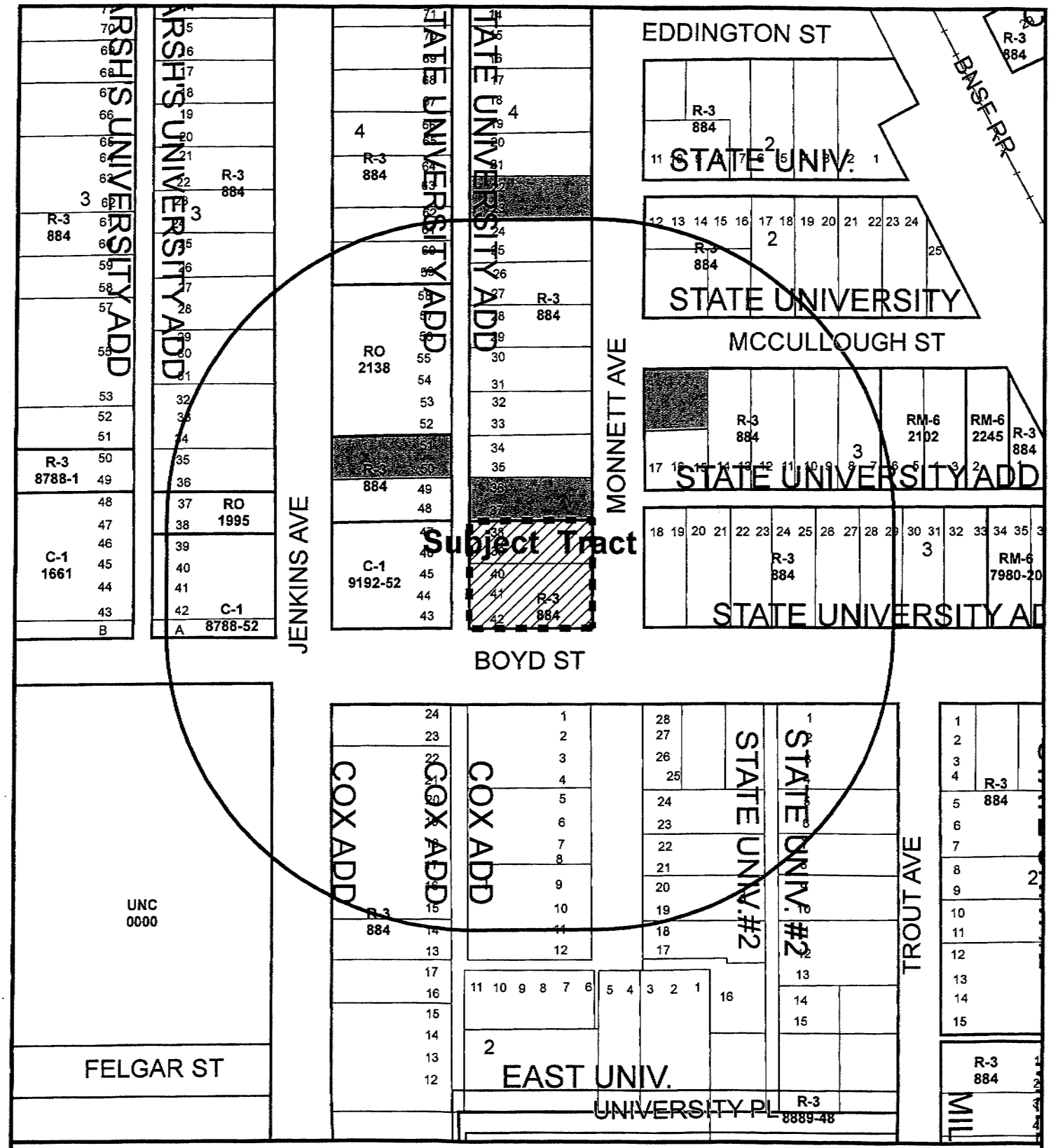
7. If, after reviewing the above questions, you feel like your proposed development or project has no opportunities to add to nor detract from the City of Norman Greenbelt System, please explain briefly below. (Any comments you feel will help the Commission understand your intent to develop the area.)

This is a zero lot line development. We are proposing to add 10' sidewalks to make this a more pedestrian friendly area, and to enhance linkages to future development East, and improve link to Legacy Trails system.

**Signature of Applicant or Contact Person:** _____

**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:** _____




# Protest Map

4.76% 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" = 150'

June 12, 2012

Subject Tract

Protest

Notification Area

Protest Outside Notification Area

June 5, 2012

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-11-12

The City of Norman
Attn: Planning and Community Development Dept.
201 West Gray Bldg A
P O Box 370
Norman, OK 73069-73070

I live at 914 Monnett Avenue right next to lots 38, 39 and 40, 42, State University Addition where the proposed MDU development is to be built. I will be in Florida until the first of July and will not be able to attend the June 14, 2012 meeting. I spent a very large amount of money restoring my Arts and Crafts home and landscaping my property, which has been in the family since 1917. Here are my concerns.

**Water run off**

I have a very large basement and would like to know where the water run off will go. The proposed project has a lot of roof line and past assurances that water run off will not be a problem have not been met. Ask Nancy Blake at 907 Monnett Avenue.

**Trash and traffic noise**

Jim Miller put up a fence dividing our two properties many years ago. The proposal shows no fence so trash and people from the garage will come into my property. I work out of my house but I would like to sleep in without hearing cars starting up from the open garage at 6:00 AM. Why not enclose the garage?

**Privacy**

For me that will be a thing of the past.

**Property management**

Who is going to be the property manager?

**Construction traffic and parking**

Where will the construction trucks park? My parking requires alley access and many times it is blocked by delivery trucks. Where will the delivery trucks for the retail stores park? Where will the guest park?

**Construction**

How long will the construction last and what is the start time in the morning?

**Infrastructure**

There is no real infrastructure to support this MDU project. We already have problems with the lack of infrastructure and this project will increase the existing problem. Garbage trucks have destroyed the street curbs and emergency vehicles have difficulty getting down Monnett Avenue. I know the land needs to be developed but this type of development scale is going to increase the existing problems.

Sincerely

James N. Shelton

James N. Shelton
Cell 858-383-3945

TO: City Planning Commission

FROM: Valli Marti, 518 Macy St. Valli Marti

SUBJECT: MB Real Estate II request for amendment from R-3 to MUD

DATE: June 3, 2012

I do not object to the multi-use as such, but I do not think the 3-story height should be allowed especially with the structure nearly abutting the property line to the north. The adjacent lot has a well-maintained and attractive one-story house which will be effectively dwarfed and cut-off from any southern view by the height of the proposed project. As well, residents on the third story of the proposed building will have a view into many backyards along and homes along Monnett and Jenkins to the north, thus invading their privacy.

And, although the area is already zoned R-3 allowing a 3-story structure, I urge you to reconsider the proposed architectural plan for this project, perhaps asking that the foot-print be adjusted so that the project is set further from the adjacent property to the north. Additionally, the proposed project is not architecturally congruent with the Craftsman style of the area and the height is not appropriate for the Prairie setting of the town, especially in the core area.

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/7/12

May 25, 2012

Secretary,
Norman Planning Commission
201-A West Gray Street (P.O. Box 370)
Norman, OK 73069 (73070)

We received your letter dated May 24, 2012, entitled NOTICE OF REQUEST FOR NORMAN 2025 LAND USE AND TRANSPORTATION PLAN AMENDMENT AND REZONING. As stated in your letter, the subject property is more particularly described as follows:

> Lots 38, 39, and 40-42, Block 4, STATE UNIVERSITY ADDITION to Norman, Cleveland County, Oklahoma.
>
> Said tract contains 0.40 acres, more or less.

As the owners of property within 350 feet of the applicant's property, and in appreciation for the opportunity to express ourselves regarding the applicant's request, we hereby submit our **protest** in **writing,** which we will file with the City Clerk **prior to 5:00 p.m. on Monday, June 11, 2012**, in order to be reported to the Planning Commission.

**Reasons for our protest:** See attached copy showing "concerns" we brought up at the Pre-Development Meeting in April. Please note particularly the item circled in red. Since that meeting, if the applicant has re-designed and scaled down the structure to "fit" the location, we would need to see the new plan before considering withdrawing our protest.

Respectfully,
Victor B Jackson
Elizabeth Jackson
Victor & Elizabeth Jackson
763 Jenkins Ave.
Norman, Oklahoma 73069

Attachment (1)

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

4/26/2012

To: City of Norman Department of Planniong and Community Development

From: Victor & Elizabeth Jackson, 763 Jenkins Ave., Norman, OK 73069

Re: Our concerns about Case Number: PD12-16 (Applicant: MB Real Estate II)

- "Green" building?

- On-site landlord?

- Storm-water runoff?

- Load on main sewer line?

- Effect on neighborhood electric/gas power and existing satellite dishes?

- Dedicated "public street" parking spaces?

- What types of Retail? Noise?

- Effect on alley? Traffic? Wear & Tear?

  -- Within half a block there are 2 small strip malls and 2 apartment houses - both with parking lots.that, in total, have about 50 cars that access the alley, which is narrow, poorly surfaced, and with posted 15 mph speed limit with which very few comply.

- On North side, zero setback from neighbor's property-line fence?

  -- Privides no access for construction/repair/safety vehicles.

Victor Jackson

Elizabeth Jackson

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

* * *

Item No. 1, being:
**ROLL CALL**

| | |
|---|---|
| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

* * *

Item No. 11, being:
**CONSIDERATION OF A REQUEST SUBMITTED BY MB REAL ESTATE II FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF BOYD STREET AND MONNETT AVENUE.**

**11A. RESOLUTION NO. R-1112-141 – MB REAL ESTATE II REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1112-8) FROM OFFICE DESIGNATION TO MIXED USE DESIGNATION FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF BOYD STREET AND MONNETT AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. 2025 Map
2. Staff Report

**11B. ORDINANCE NO. O-1112-44 – MB REAL ESTATE II REQUESTS REZONING FROM R-3, MULTI-FAMILY DWELLING DISTRICT, TO MUD, MIXED USE DEVELOPMENT DISTRICT, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF BOYD STREET AND MONNETT AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. Concept Design Renderings
4. Site Plan
5. Floor Plans
6. Pre-Development Summary
7. Greenbelt Enhancement Statement

**PRESENTATION BY STAFF:**
1. Ms. Hudson – This applicant is requesting a change to the NORMAN 2025 and rezoning from R-3 to a Mixed Use Development District. The subject tract is at the corner of Boyd and Monnett. The land use is currently designated as office; if changed it will be mixed use. The rezoning from R-3 to the Mixed Use Development District. The applicant has proposed a mixed use development consisting of retail commercial on the ground floor with residential uses on the top two floors. The primary purpose of mixed use development is to create an environment which promotes a mix of housing and commercial retail type uses on the ground floor within a pedestrian-oriented neighborhood, creating walkability. Although this request is not consistent with the 2025 Land Use Plan, it is in line with what is going on in Campus Corner as far as developments and pedestrian activity. There was a protest at 4.8%. Staff does support the rezoning request for mixed use and the Land Use Plan change. The applicant is here and has a presentation for you.

**PRESENTATION BY THE APPLICANT:**
1. Barrett Williamson, 1230 Camden Way, the architect for the project – Good evening. Hopefully we'll make your job real easy tonight. Josh gave up tickets to Loud City to be here to run this Powerpoint for us, so we'll get through this as quick as we can. This is one of the first new buildings proposed in the Campus Corner area in decades. I think the other most recent is the 401 Lofts that are east of us, which I wouldn't necessarily call part of Campus Corner. We're excited to share our concept with you tonight, and we intend to set a very high standard for Norman's future core development. Let's go to the first slide. Here are some fast facts. The existing R-3 zoning allowed or required a 15' setback along Boyd, except for the 25' sight triangle. It also allowed 3 stories. With MUD zoning, that allows a 0' setback, which creates more of a street wall, more of an urban core feel. We're proposing 3 stories on the front and rear of the property; it allows up to 6. We didn't feel that that was appropriate scale for the development between the Campus Corner area and the railroad tracks, and we'll go into that in a little more detail. It requires two different unit types on the residential, which we've designated as lofts and flats. The lofts are two-story units; the flats are single-story units. It requires a 20% open space; we're proposing approximately 35% open space, which is

exceeding the requirements of the zoning. It also, with the third story – stories 3 through 4 require an additional 5' setback along our north property line, which we have complied with. We wanted to enhance the street wall. We wanted to articulate our building façade to make it the correct scale for the development, so it's more of a residential scale. We wanted to take advantage of natural lighting and want to use quality materials. This is a site plan. I think it's probably in your packet, but you do see some dashes on there over the parking area. The parking area is completely covered, with the exception of the parking that's off of the alley. One of the things that we wanted to do is get light and air circulation down into the covered parking so that it didn't feel dark and sequestered. One of the other things I wanted to demonstrate – we've got really great developer past performance on this project. This very same team did the Sooner Textbooks – basically five facades along Asp and this is the quality of the project that we propose to do going forward. I want to talk a little bit about some precedents. How many three story buildings are there on Boyd Street? So we started down on the west end. This is the Chouse here, and we're going to work our way east. Newman Hall – 3-1/2 stories. The University obviously exceeds 3 stories. President's House. Whitehead Hall, and it's 3, 4, and 5 stories. Campus Corner, 2 stories. There's our office, we're proud to say. Across the street, Engineering Building. And then Casablanca and you can see the Energy Center in the distance, which will be right across the street from, and then this is our property here. This map currently shows the existing stories along Boyd Street between University and the railroad tracks. If you look up at the top of the graphic – at the top is like an elevation of the buildings. So if you start on the left-hand side, working your way right, we've got 3 stories, which is Whitehead. There's Campus Corner with 2 stories. The pink buildings are across the street to the south, which are the University buildings, and then the yellow building with the 3 is our proposed building. This is a view from our building looking toward the northwest, just to give you an overall idea of how it relates on the site. A view from the southeast. East/southeast as you would go onto Monnett. Looking from Monnett toward the southwest. This is the relationship of the project to the property immediately to the north. This is from the north. One of the things that we made a conscientious effort to do in respect to the neighbors to the north was to not create a long, blank, 3-story façade. We've got a deliberate gap to where we can get winter light down onto the neighbor's property. It's not in the ordinance that we have to do that, but we felt that being a good neighbor that that was important. It also creates light and air and open space for our tenants as well. A little bit later we'll get into a 3-D model that we can show you how the windows and everything are oriented to not have any balconies or anything like that looking down over the neighborhood to the north. The zoning allows 30 units per acre in the mixed use development. We're slightly over that – we may be at 31, but we felt that that was appropriate for this type of development and the development going forward. I know the Planning Commission is going to be wrestling with that issue. I think there's some much higher densities being proposed. We really felt like this was all that the site would hold. We also think that these kind of developments are the future. They promote walkability. They create more energy and street life. People that will be living here won't necessarily be wed to their cars. They'll be able to walk up and down Boyd, Campus Corner, Legacy Trail, over at the University, and so on. This type of project sets a very high standard for future development. I think really importantly it establishes a precedent for the appropriate scale and character of building along the Boyd Corridor. The articulation of the façade, how we tried to break the façade into four separate mini-facades, helps to adjust the scale down to a more pedestrian level. It's also in the zoning ordinance that the facades shouldn't be some big blank slate. It's got clear glazing for the retail sections. Again, that's something that's going to promote the walkability of the area. Kind of as a conclusion, these were some things that we felt were important that we feel like our development addresses very successfully. Now I think we'll go to the 3-D model. One of the things that we were conscientious of in developing these on the north side of the property, was to have the bedrooms toward the property owner with balconies toward the center of the project that would face east and west – the idea being that we wouldn't have people hanging out yelling over the balcony at the neighbors – although we don't expect that kind of tenant because this will be about $1 to $1.25 a square foot per month, so not everyone will be able to

afford to live here. It will be upscale and high quality. I think that's something that we took into consideration that we weren't necessarily required to do. One of the letters of protest, of which we received three – in the early models, and at the Pre-Development hearing, we did not have this landscaping shown. We do feel it's appropriate. I believe it's required. It just wasn't anything that we had graphically shown. But we do intend to take advantage of that to try and mitigate the view and some of the noise to the property owner to the north. Now I would like to specifically address the items on the letters of protest. The first one was from the property owner at 914 Monnett. Water runoff and drainage. We actually have less paved area than we would if this was a parking lot. The drainage is required by the code to be directed away from the adjacent properties. The drainage will be developed by a registered civil engineer. So we don't feel like that is something that will impact that neighbor negatively. There was a comment about trash and traffic and noise. Boyd Street being an arterial street with relatively high traffic volumes, there is an inherent amount of noise from that, but we don't feel like we're going to be adding significantly to. Again, the separation, consisting of the combination of landscaping and a privacy fence, will screen the parking lot. They also made a comment about why not just closing in the parking garage. One of our reasons for that is to improve the air circulation and visual security. We don't want it to be a dark place that people don't feel welcome coming into. We want it well-lit and safe feeling. One of the protestors – and this was the same property – mentioned that privacy and said that will be a thing of the past. Well, I don't think it's really fair for us to not develop a project -- it's been vacant for many years – just to promote a neighbor's open space. So, regardless of whether this is actually approved or not, something is going to happen with this land. Even if an 8' tall house was built there, their view is going to be blocked. There was a concern about construction traffic and parking. First of all, it's a short-term issue. We don't expect that the construction will be over a year. The construction vehicles will park on the site. Under rare circumstances, there will be temporary disruption of traffic for the off-loading of large equipment and materials. I don't think this is really an unusual thing. It happens on a daily basis on the alley behind our office on Campus Corner. But it will not be nearly as frequent as Campus Corner, because you don't have the beer trucks back there every morning. Deliveries for the future retail business will be via the alley or off of Monnett for large deliveries, similar to the Campus Corner alleys. With the retailers being small, niche retailers of approximately 1,000 feet each, we really anticipate that the majority of the deliveries will be made by small vans with boxes under 12' tall, so many of the deliveries can be actually made into the parking lot. There was a concern about the hours of operations for construction. We don't anticipate that to be but from 8:00 to 5:00. There could be times when it's 7:00 to 4:00, but kind of your typical 8-hour construction day. The last concern expressed by this property owner was on the condition of the infrastructure. The condition and maintenance of the alley – not to point fingers – but that's really the City's responsibility, not ours. Our project will not increase the need for additional maintenance of the alley. Being on the south end of Boyd, we don't anticipate that the tenants that live here, or people coming to shop here, are going to drive 300 feet down an alley when they could take Monnett or Boyd or Asp, just because of the convenience factor. The project's design will also upgrade utilities as required. In the event that we need to increase our sanitary sewer size, which we don't anticipate, but if required we'll do that. Another positive thing is that we're likely going to be relocating all of the electrical underground so that if you noticed in some of the photographs – there's kind of some crazy wires going on over there. That was, by far, the longest letter, so I'm very near the end. 518 Macy had a concern about the building height. The current R-3 zoning allows three stories, so we're not proposing anything more than what would be allowed there under the present zoning. The southern view of the property owner to the north will be cut off by the development. Well, again, the lot will develop regardless, so I don't think that's really a valid concern. The resident of the proposed development will look down on adjacent property to the north. Again, let's kind of go up high and do just a quick circle around. We don't have any balconies proposed on the north. We do have basically a fire stair to egress people off the property that will go down to the parking area. It will be secured. You will have to have access to get into that, even though we're showing it with glass rail. It's not something that just anybody can walk up. Go around to

the alley. On the west side we've got balconies. We've got balconies on the east side. We've got balconies on the south side. All of these are basically sub-divided so there's really not any peaking at your neighbor. Again, the gap here on the north was purposely developed to be considerate of the person to the north's light and air. I think their last comment was architectural congruence. The proposed design is based on what we think of as a timeless scale, proportions and massing. This type of façade is found throughout Norman and the Midwest. It is an updated version of that, but we refer to it architecturally as Plains Commercial. It's characterized by large openings that evoke the storefronts of many historic downtown retail buildings, including those in Norman. This style was constructed from the late 19th Century through the Great Depression and is adjacent to Craftsman style residences throughout the country. The last letter of protest was from the property owners of 763 Jenkins. They listed a total of nine comments after the Pre-Development hearing, which I believe we addressed. Only the comment that I'm going to address was actually circled as part of the protest, and that was a question on the affect on the alley, the traffic, and the wear and tear. Again, being directly off Boyd Street, we anticipate that the majority of patrons and residents will arrive to the property from Boyd Street. If the project was mid-block, that may not be the case. Many alleys have similar traffic counts in urban areas. Why would a patron or resident take a congested, poorly paved alley in lieu of a well-maintained Monnett or Boyd Street. In conclusion, 4.76% opposed. In essence, what that says to me is that 95.24% approved. We have endeavored to go beyond the minimum requirements outlined in the MUD zoning ordinance. We have proposed more open space than what was required, widened perimeter sidewalks for additional walkability, and conscientiously designed the building forms to give additional consideration of the neighboring properties. We feel we are setting a precedent that will further guide high-quality development along the Boyd Street corridor. With that, I will distribute a handout of this for you and be available to answer any questions.

2. Mr. Lewis – First, I'm wondering how soon you're taking reservations on unit #8. I think it's a wonderful project. My second question really is more just for my peace of mind. If you can go back to the diagram that shows the alley and shows us where the trash receptacle is going to be – is there going to be any type of fencing? So if the wind started blowing, it wouldn't be blowing right into the neighbor's back door.

3. Mr. Williamson – There will be an enclosure around the dumpster. The fence will also help. The dumpster enclosure is actually required as part of the City ordinance, as is the privacy fence.

4. Ms. Pailes – Could we see the western façade? The front there – the bottom is stores. Are the second and third floor along the front façade facing Boyd empty spaces? Is that true? Am I reading that right?

5. Mr. Williamson – They're balconies. They don't have roofs, but they've got walls. So you have a view.

6. Ms. Pailes – Well, here's my deal. The MUD designation I don't technically have a problem with. I have a big problem with how much it crowds that house to the north. And, actually, those apartments could scoot forward by – what? – 25 feet and give the house behind you a little space. Let me just be more specific. The house behind you is really crowded. If you had R-3, you'd have to have a setback of about 25' ...

7. Mr. Williamson – 15' on the side yard, so it would buy them 5 more feet.

8. Ms. Pailes – That's a back yard, actually. Boyd is in the front and that house is behind you.

9. Mr. Williamson – The lots front Monnett. Because if you look at the property to the north, look how close they are to their south property line.

10. Ms. Pailes – But actually your frontage for the stores is really – I won't argue that. It's just how much it crowds that house. I have a real problem with that. We've talked a lot about smart growth. We're having long city discussions on density. And part of the presentation by the staff to orient us all on it was talk about new urbanism, which was supposed to bring forward the virtues of neighborhoods as designed in the 20s and 30s, pre-car. Well, you've got a neighborhood here that was designed in the 20s and 30s, and this totally overwhelms it. It's totally out of scale. It's totally out of architectural congruence and it's looking right into their back yards. So, while the MUD is great – that's a good thing – I find your perching in their side yard to be a little bit much, and you probably have some options. Your second and third floors actually have some wiggle room there architecturally.

11. Mr. Knotts – You have commercial installations here. Where are the customers going to park?

12. Mr. Williamson – They'll park in the parking lot off of the alley and underneath the buildings.

13. Mr. Knotts – So the parking underneath the buildings is not restricted or carded or anything like that?

14. Mr. Williamson – It's part of the new MUD ordinance, but it's shared parking, because the residents are expected to be gone during certain times of the day and then the customers use them. But basically from 5:00 on all the parking is for residential.

15. Mr. Knotts – Including the commercial on the alley?

16. Mr. Williamson – We needed 1.8 per unit, so I've got the calculations. It's 1.8 times 13, so it's about 24 spaces are required for the residential. I believe we've got 36 proposed in our development. But at nighttime, when the retail is closed, you've got places for visitors and guests to park as well.

17. Mr. Knotts – Well, in that area, I would expect the retail to be open until 9:00 at least.

18. Mr. Williamson – It could be. There's no parking required for Campus Corner businesses. But there are going to be people walking up and down the street that are going to shop at these places, in addition to people just coming by car.

19. Mr. Knotts – Of course, what I'm concerned about, and the reason for my question, is that, if you don't have adequate on-site commercial parking, that parking will wind up on Monnett or any of the other side streets walking in and it's better for the neighborhood not to have that happen.

20. Mr. Williamson – I agree. The parking does meet the zoning ordinance – all the parking calculations. I believe that Jane reviewed those. We went through all those together. One other thing, just to point out, we're not anticipating any restaurants in this retail development. It's going to be retail merchants. So there's not going to be any food service in these, and those do draw cars.

**AUDIENCE PARTICIPATION:**

1. Elizabeth Jackson, 763 Jenkins Avenue – We met the gentleman when they came to the Pre-Development meeting. Some of the problems – they were kind enough after the meeting to

take our input and I thought they were going to make some changes, because they were all in kind of agreement about the parking on the alley and how you're going to get in and out. But I expected to see some kind of diagram showing that they had taken – actually, there were suggestions – into account. And they were saying that's a good idea. Because these people are going to be trying to back out. There's the other little shopping mall right across the alley where people are parking, and then we have the city services – our polycarts are on the alley, our recycling bins are on the alley. It's a busy alley. And to say – these are just assumptions, I think, that were made – that, oh, people are not going to drive north on the alley; they're all going to go south onto Boyd Street. And if there's traffic on Boyd Street, there's going to be some congestion. But I think that it should be dealt with before any brick or mortar is put down. If you go north on the alley, it's very old. It has been resurfaced, but it's been ages and it gets a lot of wear and tear. We drive down the alley because that's where our carport – we're usually driving down the alley. And we go north on the alley usually, but we can go south. There's a lot of use. There are other – the strip mall that has the comic book shop and the restaurant – they must have 50 parking places that enter and exit – some on the alley, some have the exits onto Jenkins Street. We've lived there for over 30 years and you get used to it when you become a part of the neighborhood. People who are not used to it – people moving in to these nice apartments or the retail visiting those – I think they're going to have problems that they are not really wanting to consider. I agree that there was not enough space between the north side of the building and the neighbor to the north. First we saw about this when we got the mail was that there was going to be no space. Then when we came to the meeting, 10-15 feet – I mean, 5-10 feet. And now they're just saying it's back to 5 feet. And I think that's just pushing it a little bit for the neighbor to the north. I can't think of anything else. I will say it is a beautiful design. I admire the architects for coming up with it. I think it's too large for the lot and should be scaled back and they're going to have to deal with the parking for everybody to be satisfied with it. Thank you.

2. Cheryl Clayton, 503 Tulsa – I live in the core area of town. I agree. I think this could be a nice development. What concerns me about it, and the precedent it's setting, has to do with parking. The way I calculate it, there would be, in fact, the 24 parking places that were needed for the residents, and then I calculated 27 parking places at 1 per 200 square feet for the retail. The 28 covered parking spaces are controlled access, so that really only leaves uncontrolled 8 parking spaces. Living in the core area of town, what you have to appreciate – if you don't live there – is the extent to which the University parking and retail parking, and my neighborhood being The Mont, has pushed itself into the neighborhood. These streets are small. It's really hard to accommodate that kind of parking. Plus, it's the older part of town and it has little one-car driveways, so when you try to get in and out of your driveway and you have people – the people park just bumper to bumper right up to the edge of your driveway. It's just darn near impossible, sometimes, to get out. So I think as we go forward with this – and I think we all recognize we're going to have some higher densities here in this part of town – but we really need to address the parking issue. And if we have to fudge somewhere – and I really hate to say this, because I do love the landscaping and all that – but I'd almost rather see the buffers and stuff go and have adequate parking, because it really does affect those of us who live in this neighborhood. So I hope as you go forward, we will make sure that we have adequate parking. Thank you.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. Lewis – I want to make sure that I understood you correctly in regards to parking. The parking that is underneath the building is not going to be controlled access. It is going to be open prior to the hours of 5:00 p.m. for the use of the businesses that are there. Is that correct?

2. Mr. Williamson – The controlled access is maybe something that is not fully understood how we're planning on implementing that. We're looking at using a token type lot, so if you're a resident you have a card to swipe, you come in and you park. If you're a customer, you come

in, the gate goes up, you get a token to get out. So it's not closed off to the public during retail business hours.

3. Mr. Lewis – So those parking spaces are going to be accessible.

4. Mr. Williamson – Absolutely. It won't work with 8 parking spaces.

5. Mr. Lewis – I'm trying to be clear because there was some misunderstanding. Those parking spaces underneath the building are going to be accessible by the patrons of the businesses that are in the building as well as the residents.

6. Mr. Williamson – Absolutely.

7. Ms. Gordon – According to the staff report, the summary of the request – and just tell me if this is in line with what it is – it says the target market is young professionals or, perhaps, employees of the University who want to walk to work and have pedestrian access to Campus Corner area, which means they won't be leaving with their cars during the day if that's your target market. Is that right?

8. Mr. Williamson – Some may, but really our target market is whoever has got the money to pay $1.25 a square foot.

9. Ms. Gordon – Clearly. But my point is that you may have quite a few of those people that choose to live there that could potentially be University employees and may just walk to work and it doesn't free up those parking spaces. Is that a possibility?

10. Mr. Williamson – It is. If you take that same rationale of thinking, if you don't need a car – or if you don't need two cars and maybe you just have one, because in higher density developments where people can walk and get their food they don't need two cars because both earnings partners are not commuting to work.

11. Ms. Gordon – There is no one in Oklahoma that doesn't need a car. I see what you're saying.

12. Mr. Williamson – People who seek out these kind of developments – and there are a high number of those and you can start looking at Bricktown and areas like that – there are people in Oklahoma in the last 10 years that have reduced the number of cars that they own because they live by where they work. I would like to remind and reinforce that everything on this entire block, not just our corner, is zoned R-3. So this zoning, and this ability to go three stories, extends to the north, I believe, all the way to Duffy Street.

13. Ms. Pailes – Would it be possible to cut straight through that parking garage from east to west?

14. Mr. Williamson – It is. Currently it is designed that way.

15. Ms. Pailes – That seems like not a good idea because if people can shortcut, they will, if they want to avoid messing with Boyd or something.

16. Mr. Williamson – Do you mean pedestrians or automobiles? There are gated entrances into the parking lot.

17. Mr. Boeck – You can ram those gates, and judging from the gate success stories or issues around Campus Corner there's no gates left.

18. Mr. Williamson – There's a gate on my lot. I would say we park right behind Campus Corner and that alley is absolutely busier than the alley between Monnett and Jenkins and has probably more parking in it. It still has a lot of people's garages and access. That alley works, as does the controlled access parking that I rent. I live in that environment.

*Chris Lewis moved to recommend approval of Resolution No. R-1112-141 and Ordinance No. O-1112-44 to the City Council. Dave Boeck seconded the motion.*

19. Mr. Gasaway – I'm kind of a preservationist at heart, so when we do projects in existing core area neighborhoods, I like to give them a significant amount of thought. As I'm prone to do when I think, I ramble a little bit. So I have some rambling thoughts about the project. First of all, a lot of these projects are coming up in the campus area and it makes me a little sad but, as a city, we're still not prepared with specific recommendations on what we feel is appropriate in these areas, both in terms of density and height. We're just starting a study that I think will be very beneficial. This one certainly is a lot different than the one we had last month. It's significantly different. But still, I think it's something we ought to think about highly. One advantage to this property is it's already vacant. We're not tearing down any houses. That would be of large concern to me, but it's been vacant for many years. So we're not destroying any property. If this project is done correctly, it could be a fine example that will set a standard for some of these other developments that people are wanting to do in this area. If it's not done well, it will be exactly the opposite – something that we're stuck with for 50 years. It looks like it's a pretty good example of something that is a good blend of campus itself – of the University – and of Campus Corner. I realize it's a little large, but I think with the campus and Campus Corner there, this is probably a good fit for that niche. A few concerns that I have. One, it has been mentioned, it does impact the house to the north, and I think that should always be a concern. Probably my biggest concern is that it, to some extent, opens up some spillover onto Monnett. I hear from time to time that there are some interests in property along Monnett for this specific use. That is a residential neighborhood and this kind of tips the corner a little bit into doing some of that on Monnett. I think at all costs we need to remember that Monnett is a residential street. While this particular project impacts that some, it's not directly onto Monnett, but I think anything else – there's a vacant lot, I think, one house up from this which makes it kind of an open property to open that up, and I think we should be very mindful of that – you know, that Monnett needs to remain a residential area. Those are my concerns. I think the positive part of it outweighs that, so I will be supporting it. But I just want everybody to be mindful – above all this is the back yard to a residential area and I think the architects have done a good job working with that and, again, I think the design, being collegiate, is a good buffer between those two.

20. Chairman Sherrer – Just a point of confirmation for staff. The current zoning allows three story buildings, correct?

21. Ms. Connors – Correct. This property is zoned R-3, as well as all the property around Monnett.

22. Chairman Sherrer – So there's no additional height by this change?

23. Ms. Connors – That's correct.

24. Ms. Pailes – It is zoned R-3 three stories, but with R-3 you would have a bigger setback, and it is the setback that I find most upsetting. At three stories it doesn't impact just the house next door – it impacts the neighborhood because they can look down on a good chunk of the houses. Everybody points to OU as having very large buildings. That's true. OU has definitely gotten in the giant direction, but they do offset it with actual open ground, not just balconies

and other things that technically count as open space, but actually open ground. So, yes, they do build very large scale, but they do offset it with actual open space. I would like to split this in terms of voting. I'll be happy to vote for the MUD designation. I don't think I can vote for this particular plan. So can we go ahead and split those?

25. Chairman Sherrer noted that there was already a motion on the floor.

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

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

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1112-141 and Ordinance No. O-1112-44 to the City Council passed by a vote of 7-2.

* * *

# City of Norman, OK

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

## Master

### File Number: O-1112-45

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | O-1112-45 | **Type:** | Ordinance | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 7 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 05/15/2012 |
| **File Name:** | O-1112-45 823 Properties Rezone | | | **Final Action:** | |

**Title:** CONSIDERATION OF ORDINANCE NO. O-1112-45 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 25, 26, AND 27, BLOCK 1, FLOYD ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE R-2, TWO-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (930 ELM AVENUE)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1112-45 upon First Reading by title.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 7

**Attachments:** Text File O-1112-45, O-1112-45 823 Properties, 823 Properties Location Map, 823 Properties Staff Rpt, Proposed Site Development Plan 930 Elm, PD 12-14 823 Properties - Elm and Hoover, Protest Map and letter, 6-14-12 PC Minutes - 823 Properties

**Project Manager:** Jane Hudson, 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 | 06/14/2012 | 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 06/14/2012

## Text of Legislative File O-1112-45

Body

**BACKGROUND**: The applicant has requested rezoning from R-2, Two-Family Dwelling District, to RM-6, Medium Density Apartment District. The existing structure will be removed, should this request be granted, to allow for the construction of a three-story six-unit apartment building with a parking lot to the west. The surrounding area includes a multiple story sorority house to the south, multi-family units to the west, a University Ministry Center to the east and a commercial strip mall to the southeast.

USE: The current use of the tract is a single-family home. The 2025 Land Use and Transportation Plan designates this property for high density residential use.

SITE PLAN: The proposed site plan designates a three-story structure on the eastern portion of the property and parking on the western portion of the lot. The parking lot will have access to Hoover Street. Sidewalks are shown adjacent to Elm Avenue and Hoover Street. A six foot solid wood fence will be installed on the north and west property lines.

DESIGN: The applicant has considered the privacy of the property owners to the north and the west by the installation of the fencing. The parking lot will meet the landscaping and lighting ordinance requirements. Polycarts for solid waste will be located on the north end of the parking lot and will be screened. The property is already platted and parkland is not required. The development has access to existing utilities. The applicant will install a sidewalk adjacent to Hoover Street and repair the existing sidewalk adjacent to Elm if damaged during demolition of the existing structure or new construction.

**STAFF RECOMMENDATION**: The close proximity to the University of Oklahoma makes this an appropriate in-fill project for this area. Based on the fact this area is designated for higher density development and the applicant has taken into consideration screening the adjacent properties from the new development and meeting the lighting ordinance requirements, staff can support this request and recommends approval. The Planning Commission, at their meeting on June 14, 2012, by a vote of 8-0, recommended approval of this rezoning request from R-2 to RM-6.

O-1112-45

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE LOTS 25, 26, AND 27, BLOCK 1, FLOYD ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, AND REMOVE THE SAME FROM THE R-2, TWO-FAMILY DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (930 ELM AVENUE)

§ 1. WHEREAS, 823 Properties, L.L.C., the owner of the hereinafter described property, has made application to have the same placed in the RM-6, Medium Density Apartment District, and to have the same removed from the R-2, Two-Family Dwelling 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 RM-6, Medium Density Apartment District, and to have the same removed from the R-2, Two-Family Dwelling District, to wit:

Lots 25, 26, and 27, Block 1, FLOYD ADDITION, to Norman, Cleveland County, Oklahoma.

Said tract contains 0.24 acres, more or less

§ 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

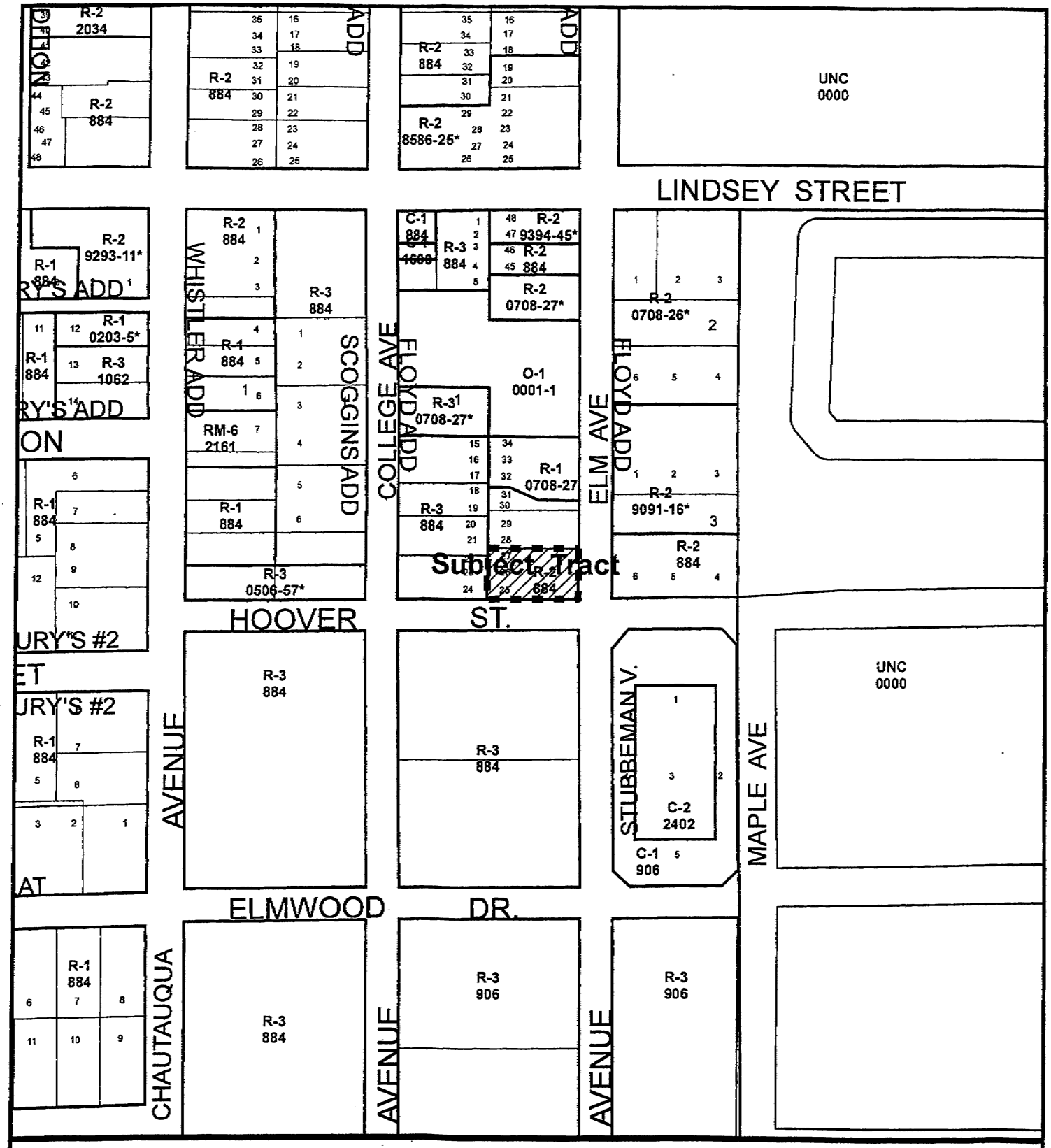
NOT ADOPTED this _____day of

_____, 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

April 11, 2012

0 100 200 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-45 | ITEM NO. 12

## STAFF REPORT

### GENERAL INFORMATION

| | |
|---|---|
| APPLICANT | 823 Properties, LLC |
| REQUESTED ACTION | Rezoning to RM-6, Medium Density Apartment District |
| EXISTING ZONING | R-2, Two Family Dwelling District |
| SURROUNDING ZONING | North: R-2, Two Family Dwelling District<br>East: R-2, Two Family Dwelling District<br>South: R-3, Multi-Family Dwelling District<br>West: R-3, Multi-Family Dwelling District |
| LOCATION | 930 Elm Avenue, generally located at the northwest corner of Elm Avenue and Hoover Avenue |
| SIZE | 0.24 Acre |
| PURPOSE | Multi-Family Development – Six Unit Complex |
| EXISTING LAND USE | Residential |
| SURROUNDING LAND USE | North: Single-Family<br>East: University Ministry Center<br>South: Sorority House<br>West: Multi-Family |
| LAND USE PLAN DESIGNATION | High Density Residential |

**SYNOPSIS**: The applicant has requested rezoning from R-2, Two Family Dwelling District to RM-6, Medium Density Apartment District. The existing structure will be removed, should this request be granted, to allow for the construction of a three-story six-unit apartment building with a parking lot to the west. The surrounding area includes a multiple story sorority house to the south, multi-family units to the west, a University Ministry Center to the east and a commercial strip mall to the southeast.

**ANALYSIS**:

**USE**: The current use of the tract is for a single-family home. The 2025 Land Use and Transportation Plan designates this property for high density residential use.

**SITE PLAN**: The proposed site plan designates a three-story structure on the eastern portion of the property and parking on the western portion of the lot. The parking lot will have access to Hoover Street. Sidewalks are shown adjacent to Elm Avenue and Hoover Street. A six foot solid wood fence will be installed on the north and west property lines.

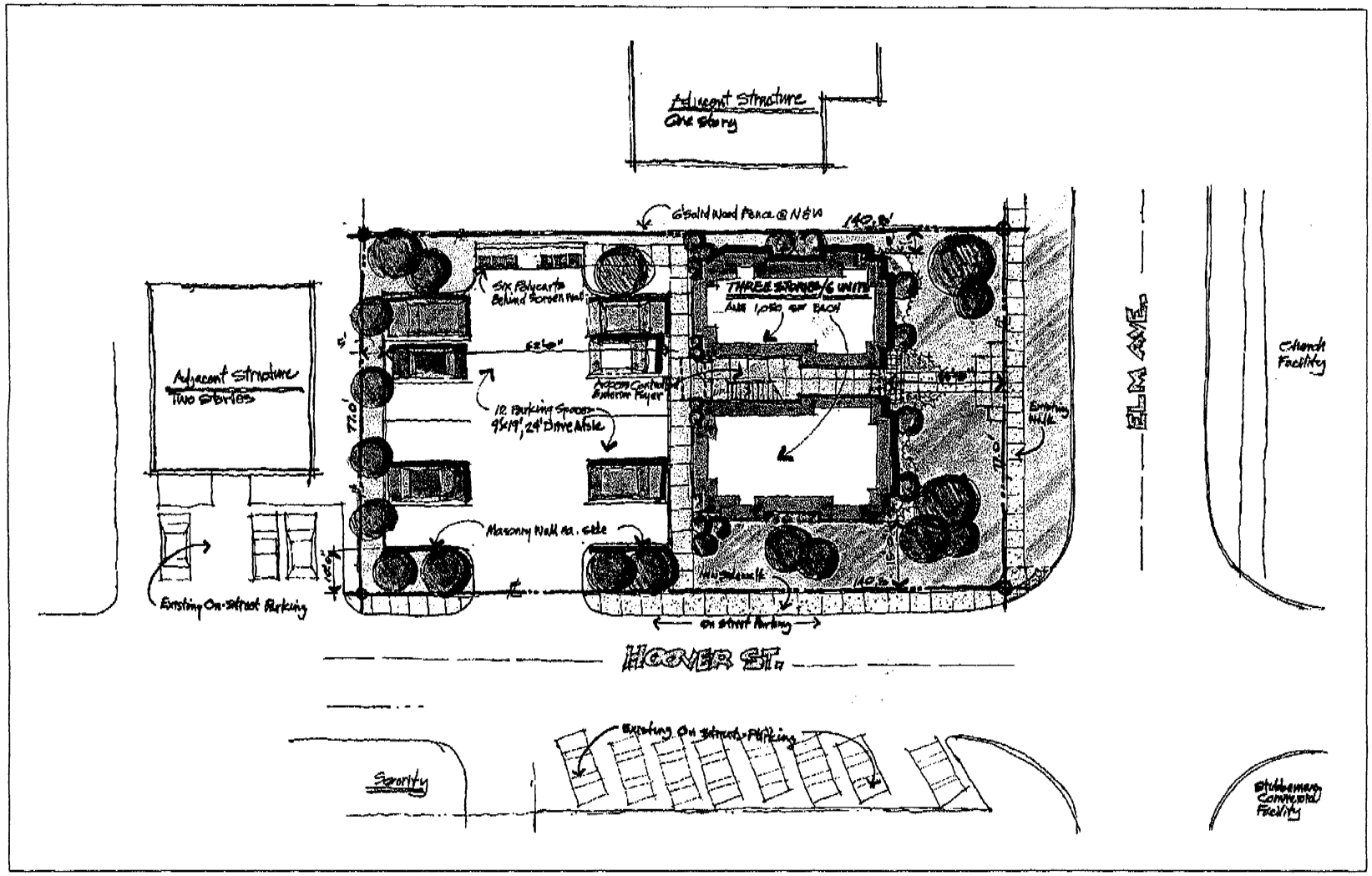
**DESIGN**: The applicant has considered the privacy of the property owners to the north and the west by the installation of the fencing. The parking lot will meet the landscaping ordinance requirements and the lighting ordinance. Polycarts for solid waste will be located in the north end of the parking lot and will be screened.

**OTHER AGENCY COMMENTS**:

**PARK LAND**: The property is already platted and park land is not required.

**PUBLIC WORKS AND UTILITIES**: The development has access to existing utilities. The applicant will install a sidewalk adjacent to Hoover Street and repair the existing sidewalk adjacent to Elm if damaged during demolition of the existing structure or new construction.

**STAFF RECOMMENDATION**: The close proximity to the University of Oklahoma makes this an appropriate in-fill project for this area. Based on the fact this area is designated for higher density developments, the applicant has taken into consideration screening the adjacent properties from the new development and will meet the lighting ordinance, staff can support this request and recommends approval.




# PROPOSED SITE DEVELOPMENT PLAN

0 20 40 80

THE MCKINNEY PARTNERSHIP


3600 West Main
Suite 200
Norman, Oklahoma
73072
405.360.1400 p
405.364.6287 f
tmparch.com


Seal:

Project:

**930 Elm Avenue**
**Norman, OK**

Issue Date:
4/9/12

Revisions:

Project Number:
930-Elm-Ave

Sheet Title:
PROPOSED SITE DEVELOPMENT PLAN

Sheet Number:
SITE

**City of Norman Predevelopment** **April 26, 2012**

| | |
|---|---|
| **Applicant** | 823 Properties |
| **Location** | Generally located at the northwest corner of Elm Avenue and Hoover Street |
| **Case Number** | PD 12-14 |
| **Time** | 6:30-7:00 PM |

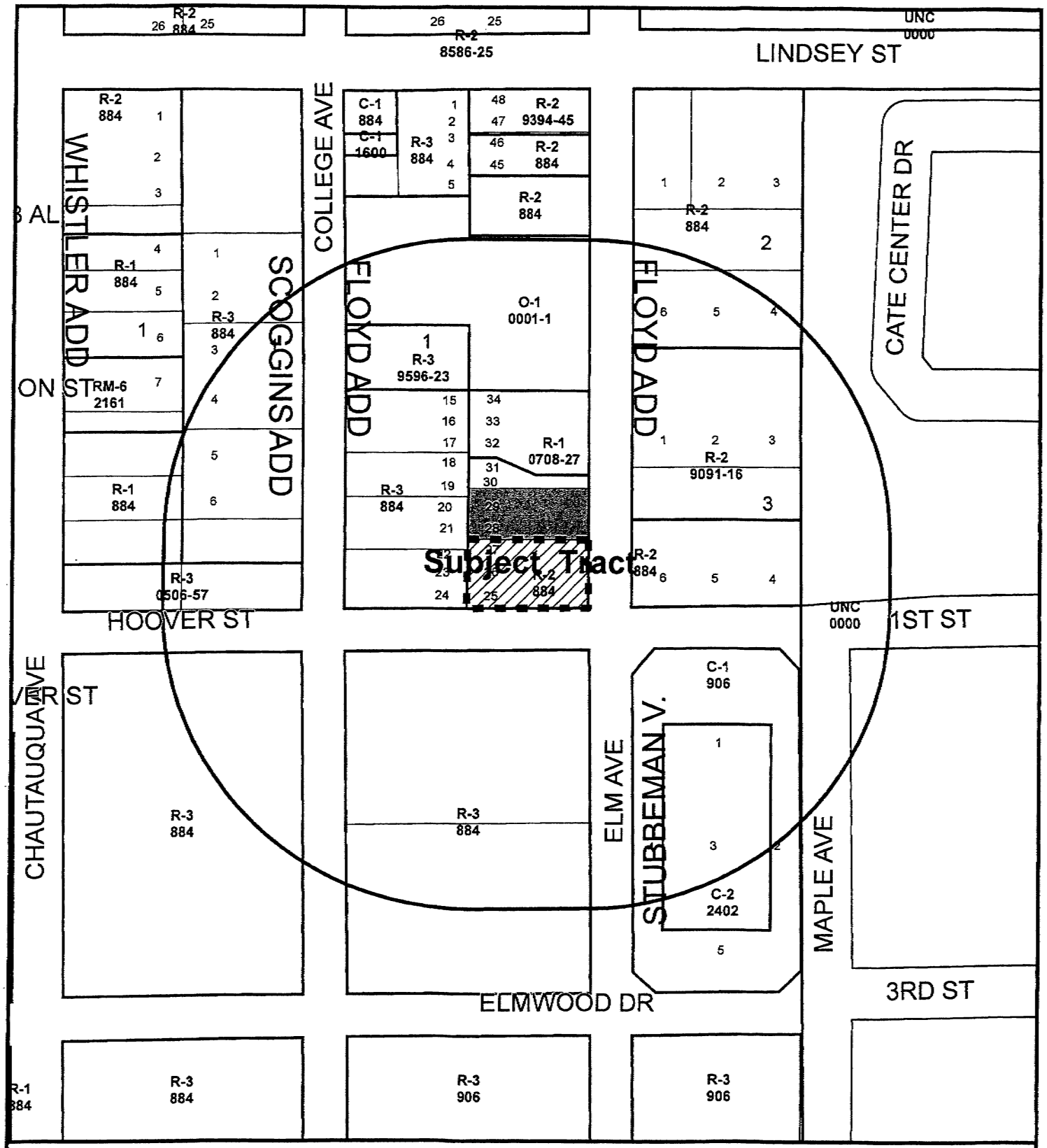
| Attendee | Stakeholder | Address | Phone |
|---|---|---|---|
| Rick McKinney | Applicant Architect | | |
| Curtis McCarty | Interested Party | 4748 Ridgeline Dr. | 310-3210 |
| Mr. & Mrs. KT Meade | Neighbor | 1816 Drury Lane OKC 73116 | 842-2217 |
| Blaine Nice | Neighbor Representatvie | 100 N. Broadway | 366-5422 |
| Drew Norlin | City Staff Public Works Department | | 366-5459 |
| Leah Messner | City Staff – Legal | | 217-7748 |
| Ken Danner | City Staff – Public Works Department | | 366-5458 |
| Jane Hudson | City Staff – Planning Department | | 366-5344 |

**Application Summary.** The applicant has brought this proposal forward to request a change to the current zoning from R-2 to RM-6 to allow for the redevelopment of the property into a six unit apartment building. The Norman 2025 Plan already proposes this site for high density residential; the zoning change request is in line with the 2025 Plan.

**Applicant's Opportunity** The proposal before you is for a new apartment building at the corner of Elm Avenue and Hoover Street. A sorority is located directly south of the subject site, Stubbeman Place Shopping Center directly southeast, Adams dormitory tower is one block away to the east, United Ministry Center directly east, addition church facilities to the north east and north, a two story duplex apartment unit directly west and

a single story residential property to the north. The apartment shall contain six two-bedroom units of approximately 1,035 square feet each within a single three-story structure. Twelve on-site and screened parking spaces shall be provided on the west half of the site while the building shall front on Elm Avenue and align with the adjacent structures to the north. Access to the units shall be directly off of the west parking area or pedestrian access via the east font walk on Elm. Both entries shall lead directly to a controlled access exterior foyer to offer additional security for the tenants. The site and building shall be lit with sharp cut-off type light fixtures that will comply fully with the current City of Norman lighting ordinance. The north and west boundaries will receive a stained six foot tall cedar fence with cap trim and the site shall be fully landscaped in excess of City of Norma landscape ordinance per the site development plant.

**Neighbors Comment**: The neighbor is concerned with the building looking over into their backyard. The neighbor is concerned with additional traffic and the property value deteriorating.




# Protest Map

1.91% 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" = 200'
June 12, 2012

Subject Tract
Protest
Notification Area
Protest Outside Notification Area

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

OKLAHOMA CITY ■ TULSA

R. Blaine Nice
Of Counsel

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

June 7, 2012

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

Re: Rezoning Request of 823 Properties, LLC

Dear Ms. Hall:

This letter is in response to the correspondence from the City of Norman dated May 24, 2012 concerning a Notice of Request for Rezoning on behalf of 823 Properties, LLC. I represent Michael Meade who owns property at 924 Elm Avenue. Please consider this letter a formal protest and objection to the rezoning from R-1, Single-Family Dwelling District to RM-6, Medium Density Apartment District for the property located at 930 Elm Avenue.

As owner of the property located at adjacent to this property, my Client opposes the rezoning based upon the increase density which the proposed rezoning would allow. The increased density will have a detrimental effect on my Client's property, which is a one-story bungalow directly to the north of the proposed development. The proposed three-story structure will back up to my Client's property allowing individuals on the third-story of the proposed unit direct visual access to my Client's yard and residence.

My Client, or his representative, and I will attend the planning commission meeting on Thursday, June 14 at 6:30 p.m. However, should anything further be needed from me or my Client prior to that date, please do not hesitate to contact me.

Sincerely,

R. Blaine Nice

RBN:MB
cc: K.T. Meade
594711_v1

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-8-12

100 NORTH BROADWAY, SUITE 1700
OKLAHOMA CITY, OKLAHOMA 73102-8820
www.fellerssnider.com
TELEPHONE 405.232.0621 ■ FAX 405.232.9659

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

* * *

Item No. 1, being:
**ROLL CALL**

| | |
|---|---|
| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

* * *

Mr. McCarty announced that he needed to be recused on Item No. 12. He left the room.

Item No. 12, being:
**ORDINANCE NO. O-1112-45 – 823 PROPERTIES, L.L.C. REQUESTS REZONING FROM R-2, TWO-FAMILY DWELLING DISTRICT, TO RM-6, MEDIUM DENSITY APARTMENT DISTRICT, FOR 0.24 ACRES OF PROPERTY LOCATED AT 930 ELM AVENUE.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. Site Development Plan
4. Pre-Development Summary

**PRESENTATION BY STAFF:**
1. Ms. Hudson – The applicant has requested rezoning from R-2 to RM-6, Medium Density Apartment District, to allow for the construction of a three-story, six-unit apartment building, with a parking lot which would be on the west side of the lot. The existing zoning is R-3 and R-2 around the area. Existing land use includes some sororities on the south, Stubbeman Village to the southeast. There is a ministries services building to the east, and the University in the distance. On the west side of this lot is a duplex. The current use is a single-family home. The 2025 Land Use Plan designation for this lot is high density residential use. With the close proximity to the University, the 2025 Land Use designation for the higher density developments, and the screening that they have proposed for the adjacent property to the north, staff does support this request. We did have a protest from the property owner to the north at 1.9%. The applicant's architect and representative are here and have a presentation for you.

2. Mr. Knotts – It appeared to me that the garage was also a living quarters behind that house.

3. Ms. Hudson – I'm not sure. I actually called to ask and they couldn't get hold of the owner to be able to tell what was back there. They might know now.

**PRESENTATION BY THE APPLICANT:**
1. Sean Rieger, 136 Thompson Drive, representing the applicant – Commissioner Knotts, I don't believe there is anybody living back there right now. I'm not positive about that. It is currently zoned R-2, so that would be allowed that you could have two different units on the property. I'll go into a little bit of length tonight just because we do have that one protest and they are here tonight to advocate against the project. You saw those slides. This area is very much surrounded by pretty high intensity uses. C-2 zoning is Stubbeman Village. C-2 zoning is as intensive a zoning as you can have in the City of Norman, so this is really in the midst of some high intense zoning. There's an aerial of what we're looking at, and you can see on the aerial – there's the Gamma Phi Beta house – basically the south Greek area is immediately south of this site. Stubbeman Village, the tall Walker Tower which you saw off in the distance is right there and you get into church uses and University religious uses all around it. Really, these two or three houses here are kind of an anomaly in the area in a way. What has happened is this applicant is in the process of purchasing this corner property to develop into not a really intense use – six units. This isn't what you just saw previously of a massive border-to-border block building. This is just a small six-unit apartment building with the parking lot behind it. That's the site looking up closer, you can see over here, is multi-family use right there. That's the University religious center, Stubbeman Village off the corner, and this is the site right here. There's some mature trees around it which we'll be preserving – they're really off the site to the north. This is what I really want you to look very closely at. This is a very intense NORMAN 2025 Planned area. This site is planned high density residential in NORMAN 2025. Not medium density residential on 2025, but high density residential. It is already planned for what we're proposing, is RM-6, Medium Density Residential for the site. So I would remind you Commissioners, that when we come before you

with a proposed zoning that is in line with 2025, you do, in a way, as an applicant, have a presumptive right to achieve that zoning because your community has said that's what you want it to be. That is the ideal condition. And that's what we're seeking tonight is RM-6 under the high intensity high residential use of 2025. There is the actual zonings. Really the only parcels that are not in line, now, with the high density residential 2025 Plan are the three right here – one of them protesting – and the one before you, the applicant. But you can see RM-6 over here, R-3 zoning which you just heard Mr. Williamson talk to you about, C-2 and C-1 zonings over here, and then all of the University facilities off to the east. This is the site plan. Again, in the interest of brevity, I'm going to ask Rick McKinney to come up and actually talk through how he has planned this site.

2. Rick McKinney, McKinney Partnership, 3600 West Main Street – As you can see on this site plan, we have six units, three stories high. The ground floor of this is outlined in the purple there. Each unit is approximately 1,000 square feet. We're a little bit over 6,000 feet for the whole building. The height will be under 35 feet – it's a low 35 feet with low ceiling heights inside. There's a breezeway in between the two bottom units, and it will be a controlled access for security. And then as you get up to the second and third floor, those two units will connect, but still allow room for the stairwell in the middle. The facility will be fire sprinkled. You'll notice on the site plan down below there's a lot of on-street parking. The duplex to the left – those cars back into the street. The sorority on the bottom of the page – those cars back into the street. We have 12 contained parking spaces on our lot with the required landscaping. We have screened polycarts for each of the units. There's also a 4' masonry wall on each side of the parking lot drive going into the site. One thing we're going to do is the front of the project will face Elm Street. It will be well landscaped. It will have a residential feel to it. We're going to have box dormer windows popped out of the unit. You can see by the articulation of the façade. We're looking at brick and stone and siding for this project. There's a 25' setback off of Elm Street, a 15' setback off of Hoover Street. There was one concern we had from the neighbor was the view from the units looking down to the single story house next door. I have shown the outline of the house. Our entire facility is to the east of that house. There's a swimming pool in the back yard of this house next door. They were concerned about being able to look down onto that unit. If you look at the floor plan, what we've done at this point – these are two-bedroom units, but the two bathrooms for those units are on the north side and the showers actually abut the north wall, and those have glass block in the shower. There's a small window right here off of the bathroom, and then the bedroom window here faces east. The only window that actually faces the neighbor to the north is this bedroom window right here in the middle. If we go back to the site plan, that window is approximately in this location. Their swimming pool is back over here, and our rear yard – we're required to have a 20' rear yard – we are almost 75' from the west property line to the back of our unit. So virtually there will be no units looking down into the back yard, which is one of their concerns. This shows the breezeway in between with controlled access. His vision for this property would be to build a relationship with the sorority across the street, would be an example. Once you've done that where the upper level classmen start to use this facility and it would become a place where they would stay year after year across the street from their house. Also, we have no balconies. He did not want to have balconies where people could step outside, party, things like that, make noise. So there's no balconies projected out. We have landscaping all the way around the facility in excess of the city's standards. With that, if there's any questions for me before I sit down?

3. Mr. Boeck – The only question I would have is you don't need two stairs?

4. Mr. McKinney – No. If you sprinkle a building, wood frame, you just need one stair.

5. Mr. Rieger – I have a few more comments. I think it's important to note there is one protest here. It's 1.9%. Again, I hope Rick has explained well enough to you, as you see on that site plan, the pool is back here, the building is far out front with windows looking out to the east,

at best. All of this is R-3 zoning back here. They could certainly build up tall and look into that back yard much easier than we can. I think it's important for you to understand the motivation to some extent, at least, of the protest. In April I was given a call by this neighbor and they requested for us to buy their property. Their son, as I understand it, graduated from law school and was living there. He has moved out and they need to sell the property. It is currently listed on the MLS at $299,000 and they purchased the property in 2008 at $256,000. So they're listing it right now for $186 per square foot. The comps in the area are roughly $112 per square foot, $126 per square foot, $116 per square foot. My client simply is not interested in buying their property. They asked me again tonight on a different price would he be interested in buying the property. It was quite clear, I think, in April that the couple told me that if we weren't interested in buying they would protest the project, and they have tonight. So that's part of the protest, I think. It's important for you to understand that and hear that. Again, I would just simply remind from the staff report you see the really intense uses all around this project – significant intensities around and we are already platted. We are exactly in line with 2025 as this is proposed and, therefore, we do request your support. Staff supports this, I think quite easily, because it's in line with the 2025. With that, I request your support. I thank you very much for your time.

6. Ms. Pailes – Fine with me. Great. It's a good scale for the neighborhood. It's lovely. Thanks.

**AUDIENCE PARTICIPATION:**

1. Blaine Nice, 100 N. Broadway, representing Mr. Meade who owns the residence at 924 Elm, just directly north – First, I guess I need to respond to his comment about the property owner or his representative contacting him and asking to participate and then they wouldn't do it – it's like trying to extort money out of them or something. I don't think that's anything different than Mr. Rieger would do if he had a client that owned property that a three-story building was proposed to go next to, which is going to be five feet from the property line. They point out that the pool is not next to the building, but this building is going to be five feet next to the property line. The property owner's objection to this is that it's going to lower the property value – he already has it on the market and the realtor has advised him the price needs to be lowered. Yes, the price per square foot may be higher than any of the other properties in the neighborhood, but it's the nicest property in the neighborhood. It's a beautiful one-story bungalow. It's got trees. It's got a nice landscaped yard that they sit out in and it's got a pool. There was a residence next to it. Now there's going to be a three-story apartment with 12 people next to it. I understand it's nice and Mr. Rieger points out that Stubbeman – but Stubbeman is two or three blocks away. The sorority is across the street. And this is 5' from their property line. I understand in the grand scope of the 2025 Plan that is what is called for in this area. But, as Mr. Gasaway pointed out a few minutes ago, we're still studying how we're going to deal with these and what rules we're going to have with these. I just think it's a little premature to have this crammed into this lot when you've got a single-family residence next to it. You're having these discussions – I think they've had one public meeting and the public meetings end in August. I just think that the rules haven't been set of how we're going to handle this increased density. I understand it's within the Comp Plan and I appreciate that. I just think that the rules aren't there. But my client – it's going to increase the noise. It's going to increase the traffic. Mr. Williamson was a little bit naïve, I believe, and I think you may agree with him that you're going to have these types of structures and somebody is not going to bring a car to college. All 12 girls are going to have a car and every friend they invite over is going to have a car. I mean, there is no question it's going to increase the traffic and increase the density. That's just the reality. Try as we might, Oklahomans haven't bought into that we can walk very far and we don't need automobiles. That is not reality. And that's what's going to happen here. The parking lot is going to be next to the pool. There's going to be a lot of noise. It interferes with their use of the property. When they bought the property there was a residence next to it. Yes, it was multi-family, but it was not a three-story apartment. I understand there's some very good qualities in this proposal. Mr. McKinney has done a good job. We're not saying it's not a

good design, other than it's 5' from the property line. And if you owned a house and it was zoned a certain way and somebody comes in and asks for a change of use – a change in zoning – not something that's permitted with the zoning but a change in the zoning and to put a structure 5' from your property line, I don't think any of you sitting up here would like that. I'm just asking you to recommend denial of this at this time. I just don't think it's ready for this area. I'd be happy to answer any questions.

2. Mr. Rieger – I just want to make sure you're aware – Mr. Nice was equating this to the last project and to the very high density discussions we're having. That is not this. The very high density discussions you're having with the Elsey projects and others is 100 units per square acre. This is 6 units on I think about a quarter of an acre. It is nothing like that. RM-6 is not the intensity of zonings that the high density discussions are having or anything like the last project where you just approved a 5' separation full width of the block, three stories with windows all looking down into the neighbor. You just approved that project. This is far less density than that. Thank you very much.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**
*Chris Lewis moved to recommend approval of Ordinance No. O-1112-45 to the City Council. Jim Gasaway seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-45 to the City Council passed by a vote of 8-0.

Mr. McCarty rejoined the meeting.

* * *

# City of Norman, OK

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

## Master

### File Number: O-1213-4

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | O-1213-4 | **Type:** | Ordinance | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 8 | **In Control:** | City Council |
| **Department:** | Legal Department | **Cost:** | | **File Created:** | 07/11/2012 |
| **File Name:** | O-1213-4 Dumpster Placement | | | **Final Action:** | |

**Title:** CONSIDERATION OF ORDINANCE NO. O-1213-4 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE III, SECTION 19-303 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION REGARDING THE PLACEMENT OF DUMPSTER AND/OR COMPACTOR ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE OR MULTI-FAMILY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-4 upon First Reading by title.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 8

**Attachments:** Text File O-1213-4, O-1213-4 Dumpster Placment-Annotated, O-1213-4 Dumpster Placement-Clean

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

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

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File O-1213-4

Body

**BACKGROUND:** In 2010, City Council was approached by a homeowner requesting that City Council consider a potential ordinance amendment to regulate the placement of dumpsters adjacent to single family homes. The homeowner had concerns with the odor of a neighboring dumpster as it was located very near to the rear windows of her home. City Council then asked staff to review ordinances from other cities and to draft a proposed amendment for review by the Oversight Committee.

The Oversight Committee met to discuss this topic in September and October 2010 and January and April 2011. At the 2010 Oversight Committee meetings, the Committee reviewed ordinances from Ardmore, Broken Arrow, Lawton, Midwest City, Oklahoma City, and Stillwater. Other cities reviewed, Moore and Tulsa, did not have ordinances dealing with dumpster placement. At the January 5, 2011 meeting, the Oversight Committee requested that City staff draft amendments to the proposed Ordinance that would include a retroactivity clause to bring all dumpsters placed adjacent to single family zones or uses into compliance with a twenty-foot setback proposed by the Ordinance amendment. The Oversight Committee, at their April 2011 meeting, reviewed a final draft of the proposed changes and requested that draft be forwarded for consideration by the full City Council.

Subsequent to those meetings, City Council adopted O-1011-7 on May 24, 2011 that required any dumpster and/or compactor to be set back twenty feet from the property line where property that is zoned Industrial, Commercial, Office, or Multi-Family abuts a single-family residential zone. The Ordinance applied to all new construction. In addition, existing businesses were required to come into compliance with the terms of this ordinance within six months after the ordinance was adopted. However, the Director of Utilities, or his designee, had the authority to waive or modify this requirement as potential site limitations might dictate.

The Ordinance also contained language that, if a developer chooses to locate dumpsters and the required enclosures within a platted utility easement, the developer assumes all responsibility for any damage to the enclosure if utility work needs to be completed in the easement. This protects the City of Norman from damage claims if an enclosure is damaged while the City of Norman, or other utility companies, performs work in a utility easement.

**DISCUSSION:** This Ordinance was added to Chapter 19: Subdivision Regulations as Section 19-303(P). However, while the Oversight Committee was considering these new requirements, City Council was also discussing the Ordinance creating Water Quality Protection Zones, O-1011-52. Both the dumpster placement Ordinance and the WPQZ Ordinance amended Chapter 19 by adding Section 19-303(P). The dumpster requirements were adopted by Council on May 31, 2011 and would have gone into effect on June 30, 2011. However, the WPQZ Ordinance was adopted by Council on June 11, 2011. The WPQZ Ordinance, also beginning at Chapter 19, § 19-303(P) effectively overrode the newly adopted, but not yet effective, dumpster provisions. It appears that this oversight occurred because the dumpster language had not yet been codified in either the Code book or on www.municode.com <http://www.municode.com/> prior to the adoption of the WPQZ Ordinance.

This oversight came to light recently when the plat was submitted for the new 7-Eleven convenience store located at Flood Avenue and Robinson Street. Prior to this submittal, no applications have been submitted that made application of the dumpster placement Ordinance necessary. In addition, the Utilities Department has not received any complaints that necessitated retrofitting of existing dumpsters.

**CONCLUSION:** Because of this oversight, Staff has included this item on City Council's agenda in order to consider re-adopting the dumpster placement requirements now proposed to be located in Chapter 19, § 19-303(V).

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE III, SECTION 19-303 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION REGARDING THE PLACEMENT OF DUMPSTER AND/OR COMPACTOR ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE OR MULTI-FAMILY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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

§ 1. That Article III, Section 19-303 of Chapter 19 of the Code of the City of Norman shall be amended to read as follows:

Sec. 19-303. Preliminary plat: Contents.

The preliminary plat shall be drawn at a scale of not more than one hundred (100) feet to the inch, except where impractical and shall show:

* * *

V. In the instance where property that is zoned Industrial, Commercial, Office, or Multi-Family abuts a single-family residential zone, the dumpster and/or compactor must be set back 20 feet from the property line that abuts the single family zone or single family use.

1. This standard shall apply for all new construction. Existing businesses must also come into compliance with the terms of this ordinance within six months after the ordinance is adopted. However, the Director of Utilities, or his designee, shall have the authority to waive or modify this requirement as potential site limitations may dictate.

2. If a developer chooses to locate dumpsters and the required enclosures within a platted utility easement, the developer assumes all responsibility for any damage to the enclosure if utility work needs to be completed in the easement.

* * *

§ 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 III, SECTION 19-303 OF CHAPTER 19 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION REGARDING THE PLACEMENT OF DUMPSTER AND/OR COMPACTOR ON PROPERTY ZONED INDUSTRIAL, COMMERCIAL, OFFICE OR MULTI-FAMILY; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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1. This standard shall apply for all new construction. Existing businesses must also come into compliance with the terms of this ordinance within six months after the ordinance is adopted. However, the Director of Utilities, or his designee, shall have the authority to waive or modify this requirement as potential site limitations may dictate.

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* * *

§ 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

ATTEST:

_____

Brenda Hall, City Clerk

NOT ADOPTED this _____ day

of _____, 2012.

_____

Cindy Rosenthal, Mayor

# City of Norman, OK

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

## Master

### File Number: RPT-1213-2

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | RPT-1213-2 | **Type:** | Communication or Report | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 9 | **In Control:** | City Council |
| **Department:** | Finance Department | **Cost:** | | **File Created:** | 07/06/2012 |
| **File Name:** | June, 2012, Finance Director's Investment Report | | | **Final Action:** | |

**Title:** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JUNE 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:** 07/24/2012

**Agenda Number:** 9

**Attachments:** Finance Director's Investment Report June

**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-1213-2

DATE: 05-Jul-12

TO: City Council

FROM: Anthony Francisco, Director of Finance
REVIEWED BY: Clint Mercer, Chief Accountant
PREPARED BY: Debbie Whitaker, Municipal Accountant III

SUBJECT: Breakdown of Interest Earnings by Fund

| | MONTHLY COMPARISON | | | | ANNUAL COMPARISON | | | |
|---|---|---|---|---|---|---|---|---|
| FUND | MONTHLY BUDGETED INTEREST EARNINGS FYE12 | MONTHLY INTEREST EARNINGS June 2012 | 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 | $3,034 | -63.59% | 30.07% | $100,000 | $62,198 | -37.80% | 6.99% |
| NET REVENUE STABILIZATION | N/A | $2,666 | 0.00% | 26.43% | $0 | $2,666 | 100.00% | 0.30% |
| PUBLIC SAFETY SALES TAX FUND | N/A | $4,543 | 100.00% | 45.03% | N/A | $69,052 | 100.00% | 7.76% |
| ROOM TAX FUND | $250 | $135 | -45.95% | 1.34% | $3,000 | $1,551 | -48.30% | 0.17% |
| CAPITAL PROJECTS FUND | $12,500 | $9,110 | -27.12% | 90.30% | $150,000 | $344,727 | 129.82% | 38.73% |
| SINKING FUND | $2,083 | ($37,266) | -1888.79% | -369.39% | $25,000 | ($2,849) | -111.39% | -0.32% |
| G.O. BOND FUND | $167 | $100 | -39.74% | 1.00% | $2,000 | $1,471 | -26.43% | 0.17% |
| WESTWOOD FUND | $625 | $509 | -18.56% | 5.05% | $7,500 | $6,476 | -13.65% | 0.73% |
| WATER FUND | $10,000 | $9,212 | -7.88% | 91.31% | $120,000 | $131,336 | 9.45% | 14.76% |
| WASTEWATER FUND | $8,333 | $3,765 | -54.82% | 37.32% | $100,000 | $68,219 | -31.78% | 7.67% |
| DEVELOPMENT EXCISE | $16,667 | $7,174 | -56.96% | 71.11% | $200,000 | $100,116 | -49.94% | 11.25% |
| SEWER SALES TAX | $6,250 | $3,711 | -40.63% | 36.78% | $75,000 | $63,061 | -15.92% | 7.09% |
| SANITATION FUND | $2,500 | $872 | -65.12% | 8.64% | $30,000 | $7,294 | -75.69% | 0.82% |
| PARKLAND FUND | $1,250 | $683 | -45.33% | 6.77% | $15,000 | $11,067 | -26.22% | 1.24% |
| TRUST & AGENCY FUNDS | N/A | $3 | 100.00% | 0.03% | N/A | $47 | 100.00% | 0.01% |
| TAX INCREMENT DISTRICT | $1,458 | $970 | 100.00% | 9.61% | $17,500 | $8,299 | 100.00% | 0.93% |
| SPECIAL GRANTS FUND | N/A | $423 | 100.00% | 4.19% | N/A | $6,427 | 100.00% | 0.72% |
| CLEET FUND | N/A | $14 | 100.00% | 0.14% | N/A | $204 | 100.00% | 0.02% |
| HOUSING | N/A | $0 | 100.00% | 0.00% | N/A | | 100.00% | 0.00% |
| SITE IMPROVEMENT FUND | N/A | $22 | 100.00% | 0.22% | N/A | $372 | 100.00% | 0.04% |
| ARTERIAL ROAD FUND | N/A | $228 | 100.00% | 2.26% | N/A | $4,293 | 100.00% | 0.48% |
| SEIZURES | $42 | $182 | 336.08% | 1.80% | $500 | $3,944 | 688.89% | 0.44% |
| | $70,458 | $10,089 | -85.68% | 100.00% | $845,500 | 889,974 | 5.26% | 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 $139.68 million as of 06/30/12 are represented by working capital cash balances of all City funds of approximately $ 74.66 million, outstanding encumbrances of $24.43 million, General Obligation Bond proceeds of $21.97, NUA revenue bond proceeds of $8.74 million, NMA bond proceeds of $4.01 million, and UNP TIF reserve amounts of $5.87 million.

