City of Norman, OK

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

City Council Meeting

Tuesday, August 28, 2012

6:30 PM

Municipal Building Council Chambers

City Council

Mayor Cindy Rosenthal
Council Member Roger Gallagher
Council Member Tom Kovach
Council Member Robert Castleberry
Council Member Greg Jungman
Council Member Dave Spaulding
Council Member Jim Griffith
Council Member Linda Lockett
Council Member Chad Williams

1 **Roll Call**

2 **Pledge of Allegiance**

3 GID-1213-14 APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF AUGUST 2, 2012
CITY COUNCIL CONFERENCE MINUTES OF AUGUST 14, 2012
CITY COUNCIL MINUTES OF AUGUST 14, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 14, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF AUGUST 14, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 14, 2012
JOINT WARD 2, WARD 3, AND WARD 4 MEETING MINUTES OF AUGUST 16, 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: August 2 BACA Minutes
August 14 Conference Minutes
August 14 CC Minutes
August 16, 2012 Joint Wards 2,3,& 4 Meeting

4 AP-1213-11 ELECTION OF A MAYOR PRO TEM TO FILL THE UNEXPIRED TERM OF FORMER COUNCILMEMBER HAL EZZELL.

ACTION NEEDED: Motion to nominate and elect as Mayor Pro Tem for the remaining term of former Mayor Pro Tem Ezzell.

ACTION TAKEN: _____

Attachments: Text File Mayor Pro Tem

5 GID-1213-12 PRESENTATION OF AN AWARD FOR LAW ENFORCEMENT RE-ACCREDITATION TO THE NORMAN POLICE DEPARTMENT FROM THE OKLAHOMA ASSOCIATION OF CHIEFS OF POLICE.

ACTION NEEDED: Motion to acknowledge Law Enforcement Re-Accreditation from the Oklahoma Association of Chiefs of Police to the Norman Police Department.

ACTION TAKEN: _____

Attachments: Text File Accreditation
Norman PD Re-Assess 4 .pdf
Re Assess Ltr Norman 2012.pdf

6 Consent Docket

Consent Docket

This item is placed on the agenda so that the City Council, by unanimous consent, can designate those routine agenda items that they wish to be approved or acknowledged by one motion. If any item proposed does not meet with approval of all Councilmembers, that item will be heard in regular order. Staff recommends that Item 7 through Item 24 be placed on the consent docket.

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

ACTION TAKEN:

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

ACTION TAKEN:

7 **O-1213-2** CONSIDERATION OF ORDINANCE NO. O-1213-2 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 AMEND THE PLANNED UNIT DEVELOPMENT NARRATIVE APPROVED WITH ORDINANCE NO. O-0506-1 SO AS TO CHANGE THE ALLOWED USES FROM OFFICE AND RESIDENTIAL TO OFFICE WITHIN GREENWAY PARK ADDITION, A PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 36TH AVENUE N.W. AND CROSSROADS BOULEVARD)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-2 upon First Reading by title.

ACTION TAKEN: _____

Attachments:
- Text File O-1213-2
- O-1213-2 Par Mar
- Par-Mar Location Map
- Greenway Park PUD
- GREENWAY PARK ADDITION - PUD Annotated 7-5-12
- Par-Mar PUD Amendment Staff Report
- 7-12-12 PC Minutes - Par-Mar

Legislative History

7/12/12	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Council

8 **O-1213-5** CONSIDERATION OF ORDINANCE NO. O-1213-5 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE O-1, OFFICE-INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR A CHILD CARE CENTER, AND REMOVE THE SAME FROM THE R-2, TWO-FAMILY DWELLING DISTRICT WITH SPECIAL USE FOR A CHURCH; OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF EUFAULA STREET FROM STEWART AVENUE TO THE FIRST LOT EAST OF CARTER AVENUE AND ON THE SOUTHEAST CORNER OF STEWART AVENUE AND EUFAULA STREET.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-5 upon First Reading by title.

ACTION TAKEN: _____

Attachments:

- Text File O-1213-5
- O-1213-5 CCFI Rezone
- CCFI_Location Map
- Staff Report CCFI
- CCFI - Immanuel Baptist Letter
- Predevelopment CCFI
- Greenbelt Comments CCFI
- CCFI GES
- CCFI Flyer
- 8-9-12 PC Minutes - CCFI

Legislative History

8/9/12	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Council

9 **R-1213-6** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JULY 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

10 **RPT-1213-7** SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JULY, 2012, AND DIRECTING THE FILING THEREOF.

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

ACTION TAKEN: _____

11 **RPT-1213-6** CONSIDERATION OF THE CITY'S APPLICATION FOR PERMISSION TO CARRY ITS OWN RISK WITHOUT WORKERS' COMPENSATION INSURANCE.

ACTION NEEDED: Motion to approve or reject the application; and, if approved, authorize the execution thereof and direct submission of the application to the Workers' Compensation Court Administrator for review and payment in the amount of $1,000.

ACTION TAKEN: _____

Attachments: Text File_Own Risk

2013 Application.PDF

12 **BID-1213-11** CONSIDERATION AND AWARDING OF BID NO. 1213-11 FOR THE PURCHASE OF FIFTEEN (15) 4 CUBIC YARD FRONT-LOAD REFUSE CONTAINERS; FIFTEEN (15) 6 CUBIC YARD FRONT-LOAD REFUSE CONTAINERS; AND SIXTY-FIVE (65) 8 CUBIC YARD FRONT-LOAD REFUSE CONTAINERS FOR THE SANITATION DIVISION.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $74,310 to Roll-Offs USA as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Bid 1213-11

Bid Tab Front Load Refuse Containers

13 **BID-1213-18** CONSIDERATION AND AWARDING OF THE BID NO. 1213-18 FOR THE PURCHASE OF LIQUID ALUMINUM SULFATE FOR THE WATER TREATMENT PLANT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $293 per dry ton to General Chemical Performance Products, L.L.C., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Attachments: Text File Alum Sulfate

Alum Bid TAB.pdf

14 **K-1213-47** CONSIDERATION AND AWARDING OF BID NO. 1213-20 AND CONTRACT NO. K-1213-47 FOR THE BUILDING A RENOVATION PROJECT, PHASE 2 AND ADOPTION OF RESOLUTION NO. R-1213-33.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amended amount of $77,566 to Sun Construction Services, L.L.C., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-47 and authorize the execution thereof and the Mayor to sign Performance Bond No. B-1213-15, Statutory Bond No. B-1213-16, and Maintenance Bond No. MB-1213-10 contingent upon the City Attorney's approval; and adopt Resolution No. R-1213-33.

ACTION TAKEN: _____

Attachments: Text File Building A Phase 2
Bid Tab
K-1213-47
R-1213-33
PR Sun Construction

15 **GID-1213-13** CONSIDERATION OF AUTHORIZATION TO PAY COSTS NECESSARY TO REFURBISH THE UNDERCARRIAGE OF A TRACK DOZER TO C.L. BOYD IN THE AMOUNT OF $33,877.58 FOR THE STORM WATER DIVISION.

ACTION NEEDED: Motion to approve or reject authorization to pay costs necessary to refurbish the undercarriage of a track dozer to C.L. Boyd in the amount of $33,877.58 for the Storm Water Division.

ACTION TAKEN: _____

Attachments: Text File Track Dozer Repairs
C.L. Boyd Quote

16 GID-1213-11 CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE AND IMPLEMENTATION OF THE MOBILE FIELD INSPECTIONS SOFTWARE FROM SUNGARD PUBLIC SECTOR IN THE AMOUNT OF $73,200 FOR THE PLANNING DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase and implementation of the Mobile Field Inspection Software from Sungard Public Sector in the amount of $73,200 for the Planning Department.

ACTION TAKEN: _____

Attachments: Text File Mobile Field Inspection Software
Mobile_Field_Inspection_paper
Norman_Mobile Field_rev2_10 devices
Mobile_Field_Inspections_Requisition

17 E-1213-7 CONSIDERATION OF PERMANENT WATER LINE EASEMENT NO. E-1213-7 DONATED BY HALLBROOKE CORPORATION FOR THE HIGH PRESSURE PLANE UPGRADE.

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-7; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Attachments: Text File E-1213-7
E-1213-7 Hallbrooke HPP WL
E-1213-7 Location Map

18 E-1213-8 CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC UTILITY EASEMENT NO. E-1213-8 FROM MARTIN-MARIETTA MATERIALS SOUTHWEST, INC., IN THE AMOUNT OF $2,023.04 FOR THE TECUMSEH INTERCEPTOR PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority and City Council, motion to accept or reject Easement No. 1213-8; and, if accepted, direct the filing thereof with the Cleveland County Clerk and direct payment in the amount of $2,023.04 to Martin-Marietta Materials Southwest, Inc.

ACTION TAKEN: _____

Attachments: Text File E-1213-8
Martin Marietta Easement
TecumsehInterceptor_EasementMap

19 FP-1112-15 CONSIDERATION OF A FINAL PLAT FOR CARRINGTON PLACE ADDITION, SECTION 11, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY ONE-HALF MILE NORTH OF WEST TECUMSEH ROAD)

ACTION NEEDED: Motion to approve or reject the final plat for Carrington Place Addition, Section 11; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat, subdivision bonds, and maintenance bonds subject to receipt of the City Development Committee's acceptance of all required public improvements, a traffic impact fee in the amount of $1,652.49 within 10 ten days and a warranty deed for parkland dedication requirements; and direct the filing of the final plat.

ACTION TAKEN: _____

Attachments: Text File Carrington Lakes
Carrington 11 Location Map
Final Plat Carrington Section 11
Carrington 11 Staff Report
Revised Prelim Plat Carrington 11
1-12-12 PC Minutes - Carrington 11

Legislative History

1/12/12	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Council

20 SC-1213-3

SPECIAL CLAIM NO. SC-1213-3: A CLAIM IN THE AMOUNT OF $9,461.63 SUBMITTED BY SHARMISHTA AND PRASAD BYRAGANI FOR COSTS INCURRED DUE TO AN ACCIDENT WITH A POLICE DEPARTMENT VEHICLE NEAR THE INTERSECTION OF LINDSEY STREET AND JENKINS AVENUE.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1213-3; and, if approved, direct payment in the amount of $9,461.63 contingent upon obtaining a Release and Covenant Not to Sue from Sharmishta and Prasad Byragani and her father, Prasad Byragani.

ACTION TAKEN: _____

Attachments: Text File Byragani
Clerks Memo
Byragani Claim
Police Report

21 **K-0506-53 Amd #1**

AMENDMENT NO. ONE TO CONTRACT NO. K-0506-53: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER ENGINEERS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $20,567 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR AN INTERIM WASTEWATER SOLUTION FOR NORTHERN NORMAN, PROJECT 11B, INDUSTRIAL, TECUMSEH, AND VO-TECH INTERCEPTORS.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-0506-53 with Garver Engineers, L.L.C., increasing the contract amount by $20,567; and, if approved authorize the execution thereof and transfer $20,513 from Project No. WW0302, Industrial Interceptor, Design (322-9048-432.62-01) to Project No. WW0262, Tecumseh Interceptor, Design (322-9048-432.62-01); and transfer $21,195 from Industrial Interceptor, Construction (323-9048-432.61-01); $448 from Industrial Interceptor, Design (323-9048-432.62-01); and $7,522 from Industrial Interceptor, Land (323-9048-432.60-01) to Project No. WW0262, Tecumseh Interceptor, Design (323-9048-432.62-01).

ACTION TAKEN: _____

Attachments: Text File Garver
Garver Amendment 1

22 **K-1213-49**

CONTRACT NO. K-1213-49: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE CROSSROADS YOUTH AND FAMILY CENTER, INC., IN THE AMOUNT OF $285,087 FOR THE OPERATION AND MAINTENANCE OF THE COMMUNITY INTERVENTION CENTER FROM JULY 1, 2012, THROUGH JUNE 30, 2013, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-49 with Crossroads Youth and Family Center, Inc., in the amount of $285,087 for the operation and maintenance of the Community Intervention Center from July 1, 2012, through June 30, 2013; and, if approved, authorize the execution of the contract and appropriate $40,000 from the General Fund Balance (010-0000-253.20-00) to Professional Services/Other Professional, Legal (010-2220-412.40-99).

ACTION TAKEN: _____

Attachments: Text File Crossroads
K-1213-49
FY13 Purchase Order

23 **K-1213-61** CONTRACT NO. K-1213-61: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE NORMAN OPTIMIST CLUB FOR THE USE OF GRIFFIN AND REAVES PARKS FOR THE FACILITATION OF THE YOUTH BASEBALL AND YOUTH FOOTBALL PROGRAMS FOR THE PARKS AND RECREATION DEPARTMENT AND TERMINATION OF CONTRACT NO. K-1112-51.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-61 with the Norman Optimist Club; and, if approved, authorize the execution thereof and terminate Contract No. K-1112-51.

ACTION TAKEN: _____

Attachments: Text File K-1213-61
Optimist Contract
K-1112-51
Location map Reaves Park
Location map Griffin Park

24 **K-1213-62** CONTRACT NO. K-1213-62: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE NORMAN YOUTH SOCCER ASSOCIATION, INC., FOR THE USE OF GRIFFIN COMMUNITY PARK FOR THE FACILITATION OF THE YOUTH SOCCER PROGRAM FOR THE PARKS AND RECREATION DEPARTMENT AND TERMINATION OF CONTRACT NO. K-0405-127.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-62 with the Norman Youth Soccer Association, Inc.; and, if approved, authorize the execution thereof and terminate Contract No. K-0405-127.

ACTION TAKEN: _____

Attachments: Text File K-1213-62
Soccer Contract
K-0405-127
Amd 1 K-0405-127
Location map Griffin Park Soccer

Non-Consent Items

25 **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: Adopt Resolution No. R-1112-144 and approve the directive that Staff abate the nuisance as outlined in Resolution No. R-1112-144 as required by law.

ACTION TAKEN: TK/JG

Attachments: Text File R-1112-144
R-1112-144
Summary 503 W. Daws
Memo 503 W. Daws
503 W. Daws condemnation 8-12
Endicott Plan

Legislative History

6/26/12	City Council	Postponed
7/24/12	City Council	Postponed

26 O-1213-1

ORDINANCE NO. O-1213-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF THE SECTION 26, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.)

ACTION NEEDED: Motion adopt or reject Ordinance No. O-1213-1 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion adopt or reject Ordinance No. O-1213-1 upon Final Reading as a whole.

ACTION TAKEN: _____

Attachments:

Text File O-1213-1

O-1213-1 Kunkel

Kunkel Rezone Location Map

Kunkel Rezone Staff Report

Preliminary Site Plan Main Street Place

Kunkel Existing Zoning Plat

7-12-12 PC Minutes - Kunkel

Legislative History

7/12/12	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Council
8/14/12	City Council	Introduced and adopted on First Reading by title only

27 PP-1213-1 CONSIDERATION OF A PRELIMINARY PLAT FOR MAIN STREET PLACE ADDITION.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Main Street Place Addition.

ACTION TAKEN: _____

Attachments:
- Text File Main Street Place Prelim
- Attachment A
- Kunkel Plat Location Map
- Preliminary Plat Main Street Place Addition
- Kunkel Plat Staff Report
- Predevelopment Kunkel
- Main Street Place - Transportation
- Preliminary Site Plan Main Street Place
- Greenbelt Comments Kunkel
- Main Street Place GES
- 7-12-12 PC Minutes - Kunkel

28 **R-1112-119** RESOLUTION NO. R-1112-119: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE APRIL 2012 GREENWAYS MASTER PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-119.

ACTION TAKEN: _____

Copies of the reports were previously distributed to Council and are available for review on the City's website as a part of this agenda item, at the Norman Public Library and in the Office of the City Clerk.

Attachments: Text File Greenway Master Plan
R-1112-119 Greenways Master Plan
2012 GREENWAY MASTER PLAN
2012 GREENWAY MASTER PLAN - Appendix
KEY GUIDING PRINCIPLES OF THE GREENWAY MASTER PLAN
R-0910-68
Exhibit A to R-0910-68
Exhibit B to R-0910-68
Concerns submitted by Jane Ingels
2-20-12 Greenbelt Commission minutes
4-12-12 PC Minutes - GMP
5-17-12 PC Study Session Minutes
7-12-12 PC Minutes - Greenways Master Plan

Legislative History

4/12/12	Planning Commission	Postponed
6/14/12	Planning Commission	Postponed
7/12/12	Planning Commission	Recommended for Adoption at a subsequent City Council Meeting to the City Council

29 **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.

30 **Adjournment**

City of Norman, OK

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

Master

File Number: GID-1213-14

File ID:	GID-1213-14	**Type:**	Minutes	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 3	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/20/2012
File Name:	Minutes			**Final Action:**	

Title: APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF AUGUST 2, 2012
CITY COUNCIL CONFERENCE MINUTES OF AUGUST 14, 2012
CITY COUNCIL MINUTES OF AUGUST 14, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF AUGUST 14, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF AUGUST 14, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF AUGUST 14, 2012
JOINT WARD 2, WARD 3, AND WARD 4 MEETING MINUTES OF AUGUST 16, 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: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 3

Attachments: August 2 BACA Minutes, August 14 Conference Minutes, August 14 CC Minutes, August 16, 2012 Joint Wards 2,3,& 4 Meeting

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-1213-14

CITY COUNCIL
BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES

August 2, 2012

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

PRESENT:	Councilmembers Kovach, Jungman, Lockett, and Spaulding
ABSENT:	Councilmember Williams
OTHERS PRESENT:	Councilmember Roger Gallagher, Ward One Mr. Trey Bates, 3720 Timberidge Drive Ms. Jayne Crumpley, 423 Elm Drive Mr. Evan Dunn, 1014 Missouri Street Ms. Joy Hampton, The Norman Transcript Mr. David Hopper, 1620 Oriole Drive Mr. Ross Robinson, Norman Economic Development Coalition Mr. Don Wood, Norman Economic Development Coalition Executive Director
STAFF PRESENT:	Ms. Courtney Bucklin, Intern City Attorney Mr. Terry Floyd, Development Coordinator Mr. Steve Lewis, City Manager Ms. Kathryn Walker, Assistant City Attorney Ms. Karla Chapman, Administrative Technician

Item 1, being:

CONTINUED DISCUSSION REGARDING THE CREATION OF THE NORMAN ECONOMIC DEVELOPMENT ADVISORY BOARD AND THE CREATION OF ECONOMIC DEVELOPMENT POLICIES.

Ms. Kathryn Walker, Assistant City Attorney, said the creation of a public trust authority to facilitate potential economic development incentives was identified as a priority by the Business and Community Affairs Committee (BACA) in August 2011, and also by full Council at a Planning Retreat in September 2011. She said the creation of the Norman Economic Development Authority (NEDA) was approved by Council on June 12, 2012.

Ms. Walker said at the June meeting, the consensus of the BACA Committee was to move the Economic Development Advisory Board (EDAB) language out of the trust indenture to allow Council the opportunity to discuss issues such as Board purpose, Board composition and qualifications, and the definition of goals to be achieved to be considered for public financing assistance for economic development projects.

Ms. Walker said Staff presented a draft ordinance creating the EDAB to the BACA Committee on July 5, 2012, and the Committee discussed Board composition and qualifications of the EDAB members, as well as the goals.

The Committee's suggestions were presented at the July 10, 2012, Council Conference and Council requested BACA to continue to work to develop economic development policies and thresholds. Ms. Walker said Staff will review the available options for economic development assistance to include the applicable criteria.

Mr. Don Wood, Director, Norman Economic Development Coalition (NEDC), highlighted the economic development tools/programs currently available; including those utilized by NEDC.

Oklahoma Quality Jobs is a State program which gives qualifying enrolled companies quarterly cash rebates of up to five percent (5%) of taxable wages for up to 10 years. In 2005, new legislation under Title 68 Oklahoma Statute § 3601 et seq., allowed companies in the program who expand again to receive up to six percent (6%) wage rebates based on meeting certain criteria. Manufacturers and certain service companies who would qualify for the Quality Jobs Program must have a new payroll investment of $2.5 million or more. He said the companies must meet minimum wage, equal to the lower of average county wage or $30,754, and health coverage requirements. The average county wage for this program is based on data from the United States Department of Commerce and Cleveland County's average wage is $33,885. Companies receive quarterly cash payments of up to five percent (5%) of newly created gross taxable payrol paid by the Tax Commission but businesses can not qualify for more than one program incentive at a time. He said there are no clawbacks; the Quality Jobs Program has "pay as you go" incentives; and rebates are cash payments from the State after jobs are created and taxes are paid. He said businesses can have multiple programs at one time as long as threshold(s) are met. An example of a Quality Jobs Program is as follows:

- 200 employees x $44,000 (annual salary) x 5.0% = $440,000 - Ten Year Periods Total = $4,400,000

Small Employer Quality Jobs is a State program and was modified approximately seven to eight years ago. A small employer is defined as 90 employees or less and the program incentive gives up to a five percent (5%) cash back, based on new taxable payroll for up to seven (7) years to locate or expand to Oklahoma. Wages generally must be at least 110% to 125% of the average county wage ($33,755 to $38,358). Qualifying industries include manufacturing, research, development and testing labs, corporate offices, certain warehouse operations, air transportation, etc. Mr. Wood said the average county wage for this program is based on data from the Oklahoma Employment Security Commission and Cleveland County's average wage is $30,686.

21st Century Quality Jobs is a State program and was created to attract growth industries and sectors by rewarding businesses with a highly skilled, knowledge-based workforce such as Boeing. Qualifying companies may be eligible for a rebate equal to up to twice the Net Benefit rate of the Quality Jobs Program, or 10% of the taxable payroll of these new jobs, to be paid in cash on a quarterly basis. This program lasts for up to 10 years. Qualifying businesses for this program require a minimum of 10 new direct jobs with three (3) years to "ramp up" to this level of jobs. Companies must meet minimum wage (the lower of 300% of average county wage or $97,381) and health coverage requirements. Mr. Wood felt this program was a leap forward and that NEDC contacted several engineering companies to let them know about this program.

PrimeWIN is another State program and companies with a qualifying federal contract to work in a qualifying basic industry are eligible. Benefits are based on qualified labor hours generated under the contract by the prime contractor and qualified sub-contractors. Net benefit range is from .25% to 2% of "reimbursable labor rate" outlined in the federal contract. Mr. Wood said NEDC has not had the opportunity to utilize this program.

Ad Valorem Tax Exemption(s) is also a State program and qualified manufacturers, research and development companies, and certain computer and data processing companies are eligible. Eligible companies must also have an investment of at least $250,000 and additional annualized payroll of $1 million to qualify for the

program. Ad Valorem exemption(s) last up to five (5) years, are approved annually, and the State reimburses local taxing jurisdictions. Mr. Wood said there have been several Norman businesses that have taken advantage of this program. School systems are not affected by these exemptions.

Industrial Access Road Assistance, a State program, is designed to provide assistance to local industrial development efforts by funding access facilities connecting a specific industry or industrial area directly to the state or local road system. Mr. Wood said this program is administered through the Oklahoma Department of Transportation (ODOT) and applications for assistance are made through local governing bodies. He said examples of Norman businesses who have utilized the Industrial Access Road Assistance Program include Sysco, Southwest Wire, and Norman Business Park.

University North Park Tax Increment Finance (UNPTIF) Project Plan is an economic development tool – revenue stream and is a local program. Ms. Walker said elements of the UNPTIF include up to $8.25 million has been apportioned from UNPTIF revenues; 50% of Ad Valorem taxes has been generated from the Economic Development (ED) tract; 10% Sales Tax has been generated in the UNPTIF; and an Economic Development Sales Tax Increment (additional reservation of sales taxed on projected sales taxed generated by new Quality Jobs Payrolls).

The Norman Tax Increment Finance Authority (NTIFA) authorized ED Revenue Notes of $16.5 million in September 2010 issued to NEDC in June 2011. Ms. Walker said the UNPTIF ED requires approval of a Development Agreement to draw on the note which would include a qualifying employer, timeline for job creation, and appropriate clawbacks. She said one note is funded via TIF ED revenue stream and one note is funded via State Program revenue streams. Councilmember Jungman asked who would owe the debt and Ms. Walker said the NTIFA.

Mr. Wood said NEDC Incentives Policy for UNP include annual cash rebates for up to 10 years from the purchase of a lot; the amount of rebate is tiered based on salaries (minimum salary eligible for rebate is $35,000); additional rebates from TIF revenues, requires development agreement with appropriate clawbacks; and companies relocating *within* Norman must increase the number of employees by 35% within five (5) years, document that their current location cannot accommodate additional space needed, and their current lease is ending and/or landlord does not object to early termination of lease.

Land Development, is a local development tool incentive and NEDC targets industrial and office uses. Mr. Wood said NEDC spoke to and encouraged developers to develop industrial and office use tracts, but they were not interested; therefore, NEDC purchased Norman Business Park approximately four (4) years ago and offered to sell the land sites at a reduced rate as an incentive. Mr. Wood said NEDC used eight (8) different banks to purchase the land previously owned by 3M; a company who felt the land was not large enough, did not like the topography, and sold the property to NEDC at $8,700 per acre. He said currently there are approximately 1,200 jobs located in Norman Business Park and examples of current businesses include Alban, Office Max, Immy, Health Engineering Systems, Sitel, and Swent.

Ms. Walker said the estimated timeline going forward on the EDAB is as follows:

- September – October: Research, present, and discuss policies from other cities
- October – November: Evaluate which components to incorporate as Norman's economic development policies and goals
- December: Finalize draft of City's Policy Statement

Ms. Walker requested direction from the Committee as to whether this timeline needed to be shorter or longer. Chairman Kovach said longer meetings could be scheduled in order to cover more topics, but he felt the timeline was appropriate because it would allow more time to understand the information to be discussed and/or presented and the Committee agreed.

Mr. Wood said incentives offered to businesses are only part of the puzzle and that companies and/or businesses focusing only on money are probably not good for Norman. He said the City needs to have a balance and prefers companies offering 200 to 300 jobs because they do not dominate the community and/or other businesses. Mr. Wood felt the City, NEDC, and NEDA should use diversity, i.e., build businesses, take care of existing Norman businesses, and attract new business to the Norman area.

Mr. Wood said the Association of Central Oklahoma Governments (ACOG) will be presenting a regional economic development plan on August 9, 2012, and Chairman Kovach requested NEDC provide an update on ACOG's presentation stating the City could use the plan for information purposes.

Councilmember Gallagher asked if retail companies qualified for the State Quality Jobs program and Mr. Wood said no because retail typically follows a base industry. Councilmember Jungman asked if TIF districts are designed to create retail jobs and Mr. Wood said no, TIFs are retail sales tax driven.

Mr. Trey Bates, local developer, said he appreciated the proposed timeline schedule and felt NEDA will provide a mechanism to assist Norman. He hopes continued discussions will give Council direction when creating the EDAB because Norman needs not only quality jobs and retail businesses, but parking garages, etc., as well.

Mr. David Hopper, former Councilmember Ward 6, said in approximately 2005, the City and NEDC collectively hired Buxton Company to do a retail study for Norman. He felt Staff could use the retail study as a tool in moving forward with EDAB policies and goals.

Chairman Kovach felt everyone wanted Norman to have successful economic development and emphasized that the EDAB will help do so.

Items submitted for record

1. Memorandum dated July 26, 2012, from Kathryn L. Walker, Assistant City Attorney, through Jeff H. Bryant, City Attorney, to Members of the Business and Community Affairs Committee
2. PowerPoint presentation entitled, "Economic Development Tools," Business and Community Affairs Committee, dated August 2, 2012

Item 2, being:

MISCELLANEOUS DISCUSSION.

None

The meeting adjourned at 10:00 a.m.

ATTEST:

City Clerk

Mayor

COUNCIL CONFERENCE MINUTES

August 14, 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 14th day of August, 2012, and notice and agenda of the meeting were posted at the Municipal Building at 201 West Gray, and the Norman Public Library at 225 North Webster 48 hours prior to the beginning of the meeting.

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

Item 1, being:

DISCUSSION REGARDING CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-107 WITH SUN CONSTRUCTION SERVICES, INC., INCREASING THE CONTRACT AMOUNT BY $24,619 FOR THE BUILDING A RENOVATION PROJECT, PHASE I.

Mr. Scott Sturtz, Capital Projects Engineer, said Building A was constructed in 1978 and current renovations will meet American with Disabilities Act (ADA) requirements, bring the building up to current code, create additional office space, and improve customer service areas. He said the project is being done in two phases. Phase One is to be completed in September 2012, and Phase Two is being bid at this time with a target completion date in December 2012. He said Change Order No. One will modify cabinetry in the copy room to ensure adequate strength for proposed shelving; repaint the north wall of the lobby with a darker color for better aesthetics; accelerate the remodeling of two vacant offices in the southwest hall that were originally scheduled in Phase II prior to filling those vacancies to reduce the overall project time; relocate electrical conduits discovered under the slab to overhead outlets; and install additional lights removed from other areas into in the conference area. He said Phase II funds will be used for the Change Order so Staff is not requesting additional funds.

Councilmember Lockett asked what percent of the remodel is shelving and storage and Mr. Rick McKinney, McKinney Partnership, said a large area in the Engineering Division will contain compact, rolling files in place of stacking file cabinets currently in use.

Items submitted for the record

1. Text File No. K-1112-107 dated August 3, 2012, by Scott Sturtz, City Engineer
2. Change Order No. One to Contract No. K-1112-107
3. Building A Renovation blueprint
4. Purchase Requisition No. 000205156 dated August 15, 2012, in the amount of $24,619 to Sun Construction Services, Inc.

Item 2, being:

DISCUSSION REGARDING THE WARD THREE CITY COUNCIL APPOINTMENT PROCESS.

Mayor Rosenthal said there is significant sentiment that Councilmembers are uncomfortable with the default process that falls under Robert's Rules of Order and the potential for confusion. She said Staff has proposed an alternate method for the process and asked Mr. Jeff Bryant, City Attorney, to explain that process.

Mr. Bryant said the proposed process follows an "election procedure" where all Nominees for consideration are placed in the initial round of voting with each Councilmember being required to cast one affirmative vote for one of the Nominees. The Nominees with the greatest number of votes from the initial vote will then proceed to a runoff process. The Runoff process is continued with each Councilmember casting an affirmative vote for one of the remaining Nominees until a Nominee is selected by a majority of Councilmembers. If there is a tie in the Round Two or Round Three runoff processes, those proceeding to Round Three, or the Final Nominee from a tie in Round Three, will be selected by drawing from a hat; similar to what would occur at the Cleveland County Election Board if there were a tie in a regular election process. Once the Nominee is selected, Council will consider a formal vote to seat the Nominee with Councilmembers being able to vote yes or no on that motion to seat the Nominee. He said if Council decides to use this process or another process other than the "default" process under Roberts's Rules of Order, the alternative process should be adopted by a majority of the Council before taking nominations from the floor.

Councilmember Gallagher asked if Councilmembers would make nominations or if the floor would be open to anyone wanting to make a nomination and Mr. Bryant said that would be up to the Mayor. Mayor Rosenthal said she intends to open the floor for nominations and if someone wishes to be recognized or place a nomination she would call on them. Mr. Bryant said nominations would not require a second.

Councilmember Kovach asked what order the Nominees would be voted on and Mr. Bryant said the default process considers the Nominees in the order in which they were nominated, but under the alternative process the City Clerk will go by the roll call of Councilmembers, each Councilmember will vote, at the time their name is called, for whichever Nominee they want to select.

Councilmember Spaulding asked what would happen if there continued to be a tie and Mr. Bryant said, in that case, the Nominee will be drawn by lot. He said the names will be written on equal size pieces of paper and folded one time then placed in a hat or box and the City Clerk will draw one piece of paper and announce the name.

Mayor Rosenthal said the first order of business will be to entertain a motion to establish the selection process as has been outlined by the City Attorney then she will open the floor to nominations.

Items submitted for the record

1. Memorandum dated August 4, 2012, from Mr. Jeff Harley Bryant, City Attorney, to Mayor and Council Members
2. Alternative Ward 3 Candidate Selection Process dated August 4, 2012
3. Item 4 of the August 14, 2012, Council Agenda, Nomination and Appointment of an Eligible Person to Fill the Council Vacancy in Ward Three

Item 3, being:

UPDATED ON THE 2060 STRATEGIC WATER SUPPLY PLAN AND DISCUSSION OF THE WATER SUPPLY WORKSHEET.

Mr. Ken Komiske, Director of Utilities, said the City of Norman has three sources of water, which are wells, Lake Thunderbird, and water purchased from Oklahoma City, but at least one or more sources of water still need to be found. He said Phase II of the Strategic Water Supply Plan (SWSP) will include an alternatives evaluation process to develop portfolio evaluation criteria based on the following:

- Affordability: What will it cost to reliably provide treated water?;
- Long-Term Supply Reliability: Will we be able to reliably meet our demand?;
- Phasing Potential: Can we defer capital and increase the supply over time?;
- Timely Implementation and Certainty: Are we certain we can bring the supply online by the time it is needed?;
- Efficient Use of Water Resources: Are we making the best use of the available resources?;
- Environmental Stewardship: Are we preserving our environmental resources?;
- Treated Water Quality Aesthetics: Will our customers be satisfied with the quality of the water we deliver?; and
- Community Recreation and Aesthetic Benefits: Will our customers gain non-water supply value from this alternative?

Mr. Komiske said Staff would like Council's opinion on what they think is important to the community as they represent their Wards and asked Councilmembers to complete a paired comparison exercise. He highlighted the comparison exercise to Councilmembers. He said this exercise and the portfolio evaluation process is intended to show the range of values present in the community and to seek out two or more portfolios that robustly meet the range of values expressed by community members.

Councilmember Spaulding said he would like to see property rights included as one of the evaluation criteria in the exercise. Staff will consult with Carollo Engineers who is preparing the study and redistribute the evaluation to Council and the Strategic Water Supply Ad Hoc Committee.

Items submitted for the record

1. Memorandum dated August 7, 2012, from Steve Lewis, City Manager, to City of Norman City Council
2. Project memorandum dated July 27, 2012, prepared by John Rehring, Carollo Engineers, to Norman Utilities Authority

The meeting adjourned at 6:20 p.m.

ATTEST:

City Clerk

Mayor

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

August 14, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building on the 14th day of August, 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 Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal *
ABSENT:	None

The Pledge of Allegiance was led by Mayor Rosenthal.

* Councilmember Castleberry was sworn in and seated in Item 5 and voted on all Items beginning with Item 6.

* * * * *

Item 3, being:

CONSIDERATION OF APPROVAL OF THE MINUTES AS FOLLOWS:

CITY COUNCIL BUSINESS AND COMMUNITY AFFAIRS COMMITTEE MINUTES OF JULY 5, 2012
CITY COUNCIL STUDY SESSION MINUTES OF JULY 17, 2012
CITY COUNCIL CONFERENCE MINUTES OF JULY 24, 2012
CITY COUNCIL MINUTES OF JULY 24, 2012
NORMAN UTILITIES AUTHORITY MINUTES OF JULY 24, 2012
NORMAN MUNICIPAL AUTHORITY MINUTES OF JULY 24, 2012
NORMAN TAX INCREMENT FINANCE AUTHORITY MINUTES OF JULY 24, 2012
CITY COUNCIL STUDY SESSION MINUTES OF JULY 25, 2012
CITY COUNCIL MEET AND GREET RECEPTION MINUTES OF JULY 31, 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-1213-7 dated July 27, 2012, by Brenda Hall, City Clerk
2. City Council Study Session minutes of July 17, 2012
3. City Council Conference minutes of July 24, 2012
4. City Council minutes of July 24, 2012
5. Norman Utilities Authority minutes of July 24, 2012
6. Norman Municipal Authority minutes of July 24, 2012
7. Norman Tax Increment Finance Authority minutes of July 24, 2012
8. City Council Study Session minutes of July 25, 2012
9. City Council Meet and Greet Reception minutes of July 31, 2012

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

YEAS:	Councilmembers 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:

NOMINATION AND APPOINTMENT OF AN ELIGIBLE PERSON TO FILL THE COUNCIL VACANCY IN WARD THREE.

Councilmember Kovach moved that a selection process to fill the Ward 3 representative for the remaining unexpired term that follows a "general election – runoff" format as reflected in Article II, § 5 of the Norman City Charter and as more particularly described in the document submitted by the City Attorney dated August 4, 2012, be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. AP-1213-9 dated August 1, 2012, by Brenda Hall, City Clerk
2. Memorandum dated August 4, 2012, from Jeff Harley Bryant, City Attorney, to Mayor and Councilmembers
3. Alternative Ward 3 Candidate Selection Process dated August 4, 2012

and the question being upon adopting a selection process to fill the Ward 3 representative for the remaining unexpired term that follows a "general election – runoff" format as reflected in Article II, § 5 of the Norman City Charter and as more particularly described in the document submitted by the City Attorney dated August 4, 2012, a vote was taken with the following result:

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

The Mayor declared the motion carried and a selection process to fill the Ward 3 representative for the remaining unexpired term that follows a "general election – runoff" format as reflected in Article II, § 5 of the Norman City Charter and as more particularly described in the document submitted by the City Attorney dated August 4, 2012, was adopted.

The Mayor opened the floor for nominations.

Councilmember Gallagher nominated Dr. Robert McCloy.

Councilmember Williams nominated Robert Castleberry.

Councilmember Griffith nominated Shawn Hook.

Councilmember Jungman nominated Renee Porter.

The Mayor closed the floor for nominations.

Each Councilmember must vote in favor of only one Nominee by roll call vote.

Councilmember Gallagher - Dr. Robert McCloy

Councilmember Griffith - Shawn Hook

Councilmember Jungman - Renee Porter

Councilmember Kovach - Robert Castleberry

Councilmember Lockett - Dr. Robert McCloy

Councilmember Spaulding - Dr. Robert McCloy

Councilmember Williams - Robert Castleberry

Mayor Rosenthal - Renee Porter

The City Clerk announced the results. Dr. Robert McCloy received three votes and Renee Porter and Robert Castleberry received two votes each. No nominee received five votes in their favor. Dr. Robert McCloy, Renee Porter, and Robert Castleberry proceeded to Runoff Round Two Voting.

Item 4, continued:

Runoff Round Two Voting:

Councilmember Griffith - Robert Castleberry

Councilmember Jungman - Dr. Robert McCloy

Councilmember Kovach - Robert Castleberry

Councilmember Lockett - Dr. Robert McCloy

Councilmember Spaulding - Robert Castleberry

Councilmember Williams - Robert Castleberry

Councilmember Gallagher - Dr. Robert McCloy

Mayor Rosenthal - Dr. Robert McCloy

he City Clerk announced the results. Robert Castleberry received four votes and Dr. Robert McCloy received four votes. No nominee received five votes in their favor. Robert Castleberry and Dr. Robert McCloy proceeded to Final Runoff-Round Three Voting.

Final Runoff-Round Three Voting:

Councilmember Jungman - Dr. Robert McCloy

Councilmember Kovach - Robert Castleberry

Councilmember Lockett - Dr. Robert McCloy

Councilmember Spaulding - Robert Castleberry

Councilmember Williams - Robert Castleberry

Councilmember Gallagher - Dr. Robert McCloy

Councilmember Griffith - Robert Castleberry

Mayor Rosenthal - Dr. Robert Castleberry

The City Clerk announced the results and announced the winner would be determined by lot. The names of Dr. Robert McCloy and Robert Castleberry were written on separate identical size pieces of paper and placed in a basket for drawing. The City Clerk drew out one piece of paper and announced the winner as Robert Castleberry.

Thereupon, Councilmember Kovach moved to seat Robert Castleberry as the new Ward Three Representative, which motion was duly seconded by Councilmember Griffith; and the question being upon seating Robert Castleberry as the new Ward Three Representative, a vote was taken with the following result:

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

The Mayor declared the motion carried and Robert Castleberry was seated as the new Ward Three Representative.

* * * * *

Item No. 5, being:

ADMINISTERING THE OATH OF OFFICE TO AND FORMAL SEATING OF ROBERT CASTLEBERRY, WARD 3 COUNCILMEMBER.

Presiding Judge David Poarch administered the Oath of Office to Robert Castleberry as Ward Three Councilmember.

Items submitted for the record
1. Text File No. AP-1213-10 dated August 1, 2012, by Brenda Hall, City Clerk

Thereupon, Councilmember Castleberry was formally seated.

* * * * *

Item 6, being:

RESOLUTION NO. R-1213-30: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, EXTENDING APPRECIATION TO HAL EZZELL FOR SERVING AS WARD THREE COUNCILMEMBER IN NORMAN, OKLAHOMA.

Councilmember Kovach moved that Resolution No. R-1213-30 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-30 dated July 27, 2012, by Brenda Hall, City Clerk
2. Resolution No. R-1213-30

Participants in discussion
1. Mr. Hal Ezzell accepted the resolution and plaque and thanked Council and others

and the question being upon adopting Resolution No. R-1213-30, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-30 was adopted.

Councilmember Comments to Hal Ezzell.

Councilmember Kovach said he appreciated Mr. Ezzell's experience as an attorney, a Certified Public Accountant (CPA), a critical thinker. He said many times Mr. Ezzell had provided insight to Council which sometimes made Councilmembers rethink their votes. He said he had passionate disagreements with Mr. Ezzell but had fun while doing it, which is a healthy attitude to have while serving as a City Councilmember. He said he appreciated the fact that Mr. Ezzell was willing to stick his neck out and do things that were not politically wise. He said it was a mark of good leadership to be a man with conviction who brings people along rather than let a poll dictate what should be said and done. He said he admired Mr. Ezzell's compassion most and recognized him as the one to suggest putting the Animal Shelter vote on the Charter election at no extra cost to the citizens. He said Mr. Ezzell had also been the one to suggest increasing the funding to Social and Voluntary Services.

Councilmember Griffith said Mr. Ezzell's insight from a legal perspective will be missed.

Councilmember Spaulding said after he was elected but not yet seated, Mr. Ezzell eased his transition to Councilmember by discussing ideas with him. He said it made him realize that even though he might not always vote the same way as other Councilmembers, it was possible to work together on issues. He said he was glad to have the opportunity to say goodbye. He said Mr. Ezzell's expertise and way of speaking were invaluable because he allowed the listener to see another perspective. He said he will be sorely missed. He said this will be the first time there has not been an attorney on Council and he was not sure if this was good thing.

Councilmember Lockett said she appreciated all the information Mr. Ezzell had given her and he had really helped her out when she needed it. She said she hope to see him soon and wished him the best of luck.

Item 6, continued:

Councilmember Gallagher said he was impressed by Mr. Ezzell's logical and detailed stance in a good argument. He said when things were not moving well, Mr. Ezzell was one of the voices of the "Rule of Three" and the "Rule of Three" has done some very positive things for Norman. He wished him good luck in the future.

Councilmember Williams said most of his experiences with Mr. Ezzell were when he was a citizen and the citizens of Norman will miss him. His explanations were always very helpful and appreciated. He thanked him for always having an open door and for the times he was been able to come to Mr. Ezzell's office as a citizen to understand budgets and issues better. He said he was baptized by fire for the first few meetings and Mr. Ezzell helped articulate the things he had questions about. He congratulated Mr. Ezzell on his move and wished him the best.

Mayor Rosenthal asked Mr. Ezzell to enjoy his freedom on Tuesday nights and his family and she wished him well.

* * * * *

Item 7, being:

PRESENTATION OF A CIVILIAN SERVICE MEDAL AND CERTIFICATE TO MS. PEGGY SINGER.

Police Chief Keith Humphrey and Lieutenant Jim Keesee presented a Civilian Service Medal and Certificate to Ms. Peggy Singer for her efforts in apprehending someone who broke into a sorority house.

Items submitted for the record
1. Text File No. GID-1213-9 dated August 1, 2012 by Keith Humphrey, Police Chief

Participants in discussion
1. Ms. Peggy Singer accepted the Civilian Service Medal and Certificate and thanked Council

* * * * *

Item 8, being:

RESOLUTION NO. R-1213-32: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, COMMENDING AND EXTENDING APPRECIATION TO ALL WHO HAVE HELPED DURING THE RECENT FIRES INCLUDING CITY OF NORMAN FIREFIGHTERS, THE POLICE DEPARTMENT, ANIMAL WELFARE DIVISION, PUBLIC WORKS DEPARTMENT, AND CITY INSPECTORS; CITY OF NORMAN CITIZEN CORPS VOLUNTEERS; THE NATIONAL GUARD; CLEVELAND COUNTY; CLEVELAND COUNTY SHERIFF'S DEPARTMENT; ABSENTEE SHAWNEE TRIBE; THE UNITED WAY; AMERICAN RED CROSS; SALVATION ARMY; AND NUMEROUS FIRE DEPARTMENTS AND COUNTY FIRE TASK FORCES FROM ALL OVER THE STATE OF OKLAHOMA.

Councilmember Spaulding moved that Resolution No. R-1213-32 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-32 dated August 9, 2012, by Councilmembers Kovach, Gallagher, and Lockett
2. Resolution No. R-1213-32

Participants in discussion
1. Mr. James Fullingim, Fire Chief, accepted the resolution and thanked the Council
2. Ms. Joy Hampton, Norman Transcript, 215 East Comanche Street, made comments

and the question being upon adopting Resolution No. R-1213-32, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-32 was adopted.

* * * * *

Item 9, being:

CONSENT DOCKET

Councilmember Kovach moved that Item 10 through Item 27 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 10 through Item 27, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Item 10 through Item 27 were placed on the consent docket by unanimous vote.

* * * * *

Item 10, being:

CONSIDERATION OF ORDINANCE NO. O-1213-1 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF THE SECTION 26, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.)

Councilmember Kovach moved that Ordinance No. O-1213-1 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-1213-1 dated June 12, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1213-1
3. Location map
4. Staff Report dated July 12, 2012, recommending approval
5. Preliminary site plan
6. Existing zoning plat
7. Pertinent excerpts from Planning Commission minutes of July 12, 2012

and the question being upon the Introduction and adoption of Ordinance No. O-1213-1 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-1 was Introduced and adopted upon First Reading by title.

* * * * *

Item 11, being:

CONSIDERATION OF THE MAYOR'S APPOINTMENTS AS FOLLOWS:

ENVIRONMENTAL CONTROL ADVISORY BOARD
TERM: 08-14-12 TO 10-27-14: ZAC ABBOTT, 106 CASTRO STREET

GREENBELT COMMISSION
TERM 08-14-12 TO 07-13-15: MARK NANNY, 1815 LAKEHURST DRIVE

NORMAN ELECTION COMMISSION
TERM: 09-01-12 TO 09-01-15: TY HARDIMAN, 630 MILLER AVENUE

Councilmember Kovach moved that the appointments be confirmed, which motion was duly seconded by Councilmember Griffith; and the question being upon confirming the appointments, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, 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:

CONSIDERATION OF PAYMENT OF FYE 2013 DUES ASSESSMENT IN THE AMOUNT OF $60,281 TO THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS FOR THE PERIOD OF JULY 1, 2012, THROUGH JUNE 30, 2013.

Councilmember Kovach moved that payment of FYE 2013 dues assessment in the amount of $60,281 to the Association of Central Oklahoma Governments through June 30, 2013, be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-5 dated July 26, 2012, by Brenda Hall, City Clerk
2. Letter dated August 8, 2012, from John G. Johnson, Executive Director, Association of Central Oklahoma Governments, to Mr. Steve Lewis, City Manager, City of Norman
3. Invoice No. 6476 dated July 1, 2012, from the Association of Central Oklahoma Governments in the amount of $60,281

and the question being upon approving payment of FYE 2013 dues assessment in the amount of $60,281 to the Association of Central Oklahoma Governments through June 30, 2013, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and payment of FYE 2013 dues assessment in the amount of $60,281 to the Association of Central Oklahoma Governments through June 30, 2013, was approved.

* * * * *

Item 13, being:

CONSIDERATION OF A RECOMMENDATION FROM THE REAPPORTIONMENT COMMISSION THAT THE CITY COUNCIL NOT ADJUST THE WARD BOUNDARIES AT THIS TIME.

Councilmember Kovach moved that the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. RPT-1213-4 dated July 18, 2012, by Joyce Green, GIS Manager
2. Memorandum dated July 2, 2012, from Joyce Green, Manager, GIS Division, to Chairman and Members, Norman Reapportionment Commission
3. Statistics for 2012 Reapportionment Commission Review of City Council Wards
4. Map of ward boundaries
5. Norman Reapportionment Commission minutes of July 9, 2012

and the question being upon approving the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the Reapportionment Commission recommendation that the City Council not adjust the ward boundaries at this time was approved.

* * * * *

Item 14, being:

CONSIDERATION AND AWARDING OF BID NO. 1213-4 FOR THE PURCHASE OF TWO THOUSAND THREE HUNDRED (2,300) 95 GALLON POLYCARTS FOR THE CITY OF NORMAN SANITATION DIVISION.

Acting as the Norman Municipal Authority, Trustee Kovach moved that all bids meeting specifications be accepted and the bid in the amount of $104,420 be awarded to Rehrig Pacific Company as the lowest and best bidder meeting specifications, which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. BID-1213-4 dated July 16, 2012, by Scottie Williams, Sanitation Superintendent
2. Bid tabulation dated July 12, 2012, for 95-gallon polycarts

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

YEAS:	Trustees Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications accepted; and the bid in the amount of $104,420 was awarded to Rehrig Pacific Company as the lowest and best bidder meeting specifications.

* * * * *

Item 15, being:

CONSIDERATION OF BID NO. 1213-6, CONTRACT NO. K-1213-29 WITH CGC, L.L.C., IN THE AMOUNT OF $678,370.12; PERFORMANCE BOND NO. B-1213-7; STATUTORY BOND NO. B-1213-8; AND MAINTENANCE BOND NO. 1213-4; FOR THE 24TH AVENUE NW AND LEGACY PARK DRIVE TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENT PROJECT AND BUDGET TRANSFER.

Acting as the Norman Tax Increment Finance Authority, Trustee Kovach moved that all bids meeting specifications be accepted; the bid in the amount of $678,370.12 be awarded to CGC, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1213-29 and the performance, statutory, and maintenance bonds be approved; execution of the contract be authorized; the filing of the bonds be directed; and $183,370.12 be transferred from Project No. UT0007, Robinson/I-35 NE Ramp Project, Utilities (057-9541-431.67-01) to Project No. UT0006, Legacy Park and 24th Avenue Interchange, Construction (057-9537-451.61-01), which motion was duly seconded by Trustee Griffith;

Items submitted for the record

1. Text File No. K-1213-29 dated July 28, 2012, by John Clink, Capital Project Engineer
2. Bid Record dated July 19, 2012, for 24th Avenue N.W. and Legacy Park Intersection Project
3. Contract No. K-1213-29
4. Performance Bond No. B-1213-7
5. Statutory Bond No. B-1213-8
6. Maintenance Bond No. MB-1213-4
7. Purchase Requisition No. 0000204617 dated July 20, 2012, in the amount of $678,370.12 to CGC, L.L.C.

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

YEAS:	Trustees Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and all bids meeting specifications accepted; the bid in the amount of $678,370.12 was awarded to CGC, L.L.C., as the lowest and best bidder meeting specifications; Contract No. K-1213-29 and the performance, statutory, and maintenance bonds were approved; execution of the contract was authorized; the filing of the bonds was directed; and $183,370.12 was transferred from Project No. UT0007, Robinson/I-35 NE Ramp Project, Utilities (057-9541-431.67-01) to Project No. UT0006, Legacy Park and 24th Avenue Interchange, Construction (057-9537-451.61-01).

* * * * *

Item 16, being:

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

Councilmember Kovach moved that the final site development plan and final plat for University North Park Addition, Section VIII, 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;

Item 16, continued:

Items submitted for the record

1. Text File No. FP-1112-16 dated January 30, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Final plat
4. Staff Report dated February 9, 2012, recommending approval
5. Final site development plan
6. Revised preliminary plat
7. Pertinent excerpts from Planning Commission minutes of February 9, 2012

and the question being upon approving the final site development plan and final plat for University North Park Addition, Section VIII, and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 17, being:

CONSIDERATION OF THE ACCEPTANCE OF A DONATION IN THE AMOUNT OF $13,000 FROM THE CITIZENS HUMANE COMMISSION, INC., TO BE USED FOR IMPROVEMENTS IN THE VETERINARY SURGERY AREA OF THE ANIMAL WELFARE RENOVATION PROJECT.

Councilmember Kovach moved that a donation in the amount of $13,000 from the Citizens Human Commission, Inc., to be used for improvements in the veterinary surgery area of the Animal Welfare Renovation Project be accepted and Animal Control Liability (010-0000-227.24-31) be increased by $13,000, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. GID-1213-6 dated July 24, 2012, by Major Kevin Foster

and the question being upon accepting a donation in the amount of $13,000 from the Citizens Human Commission, Inc., to be used for improvements in the veterinary surgery area of the Animal Welfare Renovation Project and upon the subsequent increase, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and a donation in the amount of $13,000 from the Citizens Human Commission, Inc., to be used for improvements in the veterinary surgery area of the Animal Welfare Renovation Project accepted; and Animal Control Liability (010-0000-227.24-31) was increased by $13,000.

* * * * *

Item 18, being:

CONSIDERATION OF ACCEPTANCE OF A CORRECTED QUITCLAIM DEED FROM THE UNITED STATES ARMY CORPS OF ENGINEERS TO THE CITY OF NORMAN FOR THE ARMY RESERVE CENTER PROPERTY LOCATED AT 1507 WEST LINDSEY STREET TO BE USED BY THE POLICE AND FIRE DEPARTMENTS.

Councilmember Kovach moved that a corrected quitclaim deed from the United States Army Corps of Engineers be accepted, the Mayor be authorized to execute all associated documents thereto, and the filing of the deed with the Cleveland County Clerk be directed, which motion was duly seconded by Councilmember Griffith;.

Items submitted for the record

1. Text File No. GID-1213-10 dated August 2, 2012, by Linda Price, Revitalization Manager
2. Corrected Quitclaim Deed for the Joe A. Smalley U.S. Army Reserve Center with Exhibit A, Legal Description, and Exhibit B, Environmental Protection Provisions

and the question being upon accepting a corrected quitclaim deed from the United States Army Corps of Engineers and upon the subsequent authorization and directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and a corrected quitclaim deed from the United States Army Corps of Engineers accepted; the Mayor was authorized to execute all associated documents thereto and the filing of the deed with the Cleveland County Clerk was directed.

* * * * *

Item 19, being:

AMENDMENT NO. ONE TO CONTRACT NO. K-1011-173: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA OFFICE OF HOMELAND SECURITY ACCEPTING A REIMBURSEMENT OF GRANT FUNDS IN THE AMOUNT OF $2,900 TO BE USED FOR THE PURCHASE OF ADDITIONAL HAZARDOUS DEVICES UNIT EQUIPMENT AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Amendment No. One to Contract No. K-1011-173 accepting a reimbursement of grant funds in the amount of $2,900 from the Oklahoma Office of Homeland Security be approved; the execution thereof be authorized; and $2,900 be appropriated from the Special Grants Fund Balance (022-0000-253.20-00) to Minor Equipment & Tools/Other (022-6041-421.36-99); and upon reimbursement, $2,900 be deposited into Other Revenue/Homeland Security (022-0000-331.13-52), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. K-1011-173, Amendment No. One, dated July 20, 2012, from Jim Spearman, Grants Manager
2. Amendment No. One to Contract No. K-1011-173
3. Contract No. K-1011-173

and the question being upon approving Amendment No. One to Contract No. K-1011-173 accepting a reimbursement of grant funds in the amount of $2,900 from the Oklahoma Office of Homeland Security and upon the subsequent authorization, appropriation, and deposit, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Amendment No. One to Contract No. K-1011-173 accepting a reimbursement of grant funds in the amount of $2,900 from the Oklahoma Office of Homeland Security approved; the execution thereof was authorized; $2,900 was appropriated from the Special Grants Fund Balance (022-0000-253.20-00) to Minor Equipment & Tools/Other (022-6041-421.36-99); and upon reimbursement, $2,900 will be deposited into Other Revenue/Homeland Security (022-0000-331.13-52).

* * * * *

Item 20, being:

CHANGE ORDER NO. ONE TO CONTRACT NO. K-1112-107: BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND SUN CONSTRUCTION SERVICES, L.L.C., INCREASING THE CONTRACT AMOUNT BY $24,619 FOR THE BUILDING A RENOVATION PROJECT, PHASE 1.

Councilmember Kovach moved that Change Order No. One to Contract No. K-1112-107 with Sun Construction Services, L.L.C., increasing the contract amount by $24,619 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-1112-107, Change Order No. One, dated August 3, 2012, by Scott Sturtz, City Engineer
2. Change Order No. One to Contract No. K-1112-107
3. Building A Renovation Plan
4. Purchase Requisition No. 0000205156 dated August 3, 2012, in the amount of $24,619 to Sun Construction Services, L.L.C.

and the question being upon approving Change Order No. One to Contract No. K-1112-107 with Sun Construction Services, L.L.C., increasing the contract amount by $24,619 and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Change Order No. One to Contract No. K-1112-107 with Sun Construction Services, L.L.C., increasing the contract amount by $24,619 approved; and the execution thereof was authorized.

* * * * *

Item 21, being:

CONTRACT NO. K-1213-40: A CONTRACT BY AND BETWEEN THE NORMAN MUNICIPAL AUTHORITY AND THE OKLAHOMA TOURISM AND RECREATION DEPARTMENT TO PROVIDE SOLID WASTE REMOVAL SERVICES FOR LAKE THUNDERBIRD STATE PARK.

Acting as the Norman Municipal Authority, Trustee Kovach moved that Contract No. K-1213-40 with the Oklahoma Tourism and Recreation Department to provide solid waste removal services for Lake Thunderbird State Park 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-1213-40 dated July 19, 2012, by Scottie Williams, Sanitation Superintendent
2. Contract No. K-1213-40 with Exhibit A, Scope of Work and Pricing Schedule, and Attachment A, Rates Per Month and For Extra Pickup for Holidays

and the question being upon approving Contract No. K-1213-40 with the Oklahoma Tourism and Recreation Department to provide solid waste removal services for Lake Thunderbird State Park and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Trustees Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Contract No. K-1213-40 with the Oklahoma Tourism and Recreation Department to provide solid waste removal services for Lake Thunderbird State Park approved; and the execution thereof was authorized.

* * * * *

Item 22, being:

CONTRACT NO. K-1213-48: A COOPERATIVE AGREEMENT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, PIONEER LIBRARY SYSTEM, AND NORMAN PUBLIC SCHOOLS FOR PLACEMENT OF A 24-HOUR AUTOMATED LIBRARY SERVICE MACHINE TO BE PLACED AT IRVING MIDDLE SCHOOL LOCATED AT 1920 ALAMEDA STREET.

Councilmember Kovach moved that Contract No. K-1213-48 with Pioneer Library System and Norman Public Schools 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-1213-48 dated July 30, 2012, by Terry Floyd, Development Coordinator
2. Contract No. K-1213-48
3. Location map

Participants in discussion
1. Mr. Bobby Stevens, Post Office Box 6226, asked questions
2. Mr. Terry Floyd, Development Coordinator

and the question being upon approving Contract No. K-1213-48 with Pioneer Library System and Norman Public Schools and upon the subsequent authorization, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Contract K-1213-48 with Pioneer Library System and Norman Public Schools approved; and the execution thereof was authorized.

* * * * *

Councilmember Jungman asked that he be allowed to abstain from voting on Item 23 due to a conflict of interest. Thereupon, Councilmember Griffith moved that Councilmember Jungman be allowed to abstain from voting on Item 23 due to a conflict of interest, which motion was duly seconded by Councilmember Kovach; and the question being upon allowing Councilmember Jungman to abstain from voting on Item 23 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, 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 23 due to a conflict of interest.

* * * * *

Item 23, being:

CONTRACT NO. K-1213-51: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE OKLAHOMA DEPARTMENT OF COMMERCE ACCEPTING AN EMERGENCY SOLUTIONS GRANT IN THE AMOUNT OF $84,031 TO BE USED FOR HOUSING RELOCATION AND STABILIZATION SERVICES FOR THE HOMELESS AND FAMILIES SEEKING ASSISTANCE AND BUDGET APPROPRIATION.

Councilmember Kovach moved that Contract No. K-1213-51 with the Oklahoma Department of Commerce accepting an Emergency Solutions grant in the amount of $84,031 be approved, the execution thereof be authorized, and $84,031 be appropriated from the Community Development Fund Balance (021-0000-253.20-00) to Miscellaneous Services/WRC (021-4001-463.47-77), which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. K-1213-51 dated August 3, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-51
3. Emergency Solutions Grant Program FY 2011 Second Allocation Project Budget Summary dated July 10, 2012

Participants in discussion
1. Ms. Linda Price, Revitalization Manager
2. Ms. April Dozier, Director of Food and Shelter for Friends

and the question being upon approving Contract No. K-1213-51 with the Oklahoma Department of Commerce accepting an Emergency Solutions grant in the amount of $84,031 and upon the subsequent authorization and appropriation, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No K-1213-51 with the Oklahoma Department of Commerce accepting an Emergency Solutions grant in the amount of $84,031 approved; the execution thereof was authorized and $84,031 was appropriated from the Community Development Fund Balance (021-0000-253.20-00) to Miscellaneous Services/WRC (021-4001-463.47-77).

* * * * *

Councilmember Jungman asked that he be allowed to abstain from voting on Item 24 due to a conflict of interest. Thereupon, Councilmember Griffith moved that Councilmember Jungman be allowed to abstain from voting on Item 24 due to a conflict of interest, which motion was duly seconded by Councilmember Kovach; and the question being upon allowing Councilmember Jungman to abstain from voting on Item 24 due to a conflict of interest, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, 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 24 due to a conflict of interest.

* * * * *

Item 24, being:

CONTRACT NO. K-1213-52: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND FOOD AND SHELTER, INC., IN THE AMOUNT OF $84,031 FOR THE EMERGENCY SOLUTIONS GRANT PROGRAM TO BE USED FOR HOMELESS PREVENTION AND/OR HOUSING RELOCATION AND STABILIZATION.

Councilmember Kovach moved that Contract No. K-1213-52 with Food and Shelter, Inc., in the amount of $84,031 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-1213-52 dated August 3, 2012, by Linda Price, Revitalization Manager
2. Contract No. K-1213-52
3. Emergency Solutions Grant Program FY 2011 Second Allocation Project Budget Summary dated July 10, 2012

and the question being upon approving Contract No. K-1213-52 with Food and Shelter, Inc., in the amount of $84,031 and upon the subsequent authorization, a vote was taken with the following result:

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

The Mayor declared the motion carried and Contract No K-1213-52 with Food and Shelter, Inc., in the amount of $84,031 approved; and the execution thereof was authorized.

* * * * *

Item 25, being:

RESOLUTION NO. R-1213-8: A RESOLUTION OF THE NORMAN UTILITIES AUTHORITY APPROPRIATING $3,237.83 FROM THE WASTEWATER FUND BALANCE TO ALLOW FOR THE RETURN OF COLLECTED PAYBACK FEES TO THE INVESTORS FOR THE 36TH AVENUE INTERCEPTOR PROJECT.

Acting as the Norman Utilities Authority, Trustee Kovach moved that Resolution No. R-1213-8 be adopted, which motion was duly seconded by Trustee Griffith;

Items submitted for the record
1. Text File No. R-1213-8 dated July 31, 2012, by Mark Daniels, Utilities Engineer with Attachment 1, Payback Funds Collected, and Attachment 2, Payback to Investors
2. Resolution No. R-1213-8

and the question being upon adopting Resolution No. R-1213-8, a vote was taken with the following result:

YEAS:	Trustees Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Chairman Rosenthal
NAYES:	None

The Chairman declared the motion carried and Resolution No. R-1213-8 was adopted.

* * * * *

Item 26, being:

RESOLUTION NO. R-1213-27: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING COMPROMISE SETTLEMENT OF A CLAIM FILED BY STEPHANIE LAKE UNDER THE PROVISIONS OF THE WORKERS' COMPENSATION STATUTES OF THE STATE OF OKLAHOMA IN THE CASE OF STEPHANIE LAKE V. THE CITY OF NORMAN; DIRECTING THE LEGAL DEPARTMENT TO THEN FILE SUCH SETTLEMENT AND ALL ATTENDANT COSTS IN THE WORKERS' COMPENSATION COURT, OKLAHOMA CITY, OKLAHOMA; AND AUTHORIZING AND DIRECTING THE FINANCE DIRECTOR TO SUBSEQUENTLY PURCHASE SUCH WORKERS' COMPENSATION COURT JUDGMENT FROM THE RISK MANAGEMENT INSURANCE FUND.

Councilmember Kovach moved that Resolution No. R-1213-27 be adopted and payment of claims in the amount of $8,527.20 be directed which will constitute judgment against the City of Norman, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-27 dated July 31, 2012, by Jeanne Snider, Assistant City Attorney
2. Resolution No. R-1213-27
3. Workers' Compensation Court Compromise Settlement
4. Purchase Requisition No. 0000204671 dated July 23, 2012, in the amount of $8,527.20 to Stephanie Lake
5. Purchase Requisition No. 0000204673 dated July 23, 2012, in the amount of $170.54 to Workers Compensation Administrative Fund
6. Purchase Requisition No. 0000204674 dated July 23, 2012, in the amount of $63.95 to Special Occupational Health and Safety Fund
7. Purchase Requisition No. 0000204675 dated July 23, 2012, in the amount of $140 to Workers' Compensation Court Clerk
8. Purchase Requisition No. 0000204676 dated July 23, 2012, in the amount of $125.70 to Cleveland County District Court Clerk

and the question being upon adopting Resolution No. R-1213-27 and upon the subsequent directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-27 adopted; and payment of claims in the amount of $8,527.20 was directed which will constitute judgment against the City of Norman

* * * * *

Item 27, being:

RESOLUTION NO. R 1213-29: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, APPROPRIATING $68,655 FROM THE SEIZURES AND RESTITUTION FUND BALANCE TO PURCHASE SURVEILLANCE EQUIPMENT TO BE USED DURING SPECIAL EVENTS AND BY INVESTIGATORS ATTEMPTING TO IDENTIFY SUSPECTS; SAFETY EQUIPMENT FOR THE SPECIAL WEAPONS AND TACTICS (SWAT) TEAM AND THE HAZARDOUS DEVICES UNIT (HDU) OFFICERS; AND TO UPGRADE COMPONENTS OF THE COMMAND VEHICLE USED BY SWAT AND HDU.

Councilmember Kovach moved that Resolution No. R-1213-29 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1213-29 dated July 26, 2012, by Deputy Chief Jim Maisano
2. Memorandum dated July 25, 2012, from Jim Maisano, Deputy Chief, to Keith L. Humphrey, Chief of Police
3. Memorandum dated July 21, 2012, from Captain Todd R. Gibson, SWAT Commander, to Keith Humphrey, Chief of Police
4. Resolution No. R-1213-29

Participants in discussion

1. Mr. Keith Humphrey, Police Chief

Item 27, continued:

and the question being upon adopting Resolution No. R-1213-29, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-29 was adopted.

* * * * *

Item 28, being:

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)

Ordinance No. O-1112-37 having been Introduced and adopted upon First Reading by title in City Council's meeting of July 10, 2012, and having been postponed in City Council's meeting of July 24, 2012, until August 14, 2012, Councilmember Griffith moved that Ordinance No. O-1112-37 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Kovach;

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 Meeker 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 minutes of June 14, 2012
12. Email requesting postponement dated July 16, 2012, from Tom McCaleb to Ellen Usry

Participants in discussion

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

and the question being upon adopting Ordinance No. O-1112-37 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-37 was adopted upon Second Reading section by section.

Item 28, continued:

Thereupon, Councilmember Kovach moved that Ordinance No. O-1112-37 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Spaulding; and the question being upon adopting Ordinance No. O-1112-37 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-37 was adopted upon Final Reading as a whole.

* * * * *

Item 29, being:

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)

Councilmember Kovach having moved in City Council's meeting of July 24, 2012, that the preliminary plat for Cobblestone Creek Addition be postponed until August 14, 2012, which motion having been seconded by Councilmember Griffith, Councilmember Kovach moved that the preliminary plat for Cobblestone Creek Addition be approved, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File dated April 17, 2012, by Ken Danner, Subdivision Manager, with Attachment A, Cobblestone Creek Traffic Table
2. Email requesting postponement dated July 16, 2012, from Tom McCaleb to Ellen Usry
3. Location map
4. Staff Report dated June 14, 2012, recommending approval
5. Preliminary plat
6. Preliminary site development plan
7. Development Transportation Impacts Review Form dated May 17, 2012, reviewed by David R. Riesland, P.E. Assistant City Traffic Engineer, for Cobblestone Creek Addition
8. Pertinent excerpts from Planning Commission minutes of June 14, 2012

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

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

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

* * * * *

Item 30, being:

ORDINANCE NO. 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)

Ordinance No. O-1112-45 having been Introduced and adopted upon First Reading by title in City Council's meeting of July 24, 2012, Councilmember Kovach moved that Ordinance No. O-1112-45 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Spaulding;

Items submitted for the record

1. Text File No. O-1112-45 dated May 15, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1112-45
3. Location map
4. Staff Report dated June 14, 2012, recommending approval
5. Proposed site development plan
6. Predevelopment Summary Case No. PD 12-14 dated April 26, 2012, for 823 Properties for property located at the northwest corner of Elm Avenue and Hoover Street
7. Protest area map containing 1.91% protest within notification area
8. Letter of protest dated June 7, 2012, from R. Blaine Nice, Fellers Snider, on behalf of Michael Meade, to Ms. Brenda Hall, City Clerk
9. Pertinent excerpts from Planning Commission minutes of June 14, 2012

Participants in discussion

1. Mr. Rick McKinney, McKinney Partnership, 3600 West Main Street, architect representing the applicant
2. Mr. Stephen Tyler Holman, 1030 South College Avenue, made comments
3. Mr. Andrew Blunck, 1638 Cruce Street, asked questions

and the question being upon adopting Ordinance No. O-1112-45 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-45 was adopted upon Second Reading section by section.

Thereupon, Councilmember Griffith moved that Ordinance No. O-1112-45 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Spaulding; and the question being upon adopting Ordinance No. O-1112-45 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-45 was adopted upon Final Reading as a whole.

* * * * *

Item 31, being:

RESOLUTION NO. R-1112-141: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN SO AS TO PLACE LOTS 38, 39, 40, 41, AND 42, BLOCK 4, STATE UNIVERSITY ADDITION TO NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN MIXED USE DESIGNATION AND REMOVE THE SAME FROM THE OFFICE DESIGNATION. (GENERALLY LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF BOYD STREET AND MONNETT AVENUE)

Councilmember Kovach moved that Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, be adopted and the NORMAN 2025 Land Use and Transportation Plan be amended according thereto, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record

1. Text File No. R-1112-141 dated May 15, 2012, by Jane Hudson, Current Planning Manager
2. Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8
3. Location map
4. Staff Report dated June 14, 2012, recommending approval
5. Pertinent excerpts from Planning Commission minutes of June 14, 2012

Participants in discussion

1. Mr. Barrett Williamson, 219 West Boyd Street, architect representing the applicant
2. Ms. Susan Connors, Director of Planning and Community Development
3. Ms. Jeanette Coker, 620 East Main Street, asked questions
4. Ms. Ann Gallagher, 1522 East Boyd Street, made comments
5. Mr. Mark Campbell, Post Office Box 3053, made comments
6. Mr. Bobby Stevens, Post Office Box 6226, made comments
7. Mr. Ken Komiske, Director of Utilities
8. Mr. Stephen Tyler Holman, 1030 South College Avenue, made comments
9. Mr. John High, 1705 Dakota Street, made comments
10. Ms. Jamileh Wilcox, 322 South University Boulevard, made comments
11. Mr. Andrew Blunck, 1638 Cruce Street, made comments
12. Mr. Jeff Bryant, City Attorney

Thereupon, Councilmember Gallagher moved that Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, be postponed until November 13, 2012, which motion was duly seconded by Councilmember Kovach;

Participants in discussion

1. Mr. Jeff Bryant, City Attorney
2. Ms. Susan Connors, Director of Planning and Community Development
3. Mr. Barrett Williamson, 219 West Boyd Street, architect representing the applicant
4. Mr. Evan Dunn, 1014 Missouri Street, protestant
5. Mr. Stephen Tyler Holman, 1030 South College Avenue, made comments
6. Mr. Andrew Blunck, 1638 Cruce Street, made comments
7. Ms. Jamileh Wilcox, 322 South University Boulevard, proponent
8. Mr. Jack Dawson, 3751 Eagle Cliff Drive, proponent
9. Mr. Steve Ellis, 633 Reed Avenue, proponent
10. Mr. Curtis McCarty, 4748 Ridgeline Drive, protestant
11. Ms. Jacy Crosbee, 204 Mountain Oaks Drive, proponent
12. Mr. Benjamin Carter, 800 Bass Court, proponent

and the question being upon postponing Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, until November 13, 2012, a vote was taken with the following result:

YEAS:	Councilmembers Gallagher, Jungman, Kovach, and Spaulding
NAYES:	Councilmembers Castleberry, Griffith, Lockett, Williams, Mayor Rosenthal

The Mayor declared the motion failed and Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, was not postponed until November 13, 2012,

Item 31, continued:

Thereupon, Councilmember Kovach moved that Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, be postponed until October 23, 2012, which motion was duly seconded by Councilmember Jungman;

Participants in discussion

1. Mr. John High, 1705 Dakota Street, made comments
2. Mr. Barrett Williamson, 219 West Boyd Street, architect representing the applicant
3. Mr. Steve Ellis, 633 Reed Avenue, asked questions
4. Mr. Trey Bates, 3720 Timberidge Drive, protestant
5. Ms. Jeanette Coker, 620 East Main Street, proponent
6. Ms. Ann Gallagher, 1522 East Boyd Street, proponent
7. Ms. Jamileh Wilcox, 322 South University Boulevard, made comments
8. Mr. Andrew Blunck, 1638 Cruce Street, made comments

and the question being upon postponing Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, until October 23, 2012, a vote was taken with the following result:

YEAS:	Councilmembers Gallagher, Jungman, and Kovach
NAYES:	Councilmembers Castleberry, Griffith, Lockett, Spaulding, Williams, Mayor Rosenthal

The Mayor declared the motion failed and Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, was not postponed until October 23, 2012,

and the question being upon adopting Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, and upon the subsequent amendment, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Griffith, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	Councilmembers Gallagher, Jungman, and Kovach

The Mayor declared the motion carried and Resolution No. R-1112-141, Land Use Plan Amendment No. LUP-1112-8, adopted; and the NORMAN 2025 Land Use and Transportation Plan was amended according thereto.

* * * * *

Item 32, being:

ORDINANCE NO. 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. (NORTHWEST CORNER OF BOYD STREET AND MONNETT AVENUE)

Ordinance No. O-1112-44 having been Introduced and adopted upon First Reading by title in City Council's meeting of July 24, 2012, Councilmember Griffith moved that Ordinance No. O-1112-44 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Spaulding;

Item 32, continued:

Items submitted for the record

1. Text File No. O-1112-44 dated May 15, 2012, by Jane Hudson, Current Planning Manager
2. Ordinance No. O-1112-44
3. Location map
4. Staff Report dated June 14, 2012, recommending approval
5. MB Real Estate II Concept Design dated April 9, 2012
6. Site plan
7. First floor plan
8. Second floor plan
9. Third floor plan
10. Predevelopment Summary Case No. PD 12-16 dated April 26, 2012, for MB Real Estate II for property located at the northwest corner of Boyd and Monnett
11. Norman Greenbelt Enhancement Statement dated April 9, 2012, for MB Real Estate II for property located at the northwest corner of Monnett and Boyd
12. Protest area map containing 4.76% filed protest within notification area
13. Letter of protest filed June 11, 2012, from James N. Shelton to the City of Norman Planning and Community Development Department
14. Letter of protest filed June 7, 2012, from Valli Marti to City Planning Commission
15. Letter of protest filed June 6, 2012, from Victor and Elizabeth Jackson to Secretary, Norman Planning Commission, with attached letter dated April 26, 2012, from Victor and Elizabeth Jackson to City of Norman Department of Planning and Community Development
16. Pertinent excerpts from Planning Commission minutes of June 14, 2012

and the question being upon adopting Ordinance No. O-1112-44 upon Second Reading section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Griffith, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	Councilmembers Gallagher, Jungman, and Kovach

The Mayor declared the motion carried and Ordinance No. O-1112-44 was adopted upon Second Reading section by section.

Thereupon, Councilmember Griffith moved that Ordinance No. O-1112-44 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Spaulding; and the question being upon adopting Ordinance No. O-1112-44 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Castleberry, Griffith, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	Councilmembers Gallagher, Jungman, and Kovach

The Mayor declared the motion carried and Ordinance No. O-1112-44 was adopted upon Final Reading as a whole.