**INVESTMENT BY TYPE**

June 30, 2012

| LIST BY TYPE | SEC. NO. | PURCHASED | MATURITY | YIELD | EARNED INTEREST | COST | MARKET |
|---|---|---|---|---|---|---|---|
| **Checking | | | | | | | |
| BANK OF AMERICA | GEN'L DEP. | | | 0.25% | $4,167.44 | $2,274,689.29 | $2,274,689.29 |
| BANK OF OKLAHOMA | GEN'L DEP. | | | | $44.04 | $21,808,318.91 | |
| BANK OF AMERICA | WARRANTS PAYABLE | | | | $0.00 | | ($1,019,721.87) |
| BANK OF OKLAHOMA | WARRANTS PAYABLE | | | | | ($1,019,721.87) | |
| BANK OF AMERICA | PAYROLL | | | | $0.00 | | ($2,346,105.20) |
| BANK OF OKLAHOMA | PAYROLL | | | | | ($2,346,105.20) | |
| BANK OF AMERICA | COURT BOND REFUNDS | | | | $0.00 | | $261,262.26 |
| BANK OF OKLAHOMA | COURT BOND REFUNDS | | | | | $261,262.26 | |
| BANK OF AMERICA | INSURANCE CLAIMS | | | | $0.00 | | ($449,602.25) |
| BANK OF OKLAHOMA | INSURANCE CLAIMS | | | | | ($449,602.25) | |
| **Subtotal | | | | | $4,211.48 | $20,528,841.14 | ($1,279,477.77) |
| **Money Market | | | | | | | |
| BANCFIRST-NUA | MONEY MKT. | | | 0.01% | $2.94 | $721,627.22 | $721,627.22 |
| BANCFIRST-NMA Sanitat. | MONEY MKT. | | | 0.01% | $31.88 | $3,619,942.56 | $3,619,942.56 |
| BANCFIRST-NMA Golf | MONEY MKT. | | | 0.01% | $431.15 | $394,434.50 | $394,434.50 |
| BANCFIRST-NUA Water | MONEY MKT. | | | 0.01% | $41.20 | $8,017,114.77 | $8,017,114.77 |
| Bank of Oklahoma UNP TIF | MONEY MKT. | | | 0.01% | $36.71 | $5,281,299.83 | $5,281,299.83 |
| REPUBLIC BANK UNP TIF | MONEY MKT. | | | 0.40% | $172.85 | $583,920.49 | $583,920.49 |
| FIRST FIDELITY | MONEY MKT. | | | 0.30% | $77.85 | $0.00 | $0.00 |
| BANK OF AMERICA | MONEY MKT. | | | 0.01% | $4.62 | $0.00 | $0.00 |
| BANK OF OKLAHOMA | MONEY MKT. | | | 0.01% | $1.14 | $473,215.49 | $473,215.49 |
| BANK OF AMERICA | MONEY MKT. | | | 0.09% | $33.92 | $0.00 | $0.00 |
| BANK OF OKLAHOMA | MONEY MKT. | | | 0.09% | $1.48 | $607,987.77 | $607,987.77 |
| BANK OF AMERICA - Clean Wat | MONEY MKT. | | | | $0.00 | $0.00 | $0.00 |
| BANK OF OKLAHOMA-Clean Wt | MONEY MKT. | | | 0.25% | $169.57 | $169.57 | $169.57 |
| BANK OF AMERICA-2008A | MONEY MKT. | | | 0.01% | $2.60 | $0.00 | $0.00 |
| BANK OF OKLAHOMA- 2008A | MONEY MKT. | | | 0.01% | $1.77 | $728,390.12 | $728,390.12 |
| BANK OF AMERICA-2008B | MONEY MKT. | | | 0.01% | $5.45 | $0.00 | $0.00 |
| BANK OF OKLAHOMA-2008B | MONEY MKT. | | | 0.01% | $3.69 | $1,520,664.46 | $1,520,664.46 |
| BANK OF AMERICA-2010 | MONEY MKT. | | | 0.01% | $4.72 | $0.00 | $0.00 |
| BANK OF OKLAHOMA-2010 | MONEY MKT. | | | 0.01% | $3.20 | $1,317,035.56 | $1,317,035.56 |
| BANK OF AMERICA-2012A | MONEY MKT. | | | 0.01% | $1.00 | $0.00 | $0.00 |
| BANK OF OKLAHOMA-2012A | MONEY MKT. | | | 0.01% | $0.68 | $278,765.09 | $278,765.09 |
| BANK OF AMERICA-2012B | MONEY MKT. | | | 0.01% | $54.02 | $0.00 | $0.00 |
| BANK OF OKLAHOMA-2012B | MONEY MKT. | | | 0.01% | $36.60 | $15,086,749.19 | $15,086,749.19 |
| BANK OF AMERICA-2012C | MONEY MKT. | | | 0.01% | $10.86 | $0.00 | $0.00 |
| BANK OF OKLAHOMA-2012C | MONEY MKT. | | | 0.01% | $7.36 | $3,033,498.74 | $3,033,498.74 |
| **Subtotal | | | | | $1,137.26 | $41,664,815.36 | $41,664,815.36 |
| **Sweep/Overnight | | | | | | | |
| JP MORGAN | SHORT TERM | | | 0.00% | $0.00 | $2,639,046.76 | $2,639,046.76 |
| **Certificate of Deposit | | | | | | | |
| FIRST FIDELITY BANK | CD | 09/30/11 | 09/30/12 | 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 | 3133XTS49 | 03/31/10 | 06/20/12 | 1.30% | 73.04 | | |
| FNMA | 313359MNU3 | 11/30/10 | 08/01/12 | 0.73% | 5,208.52 | 8,000,000.00 | $8,031,120.00 |
| FFCB | 31331G2R9 | 03/31/10 | 12/07/12 | 1.58% | 132.38 | 100,000.00 | $100,730.00 |
| US T-Note | 912828MN7 | 05/20/11 | 02/15/13 | 0.48% | 3,019.52 | 7,500,000.00 | $7,554,525.00 |
| FFCB | 31331JBV4 | 06/30/11 | 02/21/13 | 0.49% | 831.62 | 2,000,000.00 | $2,017,480.00 |
| FHLMC | 312SX1EJ2 | 12/31/09 | 05/22/13 | 2.08% | 3,649.08 | 2,000,000.00 | $2,070,760.00 |
| FHLB | 3133XYHD0 | 07/22/10 | 06/14/13 | 1.05% | 3,547.07 | 4,000,000.00 | $4,051,840.00 |
| FFCB | 31331KET3 | 05/20/11 | 09/23/13 | 0.80% | 3,339.46 | 5,000,000.00 | $5,040,550.00 |
| FHLB | 313376UFO | 03/30/12 | 01/29/14 | 0.38% | 2,111.69 | 7,500,000.00 | $7,504,200.00 |
| FAMCA | 31315PSG5 | 09/29/11 | 03/14/14 | 1.50% | 951.79 | 2,000,000.00 | $2,039,140.00 |
| US T-Note | 912828KV1 | 06/30/11 | 05/31/14 | 0.76% | 2,299.34 | 3,500,000.00 | $3,528,240.00 |
| FNMA | 31398A3G5 | 08/31/11 | 09/08/14 | 1.50% | 1,345.11 | 3,000,000.00 | $3,061,710.00 |
| FNMA | 3136FPEW3 | 03/30/12 | 12/16/14 | 1.50% | 435.00 | 1,000,000.00 | $1,023,040.00 |
| FFCB | 3133EANJ3 | 05/31/12 | 05/01/15 | 0.50% | 2,248.29 | 5,500,000.00 | $5,498,075.00 |
| FNMA | 3135G0LN1 | 05/31/12 | 07/02/15 | 0.50% | 2,660.24 | 5,500,000.00 | $5,496,755.00 |
| FNMA | 3136FPAB3 | 11/30/11 | 08/18/15 | 0.96% | 2,077.50 | 2,500,000.00 | $2,608,750.00 |
| FNMA | 31398A3T7 | 11/30/11 | 09/21/15 | 1.00% | 1,729.16 | 2,000,000.00 | $2,090,560.00 |
| FHLB | 3133796P9 | 04/30/12 | 10/30/15 | 0.60% | 1,822.92 | 3,500,000.00 | $3,503,395.00 |
| FFCB | 3133KS92 | 11/30/11 | 11/16/15 | 1.17% | 2,436.99 | 2,500,000.00 | $2,506,350.00 |
| FHLB | 3133724Y7 | 04/27/12 | 12/23/15 | 1.90% | 1,575.90 | 3,000,000.00 | $3,141,480.00 |
| FNMA | 3135G0ES8 | 05/31/12 | 11/15/16 | 1.30% | 3,014.82 | 4,250,000.00 | $4,361,222.50 |
| U.S. STRIPS (Hallpark) | 912833KC3 | 06/09/04 | 05/15/14 | 5.12% | (39,966.40) | 0.00 | $0.00 |
| **Subtotal | | | | | 4,543.04 | 74,350,000.00 | $75,329,922.50 |
| **TOTAL** | | | | | 10,089.70 | 139,682,703.26 | $118,854,306.85 |

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-1213-3

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | RPT-1213-3 | **Type:** | Communication or Report | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 10 | **In Control:** | City Council |
| **Department:** | City Manager Department | **Cost:** | | **File Created:** | 07/06/2012 |
| **File Name:** | June, 2012, Monthly Dept Report | | | **Final Action:** | |

**Title:** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JUNE, 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:** 07/24/2012

**Agenda Number:** 10

**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-1213-3

# City of Norman, OK

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

## Master

### File Number: K-1213-3

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-3 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 11 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | $183,000.00 | **File Created:** | 07/09/2012 |
| **File Name:** | K-1213-3 FYE 2013 Concrete Projects | | | **Final Action:** | |

**Title:** CONSIDERATION OF BID NO. 1112-62, CONTRACT NO. K-1213-3 WITH OPES, INC. IN THE AMOUNT OF $169,269.25; CHANGE ORDER NO. ONE INCREASING THE CONTRACT AMOUNT BY $13,730.75; PERFORMANCE BOND NO. B-1213-5, STATUTORY BOND NO. B-1213-6, MAINTENANCE BOND NO. MB-1213-3, AND RESOLUTION NO. R-1213-3 FOR FYE 2013 CONCRETE PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $169,269.25 to OPES, Inc., approve Contract No. K-1213-5, Change Order No. One increasing the contract by $11,730.35, Performance Bond No. B-1213-5, Statutory Bond No. B-1213-6, and Maintenance Bond No. MB-1213-3, authorize execution of the contract and change order, direct the filing of the bonds, and adopt Resolution No. R-1213-3.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 11

**Attachments:** Text File K-1213-3, Bid List, Project Table-2013 Concrete Project, K-1213-3, Change Order No. One K-1213-3, Perf B-1213-5, Stat B-1213-6, MB-1213-3, R-1213-3, OPES PR

**Project Manager:** Jack Burdett, Engineering Assistant

**Entered by:** pam.jones@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-1213-3

body

**BACKGROUND:** The Fiscal Year ending June 30, 2013 (FYE 2013) Capital Improvement Program

Budget includes four (4) concrete sidewalk programs. The projects are similar in nature so more competitive bids have historically been obtained by bidding them together. Therefore, staff combined these projects into one project entitled the FYE 2013 Concrete Projects. These four (4) projects are described in detail below and outlined in a table attached.

The **Citywide Sidewalk Reconstruction Program** is intended to assist property owners in repairing existing sidewalks and constructing new sidewalks along an entire city block. Property owners who wish to participate in the Citywide Sidewalk Reconstruction Project will pay fifty percent (50%) of the estimated cost with the City paying the remaining fifty percent (50%) from funds allocated to this project.

The **Sidewalk Accessibility Program** provides wheelchair ramps where none exist and rebuilds existing ramps that do not comply with the current Americans with Disabilities Act (ADA) standards. This project will construct approximately twenty-five (25) curb ramps. Locations are determined at the request of citizens or along arterial and collector streets that do not currently have ramps at street-sidewalk intersections.

The **Sidewalk Program for Schools and Arterials Program** is used to construct new sidewalks adjacent to elementary schools that have no sidewalks and along walking routes to the schools. The following locations are included in this year's program: Peters Avenue from Ridge Road to Americana Court in the Wilson Elementary School district and Sherry Avenue from Crestmont Avenue to Iowa Street in the Cleveland School district.

The **Downtown Area Sidewalks and Curbs Program** will repair hazardous or deteriorated sidewalks, ramps and curbs in the downtown area. The location for FYE 2013 will be concentrated on the west side of downtown.

**DISCUSSION:** Bid documents and specifications were advertised according to State Law. Nine (9) contractors received the bid documents and four (4) bids were received on June 28, 2012. The low bidder, in the amount of $169,269.25, is OPES, Inc. of Norman. OPES, Inc. has successfully performed work for the City of Norman. Positive references were also received for this contractor from the Oklahoma Department of Central Services. The Engineer's estimate is $187,000.

The bid amount for each of the four (4) programs is shown separately on the attached bid summary. The bids for three (3) programs; "Citywide Sidewalk Reconstruction Program", "Sidewalk Accessibility Program", and "Sidewalk Program for Schools and Arterials Program"; were less than the budgeted amount; and the bid for "Downtown Area Sidewalks and Curbs" project was greater than the budgeted amount. For the Citywide Sidewalk Reconstruction, citizens have the option of using their own contractor, using the City's contractor or performing the work themselves. Therefore, staff recommends leaving $12,000 in unencumbered funds for the City's fifty percent (50%) match of this program if the property owner chooses to not use the City's contractor. Please reference Table 1 attached to this memo.

Staff recommends the approval of Change Order No.1, which will increase the contract cost amounts for three (3) programs; "Citywide Sidewalk Reconstruction Program", "Sidewalk Accessibility Program", and "Sidewalk Program for Schools and Arterials Program"; in the amount of $14,055.75

and reduce "Downtown Area Sidewalks and Curbs" by $325. The FYE 2013 Concrete Projects Budget, Table 2, shows an unencumbered amount of $12,000 that will be made available for reimbursements to citizens that hire their own contractor as discussed above. If approved, the contract amount will be increased from $169,269.25 to $183,000. The contracted amount of $183,000 and the unencumbered amount of $12,000 match the budgeted funds of $195,000. This change order will allow more work to be accomplished for the programs listed below and bring the other two programs to the budgeted amount.

Citywide Sidewalk Reconstruction - Additional sidewalk repair.

Sidewalk Program for Schools and Arterials - Additional sidewalk and ramp improvements can be constructed adjacent to Cleveland School.

If approved, all of this work including Change Order No. 1 will be completed by August 31, 2013.

Resolution No. R-1213-3 confers upon OPES, Inc., the limited agent status for the purchase of materials to be incorporated in the project on a sales tax-exempt basis. The bid documents offered tax-exempt status to all bidders.

**RECOMMENDATION NO. 1:** Staff has reviewed the bids and recommends that Bid No. 1112-62 for the FYE 2013 Concrete Projects be awarded to the low bidder, OPES Inc. in the amount of $169,269.25.

**RECOMMENDATION NO. 2:** Staff further recommends that, upon approval of Bid No. 1112-62, the following contract and bonds be approved:

Contract No. K-1213-3
Performance Bond No. B-1213-5
Statutory Bond No. B-1213-6
Maintenance Bond No. 1213-3

**RECOMMENDATION NO. 3:** Staff further recommends that, upon approval of Bid No. 1112-62, OPES, Inc., be authorized and appointed as project agent via Resolution No. R-1213-3.

**RECOMMENDATION NO.4:** Staff further recommends approval of Change Order No. 1 which increases the contract amount $13,730.75.

**BID LIST**
**FYE 2013 CONCRETE PROJECTS**
**Contract No. K-1213-3**

## BID NO. 1112-62

## BID OPENING: Thursday, 2:00 p.m. on June 28, 2012

| | CONTRACTOR | CITY/STATE | AMOUNT |
|---|---|---|---|
| | Engineering Estimate | | **$ 187,000.00** |
| 1 | Texoma Paving & Construction, LLC | Norman, OK 73070 | No Bid |
| 2 | OPES, Inc. | Norman, OK | $169,269.25 |
| 3 | TJ Campbell | Oklahoma City, OK | No Bid |
| 4 | Rudy Construction | Oklahoma City, OK | $187,393.00 |
| 5 | A-Tech Paving | Oklahoma City, OK | No Bid |
| 6 | Nash Construction | Oklahoma City, OK | $177,825.00 |
| 7 | Van Eaton Ready Mix | Shawnee, OK | No Bid |
| 8 | Central Contracting Services | Norman, OK 73071 | $176,512.50 |
| 9 | C-P Integrated Services | Oklahoma City, OK | No Bid |

## TABLE 1

## FYE 2013 CONCRETE PROJECTS

| Project Name | Account No. Project No. | Budgeted Amount | Bid Amount |
|---|---|---|---|
| 1) Citywide Sidewalk Reconstruction Program | 050-9052-431.61-01 TC 0250 | $ 50,000 | $ 31,166.25 |
| | | | |
| 2) Sidewalk Accessibility Program | 050-9316-431.61-01 TC 0238 | $ 25,000 | $ 24,869.00 |
| | | | |
| 3) Sidewalk Program for Schools and Arterials | 050-9317-431.61-01 TC 0249 | $ 70,000 | $ 62,909.00 |
| | | | |
| 4) Downtown Area Sidewalks and Curbs Program | 050-9716-431.61-01 TC 0251 | $ 50,000 | $ 50,325.00 |
| | | | |
| | **Total** | $ 195,000 | $ 169,269.25 |

## TABLE 2

## FYE 2013 CONCRETE PROJECTS BUDGET

| PROJECT NAME | FUNDING | BID AMOUNT | CHANGE ORDER NO. 1 | UNENCUMBERED AMOUNT FOR TESTING & CONSTRUCTION COSTS | FINAL CONTRACT AMOUNT |
|---|---|---|---|---|---|
| 1.) Citywide Sidewalk Reconstruction | $ 50,000 | $31,166.25 | $6,833.75 | $12,000.00 | $38,000 |
| 2.) Sidewalk Accessibility | $ 25,000 | $24,869.00 | $131.00 | $0.00 | $25,000 |
| 3.) Sidewalk Program for Schools and Arterials Project | $ 70,000 | $62,909.00 | $7,091 | $0.00 | $ 70,000 |
| 4.) Downtown Area Sidewalks and Curbs | $ 50,000 | $50,325.00 | ($325.00) | $0.00 | $50,000 |
| | | | | | |
| TOTAL | $195,000 | $169,269.25 | $13,730.75 | $12,000.00 | $183,000 |

CONTRACT

THIS CONTRACT made and entered into this_____ day of _____, 20__, by and between OPES, Inc. 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 project:

**FYE 2013 CONCRETE PROJECTS**

as outlined and set our 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: One Hundred Sixty Nine Thousand Two Hundred Sixty-Nine Dollars and Twenty Five Cents ($169,269.25);

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, Instruction 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.

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.

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 Oklahoma )
) ss:
COUNTY OF CLEVELAND)

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

Contractor

Subscribed and sworn to before me this 31 day of July, 2012

Notary Public

My Commission Expires

NOTARY PUBLIC SEAL
CLIFFORD L. BARGER
Notary Public in and for the
State of Oklahoma
Commission #06006558
My Commission expires 7/06/2014

Contract No. K-1213-3
Page 3 of 4

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 3rd. day of July 2012, and the _____ day of _____, 2012.

(Corporate Seal) (where applicable)

Principal

ATTEST:
Authorized Representative

Signed: _____

Title: President

Corporate Secretary (where applicable)

Address 330 W. Gray St., Ste. 135
Norman OK 73069
Telephone: (405) 360-2511

CITY OF NORMAN:

Approved as to form and legality this 17th day of July 2012.

City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20___.

ATTEST:

City Clerk

Mayor

Contract No. K-1213-3
Page 4 of 4

CHANGE ORDER SUMMARY
CITY OF NORMAN
CLEVELAND COUNTY, OKLAHOMA

CHANGE ORDER NO. 1 DATE: July 24, 2012

CONTRACT NO.: K-1213-3 SUBMITTED BY: Jack Burdett

PROJECT: FYE 2013 CONCRETE PROJECTS

CONTRACTOR: OPES, INC.
Address: 330 West Gray St., Suite 135
City, State, Zip: NORMAN, OK 73069

Original Completion Date: July 31, 2013

Previous Completion Date: July 31, 2013 ORIGINAL CONTRACT AMOUNT: $169,269.25

(Increase) this change order 31 Calendar days

New Completion Date August 31, 2014 PRESENT CONTRACT AMOUNT: $183,000.00

| DESCRIPTION | DECREASE | INCREASE |
|---|---|---|
| See Attached "Change Order Detail" | $325.00 | $14,055.75 |

Note: This change order is based completely on the unit prices from the original contract. There are no new items.

NET CHANGE: $ 13,730.75

REVISED CONTRACT AMOUNT $183,000.00

CONTRACTOR: OPES INC TOMAS DEAZ DATE: 7/3/12

ARCH./ENGINEER: DATE: 7/10/12

CITY ATTORNEY: DATE: 7/17/12

ACCEPTED BY: DATE:
(Mayor)

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

Project Name: FYE 2013 CONCRETE PROJECTS
Design Engineer: JACK BURDETT

Address/Phone: 201 WEST GRAY
NORMAN, OK 73070
405.366.5457

Project Account Number's: TC0250, TC0238, TC0249, TC0251

Contract No. K-1112-3

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 re-advertising for bids on the incomplete portions of the contract.

H. All change orders shall contain a unit price and total for each of the following items:

1. All materials with cost per item; and
2. Itemization of all labor with number of hours per operation and cost per hour; and
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; and
4. Itemization of insurance cost, bond cost, social security, taxes, worker's compensation, employee benefits and overhead cost; and
5. Profit for the contractor.

I. 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.

J. 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.

CHANGE ORDER (Continued)
CHANGE ORDER NO. 1
PROJECT NAME: FYE 2013 CONCRETE PROJECTS

| | Description | | |
|---|---|---|---|
| | **FYE 2013 CITYWIDE SIDEWALK RECONSTRUCTION** | | |
| | Acct. No. 050-9052-431.61-01 Proj. No.TC00250 | | |
| Item | Description | Decrease | Increase |
| 1 | Unclassified Excavation Common | | |
| | 8.2 CY x $5/CY= | | $41.00 |
| 3 | Solid Slab Sodding | | |
| | 25 SY x $3.35/SY= | | $83. 75 |
| 8 | Removal of Concrete Sidewalk | | |
| | 107 SY x $9/SY= | | $963.00 |
| 10 | Removal of 6" Concrete | | |
| | 8 SY x $10/SY= | | $80.00 |
| 12 | Sawing Pavement | | |
| | 24 LF x $1.5/LF= | | $36.00 |
| 13 | 4" Concrete Sidewalk | | |
| | 115 SY x $44/SY= | | $5,060.00 |
| 19 | 6" Concrete (H.E.S. 3000 PSI) | | |
| | 10 SY x $44/SY= | | $440.00 |
| 30 | Removal of Curb and Gutter | | |
| | 10 LF x $1/LF= | | $10.00 |
| 31 | Curb and Gutter | | |
| | 10 LF x $12/LF= | | $120.00 |
| | | | |
| | **TOTAL CITYWIDE SIDEWALK RECONSTRUCTION INCREASE** | | $6,833.75 |

| | Description | | |
|---|---|---|---|
| | **FYE 2013 SIDEWALK ACCESSIBILITY PROJECT** | | |
| | Acct. No. 050-9317-431.61-01 Proj. No.TC0238 | | |
| Item | Description | Decrease | Increase |
| 10 | Removal of 6" Concrete | | |
| | 4 SY x $10/SY= | | $40.00 |
| 12 | Sawing Pavement | | |
| | 2 LF x $1.5/LF= | | $3.00 |
| 13 | 4" Concrete Sidewalk | | |
| | 2 SY x $44/SY= | | $88.00 |
| | | | |
| | **TOTAL SIDEWALK ACCESSIBILITY PROJECT INCREASE** | | $131.00 |

CHANGE ORDER (Continued)
CHANGE ORDER NO. 1
PROJECT NAME: FYE 2013 CONCRETE PROJECTS

| | Description | | |
|---|---|---|---|
| | **FYE 2013 SIDEWALK PROGRAM FOR SCHOOLS AND ARTERIALS PROJECT** | | |
| | Acct. No. 050-9317-431.61-01 Proj. No.TC0249 | | |
| Item | Description | Decrease | Increase |
| 10 | Removal of 6" Concrete | | |
| | 47 SY x $10/SY= | | $470.00 |
| 12 | Sawing Pavement | | |
| | 40 LF x $1.5/LF= | | $60.00 |
| 13 | 4" Concrete Sidewalk | | |
| | 39 SY x $44/SY= | | $1,716.00 |
| 19 | 6" Concrete (H.E.S. 3000 PSI) | | |
| | 40 SY x $44/SY= | | $1,760.00 |
| 20 | Sidewalk Ramps | | |
| | 25 SY x $78/SY= | | $1,950.00 |
| 20a | Detectable Warning Surface | | |
| | 40 SF x $28/SF= | | $1,120.00 |
| 27 | ½" Joint Dowel | | |
| | 15 X $1/Ea. | | $15.00 |
| | | | |
| | **TOTAL SIDEWALK PROGRAM FOR SCHOOLS AND ARTERIALS PROJECT INCREASE** | | $7,091.00 |

| | Description | | |
|---|---|---|---|
| | **FYE 2013 DOWNTOWN AREA SIDEWALKS AND CURBS PROJECT** | | |
| | Acct. No. 050-9317-431.61-01 Proj. No.TC0238 | | |
| Item | Description | Decrease | Increase |
| 10 | Removal of 6" Concrete | | |
| | 5 SY x $20/SY= | $100.00 | |
| 12 | Sawing Pavement | | |
| | 1.6667 LF x $1.5/LF= | $2.50 | |
| 13 | 4" Concrete Sidewalk | | |
| | 5 SY x $44.5/SY= | $222.50 | |
| | | | |
| | **TOTAL DOWNTOWN AREA SIDEWALKS AND CURBS PROJECT DECREASE** | $325.00 | |

PROJECT NAME: FYE 2013 CONCRETE PROJECTS

| | | | |
|---|---|---|---|
| | | | |
| | | **Decrease** | **Increase** |
| | **GRAND TOTAL** | $325.00 | $14,055.75 |

BOND # OKC615436

# PERFORMANCE BOND

Known all men by these presents, that OPES, Inc. as PRINCIPAL, and American Safety Casualty Ins. CoCorporation organized under the laws of the State of Georgia 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 Hundred Eighty-Three Thousand Dollars and no/100 ($183,000.00) ), 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:

**FYE 2013 CONCRETE PROJECTS**

has entered into a written CONTRACT (K-1213-3) with THE CITY OF NORMAN, dated July 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 24th day of July, 2012 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 July 24th, 2012.

Performance Bond No. B 1213-5
Page 1 of 3

OPES, Inc.
Principal

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal
Signed: _____
Authorized Representative
Title: Tomas Diaz, President

Address: 330 W Gray St #170
Norman, OK 73069

Telephone: (405) 360-2911

(Corporate Seal) (where applicable)

ATTEST:

Witness

Surety: American Safety Casualty Ins. Co.

Signed: _____
Authorized Representative
Printed: John Gipson
Authorized Representative

Title: Attorney-in-fact

Address: 709 Wall Street, Norman OK 73069

Telephone: (405) 321-2727

**CORPORATE ACKNOWLEDGEMENT**

STATE OF Oklahoma )
) ss:
COUNTY OF CLEVELAND )

The foregoing instrument was acknowledge before me this 3rd day of July, 2012 by Tomas Diaz, President (Name and Title), of OPES, Inc., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 2012.

Notary Public

My Commission Expires:

CLIFFORD L. BARGER
Notary Public in and for the
State of Oklahoma
Commission #06006558
My Commission expires 7/06/2014

Performance Bond No. B 1213-5
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* 17th *day of* July, 20 12.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Performance Bond No. B 1213-5
Page 3 of 3

BOND # OKC615436

# STATUTORY BOND

Known all men by these presents that OPES, Inc. as PRINICPAL, and American Safety Casualty Ins. Co., a corporation organized under the laws of the State of Georgia, 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 Hundred Eighty-Three Thousand Dollars & No/100 ($183,000), 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:

**FYE 2013 CONCRETE PROJECTS**

has entered into a written CONTRACT (K-1213-3) with THE CITY OF NORMAN, dated July 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 24th day of July, 2012, 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 24th day of July, 2012.

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal Signed:

Authorized Representative

Title: Tomas Diaz, President

Address: 330 W Gray St, #170
Norman, OK 73069

Telephone: (405) 360-2911

Statutory Bond No. B-1213-6
Page 1 of 3

(Corporate Seal) (where applicable)

ATTEST:

Witness

Surety: American Safety Casualty Ins. Co.

Signed: _____
Authorized Representative

Printed: John Gipson
Authorized Representative

Title: Attorney-in-Fact

Address: 709 Wall Street, Norman OK 73069

Telephone: (405) 321-2727

**CORPORATE ACKNOWLEDGEMENT**

STATE OF OKLAHOMA )
) ss:
COUNTY OF CLEVELAND )

The foregoing instrument was acknowledge before me this 3rd day of July, 2012, by Tomas Diaz, President (Name and Title), of OPES, Inc., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 2012

Notary Public

My Commission Expires:
CLIFFORD L. BARGER
Notary Public in and for the
State of Oklahoma
Commission #08006558
My Commission expires 7/06/2014
NOTARY PUBLIC SEAL

**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:
_____

Statutory Bond No. B-1213-6
Page 2 of 3

## PARTNERSHIP ACKNOWLEDGMENT

STATE OF OKLAHOMA )
COUNTY OF _____)

The foregoing instrument was acknowledged 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 _____

_____
Notary Public

My Commission Expires:_____

**CITY OF NORMAN**

Approved as to form and legality this 17th day of July, 2012.

City Attorney

Approved by the CITY OF NORMAN this ____ day of _____, 20___.

ATTEST:

City Clerk

Mayor

**CITY OF NORMAN**
**MAINTENANCE BOND**

Bond # OKC615436

Know all men by these presents that OPES, Inc. as Principal, and American Safety Casualty Ins. Co. a corporation organized under the laws of the State of Georgia, 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 Hundred Eighty-Three Thousand DOLLARS AND NO/100---------- ($183,000)----------, 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/or best bidder on the following project:

**FYE 2013 CONCRETE PROJECTS**

has entered into a written CONTRACT ( K-1213-3 ) with the CITY OF NORMAN, dated July 24, 2012 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 one (1) year from the date of the written final acceptance by the CITY, then this obligation shall be null and void. The amount of the Maintenance Bond shall be 100 % of the contract amount. 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 24th day of July, 2012, 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 24th day of July, 2012.

Maintenance Bond No. MB 1213-3
Page 1 of 3

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal
Signed: _____
Authorized Representative

Title: Tomas Diaz, President

Address: 330 W Gray St. #135
Norman, OK 73069

Telephone: (405) 360-2911

(Corporate Seal) (where applicable)

ATTEST:

Witness

Surety: American Safety Casualty Ins. Co.

Signed: _____
Authorized Representative

Printed: John Gipson
Authorized Representative

Title: Attorney-in-fact

Address: 709 Wall Street, Norman OK 73069

Telephone: (405) 321-2727

## CORPORATE ACKNOWLEDGEMENT

STATE OF OKLAHOMA )
) ss:
COUNTY OF CLEVELAND )

The foregoing instrument was acknowledge before me this 3rd day of July, 2012, by Tomas Diaz, President (Name and Title), of OPES, Inc., a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 2012.

Notary Public

My Commission Expires:

NOTARY PUBLIC SEAL
CLIFFORD L. BARGER
Notary Public in and for the
State of Oklahoma
Commission #06006656
My Commission expires 7/06/2014

Maintenance Bond No. MB-1213-3
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 17th day of July, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Maintenance Bond No. MB-1213-3
Page 3 of 3

# Resolution

R-1213-3

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING OPES, INC., AS PROJECT AGENT FOR THE FYE 2013 CONCRETE PROJECTS.

§ 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 OPES, Inc., for the FYE 2013 Concrete Projects for the City of Norman

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on OPES, 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, OPES, Inc., to purchase materials which are in fact used for the FYE 2013 Concrete Projects; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that OPES, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 24th day of July, 2012, did appoint OPES, Inc., who is involved with the FYE 2013 Concrete Projects for the City of Norman, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the FYE 2013 Concrete Projects for the City of Norman.

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

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000204033

STATUS: DIVISION APPROVAL

REQUISITION BY: BURDETT

REASON: FYE 2013 CONCRETE PROJECTS

DATE: 7/10/12

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 539 OPES INCORPORATED

DELIVER BY DATE: 7/24/12

| | | | | | |
|---|---|---|---|---|---|
| 1 | CITYWIDE SIDEWALK RECONSTRUCTION<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 1.00 | EA | 38000.0000 | 38000.00 |
| 2 | SIDEWALK ACCESIBILITY<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 1.00 | EA | 25000.0000 | 25000.00 |
| 3 | SIDEWALK PROGRAM FOR SCHOOLS AND ARTERIALS<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 1.00 | EA | 70000.0000 | 70000.00 |
| 4 | DOWNTOWN AREA SIDEWALKS AND CURBS<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 1.00 | EA | 50000.0000 | 50000.00 |

REQUISITION TOTAL: 183000.00

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

| LINE # | ACCOUNT | | PROJECT | % | AMOUNT |
|---|---|---|---|---|---|
| 1 | 05090524316101 | Capital Projects Construction | TC0250 Citywide Sidewalk FYE13 | 100.00 | 38000.00 |
| 2 | 05093164316101 | Capital Projects Construction | TC0238 Sidewalk Accessibility | 100.00 | 25000.00 |
| 3 | 05093174316101 | Capital Projects Construction | TC0249 Sidewalk Prgm Sch & Art | 100.00 | 70000.00 |
| 4 | 05097164316101 | Capital Projects Construction | TC0251 Downtown Sidewalk/Curb 13 | 100.00 | 50000.00 |
| | | | | | 183000.00 |

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

CONTINGENT UPON CITY COUNCIL APPROVAL
AND CITY COUNCIL APPROVAL OF CHANGE ORDER NO.1
LINE # 1 INCREASE $6833.75
LINE # 2 INCREASE $131.00
LINE # 3 INCREASE $7091.00
LINE # 4 DECREASE $325.00
TOTAL CHANGE ORDER INCREASE OF $13730.75

# City of Norman, OK

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

## Master

### File Number: K-1213-1

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-1 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 12 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | $1,335,307.00 | **File Created:** | 06/29/2012 |
| **File Name:** | Urban Asphalt Rehabilitation FYE2013 | | | **Final Action:** | |

**Title:** CONSIDERATION OF BID NO. 1213-1; CONTRACT NO. K-1213-1 WITH NASH CONSTRUCTION COMPANY, INC., IN THE AMOUNT OF $1,335,307; PERFORMANCE BOND NO. B-1213-1; STATUTORY BOND NO. B-1213-2; MAINTENANCE BOND NO. MB-1213-1; AND RESOLUTION NO. R-1213-1 FOR THE 2013 URBAN ASPHALT PAVEMENT REHABILITATION BOND PROJECTS.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $1,335,307 to Nash Construction Company, Inc., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-1 and the performance, statutory, and maintenance bonds; authorize execution of the contract; direct the filing of the bonds, and adopt Resolution No. R-1213-1.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 12

**Attachments:** Text File K-1213-1 Nash, Bid Tabulation FYE13, Urban Asphalt Locations FYE13, K-1213-1, Perf B-1213-1, Stat B-1213-2, MB-1213-1, R-1213-1, MAP Proj UrbanAsphalt FYE13, PR Nash

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

**Entered by:** joyce.keeler@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-1213-1

body

**BACKGROUND**: In the Norman General Obligation Bond Election of March 2010, voters approved

the Urban Asphalt Rehabilitation Bond Program. The Street Maintenance Bond Program is designed to repair and rehabilitate neighborhood streets throughout Norman. All bond projects are to be completed in five years under the approved program budget of $8,250,000. This FYE 2013 Project involves the deep patching, milling and repaving of 38 different neighborhood asphalt streets. A list and map of locations is attached.

The project is funded in Account No. 050-9401-431.61-01 as Project Nos. BP0345, BP0346, BP0347, BP0354 and BP0355. Bid specifications and documents were advertised on May 24, 2012 and May 31, 2012. Eight (8) paving contractors received a set of documents. If approved, the base bid for this project will complete the FYE 2013 locations in the 2010 Urban Asphalt Pavement Rehabilitation Bond Program.

**DISCUSSION**: The bid opening was conducted on June 14, 2012, and five (5) contractors submitted bids. The lowest bid in the amount of $1,335,307 was submitted by Nash Construction Company of Oklahoma City. The low bid is below the engineer's estimate of $1,466,827.50 by $131,520.50 (8.9% percent). The average of the five (5) bids is $1,511,687.15. Nash Construction Company has previously worked for the City of Norman and the firm received favorable references from other cities on similar projects, including the City of Oklahoma City and the City of Del City. If approved, construction will begin on these projects in August, 2012 and be completed by one year from the notice-to-proceed.

**RECOMMENDATION NO. 1**: Staff has reviewed the bids and recommends that Bid No. 1213-1 for the 2013 Urban Asphalt Rehabilitation Bond Projects be awarded to the low bidder, Nash Construction Company in the amount of $1,335,307.

**RECOMMENDATION NO. 2**: Staff further recommends that, upon approval of Bid No. 1213-1, Contract No. K-1213-1, Performance Bond No. B-1213-1, Statutory Bond No. B-1213-2, and Maintenance Bond No. MB-1213-1 be approved.

**RECOMMENDATION NO. 3**: Staff further recommends that, upon approval of Contract No. K-1213-1, that Resolution No. R-1213-1 be adopted authorizing Nash Construction Company as project agent.

CITY OF NORMAN
TABULATION OF BIDS
URBAN ASPHALT PAVEMENT REHABILITATION
FYE 2013 LOCATIONS

Bid No. 1213-01
Bid Opening: June 14, 2012

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

| BIDDER | BID PRICE |
|---|---|
| Nash Construction Co. | $ 1,335,307.00 |
| Oklahoma City, OK | |
| Silver Star Construction Company, Inc. | $1,358,300.00 |
| Moore, OK | |
| T. J. Campbell Construction Co. | $ 1,597,052.25 |
| Oklahoma City, OK | |
| Rudy Construction Co. | $ 1,610,123.00 |
| Oklahoma City, OK | |
| Markwell Paving Company, Inc. | $ 1,657,653.50 |
| Oklahoma City, OK | |

Engineer's Estimate $ 1,466,827.50

RECOMMENDATION:

Staff recommends the bid be awarded to Nash Construction Company as the lowest and best bidder meeting all specifications in the amount of $ 1,335,307.00.

Forwarded by:

Greg Hall, Street Superintendent

ps

| URBAN ASPHALT PAVEMENT REHABILITATION | | |
|---|---|---|
| FYE 2013 LOCATIONS | | |
| PROJ # | STREET NAME | LIMITS |
| | Comanche Street | Porter Avenue - Ponca Avenue |
| | Eufaula Street | Ponca Avenue - Findlay Avenue |
| | Apache Street | Cook - East 900 Block |
| | Linn Street | Carter Avenue - East 500 Block |
| | Carter Avenue | Alameda Street - South 100 Block |
| | Aniol Avenue | Comanche Street - So 100 Block |
| BP0345 | Old Town | |
| | | |
| BP0346 | Boyd Street | Wylie Road - College Avenue |
| | | |
| | Hidden Lake Drive | 24th Avenue NW - To End |
| | Lake Front Circle | 24th Avenue NW - To End |
| BP0347 | Hidden Lake Estates | |
| | | |
| | David Court | 23rd Avenue NE - East 2300 Block |
| | Jackson Drive | 24th Avenue NE - Crest Drive |
| | Paul Court | 23rd Avenue NE - East 2300 Block |
| | Teresa Drive | Jackson Drive - 22nd Avenue NE |
| | Helm Court | 23rd Avenue NE - East 2300 Block |
| | Jazzman Drive | 23rd Avenue NE - Kara Court |
| | Newman Street | 23rd Avenue NE - 24th Avenue NE |
| | Summer Drive | Kara Court - 22nd Avenue NE |
| | Carolyn Court | 23rd Avenue NE - East 2300 Block |
| | Morren Drive | Cindy Avenue - Crest Place |
| | Barb Drive/Court | Cindy Avenue - Morren Circle |
| | Vanessa Drive | 22nd Avenue NE - Crest Place |
| | 23rd Avenue NE | Carolyn Court - Jackson Drive |
| | 22nd Avenue NE | Alex Plaza - Jackson Drive |
| | Cindy Avenue | Jackson Drive - Vanessa Drive |
| | Crestland Drive | Morren Drive - North 200 Block |
| | Crest Court | Vanessa Drive - Jackson Drive |
| | Crest Place | Vanessa Drive - Jackson Drive |
| | Kara Court | Jazzman Drive - Jazzman Drive |
| BP0354 | Alameda Park/Crestland Estates | |
| | Edinburg Drive | Coalbrook Drive - Ridge Bluff Drive |
| | Rockingham Drive | Ridge Bluff Drive - Coalbrook Drive |
| | Waterfront Drive | Coalbrook Drive - Coalbrook Drive |
| | Ridge Bluff Court | Rockingham Drive - North 300 Block |
| | Pine Cove Court | Rockingham Drive - North 300 Block |
| | Devonshire Drive | Sandstone Drive - Sandstone Drive |
| | Sandstone Drive | Lochwood Drive - Devonshire Drive |
| | Sandstone Circle | Sandstone Drive - East 2900 Block |
| | Lochwood Drive | Alameda - Edge Brook |
| | Coalbrook Drive | Devonshire Drive - Line Drive |
| BP0355 | Royal Oaks Estates | |
| | | |
| | | FYE 2013 LOCATIONS |

CONTRACT

THIS CONTRACT made and entered into this_____ day of _____, 20___, by and between Nash Construction Company, Inc. 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 project:

**URBAN ASPHALT PAVEMENT REHABILITATION FYE 2013 PROJECTS**

as outlined and set our 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: One Million Three Hundred Thirty Five Thousand Three Hundred Seven Dollars ($1,335,307.00);

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, Instruction 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.

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 in a time not to exceed 12 months.

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

a. Payment for unit price items shall be at the unit price bid for actual construction quantities.

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

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

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

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

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

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

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

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

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

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

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

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

William K. Nash, 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.

William K Nash
Contractor

Subscribed and sworn to before me this 3 day of July, 2012.

Charlotte Menasco
Notary Public

CHARLOTTE MENASCO NOTARY PUBLIC STATE OF OKLAHOMA 1854 EXP 01/31/14

Contract No. K-1213-1
Page 3 of 5

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the _____ day of _____ 20___, and the _____ day of _____, 20___.

(Corporate Seal) (where applicable)

Principal Nash Construction Company

ATTEST:
Authorized Representative
Charlotte Menasco
Corporate Secretary (where applicable)

Signed: William K Nash

Title: President

Address 700 S. Irving, Oklahoma iCty, OK 73129

Telephone: 405.672.2792

CITY OF NORMAN:

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

City Attorney

Approved by the Council of the City of Norman, this _____ day of _____, 20___.

ATTEST:

City Clerk

Mayor

Contract No. K-1213-1
Page 4 of 5

## CONTRACT AFFIDAVIT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

William K. Nash, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of Nash Construction Company 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.

William K Nash
Contractor

Subscribed and sworn to before me this 3 day of July, 2012.

Charlotte Menasco
Notary Public

CHARLOTTE MENASCO NOTARY # 02001854 EXP. 01/31/14 PUBLIC STATE OF OKLAHOMA

My Commission Expires:

_____

Contract No. K-1213-1
Page 5 of 5

Bond No: S399415

# PERFORMANCE BOND

Known all men by these presents, that Nash Construction Company as PRINCIPAL, and Employers Mutual Casualty Company Corporation organized under the laws of the State of Iowa 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 Three Hundred Thirty Five Thousand Three Hundred Seven and 00/100 DOLLARS, ($ 1,335,307.00 ), for the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs, executors, administrators, successors and assigns jointly and severally.

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

**URBAN ASPHALT PAVEMENT REHABILITATION FYE 2013 PROJECTS**

has entered into a written CONTRACT (K-1213-1) with THE CITY OF NORMAN, dated _____, 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___.

Nash Construction Company
Principal

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal
Signed: _____
Authorized Representative

Title: President

Address: 700 South Irving

Oklahoma City, OK 73129

Telephone: 405.672.2792

(Corporate Seal) (where applicable)

ATTEST:

Surety: Employers Mutual Casualty Company

Signed: _____

Authorized Representative

Printed: Deborah L. Raper
Authorized Representative

Title: Attorney-in-Fact

Address: 1608 NW Expressway, Suite 100, Oklahoma City, OK

Telephone: 405.418.8600

Performance Bond No. B-1213-1
Page 2 of 4

## CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by William K. Nash. President (Name and Title), of Nash Construction Company, a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 20___.

Charlotte Menasco

Notary Public

My Commission Expires:

_____

CHARLOTTE MENASCO
NOTARY
# 02001854
EXP. 01/31/14
PUBLIC
STATE OF OKLAHOMA

Performance Bond No. B-1213-1
Page 3 of 4

## INDIVIDUAL ACKNOWLEDGEMENT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20____, by William K. Nash, President (Name and Title) of Nash Construction Company, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20__.

_____
Notary Public

My Commission Expires:

_____

## PARTNERSHIP ACKNOWLEDGEMENT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20____, by William K. Nash (Name and Title) President (partner/agent) on behalf of Nash Construction Company, 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 13th day of July, 20 12.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Performance Bond No. B-1213-1
Page 4 of 4

Bond No: S399415

# STATUTORY BOND

Known all men by these presents that Nash Construction Company as PRINICPAL, and Employers Mutual Casualty Company, a corporation organized under the laws of the State of Iowa, 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 DOLLARS One Million Three Hundred Thirty Five Thousand Three Hundred Seven & .00/100 ($ 1,335,307.00), or the payment of which sum PRINCIPAL and SURETY bind themselves, their heirs executors, administrators, successors and assigns jointly and severally.

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

**URBAN ASPHALT PAVEMENT REHABILITATION FYE 2013 PROJECTS**

has entered into a written CONTRACT (K-1213-1) with THE CITY OF NORMAN, dated _____, 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:
Charlotte Menasco
Corporate Secretary (where applicable)

Principal
Signed: William K Nash
Authorized Representative
Title: President
Address: 700 South Irving
Oklahoma City, OK 73129

(Corporate Seal) (where applicable)
Surety: Employers Mutual Casualty Company
ATTEST: Linda Loudermilk

Signed: Deborah L Raper
Authorized Representative
Printed: Deborah L. Raper
Authorized Representative
Title: Attorney-in-Fact
Address: 1608 NW Expressway, Suite 100, Oklahoma City, OK
Telephone: 405.418.8600

**CORPORATE ACKNOWLEDGEMENT**

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by William K. Nash, President (Name and Title), of Nash Construction Company, a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 2022

CHARLOTTE MENASCO NOTARY # 02001854 EXP. 01/31/14 PUBLIC STATE OF OKLAHOMA

Charlotte Menasco
Notary Public

My Commission Expires:
_____
Commission No._____

Statutory Bond No. B-1213-2
Page 2 of 3

## INDIVIDUAL ACKNOWLEDGEMENT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by William K. Nash, President (Name and Title) of Nash Construction Company, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

## PARTNERSHIP ACKNOWLEDGEMENT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by William K. Nash (Name and Title) President (partner/agent) on behalf of Nash Construction Company, 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 13th day of July, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Statutory Bond No. B-1213-2
Page 3 of 3

Bond No: S399415

**CITY OF NORMAN**
**MAINTENANCE BOND**

Know all men by these presents that Nash Construction Company as Principal, and Employers Mutual Casualty Company a corporation organized under the laws of the State of Iowa, 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 Three Hundred Thirty Five Thousand Three Hundred Seven & 00/100 DOLLARS ($ 1,335,307.00 ), 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 Two Hundred Thousand Two Hundred Ninety Six & 00/100-- DOLLARS ($$200,296.00 ), 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 2013 PROJECTS**

has entered into a written CONTRACT ( K-1213-1 ) 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: Charlotte Menasco

Corporate Secretary (where applicable)

Principal Signed: William K Nash
Authorized Representative

Title: President

Address: 700 South Irving
Oklahoma City, OK 73129

Telephone: _____

(Corporate Seal) (where applicable)
Surety: Employers Mutual Casualty Company

ATTEST: Linda Loudermilk

Signed: Deborah L Raper
Authorized Representative

Printed: Deborah L. Raper
Authorized Representative

Title: Attorney-in-Fact

Address: 1608 NW Expressway, Suite 100, Oklahoma City, OK

Telephone: 405.418.8600

**CORPORATE ACKNOWLEDGEMENT**

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20__, by William K. Nash, President (Name and Title), of Nash Construction Company, a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 2012

CHARLOTTE MENASCO NOTARY #02001854 EXP. 01/31/14 PUBLIC STATE OF OKLAHOMA

Charlotte Menasco
Notary Public

My Commission Expires:

_____

Maintenance Bond No. MB-1213-1
Page 2 of 3

## INDIVIDUAL ACKNOWLEDGEMENT

STATE OF OKLAHOMA )
) ss:
COUNTY OF OKLAHOMA )

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by William K. Nash, President (Name and Title) of Nash Construction Company, a(n) corporation.

WITNESS my hand and seal this _____ day of _____, 20___.

_____
Notary Public

My Commission Expires:

_____

## PARTNERSHIP ACKNOWLEDGEMENT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this _____ day of _____, 20___, by William K. Nash (Name and Title) President (partner/agent) on behalf of Nash Construction Company, 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 13th day of July, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Maintenance Bond No. MB-1213-1
Page 3 of 3

# Resolution

R-1213-1

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING NASH CONSTRUCTION COMPANY, INC., AS PROJECT AGENT FOR THE FYE 2013 URBAN ASPHALT PAVEMENT REHABILITATION PROJECTS.

§ 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 Nash Construction Company, Inc., for the FYE 2013 Urban Asphalt Pavement Rehabilitation Projects for the City of Norman

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Nash 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, Nash Construction Company, Inc.,, to purchase materials which are in fact used for the FYE 2013 Urban Asphalt Pavement Rehabilitation Projects; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Nash Construction Company, Inc., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 24th day of July, 2012, did appoint Nash Construction Company, Inc., who is involved with the FYE 2013 Urban Asphalt Pavement Rehabilitation Projects for the City of Norman, an agent of the City of Norman, Oklahoma, solely for the purpose of purchasing, on a tax-exempt basis, materials and tangible personal property to be used exclusively for the FYE 2013 Urban Asphalt Pavement Rehabilitation Projects for the City of Norman.

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

_____
Mayor

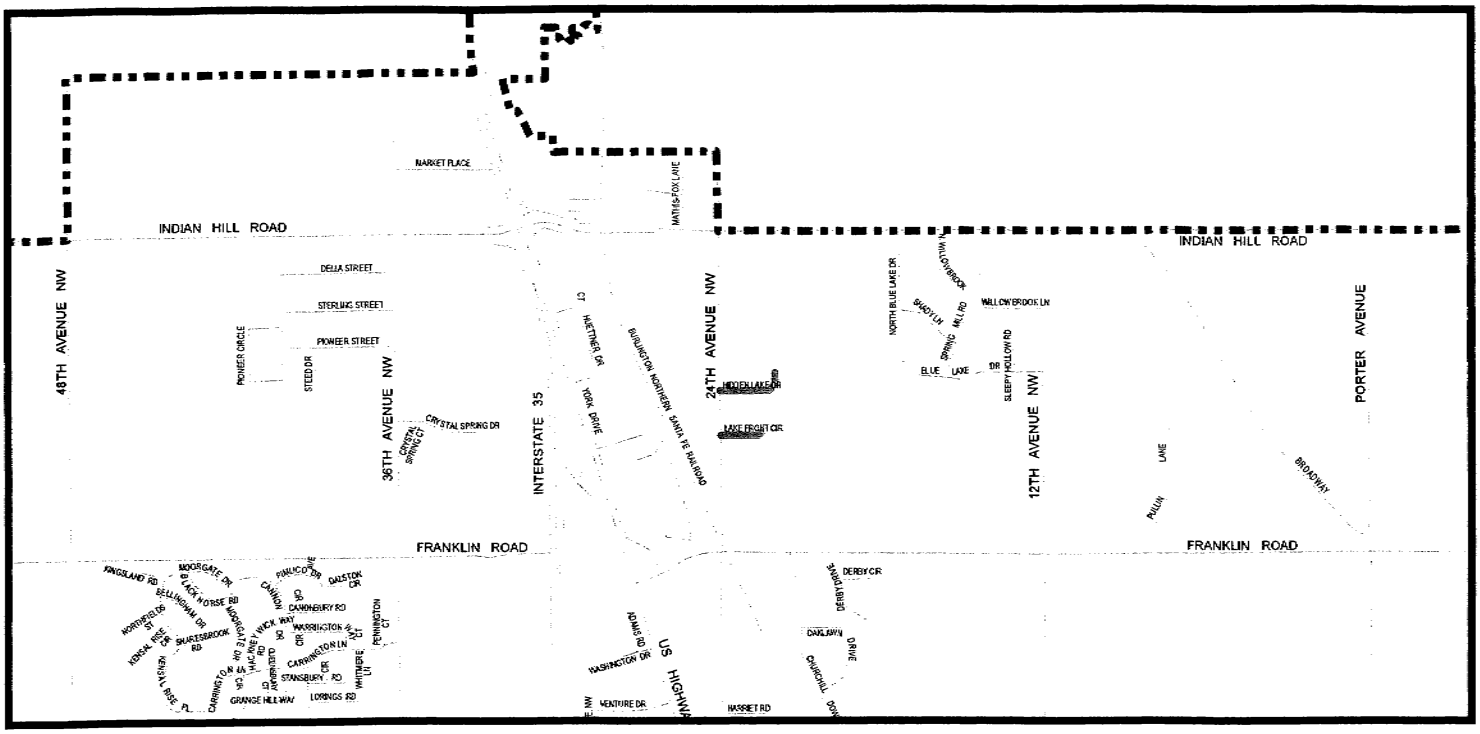
ATTEST:

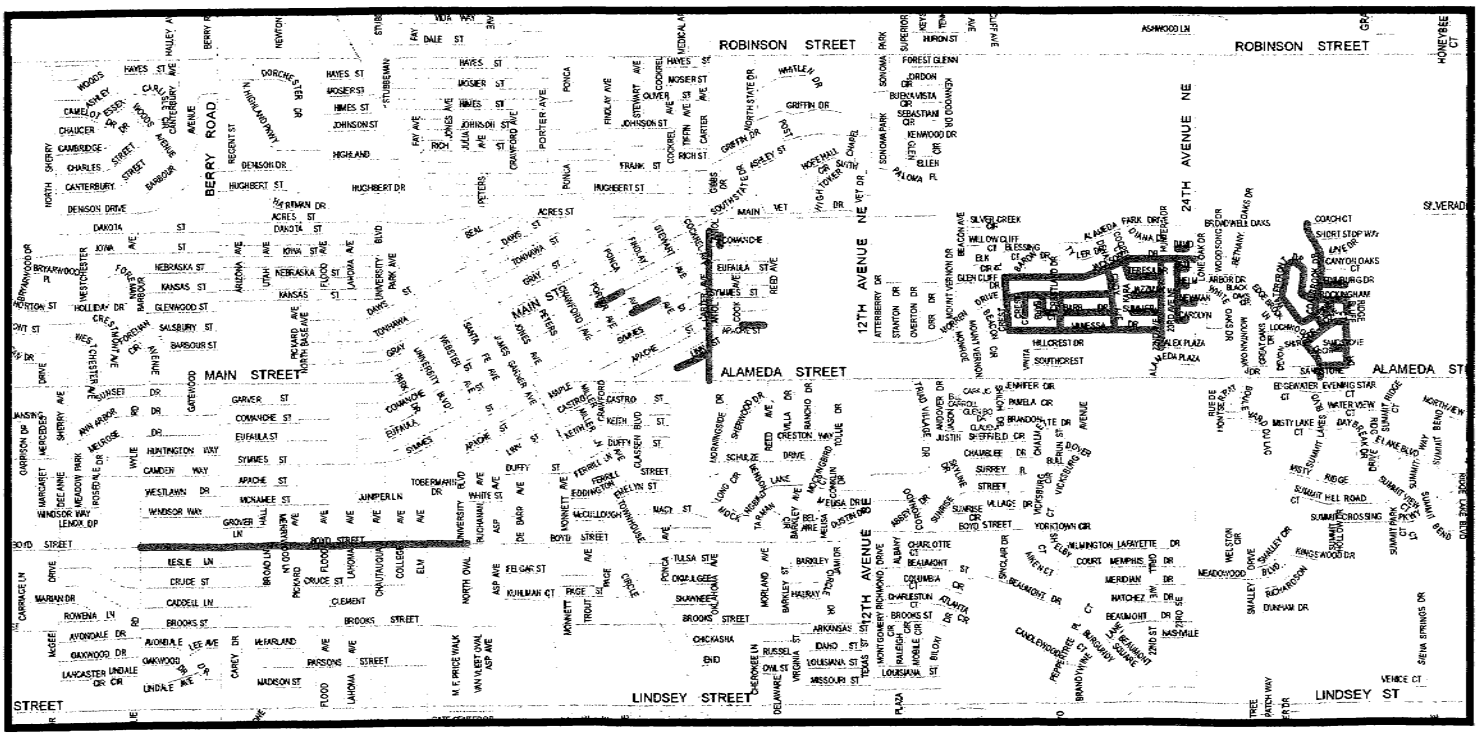
_____
City Clerk

RECREATION EDUCATION RESEARCH HEALTH INDUSTRY
THE CITY OF NORMAN OKLAHOMA

# 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 2013 Projects

PURCHASE REQUISITION NBR: 0000203925

STATUS: NEEDS ADDITIONAL INFO

REQUISITION BY: JKEELER

REASON: K-1213-1 ASPHALT REHABILITATION FYE 2013 PROJ

DATE: 7/05/12

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 9702 NASH CONSTRUCTION COMPANY

DELIVER BY DATE: 7/05/12

| LINE NBR | DESCRIPTION | QUANTITY | UOM | UNIT COST | EXTEND COST | VENDOR PART NUMBER |
|---|---|---|---|---|---|---|
| 1 | BP 0345 OLD TOWN<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 324510.08 | DOL | 1.0000 | 324510.08 | |
| 2 | BP 0346 BOYD ST B/WYLIE RD - UNIVERSITY BLVD.<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 200178.94 | DOL | 1.0000 | 200178.94 | |
| 3 | BP 0347 HIDDEN LAKE ESTATES<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 119337.45 | DOL | 1.0000 | 119337.45 | |
| 4 | BP 0354 ALAMEDA PARD/CRESTLAND ESTATES<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 431505.72 | DOL | 1.0000 | 431505.72 | |
| 5 | BP 0355 ROYAL OAKS ESTATES<br>-<br>ENCUMBERING PURCHASE ORDER<br>-<br>K-1213-1<br>-<br>AGENDA ITEM FOR JULY 24, 2012<br>-<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 259774.81 | EA | 1.0000 | 259774.81 | |

REQUISITION TOTAL: 1335307.00

ACCOUNT INFORMATION

| LINE # | ACCOUNT | | PROJECT | % | AMOUNT |
|---|---|---|---|---|---|
| 1 | 05094014316101 | Capital Projects Construction | BP0345<br>Old Town-Urban Asphalt Pv | 100.00 | 324510.08 |
| 2 | 05094014316101 | Capital Projects Construction | BP0346<br>Boyd:Wylie-University Blv | 100.00 | 200178.94 |
| 3 | 05094014316101 | Capital Projects Construction | BP0347<br>Hidden Lake Estates | 100.00 | 119337.45 |
| 4 | 05094014316101 | Capital Projects Construction | BP0344<br>Westfield Manor Addn | 100.00 | 431505.72 |
| 5 | 05094014316101 | Capital Projects Construction | BP0344<br>Westfield Manor Addn | 100.00 | 259774.81 |
| | | | | | 1335307.00 |

REQUISITION IS IN THE CURRENT FISCAL YEAR.

# City of Norman, OK

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

## Master

### File Number: K-1213-2

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-2 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 13 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | $481,460.25 | **File Created:** | 06/29/2012 |
| **File Name:** | Urban Concrete Rehabilitation FYE2013 | | | **Final Action:** | |

**Title:** CONSIDERATION OF BID NO. 1213-2; CONTRACT NO. K-1213-2 WITH RDNJ, INC., D/B/A A-TECH PAVING IN THE AMOUNT OF $481,460.25; PERFORMANCE BOND NO. B-1213-3; STATUTORY BOND NO. B-1213-4, MAINTENANCE BOND NO. MB-1213-2, AND RESOLUTION NO. R-1213-2 FOR THE 2013 URBAN CONCRETE 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 $481,460.25 to RDNJ, Inc., d/b/a A-Tech Paving as the lowest and best bidder meeting specifications; approve Contract No. K-1213-2 and the performance, statutory, and maintenance bonds; authorize execution of the contract, direct the filing of the bonds; and adopt Resolution No. R-1213-2

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 13

**Attachments:** Text File K-1213-2, Bid Tabulation FYE 2013, Urban Concrete Locations FYE13, K-1213-2, Perf B-1213-3, Stat B-1213-4, MB-1213-2, R-1213-2 RDNJ, MAP FYE 2013 URBAN CONCRETE LOCATIONS, PR RDNJ

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

**Entered by:** joyce.keeler@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-1213-2

Body

**BACKGROUND**: In the Norman General Obligation Bond Election of March 2010, voters approved the Urban Concrete Rehabilitation Bond Program. The Street Maintenance Bond Program is designed to repair and rehabilitate neighborhood streets throughout Norman. All bond projects are to be completed in five years under the approved program budget of $4,500,000. Four neighborhoods with 29 locations on neighborhood streets were identified for the FYE 2013 program. A list and map of locations is attached.

The project is funded in Account No. 050-9393-431.61-01 as Project Nos. BP0348 through BP0351. Bid specifications and documents were advertised on May 24, 2012 and May 31, 2012. Ten (10) paving contractors received a set of documents. If approved, the base bid for this project will complete the FYE 2013 locations in the 2010 Urban Concrete Pavement Rehabilitation Bond Program.

**DISCUSSION**: The bid opening was conducted on June 14, 2012, and five (5) contractors submitted bids. The lowest bid in the amount of $481,460.25 was submitted by RDNJ, Inc. dba A-Tech Paving of Edmond, Oklahoma. The low bid is below the engineer's estimate of $752,912 by $271,451.75 (36.05% percent). The average of the five (5) bids is $590,143.73. RDNJ, Inc. dba A-Tech Paving 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 August 2012 and be completed by one year from notice to proceed.

**RECOMMENDATION NO. 1**: Staff has reviewed the bids and recommends that Bid No. 1213-2 for the 2013 Urban Concrete Rehabilitation Bond Project be awarded to the low bidder, RDNJ, Inc. dba A-Tech Paving in the amount of $481,460.25.

**RECOMMENDATION NO. 2**: Staff further recommends that, upon approval of Bid No. 1213-2, the following contract and bonds be approved:

Contract No. K-1213-2
Performance Bond No. B-1213-3
Statutory Bond No. B-1213-4
Maintenance Bond No. MB-1213-2

**RECOMMENDATION NO. 3**: Staff further recommends that, upon approval of Contract No. K-1213-2, that Resolution No. R-1213-2 be adopted authorizing RDNJ, Inc. dba A-Tech Paving as project agent.

CITY OF NORMAN
TABULATION OF BIDS
URBAN CONCRETE PAVEMENT REHABILITATION
FYE 2013 LOCATIONS

Bid No. 1213-02
Bid Opening: June 14, 2012

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

| BIDDER | BID PRICE |
|---|---|
| RDNJ, Inc. dba A-Tech Paving | $ 481,460.25 |
| Edmond, Oklahoma | |
| Central Contracting Services Inc. | $ 481,879.30 |
| Norman, Oklahoma | |
| Rudy Construction Co. | $ 579,078.00 |
| Oklahoma City, OK | |
| Nash Construction Company | $ 587,873.10 |
| Oklahoma City, OK | |
| Shell Construction Company, Inc. | $ 820,428.00 |
| Oklahoma City, OK | |

Engineer's Estimate $ 752,912.00

RECOMMENDATION:

Staff recommends the bid be awarded to RDNJ, Inc. dba A-Tech Paving, as the lowest and best bidder meeting all specifications in the amount of $ 481,460.25.

Forwarded by:

Greg Hall, Street Superintendent

jk

| URBAN CONCRETE PAVEMENT REHABILITATION | | | |
|---|---|---|---|
| K- 1213-2 FYE 2013 LOCATIONS | | | |
| PROJ # | YEAR | STREET NAME | LIMITS |
| BP 0348 | 2013 | 36th Avenue West | Main Street - Willowbend Rd |
| | | | |
| BP 0349 | 2013 | Flood Avenue | Main Street - Gray Street |
| | | | |
| | 2013 | Green Hills Dr/Ct | Kingsbury Drive - West 3900 Block |
| | 2013 | Morain Court | Cherry Creek Drive - West 4000 Block |
| | 2013 | Preston Court | Cherry Creek Drive - West 3900 Block |
| | 2013 | Knob Hill Circle | Cherry Creek Drive - South 200 Block |
| | 2013 | Knob Hill Court | Cherry Creek Drive - West 3900 Block |
| | 2013 | Pine Tree Circle | Cherry Creek Drive - West 3900 Block |
| | 2013 | Beechwood Drive | Cherry Creek Drive - Kingsbury Drive |
| | 2013 | Durango Circle | Cherry Creek Drive - West 3900 Block |
| | 2013 | Silverton Circle | Cherry Creek Drive - West 4100 Block |
| | 2013 | Orchard Lane | Cherry Creek Drive - Alpine Drive |
| | 2013 | Hughes Circle | Cherry Creek Drive - West 4100 Block |
| | 2013 | Western View Drive | Cherry Creek Drive - 36th Avenue S.W. |
| | 2013 | Morrison Court | Stone Well Dr/Cr - E 3900 Block |
| | 2013 | Morrison Circle | Stone Well Drive - E 4100 Block |
| | 2013 | Kingsbury Drive | Beechwood Drive - Green Hills Drive |
| | 2013 | Cherry Creek Drive | Main Street - Western View Drive |
| | 2013 | Stone Well Drive | South 300 Block - South 500 Block |
| | 2013 | Pine Tree Lane | Cherry Creek Drive - Green Hills Drive |
| | 2013 | Alpine Circle | Orchard Lane - South 500 Block |
| | 2013 | Boulder Court | South 300 Block - South 500 Block |
| | 2013 | Garland Court | South 300 Block - South 500 Block |
| | 2013 | Trinidad Court | Midland Drive - Midland Drive |
| | 2013 | Midland Drive | Trinidad Drive - Trinidad Drive |
| BP 0350 | | CHERRY CREEK ADDITION | |
| | | | |
| | 2013 | Creekdale Drive | Main Street - North 200 Block |
| | 2013 | Quail Run Circle | Creekdale Drive - West 3800 Block |
| | 2013 | Belhaven Circle | Creekdale Drive - West 3800 Block |
| | 2013 | Lynnbrook Circle | Creekdale Drive - West 3800 Block |
| BP 0351 | | RIVER OAKS, SECTION 2 | |
| | | | |
| | | | YEAR 2013 |

CONTRACT

THIS CONTRACT made and entered into this_____ day of _____, 20___, by and between RDNJ, Inc., d/b/a A-Tech Paving 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 project:

**URBAN CONCRETE PAVEMENT REHABILITATION 2010 BOND PROGRAM**
**FYE 2013 PROJECTS LOCATIONS**

as outlined and set our 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: Four Hundred Eight-One Thousand Four Hundred Sixty Dollars and Twenty-Five Cents ($481,460.25);

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, Instruction 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.

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 in a time not to exceed 12 months.

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 Oklahoma )
) ss:
COUNTY OF Cleveland )

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

Contractor

Subscribed and sworn to before me this 27th day of June, 2012.

SHERRY EVANS NOTARY # 01002113 EXP. 02/07/13 PUBLIC STATE OF OKLAHOMA

Notary Public

Contract No. K-1213-2

IN WITNESS WHEREOF, the said parties of the First and Second Part have hereunto set their hands and seals respectively the 3 day of July 20 12, and the _____ day of _____, 20___.

(Corporate Seal) (where applicable)

Principal

ATTEST:
Authorized Representative

Corporate Secretary (where applicable)

Signed: _____

Title: President

Address P.O. Box 2865 / Edmond / OK / 73083

Telephone: 418.4741

CITY OF NORMAN:

Approved as to form and legality this 17th day of July 20 12.

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 Oklahoma )

Jay Doyle, of lawful age, being first duly sworn, on oath says that (s)he is the Agent authorized by the Firm of RDWJ, inc dba A-tech Paving 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.

Contractor

Subscribed and sworn to before me this 3 day of July, 2012.

Notary Public

SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

My Commission Expires:

Commission No.

Contract No. K-1213-2
Page 5 of 5

Bond #TXIFSU0597487

# PERFORMANCE BOND

Known all men by these presents, that RDNJ, Inc. DBA: A-Tech Paving as PRINCIPAL, and International Fidelity 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 Four Hundred Eighty-One Thousand, Four Hundred Sixty Dollars and 25/100** DOLLARS, ($481,460.25), 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 2013 PROJECT LOCATIONS**

has entered into a written CONTRACT (K-1213-2) with THE CITY OF NORMAN, dated July 3, 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 _____, 2012 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_____, 2012.

RDNJ, Inc. DBA: A-Tech Paving
Principal

(Corporate Seal) (where applicable)

ATTEST:

Corporate Secretary (where applicable)

Principal
Signed: _____
Authorized Representative

Title: President

Address: 7845 N Robinson Avenue, Suite H-2
Oklahoma City, OK 73116

Telephone: (405) 418-4741

(Corporate Seal) (where applicable)

ATTEST: _____

Surety: International Fidelity Insurance Company

Signed: Vicky Jarvis
Authorized Representative

Printed: Vicky Jarvis
Authorized Representative

Title: Attorney-in-Fact

Address: 121 E Main Street, Jenks, OK 74037

Telephone: (918) 299-2345

Performance Bond No. B-1213-3
Page 2 of 4

## CORPORATE ACKNOWLEDGEMENT

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this 3 day of July, 2012, by Jay Doyle President (Name and Title), of A-tech Paving, a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 2012.

NOTARY SEAL PUBLIC
SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

Notary Public

My Commission Expires:

Performance Bond No. B-1213-3
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 17th day of July, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Performance Bond No. B-1213-3
Page 4 of 4

# STATUTORY BOND

Bond #TXIFSU0597487

Known all men by these presents that RDNJ, Inc. DBA: A-Tech Paving as PRINICPAL, and International Fidelity 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 Four Hundred Eighty-One Thousand, Four Hundred Sixty Dollars and 25/100** DOLLARS ($ 481,460.25), 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 2013 PROJECT LOCATIONS**

has entered into a written CONTRACT (K-1213-2) with THE CITY OF NORMAN, dated July 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 _____, 2012, 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 _____, 2012.

(Corporate Seal) (where applicable)

ATTEST: _____

Corporate Secretary (where applicable)

(Corporate Seal) (where applicable)

ATTEST: _____

RDNJ, Inc. DBA: A-Tech Paving

Principal
Signed: _____
Authorized Representative

Title: President

Address: 7845 N Robinson Avenue, Suite H-2
Oklahoma City, OK 73116

Telephone: (405) 418-4741

Surety: International Fidelity Insurance Company

Signed: _____
Authorized Representative

Printed: Vicky Jarvis
Authorized Representative

Title: Attorney-in-Fact

Address: 121 E Main Street, Jenks, OK 74037

Telephone: (918) 299-2345

**CORPORATE ACKNOWLEDGEMENT**

STATE OF Oklahoma
) ss:
COUNTY OF Oklahoma

The foregoing instrument was acknowledge before me this 3 day of July, 2012, by Jay Doyle President (Name and Title), of A-tech Paving a(n) corporation, on behalf of the corporation.

WITNESS my hand and seal this 3 day of July, 2012

_____
Notary Public

NOTARY SEAL PUBLIC
SUSAN JUSTICE
Notary Public in and for
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

My Commission Expires: _____

Statutory Bond No. B-1213-4
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 17th day of July, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Statutory Bond No. B-1213-4
Page 3 of 3

Bond #TXIFSU0597487

# CITY OF NORMAN
# MAINTENANCE BOND

Know all men by these presents that RDNJ, Inc. DBA: A-Tech Paving as Principal, and International Fidelity Insurance Company a corporation organized under the laws of the State of _____, 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 Four Hundred Eighty-One Thousand, Four Hundred Sixty Dollars and 25/100******* DOLLARS ($ 481,460.25 ), 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 Seventy-Two Thousand, Two Hundred Nineteen Dollars and 04/100** DOLLARS ($ 72,219.04 ), 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 2013 PROJECT LOCATIONS**

has entered into a written CONTRACT ( K-1213-2 ) with the CITY OF NORMAN, dated July 24, 2012 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 _____, 2012, 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 _____, 2012.