* * * * *

Item 33, being:

CONSIDERATION OF A FINAL PLAT FOR FOUNTAIN VIEW ADDITION, SECTION 1, ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN, AND DEFERRAL OF STREET IMPROVEMENTS FOR 48TH AVENUE N.W. (GENERALLY LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. SOUTH OF WEST TECUMSEH ROAD)

Councilmember Griffith moved that the final plat for Fountain View Addition, Section 1, and the deferral of paving improvements for 48th Avenue N.W., 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 a fee in the amount of $62,640 for deferral of street improvements for 48th Avenue N.W., within ten 10 days after approval; and the filing of the final plat be directed, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record

1. Text File No. FP-0910-16 dated June 1, 2012, by Ken Danner, Subdivision Manager
2. Location map
3. Staff Report dated September 9, 2010, recommending approval
4. Final plat approved by Planning Commission
5. Final plat submitted by the applicant
6. Preliminary plat
7. Aerial map
8. Letter dated June 20, 2012, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Shawn O'Leary, P.E., Director of Public Works
9. Letter dated June 26, 2012, from Roger Brown, Ed.D, Assistant Superintendent, Norman Public Schools, to Shawn O'Leary, P.E., CFM, Director of Public Works
10. Engineer's Estimate dated July 10, 2012, from Tom L. McCaleb, P.E., SMC Consulting Engineers, P.C., to Mr. Todd McLellan, P.E., Development Engineer
11. Pertinent excerpts from Planning Commission minutes of June 10 and September 9, 2010

Participants in discussion

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

and the question being upon approving the final plat for Fountain View Addition, Section 1, and the deferral of paving improvements for 48th Avenue N.W., and upon the subsequent acceptance, authorization, and directive, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the final plat for Fountain View Addition, Section 1, and the deferral of paving improvements for 48th Avenue N.W., 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 a fee in the amount of $62,640 for deferral of street improvements for 48th Avenue N.W., within ten 10 days after approval, and the filing of the final plat was directed.

* * * * *

Item 34, being:

CONSIDERATION OF APPROVAL OF A REVOCABLE LICENSE TO SASSAN MOGHADAM TO OCCUPY STREET RIGHT-OF-WAY FOR PLACEMENT OF ENTRANCE ARCHES INTO FOUNTAIN VIEW ADDITION LOCATED ON THE EAST SIDE OF 48TH AVENUE N.W. SOUTH OF WEST TECUMSEH ROAD.

Councilmember Spaulding moved that a Revocable License to Sassan Moghadam to occupy street right-of-way for placement of entrance arches into Fountain View Addition for a fee of $486 per year be approved, which motion was duly seconded by Councilmember Griffith;

Item 34, continued:

Items submitted for the record
1. Text File GID-1213-8 dated July 31, 2012, by Leah Messner, Assistant City Attorney
2. Revocable License issued to SKS1, L.L.C.
3. Schematic drawings of entry gates
4. Location map of right-of-way

Participants in discussion
1. Ms. Leah Messner, Assistant City Attorney

and the question being upon approving Revocable License to Sassan Moghadam to occupy street right-of-way for placement of entrance arches into Fountain View Addition for a fee of $486 per year, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Revocable License to Sassan Moghadam to occupy street right-of-way for placement of entrance arches into Fountain View Addition for a fee of $486 per year was approved.

* * * * *

Item 35, being:

RESOLUTION NO. R-1213-31: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ESTABLISHING POLICIES, DUE TO THE RECENT WILDFIRES, FOR ALLOWING AFFECTED RESIDENTS TO INHABIT TEMPORARY DWELLINGS WHILE REBUILDING HOUSES DESTROYED BY THE WILDFIRES AS A MEANS OF DISASTER RELIEF.

Councilmember Spaulding moved that Resolution No. R-1213-31 be adopted, which motion was duly seconded by Councilmember Griffith;

Items submitted for the record
1. Text File No. R-1213-29 dated July 26, 2012, by Deputy Chief Jim Maisano
2. Resolution No. R-1213-29
3. Location map

Participants in discussion
1. Ms. Susan Connors, Director of Planning and Community Development
2. Mr. Jeff Bryant, City Attorney
3. Mr. Mark Campbell, Post Office Box 3053, asked questions

and the question being upon adopting Resolution No. R-1213-31, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Resolution No. R-1213-31 was adopted.

* * * * *

Item 36, being:

ORDINANCE NO. O-1213-7: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE I, SECTIONS 5-105 THROUGH 5-107 OF CHAPTER 5 OF THE CODE OF THE CITY OF NORMAN BY ADDING A PROVISION RELATING TO WAIVER OF BUILDING PERMIT FEES FOR STRUCTURES DAMAGED IN NATURAL DISASTERS; PROVIDING FOR THE SEVERABILITY THEREOF; AND DECLARING AN EMERGENCY.

Councilmember Spaulding moved that Ordinance No. O-1213-7 be Introduced and adopted upon First Reading by title, which motion was duly seconded by Councilmember Kovach;

Items submitted for the record
1. Text File No. O-1213-7 dated August 9, 2012, by Leah Messner, Assistant City Attorney
2. Ordinance No. O-1213-7
3. Legislatively notated copy of Ordinance No. O-1213-7

Participants in discussion
1. Ms. Susan Connors, Director of Planning and Community Development

and the question being upon the Introduction and adoption of Ordinance No. O-1213-7 upon First Reading by title, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-7 was Introduced, read, and adopted upon First Reading by title.

Thereupon, Councilmember Spaulding moved that Ordinance No. O-1213-7 be adopted upon Second Reading section by section, which motion was duly seconded by Councilmember Kovach; and the question being upon adopting Ordinance No. O-1213-7 upon Second Reading, section by section, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1213-7 was adopted upon Second Reading section by section.

Thereupon, Councilmember Spaulding moved that Emergency Section No. 5 be approved, which motion was duly seconded by Councilmember Kovach; and the question being upon approving Emergency Section No. 5, a vote was taken with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Emergency Section No. 5 was approved.

Thereupon, Councilmember Griffith moved that Ordinance No. O-1112-7 be adopted upon Final Reading as a whole, which motion was duly seconded by Councilmember Spaulding; and the question being upon adopting Ordinance No. O-1112-7 upon Final Reading as a whole, the roll was called with the following result:

YEAS:	Councilmembers Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and Ordinance No. O-1112-7 was adopted upon Final Reading as a whole.

* * * * *

MISCELLANEOUS DISCUSSION

Bicycle Safety. Ms. Ann Gallagher, 1522 East Boyd Street, said she had been driving behind a bicycle this evening and there was another bicycle on the sidewalk driving into the street that could not be seen because the rider was dressed all in black and the bicycle had no reflectors. She said it had been a very dangerous situation and it was important for bicycle riders to understand about safety. She asked Council and City Staff to help get this message to bicyclists.

*

High Density. Mr. Andrew Blunck, 1638 Cruce Street, said he attended the fourth of the series of six High Density meetings and he had planned a speech about these discussions this evening; however, after tonight's discussion, it was not necessary.

*

Thanks for Quick Response and Support for Fire Victims. Mr. Steve Ellis, 633 Reed Avenue, congratulated the City for the quick response to the fire victims.

Mr. Stephen Tyler Holman, 1030 South College Avenue, said he appreciated Council streamlining the process for those who had been affected by the fire.

Mr. Bobby Stevens, Post Office Box 6226, said he appreciated what City Council has done for the fire victims. He said he could see the flames from his home and knew many people who had lost everything they owned.

Councilmember Kovach said he noticed during the wild fires the tremendous response from everyone. He said citizens pitched in to help the emergency workers by bringing water, Gatorade, ice, and ice chests. He said many gave money to help those who lost their homes and that was what was special about Oklahoma and Norman.

Councilmember Jungman thanked Chief Fullingim and the Fire Department. He said Council was able to interact with the Firefighters during the fire and in spite of how busy they were, they were very kind to him and his family.

Councilmember Spaulding said in Ward 5, approximately 10,000 acres and 60 homes were gone and one person had lost their life. He said in 1995 his own home had been burned so he can sympathize with all the victims. He offered his sincerest condolences and prayers to all of the families who were affected. He said these people evacuated their homes and many came back to nothing but a pile of ashes. He said he had been contacted by the Mennonite Disaster Relief Group and a Baptist Relief Group had contacted the City and they are going to start assisting uninsured homeowners with cleanup and he thanked them for caring. He thanked Governor Fallin for bringing in the Black Hawks and Chinooks because they really made a difference. He said Council was provided a list of all the groups who helped out. He said it was important to recognize Mr. James Fullingim, Fire Chief; Mr. Jim Bailey, Assistant Fire Chief; Mr. Joe Lester, Cleveland County Sheriff, all the mutual aid fire departments, and all the volunteers who brought food and water. He said he rode with Assistant Chief Bailey and they came upon a mobile home with its deck on fire and it was obvious to see that the fire would eventually take the mobile home. He said Chief Bailey called in for a brush truck but none were available so together they found buckets and ice chests, started dipping water out of a nearby pool, and toted them to the fire. He said he was very impressed with this and that he really appreciated Assistant Chief Bailey. He said it was important for Chief Fullingim to know he had a spectacular group of men and women to be proud of. He said God Bless Norman.

Councilmember Lockett thanked everyone who assisted during the fire, those who donated, and those who took people in when they had no home. She said her prayers are with the victims.

*

Indexing City Council Meetings. Mr. Steve Ellis, 633 Reed Avenue, thanked Staff for indexing the videos of the City Council meetings.

*

Miscellaneous Discussion, continued:

Roberts' Rules on Minutes. Mr. Steve Ellis, 633 Reed Avenue, said he purchased a Roberts' Rules of Order and after reading Section 48 which discusses minutes, it was his opinion that the City has been doing it wrong. He said there are two types of minutes that can be taken, minutes for a private organization and minutes intended to be published. He said the City Council minutes are clearly intended to be published with specific rules. He said in either type of minutes, it is clear that all of the legal rulings made during a meeting belong in the minutes. He said in Roberts' Rules on Page 453, Point 10 specifies that minutes should contain all Points of Order. He said for minutes that are intended to be published there should be at least a brief abstract of what everyone had to say during the minutes and an abstract of every address and this does not mean street address. He said many issues raised tonight are best framed as Points of Order in Section 23.

*

Safety Concerns on College Avenue. Mr. Stephen Tyler Holman, 1030 South College Avenue, said this week was Rush Week for fraternities and sororities and he resides close by. He said a few months ago, he spoke about the need for sidewalks and lighting on College Avenue and since that time, his street has been resurfaced and he has a new driveway which are both very nice. However, a public safety issue exists due to the on-street parking and the many students walking back and forth from Lindsey Street. He said it is dangerous with no sidewalks and lighting.

*

Bond Issue. Mr. Bobby Stevens, Post Office Box 6226, said there will be a bond issue to be voted on soon and as a citizen and property owner in Norman, he does not see why citizens are asked to pay for all these bond issues with their property taxes. He said those who do not own property will enjoy the very same things that property owners do, but the homeowners will be paying the bill. He said Norman is a great place and he does not want to live anywhere else. He said he could not support the bond issue. He said the projects are all good and all need to be done but not all at one time. He said these projects should not have been lumped together and citizens should have had a choice.

Councilmember Kovach said Norman does things as a community to take care of each other and if citizens believe these are important projects for all of Norman then the citizens should not be punished to get back at Council. When someone cannot get into and out of their home because of flooding issues it is a citywide problem. He urged citizens to look at it in the spirit that it is offered.

Councilmember Castleberry said he would be glad to meet with Mr. Stevens to answer any questions he might have. He said as a Certified Public Accountant, he knows the cost of doing a bond issue is about the same whether it is a $5 million bond issue or $800 million bond issue and all projects might as well be packaged together. He said these projects have been identified by the community as vital projects. He said he always hears that Lake McGee is one of the biggest problems in Norman and now there is a proposal to fix it and it is half the cost because the federal government will provide matching funds. He said the federal government gets the money for the projects from road and gasoline taxes paid for by all citizens, not just property owners. He said all of the public meetings being held are to provide the citizens information to allow them to make an informed decision. He said as a business owner he will be directly affected by the Lindsey Street Project and not in a positive way. He said the two year project is not going to be good for his business; however, it is not about him, but the City of Norman. He said he can go through this inconvenience to allow Lindsey Street to be fixed for the next 20-30 years. He said the West Main Street Bridge east of 48th Avenue N.W. floods and there are people in nearby nursing homes that an ambulance cannot get to during a heavy rain. He said if all the projects are examined, there is merit to all of them and that is why they were added together.

Mayor Rosenthal said renters do not get a property tax bill but there were very few landlords who do not pass along those costs to the renters. She said businesses, offices, and industries as well as home owners pay property taxes. She said it is estimated that 2/3 of Norman homeowners will pay less than $40 per year if this bond package is successful. She said it is estimated that a 1¢ sales tax which would probably be necessary to meet the deadline of the Oklahoma Department of Transportation project at Interstate 35 will cost the average household $190 per year so it is important for people to get the facts, encouraged everyone to come to the Ward Meeting on Thursday, and appreciated the Councilmembers sponsoring it. She said this is an opportunity for the community to leverage some very important projects that are affordable and gives Norman the opportunity to compete for Federal Highway tax dollars that have already been received. She urged support for the bond issue and said she was available for questions from constituents.

*

Miscellaneous Discussion, continued:

Water Shortage. Mr. Bobby Stevens, Post Office Box 6226, said he has not been attending the High Density discussions because the City does not have enough water to support the existing housing additions and businesses. He said Lake Thunderbird is running out of water and now the City of Norman is relying on the City of Oklahoma City for water. He said the Lake is dirty and needs to be cleaned out.

*

Board of Realtors Meeting. Mr. Mark Campbell, Post Office Box 3053, said he attended a Board of Realtors meeting in City Council Chambers this morning. He said Mr. Shawn O'Leary, Director of Public Works, was discussing the bond program and asked if this was a public meeting. Ms. Brenda Hall, City Clerk, said no.

*

Norman Police Department Daily Activity Log. Mr. Mark Campbell, Post Office Box 3053, asked what was listed on the Norman Police Department Daily Activity Log on the website.

Mr. Keith Humphrey said the Daily Activity Log consists of all calls for service that have been answered in a 24 hour period.

*

Unsecured Structures. Mr. Mark Campbell, Post Office Box 3053, said he had reported many unsecured structures to the City and nothing had been done. He said in his neighborhood he has reported an unsecured structure with no electricity and no plumbing. He voiced concerns that someone might intentionally go into this house to do something wrong. He said he reported the house anonymously and was told an officer would come secure the building but nothing has been done. He said he hoped this could be addressed.

*

Ward Meeting. Councilmember Kovach announced a Ward Meeting for Wards 2, 3, and 4 on Thursday, August 16, 2012, at 5:30 p.m. in City Council Chambers to discuss the upcoming Bond election. He said he had seen several presentations by Mr. Shawn, O'Leary, Director of Public Works, and he goes out of his way to stay within the legal bounds of what a City employee is allowed to do as far as providing information on an election. He said as a Councilmember and a citizen, he said he hopes all citizens vote in favor of the bond issue on August 28th.

Councilmember Castleberry said he looked forward to the meeting to answer any questions citizens might have.

Councilmember Jungman said he hoped that people inclined to dissent on the bond issue will come to the meeting because they will have a chance to have all their questions answered. He said he had received a few negative questions about some of the projects and possibly an explanation would be provided to satisfy the constituents.

*

Mixed Use Development (MUD) Ordinance. Councilmember Castleberry said tonight it had come to everyone's attention that the MUD Ordinance had some issues. He encouraged City Council to look at some of the issues and clean it up a little bit. He said it is not perfect but it is a start.

*

New Ward Three Councilmember. Councilmember Castleberry said he was honored that he had won the draw this evening because the other four applicants were excellent. He said he would not want to run against all four of them again. He said he was encouraged by the whole process and feels very fortunate to be the winner. He said he looked forward to getting to know the rest of Council. He said although he is the Ward Three Councilmember, he would appreciate comments from all citizens. He said he had changed his mind about a vote tonight after he received more information and he is always open to new facts and viewpoints. He said honest people can come up with an honest difference of opinions.

Miscellaneous Discussion, continued:

New Ward Three Councilmember, continued:
Councilmember Jungman welcomed Councilmember Castleberry to the team and said he hoped he enjoyed being on Council. He thanked all the candidates and said he appreciated them putting themselves in front of the public and hoped they would come back.

Councilmember Spaulding, Griffith, Lockett, and Mayor Rosenthal welcomed and congratulated Councilmember Castleberry.

*

Chick-Fil-A. Councilmember Spaulding said it worthy to mention the Chick-Fil-A incident where the president of Chick-Fil-A had been interviewed about his religious beliefs on the subject of same sex marriage. He said he personally agreed with this stance and he has the right to support any company he pleased and conversely he supports the Gay Community's right to boycott or protest any company they please. He said the problem begins when individuals like City leaders attack the First Amendment right to Free Speech and Freedom of Religion of a business and try to sabotage, block, and hinder a simple restaurant's growth specifically because of the president's personal religious beliefs. He said this is not a Gay Rights issue and these leaders are hiding behind Gay Rights. He said the issue at hand is that there are elected officers in the nation who claim that any group who opposes their beliefs is not welcome in their cities. He wondered if they have forgotten about the Catholic Church, the Orthodox Jewish Synagogue; Islamic Mosque, or the many angelical Christian denominations who have openly opposed the legislation of same sex marriage. He said he would encourage the citizens of those cities to work on replacing these officials.

*

National Night Out. Councilmember Griffith thanked Ward Six for their participation in National Night Out. He thanked the Hawthorne neighborhood, the residents along Northcliff Avenue, Hallbrooke Addition, and the residents who live on Vanessa Drive. He also thanked his police escort, Lieutenant Jamie Shattuck.

Councilmember Lockett said for two years her ward has not had any events for National Night Out but this year she attended several Ward Three events and really enjoyed herself.

Councilmember Williams thanked the citizens of Ward Eight for inviting him into their homes, garages, and yards. He said there were several stops and he thanked the Norman Police Department for being there with their canine dogs. He said he was privileged to ride with a Special Weapons and Tactical (SWAT) team member and had toured the SWAT team exhibit at Target. He said he paid close attention to the equipment and he was glad Council approved replacement of some of it and thanked the SWAT team for protecting all citizens.

*

Transportation Bond Meeting in Ward Eight. Councilmember Williams thanked all of the citizens who had attended the Transportation Bond Meeting last night in Ward Eight and encouraged any citizens who were unable to attend to come to the Ward Meeting on Thursday.

*

Law Enforcement Accreditation. Mr. Steve Lewis, City Manager, said in 1999, the Norman Police Department became one of the first municipal law enforcement agencies to be accredited in the State of Oklahoma. He said since that time the Police Department has been reaccredited three times and recently received the report that they were approved again. He said a comment from the report said the assessors were impressed by the knowledge and professionalism of the entire staff, the department was a well organized and efficiently operated agency, and the leadership was described as being extremely knowledgeable and dedicated. He said the bottom line is that the department exceeds all applicable standards that are set forth by the Oklahoma Association of Chiefs of Police as well as the Oklahoma Law Enforcement Agency Accreditation Professional Standards Program. He said a formal recognition will be done in a few weeks. He congratulated Chief Humphrey, the entire command staff, and all the Police Department employees.

*

Miscellaneous Discussion, continued:

West Nile Virus. Mr. Steve Lewis, City Manager, said there had been an article about the West Nile Virus in the Daily Oklahoman recently. He said State Health officials commented that the West Nile Virus season runs from May to November in Oklahoma and to date there have been 55 cases identified with one fatality today in Oklahoma County. He said there have been no cases as yet in Cleveland County. He said the City of Norman has had a mosquito surveillance program in place for approximately 30 years. There are approximately twelve traps throughout the community checked daily and the counts have been extremely low. He said Staff will continue to respond to complaints and educate people about standing water and, if necessary, will do a spot treatment with larvacide. He said there is lot of information on the State Health Department website and there will be information added to the City's website. He encouraged citizens to use insect repellent when they go outside.

* * * * *

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 Castleberry, Gallagher, Griffith, Jungman, Kovach, Lockett, Spaulding, Williams, Mayor Rosenthal
NAYES:	None

The Mayor declared the motion carried and the meeting was adjourned at 12:13 a.m.

ATTEST:

City Clerk

Mayor

JOINT WARD 2, WARD 3, AND WARD 4 MEETING MINUTES

August 16, 2012

The City Council of the City of Norman, Cleveland County, State of Oklahoma, attended a Joint Ward 2, Ward 3, and Ward 4 meeting hosted by Councilmember Tom Kovach, Ward 2; Councilmember Robert Castleberry, Ward 3; and Councilmember Greg Jungman, Ward 4, at 5:30 p.m. at the City Council Chambers of the Norman Municipal Building on the 16th day of August, 2012, and notice of the forum was posted at the Municipal Building at 201 West Gray 48 hours prior to the event. The forum was open to anyone with an interest. Although this forum was not a regularly scheduled meeting of Council a quorum of Council was present; therefore, a summary of the forum was recorded as required by the Open Meeting Act.

PRESENT:	Mayor Rosenthal Councilmember Robert Castleberry Councilmember James Griffith Councilmember Greg Jungman Councilmember Tom Kovach
ABSENT:	Councilmember Roger Gallagher Councilmember Linda Lockett Councilmember Dave Spaulding Councilmember Chad Williams
STAFF PRESENT:	Anthony Francisco, Finance Director Shawn O'Leary, Director of Public Works Scott Sturtz, City Engineer Karla Chapman, Administrative Technician

Councilmember Tom Kovach opened the public meeting by welcoming everyone and thanking them for their participation in the process. Mr. Shawn O'Leary, Public Works Director, provided an overview of the City Combined Storm Water/Transportation Improvements General Obligation (GO) Bond Program for FFY 2013-2017, highlighting the eight (8) proposed major transportation projects located throughout the City. He said Norman residents will vote on whether to issue $42,575,000 in GO bonds to fund the local share of the proposed eight (8) projects on Tuesday, August 28, 2012. Mr. O'Leary said the projects listed below include improvements to two (2) bridges and six (6) arterial street corridors and, if approved, will widen Norman streets, provide reduced traffic congestion, enhance safety, and implement related storm water drainage solutions.

1. Lindsey Street, 24th Avenue S.W. to Berry Road
2. 24th Avenue S.E., Lindsey Street to Robinson Street
3. 36th Avenue N.W., Tecumseh Road to Indian Hills Road
4. 12th Avenue S.E., Cedar Lane Road to State Highway 9
5. Cedar Lane Road, 12th Avenue S.E. to 24th Avenue S.E.
6. East Alameda Street, Ridge Lake Boulevard to 48th Avenue S.E.
7. West Main Street Bridge over Brookhaven Creek
8. Franklin Road Bridge at Little River between 12th Avenue N.W. and 24th Avenue N.W.

Councilmembers Castleberry, Jungman, and Kovach answered questions and addressed comments from the audience during the meeting.

Items submitted for the record

1. PowerPoint Presentation entitled "City Bond Program 2013-2018," dated August 15, 2012
2. City of Norman August 28, 2012, Special Election Transportation Projects Fact Sheet
3. City of Norman August 28, 2012, Special Election Transportation Projects Mailer
4. Election Brochures "Let's Fix Our Streets," paid for by: A Community Working Together
5. Sign in sheet to indicate citizens who attended the meeting.

The meeting concluded at 7:30 p.m.

ATTEST:

_____ _____

City Clerk Mayor

City of Norman, OK

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

Master

File Number: AP-1213-11

File ID:	AP-1213-11	**Type:**	Appointment	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 4	**In Control:**	City Council
Department:	City Clerk Department	**Cost:**		**File Created:**	08/13/2012
File Name:	Election of a Mayor Pro Tem			**Final Action:**	

Title: ELECTION OF A MAYOR PRO TEM TO FILL THE UNEXPIRED TERM OF FORMER COUNCILMEMBER HAL EZZELL.

ACTION NEEDED: Motion to nominate and elect _____ as Mayor Pro Tem for the remaining term of former Mayor Pro Tem Ezzell.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 4

Attachments:

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 AP-1213-11

Body

The elected Mayor Pro Tem, Hal Ezzell, resigned as of July 31, 2012. Under Article II, Section 19, of the Charter of the City of Norman, Oklahoma, by a majority vote of all Councilmembers, the Council shall elect one of the Councilmembers to be Mayor Pro Tem of the City of Norman. The above-described item appears on City Council's agenda in order to elect a Mayor Pro Tem to fill the unexpired term of former Councilmember Ezzell.

City of Norman, OK

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

Master

File Number: GID-1213-12

File ID:	GID-1213-12	**Type:**	Award	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 5	**In Control:**	City Council
Department:	Police Department	**Cost:**		**File Created:**	08/10/2012
File Name:	Norman Police Accreditation Award			**Final Action:**	

Title: PRESENTATION OF AN AWARD FOR LAW ENFORCEMENT RE-ACCREDITATION TO THE NORMAN POLICE DEPARTMENT FROM THE OKLAHOMA ASSOCIATION OF CHIEFS OF POLICE.

ACTION NEEDED: Motion to acknowledge Law Enforcement Re-Accreditation from the Oklahoma Association of Chiefs of Police to the Norman Police Department.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 5

Attachments: Text File Accreditation, Norman PD Re-Assess _4_.pdf, Re Assess Ltr Norman 2012.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 GID-1213-12

Body

BACKGROUND: The concept of law enforcement accreditation began in the 1970's with a goal to instill professionalism into every phase of police service. Law enforcement accreditation mirrors similar programs in education, medical and other professional disciplines.

In 1995, the Oklahoma District Attorneys' Council awarded a grant to the Oklahoma Association of Chiefs of Police to create and implement an Oklahoma law enforcement agency accreditation program. A committee comprised of representatives from state, county and municipal law enforcement, judges, municipal assurance attorneys and the Fraternal Order of Police reviewed other accreditation structures and officially implemented the Oklahoma Law Enforcement Agency

Accreditation and Professional Standards Program in 1996.

In 1997, the Norman Police Department began a long and arduous process to achieve accredited status. In September 1999, a team of law enforcement administrators conducted a comprehensive three day on-site assessment. The assessors inspected every aspect of the Department by reviewing accreditation standard files, conducting patrol ride-alongs, attending department meetings and interviewing employees and citizens. Following that process, the Norman Police Department was granted accredited status. In doing so, they became the first municipal agency in Oklahoma to be accredited under this new program.

The benefits of accreditation include but are not limited to more efficient and effective delivery of police services to the community, improved community partnerships, decreased susceptibility to litigation, enhanced comprehension of agency policies and procedures by all personnel, better operational effectiveness, and independent confirmation that rigorous professional standards are maintained.

DISCUSSION: As a requirement to retain accredited status, an assessment team conducts an on-site re-assessment every three years. The assessors again scrutinize all components of the Department's operations as they pertain to the accreditation standards. A four member team conducted the fourth re-assessment site visit in late June. Following a review by the Accreditation Commission, the assessment report was forwarded to the Oklahoma Association of Chiefs of Police Executive Board for determination. The OACP Executive Board granted continued accredited status to the Norman Police Department on August 1, 2012.

RECOMMENDATION: It is recommended that the Council recognize the Norman Police Department for achieving and maintaining accredited status from the Oklahoma Association of Chiefs of Police by permitting the award to be presented at the August 28, 2012.

Oklahoma Association of Chiefs of Police
Oklahoma Law Enforcement Agency Accreditation and Professional Standards Program

Report of Re-Assessment

Date: July 12, 2012

To: Oklahoma Associations of Chiefs of Police Executive Board
Oklahoma Law Enforcement Agency Accreditation and Professional Standards Program

From: Lieutenant Tom Duroy
Re-Assessment Team Leader

Re: Norman Police Department Re-Assessment

I. Agency Information

The Norman Police Department (NPD) serves the City of Norman. Norman was established during the historic land run on April 29, 1889 and received its name from Abner Norman, a Santa Fe Railroad surveyor.

Norman is located along the Santa Fe railroad line with the southern border being the South Canadian River. It is the county seat for Cleveland County and a thriving city with a population of nearly 112,250. Their population has grown by 3,250 since the Norman Police Department's last re-accreditation in 2009. Norman can boast that it is one of the largest land area cities in the US with 196 square miles within its corporate city limits. Norman PD does not operate a jail but contracts with the Cleveland County Sheriff's Office for detention services. Norman PD is otherwise a full service police department. Community Based Policing and law enforcement services are delivered through two bureaus (Operations and Support). These bureaus include numerous divisions and sections such as Criminal Investigations, Forensic Services, Special Operations, Community Policing, Traffic and Parking Enforcement, Public Information, Records Division, Staff Services, Animal Control, Communications, Statistical Analysis and Professional Standards.

During our assessment it was clear that the City and Department suffered substantial damage during the recent April 13, 2012 tornado. Severe damage in the immediate vicinity of the Department sustained heavy damage including fences, trees, police units and personal vehicles.

The Norman Police Department was the first municipal law enforcement agency in the state to become accredited by the Oklahoma Association of Chiefs of Police (August 14, 1999). They have been re-accredited three times. The first re-accreditation occurred in March 2003, the second in July 2006 and their third in July 2009.

On-site Re-assessment Date:	June 28th-29th, 2012
Agency CLEO:	Chief Keith L. Humphrey
Agency Accreditation Manager:	Lieutenant Jim Spearman (Ret)
Jurisdiction square miles:	196
Jurisdiction population:	112,250
Personnel:	Commissioned: 169
	Civilian: 60
	Calls for service: 2012 =63,016

II. Assessment Procedure and Activities

June 28, 2012 Activities

The assessors were picked up at the Montford Inn by Lieutenant Jim Spearman at approximately 8:00 AM on June 28th and driven a short distance to the Norman Police Department. Following an assessors planning meeting, the assessment team met with Chief Humphrey, Deputy Chief Jim Maisano, Major Kevin Foster, Captain Mark Braley, Lieutenant Jim Spearman (Ret) and Kathy LaMar to make introductions, explain the re-assessment process, and answer questions. Following this brief conference, Accreditation Manager Spearman and Captain Braley gave assessors a tour of the headquarters facility. Lieutenant Spearman supplied the assessors with a list of Accreditation Standards that the assessors would possibly observe during the site visit tour along with a list of Bureau/Division Contacts. This was very helpful and the assessors were able to mark the observable standards and write observation comments on the form. The tour also gave assessors the opportunity to meet several agency personnel and learn the facility layout.

The Norman PD main facility has a professional appearance. It was neat, organized and everything seemed to be in place. The assessors told by Lieutenant Spearman that several of the police dept staff worked very hard to keep the building clean and serviceable. The patrol report writing room appeared to have fresh paint and carpet. The entire facility appeared to be well maintained. For the number of officers and civilians working for the Norman Police Department, the assessors expected a larger facility. It is obvious that the limited amount of space is utilized to its fullest capacity but yet the building feels comfortable to be in. The assessors were driver by a vacated US Army Reserve Center that will house criminal investigations division within the next few months.

The entire staff of the Norman Police Department was very helpful, professional and courteous. Some of the employees we interviewed on the tour are:

Lori Burks/Property and Evidence: Burks spoke to us for a few minutes and explained her duties. She was questioned later on in the day by Assessor Danny Dobbins in reference to compliance issues in the standards of the property and evidence facility. Dobbins expressed that she was able to answer all his questions quickly and professionally and that she definitely knew her job well

.

Russ Anderson/Communications Supervisor: Anderson gave us a tour of the communications area along with backup systems for the Department's power supply. He was very professional and I was impressed with his knowledge and expertise of communications, the power backup and emergency operations of the facility. During his explanation it was easy to see that he takes his job and responsibilities very seriously. He also covered several areas in the conversation that proved accreditation standard compliance.

Officer Casey McCallister/SWAT: Officer McCallister showed the swat team truck to us and explained the makeup and duties of the SWAT Team. McCallister showed us the different types of equipment used by the team and where and how it is stored on the truck. McCallister was knowledgeable and very proud to be a member of the Swat Team. This also interview addressed several accreditation standards.

Lieutenant George Mauldin/Hazardous Devices Unit: Lieutenant Mauldin explained the bomb squad duties and equipment very well. The equipment was top notch and he explained how each component worked within the responsibilities of the unit. Lieutenant Mauldin was very professional, knowledgeable and proud of the equipment under his control.

Lieutenant Kyle Harris/Special Operations: Lieutenant Harris welcomed us to the facility his unit that is based on the west side of Norman. He and his team had literally just returned from an almost all night operation and were examining evidence they had collected when the assessors arrived. Lieutenant Harris gave us a tour of the facility and explained the duties of the Special Investigations Division. The division appears to be a close nit group and that a position on this team is something to be proud of as well as sought after by most officers on the department. The facility was impressive and we appreciated the patience of Lieutenant Harris and his team with answering questions from the assessors after being out all night.

After the tour of the facilities, the assessors were taken to lunch by Lieutenant Spearman and Chief Humphrey. We had the pleasure of getting to know Chief Humphrey better along with discussing the direction and priorities he has planned for The Norman Police Department. One of the Chiefs main priorities is officer safety and he told us that this is one of the reasons for changing the officer's duty shift to 9 hour shifts in the following months. Chief Humphrey explained that this will allow more officers to be on the street at one time during a shift and this will beef up officer safety, provide for quicker responses to emergency calls for service, and more interaction with the community. Chief Humphrey expressed his appreciation and pride in his Department, his staff and the Norman Community several times during our visit.

Following lunch, the assessors began the task of examining the accreditation standard file folders. The room provided to the assessors was very comfortable and everything needed for examining the files was at our fingertips. The Chief's secretary, Kathy LaMar, made sure there were plenty of snacks and drinks on hand for the assessors each day during the assessment. The efforts made to keep us comfortable were greatly appreciated and helped make us feel welcome.

The 1:00 PM patrol briefing was attended by Assessors Rick Shea and Jennifer Ward. They observed that the squad meeting was handled professionally and took only a short amount of time. It is noted that information officers needed to be aware of before going out on the street was discriminated by means of an information sheet supplied to all the officers at the beginning of the briefing.

Captain David Teuscher/Patrol: Captain Teuscher was called on by Assessor Jennifer Ward to explain the procedures used by the department in the investigation of different types of accidents. Captain Teuscher was very professional and knowledgeable. He explained the procedures courteously and without hesitation. His explanation satisfied the accreditation standard for compliance in this area.

Lieutenant Spearman was called on several times during the day to make clarifications or minor changes to the accreditation files. His quick response to our needs helped us to get through the first day of assessment quickly. The assessment team was able to review the major portion of the accreditation standard files by 5:00 PM on the first day. Lieutenant Spearman drove the team back to the Montford Inn. Later that evening Lieutenant Spearman took the assessment team to dinner and a tour of parts of Norman, including the Cleveland County Detention Center where Norman PD prisoners are booked and processed. This tour helped solidify compliance with several of the accreditation standards

Lieutenant Chris Amason/Patrol Supervisor: Assessors Dobbins and Duroy attended the midnight shift squad at 9:00 PM. We were in civilian clothes and surprised Lieutenant Amason and the other officers with our visit. Lieutenant Amason was very courteous and made us feel welcome. The officers attending patrol briefing also made us feel welcome after we explained our positions and duties as assessors. Lieutenant Amason conducted the briefing professionally and it appeared that he was respected by the officers in attendance. Assessors Dobbins and Duroy observed the information sharing procedures in briefing such as the updated information handout given to all officers. Lieutenant Amason assigned Sergeant Barbour with the task of conducting and interview and showing us his police unit and equipment.

Sergeant Brent Barbour/Patrol: Sergeant Barbour took Assessors Dobbins and Duroy to his police unit. Duroy asked to see his reflective vest and his personal protection devices. Sergeant Barbour retrieved his traffic safety vest from the front seat area of his unit. He opened his trunk and was quickly able to locate his personal protection devices. We asked Barbour several questions about the department, its operations, etc. Barbour was very professional, courteous and knowledgeable. He answered questions without hesitation and was well informed of the working operations of the Department. We were impressed with his knowledge and capabilities of the computer systems inside the police units. We discussed the new duty shift hours being implemented by the Norman Police Department that would take effect next month. Barbour appeared opened minded about the change and that he understood the staffing concerns and the reasoning behind the hours change. He understandably knew there would be some opposition to the change but he appeared confident that things would work out.

June 29, 2012 Activities

On Friday, Lieutenant Spearman picked assessment team up at approximately 8:30 AM. The team returned to the Department and continued review of the accreditation standard files, interviews, and observations until approximately 11:00 AM. The assessors completed their site-visit tasks of reviewing all 169 accreditation standards contained in the departmental files. We met again with Chief Humphrey and his staff to inform them of the findings of the site visit. We explained assessment team findings and informed them the assessment report would reflect that. We also told them the assessment report would be reviewed by the Accreditation Commission and then forwarded to the OACP Executive Board for final determination.

III. Positives

The assessment team unanimously agrees that the following standards and aspects encountered during the site visit are worthy of recognition.

- The exceptional professionalism of the entire department and the courtesy extended to the assessment team. In particular, we want to commend Accreditation Manager Lieutenant Jim Spearman (Ret) for all his assistance during the assessment process. He was constantly available for the assessment team and provided extremely timely responses to issues and concerns raised by the assessors.

- The exceptional organization of the standard file folders, attention to detail, and documentation facilitated a relatively quick review.

- The policy format was extraordinary. It provided a quick and easy method to locate particular directives.

- Assessors had very complimentary comments regarding the quality of the policies and procedures. Copies of some policies were requested by assessors so they could be taken their own agencies.

- Assessors were impressed with the knowledge and professionalism of the entire staff. Assessors commended the property and evidence personnel for their diligence, and the overall quality of the property room operations and evidence handling procedures. Assessors also wanted to commend everyone that was interviewed. Everyone interviewed responded to our questions quickly, professionally and appropriately. This indicated a good working knowledge of their area as well as the department as a whole.

- The department's staff, sworn and civilian were professionally dressed and groomed and it appeared that everyone was busy with their assigned tasks. Interviewees appeared to have a good attitude.

- The housing, transportation and meal arrangements made for the assessors were outstanding.

- The daily and specialized equipment the Norman Police Department uses is top notch and well maintained. Especially the specialized equipment used by SWAT and the Hazardous Devices Unit.

IV. Standard Compliance

During the review of the 169 standards, the assessors identified minor issues in six standards files that required attention. There were also a few accreditation standard files that contained proofs that were not on the documentation worksheet. These minor issues were immediately brought to Lieutenant Spearman's attention and were corrected. The standards affected were as follows:

OPS.03.03 - Information Provided to Traffic Violations: A copy of an actual citation was added to the file as a proof which brought the file into compliance.

OPS.03.07 - Collision Response, Investigation and Reporting: This standard addresses traffic collisions and lists 9 different accident situations where as one or 2 of these different situations may never occur or happen in the 3 year re-accreditation period. It was decided that this be brought to the attention of the accreditation commission where as compliance requires proofs of approximately 4 or 5 of the 9 listed accident situations. Lieutenant Spearman added proofs of 4 or 5 different accident situations the department has worked to bring the file into compliance.

OPS.03.09 - LE Responsibility at Collision Scene: The file was in compliance and as an added proof Captain Teuscher verbally explained the responsibilities of officers at accident scenes.

OPS.17.01 - Prevention of Blood borne and Communicable Diseases: There were no proofs of Health Dept Form 207 being filled out or sent into the state in the event of an exposure. It is departmental policy to complete the City form and submit it the Norman Human Resources. It appears that there is a communication issue that has resulted in OK Health Department Form 207 not being submitted to the State. The assessment team is satisfied that issue is in the process of being resolved.

PER.01.02 - Reserve Officers: The file contained a waiver but needed a new worksheet.

PER.04.05 - Records of Disciplinary Actions: A highlighted portion of another policy was added for clarification.

V. Summary of Assessment

The Norman Police Department appears to be a well organized and efficiently operated agency. The leadership appears extremely knowledgeable and dedicated. They seem to constantly search for more efficient methods to deliver professional police services to the

citizens along with taking care of their officers and civilian staff. Their facility was exceptionally clean and well maintained.

This was the fourth re-assessment for the Norman Police Department. The minor compliance issues were immediately addressed and corrected during the assessment. Of the 169 standards reviewed, all were ultimately found to be in compliance.

VI. Recommendation and Conclusion

The Norman Police Department meets or exceeds applicable standards as set forth by the Oklahoma Association of Chiefs of Police, Oklahoma Law Enforcement Agency Accreditation and Professional Standards Program. The accreditation assessment team unanimously **recommends** the Norman Police Department for re-accreditation.

VII. Assessment Team

		Approval Date:
Team Leader:	Lieutenant Thomas Duroy Ponca City Police Department 200 East Oklahoma Ave. Ponca City, OK 74601	07/18/12
Assessor:	Captain Danny Dobbins Claremore Police Department 200 W. 1st Street Claremore, Ok. 74017	07/19/12
Assessor:	Captain Rick Shea Broken Arrow Police Department 2302 S. First Place Broken Arrow, OK. 74012	07/20/12
Apprentice:	Sergeant Jennifer Ward Ponca City Police Department 200 East Oklahoma Ave. Ponca City, Ok. 74601	07/19/12

August 10, 2012

Chief Keith L. Humphrey
Norman Police Department
201-B West Gray Street
Norman, OK 73069

Dear Chief Humphrey,

On behalf of the Oklahoma Association of Chiefs of Police Executive Board, I congratulate you on the successful law enforcement re-accreditation process. The Executive Board reviewed the site visit report and concurs with the recommendation from the Oklahoma Law Enforcement Accreditation Commission that the Norman Police Department retain accredited status. With this re-accreditation, your agency continues to serve as a model for other Oklahoma law enforcement agencies that desire to achieve this level of professionalism and reap the benefits to your agency and the citizens you serve.

As you are aware, the accreditation process is arduous and time consuming on your part but well worth the effort. By maintaining accredited status, you have distinguished your agency as one of Oklahoma's exemplary law enforcement entities. Your department and the citizens you serve should be proud for attaining this level of professionalism. This letter will serve as your agency re-accreditation status credentials.

Again, congratulations on this achievement and thank you for setting the standard for other law enforcement agencies in Oklahoma. Please feel free to forward a copy of this entire packet to your governing body for public dissemination.

Phil Cotten

Phil Cotten,
Acting Executive Director

Enclosures: Leadership Certificates
Assessment Report
Press release model

801 SW 89th Street, Bldg "B", Oklahoma City, OK 73139 – (405)672-1225 or (888)528-6227 – Fax (405)670-8763

City of Norman, OK

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

Master

File Number: O-1213-2

File ID:	O-1213-2	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 7	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	06/12/2012
File Name:	Par-Mar Rezone			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-2 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 AMEND THE PLANNED UNIT DEVELOPMENT NARRATIVE APPROVED WITH ORDINANCE NO. O-0506-1 SO AS TO CHANGE THE ALLOWED USES FROM OFFICE AND RESIDENTIAL TO OFFICE WITHIN GREENWAY PARK ADDITION, A PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 36TH AVENUE N.W. AND CROSSROADS BOULEVARD)

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-2 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 7

Attachments: Text File O-1213-2, O-1213-2 Par Mar, Par-Mar Location Map, Greenway Park PUD, GREENWAY PARK ADDITION - PUD Annotated 7-5-12, Par-Mar PUD Amendment Staff Report, 7-12-12 PC Minutes - Par-Mar

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	07/12/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council	Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council			
1	Planning Commission	07/12/2012			

Text of Legislative File O-1213-2

Body

SYNOPSIS: This proposal is for a revision to a portion of the existing PUD for the previously approved Greenway Park Addition (GPA), a mixed-use development. The PUD was initially approved in 2005. The applicant had previously proposed to develop a PUD consisting of office uses as well as some condominiums on the northern portion of the development. The applicant has now requested the elimination of the condominiums and proposes office uses for the entire development.

DESIGN: There are two access points for this PUD existing along 36th Avenue N.W. There will be seven lots within the 7.02 acres. The architectural design of the buildings will consist of masonry materials with an 8/12 pitch for the roofs.
OPEN SPACE: The area reserved for open space along the eastern and southern portion of the development will include walking trails and other amenities. This development consists of approximately thirty-percent open space.

PARKING: Preliminary parking count is set at 122. The PUD narrative states "All areas and lots may share parking. Collectively, as an aggregate number, all lots in the GPA shall provide sufficient quantities of parking spaces so as to meet the City of Norman parking requirements as to all occupied structures being placed on the GPA".

SIGNAGE: The PUD proposes an entry sign for the development at the north entrance along 36th Avenue N.W. There will be additional decorative signage for the offices and open space area(s) conforming to current city signage standards.

PUBLIC WORKS AND UTILITIES: The development as previously approved had accounted for the run-off through a Drainage Impact Analysis. All the required utility systems for this project are adjacent to the site. The two entries off 36th Avenue N.W. will access private streets within the property. The existing drives were approved by the City Traffic Engineer and those locations are not scheduled to change.

STAFF RECOMMENDATION: With the recent changes of residential development trends in the area the applicant recognizes that additional residential or condominium units in this development are not marketable as previously planned. Therefore, the applicant requests approval to eliminate the residential portion of the existing PUD. This development is surrounded by 36th Avenue N.W. on the west, Crossroads Boulevard on the north and an open space/park area on the east and south sides. With the open space/park area along the east and south sides the adjacent residential properties are buffered from any professional office businesses occupying this development. Staff is able to support this request for elimination of the previously proposed residential portion of this PUD. At their July 12, 2012 meeting, the Planning Commission recommended approval of this PUD amendment, by a vote of 5-0.

O-1213-2

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 AMEND THE PLANNED UNIT DEVELOPMENT NARRATIVE APPROVED WITH ORDINANCE NO. O-0506-1 SO AS TO CHANGE THE ALLOWED USES FROM OFFICE AND RESIDENTIAL TO OFFICE WITHIN GREENWAY PARK ADDITION, A PLANNED UNIT DEVELOPMENT; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED AT THE SOUTHEAST CORNER OF 36TH AVENUE N.W. AND CROSSROADS BOULEVARD)

§ 1. WHEREAS, Par-Mar, L.L.C., the owner of the hereinafter described property, has made application to amend the Planned Unit Development Narrative approved with Ordinance No. O-0506-1 so as to change the allowed uses from Office and Residential to Office within GREENWAY PARK ADDITION, A Planned Unit Development; 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 amendment; 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 amendment.

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 amend the Planned Unit Development Narrative approved with Ordinance No. O-0506-1 so as to change the allowed uses from Office and Residential to Office within GREENWAY PARK ADDITION, a Planned Unit Development.

§ 5. Further, pursuant to the provisions of Section 22:420 of the Code of the City of Norman, as amended, the following condition is hereby attached to the development of the tract:

a. That the site shall be developed in accordance with the amended Planned Unit Development Narrative submitted by the applicant and approval by the Planning Commission on July 12, 2012.

§ 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

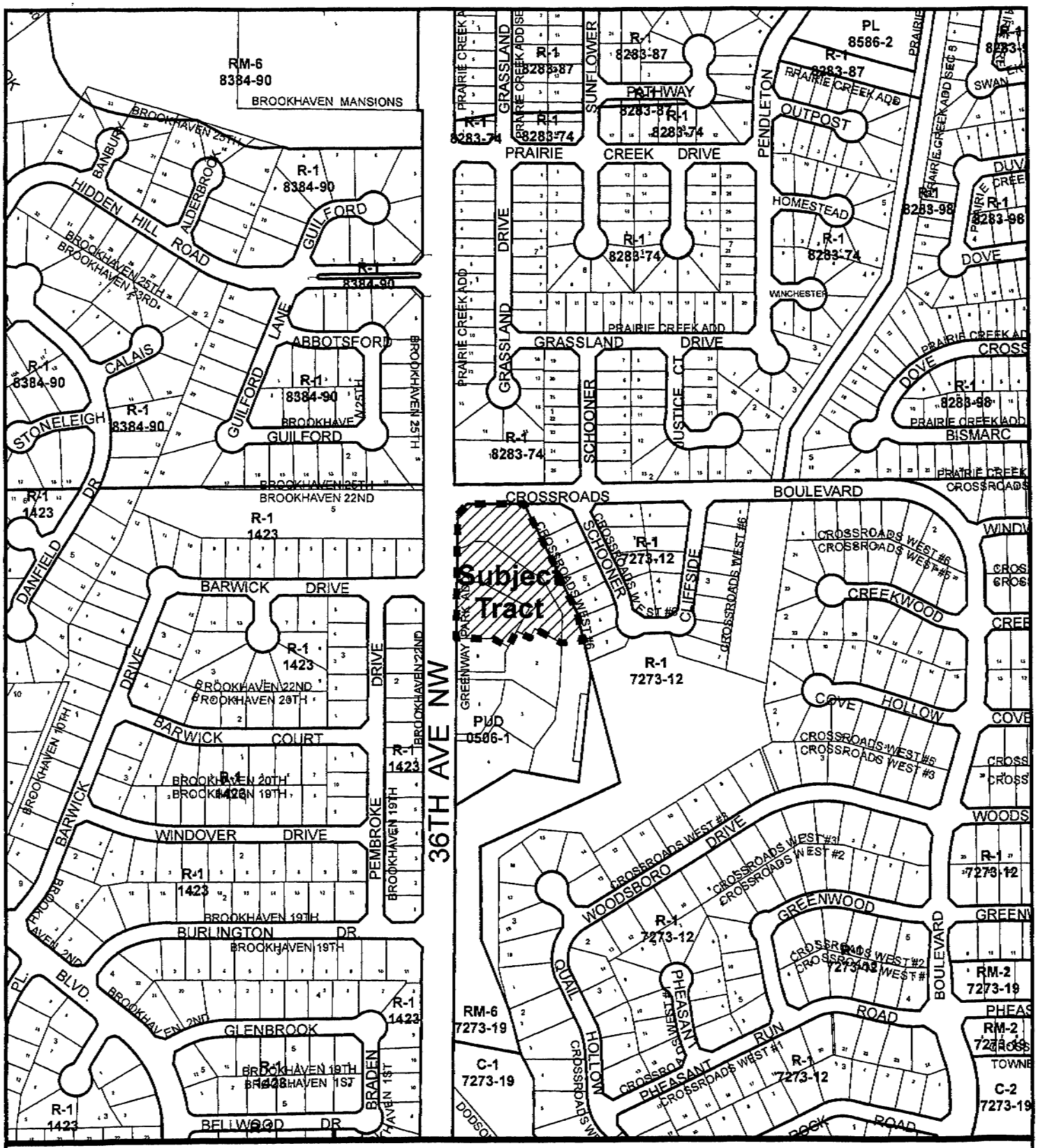
NOT ADOPTED this _____day of

_____, 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.

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June 18, 2012

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Subject Tract

Zoning

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GREENWAY PARK ADDITION

Norman, Oklahoma

APPLICATION FOR REVISIONS TO
PLANNED UNIT DEVELOPMENT

Submitted for approval of revised PUD on 11 June 2012

PREPARED BY:

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

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Deleted: /Residential

I. INTRODUCTION

The Greenway Park Addition (GPA) project is proposed as a Planned Unit Development. The project is commercial office. There are seven lots on the 7.02 acres. No public streets will be constructed. All parking will be shared. The wetlands and floodplain areas will remain. An association will maintain the open spaces. Minimal lot filling will be allowed.

Deleted: with a mix of a residential component. The residential component is a series of condominiums constructed in the five structures.

The applicant is requesting approval of revisions to the existing Planned Unit Development zoning document that covers the property.

Deleted: a rezoning of the 36th Avenue N.W. property to Planned Unit Development (PUD) and is submitting a Rezoning Application/Preliminary Development plan and Preliminary Plat

A PUD District will allow the necessary flexibility to create a distinctive upscale office environment. There will be open space areas, and enhanced park improvements for the odd shaped piece of land, saturated with trees, an existing floodplain, and other natural elements.

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Greenway Park Addition is a development that encourages a professional office environment.

Deleted: mixed-use

Deleted: an office/professional/residential use.

The tract is located at the one-half section line. This is not the normal location of a commercial request. This PUD vehicle is the zoning method used to make the request sensitive to the surrounding neighborhoods. A meeting has already been completed to solicit neighborhood ideas and concerns. As a result, the design has been changed. Uniform architectural control will be mandated. Trees will be preserved either by designing around them or by replanting trees in a location suitable to final contour. The existing walkways will be retained. The wetlands and floodplain lands will remain. Privacy will be employed in the rear of the eastern lots for both the existing neighbors as wells as the new owners. More walkways will be constructed to allow use of the greenway that may be used by the public.

Although small (approximately 7.02 acres), Greenway Park Addition takes to heart its location to a significant natural corridor providing the ponds and wetlands necessary for enhanced water surface drainage. In addition to wildlife habitats, the developed creek areas offer walking and handicapped accessible trails. Greenways are vegetated natural buffers that provide wildlife habitat. Greenway trails are providing recreation, fitness and economic benefits for all to enjoy.

II. PROPERTY DESCRIPTION/EXISTING SITE CONDITIONS

A. Location

Greenway Park Addition is located on 36th Avenue N.W. at Crossroads Boulevard. The site is bordered on the north by Crossroads Blvd.; bordered on the south by a drainage channel; bordered on the east by single family homes (Crossroads West #6) and William Morgan City Park; and bordered on the west by 36th Avenue N.W.

B. Existing land Use and Zoning

The property was zoned RM-6 up until 2005 when it was approved as a Planned Unit Development. The site is currently vacant, except for one office building that has been constructed on Block 1, Lot 5, and which is occupied by a ticket vendor. The City of Norman has an active water well and building on the site. An existing wood deck pedestrian bridge is partially located on the tract and connected to William Morgan City Park.

Deleted: is currently

Deleted: and has no active uses

C. Elevation and Topography

The site consists of sloping terrain from the west to the east. A portion of the land has trees and drainage ways that will be preserved. Stormwater discharge onto the site from the north and west. The eastern portion of the property is an existing drainage ditch that conveys stormwater southerly to the wetland area that is located in the flood plain. A portion of the site is in the 100-year flood plain.

D. Drainage

A Drainage Impact Analysis has been prepared to illustrate the detention requirements that are required and the solutions planned. A joint agreement for detention has been confirmed between the City Parks Department and the GPA. An existing pond within the current park will be improved by GPA. The improvement will be to dredge the pond and provide detention for GPA. GPA will be assisted by the Oklahoma Conservation Commission during construction to preserve and ensure satisfactory excavation methods.

E. Utility Services

All of the required utility systems for the projects (including water, sewer, gas, telephone and electric) are currently located adjacent to the boundaries of the property.

F. Fire Protection Services

Fire protection services will be provided by the City of Norman Fire Department and by Owner provided NFPA 13R building sprinkler systems.

G. Traffic Circulation and Access

Primary vehicular access to the site would be provided by 36th Avenue N.W. Two entries distribute traffic to private streets within the property. Driveway locations have been approved by the City Traffic Engineer.

III. DEVELOPMENT PLAN AND DESIGN CONCEPT

A. Commercial Office

Deleted: /Residential Community

The PUD will consist of a minimum of 7 lots.

The uses permitted on the GPA property will be as follows:

1. Office buildings, and offices for such professional services as, but not limited to, accountant, architect, attorney, business or management consultant, court reporter, dentist or dental surgeon, engineer, geologist or geophysicist, linguist, landscape architect, optometrist, optician, osteopathic physician, planning consultant, psychologist, physician or surgeon, or registered nurse.
2. Laboratories for research and testing where all work is housed in buildings and no smoke, noise, odor, dust or other element of operation is more intense outside the confines of the building than that which normally prevails in an R-3, Multi-family Dwelling District.
3. Offices of non-profit associations and associated assembly halls.
4. Bank, mortgage, or related financial brokerage or investment services offices.
5. Ticket sales and vendors.
6. Art Gallery.
7. Artists' and photographers' studio.
8. Libraries.
9. Museums.
10. Music Conservatories.
11. Public and private schools.
12. Church, temple or other place of worship.
13. Child Care Center.
14. Municipal use, public building and public utility.
15. Recreation uses associated with any of the uses listed above and maintained primarily for the benefit and use of the occupants thereof.
16. Shops and stores associated with and incidental to the uses listed above maintained for serving only the occupants thereof.
17. Buildings and structures and uses customarily incidental to the above uses.

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Due to the substantial area of open space and recreational space provided to the east side of the GPA, Lot coverages beyond the normal city requirements will be allowed, as generally shown on the site plan as was approved in 2005.

All areas and Lots may share parking. Collectively, as an aggregate number, all Lots in the GPA shall provide sufficient quantities of parking spaces so as to meet the City of Norman parking requirements as to all occupied structures being placed on the GPA. The total parking spaces provided is preliminarily planned at 122, but subject to change as necessary to meet the required collective parking count on the entire GPA.

Most trees on the site will be used. GPA will utilize a tree spade to transplant as many trees as possible in areas where trees required to be removed for utility, roadway, parking lot, or buildings.

Structures will be primarily one story with the addition of rear walkouts for individual privacy.

In Greenway Park Addition particular attention is given to pedestrian right of way. The entire addition is bound by almost a mile of walkways and connecting paths of the William Morgan City Park.

Deleted: GPA is proposing to construct 10 residential condominium units (5 buildings) to the north and six offices on the remainder of the property. Depending on the market absorption, the center of the development might change to more condos. Lot coverage beyond the normal city requirements will be allowed. Building/lots may vary by 20% to be designed as final site development plan.¶
¶
Coverage and Parking¶
(All Parking is Shared in Common)¶
¶
Lot ¶
Number ... [1]

Deleted: one or two stories

Construction

The covenants will include that structures will be of significant masonry construction, roofs will be a minimum of 8/12 pitch, weathered wood colored, 7-tab weight composition, and providing for a minimum square footage of 3,000 square feet for offices. The covenants may be modified by the applicant's architectural review committee, which will be established to review and approve specific plans submitted by builders prior to construction of any building.

Deleted: and 1,250 square feet for each condo unit

Signage

- Entryway signs:

The north entrance to the PUD from 36th Avenue N.W. may contain a sign designating the development. The sign will be of masonry construction. The sign may be lighted, in conformity to the City of Norman Commercial Lighting Ordinance, and with appropriate vegetation and planter boxes designed so as not to interfere with traffic site lines. ~~Office sign is 20 s.f. per face with 10' set back~~. The signs will conform to current City standards.

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- Street and Directional Signs:

Decorative street signs may be used within the PUD. Any such decorative signage will be of metal construction. Appropriate directional signage within the common areas will be located around the amenities and parking areas. Such signs will be placed at key locations including turning alternatives within parking lots and sidewalks and jogging/walking trails around the lake areas. The face of the signs will be no larger than six square feet and may be constructed of masonry, wood, and/or metal and will be maintained by the property owner's satisfaction.

Deleted: for use of residents and guests

Fencing

'NO FENCING WILL BE ALLOWED' Greenway Park Addition will be open for both private and public access and enjoyment. Maintaining the eastern tree boundary is important to provide screening so as not to impose upon any of the seven homes on the eastern property line.

Amenities

- Gazebo, Walking Trails, Connectivity to William Morgan City Park: The surrounding areas will be utilized as a recreational area for property owners and their guests. The grounds will contain extensive walking paths. The amenities will be constructed in the specific phase as sequentially developed.

B. Open space and green space

Open space areas are located throughout the project. Open space totals over 30% of the total site area. Open space Block A will be maintained by the property owners association.

Site open space/green space areas consist of the gazebo, walkways, jogging paths, picnic areas, volleyball area, landscape/natural areas.

Parkland was granted by the Developer and added to the existing city pond to fulfill the parkland requirement for the previously planned residential component.

Deleted: will be

All lighting over any common area will be shielded from adjacent single-family homes and will have 20-foot tall poles.

A property owners association will be created in order to maintain all common areas such as the walking paths, entry to subdivision, landscaped groupings as well as sprinkler systems and protection of property owner's rights and enjoyment. Developer will maintain throughout the initial phases including mowing, trimming, landscape concerns, and general safety.

C. Traffic access/circulation/parking and sidewalks

The PUD will have no public streets to serve all lots. The access to the PUD will be from 36th Avenue N.W., with one internal private street that will loop back to 36th Avenue N.W. The developer will remove the existing drive that accesses the public well and internal access from Greenway Park Drive will provide the new access to the well. No private gates are planned. Landscape buffers will accommodate all City of Norman traffic department sight triangle requirements. The site will have adequate circulation provided for the fire department and City Waste Management Services. Parking spaces nine feet (9') wide by nineteen feet (19') deep will be provided as parking for the PUD. The entire PUD will have shared parking.

All private sidewalks will be four feet (4') wide and provide adequate access (normal/handicapped) to the buildings along with all project amenities. A five-foot wide City sidewalk will be provided along the east side of 36th Avenue N.W., constructed to City of Norman Standards.

D. Development Phasing

Offices will be developed on the GPA as the market supports.

Deleted: Phase One: Offices (Maximum of 4 Buildings)¶
Phase Two: Residential Condos (All units must be built before Phase 3.)¶
Phase Three: Remaining Offices or Residential

GREENWAY PARK
ADDITION

Page - 5 -: [1] Deleted **Sean Rieger** **6/8/2012 1:35:00 PM**

GPA is proposing to construct 10 residential condominium units (5 buildings) to the north and six offices on the remainder of the property. Depending on the market absorption, the center of the development might change to more condos. Lot coverage beyond the normal city requirements will be allowed. Building/lots may vary by 20% to be designed as final site development plan.

Coverage and Parking
(All Parking is Shared in Common)

Lot Number	Approximate Unit Size (s.f.)	Approximate Lot Size (s.f.)	Coverage %	Parking Spaces Required	All parking planned in PUD
1	23,000	75,545	30	20	
2	5,960	18,084	32	20	
3	3,562	15,401	23	12	
4	5,552	20,377	27	19	
5	3,950	28,681	14	20	
6	5,113	27,224	19	10	
7	5,766	21,840	26	19	
TOTAL				120	122

All areas will share parking. The condominium area is connected to the office area by a pedestrian walkway to facilitate parking usage. The total parking spaces provided is 122 (44 in condo area and 78 in office area), which exceeds the minimum. No additional guest parking can be provided.

ORDINANCE NO. O-1213-2 | ITEM NO. 9b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Par-Mar, L.L.C.
REQUESTED ACTION	Amendment of the approved uses and the Site Development Plan approved with the Planned Unit Development established by Ordinance No. O-0506-1
EXISTING ZONING	PUD, Planned Unit Development District
SURROUNDING ZONING	North: R-1 East: R-1 South: R-1 West: R-1
LOCATION	Located at the southeast corner of the intersection of 36th Avenue N.W. and Crossroads Boulevard
SIZE	3 acres
PROPOSED USE	Office
EXISTING LAND USE	Vacant
SURROUNDING LAND USE	North: Detention ponds and single-family dwellings East: Park area and single-family dwellings South: Office West: Single-family dwellings
2025 LAND USE PLAN DESIGNATION	High Density Residential
GROWTH AREA DESIGNATION	Current Urban Service Area

SYNOPSIS: This proposal is for a revision to a portion of the existing PUD for the previously approved Greenway Park Addition (GPA), a mixed-use development. The PUD was initially approved in 2005. The applicant had previously proposed to develop a PUD consisting of

office uses as well as some condominiums on the northern portion of the development. The applicant has now requested the elimination of the condominiums and proposes office uses for the entire development.

ANALYSIS: The particulars of this PUD include:

USE: The project is proposed to consist of commercial office uses.

DESIGN: There are two access points for this PUD existing along 36th Avenue N.W. There will be seven lots within the 7.02 acres. The architectural design of the buildings will consist of masonry materials with an 8/12 pitch for the roofs.

OPEN SPACE: The area reserved for open space along the eastern and southern portion of the development will include walking trails and other amenities. This development consists of approximately thirty-percent open space.

PARKING: Preliminary parking count is set at 122. The PUD narrative states "All areas and lots may share parking. Collectively, as an aggregate number, all lots in the GPA shall provide sufficient quantities of parking spaces so as to meet the City of Norman parking requirements as to all occupied structures being placed on the GPA".

SIGNAGE: The PUD proposes an entry sign for the development at the north entrance along 36th Avenue N.W. There will be additional decorative signage for the offices and open space area(s) conforming to current city signage standards.

OTHER AGENCY COMMENTS:

PARKS BOARD: Parkland was granted to the city and added to the existing William Morgan Park when the original PUD was finalized in 2005; this parkland accounted for the residential requirements at that time. This open space/parkland will remain for the benefit of the office development and other citizens walking along the trails.

PUBLIC WORKS AND UTILITIES: The development as previously approved had accounted for the run-off through a Drainage Impact Analysis. All the required utility systems for this project are adjacent to the site. The two entries off 36th Avenue N.W. will access private streets within the property. The existing drives were approved by the City Traffic Engineer and those locations are not scheduled to change.

STAFF RECOMMENDATION: With the recent changes of residential development trends in the area the applicant recognizes that additional residential or condominium units in this development are not marketable as previously planned. Therefore, the applicant requests approval to eliminate the residential portion of the existing PUD. This development is surrounded by 36th Avenue N.W. on the west, Crossroads Boulevard on the north and an open space/park area on the east and south sides. With the open space/park area along the east and south sides the adjacent residential properties are buffered from any professional office businesses occupying this development. Staff is able to support this request for elimination of the previously proposed residential portion of this PUD.

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

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Item No. 10, being:
CONSIDERATION OF A REQUEST SUBMITTED BY PAR-MAR, L.L.C. FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 36TH AVENUE N.W. AND CROSSROADS BOULEVARD.

10A. RESOLUTION NO. R-1213-9 – PAR-MAR, L.L.C. REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-1) FROM HIGH DENSITY RESIDENTIAL DESIGNATION TO OFFICE DESIGNATION FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 36TH AVENUE N.W. AND CROSSROADS BOULEVARD.

ITEMS SUBMITTED FOR THE RECORD:
1. 2025 Map
2. Staff Report
3. Pre-Development Summary
4. Greenbelt Commission Comments
5. Greenbelt Enhancement Statement

10B. ORDINANCE NO. O-1213-2 – PAR-MAR, L.L.C. REQUESTS AMENDMENT OF THE PUD ESTABLISHED BY ORDINANCE NO. O-0506-1 TO CHANGE THE USE FROM RESIDENTIAL TO OFFICE, FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 36TH AVENUE N.W. AND CROSSROADS BOULEVARD.

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

PRESENTATION BY STAFF:
1. Ms. Hudson – The application before you is a change to the existing PUD and the Land Use and Transportation Plan. The proposed Land Use change would bring it all into Office designation. The existing zoning is PUD, and they have requested to change the northern portion, which was previously proposed for residential use, to office use. This property is buffered very well from residential areas. There is an existing Tickets Unlimited office to the south. 36th Avenue N.W. abuts the property on the west. Staff supports both requests. The applicant's representative is present.

PRESENTATION BY THE APPLICANT:
1. Sean Rieger, 136 Thompson Drive, representing the applicant – There are no protests on this. Staff completely supports. At Pre-Development there was only one neighbor present. It was Council member candidate Jacqui Farley, who lives right behind this. She said she thought it was odd when this was approved with residential in the plan. The only change is to take the northern end and change it to office, so that the entire development is office uses. That is what the market has brought to this development. There has been no energy of any kind to make this high density residential, and now all the high density residential happening just north of this has really taken any hope of any market for that away. It has started out well as an office development. The problem was the existing PUD as it was written and approved, which governs the site, does not allow the northern end to be office. The only reason we're here tonight is to change the PUD. We went through the existing PUD and struck out everything that was residential and simply put in office. The next building planned for the site is a continuation of the single-story office structure that has started with Tickets Unlimited. I'd be happy to answer any questions

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Dave Boeck moved to recommend approval of Resolution No. R-1213-9 and Ordinance No. O-1213-2 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, Cindy Gordon, Tom Knotts, Andy Sherrer
NAYES	None
ABSENT	Diana Hartley, Curtis McCarty, Roberta Pailes, Chris Lewis

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1213-9 and Ordinance No. O-1213-2 to the City Council passed by a vote of 5-0.

* * *

City of Norman, OK

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

Master

File Number: O-1213-5

File ID:	O-1213-5	**Type:**	Ordinance	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 8	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	07/17/2012
File Name:	O-1213-5 CCFI Rezone			**Final Action:**	

Title: CONSIDERATION OF ORDINANCE NO. O-1213-5 UPON FIRST READING BY TITLE: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 2 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE O-1, OFFICE-INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR A CHILD CARE CENTER, AND REMOVE THE SAME FROM THE R-2, TWO-FAMILY DWELLING DISTRICT WITH SPECIAL USE FOR A CHURCH; OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF EUFAULA STREET FROM STEWART AVENUE TO THE FIRST LOT EAST OF CARTER AVENUE AND ON THE SOUTHEAST CORNER OF STEWART AVENUE AND EUFAULA STREET.

ACTION NEEDED: Motion to Introduce and adopt Ordinance No. O-1213-5 upon First Reading by title.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 8

Attachments: Text File O-1213-5, O-1213-5 CCFI Rezone, CCFI_Location Map, Staff Report CCFI, CCFI - Immanuel Baptist Letter, Predevelopment CCFI, Greenbelt Comments CCFI, CCFI GES, CCFI Flyer, 8-9-12 PC Minutes - CCFI

Project Manager: Jane Hudson, Current Planning Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Ver-sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	08/09/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council					
1	Planning Commission	08/09/2012					

Text of Legislative File O-1213-5

Body

BACKGROUND: The applicant, Center for Children and Families, Inc. (CCFI), a counseling center for children and families, is proposing to rezone the above noted properties to O-1, Office-Institutional, with Special Use for Child Care. The total area of all four parcels included in this rezoning request is approximately 2.19 acres. Currently, the Norman 2025 Land Use and Transportation Plan designation is mixed, consisting of both Low Density Residential and Institutional designations. The applicant has a companion request for a 2025 Land Use and Transportation Plan change to designate all the properties included in this proposal as Institutional.

ANALYSIS:

USE: The proposal for this rezoning request includes several buildings and a parking lot on four different parcels for the use as a counseling center for children and their families. There will be on-site counseling services, play activities and other therapeutic play areas and activities conducive to the counseling services needed for each client.

DESIGN: The applicant has not proposed any changes to the design of the existing facilities at this time; the applicant stated the facilities have adequate room for the needs of their organization. However, they do plan to move or demolish the house located at the northeast corner of Eufaula Street and Stewart Avenue where they may construct a "therapeutic playground" for their clients at some point in the future.

PARKING: The existing parking is adequate for this proposal. There are two parking areas available to this facility: one along Carter Avenue and one on Eufaula Street.

OTHER AGENCY COMMENTS:

PARKS BOARD: Parkland dedication is not required for this proposal.

PUBLIC WORKS AND UTILITIES: There will be no additional requirements from Public Works or Utilities.

STAFF RECOMMENDATION: The applicants do not view their services as a childcare/daycare based facility. However, the application for Special Use for Child Care Center is simply an anticipatory measure to cover the bases in the event any of the current or future children's activities and counseling services could be viewed as childcare/daycare related. The proposal for CCFI to be

located at this site creates no additional impacts on the neighborhood. Staff can support this rezoning and special use request and recommends approval. The Planning Commission, at their meeting of August 9, 2012, by a vote of 5-0, recommended approval of Ordinance No. O-1213-5.

O-1213-5

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE O-1, OFFICE-INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR A CHILD CARE CENTER, AND REMOVE THE SAME FROM THE R-2, TWO-FAMILY DWELLING DISTRICT WITH SPECIAL USE FOR A CHURCH, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF EUFAULA STREET FROM STEWART AVENUE TO THE FIRST LOT EAST OF CARTER AVENUE AND ON THE SOUTHEAST CORNER OF STEWART AVENUE AND EUFAULA STREET)

§ 1. WHEREAS, Center for Children and Families, Inc., the owner of the hereinafter described property, has made application to have said property placed in the O-1, Office-Institutional District, and to have the same removed from the R-2, Two-Family Dwelling District with Special Use for a Church; and

§ 2. WHEREAS, the applicant has requested a Special Use for a Child Care Center; 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 Special Use; 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 and Special Use.

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 O-1, Office-Institutional District with Special Use for a Child Care Center and to have the same removed from the R-2, Two-Family Dwelling District with Special Use for a Church, to wit:

Part of the SE/4 of Section 29, T9N, R2W of the Indian Meridian, Cleveland County, Oklahoma beginning 687.5 feet South of the NW/C;
THENCE South 88.53 feet;
THENCE East 164.53 feet;
THENCE North 188.53 feet;
THENCE West 1654.53 feet to the POINT OF BEGINNING.

Said described tract contains roughly 0.71 acres;

AND,

Lots 17 through 29, and the Southerly 85 feet of Lots 30 through 32, Block 55, ORIGINAL TOWNSITE OF NORMAN, Cleveland County, Oklahoma, according the recorded plat thereof;

AND

Lots 1, 2, 3, and the West 23 feet of Lot 4, Block 56, ORIGINAL TOWNSITE OF NORMAN, Cleveland County, Oklahoma, according the recorded plat thereof.

The total area is roughly 2.19 acres.

§ 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

June 6, 2012

0 100 200 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-5 | ITEM NO. 9b

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Center for Children and Families, Inc. (CCFI)
REQUESTED ACTION	Rezoning to O-1, Office-Institutional District with Special Use for a Child Care Center
EXISTING ZONING	R-2, Two-Family Dwelling District with a portion of the area designated as Special Use for a Church
SURROUNDING ZONING	North: R-2, Two-Family Dwelling District & R-2, Two-Family Dwelling District with Special Use for a Church East: R-2, Two-Family Dwelling District South: R-2, Two-Family Dwelling District West: R-2, Two-Family Dwelling District
LOCATION	Generally located on the north side of Eufaula Street from Stewart Avenue to the first lots east of Carter Avenue and on the south east corner of Stewart Avenue and Eufaula Street
SIZE	2.19 acres
PROPOSED USE	Institutional – Center for Children and Families (CCFI)
EXISTING LAND USE	Church
SURROUNDING LAND USE	North: Residential East: Residential South: Residential West: Parkland
LAND USE PLAN DESIGNATION	Institutional and Low Density Residential
Growth Area Designation	Current Urban Service Area

SYNOPSIS: The applicant, Center for Children and Families, Inc. (CCFI), a counseling center for children and families, is proposing to rezone the above noted properties to O-1, Office-Institutional, with Special Use for Child Care. The total area of all four parcels included in this request is approximately 2.19 acres. Currently, the Norman 2025 Land Use and Transportation Plan designation is mixed, consisting of both Low Density Residential and Institutional designations. At present, these parcels are under the ownership of Immanuel Baptist Church but the site is vacant as Immanuel has relocated to a new site. The applicant has a companion request for a 2025 Land Use and Transportation Plan change to designate all the properties included in this proposal as Institutional.

ANALYSIS:

USE: The proposal for this rezoning request includes several buildings and a parking lot on four different parcels for the use as a counseling center for children and their families. There will be on-site counseling services, play activities and other therapeutic play areas and activities conducive to the counseling services needed for each client.

DESIGN: The applicant has not proposed any changes to the design of the existing facilities at this time; the applicant stated the facilities have adequate room for the needs of their organization. However, they do plan to move or demolish the house located at the northeast corner of Eufaula Street and Stewart Avenue where they will build a "therapeutic playground" for their clients.

PARKING: The existing parking is adequate for this proposal.

OTHER AGENCY COMMENTS:

PARKS BOARD: Parkland dedication is not required for this proposal.

PUBLIC WORKS AND UTILITIES: There will be no additional requirements from Public Works or Utilities.

STAFF RECOMMENDATION: The applicants do not view their services as a childcare/daycare based facility. However, the application for Special Use for Child Care Center is simply an anticipatory measure to cover the bases in the event any of the current or future children's activities and counseling services could be viewed as childcare/daycare related. The proposal for CCFI to be located at this site creates no additional impacts on the neighborhood. Staff can support this rezoning and special use request and recommends approval.

IMMANUEL
God with Us

May 31, 2012

City of Norman
Planning Department

We are aware of the pending zoning application in front of the City of Norman, as applied for by the Center for Children and Families (CCFI). We are the current property owners of the subject property being requested for re-zoning. We have a contract for sale with CCFI, subject to a successful re-zoning for the uses needed by CCFI. We are highly supportive of the proposed re-zoning and we believe that CCFI will be a great new addition to the neighborhood. Please approve of this re-zoning request. Thank you for your consideration.

Sincerely,

Ken Huddleston, Pastor

Immanuel Baptist Church ✦ 210 S. Cockrel ✦ Norman, Ok 73071
405-321-3545 ✦ fax: 405-321-8517 ✦ www.ibcnorman.org

City of Norman Predevelopment **June 28, 2012**

Applicant	Center for Children and Families, Inc.
Location	Generally located at 701, 702, 703, 706, 711, 715, 719 East Eufaula; 210 S. Cockrel 223 S. Carter
Case Number	PD 12-22
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Sean Rieger	Applicant Representative	136 Thompson Dr. Norman	329-6070
Mackenzie Britt	Applicant	632 E Boyd St.	230-0975
Jennifer Newell	Applicant	400 Daybreak Dr.	620-4294
Erin Barnhart	Applicant	2616 Lauriston Dr.	292-1476
Emily Claude	Applicant	2417 Camelia Street	694-9914
Joan Hohnson	Applicant	1521 Davinbrook Dr.	255-2452
Jean Parker	Interested Party	1899 Saddleback Dr.	701-5015
Jim Adair	Interested Party	111 N. Peters	321-8984
Ken Danner	City Staff – Public Works Department		366-5458
Jane Hudson	City Staff – Planning Department		366-5344

Application Summary The applicant is submitting a request for rezoning of an existing property from R-2 to O-1, a request for Special Use for a child care center and a change to the Norman 2025 Land Use and Transportation Plan from Low Density Residential to institutional in order to permit the relocation of the Center for Children and Families, CCFI, to this site.

Applicant's Opportunity Center for Children and Families, (CCFI) has been working with children and families for over four decades. The CCFI family is in need of a new space to serve children and families in our community and to expand our services in ways that are not possible in our current location. CCFI's goal is to have all our services under one roof. We believe CCFI's commitment to a high quality, safe and peaceful environment will be

consistent with the neighborhood's desire for a quiet, well maintained, family and child-friendly neighbor.

Neighbors Comments/Questions Will the center be purchasing other property in the neighborhood?

Response At this time we have no plans for purchasing additional property.

Neighbors Comments/Questions There are existing problems with drainage/run-off on adjacent properties, will your development be expanding? .

Response We only plan to accommodate interior remodeling of the buildings.

GBC 12-19

Applicant: CCFI, Inc
Location: Generally located on the north and south sides of Eufaula Street between Stewart Avenue and Carter Avenue, and the northeast corner of Eufaula Street and Carter Avenue.
Proposal: Rezone to O-1 Office-Institutional District and Land Use Amendment to Institutional

Greenbelt Commission Final Comments - GBC 12-19
Meeting of June 18, 2012

The Greenbelt Commission was unable to convene their meeting on June 18, 2012 due to a lack of a quorum; therefore, no comments are forwarded.

Pre-Development Case No. PD 12-22 **Greenbelt Case No.** GBC 12-19

Date: 2 June 2012

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: **CCFI, Inc.** Date: **6-2-12**
Contact Person: **Sean Rieger, Atty for Applicant**
Telephone/Fax/Email: **ph-329-6070 / fx-329-7103 / email – sp@riegerllc.com**

Name of Development: **Center for Children and Families, Inc.**
Area (Acres): **Total site being rezoned is roughly 2.19 acres**

General Location: **The following properties:**

- **701, 702, 703, 711, 715, 719 East Eufaula, Norman, OK**
- **210 S. Cockrel, Norman, OK**
- **223 S. Carter, Norman, OK**

Type of Development: (please check) Residential ___ Commercial _X_ Industrial___ Other __

1. Briefly explain the kind of development, types of buildings/uses, or character of your proposal.
   This proposal is brought forth with the request to change the current zoning from R-2 to O-1 Office-Institutional District in order to allow for a relocation of the Center for Children and Families, CCFI, to this site. There are no planned changes to the exterior of the properties. The existing use of the properties are for a church that is selling the facility to CCFI.

2. Does your proposed development or project incorporate open space(s)?
   Yes _X_ No ____ **(to the extent existing on the already built out properties)**

   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:	____ Yes	_X_ No	____Public	____ Private
Parking Lot Landscape:	_X_ Yes	____ No	____Public	_X_ Private
Floodplain/Creek:	____ Yes	_X_ No	____Public	____ Private

Other _____

If the above noted areas are accessible via some other arrangement please explain.

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

Public Sidewalks (4-5' wide)	_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.)
   - **Jefferson Elementary**
   - **Longfellow Middle School**
   - **Downtown Norman commercial area**

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.)
   - **This development is already platted and already built out as an existing church. CCFI proposes no changes or additions to the exterior areas of the properties, as this is merely a rezoning request for the usage of the existing property.**

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_____

   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.)

   - **This project presents no opportunity to add or detract from the City of Norman proposed Greenbelt System.**
   - **This development is already platted and already built out as an existing church. CCFI proposes no changes or additions to the exterior areas of the properties, as this is merely a rezoning request for the usage of the existing property.**

Signature of Applicant or Contact Person: _____

Sean Rieger, Atty for Applicant

GREENBELT COMMISSION COMMENTS AND SUGGESTIONS ABOUT PROPOSED DEVELOPMENT AS SUBMITTED FOR PLANNING COMMISSION AND CITY COUNCIL CONSIDERATION (MAY ATTACH AS SEPARATE SHEET):

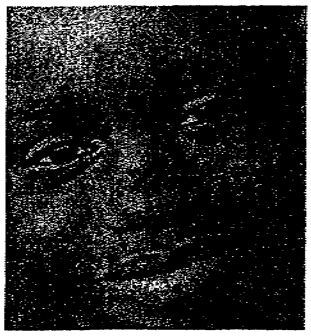
VOTE BY COMMISSION: _____

Proposed New Location for the Center for Children and Families, Inc. (CCFI)

715 E. Eufala - *former Immanuel Baptist Church*

WHY WE WANT TO BE YOUR NEIGHBOR:

CCFI has been improving the lives of children and families for over four decades with great success and without incident. We are in need of a new space to serve children and families in our community and to expand our services in ways that are not possible in our current location. We are committed to offering all the children, youth, and families we serve a nurturing, safe, healthy and supportive environment. This means a beautiful and child/family-friendly entry, safe and well-maintained grounds, and zero tolerance for loitering. We believe CCFI's commitment to a high quality, safe, and peaceful environment will be consistent with the neighborhood's desire for a quiet, well maintained, family and child-friendly neighbor.



WHAT WILL THIS BUILDING DO FOR CHILDREN AND FAMILIES?

- Integrate all CCFI services under one roof to improve client engagement and retention.
- Create space for new partnerships and programs with other non-profits, the schools and community groups.
- Double the number of service hours we can provide to individual clients.
- Expand or create services to include:
  - Art, music and movement therapies
  - Parent education, support groups and classes
  - Out-of-school time youth development and mentoring
  - Computer lab and enrichment space for children and youth
  - Indoor play therapy space for children working on gross motor skills
  - Play therapy wing with a sensory integration room, additional play therapy rooms and counseling/assessment rooms
  - Expanded Baby Pantry that can hold a greater inventory of formula, diapers, and baby food to serve more clients

WHY THIS BUILDING AND LOCATION?

- The building offers more than 25,000 square feet to integrate CCFI services in one place. Currently CCFI uses varied locations of borrowed or leased space throughout the community.
- The building is ideally constructed to accommodate a cost-effective renovation that will meet CCFI's service requirements.
- There is ample outdoor space for an expanded outdoor therapeutic playground.
- It is neighborhood-based. A neighborhood-based center is ideal for supporting and engaging families.
- Located near a public playground that can be used by children in non-therapeutic work supervised by CCFI staff.
- Parking already exists and is ample for CCFI's needs.
- Because we are already there! CCFI already serves families in this neighborhood. This location makes it even easier for children, youth and families to access services.

Center for Children
& Families, Inc.
www.ccfinorman.org

1151 East Main Street, Norman, OK 73071 | 405-364-1420 | 405-364-1433 *fax*

What is the Center for Children and Families, Inc. (CCFI)?

An Exemplary, Community-Based Non-Profit Organization

- **Four decades of service to our community:** For 43 years, the Center for Children and Families, Inc. (CCFI) has been working to improve the lives of children through partnerships with families and communities because every boy and girl deserves to grow up safe, nurtured and loved.
- **Steadfast Commitment to Healthy Families *and* Neighborhoods:** CCFI prides itself on its enduring commitment to providing services that strive to strengthen both families and neighborhoods. After instituting Neighborhood Centers services in the late 1990's, the Wilson/Longfellow and Kennedy/Irving neighborhoods experienced significant declines in juvenile crime and delinquency.
- **An exemplary service and financial track record:** CCFI is well known for providing decades of proven and effective services and for its stellar financial management. CCFI enjoys a successful track record of service delivery and financial audits conducted annually by outside, independent auditors.
- **Qualified Professional Staff and Strong Volunteer Base:** CCFI has a professional staff of 40 people (25 full-time and 15 part-time) who bring 27 masters' degrees, 11 professional licenses, and decades worth of combined experience to their work with children and families. CCFI also receives support from a strong volunteer base. In 2011, 439 volunteers contributed 8,958 hours to the organization.
- **Strong, Active, and Local Leadership:** CCFI is led by an active board of thirty local leaders from all walks of community life. One-hundred percent (100%) of CCFI's Board of Directors provided financial gifts to CCFI in 2011 totaling $16,230 and contributed an additional $1,218 as in-kind donations.
- **Community Partner:** CCFI has been a partner with United Way of Norman for over two decades and works in partnership with over 25 other community-based entities including the City of Norman, Norman Public Schools, Norman Police Department, University of Oklahoma, Firehouse Art Center, Longfellow and Wilson Schools, and the Community After School Program.
- **Financial Stability:** CCFI has a $1.5 million dollar budget that has grown steadily over the years since its inception in 1969. The agency's funding is stable and diverse with over 50% of its revenue from individual donors and private foundations.

Center for Children & Families, Inc.

www.ccfinorman.org

To improve the lives of children through partnerships with families and communities ***because every boy and girl deserves to grow up safe, nurtured, and loved.***

CCFI serves children, youth, and their families (biological, foster, and adoptive) in the following ways:

***Healing** Children*

A range of therapeutic services are provided to children and youth who have suffered from abuse or neglect. CCFI's therapeutic approaches with children involve the entire family - including a child's biological, adoptive or foster parents and other caregivers. Services include children's play therapy, family therapy, and parent support groups.

***Empowering** Youth*

Hundreds of children and youth access weekly out-of-school time opportunities at CCFI's Neighborhood Centers. Neighborhood Centers' afterschool, evening, and summer enrichment opportunities include a low child to adult ratio, one-on-one and gender-specific mentoring, and family-oriented events.

***Strengthening** Families*

CCFI's goal is to help families establish positive, parent-child relationships through a variety of services, including home visits for parents of newborns, support groups for pregnant or parenting teens, support for families struggling with abuse and/or neglect issues, respite child care, classes and support for families dealing with divorce or high conflict, supervised visits and exchanges, and a public Baby Pantry with essential baby care items for families in need.

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

AUGUST 9, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 9th day of August 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building and online at http://www.normanok.gov/content/boards-commissions at least 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 Jim Gasaway Diana Hartley Curtis McCarty Roberta Pailes Chris Lewis Andy Sherrer
MEMBERS ABSENT	Cindy Gordon Tom Knotts

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst Terry Floyd, Development Coordinator

* * *

Item No. 8, being:
CONSIDERATION OF A REQUEST SUBMITTED BY CENTER FOR CHILDREN AND FAMILIES, INC. (CCFI)

8A. RESOLUTION NO. R-1213-25 – CENTER FOR CHILDREN AND FAMILIES, INC. (CCFI) REQUESTS AMENDMENT OF THE NORMAN 2025 LAND USE AND TRANSPORTATION PLAN (LUP-1213-2) FROM LOW DENSITY RESIDENTIAL DESIGNATION TO INSTITUTIONAL DESIGNATION FOR PROPERTY GENERALLY LOCATED AT 701 AND 703 E. EUFAULA STREET.

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

8B. ORDINANCE NO. O-1213-5 – CENTER FOR CHILDREN AND FAMILIES, INC. (CCFI) REQUESTS REZONING FROM R-2, TWO-FAMILY DWELLING DISTRICT WITH SPECIAL USE FOR A CHURCH, TO O-1, OFFICE-INSTITUTIONAL DISTRICT WITH SPECIAL USE FOR A CHILD CARE CENTER, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF EUFAULA STREET FROM STEWART AVENUE TO THE FIRST LOT EAST OF CARTER AVENUE AND ON THE SOUTHEAST CORNER OF STEWART AVENUE AND EUFAULA STREET.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Letter from Immanuel Baptist Church
4. Pre-Development Summary
5. CCFI Information Sheet
6. Greenbelt Commission Comments
7. Greenbelt Enhancement Statement

PRESENTATION BY STAFF:
1. Ms. Hudson – The first application is for a Land Use and Transportation Plan change from Low-Density Residential to Institutional designation. This only includes two lots. The other area is already designated as Institutional. Staff does support this request and feels that this is a minor change to the existing area. The next application is for the rezoning from R-2 with Special Use for a Church to Office Institutional. That includes the entire hatched area on the location map. There is a parking area to the east, residential to the south, and a park to the west. Staff also recommends approval of this request. The applicant's representative is here to answer questions and make a presentation.

PRESENTATION BY THE APPLICANT:
1. Sean Rieger, representing the applicant – It is my great honor tonight to stand before you in the representation of CCFI, one of Norman's most laudable and premier non-profit organizations. They have been here for over 40 years. They do incredible work for our community and this is an exciting moment for them to move on to a new facility that they're poised to take over and move to. They do need a zoning change to do that. I want to highlight a couple points, and then I want Ms. Fitzgerald to come up and talk to you very briefly about CCFI. First, I do want to note, as Ms. Hudson said, the 2025 Plan change is really only very minor. It is already Institutional for all of this site except for a small corner of it. That is really a very minor change. The second thing I want to note is, if you looked at 2025, you can see part of it almost shows that there is open space shown into the site. I wanted to show you for sure that the floodplain does not encroach into this site. You see the blue floodplain right there; this is straight off the City's GIS map. I just want there to be no confusion here; we're not asking you to rezone any property that's in the floodplain. Our property is entirely outside of that floodplain. The site is already developed. There really are no significant changes planned for this site. They do plan on completely remodeling the interior, and they may level a building or two and basically rebuild it in the same footprint if those buildings are not able to be reused – if it's more cost efficient to level and rebuild on the same footprint, they will do that. One of these buildings over

here they may level and increase some open space for playground. But those plans will further develop as their fund-raising goes forward, so it would be a little bit premature for me to lay that down in stone for you tonight. Not that it is particularly relevant for a zoning item, but that is the proposed remodeling of the interior -- a very nice plan that will accommodate them for a long time and really give them a space to help our community in great detail. This is a very non-controversial item. Staff highly supports it and notes that it's a minor change. They actually cite that the traffic impact will be lesser than it is now. Pre-Development went very well and I don't think we have anybody protesting tonight. With that being said, if you will indulge me, Mr. Chairman, I would like to have Ms. Katie Fitzgerald come up and tell you about CCFI's great work.

2. Katie Fitzgerald, 1151 E. Main Street – The Center for Children and Families does three basic things. As Sean said, we've been around for 43 years. We provide therapeutic support to children who have been abused and neglected and their families, and we do that under our healing children rubric. We have had a 37% increase in the number of children we've been serving just in the last year, which is part of why we're looking to find new space. We're really trapped in our current space with three play-therapy rooms. If we had, as our renovation plan calls for, at least five play-therapy rooms plus some sensory integration capability, we quite literally could be expanding the number of children we serve in our community, where abuse and neglect confirmations have increased, without increasing our staff capacity. So we have the staff; we have the ability. We don't have the space. So that's our healing children work. The second body of work we do is what we call strengthening families, and we're doing a whole variety of services in that area, from divorce visitation arbitration services. We are in relationship with the court system here in Cleveland County and we provide divorce services for every couple who is going through divorce in our county and who has minor children in their family. Some of those services are very basic, and some really require a lot more intensive work with families in high conflict, so those are supervised visits, exchanges, classes, that sort of thing. We're working with parents and families who have experienced challenges in their parenting and parenting classes in this area of strengthening families. We do home visitation services throughout Cleveland County. So that wouldn't take place at the site, but we have our staff there, and we do over 800 home visits a year in the county with parents who have had newborns in our community. Another important area in strengthening families is our teen parenting services, so we're working with Moore Public Schools and Norman Public Schools in our teen parenting work. So those are some of the things we do to strengthen families. Most of the classes that we do on a weekly basis in our community take place in churches around the community and other facilities, because we don't have the space to offer those services in our facility. So we lease currently 9,000 square feet and we use, in any given week, up to 30,000 square feet total for our services. So we really have a need to try to integrate services into one facility for our families. And then the last thing we do is what we call our empower youth area, so we're working with over 550 children and youth in Norman – not Cleveland County, but specifically in Norman – children and youth and families in this neighborhood who come and participate in out of school time services weekly – Monday through Thursdays – on weekends, over the summer in a six-week intensive summer camp, and this plan and this facility – again, we do all those services in borrowed space. The Norman Public Schools are a fantastic partner, but because of all the demands on the schools for space, we're really relegated to a few hours of time. And, again, we've got the staff to work with children in our community from 3 in the afternoon to 8 if we had the space to do services. The Board of Directors has decided that it's the time in our organization and we believe we have the community support to make this transition and to make our services more available for families. I'll take any questions you have.

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend approval of Resolution No. R-1213-25 and Ordinance No. O-1213-5 to the City Council. Curtis McCarty seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend approval of Resolution No. R-1213-25 and Ordinance No. O-1213-5 to the City Council passed by a vote of 7-0.

* * *

City of Norman, OK

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

Master

File Number: R-1213-6

File ID:	R-1213-6	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 9	**In Control:**	City Council
Department:	Finance Department	**Cost:**		**File Created:**	08/13/2012
File Name:	Finance Director's Investment Report July 31, 2012			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE FINANCE DIRECTOR'S INVESTMENT REPORT AS OF JULY 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: 08/28/2012

Agenda Number: 9

Attachments: Finance Director's Investment Report

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 R-1213-6

DATE: 03-Aug-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 FYE13	MONTHLY INTEREST EARNINGS July 2012	MONTHLY % INCREASE (DECREASE)	MONTHLY % OF PORTFOLIO HOLDINGS	ANNUAL BUDGETED INTEREST EARNINGS FYE13-YTD	INTEREST EARNINGS YTD FYE13	YTD % INCREASE (DECREASE)	YTD % PORTFOLIO HOLDINGS
GENERAL FUND	$8,583	$1,923	-77.59%	4.48%	$8,583	$1,923	-77.59%	4.48%
NET REVENUE STABILIZATION	N/A	$668	0.00%	1.56%	$0	$668	100.00%	1.56%
PUBLIC SAFETY SALES TAX FUND	N/A	$4,278	100.00%	9.97%	N/A	$4,278	100.00%	9.97%
ROOM TAX FUND	$250	$97	-61.24%	0.23%	$250	$97	-61.24%	0.23%
CAPITAL PROJECTS FUND	$12,500	$8,256	-33.95%	19.25%	$12,500	$8,256	-33.95%	19.25%
SINKING FUND	$2,083	$2,247	7.87%	5.24%	$2,083	$2,247	7.87%	5.24%
G.O. BOND FUND	$167	$94	-43.46%	0.22%	$167	$94	-43.46%	0.22%
WESTWOOD FUND	$625	$41	-93.52%	0.09%	$625	$41	-93.52%	0.09%
WATER FUND	$10,000	$8,621	-13.79%	20.10%	$10,000	$8,621	-13.79%	20.10%
WASTEWATER FUND	$8,333	$3,474	-58.31%	8.10%	$8,333	$3,474	-58.31%	8.10%
DEVELOPMENT EXCISE	$16,667	$6,507	-60.96%	15.17%	$16,667	$6,507	-60.96%	15.17%
SEWER SALES TAX	$5,000	$3,459	-30.82%	8.07%	$5,000	$3,459	-30.82%	8.07%
SANITATION FUND	$2,500	$822	-67.11%	1.92%	$2,500	$822	-67.11%	1.92%
PARKLAND FUND	$1,250	$627	-49.85%	1.46%	$1,250	$627	-49.85%	1.46%
TRUST & AGENCY FUNDS	N/A	$3	100.00%	0.01%	N/A	$3	100.00%	0.01%
TAX INCREMENT DISTRICT	$1,701	$1,025	100.00%	2.39%	$1,701	$1,025	100.00%	2.39%
SPECIAL GRANTS FUND	N/A	$382	100.00%	0.89%	N/A	$382	100.00%	0.89%
CLEET FUND	N/A	$13	100.00%	0.03%	N/A	$13	100.00%	0.03%
HOUSING	N/A	$0	100.00%	0.00%	N/A		100.00%	0.00%
SITE IMPROVEMENT FUND	N/A	$20	100.00%	0.05%	N/A	$20	100.00%	0.05%
ARTERIAL ROAD FUND	N/A	$212	100.00%	0.49%	N/A	$212	100.00%	0.49%
SEIZURES	$42	$119	184.42%	0.28%	$42	$119	184.42%	0.28%
	$69,701	$42,887	-38.47%	100.00%	$69,701	42,887	-38.47%	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 $140.36 million as of 07/31/12are represented by working capital cash balances of all City funds of approximately $ 72.70 million, outstanding encumbrances of $27.26 million, General Obligation Bond proceeds of $21.66, NUA revenue bond proceeds of $8.97 million, NMA bond proceeds of $3.9 million, and UNP TIF reserve amounts of $5.87 million.

INVESTMENT BY TYPE

July 31, 2012

LIST BY TYPE	SEC. NO.	PURCHASED	MATURITY	YIELD	EARNED INTEREST	COST	MARKET
**Checking							
BANK OF AMERICA	GEN'L DEP.			0.25%	$513.62	$1,976,772.33	$1,976,772.33
BANK OF OKLAHOMA	GEN'L DEP.				$0.00	$25,594,276.71	
BANK OF AMERICA	WARRANTS PAYABLE				$0.00		($1,017,162.79)
BANK OF OKLAHOMA	WARRANTS PAYABLE					($1,017,162.79)	
BANK OF AMERICA	PAYROLL				$0.00		($5,888,965.99)
BANK OF OKLAHOMA	PAYROLL					($5,888,965.99)	
BANK OF AMERICA	COURT BOND REFUNDS				$0.00		$475,135.61
BANK OF OKLAHOMA	COURT BOND REFUNDS					$475,135.61	
BANK OF AMERICA	INSURANCE CLAIMS				$0.00		($113,594.07)
BANK OF OKLAHOMA	INSURANCE CLAIMS					($113,594.07)	
**Subtotal					$513.62	$21,026,461.80	($4,567,814.91)
**Money Market							
BANCFIRST-NUA	MONEY MKT.			0.01%	$3.04	$825,993.39	$825,993.39
BANCFIRST-NMA Sanitat.	MONEY MKT.			0.01%	$30.35	$3,646,672.92	$3,646,672.92
BANCFIRST-NMA Golf	MONEY MKT.			0.01%	$1.06	$253,878.58	$253,878.58
BANCFIRST-NUA Water	MONEY MKT.			0.01%	$40.93	$8,145,129.14	$8,145,129.14
Bank of Oklahoma UNP TIF	MONEY MKT.			0.01%	$48.57	$5,339,356.28	$5,339,356.28
REPUBLIC BANK UNP TIF	MONEY MKT.			0.40%	$178.66	$526,091.27	$526,091.27
FIRST FIDELITY	MONEY MKT.			0.25%	$39.44	$0.00	$0.00
BANK OF AMERICA	MONEY MKT.			0.01%	$3.19	$0.00	$0.00
BANK OF OKLAHOMA	MONEY MKT.			0.00%	$0.00	$473,091.61	$473,091.61
BANK OF AMERICA	MONEY MKT.			0.18%	$3.93	$0.00	$0.00
BANK OF OKLAHOMA	MONEY MKT.			0.00%	$0.00	$620,736.85	$620,736.85
BANK OF OKLAHOMA-Clean Wtr	MONEY MKT.			0.00%	$0.00	($32.30)	($32.30)
BANK OF OKLAHOMA- 2008A	MONEY MKT.			0.00%	$0.00	$728,357.98	$728,357.98
BANK OF OKLAHOMA-2008B	MONEY MKT.			0.00%	$0.00	$1,251,206.64	$1,251,206.64
BANK OF OKLAHOMA-2010	MONEY MKT.			0.00%	$0.00	$1,283,194.81	$1,283,194.81
BANK OF OKLAHOMA-2012A	MONEY MKT.			0.00%	$0.00	$278,732.78	$278,732.78
BANK OF OKLAHOMA-2012B	MONEY MKT.			0.00%	$0.00	$15,086,716.41	$15,086,716.41
BANK OF OKLAHOMA-2012C	MONEY MKT.			0.00%	$0.00	$3,033,466.35	$3,033,466.35
**Subtotal					$349.17	$41,492,592.71	$41,492,592.71
**Sweep/Overnight							
JP MORGAN	SHORT TERM			0.00%	$0.00	$10,994,964.95	$10,994,964.95
**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							
FNMA	313359MNU3	11/30/10	08/01/12	0.73%	4,215.48	0.00	$0.00
FFCB	31331G2R9	03/31/10	12/07/12	1.58%	131.66	100,000.00	$100,602.00
US T-Note	912828MN7	05/20/11	02/15/13	0.48%	2,833.72	7,500,000.00	$7,548,600.00
FFCB	31331JBV4	06/30/11	02/21/13	0.49%	762.12	2,000,000.00	$2,016,020.00
FHLMC	312SX1EJ2	12/31/09	05/22/13	2.08%	3,534.60	2,000,000.00	$2,064,840.00
FHLB	3133XYHD0	07/22/10	06/14/13	1.05%	3,484.75	4,000,000.00	$4,048,640.00
FFCB	31331KET3	05/20/11	09/23/13	0.80%	3,314.66	5,000,000.00	$5,042,300.00
FHLB	313376UFO	03/30/12	01/29/14	0.38%	1,322.70	7,500,000.00	$7,509,525.00
FAMCA	31315PSG5	09/29/11	03/14/14	1.50%	900.18	2,000,000.00	$2,038,720.00
US T-Note	912828KV1	06/30/11	05/31/14	0.76%	2,157.23	3,500,000.00	$3,628,240.00
FNMA	31398A3G5	08/31/11	09/08/14	1.50%	1,264.95	3,000,000.00	$3,064,470.00
FNMA	3136FPEW3	03/30/12	12/16/14	1.50%	450.89	1,000,000.00	$1,018,850.00
FFCB	3133EANJ3	05/31/12	05/01/15	0.50%	2,246.84	5,500,000.00	$5,511,330.00
FNMA	3135G0LN1	05/31/12	07/02/15	0.50%	2,672.52	5,500,000.00	$5,511,715.00
FNMA	3136FPAB3	11/30/11	08/18/15	0.96%	2,007.86	2,500,000.00	$2,613,950.00
FNMA	31398A3T7	11/30/11	09/21/15	1.00%	1,675.69	2,000,000.00	$2,095,120.00
FHLB	3133796P9	04/30/12	10/30/15	0.60%	1,822.92	3,500,000.00	$3,511,340.00
FFCB	3133KS92	11/30/11	11/16/15	1.17%	2,440.45	2,500,000.00	$2,505,550.00
FHLB	3133724Y7	04/27/12	12/23/15	1.90%	1,633.99	3,000,000.00	$3,146,490.00
FNMA	3135G0ES8	05/31/12	11/15/16	1.30%	2,952.99	4,250,000.00	$4,366,322.50
**Subtotal					41,826.20	66,350,000.00	$67,342,624.50
TOTAL					42,886.91	140,364,019.46	$115,762,367.25

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-1213-7

File ID:	RPT-1213-7	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 10	**In Control:**	City Council
Department:	City Council Finance Committee	**Cost:**		**File Created:**	08/13/2012
File Name:	Monthly Dept Report July, 2012			**Final Action:**	

Title: SUBMISSION AND ACKNOWLEDGING RECEIPT OF THE MONTHLY DEPARTMENTAL REPORTS FOR THE MONTH OF JULY, 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: 08/28/2012

Agenda Number: 10

Attachments:

Project Manager: Carol Coles, Administrative Center

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-1213-7

City of Norman, OK

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

Master

File Number: RPT-1213-6

File ID:	RPT-1213-6	**Type:**	Communication or Report	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 11	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$1,000.00	**File Created:**	08/07/2012
File Name:	City's Own Risk Application			**Final Action:**	

Title: CONSIDERATION OF THE CITY'S APPLICATION FOR PERMISSION TO CARRY ITS OWN RISK WITHOUT WORKERS' COMPENSATION INSURANCE.

ACTION NEEDED: Motion to approve or reject the application; and, if approved, authorize the execution thereof and direct submission of the application to the Workers' Compensation Court Administrator for review and payment in the amount of $1,000.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 11

Attachments: Text File Own Risk, 2013 Application.PDF

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 RPT-1213-6

Body

BACKGROUND: Title 85 of Oklahoma Statutes requires the City, as an employer, to provide Workers' Compensation to its employees who are injured on the job. Workers' Compensation can be provided by buying private workers' compensation insurance, applying for coverage under a state run insurance plan (now CompSource), or carrying its own risk as a self insured employer.

The City has elected to operate as a self insured employer covering its own risk associated with workers' compensation losses at least since 1988. By electing to "self-insure," the City does not purchase insurance from an outside insurance agency but rather pays such claims as they are presented to the City. To make sure funds are available for injured workers when the injuries occur the City

budgets annually for anticipated workers compensation claims.

The decision of previous Councils to self-insure has been strictly a financial decision resulting in cost savings to the City. Over the years, it has been more cost effective for the City to carry its own risk of workers' compensation claims than to buy insurance coverage.

In order to self-insure, it is necessary each year for the City to complete an application to the State of Oklahoma Worker's Compensation Court for permission to be "own risk" (i.e., self insure). The City's current own risk permit will expire on October 31, 2012.

DISCUSSION: Please find included with this Agenda item the City's application for permission to carry its "own risk" (with attachments) that are due to be submitted to the State of Oklahoma Workers' Compensation Court by August 31, 2012. The information contained in the application is designed to help the Workers' Compensation Court Administrator to assess the City's ability, through budgeting of adequate reserves, to financial manage the anticipated workers compensation claims that may be incurred over the permit period. The application asks for similar information that is requested by the Workers' Compensation Court annually. It is anticipated the City's application will be approved by the Workers' Compensation Court Administrator, if the City is authorized to present it by Council.

RECOMMENDATION: It is recommended that the City Council approve this application for submission to the State of Oklahoma Workers' Compensation Court. Staff will be available to answer any questions that Council may have.

The City of
NORMAN

201 West Gray, Bldg. C • P.O. Box 370
Norman, Oklahoma 73069 • 73070

OFFICE OF THE FINANCE DIRECTOR
Phone 405-366-5413
FAX: 405-366-5417

August 29, 2012

Richard Fisher
Director of Insurance
Worker's Compensation Court
1915 North Stiles
Oklahoma City, OK 73105-4918

Dear Mr. Fisher:

Please see the enclosed own risk application for the City of Norman ("City"). The City has budgeted $1,658,400 for Worker's Compensation for fiscal year ending June 30, 2013. Below is a breakdown of some of these accounts:

Worker's Compensation Claim Settlements	$466,000
Worker's Compensation Medical Costs	714,000
Worker's Compensation Weekly Payments	400,000
Administrative Fees for W/C	70,400
Worker's Compensation Patient Mileage	8,000

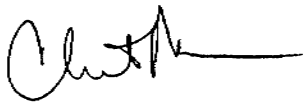
Please find the Comprehensive Annual Financial Report (CAFR) for the fiscal year ended June 30, 2011 and the application check for $1,000 as requested. The CAFR report represents our most current audited financial statements. The CAFR for fiscal year ended June 30, 2012 will not be available until December 31, 2012. Please find our June 30, 2012 preliminary general ledger account information. These figures are preliminary and will change during the audit due to adjustments.

Workers' compensation claims are funded via appropriations as noted above. Awarded settlements are placed on the Cleveland County property tax rolls and collected over three years.

We registered on October 1, 2009 for the Section 111 COBSW and been assigned an RRE ID. Mr. Steve Lewis, City Manager, was designated at the Authorized Representative and I was designated as the Account Manager. At this time we do not have any claimants who would be subject to Section 111 reporting.

If you have any further questions, please contact me at (405) 217-7720. My e-mail address is clint.mercer@normanok.gov.

Sincerely,



Clint Mercer, CPA
Risk Manager

Encl:

FORM 1B

OKLAHOMA WORKERS' COMPENSATION COURT
1915 NORTH STILES AVENUE
OKLAHOMA CITY, OK 73105-4918
(405) 522-8600

EMPLOYERS APPLICATION FOR PERMISSION TO CARRY ITS OWN RISK WITHOUT INSURANCE

To: The Oklahoma Workers' Compensation Court Date August 1, 2012

The undersigned, an employer subject to the provisions of the Workers' Compensation Code, hereby applies for permission to carry its own risk without insurance. To enable the Workers' Compensation Court to determine whether or not the applicant possesses sufficient financial ability to render certain the payment of any award made by the Court, said applicant hereby states the following:

1. Employer's Name City of Norman Own Risk # 10970
2. Employer's Federal Identification Number 73-6005350
3. Home Office Address P.O. Box 370, Norman, Oklahoma 73070
4. Oklahoma principal office address n/a
5. Incorporated or organized under the laws of the State of Oklahoma
6. If foreign corporation, give date licensed to do business in Oklahoma n/a
7. Nature of business Municipal Government
8. General Information on Company:
   a. Years engaged in continuous business 117 years, In Oklahoma since 1895
   b. Payroll in each of the preceding three (3) years:

      Year: '10, $ 62,460,871; Year: '11, $ 62,037,808; Year: '12, $ 64,557,051

      Payroll in Oklahoma in each of the preceding three (3) years:

      Year:____, $____; Year:____, $____; Year:____, $____
   c. Number of employees presently employed 908
      In Oklahoma____
   d. Estimated payroll in Oklahoma for the next twelve (12) months 69,534,406
9. Excess Insurance Information:
   a. Name of carrier n/a Policy #____
   b. Policy dates: Effective____ Expiration____
   c. Under this policy: Self Insured Retention____ Limits of Liability____

Note: A certificate of excess insurance or a valid binder issued by said carrier must be attached to this application. A copy of the policy must follow.

10. Estimated manual premium for your company 1,658,400

11. A. In the section below, state the loss history for the past five (5) calendar years. Copy the requested information from your loss runs (if the hard copy of your loss runs are required you will be notified). **Also include the current year's history, indicating how many months of the current year are included:**

Total incurred losses in Oklahoma (include for all injuries, both open & closed claims)

CY		$ Medical Paid	$ Indemnity Paid	$ Total Paid	$ Total Reserves Outstanding
2012	mo	391,750	162,537	554,287	528,034
2011		329,058	356,763	685,821	234,910
2010		703,223	802,107	1,505,330	408,466
2009		558,621	600,870	1,159,491	105,223
2008		333,916	281,930	615,846	20,000
2007		714,726	1,124,346	1,839,072	118,855

CY		Cases Opened	Cases Reopened	Cases Closed	Death Cases
2012	mo	150	0	120	0
2011		148	0	138	0
2010		209	0	201	0
2009		170	0	166	0
2008		187	0	186	0
2007		151	0	147	0

B. List of Death & PTD Claims for all years of self insurance (use separate sheet if necessary):_____

C. Total Self Insurance Reserves Outstanding: $ 1,534,367
(for all years of self insurance)

Total Self Insured Open Cases: 51
(for all years of self insurance)

12. A. Enclose current audited financial report, including balance sheets, income statements & notes.

B. A governmental entity must provide a definite statement of the amount it has specifically appropriated for workers' compensation claims for the latest and the next fiscal year.

Amount appropriated for current fiscal year 1,658,400
Next fiscal year (if available) _____

13. A. Is the applicant a subsidiary of another employer? No If yes, submit the parent company's financial statements.

B. Does the applicant have subsidiary companies that it wants to include under this permit? No
(attach a list of the names and addresses of ALL entities to be included under this permit, including subdivisions)

C. If you answered yes to either question 13A or 13B, attach a copy of a written agreement whereby the ultimate parent employer guarantees that it will be fully responsible for any liabilities that its subsidiaries may incur under the Oklahoma Workers' Compensation Act.

14. A. Name, address and email address of the company's Third Party Administrator for the servicing of the self insurance claims.

n/a

B. If an approved Third Party Administrator is not employed, please submit qualifications of benefits administrator.

15. In consideration of the approval of this application, the applicant hereby expressly agrees as follows:

A. The applicant's privilege to carry its own risk without insurance may be revoked at any time for good cause by the Administrator of the Workers' Compensation Court.

B. The applicant agrees to comply with all applicable statutes and the rules of the Workers' Compensation Court and the Court Administrator.

Include an annual application fee of **$1,000** as required by law, made payable to the Oklahoma Workers' Compensation Court.

I declare under penalty of perjury that I have examined this application and all statements contained herein, and to the best of my knowledge and belief, they are true, correct and complete.

Signed this 28th Day of August, 2012

Cindy S. Rosenthal, Mayor

Print Name and Title (**note: person signing should be authorized to bind the applicant to the agreements contained herein**)

Signature

P.O. Box 370

Mailing Address

201 West Gray Street, Building C

Street Address, if different from Mailing Address

Norman	OK	73069
City,	State	Zip Code

405-217-7720

Telephone Number

clint.mercer@normanok.gov

E-mail Address

Send application to:

Insurance Department
Oklahoma Workers' Compensation Court
1915 North Stiles Ave.
Oklahoma City, OK 73105-4918

Rev. 2/2012

FORM 7
Send original to
Workers' Compensation Court

WORKERS' COMPENSATION COURT
1915 NORTH STILES
OKLAHOMA CITY, OK 73105-4918

This space for Court Use only

Designation of Service Agent

Pursuant to Workers' Compensation Court Rule 10: When the claimant files a claim for compensation (Form 3, Form 3A or Form 3B), the Court shall mail a file-stamped copy of the claim form bearing the assigned file number to a single service agent of the self-insured employer, group self-insurance association, insurance carrier or CompSource Oklahoma which shall be designated on a Form 7 and filed with the Court. The Court shall send all notices and correspondence to the service agent until an entry of appearance or notice of substitution of attorney is filed pursuant to Rule 7. If no service agent is designated on the Form 7, notices and correspondence shall be sent to:

1. The signatory on the self-insurance application, if the insurer is a self-insured employer;
2. The Administrator of the group self-insurance association, if the insurer is a group self-insurance association;
3. The person designated to receive notice of service of process for an insurer as provided in 36 O.S., Section 621, if the insurer is a foreign or alien insurance carrier;
4. The President and Chief Executive Officer of CompSource Oklahoma, if the insurer is CompSource Oklahoma; or
5. The service agent on file with the Secretary of State, if the insurer is a domestic insurance carrier.

If the employer is uninsured or the Court cannot determine insurance coverage, notices and correspondence shall be sent by certified mail to the employer's last known address.

The following information is required and must be amended whenever a change of service agent is made.

Please check (✓) the appropriate box below

Name of: ☐ Carrier ☐ Self-Insured Employer ☐ Group Self-Insurance Association

clint.mercer@normanok.go
Corporate E-mail

P.O. Box 370	Norman	OK	73070-0370
Home office mailing address:	City	State	Zip

201 West Gray Street, Building C	405-217-7720
Street Address, if different from mailing address:	Phone Number

Designated Service Agent

City of Norman
Name of Individual or Business:

Jeff Bryant, City Attorney	jeff.bryant@normanok.gov
Name of contact person, if the service agent is a business:	E-mail:

P.O. Box 370	Norman	OK	73070-0370
Mailing address:	City	State	Zip

201 West Gray Street, Building C	405-366-5428
Street Address, if different from mailing address:	Phone Number

Signature

Signed this 28th day of August, 2012

I HEREBY CERTIFY THAT THIS DOCUMENT WAS MAILED TO THE WORKERS' COMPENSATION COURT ON:

August 31, 2012

Prepared by Clint Mercer, CPA

Title Cheif Accountant / Risk Manager

10/09

I do hereby certify that the above and foregoing is a true and correct copy of the original order signed by the Judge herein. Witness by my hand and the official seal of this court on this date.

Court Clerk
September 9, 2011

The City of
NORMAN

201 West Gray, Bldg. C • P.O. Box 370
Norman, Oklahoma 73069 • 73070

OFFICE OF THE FINANCE DIRECTOR
Phone 405-366-5413
FAX: 405-366-5417

August 10, 2012

Richard Fisher
Director of Insurance
Worker's Compensation Court
1915 North Stiles
Oklahoma City, OK 73105-4918

RE: Workplace Safety Plan

Dear Mr. Fisher:

Pursuant to your request, the City of Norman's Workplace Safety Plan is as follows:

1. Monthly Safety Meetings

   We conduct monthly safety meetings at each division. The meetings take place within each division's break room and cover topics such as the following:

   Back Injury Prevention
   Crew Safety
   MSDS Right to Know
   CDL Pre-Trip
   Personal Protective Equipment
   Adverse Weather Driving
   How to Back a Truck Safely
   Hot/Cold Weather Injury Prevention
   Eye Safety

2. Orientation Safety Training

   Orientation Safety Training consists of training on preventing injuries and vehicular accidents. All new employees go through this training before reporting to their Departments for work. Subjects include:

   Back Injury Prevention
   Preventing Slips, Trips and Falls
   Preventing Backing Accidents
   MSDS Right to know
   Crew Safety
   Personal Protective Equipment

Vehicle collisions are classified by the Safety Manager as either chargeable (our fault) or non-chargeable. The driver may challenge this finding, and request an Accident Review Committee be convened. At this meeting the driver states his case to his Department Head, and the Department Head determines whether it is chargeable or not.

Currently the City has two Safety Committees who meet regularly. One is a committee comprised of solely Division Heads who meet monthly to "ensure safe work practices, so that we can prevent accidents, injuries and property damage; in order to save money needlessly spend on repairing our people, vehicles and property." The other committee meets quarterly and is comprised from the safety coordinators from each Division. Supervisors, workers, union representatives and other key

management personnel participate in the committee. The City also maintains a comprehensive safety manual.

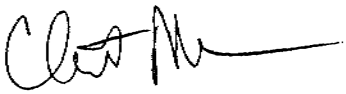
The City has an Employee Assistance Program, which helps employees overcome personal conflicts, drug, or alcohol abuse. The City's Police Department conducts high-speed pursuit driver's training at the Lloyd Noble parking lot as well as the Burns Flat Course on an annual basis. The following is the sequence in which worker's compensation claims originate and are processed:

1. Receive phone call of injury
2. Authorize treatment at the appropriate medical facility (i.e., Norman Regional Hospital for serious injuries or Norman Regional Occupational Health Medicine and Concentra, for routine injuries).
3. Receive a written on-the-job (OJI) report of circumstances from supervisor.
4. Generate Form 2 and send to the Worker's Compensation Court.
5. Open and maintain a file for the injury.
6. Log all medical expenses within Micro Niche database software.
7. Request purchase orders for expenses using purchase requisitions.
8. Transition of the entire file is handed off to the City Attorney's Office once the OJI becomes a Worker's Compensation claim.

The primary City staff responsible for worker's compensation cases is Jeanne Snider, Assistant City Attorney. The primary safety staff member responsible for the safety plan is Larry Heikkila. I am responsible for the risk management duties of the City.

If you have any further questions, please contact me at (405) 217-7720.

Sincerely,



Clint Mercer, CPA
Risk Manager

City of Norman, OK

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

Master

File Number: BID-1213-11

File ID:	BID-1213-11	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 12	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$74,310.00	**File Created:**	08/16/2012
File Name:	Front Load Refuse Containers			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-11 FOR THE PURCHASE OF FIFTEEN (15) 4 CUBIC YARD FRONT-LOAD REFUSE CONTAINERS; FIFTEEN (15) 6 CUBIC YARD FRONT-LOAD REFUSE CONTAINERS; AND SIXTY-FIVE (65) 8 CUBIC YARD FRONT-LOAD REFUSE CONTAINERS FOR THE SANITATION DIVISION.

ACTION NEEDED: Acting as the Norman Municipal Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $74,310 to Roll-Offs USA as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 12

Attachments: Text File Bid 1213-11, Bid Tab Front Load Refuse Containers

Project Manager: Scottie Williams, Sanitation Superintendent

Entered by: karen.kimber@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1213-11

Body

BACKGROUND: On August 2, 2012, bids were opened for the purchase of 15-4 cubic yard containers, 15-6 cubic yard containers, and 65-8 cubic yard containers, (45 to be used by Commercial Operation in the Sanitation Division, and 20 for the Cardboard Recycling Operation). The containers will be used by Norman businesses for the collection of all non-hazardous waste.

DISCUSSION: Proposals for the front-load containers were distributed to three (3) vendors.

Complete bids were received from all three (3) vendors. The low bid was from Wastequip with a total bid of $72,874; however, they did not meet specifications. Specifically: Lids should be double-wall heavy-duty polyurethane; Wastequip uses only single-wall lids. Lift sleeves should be welded to a 3/16" steel backing plate; Wastequip does not provide a backing plate, but welds sleeves directly to the container which causes the sleeves to be very weak. Roll-Offs USA is the next best bidder meeting all specifications with a bid of $74,310.

RECOMMENDATION: Funds are budgeted in the Commercial section for the purchase of front-load containers; and also in the Recycling section for the purchase of front-load recycling containers. It is recommended that Bid No.1213-11 be awarded to Roll-Offs USA in the amount of $74,310. Funding is available in Account Number 033-5562-432.51-08, ($57,270) Commercial Refuse Receptacles; and Account Number 033-5566-432.5108, ($17,040) Recycling Refuse Receptacles.

UTILITIES DEPARTMENT
SANITATION DIVISION

Tabulation of Bids
Front Load Refuse Containers - Bid No. 1213-11
August 2, 2012

SECTION I – 4 CUBIC YARD

BIDDER	QUANTITY	UNIT PRICE	TOTAL PRICE
WASTEQUIP Beeville, TX 78104	15	$509	$ 7,635
ROLL-OFFS USA Durant, OK 74702	**15**	**$559**	**$ 8,385**
CUSTOM MANUFACTURING Oklahoma City, OK 73173	15	$655	$ 9,825

SECTION II– 6 CUBIC YARD

BIDDER	QUANTITY	UNIT PRICE	TOTAL PRICE
WASTEQUIP Beeville, TX 78104	15	$ 692	$10,380
ROLL-OFFS USA Durant, OK 74702	**15**	**$ 703**	**$10,545**
CUSTOM MANUFACTURING Oklahoma City, OK 73173	15	$ 965	$14,475

SECTION III– 8 CUBIC YARD

BIDDER	QUANTITY	UNIT PRICE	TOTAL PRICE
WASTEQUIP Beeville, TX 78104	65	$ 785	$51,025
ROLL-OFFS USA Durant, OK 74702	**65**	**$ 852**	**$55,380**
CUSTOM MANUFACTURING Oklahoma City, OK 73173	65	$1,015	$65,975

BIDDER	**SECTION 1 TOTAL**	**SECTION II TOTAL**	**SECTION III TOTAL**	**TOTAL BID PRICE**
WASTEQUIP	**$7,635**	**$10,380**	**$51,025**	**$72,874 ***
ROLL-OFF USA	**$8,385**	**$10,545**	**$55,380**	**$74,310**
CUSTOM MANUFACTURING	**$9,825**	**$14,475**	**$65,975**	**$90,275**

*** Price includes $3,834 for freight.**

RECOMMENDATION: It is recommended that Roll-Offs USA be approved as the next best bidder that meets all specifications, for the purchase of commercial front-load refuse containers.

City of Norman, OK

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

Master

File Number: BID-1213-18

File ID:	BID-1213-18	**Type:**	Bid	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 13	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$293.00	**File Created:**	08/13/2012
File Name:	Bid for Liquid Aluminum Sulfate for Water Trtmt			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF THE BID NO. 1213-18 FOR THE PURCHASE OF LIQUID ALUMINUM SULFATE FOR THE WATER TREATMENT PLANT.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amount of $293 per dry ton to General Chemical Performance Products, L.L.C., as the lowest and best bidder meeting specifications.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 13

Attachments: Text File Alum Sulfate, Alum Bid TAB.pdf

Project Manager: Chris Mattingly, Water Treatment Plant Superintendent

Entered by: chris.mattingly@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File BID-1213-18

Body

BACKGROUND: Our specifications allow extending bids in one-year intervals with mutual agreement of both parties. In April we made an offer to extend the bid on liquid aluminum sulfate and the offer was accepted by Southwest Chemical Services. Shortly after the extension went into effect, they started having problems with the manufacturer who supplied them. Due to unreliability of delivery we decided to rebid for the remainder of the fiscal year. On August 9, 2012, bids were opened for Bid Number 1213-18 for liquid aluminum sulfate. Funds in the amount of $647,901 have been budgeted in the FYE 2013 Budget Account Number 031-5534-461.31-08 (Water Fund - Water Treatment Plant - Operating Chemicals) for purchase of all treatment chemicals.

DISCUSSION: Specifications for Bid No. 1213-18 - Liquid Aluminum Sulfate were sent to four (4) vendors and two (2) bids were received. The lowest and best bid meeting all specifications was submitted by General Chemical Performance Products LLC in the amount of $293.00 per ton. This compares to a cost of $295.00 per ton from Southwest Chemical Services, a decrease of approximately 0.7%. General Chemical Performance Products has been our supplier for several years in the past and is a reliable, quality vendor.

RECOMMENDATION: Purchases will be made throughout the remainder of FY2013. Bids have been examined by Staff and found to be in order and proper as to form. Based upon the above information, Staff recommends acceptance of the low bid as listed above.

CITY OF NORMAN
Norman, Oklahoma

TABULATION OF BIDS
No. 1213-18
August 9, 2012

The following is a tabulation of bids received by the City of Norman for the FYE 2013 Contract for Liquid Aluminum Sulfate. Purchases will be made throughout the fiscal year as needed. Anticipated usage is approximately 500 to 650 tons annually, equating to approximately $146,500.00 to $190,450.00 at the low bid price. Funds for these purchases are available in Account No. 031-5534-461.31-08 - Operating Chemicals.

FYE 2013 LIQUID ALUMINUM SULFATE

BIDDER	COST PER DRY TON
General Chemical, Parsippany, NJ	$293.00
Altivia, Houston, TX	$296.00
Brenntag Southwest, Inc., Nowata, OK	No response
Univar USA, Inc., Dallas, TX	No response

RECOMMENDATION: That the bid be awarded to General Chemical Performance Products LLC in the amount of $293.00 per dry ton as the lowest and best bidder.

Forwarded By:
Bryan Hapke, Supervisor
Water Treatment Division

City of Norman, OK

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

Master

File Number: K-1213-47

File ID:	K-1213-47	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 14	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	08/13/2012
File Name:	Building A Renovation Phase II			**Final Action:**	

Title: CONSIDERATION AND AWARDING OF BID NO. 1213-20 AND CONTRACT NO. K-1213-47 FOR THE BUILDING A RENOVATION PROJECT, PHASE 2 AND ADOPTION OF RESOLUTION NO. R-1213-33.

ACTION NEEDED: Motion to accept or reject all bids meeting specifications; and, if accepted, award the bid in the amended amount of $77,566 to Sun Construction Services, L.L.C., as the lowest and best bidder meeting specifications; approve Contract No. K-1213-47 and authorize the execution thereof and the Mayor to sign Performance Bond No. B-1213-15, Statutory Bond No. B-1213-16, and Maintenance Bond No. MB-1213-10 contingent upon the City Attorney's approval; and adopt Resolution No. R-1213-33.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 14

Attachments: Text File Building A Phase 2, Bid Tab, K-1213-47, R-1213-33, Requisition

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-1213-47

body

BACKGROUND: Building A on the City Hall campus was constructed in 1978 and currently houses the following two city departments including 61 employees: (1) Planning and Community Development and (2) Public Works. Improvements made to the building since it was originally constructed include roof repair and HVAC replacement. The building does not meet current

accessibility standards of the Americans with Disabilities Act (ADA). In addition, customer service and public meetings are compromised due to a lack of adequate space. Employees are cramped in small working spaces. The original carpet (34 years old) still remains in building. Many of the customers of this building are developers, builders, business and property owners. Regular meetings in the building include Pre-Development, Flood Plain Permit Committee, Greenbelt Commission, Board of Zoning Appeals, Board of Adjustment, Historic District Commission and Reapportionment Commission.

To address these building concerns, the City's FYE 2010 Capital Improvement Program provided funding for a space utilization study. McKinney Partnership Architects, P.C. was the firm selected to perform the building analysis. Mr. Rick McKinney, architect, developed a 9-phase building improvement plan in collaboration with the two city departments and in cooperation with City Building Maintenance Division of the City Clerk's office. The preliminary building design plan has successfully accomplished the following:

ADA compliance of restrooms
ADA compliance of Building A main entrance (south)
Improved customer service and conference center
Enhanced employee space utilization
Better employee security
Replace all carpet

Bid documents and specifications for Building A Improvements Phase 1 were advertised according to State Law. Five (5) potential bidders acquired plans and specifications and four (4) bids were received on February 23, 2012. The low bidder was Sun Construction Company (SCS), of Noble, Oklahoma, in the amount of $217,328.00. City Council approved the contract with Sun Construction Services, LLC on March 27, 2012. Sun Construction began work on the building on April 16, 2012. The Phase 1 work is in the final sections and is expected to be completed in mid September.

The total project budget including the bid from Sun Construction Services, LLC and the owner supplied items required to complete the project was $225,828.00. Funding for this project is being allocated from the City Hall Building A Improvements Construction Account (Account No. 050-9677-419.61-01), Project No. EF0120. The project is 70% complete.

Additional capital funds of $112,500.00 are allocated in the FYE 2013 Capital Improvement Program budget to proceed with Phase 2 of the building remodel. These funds are located in City Hall Building A Improvements Construction Account (Account No. 050-9677-419.61-01), Project No. EF0120. The total funds available in this account for the Phase 1 and Phase 2 remodel is $338,328.00. The unencumbered amount available for additional Building A renovations is $87,881.00.

DISCUSSION: Bid documents and specifications for Building A Improvements Phase 2 were advertised according to State Law. Seven (7) potential bidders acquired plans and specifications and four (4) bids were received on August 17, 2012.

The low bidder is Sun Construction Services, LLC, Noble, Oklahoma, in the amount of $63,420.00,

or approximately $2,788 less than the next lowest bidder.

Staff has done a comparative analysis of these bids and believes the low bid is competitive and represents a fair bid. Sun Construction Services, LLC has successfully completed numerous building projects in Norman in the last ten (10) years and is currently working on the Phase 1 building improvements. The completed work met or exceeded the contract document requirements.

There were two (2) bid alternates listed in the bid documents. These items were separated out from the base bid to insure that the base bid was within the project budget. Add Alternate Number One was the replacement of the four (4) exterior steel doors and hardware at the four corners of the building at a cost of $7,650.00. Replacing these doors and hardware will make the building more secure. Add Alternate Number Two was the installation of four (4) interior glass and aluminum doors at a cost of $6,496.00. These doors will provide security within the building and were recognized by the police department as an effective security measures for staff and citizens. The total cost for both add alternates is $14,146.00.

The total cost for the base bid and the add alternates is $77,566.00. The remaining project budget project is $87,881.00. Funding for this project is being allocated from the City Hall Building A Improvements Construction Account (Account No. 050-9677-419.61-01), Project No. EF0120.

RECOMMENDATION NO. 1: Staff recommends approval of Contract No. K-1213-47 with Add Alternate Numbers One and Two.

RECOMMENDATION NO. 2: Staff further recommends adoption of Resolution No. R-1213-33 granting tax exempt status to Sun Construction.

RECOMMENDATION NO. 3: Staff further recommends that the Mayor be authorized to sign the performance, statutory, and maintenance bonds contingent upon the City Attorney's approval.

BID LIST
CITY OF NORMAN
BUILDING A RENOVATION PROJECT
Contract No. K-1213-47

	CONTRACTOR	CITY/STATE	AMOUNT
	Engineer's Estimate	Norman, OK	**$ 200,800.00**
1	Sun Construction Services, LLC	Noble, OK	$ 63,420.00
2	BNC Construction, LP	Houston, TX	$ 66,209.00
3	Pope Construction	Oklahoma City, OK	$ 75,000.00
4	Colony Construction	Oklahoma City, OK	$ 98,000.00

AIA® Document A101™ – 2007

Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum

AGREEMENT made as of the _____ day of **August** in the year **Two Thousand and Twelve**
(In words, indicate day, month and year.)

BETWEEN the Owner:
(Name, legal status, address and other information)

City of Norman
West Gray, Building A
Norman, Oklahoma 73069
Attn: Mr. Shawn O'Leary, PE, CFM, Director of Public Works

and the Contractor:
(Name, legal status, address and other information)

Sun Construction Services, LLC
1000 South Main Street,
PO Box 1289
Noble, Oklahoma 73068
Attn: Mr. Don Cretsinger

for the following Project:
(Name, location and detailed description)

The City of Norman
Building A Renovation, Phase 2
201 W Gray, Building A
Norman, Oklahoma 73069
Refer to Attachment "A" for Scope Description

The Architect:
(Name, legal status, address and other information)

The McKinney Partnership Architects
3600 West Main, Suite 200
Norman, Oklahoma 73072
Attn: Mr. Richard S. McKinney, Jr., AIA
Mr. Bryan Rainbow

The Owner and Contractor agree as follows.

ADDITIONS AND DELETIONS:
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

AIA Document A201™–2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

Init.
/
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User Notes: (1163096441)

TABLE OF ARTICLES

1 THE CONTRACT DOCUMENTS

2 THE WORK OF THIS CONTRACT

3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

4 CONTRACT SUM

5 PAYMENTS

6 DISPUTE RESOLUTION

7 TERMINATION OR SUSPENSION

8 MISCELLANEOUS PROVISIONS

9 ENUMERATION OF CONTRACT DOCUMENTS

10 INSURANCE AND BONDS

ARTICLE 1 THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

ARTICLE 2 THE WORK OF THIS CONTRACT

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.
(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)

The date of Commencement shall be the date of the Notice to Proceed as issued by the City.

If, prior to the commencement of the Work, the Owner requires time to file mortgages and other security interests, the Owner's time requirement shall be as follows:

§ 3.2 The Contract Time shall be measured from the date of commencement.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than **84 (Eighty-four)** days from the date of commencement, or as follows:
(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)

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User Notes: (1163096441)

Portion of Work	Substantial Completion Date
Phase 2 (A, C, D, E) and any Accepted Add Alternates	**30 days**

, subject to adjustments of this Contract Time as provided in the Contract Documents.
(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)

ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be **Base Bid of Seventy-Seven Thousand Five Hundred Sixty-Six Dollars ($77,566.00), including additional Alternates 1 and 2 (Re: 4.5)**; subject to additions and deductions as provided in the Contract Documents.

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:
(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)

Additional Alternate 1 – Exterior Door Replacement
Additional Alternate 2 – Reception & Permit Glass doors and side lights

§ 4.3 Unit prices, if any:
(Identify and state the unit price; state quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price Per Unit ($0.00)
Refer Attachment "B"	**Refer Attached**	**Refer Attached**

§ 4.4 Allowances included in the Contract Sum, if any:
(Identify allowance and state exclusions, if any, from the allowance price.)

Item	Price

Note: Base bid includes all flooring installation labor (carpet material by Owner).

§ 4.5 Alternates included in the Contract Sum, if any:
(Identify Alternates and state exclusions, if any, from the allowance price.)

Item	Price
Additional Alternate 1	**$7,650.00**
Additional Alternate 2	**$6,496.00**

ARTICLE 5 PAYMENTS

§ 5.1 PROGRESS PAYMENTS

§ 5.1.1 Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

§ 5.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

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User Notes: (1163096441)

§ 5.1.3 Provided that an Application for Payment is received by the Architect not later than the **Twenty-Fifth (25th) day** of a month, the Owner shall make payment of the certified amount to the Contractor not later than the **Thirty (30) days later.** If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than **Forty (40)** days after the Architect receives the Application for Payment. *(Federal, state or local laws may require payment within a certain period of time.)*

§ 5.1.4 Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

§ 5.1.5 Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

§ 5.1.6 Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

.1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of **Ten** percent **(10%)**. Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™–2007, General Conditions of the Contract for Construction;

.2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of **Five** percent **(5 %)**;

.3 Subtract the aggregate of previous payments made by the Owner; and

.4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201–2007.

§ 5.1.7 The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

.1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and

(Paragraphs deleted)

.2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Section 9.10.3 of AIA Document A201–2007.

§ 5.1.9 Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

§ 5.2 FINAL PAYMENT

§ 5.2.1 Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

.1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 12.2.2 of AIA Document A201–2007, and to satisfy other requirements, if any, which extend beyond final payment; and

.2 a final Certificate for Payment has been issued by the Architect.

§ 5.2.2 The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

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User Notes: (1163096441)

ARTICLE 6 DISPUTE RESOLUTION

§ 6.1 INITIAL DECISION MAKER

The Architect will serve as Initial Decision Maker pursuant to Section 15.2 of AIA Document A201–2007, unless the parties appoint below another individual, not a party to this Agreement, to serve as Initial Decision Maker.
(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)

§ 6.2 BINDING DISPUTE RESOLUTION

For any Claim subject to, but not resolved by, mediation pursuant to Section 15.3 of AIA Document A201–2007, the method of binding dispute resolution shall be as follows:
(Check the appropriate box. If the Owner and Contractor do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.)

[ ] Arbitration pursuant to Section 15.4 of AIA Document A201–2007

[X] Litigation in a court of competent jurisdiction

[ ] Other *(Specify)*

ARTICLE 7 TERMINATION OR SUSPENSION

§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201–2007.

§ 7.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201–2007.

ARTICLE 8 MISCELLANEOUS PROVISIONS

§ 8.1 Where reference is made in this Agreement to a provision of AIA Document A201–2007 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.
(Insert rate of interest agreed upon, if any.)

5 percent (5%) **per annum**

§ 8.3 The Owner's representative:
(Name, address and other information)

City of Norman
West Gray, Building A
Norman, Oklahoma 73069
Attn: Mr. Shawn O'Leary, PE, CFM, Director of Public Works

§ 8.4 The Contractor's representative:
(Name, address and other information)

Sun Construction Services, LLC
1000 South Main Street,
PO Box 1289
Noble, Oklahoma 73068
Attn: Mr. Don Cretsinger

Init.

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§ 8.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 8.6 Other provisions:

ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS

§ 9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 9.1.1 The Agreement is this executed AIA Document A101–2007, Standard Form of Agreement Between Owner and Contractor.

§ 9.1.2 The General Conditions are AIA Document A201–2007, General Conditions of the Contract for Construction.

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
Supplementary Conditions	**Supplementary Conditions**	**7/27/12**	**C1-C11**

§ 9.1.4 The Specifications:
(Either list the Specifications here or refer to an exhibit attached to this Agreement.)
Project Manual dated 7/27/12
(Table deleted)
§ 9.1.5 The Drawings:
(Either list the Drawings here or refer to an exhibit attached to this Agreement.)
Project Drawings dated 7/27/12
(Table deleted)
§ 9.1.6 The Addenda, if any:

Number	Date	Pages
#1	**8/10/12**	**6**
#2	**8/16/12**	**3**

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

§ 9.1.7 Additional documents, if any, forming part of the Contract Documents:

.1 AIA Document E201™–2007, Digital Data Protocol Exhibit, if completed by the parties, or the following:

.2 Other documents, if any, listed below:
(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201–2007 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

ARTICLE 10 INSURANCE AND BONDS

The Contractor shall purchase and maintain insurance and provide bonds as set forth in Article 11 of AIA Document A201–2007.

This Contract with City of Norman Contract Number K-1213-47, Sun Construction Services, LLC Bonds shall include:

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(State bonding requirements, if any, and limits of liability for insurance required in Article 11 of AIA Document A201–2007.)

Type of insurance or bond	Limit of liability or bond amount ($ 0.00)
Performance Bond B-1213-15	Per Limits set forth in Project Manual
Statutory Bond B-1213-16	Per Limits set forth in Project Manual
Maintenance Bond MB-1213-10	Per Limits set forth in Project Manual
Employers Liability	Per Limits set forth in Project Manual
Business Auto Liability	Per Limits set forth in Project Manual
General Liability	Per Limits set forth in Project Manual
Umbrella Excess Liability	Per Limits set forth in Project Manual

This Agreement entered into as of the day and year first written above.

Don Cretsinger
CONTRACTOR *(Signature)*

Mr. Don Cretsinger
(Printed name and title)

CITY OF NORMAN:

Approved as to the form and legality this 23 day of August, 2012.

City Attorney

Approved by the Council of the City of Norman this _____ day of _____, 2012.

ATTEST:

City Clerk

Mayor

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7

ATTACHMENT "A"

Phase 2 - Overall Building A Renovation Project Scope / Description:

Building A – Phase 2 consist of three (3) Phases as identified in the Index, Sheet A0.0. Project shall be constructed in phases as to minimize impact on daily operation. Phasing of 2A, 2C and 2D is not required to be done in order of the documents. Contractor will be required to submit a construction schedule based on the 3 phases, and is to be approved by owner.

General scope of work includes but not limited to demolition per plans, new gypsum wall board partitions with acoustical insulation, suspended ceiling work, light relocation, HVAC relocation, door relocation, flooring and rubber base, painting, power and data relocation, millwork cabinets and plumbing. Refer to each project phase scope outline.

Phase 2A – Public Works Scope – BASE BID
General Scope of Work includes, but not limited to, demolition per plan, new (GWB) gypsum wall board partitions with acoustical insulation, laminate tops over existing file cabinets, suspended ceiling work, light relocation, HVAC relocation, door relocation, flooring and rubber base, painting, and power relocation.

Phase 2C – Planning Scope - BASE BID
General Scope of Work includes, but not limited to, demolition per plan, new (GWB) gypsum wall board partitions with acoustical insulation, suspended ceiling work, light relocation, HVAC relocation, door relocation, flooring and rubber base, painting, and power relocation.

Phase 2D – G.I.S. Scope - BASE BID
General Scope of Work includes, but not limited to, demolition per plan, new (GWB) gypsum wall board partitions with acoustical insulation, millwork cabinets, suspended ceiling work, light relocation, plumbing, HVAC relocation, door relocation, flooring and rubber base, painting, and power relocation.

ADD ALTERNATE NUMBER 1 - Bidder agrees to perform all of the work described in the Drawings and Specifications. *General Scope of Work includes but not limited to removal and installation of four (4) new exterior galvanized insulated steel door with all related hardware as noted on Sheet (LS)*

ADD ALTERNATE NUMBER 2- Bidder agrees to perform all of the work described in the Drawings and Specifications. General scope of work includes but not limited to installation *of four (4) interior aluminum doors and sidelites with all related hardware as noted on Drawing Sheet (2E.1)*

ATTACHMENT "B"

CONTRACTORS LIST OF UNIT PRICES

1.01 The following is the list of Unit Prices referenced in the Phase 2 bid submitted by:

1.02 (Bidder) Sun Construction, Inc.

1.03 TO (Owner) City of Norman

1.04 dated 8/17/12 and which is an integral part of the Bid Form.

1.05 The following are Unit Prices for specific portions of the Work as listed, and are applicable to authorized variations from the Contract Documents.

UNIT PRICE LIST

2.01	ITEM DESCRIPTION	UNIT QUANTITY	UNIT VALUE
2.02	Provide and install Ceiling Tile and grid	Per Square Foot	$3.70
2.03	Install Carpet flooring (Material by Owner)	Per Square Foot	$0.72
2.04	Provide and install rubber floor base	Per Lineal Foot	$1.75
2.05	Provide and install standard wall partition	Per Lineal Foot	$37.00
2.06	Paint finish of wall construction- new or existing	Per Square Foot	$0.90
2.07	Paint finish of ceiling construction - new or existing	Per Square Foot	$1.00
2.08	Provide and install new 2 x 4 light fixture	Each	$380.00
2.09	Provide and install new light switch	Each	$92.00
2.10	Provide and install new duplex power outlet	Each	92.00
2.11	Provide and install new data / phone outlet	Each	70.00

2.12 Note: for all items noted above provide a unit cost for a full, complete, code compliant, and functional installation including all required cutting and patching, preparation, accessories, conduits, wiring, etc. as required.

END OF ATTACHMENT "B"

Resolution

R-1213-33

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AUTHORIZING AND APPOINTING SUN CONSTRUCTION SERVICES, L.L.C., AS PROJECT AGENT FOR THE BUILDING A RENOVATION PROJECT, PHASE 2.

§ 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 Sun Construction Services, L.L.C., for the Building A Renovation Project, Phase 2; and

§ 2. WHEREAS, the City of Norman, Oklahoma, in compliance with State law, desires to confer on Sun Construction Services, L.L.C., its special State and Federal sales tax exemptions and in order to achieve such end, finds it necessary to appoint as its direct purchasing agent, Sun Construction Services, L.L.C., to purchase materials which are in fact used for the Building A Renovation Project, Phase 2; and

§ 3. WHEREAS, this limited agent status is conferred with the express understanding that Sun Construction Services, L.L.C., shall appoint employees and subcontractors as subagents who shall be authorized to make purchases on their behalf.

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

§ 4. That the City of Norman, Oklahoma, on the 28th day of August, 2012, did appoint Sun Construction Services, L.L.C., who is involved with the Building A Renovation Project, Phase 2, 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 Building A Renovation Project, Phase 2.

PASSED AND ADOPTED THIS 28th day of August, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

PURCHASE REQUISITION NBR: 0000205226

STATUS: DIVISION APPROVAL

REQUISITION BY: GARY LOWE

REASON: SOFTWARE; SPS MOBILE FIELD INSPECTIONS

DATE: 8/06/12

SHIP TO LOCATION: FIN-INFO SERVICES

SUGGESTED VENDOR: 5180 SUNGARD PUBLIC SECTOR INC

DELIVER BY DATE: 11/01/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	MOBILE FIELD INSPECTIONS: * 10-USER LICENSE AT $20,000 * PROCESSOR LICENSE (BP) AT $20,000 * FIRST YEAR OF MAINTENANCE & SUPPORT AT $8,000 * PROCESS ANALYSIS & PROJECT MANAGEMENT SERVICES (5 DAYS) AT $7,000 * BASE SERVER/SOFTWARE IMPLEMENTATION SERVICES (10 DAYS) AT $14,000 * ON-SITE INSTALLATION & TRAINING SERVICES (3 DAYS) AT $4,200 COMMODITY: COMPUTER SOFTWARE FOR MIC SUBCOMMOD: BUSINESS SOFTWARE, MISC.:	73200.00	DOL	1.0000	73200.00	

REQUISITION TOTAL: 73200.00

ACCOUNT INFORMATION

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01040514245304	Telecommunication Equip. Computer Software		100.00	73200.00
					73200.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

PENDING CITY COUNCIL APPROVAL ON 8/28/12
*
BUDGET TRANSFER OF $73,200 FROM ACCT #
010-4051-424.53-02 TO ACCT # 010-4051-424.53-04
APPROVED BY THE CITY MANAGER VIA EMAIL DATED
8/7/12

City of Norman, OK

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

Master

File Number: GID-1213-13

File ID:	GID-1213-13	**Type:**	Authorization for Purchase	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 15	**In Control:**	City Council
Department:	Public Works Department	**Cost:**	$33,877.58	**File Created:**	08/14/2012
File Name:	Refurbishing Undercarriage of Track Dozer			**Final Action:**	

Title: CONSIDERATION OF AUTHORIZATION TO PAY COSTS NECESSARY TO REFURBISH THE UNDERCARRIAGE OF A TRACK DOZER TO C.L. BOYD IN THE AMOUNT OF $33,877.58 FOR THE STORM WATER DIVISION.

ACTION NEEDED: Motion to approve or reject authorization to pay costs necessary to refurbish the undercarriage of a track dozer to C.L. Boyd in the amount of $33,877.58 for the Storm Water Division.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 15

Attachments: Text File Track Dozer Repairs, C.L. Boyd Quote

Project Manager: Mike White, Fleet Supertindent

Entered by: sharon.hamilton@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-1213-13

Body

BACKGROUND: The FYE 2013 Capital Budget allocates $35,000 for the undercarriage refurbishment of City Unit No. 681. This large construction equipment, with 3,645 hours, is a 1997 Fiat Track Dozer currently used by the Storm Water Division to move large amounts of earth and debris throughout the City of Norman, as needed, and is also used during extreme fire fighting measures to clear areas to create fire breaks. The drive gears and tracks which move this machine have worn to the point at which the equipment has become unusable. Refurbishment of the undercarriage will allow City Unit No. 681 to remain in service for up to ten (10) more years.

DISCUSSION: In accordance with the City of Norman Code of Ordinances, Chapter 8, Section 202, three quotes were obtained from three separate vendors that refurbish and install dozer undercarriages as follows: C.L. Boyd of Oklahoma City, OK; USI Undercarriage Specialists, Inc. of Oklahoma City, OK; and Perfection Truck Parts and Equipment of Oklahoma City, OK, with C.L. Boyd being the lowest and best suited quote.

RECOMMENDATION: It is recommended that the City Council award the bid to C.L. Boyd in the amount of $33,877.58. Funding in the amount of $35,000 is available in Storm Water Service Equipment (010-5022-431.50-08)

CITY OF NORMAN

QUOTE SUMMARY

One (1) Refurbish Dozer Undercarriage

Vendor	Base Quote	Final Cost
C.L. Boyd OKC, OK	$33,877.58	**$33,877.58**
Undercarriage Specialists, Inc. (USI) OKC, OK	$38,486.06	**$38,486.06**
Perfection Truck Parts and Equipment OKC, OK	$45,413.01	**$45,413.01**

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4220 West Reno P.O. Box 26427
Oklahoma City, Oklahoma 73126
Phone (405) 942-8000
Toll Free (800) 652 - 2693

Remit to: PO Box 980084 Oklahoma City OK 73196

Ship To
City of Norman
PO Box 370
Norman, OK 73070

Invoice To
City of Norman
PO Box 370
Norman, OK 73070

CONTACT: Melvin Gore

Branch		
01 - Boyd Okc		
Date	Time	Page
06/22/2012	10:18:23 (O)	1
Account No	Phone No	Invoice No
NORMA001	4052929709	009698
Ship Via	Purchase Order	
	NEED PO	
Sales Tax Exemption No.	Sales Tax Expiration Date	
		Salesperson
		RJP

ESTIMATE EXPIRY DATE: 07/23/2012

SERVICE QUOTE

********* Segment 01 *********

Stock #: Q003307 FIAT ALLIS DOZER MS #: 061666
Make: UC Model: UCALL
Is to have the following work done by 07/23/2012 (Estimated)

R&I COMPLETE UNDERCARRIAGE
>> MACHINE HAS FULL BOTTOM ROCKGUARDS
>> SUBLET LABOR TO WELD BEAD ON BOTTOM ROLLER FLANGES

Part#	Description	Qty	Price	Amount
AT177734	TRACK CHAIN W/O	2	3833.50	7667.00
FT3347	SPKT SEG GRP	2	746.66	1493.32
FT1929	ROLLER GRP S/F	8	328.57	2628.56
FT1930	ROLLER GRP D/F	6	371.42	2228.52

MISCELLANEOUS CHARGES:

Description	Price	Amount
SPROCKET HARDWARE	100.00	100.00
WELD FLANGES ON ROLLERS	1760.00	1760.00

Parts:	14017.40
Labor:	3360.00
Miscellaneous:	1860.00
Subtotal:	19237.40

Authorization: _____

********* Segment 02 *********

PAD CHANGE
SWAP PADS FROM OLD RAILS TO NEW RAILS

MISCELLANEOUS CHARGES:

Description	Price	Amount
TRACK PAD HARDWARE	400.00	400.00

TERMS NET 10th OF MONTH FOLLOWING PURCHASE. A CHARGE OF 1 ½ % PER MONTH (18% PER ANNUM) WILL BE ADDED TO ALL PAST DUE ACCOUNTS. ANY ACCOUNTS PAST DUE WILL BE SUBJECT TO A CASH BASIS ONLY

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RETURN POLICY. ALL CLAIMS AND RETURNED ITEMS MUST BE ACCOMPANIED BY THIS INVOICE AND IN ORIGINAL PACKAGE. CLAIMS FOR SHORTAGE, ERRORS OR IMPERFECTIONS SHOULD BE MADE IN WRITING WITHIN FIVE (5) DAYS AFTER RECEIPT OF GOODS. NY GOODS RETURNED AFTER 15 DAYS FROM DATE OF INVOICE ARE SUBJECT TO 15 % RESTOCKING CHARGES. RETURNED NON-STOCK ITEMS ARE SUBJECT TO ADDITIONAL FREIGHT AND HANDLING CHARGES. RETURN ITEMS PREPAID TO 4220 WEST RENO, OKLAHOMA CITY, OKLAHOMA 73107

179-112-

402-593 1206

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Invoice To:
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Branch		
01 - Boyd Okc		
Date: 06/22/2012	Time: 10:18:23 (O)	Page: 2
Account No: NORMA001	Phone No: 4052929709	Invoice No: 009698
Ship Via:	Purchase Order: NEED PO	
Sales Tax Exemption No:	Sales Tax Expiration Date:	
		Salesperson: RJP

CONTACT: Melvin Gore

ESTIMATE EXPIRY DATE: 07/23/2012

SERVICE QUOTE

Labor:	910.00
Miscellaneous:	400.00
Subtotal:	1310.00

Authorization: _____

******** Segment 03 ********

CHECK R&I FINAL DRIVES FOR SEAL LEAKS
DETERMINE IF FINAL DRIVES ARE LEAKING. RESEAL AND REPAIR AS NEEDED.