(Corporate Seal) (where applicable)

ATTEST: _____

Corporate Secretary (where applicable)

RDNJ, Inc. DBA: A-Tech Paving

Principal Signed: _____
Authorized Representative

Title: President

Address: 7845 N Robinson Avenue, Suite H-2
Oklahoma City, OK 73116

Telephone: (405) 418-4741

(Corporate Seal) (where applicable)

ATTEST: Edna Nelson

Surety: International Fidelity Insurance Company

Signed: Vicky Jarvis
Authorized Representative

Printed: Vicky Jarvis
Authorized Representative

Title: Attorney-in-Fact

Address: 121 E Main Street, Jenks, OK 74037

Telephone: (918) 299-2345

**CORPORATE ACKNOWLEDGEMENT**

STATE OF Oklahoma )
) ss:
COUNTY OF Oklahoma )

The foregoing instrument was acknowledge before me this 3 day of July, 2012 by Jay Doyle President (Name and Title), of A-tech Paving a(n) corporation, on behalf of the corporation.

SUSAN JUSTICE
Notary Public
State of Oklahoma
10005722
My Commission Expires July, 19, 2014

WITNESS my hand and seal this 3 day of July, 2012.

Notary Public

My Commission Expires:

_____

Maintenance Bond No. MB-1213-2
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 17th day of July, 2012.

_____
City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 20___.

ATTEST:

_____ _____
City Clerk Mayor

Maintenance Bond No. MB-1213-2
Page 3 of 3

# Resolution

R-1213-2

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING RDNJ, INC., D/B/A A-TECH PAVING AS PROJECT AGENT FOR THE FYE 2013 URBAN CONCRETE PAVEMENT REHABILITATION PROJECTS.

§ 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 RDNJ, Inc., d/b/a A-Tech Paving for the 2013 Urban Concrete Pavement Rehabilitation Projects; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on RDNJ, Inc., d/b/a A-Tech Paving 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, RDNJ, Inc., d/b/a A-Tech Paving to purchase materials which are in fact used for the 2013 Urban Concrete Pavement Rehabilitation Projects; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that RDNJ, Inc., d/b/a A-Tech Paving shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 24th day of July, 2012, did appoint RDNJ, Inc., d/b/a A-Tech Paving who is involved with the 2013 Urban Concrete Pavement Rehabilitation Projects, 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 2013 Urban Concrete Pavement Rehabilitation Projects.

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

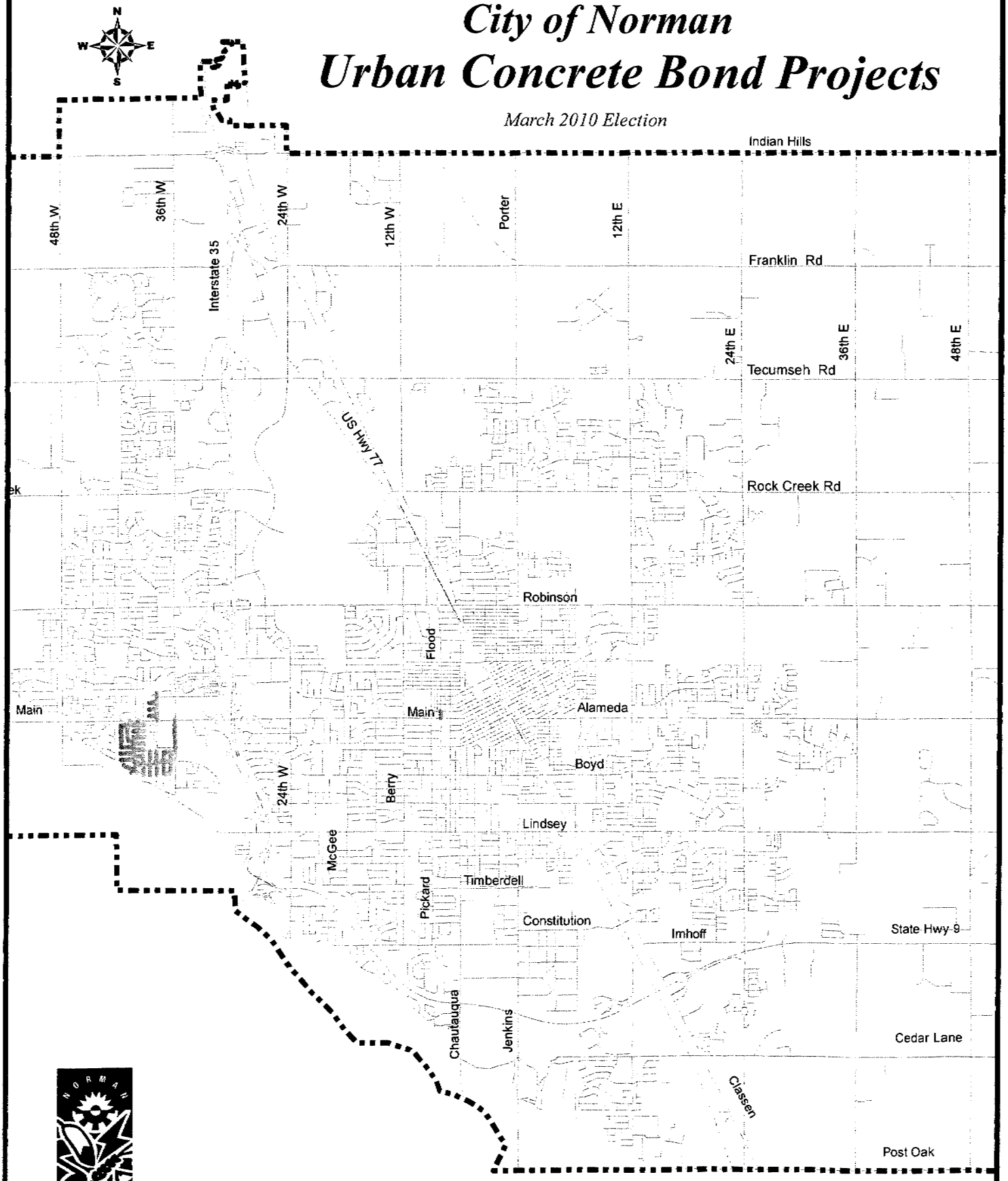
_____
Mayor

ATTEST:

_____
City Clerk

# 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 2012-2013 Projects

PURCHASE REQUISITION NBR: 0000203910

STATUS: ALL ITEMS ON ORDER

REQUISITION BY: JKEELER

REASON: K-1213-2 CONCRETE REHABILITATION FYE 2013 PROJ

DATE: 7/03/12

SHIP TO LOCATION: LINDSEY STREET YARD

SUGGESTED VENDOR: 9713 RDNJ INC

DELIVER BY DATE: 7/03/12

| LINE NBR | DESCRIPTION | QUANTITY | UOM | UNIT COST | EXTEND COST | VENDOR PART NUMBER |
|---|---|---|---|---|---|---|
| 1 | BP 0348 36TH AVE WEST B/MAIN ST. - WILLOWBEND RD<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 321158.19 | DOL | 1.0000 | 321158.19 | |
| 2 | BP 0349 FLOOD AVE B/MAIN ST - GRAY ST.<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 58647.09 | DOL | 1.0000 | 58647.09 | |
| 3 | BP 0350 CHERRY CREEK ADDITION<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 78196.28 | DOL | 1.0000 | 78196.28 | |
| 4 | BP 0351 RIVER OAKS, SECTION 2<br>-<br>ENCUMBERING PURCHASE ORDER<br>-<br>K-1213-2<br>-<br>AGENDA ITEM FOR JULY 24, 2012<br>-<br>COMMODITY: CONSTRUCTION SERVICES, TR<br>SUBCOMMOD: CONCRETE | 23458.69 | DOL | 1.0000 | 23458.69 | |

REQUISITION TOTAL: 481460.25

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

| LINE # | ACCOUNT | | PROJECT | % | AMOUNT |
|---|---|---|---|---|---|
| 1 | 05093934316101 | Capital Projects Construction | BP0348<br>36th West:Main-Willowbend | 100.00 | 321158.19 |
| 2 | 05093934316101 | Capital Projects Construction | BP0349<br>Flood Ave:Main St-Gray St | 100.00 | 58647.09 |
| 3 | 05093934316101 | Capital Projects Construction | BP0350<br>Cherrycreek Addn | 100.00 | 78196.28 |
| 4 | 05093934316101 | Capital Projects Construction | BP0351<br>River Oaks, Sec 2 | 100.00 | 23458.69 |
| | | | | | 481460.25 |

REQUISITION IS IN THE CURRENT FISCAL YEAR.

# City of Norman, OK

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

## Master

### File Number: E-1213-3

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | E-1213-3 | **Type:** | Easement | **Status:** | Consent Item |
| **Version:** | 2 | **Reference:** | Item No. 14 | **In Control:** | City Council |
| **Department:** | Utilities Department | **Cost:** | | **File Created:** | 06/29/2012 |
| **File Name:** | OG&E Easement - WRF | | | **Final Action:** | |

**Title:** CONSIDERATION OF GRANTING EASEMENT NO. E-1213-3 TO OKLAHOMA GAS & ELECTRIC COMPANY (OG&E) FOR SERVICE TO THE WATER RECLAMATION FACILITY (WRF).

ACTION NEEDED: Motion to grant or deny Easement No. E-1213-3; and, if granted, direct the execution thereof.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 14

**Attachments:** Text File E-1213-3, E-1213-3

**Project Manager:** Charlie Thomas, Capital Projects Engineer

**Entered by:** charlie.thomas@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File E-1213-3

Body

**BACKGROUND**: In August 2009, staff received notice of award for an Energy Efficiency and Conservation Block Grant (EECBG) administered by the U.S. Department of Energy (DOE) to fund energy improvements at the WRF. On December 28, 2010, the Norman Utilities Authority (NUA) approved Contract K-1011-42 with Oil Capital Electric, LLC (OCE) for the work. As the project nears completion staff asked, and OG&E agreed, to modify their electric power service lines to insure redundant service at both the aeration blowers and the Westside Lift Station, critical facilities in the WRF process.

**DISCUSSION**: In order for OG&E to provide maintenance service on their modified lines and newly installed transformers, an access and maintenance easement is needed. No cost is associated with this item.

**STAFF RECOMMENDATION**: Staff recommends approval and granting of Easement No. E-1213-3.

AFTER RECORDING RETURN TO:
OGE ELECTRIC SERVICES
RIGHT-OF-WAY AGENT,-M/C WNM-12
PO BOX 321
OKLAHOMA CITY OK 73101-0321

# EASEMENT

Work Order #7919771

KNOW ALL MEN BY THESE PRESENTS: THAT **THE CITY OF NORMAN, OKLAHOMA, a Municipal Corporation,** Grantor, in consideration of Ten or more dollars in hand paid, the receipt of which is hereby acknowledged, and other good and valuable consideration, does hereby grant and warrant unto **OKLAHOMA GAS AND ELECTRIC COMPANY,** an Oklahoma corporation, Grantee, its successors and assigns, the right, privilege and authority to enter upon and install, erect, operate, maintain, and reconstruct underground and/or above ground a system of conduits, wires, cables, vaults, junction boxes, switches, fuses, transformers, service connection boxes and other fixtures for the transmission and distribution of electrical current and communication messages, including the right of ingress and egress to and from said system across adjoining lands of Grantor, upon and across the following real property and premises, situated in Cleveland County, State of Oklahoma, to wit:

A part of the **SE/4, Section 7, T8N, R2W,** I.M., as described in Exhibit "A", and shown on Exhibit "B" attached hereto and hereby made a part of this easement.

Grantor further covenants and agrees that no building or other structure shall ever be erected nor shall any excavation or other removal of soil, so as to change the grade of terrain, be accomplished by Grantor, its heirs or assigns, within the above described easement area unless the written consent of the Grantee is first obtained. Grantor further acknowledges the requirements of 63 Oklahoma Statutes (1991) Section 142.1, et. seq. (One-call statute).

The rights and privileges above granted to continue so long as same are used or needed for the transmission and distribution of electric current or communication messages; but should the Grantee remove its property from the premises and abandon the right of way herein granted, then the rights granted in this easement shall terminate.

Approved this _____ day of _____, 2012, by the City of Norman.

ATTEST: _____
Brenda Hall, City Clerk

By: _____
Cindy Rosenthal, Mayor

Approved as to form this 17 day of July, 2012.

City Seal

By: _____
Jeff Bryant, City Attorney

**CITY ACKNOWLEDGMENT**

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS;
Before me, the undersigned, a Notary Public, in and for said County and State, on this _____ day of _____, 2012, personally appeared Cindy Rosenthal, to me known to be the identical person who subscribed the name of the maker thereof to the foregoing instrument as its Mayor, and acknowledged to me that she executed the same as her free and voluntary act and deed of such city, for the uses and purposes therein set forth.

My Commission Expires:_____
Commission #_____

_____
Notary Public

Waste Water Treatment Plant on Jenkins Avenue
Form 469 D (Rev 8/2001) SNOR_UG-C1.DOT tjb Atlas Sheet No. 068-022

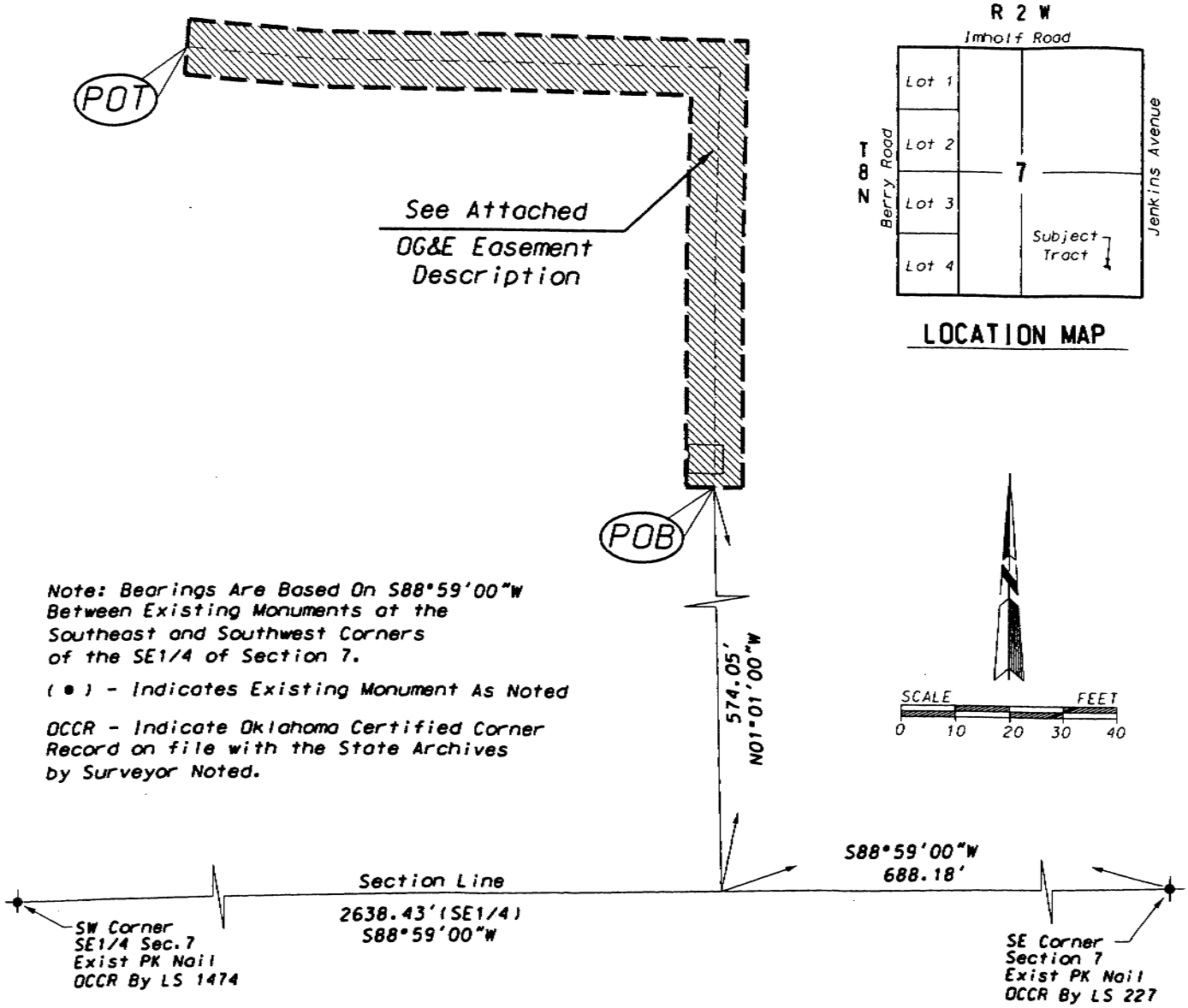
# EXHIBIT "A"

To that certain easement from the City of Norman, Oklahoma, a Municipal Corporation to Oklahoma Gas and Electric Company, on the _____ day of _____, 2012.

An easement in the **Southeast Quarter (SE/4) of Section Seven (7), Township Eight (8) North, Range Two (2) West** of the Indian Meridian, Cleveland County, Oklahoma, written by Timothy G. Pollard, PLS 1474, dated June 26, 2012, using an Arbitrary Bearing of S88°59'00"W between existing monuments at the Southeast and Southwest corners of said SE1/4 as a Basis of Bearing as shown on Exhibit "B", said easement being Ten (10) feet in width, Five feet each side of a centerline described as follows:

COMMENCING at the Southeast Corner of said SE1/4;
Thence S88°59'00"W, on the South Line of said SE1/4, for a distance of 688.18 feet;
Thence N01°01'00"W for a distance of 574.05 feet to the **POINT OF BEGINNING**;
Thence N00°05'22"E, on said centerline, for a distance of 11.68 feet to a certain **POINT "A"**;
Thence N00°05'22"E, on said centerline, for a distance of 30.43 feet;
Thence N01°05'55"E, on said centerline, for a distance of 34.31 feet;
Thence N89°16'58"W, on said centerline, for a distance of 24.03 feet;
Thence N89°36'49"W, on said centerline, for a distance of 49.97 feet;
Thence N85°34'54"W, on said centerline, for a distance of 22.84 feet to the **POINT OF TERMINATION.**

# EXHIBIT "B"
## EASEMENT SKETCH




Note: Bearings Are Based On S88°59'00"W Between Existing Monuments at the Southeast and Southwest Corners of the SE1/4 of Section 7.

( ● ) - Indicates Existing Monument As Noted

OCCR - Indicate Oklahoma Certified Corner Record on file with the State Archives by Surveyor Noted.

I, Timothy G. Pollard, a Professional Land Surveyor, herby certify that the attached drawing is a true and accurate representation of the attached easement description and is subject to all notes and qualifying statements.

Timothy G. Pollard

Timothy G. Pollard, PLS 1474
Dated: June 7, 2012

REGISTERED PROFESSIONAL LAND SURVEYOR
TIMOTHY G. POLLARD
1474
OKLAHOMA

| OKLAHOMA GAS AND ELECTRIC COMPANY | | |
|---|---|---|
| POLLARD & WHITED SURVEYING INC.<br>2514 TEE DRIVE, NORMAN, OKLAHOMA 73069<br>CA#2385 EXP 06-30-11 405-366-0001 | OG&E EASEMENT SKETCH WO# 7919771<br>PART OF SE1/4 OF SEC.7,T8N,R2W, I.M.<br>NORMAN, CLEVLAND COUNTY, OKLAHOMA | REVISIONS: |
| DRAWN BY: T. POLLARD DATE: June 26, 2012 | FILE #: 7x8n2w.ASC DATE: June 18, 2012 | SCALE: 1" = 30' |
| APPROVED BY: D. MEEKS DATE: June 26, 2012 | DRWG #: 7-8n2w.DGN DATE: June 26, 2012 | SHEET 1 OF 1 |

# City of Norman, OK

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

## Master

### File Number: E-1213-5

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | E-1213-5 | **Type:** | Easement | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 15 | **In Control:** | City Council |
| **Department:** | Utilities Department | **Cost:** | | **File Created:** | 07/13/2012 |
| **File Name:** | Easement for SE Bishop Interceptor | | | **Final Action:** | |

**Title:** CONSIDERATION OF EASEMENT NO. E-1213-5, A PUBLIC UTILITY EASEMENT DONATED BY SHAZ INVESTMENT GROUP, LLC FOR THE SOUTHEAST BISHOP INTERCEPTOR PROJECT.

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-5; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 15

**Attachments:** Text File E-1213-5, E-1213-5

**Project Manager:** Charlie Thomas, Capital Projects Engineer

**Entered by:** charlie.thomas@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File E-1213-5

Body

**BACKGROUND**: The SE Bishop Interceptor, Phase 2 project (WW0267) is located in southeast Norman near the intersection of State Highway 9 (SH 9) and US Highway 77 (Classen). The Phase 2B project consists of three (3) sewer segments generally located as follows: 1) a 24-inch sewer extending north and west from Eagle Cliff subdivision to its connection to the Lower Bishop Interceptor; 2) an 18-inch sewer from east of 24th Avenue SE and Overbrook to Classen and Ann Branden; and 3) a 24-inch sewer between Classen and Oak Tree just north of SH 9.

In January 2004, the Phase 1 project serving the United States Postal Training Center was completed by Matthews Trenching Company. On March 23, 2004, Norman Utilities Authority (NUA) approved Contract K-0304-147 with Chiang, Patel & Yerby, Inc. (CP&Y) for design of this phase. In January 2007, the Phase 2A project near Classen and SH 9 was completed by Jordan Contractors. The design

plans for the Phase 2B project are complete and approved by the Oklahoma Department of Environmental Quality (ODEQ).

**DISCUSSION**: Permanent easements normally allow installation and maintenance of the public sewer line. For large diameter sewers such as the subject project, additional temporary construction easements parallel to the permanent easements are required only during the time construction is in progress. Several easements, both permanent and temporary, will be needed to complete construction of the project. No cost is associated with this item, since both easements are donated. Two (2) more easements remain to be acquired.

| | | |
|---|---|---|
| E-1213-5 | Shaz Investment Group, LLC | Permanent public utility easement (donated) |
| E-1213-6 | Shaz Investment Group, LLC | Temporary construction easement (donated) |

**RECOMMENDATION**: Staff recommends acceptance of Permanent Easement No. E-1213-5 and Temporary Easement No. E-1213-6.

**GRANT OF EASEMENT**
Parcel 13 – Shaz
City of Norman, Oklahoma
SE Bishop Sewer Interceptor

KNOW ALL MEN BY THESE PRESENTS:

THAT Shaz Investment Group, LLC (GRANTOR), in consideration of the sum of One Dollar ($1.00), receipt of which is hereby acknowledged, and for and upon other good and valuable considerations, do hereby grant, bargain, sell, and convey unto the City of Norman (CITY), a municipal corporation, a public utility easement over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

See "Exhibit A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out, constructing, maintaining, and operating a public sanitary sewer line.

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 10th day of July, 20 ____.

Shaz Investment Group, LLC

BY: _____ Manager
Title

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF Oklahoma, COUNTY OF Oklahoma, SS:

Before me, the undersigned, a Notary Public in and for the said State and County, on this 10th day of July, 2012, personally appeared Jalal Farzaneh, Manager to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

SANDY NEWTON NOTARY # 02002207 EXP. 02/11/14 PUBLIC STATE OF OKLAHOMA

Notary Public: Sandy Newton

My Commission Expires: 2/11/2014 **Seal:**

Approved as to form and legality this 17th day of July 2012.

_____
City Attorney

Approved and accepted by the Council of the City of Norman, this ____ day of _____ 20 ____.

_____
Mayor

ATTEST:

SEAL:

_____
City Clerk

LEMKE LAND SURVEYING, Inc.

**Parcel (13)**
**Proposed Permanent Easement**

A tract of land located in the Northwest Quarter of Section 17, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows;

Commencing at the Northeast corner of said Northwest Quarter;

Thence South 89°39'25" West, along the north line of said Northwest Quarter, a distance of 460.50 feet;

Thence South 00°20'35" East a distance of 33.00 feet to the Point of Beginning;

Thence continuing South 00°20'35" East a distance of 399.50 feet;

Thence North 89°39'25" East a distance of 339.55 feet to a point on the East Right of Way line of Truman Avenue in Independence Valley Addition to the City of Norman;

Thence South 00°20'35" East, along said East line, a distance of 10.00 feet;

Thence South 89°39'25" West, along the north line of an existing 15' Sanitary Sewer Easement filed in Book 1314 at Page 66 in the office of the Cleveland County Clerk, a distance of 364.55 feet;

Thence North 00°20'35" West, along the East line of said 15' Sanitary Sewer Easement, a distance of 409.50 feet to a point on the south statutory right of way line of Cedar Lane;

Thence North 89°39'25" East, along said statutory right of way line, a distance of 25.00 feet to the POINT OF BEGINNING, containing 13,632.9 square feet of land, more or less.

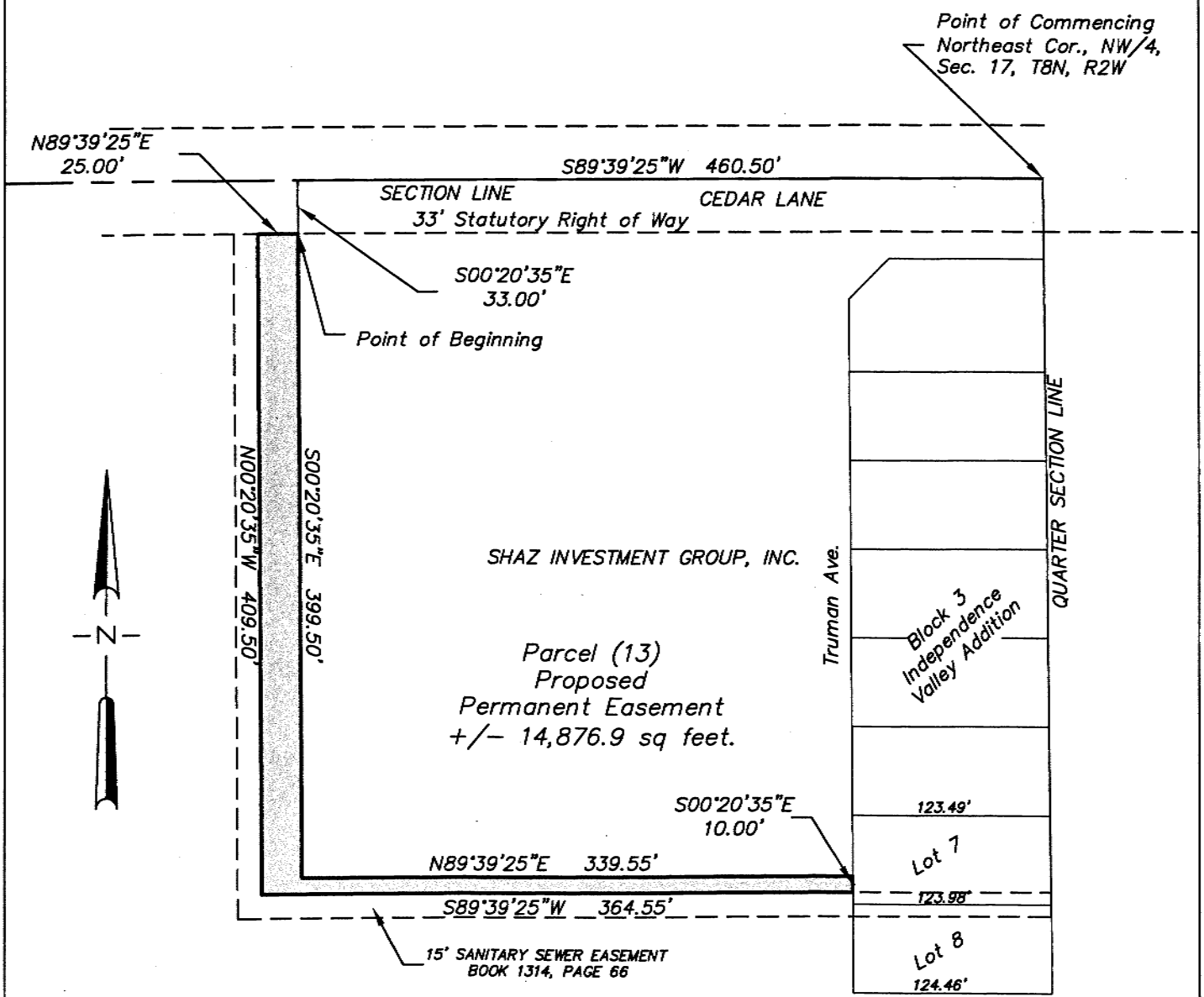
Basis of Bearings – Oklahoma State Plane Grid Bearings

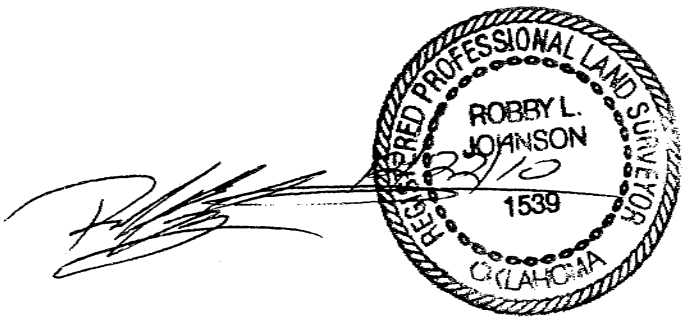
Proposed 12/22/06

Robby L. Johnson, PLS 1539

REGISTERED PROFESSIONAL LAND SURVEYOR
ROBBY L. JOHNSON
1539
OKLAHOMA

3226 Bart Conner Drive - Norman, OK 73072 Ph (405)366-8541 Fax (405)366-8540 E-mail: robbyj@lemke-ls.com
C.A. No. 2054 (Expires 6/30/10)




| | | | |
|---|---|---|---|
| **LEMKE LAND SURVEYING, Inc.** | Designed by: | Project: | PARCEL (13) PROPOSED PERMANENT EASEMENT |
| S L / L S | Drawn By: RJ | | |
| 3226 BART CONNER DR., NORMAN, OK 73072 | Approved by: RJ | Project Location: | PART OF THE NW/4, SEC. 17, T8N, R2W OF THE I.M., CLEVELAND CO., OKLAHOMA |
| PH.(405)366-8541 FAX(405)366-8540 | Date: 12/22/08 | | |
| CA # 2054 EXP.DATE 6/30/10 | Scale: 1"=100' | Client: | |
| http://www.lemke-ls.com | Project No: 04100 | | |

Sheet Number 1

Sheet 1 of 1

G:\Projects\04100\LLS-Data\Submitted\081222-con parcel 13\Parcel 13.dwg Dec 22, 2010 - 1:39pm

# City of Norman, OK

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

## Master

### File Number: E-1213-6

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | E-1213-6 | **Type:** | Easement | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 16 | **In Control:** | City Council |
| **Department:** | Utilities Department | **Cost:** | | **File Created:** | 07/17/2012 |
| **File Name:** | E-1213-6 SE Bishop Interceptor | | | **Final Action:** | |

**Title:** CONSIDERATION OF TEMPORARY EASEMENT NO. E-1213-6, A TEMPORARY CONSTRUCTION EASEMENT DONATED BY SHAZ INVESTMENT GROUP, L.L.C., FOR THE SOUTHEAST BISHOP INTERCEPTOR PROJECT.

ACTION NEEDED: Motion to accept or reject Temporary Easement No. E-1213-6; and, if accepted, direct the filing thereof with the City Clerk.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 16

**Attachments:** Text File E-1213-6, E-1213-6

**Project Manager:** Charlie Thomas, Capital Projects Engineer

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

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File E-1213-6

Body

**BACKGROUND**: The SE Bishop Interceptor, Phase 2 project (WW0267) is located in southeast Norman near the intersection of State Highway 9 (SH 9) and US Highway 77 (Classen). The Phase 2B project consists of three (3) sewer segments generally located as follows: 1) a 24-inch sewer extending north and west from Eagle Cliff subdivision to its connection to the Lower Bishop Interceptor; 2) an 18-inch sewer from east of 24th Avenue SE and Overbrook to Classen and Ann Branden; and 3) a 24-inch sewer between Classen and Oak Tree just north of SH 9.

In January 2004, the Phase 1 project serving the United States Postal Training Center was completed by Matthews Trenching Company. On March 23, 2004, Norman Utilities Authority (NUA) approved Contract K-0304-147 with Chiang, Patel & Yerby, Inc. (CP&Y) for design of this phase. In January

2007, the Phase 2A project near Classen and SH 9 was completed by Jordan Contractors. The design plans for the Phase 2B project are complete and approved by the Oklahoma Department of Environmental Quality (ODEQ).

**DISCUSSION**: Permanent easements normally allow installation and maintenance of the public sewer line. For large diameter sewers such as the subject project, additional temporary construction easements parallel to the permanent easements are required only during the time construction is in progress. Several easements, both permanent and temporary, will be needed to complete construction of the project. No cost is associated with this item, since both easements are donated. Two (2) more easements remain to be acquired.

| | | |
|---|---|---|
| E-1213-5 | Shaz Investment Group, LLC | Permanent public utility easement (donated) |
| E-1213-6 | Shaz Investment Group, LLC | Temporary construction easement (donated) |

**RECOMMENDATION**: Staff recommends acceptance of Permanent Easement No. E-1213-5 and Temporary Easement No. E-1213-6.

**TEMPORARY CONSTRUCTION EASEMENT**
Parcel 13.1 – Shaz
City of Norman, Oklahoma
SE Bishop Sewer Interceptor

KNOW ALL MEN BY THESE PRESENTS:

THAT Shaz Investment Group, LLC (GRANTOR), for and in consideration of the sum of One Dollar ($1.00), and for and upon other good and valuable considerations, has/have this day sold to the City of Norman (City), a temporary easement over, across and under the following described land to wit:

See "Exhibit A"

with the right of ingress and egress to and from the same, for the purpose of surveying, laying out and constructing a public utility.

The sole purpose of this easement is to grant to the City the right to work on the above-described tract of land, and includes the right to use and remove any and all sand, rock, dirt, gravel and other natural materials from the above-described tract of land.

It is a condition of this easement that it shall not be filed for record and that all rights conveyed to the City by this instrument shall terminate upon completion of construction of the project.

SIGNED and delivered this 9th day of July, 2012.

Shaz Investment Group, LLC

BY: _____ Manager
Title

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF Oklahoma, COUNTY OF Oklahoma, SS:

Before me, the undersigned, a Notary Public in and for said State and County, on this 9th day of July, 2012, personally appeared Jalal Farzaneh, Manager, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

WITNESS my hand and seal the day and year last above written.

SANDY NEWTON NOTARY # 02002207 EXP. 02/11/14 PUBLIC STATE OF OKLAHOMA

Notary Public: Sandy Newton

My Commission Expires: 2/11/2014 **Seal:**

Approved as to form and legality this 17 day of July 2012.

_____
City Attorney

Approved and accepted by the Council of the City of Norman, this ____ day of _____ 20 ____.

_____
Mayor

ATTEST:

_____
City Clerk

**SEAL:**

LEMKE LAND SURVEYING, Inc.

**Parcel (13.1)**
**Proposed Temporary Construction Easement**

A tract of land located in the Northwest Quarter of Section 17, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows;

Commencing at the Northeast corner of said Northwest Quarter;

Thence South 89°39'25" West, along the north line of said Northwest Quarter, a distance of 500.50 feet;

Thence South 00°20'35" East a distance of 33.00 feet to the Point of Beginning;

Thence continuing South 00°20'35" East, along the West line of an existing 15' Sanitary Sewer Easement filed in Book 1314 at Page 66 in the office of the Cleveland County Clerk, a distance of 424.50 feet;

Thence South 89°39'25" West a distance of 40.00 feet;

Thence North 00°20'35" West a distance of 424.50 feet to a point on the south statutory right of way line of Cedar Lane;

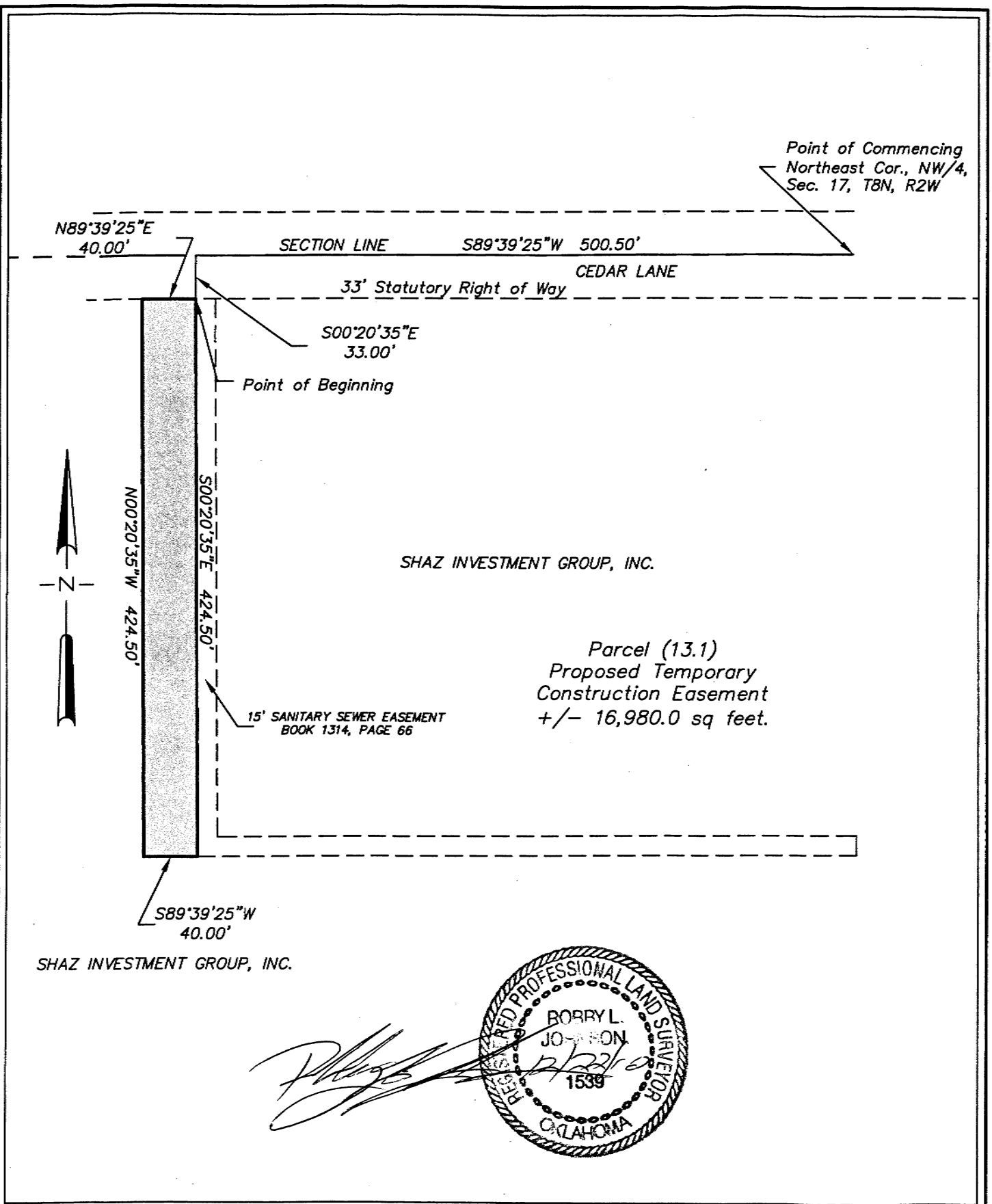
Thence North 89°39'25" East, along said statutory right of way line, a distance of 40.00 feet to the POINT OF BEGINNING, containing 16,980.0 square feet of land, more or less.

Basis of Bearings – Oklahoma State Plane Grid Bearings

Robby L. Johnson, PLS 1539

REGISTERED PROFESSIONAL LAND SURVEYOR
ROBBY L. JOHNSON
1539
OKLAHOMA

3226 Bart Conner Drive - Norman, OK 73072 Ph (405)366-8541 Fax (405)366-8540 E-mail: robbyj@lemke-ls.com
C.A. No. 2054 (Expires 6/30/10)




G:\Projects\04100\LLS-Data\Submitted\080613-con renamed ease docs\Parcel 13-1.dwg Dec 22, 2010 - 2:49pm

**LEMKE LAND SURVEYING, Inc.**

S L
L S

3226 BART CONNER DR., NORMAN, OK 73072
PH.(405)366-8541 FAX(405)366-8540
CA # 2054 EXP.DATE 6/30/10
http://www.lemke-ls.com

| | |
|---|---|
| Designed by: | |
| Drawn By: | RJ |
| Approved by: | RJ |
| Date: | 6/13/08 |
| Scale: | 1"=100' |
| Project No: | 04100 |

Project: PARCEL (13.1) PROPOSED TEMPORARY CONSTRUCTION EASEMENT

Project Location: PART OF THE NW/4, SEC. 17, T8N, R2W OF THE I.M., CLEVELAND CO., OKLAHOMA

Client:

Sheet Number 1

Sheet 1 of 1

# City of Norman, OK

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

## Master

### File Number: FP-1213-1

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | FP-1213-1 | **Type:** | Final Plat | **Status:** | ATS Paused |
| **Version:** | 1 | **Reference:** | Item No. 17 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | | **File Created:** | 06/12/2012 |
| **File Name:** | UNP IX Final Plat | | | **Final Action:** | |

**Title:** CONSIDERATION OF A FINAL SITE DEVELOPMENT PLAN AND FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION IX, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 3, BLOCK 2; AND A PORTION OF PARKLAND OF A REPLAT OF LOT 1, BLOCK 2, UNIVERSITY NORTH PARK ADDITION, SECTION 1; AND A REPLAT OF A PORTION OF LOT 1, BLOCK 1, OF A REPLAT OF UNIVERSITY NORTH PARK ADDITION, SECTION IV, A PLANNED UNIT DEVELOPMENT AND ACCEPTANCE OF THE PUBLIC DEDICATIONS CONTAINED THEREIN. (LEGACY PARK - GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE N.W. AT LEGACY PARK DRIVE)

ACTION NEEDED: Motion to approve or reject the final site development plan and final plat for University North Park Addition, Section IX, a Planned Unit Development (Legacy Park); 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 and direct the filing of the final site development plan and final plat.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 17

**Attachments:** UNP IX Location Map, UNP-IX Staff Report, Final Plat UNP Section IX, UNP Section IX Final Site Plan, Revised Prelim Plat UNP Section IX, 7-12-12 PC Minutes - UNP IX

**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 | 07/12/2012 | | | | | |

**Text of Legislative File FP-1213-1**

body

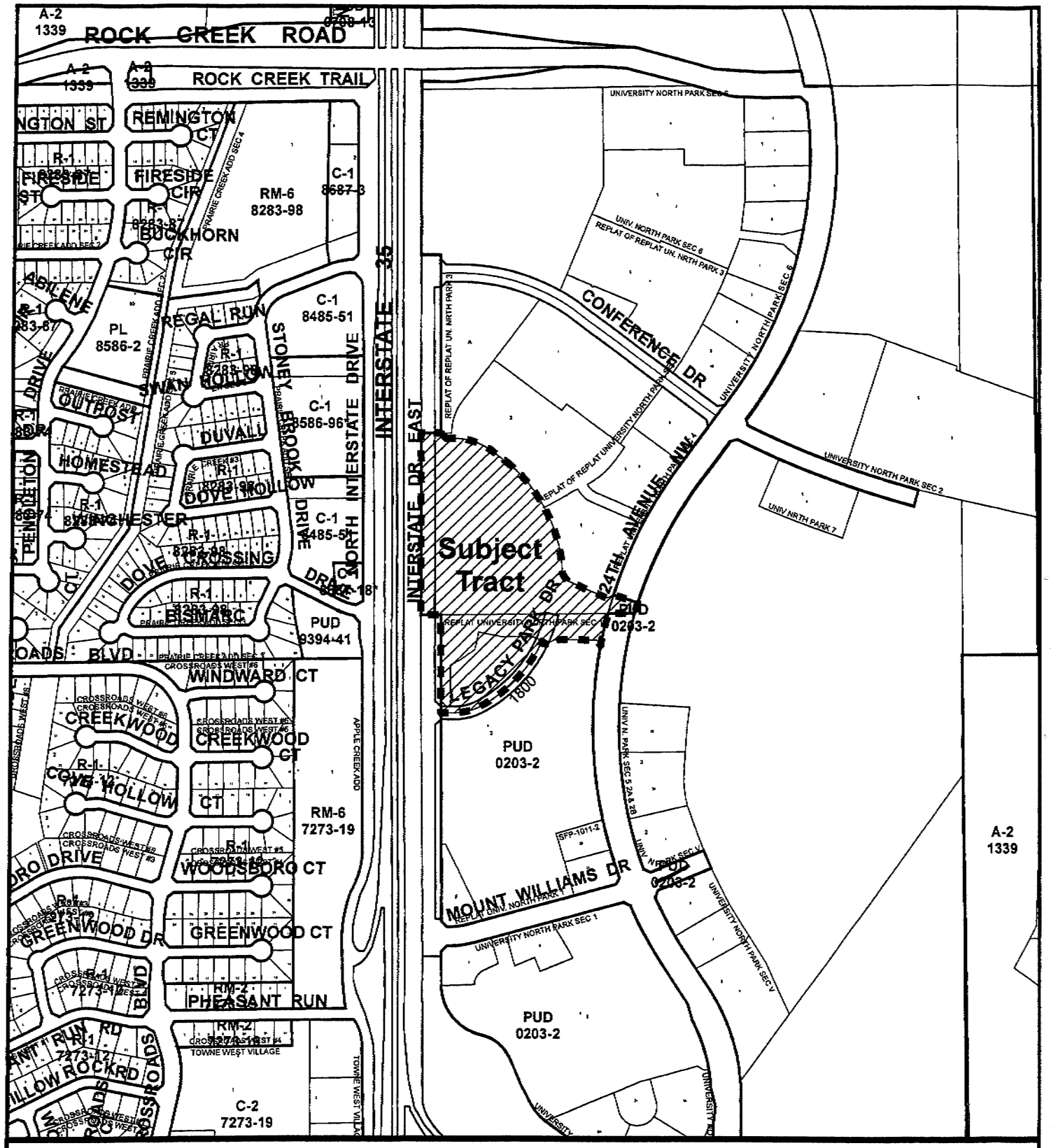
**BACKGROUND:** This item is a final plat for Legacy Park, University North Park Addition, Section IX, a Planned Unit Development and is generally located on the west side of 24th Avenue NW and Legacy Park Drive. This plat consists of 15.755 acres including two (2) commercial lots zoned as a Planned Unit Development and one (1) Park Land lot (Legacy Park). The park land consists of 7.73. Lot 1 consists of 2.87 acres and Lot 3 consists of 1.89 acres. The final site development plan indicates Lot 1, Block 1 as possible restaurants and/or retail, Lot 2, Block 1, as City Park Land and Lot 3, Block 1 as possible restaurants and/or retail.

Planning Commission, at its meeting of July 12, 2012, approved the final plat for University North Park Addition, Section IX, a Planned Unit Development.

**DISCUSSION:** The public improvements consist of storm drainage, streets and sidewalks. A portion of the public improvements will be made by the NTIFA in conjunction with the construction of Legacy Park, and a portion of the public improvements will be made by the developer in conjunction with the restaurant pad sites. To ensure timely construction of Legacy Park with a projected opening date in November of 2013, it is anticipated the developer will ensure its portion of the public improvements by posting a letter of credit for concurrent construction to allow the final plat to be filed as quickly as possible. Once the final plat is filed and final review of the bid specifications is completed, construction of Legacy Park can be bid with an award of the construction contract coming to Council in September. Waterlines and fire hydrants are existing and were verified by a field inspection.

As stated in the Planning Commission staff report of July 12, 2012, the northern leg of Legacy Park Drive is being proposed as a public street. The southern portion of Legacy Park Drive was previously platted as a private street in University North Park, Section 1. As plans for Legacy Park have developed in recent years, staff and the developer have concluded that Legacy Park Drive would function better as a public street. It is staff's opinion the southern leg of Legacy Park Drive should now be dedicated as a public street. Staff is currently coordinating with the owner of that portion of the street to seek a donated right-of-way for the southern portion of the public street, including storm drainage and utilities. If that property owner is not willing to donate the right-of-way, the southern leg of Legacy Park Drive will be changed on the final plat to a private road easement prior to recording of the plat.

**RECOMMENDATION:** Based upon the above information, staff recommends acceptance of the public dedications contained therein. If the final plat is approved, the City Development Committee will then ensure completion of all required public improvements or will approve the construction of the public improvements concurrently with construction on the lots provided the public improvements required by the private portion of the development is bonded in accordance with City Code provisions. Once the completion of the public improvements is secured, then the Development Committee will recommend that the Mayor sign the final plat and then proceed with its filing.




# 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

June 18, 2012

0 300 600 Ft.

Subject Tract

Zoning

FINAL PLAT ITEM NO. 4

## STAFF REPORT

**ITEM:** Consideration of a FINAL PLAT FOR UNIVERSITY NORTH PARK ADDITION, SECTION IX, A Planned Unit Development, a Replat of Lot 3, Block 2, and a Portion of Parkland of a Replat of Lot 1, Block 2, University North Park Section 1 and a Replat of a Portion of Lot 1, Block 1 of a Replat of University North Park Section IV, a PLANNED UNIT DEVELOPMENT.

**LOCATION:** Generally located on the west side of 24th Avenue NW at Legacy Park Drive .

**INFORMATION:**

1. Owners. University Town Center, LLC and UTC II, LLC
2. Developer. University Town Center, LLC and City of Norman
3. Engineer. SMC Consulting Engineers, P.C.

**HISTORY:**

1. December 19, 1961. Planning Commission recommended to City Council that this property be placed in A-2 zoning classification.
2. January 23, 1962. City Council adopted Ordinance No. 1339 placing a portion of this property in I-1 and removing it from A-2 zoning classification.
3. September 15, 1964. Planning Commission, on a vote of 9-0, recommended to City Council that a portion of this property be placed in I-1 and removed from A-2 zoning classification.
4. September 22, 1964. City Council adopted Ordinance No. 1686 placing a portion of this property in I-1, and removing it from A-2 zoning classification.
5. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that the NORMAN 2020 Land Use and Transportation Plan be amended by designating this property as a Special Planning Area Designation and changing it from Industrial Designation.

**HISTORY (con't):**

6. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that this property be placed in the PUD, Planned Unit Development and removed from I-1 and A-2 zoning classification.

7. July 11, 2002. Planning Commission, on a vote of 5-0-2, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.

8. August 13, 2002. City Council amended the NORMAN 2020 Land Use and Transportation Plan designating this property as a Special Planning Area.

9. August 13, 2002. City Council adopted Ordinance No. O-0203-2 placing this property in the PUD, Planned Unit Development, and removing it from I-1 and A-2 zoning classification. The approval included the preliminary plat for University North Park Addition.

10. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council the amending of the Planned Unit Development Narrative.

11. September 14, 2006. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for University North Park Addition, a Planned Unit Development be approved.

12. October 24, 2006. City Council postponed indefinitely Ordinance No. O-0607-13, amending the Planned Unit Development Narrative and Site Development Plan for University North Park Addition, a Planned Unit Development.

13. October 24, 2006. City Council postponed indefinitely the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.

14. December 12, 2006. City Council approved Ordinance No. O-0607-13 amending the Planned Unit Development Narrative and Site Development Plan and approved the revised Preliminary Plat for University North Park Addition, a Planned Unit Development.

**IMPROVEMENT PROGRAM:**

1. Fire Hydrants. Additional fire hydrants will be installed in accordance with approved plans. Their locations are under review by the Fire Department.

2. Permanent Markers. Permanent markers will be installed prior to the filing of the final plat.

**IMPROVEMENT PROGRAM (cont):**

3. Sanitary Sewers. Sanitary sewer mains are existing.

4. Sidewalks. Sidewalks will be installed adjacent to Interstate Drive and parts of Legacy Park Drive.

5. Storm Sewers. Stormwater and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Several privately-maintained detention ponds have been installed prior to releasing stormwater to their natural outlets. An existing storm sewer running through the middle of the park will be relocated.

6. Streets. Staff is requesting Legacy Park Drive to be a public street. The majority of it is controlled by this owner and is willing to grant it as a public street with public right of way. However, one half of the southern leg is existing, platted as private and owned by others. If the City is able to obtain a donated roadway easement, this portion of Legacy Park Drive will become public. If the property owner is not willing to donate the easement, the southern leg of roadway will be changed on the final plat to a private road easement. Prior to the submittal to City Council, these items should be determined.

7. Water Mains. Water mains are existing.

**PUBLIC DEDICATIONS:**

1. Easements. All required easements are dedicated to the City on the final plat.

2. Rights-of-Way. All street rights-of-way are dedicated to the City on the final plat.

**SUPPLEMENTAL MATERIAL**: Copies of a location map, preliminary plat, final site development plan and final plat are included in the Agenda Book.

**STAFF COMMENTS AND RECOMMENDATION**: Staff recommends approval of the final site development plan and approval of the final plat for University North Park Addition, Section IX, a Planned Unit Development, a Replat of Lot 3, Block 2, and a Portion of Parkland of a Replat of Lot 1, Block 2, University North Park Section 1 and a Replat of a Portion of Lot 1, Block 1 of a Replat of University North Park Section IV.

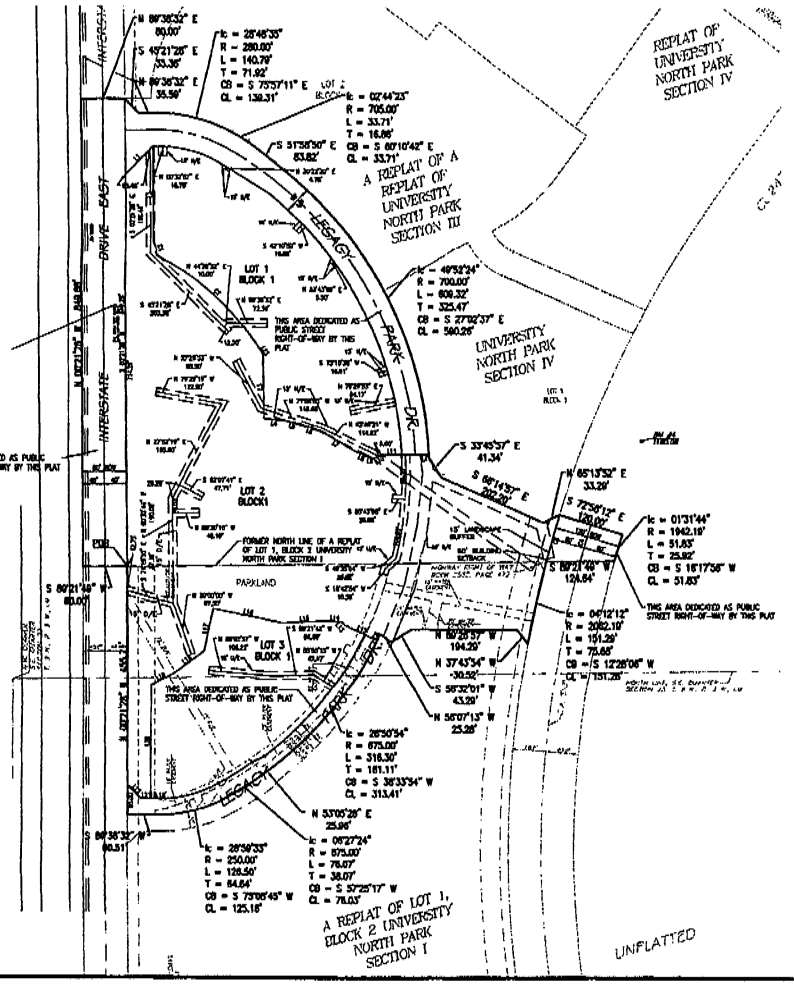
**ACTION NEEDED**: Approve or disapprove the Final Site Development Plan and the Final Plat for University North Park Addition, Section IX, a Planned Unit Development, a Replat of Lot 3, Block 2, and a Portion of Parkland of a Replat of Lot 1, Block 2, University North Park Section 1 and a Replat of a Portion of Lot 1, Block 1 of a Replat of University North Park Section IV.

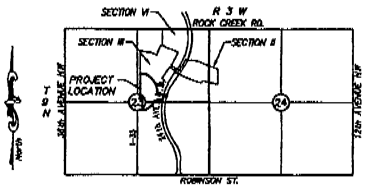
**ACTION TAKEN:**_____

# FINAL PLAT

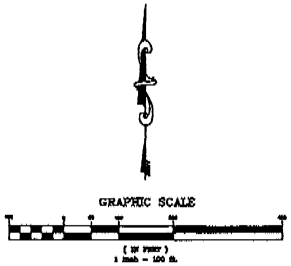
# UNIVERSITY NORTH PARK SECTION IX

*A REPLAT OF LOT 3 BLOCK 2, AND A PORTION OF PARKLAND OF A REPLAT OF LOT 1, BLOCK 2, UNIVERSITY NORTH PARK SECTION I AND A REPLAT OF A PORTION OF LOT 1, BLOCK 1 OF A REPLAT OF UNIVERSITY NORTH PARK SECTION IV*
*A PLANNED UNIT DEVELOPMENT*
*A PART OF THE N.E. AND S.E. 1/4 OF SECTION 23, T 9 N, R 3 W, INDIAN MERIDIAN*
*NORMAN, CLEVELAND COUNTY, OKLAHOMA*




LOCATION MAP
SCALE: 1"=2000'




NOTES:

1. COMMON AREAS WILL BE OWNED AND MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.
2. THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.

BENCH MARK
CUT SQUARE ON TOP OF CURB EAST SIDE OF 24th AVENUE APPROX. 1000' NORTH OF ISM jct
ELEV. = 1160.08

D/E = DRAINAGE EASEMENT
PED/E = PEDESTRIAN EASEMENT
UNA = UNITS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE
-1000- = ADDRESS

CURVE TABLE

| CURVE | DELTA ANGLE | RADIUS | ARC LENGTH | TANGENT | CHORD BEARING | CHORD LENGTH |
|---|---|---|---|---|---|---|
| C1 | 49°52'24" | 700.00' | 609.32' | 325.47' | S 27°02'37" E | 590.26' |
| C2 | 26°30'34" | 675.00' | 316.30' | 161.11' | S 38°33'34" W | 313.41' |
| C3 | 06°27'24" | 675.00' | 76.07' | 38.07' | S 57°25'17" W | 76.03' |
| C4 | 28°59'33" | 250.00' | 126.50' | 64.64' | S 73°05'45" W | 125.18' |
| C5 | 06°12'12" | 2082.19' | 151.29' | 75.65' | S 12°26'06" W | 151.26' |
| C6 | 01°31'44" | 1942.18' | 51.83' | 25.92' | S 18°17'56" W | 51.83' |
| C7 | 02°44'23" | 705.00' | 33.71' | 16.86' | S 60°10'42" E | 33.71' |
| C8 | 28°46'33" | 280.00' | 140.79' | 71.92' | S 75°57'11" E | 139.31' |

LINE TABLE

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N 43°17'12" E | 70.57' |
| L2 | N 00°13'28" E | 172.84' |
| L3 | S 07°46'32" E | 117.00' |
| L4 | S 07°46'32" E | 30.00' |
| L5 | N 07°46'32" W | 30.00' |
| L6 | S 07°46'32" E | 29.00' |
| L7 | S 07°46'32" E | 71.00' |
| L8 | S 07°46'32" E | 30.00' |
| L9 | N 07°46'32" W | 5.00' |
| L10 | N 07°46'32" W | 14.00' |
| L11 | S 07°46'32" E | 86.00' |
| L12 | S 07°46'32" E | 67.00' |
| L13 | N 07°46'32" W | 5.00' |
| L14 | S 07°46'32" E | 5.00' |
| L15 | S 07°46'32" E | 67.00' |
| L16 | N 07°46'32" W | 5.00' |
| L17 | S 07°46'32" E | 67.00' |
| L18 | S 07°46'32" E | 40.00' |
| L19 | S 07°46'32" E | 40.00' |
| L20 | N 07°46'32" W | 5.00' |
| L21 | S 07°46'32" E | 67.00' |
| L22 | S 07°46'32" E | 67.00' |
| L23 | S 07°46'32" E | 5.00' |
| L24 | S 07°46'32" E | 67.00' |
| L25 | S 07°46'32" E | 5.00' |
| L26 | S 07°46'32" E | 67.00' |
| L27 | S 07°46'32" E | 5.00' |

TOTAL LOTS = 4

ENGINEER OF RECORD
SMC Consulting Engineers, P.C.
[illegible] NORTH MAIN STREET – OKLAHOMA CITY, OKLAHOMA 73106
PHONE (405) 232-7715
CERTIFICATE OF AUTHORIZATION NO. 2144 EXPIRES JUNE 30, 2013

SHEET 2 OF 2

ENGINEERS • SURVEYORS • PLANNERS
SMITH ROBERTS BALDISCHWILER, LLC
100 NE 6th STREET – OKLAHOMA CITY, OKLAHOMA 73104 – TELEPHONE (405) 840-1044
CERTIFICATE OF AUTHORIZATION NO. 2044 EXPIRES JUNE 30, 2013

UNIVERSITY NORTH PARK SECTION IX
A PLANNED UNIT DEVELOPMENT

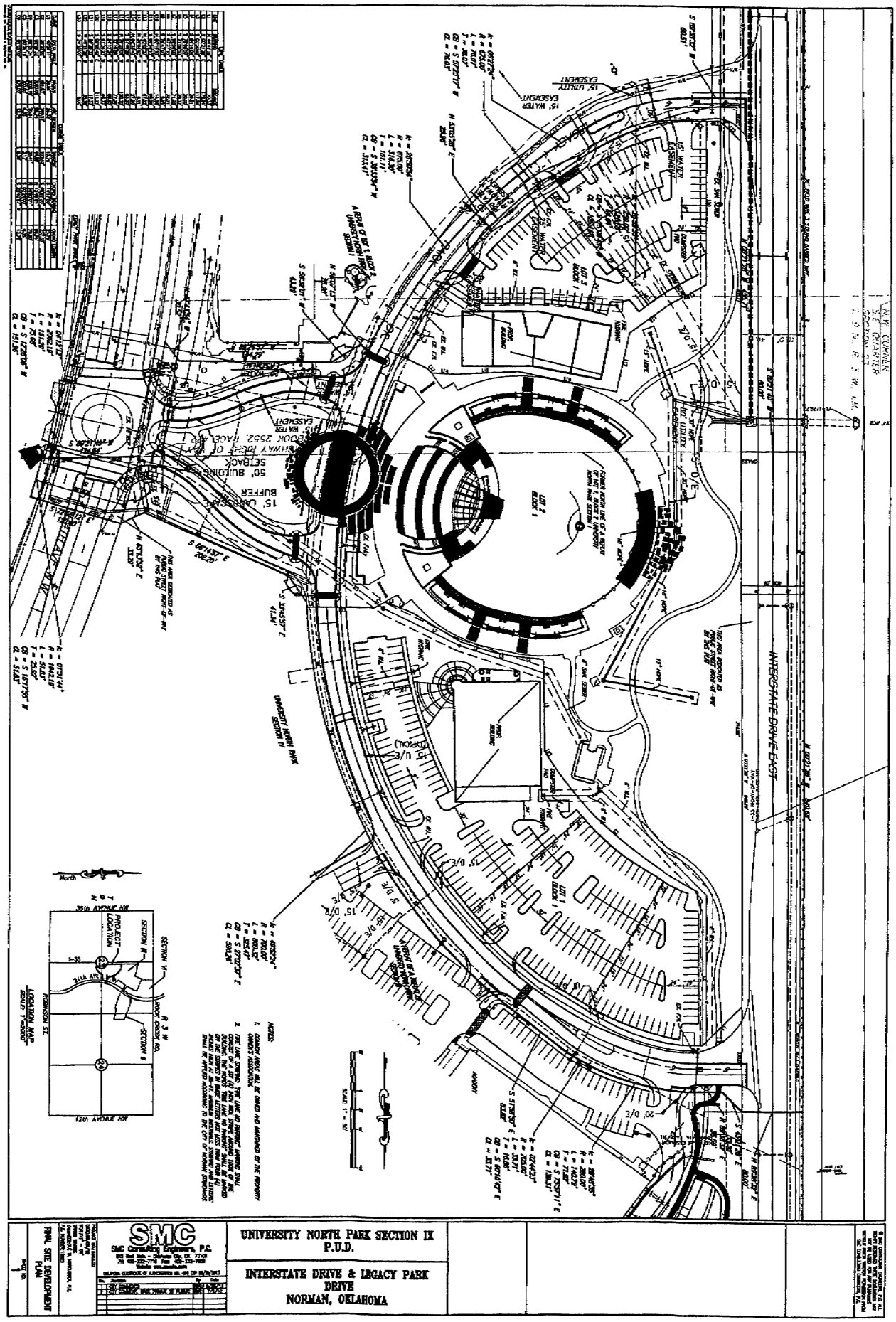
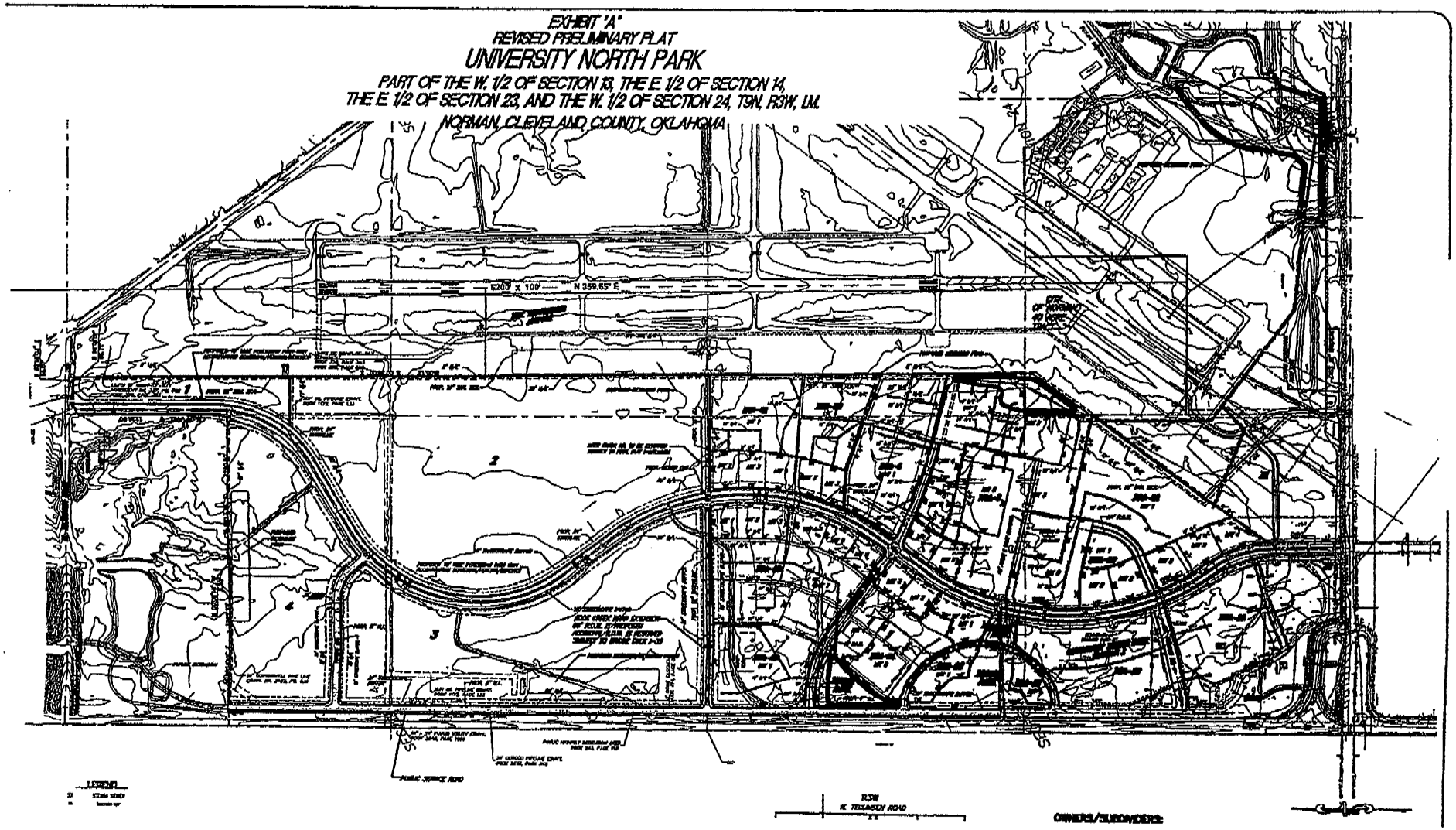

INTERSTATE DRIVE EAST
LOT 2 BLOCK 1
LOT 1 BLOCK 1
15' WATER EASEMENT
15' UTILITY EASEMENT
50' BUILDING SETBACK
15' LANDSCAPE BUFFER
UNIVERSITY NORTH PARK SECTION IV
PROJECT LOCATION
SECTION VI
SECTION II
ROBINSON ST.
LOCATION MAP
SCALE: 1" = 2000'
NOTES:
SMC
SMC Consulting Engineers, P.C.
UNIVERSITY NORTH PARK SECTION IX
P.U.D.
INTERSTATE DRIVE & LEGACY PARK
DRIVE
NORMAN, OKLAHOMA
FINAL SITE DEVELOPMENT PLAN

EXHIBIT "A"
REVISED PRELIMINARY PLAT

# UNIVERSITY NORTH PARK

PART OF THE W. 1/2 OF SECTION 13, THE E. 1/2 OF SECTION 14,
THE E. 1/2 OF SECTION 23, AND THE W. 1/2 OF SECTION 24, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JULY 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 July 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions 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<br>Jim Gasaway<br>Cynthia Gordon<br>Tom Knotts<br>Andy Sherrer |
| MEMBERS ABSENT | Diana Hartley<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer |

* * *

Item No. 2, being:
**CONSENT DOCKET**
Chairman Sherrer announced that the Consent Docket is designed to allow the Planning Commission to approve a number of items by one motion and vote. The Consent Docket consisted of the following items:

Item No. 3, being:
**APPROVAL OF THE JUNE 14, 2012 REGULAR SESSION MINUTES**

Item No. 4, being:
**FP-1213-1 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION IX, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 3, BLOCK 2, AND A PORTION OF PARKLAND OF A REPLAT OF LOT 1, BLOCK 2, UNIVERSITY NORTH PARK SECTION 1 AND A REPLAT OF A PORTION OF LOT 1, BLOCK 1 OF A REPLAT OF UNIVERSITY NORTH PARK SECTION IV, GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE N.W. AT MOUNT WILLIAMS DRIVE.**

Item No. 5, being:
**FP-1213-2 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY EAGLECLIFF LIMITED PARTNERSHIP (SMC CONSULTING ENGINEERS, P.C.) FOR EAGLE CLIFF SOUTH ADDITION SECTION 4, GENERALLY LOCATED ONE-HALF MILE SOUTH OF CEDAR LANE ROAD AND ONE-QUARTER MILE WEST OF 12TH AVENUE S.E.**

Item No. 6, being:
**FP-1213-3 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION SECTION 1, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ONE-QUARTER MILE EAST OF 48TH AVENUE N.W. ON THE NORTH SIDE OF INDIAN HILLS ROAD.**

Item No. 7, being:
**FP-1213-4 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SHAZ INVESTMENT GROUP, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR WHISPERING TRAILS ADDITION SECTION 2, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ONE-QUARTER MILE NORTH OF INDIAN HILLS ROAD ON THE EAST SIDE OF 48TH AVENUE N.W.**

*

Chairman Sherrer asked if any member of the Commission wished to remove any item from the Consent Docket. There being none, he asked whether any member of the audience wished to remove any item. There being none, he asked for discussion by the Commission.

*Jim Gasaway moved to place approval of Item Nos. 3 through 7 on the Consent Docket and approve by one unanimous vote. Dave Boeck seconded the motion.*

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

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

Ms. Tromble announced that the motion, to place approval of Item Nos. 3 through 7 on the Consent Docket and approve by one unanimous vote, passed by a vote of 5-0.

* * *

Item No. 4, being:

**FP-1213-1 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY UNIVERSITY TOWN CENTER, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR UNIVERSITY NORTH PARK SECTION IX, A PLANNED UNIT DEVELOPMENT, A REPLAT OF LOT 3, BLOCK 2, AND A PORTION OF PARKLAND OF A REPLAT OF LOT 1, BLOCK 2, UNIVERSITY NORTH PARK SECTION 1 AND A REPLAT OF A PORTION OF LOT 1, BLOCK 1 OF A REPLAT OF UNIVERSITY NORTH PARK SECTION IV, GENERALLY LOCATED ON THE WEST SIDE OF 24TH AVENUE N.W. AT MOUNT WILLIAMS DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**

1. Location Map
2. Final Plat
3. Staff Report
4. Final Site Development Plan
5. Preliminary Plat

The Final Plat for UNIVERSITY NORTH PARK SECTION IX, A Planned Unit Development was approved on the Consent Docket by a vote of 5-0.

* * *

# City of Norman, OK

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

## Master

### File Number: LL-1213-1

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | LL-1213-1 | **Type:** | Limited License | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 18 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 07/17/2012 |
| **File Name:** | Limited License YMCA Tie Die Tri | | | **Final Action:** | |

**Title:** LIMITED LICENSE NO. LL-1213-1: LIMITED LICENSE TO PLACE THREE (3) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY YMCA FOR THE 11TH ANNUAL TIE-DYE TRI ON SEPTEMBER 16, 2012.

ACTION NEEDED: Motion to approve or reject Limited License No. LL-1213-1 to place three (3) ground banners within the public rights-of-way pursuant to a request from the Cleveland County YMCA.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 18

**Attachments:** Text File Limited License, Application YMCA, YMCA Tie-Dye Tri

**Project Manager:** Wayne Stenis, Planner II

**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 LL-1213-1

Body

**BACKGROUND**: Section 18-308 states:

**Festival or Public Event Banners.**

*Signs announcing specific events or promotions that are of a legitimate public benefit to the community at large may be erected within the public right-of-way when authorized by a limited license granted by the City Council. The size, number, type, and wording of such signs must be*

*specified in the license, as well as their location and duration of use. Because of their unique location within the public right-of-way, such banners may not be placed so as to interfere with legitimate traffic and safety concerns.*

**DISCUSSION**: Cleveland County Family YMCA has requested permission to install three banners announcing the 11th Annual Tie Dye Tri event. The banners will be in place from August 1st to September 16th. The signs are 4' by 10', and will be installed at the southeast corner of Robinson Street and Berry Road, on the south side of Lindsey at Ed Noble Parkway, and on the southeast corner of Lindsey and 12th Avenue S.E. A copy of the application is attached for reference.

**RECOMMENDATION**: Staff has advised the applicant of the location to ensure that the signs are installed so as not to interfere with the sight triangle. In previous years, the applicant used two locations and the location on Lindsey and 12th SE has been added. The locations are acceptable. The license has been prepared in accordance with their request, and is presented to Council for consideration. Other than the requirement that this sign be removed once the time frame has expired, staff is not recommending additional conditions. Council may attach additional conditions if desired. Staff is not opposed to granting this Limited License, as the request is for only three signs for a limited time period.

# APPLICATION FOR LIMITED LICENSE FOR FESTIVAL OR PUBLIC EVENT BANNER/SIGN

Date: 7/1/12

Name of Applicant: Cleveland County Family YMCA

Address: 1350 Lexington Avenue, Norman, OK 73069 Phone: 364-9622 ext. 115

Number of banners: 3

Location of Banners/Signs (if list is lengthy you may attach separate sheet or map)

1. Berry & Robinson – SE Corner
2. Lindsey & Ed Noble Parkway – South side of Lindsey facing Ed Noble Parkway
3. Lindsey & S.E 12th - SE Corner

Banner/Sign size: 4x10

Wording of Banner/Sign:

11th Annual Tie-Dye Tri
Cleveland County Family YMCA
September 16, 2012 - 7:30am
www.ymcanorman.org
(Sponsor Logos)

Duration of Use: August 1 – September 16, 2012

**LIMITED LICENSE NO. 1213-1**

**LIMITED LICENSE TO PLACE THREE (3) GROUND BANNERS WITHIN THE PUBLIC RIGHTS-OF-WAY PURSUANT TO A REQUEST FROM THE CLEVELAND COUNTY FAMILY YMCA FOR THE 11TH ANNUAL TIE-DYE TRI TO BE HELD SUNDAY, SEPTEMBER 16, 2012.**

An Application has been filed by the Cleveland County Family YMCA for a Limited License to place three (3) ground banners within the public rights-of-way pursuant to Section 18-308 of Chapter 18 of the Code of Ordinances, which Application is hereby granted pursuant to the conditions and limitations as set forth in said Application.

Special conditions for the granting of this limited license by the City Council are as follows:

Strict compliance with all the conditions set forth in the application filed herein with regard to description, location, duration, and wording as specified in the application which is incorporated herein and made a part hereof

License limited to a 47-day period from August 1 through September 16, 2012.

Any special conditions which may be outlined in the Staff memorandum or imposed by the City Council.

Further, any breach of the conditions as above set forth shall be grounds for immediate revocation of this license and further that the City Council may revoke this limited license at will and for any cause whatsoever upon the giving of thirty (30) days notice authorized by the City Council to the application.

Approved this 24th day of July, 2012.

CITY OF NORMAN

_____
Mayor

ATTEST:

_____
City Clerk

# City of Norman, OK

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

## Master

### File Number: SC-1213-2

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | SC-1213-2 | **Type:** | Special Claim | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 19 | **In Control:** | City Council |
| **Department:** | Legal Department | **Cost:** | $7,504.38 | **File Created:** | 07/10/2012 |
| **File Name:** | Claim from Southwestern Bell d/b/a AT&T | | | **Final Action:** | |

**Title:** SPECIAL CLAIM NO. SC-1213-2: A CLAIM IN THE AMOUNT OF $7,504.38 SUBMITTED BY SOUTHWESTERN BELL TELEPHONE COMPANY D/B/A AT&T OKLAHOMA FOR DAMAGES INCURRED TO A FIBER OPTIC CABLE AT 36TH AVENUE N.W. AND STERLING STREET N.W. DURING A DRAINAGE MAINTENANCE PROJECT.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1213-2; and, if approved, direct payment in the amount of $7,504.38 contingent upon obtaining a Release and Covenant Not to Sue from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 19

**Attachments:** Text File Claim ATT, Memo from Clerk ATT, Claim ATT

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** jayme.rowe@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File SC-1213-2

Body

**BACKGROUND**: A claim has been filed by Southwestern Bell Telephone Company d/b/a AT&T Oklahoma for damages incurred to a fiber optic cable on October 19, 2011 in the amount of $7,504.38. AT&T alleges that City employees were installing a tin horn at 36th Avenue NW and Sterling Street when this damage occurred.

**DISCUSSION**: This incident was investigated by Greg Hall, Street Superintendent. According to

his investigation, the Storm Water Drainage Maintenance crew was performing an excavation to install a new tin horn at the time and location mentioned in AT&T's claim. Interviews with the crew determined that hand digging was being performed to locate all of the underground utilities at the site. After hand digging, the backhoe operator would then remove material to that point. In this instance, the cable was damaged when the operator excavated six inches beyond the area exposed by the hand digging. All locates had been called in and the line was properly located.

As indicated above, there appears to be possible negligence on the part of the City in this matter and, consequently, potential liability on the City. The amount claimed by A T & T appears to be reasonable.

**RECOMMENDATION**: Based upon the above and foregoing, it is the recommendation of the City Attorney's Office that the claim by AT&T for damage to their fiber optic cable at 36th Avenue NW and Sterling Street in the amount of $7,504.38, as above set forth, be approved.

office memorandum

DATE: December 5, 2011

TO: Shawn O'Leary, Director of Public Works
Jeff Bryant, City Attorney

FROM: Brenda Hall, City Clerk BH

SUBJECT: Claim from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma

I am in receipt of a claim from Southwestern Bell Telephone Company d/b/a AT&T Oklahoma in the amount of $7,504.38 for damages incurred to a fiber optic cable due to their claim that the cable was allegedly damaged on October 19, 2011, when City employees were installing a tin horn at Sterling Street and 36th Avenue N.W.

Shawn, I would appreciate your checking with your staff regarding verification of the problem. Please report your findings by written memorandum to me with a copy to Jeff.

Jeff, I am forwarding the claim to your office. If further action is needed from my office, please advise.

smr
attachment

Date: 12/01/2011

at&t

# Claim for Damages

To:
NORMAN, CITY OF
CITY CLERK
201 W GRAY
NORMAN, OK 73069

**Claim Number:** SWBT-04-201110-04-0057-JET

**Charges for Damages to:**
SOUTHWESTERN BELL TEL CO., DBA AT&T OKLAHOMA

**Occured/Discovered On or About:** 10/19/2011

**Approximate Location:**
STERLING & 36 AVE NW, NORMAN, OK

**How Damage Occured:**
THE CITY OF NORMAN CUT A 216 FIBER WHILE PLACING A TIN HORN. LOCATES WERE PERFORMED AND ACCURATE.

## Summary of Charges

The following amounts include direct and indirect costs covering repair of this damage including but not limited to personnel, equipment and vehicles. These include the labor, contractor, material, loss of service and other miscellaneous costs

| | |
|---|---|
| LABOR COST | $2,534.50 |
| MATERIALS/UNIT COST ITEMS | $1,380.38 |
| CONTRACTOR | $2,620.50 |
| LOSS OF SERVICE | $969.00 |
| **TOTAL AMOUNT DUE:** | **$7,504.38** |

FILED IN THE OFFICE
OF THE CITY CLERK
ON 12-5-11

***Call before you dig***
***Call 811***

**For Inquiries Call:** 800-894-0374 or 800-363-3234 (FAX)

**This payment is due upon receipt.** If payment is not received within 30 days further collection action will be taken. IF A PAYMENT FOR LESS THAN THE FULL AMOUNT IS RECEIVED, IT WILL BE APPLIED AS A PARTIAL PAYMENT. **Please do not pay with telephone bill.**

If you are covered by insurance, please forward this to your carrier for payment. Once your claim has been established with your insurance company, please contact us at 800-894-0374 with your claim information, and we will work with your insurance company to resolve. AT&T accepts checks, money orders or credit card payments. We do not accept cash. Please complete the information below and return in the enclosed envelope or you may call 800-894-0374 to pay by phone.

at&t

**TOTAL AMOUNT DUE: $7,504.38**

**Amount enclosed: $**_____

NORMAN, CITY OF

**Claim Number:** SWBT-04-201110-04-0057-JET

**Return this section with payment in enclosed envelope.**

Please write claim number on check or money order to ensure proper credit.

**For credit card payment:**

Credit Card number: _____

Name on Card: _____

Amount to be charged to your card: _____

Three digit security number on back of card: _____

Expiration Date: _____

Remit Payment to:

AT&T
909 Chestnut Street
Room 39-N-13
St. Louis, MO 63101-3099

7041.001.000030.01.01.0000000 NNNNNNNY 0059.0059

# City of Norman, OK

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

## Master

### File Number: K-0910-185 Amd #2

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-0910-185 Amd #2 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 20 | **In Control:** | City Council |
| **Department:** | Utilities Department | **Cost:** | | **File Created:** | 07/09/2012 |
| **File Name:** | Canadian River Wasteload Allocation Study Amd 2 | | | **Final Action:** | |

**Title:** AMENDMENT NO. TWO 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, 2013, FOR PHASE 2 OF THE CANADIAN RIVER WASTELOAD ALLOCATION STUDY.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Amendment No. Two to Contract No K-0910-185; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 20

**Attachments:** Text File Amd 2 K-0910-185, Amendment No. 2, K-0910-185

**Project Manager:** Charlie Thomas, Capital Projects Engineer

**Entered by:** charlie.thomas@normanok.gov

**Effective Date:**

### History of Legislative File

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

### Text of Legislative File K-0910-185 Amd #2

Body

**BACKGROUND**: On June 22, 2010, Norman Utilities Authority (NUA) approved Contract No. K-0910-185 with the Association of Central Oklahoma Governments (ACOG), to coordinate a study of the Canadian River as required by the Oklahoma Department of Environmental Quality (ODEQ). NUA approved Amendment One, extending the contact through June 30, 2012 on February 14, 2012.

The NUA has partnered, through ACOG, with other communities which discharge to the Canadian River to study impacts on the river water quality. A consultant was selected who has completed a plan for sampling and testing, the Quality Assurance Project Plan (QAPP). EPA, Region 6 in Dallas, approved the QAPP on March 25, 2010. Beginning July 1, 2011, the consultants collected field samples for testing from selected sites along the river. They submitted an interim report of modeling progress to ODEQ during October 2011, then to EPA in December. EPA comments were received April 11, 2012, and it is currently being finalized.

**DESCRIPTION**: ACOG is only allowed by its charter to contract for a single fiscal year. Therefore, the contract needs renewal for Fiscal Year Ending (FYE) 2013, or through June 30, 2013. By that date all work should be complete and the project closed. The only change by Amendment 2 is the time extension.

**RECOMMENDATION**: Recommend NUA approve Amendment No. 2 to Contract No. K-0910-185; and authorize the execution thereof.

SECOND AMENDMENT TO THE AGREEMENT
CONTRACT K-0910-185
BETWEEN
ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS
AND
THE NORMAN UTILITIES AUTHORITY

THIS SECOND AMENDMENT is made and entered into this _____ day of _____ 2012, by and between the ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS (hereinafter "ACOG") and THE NORMAN UTILITIES AUTHORITY (hereinafter "NUA").

WITNESSETH:
WHEREAS, ACOG and NUA have previously entered into a certain "AGREEMENT BETWEEN ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS AND THE NORMAN UTILITIES AUTHORITY," dated June 22, 2010 (the "Original Agreement"), whereby NUA agreed to make certain payments and funding available to ACOG for performance of certain tasks as set forth in said Original Agreement; and;

WHEREAS, ACOG and NUA desire to extend the term of the Original Agreement for an additional period of time.

NOW, THEREFORE, for and in consideration of all the foregoing and all the mutual agreements and covenants contained herein, the parties to this First Amendment do hereby agree as follows:

1. EXTENSION OF CONTRACT TERM; EFFECTIVE DATES. The Original Contract is hereby amended and extended for an additional period of time, from July 1, 2012 through June 30, 2013, inclusive.

2. OTHER TERMS AND CONDITIONS. Except for the duration of the Original Agreement, which is revised and extended pursuant to Paragraph 1 hereof, all other terms, conditions and provisions set forth in the Original Agreement of June 22, 2010, in its entirety with all attachments shall remain unchanged and are incorporated by reference as though fully set forth herein. The parties shall continue to perform their obligations described in the Original Agreement in accordance with the new time for performance stated in Paragraph 1 hereof.

AGREED TO by and between the parties the day and year first above appearing.

APPROVED:

Association of Central Oklahoma Governments

By: _____
Executive Director, ACOG

ATTEST _____

Title: _____

NORMAN UTILITIES AUTHORITY: APPROVED as to form and legality this ___ day of _____, 20___.

_____
AUTHORITY Attorney

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this ____ day of _____, 20____

NORMAN UTILITIES AUTHORITY

ATTEST

By: _____ _____

Title: Chairman _____ Secretary _____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 7/17/12

# INTERGOVERNMENTAL CONTRACT AND AGREEMENT BETWEEN ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS AND THE NORMAN UTILITIES AUTHORITY

THIS CONTRACT AND AGREEMENT made and entered into this 22nd day of June 2010 by and between the Association of Central Oklahoma Governments, herein referred to as "ACOG" and The Norman Utilities Authority, herein "NUA".

Witnesseth:

WHEREAS, ACOG and the NUA desire to enter into this contract and agreement under which ACOG agrees, for valuable consideration, to provide analytical laboratory services, water quality data, and modeling interpretation for purposes of wasteload allocation and determination as itemized in Attachment 1; and,

WHEREAS, ACOG has contracted and has under its control and supervision the necessary equipment, personnel and facilities otherwise needed and required for performance of water quality and modeling interpretation required under said purposes; and,

WHEREAS, this contract and agreement is authorized under the laws of the State of Oklahoma, with particular but not exclusive reference to the provisions of 82 O.S. Section 1085.2, and 740.S. Section 581 ;

NOW THEREFORE, for and in consideration of the mutual agreements and covenants contained herein, the parties to this contract and agreement do hereby agree as follows:

1. ACOG TO PROVIDE SERVICE. For the consideration herein specified ACOG hereby agrees to fully perform and provide, in a professionally acceptable manner, the water quality and modeling data and interpretation specified and approved by the NUA at costs specified in Attachment 1 and hereby incorporated by reference. Services are limited to those analyses and parameters listed in Attachment 1, which are requested by the NUA, and services shall further be in the form and manner set forth herein.

2. TERM OF CONTRACT. The provisions of this contract shall be effective on July 1, 2010, and shall terminate on June 30, 2011. It is further agreed between the parties that provided upon completion and expiration of the duration of this contract and agreement, this contract and agreement may be renewed by the parties hereto under such terms and conditions as may thereupon be mutually agreed to by and between the parties.

3. NUA RESPONSIBILITY. The NUA agrees to furnish to ACOG water quality and modeling analyses, access to treatment plant discharge locations, and other pertinent information as detailed in Attachment 1.

4. CONTRACTING. ACOG may contract those services that ACOG does not have or may not have the capability to perform, and if contracted services shall be performed, then they shall be with the same standard degree of care, accuracy and reliability as if ACOG had performed such services, subject to approval of ODEQ and/or EPA, if applicable. ACOG shall give the NUA advance written notice of any other services it proposes to contract and shall provide with such notice the name, address and other relevant information concerning the qualifications, services and fees of the proposed contractor. Contractor list is included herein as Attachment 1.

5. RESULTS OF ANALYSES. ACOG agrees that all results shall be provided to the NUA by ACOG in such form and content as is satisfactory and acceptable to the NUA as soon as possible upon completion of the analyses. ACOG further agrees to provide the NUA with copies of all quality assurance documentation, reports, and results generated with the development of the water quality and modeling data. The parties further agree and acknowledge that time is of the essence of this contract and agreement.

6. PAYMENT TO ACOG. For and in consideration of the services and products to be provided to the NUA by ACOG, as herein contemplated, the NUA agrees to pay to and reimburse ACOG for costs incurred at rates specified in the price list attached hereto marked "Attachment 2" and incorporated by reference herein, in performing such services and providing such products to The NUA. It is further agreed, however, that such payments and reimbursement by the NUA to ACOG shall in no event nor under any circumstance exceed the sum total amount of $231,431. To obtain payment, ACOG agrees to submit monthly invoices to the NUA as costs are incurred, with said invoices to be in such form and content as may be required by the NUA for payment purposes.

7. CONTRACT SUBJECT TO APPLICABLE LAWS. The parties mutually agree and acknowledge that this contract and agreement is subject, in all respects, to the applicable laws of the State of Oklahoma.

8. RESERVATION OF ACCEPTANCE. The NUA reserves the right to refuse acceptance and to reject services or products provided to the NUA by ACOG, and to reject invoices and refuse payment to ACOG for same, upon the determination by the City of NUA that such services or products do not substantially and reasonably comply with and meet the reasonable and acceptable performance standards for such water quality and modeling analyses and the specifications and conditions herein required and agreed to Additional services are to be executed under amendment only.

9. CHANGES AND AMENDMENTS. The services to be performed by ACOG may be modified upon the mutual written agreement of the parties hereto; such agreement shall be in writing and upon signature of those authorized parties or their successors. The parties mutually agree that subject to, with and upon the mutual written consent and approval of both parties, this contract may be amended or modified at any time.

10. TERMINATION. The parties hereto mutually agree that this contract and agreement may be terminated by either party upon thirty (30) days advance written notice of termination by the terminating party to the other party, provided in the event of such termination, the NUA agrees to pay ACOG such compensation as may have accrued and be owing to ACOG up to the time of termination. The parties hereto mutually agree and acknowledge that the exercise of this termination provision shall in no respect prejudice any rights, causes of action, claims for damages or performance or remedies otherwise such as may be available to either party pursuant to this contract and the laws of the State of Oklahoma.

11. AUDITS. It is further understood and agreed that books, records, documents, accounting procedures, practices or any other items of ACOG relevant to the original contract and all amendments thereto are, for a period of five (5) years after delivery of final product, subject to examination by the NUA and The Oklahoma State Auditor and Inspector. This provision is cumulative and does not supersede any of the terms, conditions and provisions within the original contract or previous amendments, renewals or extensions thereof.

AGREED TO by and between the parties, the latest day and year appearing below.

APPROVED:

Association of Central Oklahoma Governments

By: _____
Executive Director, ACOG

ATTEST _____

Title: _____

NORMAN UTILITIES AUTHORITY

APPROVED as to form and legality this 16 day of June, 2010.

_____

Approved by the Trustees of the NORMAN UTILITIES AUTHORITY this 22nd day of June, 2010.

NORMAN UTILITIES AUTHORITY

By: Cindy S Rob

Title: Chairman

ATTEST Brenda H

Secretary

NORMAN UTILITIES AUTHORITY OFFICIAL SEAL OKLAHOMA

# City of Norman, OK

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

## Master

### File Number: K-1213-31

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-31 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 21 | **In Control:** | City Council |
| **Department:** | Legal Department | **Cost:** | | **File Created:** | 07/17/2012 |
| **File Name:** | K-1213-31 Dispute Mediation | | | **Final Action:** | |

**Title:** CONTRACT NO. K-1213-31: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE ALTERNATIVE DISPUTE RESOLUTION SYSTEM OF THE STATE OF OKLAHOMA TO PROVIDE A DISPUTE MEDIATION PROGRAM FOR THE CITY OF NORMAN THROUGH JUNE 30, 2013.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-31 with the Alternative Dispute Resolution System of the State of Oklahoma through June 30, 2013; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 21

**Attachments:** Text File Dispute Mediation, K-1213-31

**Project Manager:** Jeanne Snider, Assistant City Attorney

**Entered by:** jayme.rowe@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-1213-31

Body

**BACKGROUND**: In April 1988, the City of Norman through the City Council approved and directed the implementation of the Dispute Mediation Program to be administered by the City Attorney's Office. On June 14, 1988 the City of Norman entered into the first contract between the City and the Alternative Dispute Resolution (ADR) System of the State of Oklahoma.

This contract formally recognizes our Program as part of the ADR System of the State of Oklahoma. This contract allows our Program and the volunteers who mediate for our Program to fall under the protection of the State Statutes regarding mediation which includes immunity from testifying in any

court proceeding regarding matters that have gone through our mediations. Additionally, as a part of the ADR system of the State of Oklahoma, we are able to train volunteers to mediate our cases at no cost to the City or the volunteers. Finally, participation in the Program allows us access to staff at the Administrative Offices of the Courts which is the governing body of all judicial branches of the State of Oklahoma.

**DISCUSSION**: This Program is designed to offer resolutions to disputes to all citizens before they reach the stage of general litigation. Through the mediation program, disputes may be addressed much quicker and resolutions reached before a case can be heard on the court docket. There are no costs for mediation services for citizens of the City of Norman utilizing these services, and the entire process is both voluntary and confidential. The City of Norman Program is somewhat unique as compared to the rest of the State in that 95% of our referrals come to us through our Municipal Court. In FYE12, we received a total of 653 referrals and resolved a total of 270 cases by conducting 98 mediations and addressing the conflict in an additional 172 cases through contact by mediation staff with both parties involved in the conflict. The number of referrals and resolutions indicate an increase of approximately 15% over FYE11. In addition, in more than half of the referrals, the initiating party to the conflict chose not to respond to our contact attempts. This is often an indication that the parties have resolved the conflict on their own. Combining all efforts made by Program staff, statistics show that more than 83% of the total cases referred for mediation required no further action on the part of either Municipal Court or the City Attorney's office.

Our Program handles disputes between citizens of Norman where there are conflicts over situations ranging from barking dogs, destruction of private property, assault and battery, landlord/tenant, consumer/merchant and property disputes, as well as District Court referrals for victim protective orders and small claims actions. While our primary focus and referral base involves mediations involving community matters, we also mediate situations concerning Norman citizens with disabilities, guardianships, parent/teen conflicts and divorce modification. The Norman Program differs from the other state programs since those programs are multi-county programs and they are operated and funded by their respective counties and the State of Oklahoma.

Our cases are referred primarily from the Police Department and Norman Municipal Court, with additional referrals from other City of Norman departments, individual citizens, various juvenile agencies, Cleveland County District Court and the Norman Board of Realtors.

Our mediators are volunteers from all walks of life. The training is provided by the State of Oklahoma at no charge to the participant or to the City. Each mediator completes a minimum of 24 hours of training, with most of our mediators having completed advanced levels of training. We currently have 12 active mediators on our roster, some of whom have been with our Program over ten years. Basic training sessions are held in partnership with Early Settlement-Central and the OU School of Law. Because Norman has been so progressive in the field of mediation, we have become a model program for other cities.

The Program operates within and conforms to the Dispute Resolution Act, 12 O.S. Supp. 1985, Sections 1801-1813, and the Oklahoma Rules and Procedures for the Dispute Resolution Act of the State of Oklahoma. Our Program is under the administrative supervision of the Administrative Director of the Courts and the Dispute Resolution Advisory Board. Ted Roberts, former Presiding Municipal Court Judge for the City of Norman, and Phil Cotten, former Police Chief for the City of Norman, are members of this Board. Statistical information on the status of the Norman Mediation

Program is submitted monthly in the Department Reports as a part of the activities of the Office of the City Attorney

**RECOMMENDATION**: Contract No. K-1213-31 between the City of Norman and the Alternative Dispute Resolution System of the State of Oklahoma for the period July 1, 2012 through June 30, 2013 has been reviewed by the City Attorney, is approved as to form, and is recommended for approval.

# AGREEMENT

This Agreement is between the Alternative Dispute Resolution System of the State of Oklahoma (hereinafter "ADRS"), and the City of Norman (hereinafter "Dispute Mediation Program: or "DMP"), and is for the purpose of certification by the Administrative Director of the Courts of a dispute mediation program known as Early Settlement as provided in 12 O.S. Supp. 1991, Section 1803 through 1813.

In consideration of the mutual promises herein contained, the parties agree that:

## I. TERM OF AGREEMENT

This Agreement shall be effective July 1, 2012 when signed by the party for the DMP and the Administrative Director of the Courts (hereinafter "Director"), and shall be terminated pursuant to the provisions of the Articles herein.

## II. SCOPE OF SERVICES

DMP agrees to provide dispute mediation services according to the Dispute Resolution Act, its Rules and Procedures, and other directives and forms provided by the Administrative Director of the Courts or his designee. Dispute mediation services shall be provided within the geographical limits of the City of Norman and involving matters that are within the jurisdiction of the Municipal Court of the City of Norman or between parties of which at least one is a citizen of the City of Norman. Mediation services shall not be provided by the City of Norman in any instance where such service would be an infringement upon the engagement of legitimate private enterprise conducted within the City of Norman by citizens of the City of Norman.

## III. MONITORING AND REPORTING REQUIREMENTS

(a) The Director or his designee shall have the right to conduct on-site inspections and monitoring of the project and office of the DMP at his own discretion, and the DMP shall cooperate in facilitating such inspections and monitoring.

(b) The DMP shall monthly provide statistical data as outlined in the Oklahoma Rules and Procedures for the Dispute Resolution Act. From time to time, in addition thereto as may be requested by the Director, or his designee, the DMP shall submit to the Director additional operational, statistical or program reports.

(c) The DMP shall give immediate notice to the Director of (1) any material changes in the scope of the services provided pursuant to this Agreement; (2) any change in the personnel performing the services provided pursuant to this Agreement.

## IV. RETENTION OF RECORDS

(a) DMP agrees to retain the following records for the following periods of time:

(1) Financial records of the DMP pertaining to this Agreement shall be retained for a minimum of five years after expiration of this Agreement.

(2) A copy of the written agreement or decision subscribed to by the parties shall be retained for a period of five years after the execution.

(3) A record of each case containing names of parties, category of dispute and resolution outcome shall be retained for a period of five years after termination of the case.

(b) All other records may be disposed of at the discretion of the DMP. The Director reserves the right in his discretion to add to the list of records which must be retained or alter the period of retention.

## V. EXTENSION AND TERMINATION

(a) This Agreement terminates June 30, 2013 at the end of the fiscal year 2013, and may be extended only by written agreement of the parties.

(b) This Agreement may be terminated upon the discretion of the Director by the ADRS with 10 days written notification or by the DMP upon 45 days written notification.

(c) The ADRS may withdraw certification pursuant to this Agreement at any time the Director determines that the DMP is not adequately providing services pursuant to this Agreement or that any of the provisions of the Agreement are being violated.

## VI. STATUS OF CENTER AND ITS EMPLOYEES

(a) Nothing in this agreement shall cause any persons or other entities employed or engaged by the DMP as employees, servants, agents or independent contractors, to be considered employees or agents of the ADRS, the AOC or the Oklahoma Supreme Court. Nothing in this Agreement shall be construed to create any obligation upon the ADRS, the AOC or the Oklahoma Supreme Court for payment of any wages, taxes, unemployment insurance, workers compensation, or other employment-related benefit or contribution, to or for the benefit of any DMP agent or employee. The DMP is responsible for the work, compensation and personal conduct of such employees and agents while employed by the DMP.

(b) It will be the duty of the Mediation Coordinator of the Early Settlement Norman Mediation Program to abide by any programmatic directives provided by the ADRS. It will further be the duty of the Mediation Coordinator or a party representing the City of Norman to appear as mutually agreed before the Dispute Resolution Advisory Board or the Director to answer questions regarding program performance.

VII. INDEMNIFICATION

(a) Nothing contained in this Agreement shall impose any liability or duty upon the ADRS, its agents or employees, to persons or other entities employed or engaged by the DMP as employees, servants, or agents or in any other capacity, nor shall make the ADRS, its agents or employees, liable for the acts, omissions, liabilities, obligations or taxes of whatever nature, including without limitation, unemployment insurance and workmen's compensation, of the DMP or its employees, servants, agents or independent contractors.

(b) DMP agrees to indemnify the ADRS against all liability, losses, costs, and expenses (including reasonable counsel fees) which the ADRS may incur by reason of: (1) the breach by the DMP of any terms, provision, covenant, warranty, or representation contained herein;

(2) DMP's performance or failure to perform under this Agreement; and (3) the enforcement of this Agreement or any of its provisions.

VIII. NOTICES

All notices under this Agreement shall be deemed duly given upon delivery, if delivered by hand against a receipt, or three days after posting, if sent by regular mail, to a party at the following addresses:

Alternative Dispute Resolution System
Administrative Office of the Courts
2100 N. Lincoln Blvd., Suite 3
Oklahoma City, OK 73105
Attention: Sue D. Tate

Dispute Mediation Program
Early Settlement
City of Norman
201 West Gray, Box 370
Norman, OK 73070
Attention: Jayme Rowe

IX. SEVERABILITY

If any term or provision of this Agreement shall be found to be illegal or unenforceable, then that term or provision shall be deemed stricken, and the remaining provisions of this Agreement shall remain in full force and effect.

X. AMENDMENT OF AGREEMENT

The terms and conditions contained in this Agreement represent the full understanding of the parties and no part thereof shall be deleted or changed without the express written consent of both parties.

XI. APPLICABLE LAW

(a) This Agreement shall be governed by and construed in accordance with the laws of the State of Oklahoma.

(b) DMP and the ADRS agree that each shall perform its obligations hereunder in accordance with all applicable Oklahoma laws, rules and regulations now or hereafter in effect, including 12 O.S. Supp. 1991, Sections 1801-1813 and the Oklahoma Rules and Procedures for the Dispute Resolution Act.

XII. OTHER TERMS AND CONDITIONS

The headings used in this Agreement are for reference purposes only and are not controlling.

WHEREFORE, the Alternative Dispute Resolution System and the City of Norman have caused this Agreement to be executed as follows:

For: Alternative Dispute Resolution System

By: Michael D. Evans
Michael D. Evans
Administrative Director of the Courts

Date: June 15, 2012

For: The City of Norman and Early Settlement

By: _____
Cindy S. Rosenthal
Mayor, City of Norman

Date: _____

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY _____ DATE 7/17/2012

# City of Norman, OK

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

## Master

### File Number: K-1213-37

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-37 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 22 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | | **File Created:** | 06/29/2012 |
| **File Name:** | K-1213-37 Interlocal Agreement - Cleveland County | | | **Final Action:** | |

**Title:** CONTRACT NO. K-1213-37: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA AND THE BOARD OF CLEVELAND COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA, FOR A COOPERATIVE INTERLOCAL AGREEMENT FOR THE MAINTENANCE, CONSTRUCTION, AND REPAIR OF SECTION LINE ROADS WITHIN THE CITY OF NORMAN THROUGH JUNE 30, 2013.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-37 with the Board of Cleveland County Commissioners, Cleveland County, Oklahoma; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

**Notes:** Steve 7/16

**Agenda Date:** 07/24/2012

**Agenda Number:** 22

**Attachments:** Text File O-1112-37, K-1213-37 Interlocal With County

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

**Entered by:** joyce.keeler@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-1213-37

Body

**BACKGROUND:** Contract No. K-1213-37 is an Interlocal Agreement between the City of Norman and the Board of Cleveland County Commissioners whereby cooperative roadway maintenance and construction activities are performed in the City of Norman. The Board of Cleveland County Commissioners approved this contract in its meeting of June 25, 2012, and it is a continuation of previous agreements. Cleveland County District No. 1, Commissioner Rod

Cleveland, provides assistance in rural west Norman; District No. 2, Commissioner George Skinner, provides assistance in rural east Norman; and District No. 3, Commissioner Rusty Sullivan provides assistance in rural south Norman adjacent the City of Noble.

**DISCUSSION**: The County performs grading and graveling on approximately 12 miles of unpaved rural section line roads within the City of Norman. Approximately 376 miles of grading is annually performed by the County utilizing 1,298 tons of rock provided or purchased by the City. The County also provides labor and equipment to reconstruct and pave rural roads and urban roads.

**RECOMMENDATION**: Staff recommends approval of Contract K-1213-37 and authorize the Mayor to execute it on behalf of the City.

# INTERLOCAL AGREEMENT

This agreement is entered into this 25 day of June, 2012, between the **BOARD OF COUNTY COMMISSIONERS, CLEVELAND COUNTY, OKLAHOMA**, (hereinafter referred to as "COUNTY") and **THE CITY OF NORMAN, OKLAHOMA** (hereinafter referred to as "CITY") for FY 2012-2013.

Pursuant to 74 O.S. 1981 §1001 et seq. and 69 O.S. 1981 §603, the governing boards of Cleveland County, Oklahoma, and the City of Norman, find that it is to the mutual benefit of the citizens of both the CITY and the COUNTY to enter into an Agreement for Interlocal Cooperation pertaining to grading, draining, and hard surfacing of certain streets within the CITY which are continuations or connecting links in the State or County highway system.

WHEREFORE, in mutual consideration, the parties hereto agree as follows:

1. If the CITY determines a need for grading, drainage or hard surfacing on a CITY road which is a continuation or a connecting link in the State or County highway system, the CITY may make a written request for help with the labor and or materials to accomplish the grading, drainage and or hard surfacing from the appropriate County Commissioner.

2. The CITY'S request shall be in writing and shall state the proposed work, what part is proposed to be done by the CITY and what part to be done by the COUNTY and the proposed time frame for the completion of the work.

3. Engineering for each project shall be the sole responsibility of the CITY.

4. Projects where the COUNTY provides 100% of the labor will, within five (5) days of completion, are to be inspected by the CITY. If the CITY alleges any deficiencies in the manner in which the County work was performed, the CITY will provide written notice specifying those deficiencies within ten (10) days of the completion of said work. COUNTY will respond to any allegations of deficiency within ten (10) days of receiving written notice from the CITY.

5. Whenever a written request is made by the CITY for the COUNTY to repair pot holes and the COUNTY agrees to perform the work, the COUNTY may obtain up to 15 tons of asphalt materials per day or up to 75 tons per week to accomplish these projects without otherwise notifying the CITY. If the work the COUNTY agrees to do will require more than 15 tons per day or 75 tons per week, the COUNTY agrees to make arrangements with the CITY for the time and manner in which the asphalt materials will be obtained. When such work is performed by the COUNTY, records will be kept by the COUNTY as to the amount of material used. The COUNTY agrees to make these records available to the CITY anytime upon request, or in a written monthly report format if a specific request is not made.

6. The CITY and COUNTY agree to the loan of equipment back and forth as needed to complete these projects. Maintenance, upkeep and repair due to normal use of the equipment will be the sole responsibility of the owner of the equipment. Damage to the equipment caused by misuse, improper operation, accident or misfortune shall be the responsibility of the party utilizing said equipment.

7. Upon request by the COUNTY, the CITY agrees to perform cooperative maintenance and construction operations on public COUNTY rights-of-ways and/or easements according to work assignment scheduling.

8. The COUNTY retains the right to perform all of the work requested, part of the work requested or none of the work. When the COUNTY receives a written request for work, the COUNTY will respond by the end of the next business day.

9. Provided further, the CITY hereby promises, covenants and agrees to indemnify and hold harmless the COUNTY against any liability, and to pay any judgments rendered against the COUNTY for any claim, suit or damages recovered against the COUNTY arising out of the COUNTY'S services rendered to CITY under this Agreement.

10. This agreement shall be effective from July 1, 2012 through June 30, 2012, and may be renewed or extended annually by appropriate affirmative action of the governing bodies of both parties.

Approved this 25th day of June, 2012.

BOARD OF COUNTY COMMISSIONERS
FOR CLEVELAND COUNTY

RUSTY SULLIVAN, District #3

ABSENT
GEORGE SKINNER, District #2

ROD CLEVELAND, District #1

ATTEST:

County Clerk

Approved as to form and legality:

Assistant District Attorney

Approved this _____ day of ~~June~~ July, 2012

THE CITY OF NORMAN, OKLAHOMA
A Municipal Corporation

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form and legality:

_____
City Attorney

# City of Norman, OK

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

## Master

### File Number: K-1213-38

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-38 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 23 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | $25,196.50 | **File Created:** | 07/09/2012 |
| **File Name:** | K-1213-38 ODOT Highway 9 24th to 36th | | | **Final Action:** | |

**Title:** CONTRACT NO. K-1213-38: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF $25,196.50 FOR STATE AID PROJECT NO. SSP-114A (099)SS, STATE JOB NO. 20266(04)(05)(06) FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 24TH AVENUE S.E. TO 36TH AVENUE S.E. AND ADOPTION OF RESOLUTION NO. R-1213-20.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-38 with ODOT; and, if approved, adopt Resolution No. R-1213-20 and authorize the execution of the contract and resolution; and direct payment in the amount of $25,196.50 to ODOT.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 23

**Attachments:** Text File K-1213-38, K-1213-38, Location Map 24th to 36th, Requisition K-1213-38

**Project Manager:** Scott Sturtz, City Engineer

**Entered by:** pam.jones@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-1213-38

body

**BACKGROUND**: The Oklahoma Department of Transportation (ODOT) has a long term plan to systematically widen State Highway 9 from the end of the current four-lane section just west of 24th

Avenue Southeast to the City of Tecumseh. The project will be completed in phases beginning at the west end and continuing to the east. The overall widening will take several years and the completion is not currently scheduled by ODOT. The first phase of the widening encompasses the area from just west of 24th Avenue Southeast to just east of 36th Avenue Southeast. This section of the State Highway 9 Widening Project involves the construction of a new four-lane urban road section with curbs and center medians and improvements to 36th Avenue Southeast south of State Highway 9 including a new bridge over the stream south of the intersection.

Prior to widening State Highway 9, ODOT will be required to acquire additional right-of-way to accommodate the construction. Utilities located along the widening project that will interfere with the construction due to depth or location will be relocated prior to the beginning of the construction. Utilities currently located in the existing right-of-way are required to relocate at the expense of the utility company. The relocation costs for any utilities located within the newly acquired right-of-way or in an easement that pre-dates the existing right-of-way are paid to the utility by the parties involved in the widening project. Without proper right-of-way and utility relocation, the projects can not be completed.

The road widening project is an ODOT funded project using federal transportation funds. The City of Norman is not participating in the funding of the roadway construction. However, the City is required to participate in the funding of the utility relocation based upon Oklahoma State Statute - Title O.S. 2011 § 1205 - Acquisition Policy. The applicable section of the State Statute is stated below:

"Paragraph (c): For all construction projects within the limits of municipalities, other than projects on the Interstate Highway System, as described in the Federal Aid Highway Act of 1956, the municipality or county involved and the Department shall equally share the cost of all necessary rights-of-way, clear of all obstructions, including structures of any kind or nature and utility lines, poles, pipelines, or other facilities above or below the surface of the ground. If federal aid funds are available for the project, the municipality and the Department shall equally share the local portion of the costs for acquiring and clearing the right-of-way, including the cost of removing and relocating utility facilities located on private owned rights-of-way."

According to the Statute, the City is only required to participate in the utility relocations that are located outside of the existing right-of-way or within a private easement that predates the existing State Highway 9 right-of-way. Per the attached ODOT cost estimate, the following utilities will be relocated at a cost to the project: Duke Energy, Southern Star Energy, Link Energy, Oklahoma Natural Gas (ONG), Oklahoma Electric Cooperative (OEC), Oklahoma Gas and Electric Company (OG&E), Indian Nation, Infonet, and AT&T/ SWB. The cost estimate also includes City of Norman water and sanitary sewer. However, per this agreement, the City is not required to participate in the cost of relocating utilities owned and operated by the City such as water lines and sanitary sewer lines. The City's utilities located within the newly acquired right-of-way are being relocated under a separate agreement between the City of Norman Utilities Authority and ODOT. All utilities currently within the highway right-of-way are required to be relocated at the cost of the owner of the utility.

This project allows 80% federal funding for the relocation of utilities. The remaining 20% will be split between ODOT and the City of Norman as required in the State statute stated above. Participation in the relocation costs by the City of Norman is required for the project to be completed. Funds were allocated for this project in the City's FYE 2013 Capital Improvement Program budget based on the relocation cost

estimates provided by ODOT.

**DISCUSSION**: Prior to right-of-way acquisition and utility relocation, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution for the remaining 20% (10% City/$10% ODOT). ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed the project agreement and resolution.

In summary, the City's responsibilities are:

- Grant right-of-entry to and the use of all existing streets, alleys, and other City owned property
- Be financially responsible for 50% of the local relocation costs of the utilities
- Remove all encroachments
- Prohibit parking in the project area
- Comply with the Department's standards for driveway entrances
- Determine and locate, with ODOT approval, a detour route over existing City streets should it be necessary during construction. The City will be responsible for all costs for operation and maintenance of roadways due to the detour
- Obtain a storm water permit from the ODEQ for City utility relocations if necessary
- Agree the construction shall be in conformance with the plans prepared by the City
- Maintain the roadway, traffic control signals, traffic control signs and right-of-way after construction
- Regulate traffic control including speed of vehicles, parking, stopping, and turns

In summary, ODOT's responsibilities are:

- Coordinate all necessary utility adjustments with the owner(s) having utilities within the project limits
- Be financially responsible for 50% of the location relocation costs of the utilities
- Construct the project in accordance with the plans and specifications
- Advertise and let the construction contract for this project
- Construct the project in accordance with the plans

- Provide competent supervision of the construction

The utility relocation will be funded 80% by the Federal Highway Administration (FHWA), 10% by ODOT and 10% by local funds. ODOT has provided the attached estimate for the relocation of the utilities showing the total cost and the share the City is expected to contribute. Based on the ODOT estimate, the total utility relocation cost is $437,100.00. FHWA's share is $349,605.52, ODOT's share is $62,204.88 and the local match is $25,196.50. The City's share will cover the relocation costs for utilities located outside the existing right-of-way such as electric, telephone, gas, and any pipelines as discussed above. Since the City is not required to participate in the relocation costs of City owned utilities the City's share of the costs is less than ODOT's share. Funds are available in the Highway 9 Utilities 24th to 36th, Utilities (Account No. 050-9539-431.67-01) Project Number TR0087.

ODOT is currently negotiating the purchase of the necessary additional right-of-way and this process is expected to be completed by January, 2013. Following acquisition of right-of-way, the relocation of all utilities will begin with an expected completion date of March, 2013. The current construction schedule for the roadway is to begin the construction June, 2013 with a completion date in June, 2014.

**RECOMMENDATION NO. 1**:Staff recommends approval of Contract No. K-1213-38 with the Oklahoma Department of Transportation (ODOT).

**RECOMMENDATION NO. 2**: Staff further recommends that Resolution No. R-1213-20 be adopted, execution of the contract and resolution be authorized, and payment in the amount of $25,196.50 be directed.

Population 110,925

# RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT

This Agreement, entered into between the City of Norman, Cleveland County, Oklahoma, hereinafter the City and the Department of Transportation of the State of Oklahoma, hereinafter the Department, in connection with the location and improvement of a portion of the State Highway System within the corporate limits of the City, now designated as SH-9 under plans and specifications for Project No. SSP-114A(099)SS, State Job No. 20266(04) Construction, (05) R/W, (06) Utilities.

WITNESSETH

WHEREAS, it is mutually agreed between the parties that certain improvements should be made to the highway now as follows:

That the Department proposes construction of SH-9 from just west of 24th Street, east to 36th Street in Norman.

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official Grading, Drainage, Bridge & Surface plans of the City for its streets, boulevards, or arterial highway included therein.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

   (a) Grant to the Department and its contractors, the right-of-entry to and the use of all existing streets, alleys, and other City owned property when required, and other rights-of-way shown on said plans. Further, City shall not permit the vacation of any such street, alley or other rights-of-way within the limits of the project without the prior written approval of Chief, Right-of-Way & Utilities Division, Department of Transportation, State of Oklahoma.

(b) Remove at its own expense, or cause the removal of, all encroachments on the existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.

(c) Prohibit parking on that portion of the project within the corporate limits of the City.

(d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulations for Oklahoma Highways" Rev. 5/96, in compliance with current Oklahoma Highway Commission Policy, 69 O.S. 2011 § 1210.

(e) Maintain all right-of-way acquired for the construction of this project as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

3. That City will:

(a) Determine and locate, with the Department's approval, a detour route over existing City streets, if a re-routing of traffic or a detour is necessary during the period of construction.

(b) Be responsible, during or subsequent to construction, for all costs, for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.

(c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

(d) To the extent permitted by the ***Oklahoma Governmental Tort Claims Act***, Title 51 Oklahoma Statutes, 2011, §§ 151 *et seq.* and by Oklahoma Constitution Article 10, § 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, it's officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the Oklahoma Governmental Tort Claims Act, 51 O.S. 2011 §§ 151 *et seq.*, all such limitations, exemptions, and defenses shall be available to and maybe asserted by City. No liability shall attach to the Department except as expressly provided herein. Said indemnifications shall include all causes of action arising from contract, tort, negligence, condemnation or inverse condemnation.

(e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ-s *General Permit OKR10*, dated September 13, 2002, or latest revision to secure a storm water permit with the ODEQ, for utility relocations, when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans.

4. That subsequent to the construction of said project, City will:

(a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

(b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 O.S. 2011, §§ 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.

(c) Regulate and control traffic on said project, including, but not limited to, the speed of vehicles, parking stopping and turns, in accordance with 47 O.S. 2011 §§ 15-104, *et. seq.* and to make no changes in the provisions thereof without the approval of the Department.

(d) Maintain all that part of said project within the corporate limits of the Underwriter between the gutter lines and the right-of-way lines, and if no gutter exists, between the shoulder lines and the right-of-way lines, including storm sewers, all underground facilities, curbs and mowing, all in accordance with 69 O.S. 2011 § 901 and all other applicable law.

The City shall also maintain any public road on Department owned right-of-way not connected to the highway nor allowing access to the highway. All maintenance shall be in accordance with 69 O.S. 2011 § 901 and all other applicable law.

5. If any existing, future or proposed local statute, ordinance, court order, rule policy, or other directive, including but not limited to, those that relate to right-of-way acquisition, encroachment removal, acquisition or relocation of outdoor advertising signs or structures or storm water drainage facilities, that are more restrictive than state or federal regulations, including all applicable Federal and State laws regarding the erecting, maintaining, and relocation of outdoor advertising signs or any other locally proposed changes, including, but not limited to, plats or re-plats, that results in any increased costs for right-of-way acquisitions, removal of encroachments, or the relocation, erecting, or maintaining of outdoor advertising signs or structures or storm water drainage facilities, City shall be solely responsible for all such related costs as the same are determined at the sole discretion of the Department, when such increased costs, including but not limited to relocation, acquisition, or litigation costs, are associated with any existing, future or proposed local statute, ordinance, court order, rule, policy, or other directive or change.

6. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.

7. That City will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.

8. That the participation in the necessary adjustments of utilities between the undersigned parties shall be as follows:

(a) The Department shall coordinate all the necessary utility adjustments with the owner(s) having utility facilities within the project limits.

(b) The City and the Department shall equally share, and each shall be financially responsible for one-half, the total cost of adjustments of any and all utility facilities presently located on and in privately owned right-of-way necessary to accommodate the construction of said project, whether

such utilities are publicly or privately owned, including all pipelines, water lines, telephone lines, fiber optic cables, power lines, sewer lines, fire hydrants, light poles, and other such service installations. In the event the Department secures federal financial participation in the cost of these utility adjustments, the City shall not participate in the cost of adjusting City-owned utility facilities on private right-of-way. The local share of such costs shall be borne solely by the Department.

(c) Any and all monetary expenditures necessary to accomplish the adjustments of utility facilities presently located on and in public right-of-way shall be borne entirely by the owner(s) of the affected utilities except those public water and sanitary sewer systems specifically exempt in 69 O.S. 2011 § 1403(f). The City shall protect and indemnify the State from any expenses and liabilities resulting from these utility adjustments.

It is further agreed and understood between the parties that the City will pay to the Department the City's share of the actual utility adjustment costs of utility facilities relocated from private right-of-way promptly upon receipt of the Department's statement as the amounts become known.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the Department agrees to construct said project in accordance with said plans and specifications; provided that the right to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the _____ day of_____, 20_____, and the State on the _____ day of_____, 20_____.

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [signature] DATE 7/17/12

ATTEST:

CITY OF NORMAN

_____
CITY CLERK

_____
MAYOR

REVIEWED AND APPROVED AS TO FORM AND LEGALITY

STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION

_____
CHIEF, LEGAL DIVISION (ODOT)

_____
DIRECTOR

# RESOLUTION NO. R-1213-20

RESOLUTION

WHEREAS, it appearing reasonable and necessary for the City of Norman, Cleveland County, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as Project No. SSP-114A(099)SS, Job No. 20266(04)Construction, (05)R/W, (06)Utilities, in accordance with the terms and tenor of 69 O.S. 2011 §§ 1205, 1206, 1401, and 1403.

NOW, THEREFORE, BE IT RESOLVED by the City of Norman, Oklahoma, sitting in regular session that such contract be entered into and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

ATTEST:

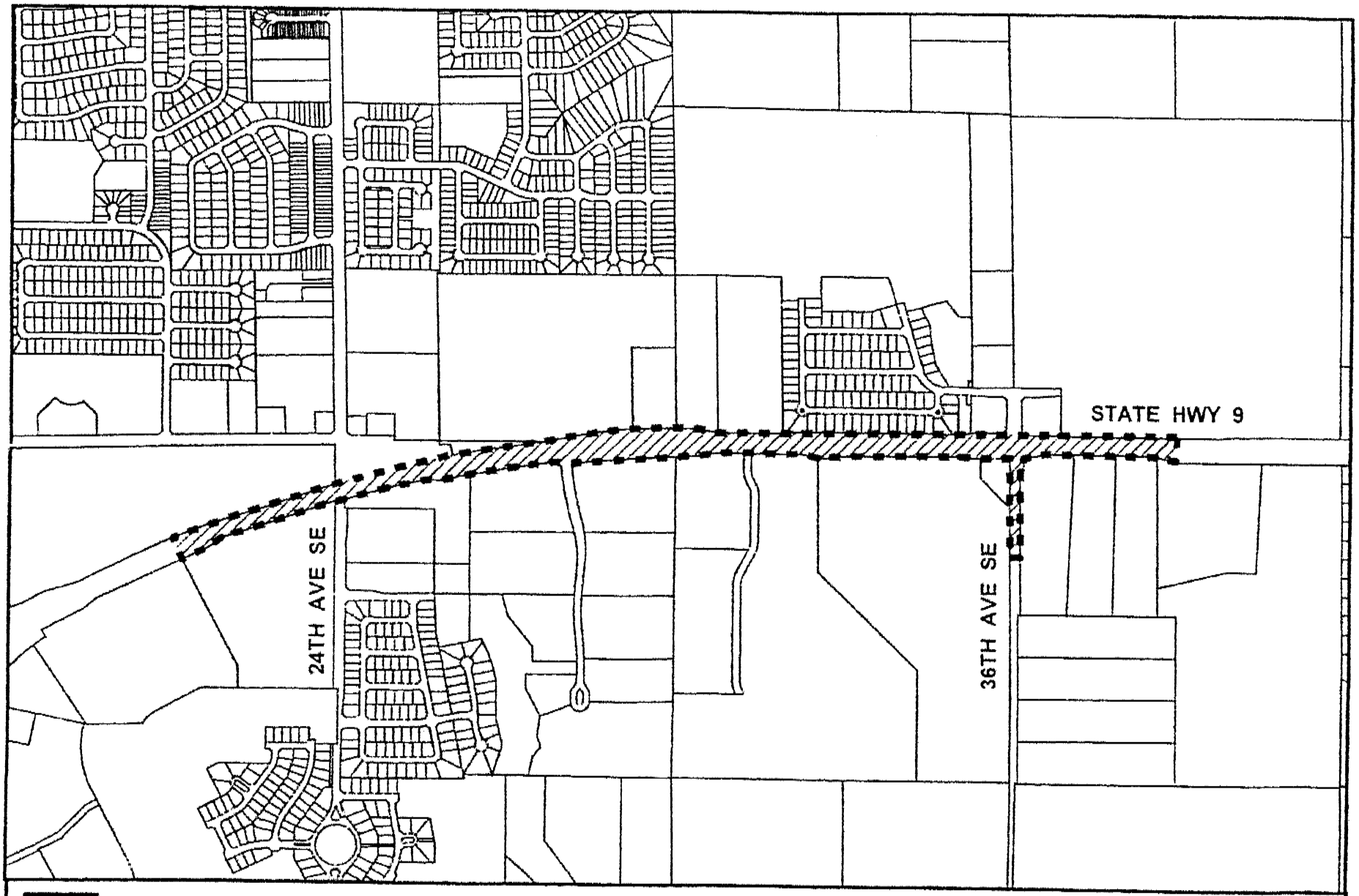
CITY CLERK

MAYOR

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [illegible] DATE 7/18/12

50/50 Revised 02/2012

**Contract No. K-1213-38**




# Project Location

July 17, 2012

0 475 950 Ft

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PURCHASE REQUISITION NBR: 0000204258

STATUS: DIVISION APPROVAL
REASON: UTILITY RELOCATION

REQUISITION BY: SSTURTZ

DATE: 7/13/12

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 1514 OKLAHOMA DEPT OF TRANSPORTATIO

DELIVER BY DATE: 7/13/12

| LINE NBR | DESCRIPTION | QUANTITY | UOM | UNIT COST | EXTEND COST | VENDOR PART NUMBER |
|---|---|---|---|---|---|---|
| 1 | UTILITY RELOCATION<br>COMMODITY: CONSTRUCTION SERVICES, HE<br>SUBCOMMOD: CONSTRUCTION, UTILITY/UND | 25197.00 | EA | 1.0000 | 25197.00 | |

REQUISITION TOTAL: 25197.00

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

| LINE # | ACCOUNT | | PROJECT | % | AMOUNT |
|---|---|---|---|---|---|
| 1 | 05095394316701 | Capital Projects<br>Utilities | TR0087<br>Hwy 9 UT reloc 24th-36th | 100.00 | 25197.00 |
| | | | | | 25197.00 |

REQUISITION IS IN THE CURRENT FISCAL YEAR.

# City of Norman, OK

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

## Master

### File Number: K-1213-39

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-39 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 24 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | $36,168.10 | **File Created:** | 07/10/2012 |
| **File Name:** | K-1213-39 ODOT State Hwy 9 | | | **Final Action:** | |

**Title:** CONTRACT NO. K-1213-39: A RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF TRANSPORTATION (ODOT) IN THE AMOUNT OF $36,168.10 FOR STATE AID PROJECT NO. SSP-114B (108)SS, STATE JOB NO. 20266(07)(08)(09) FOR THE RELOCATION OF UTILITIES ON STATE HIGHWAY 9 FROM 36TH AVENUE S.E. TO 72ND AVENUE S.E. AND ADOPTION OF RESOLUTION NO. R-1213-21.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-39 with ODOT; and, if approved, adopt Resolution No. R-1213-21 and authorize the execution of the contract and resolution; and direct payment in the amount of $36,168.10 to ODOT.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 24

**Attachments:** Text File K-1213-39, K-1213-39, Location Map, PR ODOT

**Project Manager:** Scott Sturtz, Ciity Engineer

**Entered by:** pam.jones@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-1213-39

body

**BACKGROUND**: The Oklahoma Department of Transportation (ODOT) has a long-term plan to systematically widen State Highway 9 from the end of the current four-lane section just west of 24th

Avenue Southeast to the City of Tecumseh. The project will be completed in phases beginning at the west end and continuing to the east. The overall widening will take several years and the completion is not currently scheduled by ODOT. This contract is for the second phase of the widening which encompasses the area from just east of 36th Avenue Southeast to just east of 72nd Avenue Southeast. This section of the State Highway 9 Widening Project involves the construction of a new four-lane rural road section with shoulders.

Prior to widening State Highway 9, ODOT will be required to acquire additional right-of-way to accommodate the construction. Utilities located along the widening project that will interfere with the construction due to depth or location will be relocated prior to the beginning of the construction. Utilities currently located in the existing right-of-way are required to relocate at the expense of the utility company. The relocation costs for any utilities located within the newly acquired right-of-way or in an easement that pre-dates the existing right-of-way are paid to the utility by the parties involved in the widening project. Without proper right-of-way and utility relocation, the projects cannot be completed.

The road widening project is an ODOT funded project using federal transportation funds. The City of Norman is not participating in the funding of the roadway construction. However, the City is required to participate in the funding of the utility relocation based upon Oklahoma State Statute - Title O.S. 2011 § 1205 - Acquisition Policy. The applicable section of the State Statute is stated below:

"Paragraph (c): For all construction projects within the limits of municipalities, other than projects on the Interstate Highway System, as described in the Federal Aid Highway Act of 1956, the municipality or county involved and the Department shall equally share the cost of all necessary rights-of-way, clear of all obstructions, including structures of any kind or nature and utility lines, poles, pipelines, or other facilities above or below the surface of the ground. If federal aid funds are available for the project, the municipality and the Department shall equally share the local portion of the costs for acquiring and clearing the right-of-way, including the cost of removing and relocating utility facilities located on private owned rights-of-way."

According to the Statute, the City is only required to participate in the utility relocations that are located outside of the existing right-of-way or within a private easement that predates the existing State Highway 9 right-of-way. Per the attached ODOT cost estimate, the following utilities will be relocated at a cost to the project: Duke Energy, Oklahoma Natural Gas (ONG)/Enogex, Arrow Oil & Gas, Magellan Midstream, Oklahoma Electric Cooperative (OEC), Oklahoma Gas and Electric Company (OG&E), Infonet, and AT&T/ SWB. In this agreement, the City is not required to participate in the cost of relocating utilities owned and operated by the City such as water lines and sanitary sewer lines. The City's utilities located within the newly acquired right-of-way are being relocated under a separate agreement with City of Norman Utilities Authority and ODOT. All utilities currently within the right-of-way are required to be relocated at the cost of the owner of the utility.

This project allows 80% federal funding for the relocation of utilities. The remaining 20% will be split between ODOT and the City of Norman as required in the State statute stated above. Participation in the relocation costs by the City of Norman is required for the project to be completed. Funds were allocated for this project in the City's FYE 2013 Capital Improvement Program budget

based on the relocation cost estimates provided by ODOT.

**DISCUSSION**: Prior to right-of-way acquisition and utility relocation, ODOT requires the City of Norman to enter into a project agreement and to adopt it by Resolution for the remaining 20% (10% City/$10% ODOT). ODOT has requested the City approve the attached agreement that addresses the responsibilities of the City of Norman and ODOT. Staff has reviewed the project agreement and resolution.

In summary, the City's responsibilities are:

- Grant right-of-entry to and the use of all existing streets, alleys, and other City owned property
- Be financially responsible for 50% of the local relocation costs of the utilities
- Remove all encroachments
- Prohibit parking in the project area
- Comply with the Department's standards for driveway entrances
- Determine and locate, with ODOT approval, a detour route over existing City streets should it be necessary during construction. The City will be responsible for all costs for operation and maintenance of roadways due to the detour
- Obtain a storm water permit from the ODEQ for City utility relocations if necessary
- Agree the construction shall be in conformance with the plans prepared by the City
- Maintain the roadway, traffic control signals, traffic control signs and right-of-way after construction
- Regulate traffic control including speed of vehicles, parking, stopping, and turns

In summary, ODOT's responsibilities are:

- Coordinate all necessary utility adjustments with the owner(s) having utilities within the project limits
- Be financially responsible for 50% of the location relocation costs of the utilities
- Construct the project in accordance with the plans and specifications
- Advertise and let the construction contract for this project
- Construct the project in accordance with the plans

- Provide competent supervision of the construction

The utility relocation will be funded 80% by the Federal Highway Administration (FHWA), 10% by ODOT and 10% by local funds. ODOT has provided the attached estimate for the relocation of the utilities showing the total cost and the share the City is expected to contribute. Based on the ODOT estimate, the total utility relocation cost is $379,000. FHWA's share is $303,200.00, ODOT's share is $39,631.90 and the local match is $36,168.10. The City's share will cover the relocation costs for utilities located outside the existing right-of-way such as electric, telephone, gas, and any pipelines as discussed above. The City does not have to share in the relocations of City owned utilities resulting in ODOT paying a large share of costs. Funds are available in the State Highway 9 Utilities 36th to 72nd, Utilities (Account No. 050-9539-431.67-01) Project Number TR0088.

ODOT is currently negotiating the purchase of the necessary additional right-of-way and this process is expected to be completed by January, 2013. Following acquisition of right-of-way, the relocation of all utilities will begin with an expected completion date of July, 2013. The current construction schedule for the roadway is to begin the construction June, 2015 with a completion date in December, 2016.

**RECOMMENDATION NO. 1**: Staff recommends approval of Contract No. K-1213-39 with the Oklahoma Department of Transportation (ODOT).

**RECOMMENDATION NO. 2**: Staff further recommends adoption of Resolution No. R-1213-21, execution of the contract and resolution with payment in the amount of $36,168.10 to be directed to ODOT.

Population 110,925

# RIGHT-OF-WAY, PUBLIC UTILITY AND ENCROACHMENT AGREEMENT

This Agreement, entered into between the City of Norman, Cleveland County, Oklahoma, hereinafter the City and the Department of Transportation of the State of Oklahoma, hereinafter the Department, in connection with the location and improvement of a portion of the State Highway System within the corporate limits of the City, now designated as SH-9 under plans and specifications for Project No. SSP-114B(108)SS, State Job No. 20266(07) Construction, (08) R/W, (09) Utilities.

WITNESSETH

WHEREAS, it is mutually agreed between the parties that certain improvements should be made to the highway now as follows:

That the Department proposes construction of SH-9, from 36th, East to 72nd Street in Norman (includes bridge over Dave Blue Creek)

WHEREAS, legislative authorization and the rules, regulations, and policies of the Department provide the basis of cooperation between the parties to effect such highway improvements.

NOW, THEREFORE, the parties hereto agree as follows:

The City agrees:

1. To the location of said highway, acknowledges receipt of and adopts the plans for said project as the official Grade, Draining, Bridge & Surface plans of the City for its streets, boulevards, or arterial highway included therein.

2. That prior to the advertising of the project for bids (as to that part of the project lying within the present corporate limits) it will:

   (a) Grant to the Department and its contractors, the right-of-entry to and the use of all existing streets, alleys, and other City owned property when required, and other rights-of-way shown on said plans. Further, City shall not permit the vacation of any such street, alley or other rights-of-way within the limits of the project without the prior written approval of Chief, Right-of-Way & Utilities Division, Department of Transportation, State of Oklahoma.

(b) Remove at its own expense, or cause the removal of, all encroachments on the existing streets as shown on said plans, including all signs, buildings, porches, awnings, porticos, fences, gasoline pumps and islands, and any other such private installations. Said removal shall be accomplished immediately on execution of this agreement and shall include necessary legal action where required.

(c) Prohibit parking on that portion of the project within the corporate limits of the City.

(d) Comply with the Department's standards for construction of driveway entrances from private property to the highway, in accordance with the Department's manual entitled "Policy on Driveway Regulations for Oklahoma Highways" Rev. 5/96, in compliance with current Oklahoma Highway Commission Policy, 69 O.S. 2011 § 1210.

(e) Maintain all right-of-way acquired for the construction of this project as shown on said plans, in a manner consistent with applicable statutes, codes, ordinances and regulations of the Department and the State of Oklahoma.

3. That City will:

(a) Determine and locate, with the Department's approval, a detour route over existing City streets, if a re-routing of traffic or a detour is necessary during the period of construction.

(b) Be responsible, during or subsequent to construction, for all costs, for the operation and any maintenance necessary to the approved detour route over existing City streets, or any other street as a result of additional traffic.

(c) Be responsible for all costs for repairs or maintenance to any City street, during or subsequent to construction, which results from additional traffic where construction is performed under traffic.

(d) To the extent permitted by the ***Oklahoma Governmental Tort Claims Act***, Title 51 Oklahoma Statutes, 2011, §§ 151 *et seq.* and by Oklahoma Constitution Article 10, § 26 and as otherwise permitted by law, the City shall indemnify and save harmless the Department, it's officers and employees, and shall process and defend at its own expense all claims, demands, or suits whether in law or equity brought against the City or the Department arising from the City's execution, performance, or failure to perform, and provisions of this agreement or alleged negligence in the location, design, construction, operation, or maintenance of a portion of the City Street System within the corporate limits of the City. Provided, nothing herein shall require the City to reimburse the Department for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Department. When any alleged act, omission, negligence, or misconduct may be subject to the limitations, exemptions, or defenses which may be raised under the Oklahoma Governmental Tort Claims Act, 51 O.S. 2011 §§ 151 *et seq.*, all such limitations, exemptions, and defenses shall be available to and maybe asserted by City. No liability shall attach to the Department except as expressly provided herein. Said indemnifications shall include all causes of action arising from contract, tort, negligence, condemnation or inverse condemnation.

(e) Comply with all applicable laws and regulations necessary to meet the Oklahoma Department of Environmental Quality (ODEQ) requirements for pollution prevention including discharges from storm water runoff during the planning and design of this project. Further, the City agrees and stipulates as stated in the ODEQ-s *General Permit OKR10*, dated September 13, 2002, or latest revision to secure a storm water permit with the ODEQ, for utility relocations, when required. It is agreed that the storm water management plan for the project previously described in the document includes the project plans and specifications, required schedules for accomplishing the temporary and permanent erosion control work, the storm water pollution prevention plan and the appropriate location map contained in the utility relocation plans.

4. That subsequent to the construction of said project, City will:

(a) Keep all permanent right-of-way shown on said plans free from any encroachment and take immediate action to effect the removal of any encroachments upon notification by the Department, including all necessary legal action when required.

(b) Erect, maintain, and operate traffic control signals, including speed limit and traffic control signs, only in accordance with 47 O.S. 2011, §§ 15-104, 15-105 and 15-106, and subject to the approval, direction and control of the Department.

(c) Regulate and control traffic on said project, including, but not limited to, the speed of vehicles, parking stopping and turns, in accordance with 47 O.S. 2011 §§ 15-104, *et. seq.* and to make no changes in the provisions thereof without the approval of the Department.

(d) Maintain all that part of said project within the corporate limits of the Underwriter between the gutter lines and the right-of-way lines, and if no gutter exists, between the shoulder lines and the right-of-way lines, including storm sewers, all underground facilities, curbs and mowing, all in accordance with 69 O.S. 2011 § 901 and all other applicable law.

The City shall also maintain any public road on Department owned right-of-way not connected to the highway nor allowing access to the highway. All maintenance shall be in accordance with 69 O.S. 2011 § 901 and all other applicable law.

5. If any existing, future or proposed local statute, ordinance, court order, rule policy, or other directive, including but not limited to, those that relate to right-of-way acquisition, encroachment removal, acquisition or relocation of outdoor advertising signs or structures or storm water drainage facilities, that are more restrictive than state or federal regulations, including all applicable Federal and State laws regarding the erecting, maintaining, and relocation of outdoor advertising signs or any other locally proposed changes, including, but not limited to, plats or re-plats, that results in any increased costs for right-of-way acquisitions, removal of encroachments, or the relocation, erecting, or maintaining of outdoor advertising signs or structures or storm water drainage facilities, City shall be solely responsible for all such related costs as the same are determined at the sole discretion of the Department, when such increased costs, including but not limited to relocation, acquisition, or litigation costs, are associated with any existing, future or proposed local statute, ordinance, court order, rule, policy, or other directive or change.

6. That all covenants of this Agreement shall apply to any area hereinafter annexed to the City which lies within the limits of this project.

7. That City will, by resolution, duly authorize the execution of this Agreement by the proper officials, and attach copies of such resolution to this Agreement.

8. That the participation in the necessary adjustments of utilities between the undersigned parties shall be as follows:

(a) The Department shall coordinate all the necessary utility adjustments with the owner(s) having utility facilities within the project limits.

(b) The City and the Department shall equally share, and each shall be financially responsible for one-half, the total cost of adjustments of any and all utility facilities presently located on and in privately owned right-of-way necessary to accommodate the construction of said project, whether

such utilities are publicly or privately owned, including all pipelines, water lines, telephone lines, fiber optic cables, power lines, sewer lines, fire hydrants, light poles, and other such service installations. In the event the Department secures federal financial participation in the cost of these utility adjustments, the City shall not participate in the cost of adjusting City -owned utility facilities on private right-of-way. The local share of such costs shall be borne solely by the Department.

(c) Any and all monetary expenditures necessary to accomplish the adjustments of utility facilities presently located on and in public right-of-way shall be borne entirely by the owner(s) of the affected utilities except those public water and sanitary sewer systems specifically exempt in 69 O.S. 2011 § 1403(f). The City shall protect and indemnify the State from any expenses and liabilities resulting from these utility adjustments.

It is further agreed and understood between the parties that the City will pay to the Department the City's share of the actual utility adjustment costs of utility facilities relocated from private right-of-way promptly upon receipt of the Department's statement as the amounts become known.

IN CONSIDERATION of the grants and covenants by the City herein contained and the faithful performance thereof by the City, the Department agrees to construct said project in accordance with said plans and specifications; provided that the right to make such changes in the plans and specifications as are necessary for the proper construction of said project is reserved to the Department.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, the City on the _____ day of_____, 20_____, and the State on the _____ day of_____, 20_____.

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [signature] DATE 7/19/12

ATTEST:

CITY OF NORMAN

_____
CITY CLERK

_____
MAYOR

REVIEWED AND APPROVED AS TO FORM AND LEGALITY

STATE OF OKLAHOMA DEPARTMENT OF TRANSPORTATION

_____
CHIEF, LEGAL DIVISION (ODOT)

_____
DIRECTOR

50/50 Revised 02/2012

# RESOLUTION

WHEREAS, it appearing reasonable and necessary for the City of Norman, Cleveland County, OKLAHOMA, to execute a Right-of-Way, Public Utility and Encroachment Agreement in connection with the construction of a public project known as Project No. SSP-114B(108)SS, State Job No. 20266(07) Construction, (08) R/W, (09) Utilities, in accordance with the terms and tenor of 69 O.S. 2011 §§ 1205, 1206, 1401, and 1403.

NOW, THEREFORE, BE IT RESOLVED by the City of Norman, Oklahoma, sitting in regular session that such contract be entered into and that a copy of same be hereto attached and made a part hereof by reference, all as provided by law.

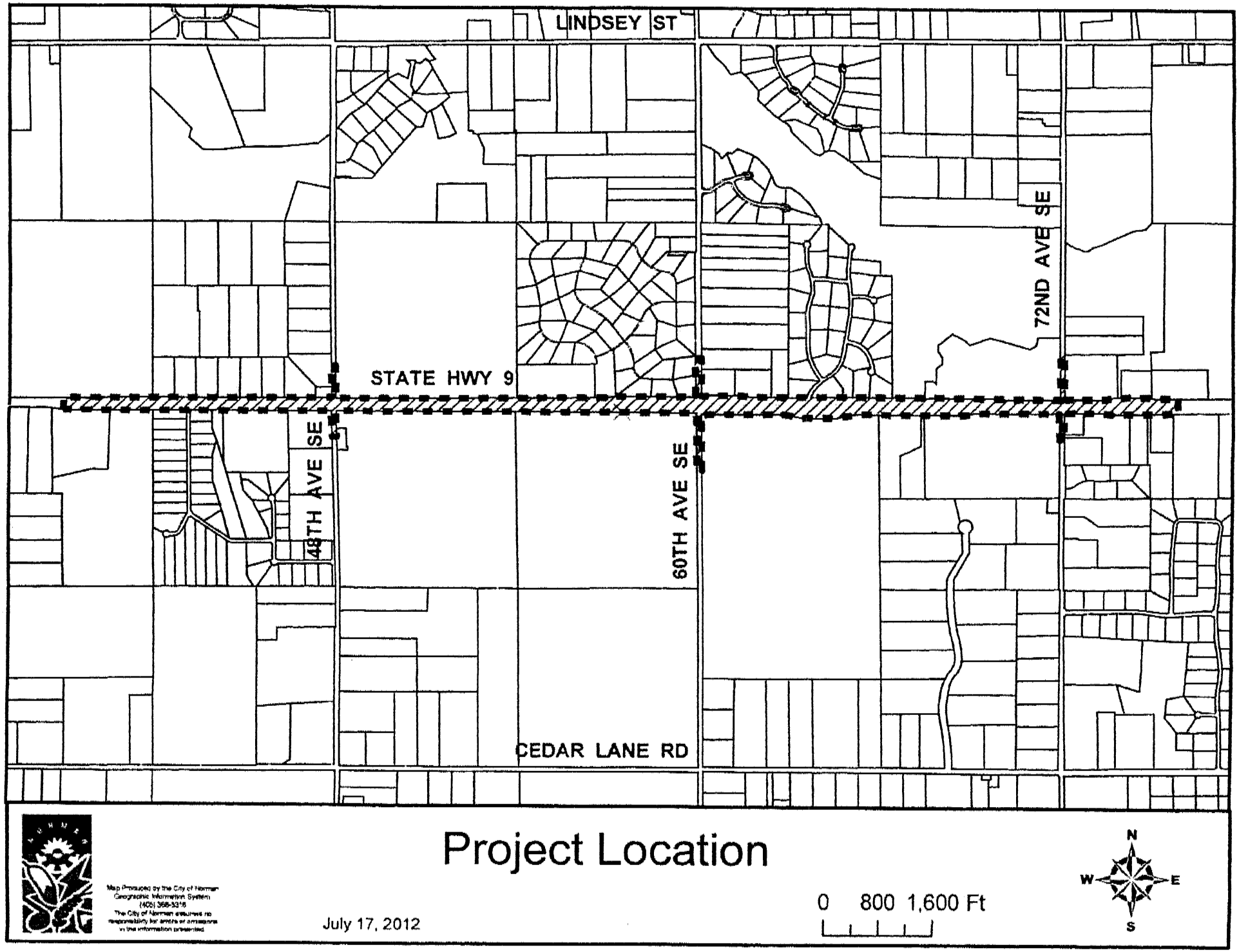
ATTEST:

CITY CLERK

MAYOR

APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [illegible] DATE 7/17/12

50/50 Revised 02/2012


LINDSEY ST
STATE HWY 9
48TH AVE SE
60TH AVE SE
72ND AVE SE
CEDAR LANE RD
Project Location
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.
July 17, 2012
0 800 1,600 Ft
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PURCHASE REQUISITION NBR: 0000204275

STATUS: DIVISION APPROVAL
REASON: UTILITY RELOCATION

REQUISITION BY: SSTURTZ

DATE: 7/16/12

SHIP TO LOCATION: PUB WKS- ENGINEERING

SUGGESTED VENDOR: 1514 OKLAHOMA DEPT OF TRANSPORTATIO

DELIVER BY DATE: 7/16/12

| LINE NBR | DESCRIPTION | QUANTITY | UOM | UNIT COST | EXTEND COST | VENDOR PART NUMBER |
|---|---|---|---|---|---|---|
| 1 | UTILITY RELOCATION<br>COMMODITY: CONSTRUCTION SERVICES, HE<br>SUBCOMMOD: CONSTRUCTION, UTILITY/UND | 36169.00 | EA | 1.0000 | 36169.00 | |

REQUISITION TOTAL: 36169.00

ACCOUNT INFORMATION

| LINE # | ACCOUNT | | PROJECT | | AMOUNT |
|---|---|---|---|---|---|
| 1 | 05095394316701 | Capital Projects<br>Utilities | TR0088<br>Hwy 9 UT reloc 36th-72nd | 100.00 | 36169.00 |
| | | | | | 36169.00 |

REQUISITION IS IN THE CURRENT FISCAL YEAR.