Part#	Description	Qty	Price	Amount
75128837	SHIM	4	11.91	47.64
594328	SHIM	4	11.46	45.84
594329	SHIM	4	45.02	180.08
594330	SHIM	4	16.35	65.40
594331	SHIM	4	22.96	91.84
70924143	O RING	2	7.97	15.94
79031757	BEARING	2	381.73	763.46
79031758	BEARING	2	860.30	1720.60
76029105	SEAL	4	91.84	367.36
76052783	BEARING	2	328.56	657.12
24940300	BEARING	2	353.11	706.22
24940310	BEARING	2	1035.76	2071.52
24940320	BEARING	2	347.01	694.02
590851	SEAL	2	56.54	113.08

Parts:	7540.12
Labor:	2640.00
Subtotal:	10180.12

Authorization: _____

******** Segment 04 ********

RESEAL R&I TRACK ADJUSTERS

TERMS: NET 10th OF MONTH FOLLOWING PURCHASE. A CHARGE OF 1 ½ % PER MONTH (18% PER ANNUM) WILL BE ADDED TO ALL PAST DUE ACCOUNTS. ANY ACCOUNTS PAST DUE WILL BE SUBJECT TO A CASH BASIS ONLY

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RETURN POLICY: ALL CLAIMS AND RETURNED ITEMS MUST BE ACCOMPANIED BY THIS INVOICE AND IN ORIGINAL PACKAGE. CLAIMS FOR SHORTAGE, ERRORS OR IMPERFECTIONS SHOULD BE MADE IN WRITING WITHIN FIVE (5) DAYS AFTER RECEIPT OF GOODS. NY GOODS RETURNED AFTER 15 DAYS FROM DATE OF INVOICE ARE SUBJECT TO 15 % RESTOCKING CHARGES. RETURNED NON-STOCK ITEMS ARE SUBJECT TO ADDITIONAL FREIGHT AND HANDLING CHARGES. RETURN ITEMS PREPAID TO 4220 WEST RENO, OKLAHOMA CITY, OKLAHOMA 73107

CLARENCE L.
BOYD
S I N C E 1 9 1 3

4220 West Reno P.O. Box 26427
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Remit to: PO Box 960084 Oklahoma City OK 73196

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Invoice To:
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Branch: 01 - Boyd Okc		
Date: 06/22/2012	Time: 10:18:23 (O)	Page: 3
Account No.: NORMA001	Phone No: 4052929709	Invoice No.: I6 009698
Ship Via:	Purchase Order: NEED PO	
Sales Tax Exemption No:	Sales Tax Expiration Date:	
		Salesperson: RJP

CONTACT: Melvin Gore

ESTIMATE EXPIRY DATE: 07/23/2012

SERVICE QUOTE

Part#	Description	Qty	Price	Amount
79065575	GASKET	2	27.80	55.60
79065577	GASKET	2	21.80	43.60
76009442	VALVE	2	73.85	147.70
79043802	VALVE	2	24.15	48.30
76010257	PISTON	2	384.28	768.56

Parts: 1063.76
Labor: 840.00
Subtotal: 1903.76

Authorization: _____

********* Segment 05 *********

UNDERCARRIAGE CLEANING

Labor: 180.00
Subtotal: 180.00

Authorization: _____

********* Segment 06 *********

RESEAL RIPPER CYLINDERS
****Please verify cylinders have 4-bolt square head.****

Part#	Description	Qty	Price	Amount
79192040	CYL KIT	2	93.15	186.30

Parts: 186.30
Labor: 880.00
Subtotal: 1066.30

Authorization: _____

Parts: 22807.58

TERMS: NET 10' OF MONTH FOLLOWING PURCHASE. A CHARGE OF 1 ½ % PER MONTH (18% PER ANNUM) WILL BE ADDED TO ALL PAST DUE ACCOUNTS. ANY ACCOUNTS PAST DUE WILL BE SUBJECT TO A CASH BASIS ONLY.

DISCLAIMERS OF WARRANTIES: Any warranties on the product sold hereby are those made by the manufacturer. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products.

RETURN POLICY: ALL CLAIMS AND RETURNED ITEMS MUST BE ACCOMPANIED BY THIS INVOICE AND IN ORIGINAL PACKAGE. CLAIMS FOR SHORTAGE, ERRORS OR IMPERFECTIONS SHOULD BE MADE IN WRITING WITHIN FIVE (5) DAYS AFTER RECEIPT OF GOODS. NY GOODS RETURNED AFTER 15 DAYS FROM DATE OF INVOICE ARE SUBJECT TO 15 % RESTOCKING CHARGES. RETURNED NON-STOCK ITEMS ARE SUBJECT TO ADDITIONAL FREIGHT AND HANDLING CHARGES. RETURN ITEMS PREPAID TO 4220 WEST RENO, OKLAHOMA CITY, OKLAHOMA 73107

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Branch		
01 - Boyd Okc		
Date	Time	Page
06/22/2012	10:18:23 (O)	4
Account No.	Phone No	Invoice No.
NORMA001	4052929709	009698
Ship Via	Purchase Order	
	NEED PO	
Sales Tax Exemption No.	Sales Tax Expiration Date	
		Salesperson
		RJP

ESTIMATE EXPIRY DATE: 07/23/2012

SERVICE QUOTE

Labor: 8810.00
Miscellaneous: 2260.00
TOTAL: 33877.58

Repair is for the Parts and Labor as described in the detail of this quote, any and all other needed hard parts or additional labor to perform cleaning will be in addition to the quoted repairs.
Parts and labor are warranted for 90 days from completion of repair unless otherwise stated. All John Deere "REMAN SELECT" components are warranted 12 months from completion of repair. All warranty repairs are FOB C L Boyd Branch Store.

TERMS NET 10th OF MONTH FOLLOWING PURCHASE A CHARGE OF 1 ½ % PER MONTH (18% PER ANNUM) WILL BE ADDED TO ALL PAST DUE ACCOUNTS ANY ACCOUNTS PAST DUE WILL BE SUBJECT TO A CASH BASIS ONLY

DISCLAIMERS OF WARRANTIES: Any warranties on the product sold hereby are those made by the manufacturer The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability of fitness for a particular purpose, and the seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of said products

RETURN POLICY ALL CLAIMS AND RETURNED ITEMS MUST BE ACCOMPANIED BY THIS INVOICE AND IN ORIGINAL PACKAGE. CLAIMS FOR SHORTAGE, ERRORS OR IMPERFECTIONS SHOULD BE MADE IN WRITING WITHIN FIVE (5) DAYS AFTER RECEIPT OF GOODS NY GOODS RETURNED AFTER 15 DAYS FROM DATE OF INVOICE ARE SUBJECT TO 15 % RESTOCKING CHARGES RETURNED NON-STOCK ITEMS ARE SUBJECT TO ADDITIONAL FREIGHT AND HANDLING CHARGES RETURN ITEMS PREPAID TO 4220 WEST RENO, OKLAHOMA CITY, OKLAHOMA 73107

City of Norman, OK

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

Master

File Number: GID-1213-11

File ID:	GID-1213-11	**Type:**	Authorization for Purchase	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 16	**In Control:**	City Council
Department:	Finance Department	**Cost:**	$73,200.00	**File Created:**	08/06/2012
File Name:	Field Inspections Software			**Final Action:**	

Title: CONSIDERATION OF AUTHORIZATION FOR THE PURCHASE AND IMPLEMENTATION OF THE MOBILE FIELD INSPECTIONS SOFTWARE FROM SUNGARD PUBLIC SECTOR IN THE AMOUNT OF $73,200 FOR THE PLANNING DEPARTMENT.

ACTION NEEDED: Motion to approve or reject authorization for the purchase and implementation of the Mobile Field Inspection Software from Sungard Public Sector in the amount of $73,200 for the Planning Department.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 16

Attachments: Text File Mobile Field Inspection Software, Mobile_Field_Inspection_paper, Norman_Mobile Field_rev2_10 devices, Mobile_Field_Inspections_Requisition

Project Manager: Gary Lowe, Information System Analyst

Entered by: gary.lowe@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-1213-11

Body

BACKGROUND: At a Business and Community Affairs Committee meeting in 2011 the Planning and Community Development Department presented information requested by the Committee members regarding cost figures and a work plan that would improve customer service for the Development Services Division which includes issuing building permits and

construction inspections.

The City had already purchased and has installed the Click2Gov system that will allow online access to apply for and track building permits. That system will go live for the building permit process on September 5, 2012.

The project identified in the attached Authorization for Purchase is for the Mobile Field Inspection Module that will provide software, software support and maintenance for improvements to the building inspection process. The key features of this software package are the following:

- Makes Data Available to Inspectors
- Ease of Use for staff and clients
- Ability to Schedule and Maintain Routes
- Enables Inspection Scheduling from the Field
- Includes the Code Book on-line
- Ability to Attach Files to the Inspections
- Generates Field Notices
- Ability to Create Permits in the Field
- Ability to Send and Receive Emails Throughout the Day which Allows More Efficient Use of Their Time in the Field

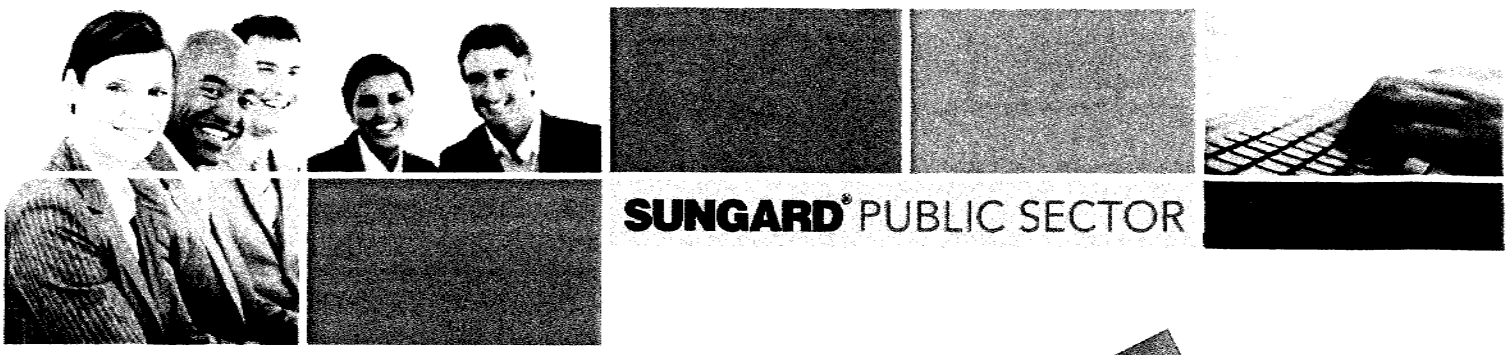
Planning and Community Development Department staff and Information Technology (IT) staff members have evaluated the Mobile Field Inspections software solution provided by Sungard Public Sector (SPS), in partnership with Selectron Technologies, and have determined that it adequately addresses all of the identified requirements to improve customer service in the City's inspection process.

DESCRIPTION: The SPS Mobile Field Inspections software solution interfaces with the IBM AS400 / iSeries based SPS Building Permits and Inspections software we are currently using. The solution will give the Building Inspectors the ability to enter their inspection results directly into the Building Permits and Inspections database using a notebook computer connected wirelessly to our network. The Inspectors will be able to print an inspection report to be left at the job-site. Implementation of this mobile solution will result in better inspection results documentation and better communications between the builders, contractors and our building inspectors.

The total implementation of the Mobile Field Inspections module will also require the purchase of computers and printers for the inspectors' vehicles as well as a dedicated server for the software. The total cost for implementation the first year is $112,200.

RECOMMENDATION: Staff recommends Council authorization of the purchase of the

Mobile Field Inspections software from Sungard Public Sector at a cost of $73,200. Funds are available in Telecommunication/Computer Software account 010-4051-424.53-04. Sungard Public Sector is the sole source for this Mobile Field Inspections software, to interface with the existing Sungard Public Sector software hosted on the City's IBM AS400 / iSeries mid-range computer system.



Take SunGard into the field with Mobile Field Inspection

Introduction

There's an old handyman's mantra that you must use the right tool for the job. Builders have come a long way with new tools that are increasingly more precisely designed for their tasks – where would they be without nail guns, for instance? With each new, appropriately designed tool, builders have increased the speed and quality of their work.

This old saying applies to the building inspection industry as well. When they realized the value of deploying computer software, building and planning departments began implementing application databases like SunGard to store permitting information. SunGard is the right tool for the back office. In the same way, now there's the right tool to increase efficiency in the field. With SunGard's Mobile Field Inspection application, your department can record inspection activities easily, quickly, and accurately. Mobile Field Inspection will save your department time and money while making life easier for your inspectors and office staff.

Simplified, Efficient Inspections

To understand Mobile Field Inspection's role within a building and planning department, examine the following figures. For a typical department that does not use a mobile component, the inspection process resembles the one shown in Figure 1.

Improve Efficiency

The most frequent inefficiency in building and planning departments is the unnecessary repetition of paperwork processing. Inspectors fill out inspection information and then bring it back to the office to be entered into the SunGard system. Often, other staff members are tasked with deciphering inspectors' handwriting and entering the data. With so many stages in the process, it becomes easy for incorrect information to slip into the system. Additionally, de-

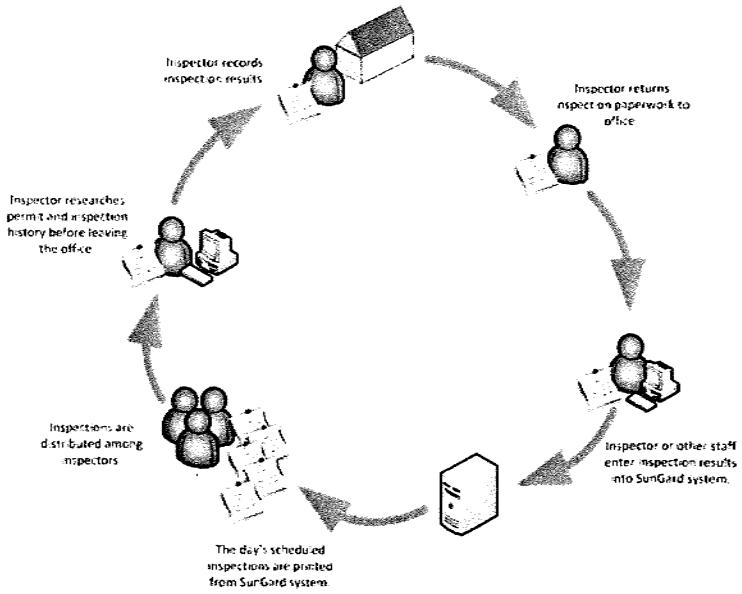


Figure 1:
Inspection process without Mobile Field Inspection

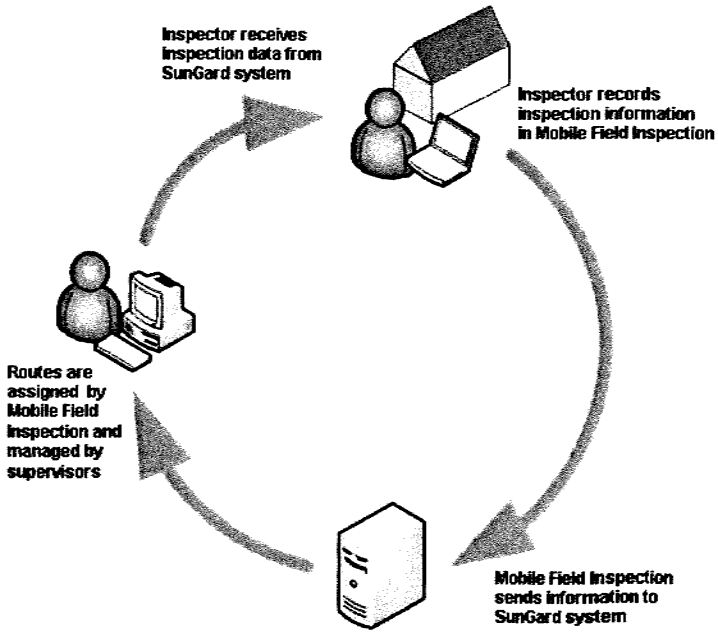


Figure 2:
Inspection process with Mobile Field Inspection

partment personnel must devote a lot of time to a very repetitive activity, and inspection results cannot be acted upon until they are entered in the system (generally at the end of the day).

Mobile Field Inspection eliminates this entire process. Inspectors record inspection information electronically, and Mobile Field Inspection's synchronization process uploads the information to the SunGard system automatically. The time-consuming steps shown in Figure 1 disappear – and inspection results are immediately available in the SunGard application.

Similarly, most workdays begin with a meeting to assign the day's scheduled inspections to inspectors. Using Mobile Field Inspection's built-in route assignment functionality, supervisors quickly build routes for their inspectors. Then inspectors rearrange their assigned inspections as necessary. Mobile Field Inspection means no more lengthy assignment meetings – and no vital paperwork accidentally left behind at the meeting.

With the time Mobile Field Inspection saves at both the beginning and end of the day, each inspector can easily perform at least one additional inspection every day, effectively increasing your inspection capacity.

Empower Inspectors

A common concern with technology tools is that more powerful solutions require an increasing level of technical knowledge. With Mobile Field Inspection, however, your department gains access to many features yet the simple interface does not require extensive computer proficiency. Consequently, Mobile Field Inspection provides significant value in enabling inspectors to record results. All the information inspectors need to perform their duties is – quite literally – available with the click of a few buttons.

With Mobile Field Inspection, inspectors can quickly rearrange their assigned inspections to optimize their routes, as well as take on additional inspections while in the field. Inspectors can research permit and inspection information and history directly from their field units. They can enter inspection results with a few button clicks and improve documentation by attaching photographs to inspections. All this results in significant benefits to inspectors: fewer trips back and forth to the office each day, faster results recording, and – most importantly – no more paperwork and data entry at the end of every day.

Reclaim Office Staff

Building and planning departments often must redirect in-office staff from their primary job duties to support functions such as data entry and answering phone calls from inspectors. Or tracking down inspection status for permit holders. Or hunting through files and the SunGard system to provide information to inspectors. Mobile Field Inspection makes all this unnecessary by putting permit and inspection information directly in the hands of inspectors.

Moreover, inspection results are instantly available in the SunGard system, so permit holders aren't left wondering. Your staff won't need to handle multiple inquiries from contractors. And your staff is freed from data entry at the end of the day. As a result, you can allocate your department's personnel resources where they are supposed to be used.

Synchronize

Many mobile applications assume that inspectors will have consistent access to a wireless cloud, but it has become apparent that wireless network availability is not always reliable. Some vendors tout aircards as an easy solution to providing access to office applications and data. However, aircards require ongoing connection costs. Further, most office applications are not optimized for field environments – often the GUI isn't readable outdoors, and there's usually too much information on each screen. Mobile Field Inspection is specifically designed for use in the field, so inspectors will see only the information they need.

Moreover, Mobile Field Inspection's store-and-forward technology ensures that inspectors can use the application even when a network connection is unavailable. Inspectors can record inspection information without relying on intermittent wireless network connectivity or expensive aircard rates.

Maximize your SunGard Investment

As an add-on module to your existing SunGard system, Mobile Field Inspection requires minimal integration services. Your department will realize time and cost savings by deploying a mobile component from the same vendor as your permitting system. Plus, you will have the stability of a unified application in the office and in the field. No third-party mobile application is guaranteed to handle your data as accurately as Mobile Field Inspection.

Reduce Cost per Inspection

But the most important benefit of a technology tool is always the bottom line. By using Mobile Field Inspection, your department's increased efficiency and accuracy means that the total cost per inspection is cut dramatically (industry estimates include 20% as a relatively conservative figure). Taking into account the benefits it offers, a mobile solution can realize a return on investment (ROI) within two years. Such long-term cost savings are of vital importance to departments which find themselves with responsibilities that continue to grow more rapidly than funding.

Mobile Field Inspection saves your department money, it simplifies the day-to-day tasks of your staff, and it allows you to unleash the power of your SunGard system into the field. Mobile Field Inspection is the right tool for the job.

Mobile Field Inspection Key Features

Makes Data Available to Inspectors
Mobile Field Inspection ensures that inspectors have the most current inspection information at their fingertips. View permit and inspection history in the field. No more calls in to office staff; no more return trips to the office.

Ease of Use
Mobile Field Inspection uses a "wizard" process to step inspectors through each stage of recording inspection results. If an inspection is approved, recording the approval is as simple as clicking one button. Mobile Field Inspection's Checklist component allows your department to build lists of steps that must be performed for each inspection type. This ensures that the correct inspection process is followed every time, and it helps new inspectors quickly learn your department's processes.

Schedule and Maintain Routes
Inspectors can use Mobile Field Inspection to arrange their own routes for the day. They can view their scheduled inspections on a map to optimize driving time. Best of all, inspectors can quickly react to any changes to inspections while remaining in the field, including adding inspections. Moreover, Mobile Field Inspection's RouteBuilder component allows supervisors to generate routes for their inspectors.

Enables Inspection Scheduling From the Field
Inspectors can schedule inspections in the field – such as scheduling a re-inspection for a failed inspection. Re-inspections can be performed on a date and time that fits the inspector and contractor's calendars. Additionally, inspectors can create new inspections for the permit while onsite.

Includes Code Book
No more carrying heavy code books and sifting through pages. Mobile Field Inspection allows departments to include the current code book within the application, so that inspectors can directly cite code violations as part of the inspection process.

Attach Files to Inspections
"A picture is worth a thousand words" may be a cliché, but it's an accurate one. With Mobile Field Inspection, inspectors can quickly associate digital photos and sketches (or any other type of document) with an inspection. Creating visible evidence for a failed inspection is as easy as snapping a photograph and attaching it to the inspection – Mobile Field Inspection handles the rest of the process.

Generates Field Notices
Mobile Field Inspection generates printable notices that inspectors can leave on site following an inspection. Contractors have immediate access to results following inspection, and a digitized copy of the notice is already attached to the inspection.

Create Permits in the Field
Mobile Field Inspection allows inspectors to create new permits and inspections while in the field. This enables inspectors to quickly and accurately perform code enforcement activities.

SunGard Public Sector
1000 Business Center Drive • Lake Mary, FL
(866) 965-7732 • www.sungardps.com
Rev. 07/11

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SUNGARD
PUBLIC SECTOR

1000 Business Center Drive | Lake Mary, FL | 32746

Add-On Quote	**Cost Summary**
Agency Name:	City of Norman
Address:	201 W. Gray Street
City, State, Zip:	Norman, OK 73070
Customer Contact:	Gary Lowe
SunGard Public Sector Contact:	Tony Jakusovas
Quote Date:	October 28, 2011
Quote Expiration:	January 27, 2012
Description:	Mobile Field Inspections module.

NaviLine Cost Summary

Mobil Field Inspections -Norman, OK

Users		10
$2,000 per user in packs of 5	$	20,000
Processor license (BP) Building Permits and Inspections	$	20,000
Subtotal	$	40,000
Support/Maintenance	$	8,000
First Year Total	$	48,000
Second Year Maintnenance - for information only	*$*	*8,240*
Third Year Maintenance- for information only	*$*	*8,490*
Process Analysis & Project Management (5 days)	$	7,000
Base Server/Software Implementation (10 days)	$	14,000
In-Site Installation & Training (3 days)	$	4,200
Total	$	73,200
Total License Fees	$	40,000
Total Services	$	25,200
Total for Product and Services (less Maintenance)	**$**	**65,200**

SUNGARD
PUBLIC SECTOR

Payment Terms:

1. License fees, including third-party; hardware; and project management are due at contract execution date, signed quote, or receipt of purchase order.
2. Installation Fees are due upon completion.
3. SunGard Public Sector Application Annual Support - the initial term of Maintenance and Support Services is included in License Fees and begins upon execution of this Quote and extends for a twelve (12) month period. Subsequent terms of support will be for twelve (12) month periods, commencing at the end of the initial support period. Support fees shown for the second term of support shall be due prior to the start of that term. Fees for subsequent terms of support will be due prior to the start of that term at the then prevailing rate. Third-Party Application Annual Support Fees - payment terms shall be as provided by the Third-Party to Customer with the exception that any fees listed above for the initial term of support are due upon execution of this Quote.
4. Training due as incurred.
5. Travel, out of pocket and living expenses are not included in above pricing and will be invoiced as incurred.

Notes:

1. Pricing is for the application as-is. Any modifications or conversions will incur additional costs.
2. There is no testing and acceptance period. The SunGard Public Sector application warranty period is one (1) year after the Delivery Date. "Delivery Date" means for each Component System, the date on which SunGard Public Sector first ships the Component System to the Delivery Address F.O.B. SunGard Public Sector's place of shipment.
3. This quote constitutes a Supplement to the existing Software License and Services Agreement signed by SunGard Public Sector Inc. and Customer. Except as provided herein, all terms of the Agreement remain in full force and effect.
4. Licensed Programs may be used in machine-readable object code form only.
5. Unless otherwise provided for herein, warranty, modification retrofit and maintenance offerings by SunGard Public Sector for its Licensed Program(s) do not apply to any third party hardware or third party software supplied under this Supplement. SunGard Public Sector does not make any warranties nor provide any source code for any non-SunGard Public Sector products unless otherwise provided herein. The return and refund policy of each individual third-party hardware or third-party software supplier shall prevail unless otherwise provided herein.
6. Scheduled Resource Changes: For training and onsite project management sessions which are cancelled at the request of Customer within fourteen (14) days of the scheduled start date, Customer is responsible for entire price of the training or onsite project management plus incurred expenses.
7. Additional hardware and/or third-party software may be required. For windows hardware specifications and information, please contact Dov Koplovsky at NEWCOM - dov.koplovsky@newcomglobal.com or (781) 826-7989. For IBM Hardware please contact Dino Vlachos at SunGard Public Sector VAR - 770-216-4426.
8. Preprinted conditions and all other terms not included in this Quote or in the Contract and Agreement, stated on any purchase order or other document submitted hereafter by Customer are of no force or effect and the terms and conditions of the Contract and Agreement and any amendments thereto shall control unless expressly accepted in writing by SunGard Public Sector to Customer.
9. Applicable taxes are not included in the above fees and if applicable, will be added to the amount in the payment invoices.
10. **Please indicate that your purchase is per the terms and conditions of this proposal dated:** #REF!

The pricing, terms and conditions in this quote will be honored provided this quote is fully executed within 90 days from date of quote.

City of Norman

Authorized Signature	**Date**	**Printed Name**

PURCHASE REQUISITION NBR: 0000205226

STATUS: DIVISION APPROVAL

REQUISITION BY: GARY LOWE

REASON: SOFTWARE; SPS MOBILE FIELD INSPECTIONS

DATE: 8/06/12

SHIP TO LOCATION: FIN-INFO SERVICES

SUGGESTED VENDOR: 5180 SUNGARD PUBLIC SECTOR INC

DELIVER BY DATE: 11/01/12

LINE NBR	DESCRIPTION	QUANTITY	UOM	UNIT COST	EXTEND COST	VENDOR PART NUMBER
1	MOBILE FIELD INSPECTIONS: * 10-USER LICENSE AT $20,000 * PROCESSOR LICENSE (BP) AT $20,000 * FIRST YEAR OF MAINTENANCE & SUPPORT AT $8,000 * PROCESS ANALYSIS & PROJECT MANAGEMENT SERVICES (5 DAYS) AT $7,000 * BASE SERVER/SOFTWARE IMPLEMENTATION SERVICES (10 DAYS) AT $14,000 * ON-SITE INSTALLATION & TRAINING SERVICES (3 DAYS) AT $4,200 COMMODITY: COMPUTER SOFTWARE FOR MIC SUBCOMMOD: BUSINESS SOFTWARE, MISC.:	73200.00	DOL	1.0000	73200.00	

REQUISITION TOTAL: 73200.00

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

LINE #	ACCOUNT		PROJECT	%	AMOUNT
1	01040514245304	Telecommunication Equip. Computer Software		100.00	73200.00
					73200.00

REQUISITION IS IN THE CURRENT FISCAL YEAR.

REQUISITION COMMENTS:

PENDING CITY COUNCIL APPROVAL ON 8/28/12
*
BUDGET TRANSFER OF $73,200 FROM ACCT #
010-4051-424.53-02 TO ACCT # 010-4051-424.53-04
APPROVED BY THE CITY MANAGER VIA EMAIL DATED
8/7/12

City of Norman, OK

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

Master

File Number: E-1213-7

File ID:	E-1213-7	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 17	**In Control:**	City Council
Department:	Utilities Department	**Cost:**		**File Created:**	08/16/2012
File Name:	Easement for High Pressure Plane Upgrade			**Final Action:**	

Title: CONSIDERATION OF PERMANENT WATER LINE EASEMENT NO. E-1213-7 DONATED BY HALLBROOKE CORPORATION FOR THE HIGH PRESSURE PLANE UPGRADE.

ACTION NEEDED: Motion to accept or reject Easement No. E-1213-7; and, if accepted, direct the filing thereof with the Cleveland County Clerk.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 17

Attachments: Text File E-1213-7, E-1213-7 Hallbrooke HPP WL, E-1213-7 Location Map

Project Manager: Mark Daniels, Utilities Engineer

Entered by: mark.daniels@normanok.gov

Effective Date:

History of Legislative File

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

Text of Legislative File E-1213-7

Body

BACKGROUND: The High Pressure Plane Upgrade (Project WA0131) will improve the water distribution system in the high-pressure plane (HPP) in northeastern Norman. The HPP includes water users in subdivisions such as Summit Lakes, Royal Oaks, Alameda Park, Sonoma Park, Frost Creek, Hall Park, Hallbrooke, Sequoyah Trails, Park Hill and Deerfield, among others. These subdivisions are generally at a higher elevation than the majority of Norman and are supplied by separate pumps at the Water Treatment Plant (WTP). To maintain adequate pressure in the HPP, these pumps operate at a higher pressure than the pumps serving the majority of Norman.

To better serve our customers, a second feed to the southern portion of the HPP will be constructed along from the WTP east to 36th Avenue NE then south to Alameda. Additionally, a new waterline

between the WTP and 24th Avenue NE will be constructed to provide a second feed to northern portion of the HPP.

DISCUSSION: It is desirable to obtain two permanent easements for the project. The easements are needed to allow waterline construction outside of the existing road right-of-way (ROW) to reduce the probability of the relocation if roadways are widened in the future.

Proposed Easement E-1213-7 is 10 feet in width on the southern boundary of three lots in an undeveloped area of Hall Park Business and Professional Center; the easement is directly adjacent to and parallels the northern boundary of the Robinson Street ROW. Hallbrooke Corporation has agreed to donate the easement.

The remaining proposed easement is 17 feet wide along the western boundary of 36th Avenue NE north of Alameda. It will extend the existing ROW from 33 to 50 feet in width. If this easement cannot be acquired in the next few weeks, the design will be finalized with the waterline in the existing ROW. The project is expected to proceed as follows:

Obtain all easements -09/15/12
Submit Final Plans and Specifications to DEQ - 12/15/12
Obtain DEQ Approval and Advertise for Bids - 02/01/13
Advertise and Open Bids - 03/01/13
Begin Construction - 04/01/13
Complete Construction - 12/01/13

RECOMMENDATION: Staff recommends acceptance of donated Easement E-1213-7, a permanent public water line easement, from Hallbrooke Corporation.

GRANT OF EASEMENT
City of Norman

KNOW ALL MEN BY THESE PRESENTS:

THAT Hallbrooke Corporation (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 water line easement over, across, and under the following described real estate and premises situated in the City of Norman, Cleveland County, Oklahoma, to wit:

> A 10-foot wide strip of land lying in the Southwest Quarter (SW/4) of Section Twenty-two (22), Township Nine North (T9N), Range Two West (R2W) of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as:
>
> The southernmost ten feet of Lots 5, 6 and 7 of Block 6, of Hall Park Business and Professional Center. Said tract of land contains an area of 0.26 acres (11,440 square feet), more or less.

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 water line.

To have and to hold the same unto the said City, its successors, and assigns forever.

SIGNED and delivered this 2nd day of August, 20 12.

BY: _____
Russell "Trey" Bates, President, GRANTOR

REPRESENTATIVE ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF CLEVELAND, SS:

Before me, the undersigned, a Notary Public in and for said County and State, on this 2nd day of August, 2012 personally appeared Kevin Bates III 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 _____ 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.

NOTARY SEAL PUBLIC
CHERIE L. KNAPPLE
Notary Public
State of Oklahoma
Commission # 07007883 Expires 08/16/15

Notary Public

My Commission Expires: _____

Approved as to form and legality this 17 day of August 2012.

City Attorney

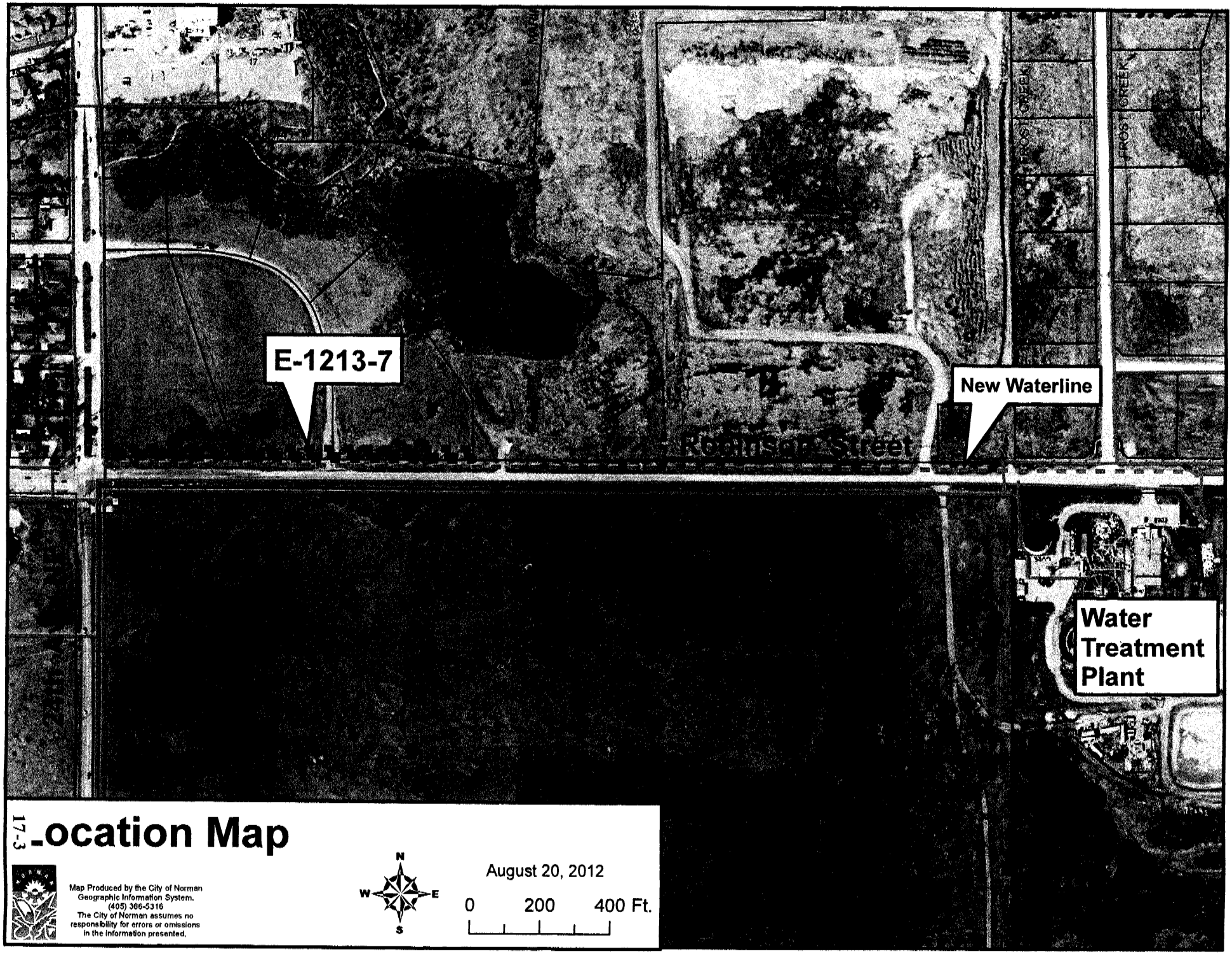
Approved and accepted by the Council of the City of Norman, this _____ day of _____ 20 ____.

Mayor

ATTEST:

City Clerk

SEAL:



Location Map

17-3

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.

August 20, 2012

City of Norman, OK

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

Master

File Number: E-1213-8

File ID:	E-1213-8	**Type:**	Easement	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 18	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$2,023.04	**File Created:**	08/09/2012
File Name:	E-1213-8 Tecumseh Interceptor			**Final Action:**	

Title: CONSIDERATION OF ACCEPTANCE OF PERMANENT PUBLIC UTILITY EASEMENT NO. E-1213-8 FROM MARTIN-MARIETTA MATERIALS SOUTHWEST, INC., IN THE AMOUNT OF $2,023.04 FOR THE TECUMSEH INTERCEPTOR PROJECT.

ACTION NEEDED: Acting as the Norman Utilities Authority and City Council, motion to accept or reject Easement No. 1213-8; and, if accepted, direct the filing thereof with the Cleveland County Clerk and direct payment in the amount of $2,023.04 to Martin-Marietta Materials Southwest, Inc.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 18

Attachments: Text File E-1213-8, Martin Marietta Easement, TecumsehInterceptor_EasementMap

Project Manager: Jim Speck, Capital Projects Engineer

Entered by: jim.speck@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-1213-8

body

BACKGROUND: The Wastewater Master Plan (WWMP) identified sewer interceptor needs throughout Norman to accommodate full build-out of the Norman 2020 Land Use and Transportation Plan. One of the projects identified in the WWMP was the construction of the Tecumseh Interceptor. On July 12, 2005, the Norman Utilities Authority (NUA) approved contract K-0506-53, with Garver Engineers, LLC to complete preliminary design, final design, bidding, and construction management services for the Industrial and Tecumseh Interceptors. The Industrial Interceptor project (capital project WW0302) construction project was completed June 8, 2009.

The Tecumseh Interceptor project (WW0262) begins at the existing Tecumseh Lift Station, extends across Tecumseh Road and then generally northeast through the Tecumseh Road Business Park and Founders Park Addition, before connecting to the Little River Interceptor west of 12th Avenue NW. The Tecumseh Lift Station and storage lagoon will be abandoned upon completion of the interceptor.

Obligated interceptor needs, serving existing customers and contractual obligations as of August 2001, are funded by the Sewer Sales Tax (SST). The Sewer Excise Tax (SET) funds enlargement of interceptors to serve full build out development under the Norman 2025 Land Use and Transportation Plan.

DISCUSSION: This is the final easement required to complete construction. The easement acquisition cost of $2,023.04 was negotiated with the property owner based on $0.25 per square foot for the easement area of 8,092.16 square feet. Staff recommends approval of the following easement acquisition for the Martin-Marietta property.

Funding for the project is based on the area of the sewer pipe (8-inch diameter) serving obligated needs versus the total area of the pipe (12-inch diameter) serving both obligated and full build-out needs. Therefore, the funding share calculation would be 56% ($1,132.90) from the Sewer Excise Tax and 44% ($890.14) from the Sewer Sales Tax for a total of $2,023.04. As of July 1, 2012, the Land/ROW accounts for the Tecumseh Interceptor project has funding of $4,478 from the Sewer Excise Tax account (322-9048-432.62-01) and $2,762 from the Sewer Sales Tax account (323-9048-432.62-01). Hence, adequate funds are available.

RECOMMENDATION: Staff recommends the NUA authorize payment of $2,023.04 and accept the Easement E-1213-8 from Martin-Marietta Materials Southwest, Inc.

SANITARY SEWER EASEMENT AGREEMENT

FOR VALUABLE CONSIDERATION of $2,023.04, the receipt of which is hereby acknowledged, the undersigned, MARTIN MARIETTA MATERIALS SOUTHWEST, INC. (successor in interest of Redland Stone Products Company), herein called GRANTOR (whether one or more), hereby grants, sells and conveys unto City of Norman, a municipal corporation, herein called GRANTEE, its successors and assigns, the RIGHT OF WAY and EASEMENT to lay, construct, install, inspect, maintain, alter, repair, protect, replace, change the size of, substitute, operate, abandon in place, and remove one sanitary sewer and appurtenances (including, without limitation, valves, fittings, meters, and other equipment), from time to time deemed by Grantee to be necessary or desirable in connection with the use and convenient operation of said pipeline, for the transportation of wastewater, or water or other liquid or mineral substances or other substances that can be transported through a pipeline, in, over, under, through, and across the real property situated in Cleveland County, Oklahoma, to-wit:

A tract of land located in the Southwest Quarter (SW/4) of Section Twelve (12), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Southeast corner of said SW/4; Thence North 89°47'24" West, along the South line of said SW/4, a distance of 43.46 feet; Thence North 24°46'08" West, along the East right of way line of the A.T.&S.F. Railroad a distance of 205.24 feet to the POINT of BEGINNING;

Thence continuing North 24°46'08" West, along said East right of way line, a distance of 40.00 feet;
Thence North 65°23'59" East a distance of 54.68 feet;
Thence North 35°11'32" East a distance of 165.03 feet to a point in the East line of said SW/4;
Thence South 00°12'32" East, along said East line, a distance of 69.05 feet;
Thence South 35°11'32" West a distance of 119.55 feet;
Thence South 65°23'59" West a distance of 65.35 feet to the Point of Beginning, containing 8,092.16 square feet or 0.186 acres, more or less.

The bearings herein are based on deed bearings as recorded in the Cleveland County Clerk's office in Book 3279 at Page 794.

This description created on 5/24/2012 by Robby L. Johnson, RPLS 1539.

The right of way and easement area herein granted being more particularly described on Exhibit "A" and depicted in Exhibit "B" attached hereto and made part hereof (the "Easement Area").

TO HAVE AND TO HOLD the aforesaid right of way and easement, together with all and singular the rights and appurtenances thereto in any way belonging (collectively, the "Easement") to Grantee and Grantee's successors, and assigns forever. Subject to the exceptions noted in the next following paragraph, Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns to warrant and forever defend the Easement unto Grantee and Grantee's successors and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof when the claim is by, through, or under Grantor but not otherwise.

The conveyance of the Easement to Grantee, and the warranty of Grantor set forth above, are subject to all easements, restrictions, encumbrances, reservations and other matters affecting the property described on Exhibit "A" that are shown of record in Cleveland County, Oklahoma as of the date hereof, all of which are incorporated by reference herein for all purposes as if set out in full.

Grantor and Grantee agree that (1) during construction, maintenance, repair, modification, inspection, and replacement of the pipeline and appurtenances, Grantee shall have the right to use an additional thirty (30) feet in width; (2) at locations where the pipeline crosses streams, ditches, canals, roadways, and railroads, Grantee shall have the right to use additional work space; and (3) Grantee shall at all times have such rights of ingress and egress to and from said Easement Area and the aforesaid additional areas as are reasonably necessary for Grantee's to exercise of its rights hereunder.

Grantor reserves the right to use and enjoy the Easement Area for such purposes as do not unreasonably interfere with the Easement. Grantor shall not construct or maintain or permit to be constructed or maintained any house, structure, pond, reservoir, or obstruction on, over or under the Easement Area. Grantor shall not substantially change the grade over the Easement Area. Grantee acknowledges that land in close proximity to the Easement Area is used by Grantor for the commercial production and sale of ready-mix concrete and that heavy commercial trucks regularly transport ready-mix concrete and other construction material over such land. Based on its experience, Grantee had determined that it is appropriate under such circumstances to initially bury its pipeline with at least forty-eight (48") inches of cover except where rock is encountered there shall initially be at least twenty-four (24") inches of cover and Grantee shall install its pipeline accordingly.

Grantor shall have the right to relocate the Easement and any pipeline located thereon or thereunder to a different location on Grantor's property reasonably acceptable to Grantee at the sole cost and expense of Grantor.

Grantee will reimburse Grantor, or its designated agent or tenant as their respective interests may appear, for damages to growing crops, grasses, shrubbery or fences caused by Grantee's exercise of its rights hereunder, whether in connection with the initial installation of the pipeline and appurtenances or subsequent construction, maintenance, repair, modification, inspection, or replacement thereof. To the maximum extent permitted by law, Grantee will indemnify and hold Grantor harmless from and against any and all other claims of injury or death to people or damage to property caused by the activities, acts, or omissions of Grantee or its employees within the Easement Area. Notwithstanding the foregoing, Grantee shall have the right to clear, and keep cleared, all trees, brush, undergrowth and other obstructions from the Easement Area without additional compensation to Grantor.

Before any fence is cut by Grantee, it shall be properly supported on either side of the contemplated opening by suitable posts and braces. All fences cut or disturbed shall be repaired by Grantee in a good and workmanlike manner. Grantee may install permanent gates at such locations that it deems necessary for the purpose of ingress and egress to facilitate the maintenance and operation of the pipeline.

It is not a waiver of or consent to default if the nondefaulting party fails to declare immediately a default or delays in taking any action. Pursuit of any remedies for breach of this agreement does not preclude pursuit of any other remedies available at law or in equity. This agreement contains the complete agreement of the parties and cannot be varied except by written agreement of the patties. The parties agree that there are no oral agreements, representations, or warranties that are not expressly set forth in this agreement. If any provision in this agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, the unenforceability will not affect any other provision hereof, and this agreement will be construed as if the unenforceable provision had never been a part of the agreement. Whenever context requires, the singular includes the plural and neuter includes the masculine or feminine gender, and vice versa. This agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

This agreement shall be considered as a covenant running with the land and the terms, conditions, and provisions of this agreement shall extend to and be binding upon the heirs, devisees, executors, administrators, successors and assigns of the parties hereto.

If the use or maintenance of the Easement for the purposes set forth above is permanently discontinued by Grantee, its successors or assigns (i.e., Grantee no longer transports products by pipeline through the Easement Area), then the Easement granted herein will terminate, and Grantee will execute a termination easement, easement deed, or other appropriate instrument or indenture in recordable form to terminate the easement and convey the interest acquired hereunder back to Grantor, its successors or assigns.

This agreement may be executed in multiple counterparts with the same effect as if all signatory parties had signed the same document. All counterparts will be construed together and will constitute one and the same instrument, The consideration above recited is in full payment for every right hereby granted to Grantee. Grantee may assign, mortgage, pledge, or encumber its rights herein and interest in the Easement, in whole or in part.

COUNTERPART SIGNATURE PAGE OF
SANITARY SEWER EASEMENT AGREEMENT

Executed on the dates of the acknowledgments below, to be effective as of August 3, 2012.

GRANTOR:
MARTIN MARIETTA MATERIALS SOUTHWEST, INC.
(SUCCESSOR TO REDLAND STONE PRODUCTS COMPANY)
By: _____
Name: Ron Kopplin
Title: VP-GM

STATE OF TEXAS §
§
COUNTY OF BEXAR §

This instrument was acknowledged before me this _____day of _____, 2012 by _____, the _____of Martin Marietta Materials Southwest, Inc., a Texas corporation, on behalf of said corporation.

_____
Notary Public, State of Texas

REPRESENTATIVE 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_____, to me known to be the identical person(s) who executed the foregoing grant of easement and acknowledged to me that _____ executed the same as _____ 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.

_____
Notary Public

My Commission Expires: _____

Approved as to form and legality this 17 day of August, 2012.

_____
City Attorney

Approved and accepted by the Council of the City of Norman, this _____ day of_____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

SEAL:

EXHIBIT "A"

LEGAL DESCRIPTION

40' SANITARY SEWER EASEMENT
NORMAN ASPHALT COMPANY
NORMAN, OKLAHOMA

A tract of land located in the Southwest Quarter (SW/4) of Section Twelve (12), Township Nine (9) North, Range Three (3) West of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

Commencing at the Southeast corner of said SW/4;

Thence North 89°47'24" West, along the South line of said SW/4, a distance of 43.46 feet;

Thence North 24°46'08" West, along the East right of way line of the A.T.&S.F. Railroad a distance of 205.24 feet to the POINT of BEGINNING;

Thence continuing North 24°46'08" West, along said East right of way line, a distance of 40.00 feet;

Thence North 65°23'59" East a distance of 54.68 feet;

Thence North 35°11'32" East a distance of 165.03 feet to a point in the East line of said SW/4;

Thence South 00°12'32" East, along said East line, a distance of 69.05 feet;

Thence South 35°11'32" West a distance of 119.55 feet;

Thence South 65°23'59" West a distance of 65.35 feet to the Point of Beginning, containing 8,092.16 square feet or 0.186 acres, more or less.

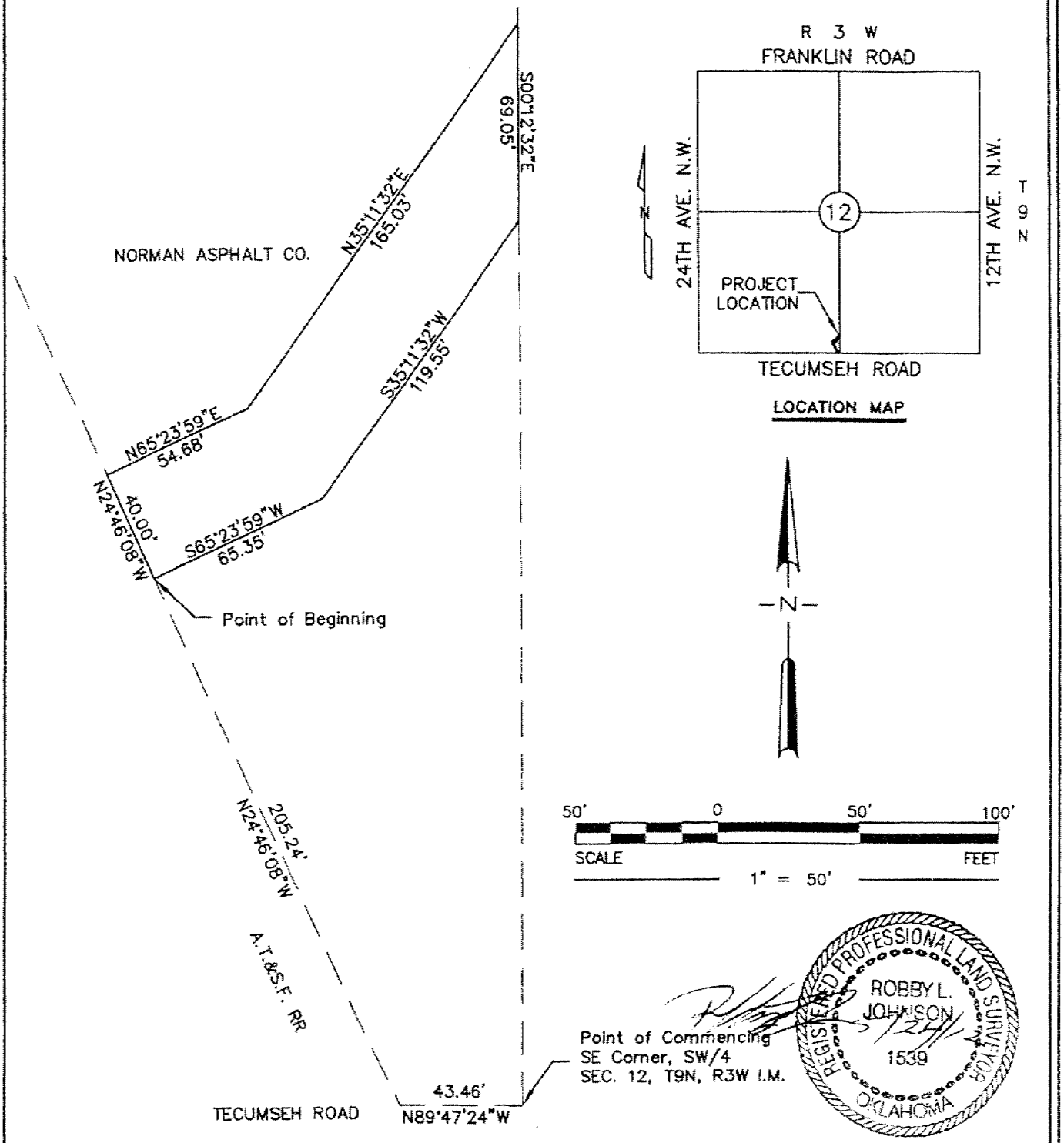
The bearings herein are based on deed bearings as recorded in the Cleveland County Clerk's office in Book 3279 at Page 794.

This description created on 5/24/2012 by Robby L. Johnson, RPLS 1539.

REGISTERED PROFESSIONAL LAND SURVEYOR
ROBBY L. JOHNSON
1539
OKLAHOMA

EXHIBIT "B"

LEGAL EXHIBIT
40' SANITARY SEWER EASEMENT
NORMAN ASPHALT COMPANY
NORMAN, OKLAHOMA



LEMKE LAND SURVEYING, Inc.			
S L / L S — 3228 BART CONNER DRIVE, NORMAN, OK 73072 PH.(405)366-8541 FAX(405)366-8540 CA # 2064 http://www.lemke-ls.com	Surveyed By: RLJ Drawn By: RLJ Approved By: RLJ Date: 5/24/2012 Scale: 1"=50' Project No: 05054	Project: 40' SANITARY SEWER EASEMENT NORMAN ASPHALT COMPANY Project Location: TECUMSEH ROAD INTERCEPTOR PROJECT NORMAN, OKLAHOMA Client: CITY OF NORMAN	Sheet Number 2 Sheet 2 of 2

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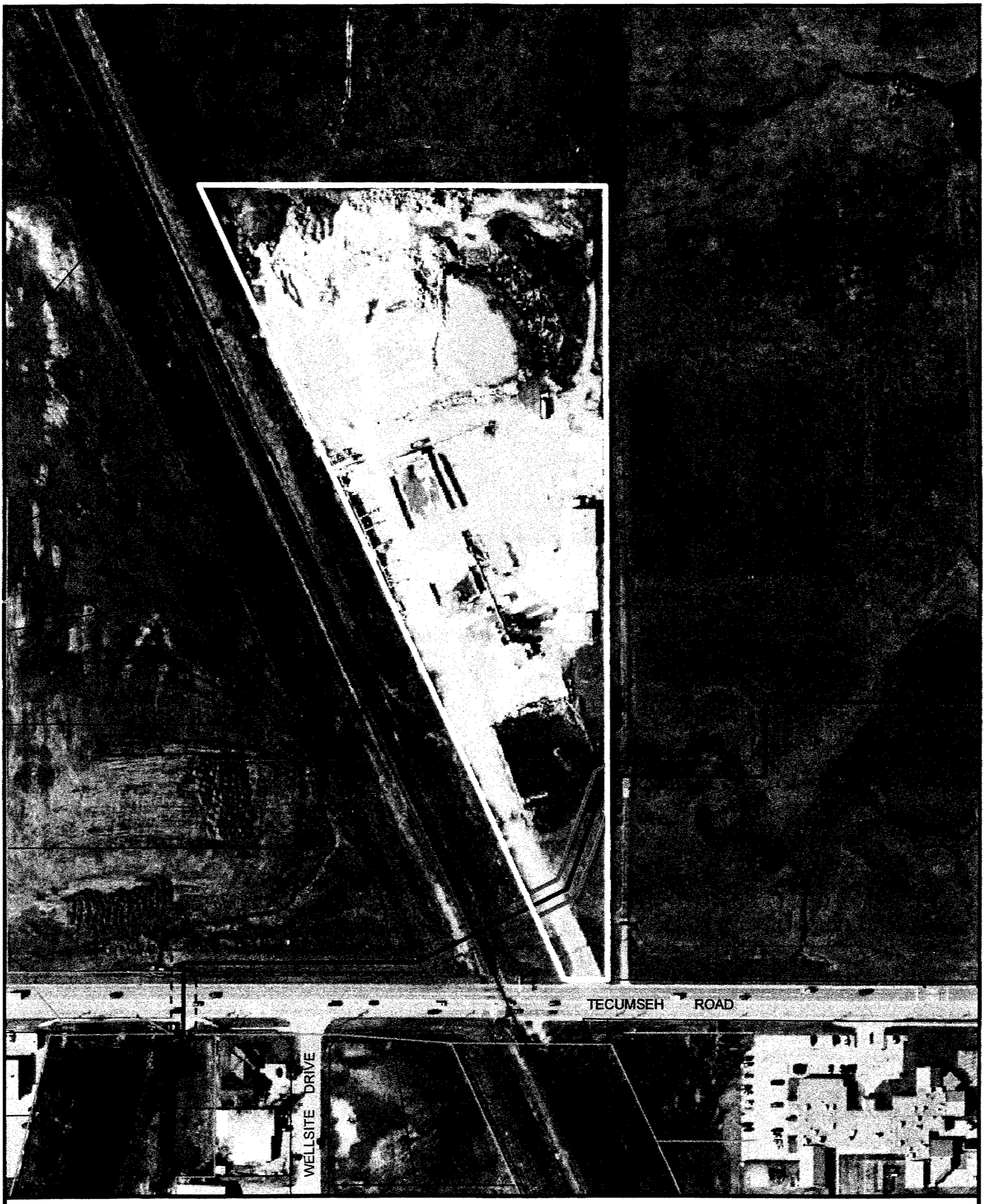


Map Produced by the City of Norman Geographic Information System.

The City of Norman assumes no responsibility for errors or omissions in the information presented.

Proposed Tecumseh Interceptor

Aerial Photography Taken March 2010

Proposed Interceptor
Proposed Easement
Adjacent Easement
Existing Sewer Network
Parcels

N
W E
S

1" = 200'

18-6 April 3, 2012

City of Norman, OK

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

Master

File Number: FP-1112-15

File ID:	FP-1112-15	**Type:**	Final Plat	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 19	**In Control:**	City Council
Department:	Public Works Department	**Cost:**		**File Created:**	12/19/2011
File Name:	Final Plat Carrington Place 11			**Final Action:**	

Title: CONSIDERATION OF A FINAL PLAT FOR CARRINGTON PLACE ADDITION, SECTION 11, AND ACCEPTANCE OF PUBLIC DEDICATIONS CONTAINED THEREIN. (GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. APPROXIMATELY ONE-HALF MILE NORTH OF WEST TECUMSEH ROAD)

ACTION NEEDED: Motion to approve or reject the final plat for Carrington Place Addition, Section 11; and, if approved, accept the public dedications contained within the plat; authorize the Mayor to sign the final plat, subdivision bonds, and maintenance bonds subject to receipt of the City Development Committee's acceptance of all required public improvements, a traffic impact fee in the amount of $1,652.49 within 10 ten days and a warranty deed for parkland dedication requirements; and direct the filing of the final plat.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 19

Attachments: Text File Carrington Lakes, Carrington 11 Location Map, Final Plat Carrington Section 11, Carrington 11 Staff Report, Revised Prelim Plat Carrington 11, 1-12-12 PC Minutes - Carrington 11

Project Manager: Ken Danner, Subdivision Manager

Entered by: rone.tromble@normanok.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	01/12/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			

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

Text of Legislative File FP-1112-15

body

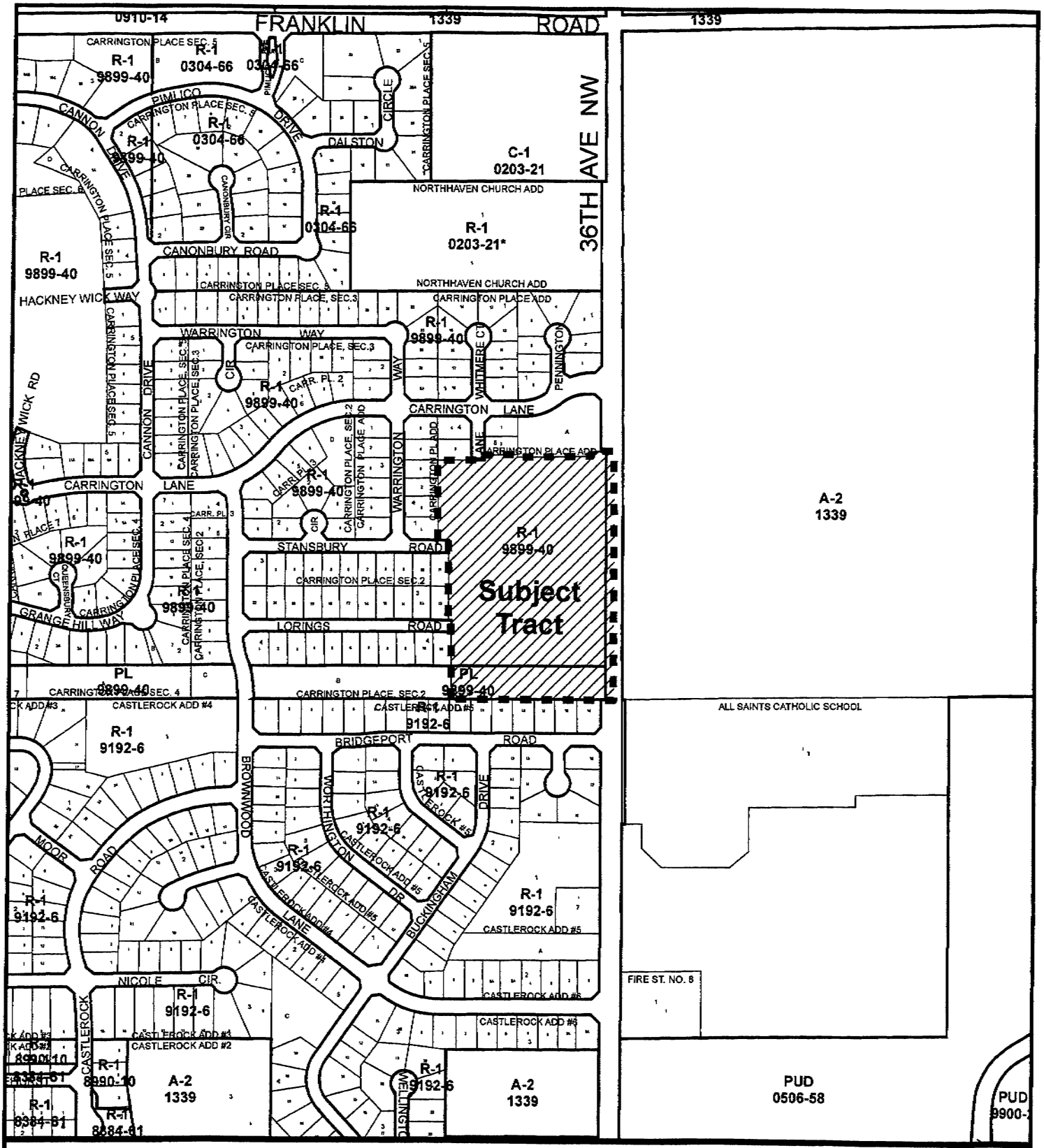
BACKGROUND: This item is a final plat for Carrington Place Addition, Section 11, and is generally located on the west side of 36th Avenue NW and approximately one-half mile north of West Tecumseh Road.

City Council, at its meeting of June 22, 2004, adopted Ordinance No. O-0304-66 placing this property in the R-1, Single-Family Residential District. City Council, at its meeting of January 10, 2012, approved the revised preliminary plat for Carrington Place Addition with a variance in cul-de-sac length for this property. Planning Commission, at its meeting of January 12, 2012, approved the final plat for Carrington Place Addition, Section 11.

This final plat consists of 14.11 acres with thirty-eight (38) residential lots and City parkland. With the previous platting of Sections 1 through 10, there are approximately 88 residential lots remaining to be final platted in Carrington Place Addition. There are 490 total lots in the subdivision.

DISCUSSION: Construction plans have been reviewed for the required public improvements for this property. These improvements consist of water mains with fire hydrants, sanitary sewer mains, paving, drainage, and sidewalks. A warranty deed for parkland dedication will be required prior to filing the final plat.

RECOMMENDATION: The final plat is consistent with the approved revised preliminary plat. In fact, the developer reduced the number of lots shown on the revised preliminary plat from 40 lots to 38 lots. Based upon the above information, staff recommends approval of the final plat and acceptance of the public dedications contained therein and authorize the Mayor sign the final plat, subdivision bonds/cash sureties and maintenance bonds for Carrington Place Addition, Section 11, subject to completion and the City Development Committee's acceptance of the public improvements and receipt of warranty deed for park land and $1,652.49 for traffic impact fees.



Location Map

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

N W E S

January 5, 2012

0 250 500 Ft.

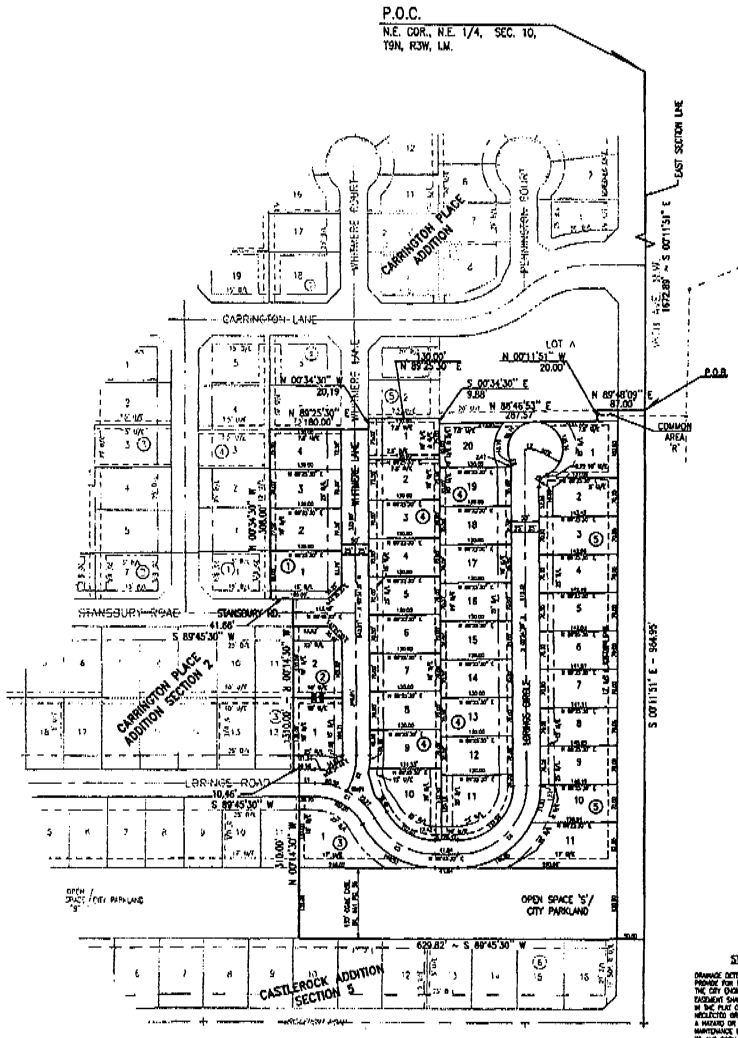
Subject Tract

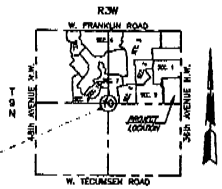
Zoning

FINAL PLAT

CARRINGTON PLACE ADDITION SECTION 11

A PART OF THE N.E. 1/4, SECTION 10, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





VICINITY MAP
SCALE: 1" = 2000'

LEGAL DESCRIPTION:

A tract of land being a part of the Northeast Quarter (NE ¼) of Section 10, Township 9 North (T9N), Range 3 West (R3W), of the Indian Meridian, Norman, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the Northeast corner of the N.E. ¼ of said Section 10;
THENCE South 00°11'51" East along the East line of said NE/4 a distance of 1672.89 feet to the POINT OF BEGINNING;

THENCE continuing South 00°11'51" East along said East line a distance of 984.95 feet to a point, said point being the Northeast corner of the filed final plat of Castlerock Addition Section 5 (as filed in Book 16 of Plats, Page 164);
THENCE South 89°45'30" West along the North line of said final plat a distance of 629.82 feet to a point, said point being the Southeast property corner of the filed final plat of Carrington Place Addition Section 2 (as filed in Book 19 of Plats, Page 32);
THENCE along the property line of said final plat the following 4 courses:

1) THENCE North 00°14'30" West a distance of 310.00 feet;
2) THENCE South 89°45'30" West a distance of 10.46 feet;
3) THENCE North 00°14'30" West a distance of 310.00 feet;
4) THENCE South 89°45'30" West a distance of 41.66 feet;

THENCE North 00°34'30" West along said property line of Carrington Place Addition Section 2, and along the property line of Carrington Place Addition (as filed in Book 18 of Plats, Page 177) for a distance of 308.00 feet to a point, said point being the Southwest corner of Lot 7 Block 4 of the filed final plat of Carrington Place Addition;

THENCE along the property line of said final plat the following 7 courses:

1) THENCE North 89°25'30" East a distance of 180.00 feet;
2) THENCE North 00°34'30" West a distance of 20.19 feet;
3) THENCE North 89°25'30" East a distance of 130.00 feet;
4) THENCE South 00°34'30" East a distance of 9.88 feet;
5) THENCE North 88°46'53" East a distance of 287.57 feet;
6) THENCE North 00°11'51" West a distance of 20.00 feet;
7) THENCE North 89°48'09" East a distance of 87.00 feet to the POINT OF BEGINNING.

Said tract contains 614,686 square feet, or 14.111 acres, more or less.

SCALE: 1" = 100'

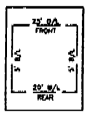
TOTAL LOTS = 38 RESIDENTIAL LOTS

THE BASIS OF BEARING FOR THIS FINAL PLAT IS THE OKLAHOMA STATE PLANE COORDINATES (SOUTH ZONE)

SET 1/2" I.P.'S W/ OA 8176 CAPS AT ALL PROPERTY CORNERS

NOTES:
1. ALL IMPROVEMENTS WITHIN UTILITY EASEMENTS MAY BE REMOVED BY THE CITY TO PERFORM MAINTENANCE, AND REPLACEMENT OF SUCH IMPROVEMENTS IS THE RESPONSIBILITY OF THE PROPERTY OWNER.
2. COMMON OPEN SPACE AREAS WILL BE OWNED AND MAINTAINED BY MANDATORY PROPERTY OWNERS' ASSOCIATION.

TYPICAL BUILDING SETBACKS



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 CARRINGTON PLACE ADDITION, SECTION 11. 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 CONTROLLING 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 PROVIDING 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.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°25'30" E	30.00'
L2	N 89°25'30" E	19.99'

CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	90°00'00"	120.00'	188.57'	120.00'	N 44°34'30" W	169.71'
C2	90°00'00"	120.00'	188.57'	120.00'	N 45°25'30" E	169.71'
C3	90°00'00"	120.00'	188.57'	120.00'	S 44°34'30" E	169.71'
C4	90°00'00"	120.00'	188.57'	120.00'	S 45°25'30" W	169.71'
C5	90°00'00"	20.00'	31.42'	20.00'	N 44°34'30" W	28.28'
C6	90°00'00"	20.00'	31.42'	20.00'	N 45°25'30" E	28.28'
C7	90°00'00"	20.00'	31.42'	20.00'	S 44°34'30" E	28.28'
C8	90°00'00"	20.00'	31.42'	20.00'	S 45°25'30" W	28.28'

BENCHMARK #1: BRASS CAP AT INTERSECTION LORENCE RD. & WHITMORE LANE
ELEV. =

D/E = DRAINAGE EASEMENT
SW/E = SIDEWALK EASEMENT
PED/E = PEDESTRIAN EASEMENT
LNA = LIMITS OF NO ACCESS
U/E = UTILITY EASEMENT
B/L = BUILDING LINE
-1000- = ADDRESS

Date: December 22, 2011
SMC Consulting Engineers, P.C.
815 W. Main Street
Oklahoma City, OK 73106
Ph:(405)232-7715
Oklahoma CA#664 Exp. 6-30-2013

NOTE: THE UNIT OF MEASUREMENT SHOWN FOR ALL DIMENSIONS ON THE FINAL PLAT IS FEET.

CARRINGTON PLACE ADDITION SECTION 11
FINAL PLAT
SHEET 2 OF 2

FINAL PLAT ITEM NO. 7

STAFF REPORT

ITEM: Consideration of a Final Plat for CARRINGTON PLACE ADDITION, SECTION 11.

LOCATION: Generally located on the west side of 36th Avenue NW and one-half mile north of West Tecumseh Road.

INFORMATION:

1. Owners. Carrington Place, LLC.
2. Developer. Carrington Place, LLC.
3. Engineer. SMC Consulting Engineers, P.C.

HISTORY:

1. May 6, 1999. The Norman Board of Parks Commissioners, on a vote of 6-0, recommended private park land dedication for Carrington Place Addition.
2. May 13, 1999. Planning Commission, on a vote of 6-0, recommended to City Council that this property be placed in R-1 and removed from A-2 zoning classification.
3. May 13, 1999. Planning Commission, on a vote of 6-0, approved the preliminary plat for Carrington Place Addition.
4. June 22, 1999. City Council adopted Ordinance No. 0-9899-40 placing this property in R-1 and removing it from A-2 zoning classification.
5. January 9, 2003. Planning Commission, on a vote of 6-1-1, recommended approval of the revised preliminary plat for Carrington Place Addition.
6. February 11, 2003. City Council approved the revised preliminary plat for Carrington Place Addition.

HISTORY (con't):

7. April 1, 2004. The Norman Board of Parks Commissioners, on a vote of 7-2, recommended park land for Carrington Place Addition.

8. April 8, 2004. Planning Commission, on a vote of 6-0, recommended to City Council that the revised preliminary plat for Carrington Place Addition be approved.

9. June 22, 2004. City Council approved an amendment to the Northwest Sanitary Sewer Solution to include a portion of this property in that solution.

10. June 22, 2004. City Council amended the 2020 Land Use and Transportation Plan to designate a portion of this property in the Current Urban Service Area and remove it from the Future Urban Service Area.

11. June 22, 2004. City Council adopted Ordinance No. O-0304-66 placing a portion of this property in the R-1, Single Family designation and remove it from A-2 zoning classification.

12. June 22, 2004. City Council approved the revised preliminary plat for Carrington Place Addition.

13. March 2, 2006. The Norman Board of Parks Commissioners, on a vote of 6-1, recommended park land for Carrington Place Addition.

14. March 9, 2006. Planning Commission, on a vote of 6-0-1, recommended to City Council that the revised preliminary plat for Carrington Place Addition be approved.

15. May 9, 2006. City Council approved the revised preliminary plat for Carrington Place Addition.

16. May 9, 2011. The approval of the revised preliminary plat for Carrington Place Addition became null and void.

17. December 8, 2011. Planning Commission, on a vote of 8-0, recommended to City Council that the revised preliminary plat for Carrington Place Addition be approved.

18. January 10, 2011. City Council is scheduled to consider the revised preliminary plat for Carrington Place Addition. Results of that consideration will be submitted separately.

IMPROVEMENT PROGRAM:

1. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

IMPROVEMENT PROGRAM, (con't):

2. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

3. Sanitary Sewers. Sanitary sewer mains will be installed in accordance with approved plans and City and State Department of Environmental Quality standards. A lift station and off peak holding area has been constructed. This property is part of the Northwest Sanitary Sewer Solution.

4. Sidewalks. Sidewalks will be constructed on each lot prior to occupancy. Sidewalks will be constructed adjacent to 36th Avenue N.W.

5. Storm Sewers. Stormwater and appurtenant drainage structures will be installed in accordance with approved plans and City drainage standards. Runoff will be conveyed to a privately maintained detention facility.

6. Streets. Streets will be constructed in accordance with approved plans and City paving standards. Thirty-sixth Avenue N.W. will be constructed as an arterial street.

8. Water Main. Water mains will be installed in accordance with approved plans and City and Department of Environmental Quality standards.

PUBLIC DEDICATIONS:

1. Easements. All required easements are dedicated to the City on the final plat.

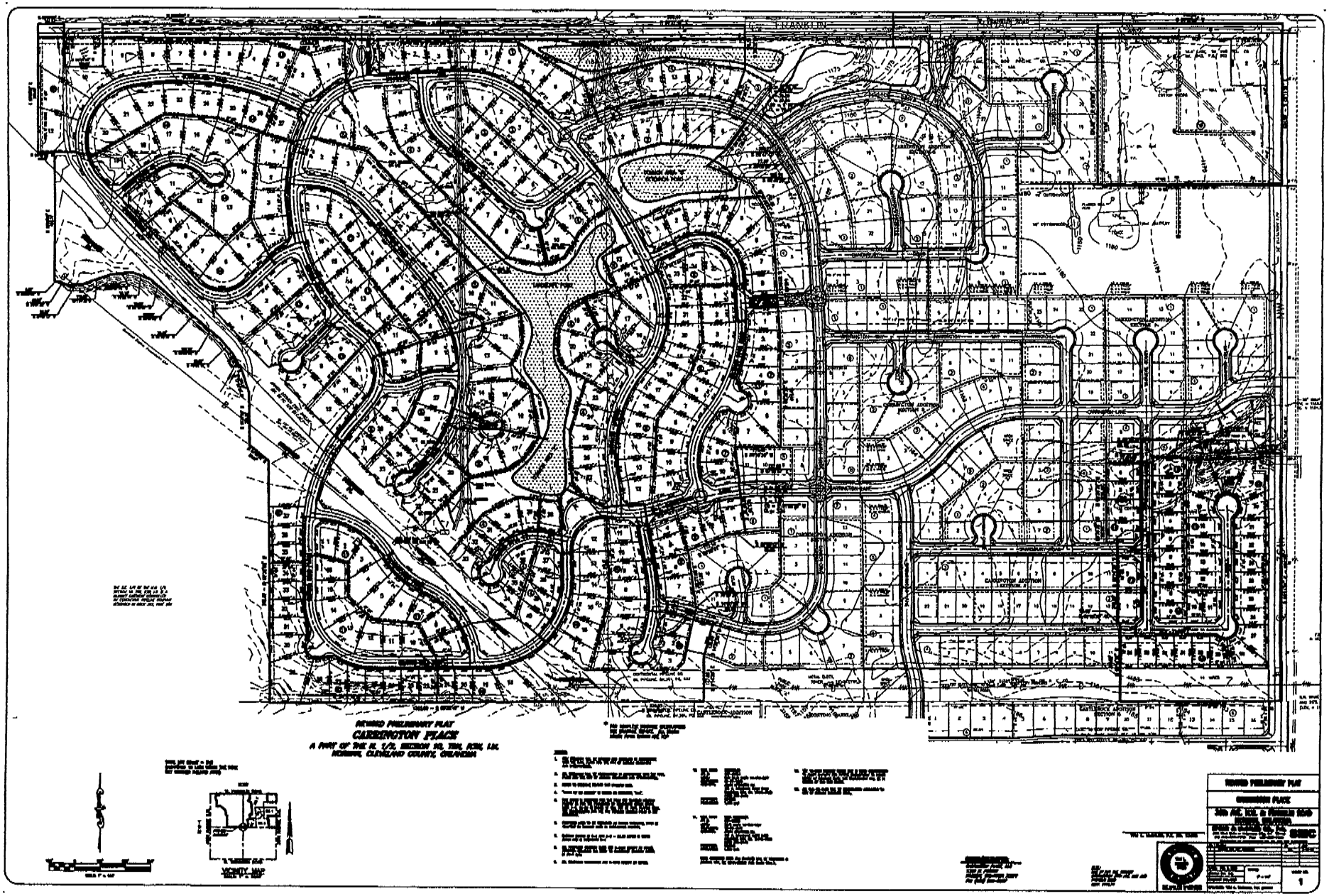
2. Rights-of-Way. Street rights-of-way are dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, revised preliminary plat and final plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The owner proposes to develop thirty-eight (38) single family residential lots and one (1) park land lot. Staff recommends approval of the final plat for Carrington Place Addition, Section 11.

ACTION NEEDED: Approve or disapprove the final plat for Carrington Place Addition, Section 11.

ACTION TAKEN: _____


REVISED PRELIMINARY PLAT
CARRINGTON PLACE
A PART OF THE N. 1/2, SECTION 19, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
VICINITY MAP
REVISED PRELIMINARY PLAT
CARRINGTON PLACE

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

JANUARY 12, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Regular Session in the Council Chambers of the Norman Municipal Building, 201 West Gray Street, on the 12th day of January 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting.

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

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

* * *

Item No. 1, being:
ROLL CALL

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

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Doug Koscinski, Manager, Current Planning Division Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Jane Hudson, Planner II Leah Messner, Asst. City Attorney Larry Knapp, GIS Analyst

* * *

Item No. 3, 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. 4, being:
APPROVAL OF THE DECEMBER 8, 2011 REGULAR SESSION MINUTES

Item No. 5, being:
FP-1112-13 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY SWEETGRASS COMMUNITIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR RED CANYON RANCH ADDITION SECTION 3, A PLANNED UNIT DEVELOPMENT, GENERALLY LOCATED ½ MILE NORTH OF TECUMSEH ROAD AND APPROXIMATELY ½ MILE WEST OF 12TH AVENUE N.E.

Item No. 6, being:
FP-1112-14 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY BDL, INC. (SMC CONSULTING ENGINEERS, P.C.) FOR BDL ADDITION, GENERALLY LOCATED ON THE SOUTH SIDE OF ALAMEDA DRIVE APPROXIIMATELY ¼ MILE EAST OF 72ND AVENUE S.E.

Item No. 7, being:
FP-1112-15 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 11, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. AND APPROXIMATELY ½ MILE NORTH OF WEST TECUMSEH ROAD.

*

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

Jim Gasaway moved to place approval of Item Nos. 4 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, Cynthia Gordon, Tom Knotts, Chris Lewis, Curtis McCarty, Roberta Pailes, Jim Gasaway, Andy Sherrer
NAYES	None
ABSENT	Diana Hartley

Ms. Tromble announced that the motion, to place approval of Item Nos. 4 through 7 on the Consent Docket and approve by one unanimous vote, passed by a vote of 8-0.

* * *

Item No. 7, being:
FP-1112-15 – CONSIDERATION OF A FINAL PLAT SUBMITTED BY CARRINGTON PLACE, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR CARRINGTON PLACE ADDITION SECTION 11, GENERALLY LOCATED ON THE WEST SIDE OF 36TH AVENUE N.W. AND APPROXIMATELY ½ MILE NORTH OF WEST TECUMSEH ROAD.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Final Plat
3. Staff Report
4. Preliminary Plat

The Final Plat for CARRINGTON PLACE ADDITION SECTION 11, was approved on the Consent Docket by a vote of 8-0.

* * *

City of Norman, OK

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

Master

File Number: SC-1213-3

File ID:	SC-1213-3	**Type:**	Special Claim	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 20	**In Control:**	City Council
Department:	Legal Department	**Cost:**	$9,461.63	**File Created:**	07/26/2012
File Name:	Claim from Sharmishta Byragani			**Final Action:**	

Title:

SPECIAL CLAIM NO. SC-1213-3: A CLAIM IN THE AMOUNT OF $9,461.63 SUBMITTED BY SHARMISHTA AND PRASAD BYRAGANI FOR COSTS INCURRED DUE TO AN ACCIDENT WITH A POLICE DEPARTMENT VEHICLE NEAR THE INTERSECTION OF LINDSEY STREET AND JENKINS AVENUE.

ACTION NEEDED: Motion to approve or reject Special Claim No. SC-1213-3; and, if approved, direct payment in the amount of $9,461.63 contingent upon obtaining a Release and Covenant Not to Sue from Sharmishta and Prasad Byragani and her father, Prasad Byragani.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 20

Attachments: Text File Byragani, Clerks Memo, Byragani Claim, Police Report

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-1213-3

body

BACKGROUND: A claim has been filed by Sharmishta Byragani for damages to the vehicle she was driving due to her claim that on February 25, 2012, a City vehicle ran into the rear of her vehicle which then pushed her vehicle forward into a third vehicle at the intersection of Jenkins Avenue and Lindsey Street. While Ms. Byragani was driving the vehicle, it was owned by her father, Prasad Byragani. In addition, the claim includes rental car expense and is in the total amount of $9,461.63.

DISCUSSION: According to Ms. Byragani, she was among several vehicles southbound that were stopped at a light at Jenkins Avenue and Lindsey Street. When the light turned green, traffic began moving but stopped again. A vehicle driven by City of Norman Police Officer John Barbour failed to notice the vehicles in front of him had stopped. The vehicle Officer Barbour was driving ran into the rear of Ms. Byragani's vehicle which pushed her into the vehicle in front of her.

The accident was investigated by Captain Mark Braley. The investigation revealed the situation was as Ms. Byragani described it and, while Officer Barbour attempted to stop to avoid the collision, he was unable to do so. Additionally, Captain Braley investigated the amount of the damage to the vehicle Ms. Byragani was driving. Due to the damage in both the front of the vehicle and the back of the vehicle, combined with the age of the vehicle, it was declared a total loss. Prasad Byragani, Sharmishta Byragani's father, owned the vehicle and their insurance company processed the claim and determined the amount of the loss to be $9,461.63. This amount includes the value of the totaled vehicle less salvage received, and car rental expenses incurred while replacing the vehicle.

Ms. Byragani's claim has been investigated and has reached a point of resolution. She has agreed to accept $9,461.63 as settlement for the entire claim

RECOMMENDATION: It is believed the proposed settlement is fair, reasonable and in the best interest of the City. Based upon the above, it is recommended by the City Attorney's Office that the settlement of Sharmishta and Prasad Byragani's claim in the amount of $9,461.63, as above set forth, be approved by City Council.

office memorandum

DATE: May 25, 2012

TO: Jeff Bryant, City Attorney
Keith Humphrey, Police Chief

FROM: Brenda Hall, City Clerk

SUBJECT: Claim from Sharmishta Byragani

I am in receipt of a claim from Sharmishta Byragani in the amount of $9,461.63 for damages to her vehicle due to her claim that on February 25, 2012, she was rear ended by a police vehicle which pushed her vehicle forward into another vehicle at the intersection near Jenkins Avenue and Lindsey Street. The traffic report states that when the traffic signal turned green, all vehicles started forward, but Ms. Byragani braked due to the vehicle in front of her braking and Officer Barbour braked but could not stop from striking Ms. Byragani's vehicle from behind. The report also states that her vehicle was pushed into the vehicle directly in front of her when she was struck from behind.

Keith, 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, if it is determined the City has liability in this matter, please signify by writing a report of your recommendations in order that we may schedule this claim as an agenda item.

BH:kjc
attachments

CITY OF NORMAN
POST OFFICE BOX 370
NORMAN, OKLAHOMA 73070

FILED IN THE OFFICE OF THE CITY CLERK ON 5/25/12

NOTICE OF TORT CLAIM

CLAIMANT: Shermishta Byragani DATE: 2/25/12

ADDRESS: ~~9324 S. 85th East Ave~~ 411 Simpson St. CITY ~~Tulsa~~ Norman

STATE: OK ZIP: ~~74133~~ 73072 PHONE: (H) 918 461 8222 (W) 918 521 3317

DATE OF INCIDENT: 2/25/12

LOCATION OF INCIDENT: Jenkins Ave & Lindsey - Norman OK

STATEMENT OF CIRCUMSTANCES / REASONS YOU BELIEVE CITY IS LIABLE:

City vehicle driven by John Barbour rear ended my vehicle and I was pushed forward into another vehicle. Enclosed is the official police report confirming this

(use additional pages if necessary)

MONETARY STATEMENT: List of expenses claimed for payment:

Deductible	$ 750.00	Vehicle damage	$ 11,111.63
Rental Bill (Paid by Farmers)	$ 500.00	Salvage sold on total loss	- $ 2,900
Rental Bill out of pocket	$ 28.15		$

TOTAL AMOUNT CLAIMED: $ 9,461.63

NAME AND ADDRESS OF INSURANCE COMPANY: Farmers Insurance (claim 1020998963)
PO Box 268992
Oklahoma City OK 73126 AGENT: Nick Keeley 630 907 6923

THIS FORM MUST BE SIGNED AND RETURNED WITH ALL REQUESTED INFORMATION IN ORDER TO BE PROCESSED.

I SWEAR AND/OR AFFIRM THE INFORMATION PROVIDED ABOVE IS TRUE AND CORRECT.

Shermishta Byragani
CLAIMANT'S SIGNATURE

[DO NOT WRITE IN THIS SPACE]

Pg 1 of 6

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Y	N
Incident Report		X
Investigation Completed	X	
Investigation Made at Scene	X	
Photographs	X	
Revised		X
Fatality		X
Hit and Run		X

(1) Reporting Agency: NORMAN POLICE DEPARTMENT
Case Number (Agency Use): 2012-02650
Motor Vehicles Involved: 03 Number Injured: 00 Number Killed: 00

(2) Date of Collision (mm/dd/yyyy): 02 25 2012 Time: 1300 County Number and Name: 14 CLEVELAND
Nearest City or Town Number and Name: In X Near ☐ 20 NORMAN

(3) Distance from Nearest City or Town Limits: Mi. ☐ Ft. ☐ N S Mi. ☐ Ft. ☐ E W
Control # Int ID Location East Grid North Grid Administrative

(4) Street, Road or Highway: JENKINS AVE
Distance from At 0164 Mi. ☐ Ft. X N X S ☐ E ☐ W ☐ of (Nearest) Intersecting Street, Road or Highway: LINDSEY ST.

(5) Unit 01 Occupants 02 Type D Hit & Run ☐ CMV ☐ Last Name: BARBOUR First: JOHN Middle: C Date of Birth (mm/dd/yyyy): 02 13 1971 Sex: M
(6) Address: 201 - B. WEST GRAY ST City: NORMAN State: OK Zip: 73069 Telephone (Use Area Code): 4053211600
(7) Driver License Number: [illegible] State: OK Class: D Endorsement(s) Restriction(s) Inj. Sev.: 1 Type of Injury: 0 Drv./Ped. Cond.: 01 OP Use: 04
(8) Air Bag: 1 Ejected: 1 Extricated: 1 Test: 5 (% BAC) 0. Transported by To Medical Facility License Plate Number: CI 15306 State: OK Month: 12 Year: 2012
(9) VIN: 2FABP7BV9BX124073 Vehicle Year: 2011 Color: BLK 2nd Color: WHI Make: FORD Model: CVP Veh. Conf.: 02 Extent of Damage: 2
(10) Insurance Verification: 4 Insurance Company Name Policy Number Insurance Telephone (Use Area Code)
(11) Vehicle Removed by: Driver X Owner's Last Name: CITY OF NORMAN First Middle Initial Same as Driver ☐
(12) Owner's Address: 201 W. GRAY STREET City: NORMAN State: OK Zip: 73069 Oversized Load: 0 Towed Veh. Type: 00 Rolled ☐ Burned ☐ Phone present X Phone in use ☐
(13) Citation Number Statute/Ordinance Number Citation Number Statute/Ordinance Number

(14) Unit 02 Occupants 03 Type D Hit & Run ☐ CMV ☐ Last Name: BYRAGANI First: SHARMISTHA Middle Date of Birth (mm/dd/yyyy) Sex: F
(15) Address: 411 STINSON ST City: NORMAN State: OK Zip: 73072 Telephone (Use Area Code)
(16) Driver License Number State: OK Class: D Endorsement(s) Restriction(s) Inj. Sev.: 1 Type of Injury: 0 Drv./Ped. Cond.: 01 OP Use: 04
(17) Air Bag: 1 Ejected: 1 Extricated: 1 Test: 5 (% BAC) 0. Transported by To Medical Facility License Plate Number State: OK Month: 03 Year: 2012
(18) VIN: [illegible] Vehicle Year: 2003 Color: SIL 2nd Color: 0 Make: INFI Model: G35 Veh. Conf.: 02 Extent of Damage: 2
(19) Insurance Company Name: FARMERS Insurance Verification: 2 Policy Number: 190871423 Insurance Telephone (Use Area Code): 9
(20) Vehicle Removed by: Driver X Owner's Last Name: BYRAGANI First: ANURADHA Middle Initial Same as Driver ☐
(21) Owner's Address: 9324 S. 85th EAST AVE City: TULSA State: OK Zip: 74133 Oversized Load: 0 Towed Veh. Type: 00 Rolled ☐ Burned ☐ Phone present ☐ Phone in use ☐
(22) Citation Number Statute/Ordinance Number Citation Number Statute/Ordinance Number

(23) Investigating Officer: Lt. Kelser Badge Number: 8299 Troop/Div. Reviewed by (Init.): [illegible] Reviewer Badge Number: 9932 Date of Report (mm/dd/yyyy): 02 25 2012

COMPLETE

02650-12

EXCH0627

Unit Type: D Driver; P Pedestrian; X Pedestrian Conveyance; B Bicyclist; Z Other Cyclist; C Parked Car; A Animal; T Train

Injury Severity: 0 N/A; 1 No Injury; 2 Possible; 3 Non-Incapacitating; 4 Incapacitating; 5 Fatal; 9 Unknown

Type of Injury: 0 N/A; 1 Head; 2 Trunk - External; 3 Trunk - Internal; 4 Arms; 5 Legs; 9 Unknown

Driver/Pedestrian Condition: 00 Not Applicable; 01 Apparently Normal; 02 Drinking - Ability Impaired; 03 Odor of Alcohol Beverage; 04 Illegal Drugs; 05 Under the Influence of Medications; 06 Very Tired; 07 Sleepy; 08 Ill (Sick); 09 Dizzy/Faint; 10 Emotional; 11 Other; 99 Unknown

Occupant Protection (OP) In Use: 00 Not Applicable; 01 None Used; 02 Lap Belt Only; 03 Shoulder Belt Only; 04 Shoulder and Lap Belt; 05 Child Restraint Type Unknown; 06 Restraint Used - Type Unknown; 07 Helmet; 08 Child Restraint - Forward Facing; 09 Child Restraint - Rear Facing; 10 Booster Seat; 11 Other; 99 Unknown

Air Bag Deployed: 0 Not Applicable; 1 Not Deployed; 2 Deployed - Front; 3 Deployed - Side; 4 Deployed - Other (knee, air belt, etc.); 5 Deployed - Combination; 9 Deployment Unknown

Ejected: 0 Not Applicable; 1 Not Ejected; 2 Ejected, Partially; 3 Ejected, Totally; 9 Unknown

Extricated: 0 N/A; 1 No; 2 Yes

Chemical Test: 0 N/A; 1 Blood; 2 Breath; 3 Blood/Breath; 4 Test Refused; 5 None Given; 6 Other

Extent of Damage: 0 N/A; 1 None; 2 Minor; 3 Functional; 4 Disabling; 9 Unknown

Insurance Verification: 0 N/A; 1 No; 2 Owner; 3 Operator; 4 Exempt

Oversized Load: 0 N/A; N Not Permitted; P Permitted

Towed Vehicle Type: 00 N/A; 01 Boat Trailer; 02 House Trailer; 03 Farm Trailer; 04 Horse Trailer; 05 Another Vehicle; 06 Utility Trailer; 07 Homemade Trailer; 08 Box Trailer; 09 Stock Trailer; 10 Camping Trailer; 11 Combination; 12 Other; 99 Unknown

WARNING - STATE LAW Use of contents for commercial solicitation is unlawful

Case Number 2012-02650

(24) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh.	Last Name	First	Middle Initial	Date of Birth (mm/dd/yyyy)	Sex
01		X	13	UNDERHILL	AUSTIN	TODD	11 04 1983	M

(25) Address	City	State	Zip	Telephone (Use Area Code)
Same as Driver ☐ 201 W. GRAY ST.	NORMAN	OK	73069	4053211600

(26) Injury Severity / Type	OP Use	Air Bag Ejected	Extricated	Transported by	To Medical Facility	Property Type
10	04	1	1	1		

(27) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh.	Last Name	First	Middle Initial	Date of Birth (mm/dd/yyyy)	Sex
02		X	13	WYARICK	CLAY	WESLEY	05 07 1987	M

(28) Address	City	State	Zip	Telephone (Use Area Code)
Same as Driver ☐ 519 MILLER AVE #B	NORMAN	OK	73069	9186976322

(29) Injury Severity / Type	OP Use	Air Bag Ejected	Extricated	Transported by	To Medical Facility	Property Type
10	04	1	1	1		

(30) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh.	Last Name	First	Middle Initial	Date of Birth (mm/dd/yyyy)	Sex
02		X	23	McQUFFEE	KEVIN		01 27 1991	M

(31) Address	City	State	Zip	Telephone (Use Area Code)
Same as Driver ☒				4053144936

(32) Injury Severity / Type	OP Use	Air Bag Ejected	Extricated	Transported by	To Medical Facility	Property Type
10	04	1	1	1		

(33) Unit	Injured / Witness	Passenger / Prop. Owner	Pos in Veh.	Last Name	First	Middle Initial	Date of Birth (mm/dd/yyyy)	Sex

(34) Address	City	State	Zip	Telephone (Use Area Code)
Same as Driver ☐				

(35) Injury Severity / Type	OP Use	Air Bag Ejected	Extricated	Transported by	To Medical Facility	Property Type

Complete information below if this vehicle is being used for COMMERCE/BUSINESS and has a GVWR/GCWR IN EXCESS OF 10,000 LBS., or has a HAZMAT PLACARD, or is a BUS WITH SEATING FOR NINE OR MORE INCLUDING THE DRIVER

(36) Unit	Carrier Name	Address

(37) City	State	Zip	GVWR / GCWR	0 - 10K lbs. / 10,001 - 26K lbs. / 26K+ lbs.	Axle Qty.	Cargo Body	Vehicle Use
							Interstate Commerce ☐ Intrastate Commerce ☐ Other Non-Commercial ☐ Government ☐

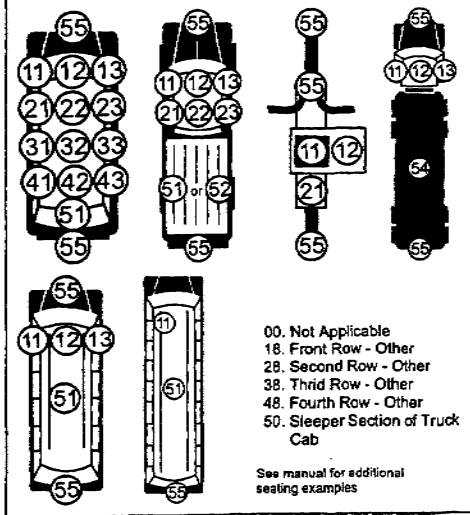
(38) U.S. DOT Number	NASI Report Number	Placard Number	Haz. Mat. Class	Haz. Mat. Involved	Haz. Mat. Release
	OK			Yes ☐ No ☐	Yes ☐ No ☐

(39) Unit	Carrier Name	Address

(40) City	State	Zip	GVWR / GCWR	0 - 10K lbs. / 10,001 - 26K lbs. / 26K+ lbs.	Axle Qty.	Cargo Body	Vehicle Use
							Interstate Commerce ☐ Intrastate Commerce ☐ Other Non-Commercial ☐ Government ☐

(41) U.S. DOT Number	NASI Report Number	Placard Number	Haz. Mat. Class	Haz. Mat. Involved	Haz. Mat. Release
	OK			Yes ☐ No ☐	Yes ☐ No ☐

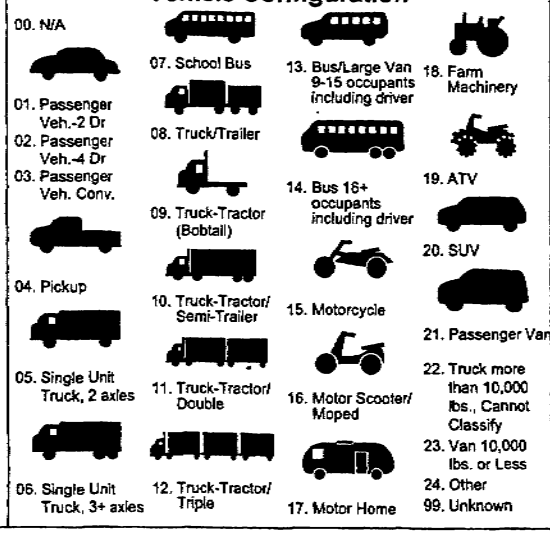
Position in Vehicle



00. Not Applicable
18. Front Row - Other
28. Second Row - Other
38. Third Row - Other
48. Fourth Row - Other
50. Sleeper Section of Truck Cab

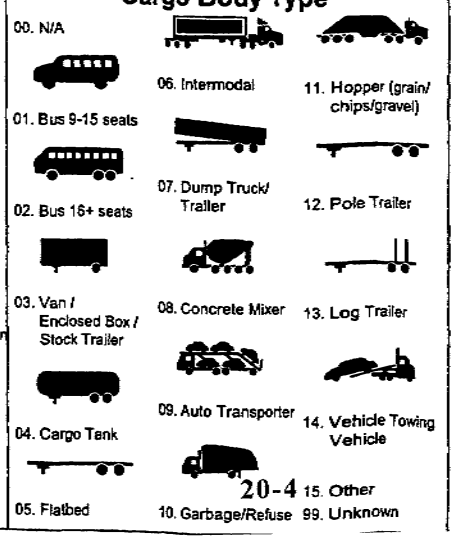
See manual for additional seating examples

Vehicle Configuration



00. N/A
01. Passenger Veh.-2 Dr
02. Passenger Veh.-4 Dr
03. Passenger Veh. Conv.
04. Pickup
05. Single Unit Truck, 2 axles
06. Single Unit Truck, 3+ axles
07. School Bus
08. Truck/Trailer
09. Truck-Tractor (Bobtail)
10. Truck-Tractor/ Semi-Trailer
11. Truck-Tractor/ Double
12. Truck-Tractor/ Triple
13. Bus/Large Van 9-15 occupants including driver
14. Bus 16+ occupants including driver
15. Motorcycle
16. Motor Scooter/ Moped
17. Motor Home
18. Farm Machinery
19. ATV
20. SUV
21. Passenger Van
22. Truck more than 10,000 lbs., Cannot Classify
23. Van 10,000 lbs. or Less
24. Other
99. Unknown

Cargo Body Type



00. N/A
01. Bus 9-15 seats
02. Bus 16+ seats
03. Van / Enclosed Box / Stock Trailer
04. Cargo Tank
05. Flatbed
06. Intermodal
07. Dump Truck/ Trailer
08. Concrete Mixer
09. Auto Transporter
10. Garbage/Refuse
11. Hopper (grain/ chips/gravel)
12. Pole Trailer
13. Log Trailer
14. Vehicle Towing Vehicle
15. Other
99. Unknown

Case Number 2012 - 02650

OFFICIAL OKLAHOMA TRAFFIC COLLISION REPORT

	Unit	Total Lanes in Roadway	Legal Speed	Pedestrian / Pedalcyclist Only: Actions Prior to Collision	Location at Time of Collision	Safety Equip.	Unit Number of Vehicle Striking
This unit will correspond to 'Unit 1'	01	03	25				
This unit will correspond to 'Unit 2'	02	03	25				

Was the collision in or near a construction, maintenance or utility work zone? (If yes, complete this section) Yes ☐ No ☒

Type of Work Zone
1 Lane Closure
2 Lane Shift/Crossover
3 Work on Shoulder or Median
4 Intermittent or Moving Work
9 Unknown

Location of the Work Zone Collision
1 Before the First Work Zone Warning Sign
2 Advance Warning Area
3 Transition Area
4 Activity Area
5 Termination Area
9 Unknown

Workers Present Yes ☐ No ☐ Unknown ☐

Light 1
1 Daylight
2 Dark-Not Lighted
3 Dark-Lighted
4 Dawn
5 Dusk
6 Dark-Unknown Lighting
7 Other
9 Unknown

Weather 01
01 Clear
02 Fog/Smog/Smoke
03 Cloudy
04 Rain
05 Snow
06 Sleet/Hail (Freezing Rain/Drizzle)
07 Severe Crosswind
08 Blowing Snow
09 Blowing Sand, Soil, Dirt
10 Other
99 Unknown

Locality 4
1 Residential
2 Business
3 Industrial
4 School
5 Not Built-up
6 Mixed Use
7 Other
9 Unknown

Type of Intersection 0
0 Not an Intersection
2 Y-Intersection
3 T-Intersection
4 Four-Way Intersection
5 Five-Point or More
6 Intersection as Part of Interchange
7 Traffic Circle
8 Roundabout
9 Unknown

Incident Type 00
00 Not an Incident
51 Private Property
52 Deliberate Intent
53 Medical Condition
54 Legal Intervention
55 Suicide
57 Drowning
58 Other

Location of First Harmful Event 01
01 On Roadway
02 Shoulder
03 Median
04 Roadside
05 Gore
06 Separator
07 Parking Lane/Zone
08 Off Roadway, Location Unknown
09 Outside Right-of Way
10 Other
99 Unknown

What Vehicle Was Going to Do Unit 1: 01 Unit 2: 01
00 Not Applicable
01 Go Ahead
02 Turn Left
03 Turn Right
04 Make "U" Turn
05 Stop
06 Slow for Cause
07 Start from Park/Stop
08 Change Lanes
09 Overtake
10 Pass
11 Back
12 Remain Stopped
13 Remain Parked
14 Enter/Merge in Traffic
15 Negotiate a Curve
16 Park
17 Other
99 Unknown

What Vehicle Did Unit 1: 01 Unit 2: 05
00 Not Applicable
01 Went Ahead
02 Turned Left
03 Turned Right
04 Entered "U" Turn
05 Stopped
06 Slowed
07 Started From Park/Stop
08 Entered Other Lane
09 Overtaking
10 Passing
11 Backed
12 Remained Stopped
13 Remained Parked
14 Entered/Merged
15 Departed Rdwy-Right
16 Departed Rdwy-Left
17 Swerved Right
18 Swerved Left
19 Parked
20 Other
99 Unknown

Visibility Obscured by Unit 1: 00 Unit 2: 00
00 Not Applicable
01 Trees
02 Embankment
03 Building
04 Signs
05 Parked Vehicles
06 High Weeds
07 Fences
08 Shrubbery
09 Ice, Snow or Frost on Windows
10 Smoke
11 Fog
12 Dust
13 Rain
14 Sun
15 Other
99 Unknown

Driver Distracted by Unit 1: 3 Unit 2: 0
0 Not Applicable/None
1 Electronic Communication Devices
2 Other Electronic Device
3 Other inside Vehicle
4 Other Outside Vehicle
9 Unknown

Underride/ Override Unit 1: ☐ Unit 2: ☐
0 Not Applicable
1 No Underride or Override
2 Underride, Compartment Intrusion
3 Underride, No Compartment Intrusion
4 Underride, Compartment Intrusion Unknown
5 Override, Motor Vehicle in Transport
6 Override, Other Motor Vehicle
9 Unknown

Traffic Control Unit 1: 11 Unit 2: 11
00 No Control
01 Stop Sign
02 Traffic Signal
03 Flashing Traffic Signal
04 School Zone Signs
05 Yield Sign
06 Warning Sign
07 Railroad Advance Warning Sign
08 Railroad Cross Bucks
09 Railroad Gates
10 Railroad Signal
11 No Passing Zone
12 Person (including flagger, law enforcement, crossing guard, etc.)
13 Abnormal Control
14 Other
99 Unknown

Road Surface Conditions Unit 1: 01 Unit 2: 01
01 Dry
02 Wet
03 Ice/Frost
04 Snow
05 Mud, Dirt, Gravel
06 Slush
07 Water (standing, moving)
08 Sand
09 Oil
10 Other
99 Unknown

Road Character

Grade Unit 1: 1 Unit 2: 1
1 Level
2 Hillcrest
3 Uphill
4 Downhill
5 Sag (bottom)

Road Alignment Unit 1: 1 Unit 2: 1
1 Straight
2 Curve - Left
3 Curve - Right

Road Surface Type Unit 1: 1 Unit 2: 1
1 Concrete
2 Asphalt
3 Gravel
4 Dirt
5 Brick
6 Other
9 Unknown

Trafficway Unit 1: 2 Unit 2: 2
0 Not Applicable
1 One Way
2 Two-Way - Not Divided
3 Two-Way - Divided
4 Two-Way - Divided - Positive Median Barrier
5 Turn Lane
6 Ramp / Loop
7 Driveway
8 Alley / Parking Lot
9 Unknown

Vehicle Removal Unit 1: 4 Unit 2: 4
0 Not Applicable
1 Towed Due to Vehicle Damage
2 Towed For Reasons Other Than Damage
3 Remained at Scene
4 Driven from Scene
9 Unknown

Vehicle Condition Unit 1: 01 Unit 2: 01
00 Not Applicable
01 Apparently Normal
02 Brakes
03 Headlights
04 Steering
05 Tail Lights
06 Brake Lights
07 Tires/Wheels
08 Suspension
09 Signal lights
10 Windows
11 Truck Coupling/Trailer Hitch/Safety Chains
12 Mirrors
13 Wipers
14 Power Train
15 Other
99 Unknown

Special Function of Vehicle Unit 1: 08 Unit 2: 00
00 Not Applicable
01 School Bus
02 Transit Bus
03 Intercity Bus
04 Charter Bus
05 Other Bus
06 Military
07 OHP
08 Other Police
09 Other Law Enforcement
10 Ambulance
11 Fire Truck
12 Public Owned Vehicle
13 Highway Equipment
14 Special Mobilized Machine
15 Other
99 Unknown

Emergency Vehicle Responding to an Emergency Unit 1: 2 Unit 2: 0
0 N/A
1 Yes
2 No
9 Unknown

Unsafe / Unlawful Contributing Factors Unit 1: 46 Unit 2: 98

FAILED TO YIELD
01 From Stop Sign
02 From Yield Sign
03 Private Drive
04 County Road at Through Highway
05 From Signal Light
06 From Alley
07 To Pedestrian
08 To Vehicle on Right
09 To Vehicle in Intersection
10 To Emergency Vehicles
12 Other

FOLLOWED TOO CLOSELY
13 Human Element
14 Traffic Condition
15 Weather Condition

UNSAFE SPEED
16 Driver's Ability (Aged)
17 Inexperienced Driver - Young
18 Exceeding Legal Limit
19 For Traffic Conditions
20 For Type of Roadway (Gravel, Dirt, etc.)
21 For Ice or Snow on Roadway
22 Rain or Wet Roadway
23 Wind
24 Other Weather Conditions
25 Vehicle Condition
26 View Obstruction
27 On Curve/Turn
28 Impeding Traffic
29 Other

IMPROPER TURN
30 From Wrong Lane
31 From Direct Course
32 Right
33 Left
34 Turn About/U-Turn
35 To Enter Private Drive
36 In Front of Oncoming Traffic
37 Other
38 **CHANGED LANES UNSAFELY**
39 **STOPPED IN TRAFFIC LANE**

FAILED TO STOP
40 For Stop Sign
41 For Traffic Signal
42 For School Bus
43 For Railroad Gates/ Signal
44 For Officer/Flagman
45 At Sidewalk/Stopline
46 Other

UNSAFE VEHICLE
47 Brakes
48 Steering
49 Tires
50 Suspension
51 Headlights
52 Tail Lights
53 Stop Lights
54 Wheel
55 Exhaust System
56 Windshield Wipers
57 Other Mechanical Defects

LEFT OF CENTER
58 In Meeting
59 No Passing Zone (Unmarked)
60 Marked Zone
61 Other

IMPROPER OVERTAKING
62 In Marked Zone
63 On Hill/Curve
64 At Intersection
65 Without Sufficient Clearance
66 Other

IMPROPER PARKING
67 On Roadway
68 Where Prohibited
69 Other

INATTENTION
70 Distracted by Passenger in Vehicle
71 Other Distraction Inside Vehicle
72 Distraction From Outside Vehicle
73 Other

WRONG WAY
74 On One Way
75 On Exit Ramp
76 On Entrance Ramp
77 Other

IMPROPER START FROM
78 Parked Position
79 Other
80 **ALCOHOL-DUI/DWI**
81 **DRUG-DUI**

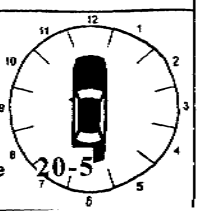
OTHER IMPROPER ACT/ MOVEMENT
82 Failed to Signal
83 Disregarded Warning Signal
84 Improper Use of Lane
85 Improper Backing
86 Apparently Sleepy
87 Failed to Secure Load
88 Other/Unknown

UNKN./NO IMPROPER ACT
89 Deer in Roadway
90 Animal in Roadway
91 Domestic Animal in Rdwy
92 Avoiding Other Vehicle
93 Avoiding Pedestrian
94 Object/Debris in Roadway
95 Defect in Roadway
96 Abnormal Traffic Control
97 Improper Bicyclist Action
98 **NO IMPROPER ACTION BY DRIVER**
99 **PEDESTRIAN ACTION**

Point of First Contact on Vehicle Unit 1: 12 Unit 2: 06

Most Damaged Area Unit 1: 12 Unit 2: 06

00 Not Applicable
13 Top
14 Undercarriage
99 Unknown



20-5

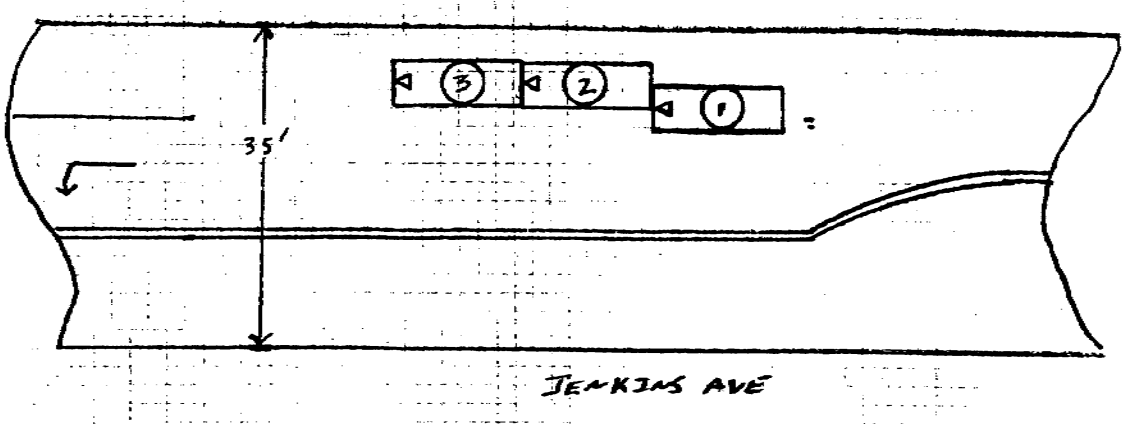
Case Number

Latitude N Longitude W Railroad Crossing Number

Roadway Orientation: Unit Number 01 NE SW S Unit Number 02 NE SW S

RP, NE corner of LINDSEY and JENKINS
P.O.I. #1 163.8' North of LINDSEY ST. and 8.3' EAST
P.O.I. #2 148.1' North of LINDSEY ST. and 55' EAST

Indicate North by Arrow



COLLISION EVENTS

Unit	First Event	Second Event	Third Event	Fourth Event	Most Harmful Event
01	34	00	00	00	34
02	34	34	00	00	34

First Harmful Event for the Entire Collision: 34

00 Not Applicable
10 Overturn/Rollover
11 Fire/Explosion
12 Immersion
13 Jackknife
14 Cargo/Equipment Loss or Shift
15 Equipment Failure (Blown Tire, Brake Failure, etc.)
16 Separation of Units
17 Departed Road Right
18 Departed Road Left
19 Cross Median/Centerline
20 Downhill Runaway
21 Fell/Jumped From Motor Vehicle
22 Thrown Or Falling Object
23 Other Non-Collision

PERSON, MOTOR VEHICLE, OR NON-FIXED OBJECT:
30 Pedestrian
31 Pedal Cycle
32 Railway Vehicle (train, engine)
33 Animal
34 Motor Vehicle in Transport
35 Parked Motor Vehicle
36 Struck by Falling, Shifting Cargo or Anything Set in Motion by Motor Vehicle
37 Work Zone/Maintenance Equipment
38 Other Non-Fixed Object

FIXED OBJECT;
40 Barrier (Cable)
41 Barrier (Concrete)
42 Barrier (Other)
43 Fence Pole
44 Fence
45 Traffic Signal Support
46 Traffic Sign Support
47 Utility Pole/Light Support
48 Other Post/Pole/Support
49 Guardrail/Guardrail Face
50 Guardrail End
51 Culvert
52 Curb
53 Island
54 Sand Barrels
55 Impact Attenuator/ Crash Cushion
56 Pavement Drop-Off
57 Ditch
58 Embankment
59 Tree (Standing)
60 Dividing Strip
61 Retaining Wall
62 Bridge Abutment
63 Bridge Pier or Support
64 Bridge Rail
65 Bridge Post
66 Bridge Curb
67 Bridge Super Structure (Beams)
68 Bridge Overhead Structure
69 Delineator
70 Mailbox
71 Other Fixed Object
72 Other Highway Structure
73 Ground
99 Unknown

Remarks

Several vehicles were stopped South bound on JENKINS Ave to A Red Light. THE LIGHT CHANGED TO Green and All vehicles STARTED FORWARD. V #3 BRAKED TO STOP DUE TO The vehicle IN FRONT of Him Stopping. V #2 BRAKED DUE TO V #3 STOPPING. V #1 Looked AWAY FROM THE ROADWAY AND FAILED TO SEE V #2 STOPPING. V #1 BRAKED But could not stop AND STRUCK V #2 FROM BEHIND. V #2 was Knocked FORWARD into V#3.

This report is based on the officer's investigation of this collision. This report may contain the opinion of the officer.

City of Norman, OK

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

Master

File Number: K-0506-53 Amd #1

File ID:	K-0506-53 Amd #1	**Type:**	Contract	**Status:**	Consent Item
Version:	2	**Reference:**	Item No. 21	**In Control:**	City Council
Department:	Utilities Department	**Cost:**	$20,567.00	**File Created:**	08/09/2012
File Name:	Amd 1 K-0506-63 Garver			**Final Action:**	

Title: AMENDMENT NO. ONE TO CONTRACT NO. K-0506-53: BY AND BETWEEN THE NORMAN UTILITIES AUTHORITY AND GARVER ENGINEERS, L.L.C., INCREASING THE CONTRACT AMOUNT BY $20,567 TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR AN INTERIM WASTEWATER SOLUTION FOR NORTHERN NORMAN, PROJECT 11B, INDUSTRIAL, TECUMSEH, AND VO-TECH INTERCEPTORS.

ACTION NEEDED: Acting as the Norman Utilities Authority, motion to approve or reject Contract No. K-0506-53 with Garver Engineers, L.L.C., increasing the contract amount by $20,567; and, if approved authorize the execution thereof and transfer $20,513 from Project No. WW0302, Industrial Interceptor, Design (322-9048-432.62-01) to Project No. WW0262, Tecumseh Interceptor, Design (322-9048-432.62-01); and transfer $21,195 from Industrial Interceptor, Construction (323-9048-432.61-01); $448 from Industrial Interceptor, Design (323-9048-432.62-01); and $7,522 from Industrial Interceptor, Land (323-9048-432.60-01) to Project No. WW0262, Tecumseh Interceptor, Design (323-9048-432.62-01).

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 21

Attachments: Text File Garver, Garver Amendment 1

Project Manager: Mark Daniels, Utilities Engineer

Entered by: jim.speck@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-0506-53 Amd #1

body

BACKGROUND: The Wastewater Master Plan (WWMP) identified sewer interceptor needs throughout Norman to accommodate full build-out of the Norman 2020 Land Use and Transportation Plan. One of the projects identified in the WWMP was the construction of the Tecumseh Interceptor. On July 12, 2005, the Norman Utilities Authority (NUA) approved contract K-0506-53, with Garver Engineers, LLC to complete preliminary design, final design, bidding, and construction management services for the Industrial and Tecumseh Interceptors. Both projects were combined into one engineering contract to save time and money. The approximate length of sewer interceptors for both projects was almost 13,000 linear feet. The Industrial Interceptor project (capital project WW0302) construction project was completed June 8, 2009.

The Tecumseh Interceptor project (WW0262) begins at the existing Tecumseh Lift Station extends across Tecumseh Road and then generally northeast through Tecumseh Road Business Park and Founders Park Addition before connecting to the Little River Interceptor west of 12th Avenue NW. The Tecumseh Lift Station and storage lagoon will be abandoned upon completion of the interceptor.

Obligated interceptor needs, serving existing customers and contractual obligations as of August 2001, are funded by the Sewer Sales Tax (SST). The Sewer Excise Tax (SET) funds enlargement of interceptors to serve full build out development under the Norman 2025 Land Use and Transportation Plan.

DISCUSSION: The Tecumseh Interceptor Project (capital project WW0262) has been on hold in order to negotiate and obtain easements necessary for construction. The easements have now been attained but the original alignment has shifted due to platting of one of the properties. This shift in alignment requires additional surveying and design engineering work. The cost to implement the change in work was negotiated with Garver in the amount $20,567. This amendment increases the original contract amount from $199,838 to $220,375. Staff originally laid out the sewer interceptor line in the most efficient manner across the property. In negotiations with the property owner to get the easement for the sewer interceptor, the property owner requested the sewer interceptor be relocated to more closely match his proposed platted arrangement through his property. This involved relocating about 3,000 feet of planned sewer interceptor location, involving over 150 hours of redesign of the sewer interceptor (both horizontally and vertically), providing plans, specifications, utilities coordination and permits.

Funding for the project is based on the area of the sewer pipe (8-inch diameter) serving obligated needs versus the total area of the pipe (12-inch diameter) serving both obligated and full build-out needs. Therefore, the funding share calculation would be 56% ($11,518) from the Sewer Excise Tax and 44% ($9,049) from the Sewer Sales Tax for a total of $20,567.

As of July 1, 2012, the Design accounts in the Tecumseh Interceptor project have funding of $2,385.46 from Sewer Excise Tax (322-9048-432.62-01) and $138.85 from Sewer Sales Tax (323-9048-432.62-01), respectively. To fund this additional work, all the unencumbered funds in the completed Industrial Interceptor project (WW0302) can be transferred into the Tecumseh Interceptor project (WW0262) to fund this work and provide a cushion for additional expenses and/or unexpected price overruns as follows:

- Transfer $20,513 from the Industrial Interceptor project (WW302) Sewer Excise Tax Design

account (322-9048-432.62-01) to the Tecumseh Interceptor project (WW0262) Sewer Excise Tax Design account (322-9048-432.62-01). The transfer would provide a total of $22,898.46 of available funds of which $11,518 would be encumbered for the additional work.

- Transfer $29,165 from the Industrial Interceptor project (WW302) Sewer Sales Tax accounts, with $21,195 coming from the Construction account (323-9048-432.61-01), $448 from the Design account (323-9048-432.62-01), and $7,522 from the Land account (323-9048-432.60-01), to the Tecumseh Interceptor project (WW0262) Sewer Sales Tax Design account (323-9048-432.62-01). The transfer would provide a total of $29,303.85 of available funds of which $9.049 would be encumbered for the additional work.

RECOMMENDATION NO. 1: Staff recommends the transfer of project funds as described above.

RECOMMENDATION NO. 2: The NUA approve Amendment No. 1 to Contract K-0506-53 in the amount of $20,567 with Garver Engineers, LLC for the completion of the additional design work.

AMENDMENT NO. 1
AGREEMENT
FOR
ENGINEERING SERVICES

This is an amendment, AMENDMENT NO. 1, attached to and made a part of the AGREEMENT, dated July 12, 2005, between the NORMAN UTILITIES AUTHORITY (Owner) and GARVER ENGINEERS, LLC. (Engineer) for professional engineering services as necessary to complete the design services for the North Norman IRP 11b, Tecumseh Interceptor.

WHEREAS, the Owner has determined the need for additional engineering design during the design phase of the project;

WHEREAS, all provisions of Contract No. K-0506-53 not in conflict with this amendment shall hereinafter remain in full force and effect.

WHEREAS, Engineer is prepared to provide additional services in support of the project;

NOW THEREFORE, in consideration of the promises contained in said AGREEMENT and this AMENDMENT NO. 1, Owner and Engineer agree as follows:

The original contract party Garver Engineers, LLC is changed to Garver, LLC.

ARTICLE 2 – COMPLETION DATE

Engineer shall begin work on the additional services within ten (10) days of a Notice to Proceed and shall complete the Final Design within 60 days from receipt of Updated Survey.

ARTICLE 4 – SERVICES TO BE PROVIDED BY THE ENGINEER

Engineer shall provide the following additional services: Revise and update the Tecumseh Interceptor alignment based upon information provided by the Owner.

ARTICLE 5 – COMPENSATION

For Engineer's additional services, Owner shall pay Engineer **Twenty-Thousand, Five-Hundred and Sixty-Seven Dollars ($20,567)** for additional services. The Engineer may submit interim statements, not to exceed one per month, for partial payment for Services rendered.

ARTICLE 6 – OWNER'S RESPONSIBILITIES

Owner shall provide an updated topographic and land survey of the revised Tecumseh Interceptor alignment.

ARTICLE 15 - COMMUNICATIONS

Any communication required by this AGREEMENT shall be made in writing to the address specified below:

ENGINEER: Shane Smith
Garver
1016 24th Ave NW
Norman, OK 73069
405-329-2555
SSSmith@GarverUSA.com

OWNER: Jim Speck
Norman Utilities Authority
201-C West Gray
Norman, OK 73070
405-217-7778
Jim.Speck@NormanOK.Gov

IN WITNESS WHEREOF, Owner and Engineer have executed this Amendment No. 1.

DATED this 11th day of July, 2012.

Garver (ENGINEER)

By: _____
Title: Michael Graves – Regional Office Manager

ATTEST:

STATE OF OKLAHOMA)
) SS
COUNTY OF CLEVELAND)

This instrument was acknowledged before me on this 11th day of July 2012, by Michael J. Graves as Regional Office Manager of Garver.

Notary Public

AUDRA J. SMITH
STATE OF OKLAHOMA
NOTARY PUBLIC
11011478
EXP 12/23/15

My Commission Expires/Commission Number:

12/23/15

Norman Utilities Authority (OWNER)
APPROVED as to form and legality this 17 day of August, 2012.

City Attorney

APPROVED by the Trustees of the Norman Utilities Authority this _____ day of _____, 2012.

ATTEST

By: _____
Title: Chairman – N.U.A.

_____
Secretary – N.U.A.

City of Norman, OK

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

Master

File Number: K-1213-49

File ID:	K-1213-49	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 22	**In Control:**	City Council
Department:	Police Department	**Cost:**	$285,087.00	**File Created:**	08/15/2012
File Name:	K-1213-49 Crossroads/CIC			**Final Action:**	

Title: CONTRACT NO. K-1213-49: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN, OKLAHOMA, AND THE CROSSROADS YOUTH AND FAMILY CENTER, INC., IN THE AMOUNT OF $285,087 FOR THE OPERATION AND MAINTENANCE OF THE COMMUNITY INTERVENTION CENTER FROM JULY 1, 2012, THROUGH JUNE 30, 2013, AND BUDGET APPROPRIATION.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-49 with Crossroads Youth and Family Center, Inc., in the amount of $285,087 for the operation and maintenance of the Community Intervention Center from July 1, 2012, through June 30, 2013; and, if approved, authorize the execution of the contract and appropriate $40,000 from the General Fund Balance (010-0000-253.20-00) to Professional Services/Other Professional, Legal (010-2220-412.40-99).

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 22

Attachments: Text File Crossroads, K-1213-49, FY13 Purchase Order

Project Manager: Keith Humphrey, Police Chief

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-1213-49

Body

BACKGROUND: The City of Norman juvenile program in conjunction with the Crossroads Youth and Family Center, Inc., ("Crossroads") was awarded a federal and state grant from the Office of

Juvenile Affairs ("OJA") to implement a Community Intervention Center ("CIC") in early 1997. Originally, this was a pilot project and the City of Norman was one of five cities to open a CIC. This program began in October of 1997 and the facility is located at 1900 West Robinson in Westwood Park.

The CIC is a county wide collaborative project and was the first program to have a partnership between a local government, state government, youth service agencies and law enforcement. By design of the grant, the federal funding ceased three years after the inception of the program. Funding for the program is now from the state through OJA. The CIC program has been very successful and is considered one of the premier projects of OJA.

The purpose of the CIC is to provide a community based location for law enforcement officers to take juveniles who have been apprehended for committing an offense that is not detention-eligible, for the purpose of holding, supervising and releasing the juveniles to a parent or guardian as appropriate. The goal of the program is two-fold: To return law enforcement officials back to duty in a quick manner and to have a consistent entry for juveniles into the juvenile justice system where they can be offered social services and evaluated for needs.

Under the administrative rules adopted by the OJA, the juveniles may be held for up to twenty-four (24) hours until a parent, guardian or responsible adult can be located. If a parent is not located within the 24-hour time period, the juvenile is transferred to the Cleveland County Youth Shelter where deprived children are held. The CIC is open twenty-four (24) hours a day, seven days a week and is staffed by two staff members at all times for safety purposes. While at the CIC, information for court and social service referrals are gathered.

Prior to the CIC, police officers were delayed several hours at a time, trying to contact and wait for a parent to take responsibility for an arrested juvenile. The CIC allows an officer to release the juvenile defendant to their custody. This allows the officer to return to patrol within minutes. The CIC, in conjunction with juvenile municipal court programs, has been an important tool in dealing with juvenile crime in the community.

A previous requirement to receive the federal and state grant funding was for the participating municipalities to contribute a percentage of matching funds for the program. According to statistical information available, the City of Norman Police Department uses the facility approximately 65% of the time, and the City of Moore uses the facility approximately 20% of the time. The remaining use of the CIC is split between many other cities including: Noble, Lexington, Blanchard, Purcell, Wayne and other local municipalities.

Although the state no longer requires matching funds, they strongly encourage the continuation of contributions from the participating municipalities. OJA has indicated that funding participation by the benefited cities will be a factor considered in future reapplications for funding. Practically, the cities' matching funds have become a necessity for continued use of a 24-hour 7 day a week facility as state and federal funding have decreased. The contributory funding from cities of $92,000, has previously been split between the City of Norman - $40,000, Moore - $40,000, Lexington - $5,000, Noble - $5,000 and Purcell - $5,000.

The City has been notified that OJA has awarded $245,087 to fund CIC operations from July 1, 2012 through June 30, 2013. As in the past, to receive this funding from the state for this program a municipality must demonstrate its ability to provide the services required under the OJA Contract. One method of demonstrating the ability to provide required services under the program is to contract with a designated youth service agency, such as Crossroads. With the contract in place, the City will then notify OJA of the contract and execute documents that will allow Crossroads to submit invoices directly to OJA for payment under the contract as appropriate.

DISCUSSION: Contract No. K-1213-49 is between the City of Norman and Crossroads Youth & Family Center, Inc., for Crossroads to continue to be the service provider for the Community Intervention Center. Crossroads will be responsible for hiring employees and running the day to day activities of the CIC. The City owns the building used by the CIC and the agreement continues the lease of the facility for $1. In addition, this contract also commits the City of Norman to provide matching funding of $40,000 toward the continued operation of the CIC.

Last fiscal year, the City approved Contract No. K-1112-10 with OJA to provide for the funding and operation of the CIC. As in years past, the City then subcontracted with Crossroads to operate the CIC as outlined above. Contract No. K-1112-10 with OJA contained an automatic renewal provision for fiscal years ending June 30, 2013 (FYE13) and June 30, 2014 (FYE14). The renewal process by OJA is outlined in Section I.A. and can be effectuated by issuance of a change order by OJA. OJA has elected to exercise that option for FY13 rather than issuing a new contract packet as in years past. The change order approved by OJA to provide funding this fiscal year has actually increased slightly by $6,443 from last year's contract. The total authorization for FYE13 is $245,087. With the increase in the State's funding sources, the State has followed its adopted practice of passing the increased funding to agencies contracted with the State.

If the City no longer desires to operate the CIC in this manner, then the City may decline to approve the contract with Crossroads and so notify OJA. However, as was noted above, the CIC, operated by Crossroads, has been a model program across the State which not only better allocates the time of law enforcement officers, but also serves the community by allowing youth to be professionally assessed for needs and then reunited with responsible family members, should the youth find themselves involved in criminal activity.

From 1997 until fiscal year ending 2008, the City's matching portion of this grant had been previously budgeted in either the Legal Department Professional Services Account, General Fund Professional Services Account, or Police Department Professional Services Account. During the fiscal year ending 2008, Council requested that the matching funds from the City for this project be removed from the regular budget and later appropriated out of the General Fund balance as the contracts came before Council. Similar to the procedure used since FYE08, this item proposes the $40,000 matching funds portion of the grant to be paid to Crossroads Youth and Family Center Inc. be appropriated from the General Fund Balance to the Legal Department - Other Professional Services (010-2220-412.40-99) for disbursement after approval of the applicable contract.

If Contract No. K-1213-49 with Crossroads is approved to continue the operation of the CIC, the City will provide an executed copy of the contract to OJA. Additionally, the City will provide an executed Affidavit of Assignment to Crossroads and OJA allowing direct payment to Crossroads from OJA

upon their receipt and review of proper invoices. The City's matching contribution will be paid directly to Crossroads upon approval of the contract.

RECOMMENDATION: Staff has reviewed the change order issued by OJA for FY13 which demonstrates the intent of OJA to exercise the automatic renewal provision of K-1112-10 and recommends approval of this renewal. Additionally, staff has reviewed and recommends approval of Contract No. K-1213-49 with Crossroads Youth and Family Center to continue operations of the Community Intervention Center, including an appropriation from the General Fund balance (010-0000-253.20-00) in the amount of $40,000 to Other Professional Services (Legal Department Account 010-2220-412.40-99). If Contract K-1213-49 is approved, then the Affidavit of Assignment should also be executed to allow direct payment of OJA funds to Crossroads. Staff will be available if there are further questions or concerns.

COMMUNITY INTERVENTION CENTER PARTNERSHIP AND SERVICE PROVIDER AGREEMENT AND LEASE OF 1900 WEST ROBINSON TO BE USED AS A COMMUNITY INTERVENTION CENTER

This Community Intervention Center (hereinafter referred to as the "CIC") Agreement is made and entered into this _____ day of _____, 2012, by and between the City of Norman, an Oklahoma Municipal Corporation (hereinafter referred to as the "City") and Sub-Contractor, Crossroads Youth & Family Center Inc. (hereinafter referred to as "Center").

WITNESSETH:

WHEREAS: the State Plan for Community Intervention Centers provides for the development of alternatives to jail and secure detention due to the lack of immediate, easily accessible non-secure resources for law enforcement officers to take juveniles who have been taken into their custody; and

WHEREAS: pursuant to 10A O.S. §2-7-305, The Community Intervention Center shall serve as a short-term reception facility to receive and hold juveniles who have been taken into custody by law enforcement agencies for the alleged violation of a municipal ordinance or state law and for whom detention is inappropriate or unavailable; and

WHEREAS: the Oklahoma Legislature, at 10A O.S. §2-7-301, has authorized and mandated that OJA is the State planning and coordinating agency for statewide juvenile justice and delinquency prevention services; and

WHEREAS: pursuant to 10A O.S. §2-7-305, OJA is authorized to enter into agreements to establish or maintain such centers which may be financed out of local, state and federal monies; and

WHEREAS: certain juveniles who come into contact with law enforcement are not eligible for detention pursuant to 10A O.S. §2-3-101; and

WHEREAS: the City has entered into an agreement with OJA to operate a Community Intervention Center to receive and hold juveniles who have been taken into custody by law enforcement agencies for the alleged violation of a municipal ordinance or state law and for whom detention is inappropriate or unavailable; and

WHEREAS: 10A O.S. §2-7-305 further authorizes the City of Norman to sub-contract with an independent entity to operate the facility, with the approval of OJA; and

NOW, THEREFORE, the City and the Center, in consideration of the premises and the mutual covenants set forth below, do hereby agree as follows:

1) TERM/RENEWAL

A. This contract shall be effective from July 1, 2012 through June 30, 2013 with an option to renew for one (1) additional year.

B. Either party may terminate this Agreement with thirty (30) days advanced written notice to the other party, with or without cause.

Notices shall be sent to:

Norman: The City Clerk of Norman
P.O. Box 370
Norman, Oklahoma 73070

Jeanne Snider, Assistant City Attorney
P.O. Box 370
Norman, Oklahoma 73070

Center: Lisa Winters, Executive Director,
Crossroads Youth and Family Center
1650 W. Tecumseh Rd.
Norman, Oklahoma 73069

C. This Agreement may be renewed upon the same or different conditions between the City and the Center annually to run concurrently with the contract agreement between the City and OJA.

2) STATEMENT OF WORK/PURPOSE

A. This program shall be known as the Community Intervention Center, commonly known as the Juvenile Intervention Center. It is intended to serve juveniles who need short-term supervision (in lieu of jail) until they can be returned to the physical custody of a parent or legal guardian.

B. The Center agrees to follow all applicable State and Federal laws, rules and regulations, and all amendments thereto as set forth by OJA and approved by its Board of Directors. This shall include but not be limited to all requirements and agreements set forth between the City and OJA under the original grant contract.

C. The Center shall employ and supervise CIC employees to process and supervise youth brought to the CIC by law enforcement personnel. Pursuant to this Agreement, the Center, and its employees and/or agents, shall act as a transfer agent on behalf of the Norman Police Department for the juvenile being detained pursuant to this purpose.

D. The CIC agrees to follow and abide by all requirements, rules and regulations promulgated by the Office of Juvenile Affairs under the Contract between the City and the Office of Juvenile Affairs. The Center's responsibilities at a minimum shall be:

i. The CIC shall be open and operational 24 hours per day 7 days per week to receive juveniles taken into custody by law enforcement for curfew, truancy or other status offenses and other misdemeanor or felony offenses for whom secure detention is inappropriate or unavailable.
ii. A juvenile held at the CIC shall not be isolated from the common areas of the facility except for short-term protective holding because of combative or self-destructive behavior on the part of the juvenile.
iii. Enter demographic information into the management information system provided for in Section 2-7-308 of Title 10A, Oklahoma Statutes.
iv. Immediately notify the juveniles' parents, guardians, or responsible adults to pick up their juvenile.
v. Hold juveniles until they can be released to a parent, guardian, or responsible adult or until a temporary placement can be secured, but in no event for longer than twenty-four (24) hours.
vi. Provide such care and services as are required to obtain and maintain certification as a CIC.
vii. Gather information to determine if the juvenile is in need of immediate medical attention.
viii. Conduct an initial assessment pursuant to rules promulgated by OJA and as such rules may be amended from time to time.
ix. Fingerprint only those juveniles who are alleged to have committed offenses which would be felonies if committed by adults and remit all copies of fingerprints to the arresting agency.
x. Conduct an assessment pursuant to a Problem Behavior Inventory or a Mental Status Checklist, or by use of an assessment instrument authorized by rules promulgated by OJA, and under circumstances and conditions as are prescribed by such rules.
xi. Comply with the requirements of informational entry onto the JOLTS (Juvenile Online Tracking System) database as required by OJA.

3) PAYMENT AND ADMINISTRATIVE REQUIREMENTS

A. For and in consideration of the activities agreed to be performed herein by Center, the City agrees to administer the State Grant funds for the 2012-2013 fiscal year and upon a receipt of a verified claim form and documentation of expenditures, pay Center an amount not to exceed $245,087, upon receipt by the City from the Office of Juvenile Affairs for salary, fringe benefits, maintenance, operation, training, travel, equipment and other fees as set forth in the budget approved for this grant from OJA. This amount is subject to continuing availability of funds under State appropriations. In the event funds to finance this contract become unavailable either in full or in part due to such reductions in appropriations, the City may terminate the contract or reduce the consideration upon thirty (30) days notice in writing to the Center. Said notice shall be delivered by certified mail, return receipt requested or in person with proof of delivery.

B. In a continuing partnership agreement to continue the Cleveland County Community Intervention Center, the City of Norman, Moore, Lexington, Purcell and Noble have collectively agreed to contribute funds to meet the minimum requirements for matching funds. The City of Norman's portion of this contribution is $40,000. Upon receipt of a

claim from the Crossroads Youth and Family Center, the City will pay the Center, not to exceed $40,000, to be used for the purposes stated within this contract. If this contract is terminated before the end of the fiscal year, the Center agrees to refund the City back on a pro rata monthly basis. This amount is in addition to the State grant funds stated above in paragraph 3 (A).

C. The Parties agree that the Center may not assign its interest in this Agreement without prior written consent of the City.

D. The Center, hereby promises, covenants and agrees to release, defend, indemnify, hold harmless and pay any judgments rendered against the City, its officers, agents and employees from and against any and all loss of or damage to property, or injury or death of any person or persons, and from any and against any and all claims, suits or damages recovered against the City arising out of the Center's services rendered under this contract.

E. The Center is responsible for maintaining sufficient books, records, ledgers and documentation for the purpose of inspection, monitoring, auditing and evaluating expenditures. Financial records should accurately account for the revenues and related expenditures per approved budget by OJA contract and by service type using accepted accounting procedures. In addition, the financial records should reflect the total income and expenditures of the agency from all sources. These records shall be made available to representatives of the City for inspection, audit and certification as deemed necessary. Fiscal and program records shall be maintained during the term of this contract and for a period of three (3) years following the termination of this contract, or three (3) years from the commencement of any action, whichever is later.

4) LEASE AGREEMENT – 1900 W. Robinson

A. The City of Norman is the owner of the property and improvements located at 1900 West Robinson, Norman, Cleveland County, Oklahoma, which property it has agreed to lease to the Cleveland County Youth and Family Center for the use and operation of the Community Intervention Center during the terms stated in section 1 of this contract. In no event shall this structure be used for any purpose other than those stated herein without the written consent of the City.

B. In consideration of the use, occupancy and possession of the above-described property by Center, Center agrees to pay the City the sum of One-dollar ($1.00) per year valuable consideration, payable in advance of, or within thirty (30) days of the approval of this Agreement. The remainder of the value of the lease shall be considered an in-kind donation toward the program.

C. Crossroads Youth and Family Center will be solely responsible for all maintenance, upkeep and utility costs for this dwelling. The Center shall notify the City of any hazard, danger or defect of the premises in writing.

D. Crossroads Youth and Family Center shall not assign this lease or sublet any portion of the property covered hereby without written consent of the City.

E. Crossroads Youth and Family Center agrees to return the leased premises to the City in substantially the same condition as existed at the commencement of this lease term, reasonable wear and tear excepted.

5) INSURANCE

The City agrees to maintain insurance on the building and attachments located at 1900 W. Robinson. Crossroads Youth and Family Center agrees to maintain insurance on the contents located within the building and hold the City harmless for any damage to said contents.

6) NO SEPARATE LEGAL ENTITY

No separate legal entity or organization shall be deemed created by virtue hereof.

7) DISPOSITION OF PROPERTY UPON TERMINATION

Any equipment or other tangible objects purchased with the funds provided by this Agreement shall be the property of the Office of Juvenile Affairs and shall be held and maintained by the City upon request, or the Center for the benefit of OJA. Upon termination, for whatever reason, OJA may demand the return of such equipment or materials.

8) SEVERABLE LIABILITY

This Agreement shall not be construed as creating any agency or third party beneficiary agreements in any form or manner whatsoever.

Both parties assume responsibility for its personnel, and will make all deductions for social security and withholding taxes, and contributions for employment compensation funds, and shall comply with all requirements of the Oklahoma Workers Compensation Act and the Oklahoma Governmental Tort Claims Act.

Both parties herein, shall be exclusively liable for loss resulting from its torts of its employees acting within the scope of their employment subject to the limitations and exceptions specified in the Governmental Tort Claims Act, 51 O.S. 1990 Supp., Sec. 151-171 therefore, neither party shall be liable for the acts or omissions of the other party.

9) MULTIPLE COUNTERPARTS

This Agreement shall be executed in multiple counterparts, each of which shall be deemed an original.

10) COMPLETE AGREEMENT

This Agreement is the complete agreement of the Parties regarding matters addressed herein, no oral agreements or representations shall be considered binding on the Parties.

10) SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this contract 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 the contract.

IN WITNESS WHEREOF, the Parties have approved this Agreement and authorized the signatures below as of the dates there set out.

APPROVED by the Council of the City of Norman this _____ day of _____, 2012.

_____
Cindy Rosenthal, Mayor

ATTEST:

_____
Brenda Hall, City Clerk

APPROVED AS TO FORM:

_____
Jeff Harley Bryant, City Attorney

APPROVED:

_____
Lisa Winters, Executive Director,
Crossroads Youth and Family Center

ATTEST:

_____
Notary Public

NOTARY PUBLIC SEAL STATE OF OKLAHOMA
OFFICIAL SEAL
SHARON THOMPSON
Commission # 11002657
Expires March 21, 2015

Purchase Order

CHANGE ORDER **Dispatch via Print**

Purchase Order	Date	Revision	Page
4009018436	08/15/2011	2 - 05/04/2012	1

Payment Terms	Freight Terms	Ship Via
0 Days	Free on board at Destination	Common

Buyer	Phone	Currency
Denise Stewart	405/530-2996	USD

Office of Juvenile Affairs
OFFICE OF JUVENILE AFFAIRS
3812 N SANTA FE STE 400
OKLAHOMA CITY OK 73118

Ship To: OFFICE OF JUVENILE AFFAIRS
P O BOX 268812
OKLAHOMA CITY OK 731268812

Vendor: 0000076924
CITY OF NORMAN
PO BOX 370
NORMAN OK 73070-0370

Bill To: OFFICE OF JUVENILE AFFAIRS
P O BOX 268812
OKLAHOMA CITY OK 731268812

Tax Exempt? Y Tax Exempt ID: 736017987

Line-Sch	Cat CD / Item Id	Description	Quantity	UOM	PO Price	Extended Amt	Due Date
1- 1	94121801 / 1000005426	SERVICE:Community based youth~Children and youth services Community based youth services	1.0000	8R	241,879.5800	241,879.58	08/15/2011
		Community Intervention Center					
		CO#1 increase 10% of Budget Cuts. +$3235.58 1-9-12CR					
2- 1	94121801 / 1000005426	SERVICE:Community based youth~Children and youth services Community based youth services	1.0000	8R	245,087.0000	245,087.00	07/01/2012
		**CONTRACT PERIOD: 07/01/2012 THRU 06/30/2013					

Total PO Amount 486,966.58

COMMENTS:
All in accordance to the attached contract.

Contract Period: 7/1/11 through 6/30/12 with the option to renew for up to two (2) additional years at the same or modified terms and conditions.

OJA Contact: Dennis Gober at (405) 530-2838

CRL2012-369

Assignment: Crossroads Youth & Family Center, Inc.
1650 W. Tecumseh Road
Norman, OK 73069

CHANGE ORDER 2, ADD LINE 2 FOR FY13.....05/04/2012, JWW

Authorized Signature

City of Norman, OK

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

Master

File Number: K-1213-61

File ID:	K-1213-61	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 23	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	08/20/2012
File Name:	K-1213-61 Norman Optimist Club			**Final Action:**	

Title: CONTRACT NO. K-1213-61: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE NORMAN OPTIMIST CLUB FOR THE USE OF GRIFFIN AND REAVES PARKS FOR THE FACILITATION OF THE YOUTH BASEBALL AND YOUTH FOOTBALL PROGRAMS FOR THE PARKS AND RECREATION DEPARTMENT AND TERMINATION OF CONTRACT NO. K-1112-51.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-61 with the Norman Optimist Club; and, if approved, authorize the execution thereof and terminate Contract No. K-1112-51.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 23

Attachments: Text File K-1213-61, Optimist Contract, K-1112-51, Location map Reaves Park, Location map Griffin Park

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: suzanne.terry@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-1213-61

Body

BACKGROUND: Contract No. K-1112-51 with the Norman Optimist Club (N.O.C.) is for the use of the Reaves Park Baseball Complex and Griffin Park Athletic Fields 17, 18, 19, 20, 23, and 24. This contract expires on 13 September 2012.

The N.O.C. has successfully facilitated a youth baseball program at Reaves Park since 1999 and has also facilitated a youth football program at Griffin Park since 1991. Due to significant program growth the N.O.C. football games were moved from Griffin Park to Reaves Park in 1999. The additional fields and perimeter fencing made it more conducive to operate the youth football program at the Reaves Park location. Three of the football fields at Griffin Park were retained as practice fields for the N.O.C. teams.

DISCUSSION: At this time we would like to extend the term of the contract from one to three years. Accordingly, we are recommending terminating Contract No. K-1112-51 and entering into Contract No. K-1213-61 with N.O.C. for the purpose of providing baseball and football programs for the youth of Norman. All other provisions of the contract are unchanged.

The terms agreed to in Contract No. K-1112-51 were for a period of one year to allow for an evaluation of the proposed field allocations at Griffin Park. A field allocation subcommittee of the Board of Park Commissioners was formed and has reviewed those allocations with the Optimist Club. The committee's recommendation to the Board of Park Commissioners was to continue the field allocation that is currently in place for a period of three years. At their meeting on 2 August 2012, the Board of Park Commissioners voted 8-0 in favor of this recommendation. These provisions have now been incorporated into the new Contract No. K-1213-61.

RECOMMENDATION NO. 1: It is recommended that City Council terminate Contract No. K-1112-51 with the Norman Optimist Club for the use of the Griffin and Reaves Parks.

RECOMMENDATION NO. 2: It is further recommended that City Council approve Contract No. K-1213-61 with the Norman Optimist Club for the use of Reaves and Griffin Parks for the Parks and Recreation Department.

Contract # K-1213-61

AGREEMENT

This Agreement is a contract, made and entered into this ____ day of _____, 2012 , by and between the City of Norman, a municipal corporation, hereinafter called the "City," and the Norman Optimist Club a non-profit corporation, hereinafter called "N.O.C."

WITNESSETH:

WHEREAS, the City is the lessee of public property in Cleveland County, Oklahoma, known as Reaves Park baseball complex located in Reaves Park.

WHEREAS, the City recognizes that the said Reaves Park baseball complex shall be used for certain recreational purposes for the further benefit of the health, safety and welfare of the residents of said City, and

WHEREAS, N. O. C. desires to occupy and use a certain area of the Reaves Park and Griffin Park for the purpose of providing baseball and football programs for the use and benefit of its members, the youth of Norman, and the general public.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

(1) The City hereby grants the right and privilege to N.O.C. to use, manage and operate for the purpose stated, the following described property, to-wit:

> Those parts of the Reaves Park which have been developed and are known as the Reaves Park baseball complex, as shown on the drawing which is attached hereto and made a part hereof. More particularly described as follows:
>
> Those parts of Griffin Park known as athletic fields 17, 18, 19, 20, 23 and 24, from September through November, for the purpose of providing football practice facilities.

To have and to hold for a term of three (3) years from the date of the execution of this lease, with the option to renew the contract upon agreement by both parties for an additional three (3) years. The contract may be terminated at any time in accordance with the provisions herein.

(2) N. O. C. agrees to pay to the City for such rights and privilege the sum of one dollar ($1.00) per year, which sum shall be payable in advance.

(3) It is agreed between the parties hereto that the purpose of this agreement is for N. O. C. to provide practice and playing fields, to hold and arrange youth baseball leagues, games and competitions for boys ages nine (9) years and older and youth football leagues, games and competitions for youth in grades K through sixth (6th).

It is understood and agreed that N. O. C. has adopted safety rules and regulations, copies of which are on file with the City, and will continue to practice and enforce such rules and regulations.

(4) The City shall be allowed to appoint one person to attend all meetings of the N.O.C. football and baseball subcommittees. The City appointee shall effectively serve as City advisor to the N. O. C. in order to express the City's position on issues of mutual concern, to facilitate communication, and to act as liaison between the City Council and the N.O.C.

(5) N. O. C. agrees to indemnify and hold the City harmless from and against all liability for injuries or death to persons, legal expense or damage to property caused by N. O. C.'s use of said right and privilege or that of its agents or employees; provided, however, that N. O. C. shall not be liable for injury, damage or loss occasioned by the negligence of the City, its agents or employees; and provided further that the City shall give to N. O. C. prompt and timely notice of any claim or suit instituted, which in any way directly or indirectly, contingently or otherwise, affects or might affect N. O. C., and N. O. C. shall have the right to compromise and defend the same to the extent of its own interest.

N. O. C. shall, at its own expense, keep in force insurance of the following types, naming the City as additional insured, and in not less than the following amounts, issued by a company or companies licensed to do business in Oklahoma and is of sound and adequate financial responsibility, against all liabilities for accidents arising out of or in connection with N. O. C.'s use of said right and privilege, except when caused by the City's negligence or that of its agents or employees, and shall furnish to the City certificates evidencing such insurance subject to the limitations set forth above in respect to the City's negligence and N. O. C. shall furnish a certificate to the effect that such insurance shall not be changed or cancelled without ten (10) days prior notice to the City, said notice shall be written and shall be given by N. O. C., to wit:

(A) Worker's Compensation Insurance as prescribed by State Statute, if applicable.

(B) Provide liability insurance for both personal injury and property damage in limits prescribed by the Oklahoma Tort Claims Act and subsequent revisions thereto.

(6) (A) N. O. C. agrees to maintain all ground areas used by it, its members or patrons in a clean and orderly manner at all times by removing all trash, of every kind, deposited upon said ground by N. O. C., its members or patrons trash each day at its own expense. The City will provide sanitation dumpsters at the parks for the N. O. C.'s and the City's use at no charge to N.O.C.

(B) N. O. C. shall perform all maintenance duties and activities described in the attached exhibit A.

(C) N. O. C. agrees to apply adequate water at the Reaves Park complex, to be provided by the City, to keep all vegetation within the described grounds viable and healthy throughout the growing season.

(D) N. O. C. agrees to maintain the existing irrigation system at Reaves Park at it's own expense and agrees to return said system to the City in proper working condition at such time as this lease is terminated by either party. City agrees that irrigation system shall be in proper working order at the time this contract becomes effective.

(E) The City shall perform maintenance duties and activities described in the attached exhibit B.