# City of Norman, OK

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

## Master

### File Number: K-1213-41

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-41 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 25 | **In Control:** | City Council |
| **Department:** | City Council Finance Committee | **Cost:** | $5,000.00 | **File Created:** | 07/03/2012 |
| **File Name:** | K-1213-41 89er Day | | | **Final Action:** | |

**Title:** CONTRACT NO. K-1213-41: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE 89'ER DAY PARADE COMMITTEE IN THE AMOUNT OF $5,000 FOR COSTS ASSOCIATED WITH THE 89'ER DAY PARADE TO BE HELD IN APRIL 2013.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-41 with the 89'er Day Parade Committee in the amount of $5,000; and, if approved, authorize execution thereof.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 25

**Attachments:** Text File 89er day, 89er Day Contract.PDF, Letter of Reqeust 89'er day, Pert Excerpts Finance Comm Minutes, 89er Day Parade PR

**Project Manager:** Clint Mercer, Chief Accountant

**Entered by:** clint.mercer@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-1213-41

Body

**BACKGROUND**: During the budgeting process a number of requests for funding assistance from nonprofit agencies are specifically reviewed, discussed and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is the 89er Day Parade Committee. The 89er Day Parade will take place in April 2013, and their funding agreement is now returned to Council for its approval.

**DISCUSSION**: The agreement which comes before Council at this time is the same basic form

agreement for all agencies. The agreement is specific in that it lists the services which the agency is to perform. Highlights of the funding agreement include a reporting procedure by the agency to the Council of expenditures of the funds. There is a requirement in each agreement that a representative of the City be allowed to serve as an *ex officio* member of the board of the organization if the City so desires. The agreement also provides for cancellation by either party and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period.

In addition, the contract is for a one-year period only. The contract does not automatically roll over and the funding request will be subject to Council's review as a part of next year's budget should the agency submit another request for funding. Funding for this year's contract is budgeted in Contributions-Organizations (010-1001-411.47-41).

**RECOMMENDATION** Based upon the above, it is Staff's recommendation that the funding agreement with the 89er Day Parade Committee, be approved. Should you have any questions or comments, please let me know.

Contract #K-1213-41

**FUND DISBURSEMENT AGREEMENT**

This agreement is made and entered into on the ____ day of July, 2012, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

89ER DAY PARADE COMMITTEE
(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

A. That in consideration for the performance by the organization of the covenants and agreements as specified herein, the City, covenants and agrees:

1. To disperse to the Organization a sum not to exceed $5,000.00 for the purpose of promoting, encouraging, and providing services for the 89er Day Parade to be held in the City of Norman. Said funds shall be used for this purpose and for no other purpose.

2. It is the intent of the City that the amount of funds dispersed be used as provided in the request attached hereto marked Exhibit "A" and made a part hereof.

B. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:

1. To expend funds granted by the City for the purpose as listed above.

2. Allow a representative of the City to hold an ex-officio position on the Organization's Board of Directors if requested by the City.

3. To provide a written annual report on the activities of the Organization to the City, said report to be sent to the attention of the Norman City Clerk.

C. It is further understood and agreed by both parties:

1. In the event the Organization is dissolved all such funds not yet expended for the purposes provided herein shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

2. In the event the Organization should mishandle the expenditure of funds as provided herein, such action will be considered a breach of this agreement, and any unexpended funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

3. This agreement may be canceled by either party upon the giving of fourteen (14) days written notice of cancellation to the other. Upon cancellation any unexpended funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City, and the Organization shall immediately deliver such unexpended funds to the City.

D. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the

City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

E. There are no other terms, either express or implied, than those expressly stated herein.

F. In witness hereof, the parties hereto have executed this agreement on the day first above written.

89er Day Parade Committee

Charles R. Hollingsworth, Co-Chair

Sean Crandall, Co-Chair

Approved as to form and legality by the office of the City Attorney this 18th day of July, 2012.

Office of the City Attorney

Approved by the Norman City Council this _____ day of _____, 2012.

MAYOR

ATTEST:

CITY CLERK

# '89er Day Parade

**Committee:**

*Al Loeffelholz*
*Bob Thompson*
*Charles R. Hollingsworth*
*David Donaldson*
*David Teuscher*
*Don Mayes*
*Fred Queen*
*Jennifer Tregarthen*
*John Marsh*
*Joyce Coleson*
*Karin Ford*
*Lillian Guess*
*Lori Thrower*
*Mark A. Ledbetter*
*Mary Bess Gamel*
*Mary Jo Tinsley*
*Michelle Linnemann*
*Mike Pullin*
*Richard L. Reynolds*
*Sandy Dunaway*
*Sean M. Crandall*
*Wanda Danley*

**Committee Co-Chairs:**

*Charles R. Hollingsworth*
*Sean M. Crandall*

February 3, 2012

Mayor Cindy Rosenthal
City of Norman
PO Box 370
Norman, Ok 73070

Dear Mayor Rosenthal:

The 89er Day celebration for 2012 will be held on April 21, 2012.

Our committee is working hard to make this celebration worthy of comment for years to come as we have in the past.

We join others in our community to thank you for your financial support of previous years. As in the past, we are asking for The City of Norman to approve a request for $5,000. Our request for 2011 was funded at $4,500 and we are very grateful for such consideration. The funds the City of Norman allocates will be spent on initial advertising, insurance and other setup costs associated with this weekend. We are committed to raising matching funds from community donations.

A planned estimated budget is enclosed for your review based on last year's expenses. There are no fees/charges assessed for any part of our operation.

Thank you for the consideration we know that your office and other City of Norman Council members will give to our request. We are very grateful for the Norman Police Department, Norman Fire Department, Norman Parks and Recreation Department and the Norman Street Department and the many other City of Norman volunteers who make this celebration a very special event.

Please know that our committee is well aware of the financial situation the City of Norman is facing.

Sincerely,

Charles R. Hollingsworth
Co-Chair

Sean M. Crandall
Co-Chair

Enclosure

P.O. Box 6587, Norman, OK 73070
Website: http://www.norman89.com

*Continuing the Tradition...*

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

PURCHASE REQUISITION NBR: 0000204322

STATUS: DIVISION APPROVAL
REASON: CONTRACT NO. 1213-41

REQUISITION BY: SRUNYON

DATE: 7/16/12

SHIP TO LOCATION: CITY CLERK OFFICE

SUGGESTED VENDOR: 9259 89ER DAY PARADE COMMITEE

DELIVER BY DATE: 7/24/12

| LINE NBR | DESCRIPTION | QUANTITY | UOM | UNIT COST | EXTEND COST | VENDOR PART NUMBER |
|---|---|---|---|---|---|---|
| 1 | CONTRACT NO. K-1213-42 FOR FYE 13<br>CONTINGENT ON CITY COUNCIL APPROVAL ON 7/24/12<br>COMMODITY: GRANTS<br>SUBCOMMOD: OTHER | 1.00 | EA | 5000.0000 | 5000.00 | |

REQUISITION TOTAL: 5000.00

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

| LINE # | ACCOUNT | | PROJECT | % | AMOUNT |
|---|---|---|---|---|---|
| 1 | 01010014114741 | Miscellaneous Services<br>Contributions-Organizatin | | 100.00 | 5000.00 |
| | | | | | 5000.00 |

REQUISITION IS IN THE CURRENT FISCAL YEAR.

# City of Norman, OK

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

## Master

### File Number: K-1213-42

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-42 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 26 | **In Control:** | City Council |
| **Department:** | City Council Finance Committee | **Cost:** | $60,000.00 | **File Created:** | 07/03/2012 |
| **File Name:** | K-1213-42 FAC | | | **Final Action:** | |

**Title:** CONTRACT NO. K-1213-42: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE FIREHOUSE ART CENTER, INC., IN THE AMOUNT OF $60,000 FOR THE OPERATION OF THE FIREHOUSE ART CENTER LOCATED AT 444 SOUTH FLOOD AVENUE.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-42 with the Firehouse Art Center, Inc., in the amount of $60,000; and, if approved, authorize the execution thereof.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 26

**Attachments:** Text File FAC, Firehouse Art Center Contract, Pert Excerpts Finance Comm Minutes

**Project Manager:** Clint Mercer, Chief Accountant

**Entered by:** clint.mercer@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-1213-42

Body

**BACKGROUND**: During the budgeting process for FYE 2013, a number of requests were specifically reviewed, discussed and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is the Firehouse Arts Center. Their funding agreement is now returned to Council for its approval.

**DISCUSSION**: The agreement which comes before Council at this time is the same agreement used

in prior years for all agencies. The agreement provides that the Firehouse Arts Center will use City funds of $60,000 to operate the Center. The agreement includes a reporting procedure by the agency to the Council of expenditures of the funds in an amount not to exceed $60,000. The agreement also provides for cancellation by either party, and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period.

The previous agreement with the Firehouse Arts Center included a clause allowing the agreement to renew automatically subject to Council's appropriation of funding when adopting the budget. That clause is included in this agreement.

**RECOMMENDATION**: Based upon the above and foregoing background and discussion, it is staff's recommendation that the funding agreement submitted herewith be approved. Funds are available for these services in Contributions-Organizations (account 010-7081-451.47-41).

Contract #K-1213-42

# FUND DISBURSEMENT AGREEMENT

This agreement is made and entered into on the _____ day of August, 2012, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

Firehouse Art Center, Inc.
(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

A. That in consideration for the performance by the organization of the covenants and agreements as specified herein, the City, covenants and agrees:

   1. To disperse to the Organization the sum of $60,000 for the purpose of providing a grant to assist with the operation of the Firehouse Art Center.

   2. Disbursement of funds shall be made annually to the Organization at the beginning of the City's fiscal year subject to, and contingent upon, the City Council appropriating funds annually to fund this agreement.

B. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:

   1. To expend funds granted by the City for the purpose as listed above.

   2. Allow a representative of the City to hold an ex-officio position on the Organization's Board of Directors.

   3. Provide at least one oral presentation per year on the activities of the Organization to the Norman Board of Parks Commissioners and to provide a written report on the activities of the Organization to the City, said report to be sent to the attention of the Director of Parks and Recreation. This annual report shall include a summary of all activity along with revenue and expenditure summaries for all activity of the preceding year. All detailed records associated with the Firehouse Arts Center shall be made available for review within ten days by the Firehouse Arts Center upon request from the City of Norman.

C. It is further understood and agreed by both parties:

   1. In the event the Organization is dissolved all such funds not yet expended for the purposes provided herein shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

2. In the event the Organization should mishandle the expenditure of funds as provided herein, such action will be considered a breach of this agreement, and any unexpended funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

3. This agreement shall automatically renew annually upon City Council approval of the annual budget subject to and contingent upon the appropriate of funds to fund this agreement.

4. This agreement may be canceled by either party upon the giving of thirty (30) days written notice of cancellation to the other. Upon cancellation any unexpended funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City, and the Organization shall immediately deliver such unexpended funds to the City.

D. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

E. There are no other terms, either express or implied, than those expressly stated herein.

F. This contract will supersede any previous contract, agreement or resolution; however, this agreement shall not modify in anyway the lease agreement between the parties signed in 1984.

G. In witness hereof, the parties hereto have executed this agreement on the day first above written.

FIREHOUSE ART CENTER, INC.

President

ATTEST:

~~SECRETARY~~ Vice President

Approved as to form and legality by the office of the City Attorney this 18th day of ~~August~~ July, 2012.

Office of the City Attorney

Approved by the Norman City Council this _____ day of August, 2012.

MAYOR

ATTEST:

CITY CLERK

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 |
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DISCUSSION REGARDING OUTSIDE AGENCY FUNDING REQUESTS

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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.

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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.

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## 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.

# City of Norman, OK

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

## Master

### File Number: K-1213-43

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-43 | **Type:** | Contract | **Status:** | Consent Item |
| **Version:** | 1 | **Reference:** | Item No. 27 | **In Control:** | City Council |
| **Department:** | City Council Finance Committee | **Cost:** | $3,000.00 | **File Created:** | 07/03/2012 |
| **File Name:** | K-1213-43 Performing Arts Studio | | | **Final Action:** | |

**Title:** CONTRACT K-1213-43: CONSIDERATION OF A REQUEST FOR FUNDING FROM THE PERFORMING ARTS STUDIO AND APPROVAL OF CONTRACT NO. K-1213-43 IN THE AMOUNT OF $3,000.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-43 with the Performing Arts Studio in the amount of $3,000; and, if approved, authorize execution thereof.

ACTION TAKEN:_____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 27

**Attachments:** Text File Performing Arts, The Performing Arts Studio FY13 K-1213-43, Letter of request PAS, Pert Excerpts Finance Comm Minutes, Performing Arts Studio PR

**Project Manager:** Clint Mercer, Chief Accountant

**Entered by:** clint.mercer@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-1213-43

Body

**BACKGROUND**: During the budgeting process for FYE 2013, a number of requests were specifically reviewed, discussed and approved by Council. Pursuant to those discussions, funding agreements were prepared and submitted to the various agencies for their execution. One of those agencies is the Performing Arts Studio. Their funding agreement is now returned to Council for its approval.

**DISCUSSION**: The agreement which comes before Council at this time is the same agreement

utilized in prior years for all agencies. The agreement provides that The Performing Arts Studio will provide hospitality services at the Santa Fe Depot in exchange for a grant of $3,000 of City funds. The agreement includes a reporting procedure by the agency to the Council of expenditures of the funds in an amount not to exceed $3,000. The agreement also provides for cancellation by either party and specifically provides for cancellation and return of any unexpended funds should the agency fail to use the funds for the purpose for which they are intended or should the agency be dissolved or cease to exist any time during the contract period.

**RECOMMENDATION**: Based upon the above and foregoing background and discussion, it is staff's recommendation that the funding agreement submitted herewith be approved. Funds should be disbursed from the following account to accomplish this: $3,000 from Account No. 010-1001-411.47-41 (City Council-Contributions and Organizations).

Contract #K-1213-43

**FUND DISBURSEMENT AGREEMENT**

This agreement is made and entered into on the _____ day of July, 2012, by and between the City of Norman, Oklahoma, a municipal corporation, party of the first part and hereinafter referred to as "City" and

The Performing Arts Studio
(Name of Organization)

party of the second part, and hereinafter referred to as "the Organization", witnesseth:

A. WHEREAS, in Contract No. K-0304-98, as amended, the City leases the property described as the old Santa Fe Train Station located at 200 South Jones to the Organization at no cost in exchange for the Organization opening the facility to the general public for certain designated hours each week.

B. WHEREAS, the Organization desires to provide hospitality services to members of the public who visit the Santa Fe Train Station.

C. THAT IN CONSIDERATION for the performance by the organization of the covenants and agreements as specified herein, the City, covenants and agrees:

1. To disperse to the Organization the sum of $3,000 to be used to provide hospitality to guests at the Santa Fe Depot. Said funds shall be used for this purpose and for no other purpose.

2. It is the intent of the City that the amount of funds dispersed be used as provided in the request attached hereto marked Exhibit "A" and made a part hereof.

D. That in consideration for the performance of the covenants and agreements of the City as stated herein, the Organization covenants and agrees:

1. That the Organization is a 501(1)(c)(3) organization operating in accordance with the Internal Revenue Service regulations.

2. To expend funds granted by the City for the purpose as listed above.

3. Allow a representative of the City to hold an ex-officio position on the Organization's Board of Directors if requested by the City.

4. To provide a written report on the activities of the Organization to the City no later than April 1, 2012, said report to be sent to the attention of the Norman City Clerk. Said report shall also include documentation that the funds provided herein were spent solely for hospitality purposes benefiting the citizens of the City.

E. It is further understood and agreed by both parties:

1. In the event the Organization is dissolved all such funds not yet expended for the purposes provided herein shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

2. Organization agrees to keep accurate records of all receipts and collections of its income in a manner approved by the City. Organization shall make such records available for inspection by the City at any time upon demand and shall submit such records to whomever the City may designate hereafter for the purpose of auditing such records.

3. In the event the Organization should mishandle the expenditure of funds as provided herein, such action will be considered a breach of this agreement, and any unexpended funds as provided by this agreement, from the date of notice by the City, shall immediately revert back to the City and the Organization shall immediately deliver such unexpended funds to the City.

4. The term of this agreement, commencing on July 1, 2012, shall automatically renew on each successive July 1, provided that the Norman City Council appropriates the necessary funding for each successive year.

5. This agreement may be canceled by either party upon the giving of thirty (30) days written notice of cancellation to the other. Upon cancellation any unexpended funds as provided by this agreement, from the date of notice of cancellation, shall immediately revert back to the City, and the Organization shall immediately deliver such unexpended funds to the City.

F. It is further understood and agreed by both parties that the Organization and any employee of the Organization is a separate entity from the City and the Organization and its employees are responsible for its actions and that the Organization agrees to indemnify and save harmless the City from all fines, suits, proceedings, claims, demands, action, loss, and expense from liability of any kind whatsoever (including but not limited to attorney fees for costs incurred in litigation) and from any person whomsoever asserting the same arising or growing out of or in any way connected with the Organization's management, operation and services.

G. There are no other terms, either express or implied, than those expressly stated herein.

H. In witness hereof, the parties hereto have executed this agreement on the day first above written.

THE PERFORMING ARTS STUDIO

Executive Director

ATTEST:

_____
SECRETARY

Approved as to form and legality by the office of the City Attorney this 17th day of July, 2012.

_____
Office of the City Attorney

Approved by the Norman City Council this _____ day of August, 2012.

_____
Mayor

ATTEST:

_____
CITY CLERK

PAS
Performing Arts Studio

# Report to City of Norman Finance Committee
## February 15, 2012

On September 8, 2010, The Performing Arts Studio and the City of Norman entered into a Fund Disbursement Agreement whereby the City dispersed to PAS the sum of $2,700.00 to be used to provide hospitality to guests at the Santa Fe Depot who travel between Norman and Fort Worth, Texas on Amtrak's Heartland Flyer passenger train.

PAS provides hospitality to train passengers and other guests Monday through Friday from 8 to 9 a.m. Hospitality on weekends and weekday evenings is provided by a rotating group of volunteers. However, all refreshments and supplies are provided by PAS.

For the period beginning September 8, 2011 to February 9, 2012 PAS expended the funds as follows:

Hostess

Assist with travel reservations, tickets, baggage, schedules; make and offer coffee

| | |
|---|---|
| Monday - Friday | |
| $9.50 hour x 1hour/day x 105 days | $997.50 |
| Payroll taxes at 10% | 99.75 |

Supplies

| | |
|---|---|
| Coffee, creamer, sweetener | |
| $15/month x 3 months | 75.00 |
| Disposable cups, stirrers | |
| $5/month x 3 months | 25.00 |
| TOTAL | $1197.25 |

PAS's FY2011 budget and a summary of income and expenses for the period of September through December 2011 are attached.
During this period, hospitality was provided to a total of approximately 1,400 guests, which includes train passengers and their friends and families.

These guests truly appreciate the assistance and hospitality provided by PAS with the generous funding from the City of Norman. To continue to provide the current level of services, PAS requests funding in the amount of $3,000.00 for FY2012.

Respectfully submitted,

Rick Fry
Executive Director

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

PURCHASE REQUISITION NBR: 0000204320

STATUS: DIVISION APPROVAL
REASON: CONTRACT NO. K-1213-43

REQUISITION BY: SRUNYON

DATE: 7/16/12

SHIP TO LOCATION: CITY CLERK OFFICE

SUGGESTED VENDOR: 9520 PERFORMING ARTS STUDIO (THE)

DELIVER BY DATE: 7/24/12

| LINE NBR | DESCRIPTION | QUANTITY | UOM | UNIT COST | EXTEND COST | VENDOR PART NUMBER |
|---|---|---|---|---|---|---|
| 1 | CONTRACT NO. K-1213-41 FOR FYE 13<br>CONTINGENT ON CITY COUNCIL APPROVAL ON 7/24/12<br>COMMODITY: GRANTS<br>SUBCOMMOD: OTHER | 1.00 | EA | 3000.0000 | 3000.00 | |

REQUISITION TOTAL: 3000.00

ACCOUNT INFORMATION

| LINE # | ACCOUNT | | PROJECT | % | AMOUNT |
|---|---|---|---|---|---|
| 1 | 01010014114741 | Miscellaneous Services Contributions-Organizatin | | 100.00 | 3000.00 |
| | | | | | 3000.00 |

REQUISITION IS IN THE CURRENT FISCAL YEAR.

# City of Norman, OK

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

## Master

### File Number: K-1213-46

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | K-1213-46 | **Type:** | Contract | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 28 | **In Control:** | City Council |
| **Department:** | Police Department | **Cost:** | $11,636.00 | **File Created:** | 07/05/2012 |
| **File Name:** | K-1213-46 2012 JAG | | | **Final Action:** | |

**Title:** PUBLIC HEARING REGARDING A GRANT IN THE AMOUNT OF $13,636 TO THE CITY OF NORMAN AND CLEVELAND COUNTY FROM THE UNITED STATES DEPARTMENT OF JUSTICE/BUREAU OF JUSTICE ASSISTANCE (DOJ/BJA) THROUGH THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM WITH NORMAN'S PORTION OF $11,636 TO BE USED BY THE NORMAN POLICE DEPARTMENT FOR TRAINING AND TO PURCHASE EQUIPMENT, APPROVAL OF CONTRACT NO. K-1213-46, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to conduct a public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to close the public hearing.

ACTION TAKEN: _____

ACTION NEEDED: Motion to accept or reject a grant in the amount of $13,636 from DOJ/BJA through the JAG Program to be used by the Police Department; and, if accepted, approve Contract No. K-1213-46; authorize the execution thereof; increase Other Revenue/JAG Grant (022-0000-331.13-33) by $13,636; appropriate $13,636 into Project No. GP0016, JAG Grant designating $6,436 to Professional Services/Workshops and Seminars (022-6017-421.46-04); $2,500 to Plant and Operating Equipment/Firearms (022-6017-421.51-16); $2,700 to Telecommunication Equipment/Personal Computer (022-6017-421.53-02), and $2,000 to Miscellaneous Pass-Thru Refunds (022-6017-421.47-54); and direct payment in the amount of $2,000 to Cleveland County upon receipt of invoices.

ACTION TAKEN: _____

**Notes:** Steve 7/16

**Agenda Date:** 07/24/2012

**Agenda Number:** 28

**Attachments:** Text File JAG, Award Letter 1.pdf

**Project Manager:** Jim Spearman, Grants Manager

**Entered by:** jim.spearman@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-1213-46**

Body

**BACKGROUND**: The U.S. Department of Justice, Edward Byrne Memorial Justice Assistance Grant (JAG), announced that grant funds are available to the City of Norman and Cleveland County in the amount of $13,636. These entities are considered disparate jurisdictions and therefore are required to share grant funds based on a United States Department of Justice formula that includes population crime statistics and other law enforcement related data. Norman's share of the award is $11,636 with $2,000 to Cleveland County.

**DISCUSSION**: It is the intention of the Norman Police Department to use their share of the awards for the following: Police Ballistic Shield (1 each) - $2500, iPad Tablet Computers (3 each) - $2700, and Training - $6,436

**RECOMMENDATION NO. ONE**: A public hearing is required prior to the disbursement of grant funds. It is recommended that a public hearing be conducted first.

**RECOMMENDATION NO. TWO:** Staff recommends approval of Contract No. K-1213-46 accepting the grant funds and authorization for the Mayor to execute the documents.

**RECOMMENDATION NO. THREE**: Following the public hearing, it is recommended the Council accept the grant funds in the amount of $13,636 and deposit the funds into account 022-0000-331.13-33 JAG Grant Revenue. Funds should be appropriated into and expended from the following accounts:

Training (Workshops and Seminars) 022-6017-421.46-04 GP0016, amount $6,436
Ballistic Shield (Plant & Operating Equipment) 022-6017-421.51-16 GP0016, amount $2,500
iPad Tablet Computers (Personal Computers) 022-6017-421.53-02 GP0016, amount $2,700
Miscellaneous Services (Pass-Thru Refunds) 022-6017-421.47-54 GP0016, amount $2,000 for distribution to the County of Cleveland.

**Department of Justice**

Office of Justice Programs

Bureau of Justice Assistance

Office of Justice Programs

*Washington, D.C. 20531*

June 29, 2012

The Honorable Cindy Rosenthal
City of Norman
201 West Gray
Norman, OK 73069

Dear Mayor Rosenthal:

On behalf of Attorney General Eric Holder, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the FY 12 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Local Solicitation in the amount of $13,636 for City of Norman.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Shaketta Cunningham, Program Manager at (202) 514-4493; and

- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

Denise O'Donnell
Director

Enclosures

K-1213-46

Department of Justice
Office of Justice Programs
**Bureau of Justice Assistance**

**Grant**



1. RECIPIENT NAME AND ADDRESS (Including Zip Code)
City of Norman
201 West Gray
Norman, OK 73069

4. AWARD NUMBER: 2012-DJ-BX-0165

5. PROJECT PERIOD: FROM 10/01/2011 TO 09/30/2013
BUDGET PERIOD: FROM 10/01/2011 TO 09/30/2013

6. AWARD DATE 06/29/2012

7. ACTION
Initial

1A. GRANTEE IRS/VENDOR NO.
736005350

8. SUPPLEMENT NUMBER
00

9. PREVIOUS AWARD AMOUNT $ 0

3. PROJECT TITLE
FY 2012 Justice Assistance Grant Program

10. AMOUNT OF THIS AWARD $ 13,636

11. TOTAL AWARD $ 13,636

12. SPECIAL CONDITIONS
THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).

13. STATUTORY AUTHORITY FOR GRANT
This project is supported under FY12(BJA - JAG) 42 USC 3750, et seq.

15. METHOD OF PAYMENT
GPRS

AGENCY APPROVAL

16. TYPED NAME AND TITLE OF APPROVING OFFICIAL
Denise O'Donnell
Director

17. SIGNATURE OF APPROVING OFFICIAL

GRANTEE ACCEPTANCE

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL
Cindy Rosenthal
Mayor

19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL

19A. DATE

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

| FISCAL YEAR | FUND CODE | BUD. ACT. | OFC. | DIV. REG. | SUB. | POMS | AMOUNT |
|---|---|---|---|---|---|---|---|
| X | B | DJ | 80 | 00 | 00 | | 13636 |

21. LDJUGT0120



APPROVED BY CITY OF NORMAN LEGAL DEPARTMENT
BY [signature] DATE 7-18-12

Department of Justice
Office of Justice Programs
**Bureau of Justice Assistance**

**AWARD CONTINUATION SHEET**

**Grant**



PROJECT NUMBER 2012-DJ-BX-0165 AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

1. The recipient agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs (OJP) Financial Guide.

2. The recipient acknowledges that failure to submit an acceptable Equal Employment Opportunity Plan (if recipient is required to submit one pursuant to 28 C.F.R. Section 42.302), that is approved by the Office for Civil Rights, is a violation of its Certified Assurances and may result in suspension or termination of funding, until such time as the recipient is in compliance.

3. The recipient agrees to comply with the organizational audit requirements of OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, and further understands and agrees that funds may be withheld, or other related requirements may be imposed, if outstanding audit issues (if any) from OMB Circular A-133 audits (and any other audits of OJP grant funds) are not satisfactorily and promptly addressed, as further described in the current edition of the OJP Financial Guide.

4. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of OJP.

5. The recipient must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any subrecipients. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by -

   mail:

   Office of the Inspector General
   U.S. Department of Justice
   Investigations Division
   950 Pennsylvania Avenue, N.W.
   Room 4706
   Washington, DC 20530

   e-mail: oig.hotline@usdoj.gov

   hotline: (contact information in English and Spanish): (800) 869-4499

   or hotline fax: (202) 616-9881

   Additional information is available from the DOJ OIG website at www.usdoj.gov/oig.

6. Recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of any contract or subaward to either the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries, without the express prior written approval of OJP.

7. The recipient agrees to comply with any additional requirements that may be imposed during the grant performance period if the agency determines that the recipient is a high-risk grantee. Cf. 28 C.F.R. parts 66, 70.

Department of Justice
Office of Justice Programs
**Bureau of Justice Assistance**

**AWARD CONTINUATION SHEET**

**Grant**



PROJECT NUMBER 2012-DJ-BX-0165 AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

8. The recipient agrees to comply with applicable requirements regarding Central Contractor Registration (CCR) and applicable restrictions on subawards to first-tier subrecipients that do not acquire and provide a Data Universal Numbering System (DUNS) number. The details of recipient obligations are posted on the Office of Justice Programs web site at http://www.ojp.gov/funding/ccr.htm (Award condition: Central Contractor Registration and Universal Identifier Requirements), and are incorporated by reference here. This special condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

9. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department encourages recipients and sub recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

10. The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at www.ojp.gov/funding/confcost.htm.

11. The recipient agrees that all income generated as a direct result of this award shall be deemed program income. All program income earned must be accounted for and used for the purposes of funds provided under this award, including such use being consistent with the conditions of the award, the effective edition of the OJP Financial Guide and, as applicable, either (1) 28 C.F.R. Part 66 or (2) 28 C.F.R Part 70 and 2 C.F.R. Part 215 (OMB Circular A-110). Further, the use of program income must be reported on the quarterly Federal Financial Report, SF 425.

Department of Justice
Office of Justice Programs
**Bureau of Justice Assistance**

**AWARD CONTINUATION SHEET**
**Grant**



PROJECT NUMBER 2012-DJ-BX-0165 AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

12. The grantee agrees to assist BJA in complying with the National Environmental Policy Act (NEPA), the National Historic Preservation Act, and other related federal environmental impact analyses requirements in the use of these grant funds, either directly by the grantee or by a subgrantee. Accordingly, the grantee agrees to first determine if any of the following activities will be funded by the grant, prior to obligating funds for any of these purposes. If it is determined that any of the following activities will be funded by the grant, the grantee agrees to contact BJA.

    The grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the grantee, a subgrantee, or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
    a. New construction;
    b. Minor renovation or remodeling of a property located in an environmentally or historically sensitive area, including properties located within a 100-year flood plain, a wetland, or habitat for endangered species, or a property listed on or eligible for listing on the National Register of Historic Places;
    c. A renovation, lease, or any proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size;
    d. Implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments; and
    e. Implementation of a program relating to clandestine methamphetamine laboratory operations, including the identification, seizure, or closure of clandestine methamphetamine laboratories.

    The grantee understands and agrees that complying with NEPA may require the preparation of an Environmental Assessment and/or an Environmental Impact Statement, as directed by BJA. The grantee further understands and agrees to the requirements for implementation of a Mitigation Plan, as detailed at http://www.ojp.usdoj.gov/BJA/resource/nepa.html, for programs relating to methamphetamine laboratory operations.

    Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the grantee's or its subgrantees' existing programs or activities that will be funded by these grant funds, the grantee, upon specific request from BJA, agrees to cooperate with BJA in any preparation by BJA of a national or program environmental assessment of that funded program or activity.

13. To avoid duplicating existing networks or IT systems in any initiatives funded by BJA for law enforcement information sharing systems which involve interstate connectivity between jurisdictions, such systems shall employ, to the extent possible, existing networks as the communication backbone to achieve interstate connectivity, unless the grantee can demonstrate to the satisfaction of BJA that this requirement would not be cost effective or would impair the functionality of an existing or proposed IT system.

14. In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: http://www.it.ojp.gov/gsp_grantcondition. Grantee shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

Department of Justice
Office of Justice Programs
**Bureau of Justice Assistance**

**AWARD CONTINUATION SHEET**
**Grant**



PROJECT NUMBER 2012-DJ-BX-0165 AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

15. The recipient is required to establish a trust fund account. (The trust fund may or may not be an interest-bearing account.) The fund, including any interest, may not be used to pay debts or expenses incurred by other activities beyond the scope of the Edward Byrne Memorial Justice Assistance Grant Program (JAG). The recipient also agrees to obligate and expend the grant funds in the trust fund (including any interest earned) during the period of the grant. Grant funds (including any interest earned) not expended by the end of the grant period must be returned to the Bureau of Justice Assistance no later than 90 days after the end of the grant period, along with the final submission of the Federal Financial Report (SF-425).

16. JAG funds may be used to purchase bulletproof vests for an agency, but may not be used as the 50% match for purposes of the Bulletproof Vest Partnership (BVP) program.

17. The recipient agrees to submit a signed certification that that all law enforcement agencies receiving vests purchased with JAG funds have a written "mandatory wear" policy in effect. Fiscal agents and state agencies must keep signed certifications on file for any subrecipients planning to utilize JAG funds for bulletproof vest purchases. This policy must be in place for at least all uniformed officers before any FY 2012 JAG funding can be used by the agency for bulletproof vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty.

18. Bulletproof vests purchased with JAG funds may be purchased at any threat level, make or model, from any distributor or manufacturer, as long as the vests have been tested and found to comply with applicable National Institute of Justice ballistic or stab standards. In addition, bulletproof vests purchased with JAG funds must be American-made. The latest NIJ standard information can be found here: http://www.nij.gov/topics/technology/body-armor/safety-initiative.htm.

19. The recipient agrees that any information technology system funded or supported by OJP funds will comply with 28 C.F.R. Part 23, Criminal Intelligence Systems Operating Policies, if OJP determines this regulation to be applicable. Should OJP determine 28 C.F.R. Part 23 to be applicable, OJP may, at its discretion, perform audits of the system, as per the regulation. Should any violation of 28 C.F.R. Part 23 occur, the recipient may be fined as per 42 U.S.C. 3789g(c)-(d). Recipient may not satisfy such a fine with federal funds.

20. The recipient agrees to ensure that the State Information Technology Point of Contact receives written notification regarding any information technology project funded by this grant during the obligation and expenditure period. This is to facilitate communication among local and state governmental entities regarding various information technology projects being conducted with these grant funds. In addition, the recipient agrees to maintain an administrative file documenting the meeting of this requirement. For a list of State Information Technology Points of Contact, go to http://www.it.ojp.gov/default.aspx?area=policyAndPractice&page=1046.

21. The grantee agrees to comply with the applicable requirements of 28 C.F.R. Part 38, the Department of Justice regulation governing "Equal Treatment for Faith Based Organizations" (the "Equal Treatment Regulation"). The Equal Treatment Regulation provides in part that Department of Justice grant awards of direct funding may not be used to fund any inherently religious activities, such as worship, religious instruction, or proselytization. Recipients of direct grants may still engage in inherently religious activities, but such activities must be separate in time or place from the Department of Justice funded program, and participation in such activities by individuals receiving services from the grantee or a sub-grantee must be voluntary. The Equal Treatment Regulation also makes clear that organizations participating in programs directly funded by the Department of Justice are not permitted to discriminate in the provision of services on the basis of a beneficiary's religion. Notwithstanding any other special condition of this award, faith-based organizations may, in some circumstances, consider religion as a basis for employment. See http://www.ojp.gov/about/ocr/equal_fbo.htm.

22. The recipient acknowledges that all programs funded through subawards, whether at the state or local levels, must conform to the grant program requirements as stated in BJA program guidance.

Department of Justice
Office of Justice Programs
**Bureau of Justice Assistance**

**AWARD CONTINUATION SHEET**
**Grant**



PROJECT NUMBER 2012-DJ-BX-0165 AWARD DATE 06/29/2012

*SPECIAL CONDITIONS*

23. Grantee agrees to comply with the requirements of 28 C.F.R. Part 46 and all Office of Justice Programs policies and procedures regarding the protection of human research subjects, including obtainment of Institutional Review Board approval, if appropriate, and subject informed consent.

24. Grantee agrees to comply with all confidentiality requirements of 42 U.S.C. section 3789g and 28 C.F.R. Part 22 that are applicable to collection, use, and revelation of data or information. Grantee further agrees, as a condition of grant approval, to submit a Privacy Certificate that is in accord with requirements of 28 C.F.R. Part 22 and, in particular, section 22.23.

25. The recipient agrees that funds received under this award will not be used to supplant State or local funds, but will be used to increase the amounts of such funds that would, in the absence of Federal funds, be made available for law enforcement activities.

26. Award recipients must submit quarterly a Federal Financial Report (SF-425) and annual performance reports through GMS (https://grants.ojp.usdoj.gov). Consistent with the Department's responsibilities under the Government Performance and Results Act (GPRA), P.L. 103-62, applicants who receive funding under this solicitation must provide data that measure the results of their work. Therefore, quarterly performance metrics reports must be submitted through BJA's Performance Measurement Tool (PMT) website (www.bjaperformancetools.org). For more detailed information on reporting and other JAG requirements, refer to the JAG reporting requirements webpage. Failure to submit required JAG reports by established deadlines may result in the freezing of grant funds and future High Risk designation.

27. The recipient agrees to monitor subawards under this JAG award in accordance with all applicable statutes, regulations, OMB circulars, and guidelines, including the OJP Financial Guide, and to include the applicable conditions of this award in any subaward. The recipient is responsible for oversight of subrecipient spending and monitoring of specific outcomes and benefits attributable to use of JAG funds by subrecipients. The recipient agrees to submit, upon request, documentation of its policies and procedures for monitoring of subawards under this award.

28. Award recipients must verify Point of Contact(POC), Financial Point of Contact (FPOC), and Authorized Representative contact information in GMS, including telephone number and e-mail address. If any information is incorrect or has changed, a Grant Adjustment Notice (GAN) must be submitted via the Grants Management System (GMS) to document changes.

29. The grantee agrees that within 120 days of award acceptance, each member of a law enforcement task force funded with these funds who is a task force commander, agency executive, task force officer, or other task force member of equivalent rank, will complete required online (internet-based) task force training. The training is provided free of charge online through BJA's Center for Task Force Integrity and Leadership (www.ctfli.org). All current and new task force members are required to complete this training once during the life of the award, or once every four years if multiple awards include this requirement. This training addresses task force effectiveness as well as other key issues including privacy and civil liberties/rights, task force performance measurement, personnel selection, and task force oversight and accountability. Additional information is available regarding this required training and access methods via BJA's web site and the Center for Task Force Integrity and Leadership (www.ctfli.org).

30. Recipient understands that the initial period of availability of funds for this award is two years. Recipient further understands that any requests for additional time for performance of this award, up to two additional years, will be granted automatically, pursuant to 42 U.S.C. § 3751(f) and in accordance with current fiscal year solicitation. Requests for additional time beyond a four year grant period will be subject to the discretion of the Director of the Bureau of Justice Assistance.

# City of Norman, OK

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

## Master

### File Number: R-1112-144

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | R-1112-144 | **Type:** | Resolution | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 29 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 06/13/2012 |
| **File Name:** | Condemnation 503 W. Daws | | | **Final Action:** | |

**Title:** RESOLUTION NO. R-1112-144: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE; AND PROVIDING FOR NOTICE AND HEARING THEREOF (GARAGE AT 503 WEST DAWS STREET)

ACTION NEEDED: Motion to approve or reject the directive that Staff abate the nuisance as outlined in Resolution No. R-1112-144 as required by law.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 29

**Attachments:** Text File 503 W Daws, Resolution 503 WestDaws, Summary 503 W. Daws, Memo 503 W. Daws, 503 W Daws June 12, 503 W Daws July 12

**Project Manager:** Linda Price, Revitalization Manager

**Entered by:** linda.price@normanok.gov

**Effective Date:**

### History of Legislative File

| Version: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---|---|---|---|---|---|---|---|
| 1 | City Council | 06/26/2012 | Postponed | | 07/24/2012 | 07/24/2012 | |
| | Action Text: Postponed | | | | | | |
| 1 | City Council | 06/26/2012 | | | | | |

### Text of Legislative File R-1112-144

Body

**BACKGROUND**: The City of Norman has a program for the demolition and removal of structures that are no longer maintained by the owner(s) and have become unfit for human habitation and/or a nuisance

to the surrounding neighborhoods. Funds are provided yearly for the removal of those structures that are condemned and not removed by the owner(s) with payment due to the City of Norman within six (6) months of receipt of the billing. Failure to satisfy the debt with the City results in a lien being filed against the property with payment to be received by the county with the Ad Valorem Tax and forwarded to the City of Norman upon receipt of the payment.

**DISCUSSION**: A detached garage located at 503 West Daws Street is proposed for condemnation in association with this agenda item. The owner of record is Thomas L. Endicott. This detached garage suffered a fire in April 2010. In July of that year, verbal contact was made with the owner who indicated that work to repair the structure would begin the following week. Because no action was taken by the owner, a condemnation initiation letter was sent in December 2010. When notified the owner responded and advised that he planned to begin work soon. A second condemnation initiation letter was sent in November 2011 because no permits for either demolition or building had ever been issued. The only work done since the fire was to attach pieces of plywood to the structure to cover the openings.

In the City Council meeting of June 26th, Mr. Endicott indicated that he still wanted to rebuild the structure. Council directed Staff to meet on site with Mr. Endicott to determine the degree of damage, the feasibility of repair, and to work out a potential schedule for the work to be done. That meeting and inspection occurred on June 29th and included the property owner, the Building Official, a Building Inspector, a Code Compliance Inspector, and the Revitalization Manager.

The consensus of the group was that there was structural damage to the building, but that it was mostly confined to the center room of the structure. The repairs needed include: replacement of the sloped roof on the north side of the center section of the building; replacement of the two interior walls supporting the roof structure in the center section of the building; replacement of the exterior walls in the center section of the building; replacement of the ceiling in the center section; replacement of any other charred wood (or evaluated and deemed adequate by an Oklahoma licensed engineer); replacement of the exterior siding; and replacement of the garage door. Also all debris within the structure must be removed to allow for proper inspections. A building permit is required before any building structure elements are removed or replaced.

Although possible to repair, the extent of the work would be difficult for one person to accomplish. Even after our discussion, the owner indicated that he wanted to do the work by himself. However, he reiterated to us that he would be out of state much of the time, and he has a limited income. Therefore, Staff continues to recommend approval of the resolution to order the building to be torn down and removed.

Attachments include Resolution of Condemnation No.R-1112-144, a summary related to actions taken, a summary of code violation activity related to the property, and staff memoranda and photos of the property.

Notification of condemnation has been sent to the owner of record. The property was also posted as required by State law and City ordinance.

**RECOMMENDATION**: Staff recommends approval of condemnation for the property through Resolution No. R-1112-144 and requests that the structure be ordered removed.

# Summary of 503 W. Daws

## Owner: Thomas L. Endicott

## Legal: Watson Addition, E ½ Lot 16 & all Lots 17-18, Blk 2

On 4-15-10 the Norman Fire Department responded to a fire at 503 W. Daws – on the detached garage behind the main residence.

On 7-9-10 verbal contact was made with the owner and he indicated that due to a delay in his insurance company processing his claim, no repairs had been started on the garage. He expected work to begin by the following week.

On 12-30-10 a Condemnation Initiation letter was sent by certified mail to the owner, Thomas Endicott. Upon receiving the letter, Mr. Endicott made contact and said he was very sorry for not taking care of this problem and that he would begin work soon.

On 11-15-11 a second Condemnation Initiation letter was sent and Mr. Endicott received and signed for the letter on 11-16-11. Again, after receiving the letter, he made contact with our office and stated he had been out of town quite a bit due to a sick relative and he expected work to begin very soon on the garage.

Except for some pieces of plywood being attached to the openings on the garage, no further work appears to have been done since the initial fire in 2010.

Complaints continue to be submitted from the neighborhood due to the condition of the structure.

Condemnation is recommended to alleviate the health and safety situation at 503 W. Daws.

office memorandum

Date: March 19, 2012

To: Linda R. Price, Revitalization Manager

From: Keith A. Petillo, Rehabilitation Specialist

Subject: Accessory Structure Inspection at 503 W. Daws Street

The accessory structure at 503 W. Daws Street is a garage and/or shop building of approximately 600 square feet. This property was damaged in a fire on April 15, 2010.

Extensive fire damage is evident. The building is partially secured.

Section 110 of the adopted International Property Maintenance Code states that *"The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure."*

**RECOMMENDATION:** The owner of 503 W. Daws Street should either obtain a building permit to repair the structure or, if not deemed economically feasible, demolish it. If the owner continues to take no action in this regard, the City of Norman should initiate condemnation proceedings.

Cc: Janita Hatley, Code Compliance Inspector

# Resolution

R-1112-144

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, CONDEMNING THE HEREINAFTER-DESCRIBED PREMISES AS A NUISANCE; AND PROVIDING FOR NOTICE AND HEARING THEREOF. (503 West Daws)

§ 1. WHEREAS, the Director of Planning and Community Development of the City of Norman has presented evidence to the City Council showing that the following-described property has situated thereon one accessory structure which is damaged, dilapidated, run-down, decayed and/or which has been vacant and/or abandoned with no utility services; requiring enforcement action by the City of Norman for in excess of thirty-six (36) consecutive months or three (3) years and is considered a detriment to the health and safety of Norman residents, to wit:

503 West Daws more accurately described as follows: Watson Addition; East ½ of Lot 16 and All Lots 17 - 18, Block 2;

§ 2. WHEREAS, the City Council finds and determines that said property, and the structure thereon situated, should be declared a nuisance and the structure wrecked and removed, and the nuisance thereby abated and remedied, and that formal notice was given to the property owner of the above-described land, Thomas L. Endicott, the property owner, at his last known address, and the property was posted advising him of the time and place and date on which he might appear and show cause, if any he has, why such premises should not be cleared of the nuisance thereon situated, and condemnation proceeding undertaken to accomplish the same.

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

§ 3. That the structure situated on the above-described property should be and the same are hereby declared to be a public nuisance; and

§ 4. That the said property owner is hereby given thirty days from this date to wreck and remove said structure from said property, and if said property owner refuses to do so, he is hereby notified that the City will cause said structure to be wrecked and removed from said premises and that a special tax, as provided by law, shall thereupon be levied against the property to pay said City for the expense of such demolition and removal, less any salvaged residue there-from at public and private sale; and

§ 5. That formal notice shall be given to said property owner by mailing to him by certified mail, at his last known address, a copy of this Resolution, said mailing to be no later than July 27, 2012.

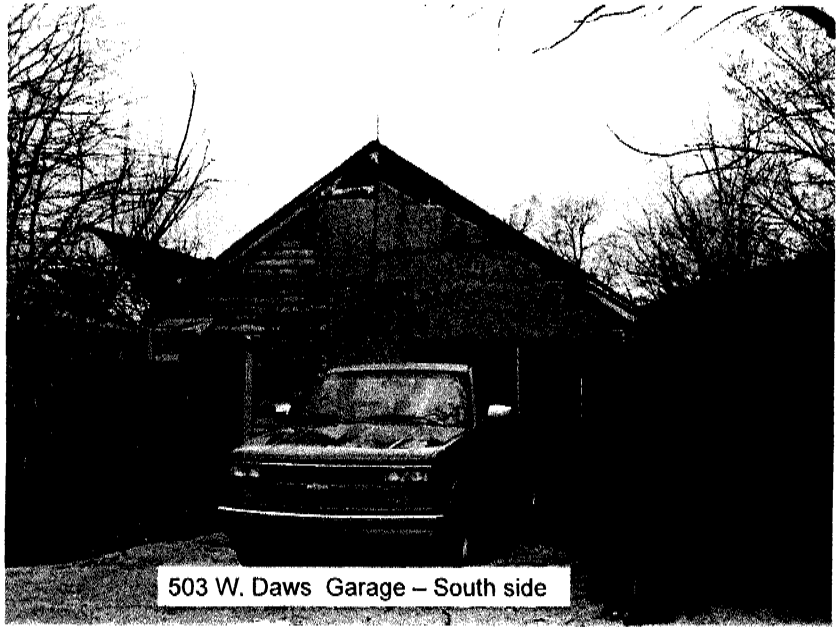
PASSED AND ADOPTED THIS_____ day of _____, 2012.

_____
(Mayor)

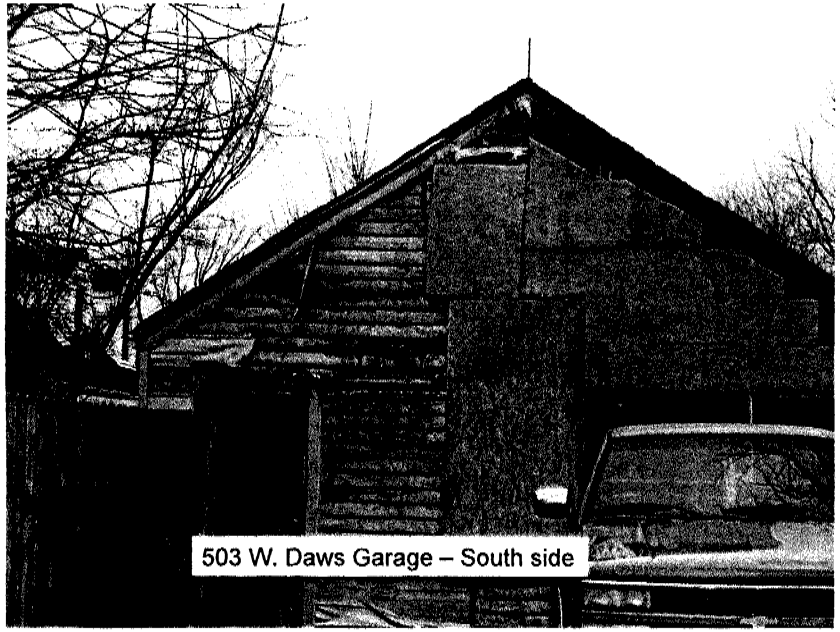
ATTEST:

_____
(City Clerk)

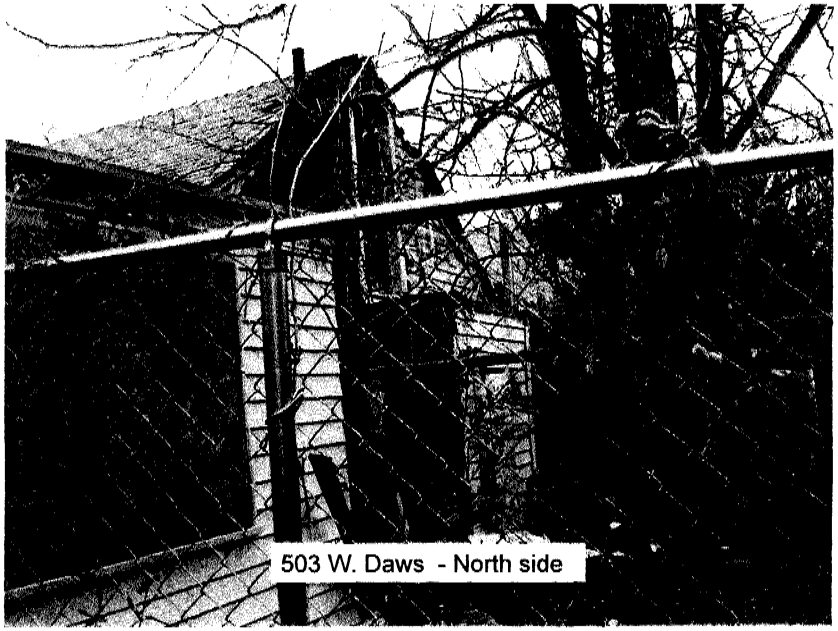
THE CITY OF NORMAN OKLAHOMA




As of June 12, 2012



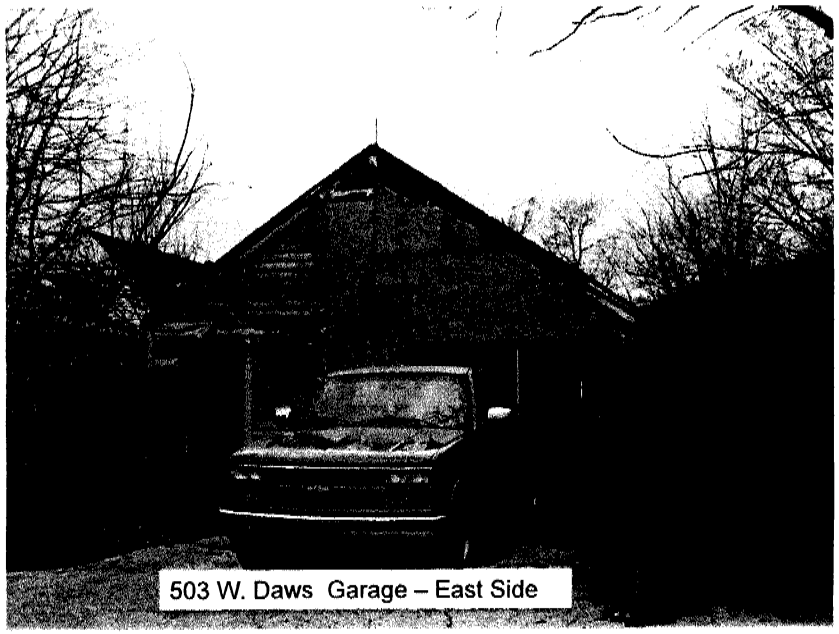
503 W. Daws Garage – South side



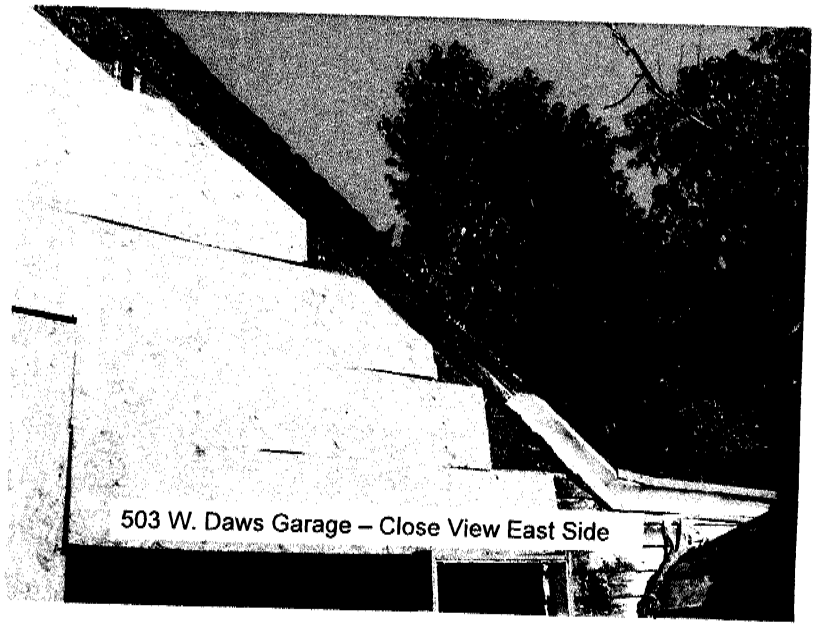
503 W. Daws - North side

# 503 West Daws Street

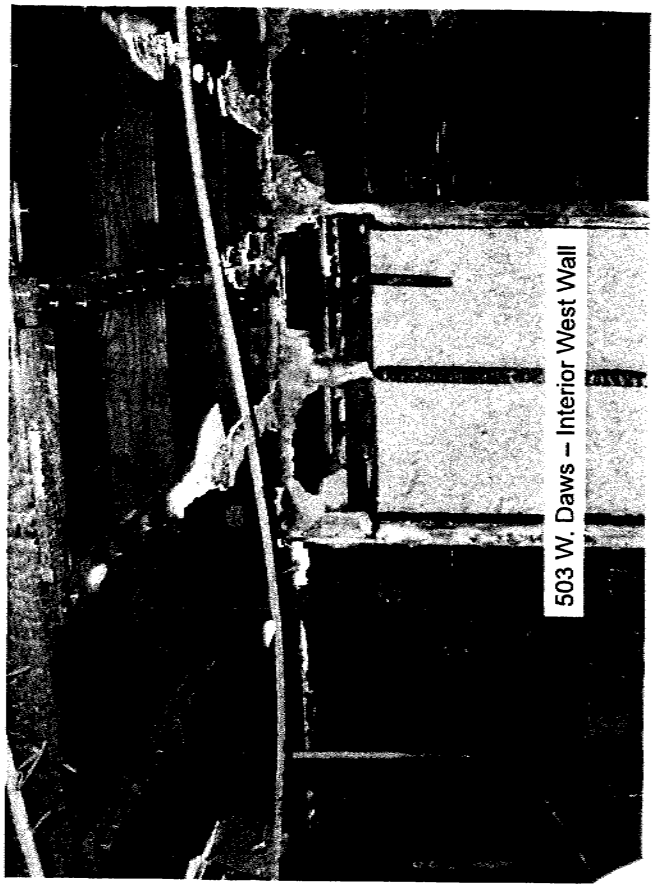
As of July 12, 2012


503 W. Daws Garage – East Side

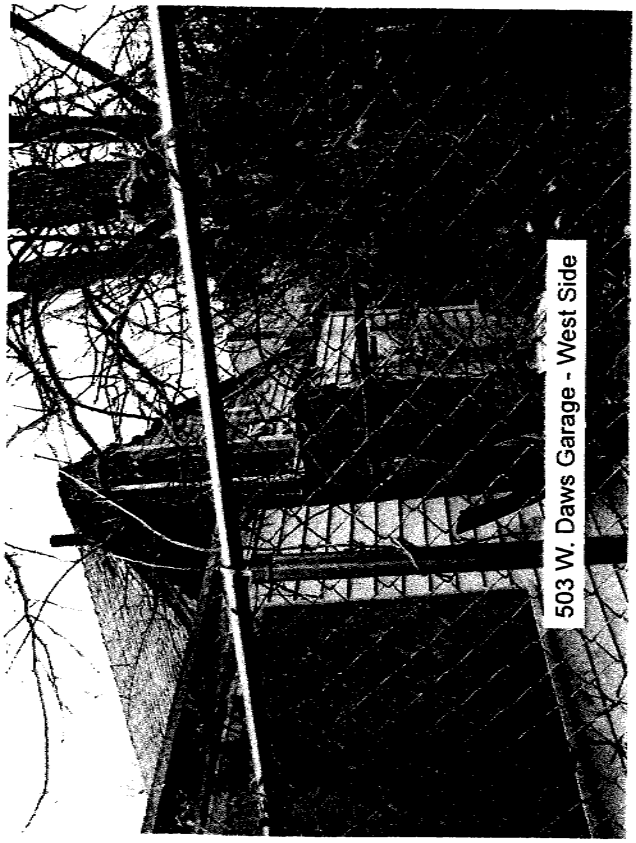
503 W. Daws Garage – East Side



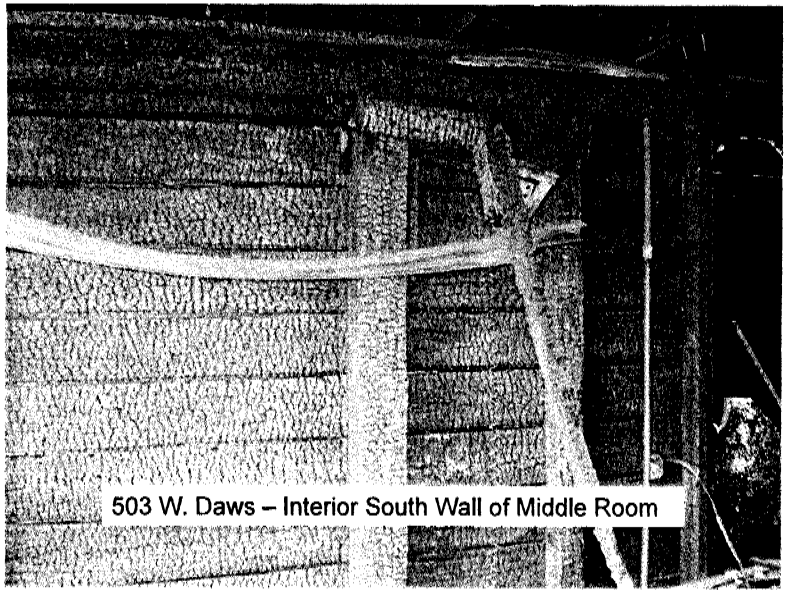
503 W. Daws Garage – Close View East Side



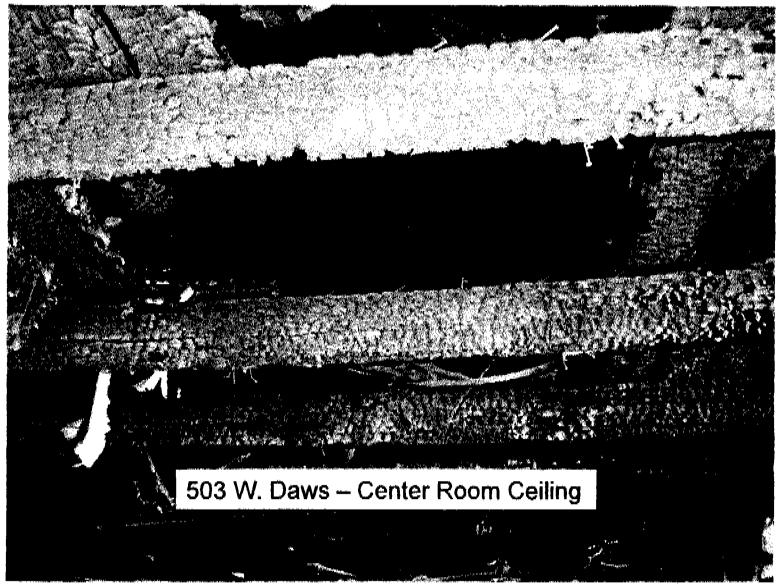
503 W. Daws – Interior West Wall



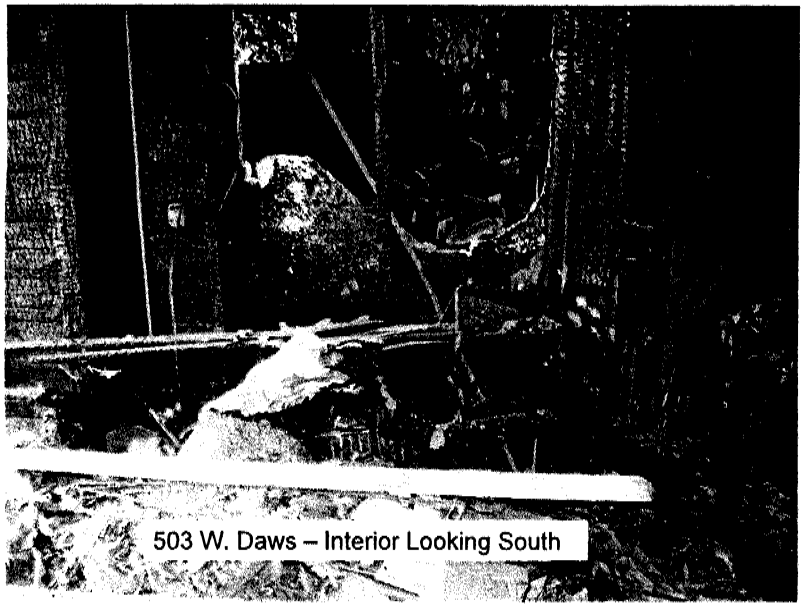
503 W. Daws Garage - West Side



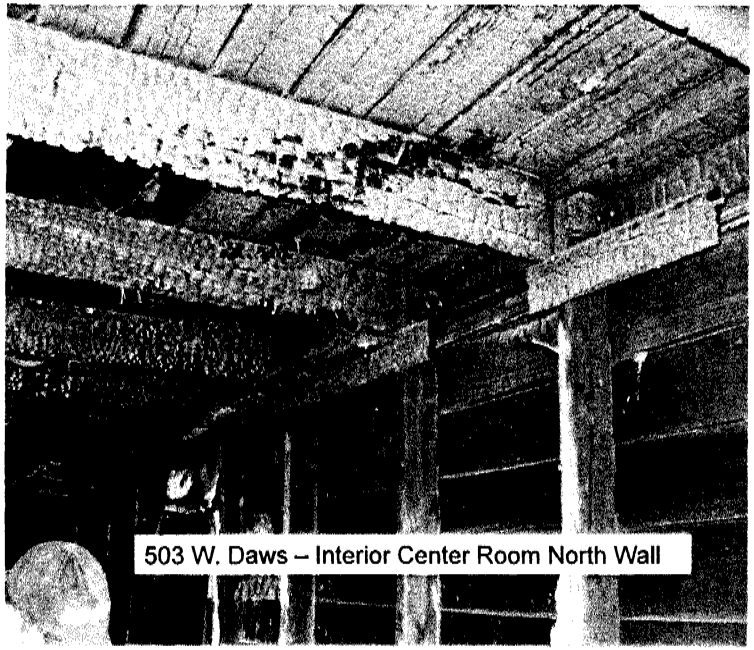
503 W. Daws – Interior South Wall of Middle Room



503 W. Daws – Center Room Ceiling



503 W. Daws – Interior Looking South



503 W. Daws – Interior Center Room North Wall

# City of Norman, OK

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

## Master

### File Number: O-1112-37

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | O-1112-37 | **Type:** | Zoning Ordinance | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 30 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 04/17/2012 |
| **File Name:** | Cobblestone Creek Rezone O-1112-37 | | | **Final Action:** | |

**Title:** ORDINANCE NO. O-1112-37: 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 SOUTHWEST QUARTER OF SECTION 16, 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 RE, RESIDENTIAL ESTATES DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE).

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-37 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-37 upon Final Reading as a whole.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 30

**Attachments:** Text File O-1112-37, O-1112-37 Shannon, Cobblestone PUD Location Map, Cobblestone PUD Narrative, Cobblestone Creek Prelim Plat, Cobblestone Creek Prelim Site Dev Plan, Cobblestone Creek PUD Staff Report Revd, Item 6 - Protest-Support map and letter, 6-14-12 PC Minutes - Cobblestone, Cobblestone Request for postponement

**Project Manager:** Jane Hudson, 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 | 05/10/2012 | Postponed | | | | Pass |
| | **Action Text:** Postponed | | | | | | |
| 1 | Planning Commission | 05/10/2012 | | | | | |
| 1 | Planning Commission | 06/14/2012 | 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 | 06/14/2012 | | | | | |
| 1 | City Council | 07/10/2012 | Introduced and adopted on First Reading by title only | | | | Pass |
| | **Action Text:** Introduced and adopted on First Reading by title only | | | | | | |
| 1 | City Council | 07/10/2012 | | | | | |

## Text of Legislative File O-1112-37

Body

**BACKGROUND:** The applicant, Tim Shannon, is proposing a Planned Unit Development, PUD, for a portion of the preliminary plat for Cobblestone Creek Addition. This proposal is for the remaining unplatted property located just south of Cobblestone Creek Drive and west of Augusta Drive and consists of eight lots totaling approximately 9.87 acres and 1.08 acres of open space located on the north side of Cobblestone Creek Drive, for about 10.95 acres total. This is an average of 1.37 acres per lot. Residential Estates Dwelling District requires a minimum of two acres per lot. The Planned Unit Development will allow more flexibility and with a proposed common open space lot set aside for the project, the overall acreage will not be much less than the RE requirements. This PUD will be served with private sanitary sewer systems and public water.

The particulars of this Planned Unit Development request include:

USE A maximum of eight single-family detached dwellings will be constructed in this PUD. Upper scale structures are proposed with no less than 70% masonry. Two-story structures will be allowed. With single-family lots abutting the north, east and south as well as across 12th Avenue SE, this proposal will blend well with the adjacent developments.

OPEN SPACE An open space area, "Open Space AA" on the preliminary plat, north of Cobblestone Creek Drive, is incorporated into this PUD. The open space area will be 1.08 acres or an additional 11%. A homeowners association will be formed in order to provide management of the open space area of the Planned Unit Development. Upon final platting the open space lot will be included with the proposed final plat for the Planned Unit Development.

DESIGN Access to the eight lots will be off an existing public street, Augusta Drive. Two common driveways will be utilized to serve the lots adjacent to 12th Avenue SE. Although 12th Avenue SE is designated as a Collector Street, "Limits of No Access" have been labeled on the preliminary plat and in the PUD narrative. Also, access will not be allowed off of Cobblestone Creek Drive and Southern Hills Circle. As a result, there will be fewer drives onto Augusta Drive limiting the chances for conflicts. The lots will be served with public streets and water, including fire hydrants. Sidewalks will be installed adjacent to 12th Avenue SE. However, sidewalks will not be required adjacent to Augusta Drive so as to match the design of the existing RE, Residential Estates Dwelling District, lots to the east and south.

DEVELOPMENT CONTROLS Although this subdivision emulates a typical RE development, proposed building setbacks are different than the standard RE requirements, due in part to the smaller lots.

| | Cobblestone Creek Setbacks | Typical RE Setbacks |
|---|---|---|
| Front | 50' | 50' |
| Side | 10' | 25' |
| Rear | 50' | 30' |

PHASES The Planned Unit Development project will be built in one phase.

IMPACTS As previously stated the PUD allows for smaller single family lots. However, with approximately the same footprint of existing homes already in place within other areas of the development, no adverse impacts from this type of development are expected.

**STAFF RECOMMENDATION:** The applicant's proposal of one plus acre lots, compatible size of single-family structures, compatible setbacks, fewer drive approaches, public streets, public water with fire hydrants and open space meets the intent of a Planned Unit Development. Staff recommends approval of this request for a Planned Unit Development within the Cobblestone Creek Addition. The Planning Commission, at their meeting on June 14, 2012, unanimously recommended approval of this rezoning request from RE to PUD.

## Ellen Usry

**From:** Tom McCaleb [tomm@smcokc.com]
**Sent:** Monday, July 16, 2012 12:02 PM
**To:** Ellen Usry
**Cc:** Tim Shannon
**Subject:** Cobblestone - Ordinance No. O-1112-37

This is a request to postpone the item scheduled for July 24, 2012 at the Norman City Council. As representative of the applicant, Tim Shannon, I will be on vacation that week and not be available to attend. Please reschedule for the first meeting in August. Thank you.

Tom L. McCaleb, P.E.
President
**SMC Consulting Engineers, P.C.**
815 West Main
Oklahoma City, OK 73106
(405) 232-7715
(405) 232-7859 fax
(405) 823-0913 cell

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IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.

O-1112-37

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 SOUTHWEST QUARTER OF SECTION 16, 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 RE, RESIDENTIAL ESTATES DWELLING DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE)

§ 1. WHEREAS, Tim Shannon, the owner of the hereinafter described property, has made application to have said property placed in the PUD, Planned Unit Development District, and to have the same removed from the RE, Residential Estates Dwelling 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 RE, Residential Estates Dwelling District, to wit:

TRACT 1: A tract of land lying in the SW/4 of Section 16, T8N, R2W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the SW/C of said SW/4; THENCE North 00°19'29" West along the west line of said SW/4 a distance of 532.80 feet to the POINT OF BEGINNING;
THENCE continuing North 00°19'29" West along said west line a distance of 1046.36 feet;
THENCE North 89°40'31" East a distance of 33.00 feet to a point on the east right-of-way line of 12th Avenue S.E. and a point on the southerly right-of-way line of Cobblestone Creek Drive as established by the plat of Cobblestone Creek Golf Club recorded in Book 19 of Plats, Page 42;

THENCE along the southerly right-of-way line of said Cobblestone Creek Drive, the westerly right-of-way line of Augusta Drive and the northerly right-of-way line of Southern Hills Circle, all as established by the aforesaid plat of Cobblestone Creek Golf Club, the following eight (8) courses;
(1) North 44°40'41" East a distance of 35.37 feet;
(2) North 89°40'31" East a distance of 327.00 feet;
(3) South 45°19'29" East a distance of 35.36 feet;
(4) South 00°19'29" East a distance of 996.35 feet;
(5) South 44°40'31" West a distance of 35.36 feet;
(6) South 89°40'31" West a distance of 105.00 feet to a point of curvature;
(7) Northerly along a cure to the right having a radius of 25.00 feet (said curve being subtended by a chord which bears North 66°13'48" West a chord length of 20.41 feet) an arc distance of 21.02 feet to a point of reverse curvature;
(8) Westerly and Southerly along a curve to the left having a radius of 50.00 feet (said curve being subtended by a chord which bears South 68°46'12 West a chord length of 93.42 feet) an arc distance of 120.60 feet to the northeast corner of Lot 1, Cobblestone Creek Golf Club recorded in Book 19 of Plats, Page 42;
THENCE South 89°40'31" West along the north line of said Lot 1 and said line extended a distance of 174.11 feet to the POINT OF BEGINNING.

Said described tract of land contains a gross area of 430.107 square feet or 9.87 acres and a new area (less statutory road rights-of-way) of 395,577 square feet or 9.08 acres, more or less.

And also,

<u>OPEN SPACE, LOT AA</u>: A tract of land lying in the SW/4 of Section 16, Township 8 North, Range 2 West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the SW/C of said SW/4; THENCE North 00°19'29" West along the west line of said SW/4 a distance of 1689.16 feet;
THENCE North 89°40'31" East a distance of 33.00 feet to a point on the East right-of-way line of 12th Avenue S.E., said point also being a point on the North right-of-way line of Cobblestone Creek Drive as established by the plat of Cobblestone Creek Golf Club recorded in Book 19 of Plats, Page 42;
THENCE along the northerly right-of-way line of said Cobblestone Creek Drive the following five (5) courses:
(1) South 45°19'29" East a distance of 35.36 feet;
(2) North 89°40'31" East a distance of 327.00 feet;
(3) South 87°27'45" East a distance of 100.12 feet;
(4) North 89°40'31" East a distance of 27.93 feet to a point of curvature;
(5) THENCE Southeasterly along a curve to the right having a radius of 125.00 feet (said curve subtended by a chord which bears South 79°16'41" East 47.90 feet) with an arc distance of 48.20 feet to the POINT OF BEGINNING;
THENCE North 00°19'29" West a distance of 35.01 feet
THENCE North 89°44'20" East a distance of 95.48 feet
THENCE North 00°15'40" West a distance of 135.81 feet

THENCE North 89°28'16" East a distance of 73.46 feet
THENCE North 89°44'20" West a distance of 66.37 feet
THENCE South 00°15'40" East a distance of 286.61 feet to a point on the North right-of-way line of Cobblestone Creek Drive;
THENCE along the northerly right-of-way line of said Cobblestone Creek Drive the following four (4) courses:
(1) South 89°16'44" West a distance of 94.51 feet to a point of curvature;
(2) Along a curve to the right having a radius of 75.00 feet (said curve subtended by a chord which bears North 61°36'18" West a distance of 72.99 feet) with an arc length of 76.23 feet;
(3) North 32°29'21" West a distance of 33.28 feet to a point of curvature
(4) Along a curve to the left having a radius of 125.00 feet (said curve subtended by a chord which bears North 50°21'37" West a distance of 76.72 feet) with an arc length of 77.98 feet to the POINT OF BEGINNING.

Said described tract containing 47,026 square feet or 1.08 acres, more or less.