(7) A. N. O. C. shall schedule and monitor how the premises are used. This contract neither authorizes nor forbids such disciplinary measures as may be necessary to maintain order at such games or functions of N. O. C. N. O. C.'s enforcement of the rules of its own program are not authorized, sanctioned or endorsed by the City, and shall not serve as a basis for a suit against the City, its officers or employees.

B. N. O. C. may charge an admission charge for sanctioned league games, tournament games or for any other sanctioned N. O. C. event if deemed appropriate or necessary by N.O.C.

C. Unless previously agreed by the City and N.O.C., all tournament proceeds shall be made payable to N.O.C. Third party tournament hosts shall be required to submit expenditure receipts to N.O.C. for any proceeds derived by a tournament at the Reaves Park facility. Said tournament proceeds may only be used for the purpose of benefiting the youth of Norman or those participating in the program. No other receipts shall be acceptable. Third party tournament organizers shall meet the same financial and tax reporting guidelines required of N.O.C. by the City.

D. N.O.C. agrees to provide concession operations for all league and tournament games.

E. N.O.C. agrees that all designated parking areas provided for in the agreement shall not be used by N.O.C. at any time during the Medieval Fair unless otherwise agreed to by the city.

F. N. O. C. shall supply an annual report for each program to the City Parks and Recreation Department and the Norman City Council prior to January 1st of each year. The annual report shall include a summary of all activity along with revenue and expenditure summaries for the areas of concessions, league play and tournament play for the preceding year. Documentation of concession receipts and disbursements shall be kept on a bi-weekly basis. All detailed records associated with each program shall be made available for review within ten days by N.O.C., upon request from the City of Norman. The annual report shall also include the following:

1. Narrative of all league and tournament activity
2. Organization mission statement and goals
3. All league and tournament fee structure
4. Number of games, teams, players, tournaments and scholarships
5. Age of participants

6. Breakdown of revenues by category (equipment, labor, supplies, capital, etc)
7. Disclosure of all commission, refunds and rebates to the organization
8. Beginning and ending fund balances
9. Annual budgets including revenues, m & o and capital costs
10. Current record of officers including who can authorize expenditures
11. Names of those responsible for maintaining books and records
12. A copy of incorporation documents and non-profit certification

G. N. O. C. shall provide an overall schedule to the Parks and Recreation Department of regular season play as well as dates of tournaments and other sanctioned events.

H. N. O.C. shall provide to the Parks and Recreation Department an estimated budget prior to the spring and fall seasons. The budgets shall include revenue and expenditure projections in the areas of concessions, league play, tournament play, capital equipment and capital improvements.

I. N.O.C. agrees that all sub contractors agreements shall be designed to be financially beneficial to N.O.C. and that a copy of all such agreements shall be provided to the City upon request.

J. N.O.C. agrees that no officer or member of N.O.C. shall be allowed a commission, refund or rebate of any kind relative to the Reaves Park baseball or football program or this contract.

K. N.O.C. agrees to maintain all financial records associated with baseball and football for a period of seven years. These financial records shall be maintained in such detail to account for gross receipts and expenditures for all significant organization activities. Financial recording system shall be reviewed and approved by the City's Department of Finance for the purpose of maintaining a minimum accounting standard acceptable to both parties.

L. Proceeds from the operation of the Reaves Park Complex shall be used for the operation, maintenance and improvement of the Complex. After the necessary operating expenses, maintenance and improvements have been made, any balance remaining may be used for other Optimist programs benefiting the youth of Norman. The City of Norman Parks and Recreation Department shall review and report to Council annually that all necessary maintenance and improvements have been made to the Complex. Any improvements made with funds from the complex are to remain as part of the complex.

(8) It is further understood and agreed between the parties that the right and privilege granted by this contract are subject to all ordinances, rules and regulations of the City governing all the activities on said Reaves and Griffin Park complexes, including all sanitary regulation of any governmental authority which the City may be authorized to enforce.

(9) N. O. C. agrees that no permanent structure of any nature shall be constructed by N. O. C. upon any area used under this contract until detailed plans have been submitted to the Parks and Recreation Department of any proposed construction and approval, in writing, has been given by said department, and any permanent structure approved by the City becomes property of the City upon termination of this contract.

(10) N. O. C. agrees to pay one hundred percent (100%) of all electric costs used by N.O.C. at Reaves and Griffin Parks. Payment shall be made not less than one time per year. Time of payment or payments shall be mutually agreed by both parties.

(11) It is further understood that the facilities governed by this agreement are public facilities and that N. O. C. shall be responsible for third party leases of said facilities when available for public use.

(12) It is further agreed that should the City receive a third party request to use the facilities N.O.C. shall make a reasonable effort to accommodate said request, said approval not to be unreasonably withheld by N.O.C.

(13) It is understood that N. O. C. may charge a light fee to any group which, during its lease, is requesting light usage. However, the assessed fee shall not exceed the City's then current fee for the use of ballfield lights. N. O. C. shall be responsible for activating and deactivating any and all light usage at the Reaves and Griffin Park facilities. It is also understood that N.O.C. may charge additional fees in an amount to recover any maintenance expense which might be incurred by N.O.C. N.O.C. agrees that all fees charged to third party agreements shall be applied consistently.

(14) It is further agreed that both parties shall have the right to cancel this contract in the event of any violation of any ordinance, sanitary regulation or any violation of the provisions of the contract. Should it be determined that a default has occurred in the contract, the party in the fault shall have thirty (30) days from the date of notice to cure said default. Prior to such cancellation, N. O. C. shall be afforded a hearing before the Board of Park Commissioners, if requested, but the results of such hearing shall not be binding on the City as constituting a limitation upon its power to cancel this contract. Such cancellation shall be effective thirty (30) days after the delivery of notice of cancellation. Any such notice shall be delivered to the president of N. O. C. or other person as designated by the N. O. C., and the N. O. C. agrees to post on their website within ten (10) days after its annual election the names of its officers for the ensuing year the addresses to which such notice may be delivered. Any notice to be given to the City shall be delivered to the Parks and Recreation Department of the City of Norman.

(15) In the event this contract is canceled, for any reason, N. O. C. shall have the right to remove any movable non-permanent improvements and/or structures provided or donated entirely by the N. O. C. within ninety (90) days after cancellation of this contract, clearing all debris and litter from said property in a clean and orderly condition, to the satisfaction of the City. Any improvements or structures not moved within ninety (90) days after satisfaction of any indebtedness shall become property of the City.

(16) Further, the City of Norman may terminate this agreement, whenever the subject premises may be needed for any other public purpose other than baseball or football. Said termination shall be subject to the same notice provisions and cancellation provisions as stated above.

(17) N. O. C. agrees further that it will not deny membership in such N. O. C. to any person on the basis of race, religion, color, creed, sex, age, ancestry or national origin.

This Agreement shall not be assigned by N. O. C. without prior written consent of the City of Norman, said consent not to be unreasonably withheld.

In Witness Whereof, the parties hereunto set their hands and seals the date first above written.

NORMAN OPTIMIST CLUB

BY _____
President

Before me, the undersigned, a Notary Public in and for said County and State, this 17th day of August, 2012, personally appeared Russ Lowry to me known to be the identical person who executed the foregoing, and acknowledge 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.

Notary Public _____
My Commission Expires: 12-24-2012

Approved as to form and legality this 23 day of August, 2012.

_____
City Attorney

CITY OF NORMAN

BY _____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT A

RESPONSIBILITIES OF NORMAN OPTIMIST CLUB AT REAVES PARK

1. Drag, mark and maintain infields and outfields with the exception of responsibilities of City provided in Exhibit B.

2. Maintain infields including watering.

3. Require that all teams have proper equipment to participate in the program in a safe manner.

4. Maintain the irrigation system of all fields.

5. Pick up trash on a daily basis in complex and common areas around playing fields including parking area adjacent to fields during program use.

6. Make minor fencing and backstop repairs and maintenance including painting and other necessary repairs.

7. Provide necessary repairs including painting to bleachers and player's benches.

8. Apply adequate water to field areas.

9. Pay the electrical cost as provided herein.

10. It is the responsibility of Norman Optimist Club, Inc. to make reasonable efforts to insure that any player wanting to play baseball or football who registers by the deadline will be placed on a team. If more players register than is reasonable for team rosters, players will be wait-listed or refused based on latest date of registration.

11. Provide all necessary restroom and building maintenance for restroom facility and indoor practice facility at Reaves Park baseball complex.

12. Turn off electrical breakers to all scoreboards on a daily basis.

RESPONSIBILITIES OF NORMAN OPTIMIST CLUB AT GRIFFIN PARK

1. Pay the electric cost as provided herein.

2. Remove all trash on a daily basis following N.O.C.'s use of said facilities.

EXHIBIT B

RESPONSIBILITIES OF THE CITY OF NORMAN (CITY)
AT REAVES PARK

1. Mowing infields and outfields and non playing areas.

2. Major fencing repairs and maintenance not caused by Lessee negligence.

3. Lighting repairs and maintenance.

4. Application of weed killer to fence rows.

5. Fertilizing outfields and infields at least twice per year.

6. Till designated areas in off season, once each year.

7. When possible, provide or make available specialty equipment, owned by the City, for proper field maintenance.

8. Winterize plumbing in the concession building following season completion notice by N.O.C.

9. Maintain 4" main trunk line which feeds sprinkler system.

10. Install safety netting provided by N.O.C. above spectator area for field safety.

11. Remove safety netting at the conclusion of the baseball season.

RESPONSIBILITIES OF THE CITY OF NORMAN (CITY)
AT GRIFFIN PARK

1. Provide initial cutting and painting of yard lines on outfields for football practice areas.

2. Mowing and all field maintenance.

3. Allow access to restroom facilities during the week.

4. Provide working lights for practices.

Contract # K-1112-51

AGREEMENT

This Agreement is a contract, made and entered into this 13th day of September, 2011, by and between the City of Norman, a municipal corporation, hereinafter called the "City," and the Norman Optimist Club a non-profit corporation, hereinafter called "N.O.C."

WITNESSETH:

WHEREAS, the City is the lessee of public property in Cleveland County, Oklahoma, known as Reaves Park baseball complex located in Reaves Park.

WHEREAS, the City recognizes that the said Reaves Park baseball complex shall be used for certain recreational purposes for the further benefit of the health, safety and welfare of the residents of said City, and

WHEREAS, N. O. C. desires to occupy and use a certain area of the Reaves Park and Griffin Park for the purpose of providing baseball and football programs for the use and benefit of its members, the youth of Norman, and the general public.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

(1) The City hereby grants the right and privilege to N.O.C. to use, manage and operate for the purpose stated, the following described property, to-wit:

> Those parts of the Reaves Park which have been developed and are known as the Reaves Park baseball complex, as shown on the drawing which is attached hereto and made a part hereof. More particularly described as follows:
>
> Those parts of Griffin Park known as athletic fields 17, 18, 19, 20, 23 and 24, from September through November, for the purpose of providing football practice facilities.

To have and to hold for a term of one (1) year from the date of the execution of this lease, with the option to renew the contract upon agreement by both parties for an additional three (3) years. The contract may be terminated at any time in accordance with the provisions herein.

(2) N. O. C. agrees to pay to the City for such rights and privilege the sum of one dollar ($1.00) per year, which sum shall be payable in advance.

(3) It is agreed between the parties hereto that the purpose of this agreement is for N. O. C. to provide practice and playing fields, to hold and arrange youth baseball leagues, games and competitions for boys ages nine (9) years and older and youth football leagues, games and competitions for youth in grades K through sixth (6th).

It is understood and agreed that N. O. C. has adopted safety rules and regulations, copies of which are on file with the City, and will continue to practice and enforce such rules and regulations.

(4) The City shall be allowed to appoint one person to attend all meetings of the N.O.C. football and baseball subcommittees. The City appointee shall effectively serve as City advisor to the N. O. C. in order to express the City's position on issues of mutual concern, to facilitate communication, and to act as liaison between the City Council and the N.O.C.

(5) N. O. C. agrees to indemnify and hold the City harmless from and against all liability for injuries or death to persons, legal expense or damage to property caused by N. O. C.'s use of said right and privilege or that of its agents or employees; provided, however, that N. O. C. shall not be liable for injury, damage or loss occasioned by the negligence of the City, its agents or employees; and provided further that the City shall give to N. O. C. prompt and timely notice of any claim or suit instituted, which in any way directly or indirectly, contingently or otherwise, affects or might affect N. O. C., and N. O. C. shall have the right to compromise and defend the same to the extent of its own interest.

N. O. C. shall, at its own expense, keep in force insurance of the following types, naming the City as additional insured, and in not less than the following amounts, issued by a company or companies licensed to do business in Oklahoma and is of sound and adequate financial responsibility, against all liabilities for accidents arising out of or in connection with N. O. C.'s use of said right and privilege, except when caused by the City's negligence or that of its agents or employees, and shall furnish to the City certificates evidencing such insurance subject to the limitations set forth above in respect to the City's negligence and N. O. C. shall furnish a certificate to the effect that such insurance shall not be changed or cancelled without ten (10) days prior notice to the City, said notice shall be written and shall be given by N. O. C., to wit:

(A) Worker's Compensation Insurance as prescribed by State Statute, if applicable.

(B) Provide liability insurance for both personal injury and property damage in limits prescribed by the Oklahoma Tort Claims Act and subsequent revisions thereto.

(6) (A) N. O. C. agrees to maintain all ground areas used by it, its members or patrons in a clean and orderly manner at all times by removing all trash, of every kind, deposited upon said ground by N. O. C., its members or patrons trash each day at its own expense. The City will provide sanitation dumpsters at the parks for the N. O. C.'s and the City's use at no charge to N.O.C.

(B) N. O. C. shall perform all maintenance duties and activities described in the attached exhibit A.

(C) N. O. C. agrees to apply adequate water at the Reaves Park complex, to be provided by the City, to keep all vegetation within the described grounds viable and healthy throughout the growing season.

(D) N. O. C. agrees to maintain the existing irrigation system at Reaves Park at it's own expense and agrees to return said system to the City in proper working condition at such time as this lease is terminated by either party. City agrees that irrigation system shall be in proper working order at the time this contract becomes effective.

(E) The City shall perform maintenance duties and activities described in the attached exhibit B.

(7) A. N. O. C. shall schedule and monitor how the premises are used. This contract neither authorizes nor forbids such disciplinary measures as may be necessary to maintain order at such games or functions of N. O. C. N. O. C.'s enforcement of the rules of its own program are not authorized, sanctioned or endorsed by the City, and shall not serve as a basis for a suit against the City, its officers or employees.

B. N. O. C. may charge an admission charge for sanctioned league games, tournament games or for any other sanctioned N. O. C. event if deemed appropriate or necessary by N.O.C.

C. Unless previously agreed by the City and N.O.C., all tournament proceeds shall be made payable to N.O.C. Third party tournament hosts shall be required to submit expenditure receipts to N.O.C. for any proceeds derived by a tournament at the Reaves Park facility. Said tournament proceeds may only be used for the purpose of benefiting the youth of Norman or those participating in the program. No other receipts shall be acceptable. Third party tournament organizers shall meet the same financial and tax reporting guidelines required of N.O.C. by the City.

D. N.O.C. agrees to provide concession operations for all league and tournament games.

E. N.O.C. agrees that all designated parking areas provided for in the agreement shall not be used by N.O.C. at any time during the Medieval Fair unless otherwise agreed to by the city.

F. N. O. C. shall supply an annual report for each program to the City Parks and Recreation Department and the Norman City Council prior to January 1st of each year. The annual report shall include a summary of all activity along with revenue and expenditure summaries for the areas of concessions, league play and tournament play for the preceding year. Documentation of concession receipts and disbursements shall be kept on a bi-weekly basis. All detailed records associated with each program shall be made available for review within ten days by N.O.C., upon request from the City of Norman. The annual report shall also include the following:

1. Narrative of all league and tournament activity
2. Organization mission statement and goals
3. All league and tournament fee structure
4. Number of games, teams, players, tournaments and scholarships
5. Age of participants

6. Breakdown of revenues by category (equipment, labor, supplies, capital, etc)
7. Disclosure of all commission, refunds and rebates to the organization
8. Beginning and ending fund balances
9. Annual budgets including revenues, m & o and capital costs
10. Current record of officers including who can authorize expenditures
11. Names of those responsible for maintaining books and records
12. A copy of incorporation documents and non-profit certification

G. N. O. C. shall provide an overall schedule to the Parks and Recreation Department of regular season play as well as dates of tournaments and other sanctioned events.

H. N. O.C. shall provide to the Parks and Recreation Department an estimated budget prior to the spring and fall seasons. The budgets shall include revenue and expenditure projections in the areas of concessions, league play, tournament play, capital equipment and capital improvements.

I. N.O.C. agrees that all sub contractors agreements shall be designed to be financially beneficial to N.O.C. and that a copy of all such agreements shall be provided to the City upon request.

J. N.O.C. agrees that no officer or member of N.O.C. shall be allowed a commission, refund or rebate of any kind relative to the Reaves Park baseball or football program or this contract.

K. N.O.C. agrees to maintain all financial records associated with baseball and football for a period of seven years. These financial records shall be maintained in such detail to account for gross receipts and expenditures for all significant organization activities. Financial recording system shall be reviewed and approved by the City's Department of Finance for the purpose of maintaining a minimum accounting standard acceptable to both parties.

L. Proceeds from the operation of the Reaves Park Complex shall be used for the operation, maintenance and improvement of the Complex. After the necessary operating expenses, maintenance and improvements have been made, any balance remaining may be used for other Optimist programs benefiting the youth of Norman. The City of Norman Parks and Recreation Department shall review and report to Council annually that all necessary maintenance and improvements have been made to the Complex. Any improvements made with funds from the complex are to remain as part of the complex.

(8) It is further understood and agreed between the parties that the right and privilege granted by this contract are subject to all ordinances, rules and regulations of the City governing all the activities on said Reaves and Griffin Park complexes, including all sanitary regulation of any governmental authority which the City may be authorized to enforce.

(9) N. O. C. agrees that no permanent structure of any nature shall be constructed by N. O. C. upon any area used under this contract until detailed plans have been submitted to the Parks and Recreation Department of any proposed construction and approval, in writing, has been given by said department, and any permanent structure approved by the City becomes property of the City upon termination of this contract.

(10) N. O. C. agrees to pay one hundred percent (100%) of all electric costs used by N.O.C. at Reaves and Griffin Parks. Payment shall be made not less than one time per year. Time of payment or payments shall be mutually agreed by both parties.

(11) It is further understood that the facilities governed by this agreement are public facilities and that N. O. C. shall be responsible for third party leases of said facilities when available for public use.

(12) It is further agreed that should the City receive a third party request to use the facilities N.O.C. shall make a reasonable effort to accommodate said request, said approval not to be unreasonably withheld by N.O.C.

(13) It is understood that N. O. C. may charge a light fee to any group which, during its lease, is requesting light usage. However, the assessed fee shall not exceed the City's then current fee for the use of ballfield lights. N. O. C. shall be responsible for activating and deactivating any and all light usage at the Reaves and Griffin Park facilities. It is also understood that N.O.C. may charge additional fees in an amount to recover any maintenance expense which might be incurred by N.O.C. N.O.C. agrees that all fees charged to third party agreements shall be applied consistently.

(14) It is further agreed that both parties shall have the right to cancel this contract in the event of any violation of any ordinance, sanitary regulation or any violation of the provisions of the contract. Should it be determined that a default has occurred in the contract, the party in the fault shall have thirty (30) days from the date of notice to cure said default. Prior to such cancellation, N. O. C. shall be afforded a hearing before the Board of Park Commissioners, if requested, but the results of such hearing shall not be binding on the City as constituting a limitation upon its power to cancel this contract. Such cancellation shall be effective thirty (30) days after the delivery of notice of cancellation. Any such notice shall be delivered to the president of N. O. C. or other person as designated by the N. O. C., and the N. O. C. agrees to post on their website within ten (10) days after its annual election the names of its officers for the ensuing year the addresses to which such notice may be delivered. Any notice to be given to the City shall be delivered to the Parks and Recreation Department of the City of Norman.

(15) In the event this contract is canceled, for any reason, N. O. C. shall have the right to remove any movable non-permanent improvements and/or structures provided or donated entirely by the N. O. C. within ninety (90) days after cancellation of this contract, clearing all debris and litter from said property in a clean and orderly condition, to the satisfaction of the City. Any improvements or structures not moved within ninety (90) days after satisfaction of any indebtedness shall become property of the City.

(16) Further, the City of Norman may terminate this agreement, whenever the subject premises may be needed for any other public purpose other than baseball or football. Said termination shall be subject to the same notice provisions and cancellation provisions as stated above.

(17) N. O. C. agrees further that it will not deny membership in such N. O. C. to any person on the basis of race, religion, color, creed, sex, age, ancestry or national origin.

This Agreement shall not be assigned by N. O. C. without prior written consent of the City of Norman, said consent not to be unreasonably withheld.

In Witness Whereof, the parties hereunto set their hands and seals the date first above written.

NORMAN OPTIMIST CLUB

ATTEST:

Secretary

BY

President

Before me, the undersigned, a Notary Public in and for said County and State, this 6th day of Sept., 2011, personally appeared Russ Lowry to me known to be the identical person who executed the foregoing, and acknowledge 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.

Notary Public Suzanne E. Terry #01000390
My Commission Expires: 30 Jan. 2015

Approved as to form and legality this 8th day of September, 2011.

City Attorney

CITY OF NORMAN

BY Cindy Rosenthal

Mayor

ATTEST:

City Clerk

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

Contract #K-1112-51

EXHIBIT A
RESPONSIBILITIES OF NORMAN OPTIMIST CLUB AT REAVES PARK

1. Drag, mark and maintain infields and outfields with the exception of responsibilities of City provided in Exhibit B.

2. Maintain infields including watering.

3. Require that all teams have proper equipment to participate in the program in a safe manner.

4. Maintain the irrigation system of all fields.

5. Pick up trash on a daily basis in complex and common areas around playing fields including parking area adjacent to fields during program use.

6. Make minor fencing and backstop repairs and maintenance including painting and other necessary repairs.

7. Provide necessary repairs including painting to bleachers and player's benches.

8. Apply adequate water to field areas.

9. Pay the electrical cost as provided herein.

10. It is the responsibility of Norman Optimist Club, Inc. to make reasonable efforts to insure that any player wanting to play baseball or football who registers by the deadline will be placed on a team. If more players register than is reasonable for team rosters, players will be wait-listed or refused based on latest date of registration.

11. Provide all necessary restroom and building maintenance for restroom facility and indoor practice facility at Reaves Park baseball complex.

12. Turn off electrical breakers to all scoreboards on a daily basis.

RESPONSIBILITIES OF NORMAN OPTIMIST CLUB AT GRIFFIN PARK

1. Pay the electric cost as provided herein.

2. Remove al trash on a daily basis following N.O.C.'s use of said facilities.

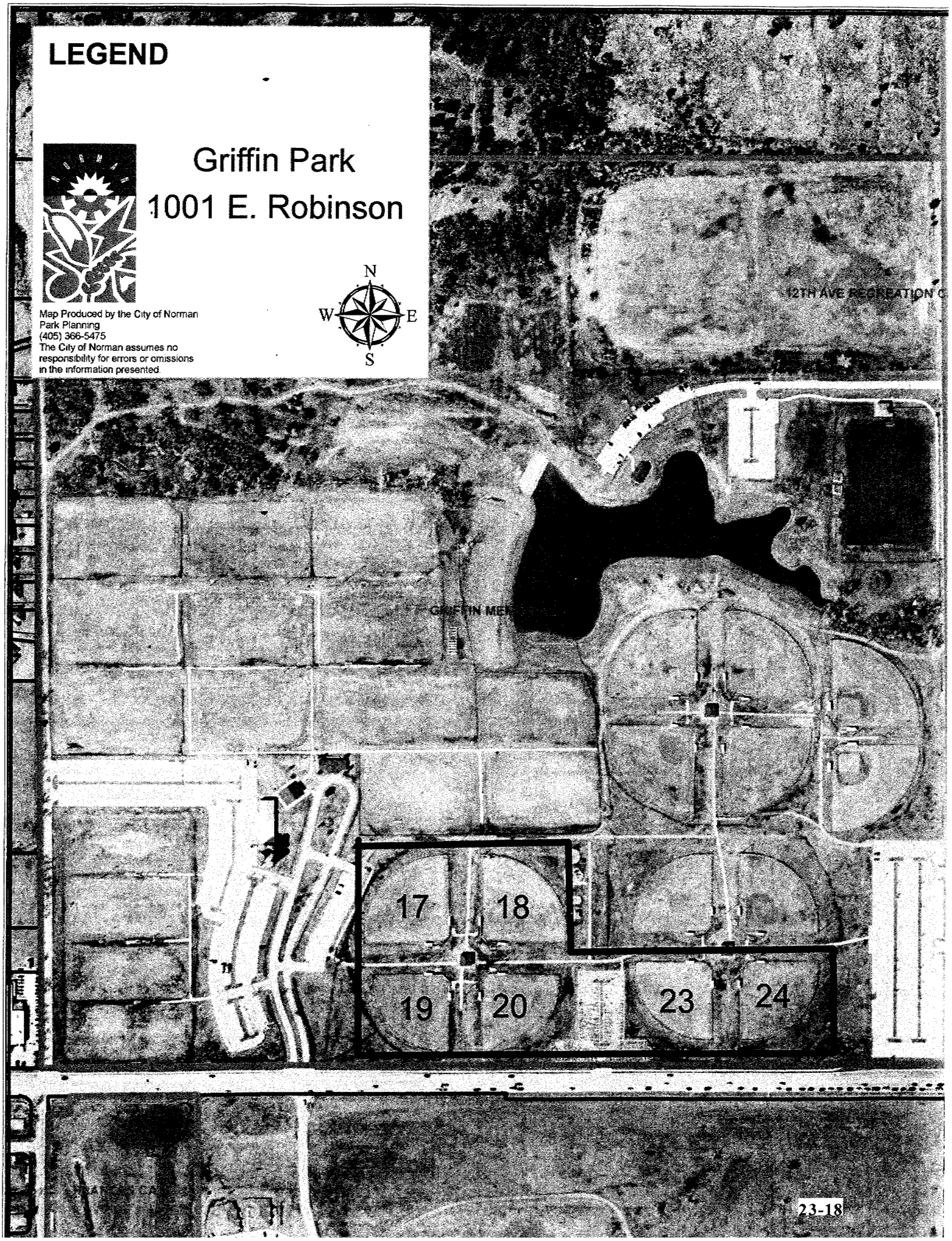
EXHIBIT B

RESPONSIBILITIES OF THE CITY OF NORMAN (CITY) AT REAVES PARK

1. Mowing infields and outfields and non playing areas.
2. Major fencing repairs and maintenance not caused by Lessee negligence.
3. Lighting repairs and maintenance.
4. Application of weed killer to fence rows.
5. Fertilizing outfields and infields at least twice per year.
6. Till designated areas in off season, once each year.
7. When possible, provide or make available specialty equipment, owned by the City, for proper field maintenance.
8. Winterize plumbing in the concession building following season completion notice by N.O.C.
9. Maintain 4" main trunk line which feeds sprinkler system.
10. Install safety netting provided by N.O.C. above spectator area for field safety.
11. Remove safety netting at the conclusion of the baseball season.

RESPONSIBILITIES OF THE CITY OF NORMAN (CITY) AT GRIFFIN PARK

1. Provide initial cutting and painting of yard lines on outfields for football practice areas.
2. Mowing and all field maintenance.
3. Allow access to restroom facilities during the week.
4. Provide working lights for practices.


LEGEND
Griffin Park
1001 E. Robinson
Map Produced by the City of Norman
Park Planning
(405) 366-5475
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.
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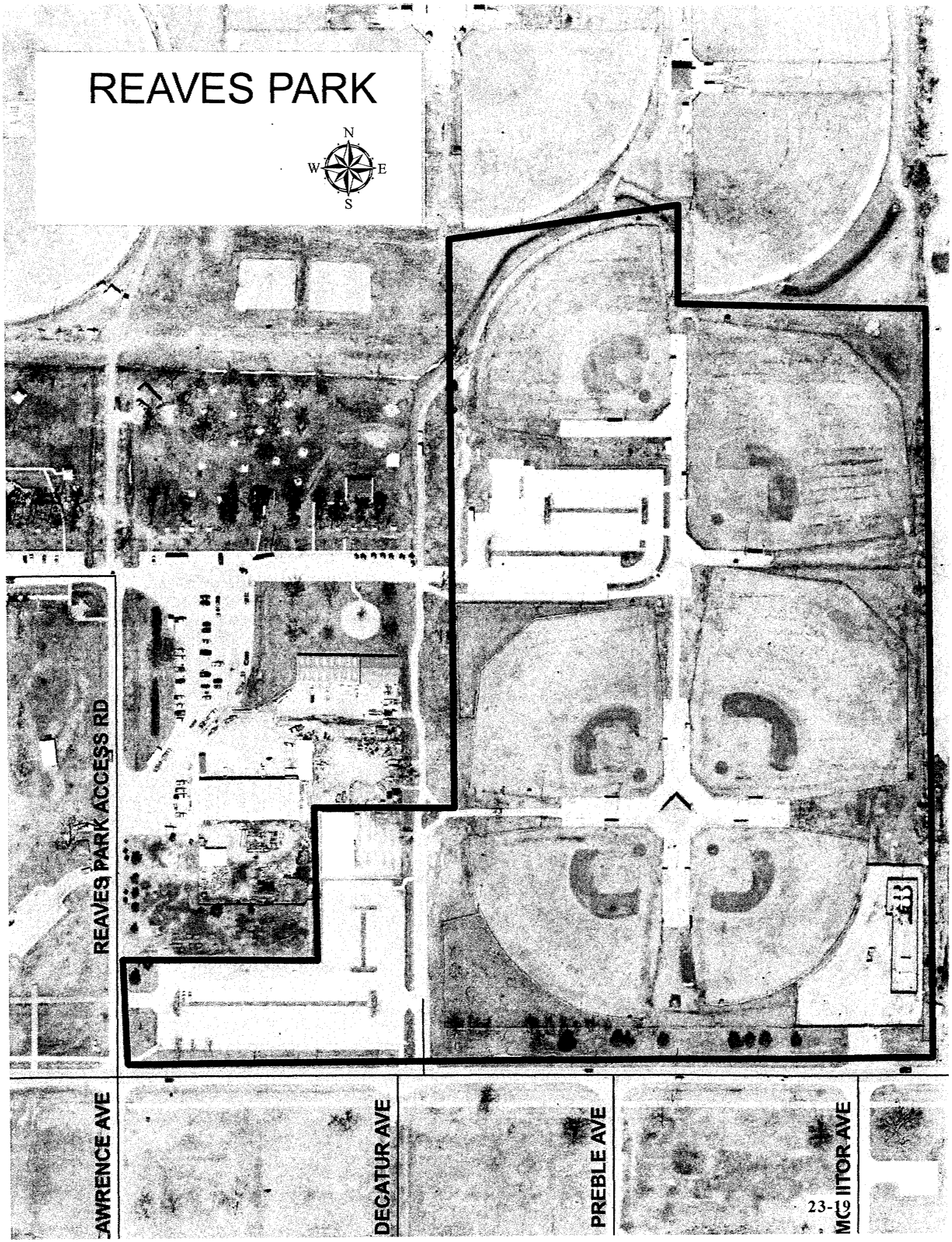
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AWRENCE AVE
DECATUR AVE
PREBLE AVE
MC IITOR AVE

City of Norman, OK

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

Master

File Number: K-1213-62

File ID:	K-1213-62	**Type:**	Contract	**Status:**	Consent Item
Version:	1	**Reference:**	Item No. 24	**In Control:**	City Council
Department:	Parks and Recreation Department	**Cost:**		**File Created:**	08/20/2012
File Name:	K-1213-62 Norman Youth Soccer Association			**Final Action:**	

Title: CONTRACT NO. K-1213-62: A CONTRACT BY AND BETWEEN THE CITY OF NORMAN AND THE NORMAN YOUTH SOCCER ASSOCIATION, INC., FOR THE USE OF GRIFFIN COMMUNITY PARK FOR THE FACILITATION OF THE YOUTH SOCCER PROGRAM FOR THE PARKS AND RECREATION DEPARTMENT AND TERMINATION OF CONTRACT NO. K-0405-127.

ACTION NEEDED: Motion to approve or reject Contract No. K-1213-62 with the Norman Youth Soccer Association, Inc.; and, if approved, authorize the execution thereof and terminate Contract No. K-0405-127.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 24

Attachments: Text File K-1213-62, Soccer Contract, K-0405-127, Amd 1 K-0405-127, Location map Griffin Park Soccer

Project Manager: Jud Foster, Director of Parks and Recreation

Entered by: suzanne.terry@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-1213-62

Body

BACKGROUND: The Norman Youth Soccer Association, Inc. (NYSA) has successfully facilitated the youth soccer program at Griffin Community Park since 1990. On 23 February 2010, City Council approved Amendment No. One to Contract No. K-0405-127 extending the term of the contract five years to expire in 2015.

On 13 September 2011, City Council approved Addendum No. One to Contract No. K-0405-127

adding the use and maintenance of Athletic Fields No. One and Two for use by NYSA.

DISCUSSION: Nationally, the sport of youth soccer has greatly increased in popularity over the course of the last twenty-five years. Due to the growth of Norman's soccer program, the increased need for both practice and game fields was addressed in Addendum No. One to Contract K-0405-127.

The terms agreed to in the Addendum were for a period of one year to allow for an evaluation of the proposed field allocations at Griffin Park. A field allocation subcommittee of the Board of Parks Commissioners was formed and has reviewed those allocations with the NYSA. The committee's recommendation to the Board of Parks Commissioners was to continue the field allocation that is currently in place for a period of three years. At their meeting on 2 August 2012, the Board of Parks Commissioners voted 8-0 in favor of this recommendation. These provisions have now been incorporated into the new Contract No. K-1213-62.

Additionally, Section 6E of Contract No. K-1213-62 provides for the use, maintenance and electrical reimbursement of the NYSA office building which was completed in June 2012. Contract No. K-1213-62 also provides for a term of three years. Section 6E previously addressed the supply of irrigation water, but was no longer appropriate since the Griffin irrigation lake has been constructed and now provides the water source to irrigate all Griffin Park fields.

All other terms and conditions of Contract No. K-1213-62 remain unchanged from Contract K-0405-127.

RECOMMENDATION NO.1: It is recommended that City Council terminate Contract No. K-0405-127 with the Norman Youth Soccer Association for the Use of Griffin Community Park.

RECOMMENDATION NO.2: It is recommended that City Council approve Contract No. K-1213-62, with the Norman Youth Soccer Association, Inc., for Use of Griffin Community Park for the Parks and Recreation Department.

Contract # K-1213-62

AGREEMENT

This Agreement is a contract, made and entered into this _____ day of _____,2012 by and between the City of Norman, a municipal corporation, hereinafter called the "City," and the Norman Youth Soccer Association, Inc., a non-profit corporation, hereinafter called "Association."

W I T N E S S E T H:

WHEREAS, the City is the lessee of public property in Cleveland County, Oklahoma, known as Griffin Community Park, and which was leased from the State of Oklahoma with public funds for a period of 50 years beginning in 1986 and ending in 2036 for the purpose of establishing and maintaining a public park, and

WHEREAS, the City recognizes that the said Griffin Community Park shall be used for certain recreational purposes for the further benefit of the health, safety and welfare of the residents of said City, and

WHEREAS, the Association desires to occupy and use a certain area of the Griffin Community Park for the purpose of providing a soccer program for the use and benefit of its members, the youth of Norman, and the general public.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

(1) The City hereby grants the right and privilege to the Association to use, for the purpose stated, the following described property, to-wit:

A) Those parts of the Griffin Community Park which have been developed and are known as the soccer fields, as shown on the drawing which is attached hereto and made a part hereof.

B) Griffin Park Athletic Fields Number One and Two as shown on the drawing which is attached hereto and made a part hereof. The Association agrees to consider and make available Griffin Park Athletic Fields Number One and Two during periods when fields are not scheduled for use by NYSA, providing request for use by other sports associations is received at least 60 days in advance of requested date. NYSA agrees that no fees may be charged to other sports associations for said field use other than those provided for in this contract.

More particularly described as follows: A part of the surface of the Southeast Quarter (SE/4) of Section 20, Township 9 North, Range 2 West of the Indian Meridian.

This contract shall be renewable annually from the date above shown at the Association's option and shall expire at the end of a three year term. However, this contract may otherwise be

terminated by either party upon thirty (30) days written notice of intent to terminate.

(2) The Association agrees to pay to the City for such rights and privilege the sum of one dollar ($1.00) per year, which sum shall be payable in advance on or before the 1st day of March each year of this Agreement.

(3) The Association agrees to pay the electrical cost for the use of Griffin Park soccer fields as metered. The Association agrees to pay the electrical cost for the use of Griffin Park Athletic Fields Number One and Two at a rate of $3.20 per hour per field. Payment shall be made to the City within thirty (30) days from date of invoice.

(4) It is agreed between the parties hereto that the purpose of operating such a Soccer Association is to provide practice and playing fields, soccer facilities and equipment in Norman for youth soccer, to hold and arrange for soccer leagues, matches and competitions for the youth of Norman, and also to provide supervised instruction and training for beginners of the sport of soccer.

It is understood and agreed that the Association has adopted safety rules and regulations, a copy of which is on file with the City, and will continue to practice and enforce such rules and regulations.

(5) The Association agrees to indemnify and hold the City harmless from and against all liability for injuries or death to persons, legal expense or damage to property caused by the Association's use of said right and privilege or that of its agents or employees; provided, however, that the Association shall not be liable for injury, damage or loss occasioned by the sole negligence of the City, its agents or employees; and provided further that the City shall give to the Association prompt and timely notice of any claim or suit instituted, which in any way directly or indirectly, contingently or otherwise, affects or might affect the Association, and the Association shall have the right to compromise and defend the same to the extent of its own interest.

The Association shall, at its own expense, keep in force insurance of the following types, naming the City as co-insured, and in not less than the following amounts, issued by a company or companies licensed to do business in Oklahoma and is of sound and adequate financial responsibility, against all liabilities for accidents arising out of or in connection with the Association's use of said right and privilege, except when caused by the City's negligence or that of its agents or employees, and shall furnish to the City certificates evidencing such insurance subject to the limitations set forth above in respect to the City's sole negligence and the Association shall furnish a certificate to the effect that such insurance shall not be changed or cancelled without ten (10) days prior notice to the City, said notice shall be written and shall be given by the Association, to wit:

(A) Worker's Compensation Insurance as prescribed by State Statute, if applicable.

(B) Provide insurance both liability for personal injury and property damage in limits prescribed by the Oklahoma Tort Claims Act and subsequent revisions thereto.

(6) (A) The Association agrees to maintain all ground areas used by it, its members or patrons in a clean and orderly manner at all times by removing all debris, of every kind, deposited upon said ground by the Association, its members or patrons, at the conclusion of each and every period of use, at its own expense. The City will provide sanitation dumpsters at three locations within Griffin Community Park for the Association's and the City's use.

(B) The Association will be responsible for all mowing at its own expense within the described grounds, which shall occur not less than two times per month during the growing season.

(C) The Association agrees to apply adequate fertilizer, to be provided by the Association, and adequate water, to be provided by the City, to keep all vegetation within the described grounds viable and healthy throughout the growing season.

(D) The Association agrees to maintain the existing irrigation system at it's own expense and agrees to return said system to the City in proper working condition at such time as this lease is terminated by either party.

(E) The Association agrees to be responsible for the maintenance to the NYSA office building constructed in 2012. The Association shall provide insurance and reimburse the City for the electrical costs for the NYSA office building. The Association shall make meeting space available in the NYSA office building to the City of Norman for baseball or other sports leagues to hold meetings, as needed.

(F) It shall be the responsibility of the Association to maintain, locate and set into place all soccer goals within the described grounds.

(7) (A) The Association shall schedule and periodically monitor how the premises are used. The Association shall not charge admission for regularly scheduled league games or make-ups for regularly scheduled league games. The Association shall allow the general public attendance and observation from any appropriate areas reserved for spectators to any league game without charge; provided that this contract neither authorizes nor forbids such disciplinary measures as may be necessary to maintain order at such games or functions of the Association. The Association's enforcement of the rules of its own program are not authorized, sanctioned or endorsed by the City, and shall not serve as a basis for a suit against the City, its officers or employees.

(B) The Association may charge an admission charge for any sanctioned tournament game or for any other sanctioned soccer event only after prior approval of the charge has been given by the City of Norman Parks and Recreation Department.

(C) Unless previously agreed by the City and the Association, all tournament proceeds shall be made payable to the Association. Third party tournament hosts shall be required to submit expenditure receipts to the Association for any proceeds derived by a tournament at the Griffin soccer facility. Said tournament proceeds may only be used for the purpose of benefiting the youth of Norman or those participating in the program. No other receipts shall be acceptable. Third party tournament organizers shall meet the same financial and tax reporting guidelines required of the Association by the City.

(D) The Association agrees to provide concession operations for all league and tournament games.

(E) The Association shall supply an annual report to the City Parks and Recreation Department and the Norman City Council prior to January 1st of each year. The annual report shall include a summary of all activity along with revenue and expenditure summaries for the areas of concessions, league play and tournament play for the preceding year. Documentation of concession receipts and disbursements shall be kept on a daily basis. All detailed records associated with the soccer program shall be made available for review within ten days by the Association upon request from the City of Norman. The annual report shall also include the following:

1. Narrative of all soccer league and tournament activity
2. Organization mission statement and goals
3. All league and tournament fee structure
4. Number of games, teams, players, tournaments and scholarships
5. Age of participants
6. Breakdown of revenues and expenditures by category
7. Disclosure of all commissions, refunds and rebates to the organization
8. Association's beginning and ending fund balance
9. Annual Association budget including revenue, maintenance and operating and capital costs
10. Current record of officers including who can authorize expenditures
11. Names of those responsible for maintaining books and records

(F) The Association shall provide an overall schedule to the Parks and Recreation Department of regular season play, as well as dates of tournaments and other sanctioned events.

(G) The Association shall provide to the Parks and Recreation Department an estimated budget prior to the spring and fall seasons. The budgets shall include

revenue and expenditure projections in the areas of concessions, league play, tournament play, capital equipment and capital improvements.

(H) The Association agrees that all sub contractors agreements shall be designed to be financially beneficial to the Association and that a copy of all such agreements shall be provided to the City upon request.

(I) The Association agrees that no officer or member of the Association shall be allowed a commission, refund or rebate of any kind relative to the Griffin Park soccer program or this contract.

(J) The Association agrees to maintain all financial records associated with soccer for a period of seven years. These financial records shall be maintained in such detail as to account for gross receipts and expenditures for all significant organization activity. The financial recording system shall be reviewed and approved by the City's Department of Finance for the purpose of maintaining a minimum accounting standard acceptable to both parties.

(K) Proceeds from the operation of the Griffin Park soccer complex shall be used for. the operation, maintenance and improvement of the complex. The City of Norman Parks and Recreation Department shall review and report to Council annually that all necessary maintenance and improvements have been made to the complex.

(8) It is further understood and agreed between the parties that the right and privilege granted by this contract are subject to all ordinances, rules and regulations of the City governing all the activities on said Griffin Community Park, including all sanitary regulation of any governmental authority which the City may be authorized to enforce.

(9) The Association agrees that no permanent structure of any nature shall be constructed by the Association upon any area used under this contract until detailed plans have been submitted to the Parks and Recreation Department of any proposed construction and approval, in writing, has been given by said department, and any permanent structure approved by the City becomes property of the City upon termination of this contract.

(10) It is further understood that the facilities governed by this agreement are public facilities and that the Association shall be responsible for third party leases of Griffin Park soccer complex when available for public use.

(11) It is further agreed that should the City receive a third party request to use the facilities the Association shall make a reasonable effort to accommodate said request, said approval not to be unreasonably withheld by the Association.

(12) It is understood that the Association may charge a light fee to any group which, during its lease, is requesting light usage. However, the assessed fee shall not exceed the City's then current fee for the use of ballfield lights. The Association shall be responsible for activating and deactivating any and all light usage at the Griffin Park Soccer Complex. It is also understood that the Association may charge additional fees in an amount to recover any maintenance expense which might be incurred by the Association. The Association agrees that all fees charged to third party agreements shall be applied consistently.

(13) It is further agreed that the City shall have the right to cancel this contract in the event of any violation of any ordinance, sanitary regulation or any of the provisions of the contract. Prior to such cancellation the Association shall be afforded a hearing before the Board of Park Commissioners, if requested, but the results of such hearing shall not be binding on the City as constituting a limitation upon its power to cancel this contract. Such cancellation shall be effective thirty (30) days after the mailing or delivery of notice of cancellation to the Association. Any such notice shall be mailed or delivered to such officer of the Association or other person as designated by the Association, and the Association agrees to inform the City immediately after its annual election the names of its officers for the ensuing year the addresses to which such notice may be mailed or delivered. Any notice to be given to the City shall be delivered to the Parks and Recreation Department of the City of Norman.

(14) In the event this contract is cancelled, for any reason, the Association shall have the right to remove any movable non-permanent improvements and/or structures provided or donated entirely by the Association within ninety (90) days after cancellation of this contract, clearing all debris and litter from said property in a clean and orderly condition, to the satisfaction of the City. Any improvements or structures not moved within ninety (90) days after satisfaction of any indebtedness shall become property of the City.

(15) Further, the City of Norman may terminate this agreement, whenever the subject premises may be needed for any other public purpose other that soccer. Said termination shall be subject to the same notice provisions and cancellation provisions as stated above.

(16) The Association agrees further that it will not deny membership in such Association to any person on the basis of race, religion, color, creed, sex, age, ancestry or national origin.

This Agreement shall not be assigned by the Association without prior written consent of the City of Norman, said consent not to be unreasonably withheld.

In Witness Whereof, the parties hereunto set their hands and seals the date first above written.

NORMAN YOUTH SOCCER ASSOCIATION

BY _____
President

Before me, the undersigned, a Notary Public in and for said County and State, this 17th day of August, 2012, personally appeared Todd Gibson to me known to be the identical person who executed the foregoing, 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.

_____
Notary Public

My commission expires:
12-24-2012

Approved as to form and legality this 23 day of August, 2012.

_____
City Attorney

CITY OF NORMAN

BY _____
Mayor

ATTEST:

_____
City Clerk

Contract # K-0405-127

AGREEMENT

This Agreement is a contract, made and entered into this 22nd day of March, 2005 by and between the City of Norman, a municipal corporation, hereinafter called the "City," and the Norman Youth Soccer Association, Inc., a non-profit corporation, hereinafter called "Association."

WITNESSETH:

WHEREAS, the City is the lessee of public property in Cleveland County, Oklahoma, known as Griffin Community Park, and which was leased from the State of Oklahoma with public funds for a period of 50 years beginning in 1986 and ending in 2036 for the purpose of establishing and maintaining a public park, and

WHEREAS, the City recognizes that the said Griffin Community Park shall be used for certain recreational purposes for the further benefit of the health, safety and welfare of the residents of said City, and

WHEREAS, the Association desires to occupy and use a certain area of the Griffin Community Park for the purpose of providing a soccer program for the use and benefit of its members, the youth of Norman, and the general public.

NOW, THEREFORE, in consideration of the mutual covenants and promises herein contained, the parties hereto agree as follows:

(1) The City hereby grants the right and privilege to the Association to use, for the purpose stated, the following described property, to-wit:

> Those parts of the Griffin Community Park which have been developed and are known as the soccer fields, as shown on the drawing which is attached hereto and made a part hereof. More particularly described as follows:
>
> A part of the surface of the Southeast Quarter (SE/4) of Section 20, Township 9 North, Range 2 West of the Indian Meridian.

This contract shall be renewable annually from the date above shown at the Association's option and shall expire at the end of a five year term. However, this contract may otherwise be terminated by either party upon thirty (30) days written notice of intent to terminate.

(2) The Association agrees to pay to the City for such rights and privilege the sum of one dollar ($1.00) per year, which sum shall be payable in advance on or before the 1st day of March each year of this Agreement.

(3) The Association agrees to pay the electrical cost for the use of Griffin Park soccer fields. Payment shall be made to the City within thirty (30) days from date of invoice.

(4) It is agreed between the parties hereto that the purpose of operating such a soccer Association is to provide practice and playing fields, soccer facilities and equipment in Norman for youth soccer, to hold and arrange for soccer leagues, matches and competitions for the youth of Norman, and also to provide supervised instruction and training for beginners of the sport of soccer.

It is understood and agreed that the Association has adopted safety rules and regulations, a copy of which is on file with the City, and will continue to practice and enforce such rules and regulations.

(5) The Association agrees to indemnify and hold the City harmless from and against all liability for injuries or death to persons, legal expense or damage to property caused by the Association's use of said right and privilege or that of its agents or employees; provided, however, that the Association shall not be liable for injury, damage or loss occasioned by the sole negligence of the City, its agents or employees; and provided further that the City shall give to the Association prompt and timely notice of any claim or suit instituted, which in any way directly or indirectly, contingently or otherwise, affects or might affect the Association, and the Association shall have the right to compromise and defend the same to the extent of its own interest.

The Association shall, at its own expense, keep in force insurance of the following types, naming the City as co-insured, and in not less than the following amounts, issued by a company or companies licensed to do business in Oklahoma and is of sound and adequate financial responsibility, against all liabilities for accidents arising out of or in connection with the Association's use of said right and privilege, except when caused by the City's negligence or that of its agents or employees, and shall furnish to the City certificates evidencing such insurance subject to the limitations set forth above in respect to the City's sole negligence and the Association shall furnish a certificate to the effect that such insurance shall not be changed or cancelled without ten (10) days prior notice to the City, said notice shall be written and shall be given by the Association, to wit:

(A) Worker's Compensation Insurance as prescribed by State Statute, if applicable.

(B) Provide insurance both liability for personal injury and property damage in limits prescribed by the Oklahoma Tort Claims Act and subsequent revisions thereto.

(6) (A) The Association agrees to maintain all ground areas used by it, its members or patrons in a clean and orderly manner at all times by removing all debris, of every kind, deposited upon said ground by the Association, its members or patrons, at the conclusion of each and every period of use, at its own expense. The City will provide sanitation dumpsters at three locations within Griffin Community Park for the Association's and the City's use.

(B) The Association will be responsible for all mowing at its own expense within the described grounds, which shall occur not less than two times per month during the growing season.

(C) The Association agrees to apply adequate fertilizer, to be provided by the Association, and adequate water, to be provided by the City, to keep all vegetation within the described grounds viable and healthy throughout the growing season.

(D) The Association agrees to maintain the existing irrigation system at it's own expense and agrees to return said system to the City in proper working condition at such time as this lease is terminated by either party.

(E) The Association agrees to explore possible alternatives to supplying irrigation water to the Griffin Park Complex, eliminating or reducing the need for treated water to be supplied or provided by the City. Any alternatives considered shall be discussed with the Director of Parks and Recreation and shall be considered prior to the renewal of this agreement.

(F) It shall be the responsibility of the Association to maintain, locate and set into place all soccer goals within the described grounds.

(7) (A) The Association shall schedule and periodically monitor how the premises are used. The Association shall not charge admission for regularly scheduled league games or make-ups for regularly scheduled league games. The Association shall allow the general public attendance and observation from any appropriate areas reserved for spectators to any league game without charge; provided that this contract neither authorizes nor forbids such disciplinary measures as may be necessary to maintain order at such games or functions of the Association. The Association's enforcement of the rules of its own program are not authorized, sanctioned or endorsed by the City, and shall not serve as a basis for a suit against the City, its officers or employees.

(B) The Association may charge an admission charge for any sanctioned tournament game or for any other sanctioned soccer event only after prior approval of the charge has been given by the City of Norman Parks and Recreation Department.

(C) Unless previously agreed by the City and the Association, all tournament proceeds shall be made payable to the Association. Third party tournament hosts shall be required to submit expenditure receipts to the Association for any proceeds derived by a tournament at the Griffin soccer facility. Said tournament proceeds may only be used for the purpose of benefiting the youth of Norman or those participating in the program. No other receipts shall be acceptable. Third

party tournament organizers shall meet the same financial and tax reporting guidelines required of the Association by the City.

(D) The Association agrees to provide concession operations for all league and tournament games.

(E) The Association shall supply an annual report to the City Parks and Recreation Department and the Norman City Council prior to January 1st of each year. The annual report shall include a summary of all activity along with revenue and expenditure summaries for the areas of concessions, league play and tournament play for the preceding year. Documentation of concession receipts and disbursements shall be kept on a daily basis. All detailed records associated with the soccer program shall be made available for review within ten days by the Association upon request from the City of Norman. The annual report shall also include the following:

1. Narrative of all soccer league and tournament activity
2. Organization mission statement and goals
3. All league and tournament fee structure
4. Number of games, teams, players, tournaments and scholarships
5. Age of participants
6. Breakdown of revenues and expenditures by category
7. Disclosure of all commissions, refunds and rebates to the organization
8. Association's beginning and ending fund balance
9. Annual Association budget including revenue, maintenance and operating and capital costs
10. Current record of officers including who can authorize expenditures
11. Names of those responsible for maintaining books and records

(F) The Association shall provide an overall schedule to the Parks and Recreation Department of regular season play, as well as dates of tournaments and other sanctioned events.

(G) The Association shall provide to the Parks and Recreation Department an estimated budget prior to the spring and fall seasons. The budgets shall include revenue and expenditure projections in the areas of concessions, league play, tournament play, capital equipment and capital improvements.

(H) The Association agrees that all sub contractors agreements shall be designed to be financially beneficial to the Association and that a copy of all such agreements shall be provided to the City upon request.

(I) The Association agrees that no officer or member of the Association shall be allowed a commission, refund or rebate of any kind relative to the Griffin Park soccer program or this contract.

(J) The Association agrees to maintain all financial records associated with soccer for a period of seven years. These financial records shall be maintained in such detail as to account for gross receipts and expenditures for all significant organization activity. The financial recording system shall be reviewed and approved by the City's Department of Finance for the purpose of maintaining a minimum accounting standard acceptable to both parties.

(K) Proceeds from the operation of the Griffin Park soccer complex shall be used for the operation, maintenance and improvement of the complex. The City of Norman Parks and Recreation Department shall review and report to Council annually that all necessary maintenance and improvements have been made to the complex.

(8) It is further understood and agreed between the parties that the right and privilege granted by this contract are subject to all ordinances, rules and regulations of the City governing all the activities on said Griffin Community Park, including all sanitary regulation of any governmental authority which the City may be authorized to enforce.

(9) The Association agrees that no permanent structure of any nature shall be constructed by the Association upon any area used under this contract until detailed plans have been submitted to the Parks and Recreation Department of any proposed construction and approval, in writing, has been given by said department, and any permanent structure approved by the City becomes property of the City upon termination of this contract.

(10) It is further understood that the facilities governed by this agreement are public facilities and that the Association shall be responsible for third party leases of Griffin Park soccer complex when available for public use.

(11) It is further agreed that should the City receive a third party request to use the facilities the Association shall make a reasonable effort to accommodate said request, said approval not to be unreasonably withheld by the Association.

(12) It is understood that the Association may charge a light fee to any group which, during its lease, is requesting light usage. However, the assessed fee shall not exceed the City's then current fee for the use of ballfield lights. The Association shall be responsible for activating and deactivating any and all light usage at the Griffin park soccer complex. It is also understood that the Association may charge additional fees in an amount to recover any maintenance expense which might be incurred by the Association. The Association agrees that all fees charged to third party agreements shall be applied consistently.

(13) It is further agreed that the City shall have the right to cancel this contract in the event of any violation of any ordinance, sanitary regulation or any of the provisions of the contract. Prior to such cancellation the Association shall be afforded a hearing before the Board of Park Commissioners, if requested, but the results of such hearing shall not be binding on the City as constituting a limitation upon its power to cancel this contract. Such cancellation shall be effective thirty (30) days after the mailing or delivery of notice of cancellation to the Association. Any such notice shall be mailed or delivered to such officer of the Association or other person as designated by the Association, and the Association agrees to inform the City immediately after its annual election the names of its officers for the ensuing year the addresses to which such notice may be mailed or delivered. Any notice to be given to the City shall be delivered to the Parks and Recreation Department of the City of Norman.

(14) In the event this contract is cancelled, for any reason, the Association shall have the right to remove any movable non-permanent improvements and/or structures provided or donated entirely by the Association within ninety (90) days after cancellation of this contract, clearing all debris and litter from said property in a clean and orderly condition, to the satisfaction of the City. Any improvements or structures not moved within ninety (90) days after satisfaction of any indebtedness shall become property of the City.

(15) Further, the City of Norman may terminate this agreement, whenever the subject premises may be needed for any other public purpose other that soccer. Said termination shall be subject to the same notice provisions and cancellation provisions as stated above.

(16) The Association agrees further that it will not deny membership in such Association to any person on the basis of race, religion, color, creed, sex, age, ancestry or national origin.

This Agreement shall not be assigned by the Association without prior written consent of the City of Norman, said consent not to be unreasonably withheld.

In Witness Whereof, the parties hereunto set their hands and seals the date first above written.

NORMAN YOUTH SOCCER ASSOCIATION

ATTEST:

Sandi Bryan
Secretary

BY Susan Vorwald
President

Before me, the undersigned, a Notary Public in and for said County and State, this 3 day of March, 2005, personally appeared SUSAN VORWALD to me known to be the identical person who executed the foregoing, and acknowledged to me that She executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

26-7

24-13

WITNESS my hand and seal the day and year last above written.

Nancy M Schlehuber
Notary Public 02005869

My commission expires:
May 2, 2006

Approved as to form and legality this 8th day of March, 2005.

City Attorney

CITY OF NORMAN

BY Harold Haralson
Mayor

ATTEST:

Mary Hatley
City Clerk

AMENDMENT NO. 1 TO CONTRACT NO. K-0405-127

THIS AMENDMENT is made and entered into this 17th day February, 2010, by and between the City of Norman, Oklahoma, a Municipal Corporation, hereinafter referred to as the "City" and Norman Youth Soccer Association, Inc, hereinafter referred to as the "Association";

W I T N E S S E T H:

WHEREAS, the City and Association entered into Contract No. K-0405-127 on the 22nd day of March, 2005 for use of the Griffin Community Park Soccer Complex;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein, it is agreed that said Contract No. K-0405-127 shall be amended by amending Article I, on page 1 of said Contract with respect to the Term of the Agreement, extending this contract to the 22nd of March 2015.

* * *

The rest and remainder of Contract No. K-0405-127 shall remain the same and unchanged by this amendment.

IN WITNESS WHEREOF the parties hereto have set their official names and signatures on the day and year first above written.

Executed and adopted this 17th day of February, 2010.

LEAH TIDWELL NOTARY PUBLIC IN AND FOR STATE OF OKLAHOMA #08011371 • NOVEMBER 9, 2012

NORMAN YOUTH SOCCER ASSOCIATION, INC.

BY: _____

Name: Tim Lashen

Title: NYSA President

ATTEST:

_____

Corporate Secretary

Amendment Number One

Amendment Number One
Contract Number K-0405-127

Approved by the City Council of the City of Norman this 23rd day of February, 2010.

CITY OF NORMAN, OKLAHOMA
A Municipal Corporation

By: _____
Cindy Rosenthal, Mayor

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

ATTEST:

_____
Brenda Hall, City Clerk

Approved as to form and legality this 12th day of February, 2010.

_____
City Attorney

LEGEND
Griffin Park
Soccer Complex
1001 E. Robinson
Map Produced by the City of Norman
Park Planning.
(405) 366-5475
The City of Norman assumes no
responsibility for errors or omissions
in the information presented.
N
W
E
S
12TH AVE RECREATION C
Soccer Complex
4
3
2
1

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:	2	**Reference:**	Item No. 25	**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: Adopt Resolution No. R-1112-144 and approve the directive that Staff abate the nuisance as outlined in Resolution No. R-1112-144 as required by law.

ACTION TAKEN: TK/JG

Notes:

Agenda Date: 08/28/2012

Agenda Number: 25

Attachments: Text File R-1112-144, R-1112-144, Summary 503 W. Daws, Memo 503 W. Daws, 503 W. Daws condemnation 8-12, Endicott Plan

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					
1	City Council	07/24/2012	Postponed		08/28/2012	08/28/2012	
	Action Text: Postponed						
1	City Council	07/24/2012					
2	City Council	08/28/2012					

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.

In the City Council meeting on July 24th, Mr. Endicott indicated that he could make substantial progress on the structure in thirty days, and asked for an extension. The Council granted the extension to August 28th. On August 21st Revitalization Manager Linda Price and Code Compliance Inspector Joe Schier met on site with Mr. Endicott to discuss the status of the project and to take photos. There had been no communication from Mr. Endicott except for a voice message on August 20th. In that message he indicated that he would submit the building permit application on August 21st. In our meeting on the 21st Mr. Endicott indicated that he intended to bring in a building permit and payment the next day, August 22nd, along with a written schedule for removing debris and repairing the building. That schedule was requested on July 24th following the City Council meeting.

Mr. Endicott did submit a building permit application on Wednesday morning, August 22nd and submitted a list of intended repairs and a proposed time frame of completion of March 1, 2013. In the last thirty days items have been removed from the north and south rooms that were not fire damaged, but nothing has been done to the section that needed to be addressed.

In Staff's opinion substantial progress has not been made. However, if the Council so chooses, we will continue to work with Mr. Endicott

Attachments include Resolution of Condemnation Number R-1112-144, a summary related to actions taken, a summary of code violation activity related to the property, Mr. Endicott's plan, 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.

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 August 31, 2012.

PASSED AND ADOPTED THIS_____ day of _____, 2012.

_____
(Mayor)

ATTEST:

_____
(City Clerk)

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.

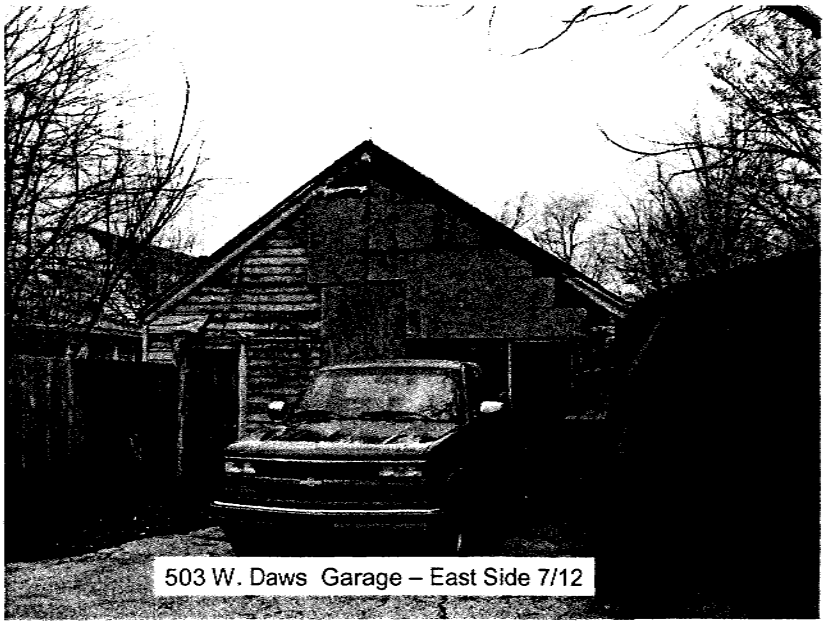
Extensive fire damage is evident. The building is partially secured.

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."*

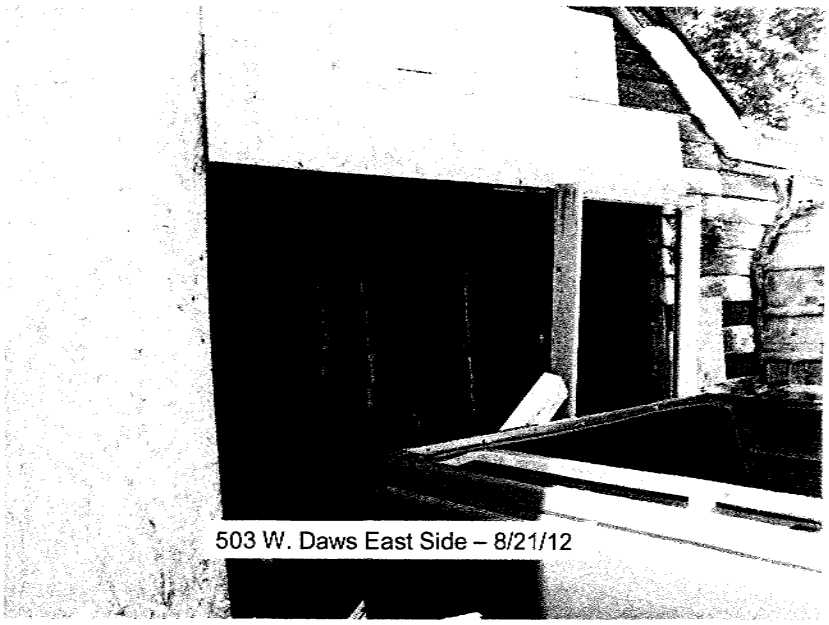
RECOMMENDATION: The owner of 503 W. Daws Street should either obtain a building permit to repair the structure or, if not deemed economically feasible, demolish it. If the owner continues to take no action in this regard, the City of Norman should initiate condemnation proceedings.

Cc: Janita Hatley, Code Compliance Inspector

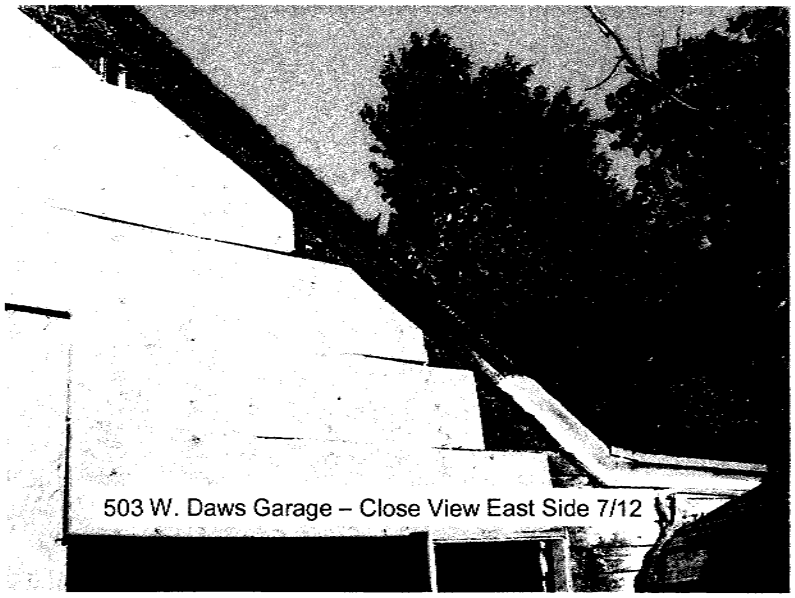
503 West Daws Street


503 W. Daws Garage – East Side 7/12

503 W. Daws Garage – East Side 7/12



503 W. Daws East Side – 8/21/12

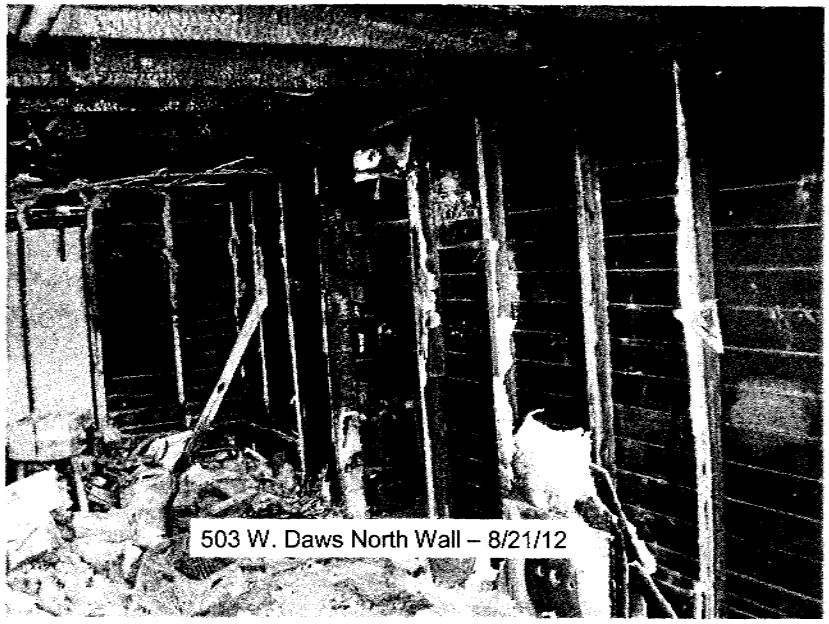


503 W. Daws Garage – Close View East Side 7/12

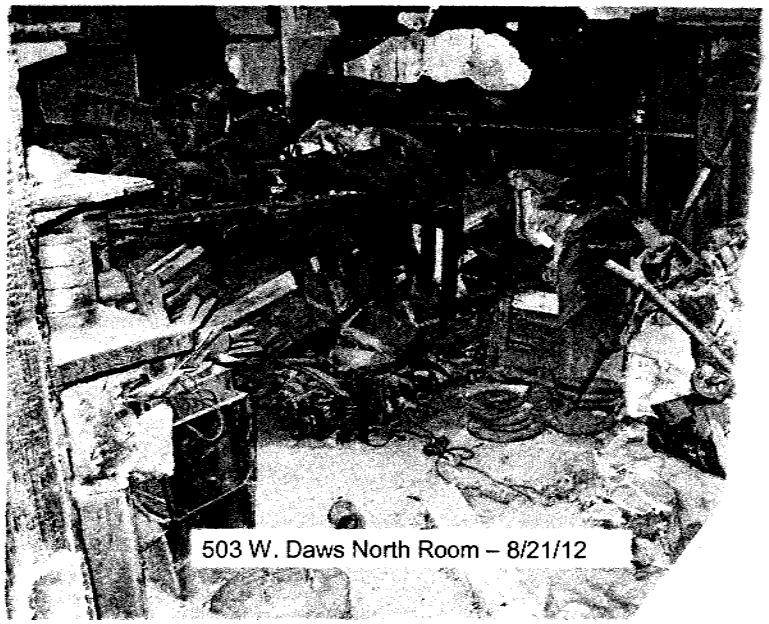
503 W. Daws Garage - West Side 7/12

503 W. Daws Interior – 8/21/12

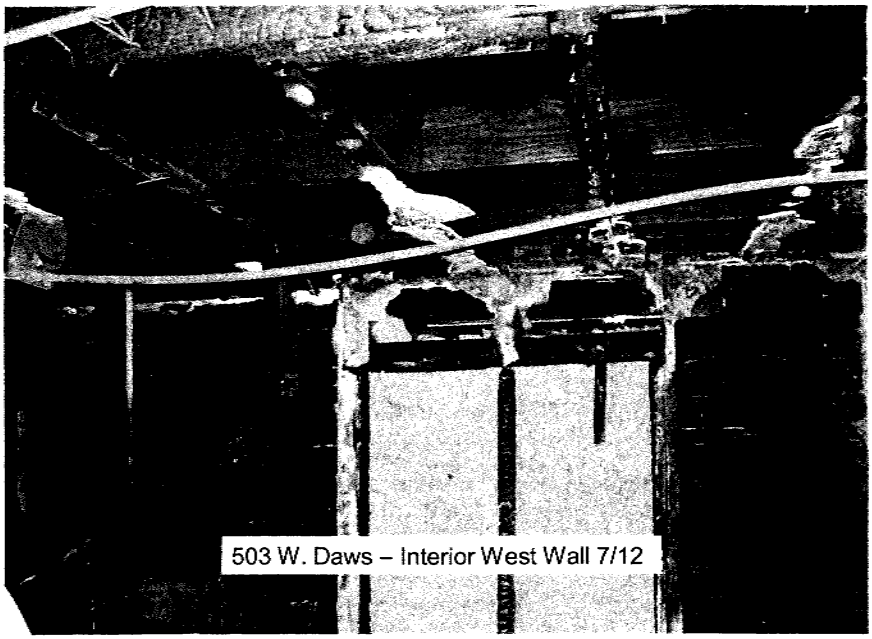
503 W. Daws – Interior Center Room North Wall 7/12



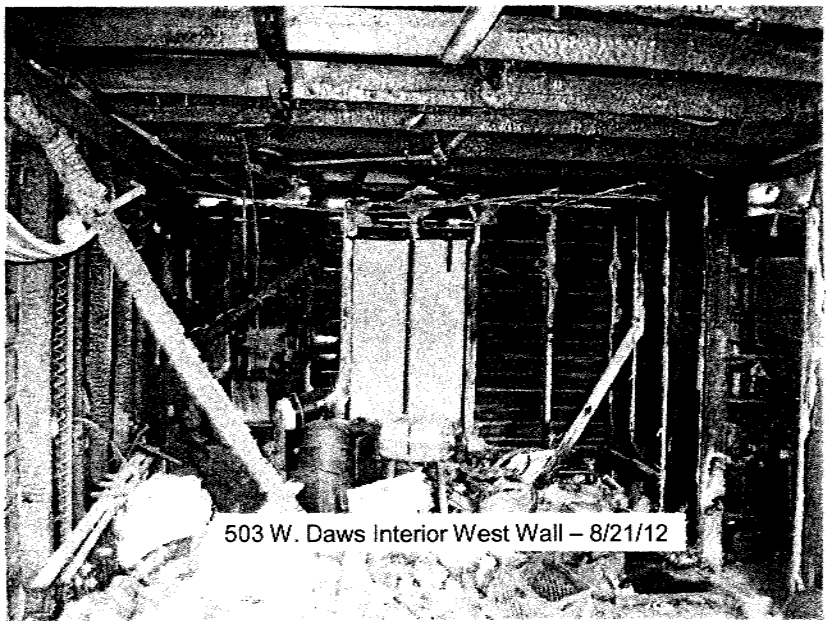
503 W. Daws North Wall – 8/21/12



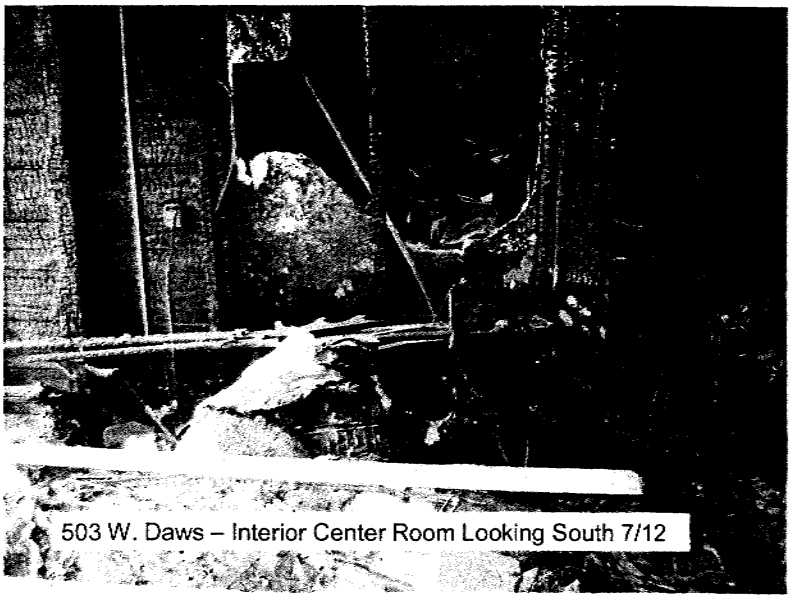
503 W. Daws North Room – 8/21/12



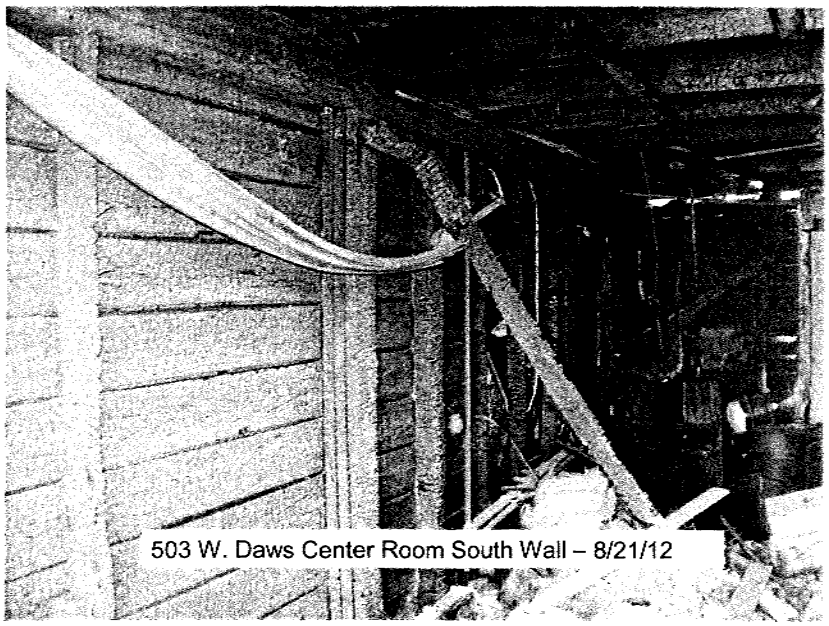
503 W. Daws – Interior West Wall 7/12



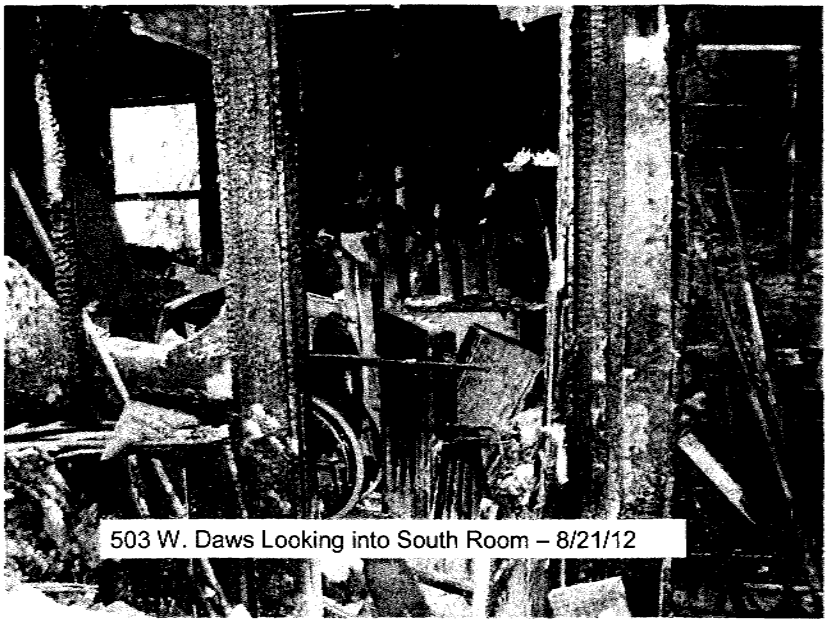
503 W. Daws Interior West Wall – 8/21/12



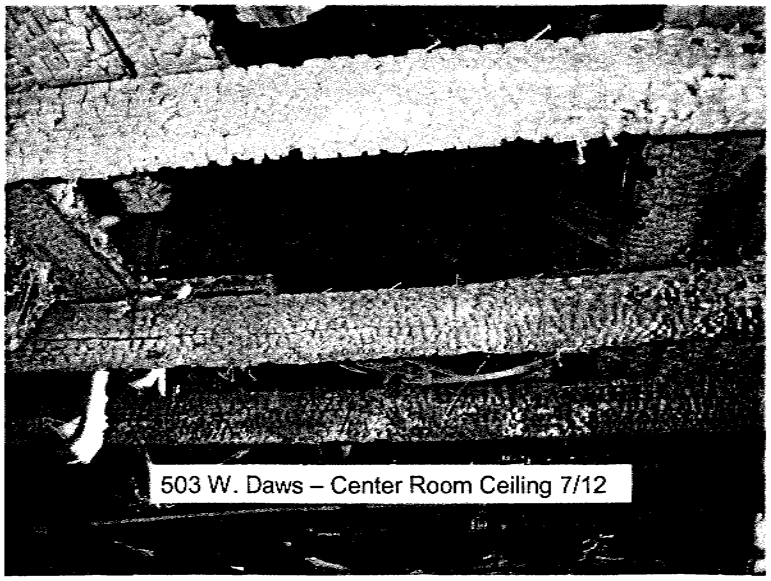
503 W. Daws – Interior Center Room Looking South 7/12



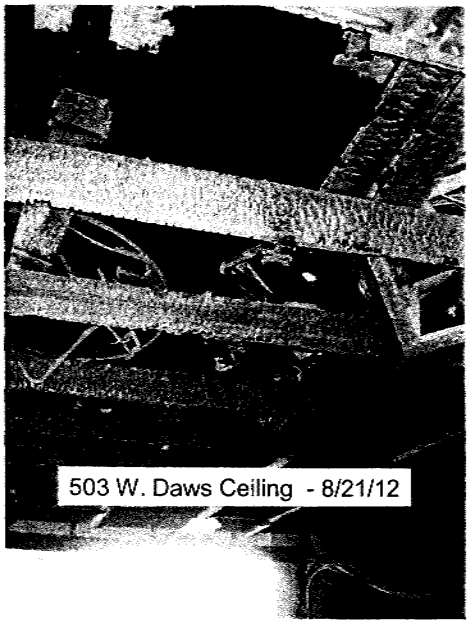
503 W. Daws Center Room South Wall – 8/21/12



503 W. Daws Looking into South Room – 8/21/12



503 W. Daws – Center Room Ceiling 7/12


503 W. Daws Ceiling - 8/21/12

City of Norman, OK

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

Master

File Number: O-1213-1

File ID:	O-1213-1	**Type:**	Ordinance	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 26	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	06/12/2012
File Name:	O-1213-1 Kunkel Rezone			**Final Action:**	

Title: ORDINANCE NO. O-1213-1: AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF THE SECTION 26, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.)

ACTION NEEDED: Motion adopt or reject Ordinance No. O-1213-1 upon Second Reading section by section.

ACTION TAKEN: _____

ACTION NEEDED: Motion adopt or reject Ordinance No. O-1213-1 upon Final Reading as a whole.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 26

Attachments: Text File O-1213-1, O-1213-1 Kunkel, Kunkel Rezone Location Map, Kunkel Rezone Staff Report, Preliminary Site Plan Main Street Place, Kunkel Existing Zoning Plat, 7-12-12 PC Minutes - Kunkel

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	07/12/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council			Pass
	Action Text:	Recommended for Adoption at a subsequent City Council Meeting to the City Council					
1	Planning Commission	07/12/2012					
1	City Council	08/14/2012	Introduced and adopted on First Reading by title only				
	Action Text:	Introduced and adopted on First Reading by title only					
1	City Council	08/14/2012					

Text of Legislative File O-1213-1

Body

SYNOPSIS: The applicant is proposing a preliminary plat and rezoning for the area on the north side of Main Street approximately 993 feet west of 24th Avenue N.W. The area is approximately 2.73 acres. The Norman 2025 Land Use and Transportation Plan designation for this area is Commercial. Currently, the tract is home to a portion of an automobile sales facility. The area has never been platted and the existing zoning is not consistent with the current or proposed use. The area will be rezoned from I-1, Light Industrial District, and A-2, Rural Agricultural District, to C-2, General Commercial District, to be consistent with the future proposed uses. The new platted parcel will accommodate two commercial buildings and the required parking.

DESIGN: The site will have a single access point along Main Street. The two buildings will run perpendicular to Main Street. The front building is approximately 16,800 square feet and the rear building is approximately 11,200 square feet.

PARKING: The use for this site has not been determined at this time. When the use of the site has been determined staff will be better equipped to calculate the required number of parking spaces. However, the parking count depicted on the preliminary development map is adequate for retail trade uses.

PUBLIC WORKS AND UTILITIES: Sidewalks will be installed adjacent to Main Street.

TRAFFIC IMPACTS: A Traffic Impact Analysis (TIA) will not be required at this stage. Per the agreement with the City, a TIA will be completed during the plan review process when the specific uses for the development are known. There is no median cut existing or allowed along Main Street. Therefore, the ingress and egress of this property is right turn in and right turn out only.

STAFF RECOMMENDATION: The close proximity to Interstate 35 and other recent commercial developments in this area makes this an appropriate zoning for this tract of land. The applicant(s) will be required to accommodate the needed parking and meet the lighting ordinance once uses are determined. Staff can support this rezoning request and recommends approval. At their July 12, 2012

meeting, the Planning Commission recommended approval of this rezoning request, by a vote of 5-0.

O-1213-1

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, AMENDING SECTION 460 OF CHAPTER 22 OF THE CODE OF THE CITY OF NORMAN SO AS TO PLACE PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 3 WEST OF THE INDIAN MERIDIAN, NORMAN, CLEVELAND COUNTY, OKLAHOMA, IN THE C-2, GENERAL COMMERCIAL DISTRICT, AND REMOVE THE SAME FROM THE I-1, LIGHT INDUSTRIAL DISTRICT, AND A-2, RURAL AGRICULTURAL DISTRICT, OF SAID CITY; AND PROVIDING FOR THE SEVERABILITY THEREOF. (GENERALLY LOCATED ON THE NORTH SIDE OF WEST MAIN STREET APPROXIMATELY 990 SQUARE FEET WEST OF 24TH AVENUE N.W.)

§ 1. WHEREAS, Kunkel Properties, L.L.C., the owner of the hereinafter described property, has made application to have said property placed in the C-2, General Commercial District, and to have the same removed from the I-1, Light Industrial District, and A-2, Rural Agricultural District; and

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

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

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

§ 4. That Section 460 of Chapter 22 of the Code of the City of Norman, Oklahoma, is hereby amended so as to place the following described property in the C-2, General Commercial District, and to have the same removed from the I-1, Light Industrial District, to wit:

A tract of land lying in the SE/4 of Section 26, T9N, R3W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the SE/C of said SE/4; THENCE South 89°28'28" West a distance of 1193.00 feet;
THENCE North 00°31'32" West a distance of 445.00 feet to the POINT OF BEGINNING;
THENCE North 00°31'32" West a distance of 240.00 feet;
THENCE North 89°28'28" East a distance of 200.00 feet
THENCE South 00°31'32" East a distance of 240.00 feet;
THENCE South 89°28'28" West a distance of 200.00 feet to a POINT OF BEGINNING.

Said described tract contains an area of 48,000 square feet or 1,102 acres, more or less.
AND,

A tract of land lying in the SE/4 of Section 26, T9N, R3W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the SE/C of said SE/4; THENCE South 89°28'28" West a distance of 1193.00 feet;
THENCE North 00°31'32" West a distance of 265.00 feet to the POINT OF BEGINNING;
THENCE North 00°31'32" West a distance of 110.00 feet;
THENCE North 89°28'28" East a distance of 200.00 feet
THENCE South 00°31'32" West a distance of 110.00 feet;
THENCE South 89°28'28" West a distance of 200.00 feet to the POINT OF BEGINNING

Said described tract contains an area of 22,000 square feet or 0.505 acres, more or less.

§ 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 C-2, General Commercial District, and to have the same removed from the A-2, Rural Agricultural District, to wit:

A tract of land lying in the SE/4 of Section 26, T9N, R3W of the Indian Meridian, Cleveland County, Oklahoma, being more particularly described as follows:

COMMENCING at the SE/C of said SE/4; THENCE South 89°28'28" West a distance of 1193.00 feet;
THENCE North 00°31'32" West a distance of 375.00 feet to the Point of Beginning;
THENCE North 00°31'32" West a distance of 70.00 feet;
THENCE North 89°28'28" East a distance of 200.00 feet;
THENCE South 00°31'32" East a distance of 70.00 feet;
THENCE South 89°28'28" West a distance of 200.00 feet to the POINT OF BEGINNING

Said described tract contains an area of 14,000 square feet or 0.321 acres, more or less.

§ 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

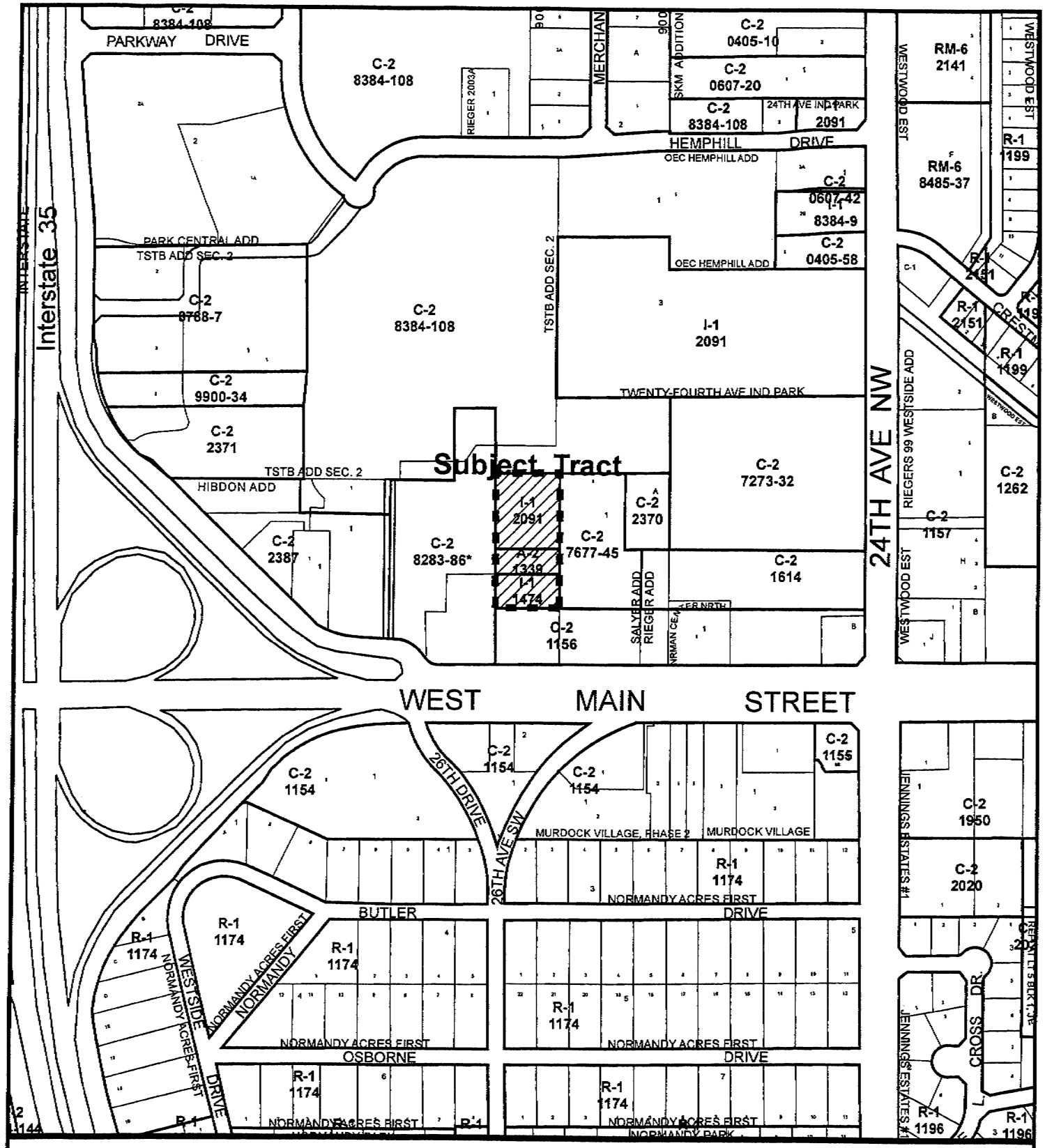
NOT ADOPTED this _____day of

_____, 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

June 21, 2012

0 200 400 Ft.

Subject Tract

Zoning

ORDINANCE NO. O-1213-1 | ITEM NO. 8a

STAFF REPORT

GENERAL INFORMATION

APPLICANT	Kunkel Properties, L.L.C.
REQUESTED ACTION	Rezoning to C-2, General Commercial District
EXISTING ZONING	C-2, General Commercial District, I-1, Light Industrial District and A-2, Rural Agricultural District
SURROUNDING ZONING	North: C-2 East: C-2 South: C-2 West: C-2
LOCATION	Located on the north side of Main Street approximately 993 feet west of 24th Avenue N.W.
SIZE	2.7319 acres
PROPOSED USE	Commercial
EXISTING LAND USE	Commercial
SURROUNDING LAND USE	North: Commercial East: Commercial South: Commercial West: Commercial
LAND USE PLAN DESIGNATION	Commercial

SYNOPSIS: The applicant is proposing a preliminary plat and rezoning for the area on the north side of Main Street approximately 993 feet west of 24th Avenue N.W. The area is approximately 2.73 acres. The Norman 2025 Land Use and Transportation Plan designation for this area is Commercial. Currently, the tract is home to a portion of an automobile sales facility. The area has never been platted and the existing zoning is not consistent with the current or proposed use. The area will be rezoned from I-1, Light Industrial District and A-2, Rural Agricultural District to C-2, General Commercial District to be consistent with the future proposed uses. The new platted parcel will accommodate two commercial buildings and the required parking.

ANALYSIS:

USE: The proposal for this rezoning request is two buildings which will accommodate commercial uses permitted within the C-2, General Commercial zoning district.

DESIGN: The site will have a single access point along Main Street. The two buildings will run perpendicular to Main Street. The front building is approximately 16,800 square feet and the rear building is approximately 11,200 square feet.

PARKING: The use for this site has not been determined at this time. When the use of the site has been determined staff will be better equipped to calculate the required number of parking spaces. However, the parking count depicted on the preliminary development map is adequate for retail trade uses.

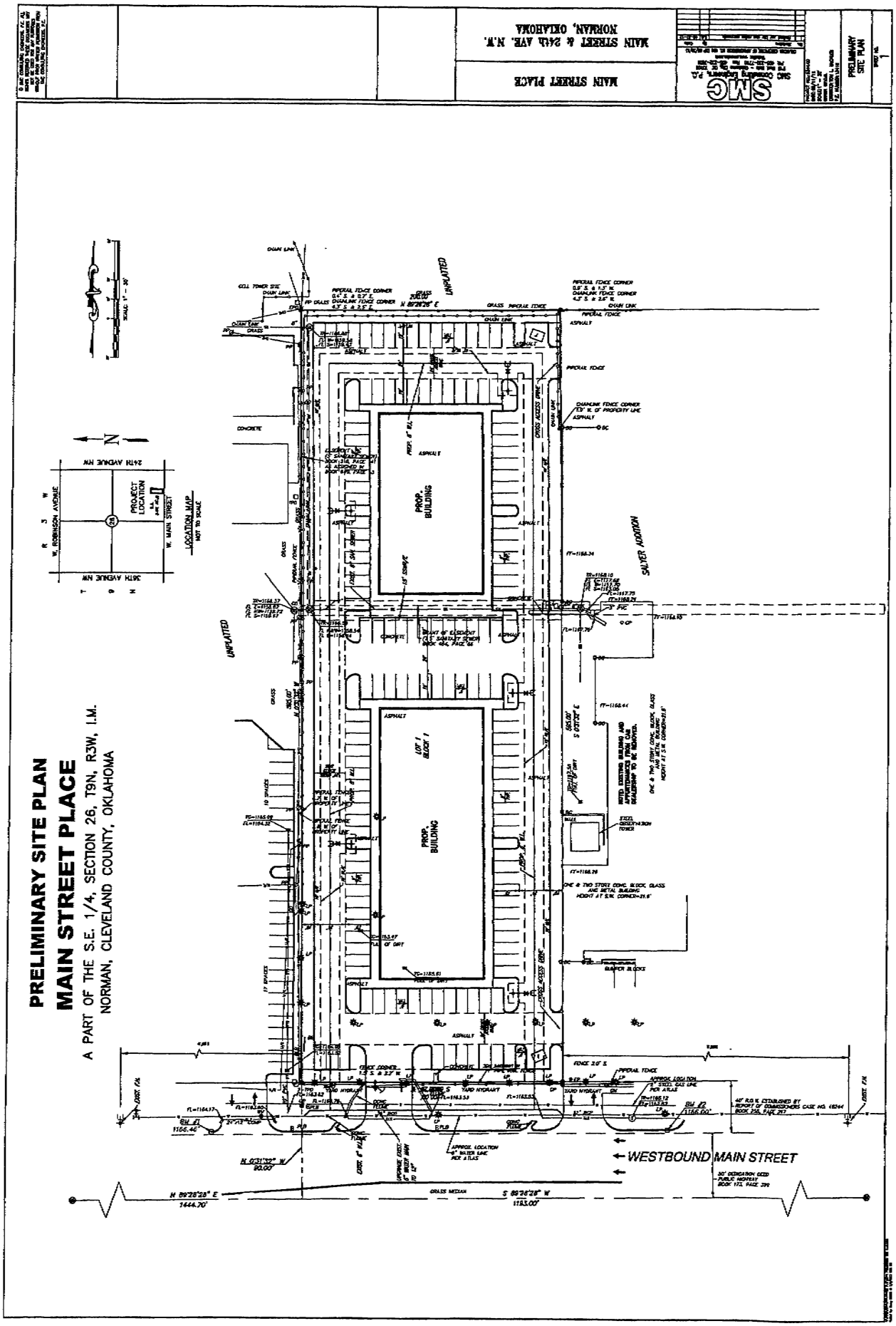
OTHER AGENCY COMMENTS:

PARKS BOARD: Parkland dedication is not required for this commercial development.

PUBLIC WORKS AND UTILITIES: Sidewalks will be installed adjacent to Main Street.

TRAFFIC IMPACTS: A Traffic Impact Analysis (TIA) will not be required at this stage. Per the agreement with the city, a TIA will be completed during the plan review process when the specific uses for the development are known. There is no median cut existing or allowed along Main Street. Therefore, the ingress and egress of this property is right turn in and right turn out only.

STAFF RECOMMENDATION: The close proximity to Interstate 35 and other recent commercial developments in this area makes this an appropriate zoning for this tract of land. The applicant(s) will be required to accommodate the needed parking and meet the lighting ordinance once uses are determined. Staff can support this rezoning request and recommends approval.


PRELIMINARY SITE PLAN
MAIN STREET PLACE
A PART OF THE S.E. 1/4, SECTION 26, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA
LOCATION MAP
NOT TO SCALE
24TH AVENUE NW
36TH AVENUE NW
W. ROBINSON AVENUE
W. MAIN STREET
PROJECT LOCATION
PROP. BUILDING
LOT 1 BLOCK 1
UNPLATTED
SILVER ADDITION
WESTBOUND MAIN STREET
N 89°28'28" E
1444.70'
S 89°28'28" W
1183.00'
MAIN STREET PLACE
MAIN STREET & 24th AVE. N.W.
NORMAN, OKLAHOMA
SMG
PRELIMINARY SITE PLAN

LOT 4

A tract of land lying in the Southeast Quarter (SE/4) of Section 26, Township 9 North, Range 3 West, of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows

Commencing at the Southeast Corner of said Southeast Quarter:
Thence South 89°26'28" West a distance of 1193.00 feet;
Thence North 00°31'32" West a distance of 445.00 feet to the Point of Beginning;

thence North 00°31'32" West a distance of 240.00 feet;
thence North 89°26'28" East a distance of 200.00 feet;
thence South 00°31'32" East a distance of 240.00 feet;
thence South 89°26'28" West a distance of 200.00 feet to the Point of Beginning.

Said described tract of land contains an area of 48000 square feet, or 1.102 acres, more or less.

LOT 3

A tract of land lying in the Southeast Quarter (SE/4) of Section 26, Township 9 North, Range 3 West, of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows

Commencing at the Southeast Corner of said Southeast Quarter:
Thence South 89°26'28" West a distance of 1193.00 feet;
Thence North 00°31'32" West a distance of 375.00 feet to the Point of Beginning;

Thence North 00°31'32" West a distance of 70.00 feet;
Thence North 89°26'28" East a distance of 200.00 feet;
Thence South 00°31'32" East a distance of 70.00 feet;
Thence South 89°26'28" West a distance of 200.00 feet to the Point of Beginning.

Said described tract of land contains an area of 14000 square feet, or 0.321 acres, more or less.

LOT 2

A tract of land lying in the Southeast Quarter (SE/4) of Section 26, Township 9 North, Range 3 West, of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows

Commencing at the Southeast Corner of said Southeast Quarter:
Thence South 89°26'28" West a distance of 1193.00 feet;
Thence North 00°31'32" West a distance of 253.00 feet to the Point of Beginning;

Thence North 00°31'32" West a distance of 110.00 feet;
Thence North 89°26'28" East a distance of 200.00 feet;
Thence South 00°31'32" East a distance of 110.00 feet;
Thence South 89°26'28" West a distance of 200.00 feet to the Point of Beginning.

Said described tract of land contains an area of 22000 square feet, or 0.505 acres, more or less.

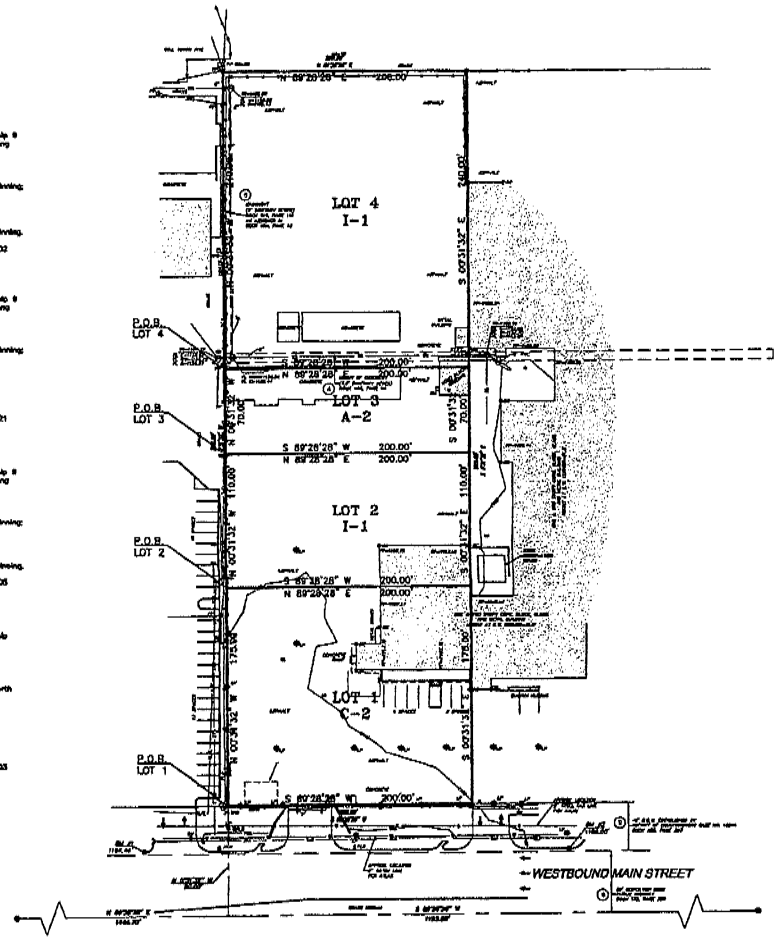
LOT 1

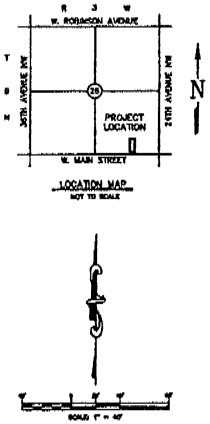
A tract of land lying in the Southeast Quarter (SE/4) of Section 26, Township 9 North, Range 3 West, of the Indian Meridian, Cleveland County, Oklahoma being more particularly described as follows

Commencing at the Southeast Corner of said Southeast Quarter:
Thence South 89°26'28" West a distance of 1193.00 feet;
Thence North 00°31'32" West a distance of 80.00 feet to a point on the North right of way line of W. Main Street and the Point of Beginning;

Thence North 00°31'32" West a distance of 175.00 feet;
Thence North 89°26'28" East a distance of 200.00 feet;
Thence South 00°31'32" East a distance of 175.00 feet;
Thence South 89°26'28" West a distance of 200.00 feet to the Point of Beginning.

Said described tract of land contains an area of 35000 square feet, or 0.803 acres, more or less.





KUNKEL PROPERTIES L.L.C.

2506 W. MAIN STREET
NORMAN, OKLAHOMA

SMC

LOT EXHIBIT

1 of 1

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

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Item No. 9, being:
CONSIDERATION OF A REQUEST SUBMITTED BY KUNKEL PROPERTIES, L.L.C. FOR PROPERTY LOCATED ON THE NORTH SIDE OF MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.

9A. ORDINANCE NO. O-1213-1 – KUNKEL PROPERTIES, L.L.C. REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT (1.607 ACRES), AND A-2, RURAL AGRICULTURAL DISTRICT (0.321 ACRES), TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Lot Exhibits
4. Preliminary Site Plan

9B. PP-1213-1 -- CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY KUNKEL PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR MAIN STREET PLACE ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.

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

PRESENTATION BY STAFF:
1. Ms. Hudson – As you can see, a portion of the property that abuts Main Street is currently zoned C-2, so the request is for the rear area of the property. The "Bob Moore" sign is approximately the east edge of this plat. They have requested C-2 zoning for the entire parcel. They are proposing two commercial buildings on the site. Staff does not have a problem with the rezoning request. The applicant's representative is here for any questions.

PRESENTATION BY THE APPLICANT:
1. Tom McCaleb, representing the applicant – This tract, back in the 1960s, was a composite of several pieces of property and it is zoned kind of weird. The total tract is 2.73 acres. The north piece is 1.10 acres zoned I-1. To the south of it is 0.32 acres zoned A-2. Then 0.505 acres zoned I-1. Then the south piece is 0.803 acres zoned C-2. The CompPlan is for commercial. This is the western portion of the old Bob Moore Cadillac place, and their facility is now being built in a new location. The Kunkel family owns this property and they plan to eventually sell it and are trying to get it zoned. The site plan is conceptual, but it meets the code requirements. I'd be glad to answer any questions.

2. Mr. Boeck asked how detention is being handled. Mr. McCaleb responded that there is no detention. The property is currently all improved.

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend approval of Ordinance No. O-1213-1 and approval of the Preliminary Plat for MAIN STREET PLACE ADDITION to the City Council. Cindy Gordon seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1213-1 and the Preliminary Plat for MAIN STREET PLACE ADDITION to the City Council passed by a vote of 5-0.

* * *

City of Norman, OK

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

Master

File Number: PP-1213-1

File ID:	PP-1213-1	**Type:**	Preliminary Plat	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 27	**In Control:**	Planning Commission
Department:	Public Works Department	**Cost:**		**File Created:**	06/12/2012
File Name:	Main Street Place Prelim Plat			**Final Action:**	

Title: CONSIDERATION OF A PRELIMINARY PLAT FOR MAIN STREET PLACE ADDITION.

ACTION NEEDED: Motion to approve or reject the preliminary plat for Main Street Place Addition.

ACTION TAKEN: _____

Notes:

Agenda Date: 08/28/2012

Agenda Number: 27

Attachments: Text File Main Street Place Prelim, Attachment A, Kunkel Plat Location Map, Preliminary Plat Main Street Place Addition, Kunkel Plat Staff Report, Predevelopment Kunkel, Main Street Place - Transportation, Preliminary Site Plan Main Street Place, Greenbelt Comments Kunkel, Main Street Place GES, 7-12-12 PC Minutes - Kunkel

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 PP-1213-1

body

BACKGROUND: This item is a preliminary plat for Main Street Place Addition and is located in the 2500 Block of West Main Street on the north side. This property consists of 2.73 acres and one (1) commercial lot with retail shops. Planning Commission, at its meeting of July 12, 2012 recommended to City Council the approval of Ordinance No. O-1213-1 placing this property in C-2,

General Commercial, and removing it from I-1, Light Industrial District and A-2, Rural Agricultural District. On July 12, 2012, Planning Commission, on a vote of 5-0, recommended approval of the preliminary plat for Main Street Place Addition.

DISCUSSION: The 28,000 square feet of commercial development in this preliminary plat are expected to generate approximately 1,236 trips per day. The traffic capacity on the affected roadway exceeds the demand for existing and proposed trips as a result of this development. No negative traffic impacts are anticipated on these facilities. Please refer to Attachment A.

The buildings shown on the preliminary site plan are an estimation of what might actually occur on this site. Once the actual uses, sizes, and magnitude of the development are known, a traffic impact analysis may be required. The purpose of such an analysis would be to determine the layout and control of the various driveways along Main Street.

The current preliminary site plan shows retaining an existing driveway along Main Street as well as potential cross access drives to the property to the east which would allow this development access to two more driveways along Main Street. The existing driveway along the Main Street frontage does not line up with any existing median opening. No median opening will be allowed to support this development because of the driveway's proximity to adjacent median openings. As such, the existing driveway would serve only traffic westbound on Main Street by way of a right-turn into the site or a right-turn out of the site. If potential cross access drives to the east come to fruition, then one of the two driveways to the east does line up with an existing median opening which would afford access to and from eastbound Main Street traffic. No off-site improvements are anticipated with the preliminary site plan as shown.

Public improvements for this property consist of the following:

Alley. Alleys are not required on lots greater than one (1) acre if sufficient circulation is provided. The proposed site plan shows proper circulation for delivery trucks and sanitation vehicles.

Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

Sanitary Sewers. Sanitary sewer main is existing.

Sidewalks. Sidewalks will be constructed adjacent to West Main Street.

Storm Sewers. Storm water will be conveyed to its existing location.

Streets. West Main Street is existing.

Water Mains. An existing 6-inch (6") water main adjacent to West Main Street will be upgraded to a 12-inch (12") water main across the frontage of the property.

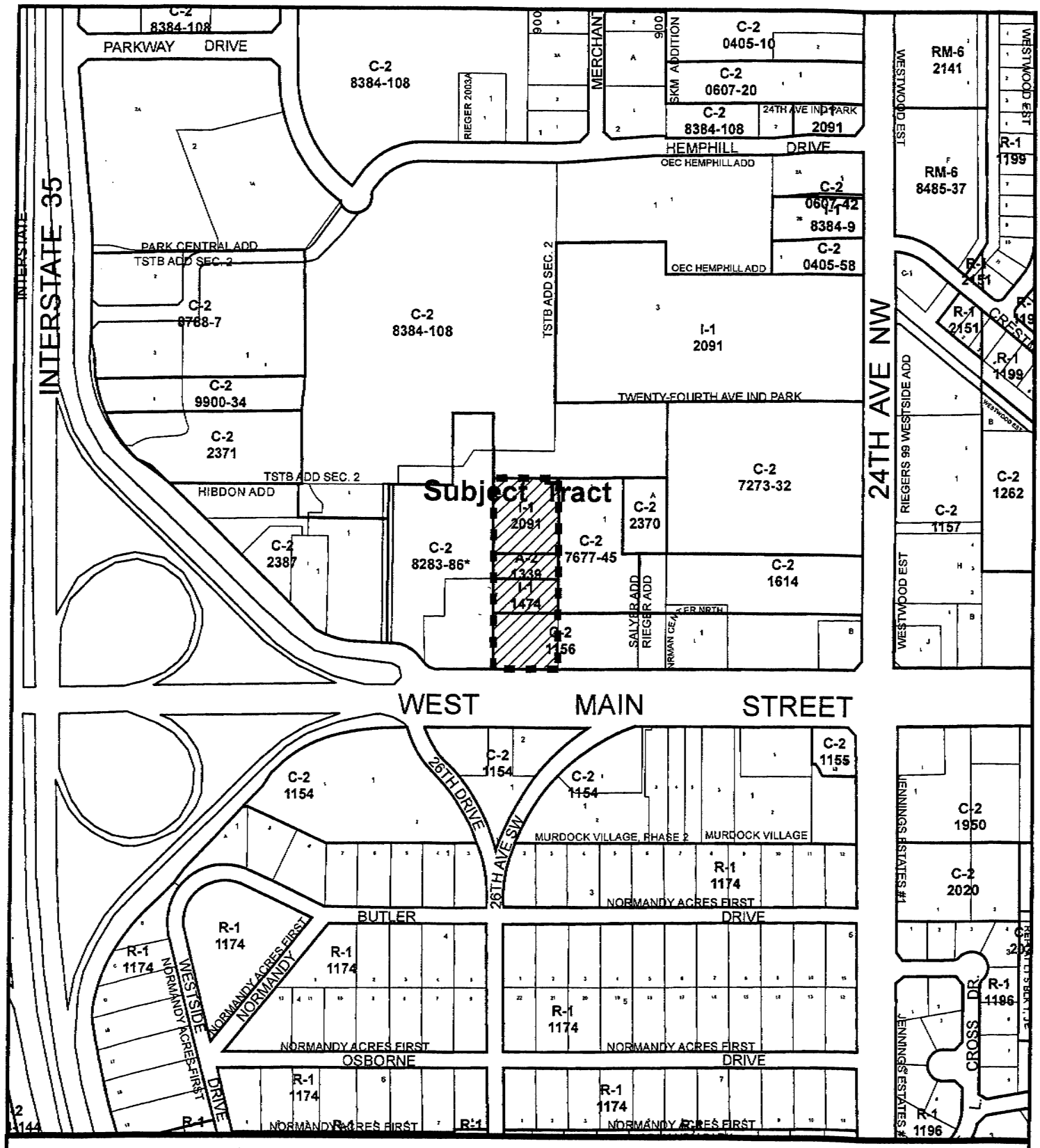
Public Dedications. All rights-of-way and easements will be dedicated to the City with final platting.

RECOMMENDATIONS: Staff recommends approval of the preliminary plat for Main Street Addition subject to the approval of Ordinance No. O-1213-1.

Main Street Place Addition
Preliminary Plat

ATTACHMENT A

STREET	NO. OF LANES	PROPOSED DEVELOPMENT (Veh/day)	EXISTING TRAFFIC (Veh/day)	TOTAL PROJECTED TRAFFIC (Veh/day)	ROADWAY CAPACITY L.O.S. "E"	% CAPACITY USED (EXISTING)	% CAPACITY USED (PROJECTED)
Main Street	6	1,236	40,285	41,521	58,000	69.46	71.59



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

0 200 400 Ft.

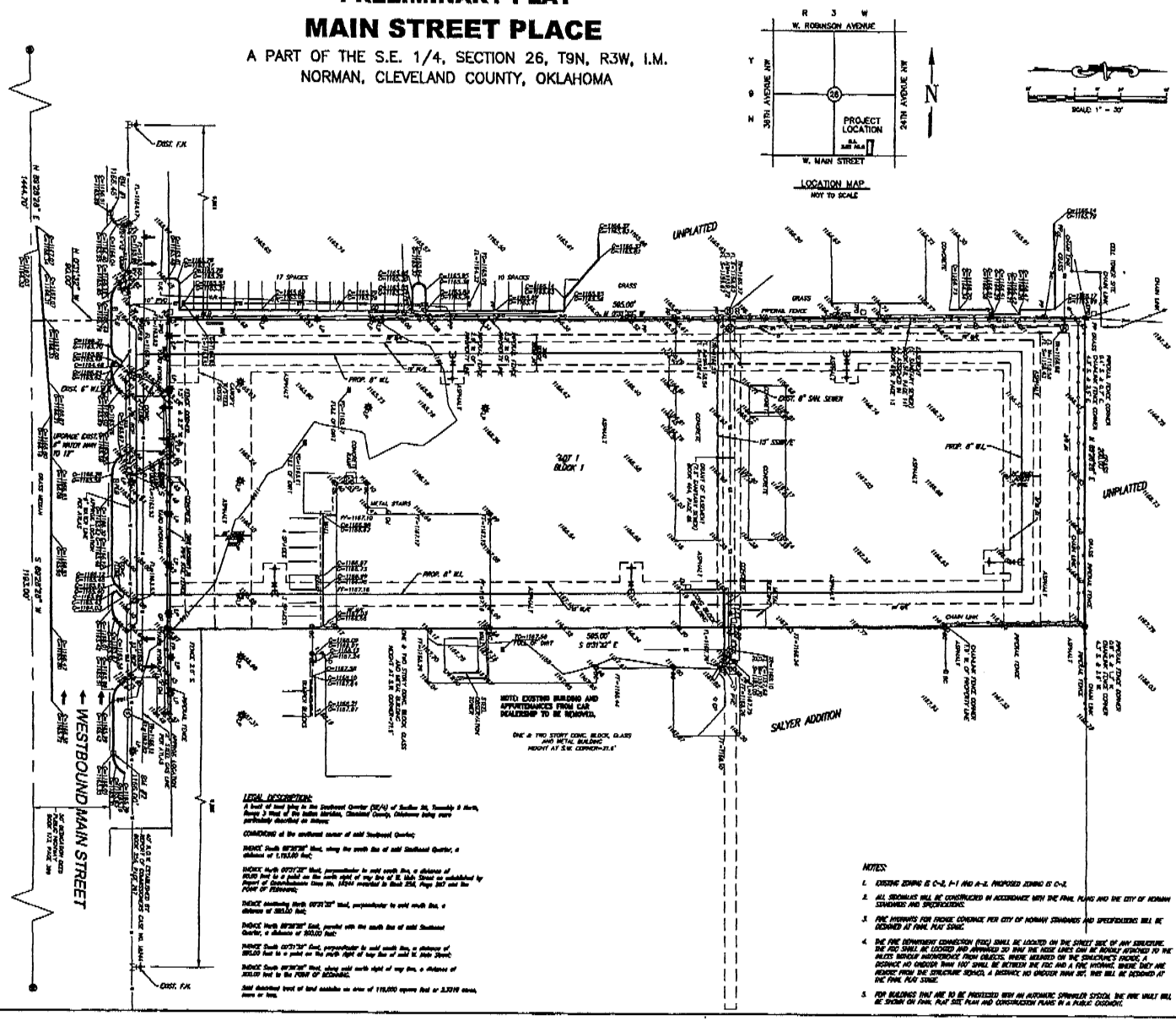
Subject Tract

Zoning

PRELIMINARY PLAT

MAIN STREET PLACE

A PART OF THE S.E. 1/4, SECTION 26, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA



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MAIN STREET PLACE

MAIN STREET & 24th AVE. N.W.
NORMAN, OKLAHOMA

SMC Consulting Engineers, P.C.
115 N. Robinson, Suite 100
Oklahoma City, OK 73102
(405) 235-7746 Fax (405) 235-7811
CERTIFICATE OF AUTHORIZATION NO. CA-1454

Date	Revisions

PROJECT NO. 01-0-0-0
DATE: 01/01/02
SCALE: 1" = 20'
DRAWN BY: D.G.
DESIGNED BY: L. WHEELER
P.E. NUMBER: 13416

PRELIMINARY PLAT

SHEET NO.
1

PRELIMINARY PLAT ITEM NO. 8b

STAFF REPORT

ITEM: Consideration of a Preliminary Plat for MAIN STREET PLACE ADDITION.

LOCATION: Located in the 2500 Block of West Main Street.

INFORMATION:

1. Owner. Kunkel Properties, LLC.

2. Developer. Kunkel Properties, LLC.

3. Engineer. SMC Consulting Engineers, PC.

HISTORY:

1. July 21, 1959. City Council adopted Ordinance No. 1156 annexing and placing a portion of this property in C-2, General Commercial District.

2. October 21, 1961. City Council adopted Ordinance No. 1320 annexing a portion of this property into the City limits.

3. January 23, 1962. City Council adopted Ordinance No. 1339 placing a portion of this property in A-2, Rural Agricultural District.

4. April 23, 1963. City Council adopted Ordinance No. 1474 placing a portion of this property in I-1, Light Industrial District and removing it from A-2, Rural Agricultural District.

5. July 23, 1968. City Council adopted Ordinance No. 2091 placing a portion of this property in I-1, Light Industrial Zoning District and removing it from A-2, Rural Agricultural District.

6. July 12, 2012. The applicant has made a request to place this property in the C-2, General Commercial District and remove it from A-2, Rural Agricultural District and I-1, Light Industrial District.

IMPROVEMENT PROGRAM:

1. Alleys. This property is over two acres and does not require an alley if proper access is provided for service and emergency vehicles. The site plan shows adequate circulation for vehicular movements.

2. Fire Hydrants. Fire hydrants will be installed in accordance with approved plans. Their locations have been approved by the Fire Department.

3. Permanent Markers. Permanent markers will be installed prior to filing of the final plat.

4. Sanitary Sewers. There is an existing sanitary sewer main.

5. Sidewalks. Sidewalks will be installed adjacent to West Main Street.

6. Drainage. Storm water will be conveyed to its existing outlet.

7. Streets. West Main Street is existing.

8. Water Mains. Water mains will be installed to serve fire hydrants in accordance with approved plans and City and Department of Environmental Quality standards. An existing 6-inch (6") water main will be upgraded to a 12-inch (12") water main.

PUBLIC DEDICATIONS:

1. Easements. All required easements will be dedicated to the City on the final plat.

2. Rights-of-Way. All required rights-of-way will be dedicated to the City on the final plat.

SUPPLEMENTAL MATERIAL: Copies of a location map, site plan and preliminary plat are included in the Agenda Book.

STAFF COMMENTS AND RECOMMENDATION: The owner proposes to develop commercial retail shops. Staff recommends approval of the preliminary plat for Main Street Place Addition.

ACTION NEEDED: Recommend approval or disapproval of the preliminary plat for Main Street Place Addition to City Council.

ACTION TAKEN: _____

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: July 5, 2012

CONDUCTED BY: David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Main Street Place Addition **PROJECT TYPE:** Commercial Plat

Owner: Kunkel Properties, LLC
Developer's Engineer: SMC
Developer's Traffic Engineer: TEC

SURROUNDING ENVIRONMENT (Streets, Developments)
Commercial development located to the north, south, east, and west of the project location. Low Density Residential development located to the south of the project location. Main Street is the main east/west roadway. The closest north-south roadway is 24th Avenue West.

ALLOWABLE ACCESS:
Existing street connections are being utilized along Main Street with the redevelopment of this site.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Main Street: 6 lanes (existing and future). Speed Limit - 40 mph. No sight distance problems. A landscaped median extends east of 24th Avenue West and west to 36th Avenue West.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ■ **NO** ☐

The redevelopment of the site, as proposed, will maintain the total number of connections to the existing street network in proximity to the site.

TRIP GENERATION

	Total	In	Out
Weekday	1,236	618	618
A.M. Peak Hour	13	11	2
P.M. Peak Hour	89	39	50

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ☐ **NO** ■

A letter was received from Traffic Engineering Consultants, Inc. of Oklahoma City, Oklahoma, in lieu of a traffic study.

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 buildings shown on the preliminary site plan are an estimation of what might actually occur on this site. Once the actual uses, sizes, and magnitude of the development are known, a traffic impact analysis may be required. The purpose of such an analysis would be to determine the layout and control of the various driveways along Main Street.

The current preliminary site plan shows retaining an existing driveway along Main Street as well as potential cross access drives to the property to the east which would allow this development access to two more driveways along Main Street. The existing driveway along the Main Street frontage does not line up with any existing median opening. No median opening will be allowed to support this development because of the driveway's proximity to adjacent median openings. As such, the existing driveway would serve only traffic westbound on Main Street by way of a right-turn into the site or a right-turn out of the site. If potential cross access drives to the east come to fruition, then one of the two driveways to the east does line up with an existing median opening which would afford access to and from eastbound Main Street traffic. No off-site improvements are anticipated with the preliminary site plan as shown.

City of Norman Predevelopment **May 24, 2012**

Applicant	Kunkel Properties, LLC
Location	North side of Main Street approximately ¼ mile west f 24th Avenue NW
Case Number	PD 12-18
Time	5:30-6:00 PM

Attendee	Stakeholder	Address	Phone
Tom McCaleb	Applicant Engineer	815 W. Main St. Oklahoma City	405-232-7715
Joe Sher	Applicant	2112 Barton Street Norman, OK	812-7437
Brad Worster	Observer	132 N. Santa Fe Norman, OK	701-0200
Terry Floyd	City Staff – City Manager's Office		366-5446
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 on the north side of Main Street approximately ¼ mile west of 24th Avenue NW. The area is approximately 2.73 acres. The Norman 2025 Land Use and Transportation Plan designation is Commercial.

Applicant's Opportunity The tract currently is home to an automobile sales facility. The area has never been platted and the existing zoning is not consistent with the current use. The area will be rezoned from I-1 and A-2 to C-2 to be consistent with the future proposed use. The new platted parcel will accommodate two commercial buildings and parking.

No neighbors were in attendance.

CITY OF NORMAN
Development Review Form
Transportation Impacts

DATE: July 5, 2012

CONDUCTED BY: David R. Riesland, P.E.
Assistant City Traffic Engineer

PROJECT NAME: Main Street Place Addition **PROJECT TYPE:** Commercial Plat

Owner: Kunkel Properties, LLC
Developer's Engineer: SMC
Developer's Traffic Engineer: TEC

SURROUNDING ENVIRONMENT (Streets, Developments)
Commercial development located to the north, south, east, and west of the project location. Low Density Residential development located to the south of the project location. Main Street is the main east/west roadway. The closest north-south roadway is 24th Avenue West.

ALLOWABLE ACCESS:
Existing street connections are being utilized along Main Street with the redevelopment of this site.

EXISTING STREET CHARACTERISTICS (Lanes, Speed Limits, Sight Distance, Medians)
Main Street: 6 lanes (existing and future). Speed Limit - 40 mph. No sight distance problems. A landscaped median extends east of 24th Avenue West and west to 36th Avenue West.

ACCESS MANAGEMENT CODE COMPLIANCE: **YES** ■ **NO** ☐

The redevelopment of the site, as proposed, will maintain the total number of connections to the existing street network in proximity to the site.

TRIP GENERATION

	Total	In	Out
Weekday	1,236	618	618
A.M. Peak Hour	13	11	2
P.M. Peak Hour	89	39	50

TRANSPORTATION IMPACT STUDY REQUIRED? **YES** ☐ **NO** ■

A letter was received from Traffic Engineering Consultants, Inc. of Oklahoma City, Oklahoma, in lieu of a traffic study.

RECOMMENDATION: **APPROVAL** ■ **DENIAL** ☐ **N/A** ☐ **STIPULATIONS** ☐

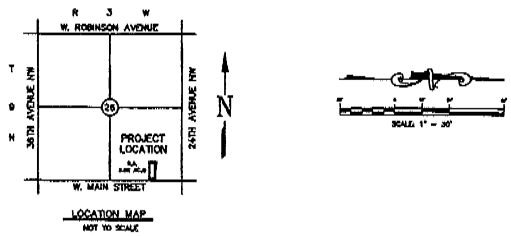
Recommendations for Approval refer only to the transportation impact and do not constitute an endorsement from City Staff.

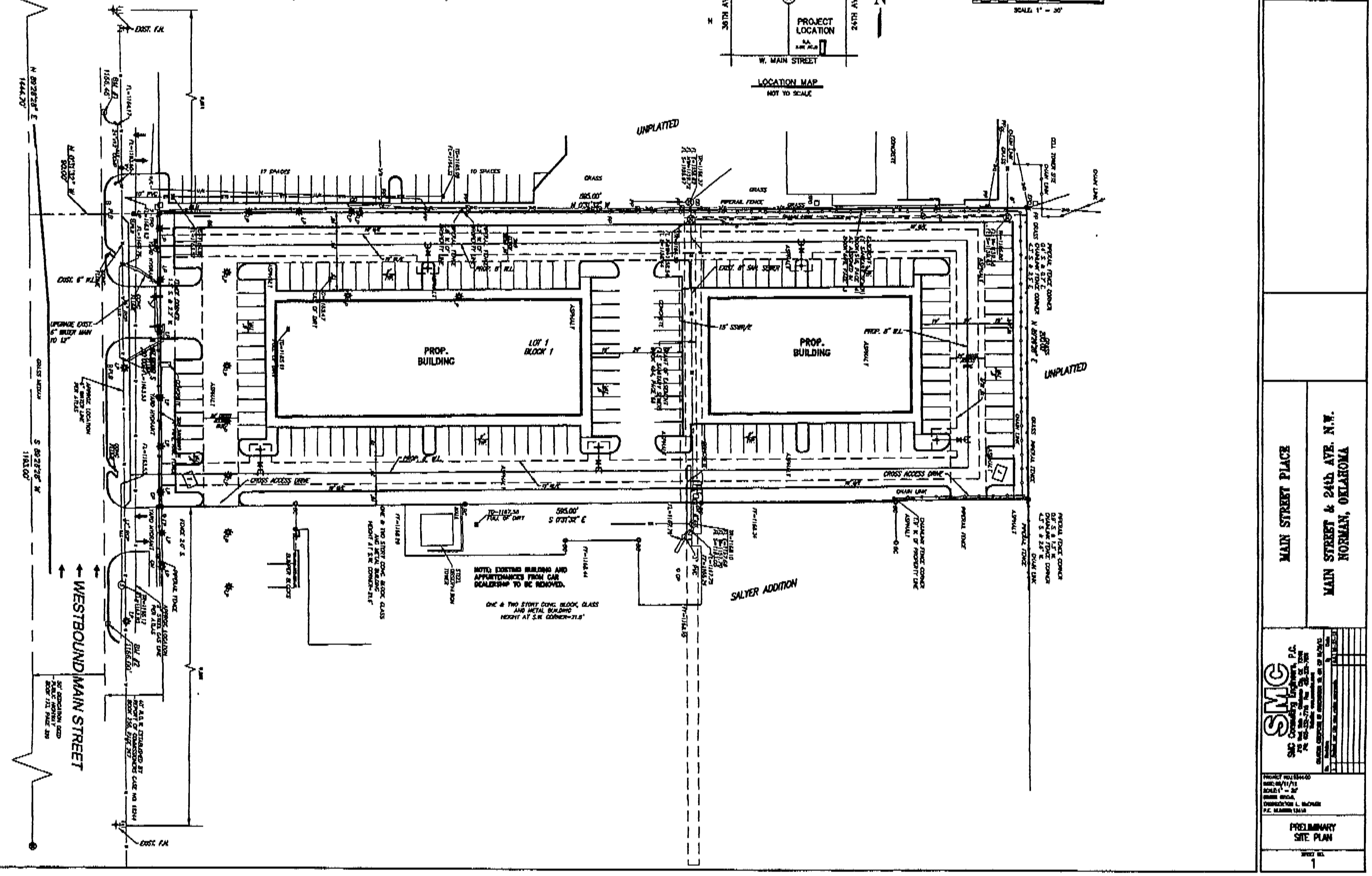
The buildings shown on the preliminary site plan are an estimation of what might actually occur on this site. Once the actual uses, sizes, and magnitude of the development are known, a traffic impact analysis may be required. The purpose of such an analysis would be to determine the layout and control of the various driveways along Main Street.

The current preliminary site plan shows retaining an existing driveway along Main Street as well as potential cross access drives to the property to the east which would allow this development access to two more driveways along Main Street. The existing driveway along the Main Street frontage does not line up with any existing median opening. No median opening will be allowed to support this development because of the driveway's proximity to adjacent median openings. As such, the existing driveway would serve only traffic westbound on Main Street by way of a right-turn into the site or a right-turn out of the site. If potential cross access drives to the east come to fruition, then one of the two driveways to the east does line up with an existing median opening which would afford access to and from eastbound Main Street traffic. No off-site improvements are anticipated with the preliminary site plan as shown.

PRELIMINARY SITE PLAN
MAIN STREET PLACE

A PART OF THE S.E. 1/4, SECTION 26, T9N, R3W, I.M.
NORMAN, CLEVELAND COUNTY, OKLAHOMA





GBC 12-15

Applicant: Kunkel Properties, LLC
Location: Generally located on the north side of Main Street, approximately one quarter mile west of 24th Avenue NW
Proposal: Preliminary Plat and Rezoning to C-2

Greenbelt Commission Final Comments - GBC 12-15
Meeting of May 21, 2012

The Greenbelt Commission approved the application unanimously with no additional comments or references to the Greenbelt Ordinance criteria.

Pre-Development Case No. PD 12-18 Greenbelt Case No. 12-15

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: **Kunkel Properties, LLC** Date: **05/07/12**
Contact Person: **Tom L. McCaleb, P.E. for Applicant**
Telephone/Fax/Email: **ph-232-7715 / fx-232-7859 / email – tom.mccaleb@smcokc.com**

Name of Development: **Kunkel Addition**
Area (Acres): **2.73 ac**

General Location: **On the north side of West Main Street approximately one quarter mile west of 24th Ave. N.W.**

Type of Development: (please check) Residential___ Commercial_X__ Industrial___ Other___

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

   - **This will be a commercial development with two commercial buildings and parking. This development will replace the existing car dealership that is partial on this property that is being removed.**

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

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

Park:	_____ Yes	_X___ No	_____Public	_____Private
Open Space:	_____ Yes	_X__ No	_____Public	_____Private
Detention Pond:	_____ Yes	_X__ No	_____Public	_____Private
Parking Lot Landscape:	__X___ Yes	_____No	_____Public	__X___Private
Floodplain/Creek:	_____ Yes	_X___No	_____Public	_____Private

   Other _____

   If the above noted areas are accessible via some other arrangement please explain.

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

Public Sidewalks (4-5' wide)**(On Street R/W Only)**	__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.)

   - **This project is surrounded by established commercial sites.**

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.)

   - **Construction of sidewalk along Main St. right-of-way to connect to existing adjacent sidewalk.**

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 __X__
   Abandoned/Active RR corridors_____
   Other_____

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

   - **Extension of existing sidewalk along Main St.**

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

Signature of Applicant or Contact Person: _____

for **Tom L. McCaleb, P.E. for Applicant**

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

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

* * *

Item No. 9, being:
CONSIDERATION OF A REQUEST SUBMITTED BY KUNKEL PROPERTIES, L.L.C. FOR PROPERTY LOCATED ON THE NORTH SIDE OF MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.

9A. ORDINANCE NO. O-1213-1 – KUNKEL PROPERTIES, L.L.C. REQUESTS REZONING FROM I-1, LIGHT INDUSTRIAL DISTRICT (1.607 ACRES), AND A-2, RURAL AGRICULTURAL DISTRICT (0.321 ACRES), TO C-2, GENERAL COMMERCIAL DISTRICT, FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.

ITEMS SUBMITTED FOR THE RECORD:
1. Location Map
2. Staff Report
3. Lot Exhibits
4. Preliminary Site Plan

9B. PP-1213-1 -- CONSIDERATION OF A PRELIMINARY PLAT SUBMITTED BY KUNKEL PROPERTIES, L.L.C. (SMC CONSULTING ENGINEERS, P.C.) FOR MAIN STREET PLACE ADDITION, GENERALLY LOCATED ON THE NORTH SIDE OF MAIN STREET APPROXIMATELY 993 FEET WEST OF 24TH AVENUE N.W.

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

PRESENTATION BY STAFF:
1. Ms. Hudson – As you can see, a portion of the property that abuts Main Street is currently zoned C-2, so the request is for the rear area of the property. The "Bob Moore" sign is approximately the east edge of this plat. They have requested C-2 zoning for the entire parcel. They are proposing two commercial buildings on the site. Staff does not have a problem with the rezoning request. The applicant's representative is here for any questions.

PRESENTATION BY THE APPLICANT:
1. Tom McCaleb, representing the applicant – This tract, back in the 1960s, was a composite of several pieces of property and it is zoned kind of weird. The total tract is 2.73 acres. The north piece is 1.10 acres zoned I-1. To the south of it is 0.32 acres zoned A-2. Then 0.505 acres zoned I-1. Then the south piece is 0.803 acres zoned C-2. The CompPlan is for commercial. This is the western portion of the old Bob Moore Cadillac place, and their facility is now being built in a new location. The Kunkel family owns this property and they plan to eventually sell it and are trying to get it zoned. The site plan is conceptual, but it meets the code requirements. I'd be glad to answer any questions.

2. Mr. Boeck asked how detention is being handled. Mr. McCaleb responded that there is no detention. The property is currently all improved.

AUDIENCE PARTICIPATION:
There was no participation from the audience.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend approval of Ordinance No. O-1213-1 and approval of the Preliminary Plat for MAIN STREET PLACE ADDITION to the City Council. Cindy Gordon seconded the motion.

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

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

Ms. Tromble announced that the motion to recommend approval of Ordinance No. O-1213-1 and the Preliminary Plat for MAIN STREET PLACE ADDITION to the City Council passed by a vote of 5-0.

* * *

City of Norman, OK

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

Master

File Number: R-1112-119

File ID:	R-1112-119	**Type:**	Resolution	**Status:**	Non-Consent Items
Version:	1	**Reference:**	Item No. 28	**In Control:**	City Council
Department:	Planning and Community Development Department	**Cost:**		**File Created:**	03/21/2012
File Name:	Greenways Master Plan			**Final Action:**	

Title: RESOLUTION NO. R-1112-119: A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE APRIL 2012 GREENWAYS MASTER PLAN.

ACTION NEEDED: Motion to adopt or reject Resolution No. R-1112-119.

ACTION TAKEN: _____

Copies of the reports were previously distributed to Council and are available for review on the City's website as a part of this agenda item, at the Norman Public Library and in the Office of the City Clerk.

Notes:

Agenda Date: 08/28/2012

Agenda Number: 28

Attachments: Text File Greenways Master Plan, R-1112-119 Greenways Master Plan, 2012 GREENWAY MASTER PLAN, 2012 GREENWAY MASTER PLAN - Appendix, KEY GUIDING PRINCIPLES OF THE GREENWAY MASTER PLAN, R-0910-68, Concerns submitted by Jane Ingels, 2-20-12 Greenbelt Commission minutes, 4-12-12 PC Minutes - GMP, 5-17-12 PC Study Session Minutes, 7-12-12 PC Minutes - Greenways Master Plan

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	04/12/2012	Postponed		06/14/2012		
	Action Text: Postponed						

1	Planning Commission	04/12/2012			
1	Planning Commission	06/14/2012	Postponed		07/12/2012
	Action Text: Postponed				
1	Planning Commission	06/14/2012			
1	Planning Commission	07/12/2012	Recommended for Adoption at a subsequent City Council Meeting	City Council	
	Action Text: Recommended for Adoption at a subsequent City Council Meeting to the City Council				
1	Planning Commission	07/12/2012			

Text of Legislative File R-1112-119

Body

BACKGROUND: The need for a citywide greenway and trail system was originally established as one of the key goals by the citizens of Norman in the 2020 Land Use and Transportation Plan and continued to be a feature in the Norman 2025 Land Use and Transportation Plan. Authors of both Plans could foresee the future growth issues of the city and the great need to preserve open space for storm-water drainage as well as potential locations and opportunities for trail systems. One goal of the Greenways Master Plan is to support and promote the development of an environmentally friendly system of connected trails and greenways while locating trails in areas only after due consideration to current and future land owners on a case-by-case basis has occurred. Another goal of developing the Greenways Master Plan is to facilitate the movement of citizens in a safe and efficient manner within the city network of streets, at any level, as well as throughout open spaces. The principal goal is to make Norman a pedestrian friendly community by determining how and where to link trails and open spaces to neighborhoods, schools, parks and businesses. A prime example is the segment of Legacy Trail which runs along the railroad corridor in central Norman. Legacy Trail will eventually be expanded to take the enthusiast around central Norman and up to Ruby Grant Park in northwest Norman.

The Greenways Master Plan has 3 appendices; Appendix A - Implementation Guide for Trails and Open Space, Appendix B - Action Plan for Completion of the Greenways Master Plan and Appendix C - Summary of Public Input. Appendix A is to be used as a "guiding tool" for the possible placement of trails. Staff is not recommending adoption of the appendices as part of this Plan. However, the appendices provide a history of the Plan, highlight support and input from the public and provide detailed information and maps to be used in identifying a citywide network of corridors and trails.

DISCUSSION: A series of public meetings were conducted over a 12-month planning period, 2007-2008, to provide opportunities for input from citizens interested in the planning process for greenways and trails. The public input helped reassure the strong community support by the citizens of greenways scattered around the city. At a public meeting on February 20, 2012 the Greenbelt Commissioners agreed to forward the Greenways Master Plan to the Planning Commission for consideration and approval.

The Planning Commission first had the Greenways Master Plan on their agenda in April, 2012. At that meeting there was opposition to the adoption of the Greenways Master Plan and after discussion,

the Planning Commission voted 5-2 to hold a Study Session to discuss the issues raised regarding the Plan. The Study Session was held on May 17, 2012. At that meeting Harold Heiple presented an alternate resolution on behalf of the Norman Developers Council ("NDC") for discussion and Staff was asked to review the alternate resolution and work on a resolution that would achieve what the Greenbelt Commission was trying to achieve while also addressing the concerns of the NDC.

After the June Planning Commission meeting, Staff met with the Chair and former Chair of the Greenbelt Commission, Jane Ingels and Lyntha Wesner, as well as the representative for the NDC, Harold Heiple. The Resolution approved by the Planning Commission represents a compromise between the two groups.

The Resolution adopts the Greenway Master Plan, not including the appendices, as a guide for the development of future policy. It explicitly does not impose any new regulations and is only to serve as guidance for future discussions that involve all interested parties, including the development community. Finally, to address the concerns of NDC about unconstitutional takings, the Resolution confirms that the City is guided in its pursuit of trails and green space by the applicable constitutional and statutory provisions.

RECOMMENDATION: Staff recommends approval of Resolution R-1112-119 adopting the Greenways Master Plan. At their July 12, 2012 meeting, the Planning Commission, by a vote of 5-0, recommended adoption of this resolution.

Resolution

R-1112-119

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE APRIL 2012 GREENWAYS MASTER PLAN.

§ 1. WHEREAS, the City Council of the City of Norman established the Greenbelt Commission to advise the City Council on policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways, and trail systems; and

§ 2. WHEREAS, in 2009 the City received the Greenway Master Plan, prepared by Halff Associates, Inc. ("2009 Greenway Plan") with detailed analysis and maps showing the existing trail system and opportunities for future greenways; and

§ 3. WHEREAS, by Resolution No. R-0910-68, the City Council of the City of Norman accepted the seven (7) key guiding principles identified in the 2009 Greenway Plan (page A-3) as the basis for the development of future policy and regulations related to developing a system of trails and pedestrian connections throughout Norman; and

§ 4. WHEREAS, the Greenbelt Commission has reviewed and revised the 2009 Greenway Plan, which has resulted in the City of Norman Greenways Master Plan ("2012 Greenways Plan"); and

§ 5. WHEREAS, although not recommended for adoption, the Appendices to the 2012 Greenways Plan can be used as resource materials for developing the greenway system in Norman; and

§ 6. WHEREAS, the Greenbelt Commission has recommended that the 2012 Greenways Plan be adopted; and

§ 7. WHEREAS, the 2012 Greenways Plan provides a framework within which the public and private sectors can choose to collaborate to create functional trails and greenways.

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

§ 8. That the revised 2012 Greenways Master Plan be adopted as a guide for the future development of a Greenway system. The 2012 Appendices A and B are accepted as resource materials for the revised 2012 Greenways Master Plan. The adoption of this Plan as a guide does not empower the City of Norman or City staff or City Boards/Commissions/Committees to enforce any provisions of this Resolution or

the revised 2012 Greenways Master Plan or its Appendices as a requirement upon new development or new construction; and

§ 9. That the following sentence shall control and prevail over any language in, or interpretation of any language in, this Resolution or any guide, policy or regulation relating to, or arising from, this Resolution. The revised 2012 Greenways Master Plan and its Appendices do not require any property owner to donate or otherwise contribute land, property, improvements, or money for any trail(s), greenways, or riparian corridors; and

§10. That the City, in its pursuit of trails or other green space, shall at all times be guided by the United States Constitution, the Oklahoma Constitution, and all applicable Oklahoma statutes.

PASSED AND ADOPTED this _____ day of _____, 2012.

_____
Mayor

ATTEST:

_____
City Clerk

KEY GUIDING PRINCIPLES OF THE GREENWAY MASTER PLAN ACCEPTED BY CITY COUNCIL WITH RESOLUTION NO. R-0910-68

1. **Create an interconnected system** – The ultimate goal is to create an interconnected system of trails that allow multiple connections across all of Norman. Where possible, trail corridors and alignments should be designed to enhance linkages between schools, parks, major civic destinations, retail and entertainment areas, employment centers, and other destinations. This may range from simple neighborhood sidewalk connections to the trails, to complete "trail heads" with parking and comfort facilities such as shade shelters and restrooms.

2. **Create opportunities for Green space preservation** – The greenbelt system should preserve valuable open space, natural habitat and key areas with existing vegetation. These will become the green areas of the Norman of the future.

3. **Create Identity** – 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. **Enhance Learning** – Greenway corridors provide unique opportunities to learn about the history, culture and accomplishments of Norman. Greenways provide access to the natural habitat in the city, and should offer ample opportunities to learn about the environment.

5. **Promote Safety** – Trails should provide smooth walkable corridors that are open and visible at all times during the day.

6. **Contribute to the Beauty of the City** – The trail system should contribute to enhancing the physical appearance of the city, whether through new pedestrian features, landscaping added to the trail corridors, or simply by revealing natural areas not previously visible to the general public.

7. **Encourage Creating Partnerships** – The Citywide Greenway system should encourage the creation of public and private partnerships that help build the entire system more quickly.

Resolution

R-0910-68

A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ACCEPTING CERTAIN DATA AND MAPS CONTAINED IN THE STORMWATER MASTER PLAN AND ACCEPTING CERTAIN PRINCIPLES CONTAINED IN THE GREENWAY MASTER PLAN AND DATA THEREIN AND DIRECTING AND PROVIDING GUIDANCE TO CITY STAFF AS IT PROCEEDS WITH THE DEVELOPMENT OF A PLAN TO IMPLEMENT THE RECOMMENDATIONS CONTAINED IN EACH RESPECTIVE PLAN.

§ 1. WHEREAS, uncontrolled storm water run-off in urbanized areas may cause pollution to the drinking water supply and threaten private property with flood damage, erosion, and declining property values; and

§ 2. WHEREAS, the City of Norman is required to meet Phase II Storm Water regulations as promulgated by the Environmental Protection Agency; and

§ 3. WHEREAS, the City of Norman is currently facing the degradation of water in Lake Thunderbird as a result of run-off of nitrogen, phosphates, and sediments which have resulted in a designation of the lake as an "impaired water body"; and

§ 4. WHEREAS, the City of Norman has undertaken a comprehensive review and analysis of flooding, water quality, and erosion over a period of four years aimed at reducing flooding dangers, protecting water quality, enhancing the environment and advancing recreational opportunities; and

§ 5. WHEREAS, the City has received a Storm Water Master Plan with detailed data maps, analysis of hydrologic and hydraulic modeling, flood prone soils, and water quality, all of which are valuable for planning purposes and future policy development; and

§ 6. WHEREAS, the City has received a Greenway Master Plan with detailed analysis and maps showing the existing trail system and opportunities for future trail systems that will preserve open space and assist in storm water drainage, all of which is valuable for planning purposes and future policy development; and

§ 7. WHEREAS, the City has sought input from the citizens of Norman by providing opportunity for submission of written comments and for attendance and comment at a series of public meetings; and

§ 8. WHEREAS, the City of Norman is seeking integrative solutions to its storm water problems through a combination of creative land use development approaches and flexible application of regulatory strategies; and

§ 9. WHEREAS, City of Norman staff has developed an implementation plan and matrix setting forth a schedule for policy development on storm water issues; and

RECREATION EDUCATION THE CITY OF NORMAN OKLAHOMA RESEARCH HEALTH INDUSTRY

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

§10. That the City of Norman hereby accepts the data and maps contained in Appendices E, F, I, and J to the Storm Water Master Plan as the basis for the development of future policy and regulations; and

§ 11. That the City of Norman adopts the following principles and guidelines as underlying values for proceeding with the implementation of the Storm Water Master Plan:

a. The 2025 Land Use Plan is reaffirmed as the key planning guide for land development in the City of Norman; and

b. Preservation of water quality and protection of private property from flooding and resulting damage for current and future residents of the City of Norman are of the highest priority for governing storm water management; and

§ 12. That the City of Norman hereby accepts the key guiding principles identified in the Greenway Master Plan (page A-3) as the basis for the development of future policy and regulations related to developing a system of trails and pedestrian connections throughout Norman; and

§ 13. That City of Norman adopts the Storm Water Master Plan Action Plan attached hereto as Exhibit A and staff is directed to proceed with said plan with continued public participation; and

§ 14. That acceptance of the data and maps and adoption of the principles outlined herein shall not commit the City of Norman to any specific funding strategies.

PASSED AND ADOPTED this 10th day of November, 2009.

CITY OF NORMAN CORPORATE SEAL OKLAHOMA

Cindy S Rob

Mayor

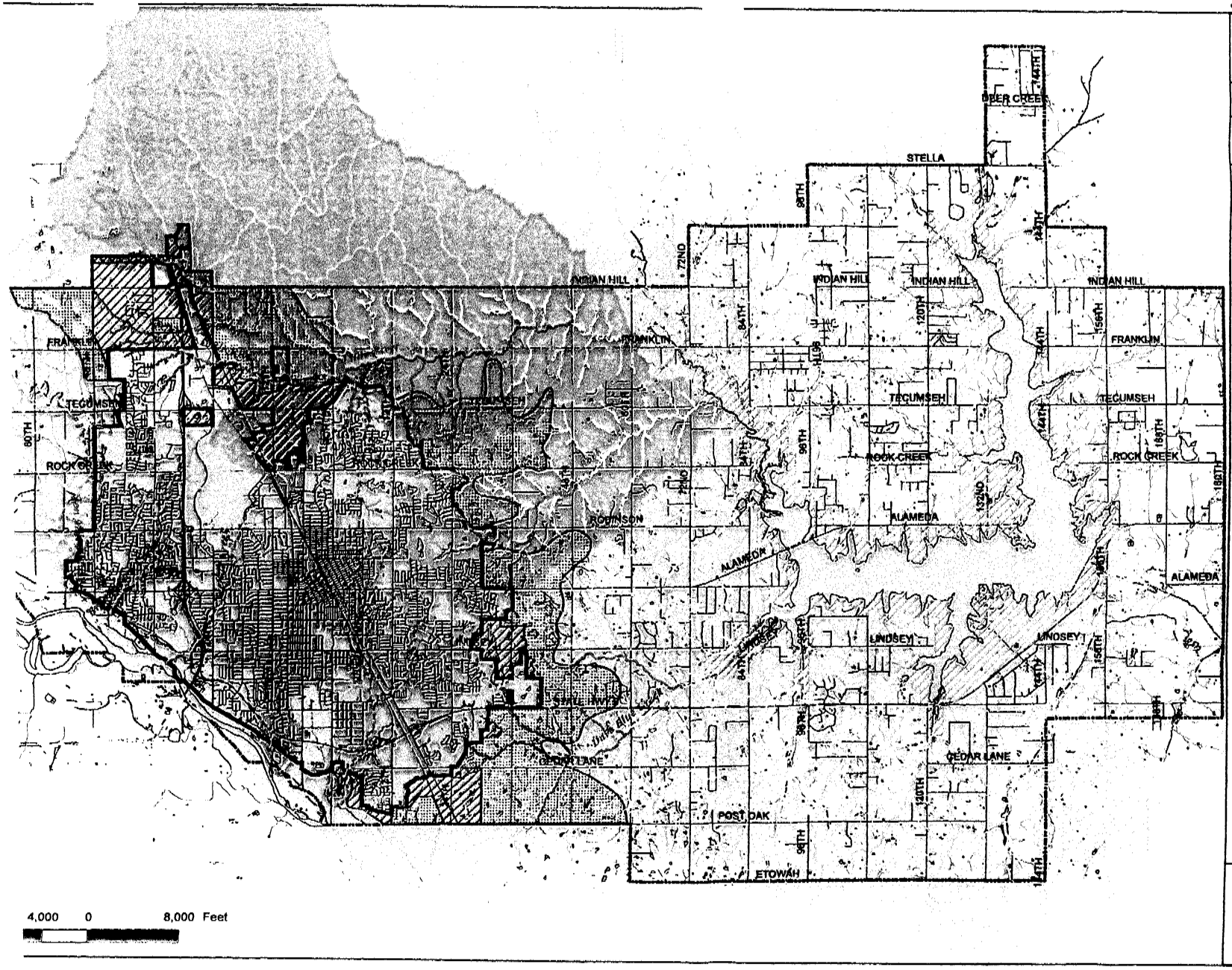
ST.