Total gross area of said Tracts of land contains 477,133 square feet or 10.95 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 PUD Narrative as revised and resubmitted May 14, 2012, and the Site Development Plan contained therein 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

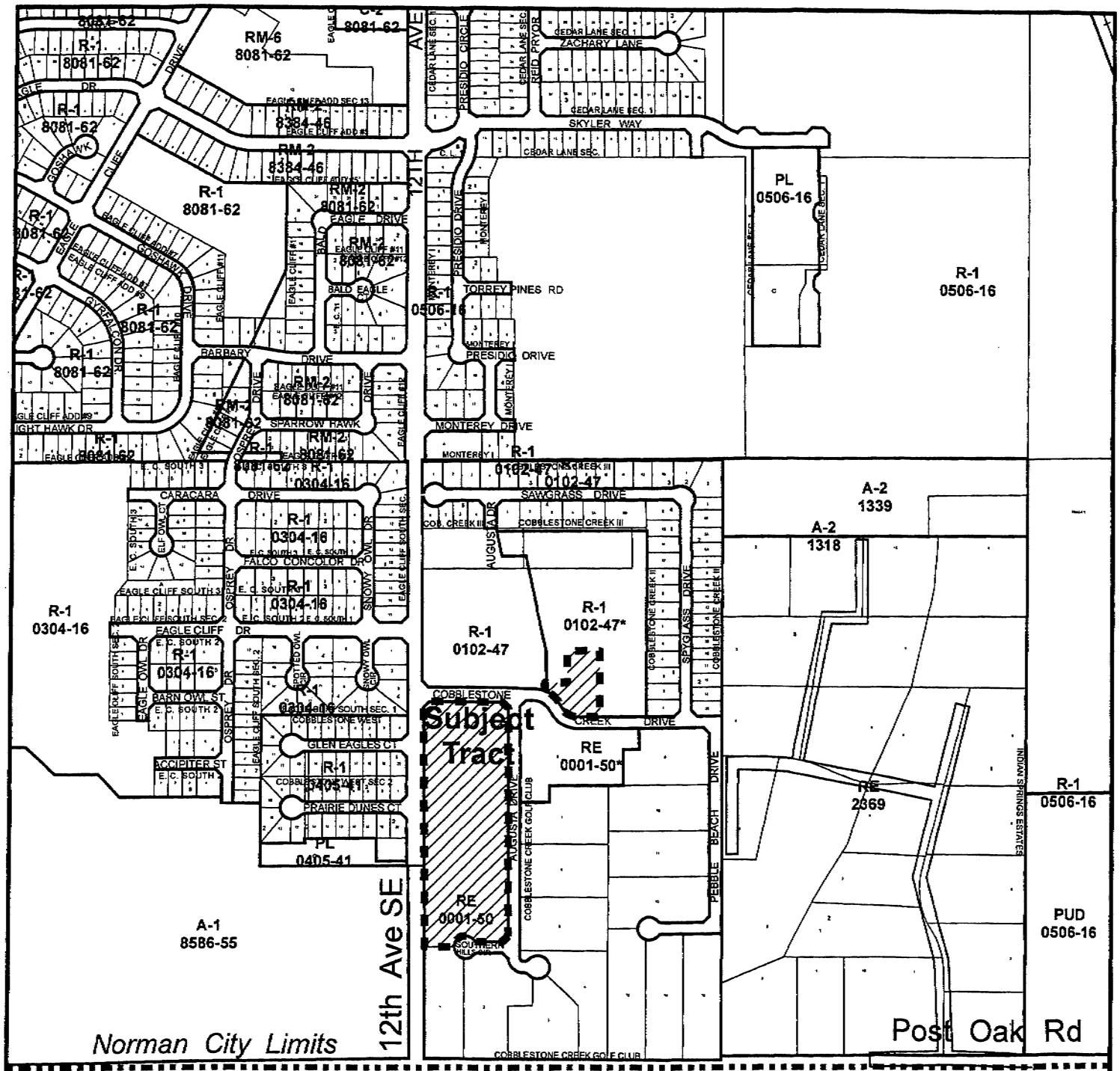
NOT ADOPTED this _____day of

_____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk




# 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

May 16, 2012

0 300 600 Ft.

Subject Tract

Zoning

# COBBLESTONE CREEK ADDITION

Norman, Oklahoma

***CCDG, LLC***

Tim Shannon
Owner/Operator

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

Submitted April 9, 2012
Revised May 3, 2012
Revised May 14, 2012

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G. Traffic Circulation and Access

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

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B. Open Space and Green Space
C. Traffic Access / Circulation / Sidewalks

EXHIBITS

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 Cobblestone Creek Addition (the "**Addition**"), a single family community in the City of Norman, Oklahoma. The PUD encompasses approximately 10.95 acres located generally on the east side of 12th Ave. SE, South of Cobblestone Creek Drive. This PUD is intended to provide for greater flexibility in the careful design of eight residential lots, homes, open space and utilities within the Addition. Upon completion, the PUD will provide eight lots to be developed that would otherwise not 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 different open space and environmentally friendly development. Therefore, flexibility in the design and construction of roads and lot sizes is critical.

This presently is a development designed around a nine-hole golf course. The course has been in existence for 11 years. The Preliminary Plat has expired and the process is under way to renew the Preliminary Plat. The plat has not changed except for the area that encompasses the PUD request. The 10.95 acres has a public road constructed, a public waterline constructed, but does not have a gravity sanitary sewer solution. The only way to secure an alternate sewer solution is through the PUD process. The RE zoning requires a minimum of two acres for a septic system. However, the Oklahoma Department of Environmental Quality Chapter 641-1-3(d) allows a minimum lot size of one acre if the lot has public water.

This PUD will enhance the R-1 zoning provisions with additional stipulations within this narrative and complete the single family homes as planned. Additional open space of 1.08 acres (or 11%) will be added in the form of Open Space Lot AA (as shown of the Preliminary Plat). The amenity of a club house and golf course already exists.

In order to accomplish these goals, the applicant hereby requests a rezoning of the 10.95 acres. 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 PROPERTY CONDITIONS

### A. Location

Cobblestone Creek PUD is bordered on the west by 12th Avenue SE. To the west, across 12th Avenue SE is the Eagle Cliff Addition zoned R-1. To the north of the PUD is the single family home site shown on the Cobblestone Creek Preliminary Plat. To the east of the PUD is the

Clubhouse and the remainder of the Cobblestone Creek single family home sites. To the south of the PUD are R-E single family residential additions built with Cobblestone Creek Addition.

### B. Existing Land Use and Zoning

The area proposed is currently zoned R-E and R-1. The property is unplatted.

### C. Elevation and Topography

The Property primarily consists of relatively minimally sloped land, and is topographically illustrated on the Preliminary Plat. No portion of the Property is in the 100-year flood plain.

### D. Drainage

A Drainage Impact Analysis Letter has been prepared to better illustrate the drainage requirements.

### E. Utility Services

All 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.

### 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 PUD will be served with primary vehicular access by way of the immediately adjacent 12th Avenue SE right of way. This access was previously approved with the initial Preliminary Plat and there is no change.

## III. DEVELOPMENT PLAN AND DESIGN CONCEPT

### A. Single-Family Residential Community

The PUD, as put forth on the proposed Preliminary Plat on **EXHIBIT A**, will consist of residential housing with 8 lots for 10.95 acres (this includes 1.08 acres of Open Space) for a density of 1.37 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, with the exceptions listed below.

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 side yard setback will be a minimum of ten (10) feet. The rear and front yard setbacks shall be a minimum of (50) feet.

Houses will be of standard wood frame construction, and will not exceed two stories in height above grade.

The minimum square foot area requirement for homes in the Addition shall be 2,500 square feet.

The principal exterior of any residential structure shall be at least seventy percent (70%) masonry or stone. Each residence may include a two or three car garage.

**2. Amenities**

The PUD will have existing amenities including a clubhouse golf course and projected tennis courts. The area has large adjacent open spaces, walking trails and constructed trails of hard paved surface.

Parkland will be provided as required per the City of Norman ordinances. The Park Board has determined a fee is the best option.

**3. Sales Trailers**

The Developer shall have the option of placing no more than one temporary trailer (manufactured unit will meet City code) for use by sales representatives for the new homes being built in the PUD. 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 PUD. The trailer will be located within 500 feet of the PUD entrance.

4. **Drive Lanes**

The drive lanes from the interior public 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 public street of circulation in the PUD.

5. Other than the shared driveways onto Augusta, no driveway access will be permitted onto 12th Ave., Cobblestone Drive or Southern Hills Circle.

**B. Open Space and Green Space**

Additional open space area for the PUD will be added north of Cobblestone Creek Drive. The area will be 1.08 acres or an additional 11%.

The homeowners association will be formed in order to provide a tool to manage the common areas of the PUD and to provide heightened governance of the residents and construction within the PUD.

Any lighting over any common area will be full cut-off fixtures 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**

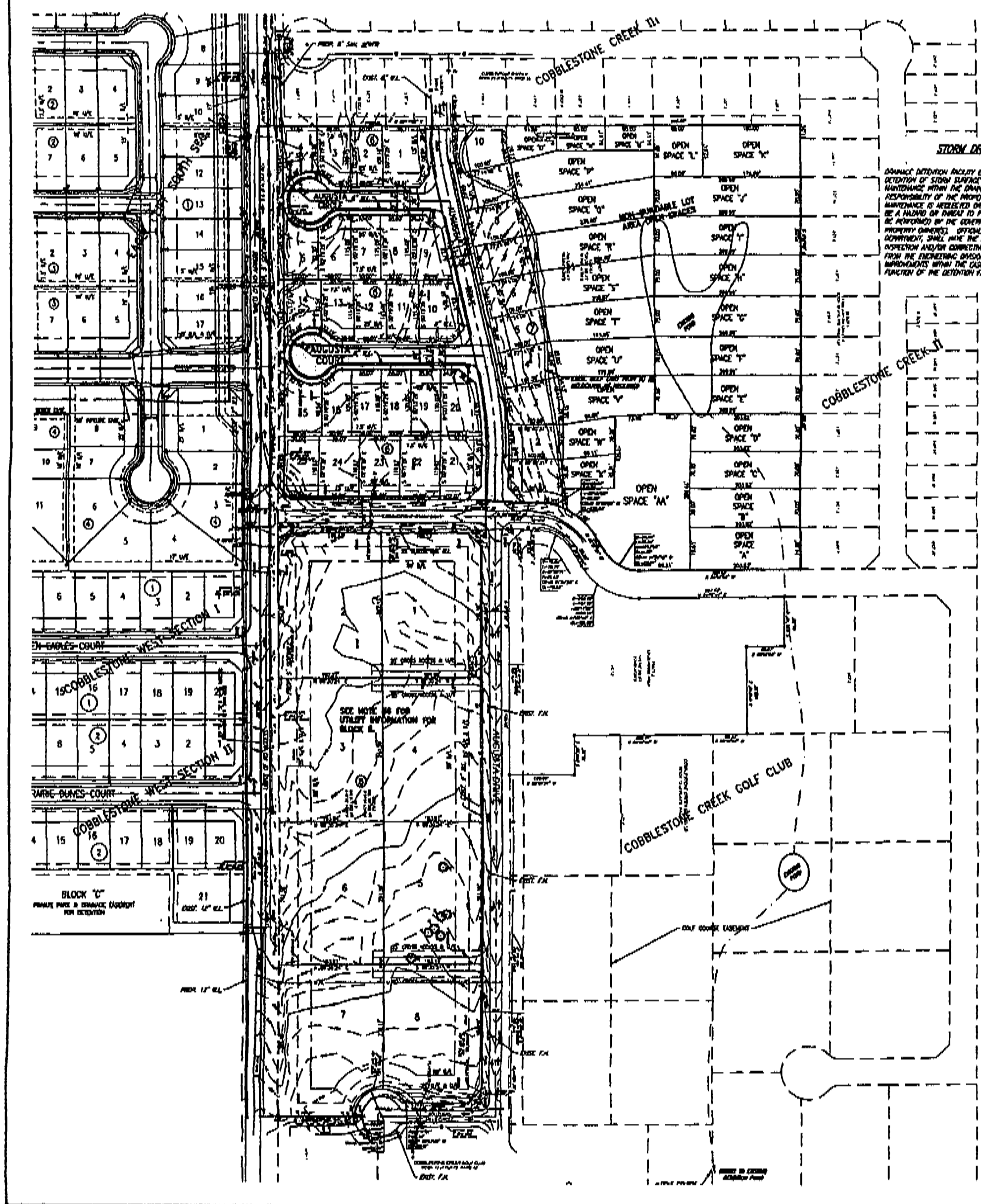
Landscape buffers will accommodate all City of Norman traffic sight triangle requirements. All internal streets will have adequate circulation necessary for the fire department and City Waste Management Services.

A five-foot wide City sidewalk will be provided along 12th Avenue SE constructed to City of Norman Standards.

Prepared by:

SMC Consulting Engineers, P.C.

Tom L. McCaleb, P.E.




## PRELIMINARY PLAT

# COBBLESTONE CREEK

### A PART OF THE S.W. 1/4, SECTION 16, T8N, R2W I.M. NORMAN, CLEVELAND COUNTY, OKLAHOMA

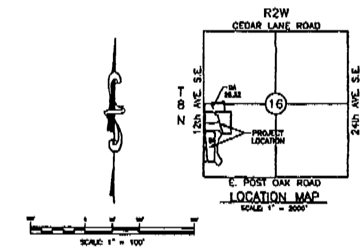
**STORM DRAINAGE DETENTION FACILITY EASEMENT**

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED 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 COBBLESTONE CREEK; HOWEVER, IF MAINTENANCE IS NEGLECTED OR SUBJECT TO OTHER [illegible] 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 [illegible] UPON SAID 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 WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE 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. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
3. ALL PROPOSED SANITARY LINES ARE 8-INCH EXCEPT AS NOTED.
4. ALL PROPOSED WATERLINES ARE 8-INCH EXCEPT AS NOTED.
5. LOTS IN BLOCK 8 WILL BE SERVED BY SEPTIC SYSTEMS OR EQUAL WITH PUBLIC WATERLINE, AS PER ODEQ CHAPTER 641-1-3(d).
6. 12th AVE. S.E. SOUTH OF EAGLE CLIFF WILL BE DEFERRED. THE DEVELOPER MAY CHOOSE TO CONSTRUCT 12th AVE. S.E. WITH THIS PLAT.
7. AREAS WITHIN THE GOLF COURSE OPEN SPACE WILL BE USED FOR DRAINAGE CONVEYANCE TOWARDS THE EXISTING DETENTION POND. FINAL DESIGN TO BE DETERMINED AT THE FINAL PLAT STAGE.
8. OPEN SPACE LOT "AA" IS A PART OF THE PUD.

**LEGAL DESCRIPTIONS**




**TOTAL LOTS**
PROPOSED PUD LOTS = 8; EXISTING ZONING RE
EXISTING R-1 LOTS = 35

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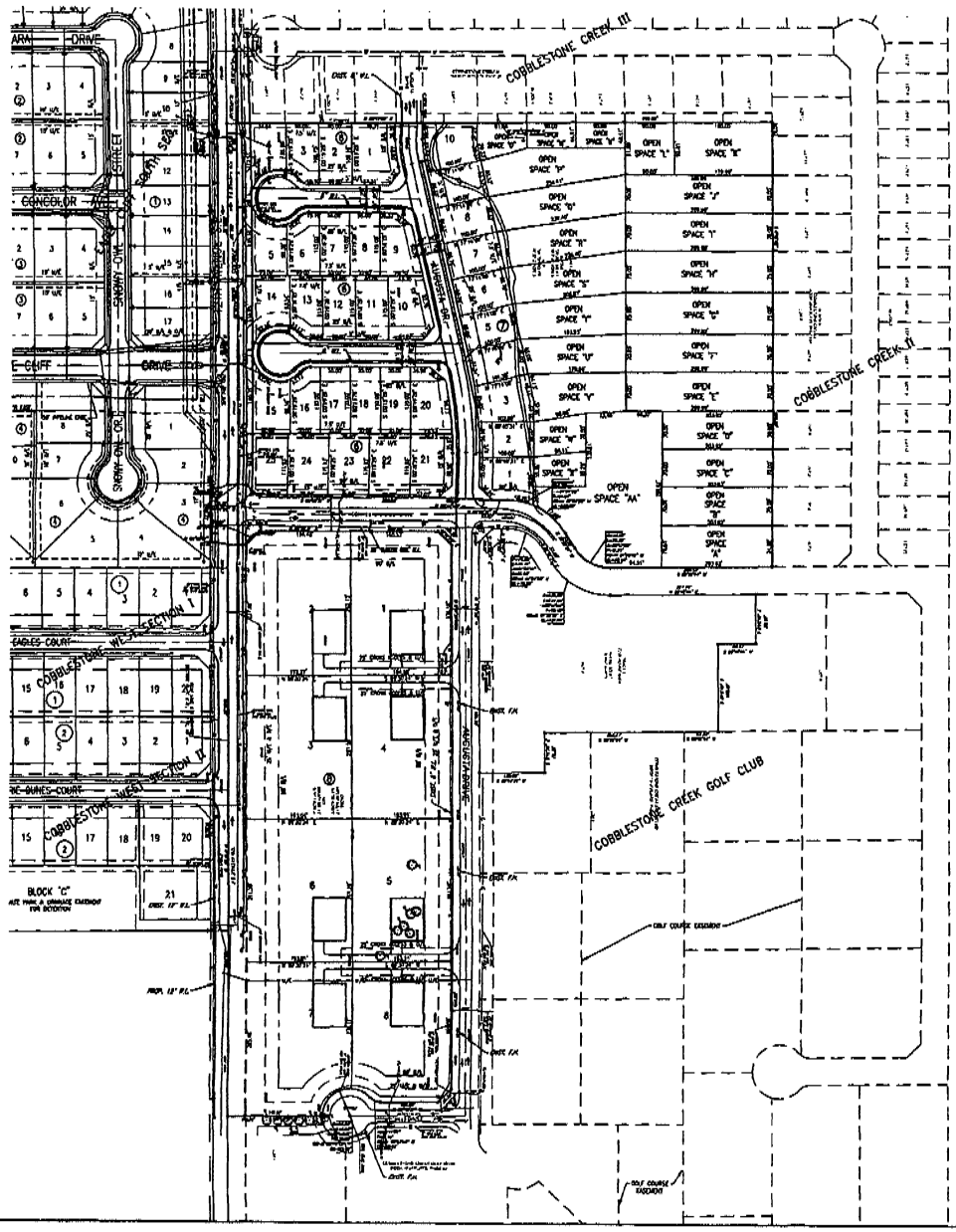
**OWNER/ DEVELOPER:**
CCDG, L.L.C.
4704 AUGUSTA DR.
NORMAN, OK 73072
PHONE: (405) 923-2560

**DESIGNED BY:**
SMC Consulting Engineers, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

COBBLESTONE CREEK
12th AVE. S.E. & CEDAR LANE ROAD
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.

PRELIMINARY PLAT
SHEET NO. 1

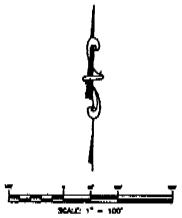


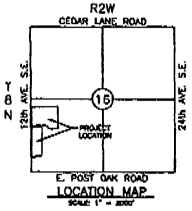

# PRELIMINARY SITE DEVELOPMENT PLAN

## COBBLESTONE CREEK

A PART OF THE S.W. 1/4, SECTION 16, T8N, R2W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

NOTE:
1. OPEN SPACE LOT "AA" IS A PART OF THE PUD.




LOCATION MAP
SCALE: 1" = 2000'

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OWNER/ DEVELOPER:
CCDC, L.L.C.
4704 AUGUSTA DR.
NORMAN, OK. 73072
PHONE: (405) 321-2550

DESIGNED BY:
SMC Consulting Engineers, P.C.
915 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

COBBLESTONE CREEK

12th AVE. S.E. & CEDAR LANE ROAD
NORMAN, OKLAHOMA

SMC
SMC Consulting Engineers, P.C.

PRELIMINARY SITE DEVELOPMENT PLAN

SHEET NO.

ORDINANCE NO. O-1112-37 | ITEM NO. 6a

## STAFF REPORT

### GENERAL INFORMATION

| | |
|---|---|
| APPLICANT | Tim Shannon |
| REQUESTED ACTION | Rezoning to PUD, Planned Unit Development District |
| EXISTING ZONING | RE, Residential Estates Dwelling District |
| SURROUNDING ZONING | North: R-1<br>East: RE<br>South: RE<br>West: R-1, A-1 |
| LOCATION | Generally located on the east side of 12th Avenue SE at the corner of 12th Avenue SE and Cobblestone Creek Drive |
| SIZE | 10.95 acres more or less (Developable area 9.87 and 1.08 Open Space) |
| PURPOSE | Large lot residential |
| EXISTING LAND USE | Vacant |
| SURROUNDING LAND USE | North: Residential<br>East: Residential<br>South: Residential<br>West: Residential |
| LAND USE PLAN DESIGNATION | Very Low Density Residential |

**SYNOPSIS:** The applicant, Tim Shannon, is proposing a Planned Unit Development, PUD, for a portion of the preliminary plat for Cobblestone Creek Addition. This proposal is for the remaining unplatted property located just south of Cobblestone Creek Drive and west of Augusta Drive. This proposal consists of eight lots totaling approximately 9.87 acres and 1.08 acres of open space located on the north side of Cobblestone Creek Drive, for about 10.95 acres total; this is an estimated 1.37 lots per acre. Residential Estates requires a minimum of two (2) acres. The Planned Unit Development will allow more flexibility and with a proposed common open space lot set aside for the project, the overall acreage will not be much less

than the RE requirements. This PUD will be served with private sanitary sewer systems and public water.

**ANALYSIS:** The particulars of this Planned Unit Development request include:

USE A maximum of eight single family detached dwellings will be constructed in this PUD. Upper scale structures are proposed with no less than 70% masonry. Two-story structures will be allowed. With single family lots abutting the north, east and south as well as across 12th Avenue SE this proposal will blend well with the adjacent developments.

OPEN SPACE An open space area, "Open Space AA" on the preliminary plat, north of Cobblestone Creek Drive, is incorporated into this PUD. The open space area will be 1.08 acres or an additional 11%. A homeowners association will be formed in order to provide a tool to manage the open space area of the Planned Unit Development. Upon final platting the open space lot will be included with the proposed final plat for the Planned Unit Development.

DESIGN Access to the eight lots will be off an existing public street, Augusta Drive. Two common driveways will be utilized to serve the lots adjacent to 12th Avenue SE. Although 12th Avenue SE is designated as a Collector Street, "Limits of No Access" has been labeled on the preliminary plat and in the PUD narrative. Also, access will not be allowed off of Cobblestone Creek Drive and Southern Hills Circle. As a result, there will be fewer drives onto Augusta Drive limiting the chances for conflicts. The lots will be served with public streets and water, including fire hydrants. Sidewalks will be installed adjacent to 12th Avenue SE. However sidewalks will not be required adjacent to Augusta Drive so as to match the existing design of the existing RE, Residential Estates, lots to the east and south.

DEVELOPMENT CONTROLS Although this subdivision emulates a typical RE development, proposed building setbacks are different than the standard RE requirements, due in part to the smaller lots.

| | Cobblestone Creek Setbacks | Typical RE Setbacks |
|---|---|---|
| Front | 50' | 50' |
| Side | 10' | 25' |
| Rear | 50' | 30' |

PHASES The Planned Unit Development project will be built in one phase.

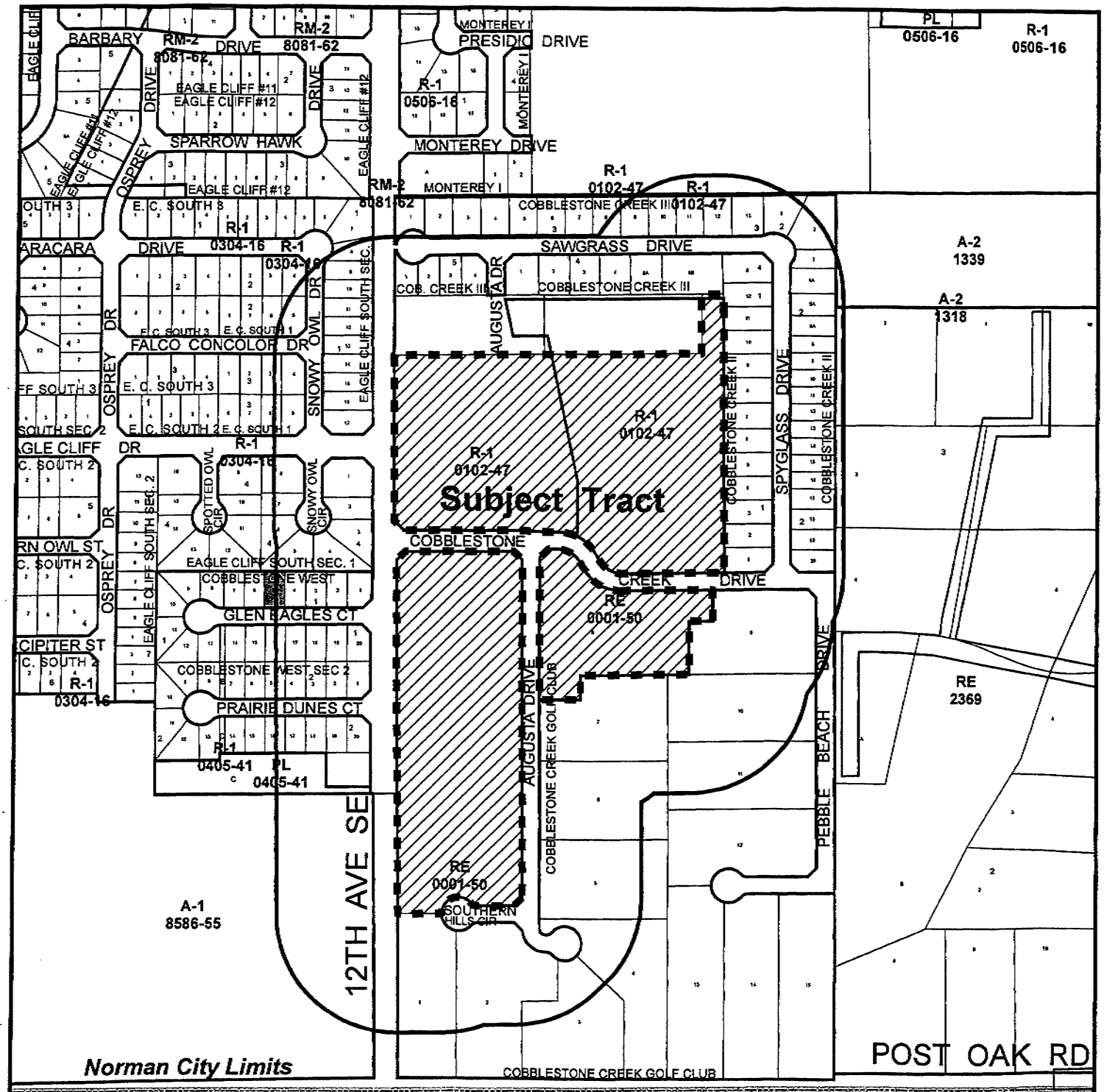
**ALTERNATIVES/ISSUES:**

IMPACTS As previously stated the PUD allows for smaller single family lots. The PUD allows for approximately 1.23 acres. However, with approximately the same footprint of existing homes already in place within other areas of the development no adverse impacts from this type of development are expected.

**OTHER AGENCY COMMENTS:**

PUBLIC WORKS The accompanying Preliminary Plat has been reviewed by all appropriate departments, and staff recommends approval.

**STAFF RECOMMENDATION:** The applicant's proposal of one plus acre lots, compatible size of single family structures, compatible setbacks, fewer drive approaches, public streets, public water with fire hydrants and open space meets the intent of a Planned Unit Development. Staff recommends approval of this request for a Planned Unit Development within the Cobblestone Creek Addition.




# Protest & Support Map

0.2% Protest Within Notification Area

4.3% Support 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" = 400'

June 12, 2012

Subject Tract

Protest

Support

Notification Area

Protest Outside Notification Area

June 3, 2012

The City of Norman
201 West Gray, Bldg A
PO Box 370
Norman, OK 73069-73070

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6/8/12 TM

Attn: City Clerk
Re: Rezoning from RE to PUD, Location of Property East Side of 12th Ave, SE @ Cobblestone Creek Drive.

My husband and I plan on retiring in our home located at 1121 Glen Eagles Ct. which will be within 350 ft of the planned development. We purchased the property thinking it would be a quiet, safe area.

We do not want the rezoning changed to PUD, we highly resent this. Please let our concerns be heard.

Sincerely,
Thomas + Janice Meeker
RR6 - Box 393
Eufaula, OK 74432

Stephen B. Rogers

4601 Augusta Drive

Norman, OK 73072

Norman Planning Commission

P.O. Box 370

Norman, OK 73070

Subject: Planning Commission Meeting, May 10 – Cobblestone Creek Rezoning

Gentlemen:

I reside within 350 feet of the subject tract that is being considered for rezoning.

I support the request for rezoning.

Thank you.

Sincerely,

Stephen Rogers

Stephen Rogers

FILED IN THE OFFICE
OF THE CITY CLERK
ON 4-25-12

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

* * *

Item No. 1, being:
**ROLL CALL**

| | |
|---|---|
| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

* * *

Item No. 6, being:
**CONSIDERATION OF A REQUEST SUBMITTED BY COBBLESTONE CREEK ADDITION FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE.**

**6A. ORDINANCE NO. O-1112-37 – TIM SHANNON REQUESTS REZONING FROM RE, RESIDENTIAL ESTATES DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. PUD Narrative
4. Preliminary Plat
5. Preliminary Site Development Plan

**6B. PP-1112-15 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY TIM SHANNON (SMC CONSULTING ENGINEERS, P.C.) FOR COBBLESTONE CREEK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AND ½ MILE SOUTH OF CEDAR LANE ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan

**PRESENTATION BY STAFF:**
1. Ms. Hudson – The application requests rezoning from RE to a Planned Unit Development. The proposal consists of eight lots on the south side of Cobblestone Creek Drive and the open space on the north side. The eight lots are about 10 acres; the open space is approximately 1 acre, totalling 11 acres for the PUD. The PUD will be served with private sanitary sewer systems and public water. With the applicant's proposal for one acre plus lots, compatible size with existing single-family homes, the setbacks, fewer drives off Augusta, staff recommends approval of this request for the Planned Unit Development. There was one letter of support (4.3%) and one letter of protest (0.2%).

**PRESENTATION BY THE APPLICANT:**
1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – Dr. Shannon is also here. This preliminary plat was before you before and was approved. It has now expired. So the residual preliminary plat is back for a reapproval, and that consists of the area which is single-family lots and the presentation is almost the same as you had before; all the lots meet City codes. Also part of the prelim is the area of the existing 9-hole golf course; those lots may be sold to individual homeowners if they want those lots. That request has been made and we're making that available. The PUD application is 9 acres. It doesn't have sewer, as Jane indicated. DEQ will allow 1-acre lots with water. The City of Norman allows 2-acre lots. So the only way we have to make this application is through this process of a PUD. If you read the PUD, you see it's going to be nice houses – big houses – large requirements for brick around the facility and it's just eight lots. That, in summary, is this whole application. Eight lots in the PUD. We have open space of 11%; the requirement is 10%. We've met the requirements of the PUD. This is the form that we've chosen to get those eight lots and this is the way we're going to do it. I'd be glad to answer any questions.

2. Ms. Pailes – It seems like a nice plan. There doesn't seem to be a greenbelt enhancement statement with this. I was just curious because, from the development itself, it happens to be a spot where there is a great greenbelt potential because there's a high power

line about a block south of the development and connecting to that as a trail would be easy and require no expense on the part of the developer and it would be quite a large perimeter trail so it would be a place where there is actually some potential for greenbelt connection.

3. Ms. Connors – I apologize. It did go to the Greenbelt Commission. Mr. Danner is going to fill in some of that information.

4. Mr. Danner – The Greenbelt Commission looked at it. Of course, they were looking at other property to the west of this. So the emphasis was put on a sidewalk on the east side of 12th Avenue, and that sidewalk would have connectivity going north.

**AUDIENCE PARTICIPATION:**
None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Curtis McCarty moved to recommend approval of Ordinance No. O-1112-37 and the Preliminary Plat for COBBLESTONE CREEK ADDITION to the City Council. Diana Hartley seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-37 and the Preliminary Plat for COBBLESTONE CREEK ADDITION to the City Council 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: PP-1112-15

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | PP-1112-15 | **Type:** | Preliminary Plat | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 31 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | | **File Created:** | 04/17/2012 |
| **File Name:** | Cobblestone Creek Prelim | | | **Final Action:** | |

**Title:** CONSIDERATION OF A PRELIMINARY PLAT FOR COBBLESTONE CREEK ADDITION. (GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. ONE-HALF MILE SOUTH OF CEDAR LANE ROAD)

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

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 31

**Attachments:** Text File Prelim Cobblestone, Attachment A, Cobblestone Prelim Request for Postponement, Cobblestone Plat Location Map, Staff Report, Prelim Plat Cobblestone, Prelim Site Dev Plan Cobblestone, Cobblestone Transportation, 6-14-12 PC Minutes - Cobblestone

**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 | 05/04/2012 | Postponed | | | | Pass |
| | **Action Text:** Postponed | | | | | | |
| 1 | Planning Commission | 05/10/2012 | | | | | |
| 1 | Planning Commission | 06/14/2012 | 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 | 06/14/2012 | | | | | |

## Text of Legislative File PP-1112-15

body

**BACKGROUND**: This item is a preliminary plat for Cobblestone Creek Addition and is generally located one-half mile south of Cedar Lane Road on the east side of 12th Avenue S.E.

The preliminary plat consists of 18.6 acres of undeveloped property. There are 35 R-1 single family residential lots and 8 Single Family Planned Unit Development lots with one open space lot for the Planned Unit Development and 65 open space lots within the R-1 Single Family Dwelling District in this preliminary plat. The open space lots are currently for the purpose of a golf course. The proposal is for the opportunity to purchase one or more of the lots as part of their ownership, but maintain it as part of the golf course.

City Council, at its meeting of May 8, 2001, adopted Ordinance No. O-0001-50 placing a portion of this property in RE, Residential Estates District and removing it from A-2, Rural Agricultural District.

City Council, at its meeting of May 28, 2002, adopted Ordinance No. O- 0102-47 placing a portion of the property in R-1, Single Family Dwelling District and removing it from A-2, Rural Agricultural District.

Planning Commission, at its meeting of June 14, 2012, recommended to City Council that a portion of this property be placed in a PUD, Planned Unit Development and removed from RE, Residential Estates District.

On June 14, 2012, Planning Commission, on a vote of 9-0, recommended to City Council that the preliminary plat for Cobblestone Creek Addition be approved.

**DISCUSSION**: The 43 residential lots in this addition are expected to generate approximately 478 trips per day. The traffic capacities on the surrounding arterial and collector roadways exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. See Attachment A.

Because of its size and traffic generation potential, this parcel of land was included in a previously approved Traffic Impact Analysis for the Eagle Cliff Addition. This study was a more in-depth analysis that evaluated future peak hour traffic conditions. The study concluded that two intersections will need to be improved once the area is fully developed (12th Avenue SE and Cedar Lane and, 12th Avenue SE and State Highway 9). It also established the proportional share of the cost of these improvements for this particular development.

The intersection of 12th Avenue SE and Cedar Lane will require additional lanes and a new traffic signal. The estimated cost of design and construction is $400,000 of which this applicant will be responsible for 0.19% of the cost (or $760.00) based on their share of the PM peak hour traffic impacting the intersection. The City of Norman and other development will fund the remaining cost.

The intersection of 12th Avenue SE and State Highway 9 will require an additional northbound left turn lane. The estimated cost of design and construction is $50,000 of which this applicant will be responsible for 0.36% of the cost (or $180.00) based on their share of the PM peak hour traffic impacting the intersection.

Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans and City water standards. Their locations have been approved by the Fire Department.

Sanitary Sewers. Eight inch (8") sanitary sewer mains (or larger) are proposed for the R-1, Single Family Residential Dwelling District and private systems approved by the Oklahoma Department of Environmental Quality Standards for the Planned Unit Development lots.

Sidewalks. Sidewalks will be constructed adjacent to 12th Avenue S.E. Sidewalks will be required adjacent to all of the interior streets of the R-1, Single Family Dwelling District. Sidewalks will not been installed adjacent to Augusta Drive for the PUD, Planned Unit Development lots so as to continue the rural setting established in this portion of this property with the previous filed final plat of Cobblestone Creek Golf Club Addition.

Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Privately maintained detention facilities will be within the golf course used to convey stormwater from the streets and lots. A portion of the storm water will be conveyed through an existing drainage structure under 12th Avenue S.E. and utilize an existing outlet. A property owners' association will maintain these facilities.

Streets. Interior streets will be constructed in accordance with approved plans and City paving standards. Augusta Drive serving the Planned Unit Development lots is existing. A portion of 12th Avenue S.E. is existing. Staff will recommend deferral for the southern portion of 12th Avenue S.E. with a final plat.

Traffic Signal. The intersection of 12th Avenue SE and Cedar Lane will require additional lanes and a new traffic signal, and the intersection of 12th Avenue SE and State Highway 9 will require an additional northbound left turn lane. The estimated cost of design and construction is $400,000 and $50,000, respectively. This applicant will be responsible for 0.19% of the cost (or $760.00) at the intersection at 12th Avenue SE and Cedar Lane and 0.36% of the cost (or $180.00) at the intersection of 12th Avenue SE and State Highway 9. Both are based on their share of the PM peak hour traffic impacting each intersection.

Water Mains. A 12-inch water main will be extended to the end of the property adjacent to 12th Avenue S.E. Interior 6-inch and 8-inch water mains will be installed in accordance with approved plans and City and Department of Environmental Quality Standards.

Public Dedications. All rights-of-ways and easements will be dedicated to the City with final platting.

Park Land Fee. Park land fee will be negotiated for the R-1, Single Family Dwelling District property whenever a final plat is submitted for that area.

**STAFF RECOMMENDATION**: Based on the above information, Staff recommends approval of the preliminary plat for Cobblestone Creek Addition subject to adoption of Ordinance No. O-1112-37.

# ATTACHMENT A

## COBBLESTONE CREEK TRAFFIC TABLE

| STREET | NO. OF LANES | EXISTING TRAFFIC (Veh/day)[1] | PROJECTED TRAFFIC (Veh/day) | TOTAL PROJECTED TRAFFIC (Veh/day) | ROADWAY CAPACITY LOS "E" | % LOS 'E' CAPACITY USED (EXISTING) | % LOS 'E' CAPACITY USED (PROJECTED) |
|---|---|---|---|---|---|---|---|
| 12th Avenue S.E | 4[2] | 15,793 | 287 | 16,080 | 34,200 | 46.18 | 47.02 |
| Cedar Lane Road | 4[2] | 9,131 | 191 | 9,322 | 34,200 | 26.70 | 27.26 |
| S.H. 9 | 6[3] | 40,260 | 287 | 40,547 | 58,000 | 69.41 | 69.91 |

[1] Includes projected traffic from Cobblestone Creek Golf Course, Cobblestone West, Campus Crest, Eagle Cliff and Eagle Cliff South Additions

[2] Improvements planned to widen 12th Avenue SE from S.H. 9 to Cedar Lane and Cedar Lane from 12th Avenue SE to just east of 24th Avenue SE

[3] Currently a four-lane facility but ODOT has plans to widen S.H. 9 to six lanes

| | |
|---|---|
| **From:** | Tom McCaleb |
| **To:** | Ellen Usry |
| **Cc:** | Tim Shannon |
| **Subject:** | Cobblestone - Ordinance No. O-1112-37 |
| **Date:** | Monday, July 16, 2012 12:02:31 PM |

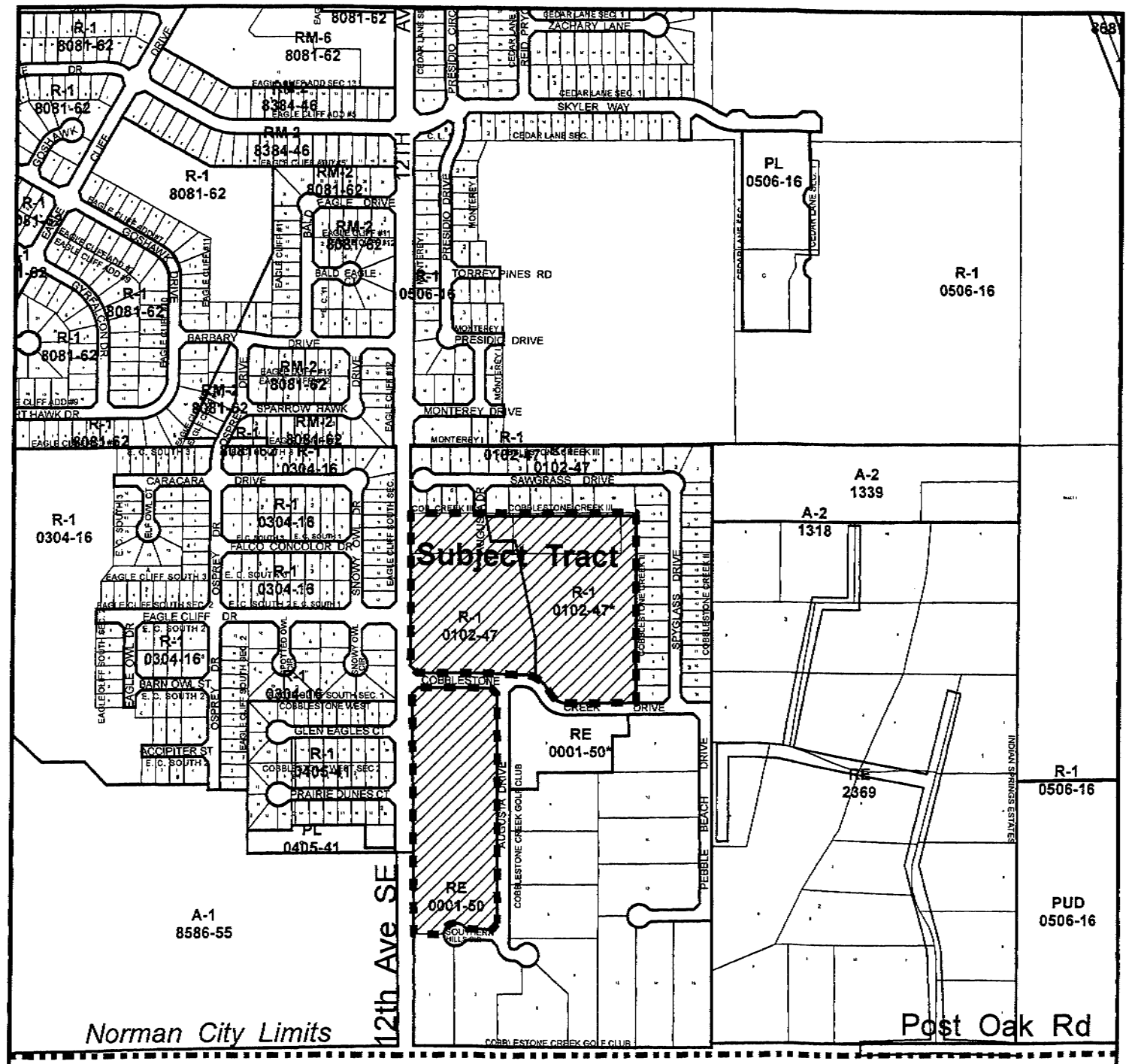
---

This is a request to postpone the item scheduled for July 24, 2012 at the Norman City Council. As representative of the applicant, Tim Shannon, I will be on vacation that week and not be available to attend. Please reschedule for the first meeting in August. Thank you.

Tom L. McCaleb, P.E.
President
**SMC Consulting Engineers, P.C.**
815 West Main
Oklahoma City, OK 73106
(405) 232-7715
(405) 232-7859 fax
(405) 823-0913 cell

THIS MESSAGE AND ANY ATTACHMENTS MAY CONTAIN INFORMATION THAT IS HIGHLY CONFIDENTIAL, PRIVILEGED, AND EXEMPT FROM DISCLOSURE. ANY RECIPIENT OTHER THAN THE INTENDED RECIPIENT IS ADVISED THAT ANY DISSEMINATION, DISTRIBUTION, COPYING, OR OTHER USE OF THIS MESSAGE IS STRICTLY PROHIBITED.

IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY.




# 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

May 2, 2012

0 300 600 Ft.

Subject Tract

Zoning

9b-1

31-3

PRELIMINARY PLAT ITEM NO. 6b

## STAFF REPORT

**ITEM:** CONSIDERATION OF A PRELIMINARY PLAT FOR COBBLESTONE CREEK ADDITION.

**LOCATION:** Generally located one-half mile south of Cedar Lane Road on the east side of 12th Avenue S.E.

**INFORMATION:**

1. Owner. Tim Shannon.

2. Developer. Tim Shannon.

3. Engineer. SMC Consulting Engineers, PC.

**HISTORY:**

1. February 1, 2001. The Norman Board of Park Commissioners, on a vote of 8-0, recommended fee in lieu of parkland for the area that will be developed as part of the future Urban Service area.

2. March 8, 2001. Planning Commission, on a vote of 5-0, recommended to City Council that a portion of this property be placed in RE, Residential Estates Dwelling District and removed from A-2, Rural Agricultural District.

3. March 8, 2001. Planning Commission, on a vote of 5-0, recommended to City Council that the preliminary plat for Cobblestone Creek Golf Club Addition be approved.

4. May 8, 2001. City Council adopted Ordinance No. O-0001-50 placing a portion of this property in RE, Residential Estates Dwelling District removing it from A-2, Rural Agricultural District.

5. May 8, 2001. City Council approved the preliminary plat for Cobblestone Creek Golf Club Addition.

6. April 4, 2002. The Norman Board of Parks Commissioners recommended fee in lieu of parkland for Cobblestone Creek II Addition.

7. April 11, 2002. Planning Commission, on a vote of 7-0, recommended to City Council that this property be placed in the Current Urban Service Area Designation and removed from the Future Urban Service Area Designation.

8. April 11, 2002. Planning Commission, on a vote of 7-0, recommended to City Council that this property be placed in R-1 and Special Use for a Golf Course and removed from A-2 zoning classification.

9. April 11, 2002. Planning Commission, on a vote of 7-0, recommended to City Council that the preliminary plat for Cobblestone Creek II Addition be approved.

10. May 28, 2002. City Council amended the NORMAN 2020 Land Use and Transportation Plan from Urban Service Area Designation to Current Urban Service Area Designation.

11. May 28, 2002. City Council adopted Ordinance No. O-0102-47 placing a portion of this property in R-1, Single Family Dwelling District and removing it from A-2, Rural Agricultural District.

12. May 28, 2002. City Council approved the preliminary plat for Cobblestone Creek Addition.

13. May 28, 2007. Approvals of the preliminary plat for Cobblestone Creek II Addition became null and void.

14. May 10, 2012. Planning Commission, on a vote of 8-0, postponed placing a portion of this property in the Planned Unit Development and removing it from RE, Residential Estates District at the request of the applicant.

15. May 10, 2012. Planning Commission, on a vote of 8-0, postponed the preliminary plat for Cobblestone Creek Addition at the request of the applicant.

16. June 14, 2012. The applicant has made a request to place a portion of this property in the Planned Unit Development and remove it from RE, Residential Estates zoning classification.

**IMPROVEMENT PROGRAM:**

1. Screening. Screening is not required as a public improvement adjacent to 12th Avenue S.E. Twelfth Avenue S.E. is designated as a collector street.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. These locations have been approved by the Fire Department.

3. Permanent Markers. Permanent markers will be installed prior to filing any final plat with the County Clerk.

4. Sanitary Sewers. Sanitary sewers will be constructed in accordance with approved plans and City and Department of Environmental Quality standards. The eight (8) lots designated as part of the proposed Planned Unit Development will utilize privately maintained individual sanitary sewer systems. A gravity sanitary sewer system is not available.

5. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be constructed adjacent to 12th Avenue S.E. including the lots backing up to 12th Avenue S.E. located in the Planned Unit Development. Sidewalks are not required on the interior street of Augusta Drive located in the Planned Unit Development District.

6. Storm Sewers. Storm water drainage structures will be installed in accordance with approved plans and City drainage standards. A privately maintained detention facility located at the golf course area is being utilized.

7. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Cobblestone Creek Drive and Augusta Drive located south of Cobblestone Creek Drive currently exist. Twelfth Avenue S.E. will be constructed to collector standards adjacent to the R-1 single family residential lots.

8. Water Mains. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards. There is an existing 12-inch water main adjacent to 12th Avenue S.E. for a portion of the property. A water main will be constructed adjacent to 12th Avenue SE to the south end of the plat. There is an existing 12-inch water main adjacent to Cobblestone Creek Drive. Also, an 8-inch water main is adjacent to Augusta Drive.

**PUBLIC DEDICATIONS:**

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. Street rights-of-way will be dedicated to the City on the final plat.

**SUPPLEMENTAL MATERIAL:** Copies of a location map, preliminary site development plan and preliminary plat are included in the Agenda Book.

**STAFF COMMENTS AND RECOMMENDATION**: The developer proposes to develop this property as a single family development with a portion of the property to be utilized as open space/golf course. Staff recommends approval of the preliminary plat for Cobblestone Creek Addition.

**ACTION NEEDED**: Recommend approval or disapproval of the preliminary plat for Cobblestone Creek Addition to City Council.

**ACTION TAKEN**: _____

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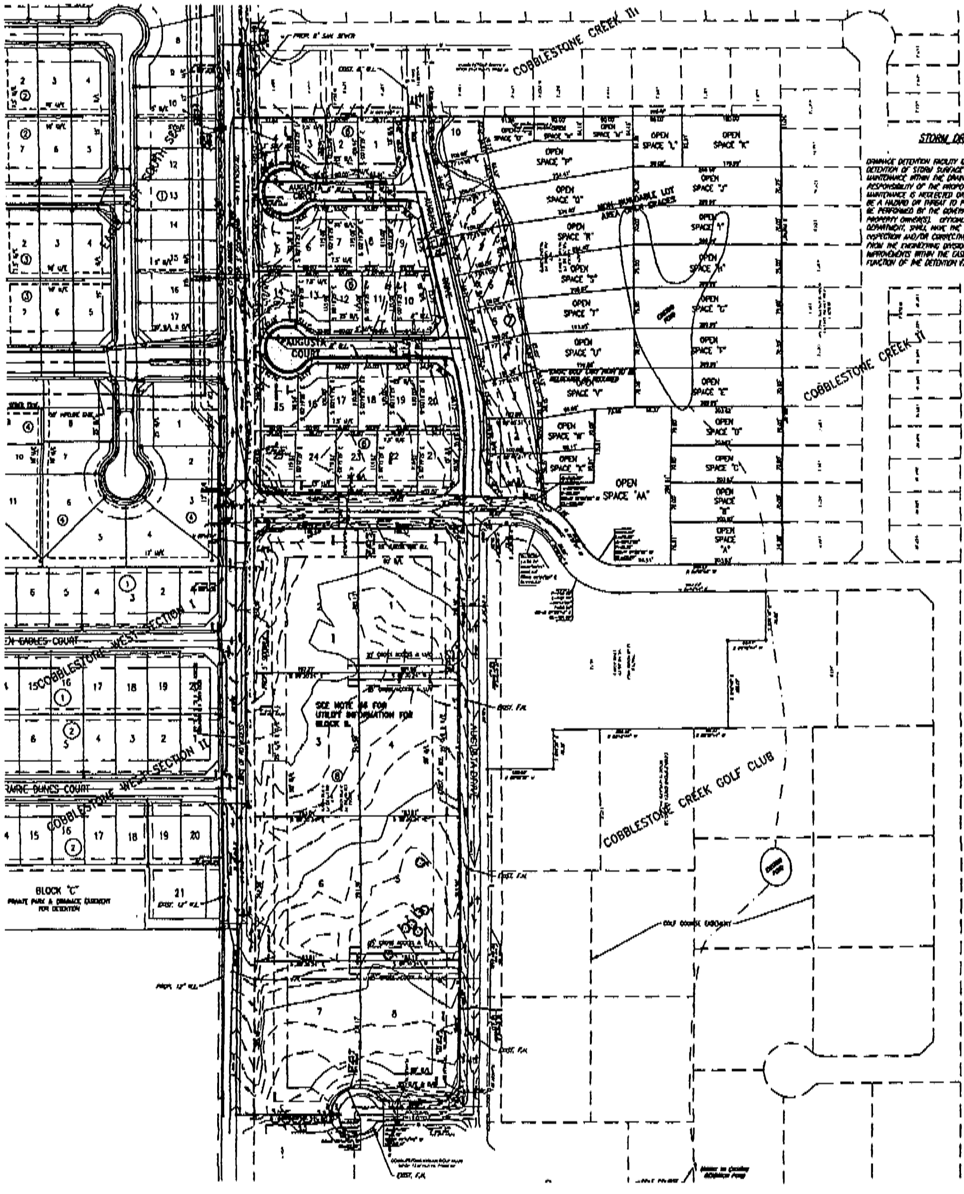
## PRELIMINARY PLAT

# COBBLESTONE CREEK

### A PART OF THE S.W. 1/4, SECTION 16, T8N, R2W I.M.
### NORMAN, CLEVELAND COUNTY, OKLAHOMA




#### STORM DRAINAGE DETENTION FACILITY EASEMENT

DRAINAGE DETENTION FACILITY EASEMENTS ARE HEREBY ESTABLISHED 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 COBBLESTONE CREEK; 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 BORN UPON SAID 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 WRITTEN APPROVAL FROM THE ENGINEERING DIVISION, PUBLIC WORKS DEPARTMENT, PROPERTY OWNER(S) MAY CONSTRUCT IMPROVEMENTS WITHIN THE EASEMENT, PROVIDED THE 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. ALL SIDEWALKS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE FINAL PLANS AND THE CITY OF NORMAN STANDARDS AND SPECIFICATIONS.
3. ALL PROPOSED SANITARY LINES ARE 8-INCH EXCEPT AS NOTED.
4. ALL PROPOSED WATERLINES ARE 8-INCH EXCEPT AS NOTED.
5. LOTS IN BLOCK 8 WILL BE SERVED BY SEPTIC SYSTEMS OR EQUAL, WITH PUBLIC WATERLINE, AS PER ODEQ CHAPTER 641-1-3(d).
6. 12th AVE. S.E. SOUTH OF EAGLE CLIFF WILL BE DEFERRED, THE DEVELOPER MAY CHOOSE TO CONSTRUCT 12th AVE. S.E. WITH THIS PLAT.
7. AREAS WITHIN THE GOLF COURSE, OPEN SPACE WILL BE USED FOR DRAINAGE CONVEYANCE TOWARDS THE EXISTING DETENTION POND, FINAL DESIGN TO BE DETERMINED AT THE FINAL PLAT STAGE.
8. OPEN SPACE LOT "AA" IS A PART OF THE PUD.

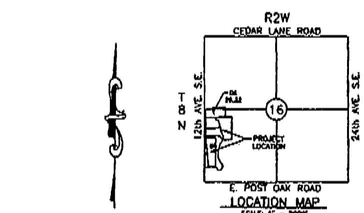
#### LEGAL DESCRIPTIONS

Tract 1:
Tract South of Cobblestone Creek Drive (PUD)

[illegible]

Tract 2:
(Tract North of Cobblestone Creek Drive)

[illegible]




SCALE: 1" = 100'

**TOTAL LOTS**
PROPOSED PUD LOTS = 8; EXISTING ZONING RE
EXISTING R-1 LOTS = 35

OWNER/DEVELOPER:
CCDG, L.L.C.
4704 AUGUSTA DR.
NORMAN, OK. 73072
PHONE: (405) 923-2550

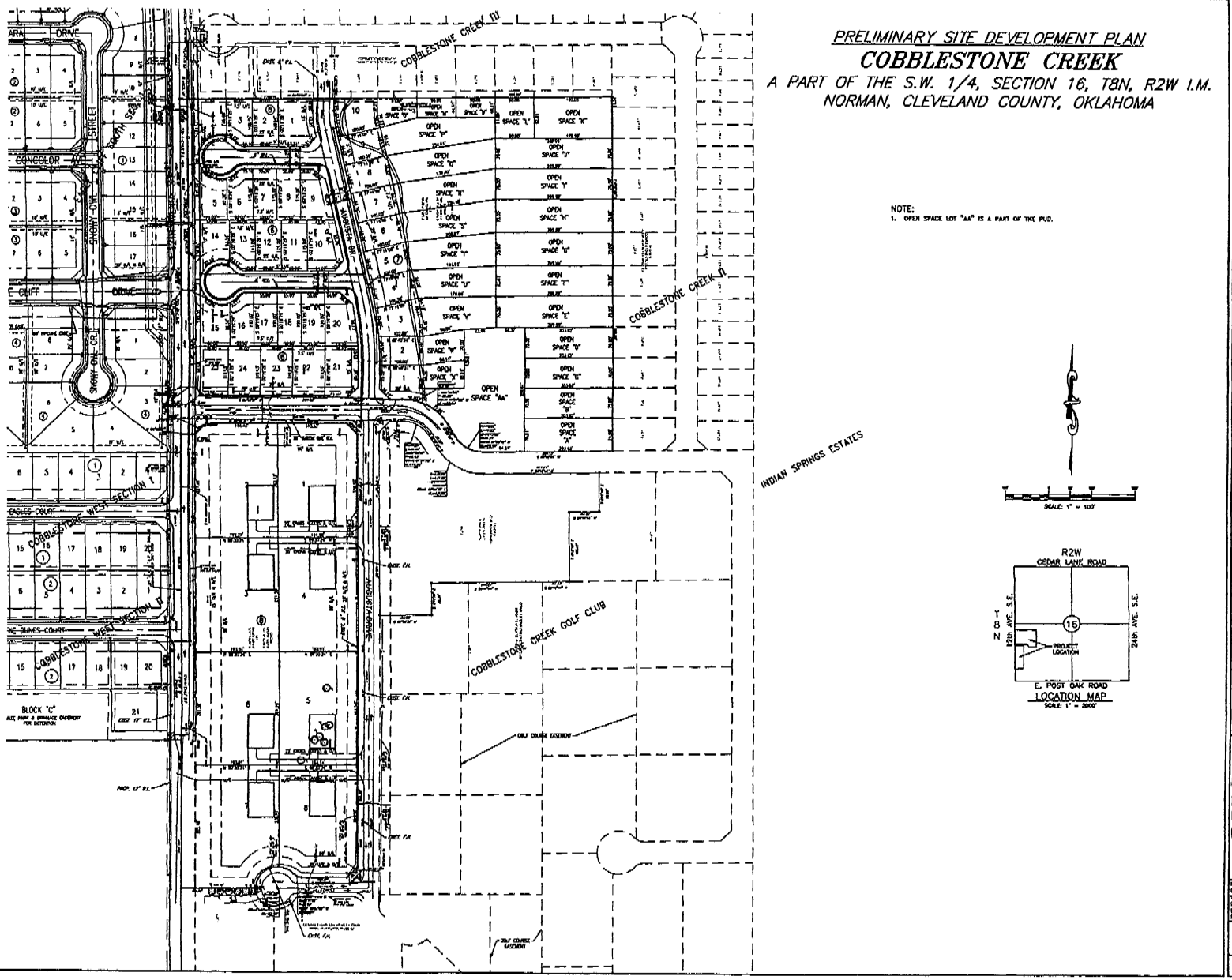
DESIGNED BY:
SMC Consulting Engineers, P.C.
815 W. MAIN
OKLAHOMA CITY, OK 73106
PHONE: (405) 232-7715

TOM L. McCALEB 15418
LICENSED PROFESSIONAL ENGINEER OKLAHOMA

COBBLESTONE CREEK
12th AVE. S.E. & CEDAR LANE ROAD
NORMAN, OKLAHOMA

SMC
SMC Consulting Engineers, P.C.

PRELIMINARY PLAT
SHEET NO. 1


PRELIMINARY SITE DEVELOPMENT PLAN
COBBLESTONE CREEK
A PART OF THE S.W. 1/4, SECTION 16, T8N, R2W I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
NOTE:
1. OPEN SPACE LOT "AA" IS A PART OF THE PUD.
COBBLESTONE CREEK III
COBBLESTONE CREEK II
COBBLESTONE CREEK I
INDIAN SPRINGS ESTATES
COBBLESTONE CREEK GOLF CLUB
GOLF COURSE EASEMENT
OPEN SPACE "AA"
BLOCK "C"
SCALE: 1" = 100'
R2W
CEDAR LANE ROAD
12th AVE. S.E.
24th AVE. S.E.
PROJECT LOCATION
E. POST OAK ROAD
LOCATION MAP
SCALE: 1" = 2000'
OWNER/ DEVELOPER:
CCDG, L.L.C.
4704 AUGUSTA DR.
NORMAN, OK. 73072
PHONE: (405) 823-3532
DESIGNED BY:
SMC Consulting Engineers, P.C.
415 E. MAIN
OKLAHOMA CITY, OK 73104
PHONE: (405) 232-7715
COBBLESTONE CREEK
12th AVE. S.E. & CEDAR LANE ROAD
NORMAN, OKLAHOMA
SMC
SMC Consulting Engineers, P.C.
PRELIMINARY SITE DEVELOPMENT PLAN

# CITY OF NORMAN
## Development Review Form
## Transportation Impacts

**DATE:** May 17, 2012

**STAFF REVIEW BY:** David R. Riesland, P.E.
Assistant City Traffic Engineer

**PROJECT NAME:** Cobblestone Creek Addition

**PROJECT TYPE:** Residential

Owner: Tim Shannon
Developer's Engineer: SMC
Developer's Traffic Engineer: TEC

**SURROUNDING ENVIRONMENT (Streets, Developments)**
Agricultural to the north and south, commercial to the east, and industrial to the west. 12th Avenue SE is the main north/ south roadway. Cedar Lane Road and State Highway 9 are the main east/west roadways.

**ALLOWABLE ACCESS:**
All access to this addition will be by way of Augusta Drive to Cobblestone Creek to 12th Avenue SE.

**EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)**
12th Avenue SE : 2 lanes (existing)/4 lanes (future). Speed Limit - 35 mph. No sight distance problems. No medians.
State Highway 9: 4 lanes (existing)/6 lanes (future). Speed Limit - 50 mph. No sight distance problems. Grass median.
Cedar Lane Road: 2 lanes (existing)/4 lanes (future). Speed Limit - 35 mph. No sight distance problems. No medians.

**ACCESS MANAGEMENT CODE COMPLIANCE:** YES ■ NO ☐
The proposed access points onto Augusta Drive will have adequate separation and intersection corner clearance.

**TRIP GENERATION**

| Time Period | Total | In | Out |
|---|---|---|---|
| Weekday | 478 | 239 | 239 |
| AM Peak Hour | 40 | 10 | 30 |
| PM Peak Hour | 49 | 31 | 18 |

**TRANSPORTATION IMPACT STUDY REQUIRED?** YES ☐ NO ■

The trip generation potential is well below the traditional threshold for when a traffic impact study is normally required. Other studies have been performed in the area that address traffic concerns associated with undeveloped properties. A letter documenting the trip generation data for this addition was submitted by Traffic Engineering Consultants, Inc., on April 4, 2012.

**RECOMMENDATION:** APPROVAL ■ DENIAL ☐ N/A ☐ STIPULATIONS ☐

*Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.*

Because of its size and traffic generation potential, this parcel of land was included in a previously approved Traffic Impact Analysis for the Eagle Cliff Addition. This study was a more in-depth analysis that evaluated future peak hour traffic conditions. The study concluded that two intersections will need to be improved once the area is fully developed (12th Avenue SE and Cedar Lane and, 12th Avenue SE and State Highway 9). It also established the proportional share of the cost of these improvements for this particular development.

The intersection of 12th Avenue SE and Cedar Lane will require additional lanes and a new traffic signal. The estimated cost of design and construction is $400,000 of which this applicant will be responsible for 0.19% of the cost (or $760.00) based on their share of the PM peak hour traffic impacting the intersection. The City of Norman and other development will fund the remaining cost.

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

* * *

Item No. 1, being:
**ROLL CALL**

| | |
|---|---|
| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

* * *

Item No. 6, being:
**CONSIDERATION OF A REQUEST SUBMITTED BY COBBLESTONE CREEK ADDITION FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE.**

**6A. ORDINANCE NO. O-1112-37 – TIM SHANNON REQUESTS REZONING FROM RE, RESIDENTIAL ESTATES DISTRICT, TO PUD, PLANNED UNIT DEVELOPMENT DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AT COBBLESTONE CREEK DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. PUD Narrative
4. Preliminary Plat
5. Preliminary Site Development Plan

**6B. PP-1112-15 – CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY TIM SHANNON (SMC CONSULTING ENGINEERS, P.C.) FOR COBBLESTONE CREEK ADDITION, GENERALLY LOCATED ON THE EAST SIDE OF 12TH AVENUE S.E. AND ½ MILE SOUTH OF CEDAR LANE ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Preliminary Plat
3. Staff Report
4. Transportation Impacts
5. Preliminary Site Development Plan

**PRESENTATION BY STAFF:**
1. Ms. Hudson – The application requests rezoning from RE to a Planned Unit Development. The proposal consists of eight lots on the south side of Cobblestone Creek Drive and the open space on the north side. The eight lots are about 10 acres; the open space is approximately 1 acre, totalling 11 acres for the PUD. The PUD will be served with private sanitary sewer systems and public water. With the applicant's proposal for one acre plus lots, compatible size with existing single-family homes, the setbacks, fewer drives off Augusta, staff recommends approval of this request for the Planned Unit Development. There was one letter of support (4.3%) and one letter of protest (0.2%).

**PRESENTATION BY THE APPLICANT:**
1. Tom McCaleb, SMC Consulting Engineers, representing the applicant – Dr. Shannon is also here. This preliminary plat was before you before and was approved. It has now expired. So the residual preliminary plat is back for a reapproval, and that consists of the area which is single-family lots and the presentation is almost the same as you had before; all the lots meet City codes. Also part of the prelim is the area of the existing 9-hole golf course; those lots may be sold to individual homeowners if they want those lots. That request has been made and we're making that available. The PUD application is 9 acres. It doesn't have sewer, as Jane indicated. DEQ will allow 1-acre lots with water. The City of Norman allows 2-acre lots. So the only way we have to make this application is through this process of a PUD. If you read the PUD, you see it's going to be nice houses – big houses – large requirements for brick around the facility and it's just eight lots. That, in summary, is this whole application. Eight lots in the PUD. We have open space of 11%; the requirement is 10%. We've met the requirements of the PUD. This is the form that we've chosen to get those eight lots and this is the way we're going to do it. I'd be glad to answer any questions.

2. Ms. Pailes – It seems like a nice plan. There doesn't seem to be a greenbelt enhancement statement with this. I was just curious because, from the development itself, it happens to be a spot where there is a great greenbelt potential because there's a high power

line about a block south of the development and connecting to that as a trail would be easy and require no expense on the part of the developer and it would be quite a large perimeter trail so it would be a place where there is actually some potential for greenbelt connection.

3. Ms. Connors – I apologize. It did go to the Greenbelt Commission. Mr. Danner is going to fill in some of that information.

4. Mr. Danner – The Greenbelt Commission looked at it. Of course, they were looking at other property to the west of this. So the emphasis was put on a sidewalk on the east side of 12th Avenue, and that sidewalk would have connectivity going north.

**AUDIENCE PARTICIPATION:**
None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Curtis McCarty moved to recommend approval of Ordinance No. O-1112-37 and the Preliminary Plat for COBBLESTONE CREEK ADDITION to the City Council. Diana Hartley seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-37 and the Preliminary Plat for COBBLESTONE CREEK ADDITION to the City Council 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: O-1112-41

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | O-1112-41 | **Type:** | Zoning Ordinance | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 32 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 05/15/2012 |
| **File Name:** | CCS Rezone O-1112-41 | | | **Final Action:** | |

**Title:** ORDINANCE NO. O-1112-41: 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 SCHOOL ON PROPERTY CURRENTLY ZONED I-1, LIGHT INDUSTRIAL DISTRICT, AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 BROCE DRIVE)

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-41 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-41 upon Final Reading as a whole.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 32

**Attachments:** Text File O-1112-41, O-1112-41 Community Christian School, CCS Location Map, CCS Staff Rpt, CCS Site Devel Plan, CCS Plan, PD 12-10 Community Christian School - Broce Drive, Item 8 - Protest Map and letter, 6-14-12 PC Minutes - CCS

**Project Manager:** Jane Hudson, 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 | 06/14/2012 | 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 | 06/14/2012 | | | |
| 1 | City Council | 07/10/2012 | Introduced and adopted on First Reading by title only | | Pass |
| | **Action Text:** | Introduced and adopted on First Reading by title only | | | |
| 1 | City Council | 07/10/2012 | | | |

## Text of Legislative File O-1112-41

Body

**BACKGROUND:** This is a request for a Special Use for a private school within an industrially zoned district. The applicant, Community Christian School, recently purchased an industrially zoned lot to the west of their existing school located at the corner of North Interstate Drive and Broce Drive. The current school was in existence prior to the requirement for Special Use in industrially zoned areas, therefore, this request for Special Use for a school is only for the newly acquired lot. The current school began classes on September 2, 1986, utilizing a portion of the existing building. The first phase of this project will consist of the remodel and expansion of the existing structure on the newly acquired lot. There will be two additions onto the new building, totaling approximately 16,970 square feet, an addition on the south end and one on the north end. The new building will house the high school students. The new high school is anticipated to accommodate approximately 100 high school students as it opens and 400 students eventually. Approximately 67 new parking spaces will be added along the south sides of the two lots during the expansion of the school. Total parking provided on the entire campus will be 160 parking spaces and 4 bus spaces.

IMPACTS There are no adverse impacts to the area anticipated.

ACCESS Currently there are two access points off Broce Drive for the newly acquired lot and no additional curb cuts are proposed

**STAFF RECOMMENDATION:** As previously stated, the existing school is located east of this property. With the combining of the two lots, an internal parking lot can be developed to provide efficient parking for the existing and planned additional students. Staff does not anticipate any adverse impact to the adjacent industrial uses. Staff recommends approval of this Special Use for a school including the accompanying site plan for the new school building with additions and the new parking area(s). The Planning Commission, at their meeting on June 14, 2012, unanimously recommended approval of this Special Use for a School.

O-1112-41

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 SCHOOL ON PROPERTY CURRENTLY ZONED 1-1, LIGHT INDUSTRIAL DISTRICT, LOCATED AT LOT 2, BLOCK 2, BROCE INDUSTRIAL PARK ADDITION, NORMAN, CLEVELAND COUNTY, OKLAHOMA; AND PROVIDING FOR THE SEVERABILITY THEREOF. (3106 BROCE DRIVE)

§ 1. WHEREAS, Community Christian School, the owner of the hereinafter described property, has made application for Special Use for a School in the 1-1, Light Industrial 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 School for property currently zoned 1-1, Light Industrial District, to wit:

Lot 2, Block 2, BROCE INDUSTRIAL PARK ADDITION, Norman, Cleveland County, Oklahoma

Said tract containing 2.801 acres, more or less

§ 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

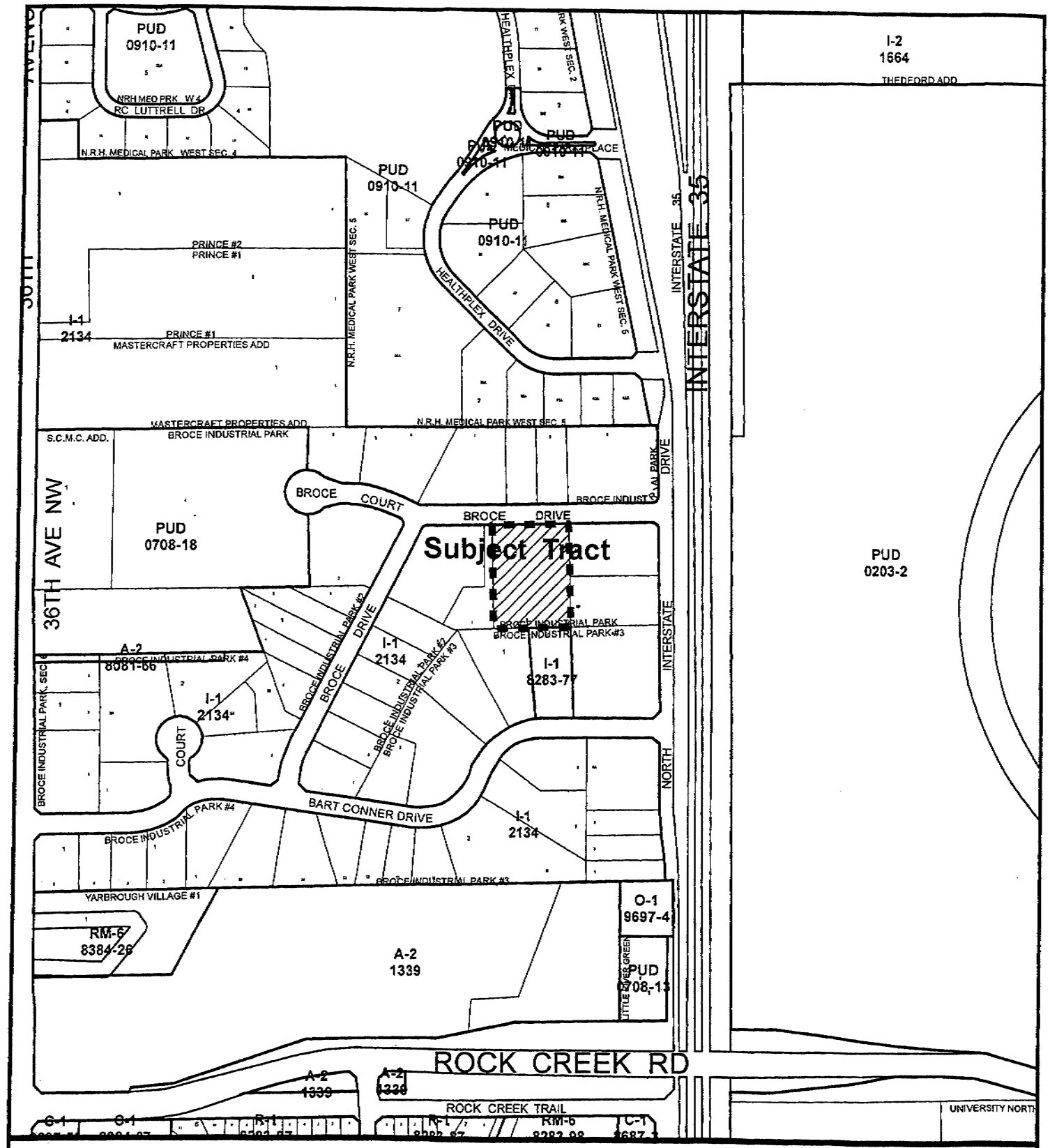
NOT ADOPTED this _____day of

_____, 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.

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April 11, 2012

0 250 500 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-41 ITEM NO. 8

## STAFF REPORT

### GENERAL INFORMATION

| | |
|---|---|
| APPLICANT | Community Christian School |
| REQUESTED ACTION | Special Use for a School |
| EXISTING ZONING | I-1, Light Industrial |
| SURROUNDING ZONING | North: I-1, Light Industrial<br>East: PUD, Planned Unit Development<br>South: I-1, Light Industrial<br>West: I-1, Light Industrial |
| LOCATION | 3106 Broce Drive, generally located 400-feet west of North Interstate Drive and south of Broce Drive |
| SIZE | 2.801 Acres |
| PURPOSE | Private School |
| EXISTING LAND USE | Industrial |
| SURROUNDING LAND USE | North: Industrial<br>East: Commercial<br>South: Industrial<br>West: Industrial |
| LAND USE PLAN DESIGNATION | Industrial |

**SYNOPSIS:** This is a request for a Special Use for a private school within an industrially zoned district. The applicant, Community Christian School, recently purchased an industrially zoned lot to the west of their existing school located at the corner of North Interstate Drive and Broce Drive. The current school was in existence prior to the requirement of Special Use request in industrially zoned areas therefore this request for Special Use for a school is only for the newly acquired lot. The current school, located at the corner of North Interstate Drive and Broce Drive, began classes on September 2, 1986, utilizing a portion of the existing building. In 1992 the school purchased the entire building and housed Pre-K through the 12th grade. The first phase of this project will consist of the remodel and expansion of the existing structure on the newly acquired lot. There will be two additions onto the new building totaling approximately

16,970 square feet, an addition on the south end and one on the north end. The new building will house the high school students. The new high school is anticipated to accommodate approximately 100 high school students as it opens and 400 students eventually. There will be the addition of a new/expanded playground between the two buildings. Approximately 67 new parking spaces will be added along the south sides of the two lots during the expansion of the school. Total parking provided on the entire campus will be 160 parking spaces and 4 bus spaces.

**ANALYSIS:**

IMPACTS There are no adverse impacts to the area anticipated.

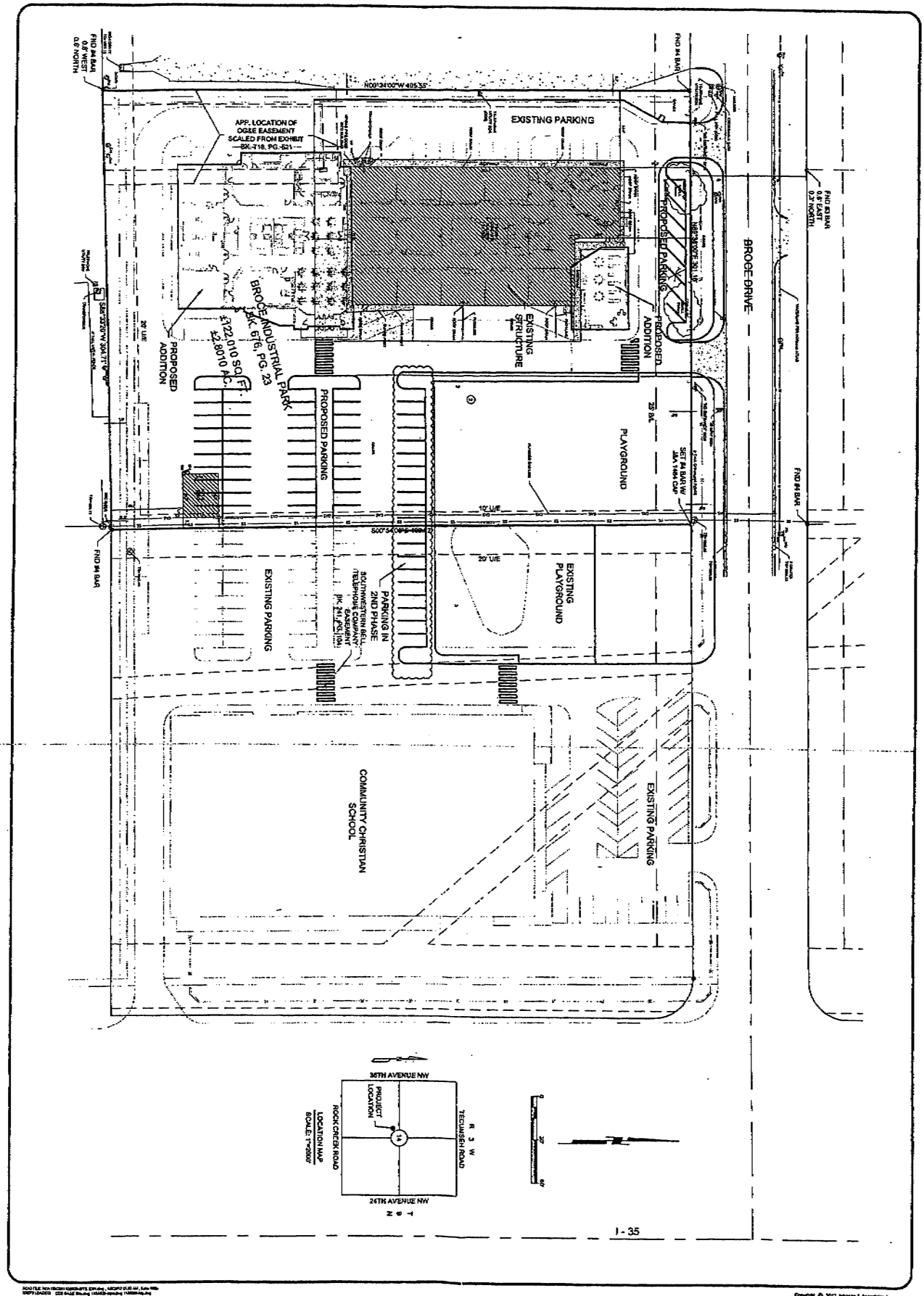
ACCESS Currently there are two access points off Broce Drive for the newly acquired lot and no additional curb cuts are proposed

**OTHER AGENCY COMMENTS:**

PARKS BOARD No parkland dedication is required or associated with this request.

PUBLIC WORKS Platting is complete for this property. Streets and utilities are existing.

**STAFF RECOMMENDATION:** As previously stated, the existing school is located east of this property noted in the application. With the combining of the two lots an internal parking lot can be developed to provide efficient parking for the existing and planned additional students. Staff does not anticipate any adverse impact to the adjacent industrial uses. Staff recommends approval of this Special Use for a school including the site plan for the new parking area(s).




COMMUNITY CHRISTIAN SCHOOL

3106 BROCE DRIVE
NORMAN, CLEVELAND COUNTY, OKLAHOMA

SPECIAL USE PERMIT

Johnson & Associates, Inc.
1 E. Sheridan Ave., Suite 200
Oklahoma City, OK 73104
(405) 235-8675 FAX (405) 235-8678
Certificate of Authorization #1434 Exp. Date: 06-30-2013
• ENGINEERS • SURVEYORS • PLANNERS •

| REVISIONS | | |
|---|---|---|
| NO. | DESCRIPTION | DATE |
| | | |

SHEET NUMBER

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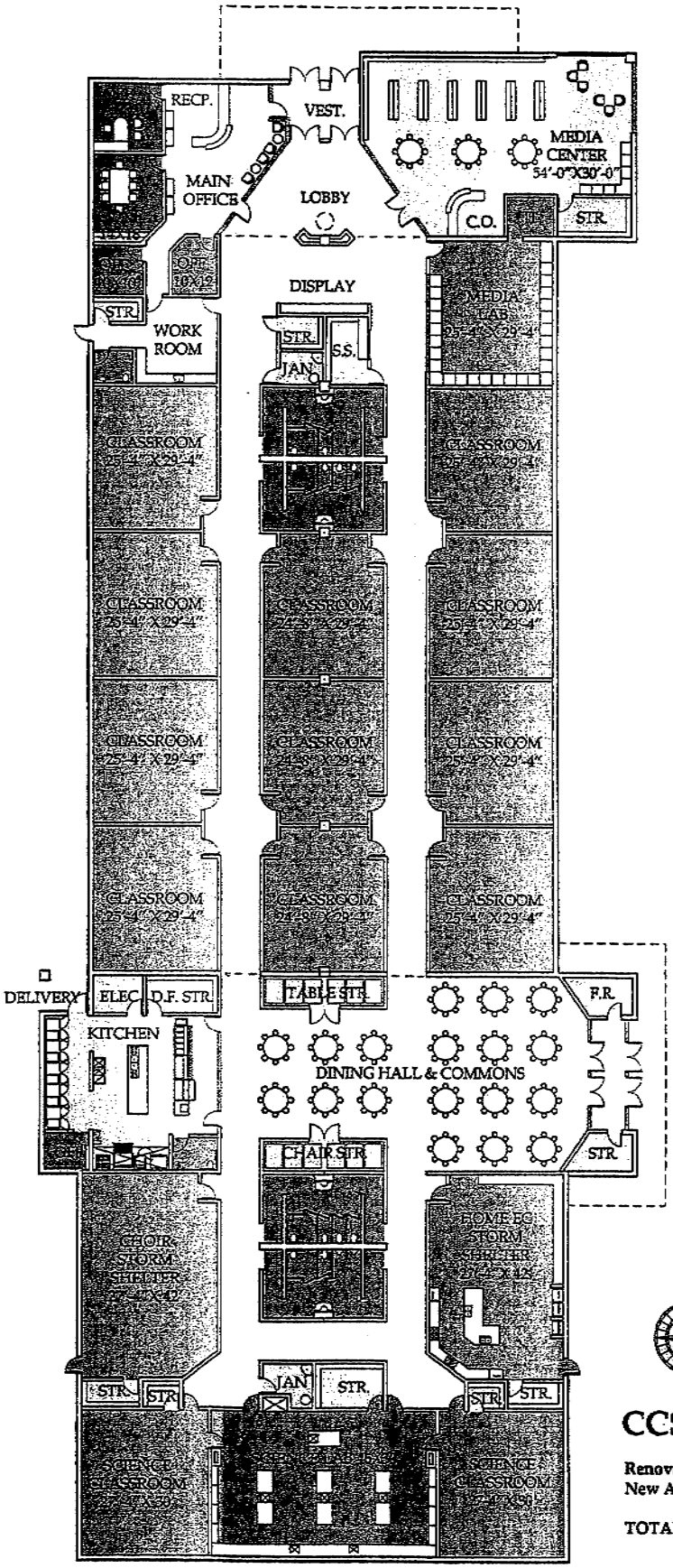


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# CCS Plan

**Renovation 14,592 SF**
**New Addition 16,970 SF**

**TOTAL = 31,562 SF**

**City of Norman Predevelopment** **April 26, 2012**

| | |
|---|---|
| **Applicant** | Community Christian School |
| **Location** | Generally located on the south side of Broce Drive just east of North Interstate Drive |
| **Case Number** | PD 12-10 |
| **Time** | 6:00-6:30 PM |

| Attendee | Stakeholder | Address | Phone |
|---|---|---|---|
| Randy & Sandra Jackson | Applicant | 1017 Pruitt Dr. | 691-4904 |
| Diana Stephens | Applicant | 3108 Twin Cir. | 760-7439 |
| Jim & Barbara Ohsfeldt | Applicant | 1833 SW 28th | 799-3680 |
| Scott Sturtz | Applicant | 3428 Teton Ct. | 321-0151 |
| Drew Norlin | City Staff Public Works Department | | 366-5459 |
| Leah Messner | City Staff – Legal | | 217-7748 |
| Ken Danner | City Staff – Public Works Department | | 366-5458 |
| Jane Hudson | City Staff – Planning Department | | 366-5344 |

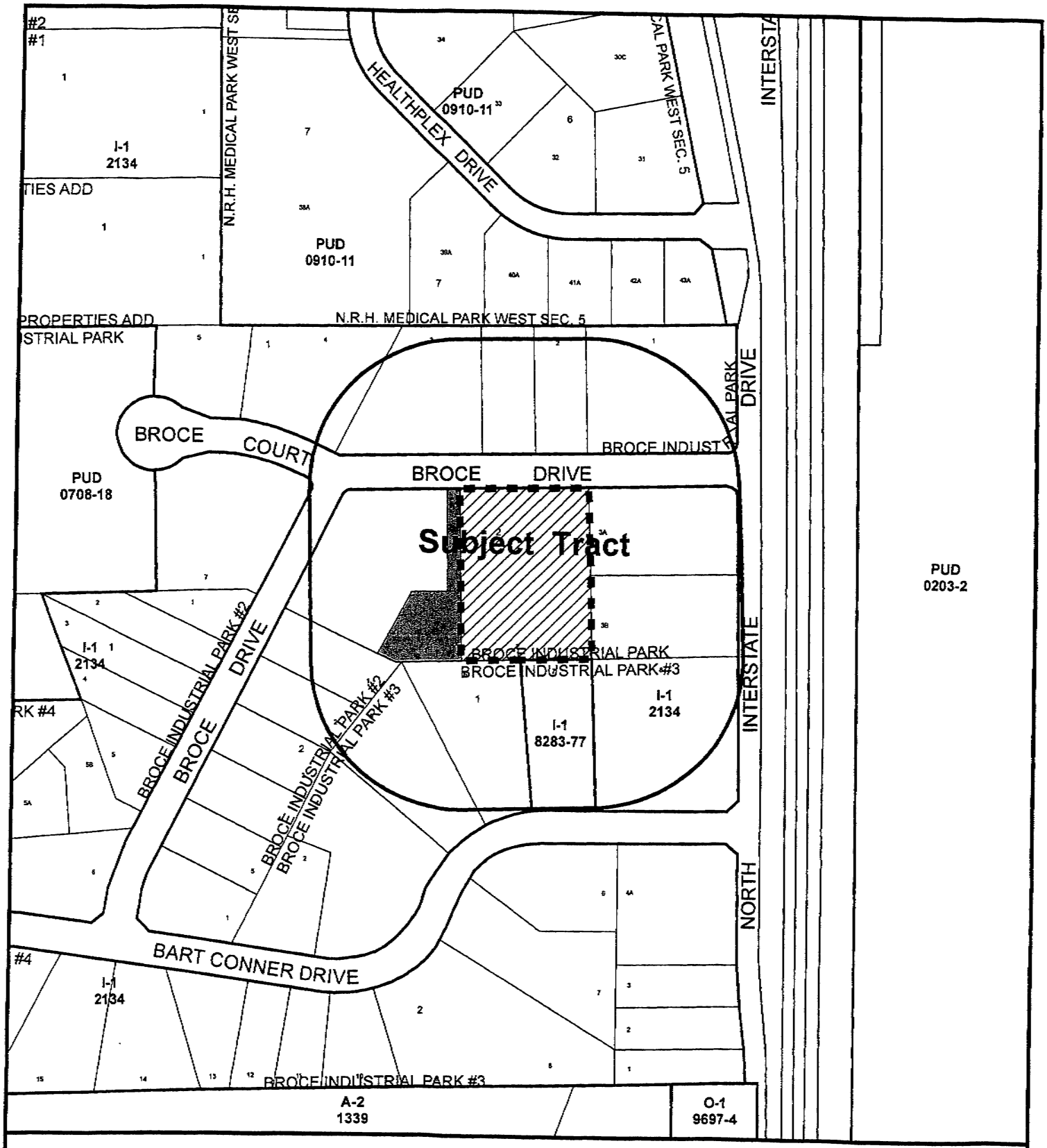
**Application Summary.** The applicant is seeking a special use for a parcel with an existing structure to expand the existing Community Christian School.

**Applicant's Opportunity**. Through capital campaigns of years past and consistent saving, Community Christian School was able to purchase this adjacent lot to build to the west of the current campus. The next phase includes constructing a 31,562 square-foot high school on the newly acquired 2.8 acre site and updating features on the current campus. Building plans for phase one are projected to begin in July of 2012. Phase one includes the remodel and expansion of the existing structure to the west of the existing school facility. The construction will include approximately 14,592 square feet in renovation of the existing structure and 16,970 square feet of the building addition. The new high school is anticipated to accommodate approximately 100 high school students

as it opens, 400 ultimately. It is our request that the majority of the parking be provided during phase one (approximately 47 parking spaces). It is requested that the additional 20 parking spaces on the west lot not be required until the high school enrollment reaches 200.

Phase two includes the remodeling of the current building. Total parking provided on the entire campus will ultimately be 160 parking spaces and 4 bus spaces.

**There were no neighbors in attendance.**




# Protest Map

4.20% 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.

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Scale: 1" = 300'
June 12, 2012

Subject Tract
Protest
Notification Area
Protest Outside Notification Area

**CAA DEVELOPMENT CORPORATION**

1400 E. IMHOFF ROAD•NORMAN, OK 73071-4050•PHONE (405) 329-1460

May 25, 2012

City of Norman
City Clerk
P.O. Box 370
Norman, OK 73070

RE: Community Christian School
Request for Special Use – 3106 Broce Drive

Dear City Clerk:

Please be advised that we received a legal notice from the Norman Planning Commission stating that the Community Christian School has submitted a request to the City of Norman for special use of the property at 3106 Broce Drive to expand their existing private school.

As a property owner within the area, we are protesting the approval of this use until we know more facts about their intentions for the property as we feel it could have a big impact and put restrictions on our property use and property tenants in the future.

Sincerely,

Gail Armstrong
President

FILED IN THE OFFICE
OF THE CITY CLERK
ON 5-29-12

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

* * *

Item No. 1, being:
**ROLL CALL**

| | |
|---|---|
| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

* * *

Item No. 8, being:
**ORDINANCE NO. O-1112-41 – COMMUNITY CHRISTIAN SCHOOL REQUESTS SPECIAL USE FOR A SCHOOL FOR PROPERTY CURRENTLY ZONED I-1, LIGHT INDUSTRIAL DISTRICT, AND LOCATED AT 3106 BROCE DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. Site Development Plan
4. CCS Plan
5. Pre-Development Summary

**PRESENTATION BY STAFF:**
1. Ms. Hudson – The application before you is for Community Christian School for a special use on property currently zoned I-1. CCS purchased this tract just to the west of their existing school on Broce Drive. It is going to be the high school. They're going to add additional classrooms, and they're adding a parking lot which will cross over into the lot to the east to allow for student and visitor parking. There are two businesses across the street to the north, one a carpet business and the other an office building. There was a letter of protest constituting 4.2% of the notification area. Staff recommends approval of this special use. With the internal parking lot, we don't feel there will be any adverse impacts on adjacent property owners.

2. Mr. Lewis – Was there a traffic study done on this? In looking at the notes, it seems that we're going to increase the number of students immediately by 100 with the high school; eventually it would be 400. It's my understanding right now traffic is an issue in that area, and the protest letter we got from Armstrong Companies – it seems that might be a negative impact. I'm wondering, has there been a traffic study performed?

3. Ms. Hudson – I do not know, but I feel the applicant can answer that.

**PRESENTATION BY THE APPLICANT:**
1. Tim Johnson, Johnson & Associates, 1 East Sheridan in Oklahoma City – We are the engineers for Community Christian School and have been for 20+ years. As the staff has reported, the existing school campus was allowed to be a permitted use under the old regulations of I-1. The current regulations of I-1 require the special use permit, which is why we're here. To answer your traffic question, we have not done a specific traffic impact study at this point. You're correct in that eventually there will be more students. The initial plan is to move the high school students out of the existing building into the new building at their current number of students, which is about 100. That's 9th, 10th, 11th and 12th grade. So that allows more room for the younger students – junior high and below, which, obviously, they don't drive cars, but there will be a little more traffic on the drop-off time. From a personal experience, I've had six kids graduate from this school, so I've done a lot of dropping off and picking up. The school has done a very good job with regard to organizing that. I can tell you 20 years ago it was chaos. We've worked real close with the neighbors to keep from blocking driveways and things like that for the very short period of time – that doesn't occur at the same peak traffic time that you would under a normal traffic impact study is going to happen in the 4:00 to 6:00 p.m. and the 7:00 to 9:00 a.m. would probably dovetail with morning traffic peak. But being an industrial tract, the local traffic is very low. The traffic for the school is about from 10 'til 8:00 to 10 or 15 after 8:00 in the morning. With regard to the new building, we are not anticipating increasing the number of cars that would exit out onto Broce Drive. Our exiting strategy would still continue to take them out to the frontage road out our south driveway – south of the existing building and the farthest east driveway onto Broce, where we control access and exiting there to be right turn only during the exiting hours of the school. So the impact, I think, to the neighborhood would simply be a minor increase in pick-up and drop-off traffic during those periods of time. We do a lot of traffic engineering work and we just have not requested or have not done a study for this.

As mentioned, the new building that has been acquired is looking at a remodel to convert it from what it is today to a classroom setting. The bulk of the addition at the south end of the building would be for a cafeteria, theater room, general gathering places, as well as additional classrooms. We are not increasing the drives onto Broce. We will be providing detention for the increased runoff that we would be creating for both the parking and the building addition. Mr. Armstrong did send a letter to the City; we received a copy of that late yesterday. I was successful in getting hold of Mr. Armstrong this morning and we talked twice today. I also sent him an email with regard to response to his comments. His concern about the special use permit, as he indicated to me, was he didn't want it to negatively impact uses that are permitted on his property. We did some research in the codes and ordinances; we talked to staff and confirmed that we would not diminish any of his current uses that are permitted in the I-1 with the limited C-2 uses that are permitted under that I-1 use. So I conveyed that to him and I'm not sure – I haven't seen him yet tonight, so if he's here, I'd be happy to give him the floor. I think with the site plan you have in front of you, that pretty much explains everything. I'd be happy to answer any questions.

2. Mr. McCarty – Well, my biggest concern reading this is that we've got a start of a 100 person addition to it and eventually 400 and there's been no traffic study. I frequent that area quite often around the 3:00 to 4:00 time when kids are being picked up and it's chaos. It's very dangerous turning out of those areas trying to get onto Broce if you're in that area doing business. So that's a big concern of mine and I'm just curious why there hadn't been one done.

3. Ms. Pailes – I noticed there's spaces for buses. Does the school have buses? That cuts down on traffic.

4. Mr. Johnson – Yes, they do. They keep them parked down on the gymnasium property to the north. They're only here to transport kids to PE on occasion.

5. Mr. Lewis – It looks like in phase 2 the ultimate build-out of parking spaces is going to be 160. Can you give me an estimate of what is there now?

6. Mr. Johnson – I should know that off the top of my head. It's about 120, I believe, counting the lot to the north.

7. Mr. Lewis – So we're just going to increase by about 40 automobiles just for parking there?

8. Mr. Johnson – I'm sorry, no. The increased parking would be about 50 spaces, so our total will be 160 – so about 110.

9. Mr. Danner – By our engineering standards, a traffic study is required with a preliminary plat. This property is already platted. Thereby it could not be required by us.

**AUDIENCE PARTICIPATION:**

1. Gail Armstrong, 1418 Aspen Lane – I did turn in a protest letter not understanding. I talked to Susan a while ago and I talked to Mr. Johnson today. Where I was concerned was school zonings and church zonings change what you can do next door. So I would hate to go down the road a ways and all of a sudden say, oh, you can't have that type of businesses in here because you're next door to a school, next door to a church. The special permissive use, Susan tells me, stays with the land. Right? Not with the use. But if they ever decided to vacate this property, then would it be only for a school?

2. Ms. Connors – Well, the special use doesn't expire, so it stays with the land until somebody requests a different use for the land. Now someone could still redevelop it industrially. The I-1 zoning does not change; the special use is a layer over that, but it doesn't expire.

3. Mr. Armstrong – With the questions I got answered today, I can withdraw my protest. I understood that I'm not going to get zoned out.

4. Mr. Lewis – Being a very large business owner in that area, or land owner in that area, do you have concerns with the amount of traffic that is going to be there? We have concerns that have been vocalized with the traffic study not being done. But I'm wondering if you have concerns with traffic.

5. Mr. Armstrong – We own the next two buildings to the west. It has been worse than it is now – back about five years ago. I don't know what exactly took place. They used to block our driveways and go around the corner, but evidently they've self-disciplined themselves on how to park around the street. I was glad to see it looked like they were going to add some parking, too.

6. Mr. Lewis – So, even though we're going to be increasing parking spaces by about 40 or 50, we're going to have about 160 in phase 2 – about 400 students coming and going, traffic is not going to be an issue for you?

7. Mr. Armstrong – Well, they can only park singly along the road, so if they can't park, they're going to have to find a solution themselves. That's all I can say. They can only park on one side waiting on the students to dismiss about 3:30 or 4:00.

8. Mr. Lewis – So it's not an inconvenience to you?

9. Mr. Armstrong – It hasn't been. We did have a complaint or two probably five or ten years ago and they've handled it pretty well.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

1. Mr. McCarty – I'll just make one other comment, and maybe he can answer this, about the school. But 100 high school students – the majority of them drive a car. We're adding 67 parking spaces and that's it. So if you have 9th graders, they won't drive. Sophomores through seniors will the majority of the time. If it hits 400, I have – where in the world would all these people park, or are they not allowed to drive to school? So this traffic thing is really kind of bothering me and how this is, because I have been in that area quite a bit and the people start lining up all the way down Broce and all the way around to Bart Conner. It's real congested at, like you said, off traffic time, but it's a problem. So I'm just curious how that works with your school.

2. Mr. Johnson – To answer your first question, the number of parking spaces that we're providing on this plan meets or exceeds the design criteria for 400 students. I can tell you that none of the students or staff are permitted to park outside the campus. That's an internal rule. The only time that ever happens is if there's a special event, like they have a fair once a year, sometimes presentation. But usually that's done at the gym. With regard to Mr. Armstrong's comment about why things have gotten better, the City did come out a couple of years ago and have restriped Broce from the intersection of I-35 back about 500 or 600 feet and created a third lane, so that traffic – that street is wide enough for three lanes of vehicles, including trucks. By doing that, because it's not striped anywhere else, that helps direct the through traffic on through and the parked traffic to stay in that far right lane that turn in that driveway. Mr. McCarty is correct that the short period of time before pick-up parents get there a little bit early and they'll park at the curb. They're very courteous about not blocking driveways. There are signs up – don't block the neighbor's driveway, signed by Mrs. O – she's the Gestapo of the school. I think just the parents have learned to run the trap properly. As I've said, they've tried to be good neighbors. They've talked to a lot of the neighbors and my kids have all grown up

there. I've been involved in the school for 20+ years and the good news is it's grown to the better. They're trying to do a very good job and trying to be a good neighbor. Obviously, there's a need for a private Christian school in this part of town, because our waiting list for our elementary is very long.

*Chris Lewis moved to recommend approval of Ordinance No. O-1112-41 to the City Council. Diana Hartley seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-41 to the City Council 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: O-1112-42

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | O-1112-42 | **Type:** | Ordinance | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 33 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 05/15/2012 |
| **File Name:** | Ladd Rezone-Special Use O-1112-42 | | | **Final Action:** | |

**Title:** ORDINANCE NO. O-1112-42: 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 28, TOWNSHIP 9 NORTH, RANGE 1 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE A-2, RURAL AGRICULTURAL DISTRICT, AND REMOVE THE SAME FROM THE A-1, GENERAL AGRICULTURAL DISTRICT, OF SAID CITY; AND TO GRANT SPECIAL USE FOR A RIDING ACADEMY AND PUBLIC STABLE ON SAID PROPERTY TO BE ZONED A-2, RURAL AGRICULTURAL DISTRICT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (8809 ALAMEDA DRIVE)

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-42 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-42 upon Final Reading as a whole.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 33

**Attachments:** Text File O-1112-42, O-1112-42 Jennifer Ladd, Ladd Location Map, Jennifer Ladd Riding Stable Staff Rpt, Ladd Site Plan, Ladd PD 12-05, Item 9 - Protest Map and letter, 6-14-12 PC Minutes - Ladd

**Project Manager:** Jane Hudson, 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 | 06/14/2012 | 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 | 06/14/2012 | | | | | |
| 1 | City Council | 07/10/2012 | Introduced and adopted on First Reading by title only | | | | Pass |
| | Action Text: | Introduced and adopted on First Reading by title only | | | | | |
| 1 | City Council | 07/10/2012 | | | | | |

## Text of Legislative File O-1112-42

Body

**BACKGROUND:** This is a request for rezoning and Special Use for a "Riding Academy and Public Stable" on the property located at 8809 Alameda Drive. Currently, the applicant has two zoning designations on her property: A-1, General Agricultural District, and A-2, Rural Agricultural District. To obtain a Special Use on this property the entire property must be zoned A-2, Rural Agricultural District, since a riding academy/public stable is not a permitted use in the A-1 zoning district. The applicant currently owns several horses already on-site and does not anticipate increasing the number of horses. The applicant lives on the property, with her residence located on the eastern portion of the tract. The applicant is a licensed social worker and seeks to offer equine therapy to patients, primarily children. The applicant anticipates the therapy sessions will occur 5-10 hours per week and sessions will include between 1-8 clients. The applicant proposes to construct one large corral on the east portion of the tract where she will work with the clients. This portion of Norman still contains numerous large agricultural lots that are sufficient in size to minimize any off-site impacts.

IMPACTS This tract abuts Lake Thunderbird property to the north and east. There are existing farm buildings which are approximately 236 feet from the east property line. The new corral will be located on the eastern portion of the tract, minimizing any impact the operation might have on neighboring properties. The applicant has agreed to install a fence on her west property line to keep riders from wandering across property boundary lines. The entire tract is heavily wooded along all property boundaries. The proposed area for the new corral is over 500-feet from the nearest neighboring residence to the east.

ACCESS One existing driveway serves the parcel off Alameda Drive, which has good sight visibility for future visitors. Additional driveways have not been proposed. A gravel road provides access into the middle of the lot, where it will branch to access the various buildings and facilities on-site. Visitor parking will be provided on gravel surfaces, which is acceptable within this zoning district.

**STAFF RECOMMENDATION:** The large parcel and small class size does not create any

additional adverse impacts with this request. Visitor parking on gravel surfaces is appropriate and is adequate given the sporadic amount of visitor events. Staff recommends approval of this rezoning and Special Use request. The Planning Commission, at their meeting on June 14, 2012, unanimously recommended approval of this rezoning from A-1 to A-2 and the Special Use for a Riding Academy and Public Stable.

O-1112-42

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 NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 9 NORTH, RANGE 1 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE A-2, RURAL AGRICULTURAL DISTRICT, AND THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE A-1, GENERAL AGRICULTURAL DISTRICT, OF SAID CITY AND TO GRANT SPECIAL USE FOR A RIDING ACADEMY AND PUBLIC STABLE; AND PROVIDING FOR THE SEVERABILITY THEREOF. (8809 ALAMEDA DRIVE)

§ 1. WHEREAS, Jennifer Ladd, the owner of the hereinafter described property, has made application to have the same placed in the A-2, Rural Agricultural District, and to have the same removed from the A-1, General Agricultural District; and

§ 2. WHEREAS, Jennifer Ladd, the owner of the hereinafter described property, has made application for Special Use for a Riding Academy and Public Stable in the A-2, Rural Agricultural District; and

§ 3. 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

§ 4. 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:

§ 5. 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 A-2, Rural Agricultural District, and to have the same removed from the A-1, General Agricultural District;, to wit:

A strip, piece, or parcel of land lying in the NW/4 of Section 28, T9N, R1W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

The basis of bearing for this description is the South line of the NW/4 of said NE/4 of said Section assumed to bear North 89°44'26" West and is monumented by a mag nail on the west and a brass cap on the east.
COMMENCING AT THE SW/C of said NW/4;

THENCE South 89°44'26" East along the South line of said quarter a distance of 825.13 feet;
THENCE North 00°15'34" East a distance of 20.25 feet to the POINT OF BEGINNING;
THENCE North 89°01'34" East a distance of 174.08 feet;
THENCE North 10°22'50" East a distance of 16.86 feet;
THENCE South 89°27'04" East a distance of 114.29 feet;
THENCE South 11°15'52" East a distance of 14.52 feet;
THENCE North 86°04'39" East a distance of 145.78 feet
THENCE North 89°58'59" East a distance of 180.96 feet;
THENCE South 87°41'15" East a distance of 213.22 feet;
THENCE South 14°19'12" East, a distance of 30.64 feet;
THENCE South 89°44'26" East a distance of 9.20 feet;
THENCE North 67°57'42" East a distance of 406.69 feet;
THENCE North 00°21'58" East a distance of 45.69 feet
THENCE North 89°44'26" West a distance of 1226.91 feet;
THENCE South 00°15'34" West a distance of 200.00 to the POINT OF BEGINNING.

Said tract containing 4.344 acres, more or less

§ 6. 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 Riding Academy and Public Stable, to wit:

The SE/4 of the SW/4 of the SW/4 of the NW/4 and the S/2 of the SE/4 of the NW/4 of Section 28, T9N, R1W of the Indian Meridian, Cleveland County, Oklahoma, less and except BEGINNING at a point of intersection of the East Line of said NW/4 and the North Line of Highway 9 right-of-way, which is 75 feet from the center line of said highway;
THENCE North along the East Line of said NW/4, 745.8 feet;
THENCE West 514.8 feet;
THENCE South parallel to said East line of said NW/4, 943.8 feet to intersection with North right-of way line of Highway #9,
THENCE Northeasterly along the North right-of-way line of Highway #9 to the place of beginning, and Less and Except that part of the NW/4 lying South of the South line of right-of-way of Highway #9.

Said tract containing 19.765 acres, more or less

§ 7. 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

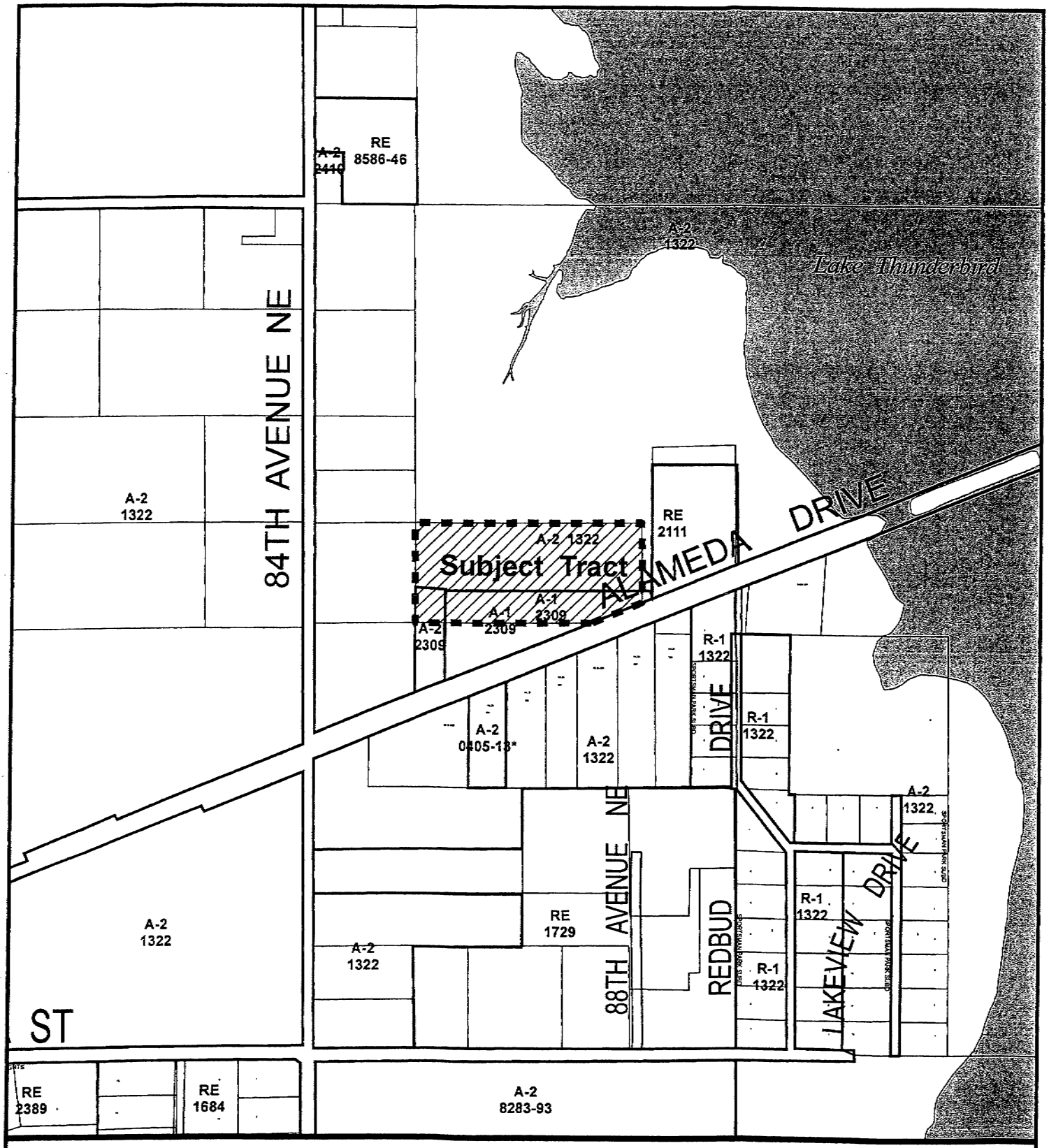
NOT ADOPTED this _____day of

_____, 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
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May 16, 2012

0 400 800 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-42 ITEM NO. 9

## STAFF REPORT

### GENERAL INFORMATION

| | |
|---|---|
| APPLICANT | Jennifer Ladd |
| REQUESTED ACTION | Rezoning from A-1 to A-2 and Special Use for equine therapy and public riding stable |
| EXISTING ZONING | A-1 General Agricultural and A-2, Rural Agricultural |
| SURROUNDING ZONING | North: Government Property/ Lake Thunderbird<br>East: Government Property/ Lake Thunderbird<br>South: A-1, General Agricultural<br>West: A-2, Rural Agricultural |
| LOCATION | 8809 Alameda Drive, generally located on the north side of Alameda Drive approximately one-quarter mile east of 84th Avenue NE |
| SIZE | 19.75 Acres |
| PURPOSE | Equine Therapy & Public Stable |
| EXISTING LAND USE | Residential |
| SURROUNDING LAND USE | North: Agricultural<br>East: Agricultural<br>South: Residential & Agricultural<br>West: Residential & Agricultural |
| LAND USE PLAN DESIGNATION | Country Residential |

**SYNOPSIS:** This is a request for rezoning and Special Use on the property located at 8809 Alameda Drive. Currently the applicant has two zoning designations on her property: A-1, General Agricultural District and A-2, Rural Agricultural District. To obtain a Special Use on this property the entire property must be zoned A-2, Rural Agricultural District since a riding academy/public stable is not a permitted use in the A-1 zoning district. The applicant currently owns several horses already on-site and does not anticipate increasing the number

of horses. The applicant is a licensed social worker and seeks to offer equine therapy to patients, primarily children. The applicant anticipates the therapy sessions will occur 5-10 hours per week and sessions will include between 1-8 clients. The applicant proposes to construct one large corral on the east portion of the tract where she will work with the clients. This portion of Norman still contains numerous large agricultural lots that are sufficient in size to minimize any off-site impacts. The applicant lives on the property, with her residence located on the eastern portion of the tract.

**ANALYSIS:**

IMPACTS This tract abuts Lake Thunderbird property to the north and east of this property. There are existing farm buildings which are approximately 236 feet from the east property line. The new corral will be located on the eastern portion of the tract minimizing any impact the operation might have on any neighboring properties. The applicant has agreed to install a fence on her west property line to keep riders from wandering across property boundary lines. The western portion of the property is heavily wooded. Also, the residence to the south is located in an area of dense trees creating a buffer between the parcels. Beyond the lake property to the east is an existing residence. The specific proposed area for the new corral is over 500-feet from that residence to the east.

ACCESS One existing driveway serves the parcel off Alameda Drive, which has good sight visibility for future visitors. Additional driveways have not been proposed. A gravel road provides access into the middle of the lot, where it will branch to access the various buildings and facilities on-site. Visitor parking will be provided on gravel surfaces, which is acceptable within this zoning district.

**OTHER AGENCY COMMENTS:**

PARK BOARD No parkland dedication is required or associated with this request.

PUBLIC WORKS Platting is not required for agricultural uses.

**STAFF RECOMMENDATION:** The large parcel and small class size does not create any additional adverse impacts with this request. Visitor parking on gravel surfaces is appropriate and is adequate given the sporadic amount of visitor events. Staff recommends approval of this rezoning and Special Use request.

*I, Jonathan D. Rogers, a Registered Professional Land Surveyor in the State of Oklahoma, do hereby certify that the total area as shown hereon for zoning request is correct*

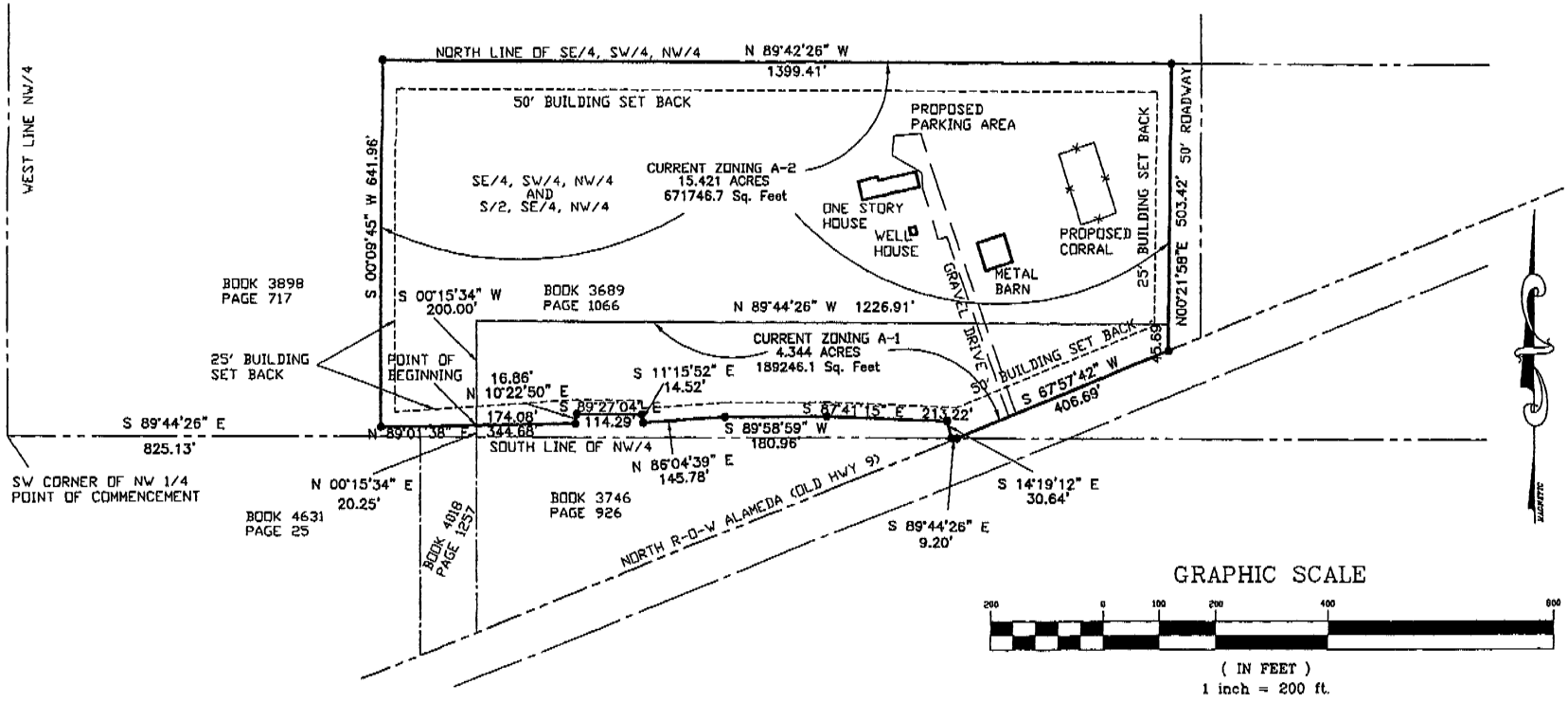
*Jonathan D. Rogers PLS 1706* *5/15/12*
*Date*

LICENSED PROFESSIONAL LAND SURVEYOR
JONATHAN D. ROGERS
1706
OKLAHOMA

LEGAL DESCRIPTION
CURRENT A-1 ZONE

A STRIP PIECE OR PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION TWENTY-EIGHT, TOWNSHIP NINE NORTH, RANGE ONE WEST OF THE INDIAN MERIDIAN, CLEVELAND COUNTY, OKLAHOMA MORE PARTICULARLY DESCRIBED AS FOLLOWS;
THE BASIS OF BEARING FOR THIS DESCRIPTION IS THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION
ASSUMED TO BEARS N89°44'26"W AND IS MONUMENTED BY A MAG NAIL ON THE WEST AND A BRASS CAP ON THE EAST

COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER THENCE S89°44'26"E ALONG THE
SOUTH LINE OF SAID QUARTER A DISTANCE OF 825.13 FEET;
THENCE N 00°15'34" E A DISTANCE OF 20.25 FEET TO THE POINT OF BEGINNING;
THENCE N 89°01'34" E A DISTANCE OF 174.08 FEET;
THENCE N10°22'50"E A DISTANCE OF 16.86 FEET;
THENCE S89°27'04"E A DISTANCE OF 114.29 FEET;
THENCE S11°15'52"E A DISTANCE OF 14.52 FEET;
THENCE N86°04'39"E A DISTANCE OF 145.78 FEET;
THENCE N89°58'59"E A DISTANCE OF 180.96 FEET;
THENCE S87°41'15"E A DISTANCE OF 213.22 FEET;
THENCE S14°19'12"E A DISTANCE OF 30.64 FEET;
THENCE S89°44'26"E A DISTANCE OF 9.20 FEET;
THENCE N67°57'42"E A DISTANCE OF 406.69 FEET;
THENCE N00°21'58"E A DISTANCE OF 45.69 FEET;
THENCE N89°44'26"W A DISTANCE OF 1226.91 FEET;
THENCE S00°15'34"W A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING
CONTAINING 4.344 ACRES OR 671746.7 SQ. FEET MORE OR LESS




SITE PLAN

Drawn By: J. Rogers | Approved By:
Checked By: T. Cole | Date: 5/15/2012
Project No.: | Scale: 1"=200'

SITE PLAN
LADD HORSE ARENA
SEC 28, 9N-1W
Cleveland County Oklahoma

PINNACLE
CONSULTING MANAGEMENT GROUP, INC
1141 N. ROBINSON AVE. SUIT 402
OKLAHOMA CITY, OK 73103
PH (405) 879-0600 Fax (405) 604-4627
CA 6117 Expires 6-30-13

SHEET 1
OF 1 SHEETS

**City of Norman Predevelopment** **March 22, 2012**

| | |
|---|---|
| **Applicant** | Jennifer Ladd |
| **Location** | 8809 Alameda Drive |
| **Case Number** | PD 12-05 |
| **Time** | 6:00-6:30 PM |

| **Attendee** | **Stakeholder** | **Address** | **phone** |
|---|---|---|---|
| Jennifer Ladd | applicant | 8809 Alameda Dr | 343-4244 |
| Ben Odom | Applicant's attorney | 2350 McKown Drive Norman | 701-1863 |
| Randy Worden | Agency representative | Central OK Master Water Conservancy Dist 12500 Alameda Dr | 329-5228 |
| Stephen and JoAnita Weichbrodt | Neighbors | 601 84th St NE | 364-3457 |
| Edwin and Susanne Corr | Applicant's parents | 1617 Jenkins | 321-7036 |
| Susan Atkinson | City staff | | 366-5392 |
| Doug Koscinski | City staff | | |
| Leah Messner | City staff | | |

**Application Summary.** The applicant is seeking to rezone her 20-acre property from the current A-1 and A-2 to A-2. The *Norman 2025 Land Use Plan* designation is Country Residential.

**Applicant's Opportunity.** The applicant is a licensed social worker who is seeking to use her 20-acre property in east Norman to offer equine therapy to her counseling patients, primarily children. The southeast quadrant of the property—approximately 5 acres—is currently zoned A-1 which does not allow a public riding stable land use. The applicant would like to rezone this section of the property in order to allow the legal construction of the public stable and corral.

As is permitted in an A-2 zone, the applicant already keeps horses on the property but does not anticipate increasing the number of horses. She foresees that these therapy sessions will occur for 5-10 hours per week and sessions will include between 1-8 clients.

The applicant will add a fence to the west side of her property to prevent riders from leaving her property but she anticipates that there will not be occurrences of unattended riders wandering around the property. She added that many of her clients will never even ride horses but will work with them on the ground.

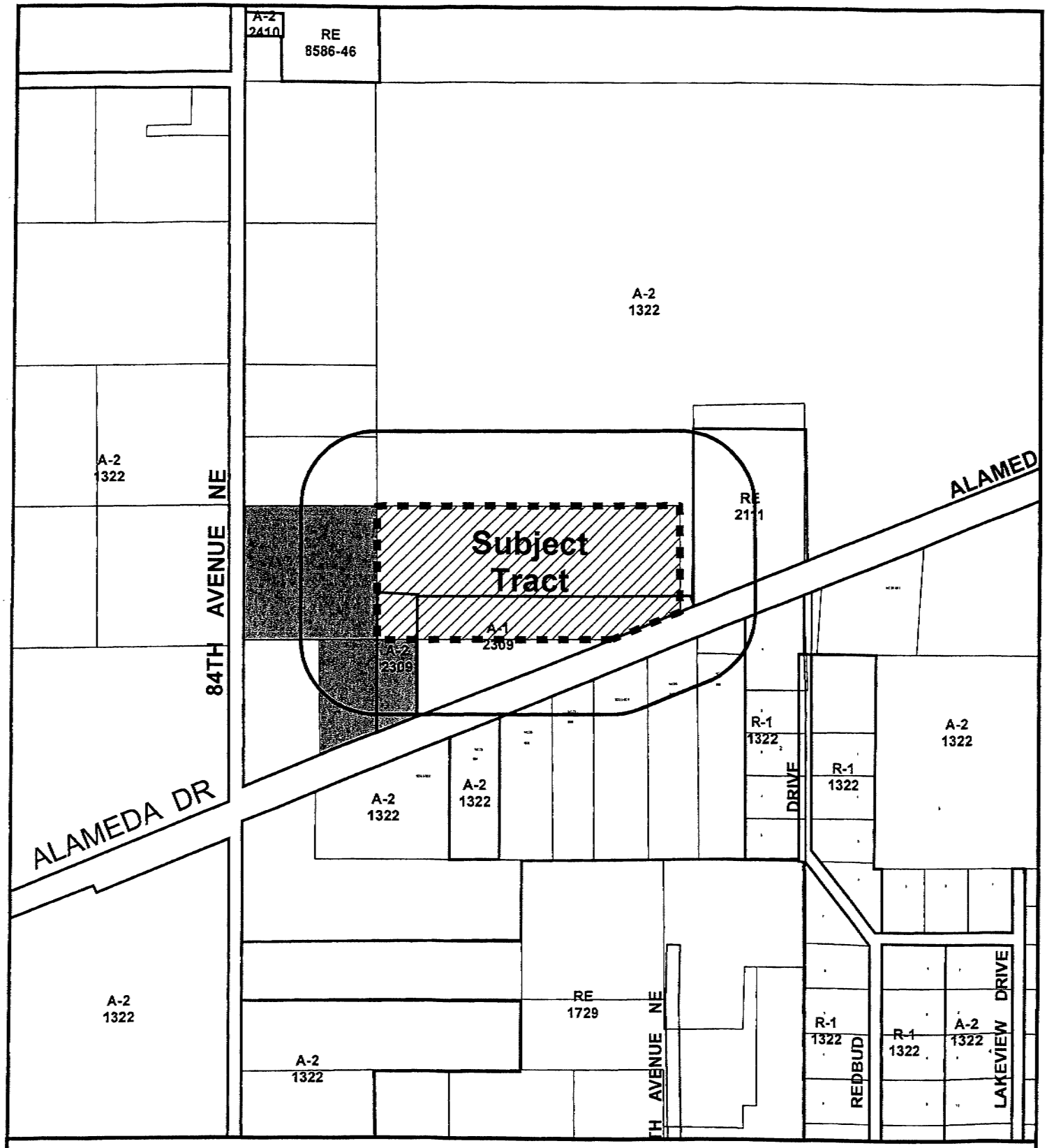
**Neighbors' Questions and Comments.**

**Q. Possibility of trespassing onto neighboring property?**

> **Applicant's answer.** She stated that she would add a fence to the west property line which would prevent the possibility that any riders could wander onto neighboring property.

**Q. Increase in number of horses?**

> A representative of the Central Oklahoma Master Water Conservancy was in attendance to ask about the number of horses and possible negative impact on the Lake Thunderbird watershed. The applicant stated there would be no increase in the number of horses.




# Protest Map

23.3% 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'

June 12, 2012

Subject Tract

Protest

Notification Area

Protest Outside
Notification Area

Stephen N. & Janita Weinbrecht
601 84TH Street NE.
Norman, Oklahoma 73026

6/11/2012

Norman Planning Commission, Secretary
201 - A West Gray Street
Norman, Oklahoma 73069

FILED IN THE OFFICE
OF THE CITY CLERK
ON 6-11-12

Dear Commission Members and concerned citizens,

The purpose of this letter is to state our feelings concerning the proposed rezoning ordinance request by our neighbor Jennifer Ladd, whose property adjoins our property on our east boundary, Jennifer's west boundary. This boundary currently has no fencing or other means to prevent riders from accessing our property.

From previous discussions, it is our understanding that Jennifer's intentions are to use only a portion of her property for the counseling therapy which is located away from our property toward the east. This area is to be contained by a corral and fence, as mentioned in your correspondence. We have no objections to this use and are entirely supportive.

Our objections center on the entire 11.765 acres being rezoned when there is no proposed objective for doing so other than saving money. As this rezoning would allow for a Riding Academy and Public Stable adjacent to our property, riders could conceivably enter onto our property where there is no barrier to prevent this trespass.

In the past, and certainly to happen in the future, some of the general public who visit Lake Thunderbird State Park hike and camp across its boundaries, even though it is fenced by the State. Our property was vandalized in the recent past and when talking with the police who investigated, we learned the area in which we live is a high crime rate area which is underserved by patrolling police.

If Jennifer's request to rezone her entire parcel of land to save costs, is allowed without proper protection, i.e. fencing, we feel our protection and safety would be subject to undo peril.

In closing, we belive Jennifer's intentions to be honorable and honest. Our concerns rest with any future owners and their intentions. As a public stable, a proactive approach is necessary to minimize any future problems. These are our concerns. Sincerely, Stephen & Jani Weinbrecht

# United States Department of the Interior

BUREAU OF RECLAMATION
Oklahoma-Texas Area Office
Oklahoma City Field Office
5924 NW 2nd Street, Suite 200
Oklahoma City, OK 73127-6514


IN REPLY REFER TO:
OK-AD
PIO-1.10

MAY 24 2012

Mr. Andy Sherrer
Chairman
Norman Planning Commission
201 West Gray, Bldg. A
Norman, Oklahoma 73070

Subject: Notice of Request for Rezoning and Special Use for a Riding Stable Near Lake Thunderbird, Norman Project, Oklahoma (Your Notice Dated May 24, 2012)

Dear Mr. Sherrer:

Thank you for providing notice of the subject request for rezoning to facilitate a proposed riding stable at 8809 Alameda Drive. The Bureau of Reclamation's Managing Partner, the Central Oklahoma Master Conservancy District, will have a representative at the meeting to discuss Ms. Ladd's proposed rezoning.

Please contact me at 405-470-4821 if you have any questions or need additional information.

Sincerely,

Jeff Tompkins
Supervisor, Land Resources Group

cc: Mr. Randy Worden
District Manager
Central Oklahoma Master Conservancy District
12500 Alameda Drive
Norman, Oklahoma 73026


RECEIVED
MAY 2 1 2012
Planning & Community Development

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

* * *

Item No. 1, being:
**ROLL CALL**

| | |
|---|---|
| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

* * *

Item No. 9, being:
**ORDINANCE NO. O-1112-42 – JENNIFER LADD REQUESTS REZONING FROM A-1, GENERAL AGRICULTURAL DISTRICT, TO A-2, RURAL AGRICULTURAL DISTRICT, FOR 4.344 ACRES OF PROPERTY, AND SPECIAL USE FOR A RIDING ACADEMY AND PUBLIC STABLE ON 19.765 ACRES OF PROPERTY LOCATED AT 8809 ALAMEDA DRIVE.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. Site Plan
4. Pre-Development Meeting Summary

**PRESENTATION BY STAFF:**
1. Ms. Hudson – The applicant is requesting a special use for a riding stable. She's going to be performing what they consider equine therapy. Currently she has A-1 zoning and A-2 zoning on her property. To be able to do this request for special use, she has to have A-2 for the entire property. Current land use is all residential out there. There is one corral in place and it is my understanding she will be putting a different one in. There is an existing barn. The applicant has requested A-2 for the entire property. She is a licensed social worker and she already owns several horses, which she will be using for the equine therapy with children. The parcel of land and small class size doesn't create any additional impacts on neighbors. The parking on gravel surfaces is appropriate and adequate for the small class sizes that will be going on. Staff recommends approval of this rezoning and special use request. The applicant is here with her representative.

**PRESENTATION BY THE APPLICANT:**
1. Benjamin Odom, 2350 McKown Drive, representing the applicant – The applicant is here also. I realize that riding stable conjures up a certain image, but in reality what we're talking about is she's a licensed clinical social worker that uses equine psychotherapy to help traumatized children. It's been advantageous for the children to not necessarily ride the horses, but to take care of the horses. That has a very beneficial impact for the children. The primary purpose here for trying to upgrade the corral area, which is on the eastern side of the property, and 20 acres is not a large tract in terms of what we're discussing here. As you saw, it was heavily forested to the west. I would simply say that what we're trying to do here is make sure that we have the ability to use the area without, oops, we've gone over some magic line of just 3 or 4 acres that's supposed to be where the horses are. The horses are out there now. I don't think we're having any additional impact on anything that's going on, except that we're trying to follow all the rules and procedures. Riding stable is the term of special use that this city has that would allow her to do what she is doing. The primary impact here at the moment is we intend to try to help the traumatized children. I note that there was a letter filed concerning the fencing. We intend to fence on the west side of the property if this use is granted and the rezoning is granted. We indicated at the Pre-Development meeting that, when the times comes for us to build a fence, we're happy to consult with the neighbor to the west as to what type of input they would like to have toward the fencing. If someone has a real concern about the fencing, now, of course, they're not prohibited from putting up a fence on their property now if they wanted to. But we haven't had much of an issue, I think, in terms of our land use with the horses there now, and I would ask that the Commission give us an approval.

2. Mr. Lewis – You said that her horses are currently on the property. So this is really a question for Ms. Ladd. How many horses are on the property now and, basically, will that number increase at any point in time in the future – is that your intention?

3. Jennifer Ladd, the applicant – I have three horses currently. I've had more than that in the past. I sold one not too long ago. It's possible I would get another horse at some time. I don't need one for what I'm going to do.

4. Mr. Lewis – It's not going to be a horse farm any time soon, in other words?

5. Ms. Ladd – Well, it is a horse farm already and has been for many years.

6. Mr. Lewis – And the horses have been there?

7. Ms. Ladd – For that, you don't need special use.

8. Mr. Lewis – Right. Exactly. But the time frame that the horses have already been there?

9. Ms. Ladd – I'd say maybe 8 years.

10. Mr. Lewis – So what we have is a 20-acre parcel of land that has 3 or 4 horses on it you're going to use in therapy for traumatized children. We don't intend to increase the number of horses there. So really there's nothing changing other than we're just rezoning or using a special use for this piece of property?

11. Ms. Ladd – Right. To allow me to have a business rather than just personal use.

**AUDIENCE PARTICIPATION:**

1. Stephen Weichbrodt, 1400 Classen Boulevard – My interest in this particular parcel of land is that we are the neighbor to the west of this property. Jennifer's property line is the western boundary; ours is the eastern boundary. My concern is some of the words like "public stable." The only public stable I'm familiar with is Thunderbird Riding Stable and that's fraught with anybody that wants to come in and ride horses and sometimes they have parties and things and it gets out of hand and things like that. That's what my concern is. I have no objection to Jennifer's request for treating the children. I think that's a noble cause and I'm very supportive of that. My concern is if she is just wanting to use a portion of her property on the east side, why does she want to rezone the entire 20 acres if she's not going to use that? Why not just rezone the part that's necessary to accomplish her goals, instead of the entire 20 acres? I think in the event that the property changes hands in the future, then the objectives of that zoning could be different than what Jennifer's are.

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**

*Dave Boeck moved to recommend approval of Ordinance No. O-1112-42 to the City Council. Chris Lewis seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-42 to the City Council 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: O-1112-43

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | O-1112-43 | **Type:** | Ordinance | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 34 | **In Control:** | City Council |
| **Department:** | Planning and Community Development Department | **Cost:** | | **File Created:** | 05/15/2012 |
| **File Name:** | Cies Rezone O-1112-43 | | | **Final Action:** | |

**Title:** ORDINANCE NO. O-1112-43: 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 NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD)

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-43 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion to adopt Ordinance No. O-1112-43 upon Final Reading as a whole.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 34

**Attachments:** Text File O-1112-43, Brookhaven 41 Rezone Location, Brookhaven 41 Cies Staff Rpt, Brookhaven 41 PUD Narrative, Brookhaven 41 Prelim Site Dev Plan, 6-12-14 PC Minutes - Brookhaven 41

**Project Manager:** Jane Hudson, 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 | 06/14/2012 | 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 | 06/14/2012 | | | | | |
| 1 | City Council | 07/10/2012 | Introduced and adopted on First Reading by title only | | | | Pass |
| | **Action Text:** | Introduced and adopted on First Reading by title only | | | | | |
| 1 | City Council | 07/10/2012 | | | | | |

## Text of Legislative File O-1112-43

Body

**BACKGROUND**: The applicant has requested rezoning from RM-6, Medium Density Apartment District, to R-1, Single Family Dwelling District, and PUD, Planned Unit Development, for two tracts within the Brookhaven 41 Addition. The developer owns a total of 46.50 acres within the revised preliminary plat, Brookhaven 41 Addition. The revised preliminary plat consists of C-1, Local Commercial District, 7 acres; R-1, Single Family Dwelling District, 28.99 acres; and the PUD consists of 10.51 acres.

"Tract 1" consists of 4.97 acres and is proposed for 15 single-family lots consistent with the lots in the existing areas of Brookhaven. There will be "Limits of No Access" established on the lots adjacent to the collector street Brookhaven Boulevard, with the exception of Lot 15, Block 4 which fronts Brookhaven Boulevard. The lots backing up to West Rock Creek Road will have fencing requirements and an additional "Limits of No Access" will be established for Rock Creek Road.

"Tract 2" consists of 10.51 acres and is the area designated for the Planned Unit Development. There are 40 single-family lots which are designed in a townhouse type setting. The lots will have zero building setbacks for the front and side yard setbacks. Rear utility easements and public alley easements will be provided for utility connections and access to rear garages. The lot widths will vary from 36 to 45 feet and depths of 100 feet.

OPEN SPACE: All common areas or amenities for the PUD will consist of landscaping areas at the entry of the proposal, cutback parking within the interior common area. The amenities proposed will be gazebos and/or pavilion structures, park benches, sidewalks, fountains and landscaping. Any lighting within the common areas will be required to meet the lighting requirements in the zoning ordinance. The common areas and amenities will be maintained by a Property Owners Association.

PARKING: Each single family home within the R-1 zoning and PUD will have, at a minimum, the required 2 parking spaces with a two-car garage. The PUD common open space area, located within

the one-way 20 foot wide street, contains 21 parking spaces for overflow parking and visitors. The parking for the townhouse residents is located outside the public right-of-way, accessed via alleys and will be maintained by the Property Owners Association.

PHASES: The Planned Unit Development will be developed in one phase. The single-family lots will be developed on an as-needed basis.

IMPACTS: The sanitary sewer and water lines have been designed and are sufficient in size to accommodate both the single-family development as well as the proposed PUD. The PUD is not a gated development and will utilize public streets and alleys for residents and services.

PARKS BOARD: The developer previously dedicated a 6.7 acre park for the Brookhaven development as a whole. Fee-in-lieu of park land will be utilized for this remaining area of the preliminary plat. Those fees will be utilized on the existing park land to the south of this area.

PUBLIC WORKS AND UTILITIES: A large detention pond is currently under construction to convey the storm water from the Planned Unit Development into the detention pond. The single-family properties north of the PUD will convey its storm water into an existing underground storm sewer that runs east under 36th Avenue NW and into Brookhaven Creek. Existing utilities will be extended to serve each proposed residential lot. Sidewalks will be installed as required by city standards creating a connection between existing and future development as well as the park area to the south.

**STAFF RECOMMENDATION**: With the reduction in the RM-6 zoning, the proposed development will be compatible with what has been built in the area. A reduction in density will create a more open appeal to the development for both the single family area as well as the PUD. Staff is able to support this request for R-1, Single-Family zoning and the request for PUD zoning and recommends approval. The Planning Commission, at their meeting on June 14, 2012, unanimously recommended approval of the requested rezoning from RM-6 to R-1 and PUD.

O-1112-43

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 NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE R-1, SINGLE FAMILY DWELLING DISTRICT, AND THE PUD, PLANNED UNIT DEVELOPMENT DISTRICT, AND REMOVE THE SAME FROM THE RM-6, MEDIUM DENSITY APARTMENT DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD)

§ 1. WHEREAS, Cies Properties, Inc., the owner of the hereinafter described property, have made application to have a portion of their property placed in the R-1, Single-Family Dwelling District, and to have the same removed from the RM-6, Medium Density Apartment District; and

§ 2. WHEREAS, Cies Properties, Inc., the owner of the hereinafter described property, have made application to have a portion of their property placed in the PUD, Planned Unit Development District, and to have the same removed from the RM-6, Medium Density Apartment District; and

§ 3. 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

§ 4. 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:

§ 5. 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 R-1, Single Family Dwelling District, and to have the same removed from the RM-6, Medium Density Apartment District, to wit:

A tract of land lying in the NE/4 of Section 22, T9N, R3W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the NE/C of said NE/4; THENCE North 89°57'05" West on the North Line of said NE/4 for a distance of 1050.13 feet to the POINT OF BEGINNING;
THENCE South 00°04'37" West a distance of 680.00 feet;
THENCE North 89°57'05" West a distance of 220.66 feet;
THENCE South 00°04'46" West a distance of 131.72 feet;
THENCE South 49°56'50" West a distance of 32.23 feet;
THENCE North 80°11'07" West a distance of 75.40 feet;
THENCE North 35°11'07" West a distance of 35.36 feet;
THENCE North 09°48'53" East a distance of 33.74 feet;
THENCE Northeasterly, on a curve to the left, having a radius of 997.96 feet, a chord bearing of North 07°34'06" East, for a curve distance of 78.26 feet;
THENCE North 05°19'19" East a distance of 108.06 feet;
THENCE North 09°53'04" East a distance of 94.28 feet;
THENCE North 05°19'19" East a distance of 61.37 feet;
THENCE Northeasterly, on a curve to the left, having a radius of 637.50 feet, a chord bearing of North 02°41'07" East, for a curve distance of 58.67 feet;
THENCE North 00°02'55" East a distance of 284.81 feet;
THENCE North 45°02'55" East a distance of 35.36 feet;
THENCE North 00°02'55" East a distance of 50.00 feet to a point on the North Line of said NE/4;
THENCE South 89°57'05" East on said North Line a distance of 265.09 feet to the POINT OF BEGINNING.

Said tract containing 4.97 acres, more or less

§ 6. 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 RM-6, Medium Density Apartment District, to wit:

A tract of land lying in the NE/4 of Section 22, T9N, R3W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the NE/C of said NE/4; THENCE North 89°57'05" West on the North Line of said NE/4 for a distance of 1050.13 feet;
THENCE South 00°04'37" West a distance of 680.00 feet to the POINT OF BEGINNING;
THENCE South 00°04'37" West a distance of 226.38 feet;
THENCE South 89°55'22" East a distance of 375.00 feet;
THENCE South 89°13'55" East a distance of 56.01 feet;
THENCE South 00°37'04" West a distance of 560.00 feet;
THENCE South 89°13'55" East a distance of 560.00 feet;
THENCE South 00°39'04" West, a distance of 131.07 feet;
THENCE North 89°13'55" West a distance of 414.42 feet;
THENCE North 72°29'56" West a distance of 654.00 feet;
THENCE North 26°18'09" West a distance of 278.95 feet;
THENCE North 00°04'46" East a distance of 176.99 feet;

THENCE North 80°11'07" West a distance of 110.08 feet;
THENCE South 56°28'44" West a distance of 34.31 feet;
THENCE Northeasterly on a curve to the left, having a radius of 630.00 feet, a chord bearing of North 11°28'44" East and a chord distance of 36.59 feet, for a curve distance of 36.59 feet;
THENCE North 09°48'53" East, a distance of 61.97 feet;
THENCE South 35°11'07" East a distance of 35.36 feet;
THENCE South 80°11'07" East a distance of 75.40 feet;
THENCE North 49°56'50" East a distance of 32.23 feet;
THENCE North 00°04'46" East a distance of 131.72 feet;
THENCE South 89°57'05" East a distance of 220.70 feet to the POINT OF BEGINNING

Said tract containing 10.51 acres, more or less

§ 7. Further the following condition is hereby attached to the zoning of the tract:

a. The site shall be developed in accordance with the PUD Narrative as revised and resubmitted May 29, 2012, and the Site Development Plan contained therein and supporting documentation submitted by the applicant and approved by the Planning Commission and made a part hereof.

§ 8. 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

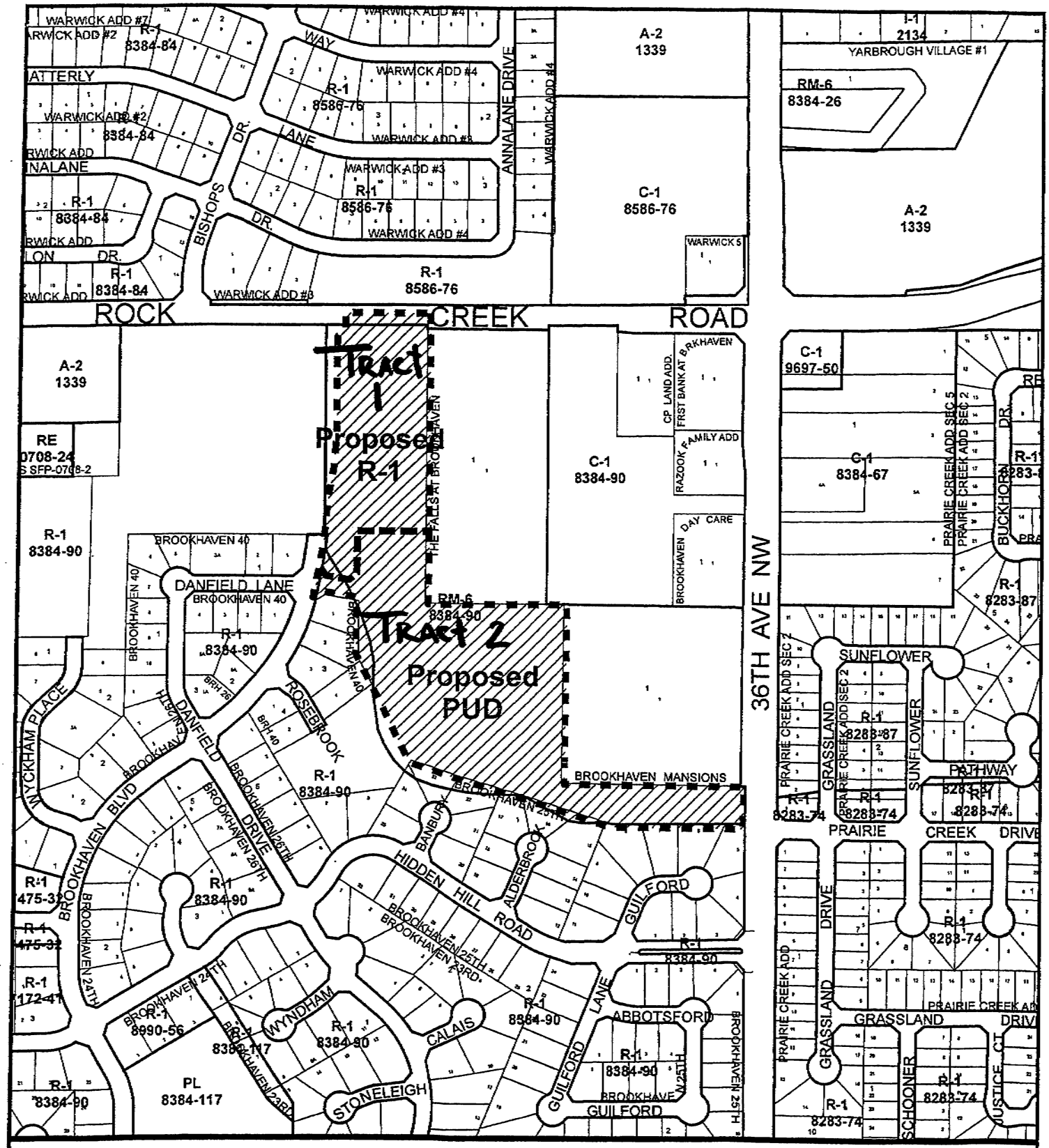
NOT ADOPTED this _____day of

_____, 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

May 16, 2012

0 200 400 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1112-43 | ITEM NO. 10a

## STAFF REPORT

### GENERAL INFORMATION

| | |
|---|---|
| APPLICANT | Cies Properties, Inc. |
| REQUESTED ACTION | Rezoning of Tract 1 – From RM-6, Medium Density Apartment District to R-1, Single Family Dwelling District<br>Rezoning of Tract 2 - From RM-6, Medium Density Apartment District to Planned Unit Development (PUD) |
| EXISTING ZONING | RM-6, Medium Density Apartment District |
| SURROUNDING ZONING | North: R-1, Single Family Dwelling District<br>East: RM-6, Medium Density Apartment<br>South: R-1, Single Family Dwelling District<br>West: R-1, Single Family Dwelling District |
| LOCATION | Generally located on the south side of Rock Creek Road approximately 1,000 feet west of 36th Avenue NW |
| SIZE | Tract 1 – 4.97 Acres<br>Tract 2 – 10.51 Acres |
| PURPOSE | Single-Family Residence |
| EXISTING LAND USE | Vacant |
| SURROUNDING LAND USE | North: Residential & Vacant<br>East: Multi-family (Under construction)<br>South: Residential<br>West: Residential & Vacant |
| LAND USE PLAN DESIGNATION | Low Density Residential |

**SYNOPSIS**: The applicant has requested rezoning from RM-6, Medium Density Apartment District to R-1, Single Family Dwelling District and PUD, Planned Unit Development for two tracts within the Brookhaven 41 Addition, see attached map for area designations. The hatched areas are the only areas applying for rezoning. The developer owns a total of 46.50 acres within the revised preliminary plat, Brookhaven 41 Addition. The revised preliminary plat that has been submitted consists of C-1, Local Commercial District, 7 acres; R-1, Single Family Dwelling District, 28.99 acres; and the PUD consists of 10.51 acres.