Brenda Hall

City Clerk

28-5

Exhibit A



bit I
Storm Drainage Master Plan Overview

City of Norman, OK

6504 Bridge Point Parkway, Suite 200
Austin, TX 78730
512.327.6840 Fax: 512.327.2543

Legend

Study Streams

- New Detailed (L1)
- Existing Detailed (L2)
- Future Detailed (L3)
- Riparian Zone (L4)
- Bishop Creek
- Brookhaven Creek
- Canadian River Tribs
- Dave Blue Creek
- Imhoff Creek
- Lake Thunderbird
- Little River
- Lower Little River
- Merkle Creek
- Rock Creek
- Ten Mile Flat Creek
- Trib G to Little River
- Woodcrest Creek
- Base Drainage Layer
- City_Boundary
- Roads
- Lake Thunderbird Take Area

Development Category

- Current Urban
- Future Urban
- Northern Loop
- Suburban Residential

N

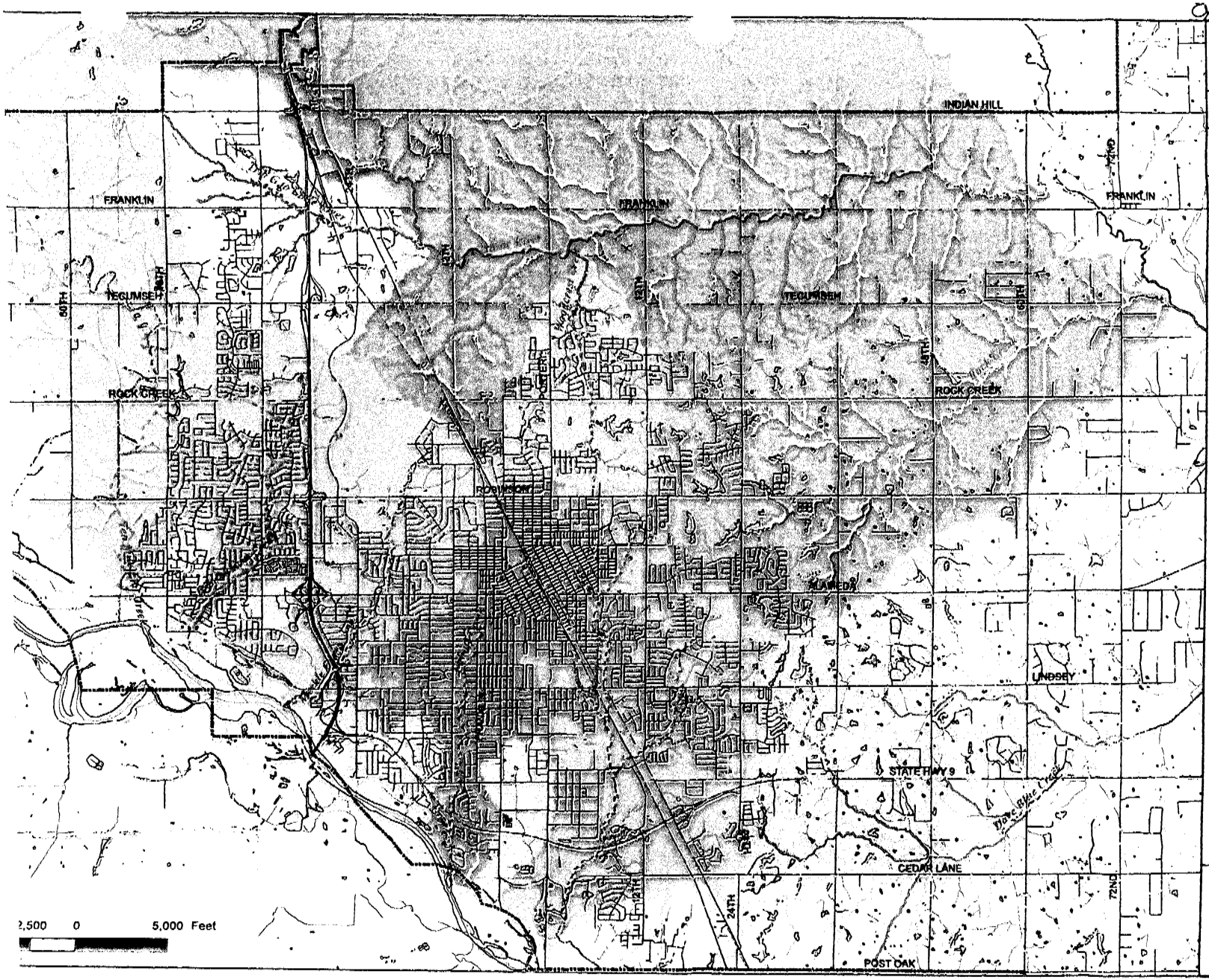
Exhibit A

(it II

Storm Drainage Master Plan Priority Study Areas

City of Norman, OK

6504 Bridge Point Parkway, Suite 200
Austin, TX 78730
512.327.8840 Fax: 512.327.2543



Legend

Study Streams

- New Detailed (L1)
- Existing Detailed (L2)
- Future Detailed (L3)
- Riparian Zone (L4)

Watershed

- Bishop Creek
- Brookhaven Creek
- Canadian River Tribs
- Dave Blue Creek
- Imhoff Creek
- Lake Thunderbird
- Little River
- Lower Little River
- Merkle Creek
- Rock Creek
- Ten Mile Flat Creek
- Trib G to Little River
- Woodcrest Creek
- Base Drainage Layer
- City_Boundary
- Roads

N

Prepared by Jane Ingels, Chair of the Greenbelt Commission

Greenways Master Plan
CONCERNS MOST FREQUENTLY EXPRESSED

I. Will property owners be required to allow the trails shown on maps in the Appendices to be constructed on their land?

RESPONSE

Greenways Master Plan —Action Plan for Completion of the Greenways Master Plan -Appendix B p.6 "These maps simply suggest areas of trail development, the locations will need to be further analyzed to take into account private land ownership as well as to identify easements and right-of-ways. This Action Plan is an additional guide or tool to assist in the development of trails throughout Norman on a case-by-case basis as it is not feasible to determine the exact placement of trails without evaluation of all factors involved, i.e. land owners/property lines, topography and costs."

In Summary pp.6&7

"To reiterate, the trails noted are not intended to show precise alignments or locations of trail improvements."

Major Citywide Destinations and Attractions p.7

"The city does not automatically have access to private properties to create trails and open spaces; access will depend on the cooperation of the individual property owners."

Norman Greenway Key Recommendations Summary p.7

"The location of these trails will be determined through consultation with adjacent landowners as the area develops. Establishing trails in harmony with existing homes and landowners will be an important goal of the Greenbelt Commission."

Potential Neighborhood Greenway Corridors p.29 "A real concern of the city and the Greenbelt Commission is the location of greenways in settings where houses have backyards that extend to the creek edge or back up to the corridor. In these sensitive areas, the design and alignment of the trail must respect the privacy of landowners. If mutual solutions that respect privacy needs cannot be found then alternative trail locations must be considered."

II Is there a possibility that land will be taken from landowners?

RESPONSE

Greenway Corridor Acquisition and/or Preservation Strategies pp. 31-36

The Master Plan does not suggest that property for open space, greenways or trails should be acquired by "taking" it or by the condemnation process. The following are some possible mechanisms for the preservation of greenways corridors.

--purchase of land by the city

--donation of land by property owner

--donation as a part of the development process

--through city council action, move for permanent preservation of critical open space assets that are already owned by the city

--acquisition through purchase by other entities (e.g. local, state and national land trusts)

-- acquisition through purchase by Cleveland County

--creation of city incentives to preserve open space

--acquisition of conservation easements

--acquisition of development rights

III. Concern for capability of city to finance the acquisition of land and the construction of proposed trails.

RESPONSE

Appendix A

--In appendix A there are templates for evaluation of a proposed project in regard to costs of construction as well as suitability of the location. Possible funding sources are listed below (pp.35 & 36 of master plan)

IV. Concern for capability of the city staff to properly maintain a greenway, especially one having a trail.

RESPONSE

In the Master Plan (pp 37-41) there is a discussion of the importance of well maintained trails and greenway corridors (p. 37). Also included are tables to estimate maintenance costs that describe types of trails, maintenance items to be considered and estimated maintenance schedules as well as possible replacement requirements (pp.39-41).

Appendix B p.2 Action Item 4

"Identify possible funding mechanisms to include both the cost of construction and all required maintenance."

Some Possible Funding Sources p. 35 & 36

--monthly fee ($1.00)

--Capital Improvement Program or bond funds (annual set aside)

--partially or entirely built by the private development community

--Federal enhancement funds – grants

--future partnership with Cleveland County park and greenway development funds

--Congestion Mitigation and Air Quality Grants (CMAQ)

--Foundation and company grants

--Grants for Greenways

--Partnerships with volunteer groups; also with utility companies for easements

ALSO MENTIONED CONCERNS

1. Use of pesticides (insecticides) on trails in the Lake Thunderbird watershed.

RESPONSE

The Master Plan does not address this issue; however, trail users should understand that mosquitoes, ticks and wildlife in general may be encountered on a trail—especially in the rural areas and preparation for those eventualities is their responsibility.

2. Use of water to keep a greenway green.

RESONSE

This concern may indicate a misunderstanding of the term "greenway". The term "greenway" does not indicate that every greenway will be kept like a manicured lawn with the use of fertilizer or water.

3. Problem of trails across private land where livestock roam.

RESPONSE

As indicated in the Master Plan references given under #I, the precise trail alignments will be determined through consultation with the landowner and therefore the problem of trail users interacting with livestock should be mitigated.

GREENBELT COMMISSION
MINUTES OF
February 20, 2012

The Greenbelt Commission of the City of Norman, Cleveland County, State of Oklahoma, met for the Regular Meeting on February 20, 2012, at 6:30 p.m. Notice and Agenda of the meeting were posted at 201 W Gray Building A, the Norman Municipal Building and at www.normanok.gov twenty-four hours prior to the beginning of the meeting. *Update: Due to the anticipated meeting attendance, the meeting was moved to the City Council Chambers.*

ITEM NO. 1 BEING: CALL TO ORDER.

Chairperson Jane Ingels called the meeting to order at 6:31 p.m.

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ITEM NO. 2 BEING: ROLL CALL.

MEMBERS PRESENT:	Bob Bruce Jack Eure Jane Ingels Mark Krittenbrink Richard McKown Mary Peters Sarah Smith
MEMBERS ABSENT:	Geoff Canty (Arrived after roll call and was seated in the audience) Jim McCampbell
STAFF MEMBERS PRESENT:	Susan Connors, Director of Planning & Community Development Ken Danner, Subdivision Development Manager, Public Works Jane Hudson, Planner II Jolana McCart, Admin Tech IV
GUESTS PRESENT:	Mayor Cindy Rosenthal Councilmember Linda Lockett Councilmember Roger Gallagher

Those also attending who signed in were:

Fred Pope
Edda Miner
Jeanette Coker
Jim Simpson
Fred Walden
Ginger Hall
Howard Haines
Lyntha Wesner

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ITEM NO. 3 BEING: Approval of the Minutes from the January 23, 2012 Regular Meeting.

Motion by J Eure for approval; **Second** by M Peters. All approve.

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ITEM NO. 4 BEING: Review of Greenbelt Enhancement Statement Applications.

a. CONSENT DOCKET

i. GBC 12-03
Applicant: Kevin Hoos & Shelba Bethel, Living Trust
Location: Located at the southeast corner of 72nd Avenue SE and Cedar Lane Road
Request: Norman Rural Certificate of Survey Plat

This proposal is being made to allow for the necessary permits for the construction of a barn and a future single-family home. There is no connectivity for a trail at this time.

Motion by M Krittenbrink for approval of the Consent Docket; **Second** by M Peters. All approve.

b. NON-CONSENT DOCKET

ii. There were no items.

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ITEM NO. 5 BEING: Public Meeting.

S Connors gave the Greenways Master Plan presentation. (See attached.)

- Questions from the Commission:

M Krittenbrink: Who decides on the different type of materials and where they are used?

S Connors: The GBC would have a say along with Parks and Recreation and Public Works. It would depend on the kind and volume of use of each trail. Daily use trails might be concrete. A lesser used trail might be asphalt and in very natural areas, such as a nature trail, it might be dirt or gravel.

M Krittenbrink: This is a plan, but does not have a funding source, and maintenance would be included in this?

S Connors: Yes. When the City would begin to look at any trail system, it would be a long process to determine the alignment, the type of trail and materials used, and this information would be brought forward for approval as a package.

- Questions from the public were:

Fred Pope – 1501Navajo Road - How many miles of trails are proposed?

S Connors: There are no specific trails that are being proposed. I will look through the plan and see but I do not think total mileage was ever identified.

Jim Simpson – 2530 Wyandotte Way – stated: "I believe that all that I am hearing here tonight is rooted out of United Nations Agenda 21. And I have something that I would like to read." A question was not asked of staff.

Edda Miner – 2121 Seminole Road – Is there a possibility that land will be taken from homeowners?

Chair Ingels: That is not in the Greenbelt Master Plan.

Ms. Miner: Are you sure of it?

Chair Ingels: Yes

S Connors: I would say that in the future if the City was looking at a trail corridor and needed property for the trail to be expanded then there would need to be opportunities for the City and the property owners to discuss how that might occur. The City is not going to go out and take land. There are several ways of acquiring property without taking land from owners.

Ms. Miner: How do you plan on keeping things green?

S Connors: That is a detail that hasn't been worked out at all.

Ms Miner: This is very important. Water will be needed for the trail. Lake Thunderbird is littered with trees and is very shallow. It needs to be cleaned up. Maybe now with this project it is the time to look at Lake Thunderbird.

Chair Ingels: I agree that the problem with water is very great and we will be very considerate of that.

Ms. Miner: No fountain or sprinklers are needed. Users can bring their own water. Vandalism would be an issue if sprinklers and fountains were used.

June McLaughlin – 2701 E Rock Creek Road – I think this is nuts. What about the bugs? And who is going to be responsible for the upkeep?

Chair Ingels: It would not be the property owner. Those details will need to be worked out with each trail.

Ms. McLaughlin: Will I have to take my fences down? Then what do I do with my horses?

Chair Ingels: Actually no trail would go through property without having had a discussion with the property owner. A line on the map is not necessarily a specific trail destination but is a possibility. At some point a trail may develop along that line but the property owner would help decide that.

Ms McLaughlin: Most of these things seem to be on the east side. So what about the bugs and snakes? You people who thought of these things obviously don't understand. So you spray for bugs; the run off goes into Lake Thunderbird. This isn't practical to say the least. What if I decide to develop my property? I am in the country residential zone. Is it set in stone that I have to develop these trails in order to sub-divide?

S Connors: No. We do not have any ordinance to that effect in place. And there is no plan for one in the future. The plan is the framework and basis for developing trails.

Ms. McLaughlin: I believe that I read that this is going to cost $25,000 a mile. Is that correct? How many miles of this are we going to have?

Chair Ingels: That figure may have come from the original Master Plan and is not still accurate. It may cost more. But this would happen over a period of years and the community would decide which trails they felt they wanted developed first. A feasibility study would then need to be done for example to see what kind of trail would be needed and the cost of that trail. Input would be needed from the property owners also. You would not be required to give up your land just because there is a line across it.

Ms. McLaughlin: There is an orange line (on the map) along a road. Why would you put a trail along a road? Is that for bicycles? What is it for?

S Connors: Some of these lines are looking for a way to connect different trail systems. Sidewalks are going to need to be used at times.

Ms. McLaughlin: How are you planning on getting across 12th street?

S Connors: Traffic signals or pedestrian walkways.

Ms. McLaughlin: Are there going to be more bicycles in the country that cause head on collisions?

S Connors: A trail system does not necessarily create more bicycle traffic but they are one of the main users of trails. But these trails would be off road.

Ms. McLaughlin: But did I hear that there will be no condemnation used?

S Connors: Nothing in this plan talks about condemnation.

Ms. McLaughlin: Will it be considered later?

S Connors: That would not be for this body to consider. City Council has the opportunity to look at condemnation but I doubt if it would ever be used for trails.

Ms. McLaughlin: I just want you to consider what else lives out in the country.

Fred Pope – 1501 Navajo Road - What is the connection between the application for a Rural Certificate of Survey Plat and the Greenbelt?

S Connors: You mean the application that was on the consent docket? There is a list of different types of applications that come into the City that have to come to this body by City ordinance for review for trails and open space.

F Pope – That would strongly imply an intent to force a developer to provide a trail through a new development.

S Connor – The application presented tonight was put on the consent docket because there was no trail opportunity. A right-of-way for a sidewalk is needed but that would be required whether a trail was planned or not.

B Bruce explained the application process further.

George Oxsen – 321 Orr Drive - Quoted from page 33 of the Plan "***Acquisition through purchase by other entities*** – *Local, state and national land trust can raise funds to acquire open space, and then manage the lands or pass them on to the city.*" Also on page 33 it says "***Preservation by private homeowner associations*** – *The acquisition of greenways for area residents may be considered as an alternative. Deed restrictions that permanently designate the acquisition as open space should be established. Where city funds are involved, public access to the land via trails should be provided.*" So in other words you want people who are buying land to permanently deed the land to you guys, which in my mind reduces any reason to buy land. In the next paragraph "***Acquisition by private sources for private use*** – *private groups may also acquire open space with their own funding. Deed restrictions that permanently designate the acquisition as an open space should be established. Where acquisition is funded in this manner, the land may be maintained by the private source and access restrictions may be imposed. However, the open space should remain visible from publicly accessed roads and in some cases where key linkages must go through the property, trails should be considered.*" I just don't get off where you guys have the right to do that. As a citizen of the United States that really concerns me.

- There were no further questions from the public.

Chair Ingels thanked the attendees for taking the time to share their thoughts and concerns.

The Commission had no further comments.

Chair Ingels stated that a vote on the Greenbelt Master Plan would be taken at the March meeting.

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ITEM NO. 6 BEING: Miscellaneous Discussion.

Chair Ingels asked S Connors to give a report on the amount available for acquisition. She stated that there was approximately $149,000 in the Greenbelt Acquisition Fund. In the last year an acquisition of flood plain property at Carter/Main was made for preservation of open space.

Jack Eure will give a presentation on best practices of greenways and greenbelts at the March meeting.

ITEM NO. 7 BEING: Adjournment.

The meeting was adjourned at 7:20 p.m.

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Passed and approved this 19th day of March 2012.

Jane Ingels

Jane Ingels, Chairperson

NORMAN PLANNING COMMISSION
REGULAR SESSION MINUTES

APRIL 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 April 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 Jim Gasaway Diana Hartley Tom Knotts Curtis McCarty Roberta Pailes Andy Sherrer
MEMBERS ABSENT	Cynthia Gordon Chris Lewis

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Doug Koscinski, Manager, Current Planning Division Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Jane Hudson, Planner II Wayne Stenis, Planner II Leah Messner, Asst. City Attorney Rick Hoffstatter, GIS Analyst Terry Floyd, Development Coordinator

* * *

Item No. 10, being:
RESOLUTION NO. R-1112-119 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE GREENWAYS MASTER PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Report
2. Resolution No. R-1112-119
3. City of Norman Greenways Master Plan (April 2012)
4. Greenways Master Plan Appendices (April 2012)

PRESENTATION BY STAFF:
1. Ms. Connors – I'm proud to present to you this evening this Greenways Master Plan. The City, in one form or another, has been working on this plan for at least four years, if not a little longer. The first draft of this plan was prepared as part of the Stormwater Master Plan by a consultant, Halff Associates. That plan was presented to City Council along with the Stormwater Master Plan, but never adopted. The Greenbelt Commission then took up the review of that document and appointed a subcommittee to review it. They worked for a very long time on looking at that document, and we decided to reformat the document that had been presented to City Council originally and then, after the subcommittee had reviewed it, the Greenbelt Commission reviewed it. That went back and forth for a while, and the reformatting, I think, was very important because there was a large section of the plan prepared by Halff Associates that identified specific locations for trails that were to be throughout the community along all the water courses and along all the drainage ways in Norman, and that actually, as it was presented first to City Council, got a lot of interest by the community, not all of it positive. The City is not really at the point where we can identify all the specific locations of trails for the City. So, as we reformatted this document, we prepared it more as a policy document. The majority of the text and maps from the Halff Associates document – much of that is kept, but the portion that I was talking about – the very specific recommendations – have been put in Appendix A of this plan. The main part of the plan that is before you this evening as the part that we wish you to forward to City Council as an adopting portion is a policy plan. It identifies a framework for a way that the City can move forward in the future as they choose to design trails and construct trails. And so we have three appendices. The first one, as I said, was the portion in the Halff Associates plan that was very specific with maps and dollar figures of how to put specific trails in specific locations. The second is the action plan that the Greenbelt Commission had identified for City Council when they were moving forward for adoption of the Stormwater Master Plan. And the third appendix is a summary of the public input that was gone through to identify those original recommendations from Halff Associates. So this plan has four sections, plus those three appendices. The first section talks about Norman, in general. It identifies the location, the population, the growth potential for Norman – just general background about the City. The second section is an introduction. It identifies why a plan for greenways is important to the City. It identifies the purpose of this master plan. It provides a methodology for how the information was collected and is now presented. It presents goals for identifying citywide opportunities for trails and greenways. It then speaks about each of the appendices and what they are, identifies some destinations and attractions throughout the City that would be good to connect through a trail system and a greenways system if the City chooses to move forward. Then there are guiding principles that were identified early in this process that are also included in that section. And then it moves into, in Section 3, guidelines and design standards. It identifies who might be the users of the greenways system. There are many national standards for trail types, and those are incorporated in here and modified to be more appropriate for what Norman might see as they identify trails and develop trails. There are also national standards that have been included for those different types of trails, what you should do if you're going to have pedestrian corridors along roadways – how those should be designed, what could be trailheads, how you might design a trailhead, what it looks like, what amenities should be provided along your trail system and at those trailheads, then again specifically there are

national standards for types of trail materials that are recommended for different types of trails – urban trails, more rural trails, those sorts of things. So there are different materials that you could incorporate. It identifies, not specific corridors, but potential types of corridors; specifically, it just generally identifies what a greenway is, how you might present a trail along a major creek or drainage corridor, and then the third type is your potential neighborhood and more urban type of trail system. That language is very general. The fourth section identifies the implementation strategies that can be used to develop, again, if the City chooses to move forward. It identifies who might be the implementers of the plan, including the City, school districts, business communities, community homeowners associations, all the citizens of Norman could help to implement this plan. There is also an implementation process that is generally identified, and that would include corridor acquisition – these are just the steps you would have to take to move through that – choosing preliminary items – feasibility of your locations. Then, obviously, funding needs to be identified, the design of the trails, and then the actual construction and permitting of that trail system. This section also talks about corridor acquisition and preservation – there's different ways to achieve the goal of identifying trails and actually achieving the construction of trails. It identifies incentives that might be used to preserve open space and, of course, importantly, how you might fund this system of trails and open space and greenways. Also, very importantly, what the maintenance requires once you have a system such as this in place – what maintenance would be required. And, again, I think I've spoken about the appendices. What the resolution speaks to is – what you would be doing is recommending adoption of the actual Greenways Master Plan and the Appendices – Appendix A, B, and C, which you got copies of, would be attached as information, because the City not only spent a lot of money to gather that information, but it's also very detailed, very important information that we gathered on our community and to not forward that as an informational piece along with this policy document I think would be not a wise thing for staff to recommend. So, again, these appendices are just moving forward as informational pieces so that the information is not lost. I would be happy to answer any questions.

2. Mr. McCarty – If we were to move forward with this, what does that mean to our existing community's citizens and future development? How does all this tie into this plan? What do they have to do? What's going to change tomorrow if this is adopted?

3. Ms. Connors – Nothing will change tomorrow if this is adopted. This is just really a starting point for the community to use to adopt other ordinances and regulations that would have to be put into place to move forward with any specific trail system that the City might want to move forward with. This, however, really provides the basis and groundwork and framework by which – and national standards and gives you background information so that you can move forward with better certainty of what you're going to achieve and how it would be achieved.

4. Mr. McCarty – So basically it is acceptance that the report was done. It will be used if people want to use it. They're not going to be forced to use it.

5. Ms. Connors – Well, certainly, the resolution as written recommends adoption of this document.

6. Mr. McCarty – So, basically, if a new development went in and there were trails planned in this document in that area – say 60th and Lindsey – anywhere where there's nothing now. Does that mean that the developer and the City would be required – and the owners in that development would be required to put in the trails and maintain the trails?

7. Ms. Connors – There is nothing in this document that requires anything. So, no. Because there isn't any other action that accompanies this document – we haven't identified a trail system yet. We're just saying here's the groundwork – here's the basis. As we move forward, this

is really good information that should be used as the policy by which the City moves forward with a trail system.

8. Mr. McCarty – The word policy gets me, because policy means it is something that is implemented and has to be done.

9. Ms. Connors – There's no regulation in here. It's like the comprehensive plan – there's no specific regulation, but it's a guide to move forward. And the comprehensive plan is an adopted document.

10. Mr. Boeck – That brings up the question – because this document right here shows primary and secondary trails.

11. Ms. Connors – That's the appendix. We're not recommending that that be adopted. We're only recommending that the plan itself be adopted, with the appendices moving forward as informational pieces so we don't lose that information.

COMMENTS FROM THE AUDIENCE:

1. Sean Rieger, 136 Thompson Drive, representing BASCO – We have several comments on this, and I want to talk through what our concerns are. We are very concerned about this in a number of ways. I understand and appreciate Susan's comments that this is not mandated policy. We tend to disagree. We tend to disagree because we have seen otherwise in the past from the City when they have put forth resolutions of policy. And I'll explain that to you in just a little bit with an example directly from city that was a resolution that adopted policy that changed something that we've all talked about many times. But, first, what I want to go through is to show you the actual verbiage. Susan took you through the table of contents, basically. But what you're being asked to do is to adopt a policy document from which ordinances will be developed. So you probably ought to figure out whether you agree with the policy first before we're going to say this is where we're going to start from. That's important. We disagree with a number of the policies in this 70 page document, and we think they're very important policies that ought to be talked about. So I want to take you through that wording. First, make no mistake, you're recommending the adoption of a policy. This is straight out of the resolution language that you're considering. This is the one-page document that the City Council would pass and there's only one basically forceful mandate paragraph and there's what it says – and I'll abbreviate a little bit – but the proposed City Council resolution puts forth "policies pertaining to the promotion, acquisition, maintenance and improvement of the green spaces, greenways and trail systems" . . . "opportunities for future trail systems that will preserve open space" . . . "That the Greenways Master Plan be adopted as a policy document and guide for the future development . . ." A policy document. You're going to adopt policy that will be the policy of this community in this document. So make no mistake that this is a very important document. So what's in it? What are the policies? Well, I'm going to show you just excerpts – these aren't my words – these are from the document. It does distinguish a number of trail types. Well, this is one of the minimal trail types – neighborhood trails. The recommended width is 6 to 10 feet – 8 foot preferred. Neighborhoods – all developments right now are mandated to have sidewalks on the right-of-way. Every time we do a development we have to, by regulation, put a sidewalk at the street. Right now they are generally 4 foot sidewalks and on arterials they are 5 foot sidewalks. This policy document says that those sidewalks and trails would become much, much bigger. In essence, this is one of the smallest ones, but they're recommending 8 feet. You're talking about twice the cost. And then, on arterials, this document gets into a number of different levels, but you can be as high as 12+ feet instead of 5 feet. There are tremendous cost implications to this. Huge. We need to think about, as a community, after we've gone through many months now – even, I would say, a year or more of hearing Council member candidates tell us that we're becoming too costly to develop in Norman – that we're becoming anti-business a bit in Norman. Do we want to put forth an

adopted policy now that will double, or more, the cost of sidewalks and land acquisition in Norman? Is that wise? Do you want to do that? Here's an example of a graphic inside the document. It shows a 10-12 foot travel lane. Right now we have 11-12 foot or 10 foot travel lanes. And this has an outside lane of 4 feet, basically a buffer of 6 feet, sidewalk/pedestrian corridor of 5 to 12 feet. Again, significant expansion beyond what is required right now. Tremendous cost implications to that. Page 28 – "Steps should be taken to require natural creek corridor areas be preserved . . ." "Drainage corridors . . . should be developed with access along at least one side of the creek for small drainage tributaries and along both sides for major creeks." You're going to adopt that as a policy of this community. How many times have we heard people come to this Commission and this Council here and say I don't want a sidewalk for the public in my back yard? You're going to adopt this policy. Many people have said they don't want that. As one builder said to me today, if the market wants us to do that, we will do it. But the market has not said they want to do that everywhere. This would be a policy document to adopt it everywhere. Page 29 – "Future neighborhood developments could highlight drainage channels and open space by making the greenways more accessible to the public." Again, we've heard many times that people don't want them accessible to the public. If they are, who is going to maintain them? Who is going to pay for that? We've often heard that our Public Works Department does not have the money to go into a trail system throughout the City to maintain it. Page 29 – Acquisition. It was gone over in the table of comments, but what are you going to adopt as a policy? Well, "preservation by virtue of the purchase of lands by the City of Norman should not be the only or even the most frequently used method of preservation." I want you to think about that very carefully as a policy of the City. The City of Norman should not be the only or even the most frequent used method of preservation. So how are we going to preserve it, then? Well, you're going to take it. It's going to be a taking. It says "All property owners, development entities, homebuyers", et cetera should be key in preserving these areas. Do you want to adopt a policy that puts forth a taking? Page 32 – ". . . outright acquisition is preferred. In these cases, the land can be donated by the property owner as part of the development process or can be purchased by the city, assuming funding is available." Do you really think the city is going to have funding available to buy all of these arteries and trail corridors? Of course not. The city is strained to every level of funding. So what's going to happen? The developer is going to be forced to donate it as part of their development process, and then cost will go up again on development in Norman. This is policy. Resolution says you're going to adopt it as policy. So, again, "Lands maybe be acquired by outright donation during the development process. To truly create significant greenway corridors in Norman, this must become the norm . . ." I didn't write this stuff. This is what's in the document you're being asked to adopt as policy of our community. Lands acquired by outright donation during the development process to become the norm. And we can go on and on. I'm going to read a few more. Page 33 – "Deed restrictions that permanently designate the acquisition as open space should be established." It's a taking. This could be a taking. We go on. ". . . corridors associated with either existing or new development can be partially or entirely built by the private development community." So the City has no money in this game. They're going to put it all on developers and builders. ". . . implementation of much of the greenways system requires the assistance, whether voluntary or mandatory by ordinance, of the development community in Norman." This is the policy you want to adopt. "Development of a 'greenway cost sharing ordinance' requiring developers to participate in the cost of greenways within their development is an ooption." But then this ends and explains what's the cost sharing – well a developer would pay 75% of the walkway and the City would pay for the balance – if they have money. Page 41 – "Voluntary and mandatory processes to work with private development . . ." I think an important sentence that's lost in this is we heard Ms. Connors say that coming from this will be more ordinances. But, actually, the page 42 of what you're being asked to adopt says "The adoption of this Plan will complete a very long process ..." So really this is kind of it. You're going to adopt this as the policy of all those paragraphs and sentences that make it a taking and force it onto developement to do significantly broader and wider trails and sidewalks than we've ever done before, and it goes forward. I just want to close with one other thought. Is a

policy document adopted as a resolution really a forceful document? I'm just going to leave you with one example. You might remember that in 2001 and 2003 the City of Norman voters, at the ballot, elected to build a north side wastewater treatment plant. Well, that discussion has come up and circulated around and been talked about, and recently we had meetings with the City saying where is the north side plan. Let's talk about that. Well, we were told – and this is a memo from City staff – January 4, 2012 – from basically Anthony Francisco and I'll just read it: "By its action in resolution R-0708-92 the Council further delayed construction of a north side wastewater treatment plant by adopting a policy of . . ." et cetera, et cetera. Sound familiar? You're being asked to support a resolution adopting a policy. So Ms. Connors says it has no effect, but one of them we're told disrupted an entire vote of the people to build a north plant. So I disagree that a resolution adopted as policy has no meaning. We oppose this. We think there is significant problems with the language of it as a policy. We believe it sets up a taking. We believe it sets up a scenario where it's going to be much more expensive to build in Norman, which is not something we need at this time. Respectfully we wish that you would send this back.

2. Jane Ingels, 2310 Ravenwood Lane – Currently I am serving as the Chair of the Greenbelt Commission. There are a number of things that Mr. Rieger mentioned that the plan addresses, which indicates that he is not reading all of the plan. I hope you got, with your packet, the memo that I put together that said concerns most frequently expressed and then it gave a response to all of those concerns that are in the Greenways Master Plan. One of them was will property owners be required to allow trails shown on the maps in the appendices to be constructed on their land? Appendix B, page 6, it says these maps simply suggest areas of trail development, the locations will need to be further analyzed to take into account private land ownership as well as to identify easements and right-of-ways. This action plan is an additional guide or tool to assist in the development of trails throughout Norman on a case-by-case basis as it is not feasible to determine the exact placement of trails without evaluation of all factors involved, that is land owners, property lines, topography and cost. In the summary of the plan, on pages 6 and 7, it says, "To reiterate, the trails noted are not intended to show precise alignments or locations of trail improvements." And then on page 7, it says "The city does not automatically have access to private properties to create trails and open spaces; access will depend on the cooperation of the individual property owners." On page 7, "The location of these trails will be determined through consultation with adjacent land owners as the area develops. Establishing trails in harmony with existing homes and land owners will be an important goal of the Greenbelt Commission." Page 29 – "A real concern of the city and the Greenbelt Commission is the location of greenways in settings where houses have backyards that extend to the creek edge or back up to the corridor. In these sensitive areas, the design and alignment of the trail must respect the privacy of land owners. ... If mutual solutions that respect privacy needs cannot be found then alternative trail locations must be considered." A second concern that was frequently expressed was is there a possibility that land will be taken from landowners? On pages 31 through 36, which addresses greenway corridor acquisition and/or preservation strategies, the master plan does not suggest that property for open space, greenways or trails should be acquired by taking or by the condemnation process. The following are some possible mechanisms for the preservation of greenway corridors: purchase of land by the city; donation of land by the property owner; donation as a part of the development process; through City Council action, move for permanent preservation of critical open space assets that are already owned by the city; acquisition through purchase by other entities, for example local, state and national land trusts; acquisitioin through purchase by Cleveland County; creation of city incentives to preserve open space; acquisition of conservation easements; acquisition of development rights. The third concern that has been mentioned is for the capability of the city to finance the acquisition of land and the construction of proposed trails. In Appendix A, which you're not adopting, but gives you this information, there are templates for evaluation of a proposed project in regard to costs of construction as well as suitability of the location. And possible funding sources are listed. Another concern was for the

capability of the city staff to properly maintain a greenway, especially one having a trail. In the master plan, pages 37 to 41, there is a discussion of the importance of well-maintained trails and greenway corridors. Also included are tables to estimate maintenance costs that describe types of trails, maintenance items to be considered and estimated maintenance schedules, as well as possible replacement requirements. Appendix B, page 2, action item 4, it says "Identify possible funding mechanisms, to include both the cost of construction and all required maintenance." Some possible funding sources, listed on pages 35 and 36, included a monthly fee of $1; capital improvement program or bond funds with an annual set-aside; partially or entirely built by the private development community; federal enhancement funds or grants; future partnership with Cleveland County park and greenway development funds; Congestion Mitigation and Air Quality grants; foundation and company grants; grants for greenways; partnerships with volunteer groups, also with utility companies for easements. Then also mentioned concerns were the use of pesticides on trails in the Lake Thunderbird watershed. And the response is that the master plan does not address this issue. However, trail users should understand that mosquitoes, ticks and wildlife in general may be encountered on a trail, especially in the rural areas, and preparation for those eventualities is their responsibility. Another one was use of water to keep a greenway green. I felt that this concern may indicate a misunderstanding of the term greenway. The term greenway does not indicate that every greenway will be kept like a manicured lawn with the use of fertilizer or water. Problem of trails across private land where livestock roam. As indicated in the master plan references given under this first concern, the precise trail alignments will be determined through consultation with the landowner and therefore the problem of trail users interacting with livestock should be mitigated. I had hoped you would have had this so you could look at it while you were reading your documents. I'm sorry you didn't. The other thing that I would like to say is that, although I'm serving as Chair of the Greenbelt Commission, I am not representing it, but I am speaking on my behalf alone. Beginning in 2007 and 2008, during the involvement of Halff Associates, Inc. in creating a greenway master plan the development community has played an active role. In November of 2009, City Council requested the Greenbelt Commission to make some revisions to the Halff Associates master plan in order to address various concerns expressed by the public. The Greenbelt Commission, along with the staff, has spent many months reviewing and revising the plan, and I feel that it has fulfilled the Council's request. Throughout its life a developer has served on the Greenbelt Commission. That person has been in close contact with the development community. In recent months the master plan has been on the monthly agenda for the Greenbelt Commission. It is surprising to me that during that time no one representing the Norman Developers Council expressed any concerns about the plan to the Greenbelt Commission. At a meeting on February 20, 2012 in the City Council Chambers to discuss the master plan, and advertised on Channel 20, on KGOU and on the City website, which also showed the proposed plan, and I think also in the Norman Transcript, members of the public spoke, but no developer expressed any concerns. At this time, for the Norman Developers Council to be requesting a meeting or wanting the plan to be reverted out of this line of the process it seems to me is inordinately late in the process, thereby causing a delay in the process which should not be necessary.

3. Mr. McCarty – If this plan is adopted, how do you see this plan moving forward in our city?

4. Ms. Ingels – As I understand, our use of the plan is that the Greenbelt Commission, which has been asked also to make recommendations to the City Council for what it thinks might be changes in the regulations or perhaps ordinances that it could recommend to the City Council some of those things that they thought would be helpful in carrying out a implementation of a particular type of greenway or trail. Susan, is my understanding right?

5. Ms. Connors – It certainly won't be a regulatory document for them to use in their deliberations of development projects until further action is taken to create regulation or rules that they would follow.

6. Mr. McCarty – I guess what I'm concerned about is undue hardship or forced mandates on somebody that is a landowner that buys a piece of land and builds a house on their 40 acres and there's a trail going through the creek. Are they going to be forced to put that trail in? Is the Greenbelt Commission going to recommend that that trail is put in on that certificate of survey?

7. Ms. Connors – You have to understand that right now there are no defined trails in the City of Norman. There are none that have been defined. And so, until further regulatory action is taken by City Council, the Greenbelt Commission cannot prescribe that a trail be put on property.

8. Harold Heiple, 218 E. Eufaula – I represent the Norman Developers Council. And before I forget it, since I don't have it in my prepared remarks, remind me at the end of this if I fail to respond to Mrs. Ingels' comment about the apparent lack of participation by Norman developers in this thing. The Norman Planning Commission has a track record of, in instances like this, for engaging in constructive dialog over a sufficient period of time with all interested parties to give everybody the opportunity to debate specific points. The recent commercial lighting ordinance is an example of what I'm talking about, because you spent several study sessions and brought all kinds of interested parties before you and heard things and so the ordinance you ultimately sent forward for approval had many changes from the draft that was first presented to you, and that was the benefit of these study sessions. Tonight, the Greenbelt Commission is trying to get you to rush a document to the City Council for adoption. It's a document that is, at best, ambiguous and, at worst, it is confiscatory and contrary to law. You're being asked to recommend a comprehensive document that has broad regulatory ramifications. Now Susan believes that there is nothing mandatory in this master plan that you're being asked to send forward to the Council. And, respectfully, we have a different interpretation, as I think you can glean from the specific points that Sean Rieger put on the board. On balance, what I'm asking you to do, and what the developers are asking you to do, is to have a study session and work through the language of specific sections, because we're very confident that this can be tweaked so that it more explicitly spells out what Susan believes it already says. It just takes language that's more specific than what's in there now. And you've seen the length of it. I don't know if any of you have gone through this entire document or the entire appendices. Obviously, Mr. Rieger has. And the document that you're being asked to go forward is incomplete – and I say it's incomplete because, as was stated, the appendices are not supposedly going forward with it, yet I'm told that these appendices will be sent along and be a part of – or on the shelf somewhere. Well, appendices are the guts of regulations. And if I showed up here with a PUD or a mixed use plan and it had several appendices to it and I asked you to approve my plan but disregard my appendices or not vote on my appendices, I don't think I've got a prayer of having you recommend approval to the City Council. As a matter of fact, I don't think the staff would let me get on the agenda if I was holding my appendices. The appendices need attention, just like the document itself does. Because, as you can see, size-wise, the appendices are considerably larger than the document itself. Now one thing that really caught my attention in this resolution, which is on page 10-2, is that the City Council ". . . accepted the key guiding principles identified in the Greenway Master Plan (page A-3) . . ." Well, they're not talking about the Greenway Master Plan that the Greenbelt Commission has sent up here tonight; they're talking about the one that came forward in 2009 from Halff Associates, and it is this document. And this document, which has the same title on its cover that the one that's brought before you tonight – Greenway Master Plan – this document is not the same as this document. There really hasn't been public discussion about the document that's before you tonight to afford interested parties an opportunity to debate and suggest

alternative language that would allow us to reach a consensus and go forward all of us supporting the concept of trails and greenways. Developers do not oppose trails and greenways. What they oppose is something that is mandatory. We already have mandatory with respect to the sidewalks that are required to be installed by the developers along the street. That's fine. We're living with that. We're not complaining about that. But we read a lot of this language in here as saying, at least implicitly, if not explicitly, that land will be taken, that developers or homeowners associations will be responsible for both acquisition and maintenance. This is not an acceptable situation, but we don't want it to get to the point – that's why I'm asking for this study session – for you to help us go through this language and see if we can't find some alternatives that will reach a common goal. That's the only thing that really makes any sense. The greenbelt statements, for example, on one of the comments that – quote – "the great need to preserve open space for stormwater drainage as well as potential locations and opportunities for trail systems." That's one of the statements on page 10-1. That does not adequately take into account the citizens – the large number of citizens who do not want trails to be alongside creeks or drainage channels that run through residential subdivisions. You've got to distinguish between a trail going through a subdivision, which can be behind a backyard or along a creek or between two houses, as opposed to a sidewalk that is against a publicly dedicated street. They're apples and oranges, but under the just simple definition of trails in this document, they're identical and we want to be sure that we distinguish that there's nothing mandatory about trails through subdivisions. We haven't been able to get that language yet. Line 9 on this page talks about ". . . locating trails in areas only after due consideration to current and future land owners on a case-by-case basis has occurred." That's a quote. That sentiment squarely conflicts with the language in the maps of the proposed master plan which dictates where trails should be located without specifically first providing for meeting with the land owners on a case-by-case basis and locating the trail only if the land owner approves it. Line 10 talks about the ". . . movement of citizens in a safe and efficient manner within the city network of streets . . ." – that point is already covered by the long-standing mandatory requirement for sidewalks along the streets. Line 13 talks about ". . . determining how and where to link trails and open spaces to neighborhoods, schools, parks and businesses." Any master plan which mandates how and where trails and open spaces running through subdivisions will be linked to developed areas without providing compensation for taking such trails has no place in Norman, Oklahoma. At the bottom of page 10 are these statements: ". . . the appendices . . . highlight support and input from the public and provide detailed information . . . to be used in identifying a citywide network of corridors and trails." It goes on to say "The public input helped reassure the strong community support by the citizens of greenways scattered around the city." Well, I attended most of those public meetings in 2007 and 2008 and the majority of homeowners that I heard speak certainly opposed having public trails running along their back yards or along the creeks that were behind their properties. Finally, on page 10, ". . . the Greenbelt Commissioners agreed to forward the . . . Master Plan . . . to the Planning . . . for consideration and approval." On February 20. And as I say, this document contains language that was not included in the document that was presented by the Associate in 2009. With that in mind, look at the resolution because, as I said, the resolution incorporates that 2009 Plan. Now, whether or not the City Council adopted it, or didn't adopt it at that time, I guarantee you it's on the shelf and it's being referred to in this resolution that has been prepared by the Greenbelt Commission. Appendices. The GBC has not engaged in constructive dialog with the parties who are concerned about many of the provisions in this 2012 composition by the Greenbelt Commission. It's another example of effort of members of the Greenbelt Commission to rush their desired result to the City Council without adequate and appropriate constructive dialog from all interested parties. For you, the Norman Planning Commission, to acquiesce in this rush by the Greenbelt Commission is not in the best interests of the City. So, please, let's schedule a study session. Let's go through the sections that bother us and talk it out and I promise you we're not trying to block trails. We're not trying to block greenways. We're trying to block somebody three years from now – a staff member picking up and saying what this language means, Mr. Developer, is you have to put that trail along that creek. You have to donate that. You have to maintain it. You have to

improve it. And we're off to the courthouse. We need language in there that specifically says otherwise. And now, to go back to what I said at the beginning, and that is this business about the participation by the Norman Developers Council. Mr. Rieger and I have been closely associated with the Greenbelt Commission for almost six years, I guess – five – whatever length of time it's been going. It's been an extraordinarily difficult group with which to get any constructive dialog. The only time we had one constructive meeting, which was moderated by Susan early in her career here, and at the end of that meeting – it was the meeting with the Greenbelt Commission and I walked out telling people – and I sent an email to the developers I see light at the end of the tunnel, because there was a consensus about changes that would be made in the greenbelt ordinance. And, lo and behold, after the City Attorney put those changes in and brought them back to their subcommittee, uhn-uh. Somehow they got changed and they never came forward. Well, to address this particular thing about the meetings – the public meetings that they've had recently, I sent an email to the City Council last week and I sent a copy of senior city staff members and I said that I believe that there may have been a misperception on the part of staff members and/or Greenbelt Commission members that the vote of Richard McKown, who is a member of the Greenbelt Commission, and who is also a member of the Norman Developers Council – the fact that he voted to forward this to you tonight and then on to the City Council should not be interpreted as an endorsement by the Norman Developers Council. And, as I told the Council, when this came up – when it finally came up and we got wind of it – and, frankly, it was due to the fact that Sean picked it up and really started reading the whole thing and said can you believe this and started circulating it – that very quickly the very strong opinion came from the developers that we can't live with this. We will not voluntarily live with this. We will not peacefully live with this as it is written. Now, please, do us all a favor. Do the Greenbelt Commission – do the people who are absolutely advocating greenways and trails – do yourselves – do the City Council a real favor and let's have a study session with this group and see if we – I promise you we'll work very hard to get language that will be acceptable to everybody and let this thing go forward. Because if you don't do that – if it goes forward, whether you recommend approval or not -- if it arrives at the City Council in the shape it's in now, then the fight is on. And so what do we have there? It's a fight that – not just a matter of a big political fight. There's enough money and enough precedent involved that the courts are out there, too – very realistically. You know, I don't rattle the courthouse door for fun. But, friends, we can avoid that. We can accomplish something that's worthwhile and get something productive and fruitful out of the five or six years that's gone into this, as opposed to people taking a hard stance and unyielding stance on the language of what's before you. So, with that, we would very respectfully request that you schedule a study session to look at the language. Thank you.

9. Lyntha Wesner, 616 Tulsa Street – I'm excited to hear what Harold is saying, that the development community is very interested in trails. There have been – let me just quickly – a lot of you will remember this. We have survey after survey. We have had a Greenbelt Task Force that worked for years. We finally had an ordinance that set up the Commission. And this is a quality of life issue. This is the kind of thing that people who are going to live in Norman from here on, and the ones that want to come back, and corporations that want to come want this kind of thing available for their citizens. I think in the future – this is just my opinion, but there will not be a lot of people in Norman – and I run into them all the time – who have never traveled anyplace else except in Oklahoma or have been in Norman their whole lives and they do not know what is available out there and what is happening in other communities. So I'm glad that the development community does recognize that, and I believe Harold when he says that they do want to make this so that it works. Let me give you a couple of examples. This is a plan that's a guide. It does not happen unless there is money. And one of the things that was envisioned during the Stormwater Master Plan and this plan development was that there would have to be a vote of the people if they want to implement this and if they want to maintain trails. If they want to help pay for developers to widen the streets along arterials, we'll have to pay for it – the citizens will have to pay for it. But let me mention something that Trey Bates shared with us when

he was on the Greenbelt Commission. He moved back to Norman after living in a community in Dallas – or a suburb where there were trails and where it was exciting. And he made the comment that, when he started developing along Hall Park, the important thing to him was that there were already trails and there was already green space and it was already handled that way in Hall Park, so that all he had to do was to add onto that and to hook onto it. You've got to have a guide. If you don't have a guide, nothing happens. Another interesting thing that's happening because of the discussion that has gone on is there are many people in town who ride bikes right now along Highway 9 out to Thunderbird. There are people who want to be able to bring in competitive bike riding, running – 26 miles is what I think you have to have. The thinking is there needs to be a big trail – a circular trail, probably out east, and what's happened is there is ODOT funds that are being used and will be used right now along Highway 9. They're going to use ODOT funds to do the proper engineering along the north side of Highway 9 so that there can be biking and running along that toward Thunderbird. I think that it only goes – I've heard two things. I've heard that it only goes as far as 48th. It may go as far as 60th. But that's one of the things that, in surveys that have been given through the years and started back in the 90s, citizens in Norman have said that they want. And I think that the development community has heard that and knows that that is the case. So I wanted you to know that those two things. If you don't have a plan that's down there and some kind of guide, you aren't going to have anything and you're not going to have trails that make any sense and alternative ways to get places in Norman and around this community unless you do have a plan. So the funding will have to come. There will have to be decisions about what you want to pay for and the citizens may say no at that point. And this guidance that you've got then may not happen. That's just what I wanted to point out.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:

1. Mr. Boeck – I've heard about how long this Commission has been going on studying this and working on this. It just seems odd to me, especially with Richard McKown being one of the developers on this – I don't want to say you guys, as attorneys, are just trying to make a living off of this, but if the builders and developers have been participating in this, why is this coming up now? That is the question I have.

2. Ms. Pailes – Harold and I served on the Task Force years ago – 10 years ago – something like that – 10 – 12. So, again, the argument this is being pushed down your throat – well, maybe it has if you honestly are unaware of it. I've known a lot about this for a long time, and I know a lot of you guys have, too. It's not new. It has certainly been on the website for 10 years. But, anyway, Harold, I remember you being relatively effective on the task force. So the question does come up. Secondly, the task force, the Greenbelt Commission has bent over backwards endlessly to try to avoid threatening everybody with the specter of a taking or the specter of taking private property or impacting private property even. I mean, they've bent over backwards to not act as though that was going to happen – to not use that as a policy – to not suggest that in any way. And if you look at the maps, about half of the trails are along paved highways. There's nothing too frightening about this I would not think. In terms of the creeks, they suggest that, insofar as it would be possible in new developments, that houses not back up onto the creek, but rather face a road and the road be in between the houses and the creek, which would mean you had public property adjacent to the greenbelt trail, not back yards. That would be insofar as possible in some future development. They have never ever suggested assessing private property if the private property owner didn't want a trail there. And, of course, if you've been in Norman a long time you have a long memory. We moved here shortly after the sidewalk ordinance was passed that had been fought by developers. Then the Park Board ordinance was passed, that was fought by developers. And the hotel/motel room tax was passed, that was fought, not so much by developers, but by the Chamber. And you think when are they going to get behind the things that make Norman a really good community? Those are the things that make Norman an award-winning community. Park/population ratios; festivals; things like that. So this is another thing that will contribute to the quality of life. It would be nice

to hear the developers saying, come on, let's really get with this. They've been there through the whole process. This is not a surprise. Should a study session be required, warranted, desired, whatever? It would need to include both us, the developers, and members of the Greenbelt Commission, because they need to be there to explain what their rationale was. Last thing is I would just like, from the staff, the difference between a policy and an ordinance. This is not an ordinance, so there's nothing compulsory about it. There's not even any language that says must or shall. So, as a policy, it's a much more general statement, and I'd like staff to quantify exactly what a policy is and how it is not an ordinance.

3. Ms. Connors – Well, with the marvels of technology and you can look up definitions just sitting here on your iPhone. I've been looking up several definitions. A policy is a plan or course of action intended to influence future decisions, actions, or other matters. It's described as a principal to guide decisions and achieve rational outcomes. Policies can assist in both subjective and objective decision making. There's one other one I wanted to look at here. Not normally used to denote what is actually done – this is normally referred to as either procedure or protocol and policies are generally adopted by senior executive officers to assist in both subjective and objection decision. Those are a few definitions. And as I say the word policy, it is a helpful document and information gathered that can lead to better informed decisions in the future. I know Mr. Rieger showed you some language, but those really were out of context of the whole document and what it is intended to show. So this document really is supposed to be the guide to lead us forward if the City chooses to look at the development of greenways and trail systems in the future.

4. Ms. Pailes – So to make it active would require an ordinance of some kind in the future.

5. Ms. Connors – That is correct. As the Planning Director, I would certainly be remiss in allowing myself or my staff to use this as a document that requires developers to do anything at this point. It is not a regulatory action. It does not allow us to require anything of developers at this point in time.

6. Mr. Boeck – One of the things that I'm thinking about as I'm hearing all this – we talk about, on one side, Norman being a quality community, which needs to have parks. It needs to have a lot of access to different things that people want to do when they move here. I was talking to Curtis earlier and I'm not making him sound like he's on my side, if there's a side – but he's been at a couple of soccer tournaments with his kids in a couple of communities, like Austin and like Winfield, Kansas where they've got great parks. How do they do that? Well, it costs money to do that kind of thing and what it takes is the commitment of people in the community to do those kind of things, including the developers. And I hear that we're forcing people to do something that they don't want to do by passing this thing, because I wasn't on the Greenbelt Commission. In my mind what we're trying to do is we're trying to make Norman a place that people want to come – because it's better than Moore, it's better than Edmond, or it's better – businesses that pay high-dollar jobs want to come here because we've got so much to offer. I've heard Harold talk at two of the meetings – and I've only been at four meetings – about how we slow things down as a Commission by putting things off, and yet tonight he's asking us to do a hearing or a discussion. And I'm all for it. The only thing I don't want to do is have him come back in a couple of months and say, well, you guys don't need to have as much regulatory clout behind you because you slow us down on everything we do. And I don't want to sound negative, but I think it's odd that all of a sudden we're asking for this kind of thing, and I still don't understand why, for as many years as this has been going on, why this is all of a sudden becoming an issue right now. I mean, I want this to pass. I want this to move on. And I know that the City Council has to approve this, but I want the dialog to also occur so that we have the best thing that's supported. I look at what Richard McKown has done with his subdivisions and trying to plan some really good water detention and bio-swales to support water runoff where we don't have to use big storm sewers. That costs a little bit more money, but people like

living in those neighborhoods. I think of places like Milwaukee, where they took creek beds and river beds and created soccer fields and bicycle paths and things like that along them. Maybe part of it is the development thing. I guess if we allow people's back yards to go to the middle of the creek, maybe that's not the best policy for zoning and setting up land use. Maybe we should be creating environments where those creeks are not in their back yards. And we can do that with new development. We can't do that with old development. So I don't know how to vote on this, but I'm really frustrated that it's come down to this, because I just feel like there's been so much effort put into this.

7. Mr. McCarty – I was fortunate enough to be on the Stormwater Master Plan and then also we did look at the greenways and the trails. And this has been a hot topic the whole time. This isn't something that has just come up. I just found out that this was going to be on the agenda last week, and I didn't have an opportunity really to read through the book until the last couple of days to see what was being proposed. I guess where I'm kind of stuck on this is a lot of the same questions that I've asked over the past several years since the plan was developed is how we're going to maintain it? Who is going to secure it? Who is going to pay for it? Can you even put sidewalks and trails in floodplains? Who is going to get permits from FEMA? And all the things that go along with a trail system. I think everybody thinks this would be a great idea. I just did get back from Overland Park, Kansas. It's unbelievable what the city has done with their city parks there. I didn't see any trails, but you want to talk about something that brings people. There were 400 soccer teams from all over the country that were at this one soccer complex. Think about the revenue that brought to that town over a weekend. How do we get there? How do we make Norman a place where people want to come? If we really want to get down to trails and making the parks and things really special, why don't we put a bond election together and take it to the people and let's raise $10 million and let's make this city a place that has trails? Let's just do it. I'm tired of talking about it and putting it off. I don't know how this plan would ever get done. But we kick around these things and we put together policies and adoptions and things and they sit on the shelf and there's no action – there's no money to ever fund them. So where I'm kind of stuck on this is – and our parks – they're really poorly maintained because there's not enough money to maintain them. And that's just my personal opinion. I don't know where the money comes from, but when I drive by a park and it's this high in weeds, I don't want my kids playing out there. They're not groomed. They're not maintained. They're very minimal. We have them all over the city. There's not enough maintenance, not enough crews, not enough equipment in our city to really make those parks a place that look great. The neighborhood parks are usually pretty well-maintained, as long as the HOA is not broke. And that's another issue. A lot of the work goes on homeowners associations to maintain these areas. And I don't know where you all live or about your homeowners associations, but most of them aren't very well funded. The dues that are collected yearly are just enough to make it – to get by. They can't take care of their ponds. I heard a developer recently discuss a pond needed to be dredged. Well, the homeowners association can't do it. They don't have what it takes to do that. I feel like we're putting more burden for trails onto homeowners associations – onto someone else. If we want to make a trail system in Norman, let's come up with a 30-mile track that goes from west Norman to east Norman – Highway 9 – wherever – and let's raise the money through a bond election. Let's build a trail. Let's fix our parks and make this a great place for industry to bring their families. That's how I think this ought to be handled – not by a policy that goes on a shelf that we hope we get money for someday. I just don't like doing these things because there's no action afterward and the Greenbelt Commission is already – sounds like they're using this document. They've been asking some of the developers to do some of the things that are in this document. Right or wrong? I don't know. But it's frustrating and I have been on my soap box about Austin and Overland Park for about a month since I visited those two places. Obviously, the citizens there want it. They passed major bond elections to go straight to their parks. That's what I think we need to do, not take on a greenway master plan that sits around and we can't do anything about it. That's my two cents.

8. Mr. Knotts – So when you don't plan, you don't have a plan to get anyplace. So the idea, I think, of this plan is to give you a basis that, if at some point there's an opportunity, economics sorted out to do a bond election or somehow make some money available for this, you've got a plan to go, rather than suddenly having to think about – well, what did they do back in '12? I think the failure to plan is a real problem and I think this is a planning function and it puts us in a position, by coming through with the will of the people, and voting on whether or not to have a bond election or some financing method, we have a plan to operate from. So I can support this.

9. Mr. McCarty – I completely agree that a plan is important. But I also heard that this is not going to be a document that's going to be used until there's ordinance changes or City Council changes or some other things will allow this plan to be used. So a plan to me would be to put together a whole package – these trails are just hypothetical trails. I think they're mostly along creeks and such. They're mostly along sidewalks and there's some along current sidewalks through main areas of town, but as you go out they're along creek beds. But a plan would be let's go design a 30-mile track through Norman that is rideable, walkable, runable. Let's bring that forward. Let's bring together a budget of what it's going to cost to do it and let's take it to the people and vote on it. That's my plan. Not just having trails that are scattered through wherever and this is what they could look like. That's not a plan. There's no way to get there.

10. Mr. Knotts – I understand what you're saying. But this is the basis for what you're talking about I think. Now I'm disappointed that nothing comes directly through Southeast 72nd and Highway 9, but maybe someday we'll have some runners coming through.

11. Mr. Gasaway – I'm going to speak because I'm confused. I think the question is is it a plan? If it is a plan that we look at as a guide, not necessarily as a law, it's a good plan. I think the question that has been brought up tonight is is it a policy? If it's a policy, what is a policy? Or is it a law with the effect of an ordinance? I don't know. I mean, we're getting conflicting answers, and I think until we get that answer – I mean, if it's a plan that we just look at and hope to follow and eventually take parts of and make them an ordinance, it's a good plan. If it goes beyond that at this point, you know I think we need to address the issue of how far it goes beyond that. And I think there are some questions about that. In my mind, there are three things to do. One is we can pass it tonight, pass it on to Council, and all we're doing is passing on all these same comments that we've heard tonight to City Council. I mean, it will be the exact same conversation at Council. We can hold a study session, which puts us in the kind of awkward spot of re-writing another commission's document. If we do that, I hope that we will include that commission along with it and get an answer to is it a plan, a policy, or a law. Or, third, we can send it back to the Greenbelt Commission and ask them to work with the development community. I don't know which one of those is the right one. I'm kind of baffled by the whole thing.

12. Ms. Hartley – I know that the Greenbelt Commission voted on February 20 to send this to the Planning Commission and we got these two documents on Friday. And I've read this one. I have not read this one. I can't vote for something that I haven't read and that I don't fully understand. We all live busy lives and have real jobs and I just have not had a chance to read the appendices at the level that it probably needs to be read. So, with Jim, I really think that I can't vote yes for it, but I'm not sure what the next step should be.

Jim Gasaway moved that the Planning Commission hold a study session to look at the Greenways Master Plan, with the specific question of what is the effect of this document? Dave Boeck seconded the motion.

13. Mr. Boeck – I've got some discussion. I just want to be there, because I want to hold these guys to the fire. They complain about what hasn't been done and how they haven't

participated, or the group that they represent. So I want to be there and hear that conversation so that we have something that everybody can stand behind.

14. Chairman Sherrer – I think funding and having an understanding of maintenance and also how this is actually going to occur – I totally agree with Commissioner McCarty. I think having a trail system is absolutely essential. I think we want to have in this community going forward – it's a matter of how you pay for it that's the question to me most importantly, and I think we need to consider that as well. I would certainly be in favor of Commissioner Gasaway's motion as well.

15. Mr. Knotts – I can tell you that a study session is not going to solve that situation. I mean, it's not going to – I don't think the developers are going to come forward with money and I don't think the City staff is going to come forward with a bond election. I think we have a document that is a document of guidance. I think the number of policy definitions that we've heard this evening basically defines it for me. And so I think it's a policy – it's a guideline. That's always good to have before you get any kind of money. And it's the only way you're going to get money to make something happen.

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

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

Ms. Tromble announced that the motion to hold a study session on Resolution No. R-1112-119 passed by a vote of 5-2.

Ms. Connors will communicate with the Commission members by email to determine a date for the Study Session. She will look for a date on a Thursday evening.

Ms. Hartley asked if the Halff Associates document is available online. Ms. Connors indicated that it is online and copies of a CD can also be obtained.

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NORMAN PLANNING COMMISSION
STUDY SESSION MINUTES

MAY 17, 2012

The Planning Commission of the City of Norman, Cleveland County, State of Oklahoma, met in Study Session in the Study Session Room of the Norman Municipal Building, 201 West Gray Street, on the 17th day of May 2012. Notice and agenda of the meeting were posted at the Norman Municipal Building twenty-four hours prior to the beginning of the meeting and at http://www.normanok.gov/content/board-agendas.

Item No. 1, being:
CALL TO ORDER
Chairman Andy Sherrer called the Study Session to order at 6:30 p.m.

Item No. 2, being:
ROLL CALL

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

A quorum was present.

GREENBELT COMMISSION PRESENT	Jane Ingels Jack Eure
STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Roné Tromble, Recording Secretary Kathryn Walker, Assistant City Attorney Ken Danner, Subdivision Development Manager Terry Floyd, Development Coordinator

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Item No. 3, being:
DISCUSSION OF GREENWAYS MASTER PLAN

1. Jane Ingels, Chair of the Greenbelt Commission, made a presentation on the history of the development of the Greenways Master Plan.

2. Mr. Boeck asked about developer participation in the process leading up to this point.

3. Lyntha Wesner – All of this got started with surveys that were a result of the Comp Plan and the 2020 and 2025. Citizens were very much interested in all kinds of trails. Harold Heiple was involved throughout with the Greenbelt Task Force, which met for several years while working on the "Green Dreams". Then Trey Bates was a representative. In the ordinance it particularly stated that we needed someone from the development community to be appointed. Trey had lived in Texas for a while and had been really impressed with Southlake about what the citizens could do there with trails and the way the whole place was integrated with open space. He also made the comment that unless we had a plan that the developers didn't know how to hook into anything to make this work comprehensively, and that had been a real plus for him doing his development next to Hall Park, because that had been planned with Hall Park to begin with. Richard McKown has been that representative since Trey stepped down.

4. Mr. Boeck noted existing requirements for green space, drainage, etc. He asked if it was intended that the trail system would fit into existing requirements for green space or park area, or whether it is in addition to those requirements.

5. Ms. Connors responded that all those things are required by ordinances and regulations. There is no ordinance or regulation that requires any set-aside for trails. There are also no specific alignments identified in the plan. The resolution would adopt the Plan, and the appendices are not a part of that and are for information only.

6. Ms. Wesner – It would be my hope that, at some point, we'd all join hands and figure out the best way that this could work. I don't think anybody wants to dump the whole responsibility in any direction. If the citizens really want trails, we're going to have to pay for them and we're going to have to do maintenance. I know that several of the people that are here were on the Storm Water Master Plan, and one of the things that was included in that in talking about a utility fee was a separate greenbelt fee that would go along with it because of the emphasis on clean water and trying to preserve those riparian and drainage areas. We're not maintaining parks the same way, either. Possibly the Utilities Department or Public Works has a role to play if some of these drainage ways are simply open and that's where you've got a lot of your underground utilities and they need to be able to get through there to do maintenance. So it may be a whole integration of several different. I think back about one of the reasons that I think Norman is unique. I was at the Mayor's Roundtable last month and one of the people who represents the builders said that, when we've been having this recession, the people who have been going to meetings have been amazed that in the state Norman, during this down time, has been really positive in terms of building and growth. I think back about, in the early 70s when the League of Women Voters got really interested in having a Parks Department here because we weren't getting enough

parks, and Harold Heiple and Gene McKown stepped forward and we all worked together and worked on the ordinance that created that dedication by the developers. I think it has made a whale of a difference in the kind of town we have. Nobody else in the state was doing that at that point. This is totally off the wall, sort of. It's not a survey. It certainly has no real weight, except I was reading this Norman Magazine and a woman I don't even know, Kathy Morris – she has La Visage, was being asked what can our city do better, and she said I wish we had more bike trails. This is unscientific, but just some of what's out there on the street.

7. Harold Heiple – First, I want to say thank you very, very much for accommodating us with the request for this study session. At the Planning Commission meeting, Commissioner Boeck challenged me to come back with something brief and to the point, and I walked in here tonight with it brief and to the point, expecting it to be a short meeting. Lyntha's desire that we all join hands and go forward is, I think, reflected in what I'm going to do here. But because you made a point of putting a black hat on the development committee, I'm going to tell you the other side of the story about the history of the development community with the Greenbelt Commission. Not long after Susan Connors arrived, we had been complaining about a number of things and they came out with an ordinance and we submitted a bunch of problems with the ordinance. Susan moderated a meeting with the Greenbelt Commission, and we had developers there. In that meeting, we went through point by point the things that we were concerned about – had a good, thorough discussion and there was consensus from the members of the Greenbelt Commission that a lot of these things they could accommodate – they could make the changes that we were requesting. I walked out of the meeting and emailed the Developers Council and I said I really see some light at the end of the tunnel – I think we're making good progress. They handed it to Kathryn Walker, Assistant City Attorney, to make the changes in it. Kathryn made the changes. When the changes came back, the changes weren't in there and I said what happened? She said the subcommittee wouldn't let us make the changes. It's not that we haven't tried, and it's not that we haven't monitored the activity, and it's not that there has not been instances where the Greenbelt Commission has not acted in a rather heavy-handed manner with respect to the building and development community. I had hoped to not even get into any of that. They individually came back and reported some of the things that were happening. As a result, Sean Rieger and I ended up basically monitoring the meetings of the Greenbelt Commission, raising objections here and there, and very often getting just absolutely stonewalled. So we did not have good success and cooperation about vetting the problems that we had and trying to resolve them. This went on for years. Now this thing that came out that they talk about that we're trying to delay – they just came forward in February. Let me just tell you what I came in here to do tonight. The only thing that we're asking you to do is to make some changes in the resolution. We're not asking you to make one change in that Greenways Master Plan – not one word. We're not asking you to make any change in Appendix A or Appendix B. We are suggesting that you throw out Appendix C, because it's nothing but a bunch of love letters that has absolutely nothing to do with technical support. We're asking for not one word of change.

Let me give you, for the record, the original letter with my one page resolution changes. If you'll look at the second page, that is the clean version of what we're suggesting for the resolution. I'd like for you just to read through it to get an idea about what we've done, and I'll be happy to go through the specific changes and discuss it.

Changed one word in the title, tweaked a couple words in the first section, eliminated one section, and added section 7. That basically is what we have done. Our purpose was this: in our meeting the other day, both Susan and Jane, particularly Susan, indicated there's nothing regulatory – there's nothing mandatory in these documents – the appendices. We said that, from our interpretation, from our experience, we disagreed with that. All I believe that I've done with this thing is to make very explicit, particularly in section 6 and 7, that there is nothing regulatory or mandatory about this. The only change in the title is to change the word "adopting" to the word "accepting", and there is a profound legal reason for that, which we can go into detail if you wish. In section 2, we cut off part of the last sentence, which had read "for future trail systems that will preserve open space and assist in storm water drainage, all of which is valuable for planning purposes and future policy development" and we just said "showing the existing trail system and opportunities for future greenways." In number 3, the only thing that we did there was to emphasize that the key guiding principles – there were seven of them in number and they all appeared on page A-3 of the 2009 Greenway Master Plan, so we inserted the word "seven", capitalized Key Guiding Principles, and inserted "2009". In section 4, we changed the language that said "the Greenbelt Commission has spent several years reviewing and revising the Halff Associates, Inc. document and recommends adoption of the Greenways Master Plan as revised." We just changed that to read "the Greenbelt Commission has reviewed and revised the 2009 Halff Associates, Inc. Greenway Master Plan and recommends adoption of the 2012 Greenways Master Plan". Now, I didn't change "adoption" to "acceptance" there, because that's what the Greenbelt Commission did, so we left that adoption word in there. But I added the number 2012 in there. Then in 5, I added these words: "Whereas, part of" – instead of just "the detailed information" – "part of the detailed". 2009 is inserted in the first line. Second line, we deleted "document" and substituted "Greenway Master Plan is retained in Appendix A to the revised 2012 Greenways Master Plan which can be used as a tool" – period – and struck out "to help identify a citywide network of corridors and trails". We wanted to emphasize that just part of the information in the 2009 consultant's report was retained in Appendix A to this new 2012. Section 6 of the original we struck completely, where it says: "a citywide Greenways Plan provides a framework within which the public and private sectors can collaborate to create functional trails and open space corridors" we deleted completely, because of the implication in there that public and private might result in mandatory. I'm going to tell you why. This word "adopted" right here, as opposed to "accepted". Remember this, in 2009 the City Council specifically adopted part of the Storm Water Master Plan. They did not adopt the 2009 trails plan – they didn't have the votes to do it, so they accepted it. There was considerable concern with – I promise you that it wasn't just the Greenbelt Commission. At every meeting where these consultants were showing up, we were screaming about what they were putting in there, and particularly in Halff's thing. We were also screaming about the Storm Water Master Plan, but we were screaming about what was in the Halff report in terms of mandatory things. I mean, there were lots of good mandatory stuff for trails in Halff of 2009, just like there was in the Storm Water Master Plan. The key here is that we already live with required sidewalks, required park land dedication, required green space. But the requirement for trails, there is a definite division among developers as to whether trails should be running through subdivisions, as opposed to along the exterior streets. You've got developers, both of whom were on the Greenbelt Commission – Trey Bates and Richard McKown – who have done a great job of incorporating trails and other

amenities in their new developments. They like them and they made them work. And I can give you even more developers who say I do not want and I will not put trails across my back yards or along my creeks under any circumstances. I've lived on a creek for 40 years. I promise you I do not want a public trail along my back yard. It's bad enough what I have with trespassing. I certainly don't want it public. As the McKowns and the Bates have shown, if a developer wants to include it voluntarily, that's wonderful. And, as Trey Bates pointed out, when you were talking about a spine, and we offered to help the City get the big spine trail going around out Highway 9 and coming north and circling back around to make that public on the basis that you'd probably find that a number of developers would cause, as they develop, their subdivision to be connected to the spine trail. So there's not opposition to trails, as such. There's opposition to this mandatory business, and particularly the language that started with Halff and Associates and has been perpetuated in the plan here that indicates that we may require trails, just like we do sidewalks. We acknowledge the sidewalks. We acknowledge everything that we do right now. But we wanted to be very specific in this resolution that it's not going to be mandatory. That's all this does. By asking you to accept – there's a real problem there with adopting a policy and bringing in a resolution on top of it that has resulted in what has amounted to an ordinance application, and that's with respect to what's going on as far as the treatment plant is concerned. We have no doubt that an ordinance is not the same as a combination of a policy and a resolution, but it has been treated that way in the current administration, and we're not going to sit by and idly see that happen again. So all we're asking is to be very explicit in the resolution of the interpretation that Susan said the thing already meant before. That's all we're asking. And, with that, we're happy to take the plan and, not only where Susan has said not adopt the appendices, we've said include them as resource material. Recognize the appendices as resource materials. Give them some kind of a category – give them a place on the shelf, just like giving the plan a place as a tool, if you will. We just don't want to mandate. With that resolution, we'd be delighted to go in and support it whole-heartedly. Number 7 is brand new – new language completely. 6 and 7 are really the guts of what we're asking for.

8. Ms. Pailes asked whether the language would negate park land dedication.

9. Mr. Heiple said it does not touch any existing ordinances. If we needed to tweak that to say that it doesn't affect mandatory park land dedication, we don't have any problem with that if that would make it more comfortable. And it doesn't affect the requirement for green space that we have now, because the green space isn't a trail. If you wanted to tweak that further, that's not a problem. We're perfectly content and happy to abide by what we've got to do right now. But it's the thought that those documents could be made mandatory on every subdivision in town that has got us absolutely up tight. All we want to do is change the resolution. We don't want to touch a word in your plan or the appendices.

10. Mr. Knotts asked the reason for deleting the original paragraph 6.

11. Mr. Heiple – This business about incorporating the public and private sectors can collaborate – I've seen people get excited enough to say that collaboration could extend to a requirement on the part of the city. It absolutely is far-fetched, and if I

hadn't experienced it in 40 years of dealing with some of the folks who interpret some of the ordinances in Norman, Oklahoma, I never would have raised it.

12. Ms. Pailes suggested "freely collaborate" or "collaborate without compunction".

13. Ms. Walker suggested "choose to collaborate".

14. Mr. Heiple agreed to that change and reinstating the original paragraph 6.

15. Mr. Knotts asked for some legal analysis of the new paragraphs 6 and 7 prior to the next Planning Commission meeting.

16. Ms. Ingels asked about "accepting" versus "adopting".

17. Ms. Walker responded that this is a policy document that is meant to guide policy, and is not a regulation. She does not know that there is much difference between accepting and adopting, although accepting may make people feel better about it being a clear policy document. Functionally speaking it is there for guidance, not for regulatory authority, either way you word it.

18. Mr. Heiple stated that they will fight the word "adopting" as long as they draw breath.

19. Mr. Knotts asked what the seven guiding principles are.

20. Ms. Connors reviewed the titles for the seven guiding principles: create an interconnected system; create opportunities for green space preservation; create identity; enhance learning; promote safety; contribute to the beauty of the city; encourage creating partnerships.

21. Mr. Heiple indicated that he is available to meet with Ms. Walker to discuss any further tweaks that may need to be made to the resolution.

22. Sean Rieger, representing BASCO – I would hope you would view this resolution in this light, that we've heard Ms. Ingels and Ms. Connors and everybody tell us that these are not to be mandatory. We've heard that repeatedly. All we're asking is you put that in writing, and that's what this resolution does. Before, it was not in writing, and that's where we've had trouble. Because if we can't get the resolution to say that in writing, that it's purely voluntary, then we need to dig down into the 70 pages where it does say it shall be mandatory and it does say there shall be set-asides.

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Item No. 4, being:
MISCELLANEOUS DISCUSSION
None

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Item No. 5, being:
ADJOURNMENT
There being no further business, the study session adjourned at 7:28 p.m.

Norman Planning Commission

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

A quorum was present.

STAFF MEMBERS PRESENT	Susan Connors, Director, Planning & Community Development Jane Hudson, Principal Planner Ken Danner, Subdivision Development Manager Roné Tromble, Recording Secretary Kathryn Walker, Asst. City Attorney Larry Knapp, GIS Analyst Terry Floyd, Development Coordinator Scott Sturtz, City Engineer

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Item No. 11, being:
RESOLUTION NO. R-1112-119 – A RESOLUTION OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA, ADOPTING THE GREENWAYS MASTER PLAN.

ITEMS SUBMITTED FOR THE RECORD:
1. Staff Memo
2. Substitute Resolution
3. Resolution No. R-1112-119
4. Letter from Harold Heiple, and Proposed Resolution
5. Excerpt of Minutes – April 12, 2012 Planning Commission Meeting
6. Minutes – May 17, 2012 Planning Commission Study Session
7. Key Guiding Principles of the Greenway Master Plan

PRESENTATION BY STAFF:
1. Kathryn Walker – This resolution originally came to you in April and was postponed so you could have a study session. We did that in May. I was asked to work on a compromise after Harold Heiple, on behalf of the Norman Developers Council, came forward with his own proposed resolution. I worked on that. After it was delayed in June, that provided an opportunity for us to collaborate some more, both with the Greenbelt Commission members and with Mr. Heiple. What you have before you tonight labeled the Substitute Resolution is the culmination of those efforts. It does represent something that I believe all of the groups support.

AUDIENCE PARTICIPATION:
1. Jane Ingels – I appreciate your consideration of the resolution and I'm hoping that I will say thank you for your support in moving it on. So thanks very much for all you have done.

2. Lyntha Wesner, 616 Tulsa – I just hope that the third time is a charm.

3. Sean Rieger, representing the Builders Association of Southcentral Oklahoma – We, too, hope the third time is the charm. We support this resolution as you have it before you now and we appreciate staff's help. We appreciate the Greenbelt Commission's help and your help in taking us to the middle where we found common ground and where we can support this resolution tonight. Thank you very much.

DISCUSSION AND ACTION BY THE PLANNING COMMISSION:
Jim Gasaway moved to recommend adoption of Substitute Resolution No. R-1112-119, adopting the Greenways Master Plan, to City Council. Cindy Gordon 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 recommend adoption of Substitute Resolution No. R-1112-119 to City Council passed by a vote of 5-0.

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