**ANALYSIS**:

"Tract 1" noted on the attached map consists of 4.97 acres and is proposed for 15 single-family lots consistent with the lots in the existing area(s) of Brookhaven. There will be "Limits of No Access" established on the lots adjacent to the collector street Brookhaven Boulevard with the exception of Lot 15, Block 4 which fronts Brookhaven Boulevard. The lots backing up to West Rock Creek Road will have fencing requirements and an additional "Limits of No Access" will be established for Rock Creek Road.

"Tract 2" noted on the attached map consists of 10.51 acres. This is the area designated for the Planned Unit Development. There are 40 single-family lots which are designed as a townhouse type setting. The lots will have zero building setbacks for the front and side yard setbacks. Rear utilities easements and public alley easements will be provided for utility connections and access to rear garages. The lot widths will vary from 36 to 45 feet and depths of 100 feet.

OPEN SPACE: All common areas or amenities for the PUD will consist of landscaping areas at the entry of the proposal, cutback parking within the interior common area. The amenities proposed will be gazebos and/or pavilion structures, park benches, sidewalks, fountains and landscaping. Any lighting within the common areas will be required to meet the lighting requirements in the zoning ordinance. The common areas and amenities will be maintained by a Property Owners Association.

PARKING: Each single family home within the R-1 zoning and PUD will have, at a minimum, the required 2 parking spaces with a two car garage. The PUD common open space area located within the one-way 20 foot wide street contains 21 parking spaces for overflow parking and visitors. The parking for the townhouse residents is located outside the public right-of-way, accessed via alleys and will be maintained by the Property Owners Association.

PHASES: The Planned Unit Development will be developed in one phase. The single-family lots will be developed on an as needed basis.

IMPACTS: The infrastructure of the sanitary sewer and water have been designed and are sufficient in size to accommodate both the single-family development as well as the proposed PUD. The PUD is not a gated development and will utilize public streets and alleys for residents and services.

**OTHER AGENCY COMMENTS**:

PARKS BOARD: The developer previously dedicated a 6.7 acre park for the Brookhaven development as a whole. Fee-in-lieu of park land will be utilized for this remaining area of the preliminary plat. Those fees will be utilized on the existing park land to the south of this area.

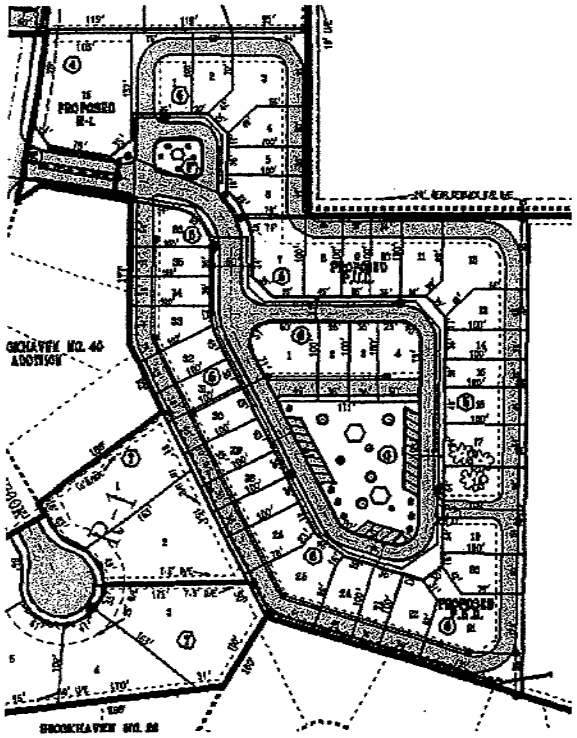
PUBLIC WORKS AND UTILITIES: A large detention pond is currently under construction to convey the storm water from the Planned Unit Development into the detention pond. The single-family properties north of the PUD will convey its storm water into an existing underground storm sewer that runs east under 36th Avenue NW and into Brookhaven Creek. Existing utilities will be extended to serve each proposed residential lot. Sidewalks will be installed as required by city standards creating a connection between existing and future development as well as the park area to the south.

**STAFF RECOMMENDATION**: With the reduction in the RM-6 zoning the proposed development will be compatible with what has been built in the area. A reduction in density will create a more open appeal to the development for both the single family area as well as the PUD. Staff is able to support this request for R-1, Single-Family zoning and the request for PUD zoning and recommends approval.

# Brookhaven PUD Addition

## A Planned Unit Development

# DESIGN STATEMENT
# &
# P.U.D. REPORT



Prepared for:

The City of Norman
Box 370
Norman, Oklahoma 73070

May 14th, 2012
Revised: May 29th, 2012


CPES

Clour Planning & Engineering Services

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Norman, Oklahoma 73072
Tel: (405) 833-2522
enginsurv@aol.com

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## NARRATIVE

The proposed Brookhaven PUD Addition is to be a Planned Unit Development (P.U.D.) within the City of Norman, Cleveland County, Oklahoma, located on the east side of Brookhaven Boulevard approximately 825 feet south of West Rock Creek Road. The proposed PUD is located within the Brookhaven No. 41 Revised Preliminary Plat.

The current physical character of the site is open grassland, gently sloping to the east as a temporary drainage way for Brookhaven No. 40 Addition, and discharging into a regional detention pond, which serves the areas required to detain within the overall preliminary plat. This proposed PUD site will be completely re-graded, as the temporary drainage flumes will no longer be required, now that the major appurtenances of the stormwater collection system have been constructed with the previous final platted developments.

This development will provide approximately 40 single family residential lots. The neighboring subdivisions in the general area of this proposed development currently consist of single family residences, multi-family complexes and apartments. Most of these developments are in ongoing construction phases. The major, immediate, neighboring developments are: Brookhaven No. 40 Addition (R-1 residential to the west), The Falls at Brookhaven Addition (RM-6, multi-family apartments to the north) and Brookhaven Mansions Addition (RM-6, multi-family senior independent living center, to the east) and commercial (C-1) developments further to the northeast. The proposed Brookhaven Addition PUD will comprise high-end, single-family "townhouse" type homes (similar to previous developments of the Brookhaven Square Additions) with minimum front yards, and parking access to vehicular garages from alleyways extending behind the structures. There will be three designated, public street parking lots around a central, common area within the site. No other street side parking will be allowed.

## AREAS & USE

This Planned Unit Development (P.U.D.) contains a total of 10.51 acres in the NE/4 of Section 22, T9N, R3W, I.M. in Norman, Cleveland County, Oklahoma (A copy of the legal description has been attached to the Preliminary Plat and Application for Re-Zoning). The existing zoning is RM-6, Medium Density Apartment District.

A PUD zoning designation for this site will reduce the potential population density that could have been built on the property under the RM-6 zoning classification. Projected habitation modeling demonstrates a potential reduction from ~220 persons, to ~71 persons.

The PUD will provide 40 platted lots in Blocks 5 (36 lots ) & Block 6 (4 lots) for single family use. Common Blocks F & G are designated as "open space" to be utilized by the residents and public, consisting of gazebos and/or pavilion structures, park benches, sidewalks, fountains, and other landscaped amenities. Light fixtures in these and other common areas will be compliant with the City of Norman lighting ordinance.

## DEVELOPMENT REGULATIONS

Typical lots vary in width from 36 feet (35' min.), to an average of 45 feet wide and 100 feet deep. A few lots will have upwards to 54 feet of frontage. There are six, larger corner lots. Many of the townhouses will incorporate additional lots, or portions thereof. The standard practice of lot line adjustments will be utilized to facilitate the extra, required building area for such housing.

All lots will have a zero front yard building setback line, and zero lot line side yard setbacks. There will be a standard utility easements (for public utilities) and an alley easement along the rear of all the lots. Additional easements will be provided for private, franchised utilities. Utility easements are depicted on the Preliminary Plat, or will be filed as separate instruments.

Fire hydrants will be located at the curb returns (300' in between hydrants) in front of the lots to ensure adequate coverage for fire protection. Sanitary sewer mains will be installed at the rear of the lots to avoid conflict with other utilities (water, gas, electric, cable, etc.) normally installed in the front of subdivisions.

The newly constructed detention pond for the Brookhaven No. 41 Revised Preliminary Plat will serve the PUD site for stormwater collection.

## CIRCULATION

A public street will allow the only ingress and egress to the PUD addition. This street will branch off to the east of Brookhaven Boulevard, and provide access to the PUD. The entrance street is to be collector width (34') and will have a center island extending to the first intersection. Both sides of the entrance street will be landscaped or have fenced screening. A decorative entrance (not gated) will delineate the PUD from the adjoining R-1 tracts.

The interior streets (an initial 26' transitioning to 20' in width) will provide access to the front of the lots, open space areas, and the public parking. These streets will be concrete or asphalt, curb and gutter typical section. Interior curves have radii which will permit emergency and waste disposal vehicles ease of navigation through the subdivision. Both streets will loop and intersect to a curved section connecting the individual blocks. The looped street section (20' width) will be directionally designated (signed) as "one way."

Access to the garages at the back of the residences will be from the alleyways which encompass the back of the lots of the addition. There will be five points of access from the public streets to the alleyways. Four foot wide sidewalks (5' wide if adjacent to curb,) ADA compliant will be constructed in accordance with the standards of the City of Norman, to accommodate pedestrian traffic within and around the development.

## PROPERTY OWNERS ASSOCIATION

Due to unique conditions for this site, a Property Owner's Association (POA) will be created, or incorporated with the adjacent residential platted additions. Any common areas or amenities (parking, entrances, screening fences, lawns, etc.) will be maintained by the property owner's association. Other dedicated rights-of-way will be maintained by the City.

## PERIMETER TREATMENT

Perimeter fencing will be installed (except in areas which will conflict with site distances) according to City standards and requirements. The fencing shall be of construction and material type to provide privacy and security. Any additional fencing that is not maintained by the POA will be maintained by the individual property owners.

## LANDSCAPING

Sodding, seeding, and other vegetative practices (temporary and permanent) will be implemented to provide soil stabilization, and to minimize siltation onto streets and through stormwater conveyance and detention structures.

Landscaping for the single family lots is to be provided by the owner of the lot, as is done in other single family additions. As there is to be no front building line setback, the landscaping at the front of the lots will be limited and possibly restricted from large trees. Landscaping will be provided for the interiors of the open space areas and around the parking stalls, and maintained by the property owner's association.

## COVENANTS

All property covenants will be submitted with the Final Plat. Such covenants will include, but are not limited to: size of residence (minimum square footage, height, etc.) construction methodology (unit connectivity, party wall, etc.), exterior finish (masonry type, etc.), roof type and finish, and property owner's association participation. All covenants will comply with City of Norman legal review and interpretation.

# BROOKHAVEN NO. 41 ADDITION

NE 1/4, SECTION 22, T9N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA

## PRELIMINARY SITE DEVELOPMENT PLAN

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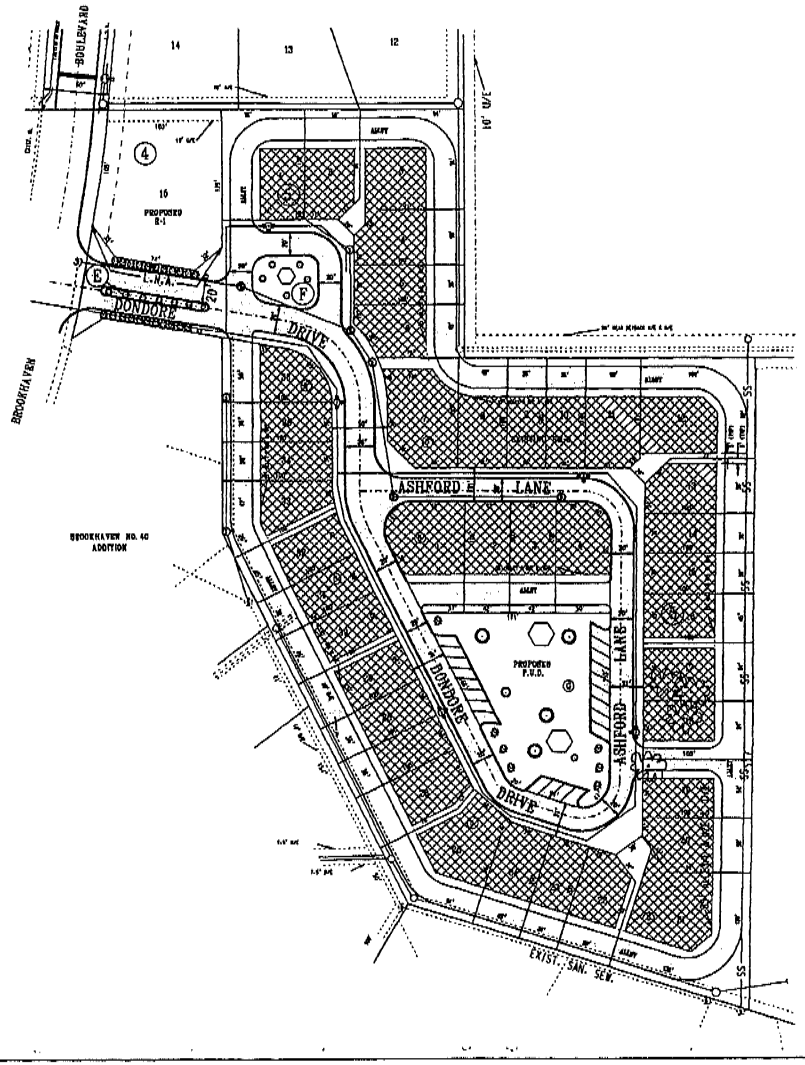


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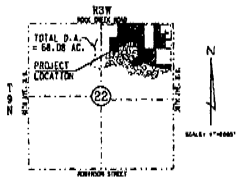



VICINITY MAP

▨ - DENOTES BUILDABLE AREA

DEVELOPER:
Cies, LLC
1203 Brookhaven Boulevard
Norman, Oklahoma 73072
405-329-0255

ENGINEER/SURVEYOR
CLOUR PLANNING & ENGINEERING SERVICES, LLC
Phil Clour, P.E. No. 10849, L.S. No. 1160
408 Bannister Court
Norman, Oklahoma 73072

ENGINEERS SURVEYORS PLANNERS — CPES Clour Planning & Engineering Services
C.A. No. 5976 Exp. Date 06-30-2012 • 408 Bannister Ct., Norman, Ok. • 405-631-2572

BROOKHAVEN NO. 41 ADDITION
NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
PRELIMINARY SITE DEVELOPMENT PLAN

Drawn By: [illegible] Checked By: [illegible]
Dwg. File: Preliminary Site Development Plan.dwg
Date: 06-13-2012 Rev. 4

Sheet 3 of 3 | JOB NO. P-029

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

* * *

Item No. 1, being:
**ROLL CALL**

| | |
|---|---|
| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

| | |
|---|---|
| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

* * *

Item No. 10, being:
**CONSIDERATION OF A REQUEST SUBMITTED BY CIES PROPERTIES, INC. FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD.**

**10A. ORDINANCE NO. O-1112-43 – CIES PROPERTIES, INC. REQUESTS REZONING FROM RM-6, MEDIUM DENSITY APARTMENT DISTRICT, TO R-1, SINGLE FAMILY DWELLING DISTRICT (4.97 ACRES), AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT (10.51 ACRES), FOR PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. PUD Narrative
4. Preliminary Site Development Plan

**10B. PP-1112-19 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY CIES PROPERTIES, INC. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD.**

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

**PRESENTATION BY STAFF:**
1. Ms. Hudson – This is a request for rezoning from RM-6 to R-1 and a Planned Unit Development. The entire area is currently zoned RM-6. Tract 1 is what they will be rezoning to R-1 and Tract 2 is what they're requesting for the Planned Unit Development. The single-family is approximately 5 acres. The Planned Unit Development is approximately 11 acres. The PUD will be divided into approximately 40 single-family tracts. There is currently an apartment complex going in on the east side of the property. With the reduction in the RM-6 zoning, the proposed development will be compatible with the area of single-family homes currently in the area. Staff supports this request for R-1 and PUD. The applicant's representative is here and he has a presentation for you.

**PRESENTATION BY THE APPLICANT:**
1. David Hargis, Clour Planning & Engineering Services, 408 Bannister Court, representing the applicant – Brookhaven No. 41 Addition Revised Preliminary Plat. This is a subsequent submittal to what was submitted and approved last November. The former preliminary plat, submitted in November, had to be submitted because we were seeking the final plat of the Falls at Brookhaven Addition and we already had a final plat ongoing of the Brookhaven Mansions Addition. These areas that were zoned RM-6 – we weren't really sure how we were going to further subdivide, so we just listed on there "future development is unknown" and now that we do have further subdivision, that has necessitated resubmission of a preliminary plat. So our current zoning now as it stands is R-1, C-1, and RM-6. What we are proposing is R-1, C-1 and PUD. Here's a commercial area, and we're not really planning on changing that one. It's doing very well just as it is. This was the original R-1 areas. This was initially planned to be a final plat for Brookhaven 41, and then, of course, we have Brookhaven 40 in this area and a little cul-de-sac to kind of augment that. Note that we are including the detention pond in this area as well. Even though it's under construction, it's not tied to any final plat. It was going to be dedicated

within a private drainage easement, but we felt – and the staff also felt – it would be better to tie it to some future final plat, so we're going to do that with the PUD. This is our new preliminary plat. You can see where we've shown taking the RM-6 addition – we want to rezone it to R-1. We'll extend our cul-de-sacs over to the east. This is an unnamed street right now because this addition doesn't exist. Wyckham Drive will tie into this one here and, of course, terminate it's own little cul-de-sac. To the south, we have the entrance to the PUD area. The Planned Unit Development is going to resemble Brookhaven Square Additions, which are north of the Sooner Fashion Mall. We have Brookhaven Square 1, 2, 3, and 4. There has been some demand and interest for some more of that type of housing – the townhouses – especially in this area. We have a lot of neighbors around there. We have Warwick Addition to the north. We have Brookhaven 25 to the south, Brookhaven 26, Brookhaven 40. This is future Brookhaven 41 final plat. Prairie Creek Addition over there on the other side of Rock Creek Road. CP Land Addition and the commercial area with First Bank at Brookhaven, Razook Addition, Brookhaven Day Care Addition, and our new neighbors the Falls at Brookhaven apartments and Brookhaven Mansions Addition senior living center. So there's a lot of activity going on out there right now. If you drive by you'll see the construction for the Brookhaven Mansions and the Falls going on concurrently. This is an aerial view. You can see where Brookhaven Boulevard terminates right now. One of our initial final plats will actually allow us to extend Brookhaven Boulevard to Rock Creek Road. That is an overlay of the lot layouts to the aerial. Everything fits in here. This is a site plan for the commercial addition – it hasn't changed; it's the same. We're really not doing anything at that time. This is another aerial – kind of like a fly-over view. Again, you can see where we can connect Brookhaven Boulevard to Rock Creek Road. This is another aerial view to the northwest, and to the southwest. I'd be glad to answer any questions you have.

**AUDIENCE PARTICIPATION:**
None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**
1. Ms. Pailes – Is there still an oil well out there.

2. Mr. Hargis – There is an active oil well out there. It's in the commercial area. We're not developing now.

*Chris Lewis moved to recommend approval of Ordinance No. O-1112-43, and the Revised Preliminary Plat for* <u>*BROOKHAVEN NO. 41 ADDITION*</u>*, to the City Council. Diana Hartley seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-43 and the Revised Preliminary Plat for <u>BROOKHAVEN NO. 41 ADDITION</u> to the City Council 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: PP-1112-19

| | | | | | |
|---|---|---|---|---|---|
| **File ID:** | PP-1112-19 | **Type:** | Preliminary Plat | **Status:** | Non-Consent Items |
| **Version:** | 1 | **Reference:** | Item No. 35 | **In Control:** | City Council |
| **Department:** | Public Works Department | **Cost:** | | **File Created:** | 05/15/2012 |
| **File Name:** | Revised Prelim Brookhaven 41 | | | **Final Action:** | |

**Title:** CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR BROOKHAVEN NO. 41 ADDITION. (GENERALLY LOCATED SOUTH AND WEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD)

ACTION NEEDED: Motion to approve or reject the revised preliminary plat for Brookhaven No. 41 Addition.

ACTION TAKEN: _____

**Notes:**

**Agenda Date:** 07/24/2012

**Agenda Number:** 35

**Attachments:** Text File Prelim Brookhaven, Attachment A-Brookhvn 41, Location Map Brookhaven 41 Prelim, Revised Prelim Plat Brookhaven 41, Prelim Site Dev Plan Brookhaven 41, Commercial Site Plan Brookhaven 41, Brookhaven 41 Plat Staff Report, Brookhaven 41 Transportation, PD 12-19 Cies Brookhaven, Brookhaven 41 GES, 6-12-14 PC Minutes - Brookhaven 41

**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 | 06/14/2012 | 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 | 06/14/2012 | | | | | |

**Text of Legislative File PP-1112-19**

body

**BACKGROUND**: This item is a Revised Preliminary Plat for Brookhaven No. 41 Addition and is generally located south and west of the intersection of 36th Avenue NW and West Rock Creek Road.

City Council, at its meeting of April 13, 1984, adopted Ordinance No. O-8384-90 placing this property in R-1, Single Family Dwelling District, RM-6, Medium Density Apartment District and C-1, Local Commercial District zoning classifications.

Planning Commission, at its meeting of June 14, 2012, recommended to City Council that the RM-6, Medium Density Apartment District property be placed in R-1, Single Family Dwelling District and PUD, a Planned Unit Development. Also, Planning Commission at the same meeting recommended approval of the revised preliminary plat for Brookhaven No. 41 Addition.

The preliminary plat consists of 46.50 acres. The commercial property consists of 7 acres and 4 lots. The intent is to develop retail stores or offices similar to existing facilities. There are a total of 102 lots for single-family dwellings including the proposed Planned Unit Development.

**DISCUSSION**: The proposed 85,160-square foot gross floor area retail space, 40 single-family planned unit development lots and the 62 single-family residential lots in this addition are expected to generate approximately 7,176 trips per day. Traffic capacities on 36th Avenue NW and Rock Creek Road exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. See Attachment A.

When this development last went through the platting process in 2008, a traffic analysis was prepared and it was determined that a traffic impact fee of $11,707.50 would be appropriate for the design and construction of a new traffic signal at the intersection of 36th Avenue NW and Rock Creek Road. That traffic signal installation was completed in February 2011. With the current submittal, additional traffic analyses were conducted to determine if signalization of the future intersection of Rock Creek Road with Brookhaven Boulevard would be required. The analyses showed that a traffic signal will not be required with this plat. As such, no other traffic analyses were required and no other traffic impact fees are applicable. Limits of No Access should exist along Brookhaven Boulevard for the single-family lots with access to both Brookhaven Boulevard and a side street.
Public improvements for this property consist of the following:

Fire Hydrants. Fire hydrants will be installed at each intersection and spacing of 300-feet between intersections. There is a proposed looped water line with fire hydrants for the apartment project.

Sanitary Sewers. Eight inch (8") sanitary sewer mains (or larger are proposed for this development).

Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be constructed adjacent to West Rock Creek Road.

Drainage. Storm sewers and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. A privately maintained detention facility will be utilized for the single family. Storm water will then be conveyed in an underground storm pipe system to

Brookhaven Creek.

Streets. Streets will be constructed in accordance with approved plans and City paving standards. West Rock Creek Road will be constructed in accordance with approved plans and City paving standards. There is apportion of Rock Creek Road located west of this development that will present a problem regarding gap paving. Gap paving refers to the scenario in which street widening occurs in "gaps" of development, leaving unimproved gaps along the street where development has not occurred. Two (2) parcels of land located west of this development with approximately 600 feet of total frontage will not contribute to the improvement costs for Rock Creek Road due to their zoning and platting status. Staff is recommending deferral of paving improvements with this development for Rock Creek Road. Depending on timing of development on the north side of Rock Creek Road, the City may wish to utilize the recoupment process in order to generate adequate financing for the street improvements on Rock Creek Road.

Water Mains. Interior 6-inch and 8-inch water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

Public Dedications: All rights-of-ways and easements will be dedicated to the City with final platting.

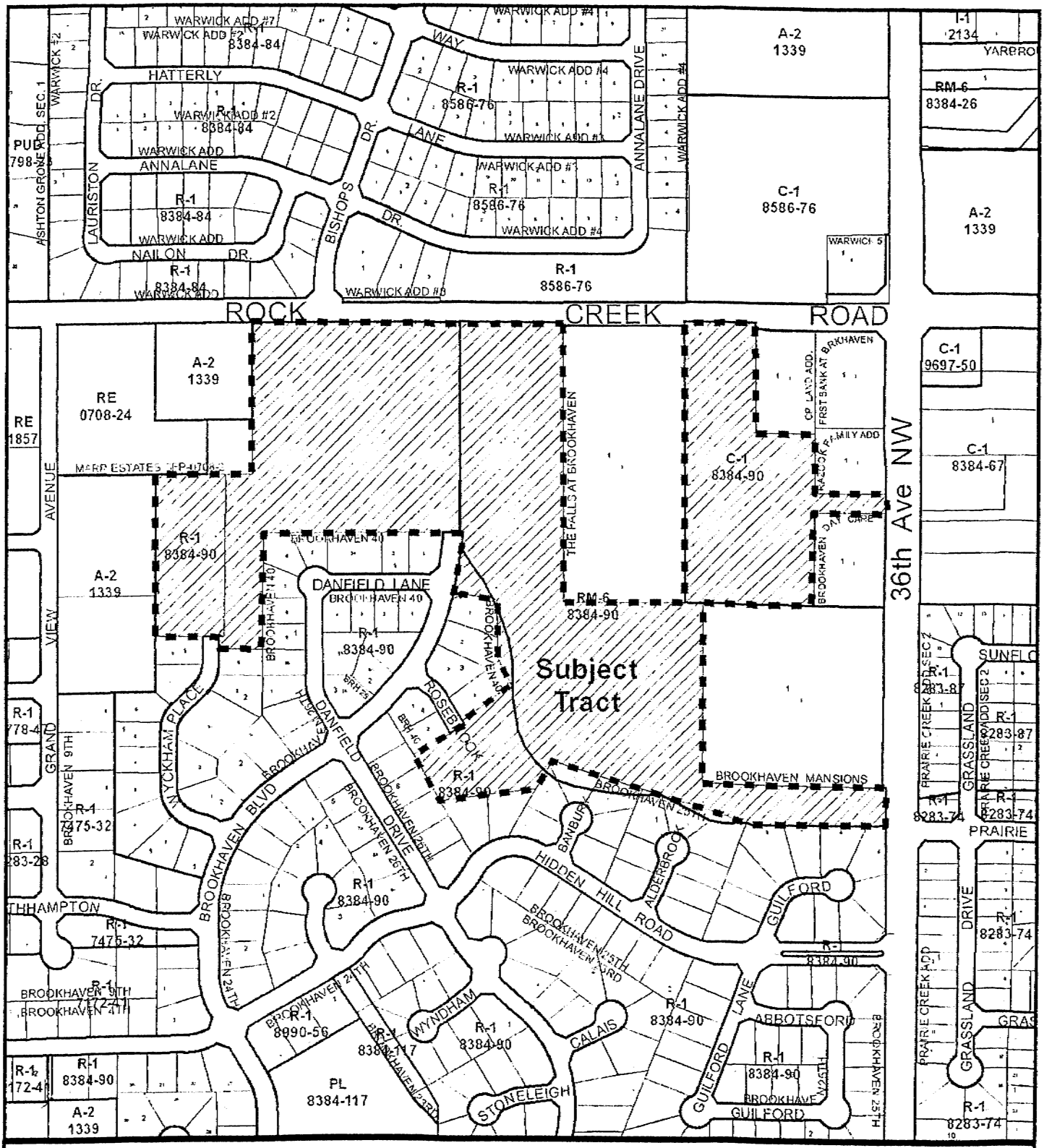
**STAFF RECOMMENDATION**:: The purpose of the revision is to include all remaining undeveloped Brookhaven property in a proposed design concept. Previously, the remaining large RM-6 lots were not shown with any development design. With the request for rezoning, the applicant has completed the design for the preliminary plat. The street layout and public improvements are relatively the same except for the Planned Unit Development that utilizes a looped interior street and alley layout.

Based on the above information, Staff recommends approval of the revised preliminary plat for Brookhaven No. 41 Addition.

# ATTACHMENT A

## BROOKHAVEN NO. 41 ADDITION

| STREET | NO. OF LANES | EXISTING TRAFFIC (Veh/day) | PROJECTED TRAFFIC (Veh/day) | TOTAL PROJECTED TRAFFIC (Veh/day) | ROADWAY CAPACITY L.O.S. "E" | % CAPACITY USED (EXISTING) | % CAPACITY USED (PROJECTED) |
|---|---|---|---|---|---|---|---|
| 36th Avenue NW | 5 | 12,391 | 4,306 | 16,697 | 36,000 | 34.42 | 47.21 |
| Rock Creek Road | 4 | 3,366 | 2,870 | 6,236 | 34,200 | 9.84 | 18.23 |




# 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

May 9, 2012

0 200 400 Ft.

Subject Tract

Zoning

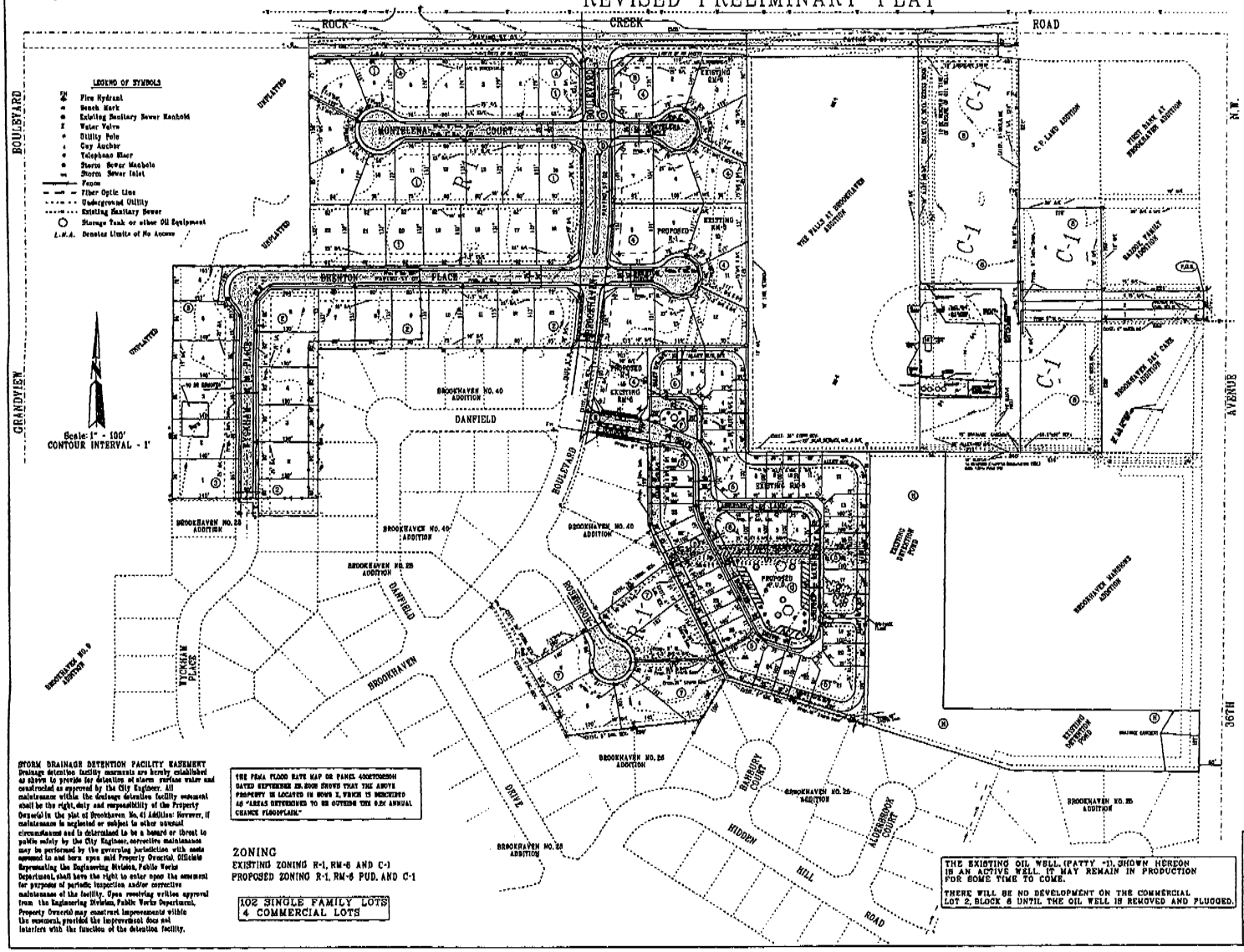
# BROOKHAVEN NO. 41 ADDITION

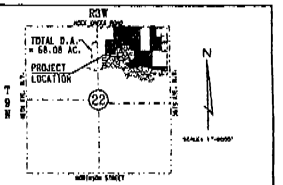
NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA

## REVISED PRELIMINARY PLAT

Sidewalks to be constructed in accordance with the Standards of The City of Norman on each lot including Rock Creek Road. Sidewalks are not shown on this drawing for clarity.

THE SMALL GROUP OF TREES SHOWN WEST OF THE DETENTION POND ARE LOCATED BY AERIAL PHOTOGRAPHY. THEIR SIZE IS NOT KNOWN. THEY ARE NOT IN THE AREA BEING CONSIDERED FOR DEVELOPMENT AT THIS TIME.




## LEGAL DESCRIPTION:

A tract of land located in the Northeast Quarter (NE/4) of Section Twenty-two (22), Township Nine (9) North, Range Three (3) West, of the Indian Meridian, Norman, Cleveland County, Oklahoma, described as follows:

COMMENCING at the Northeast Corner of said NE/4;
Thence S00°39'04"W on the East Line of said NE/4 for a distance of 562.62 feet;
Thence N89°20'56"W for a distance of 50.00 feet to the POINT OF BEGINNING, said point being on the West Right-of-Way Line of 36th Avenue N.W.;
Thence S00°39'04"W on said Right-of-Way Line for a distance of 50.00 feet;
Thence N89°51'05"W for a distance of 223.09 feet;
Thence S00°02'55"W for a distance of 193.47 feet;
Thence N89°13'35"W for a distance of 339.97 feet;
Thence S00°39'04"E for a distance of 560.00 feet;
Thence S89°13'35"E for a distance of 560.00 feet to a point on said West Right-of-Way Line;
Thence S00°39'04"W on said Right-of-Way Line for a distance of 131.03 feet;
Thence N89°13'55"W for a distance of 412.42 feet;
Thence N72°25'56"W for a distance of 654.00 feet;
Thence S30°17'55"W for a distance of 100.02 feet;
Thence S63°36'44"W for a distance of 296.14 feet;
Thence N30°00'00"W for a distance of 176.05 feet;
Thence N60°00'00"E for a distance of 190.02 feet;
Thence N00°00'00"W for a distance of 16.05 feet;
Thence N52°48'36"E for a distance of 188.02 feet;
Thence N25°18'09"E for a distance of 93.51 feet;
Thence N00°04'15"E for a distance of 176.99 feet;
Thence N60°11'07"W for a distance of 110.08 feet;
Thence S66°26'44"W for a distance of 34.31 feet;
Thence Northwesterly, on a curve to the left, having a radius of 630.00 feet, a chord bearing of N11°28'46"E, for a curve distance of 36.59 feet;
Thence N09°42'13"E for a distance of 85.71 feet;
Thence Northeasterly, on a curve to the left, having a radius of 997.36 feet, a chord bearing of N07°34'06"E, for a curve distance of 76.26 feet;
Thence N89°51'05"W for a distance of 615.31 feet;
Thence S00°04'38"E for a distance of 362.82 feet;
Thence N89°55'12"W for a distance of 130.00 feet;
Thence N00°24'48"E for a distance of 37.08 feet;
Thence N89°55'12"W for a distance of 190.00 feet;
Thence N00°24'48"E for a distance of 565.91 feet;
Thence S89°55'12"E for a distance of 382.51 feet;
Thence N00°04'37"E for a distance of 491.13 feet to a point on the North Line of said NE/4;
Thence S89°51'05"E on said North Line for a distance of 955.49 feet;
Thence S00°04'37"E for a distance of 906.38 feet;
Thence S89°55'23"E for a distance of 375.00 feet;
Thence N00°04'37"E for a distance of 906.59 feet to a point on the North Line of said NE/4;
Thence S89°51'05"E on said North Line for a distance of 174.48 feet;
Thence S00°02'44"E for a distance of 50.00 feet to a point on the South Right-of-Way Line of West Rock Creek Road;
Thence S64°14'05"E on said Right-of-Way Line for a distance of 44.76 feet;
Thence S00°02'55"W for a distance of 324.44 feet;
Thence S89°51'05"E for a distance of 176.44 feet;
Thence S00°02'55"W for a distance of 183.16 feet;
Thence S89°51'05"E for a distance of 223.12 feet to the POINT OF BEGINNING, containing 38.65 acres, more or less.

BLOCKS A, B C, D E, F, G & H WILL BE MAINTAINED BY THE PROPERTY OWNER'S ASSOCIATION.


DEVELOPER:
Clea, LLC
1203 Brookhaven Boulevard
Norman, Oklahoma 73072
405-329-0258

ENGINEER/SURVEYOR
CLOUR PLANNING & ENGINEERING SERVICES, LLC
Phil Clour, P.E. No. 10849, L.S. No. 1160
408 Bannister Court
Norman, Oklahoma 73072


STORM DRAINAGE DETENTION FACILITY EASEMENT
Drainage detention facility easements are hereby established 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 Brookhaven No. 41 Addition; 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 born upon said 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 written approval from the Engineering Division, Public Works Department, Property Owner(s) may construct improvements within the easement, provided the improvement does not interfere with the function of the detention facility.

THE FEMA FLOOD RATE MAP OR PANEL 400467025H DATED SEPTEMBER 25, 2009 SHOWS THAT THE ABOVE PROPERTY IS LOCATED IN ZONE X, WHICH IS DESCRIBED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN."

ZONING
EXISTING ZONING R-1, RM-6 AND C-1
PROPOSED ZONING R-1, RM-6 PUD, AND C-1

102 SINGLE FAMILY LOTS
4 COMMERCIAL LOTS

THE EXISTING OIL WELL, (PATTY #1), SHOWN HEREON IS AN ACTIVE WELL. IT MAY REMAIN IN PRODUCTION FOR SOME TIME TO COME.

THERE WILL BE NO DEVELOPMENT ON THE COMMERCIAL LOT 2, BLOCK 6 UNTIL THE OIL WELL IS REMOVED AND PLUGGED.

ENGINEERS SURVEYORS PLANNERS **CPES** Clour Planning & Engineering Services
C.A. No. 5196, Exp. Date 06-30-2012 · 408 Bannister Ct., Norman, Ok. · 405-833-2522

BROOKHAVEN NO. 41 ADDITION
NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
REVISED PRELIMINARY PLAT

Drawn By: Checked By:
Dwg. File: Preliminary Plat 06-02-2010.dwg
Date: 06-02-2010 Rev.:

Sheet 1 of 3

JOB NO. P-029

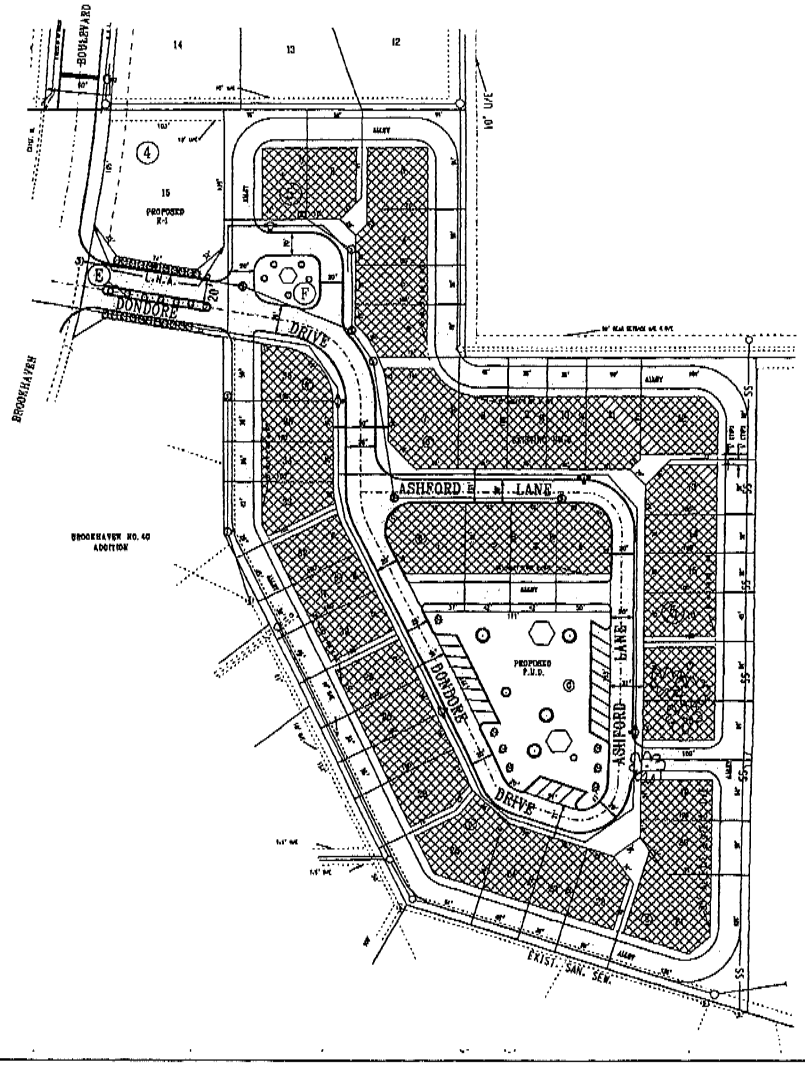
# BROOKHAVEN NO. 41 ADDITION

NE 1/4, SECTION 22, T9N, R3W, I.M.

NORMAN, CLEVELAND COUNTY, OKLAHOMA

## PRELIMINARY SITE DEVELOPMENT PLAN

PAVING ST 01

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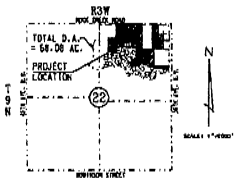


VICINITY MAP

▨ - DENOTES BUILDABLE AREA

DEVELOPER:
Cics, LLC
1203 Brookhaven Boulevard
Norman, Oklahoma 73072
405-329-0258

ENGINEER/SURVEYOR
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405 Bannister Court
Norman, Oklahoma 73072

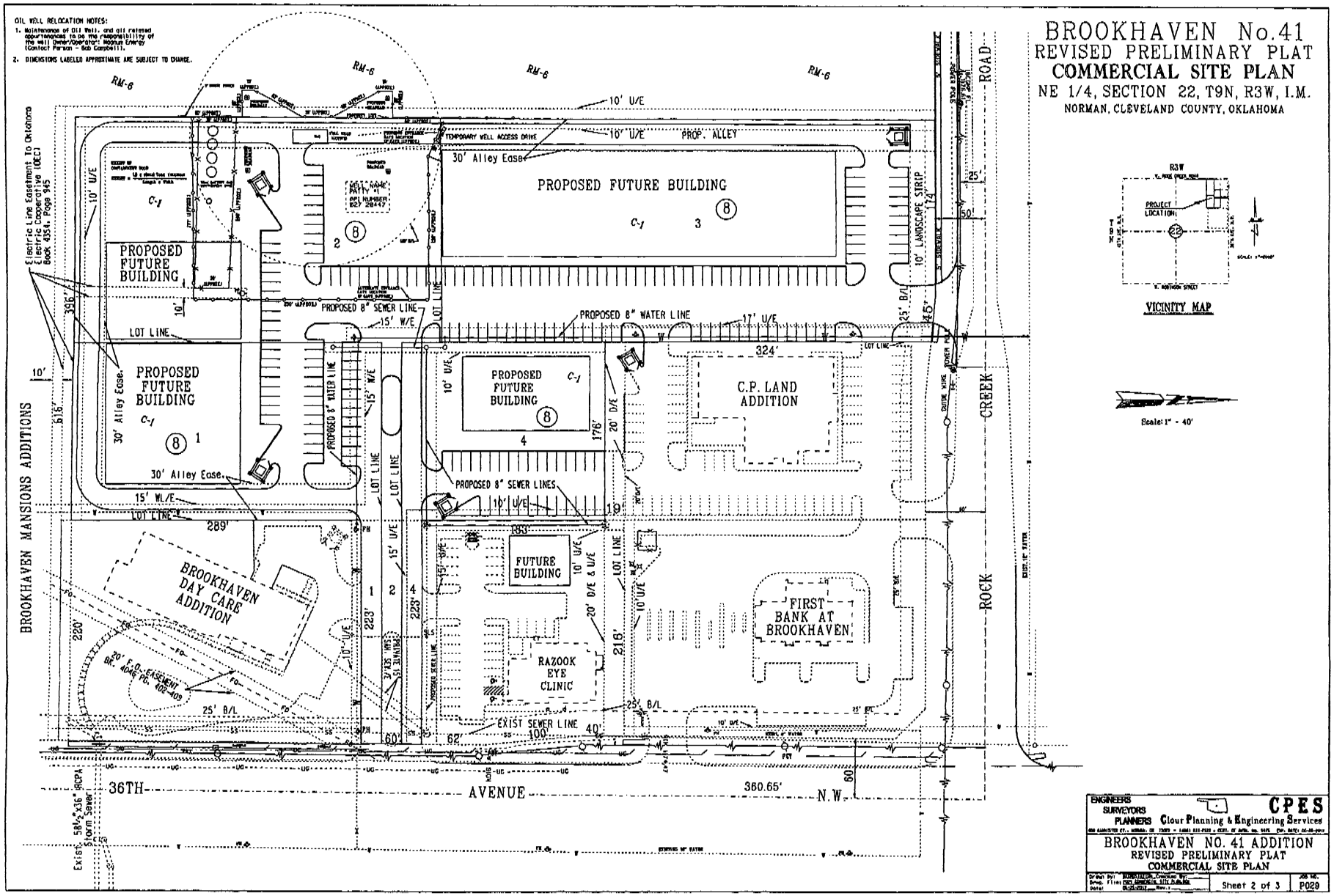
ENGINEERS SURVEYORS PLANNERS — CPES Clour Planning & Engineering Services

BROOKHAVEN NO. 41 ADDITION

NE 1/4, SECTION 22, T9N, R3W, I.M.

PRELIMINARY SITE DEVELOPMENT PLAN

Sheet 3 of 3 | Job no. P-029


BROOKHAVEN No.41
REVISED PRELIMINARY PLAT
COMMERCIAL SITE PLAN
NE 1/4, SECTION 22, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
OIL WELL RELOCATION NOTES:
1. Maintenance of Oil Well, and all related appurtenances to be the responsibility of the Well Owner/Operator: Magnum Energy (Contact Person - Bob Campbell).
2. DIMENSIONS LABELED APPROXIMATE ARE SUBJECT TO CHANGE.
VICINITY MAP
Scale: 1" = 40'
PROPOSED FUTURE BUILDING
C.P. LAND ADDITION
FIRST BANK AT BROOKHAVEN
RAZOOK EYE CLINIC
BROOKHAVEN DAY CARE ADDITION
BROOKHAVEN MANSIONS ADDITIONS
ROCK CREEK ROAD
36TH AVENUE N.W.
PROPOSED 8" SEWER LINE
PROPOSED 8" WATER LINE
PROPOSED 8" SEWER LINES
EXIST SEWER LINE
TEMPORARY WELL ACCESS DRIVE
PROP. ALLEY
30' Alley Ease.
10' LANDSCAPE STRIP
Electric Line Easement To Oklahoma Electric Cooperative (OEC) Book 4354, Page 945
Exist. 58½"x36" RCPA Storm Sewer
ENGINEERS SURVEYORS PLANNERS
CPES
Clour Planning & Engineering Services
BROOKHAVEN NO. 41 ADDITION
REVISED PRELIMINARY PLAT
COMMERCIAL SITE PLAN
Sheet 2 of 3
P029

REVISED PRELIMINARY PLAT ITEM NO.10b

## STAFF REPORT

**ITEM**: CONSIDERATION OF A REVISED PRELIMINARY PLAT FOR BROOKHAVEN NO. 41 ADDITION

**LOCATION**: Generally located southwest of the intersection of West Rock Creek Road and 36th Avenue NW.

**INFORMATION**:

1. Owner. Cies Properties, Inc.

2. Developer. Cies Properties, Inc.

3. Engineer. Clour Planning & Engineering Services

**HISTORY**:

1. September 18, 1962. Planning Commission, on a vote of 8-1, recommended to City Council that a portion of this property be placed in R-1, and removed from A-2, zoning classification.

2. October 23, 1962. City Council adopted Ordinance No. 1423, placing a portion of this property in R-1, and removing it from A-2 zoning classification.

3. March 6, 1980. The Norman Board of Parks Commissioners, on a vote of 7-0, recommended park land for the revised preliminary plat for Brookhaven Addition.

4. March 13, 1980. Planning Commission, on a vote of 7-0, approved the revised preliminary plat for Brookhaven Addition.

5. February 2, 1984. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended park land dedication for Brookhaven Addition.

6. March 8, 1984. Planning Commission, on a vote 8-0, recommended to City Council that a portion of this property be placed in R-1, RM-6, and C-1 and removed from A-2, zoning classification.

**HISTORY (Con't.)**

7. March 8, 1984. Planning Commission approved the preliminary plat for Brookhaven 22nd Addition.

8. April 3, 1984. City Council adopted Ordinance No. O-8384-90 placing a portion of this property in C-1, R-1, and RM-6 and removing it from A-2 zoning classification.

9. May 10, 1984. Planning Commission, on a vote 8-0, recommended to City Council that a portion of this property be placed in R-1, and removed from A-2, zoning classification.

10. May 10, 1984. Planning Commission, on a vote of 8-0, approved the revised preliminary plat for Brookhaven 22nd Addition.

11. June 5, 1984. City Council adopted Ordinance No. O-8384-117 placing a portion of this property in R-1, and removing it from A-2 zoning classification.

12. July 14, 1988. Planning Commission, on a vote of 7-0, approved the revised preliminary plat for Brookhaven 22nd Addition.

13. May 13, 1993. Planning Commission, on a vote of 9-0, approved the revised preliminary plat for Brookhaven No. 26 Addition.

14. June 13, 2002. Planning Commission, on a vote of 7-0, recommended to City Council the preliminary plat for Brookhaven No. 38 Addition be approved with an alley waiver for the commercial property.

15. August 13, 2002. City Council approved the preliminary plat for Brookhaven No. 38 Addition with waiver in alley requirements for the commercial property.

16. August 13, 2007. The preliminary plat approval for Brookhaven No. 38 Addition became null and void.

17. January 10, 2008. Planning Commission, on a vote of 8-0, recommended to City Council that the preliminary plat for Brookhaven No. 41 Addition (previously known as Brookhaven No. 38) be approved.

18. February 26, 2008. City Council approved the preliminary plat for Brookhaven No. 41 Addition (previously known as Brookhaven No. 38).

19. November 10, 2011. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Brookhaven 41 Addition, be approved.

20. November 22, 2011. City Council approved the revised preliminary plat for Brookhaven No. 41 Addition.

21. June 14, 2012. The applicant has made a request to place a portion of this property in R-1, Single Family Dwelling District and PUD, Planned Unit Development and remove it from RM-6, Medium Density Apartment District.

**IMPROVEMENT PROGRAM:**

1. Alley. An alley will be constructed for the proposed commercial lots.

2. Fencing and Screening. Fencing and screening will be required for residential lots backing up to West Rock Creek Road.

3. Fire Protection. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

4. Permanent Markers. Permanent markers will be installed prior to City acceptance of street improvements.

5. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and Oklahoma Department of Environmental Quality standards.

6. Sidewalks. Sidewalks will be located and constructed on each lot prior to occupancy. Also, sidewalks will be constructed adjacent to West Rock Creek Road.

7. Storm Sewers. Storm sewer and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Stormwater will be conveyed to a proposed privately-maintained detention pond within the multi-family tracts. Stormwater will then be conveyed to the Brookhaven Creek located on the east side of 36th Avenue N.W.

8. Streets. Streets will be constructed in accordance with approved plans and City paving standards. West Rock Creek Road will be constructed in accordance with approved plans and paving standards. There is a portion of Rock Creek Road located west of this development that will present a problem regarding gap paving. Gap paving refers to the scenario in which street widening occurs in "gaps" of development, leaving unimproved gaps along the street where development has not occurred. Two (2) parcels of land located west of this development with approximately 600 feet of total frontage will not contribute to the improvement costs for Rock Creek Road due to their zoning and platting status. Staff is recommending deferral of paving improvements with this development for Rock Creek Road. Depending on the timing of development on the north side of Rock

Creek Road, the City may utilize the recoupment process in order to generate adequate financing for the street improvements on Rock Creek Road.

9. 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 twelve-inch (12") water main adjacent to Rock Creek Road.

**PUBLIC DEDICATIONS:**

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All required street rights-of-way will be dedicated to the City on the final plat.

**SUPPLEMENTAL MATERIAL:** Copies of a location map, site plan, and revised preliminary plat are included in the Agenda Book.

**STAFF RECOMMENDATION:** This revised preliminary plat consists of single family lots, Planned Unit Development, and commercial lots. City traffic engineers have performed an assessment of this property for any traffic impacts. With the recent completion of the traffic signal at 36th Avenue N.W. and Rock Creek Road, additional improvements are not required at this time. Staff recommends approval of the revised preliminary plat for Brookhaven No. 41 Addition.

**ACTION NEEDED:** Recommend approval or disapproval of the revised preliminary plat for Brookhaven No. 41 Addition to City Council.

**ACTION TAKEN:**_____

# CITY OF NORMAN
## Development Review Form
## Transportation Impacts

**DATE:** May 17, 2012

**STAFF REVIEW BY:** David R. Riesland, P.E.
Assistant City Traffic Engineer

**PROJECT NAME:** Brookhaven No. 41 Addition **PROJECT TYPE:** Commercial/Residential

Owner: Cies Properties, Inc.
Developer's Engineer: Clour Planning and Engineering Services
Developer's Traffic Engineer: None

**SURROUNDING ENVIRONMENT (Streets, Developments)**
Low-density residential developments surround the project location with the exception of some commercial located at the Rock Creek Road intersection with 36th Avenue NW.

**ALLOWABLE ACCESS:**
Proposed access is in accordance with Section 4018 of the City's Engineering Design Criteria.

**EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)**
Rock Creek Road: 4 lanes (existing) / 4 lanes (future). Speed Limit - 40 mph. No sight distance problems. No medians.
36th Avenue NW: 5 lanes (existing) / 5 lanes (future). Speed Limit - 45 mph. No sight distance problems. No medians.

**ACCESS MANAGEMENT CODE COMPLIANCE:** **YES** ■ **NO** ☐

Proposed number of access points for the development is in compliance with what is allowed in the subdivision regulations.

**TRIP GENERATION**

| Time Period | Total | In | Out |
|---|---|---|---|
| Weekday | 7,174 | 3,587 | 3,587 |
| A.M. Peak Hour | 218 | 104 | 114 |
| P.M. Peak Hour | 681 | 350 | 331 |

**TRANSPORTATION IMPACT STUDY REQUIRED?** **YES** ☐ **NO** ■
When this development last went through the platting process in 2008, a traffic analysis was prepared and it was determined that a traffic impact fee of $11,707.50 would be appropriate for the design and construction of a new traffic signal at the intersection of 36th Avenue NW and Rock Creek Road. That traffic signal installation was completed in February 2011. With the current submittal, additional traffic analyses were conducted to determine if signalization of the future intersection of Rock Creek Road with Brookhaven Boulevard would be required. The analyses showed that it would not be with this plat. As such, no other traffic analyses were required and no other traffic impact fees are applicable.

**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 proposed 85,160-square foot gross floor area retail space, 40 multi-family units and the 64 single-family residential lots in this addition are expected to generate approximately 7,174 trips per day. Traffic capacities on 36th Avenue NW and Rock Creek Road exceed the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated. Limits of No Access should exist along Brookhaven Boulevard for the single-family lots with access to both Brookhaven Boulevard and a side street.

**City of Norman Predevelopment** **May 10, 2012**

| | |
|---|---|
| **Applicant** | Cies, LLC |
| **Location** | Generally located on the west side of 36th Avenue and south of Rock Creek Road |
| **Case Number** | PD 12-19 |
| **Time** | 6:00-6:30 PM |

| Attendee | Stakeholder | Address | Phone |
|---|---|---|---|
| David Hargis | Applicant Engineer | 1827 Atchison Dr, Norman | 405-360-5617 |
| | Neighbor | - | - |
| | Neighbor | | - |
| | Neighbor | | |
| | Neighbor | | |
| | Neighbor | | |
| | Neighbor | | |
| Leah Messner | City Staff – Legal | | 217-7748 |
| Ken Danner | City Staff – Public Works Department | | 366-5458 |
| Jane Hudson | City Staff – Planning Department | | 366-5344 |

**Application Summary** The applicant is proposing a preliminary plat and re-zoning for the area west of 36th Avenue and south of Rock Creek Road.

**Applicant's Opportunity** The area will consist of 62 single-family lots on about 22.21 acres, 4 commercial lots (medical clinics, general office, etc.) on about 6.97 acres, and a PUD for 40 additional single family lots on about 10.51 acres. Housing types in the PUD will be similar to the townhouses in the existing Brookhaven Square Additions. With this new preliminary plat the previously requested RM-6, Medium Density Apartment District will be eliminated and the single-family homes as well as a portion of the new PUD, townhomes will be in its place.

**Neighbors Comments** The neighbors were concerned with the additional run-off onto their properties.

**Applicants Response** The development will not be permitted to allow any run-off impact adjacent properties, per city standards.

**Neighbors Comments** The neighbors were concerned with the additional construction traffic on their street, Hidden Hill Road.

**Applicants Response** This proposal includes the completion of Brookhaven Boulevard which will connect to Rock Creek Road, giving an additional access point to the development.

Pre-Development Case No. PD 12-19 Greenbelt Case No._____

Date: 5-7-12

## 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: Cies, LLC Date : May 7th, 2012

Contact Person(s): Evan Nixon Telephone/Fax/Email: (405) 329-0256
Phil Clour P.E. L.S. Telephone/Fax/Email: (405) 833-2522

Name of Development: Brookhaven No. 41 Addition Revised Preliminary Plat Area (Acres) 38.69

General Location: NW/4 of Section 22, T9N-R3W, I.M., Norman, Cleveland County, OK
(Southwest of the intersection of 36th Avenue N.W. & Rock Creek Road)

Type of Development (please check) Residential X Commercial X Industrial____ Other____

1. Briefly explain the kind of development, types of buildings/uses, or character of your proposal.

   - *Single-Family Dwellings (residential homes, townhouse homes, etc.)*
   - *Commercial Business (medical clinics, general office, etc.)*

2. Does your proposed development or project incorporate open space(s)?

   Yes __X__ No ____ *(Open space is located within the addition-for public use, and around a proposed stormwater detention pond-for maintenance.)*

   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: | __X__ Yes | ____ No | ____Public | __X__ Private |
| Parking Lot Landscape: | __X__ Yes | ____ No | ____Public | __X__ Private |
| Floodplain/Creek: | ____ Yes | __X__ No | ____Public | ____Private |

Other ***All Park Land requirements have been previously dedicated.***

If the above noted areas are accessible via <u>some other arrangement</u> please explain.

- *The open space around the detention pond will be accessible from 36th Ave. N.W., the proposed parking lots for the commerical and multi-family facilities, and from the back of proposed residential lots.*

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) | __X__ Yes | ____ 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.)

   - *The nearest schools (public & private) are 1 mile to the north on W. Tecumseh Road. These schools are only accessible from the site along 36th Avenue N.W. and 48th Avenue N.W. Sidewalks are not contiguous along these roadways.*

   - *There is a public park (Brookhaven Park) located less than ½ mile to the south on Brookhaven Blvd.*

   - *There is a public park (Berkley Park) to the north in Berkley Addition on Astor Drive, west of 36th Avenue N.W.*

   - *There is a public park (Prairie Creek Park) to the east in Prairie Creek Addition on Pendleton Drive, south of W. Rock Creek Road.*

   - *There is a public Park (Morgan Park) to the southeast on Cliffside Drive, south of*

**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. 4-2023A. Definitions for Evaluating Greenbelt Enhancement Statements.**

The plain and ordinary meaning shall be applied to the terms contained herein; however, as used in this chapter, unless the context otherwise requires, the following words or phrases have the meanings listed:

(a) **Bikeway**: a thoroughfare designated for bicycle travel by the Norman Bikeway Plan, as may be amended from time to time.

(b) **Cluster Development**: as defined by the City of Norman Code in Section 19-210, as may be amended from time to time.

(c) **Conservation Easement**: a non-possessory interest of a holder in real property imposing limitations or affirmative obligations the purpose of which include, but are not limited to, retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest, recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.

(d) **Floodplain**: as defined by the City of Norman Code in Section 22:429.1.2 as may be amended from time to time.

(e) **Flowage Easement**: an easement purchased by the U.S. Department of Interior, Bureau of Reclamation, Norman Project, which grants to the United States and its assigns the perpetual right, privilege and easement to intermittently and completely seep, flood, flow and inundate, and the right to enter upon at any time for the purpose of making surveys, and investigations or for any other purpose incidental to the construction, operation, and maintenance of the Norman Reservoir Project and any feature thereof, any and all of the tracts or parcels of land lying below elevation 1064.5 sea level datum.

(f) **Greenbelt Enhancement Statement** (GES): a statement on a form provided to the applicant by the City Planning and Community Development Department that is to be included with all applications for a Land Use Plan amendment, a Norman Rural Certificate of Survey or preliminary platting of land and submitted for consideration by the Commission that articulates how the principles, purposes, and goals of The Greenbelt System are met by the proposed development.

(g) **The Greenbelt System**: includes the following spaces, regardless of whether they are open to the public:

1. A system of trails (both on and off road) intended to connect parks, green spaces, schools, retail, employment, and residential areas.
2. Areas of land within the City Limits required to be open space by zoning; areas currently designated for open space, park, floodplain, and institutional use by the Norman 2025 Plan and subsequently adopted land use plans; Lake Thunderbird, the Bureau of Reclamation (BOR) "take-line" and BOR flowage easements; any other areas of land which are designated by easement, by deed restriction, or otherwise required to remain free of structures; and areas designated as green space.

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.)

   - *Brookhaven Boulevard is the collector street for the additions from Robinson Street to the site. The width of this collector street (34') can accommodate vehicular traffic bicycles, and pedestrians.*

   - *Brookhaven Park is accessible by way of public sidewalks along the front (streetside) of lots in the Brookhaven Additions on both sides of the roadway.*

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__X__
   Abandoned/Active RR corridors_____
   Other_____

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

   - N / A

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

   - *There are no existing greenbelt or greenway corridors from previous developments (by others, and/or the City) in this area, so it <u>will not</u> directly detract from the greenbelt system.*

   - *The City of Norman Department of Parks and Recreation has indicated they are not actively pursing any additional park land in this area.*

**Signature(s) of Applicant or Contact Person:**

Phil Cam
_____
**(Agent for the Developer)**

_____

(h) Green Space: any land area designated as open space by Norman's Comprehensive Land Use Plan; land determined to be open space or green space on an approved site development plan; or any land area in which the preservation in its present use would conserve and enhance natural or scenic resource, protect streams or water supply, promote conservation of soils, wetlands or marshlands, enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, nature reservations, sanctuaries or other open space or green space, enhance recreation opportunities, including parks, plazas and narrow corridors or pathways for walking or bicycling even though surrounded by developed areas, preserve visual quality along highway, road, and street corridors or scenic vistas, or retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the granting authority.

(i) Greenway:

1. A green open space, such as a linear open space established along or on either side of a natural or cultural corridor, such as a riverfront, a stream valley, a ridgeline, a railroad right of way, a channel, a scenic road or other route; and/or
2. A trail; and/or
3. An open-space connector available to pedestrians intended to link parks, nature reserves, cultural features, historic sites, schools, residential or commercial areas with each other.

(j) Impervious Surface: one that does not permit penetration or passage of water, such as a roof or paved street or parking area.

(k) Riparian Buffers: the area between developed land and streams, rivers and shorelines that is managed to maintain the integrity of the waterway, to reduce pollution and to provide food, habitat, and thermal protection for fish and wildlife.

(l) Structure: as defined by the City of Norman Code in Section 22:450 of the Zoning Ordinance, as may be amended from time to time.

(m) Take Line: exterior boundary of the property acquired by the Bureau of Reclamation for construction of Lake Thunderbird.

(n) Trail: any natural or landscaped course open to pedestrian or bicycle passage, including but not limited to sidewalks, but excluding roadways, streets, alleys and other passages primarily provided for general public motorized vehicular use.
Types of trails include:

1. Community Wide (Regional or Arterial) Trails: trails between 10' and 12' in width that provide access from one part of the city to another.
2. Neighborhood Trails: trails between 6' and 10' in width that mimic the system of local neighborhood streets and ultimately connect to larger arterial trails.
   Natural Trails: trails at least 8'-10' in width composed of compacted earth.
   Parkway Trails: trails between 6' and 8' in width that are constructed with durable materials, and usually include amenities such as decorative light fixtures, landscaping, and ground cover and varying surface treatments at intersections and crosswalks.
   Sidewalk Trails: sidewalks located alongside streets that are constructed in accordance with City design criteria and designated as trails.
   Specialized Trails: water trails, equestrian trails, bikeways, or other trails dedicated to some specific use not otherwise listed herein.

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

A Greenbelt System, as defined herein, serves the following principles, purposes and goals of the City of Norman.

(a) Proposed additions to the Greenbelt System should be guided by the following principles:

1. The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of Norman.
2. The Greenbelt System should preserve valuable green space, natural habitat and key areas with existing vegetation.
3. Trail segments should be designed so that they convey the physical and historical character of the City of Norman and relate to the neighborhoods through which the trail corridors pass.
4. Greenway corridors should provide unique opportunities to learn about the history, culture, and accomplishments of Norman.
5. Trails should promote smooth walkable corridors that are open and visible.
6. The Greenbelt System should contribute to enhancing the physical appearance of the City, whether through new pedestrian features, landscaping added to trail corridors, or simply by revealing natural areas not previously visible to the general public.
7. The Greenbelt System should encourage the creation of public and private partnerships that help build the entire system more quickly.
8. Greenbelts should protect environmentally sensitive lands that are generally the least suitable for development, especially flood prone areas and riparian corridors, and provide connectivity between the elements of the Greenbelt System.

(b) The use of lot clustering should be encouraged as a means to develop the greenbelt system.

(c) The greenbelt system should be used to link together existing recreation areas.

(d) Multi-purpose greenways should be created that:

1. Create a unique greenway character for Norman;
2. Protect environmentally sensitive areas of the City and serve as a wildlife habitat;
3. Serve as a storm water management resource for urban run-off and regional detention needs;
4. Provide recreation opportunities for bicycling, walking, and jogging, as well as an alternate route to move through the City for commuting to work, schools, shopping, between neighborhoods, and/or other destinations by bicycling or walking;
5. Preserve agriculturally significant lands thru conservation easements or other means;
6. Provide suitable locations for sanitary sewer easements and facilities.

(e) Greenbelts should be used to provide green space areas adjacent to highways and major streets for sound buffer zones and protection from incompatible land uses.

(f) The Greenbelt System should continue to improve a natural landscape planting and maintenance program for City-owned properties and rights-of-way of major streets and highways.

## 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.)*

___ (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.

_X_ (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.

___ (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.

_X_ (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.

_X_ (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.

_X_ (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.

___ (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.

___ (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.

_X_ (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.

___ (w) Structures, other than utility transmission poles or substations, were located to maximize greenbelt and trail opportunities.

**NORMAN PLANNING COMMISSION**
**REGULAR SESSION MINUTES**

**JUNE 14, 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 14th day of June 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions twenty-four hours prior to the beginning of the meeting.

Chairman Andy Sherrer called the meeting to order at 6:33 p.m.

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Item No. 1, being:
**ROLL CALL**

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| MEMBERS PRESENT | Dave Boeck<br>Jim Gasaway<br>Cynthia Gordon<br>Diana Hartley<br>Tom Knotts<br>Curtis McCarty<br>Roberta Pailes<br>Chris Lewis<br>Andy Sherrer |
| MEMBERS ABSENT | None |

A quorum was present.

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| STAFF MEMBERS PRESENT | Susan Connors, Director, Planning & Community Development<br>Jane Hudson, Principal Planner<br>Ken Danner, Subdivision Development Manager<br>Roné Tromble, Recording Secretary<br>Kathryn Walker, Asst. City Attorney<br>Larry Knapp, GIS Analyst<br>Terry Floyd, Development Coordinator<br>Scott Sturtz, City Engineer<br>Shawn O'Leary, Director, Public Works<br>Susan Atkinson, Planner I |

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Item No. 10, being:
**CONSIDERATION OF A REQUEST SUBMITTED BY CIES PROPERTIES, INC. FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD.**

**10A. ORDINANCE NO. O-1112-43 – CIES PROPERTIES, INC. REQUESTS REZONING FROM RM-6, MEDIUM DENSITY APARTMENT DISTRICT, TO R-1, SINGLE FAMILY DWELLING DISTRICT (4.97 ACRES), AND PUD, PLANNED UNIT DEVELOPMENT DISTRICT (10.51 ACRES), FOR PROPERTY GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD.**

**ITEMS SUBMITTED FOR THE RECORD:**
1. Location Map
2. Staff Report
3. PUD Narrative
4. Preliminary Site Development Plan

**10B. PP-1112-19 – CONSIDERATION OF A REVISED PRELIMINARY PLAT SUBMITTED BY CIES PROPERTIES, INC. (CLOUR PLANNING & ENGINEERING SERVICES) FOR BROOKHAVEN NO. 41 ADDITION, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 36TH AVENUE N.W. AND WEST ROCK CREEK ROAD.**

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

**PRESENTATION BY STAFF:**
1. Ms. Hudson – This is a request for rezoning from RM-6 to R-1 and a Planned Unit Development. The entire area is currently zoned RM-6. Tract 1 is what they will be rezoning to R-1 and Tract 2 is what they're requesting for the Planned Unit Development. The single-family is approximately 5 acres. The Planned Unit Development is approximately 11 acres. The PUD will be divided into approximately 40 single-family tracts. There is currently an apartment complex going in on the east side of the property. With the reduction in the RM-6 zoning, the proposed development will be compatible with the area of single-family homes currently in the area. Staff supports this request for R-1 and PUD. The applicant's representative is here and he has a presentation for you.

**PRESENTATION BY THE APPLICANT:**
1. David Hargis, Clour Planning & Engineering Services, 408 Bannister Court, representing the applicant – Brookhaven No. 41 Addition Revised Preliminary Plat. This is a subsequent submittal to what was submitted and approved last November. The former preliminary plat, submitted in November, had to be submitted because we were seeking the final plat of the Falls at Brookhaven Addition and we already had a final plat ongoing of the Brookhaven Mansions Addition. These areas that were zoned RM-6 – we weren't really sure how we were going to further subdivide, so we just listed on there "future development is unknown" and now that we do have further subdivision, that has necessitated resubmission of a preliminary plat. So our current zoning now as it stands is R-1, C-1, and RM-6. What we are proposing is R-1, C-1 and PUD. Here's a commercial area, and we're not really planning on changing that one. It's doing very well just as it is. This was the original R-1 areas. This was initially planned to be a final plat for Brookhaven 41, and then, of course, we have Brookhaven 40 in this area and a little cul-de-sac to kind of augment that. Note that we are including the detention pond in this area as well. Even though it's under construction, it's not tied to any final plat. It was going to be dedicated

within a private drainage easement, but we felt – and the staff also felt – it would be better to tie it to some future final plat, so we're going to do that with the PUD. This is our new preliminary plat. You can see where we've shown taking the RM-6 addition – we want to rezone it to R-1. We'll extend our cul-de-sacs over to the east. This is an unnamed street right now because this addition doesn't exist. Wyckham Drive will tie into this one here and, of course, terminate it's own little cul-de-sac. To the south, we have the entrance to the PUD area. The Planned Unit Development is going to resemble Brookhaven Square Additions, which are north of the Sooner Fashion Mall. We have Brookhaven Square 1, 2, 3, and 4. There has been some demand and interest for some more of that type of housing – the townhouses – especially in this area. We have a lot of neighbors around there. We have Warwick Addition to the north. We have Brookhaven 25 to the south, Brookhaven 26, Brookhaven 40. This is future Brookhaven 41 final plat. Prairie Creek Addition over there on the other side of Rock Creek Road. CP Land Addition and the commercial area with First Bank at Brookhaven, Razook Addition, Brookhaven Day Care Addition, and our new neighbors the Falls at Brookhaven apartments and Brookhaven Mansions Addition senior living center. So there's a lot of activity going on out there right now. If you drive by you'll see the construction for the Brookhaven Mansions and the Falls going on concurrently. This is an aerial view. You can see where Brookhaven Boulevard terminates right now. One of our initial final plats will actually allow us to extend Brookhaven Boulevard to Rock Creek Road. That is an overlay of the lot layouts to the aerial. Everything fits in here. This is a site plan for the commercial addition – it hasn't changed; it's the same. We're really not doing anything at that time. This is another aerial – kind of like a fly-over view. Again, you can see where we can connect Brookhaven Boulevard to Rock Creek Road. This is another aerial view to the northwest, and to the southwest. I'd be glad to answer any questions you have.

**AUDIENCE PARTICIPATION:**
None

**DISCUSSION AND ACTION BY THE PLANNING COMMISSION:**
1. Ms. Pailes – Is there still an oil well out there.

2. Mr. Hargis – There is an active oil well out there. It's in the commercial area. We're not developing now.

*Chris Lewis moved to recommend approval of Ordinance No. O-1112-43, and the Revised Preliminary Plat for* <u>*BROOKHAVEN NO. 41 ADDITION*</u>*, to the City Council. Diana Hartley seconded the motion.*

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1112-43 and the Revised Preliminary Plat for <u>BROOKHAVEN NO. 41 ADDITION</u> to the City Council passed by a vote of 9-0.

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